

City Hall - Ottawa, Kansas - January 5, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Cummiskey.

Approval of Minutes

Thereupon, the minutes of the regular meeting of December 15, and the Special Sessions of December 13 and December 20, 1993, were approved as written.

Presentations and Recognitions

Thereupon, Commissioner Keim made a motion to proclaim the week of January 16, 1994, Martin Luther King, Jr. Week in the City of Ottawa, Kansas. The motion was seconded by Commissioner Matthews. The motion was considered and upon being put to the question, all present voted aye.

Communications

Thereupon, there was presented a memorandum from the Administrative Review Committee concerning an application for tax exemption of real and personal property from ad valorem taxes for Haven's Steel.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to call for a public hearing, Wednesday, January 19, 1994, to consider the application. The motion was considered and upon being put to the question all present voted aye.

Ordinances and Resolutions

Bill No. 93-139 - Approval of Lot Split Applications

Thereupon, there was presented an ordinance amending and modifying Ordinance No. 2932-90 in order to provide a more streamlined approval process and reduce the waiting period for lot splits by allowing administrative approval of lot split applications by the Zoning Administrator in the City of Ottawa, Kansas.

Thereupon Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted

aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3088-94.

Bill No. - 93-140 - Ottawa Retirement Village - Rezoning

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3089-94.

Bill No. 93-141 - Walnut Street - Rezoning

Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3090-94.

Bill No. 93-142 - Rezoning - 100 Block of West Keokuk St

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance 3091-94.

Bill No. 93-143 - Cutting of Weeds and Vegetation

Thereupon, there was presented an ordinance relating to the cutting of weeds and vegetation, providing for notice, and providing for cutting by the City of Ottawa, Kansas, and providing for charges therefor.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3092-94.

Bill No. 93-144 - Weed Removal Fee

Thereupon, there was presented a resolution establishing the fee to be assessed for providing notice of violation of the weed removal ordinance of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 785-94.

Bill No. 93-145 - Authorizing the Disposition of Certain City Documents

Thereupon, there was presented a resolution authorizing the disposition of certain city documents.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 786-94.

Bill No. 93-146 - Special Improvement Project No 9305.1

Thereupon, there was presented a resolution approving plans and specifications and awarding a contract for Special Improvement Project No. 9305.1.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 787-94.

Reports by City Manager

Thereupon, there was presented a bid list for paver bricks, opened January 5, 1994, at 12 Noon.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to accept the high bid by Mr. Dwight Hayworth, 1102 Davis Avenue, in the amount of \$2,650.00. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that it had been decided that the Old Boys Club building would be renamed, Don Woodward Community Center, and declared that there had been two entry forms entered with that name. The Mayor allowed Tenderfoot Scout John Kramer, from Troop 77, who was in attendance in the gallery to draw from those two entry forms to determine the winner of the twenty dollar gift certificate as supplied by Budge's Sport Center. The winner chosen by draw was Mr. Eldon McCurdy.

Governing Body Agenda

Thereupon, the Mayor thanked the Community for the good turn out on January 4, 1994, for the Town Hall Meeting, concerning the 17th St. Improvement Project, and reminded the Commission there would be a study session Monday, and that it would run late in order to review the Strategic Plan.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye. 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.



Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - January 19, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Matt Matthews and Joan Tyson. A quorum was present. Mayor Jackson welcomed the Chamber Audience and led the Chamber in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Larry Carrier, of the Ottawa Bible Church.

Approval of Minutes

Thereupon, the minutes of the regular meeting of January 5, 1994, were approved as written.

Communications

Coleman's Addition - 1000 Block of Beech Street

Thereupon, there was presented a letter drafted by Mr. John Richeson, Attorney at Law, representing Cathy and Gary McClay, requesting the street opening of the ten hundred block of Beech Street.

Thereupon, Mr. John Richeson, Attorney for Gary and Cathy McClay, requested of the Commission that the 1000 block of Beech St. be opened as a street on the 30 foot dedicated right-of-way. Mr. Richeson explained that the Coleman Subdivision of which this right-of-way is part of, was platted in 1963 and some development had occurred on Olive, Pine and 11th Streets within that subdivision. Mr. Richeson noted that there were options on some of the property that fronted on the dedicated 30 foot right-of-way in question. Mr. Richeson questioned how those potential owners would access their property if the street were not opened. Mr. Richeson stated that he agreed that a 60 foot right-of-way would be in the best interest of the City, but that the additional 30 feet should come off of the property on the west side of the Coleman Subdivision.

Thereupon, Mr. Richeson presented the Commission with a letter from Mr. Robert Coleman, owner of most of the property that borders on the 30 foot right-of-way in question. The letter reads as follows: Dated January 19, 1993, Ottawa City Commissioners, regarding Coleman Subdivision. This plat was accepted by the City of Ottawa in February 1963. Since that time I have been developing, beginning on the east side and progressing westward as housing demand indicated. At this time the development is 64% complete. Since 1989 I have been physically unable to continue and am now

relying on my daughter and her husband to complete this effort. At the time the City accepted the plat there were no conditions regarding type or width of streets. I feel a subdivision should be completed on the terms defined when the plat was accepted by the City. I wish to be part of solving the housing need that exists today. I appreciate your thoughtful consideration of this matter. Yours truly, signed Robert G. Coleman.

Mr. Richeson indicated that the McClays were actively attempting to develop that area and sell building lots.

Mr. Richeson concluded by saying that there was no reason to deny the legal application for the opening of this street.

Mr. Richeson then addressed the fact that there had been a building permit submitted that had not been acted upon and accused the staff of setting on said building permit until the decision of the Commission regarding the opening of the street.

Mr. Richeson urged the Commission to make a motion to open the street and asked that a vote be taken.

Thereupon, Mr. Rex Hughes of 1112 South Eisenhower and property owner on the west side of Beech Street requested to address the Commission. Mr. Hughes explained he had 80 acres on the west side of Beech Street and that he used that area for pasture for cattle. Mr. Hughes questioned as to how many feet would be taken to open the street in question. He also expressed concern over the drainage from 11th Street on to his property, stating that the water flow from 11th Street was cutting terraces in his pasture.

It was explained to Mr. Hughes that no decision had been made at this time, however, several options were being looked at. Mr. Hughes also was curious as to whether or not 10th Street would be opened. The Commission explained, that that was one of the options which could be considered.

Mr. Hughes said he had driven over to the Beech Street area and questioned the ability of the property owners to build 9 additional houses on Beech Street. Mr. Hughes thanked the Commission.

Thereupon, Mayor Jackson explained that there were several issues involved concerning the opening of a 30 foot right of way. One of those issues was the safety concerns of providing access for emergency vehicles.

Thereupon, Cathy McClay indicated that the nine houses in question would not be all on Beech Street, but there would be some building on Pine Street.

Thereupon, Police Chief Jeff Herrman, asked the question as to why the City would want to create a situation which would cause emergency vehicles problems, when that could in all likelihood be avoided.

Thereupon, Fire Chief Richard Towe, cited the 1991 Fire Code as stating that minimum width for streets shall be 20 feet and that dead end streets of over 150 feet would have adequate turn around.

Thereupon, Commissioner Tyson commented that she recognized that the situation was not a good one, where the platting had occurred in the early 60's, and that there was a conflict between code at that time and current code, but she felt that property owners should be allowed to develop that area and therefore made a motion that the application request to open the ten hundred block of Beech Street be approved. The motion was seconded by Commissioner Matthews.

During discussion Commissioner Cummiskey acknowledged that the plat for Coleman Subdivision had allowed for the 30 foot right of way, but reminded that the Comprehensive Plan which had been developed since that time, directs the Commission towards responsible development. Commissioner Cummiskey, further expressed that it was her desire to see Beech Street opened on a 60 foot right of way with a paved surface.

Thereupon, Commissioner Cummiskey thanked Mr. Hughes for attending the meeting and suggested that there were alternatives that had not yet been explored.

Thereupon, Commissioner Keim indicated that it was his belief that there were options available which could and should be explored in regards to this question, and offered the possibility of opening Pine through to 10th Street and 10th from Pine to Beech as one of those possibilities.

Thereupon, Mayor Jackson explained that the Comprehensive Plan was reevaluated on a 10 year basis, and was developed with input from Staff, the City Attorney, the Planning Commission and the citizenry at large, and that it is set forth with the best interest of the community in mind.

Thereupon, the motion was called and failed by the following vote. Commissioner Tyson yes, Commissioner Matthews yes, Commissioner Cummiskey no, Commissioner Keim no and Mayor Jackson no.

Thereupon, the Mayor declared that the motion had not been approved.

Public Hearing - Certificates of Participation, Ottawa University

Thereupon, the Mayor opened the public hearing to consider the proposed issuance by the City of Certificates of Participation in the principal amount of approximately \$420,000, to finance the acquisition of certain equipment and fixtures to be leased to and used by Ottawa University, a Kansas not for profit corporation.

Thereupon, Dottie Riley of Gilmore and Bell, the City's bond council addressed the Commission and explained the Certificates of Participation.

Thereupon, Mr. Steve Markwood Provost, of Ottawa University explained that the University would be using Certificates of Participation to finance various energy efficient fixtures and equipment through out the campus. He explained that in some cases it would be energy efficient light fixtures and in other cases it would be air conditioning and heating equipment.

Thereupon, the Mayor closed the public hearing.

Public Hearing - Tax Abatement - Havens Steel

Thereupon, the Mayor opened a public hearing to consider an application for tax abatement proposed by Havens Steel Company relating to a 16,600 square foot addition to their manufacturing facility in the City of Ottawa, Kansas.

Co-Manager Bird explained that during the process whereby the administrative review committee had viewed Haven's Steel application, it was at that time thought that they would be eligible for a five year 50% tax abatement on the additional facility. However, with further review it was discovered that Haven's Steel would qualify for up to a 10 year and 100% tax abatement on the additional 16,600 square feet of manufacturing facility.

Mr. Bird also noted that Haven's Steel had a previous tax abatement and that they had made their first payment on time and that they were meeting or exceeding their projected employment figures.

Thereupon, the Mayor suggested that a provision be written into the ordinance and contract, whereby companies applying for tax abatements be expected to meet their employment projections or in the case where they don't receive an abatement based upon a prorata basis.

Thereupon, the Mayor closed the public hearing.

Ordinances and Resolutions

Bill No. 94-09 - Security Bank of Kansas City - Execution of a Base Lease

Thereupon, there was presented Bill No. 94-09, an ordinance approving and authorizing the execution of a base lease from the City of Ottawa, Kansas, to Security Bank of Kansas City, Kansas City, Kansas, as Trustee, whereby the City leases to the Bank, certain equipment and fixtures; approving and authorizing the execution of a Trust Agreement between the City and Security Bank of Kansas City, Kansas City, Kansas, as Trustee, providing for the issuance of certain Certificates of Participation upon terms and conditions and for the purposes set forth therein; approving and authorizing the execution of a Lease Purchase Agreement from Security Bank of Kansas City, as Trustee to the City of Ottawa, Kansas, whereby the Bank leases back to the City certain equipment and fixtures; and approving and authorizing the execution of a Sublease of such equipment and fixtures from the City to Ottawa University.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The ordinance was considered and upon being put to the question passed by the following vote. Commissioner Keim nay, Commissioner Matthew yea, Commissioner Tyson yea, Commissioner Cummsiskey yea and Mayor Jackson yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3093-94.

Bill No. 94-10 - CDBG Community Improvement Project

Thereupon, there was presented Bill No. 94-10, a resolution authorizing payment of certain invoice(s) related to the CDBG Community Improvement Project.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummsiskey to adopt the resolution. The resolution was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution 788-94.

Monthly Financial and Activities Report

Thereupon, there was presented the monthly financial and activities reports for the month of December.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the report. The motion was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the report duly adopted.

Governing Body Agenda

Thereupon, Commissioner Cummiskey reminded that the Mayor's Youth Summit would be holding a press conference in the Commission Chambers, January 24, 1994 at 7 PM.

Thereupon, Mayor Jackson stated that he and some of the other Commissioners had taken a tour of the Don Woodard Community Center and was amazed at what was being accomplished. Mayor Jackson stated that he thought the community would be pleased with the product that the City was getting and further encouraged others to go and visit and get involved.

Thereupon, the Mayor reminded that there would be a Joint City/County meeting at 12:00 PM at the Franklin County Sheriff's office, and that the next regular meeting of the Commission would be February 2, 1994, at 7 PM.

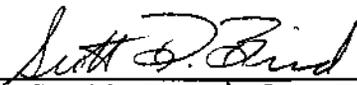
Thereupon, Co-Managers Bird and Herrman expressed their appreciation to the staff and to the Commission for their dedicated support over the last 6 months and noted that this was the last regular meeting at which they would be Co-chairs.

Thereupon, the Commission expressed their appreciation to the Co-managers for a job well done.

Thereupon, the Mayor announced that there would be a pot luck dinner for the new City Manager on the 26th of January at the Franklin County Annex building at 7 PM, and that his first full day as City Manager would be January 31, 1994.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion for adjournment. The motion was seconded by Commissioner Keim. Upon being called for the question, all present voted aye. 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.



Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - February 2, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson welcomed the visitors and extended a special welcome to new City Manager Scott Lambers and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Angela Perryman.

Approval of Minutes

Thereupon, the minutes of the regular meeting of January 19, 1994, were approved as written.

Presentations and Recognitions

Thereupon, Mayor Jackson read a proclamation declaring February as Black History Month in the City of Ottawa, Kansas, and urged the Ottawa Community to take part in the Black History Month activities being offered, and as concerned citizens join in the support of these activities and work to make this a better country for all.

Commissioner Keim made a motion which was seconded Commissioner Tyson to declare February as Black History Month in the City of Ottawa, Kansas. Upon being called for the question, all present voted yea.

Thereupon, the Mayor invited Shernice Casteel, representing the Black Awareness Committee to address the Commission.

Thereupon, Ms. Casteel presented to the Commission a check in the amount of \$100.00 as a donation towards the Don Woodward Community Center.

Communications

Request from Retail Committee of the Chamber of Commerce

Thereupon, there was presented a request from the retail committee of the Chamber of Commerce to conduct a sidewalk sale in the Central Business District on February 26, 1994.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Matthews to approve the request. The request was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the request duly approved.

Request from KOFO to Conduct the Home and Garden Show

Thereupon, there was presented a request from KOFO Radio to conduct their annual Home and Garden Show and to close the north bound lane of Hickory Street from the corner of 3rd and Hickory to approximately in front of the Jordan Law Offices, at 313 South Hickory, on March 11 and 12, 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the request. The request was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the request duly approved.

Public Hearing

Thereupon, the Mayor opened a public hearing to consider a budget amendment to the CDBG Housing Rehabilitation and Demolition Program.

City Clerk Scott Bird, explained that this was merely a housekeeping detail in compliance with guidelines as set forth by the state for CDBG Grants, and in order to move moneys within the program where they are most needed.

Thereupon, the Mayor closed the public hearing.

Ordinances and Resolutions

Bill No. 94-11 - Budget Amendment Relating to Small Cities
CDBG Housing Grant

Thereupon, there was presented Bill No. 94-11, a resolution authorizing a budget amendment relating to small cities CDBG Housing Grant, No. 92-HR-200.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cumiskey. The motion was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 789-94.

Governing Body Agenda

Thereupon, Mayor Jackson announced that the community was invited to a reception at Lincoln School, February 13, from 2 PM to 5 PM,

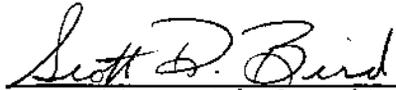
in order to welcome the new City Manager Mr. Scott Lambers.

Thereupon, Mayor Jackson reminded the audience of the Mayor's Prayer Luncheon, which will be held on March 9, from 12 to 1 and that the cost of the luncheon will be \$5.00.

Thereupon, Mayor Jackson reminded the Commission that the next regular meeting of the City Commission would be February 16, 1994, at 9:30 AM.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adjourn the meeting. Upon being called for the question, all present voted aye. 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.



Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - February 16, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Joan Tyson and Matt Matthews. Absent, Commissioner Tony Keim. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Cummiskey.

Approval of Minutes

The minutes of the regular meeting of February 2, 1994, were approved as written.

Public Comments

Thereupon, the Mayor recognized that there were several citizens who wished to address the Commission, and asked that they keep their comments to 3 minutes.

Thereupon, Mr. Ray Cummiskey President of the Auditorium Board, expressed his appreciation to the Commission for their support in dealing with the Auditorium. Mr. Cummiskey continued by saying he had a couple of concerns, citing that the current ordinance did not address the relationship of the director with the employees and the board. Mr. Cummiskey explained that he was specifically addressing the accountability to the board. Mr. Cummiskey asked that some consideration of the board and its responsibility be considered. Secondely, Mr. Cummiskey asked that the issue of long range planning be considered and again that the relationship of the board during that planning be considered.

The Mayor thanked Mr. Cummiskey for his comments and stated that in no way would this ordinance cover all issues but that the Commission would be coming back to revisit issues surrounding the Auditorium at a later date.

Thereupon, Mr. Dewey Cook, Auditorium Board member, thanked the Commission for the consideration they had provided to the Auditorium. Mr. Cook said he was still concerned about the finances of the Auditorium stating that in 1977 an election had been held and 1.50 mills had been approved for the maintenance of the Auditorium. Mr. Cook said he did not know where the funds had been going and asked the Commission to look into the mill and one half that the Auditorium had been allocated.

Thereupon, Mr. Dick Smith Director of the Auditorium, addressed the Commission stating that most of his questions had already been

covered by the Auditorium Board, but that he also was concerned about how the change as per the proposed ordinance would affect the day to day operations of the Auditorium.

Thereupon, Mr. Pete Smith, 1247 South Elm and long time City Clerk, addressed the Commission and explained that in fact the 1.5 mill levy had been authorized by a vote of the citizenry and that while the intent of the 1.5 mill had been for the maintenance of the Auditorium, what in fact had transpired through out the years was that the revenues that the 1.5 mills had generated had been spent for operating expenditures. He also explained that in the late 70's a sum of \$40,000 of revenue sharing proceeds had been provided to the auditorium for long term maintenance needs and about 10 years ago a financial situation at the Auditorium caused about \$22,000 of those funds to be used by the Auditorium. Mr. Smith went on to say that it was his understanding that the balance of those funds had now been spent by the auditorium. Mr. Smith reiterated that to the best of his memory up to a mill and one half had been authorized and that those funds had continued to be used by the Auditorium for operating expenditures.

Presentations and Recognitions

Thereupon, Mayor Jackson read a Proclamation declaring February 28 through March 6, 1994, as Franklin County Habitat for Humanity Week.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to declare February 28 through March 6, 1994 as Franklin County Habitat for Humanity Week. The motion was considered and upon being put to the question, all present voted yea.

Arrival of Commissioner Keim

Thereupon, the Mayor asked that the record show that Commissioner Keim had arrived at 9:48 AM.

Ordinances and Resolutions

Bill No. 94-12 - Rezoning Within City Limits - Wal-Mart Addition Replat

Thereupon, there was presented an ordinance rezoning an area within in the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance was

considered and upon being put to the question, all present voted yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3094-94.

Bill No. 94-13 - Re-zoning Within City Limits - County Clerks
Subdivision

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commission Cummiskey to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3095-94.

Bill No. 94-14 - Creating the Municipal Auditorium Authority
and Making the Auditorium Director a City Employee

Thereupon, there was presented an ordinance creating the Municipal Auditorium Authority and making the Auditorium Director and all Auditorium Staff, City employees.

Thereupon, Commissioner Cummiskey made a motion to adopt the resolution with the following addition, under Section 5-206, Commissioner Cummiskey asked that sub-section (h), be included which would state as follows: To participate in the selection and evaluation of Auditorium Director, in an advisory capacity, with the City Manager retaining final authority for the selection and evaluation of Auditorium Director. The motion was seconded by Commissioner Matthews. During consideration, Commissioner Tyson stated that she had asked for a thorough study of the Auditorium affair and said that she had been assured that other questions would be considered in the future. Commissioner Tyson stated that she would vote in favor of the proposed ordinance. Upon being called for the question, all present voted yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3096-94.

Bill No. 94-15 - Revised Listing of Authorized Handicapped
Parking Spaces

Thereupon, there was presented an ordinance repealing Section 7(h),

Handicapped Parking Zones, of Ordinance 3071-93, which designates parking areas restricted to use by handicapped citizens, and providing for substitution of a revised listing of authorized handicapped parking spaces.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3096-94.

New Business

Interlocal Agreement - Between Franklin County and the City of Ottawa

Thereupon, there was presented an agreement with Franklin County and the City of Ottawa to update the interlocal agreement as per recent negotiations.

Thereupon, City Manager Scott Lambers explained that the draft resolution which had been presented at the study session of Monday, February 14, was the one which the City staff had expected to be passed by both the County Commission and the City Commission. However, the agreement which the County Commission adopted had some modifications and asked the City Attorney, Forrest Lowry to explain those changes. Mr. Lowry explained that the document that was presented this date was similar in language to the agreement which he had drafted earlier. Mr. Lowry further explained that the two documents were basically the same. He did point out that there was language included in the latest version of the interlocal agreement which addressed maintenance costs and how they would be shared. Mr. Lowry pointed out that Section 10, had been more clearly remunerated but that the language was substantially the same, that the mediation and the arbitration were included and that it was his opinion that the effect of the agreement was the same.

Thereupon, Commissioner Keim made a motion to approve the agreement, the motion was seconded by Commissioner Cumiskey and upon being put to the question, all present voted yea.

Settlement with Shafer, Kline and Warren for Engineering Services

Thereupon, there was presented a settlement agreement with Shafer, Kline and Warren for Engineering Services performed at the Ottawa Power Plant.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to approve the agreement. The agreement was considered and upon being put to the question, all present voted yea.

Thereupon, the Mayor declared the agreement duly approved.

Governing Body Agenda

Thereupon, the Mayor reminded the Chamber audience that the Mayor's Prayer Luncheon would be March 9, 1994, at 11:30 AM at Ottawa University. He also reminded the listening audience that February 18th, was the last day to apply for the soon to be open Commission seat and asked that those persons interested please apply by that time.

Thereupon, the Mayor announced that the Commission would hold a special meeting with the Ottawa Recreation Commission at 7 PM this evening to discuss activities at the Woodward Community Center. The Mayor challenged the community to get involved with the Community Center, stating that the City had collected around \$1200.00 in donations and hoped that more donations would be forthcoming.

Thereupon, Commissioner Tyson asked people who are interested in the Community Center to please call City Hall or the Commission and express their interests as to what types of programs they would be interested in seeing at the Community Center.

Thereupon, the Mayor reminded that there would be a joint City/County meeting at noon this date and that the next regular Commission meeting would be March 2, 1994, at 7 PM.

Thereupon, it was requested that the City Commission recess to Executive Session to discuss pending litigation.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to recess for 30 minutes to discuss pending litigation. Upon being called for the question, all present voted yea, and at eleven (11) minutes after 10 AM the Commission recessed.

The Commission returned to the Commission Chambers at 10:41 AM. Thereupon, Commissioner Tyson made a motion to reconvene the meeting. The motion was seconded by Commissioner Matthews and upon being called for the question, all present voted yea.

Adjournment

There being no further business to come before the City Commission,

Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adjourn the meeting. Upon being put to the question, all present voted yea. 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.



Scott D. Bird, City Clerk

Monthly Financial and Activities Reports

Thereupon, there was presented the Monthly Financial and Activities Reports for the Month of January.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Matthews to approve the report. The motion was considered and upon being put to the question, all present voted yea.

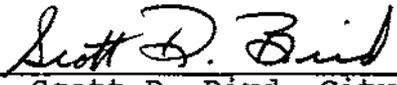
Governing Body Agenda

Thereupon, Mayor Jackson reminded the audience of the Candidates Forum scheduled for March 8, at 7 PM at the Franklin Annex Building. Gene Ramsey was recognized in the Chamber Audience as one of the candidates for the soon to be open Commission seat. Mayor Jackson continued by reminding the listening audience of the Mayor's Prayer Luncheon to be held March 9, at 11.30 at Ottawa University.

The Mayor announced that the next regular meeting would be March 16, 1994, at 9:30 A.M., and that the Mayor Pro tem would be presiding.

Adjournment

There being no further business to come before the City Commission, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adjourn the meeting. Upon being called for the question, all present voted yea. 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.



Scott D. Bird, City Clerk

New Business

Improvement of Rail to Trail - 5th to 23rd Streets

Thereupon, there was presented a Staff Advisory from Public Works Director Andy Haney, concerning communications he had received from Mr. Mark Bechtle, of the Kansas Dept. of Transportation, who had asked if the City of Ottawa was willing to fund twenty percent (20%) of the Stand Alone Project within the limits of the City's advocacy, and that preliminary estimates indicate a total commitment by the City of \$64,631.00. Mr. Haney explained that earlier calculations had indicated the City's portion to be \$39,431.00. Mr. Haney concluded by outlining several options which the Commission might consider.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Matthews to approve city expenditures, not to exceed \$65,000.00 for the Rail to Trail Improvement, from 5th Street to 23rd Street along the old railroad right-of-way. During discussion Mayor Jackson said that he was not opposed to this project, but that he felt other projects carried greater priority, and it was his particular opinion that the Kanza Park Trail Improvement should come first. The motion was considered and upon being put to the question, passed by the following vote, Commissioner Matthews yea, Commissioner Cummiskey yea, Commissioner Keim yea, and Mayor Jackson nay.

Thereupon, the Mayor declared the motion duly approved.

League of Kansas Municipalities Building Proposal

Thereupon, there was presented a proposal from the League of Kansas Municipalities, which expressed the League's interest in purchasing the Victory Life Insurance Building at 300 SW 8th St., in Topeka, Kansas. The proposal indicated that the League would use the Victory Life Insurance Building for its future headquarters and that the cost to member cities would be approximately 30 to 40 percent over and above what their current annual membership fees are. This calculated to approximately \$1,000 for the City of Ottawa.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to approve the request by the League of Municipalities and accept the increase of \$1,000 for annual League Membership, for a term of not more than 15 years. The motion was considered and upon being put to the question, all present voted yea.

Thereupon, the Mayor declared the motion duly approved.

City Hall - Ottawa, Kansas - February 16, 1994

The City Governing Body met in Special Session at 7 PM this date, with the Ottawa Recreation Commission to discuss Recreation Commission activities. The following members being present and participating to wit: Mayor Richard Jackson, Commissioners Tony Keim, Matt Matthews, Vicki Cummiskey and Joan Tyson. Other representatives from the City included City Manager, Scott Lambers, Public Works Director, Andy Haney, City Clerk, Scott Bird, members of the Recreation Commission were as follows: Chairman, Frank Garvin, Commissioners, Debbie Baldwin, Don Kornhaus and Craig Davis. Other representatives from the Ottawa Recreation Commission staff included Mr. Brad O'Dea, Director, and Paula Reeve, Office Manager, also in attendance was Mr. Don Duncan, Superintendent of USD 290. Members of the press Mr. Bill Tellier, of the Ottawa Herald, and Mr. Brian Ketterer, of KOFO Radio.

Mr. Garvin opened the meeting and introduced himself to the new City Manager. Introductions of the other Commissioners followed. The topic of the evening centered around the Don Woodward Community Center.

Thereupon, Mayor Jackson asked the Recreation Commission if user fees could be reduced or eliminated to benefit the largest amount of the population, particularly when talking about non-profit organizations. Commissioner Baldwin suggested that groups other than non-profit organizations would be asking to use the facility and in fact had already been asking. She suggested that charges for those types of groups could be set at a different rate than non-profit groups.

Commissioner Garvin asked the Mayor if he agreed with the current rental policy of the Recreation Commission? Mayor Jackson reiterated that fees should be kept at low as possible, but recognized that problems could arise if one group capitalized the building.

Mr. O'Dea stated that the Recreation Commission had rented to open groups in the past and had experienced damage to their facilities as a result and ended up having to pick up the cost of clean up and repair.

Commissioner Keim suggested perhaps that a deposit system could be used to protect the ORC from such situations.

Commissioner Tyson asked what priorities should be established. That is, what groups could or should be allowed first priority. Mr. O'Dea responded by saying that the building should be potentially open to as many groups as possible, but that some coordination of timing could be worked out. He stated that certain groups would have access to the building when other groups would not, and therefore a schedule should be worked so that the maximum benefit could occur.

Commissioner Baldwin asked if the upstairs could be available since it was not accessible according to ADA. Mr. O'Dea directed the question to City Manager Lambers, asking what his opinion would be in such a case. Mr. Lambers responded that when groups were signing up, a provision could be made in the agreement which would allow for the usage of the upstairs facilities.

Commissioner Garvin stated that the building was going to be the ORC's base of operations and asked who would be setting the policy as to its usage. Commissioner Keim responded that it was his belief that it should be the Recreation Commission's responsibility to set those policies.

Commissioner Garvin then stated that policy would also include a time schedule and that full time ORC Staff should set that schedule.

Commissioner Kornhaus asked of Mr. Duncan, if the school district did not have some type of form which had to be filled out by groups interested in using the building, and who approved those applications. Mr. Duncan's response, was that the school district did indeed have such a form, fees were set according to the proposed usage, and that it was his responsibility to approve or disapprove any such usage. He concluded by saying that those applications would not be allowed to interfere with the normally scheduled activities within their districts buildings.

Mr. O'Dea said while the new building would create an increase in their program costs, that the school district had indeed provided a resolution which allowed them to levy up to 3 mills and that it was his belief that operations would be comfortable. He likened the fee structure to that of the swimming pool, in that if it was set at a break even point, the Recreation Commission would price themselves out of the business, and that it was his belief that was not the intent of the facility.

Commissioner Garvin asked Mr. O'Dea if he saw a need for more staff. Mr. O'Dea responded by saying that no additional full time staff would be needed, but additional part time staff would be. He went on to say that activities would have to be supervised but that could be accomplished by using part time staff who could work for approximately \$5.00 per hour. Mr. O'Dea stated that \$500 to \$1000 would go a long way towards hiring the part time help that they needed.

Mayor Jackson suggested that the Recreation Commission look into the fact that the United Way had set funds aside for the Boys Club and that possibly those funds could be utilized by the new Woodward Center.

Commissioner Cumiskey presented to the group a survey performed by the Mayor's Youth Summit Group, stating that the instrument was

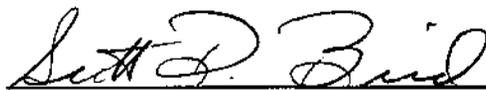
designed in September and October and administrated in December, with over 500 respondents. Commissioner Cumiskey stated that 217 high school students had responded and 325 middle school students had responded. She also cited that the Youth Summit Group had reserved the Woodward Center for the 9th of March for the Mayor's Youth Summit.

Thereupon, Commissioner Garvin asked what the status of the work was within the building. Commissioner Keim suggested that the Commissions jointly go over and take a look at the progress.

Thereupon, Mayor Jackson announced that there would be an official ribbon cutting and dedication on the 27th of March, and that the public would be welcome to that ceremony.

Thereupon, the group recessed to the Woodward Center for a general tour.

Thereupon, the meeting was adjourned.



Scott D. Bird, City Clerk

STUDY SESSION

MINUTES

FEBRUARY 21, 1994

Present: Mayor Jackson, Commissioners Matthews, Keim, Tyson and Cummiskey, City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Jim Shaw, Scott Bird, Judy Hasty and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey and Bill Tellier.

Absent: City Staff: Jeff Herrman and Richard Towe

Memorandum items:

1. **Demolition Ordinance.** Mr. Lambers questioned the City Commissioners about the current policy on demolition. Based on the current ordinance, the City would agree to demolish and remove structures upon the receipt of application. This ordinance was created as part of a grant application to help eliminate blighted structures, the Commission agreed as part of an incoming match, to spend City funds in a similar fashion. However, the ordinance should be made more specific as to what type of structure is being demolished and the reason why City demolition is required. At this time, the City has an unfunded liability each year. If the Commission would like to keep the ordinance in its original form, there will need to be money in the budget so there will not be a financial liability to the City. The amount set to fund this project should have a cap to control the amount of spending. Commissioner Tyson stated that she had been told that the City staff would provide a list of all properties that were eligible for demolition. Mayor Jackson said the ordinance should be for applications that are for blighted property and for individuals who can not pay to have the structure demolished, not for owners who have the funds available and want to demolish a structure to rebuild for private use. All Commissioners were in agreement for making the needed changes. Mr. Lambers will list alternatives to further refine eligibility and put a cap on total expenditure for the City for each individual demolition.

2. **City Commission Letters of Interest.** The Mayor reported that seven letters had been received prior to the deadline, which was February 18, 1994, for the Commission seat that will be vacated by Mr. Keim. Mayor Jackson suggested holding a Commission Forum on March 10, 1994, at 7:00 p.m., at the Ottawa Middle School. Questions from the previous forum will be distributed to Commission members for their review and input. City Manager's office will check on the availability of the Middle School. Commissioner Cummiskey suggested that the City Manager's office send out letters to the candidates indicating the place, date and time of forum, and preparing the candidates to have a two minute opening statement and a two minute closing statement. The determination of when the new Commissioner is selected, will depend on Mr. Keim submitting his resignation. If the vacancy occurs before April 1, 1994, the next City Commission meeting, which will be April 6, 1994, is the earliest that the appointment can be made.

3. **Strategic Plan.** The following are items off the existing strategic plan that were brought to the study session as priorities

Mr. Lambers stated that this completed all of the items to be placed on the agenda for the City Commission meeting on March 2.

The next topic for discussion was parking control. Police Chief, Jeff Herrman stated that the Police Department had received several calls in reference to the parking policy and enforcement in the downtown area. Currently, the parking is enforced on a daily schedule and citations are issued to cars that are registered in Franklin County or to those cars that are registered out of the County, but are known to work or are in the downtown area on a regular basis. This policy was in place at the time Jeff came to Ottawa 5 years ago. This policy is normally enforced 8:00 a.m. to 5:00 p.m. Monday through Friday. Mr. Lambers stated the reason he thought this policy should be brought before the Commission was because of a possible discrimination case. One option was to cite everyone that violated the posted time limits. The City does not have a written policy on this issue. It was the consensus of the Commission to issue citations to all cars equally.

Mr. Lambers reported to the Commission that the Public Works Department had recently taken quotes for a new tractor. The bids that were received were good bids and they all met the specifications. As part of the City Manager's review of our bid process, the question came up as to whether or not the City of Ottawa provided a local vendor preference in order to stimulate economic development. It is not uncommon for cities to offer a local vendor discount which is usually 5 percent and possibly to extend this to the County in a lesser amount of 3 percent. City staff had indicated to the City Manager that the City of Ottawa did not have a policy dealing with this. The low bidder for this purchase was located out of the county and even with the most generous preference that would be given to a vendor, the City would still be purchasing the tractor out of the County. Commissioner Cummiskey stated she would like to see the City work on a local county and state vendor policy, but have it as part of a larger procurement policy or purchasing policy. Mayor Jackson stated that the Commission had discussed a procurement policy once before when the City was applying for a CDBG grant. It was decided at that time that discussion on the procurement policy would be tabled for a later date.

Mr. Lambers reported that the contractor had been contacted for the demolition of the florist shop. Disposal of the structure will be the greatest expense. The total cost to demolish this one structure will be around \$2,500. The City Manager will have the demolition policy revised to make the changes as discussed in the February 21st study session.

Items that will be addressed at the next work study session will be:

1. 17th Street
2. Appointment of City Bond Counsel
3. Appointment of City Engineer
4. Strategic Plan Priority Rankings

Other Business:

Commissioner Cummiskey announced that Thursday, March 3, will be the first day of the Chamber of Commerce Leadership class. Mayor Jackson and Mr. Lambers will be speaking to the class, Scott Bird and Ms. Cummiskey will be hosting the advent and Wynndee Lee will speak to the class in the afternoon. Wynndee represents last years Leadership class and will speak to the group on how to conduct community projects, what steps were taken to achieve the results of last years barbecue and explain the Habitat for Humanity Community Project.

STUDY SESSION
MINUTES
FEBRUARY 28, 1994

Present: Mayor Jackson, Commissioners Matthews, Keim, Tyson and Cummiskey, City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, Scott Bird, Judy Hasty and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: City Staff: Richard Towe

Executive Session:

Commissioner Keim made a motion to recess to executive session. Commissioner Matthews seconded. The Governing Body, City Manager, City Attorney and Bob Bezek recessed to executive session at 3:02 p.m. to discuss attorney client privilege and personnel issues. Executive session closed at 3:32 p.m.

Memorandum items:

1. **East 6th Street Improvement Project.** Scott B. reported that adopting a resolution would be the next step to finalize this project by approving the total costs, set assessments on the benefit district and to call a public hearing to consider the assessments.

2. **League of Kansas Municipal Interest.** A request from the League to all of its member cities to help fund the purchase of a new building to house their headquarters. The City of Ottawa will be looking at an approximate increase in annual dues of \$1,000 for our share of debt service. This item will be placed on the agenda for the March 2 City Commission meeting.

3. **Rail-to-Trail Project.** Kansas Department of Transportation is inquiring whether the City Commission is willing to fund 20% of the entire improvement which includes those elements that KDWP was going to improve. When the Commission approved the grant application, the estimated 20% was 39,431. In the memo that was distributed to the Governing Body on February 4, Public Works Director, Andy Haney stated that the City would be looking at a 20% estimate of \$64,631. Andy stated that there are other alternatives that could be considered. KDOT is proceeding with the process of evaluating grant applications and would like to know how the City would like to proceed. KDOT is looking at \$50,000 per mile for the improvements and the trail is 60 miles long, 20% of this improvement would \$600,000. Andy stated that he did need to provide KDOT with an answer as to whether the Commission wants to move forward with this project. Mr. Lambers stated that if the Governing Body did not want to spend the money on this project and instead shift the priority to Kanza Park, City staff would provide documentation to KDOT informing them of the Commission's decision. Commissioner Matthews indicated that before he could make a decision on this, he would like to know what the economic impact would be on our community if the City did not proceed with the project. Commissioner Cummiskey stated she did not know how this could be accomplished, but before she would change her priority, she would also like to have some idea on what the impact would be if this project was not undertaken. A motion was made by Commissioner Keim to place the item on the City Commission agenda for March 2, 1994 as Alternate #1. Commissioner's Cummiskey, Keim, Matthews and Tyson were in favor of this item being placed on the agenda. Mayor Jackson was opposed.

Commissioner Cummiskey also reported that the Youth Summit Committee had also procured a speaker from Baltimore, Maryland. Darrel Barnett has agreed to travel here to speak for \$500. The Franklin County DCCCA group has agreed to fund the fee for his services. The committee has contacted TWA to request their assistance on flying him from Maryland to Ottawa free of charge.

If TWA is not willing to assist with this project, the committee will speak to area travel agencies to see if they would be willing to participate by supplying his travel expenses. Mr. Barnett has been to Wichita and other major cities across the United States speaking on teenage sexuality.

Commissioner Cummiskey also requested that a Proclamation be placed on the agenda for the April 6 Commission meeting. The youth would write the proclamation themselves for Youth Day.

Mayor Jackson distributed copies of HB 2948 and stated that a letter had been sent to the Representatives declaring support for this bill for the summer employment of our youths.

Meeting adjourned at 4:35 p.m.

for the Governing Body. Commissioner Cummiskey stated that one thing that needs to be done while working through the strategic plan, is to also put a budgetary amount with the items that are to be completed.

Housing:

1. 17th Street Project. This topic will need to be discussed at the study session on February 28, to determine what steps the Commission feels necessary to begin this project.
2. Southside Land Use and Traffic Study.
3. Annexation.

Jobs/Income Development:

1. Tax Incentives. Mr. Lambers suggested viewing the resolution that sets out the incentives and consider expanding the area of existing business to make Ottawa more competitive than what is currently being offered in the Johnson County area.
2. Downtown Development/Tourism Director. Commissioner Matthews raised the question about the reality of hiring a part-time Tourism/Main Street Director. Mr. Lambers responded that most communities have a transient guest tax which is what tourism activities are funded with. It could be a viable solution to hire a part-time coordinator. This item could be placed under Chamber of Commerce activities. The City Manager will find out what the transient guest tax rate is for Ottawa. Commissioner Cummiskey suggested that the Governing Body have a meeting with the Chamber of Commerce to share thoughts on this issue.
3. Sister City Program. Continue correspondence with Ottawa, Canada.

Utilities:

1. Electric Utility Analysis. City Staff will be preparing information about contract negotiations to submit to the Commission. Staff will also research other alternatives for utility service.

Security:

1. Police Patrolling on Bicycles. At this time, the Police and Fire Departments are in good condition. In the future, when the downtown begins to have more night activities, it would be wise to have more police officers visible to citizens.

Transportation:

1. Truck Route. Use Eisenhower Road a main truck route and keep big trucks off of Main Street.

2. Rails-to-Trails. This will be discussed at the February 28th study session.

Quality of Life:

1. Park Facilities. The parks are in good shape and have adequate facilities.

2. Auditorium.

3. Library.

4. Woodward Community.

5. Newcomers Greeting. The community as a whole needs to get involved to welcome the new people. People coming into our community will be wanting to know where to buy various items at downtown. Local businesses could participate by supplying information to put in greeting packets. This issue could also be addressed under Tourism and Chamber activities.

Fiscal Management:

This will be discussed at a later date.

Personnel Management:

1. Job Descriptions/Evaluations. Make sure the personnel department has job descriptions and current evaluations on file.

Coordination and Linkages.

Mr. Lambers stated that he would be available to speak to any group that would make a request of his time.

Commission Operations:

1. New Commissioner Orientation. Develop a Commission handbook that would give general information to new Commissioners.

Resource Mobilization:

Public Information:

1. Public Information System. The Mayor could provide an overview of his year of service at an annual Chamber dinner. Commissioner Tyson stated that a lot of citizens do not associate with the Chamber of Commerce. Mayor Jackson also suggested that the Mayor could speak to various service organizations.

2. CATV Government Access Channel.

Other Business:

Commissioner Keim expressed his gratitude to City Manager Lamber's for summarizing the meeting of what discussion had occurred at the meeting. Mayor Jackson also expressed the same sentiment regarding having study session minutes.

Commissioner Cummiskey announced that there would be a Youth Summit meeting at 5:30 p.m.

Mayor Jackson handed out copies on Neighborhood Revitalization, Neighborhood Infrastructure Improvement and Youth Job Creation Act.

Executive Session:

City Hall - Ottawa, Kansas - March 2, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 P.M. this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Matt Matthews, absent Joan Tyson. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Fred Schaeffer of the First Christian Church.

Approval of Minutes

Thereupon, the minutes of the regular meeting of February 16, 1994, and the Special Call Meeting with the Ottawa Recreation Commission of February 16, 1994, were approved as written.

Presentations and Recognitions

Thereupon, there was presented a proclamation declaring March 6 through March 12, 1994 as Girl Scout Week.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to declare March 6 through March 12, 1994, as Girl Scout Week. The motion was considered and upon being put to the question all present voted yea.

Ordinances and Resolutions

Bill No. 94-15 Special Improvement Project No. 9203.3

Thereupon, there was presented Bill No. 94-15 a resolution approving the certificate of completion of Special Improvement Project No. 9203.3 determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A. 12-6a01 et. seq., and providing for a public hearing thereon.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Matthews to adopt the resolution. During consideration Commissioner Keim pointed out that the final cost of \$66,563.12 was under the original estimate. Upon being put to the question, all present voted yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 790-94.

City Hall - Ottawa, Kansas - March 8, 1994

The City Governing Body met in Special Session at 7 PM this date, at the Franklin County Annex Meeting Room. The following members being present and participating to wit: Mayor Richard Jackson, Commissioners Tony Keim, Matt Matthews, Vicki Cummiskey and Joan Tyson. The Mayor brought the meeting to order and welcomed the audience of approximately 30 persons. Also in attendance were representatives from the media and city staff. Participating in the forum were Candidates John Clark, Tony DeLatorre, Greg Hernandez, Mary Willoughby, Gene Ramsey and Dwayne Hall.

Thereupon, the Mayor declared that Ms. Tawny Hiatt had submitted a letter in which she withdrew herself from consideration, stating that she had accepted a position in Lawrence and time constraints would not allow her to participate at the level which she thought would be required.

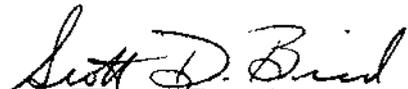
Thereupon, the Mayor declared that each participant would have two minutes for an opening statement and the Commission would pose questions of which the candidates would have one minute to answer.

Thereupon, Mayor Jackson asked the City Clerk to function as time keeper.

Thereupon, the Commission posed a series of questions ranging from their experience and how that would relate to working on the Commission, to questions concerning economic development, the strategic plan, and quality of life. The Commission posed 14 questions to the candidates and 3 questions were posed by the public.

Thereupon, the Mayor allowed each candidate up to one minute for a closing statement.

There being no further business to come before the Commission, thereupon Commissioner Jackson thanked the participants and the audience and adjourned the meeting.



Scott Bird, City Clerk

**STUDY SESSION
MINUTES
MARCH 7, 1994**

Present: Mayor Jackson, Commissioners Keim, Tyson and Cummiskey, City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, Scott Bird, Richard Towe, Judy Hasty and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Commissioner Matthews

There was one correction to the February 28, 1994 minutes. Richard Towe was listed as being absent, he was present at that meeting.

City Manager Lambers explained to the Governing Body the process that was used to determine the Strategic Plan rankings submitted to him by the City Commissioners. Mr. Lambers requested that the Commission review the priority items and re-rank those items to show which ones are of top priority. Commissioner Tyson asked Mr. Lambers why the Auditorium and Library renovations were listed on the priority sheet when work has already begun on these projects. Mr. Lambers explained that although the City has budgeted money and applied for a grant, there is some question as to whether this is a long term interest for the Library Board or the City to proceed. This issue will probably be brought back for reconsideration for the Library Board and the City Commission. This project would not provide any additional space for the Library and instead of looking at an alternative site that would be in compliance with ADA. The Library Board will be addressing this topic at their next meeting. If the Board does decide to look at an alternative site, this will be brought back before the Commission and request authority to request a referral for the utilization of grant money. The City has until January, 1995 to meet the time line for the ADA requirements. The City will be asking for a six month extension through June 30, 1995. Bids had been opened for the Auditorium renovation, only one bid was received, which was determined to be too high. The Commission decided to hold off at that time and at a later date open the bidding process. Mr. Lambers stated that the possibility existed that the bids may be greater than what had been received before and may exceed the fund that are allocated for this project. The Woodward Activity Center renovation would be above and beyond the activities that are being completed at this time. This improvement project would include external amenities such as the parking lot. This item would be taking the project to its next developmental step.

Memorandum items:

1. **Appointment of City Bond Counsel.** City Manager Lambers reported that the City's Bond Counsel, Gilmore & Bell, has had a shift in its membership of the firm. The person's who served as the staff people for the City of Ottawa, has formed their own bond company and has requested to serve as bond counsel for the City of Ottawa. Gilmore & Bell has also approached the City and would like to continue their relationship with the City. Correspondence has also been received from another bond firm that would like to serve as the City's bond counsel. Mr. Lambers recommended that the Commission agree to interview representatives from the two entities that have served as bond counsel in the past, Gilmore & Bell and Logan, Riley, Carson & Kaup, and make an appointment on a short term basis for a period not to exceed 18 months. Later, a formal RFP process would be undertaken where other bond firms would be allowed to participate and a three to four year contract would be awarded to the chosen firm. Mr. Lambers stated that the reason he did not wish to proceed with the RFP process at this time, is because of the financing needs that will be occurring and a bond counsel will need to be on board. This will also facilitate the other firms to come forward and allow their credentials to be looked at more fairly. There has not been a written agreement with Gilmore & Bell that they would be bond counsel for the City, there has just been an understanding over the past years. Mr. Lambers stated that he had informed representatives of both entities of the interview process assuming that the Governing Body accepted his recommendation. The March 21st study session was the suggested date for interviews with bond counsel representatives.

2. **Appointment of City Engineer.** There has not been a relationship with a City Engineer except for the informal relationship with Wilson & Company. If we have a formal relationship with a similar entity and if it does have a sunset provision implying that it is an ongoing one, then a sunset would be placed on it to review the firm and to entertain the opportunity for other firms to present their credentials. The Commission may feel that they are satisfied with the present company, but Mr. Lambers stated he would still like to have a sunset provision so that in two or three years the City could review their decision.

Mayor Jackson asked Mr. Lambers if he had a guide that could be used in the interview process for bond counsel and city engineer. Mr. Lambers stated that with the bond counsel, he would typically look at their resources that the firm could present in alternative financing needs based upon what the City anticipates its future of financing needs to be. With regards to the City Engineer, the Commission would want to specifically look at whether or not they were serving primarily as a consulting engineers or if the firm has a track record for serving as city engineers for, rural entities such as Ottawa, or do they just do consulting work and bid for projects.

Mr. Lambers stated that he requests authority from the Governing Body to enter negotiations with Wilson & Company and bring a contract back to the Commission on March or the 28th depending upon staff's ability to get the contract in form for review. Mr. Lambers reminded the Commission and City staff that the Mayor would be out-of-state on the 16th, so the agenda would have basic house-cleaning items to cover.

The south side land use and traffic study was an item in the Strategic Plan document and was rated as the second priority of the Commission at 1.8. Mr. Lambers stated that the Governing Body had been given a copy of a memo from Bucher, Willis & Ratliff which listed the cost of the study. Mr. Lambers asked the Commissioners that the cost be held in confidence so that if the Commission decides to go to a formal bidding process for this project, that BWR's bid would be retained in confidence so that it could be submitted as a bid. Mr. Lambers requested that this item be placed on the March 16th City Commission agenda for the price indicated to perform that land use traffic and storm drainage study for that area with the money coming out of the Economic Development Fund. Mr. Lambers also stated that should any projects come forward as a result of this study, which they will, it would be the City Manager's recommendation that each of those would be required to reimburse a portion, which would be very small, based upon the total dollar amount and total acreage. With this concept, the City would be advancing monies for these types of studies with the understanding that they will be reimbursed by the projects that benefit. Commissioner Cumiskey asked what the balance would be in the Economic Development Fund? Mr. Lambers stated it would leave a balance of about \$200,000. Commissioner Keim made a motion to authorize the City Manager to place the contract proposal of Bucher, Willis & Ratliff, not to exceed the amount given in the proposal, on the March 16th City Commission agenda. Commissioner Tyson seconded. All Commissioner's present voted in favor of placing this proposal on the agenda.

Mr. Lambers stated that there would also be a public hearing for the 6th Street sub-division.

The next topic for discussion was 17th Street. Mr. Lambers reported that he had gone back and looked through the newspapers and caught up on the publicity that the project has attracted, all the Commission comments and discussions. As the project progressed, the focus seemed to drift from area to area, where finally it became very focused on the issue of financing the 17th Street Improvement. Mr. Lambers stated that as part of his discussion with the Governing Body, he would like to get away from referring to 17th Street as opposed to looking at policy formation in terms of residential street construction, collector construction and thorough-fare street construction and looking at the participation of entities in the financing of those improvements.

These improvements would include: water, sewer, electric, streets, curbs, gutters and sidewalks. City Manager Lambers suggested that this topic should be an open for discussion and reconsideration until we have developed policies that are clearly identifiable and very simple for people to understand in terms of who pays for what and under what circumstances. There will likely be more emphasis placed on the City's participation, in whatever form, to kick-start development and then once it gets started probably looking at reducing that involvement in whatever format might be appropriate. This policy will detail the construction standards on such things as placement of street lights, sidewalks, curbing, etc., therefore, everyone follows the same rules, so that the City knows exactly how the project will be built. Mr. Lambers recommended that the City not participate in the construction of residential streets. Instead, the developer will construct, the City will accept, and it will be the responsibility of the development to pay for it. Mr. Lambers reported to the Commission on the different types of streets that will be involved in development as the City starts its expansion. Mayor Jackson asked how other communities have paid for their street improvements. Mr. Lambers stated that it is usually 0% for residential, up to 50% for collector and up to 60 to 70 percent for thorough-fare. Mr. Lambers further stated that some cities have paid for all the street construction up front and was totally reimbursed at a later date.

Mr. Lambers asked the Commission what their objectives were on 17th Street, how the Commission intends to measure and what is an acceptable return on the City's investment for that project and is 17th Street the best project to proceed with at this time?

Commissioner Keim stated that there was probably no disagreement in the room that Ottawa needs housing and that is probably what spurred most of 17th Street on. He also stated that funding is probably the only disagreement in the room or in the community, is how the project would be funded. He did agree that he would like to have another housing development other than 15th Street project that is taking off right now. He had envisioned that the developer would pay half, the benefit district and the City-at-large would both pay one-quarter of the project. Commissioner Keim also suggested that maybe the City should look at the project that Dan Fogle would like to develop East of town. Commissioner Keim said that he did not feel that the City-at-large should pay for 100 percent on any project.

Mayor Jackson also admitted that the City has a great need for housing. Mayor Jackson thought that we needed to take a step back and look at other areas for development and allow 17th Street to be put on hold. He further stated that he also did not feel that the City-at-large should pay 100 percent.

Commissioner Cumiskey stated that she would not be in favor of 100 percent City-at-large participation at this time. She agrees that we need to look at the whole city and outlying areas for development, but there is an urgency to look at development and look at the whole picture but not wait any longer.

Commissioner Tyson stated that she has said from the beginning that she would not be in favor of having the City-at-large responsible for paying for all of the costs for development. She also stated that she also has not seen much interest from the people who own the property or developers as to whether or not they want to participate in the 17th Street project.

Mr. Lambers stated that it would be appropriate for the City, with correspondence from the Mayor to the property owners in the study area, advising them of the study and inquiring as to whether they are interested in developing this land. If the property owners are not interested we will leave them alone, if they are interested then the developers will be able to go to the City Manager, let the City Manager show them what areas are available to develop. If the property owners say that they are willing to work with the developer, the City would then let those two parties work together and the City Manager would step out of the picture.

Mr. Lambers suggested that the next target area for development could be the K-68 corridor. This area has yet to be talked about for development, but this summer, a major water line will be put in place which was intended to stimulate economic development. Mr. Lambers said he has also had other property owners contact him about developing in other areas of the City. One concern that the City Manager has had regarding 17th Street is that the City could be losing the opportunity to act on these other areas to develop.

Mr. Lambers reported that with 17th Street being fully improved, with turn lanes at Eisenhower and 59 Highway with a traffic signal at 59, the City would be spending about two million dollars. If the City-at-large pays for half, the City would be looking at borrowing one million dollars to complete the 17th Street project. The City Manager stated this would be looking at the total project cost.

Mr. Lambers stated that the purpose of this discussion was to find out if the Commission wanted to explore other areas to develop or if they wanted to solely concentrate on 17th Street as the main project. When this has been determined, then the City staff would be able to do a preliminary estimates in regards to how many homes would be created, how much infrastructure is needed.

Commissioner Keim said he would like to see the City not stop on 17th Street, but evaluate what other areas could be developed around the City.

Mr. Lambers stressed to the Commissioners that the willingness of the property owners is a very important factor as we look at developing other areas.

Mr. Lambers said he would be returning to the Commission with other alternatives that need to be refined. The next step of the process will be to commission an engineering study, which will cost about \$80,000 - \$90,000. It was also the City Manager's recommendation that we proceed similarly to the land use study, that we would advance the money, the project goes forward and this would be a part of the project cost.

Other Business:

Commissioner Cumiskey announced that the Leadership Class participated in the same Strategic Plan priority survey that the Governing Body had completed. Their priority's were as follows: (1) South side land; (2) Annexation; (3) 17th Street; (4) Truck route; (5) Downtown Development; (6) Tax incentive; (7) Electric utility's and Woodward Center. This was interesting to get community input.

Commissioner Cumiskey also reported that TWA will pay for the airfare for the Youth Summit speaker. The only cost to the City will be a pizza lunch for the youth and adult resource participants and a minimal amount for lodging.

Mayor Jackson reported that he and the City Manager attended the Governor's Prayer Breakfast in Topeka. The speaker did mention Ottawa several times in his speech and that he had been in Ottawa to speak at Ottawa University.

Commissioner's devoted the remaining study session period discussing the candidate forum for March 8. Copies of questions were distributed to the Commissioner's for their discussion on what questions would be retained to ask the candidates.

Meeting adjourned at 4:55 p.m.

**STUDY SESSION
MINUTES
MARCH 14, 1994**

Present: Mayor pro tem Cumiskey, Commissioners Keim, Tyson and Matthews; City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Jim Shaw, Scott Bird, Richard Fowe, and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Mayor Jackson, Personnel Director, Judy Hasty and Police Chief Jeff Herrman

City Manager Lambers opened the meeting by stating that he had talked to Mayor Jackson that morning and the Mayor will hold a press conference on Monday, March 21, 1994, at 2:00 p.m. at City Hall to discuss all the activities that he participated in while he was in Washington, D.C. at the National League of Cities meetings. Mr. Lambers also stated that since Mayor Jackson would be out of town tomorrow, that he would be attending the Legislative meetings in Topeka to testify on behalf of the Mayor on the Summer Youth Program.

Memorandum items:

1. **Proposed Draft Agenda for the March 16th City Commission Meeting.** Several proclamations, the ~~East 6th Street Public Hearing~~, CDBG Public Hearing, KMGGA amendments and the Land use study for the south part of town.

2. **KMGGA Contract.** It is the City staff's opinion that this contract would over the long run, would provide rate stability as well as cost security.

3. **Manure Spreader Purchase.** As part of the budget, the City Commission approved City staff to purchase a truck for the Sewer Department. The truck that is being used currently for this department, has had repairs made and City staff feels that these repairs have enabled the Sewer Department to keep the truck for another one or two years. What City staff is recommending, is that a portion of the money set aside to purchase the truck, be used instead to by a manure spreader. Quotes were attached to the Commission memorandum for an approximate amount of \$7,300. The balance of the funds would remain in the budget until further needed for another item. Mr. Lambers stated that he recommended that the City purchase the spreader from Underwood Equipment, even though it was not the lowest quote.

4. **Bid Proposal for the Boiler Removal at the Humane Society.** The City Commission had previously committed to this item. Mr. Dennis Woolman, Humane Society representative, was present at this work session to clarify questions as they were presented. Mr. Woolman stated that in 1992 the furnace at the Shelter began showing signs that it was going out, so the Humane Shelter met with the previous City Manager at that time and asked for a payment in kind to theoretically be budgeted for \$5,000 that year and another \$5,000 in 1993 because the furnace would probably need to be replaced due to not meeting codes of the City. Since that time, the Society was designated two \$5,000 commitments from the City from the two year period, and they also got a \$5,000 commitment from the County. The Franklin County Humane Society would pick up the balance for the furnace. Commissioner Keim moved to place this bid proposal on the March 16th City Commission agenda. Commissioner Matthews seconded. All Commissioners were in favor.

5. **Sewer Improvement of 23rd Street.** The City has received an application for a car dealership to move in on 59 Highway and 23rd Street. Since there is not a sewer in the immediate vicinity the dealership would be eligible to install a septic system. Mr. Lambers stated that it was his opinion that allowing businesses to put in septic systems when it can not be avoided is ok, however, with this circumstance, the City could install the sewer line to prepare for future businesses wanting to move to Ottawa. Mr. Lambers suggested the City advance the money out of the Sewer Fund for this project and be reimbursed when the development takes place. The City would be looking at an estimated \$47,000 or \$48,000 for this project. Commissioner Tyson asked if the City already had plans for future sewer systems mapped out for this area? Mr. Bradley, Director of Utilities, stated that this did match Black & Veatch original plans. Commissioner Tyson also asked why Loyd Builders was involved and she stated that this is not the usual way the City put in sewer lines. Mr. Lambers stated that City staff was trying this on a trial basis. The other option is for a private contractor to go out and do it and the City is required to acquire the line once it is installed. Since this is a very small area, staff wanted to try to see if this would work. Commissioner Keim asked if the City would be looking for other contractors to bid on this project? Mr. Lambers reported that the dealership is ready to move and since sewer lines are not readily available in this area, the company was wanting to put in the septic systems. At that point, City staff needed to consider if this was in the best interest of the City. Commissioner Keim stated that he did agree that this project should move along as quick as possible, but still felt that we should get another bid or two. Commissioner Matthews stated that he wanted to see the Chrysler dealership get started as soon as possible so he would be in favor of letting Loyd Builders work on this project to install the sewer line. Mr. Lambers stated that he felt Commissioner Keim's concerns were very legitimate and that in the future more than one bid will be solicited. Mr. Lambers went on to comment that since Loyd Builder's bid was several thousand dollars under the estimate by the engineering study, he felt comfortable with pursuing with Loyd Builder's. Commissioner Cumiskey also said she share Commissioner Keim's concern, but would vote for proceeding with the project as long as this was a one time situation of having only one bid. Commissioner Tyson made a motion to place this item on the agenda for March 16th. Commissioner Matthews seconded. Commissioners Cumiskey, Matthews and Tyson voted in favor. Commissioner Keim was opposed.

6. Ottawa Retirement Village - Industrial Revenue Bond Refunding. Representatives from Gilmore & Bell attended this meeting to explain the process for the refunding of Industrial Revenue Bonds for Ottawa Retirement Village. David Queen and Gary Anderson of Gilmore & Bell distributed handouts which described the IRB process and what the bond entails. This is the third time that this project has been before the Governing Body. ORV had the original financing in the mid 1980's, then in 1990 ORV opted to refinance for lower interest and they are once again refinancing to get a lower interest rate. John Howe, owner of Ottawa Retirement Village was also present at this meeting to request that the City consider the Resolution of Intent. Commissioner Keim made a motion to have this resolution placed on the agenda for the March 16th City Commission meeting. Commissioner Matthews seconded. All Commissioners present voted in favor of placing this on the agenda.

Other Business:

Mayor pro tem Cumiskey questioned why the CDBG Public Hearing was scheduled for the morning City Commission meeting, when the Commissioners had agreed that public hearings would be held at the evening meetings so the public could attend without having to take off work. Mr. Lambers responded that the reason was the City was required to have only one hearing, however, he felt that it was more appropriate to ensure that more than one opportunity would be offered for citizens to attend. Mr. Lambers stated that this would also be placed on the April 6, 1994 City Commission agenda.

Commissioner Matthews asked what the status was on the Main Street Program Conference? Mr. Lambers responded that the City was represented by Wynndee Lee, Program Manager. Commissioner Matthews also asked if the City was planning on submitting an application for this project? Mr. Lambers stated that he had not had a chance to visit with Wynndee since she had returned.

Mayor pro tem Cumiskey reminded the City Commission about the Chamber luncheon on Wednesday, March 16, which would take the place of the Joint City/County meeting. Donna Newkirk from the Emporia Chamber of Commerce will be presenting Emporia's "Positively Emporia" program.

Meeting adjourned at 4:00 p.m.

City Hall - Ottawa, Kansas - March 16, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Pro tem Vicki Cummiskey, Commissioners Joan Tyson, Tony Keim and Matt Matthews. Absent Mayor Jackson. A quorum was present. Mayor Pro tem Cummiskey called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Angela Perryman of Bethany Chapel Church.

Approval of Minutes

The minutes of the regular meeting of March 2, 1994, and the special call meeting of March 8, 1994, were approved as written.

Presentations and Recognitions

Thereupon, Mayor Pro tem Cummiskey read a proclamation declaring the week of March 22 through March 28, 1994 as Free Enterprise Week.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to approve the proclamation, the motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Pro tem Cummiskey read a proclamation declaring the week of March 21 through March 26, 1994 as Spring Clean-up Week.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the proclamation, the motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Pro tem Cummiskey recognized the Ottawa High School Girls Basketball Team, who were in attendance, and read a proclamation commending the members of the Team for their achievements and success by representing the City of Ottawa in the State Basketball Tournament.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the proclamation.

Thereupon the proclamation was presented to Coach Lloyd Steele.

Public Hearings

Public Hearing - East 6th St. Improvement Project

Thereupon, Mayor Pro tem Cummiskey opened the public hearing to consider assessments for the East 6th St. Improvement Project, noting that the total cost of the project had been determined to be \$66,563.12. City Clerk Scott Bird explained that this was a petitioned project and that effected property owners had been notified of the assessments to be made. There being no further comments the public hearing was closed.

Public Hearing - Kansas Department of Commerce and Housing Small Cities Community Development Block Grant Funds

Thereupon, Mayor Pro tem Cummiskey opened the public hearing to consider an application to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant funds.

Mayor Pro tem Cummiskey, explained that there are five areas for applications to be considered; that is Community Improvement, Housing, Economic Development, Urgent Need and Float Bridge Loan Guarantees.

Thereupon, City Manager Scott Lambers explained that this public hearing would be continued to the regular meeting of the City Commission, April 6, and that written comments and suggestions would be considered at that time.

Thereupon, Mayor Pro tem Cummiskey called upon Maxine Baker, 211 West 5th, who had expressed an interest in commenting regarding this hearing.

Ms. Baker stated she had some concerns in that she had lived in the community for 8 years and is in the business of rehabilitating houses. She noted that she had observed that Ottawa suffers from brain drain and that there is a need for more trained trades people, i.e. plumbers, electricians, and air conditioning contractors. Ms. Baker suggested that the City treat these needs with incentives similar to those offered to attract new doctors to the area. Secondly, she addressed downtown development and called upon the City to form a quasi governmental entity which would address this problem citing that City Government must motivate the community. Ms. Baker also asked the City to go through its licensing dept. and simplify the process in order to stimulate development. Ms. Baker cited the Dolphin Song, a new business which has recently opened in Gardner as an example of a solid new business within a small community. There being no further comments Mayor Pro tem Cummiskey continued the public hearing to the regular

meeting of the Commission on April 6, 1994.

Ordinances and Resolutions

Bill No. 94-16 - Gas Acquisition Management Project
Participation Agreement

Thereupon, there was presented a resolution authorizing the execution of a first amendment to the gas acquisition management project participation agreement between the City and the Kansas Municipal Gas Agency, and all necessary documents with respect thereto and providing for the pledge of the revenues of the natural gas (electric) utility system of the City to secure such agreement.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor Pro tem declared the resolution duly adopted and the resolution was duly numbered Resolution No. 791-94.

Bill No. 94-17 - Industrial Refunding Revenue Bonds - Ottawa
Retirement Village

Thereupon, there was presented a resolution determining the intent of the City of Ottawa, Kansas, to issue its industrial refunding revenue bonds in the amount of approximately \$1,495,000 to refund and redeem an outstanding series of revenue bonds issued by the City.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the resolution.

During discussion Mr. Gary Anderson of Gilmore and Bell explained that this resolution had been proposed to provide evidence of the intent of the City, to approve a refunding of the 1990 IRB's, which were refundings of the Series 1983 IRB's sold for the Ottawa Retirement Village, and that once this resolution was approved an ordinance would be drafted and brought back before the Commission to further this project. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor Pro tem declared the resolution duly adopted and the resolution was duly numbered Resolution No. 792-94.

New Business

Thereupon, there was presented a proposed scope of service agreement from Bucher, Willis and Ratliff for the South Ottawa Traffic; Stormwater and Land Use Plan.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the agreement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, there was presented an authorization for City Staff to appropriate up to \$40,000 for sewer improvements on 23rd Street.

Thereupon, Mayor Pro tem Cummiskey explained that the monies would be utilized from the Sewer Funds ending cash balance and would be reimbursed at the time of development.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to approve the request. During discussion Commissioner Keim explained that he believed that a sewer system was better than a septic system and the project needed to be expedited, but would like to have the City spend the extra time and take bids on this project. Commissioner Cummiskey stated that she too had some concerns, but would vote for the project.

The motion was considered and upon being put to the question, passed by the following vote; Commissioner Matthews aye, Commissioner Keim nay, Commissioner Tyson aye, Mayor Pro tem Cummiskey yea.

Thereupon, the Mayor Pro tem declared the motion duly approved.

Monthly Financial and Activities Report

Thereupon, there was presented the monthly financial and activities reports for the month of February. Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to approve the report. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Pro tem Cummiskey declared the report duly approved.

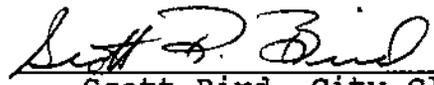
Governing Body Agenda

Thereupon, the Mayor Pro tem announced that the Joint City/County meeting would be at Ottawa University to hear Donna Newkirk from Emporia, presenting "Positively Emporia" at 11:30 a.m. this date,

and that the next regular meeting would be April 6, 1994 at 7:00 p.m.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye. 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.



Scott Bird, City Clerk

**STUDY SESSION
MINUTES
MARCH 21, 1994**

Present: Mayor Jackson, Commissioner Cummiskey, Keim, and Matthews; City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Nevalea Magrath for Scott Bird, Richard Towe, Jeff Herrman and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Commissioner Tyson, Personnel Director, Judy Hasty and Planning and Zoning Director Jim Shaw.

City Manager Lambers opened the meeting by stating that the interviews scheduled for today had been canceled and the firms that are involved would be contacted to re-schedule.

Memorandum items:

1. **Engineering Services.** This agreement would provide engineering services for general day-to-day items for \$300 per month, attendance of meetings during the term of the contract and scope of services for minor engineering activities. The reason that this is a contract would be under two years, is that the Wilson & Company might decide they would rather bid on a project and not serve in the Engineering capacity. Commissioner Cummiskey asked if the contract would include a clause stating that the amount of additional consulting amounts would not exceed a certain amount of dollars? Mr. Lambers stated that all these types of items would be approved by budgeted items. This item will be addressed at the April 4th study session for more discussion and placed on the April 6th City Commission agenda.

2. **Pin Oak Sub-division.** The total fee for services is estimated to be \$2,600. The City is required to have inspections on-going at various stages of the project. Some of the inspections will be completed by City staff, however, if there are areas where City staff is not qualified to inspect, we will have a licensed engineer to perform the inspections.

3. **Request to Purchase City Property.** Mr. Jerry Donnelly has approached City staff to acquire property owned by the City in order to construct multi-family units. This would not pose any problems as far as zoning, but the City might want to consider using this land as a park. Mr. Lambers stated that utilities are in the area and would possibly stimulate housing development of all types. Mr. Lambers suggested that if this was the desire of the Commission, an appraisal would need to be completed on the property with the City incurring the cost of the appraisal until the land was actually sold. It was the consensus of the City Commission to permit City staff to proceed with the land appraisal.

4. **Proposed Mutual Aid Agreement.** Mr. Lambers requested that the Commission review the proposed agreement. He also stated that if there were questions present regarding this agreement, to contact Fire Chief Richard Towe for clarification. This will be brought back to the study session on April 4th. Mayor Jackson asked if the City had ever had an agreement like this in previous years? Mr. Lambers stated that there was never an actual agreement, but the City would respond if called to help. The City does have an understanding with the City of Lawrence. Due to the liability that the City faces on the these types of calls, Mr. Lambers recommended that some type of Mutual Aid Agreement be adopted. This agreement would basically describe the parties involved and what parameters will be adhered to. There will be another document that will describe what type of incident will be responded to.

5. **Strategic Plan Process.** Mr. Lambers submitted the ranking sheets for the Strategic Plan process. The results indicated that Annexation, Southside Land Use Traffic Study, Downtown Development Tourism Director, Job Description/Revision and the Tax Incentive Enhancement were the top five priorities as a result of this process. If this is indeed the consensus of the Commission as being the top priorities, Mr. Lambers stated that he would develop a work plan for each of the listed items to be available in two to three weeks. Mayor Jackson stated the only question that he had was regarding the Job Description/Revision process which was going to take place anyway. Mr. Lambers reported that his desire would be to hire an intern from KU who will be primarily assigned to the Personnel Department to complete the job description process as a first priority. Mr. Lambers stated that the City has a vacant position and that the intern could be hired to handle the job description task. Commissioner Cumiskey mentioned that since the City Hall/Library Renovation ranking was a relatively high priority according to the numbers provided by Mr. Lambers, she felt that the City being able to secure the Franklin Savings building should be included as an option. Mr. Lambers stated that this item could be included as one of the top priorities in the ranking process.

6. **Procurement Procedure.** The City has been required to establish a procedure for federally funded projects, specifically CDBG. Mr. Lambers will be providing documentation of this procedure to the Commission. This procedure will probably need to be adopted because of the time frame and requirements of the grant audits. This Procurement Procedure will basically suffice for larger purchases, however on smaller purchases, the Commission may want to develop a procedure that would give the City more flexibility.

The next study session and City Commission agenda items will consist of the following items:

1. Property Tax Abatement Application for Laich Industries.
2. Authorization for Payment of CDBG.
3. Hospital Auxiliary Proclamation.
4. Integrated Community Health and Development. Commissioner Tyson requested that Mr. Lambers present to the Governing Body the issue involving Integrated Community Health and Development. Information regarding this topic will be copied and distributed to the Commission.

5. Tax Exemption Request by Havens Steel.

6. Unemployment Insurance Services Contract. In the past there has been an understanding between the City and Unemployment Insurance Services. Mr. Lambers requested that the City enter into a more formal agreement with this company for cost control management.

7. Budgeted Overtime vs. Hiring an Employee. The City currently budgets a lot of money for overtime in various departments, particularly fire and police. Chief Towe has requested that the overtime funds that would be necessary be diverted to finance another position rather than spending the money on overtime. The overtime budget at the present time has a balance of \$30,000. Mr. Lambers stated that if the Commission will allow this extra person in the Fire Department, he would like to do it on a provisional status. Mr. Lambers asked the Commission if they would like him to bring matters of this nature to them for authorization or as long as the he kept in line of the budget account if the City Manager would have authority. Commissioner Cummiskey stated the creation of a new position should be brought before the Governing Body. This position would basically be a floater position to fill an otherwise overtime position. This would be a trial basis for the rest of this year. If the situation proves to work, then City staff would look at budgeting for the next year. Chief Towe stated that adding this position would eliminate a known 180 hours of overtime per month. Mr. Lambers asked the Commissioners if they would prefer this item be placed on the City Commission agenda or if the consensus of the Commission would suffice? Mayor Jackson, Commissioners Keim and Matthews voted that consensus would be appropriate. Commissioner Cummiskey felt that the Commission should approve it. Therefore, the majority was in favor of consensus.

8. Sick Leave for City Employees. Mr. Lambers suggested that City employees be allowed to use up to three days of their sick leave to care for sick relatives residing in their household. Mr. Lambers will be copying the Commission with a draft resolution to amend the personnel rules to make this addition.

9. Cemetery Plots. At the present time the current policy for burial does not state how many remains can be buried in one plot. Mr. Lambers stated that a proposal has been drafted to address this issue. Andy Haney, Director of Public Works, stated that the new policy will state that once there has been a conventional burial in an allocated burial space, another burial in the same space will not be allowed. If there has not been a burial, there can be a burial of two cremated remains in one space.

Other Business:

Andy Haney reported that ORC is moving their offices to the new Woodward Center today. The appreciation banquet will be held on Friday night at the Woodward Center and the official ribbon cutting and open house will be Sunday afternoon at 2:00 p.m.

Commissioner Cummiskey reported that April 9th is the Mayor's Youth Conference at the Woodward Center. All the Commissioners were invited to come and take part. Fliers have been distributed and reservations are starting to come in.

Mayor Jackson reported on his trip to Washington, D.C. for the National League of Cities conference. He also handed out pamphlets of workshops that he attended on housing and community development.

Meeting adjourned at 4:20 p.m.

City Hall - Ottawa, Kansas - March 25, 1994

The City Governing Body met in Special Session at 8:30 am this date. The following members being present and participating to wit: Mayor Richard Jackson, Commissioners Tony Keim, and Joan Tyson, absent Commissioners Vicki Cummiskey and Matt Matthews. A quorum was present.

Mayor Jackson called the meeting to order and stated the purpose of the Special Meeting was to approve a Cereal Malt Beverage License for Ottawa Foods Inc. dba Apple Market.

Thereupon, there was presented an application for a retail cereal malt beverage license. Commissioner Keim made a motion which was seconded by Commissioner Tyson to approve the application and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared motion duly approved.

There being no other business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adjourn the meeting. The motion was considered and upon being called for the question, all present voted aye. 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.

Navalea Magath, Deputy

Scott D. Bird, City Clerk

**STUDY SESSION
MINUTES
APRIL 4, 1994**

Present: Mayor Jackson, Commissioner Cumiskey, Keim, and Matthews; City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Nevalea Magrath for Scott Bird, Judy Hasty, Jim Shaw, Richard Towe, Jeff Herrman. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent:

City Manager Lambers opened the meeting by reviewing the agenda for the April 6, 1994 City Commission Agenda. The following are currently on the agenda:

1. Proclamations (Youth Day and Hospital Auxiliary)
2. Request from Chamber Retail Committee (Street Festival)
3. Public Hearings for CDBG (Housing and Economic Development)
4. Ordinance for Ottawa Retirement Village (Refinancing of Existing Bonds) - Gary Anderson representing Gilmore & Bell and Dottie Riley representing Logan, Riley and Kaup were in attendance. Both representative offered to answer any questions that the City Commissioners might have. Questions were not brought forth, therefore this Ordinance will be voted on at the April 6th City Commission meeting.
5. CDBG Resolution
6. Havens Steel Ordinance and Resolution (Tax Abatement)
7. CDBG Amendment on Payment Structure and Billing Structure and also an Amendment for Payment of Architect Services. (Resolutions)
8. Wilson & Company Engineering Service
9. Pin Oak Scope of Services
10. Formalization of Contract with Unemployment Insurance Services.

The items on the Work Study Session agenda are:

1. Request from Ottawa Swim Club to hold a Duathlon. It was the consensus of the Commission to approve this request
2. Request from Ottawa Soccer Club to use City property in the Industrial Park for Soccer purposes. The club does have insurance. Commissioner Tyson had a question about the Sunflower Soccer Association Insurance Policy and why the City was listed on this policy. City Manager Lambers stated that he wanted the City to be specifically named by the participants in the League and to sign off on a waiver that would acknowledge the City would not be held liable. The club will also maintain the field and keep it in a condition that would be acceptable to the City.

3. Procurement Procedures for Federally Funded Projects. The is required to have this procedure in place as a result of our CDBG monitoring. The City Manager recommended to the Commission that this item be placed on the City Commission agenda for April 6th and that the policies be adopted with the recognition that the City could make amendments to them. City staff has discussed that items over \$500 would need City Manager approval. In emergency situations, City staff has authority to proceed. The City Manager asked the Commission if they felt this was reasonable amount for authorization and how much latitude should be given to the department heads without management approval. Commissioner Cummiskey stated that she felt \$1,000 would be a realistic amount if they were items that were already approved in the budget. Mayor Jackson said if they were already approved in the budget then the City Manager would not need to approve it again. The City Manager suggested that the purchase amount be kept at \$500 and he could always bring it before the Commission at a later date to amend this amount. Commissioner Cummiskey suggested that this Procurement Policy should state that the Governing Body approves the best bid and what the definition of the Governing Body is and what the dollar amount should be (Page 6, Item #4). Commissioner Tyson said that she also had this item marked. The City Manager stated maybe the Commission would like to set a cap on spending and what the maximum amount would be. The City Manager reiterated that this current document is needed to satisfy CDBG requirements. Commissioner Cummiskey also asked about minority goals (page 15) and if these items were imposed on the City by the grant on different projects? Mayor Jackson responded that this was part of the Affirmative Action Executive Order. The City Manager requested that a motion be made to add this procedure to the April 6th City Commission agenda to meet the CDBG requirements then City staff can go back and streamline this procedure for City funds. Commissioner Cummiskey stated that she and possibly Commissioner Tyson still had questions on what items would come before the Commission for approval. The City Manager stated anything over \$10,000 could be brought back to the Commission for their approval. All Commissioners were in agreement to put this item on the April 6th agenda.

4. Property Tax Abatement Request for Laich Industries. Staff is requesting authorization for the Administrative Review Committee to meet and review the application. This application would then be brought back to the Commission for approval.

Items on the proposed Study Session Agenda for April 11, 1994 are:

1. Interviews with Bond Attorney Candidates. Each interview should take approximately one-half hour.
2. Revision of the Employment Policies which were previously discussed.
3. Cemetery Lot Proposed Ordinance.
4. Request for Parking on City Streets. The City Manager stated that he would like to suggest a more uniform policy regarding the procedures on no parking on one side of the street.
5. Commissioner Cummiskey commented that receiving the draft copies of the Memorandum for future Study Sessions was helpful.

Items on the proposed Study Session Agenda for April 18, 1994 are:

1. Memo on Development Policies for the City.
2. Collector Street Draft for the Capital Improvement Program.

Other Business:

The City Manager mentioned that he has copied the Commission with the letter submitted by Mr. Gomez who has requested to use the park for the Bike-a-thon on April 30, 1994 as well as May 7, 1994 for an alternate date. Mayor Jackson's concern was that Mr. Gomez provide insurance for this event. The City Manager will contact Mr. Gomez and ask for a more detailed description of the event and bring his answers to the next study session.

Beech Street. An agreement has been reached with the property owners on Beech Street. The agreement will call for the property owners to grant a temporary right-of-way. Once the right-of-way is secured on the western property owners if development should occur, the City would agree to abandon the temporary right-of-way. Commissioner Keim questioned if this agreement would permit the 30' street width required to allow emergency vehicles around? The City Manager stated that 10th and 11th Streets would probably be designed for some type of turn around area. Commissioner Tyson responded that she was glad to see that a successful agreement could be worked out. Commissioner Tyson moved to place this item on the April 6, 1994 City Commission agenda. Commissioners Tyson, Keim and Matthews voted in favor of placing this item on the agenda. Commissioner Cumiskey had a reluctant no vote and Mayor Jackson voted no.

Boards and Commission Appointees - Conduct. A draft ordinance was distributed to the Commission identifying the issue of attendance for appointees to Boards and Commissions. Commissioner Keim made a motion to place this on the April 6 City Commission agenda. All members of the Commission were in favor of placing this on the agenda.

Budget Calendar for CIP. The City Manager stated that it is anticipated that the Planning Commission will have their hearing to make their recommendations at the May 11, 1994 meeting and to then forward their recommendations to the City Commission for their approval on June 1, 1994. A draft City budget will be distributed on June 10, 1994. Individual departments will be discussed at the study sessions in June. On July 18 and July 25, all the budgets will be brought back to the Commission for review. Final discussion of the budget will take place at the August 1, 1994 Study Session. The budget will be published and a public hearing will be held on August 15, 1994 and on August 25, 1994 the budget will be filed with the County Clerk.

Andy Haney, Director of Public Works, commented on the Wilson Street Project. He stated that bids were opened on March 24, 1994. Three bids were accepted by the following companies: Meadows Construction, LRM and Killough Construction. Killough Construction was the low bidder by approximately \$175,000 for construction. The total cost of the job will be approximately \$950,000. City Manager Lamber's indicated that the City has rounded this amount to \$1,000,000 for budget planning purposes for the CIP. While this project is in progress, the K-68 Water Improvement Project starting in the summer which will continue until May, 1995.

Commissioner Tyson questioned the City Manager about the correspondence regarding the Wastewater Treatment Plant. City Manager Lamber's commented that the City does not have the ability to comply with the requirements that have been identified. The designation of the river is one aspect that the City was not aware of. If the letter is correct and the City is looking at significant improvements to reduce the ammonia discharge and the improvement project was discussed as part of last years budget, then the Commission could expect to see \$1,000,000 in the CIP to comply with these requirements. Commissioner Cumiskey stated that she had been reappointed to the Water and Environmental Policy Committee and could check the date the public hearings are scheduled for. There will be another memo submitted to the Commission from Jim Bradley in response to this letter.

Mayor Jackson asked the Commissioners if they all received the letter from the League on writing a letter to the Congressional Representatives for Aide to Cities. Mayor Jackson also asked the Commissioners if anyone planned on attending the meeting in Topeka on April 27. City Manager Lamber's stated he had planned to attend to represent the City.

Mayor Jackson stated that the Youth Bill is in Conference Committee. He would like to anticipate receiving \$100,000 - \$200,000 in grant money. City Manager Lamber's stated regardless of what happened in the Legislature with the passage of this bill, the City does have money budgeted for a small program. This bill would allow students to be hired by private businesses other than just the City. The City Manager stated that he felt the City should make an effort to solicit businesses especially in the downtown area. If the grant does go forward, then the City would be ahead of the program. It was the consensus of the Commission to proceed with solicitation.

Mayor Jackson commented that he would be appointing Scott Lambers to the United Way Board to replace Dave Warren as City representative.

Commissioner Cumiskey distributed fliers and mentioned that reservations for the Youth Summit will be accepted through Wednesday evening. As of last week 60 to 70 students had registered. She also thanked the press for all the news coverage. The total cost of the conference will cost approximately \$700. This amount does not include all the kind services provided from various business and all the of the items that had been donated.

c:\citycomm\stdysess.min

City Hall - Ottawa, Kansas - April 6, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Keim.

Approval of Minutes

Thereupon, the minutes of the Regular Meeting of March 16, 1994, and the Special Call Meeting of March 25, 1994 were approved as written.

Presentations and Recognitions

Thereupon, there was presented a Proclamation declaring April 9, 1994, as Youth Day.

Thereupon, the Mayor read the proclamation and encouraged Ottawa citizens to participate in the educational activities and commit themselves to youth helping youth.

Thereupon, there was presented a Proclamation declaring April 23, 1994, as Hospital Auxiliary Day.

Thereupon, the Mayor read the proclamation recognizing the Hospital Auxiliary for its many functions and congratulated them on their 60th Anniversary this month.

Communications

Thereupon, there was presented a request from the Ottawa Retail Committee to hold the Annual Street Festival on July 30, 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the request. The request was considered and upon being put to the question all present voted aye.

Public Hearing

Thereupon, the Mayor opened a public hearing for the purpose of considering an application to the Kansas Dept. of Commerce and Housing for Small Cities Community Development Block Grant funds, which are for the primary benefit of low and moderate income persons.

Thereupon, Wynndee Lee Program Manager, for the City of Ottawa read for the record the following letters and memo.

AL KREITLER CUSTOM ROLLERS, INC.
when you want the very best

March 12, 1994

Dear Scott;

I read with interest the news item in the March 11th issue of the Herald about the City of Ottawa seeking input on the CDBG program. I would like to toss my company's hat into the ring. However, I feel much information should be communicated to you in order that a meaningful decision can be made. With this in mind, let me begin. I started this company (manufacturing bicycle training equipment) in the late sixties with a \$500,00 co-signed note. I repaid the note and asked to renew it but was refused. Fortunately the original co-signer, a former employer, again co-signed for me. My loan applications had been turned down by no fewer than three banks, so you can see how lucky I felt at finding a co-signer.

At the time, I was employed in the maintenance department of a large box making company in Kansas City, Mo. Also at that time I was riding a bicycle daily to and from work. In order to get a longer ride home (I lived in Missouri), I went the opposite direction from work to a bank in K.C. Kansas to open an account with my paychecks. After a time I was successful in obtaining a *signature* loan. I couldn't believe it! After all the turn downs because I had no acceptable collateral, now I get money on my signature! I did not use this money in the business, but instead put it aside and made the payments religiously a few days early each month in order to establish credit. I was able to grow the size of loans to \$12,000.00+ at this bank. I needed a larger amount which they did not feel was in their area of interest, so they recommended I try for an SBA loan at a larger bank in Missouri, where I was successful. I have since retired three loans and three line of credit notes, as well as a line of credit loan at The Kansas State Bank here in Ottawa.

I feel the main reason I've been able to stay on top of my expenses is because I try to set the payments so that they fit the cash flow time of the company which is generally September through December or possibly as late as February, given more bad weather so cyclists can't ride outside. For example, I am paying the Kansas State Bank, which holds the mortgage on this building, on a payment plan I call my 1-2-3-3-2-1 pay plan. Very simply it amounts to dividing the total bill for the year by twelve, then making one payment on the 15th of October, two payments on the 15th of November, three payments on the 15th of December, three payments on the 15th of January, two payments the on 15th of February, and the final payment of the year on the 15th of March. My cash flow matches this pay schedule, and I have essentially fulfilled my annual obligations except for utilities, payroll, taxes, etc. This exactly fits the summer lack of cash flow. I use this plan for my insurance premiums, all advertising bills nation wide, a machinery note at The Kansas Bank, my accounting bill, and most of the material buys I make for the product. At first many entities were reluctant to accept this plan, that is until I documented the success of other financial obligations successfully retired using this plan over a few years running, in fact I cannot recall a single payment to any creditor having been late under this plan.

I guess all of this is to try to point up one all important fact. This company has had to

endure these many years (almost a quarter century) underfunded! There are many facets of design change or improvement which would make this product line much easier to market and as a consequence would expand its market and marketing potential. This potential could be even further expanded if new products could be offered, but which have not, simply because I do not have the time, and in some cases the expertise to accomplish the required end. I am however very proud to say that this product line is accepted as NUMBER ONE! The United States Team uses it in contests all over the world. We are the Cadillac of the industry, but we now need to develop more cost efficient methods of production while maintaining our high level of quality, and we also need to develop products which would sell on the other side of our season to get the valleys and peaks of cash flow closer together. The reputation is in place, there would be little if any resistance at the marketplace to new products, if we could offer them.

Another of my goals is to be able to pay an employee a wage which would allow a comfortable lifestyle. I feel this end can be accomplished if the above mentioned areas are properly addressed. I personally have not taken a wage at any time since the company was started, which could be construed as excessive. In fact I seriously doubt you could find many, if any, who would accept the responsibilities I carry for the wages I take. I could go on and on, but I kind of feel like I'm kicking a dead horse at this point, so I'll stop. I hope I've been able to give you a little insight. I welcome any questions you might have, and I'll be happy to answer them.

Sincerely,
Al Kreitler

DATE: March 21, 1994
TO: Scott Lambers, City Manager
FROM: Wynndee Lee, Program Manager
SUBJECT: Kreitler Custom Rollers Letter

I phoned Mr. Kreitler in order to determine what the purpose of his letter to the city was regarding the CDBG public hearing. He indicated that he thought he had informed us of his past and wishes for his business.

I explained that the CDBG Economic Development (Business Financing) grants are required to create or retain low to moderate income person positions. One of the things he indicated he needed was some skilled labor, i.e. a designer. I also explained that there are three rounds of applications, but that the business was responsible to design the business plan and create the project application with the exception of the pages referring to city information. He explained that he had the potential to develop into Japan, but would need funding at the beginning for the materials, etc. I encouraged him to investigate other resources that the Kansas Dept. of Commerce and Housing may have to enable him to meet his goals. I also gave him the number of Neosho Basin Economic Development, a non-profit corporation in Emporia that has helped several local businesses. It is possible that

he may develop an economic development application later this year or maybe even next year.

Please call me if you have any questions.

TAYLOR SURVEYING CORPORATION, P.A.

March 31, 1994

It has been brought to our attention that the City of Ottawa was investigating the possibility of obtaining grant money for the renovation of apartments in the downtown area. I would like to express my support for this undertaking. I think that there are many apartments upstairs in the downtown area. If this were undertaken it might help to revitalize the downtown area and could also help in reducing the shortage of apartments in the Ottawa area. We have two apartments above the building that we own at 308 S. Main Street and would be interested in renovating them if grant money were available.

Sincerely,

John E. Taylor,
President, Taylor Surveying Corporation, P.A.

There being no further comments the Mayor closed the public hearing.

Public Hearing - CDBG Grant - Economic Development

Thereupon, the Mayor opened a public hearing for the purpose of considering an application to be submitted to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant funds under the Economic Development category.

Thereupon, the Mayor explained that this application was specifically for an Alzheimers Unit and Personal Care Unit at Village West, and would create approximately 30 jobs. The overall project cost is approximately \$3,000,000.00 and the grant application will be for \$312,739.00.

There being no other comments, the Mayor closed the public hearing.

New Business

Bill No. 94-18 - Ottawa Retirement Village - Industrial Revenue Bonds

Thereupon, there was presented an ordinance authorizing the City of Ottawa, Kansas to issue it's Internal Revenue Refunding Bonds, Series 1994 (Ottawa Retirement Village, Inc.) in the aggregate principal amount of \$1,495,000 for the purposes of refunding and redeeming the City's Industrial Revenue Refunding Bonds, Series 1990 (Ottawa Retirement Village, Inc. Project) outstanding in the principal amount of \$1,495,000; authorizing

execution of a trust indenture by and between the City and the Southwest National Bank of Wichita, in the City of Wichita, Kansas, as trustee; authorizing the City to lease said project to Ottawa Retirement Village, Inc., and authorizing execution of a lease between said City and Ottawa Retirement Village, Inc.; approving the form of a guaranty agreement by and between John E. Howe and Candace L. Howe, and the Southwest National Bank of Wichita; and authorizing the execution of the bond purchase agreement for the bonds by and among the City, Ottawa Retirement Village, Inc. and Cooper Malone McClain, Inc., as purchaser of the bonds.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance #3098-94.

Bill No. 94-19 - Kansas Small Cities Community Development Block Grant Funds
- Economic Development Application

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for an Economic Development Application.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 793-94.

Bill No. 94-20 - Havens Steel - Ad Valorem Tax Exemption - Havens Steel

Thereupon, there was presented an ordinance exempting certain property from Advalorem taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to adopt the ordinance. During consideration the Mayor explained that this ordinance was for a 16,600 square foot addition to the facility belonging to the Havens Steel Company, and that Havens Steel had been a good corporate citizen in regards to earlier tax exemption applications. Upon being put to the question, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3099-94.

Bill No. 94-21 - Agreement with Havens Steel

Thereupon, there was presented a resolution authorizing an agreement with Haven's Steel Company, and the City of Ottawa, Kansas; granting a tax exemption pursuant to Article 11, Section 13 of the Constitution of the State of Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 794-94.

Bill No. 94-22 - Authorizing Payment of Certain Invoices - CDBG

Thereupon, there was presented a resolution authorizing payment of certain invoices related to the CDBG Community Improvement Project.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cumiskey to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Bill No. 94-23 - Community Improvement Project

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute an addendum pertaining to an agreement for services for a Community Improvement Project under the Kansas Small Cities Community Development Block Grant program.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered No. 794-94.

Agreement with Wilson & Company

Thereupon, there was presented an agreement with Wilson & Company to provide professional engineering services for the City of Ottawa. This agreement will establish a contractual relationship with the City and Wilson & Company for general engineering services and minor special projects at a retainer cost of \$300.00 per month.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cumiskey to approve the agreement. The agreement was considered and upon being put to the question, all present voted aye.

Scope of Services Proposal for Pin Oaks Estates

Thereupon, there was presented a Scope of Services proposal for Pin Oak Estates. This agreement between the City of Ottawa and Wilson and Company provide appropriate inspection and plan check services for the Pin Oak Estates subdivision project.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the agreement. The agreement was considered and upon being put to the question all present voted aye.

Agreement between the City of Ottawa and Unemployment Insurance Services

Thereupon, there was presented an agreement between the City of Ottawa and Unemployment Insurance Services. The Mayor explained that this agreement will formally establish a contractual relationship between the City of Ottawa and Unemployment Insurance Services for administration of unemployment insurance, and that this agreement is consistent with past services and is simply intended to formalize the relationship between the two parties.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to approve the agreement. The motion was considered and upon being put to the question all present voted aye.

Agreement between the City of Ottawa and Gary E & Catharine A. McClay

Thereupon, there was presented an agreement between the City of Ottawa and Gary E. and Catharine A. McClay.

Thereupon, City Manager Scott Lambers requested that this item be pulled from the agenda and that Staff be requested to resubmit it at a later date, citing that there were details yet to be accomplished in this project.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to remove the aforementioned agreement from the agenda. The motion was considered and upon being put to the question, all present voted aye.

City Appointed Boards & Commissioners - Attendance of Meetings

Thereupon, there was presented an ordinance authorizing and providing for minimum requirements for attendance of meetings for all members of City appointed boards and commissions. Thereupon, Commissioner Keim made a motion to adopt the ordinance. There being no second the Mayor declared that the motion had died for lack of a second.

Procurement Procedure - Federally Funded Projects

Thereupon, Commissioner Cummiskey made a motion that the procedures be adopted with the following amendment: Page 6, Section C, Item 4, be amended to state that City personnel shall approve the best bid for items under \$10,000 and that bids over \$10,000

would be submitted to the Commission for approval.

Thereupon, Commissioner Tyson seconded the motion. During discussion Commissioner Cummiskey asked to withdraw her motion. The request was granted.

Thereupon, Commissioner Cummiskey made a motion that the Procurement Procedures for federally funded projects be adopted with the following amendment, that Page 6, Section C, Item 4, read as follows: City Personnel shall recommend the best bid to the Commission for its approval. The motion was seconded by Commissioner Tyson. The motion was considered and upon being put to the question, passed by the following vote, Commissioner Matthews aye, Commissioner Tyson aye, Commissioner Cummiskey aye, Commissioner Keim aye, Mayor Jackson nay.

Thereupon, the Mayor declared that the Procurement Procedures for Federally Funded Projects had been adopted as amended.

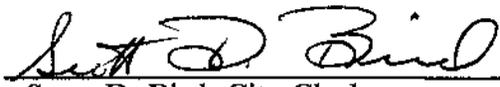
Governing Body Agenda

Thereupon, Commissioner Cummiskey noted that the City Manager and Staff were assembling a list of vacancies which would soon be occurring on various boards and commissions and noted that those openings would be published, Commissioner Cummiskey encouraged interested citizens to apply.

Thereupon, Mayor Jackson announced that he would be appointing City Manager Scott Lambers, to the United Way Board to take the place of the previous City Manager, and that Commissioner Keim would be resigning at the next regular meeting and that it was his hope that a new selection would be made, to fill that position at that time.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adjourn the meeting. The motion was considered and upon being put to the question all present voted aye. 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.



Scott D. Bird, City Clerk

STUDY SESSION
MINUTES
APRIL 18, 1994

Present: Mayor Jackson, Commissioner Cumiskey, Tyson and Matthews; City Manager Scott Lambers; City Staff: Andy Haney, Scott Bird, Judy Hasty, Jim Shaw, Richard Towe, Jeff Herrman, and Nancy Thacker for Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer. Guests: Gene Ramsey

Absent: Barb Nelson

City Manager opened the meeting by reviewing the agenda for the April 20, 1994 City Commission Agenda.

1. Wilson Street Improvement Project.
2. Proposed Land Lease. An interpretation from the City Attorney's office states that the airport is in the City of Ottawa's jurisdiction, therefore the rules and regulations that the City abides by are enforceable. It was the City Manager's recommendation that the legal language obtained from the City Attorney be incorporated into the final document and reviewed by Mr. LeMaster. The lease will then be returned to the City Commission on May 4 for final approval. This item will be removed from the April 20th City Commission Agenda.
3. Architectural Services for CDBG Housing.
4. Temporary Notes for Capital Improvement Projects.
 - 4.1 Wilson Street Improvements
 - 4.2 Pin Oak Sub-division
5. Cemetery Charges.
6. Cemetery Lots.
7. Appointment to KMEA Board of Directors. Jack Davis has submitted a letter of resignation from the KMEA Board. Jim Bradley will need to be appointed by the Governing Body.

A reception will be held immediately following the City Commission meeting on April 20.

The City Manager did a follow-up on the request from Mr. Gomez to use Forest Park for a Bike-a-thon. Mr. Gomez has provided the City with a Certificate of Insurance. It is anticipated that there will be 25 to 30 participants in the Bike-a-thon.

Development Standards. The City Manager gave an explanation to the Commissioners regarding the turmoil in Johnson County involving the Homebuilders Association. There has been some indication that this matter could be likened to Ottawa, particularly with the 17th Street issues with the City-at-large funding. This matter does not deal with collector streets, it involves major thoroughfares. The City Manager does not see this issue pertaining to any of the projects that the City of Ottawa is planning at this point. Mr. Lambers suggested that the City of Ottawa establish a policy to protect the City from developers coming in to the City and state that the City is overcharging them. Mr. Lambers and the Commissioners proceeded to discuss the development standards document. The following sections were discussed as part of the policy standards:

Section 1. Extension of utility services to land owners directly outside of the City.

Section 2. City-at-large finance the construction of all public potable water supply and treatment facilities and storage reservoirs.

Section 3. The City may participate in the plans and improvements particularly in any project where oversize may occur.

Section 4. The City would reserve the right to limit or refuse requests for water or sanitary sewer services or to request extensions.

Section 5. A written agreement between the City of Ottawa and the developer will be required to avoid misunderstandings and the City will require plan specifications that will be approved by the City and the Kansas Department of Health and Environment.

Section 6. The City would require that the sewer and water lines be located on opposite sides of the street. There would not be any utility easements in back yards to make it easier for City crews to make necessary repairs on utility lines. All future electric supply lines will be located underground. Street lights will be City standard which is basically aluminum and will be 300' apart.

Section 7. Refers to a document that would be considered as City construction standards. Wilson & Company will be developing these standards with assistance from City staff. This will be approved by the Governing Body.

Section 10. After improvements have been made, developers would be guaranteed full access rights to the improvements.

Section 16. The City does offer to finance Benefit Districts and Special Assessments, this is not a City obligation or a guarantee that these special items will be funded.

As part of the development process, the City will be very careful to identify the storm drainage easements and be sure that the property owners are fully aware of the implications. Open ditches will become filled with weeds and debris to a point that it will not function. City crews will maintain these ditches, if necessary. Even though there is an easement, this is not City property and the property owner will be responsible for this section of land. Fences and other obstructions can not go across these easements.

Street Improvements. Construction standards will all be asphalt curb/gutter projects. Developers will be responsible for putting in street lighting, street signs and sidewalks. Sidewalks will be installed on one side of a residential street, on both sides of a collector and/or arterial streets. The Developer will also be responsible for plan check and inspection services. The City has been working with Wilson & Company for these services.

Any amendments to this document, will require approval by the Governing Body.

Commissioner Cummiskey commented that she appreciated having these standards in writing to assist developers.

The Developers would be required to purchase the Construction Standards for \$20 - \$25 and would sign a document acknowledging receipt of the Construction Standards and acknowledging that they would abide by them.

Black and Veatch Study. The City Manager stated that this study was very valuable in providing the City with information on the next step for development. Consultants will be at a Study Session in May to make a presentation on the Southside Land Use Study to identify what the study will provide.

From this study the Commissioners will come forward with 1) Basic Land Use Plans; 2) Traffic Plans and 3) Storm Drainage Plans. The Collector Street Program will not provide residential development. It will provide the streets that will stimulate residential development.

Capital Improvements Program. To incorporate the Collector Street Program that was submitted to the City Commission into the current CIP planning draft document, the City Manager requested that CS-94-01 and CS-94-02 be incorporated. The 1995 and 1996 projects would not be added at this time. By adding the two 94 projects, the Commission would be committing City financing to construct 2 miles of unspecified collector streets, fully improved at the cost of \$4.2 million.

The first draft of the Southside Study should be available towards the end of August.

The City Manager and members of City staff will be meeting with the Planning Commission tomorrow to go over what they would like to see in the plan. After taking their comments into consideration, a financing plan will be taken back to the Planning Commission that will project what the mill levy will be. The City Manager would like to have this project completed within the next 45 days.

The City Manager asked the Commission for a consensus to incorporate the first two Collector Street Projects for financial planning purposes. It will be at least three weeks before the City Manager could get the figures back to the City Commission regarding the mill levy. It is a possibility that a special meeting will need to be called specifically geared toward the Capital Improvements Program. All Commissioners gave the City Manager their approval to continue with the process.

Temporary Notes. The City Manager commented he is trying to get a subdivision underway that he will recommend that the City Commission front the money and recoup the costs from Impact Fee Collection.

Other Business:

Commissioner Cumiskey asked the City Manager if there had been any new information regarding the Public Hearing for the Wastewater Treatment Plant. The City Manager indicated that he had not received a response to his letter of last week.

Commissioner Tyson questioned what involvement the City had with the Canterbury Court issue. The City Manager commented that the Commission did not need to do anything with the related document, he copied them so they would have the information.

Commissioner Tyson commented that she will be absent for two study sessions.

Mayor Jackson reported on his meeting with the visiting Mayor's from Argentina. There were various cities from Kansas represented. Mayor Jackson gave the honored guests a packet about Ottawa and one of our lapel pins.

Mayor Jackson also reported that there is a workshop scheduled April 25 - April 26, "Reinventing Government - Building Bridges" in Topeka. Mayor Jackson will be speaking one of the two days.

Meeting adjourned at 4:55

City Hall - Ottawa, Kansas - April 20, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by, Parsram Venkatsammy, of the Ottawa Church of the Brethren.

Thereupon, the Commission entertained remarks by Commissioner Keim. Commissioner Keim stated that it has been an honor to work with the City Commission and Staff and cited successes such as the commitment from the Commission, Housing and the completion of the Don Woodward Center, as specific projects which he was proud to have been a part of. He expressed his appreciation to present and past Commissioners and specifically thanked Charles Gillette for his guidance throughout his tenure on the Commission.

Thereupon, Commissioner Keim submitted his resignation.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to accept the resignation of Commissioner Keim. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Jackson presented Commissioner Keim with a plaque as an expression of appreciation from the City.

Appointment and Oath of Office for Incoming Commissioner

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Matthews to appoint Mr. Gene Ramsey to the Commission. The motion was considered and upon being put to the question, passed by a unanimous vote.

Thereupon, Mr. Ramsey was asked to step forward whereby, the Oath of Office was administered by the City Clerk.

Thereupon, Commissioner Ramsey took his place on the Commission.

Thereupon, the Commission entertained remarks by outgoing Mayor Richard Jackson.

Mayor Jackson stated, that it had been an honor to serve the community in the capacity of Mayor and cited accomplishments such as the Don Woodward Center, Town Hall Meetings, the Summer Youth Program and the Mayor's Youth Summit as goals which had been met during his tenure as Mayor.

Mayor Jackson cited the hiring of City Manager Scott Lambers, as an activity which he had not anticipated when assuming the position, but felt that Mr. Lambers was an excellent choice with an excellent background, who would be able to lead Ottawa to the year 2000 and beyond. Mayor Jackson asked the Commission to continue to work as one with the incoming Mayor and to "support her as you have me". Mayor Jackson thanked the fellow Commissioners and the community for allowing him to serve.

Reorganization of City Commission

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to appoint Vicki Cummiskey to the position of Mayor of the City of Ottawa for the next year. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Jackson declared that the motion had carried and congratulated incoming Mayor Cummiskey.

Thereupon, Mayor Cummiskey stated that the next order of business was the election of a Mayor Pro tem. Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson, to appoint Commissioner Matthews as Mayor Pro tem in the City of Ottawa for the next year. The motion was considered and upon being put to the question all present voted aye.

Thereupon, Mayor Cummiskey congratulated Commissioner Matthews.

Thereupon, Mayor Cummiskey congratulated Mayor Jackson for his service and presented him with a token of the City's appreciation, a plaque and gavel.

Thereupon, the Commission entertained remarks from incoming Mayor Cummiskey.

Mayor Cummiskey expressed her appreciation to her husband, family and friends, stating she felt blessed by knowing them all. The Mayor stated that she believed that she was fortunate to be serving as Mayor with a Commission and City Manager who shares a vision for Ottawa. Mayor Cummiskey stated, she felt City Manager Scott Lambers was the right guy for the future and would be instrumental in leading the City in the direction that the Commission had directed through their priorities; that is, annexation, south side land use, downtown development, a tourism director and tax incentive development.

The Mayor stated, that she hoped to strengthen the relationship with the Chamber of Commerce and link pertinent elements of the Strategic Plan with the Chamber's vision for Ottawa. She further

stated, that the Commission was currently in the budget process and that budget process should be future focused. She cited that there would be an additional Budget Hearing and that community input was encouraged.

Mayor Cummiskey said that it was her aim to provide more information to the community through the local medias and by continuing the informal public hearings, and that the Youth Summit Program would continue in its work for the up coming year. She further encouraged the Governing Body and the School District to work on a Youth in Government Program.

Mayor Cummiskey announced, that she would be making appointments to the various boards and commissions in the near future and encouraged citizens to apply for those positions. Mayor Cummiskey challenged all citizens to become involved in civic activities whether that be a City board or commission, or a community activity.

Mayor Cummiskey closed her remarks with a quote from Margaret Mead and thanked the Commission and the Chamber Audience.

Approval of Minutes

Thereupon, the minutes of the regular meeting of April 6, 1994, were approved as written.

New Business

Bill No 94-24 - Wilson Street Improvement Project

Thereupon, there was presented a resolution committing funds for the Wilson Street Improvement Project.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 797-94.

Agreement with Devore and Associates Architects

Thereupon, there was presented an agreement with Devore and Associates Architects, for Architectural Services for CDBG Housing Rehabilitation Projects.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the agreement. The motion was

considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the agreement duly approved.

Authorizing the Public Sale of General Obligation Temporary Notes

Thereupon, there was presented Bill No. 94-25, a resolution authorizing the Public Sale of General Obligation Temporary notes in an aggregate principal amount of approximately \$650,000 of the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No.798-94.

Bill No. 94-26 - Use of Lots; Interments Restricted

Thereupon, there was presented Bill No. 94-26, and Ordinance repealing Section 7-110, "Use of Lots; Interments Restricted" of the Municipal Code of the City of Ottawa, Kansas, 1982, and providing for substitution of a revised Section 7-110 which regulates the number of burials authorized within a defined burial space.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3100-94.

Bill No. 94-27 - Establishing Rates for City Owned Cemeteries

Thereupon, there was presented Bill No. 94-27, a resolution establishing rates for City owned cemeteries as authorized by Sections 7-113 and 7-119 of the Municipal Code of the City of Ottawa, Kansas, 1982 and rescinding Resolution No. 366 of the City of Ottawa, Kansas.

Thereupon, City Manager Scott Lambers, requested that the Commission adopt this resolution with an amendment in Section 6, which would read as follows: That this resolution shall be in full force and effect on September 1, 1994. Mr. Lambers explained that

this amendment would allow for those citizens who might be currently in the process of purchasing cemetery lots an opportunity to do so without being caught with an untimely rate increase.

Thereupon, Commissioner Ramsey made a motion to adopt the resolution with an amendment that reads as follows: Section 6, that this resolution shall be in full force and effect on September 1, 1994. The motion was seconded by Commissioner Matthews and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was numbered Resolution No. 799-94.

Appointment to KMEA

Thereupon, the Mayor informed the Commission that the City had received a letter from Jack Davis stating his intent to officially resign from the KMEA Board of Directors effective May 18, 1994. The Mayor explained that as a result of this resignation, City staff had recommended the appointment of Jim Bradley, Director of Utilities of the City of Ottawa, Kansas, to fill the unexpired term of Jack E. Davis, effective May 18, 1994.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to appoint Jim Bradley, Director of Utilities of the City of Ottawa, Kansas, to fill the unexpired term of Jack E. Davis to the Kansas Municipal Energy Agency Board. The motion was considered and upon being put to the question, all present voted aye.

Monthly Financial and Activities Report

Thereupon, there was presented the monthly financial and activities reports for the month of March 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to accept the reports. The motion was considered and upon being put to the question, all present voted aye.

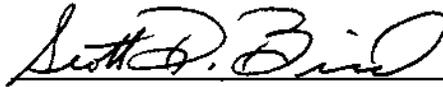
Governing Body Agenda

Thereupon, the Mayor announced that there would be a reception following the meeting and that the next regular scheduled meeting would be May 4, 1994 at 7 PM.

Adjournment

There being no further business to come before the City Commission,

Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn the meeting. Upon being put to the question, all present voted aye. 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.



Scott D. Bird, City Clerk

STUDY SESSION
MINUTES
MAY 2, 1994

Present: Mayor Cummiskey, Commissioner Matthews, Jackson, Ramsey and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Scott Bird, Jim Shaw, Richard Towe, Jeff Herrman, and Nancy Thacker for Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Barb Nelson

Mayor Cummiskey opened the meeting by reviewing the agenda for the May 4, 1994 City Commission Agenda.

1. Presentation by Vaughn O'Dea and Kyle Underwood for Exercise Center at Kanza Park. Vaughn and Kyle represent Boy Scout Troop 274. To meet the requirements of earning their Eagle Scout Badge, these two Scouts are requesting to build an Isometric Exercise Center at Kanza Park and for the City to maintain the Center after the project is completed. The City would also be responsible for providing the liability insurance just like any other park facility. Funding for this project has been provided by Bank IV. A start date of June 1 has been selected. Commissioner Ramsey made a motion to place this on the May 4, 1994 City Commission agenda. Commissioner Matthews seconded.

2. Wal-Mart Industrial Revenue Bond Request. A motion was made by Commissioner Tyson to place this item on the City Commission agenda for May 4. Commissioner Matthews seconded. The City commented that the follow-up required documents will be on the May 18th City Commission agenda.

3. USD 290 Elementary Schools Traffic Control.

Eugene Field - The school district is requesting that Tremont Street be made a one-way street from North to South. City staff recommends that making the alley on the West side of the school a one-way alley going from the North to the South and Tremont Street would be a one-way street going from the South to North (just the block surrounding the school would be effected) which would alleviate the back-log of vehicles on Seventh Street due to children being dropped off and picked up. The City Manager recommended that approval be contingent upon the property owner's on both the alley and Tremont Street that abutted school property, give their approval and a majority of property owners agree to this change. The only cost to the City would be to place new signs to indicate the change in directions.

Lincoln School - The school district is requesting that a one-way street for the drop-off and pick-up of school children. The City Manager recommended that the City's engineering firm put together a Scope of Services to do a traffic study. The responsibility for paying for this study will be determined at a later date.

The City Commission gave their consent for City staff to proceed as discussed.

4. Rezoning of Lot on Princeton Road. Present zoning is R-S (Residential-Suburban) and should be rezoned to C-2 (Commercial). This is the only property in this area to be rezoned. A motion was made to add this to the May 4th City Commission agenda. All commissioners voted in favor.

5. Auditorium Improvement Project Re-bid. After discussion, Commissioner Tyson made the motion to re-bid this project. The motion was seconded.

6. CDBG Resolutions. A motion was made and seconded to put the resolutions on the May 4th City Commission agenda.

7. Appointment to KMEA Board of Directors. An appointment needs to be made by May 5th to fill Tony Keim's position on the KMEA Board of Director's. Commissioner Jackson nominated Commissioner Ramsey. Commissioner Ramsey stated that he would consider the nomination, but he felt that being a "Rookie", maybe the one of the other Commissioner's would be willing to serve. Commissioner Jackson made a motion to have Commissioner Ramsey serve on the KMEA Board of Directors. Commissioner Tyson seconded the motion. All Commissioners voted in favor of the motion. Mayor Cumiskey will call Chris McKenzie at the League of Kansas Municipalities to see if Commissioner Ramsey could also fill the vacancy created by Tony Keim's resignation on the National Energy Commission.

8. Request from the Chamber of Commerce for Off-Street Parking. Mr. Lou Atherton, Chamber of Commerce CEO, was present at the Study Session and explained that when the Deed was passed to the City for Haley Park, that portion of land which joined the alley was to be retained, it was not accepted in the Deed. When this was discovered, there was an agreement between the City Manager or City Commission at the time of discovery, that the Chamber would have exclusive use of that property and the City would maintain it. The City Manager indicated that it would not be appropriate for public property to be used for private entities. Therefore, the City Manager suggested that upon the City Commissions approval, the Chamber should pay to have the property parceled off and have a new legal description submitted. Commissioner Tyson moved and Commissioner Matthews seconded. All Commissioner's voted in favor of placing this on the agenda for May 4.

9. Realtor Commission for Sale of Property in the City's Industrial Park. The City currently has vacant property for sale in the Industrial Park. The O/FCED has suggested that in order to help the marketing efforts that a 4% or 5% commission rate be established. The City Manager recommends that the rate be set at 4%. The commission amount would be added to the price of the property. Commissioner Jackson made a motion to place this item on the May 4, 1994 City Commission agenda. Commissioner Ramsey seconded. All Commissioner's voted in favor of placing this on the agenda for May 4.

10. A Request from Mr. Bob Dodson to Expand His Facilities at the Ottawa Municipal Airport. The City Manager stated that he felt this issue should be re-visited by the City Commission to work towards a resolution with Mr. Dodson. The City Manager also invited the City Commissioner's to look through a notebook prepared by City staff which addresses the events that have taken place between Mr. Dodson and the City. After the Commissioner's have taken time to review this information, the City Manager would like for the Commission to affirm whether or not the City has a basis for a claim against Mr. Dodson. Secondly, the City Manager suggested that the City Commission decide if the City should resolve the claim against Mr. Dodson and if the outcome of the claim should influence or prevent future negotiations over the lease expansion. Mayor Cummiskey stated that she would like to handle the claim separately from the expansion issue. Mr. Lou Atherton, Ottawa Area Chamber of Commerce, also stated that he would also like to see the City Commission work with Mr. Dodson on the expansion and keep the previous problems a separate issue. Commissioner Ramsey stated he would also hate to see \$3,500 (which is the amount that Mr. Dodson owes the City for past damages to the Ottawa Municipal Airport) damage the opportunity for expansion. Commissioner Matthews also felt that treating this as separate issues would be better for the community.

11. Ottawa Municipal Airport Lease Agreements. There were a couple of changes that had been made to the previous lease agreements. 1) An additional section was added to the Airport Service Agreement having all parties acknowledge that the Fire Department would respond to the Airport in case of fire, but there is a limited water supply available. 2) The lease also states that Mr. LeMaster will be subject to operate under the Fire Code and in accordance with State Laws. The City Manager requested that the lease agreements be placed on the May 4, 1994 City Commission agenda. It was moved and seconded. All Commissioners voted in favor of placing this item on the agenda.

Agenda for May 9, 1994 Work Study Session:

1. Two Interviews with Bond Counsel. Commissioner Ramsey will be out-of-town on May 9th. Interviews will be rescheduled for the May 16th Study Session.

2. Bucher, Willis and Ratliff Representatives will also be asked to reschedule for the May 16th Study Session.

Mayor Cummiskey asked the City Manager what the he had planned for the Work Study Session scheduled for the Memorial Day weekend and the last Monday of May? The City Manager stated he would like to schedule a Study Session on May 23 to cover items on the June 1 City Commission agenda. There will not be a Study Session on May 30.

Commissioner Matthews moved that the Commissioner's meet in Executive Session for 25 minutes to discuss Attorney/Client Privileges. All Commissioner's voted in favor.

Commissioners reconvened to regular study session.

Meeting adjourned at 4:50 p.m.

City Hall - Ottawa, Kansas - May 4, 1984

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Gene Ramsey, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Clyde Greisen of the Community Foursquare Church.

Approval of Minutes

The minutes of the regular meeting of April 20, 1994 were approved as written.

Public Comments

Thereupon, Candy Wasser of 432, South Elm and representing the Site Council of the Eugene Field Grade School, addressed the Commission in regards to the proposed one way streets in front of Eugene Field School and Lincoln School. Ms. Wasser encouraged the Commission to consult with the Site Councils of both buildings who have been working on the proposal. Ms. Wasser further stated that her Site Council was working on a written report and a video which were yet unfinished, but asked that the Commission take time to view both upon their completion.

Next to address the Commission was Mr. Steve Smelser of 2019 Old Highway 50, Mr. Smelser asked the Commission for permission to establish an Ice Cream vender in the City of Ottawa. During discussion it was determined that Mr. Smelser intended to sell ice cream from a van, up and down the streets of Ottawa and City Manager Scott Lambers suggested that Mr. Smelser contact the City Clerk and that more research would be done on this item.

Thereupon, Mayor Cummiskey closed the public comments.

Communications

Request for Off-Street Parking

Thereupon, there was presented a request from the Ottawa Chamber of Commerce, requesting the City deed back to the Chamber the property immediately east of Haley Park for off-street parking purposes for chamber staff.

Thereupon, Commissioner Jackson made a motion that the request be approved, providing the Chamber accept any costs that might be associated with the request. The motion was seconded by

Commissioner Ramsey. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly adopted.

New Business

Exercise Center at Kanza Park

Thereupon, there was presented a proposal from Mr. Vaughn O'Dea and Mr. Kyle Underwood, Life Scouts from Boy Scout Troop #74, to construct an isometric exercise workout center at Kanza Park in order to meet their Eagle Project Community Service requirement.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the request. The request was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the requested proposal duly approved.

Ordinances and Resolutions

Bill No. 94-28 - Industrial Refunding Revenue Bonds

Thereupon, there was presented Bill No. 94-28, a resolution determining the intent of the City of Ottawa, Kansas, to issue its Industrial Refunding Revenue Bonds in an amount not to exceed \$1,585,000 to refund and redeem an outstanding series of revenue bonds issued by the City.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 800-94.

Bill No. 94-29 - Rezoning an Area Within the City of Ottawa

Thereupon, there was presented Bill No 94-29, an ordinance rezoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The ordinance was

considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3101-94.

Bill No. 94-30 - Fair Housing Act Resolution

Thereupon, there was presented Bill No. 94-30, a resolution adopting the Fair Housing Act as amended, [42 U.S.C. 3601 et seq] and incorporating it into the Policies and Ordinances of the City of Ottawa.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 801-94.

Bill No. 94-31 - Kansas Act Against Discrimination

Thereupon, there was presented Bill No. 94-31, a resolution adopting the Kansas Act against Discrimination as amended (K.S.A. 44-1001 et seq) and incorporating it into the Ordinances, Resolutions, and Policies of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 802-94.

Land Lease - Ottawa Municipal Airport

Thereupon, there was presented a proposed land lease agreement at the Ottawa Municipal Airport with Mr. Charles LeMaster.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the lease. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the proposed lease approved.

Fixed Base Operators Lease

Thereupon, there was presented a renewal of the Fixed Base Operators Lease with Mr. Charles LeMaster, to run until December 31, 1999.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the agreement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Fixed Base Operators Lease duly approved.

Airport Services Agreement

Thereupon, there was presented an Airport Services Agreement with Mr. Charles LeMaster.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to approve the agreement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agreement duly approved.

KMEA Board of Director's Appointment

Thereupon, it was determined that as a result of the resignation of Commissioner Keim, a replacement representative to the Kansas Municipal Energy Agency would be required from the City of Ottawa, Kansas, and that the appointment needed to be made by May 5, 1994.

Thereupon, Commissioner Tyson made a motion to appoint Floyd E. "Gene" Ramsey, to the position. The motion was seconded by Commissioner Matthews and upon being put to the question, all present voted aye.

Industrial Park Realtor Commission

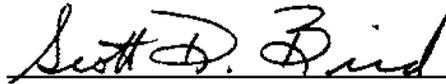
Thereupon, there was presented a proposal from the Chamber of Commerce, requesting that the City Commission establish a commission rate for the sale of City owned property in the industrial park area. It was further requested by City staff that a commission rate of 4 percent be adopted.

Thereupon, Commissioner Matthews made a motion that the commission rate for the sale of City owned property in Industrial Park be established at 4%. The motion was seconded by Commissioner Jackson and upon being put to the question, all present voted aye.

Adjournment

Thereupon, Mayor Cumiskey reminded the Commission that the next regular meeting would be May 18, 1994 at 9:30 am and that there would be a joint City/County meeting at noon that date.

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.



Scott D. Bird, City Clerk

**STUDY SESSION
MINUTES
MAY 9, 1994**

Present: Mayor Cummiskey, Commissioners Matthews, Jackson and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Scott Bird, Jim Shaw, Richard Towe, Jeff Herrman, Judy Hasty, Jim Bradley and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Commissioner Ramsey

Mayor Cummiskey opened the meeting by reviewing the agenda for the May 18, 1994 City Commission Agenda.

1. Recognition of Employees Retiring from the City of Ottawa.
2. Resolution for Update of Rules and Regulations. City Manager Lambers stated that for record-keeping purposes, he would like to see the Pay Classification Section of the Rules and Regulations kept separate from the Leave codes and other updates. This item will be placed on the May 18, 1994 City Commission agenda.
3. Car Allowance Request for Fire Chief. The car that has been used for the Fire Chief was an older vehicle that had been replaced by the Police Department. Chief Towe is requesting that instead of purchasing a new vehicle, that he would be provided a car allowance which would allow him to use his own personal vehicle. The City Commission discussed a leasing option and whether the Commission would want the vehicles driven by Department Heads to be identified as City vehicles. Commissioner Matthews indicated that he would agree to give Chief Towe the car allowance since a new vehicle had not been budgeted for. Mayor Cummiskey questioned the staff why this had not been budgeted for in the car allowance budget since this topic had been discussed in the last fiscal year? Chief Towe commented that it was assumed that the car would last longer than it has and therefore was not budgeted. Commissioner Jackson and Tyson had concerns about liability insurance. The City Manager stated if the Commission gave their approval for the allowance, he would provide more information regarding the policy for car allowance. The City Manager would also contact insurance carriers to check on additional insurance.
4. Parmalee Industry Letter. The City Commission had been previously copied with this information. Parmalee is requesting that the City change their utility rate from large industrial user rate to a lesser rate. The City Manager recommends that action be delayed until all issues involving this company are finalized. Staff will compile information for the Work Study Session on May 23, on how much Parmalee owes now according to the rate they are on and how much would be due the City if the rate was downsized to the lower user rate.

5. Mutual Aid for Fire Service. All agreements have been signed by the other fire districts and are awaiting City Commission approval. This will be on the May 18, 1994 City Commission agenda.

Agenda for May 16, 1994 Work Study Session:

1. Two Interviews with Bond Counsel. Commissioner Ramsey will be out-of-town on May 9th. Interviews will be rescheduled for the May 16th Study Session.

2. Bucher, Willis and Ratliff Representatives will also be asked to reschedule for the May 16th Study Session.

Open Agenda:

The City Manager reviewed the upcoming Summer Youth Program with the City Commission. He stated that the program will be accepting any and all requests at this time. The students participating in the program will be asked to identify their priorities. Commissioner Jackson is pursuing grant monies, but the money probably would not be available until the summer of 1995. The City has enough funding for 20 to 25 youths. Commissioner Jackson said the grant that he is currently pursuing would employ another 20 to 22 youths.

Mayor Cummiskey announced the date for accepting applications for the City Boards and Commissions has been extended until May 17th. She will share the letters received from applicants for the Auditorium Board and Planning Commission with the other City Commissioners on May 18. These will be discussed at the May 23rd Work Study Session with appointments being made at the June 1 City Commission meeting.

Mayor Cummiskey distributed several informational brochures on upcoming meetings.

Mayor Cummiskey also announced that Cindy Walker has taken over the leadership of the Youth Summit Program. The members of this group will be meeting tomorrow, March 10th, to decide the direction the group will be heading.

Commissioner Matthews asked Mayor Cummiskey if the Commission was interested in contacting Ottawa, Canada regarding the Sister City Program. Commissioner Jackson stated that the City is waiting to hear from Canada. The City Manager stated that he would follow-up with where the City is at on this issue.

Convention and Tourism will be on the agenda for the Joint City/County meeting on May 18. The City Manager has invited Brad Howard, Chairman of the Convention and Tourism Committee to attend this meeting.

Mayor Cumiskey announced that the Kansas League of Municipalities Meetings will be October 9 - 11 at the Topeka Expo Center.

City Manager mentioned that there had been a call in the Ottawa Herald "It's Your Quarter" requesting that City meetings be held at night. The City Manager said that the Commissioner's are working towards resolving this issue, but the public has not been made aware of it. The Planning Commission has moved their meetings from the first Tuesday to the second Wednesday, so all these items will be presented at the first City Commission of the month, which is a night meeting. Additionally, all items which would generate public interest will also be scheduled for the first meeting of the month. The City Manager felt the Mayor might want to write an article to the Ottawa Herald to announce these changes.

Meeting adjourned at 4:50 p.m.

STUDY SESSION
MINUTES
MAY 16, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Bill Mason for Richard Towe, Daryl Shutt for Jeff Herrman and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent:

City Manager Lambers opened the meeting by reviewing the agenda for the May 18, 1994 City Commission Agenda. The following are currently on the agenda:

1. Recognition of Retiring City Employees. The City Commission will be recognizing three City Employees that have or will be retiring from the City of Ottawa. The three employees are: Fred Espinosa, Police Department; Charlie Burns, Public Works Department; and Jerry Harrell, Utilities Department.
2. Request from ECKAN Low Income Housing Director. The City Commission instructed the City Manager to write a letter of support for this project. This item will be taken off the May 18th City Commission Agenda.
3. Sale of Temporary Notes.
4. Update of Personnel Rules and Regulations. This has been discussed at previous City Commission Work Study Sessions.
5. Mutual Aide Agreement.

Interviews for Bond Counsel:

Dottie Riley, Mary Carson and Jim Kaup of Logan, Riley, Carson and Kaup were present at the Work Study Session at 3:15 p.m. to present their qualifications to serve as Bond Counsel for the City of Ottawa.

Gary Anderson, David Queen and Nancy Lear representing Gilmore & Bell, were present at the Work Study Session at 3:45 p.m. to present their qualifications to serve as Bond Counsel for the City

The items on May 16, 1994 Work Study Session agenda are:

1. Wal-Mart Industrial Revenue Bonds Refinancing. Gary Anderson, Bond Counsel from Gilmore & Bell, was present to answer questions regarding the refinancing of these bonds. This action will allow the bonds to be refinanced at a lower interest rate. This item is similar to the ORV Bond refinancing that the Commission acted upon several months ago. Commission Jackson made a motion to place this on the May 18th City Commission Agenda, Commissioner Matthews seconded. All Commissioners voted favorably to this motion.

2. Southside Traffic/Land Use and Stormwater Management Plan. Connie Heitz representing Bucher, Willis & Ratliff, was present at this meeting to report to the City Commission the status of this project. This project will encompass 7th Street from the existing West one-half mile from Eisenhower down to 15th Street, from 15th Street to one-quarter mile South of the 59 Highway and I-35 Highway Interchange. Ms. Heitz distributed a chart which will outline the schedule being proposed by BWR and the City Planning Commission. This project should be completed by September, 1994.

3. Temporary Notes. These notes will supply funds for the K68/Wilson Street Improvement, Pin Oak Sub-division.

4. Woodward Community Center Improvements. This item will be removed from the May 18, 1994 City Commission agenda because of funds will not be available for the new floor after security lighting has been installed. Commissioner Tyson asked if bids had been taken for the security lighting? Public Works Director, Andy Haney stated that bids had not been taken because there had been a volunteer who had donated his services as an electrician to the initial Woodward Center Renovation Project. If the cost of the security lighting exceeds \$5,000, then bids will be taken to finish the project.

The topics for the Work Study Session for May 23, 1994 as follows:

1. Draft June 1, 1994 City Commission agenda.
2. Discussion of Itinerant Merchants Ordinance.
3. Discussion of Levelized Pay Plan.

4. Discussion of Capital Improvements Program. Review the CIP plan and the proposed resolution which will include the water and sewer rate increases. There will be handouts available for distribution to the public.

5. Budget Hearing for the 1995 Budget. The Budget Hearing will be placed on the June 1, 1994 City Commission agenda. This will be an open invitation for the public to address the City Commission to raise any issue that they would like to have considered as part of the budget process.

6. Appointments to City Boards and Commissions.

7. Designation of Planning Commission to act as Board of Zoning Appeals.

8. Vacation of Right-of-way.

9. Final Plat for Wal-Mart Retail Facilities.

Other Business:

The City Manager offered to make reservations for any member of the Commission that would like to attend a dinner in Topeka on May 17, 1994 at 5:30 p.m. with the presentation beginning at 7:00 p.m. Brian Moline, KCC will be talking about the Tele-Kansas agreement.

Commissioner Jackson requested an update on the condemnation of property owned by Mr. Noel Douglas. Mr. Douglas has obtained a quote to reconstruct part of the structure. Mr. Douglas was given until June 15, 1994 to have all improvements completed. If it is not done Mr. Douglas will be brought back before the City Commission, regardless of what work has been done to date, for demolition to be initiated. Mr. Douglas had been granted two extensions and would not be allowed a third extension.

Commissioner Tyson asked about the two story house in the 400 block of Hickory? Commissioner Jackson stated that this property was basically on hold at this time.

Commissioner Ramsey asked the City Manager if there had been any correspondence with Mr. Dodson regarding the airport? The City Manager stated that he does have a luncheon meeting with Mr. Dodson this week in which they will discuss the claim the City has against him as well his request for building expansion.

Commissioner Jackson announced that there would be a ribbon cutting for the Apple Market Grocery Store at 9:00 a.m. on May 18, 1994.

Mayor Cumiskey stated that she had received a letter from the Manager of KCP & L Customer Service. This letter was indicating that their company was apologetic about the current electric outages that have been occurring in the City of Ottawa. KCP & L workers will be visually inspecting the overhead electrical systems to locate and correct any defects that could be causing these outages.

Meeting adjourned at 4:58 p.m.

City Hall - Ottawa, Kansas - May 18, 1994

The City Governing Body met in regular session at at 8:30 AM this date: The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners: Richard Jackson, Gene Ramsey, Matt Matthews and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the Chamber Audience.

Thereupon, Commissioner Jackson made a motion to recess the meeting to the new Apple Market store for a ribbon cutting. The motion was seconded by Commissioner Matthews. Upon being put to the question, all present voted aye.

Thereupon, the Commission recessed the meeting to reconvene at 9 AM at the Apple Market Grocery Store. Upon concluding the Ribbon Cutting Ceremony, the meeting was once again recessed to be reconvened at the Commission Chambers at City Hall.

Meeting Reconvenes

The City Governing Body reconvened the meeting at 9:30 am: The following members being present and participating to wit: Mayor Cummiskey, Commissioners: Matthews, Jackson, Ramsey and Tyson. The Mayor welcomed the Chamber Audience and led them in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Clyde Greisen of the Community Foursquare Church.

Approval of Minutes

The minutes of the regular meeting of May 4, 1994, were approved as written.

Presentations and Recognitions

Thereupon, Mayor Cummiskey called upon Police Chief Jeff Herrman to recognize the retirement of Police Captain Fred Espinosa. Chief Herrman thanked Mr. Espinosa for his many years of dedicated service and presented him with a plaque as an expression of appreciation from the City.

Thereupon, Mayor Cummiskey called upon Public Works Director Andy Haney to recognize the retirement of Mr. Charlie Burns. Mr. Haney thanked Mr. Burns for his many years of dedicated service and presented him with a plaque as an expression of appreciation from the City.

Communications

Thereupon, there was presented a request from the Franklin County Historical Society to use City Park on Friday evening June 10, 1994, for tent setup and June 11 & 12, 1994, to host the Skunk Run Days Festival.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the request. The request was considered and upon being put to the question, all present voted aye.

New Business

Bill No. 94-32 - Temporary Notes - Series 1994-A

Thereupon, there was presented Bill No. 94-32, a resolution authorizing the issuance and delivery of \$400,000 principal amount of temporary notes, Series 1994-A, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal improvements of the City; and prescribing the terms and details of said notes.

Thereupon, the Mayor read the results of the bid opening which occurred at 9 AM this date, regarding the sale of notes. The results were as follows: Peoples National Bank and Trust submitted a bid with a total interest cost of \$17,600.00, and a net interest cost to maturity of 4.4%. Kansas State Bank submitted a bid with a total interest cost of \$16,600.00, and a net interest cost of 4.15%, and a bid deposit of \$8,000.00.

Thereupon, Commissioner Jackson made a motion that the City accept the low bid from Kansas State Bank and adopt the resolution. The motion was seconded by Commissioner Matthews. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Matthews yea, Commissioner Jackson yea, Commissioner Tyson yea, Commissioner Ramsey abstained, Mayor Cumiskey yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 803-94.

Employment Policies

Thereupon, there was presented Bill No. 94-33, a resolution amending the policies concerning employment as adopted by Resolution No. 581-91 dated November 20, 1991, of the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the

question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 804-94.

Wal-Mart Stores, Industrial Revenue Bonds Refunding

Thereupon, there was presented Bill No. 94-34, an ordinance authorizing the City of Ottawa, Kansas, to issue \$1,585,000 principal amount of Industrial Revenue Refunding Bonds, (Wal-Mart Stores, Inc. project,) Series 1994, for the purpose of providing funds to pay a portion of the cost of refunding the City's Industrial Revenue Bonds, Series 1984 (Wal-Mart Stores, Inc. project); authorizing the City to enter into a Trust Indenture with Commercial National Bank in Shreveport; authorizing the City to enter into a Lease with Wal-Mart Stores, Inc.; authorizing the City to enter into an Escrow Deposit Agreement with Wal-Mart Stores, Inc. and Commercial National Bank in Shreveport; approving the Form of Guaranty Agreement between Wal-Mart Stores, Inc. and Commercial National Bank in Shreveport; authorizing the City to enter into a Bond Purchase Agreement with Stephens, Inc.; authorizing the Acceptance of a Letter of Representation from Wal-Mart Stores, Inc.; approving the Preliminary Official Statement and Official Statement used in connection with the sale of said bonds; and redeeming outstanding bonds.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3102-94.

Mutual Aid Agreement for Fire Services

Thereupon, there was presented an agreement between the City of Ottawa, Kansas and the Lincoln, Ottawa and Harrison Fire Districts for mutual aid for fire services.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the agreement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the agreement had been duly approved.

Monthly Financial and Activities Reports

Thereupon, there was presented the Monthly Financial and Activities Report for April 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to accept the reports as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the reports had been approved.

Governing Body Agenda

Thereupon, Commissioner Jackson announced that the Department of Commerce and Housing had approved a request for \$22,840.00 for the Summer Youth Jobs Program and that this would greatly enhance the City's Youth Program for the 1994 summer.

Thereupon, Mayor Cummiskey announced that the next regular meeting would be June 1, 1994 at 7 PM.

Recess

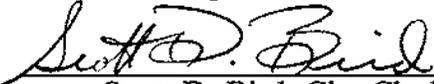
Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to recess the meeting until 12 noon for the Joint City/County Meeting at the Franklin County Jail, the motion was considered and upon being put to the question, all present voted aye.

Meeting Reconvened

The meeting reconvened in joint session with the County Commission at 12 Noon this date. Discussion centered around the topic of Convention and Tourism.

Adjournment

There being no further business to come before the City Commission, the meeting was adjourned at 1 PM. The 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.



Scott D. Bird, City Clerk

STUDY SESSION
MINUTES
MAY 29, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Jim Bradley, Scott Bird, Jim Shaw, Richard Towe, Jeff Herrman and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brian Ketterer.

Absent: Judy Hasty

Mayor Cummiskey opened the meeting by reviewing the agenda for the June 1, 1994 City Commission Agenda. The following are currently on the agenda:

1. Discussion of Capital Improvements Program. Review the CIP plan and the proposed resolution which will include the water and sewer rate increases. There will be handouts available for distribution to the public. The City Manager presented to the Commission the City's Capital Improvement Program and requested that the Commission give their approval to place the draft plan on the June 1 City Commission agenda for public hearing purposes. Whatever decision is made June 1 then the plan for adoption would be placed on the June 15 agenda for budget planning purposes and for staff to start working towards implementation. Commissioner Matthews stated that he would not vote for the Capital Improvements Plans as outlined by the City Manager. He said the citizens of Ottawa are being taxed at the Federal and State levels and that the local unit of government could help them by holding down local taxes.

2. Budget Hearing for the 1995 Budget. The Budget Hearing will be placed on the June 1, 1994 City Commission agenda. This will be an open invitation for the public to address the City Commission to raise any issue that they would like to have considered as part of the budget process.

3. Discussion of Itinerant Merchants Ordinance. Ice Cream Vendors are currently not allowed to engage in business which requires them to go house-to-house. City Manager Lamber's suggested having a new ordinance prepared to allow these vendors to purchase a license for \$25 and a 90 day time frame to sell their goods. Commissioner Ramsey questioned if Schwans had to pay a \$25 fee. The City Manager stated that the Schwans drivers have a contractual agreement with their customers and they do not go door-to-door. It was the consensus of the City Commission to place this on the June 1, 1994 agenda.

4. Discussion of Levelized Pay Plan. The City Manager reported that he had received a letter from Mr. Don Carr requesting permission to sign up for the level pay plan. If the City Commission would like to consider this extra sign-up time, the City Manager suggested having the sign-up take place before the summer months. Mayor Cummiskey stated that offering the sign-up twice a year would be more service oriented for the citizens of Ottawa. There would probably be advertising in April for this extra sign-up period with sign-ups taking effect in May. This item will also be on the June 1 agenda.

5. Appointments to City Boards and Commissions. Mayor Cummiskey distributed copies of letters received from citizens who were wanting to serve on City boards and commissions. Three letters of interest were received for the two vacant positions from people wanting to serve on the Planning Commission. The City Commission all agreed that Sandra Howard should be reappointed and that Paul Howe should be appointed to serve. For the Auditorium Board, the Mayor submitted letters of interest from five people. Mayor Cummiskey recommended that the Commission accept the five persons who have come forth to represent the Auditorium Board. Mayor Cummiskey added that two of the positions available for the Auditorium Board are unexpired terms. It was decided that Marjorie Bernhardt and Don Carr would fill the unexpired terms and Scott Wassar, Carla Bienhoff and Kelly Soman would serve as new members to this board. The Mayor announced that the City had three reappointments to the Band Committee and two new appointments.

6. Discussion of Designating the Planning Commission to act as Board of Zoning Appeals. The members that have served on this board did not object to the Planning Commission serving in this capacity.

7. Vacation of Right-of-way. This vacation is on Powhattan Street near the Country Club. The property owner on the North has requested the public right-of-way be vacated or abandoned so that the set back requirement would apply to a side yard instead of the front yard on a corner lot. The Planning Commission held a public hearing for this vacation. The only concern was where the actual placement would be for the new lot lines. All the existing easements would stay in place. This item will be placed on the June 1, 1994 agenda.

8. Final Plat for Wal-Mart Retail Facilities. Jim Shaw, Director of Planning and Zoning, announced that the City Engineer has talked with the engineers from Wal-Mart and they confirmed that the plans are due in Topeka on Thursday. The Department of Transportation will be next in line to approve the documents. This item is scheduled for June 1, 1994. If there are changes this will be brought back to the work study session on June 6, 1994 for the June 15, 1994 City Commission agenda.

9. Cereal Malt Beverage License. The owners of Another Other Place at 1020 Main has requested the City Commission approve a cereal malt beverage license. Chief Herrman stated that the Police Department would not object to granting the license.

10. Performance Bond Requirements. As part of the City's development standards that are in the process of being finalized, the City does require a performance bond be placed on projects as they move forward to insure that the improvements will be completed. Because this project is such a certainty, this requirement could be waived. The City Manager has requested that Wal-Mart submit a request to him to waive this requirement and the City Manager will in turn present this request to the City Commission for approval.

11. Parmelee Utility Rates. Parmelee, Inc. has requested that their utility demand rate be changed from large industrial user to a small business rate and that this change be made retroactive to February 11, 1994. Mayor Cummiskey and Commissioner Tyson agreed that this should be treated separately from pending litigation with Parmelee, but also stated that it should not be made retroactive. Commissioner Matthews stated that he felt Parmelee took advantage of the City. Commissioner Tyson stated that the City was at fault if Parmelee took advantage. Commissioner Jackson stated that the City was not totally at fault and that Parmelee was not totally ignorant in the situation. Commissioner Ramsey stated that he was opposed to the demand charge altogether because he felt businesses were being taken advantage of. He disapproves of the demand charge as a demand user and feels the businessman is carrying a heavy load. Commissioner Ramsey felt that Parmelee's demand charge should be reduced but not retroactive to February. Commissioner Ramsey motioned that this item be placed on the June 1, 1994 City Commission agenda with the rate change being effective June 1, 1994. Commissioner Tyson seconded. Mayor Cummiskey, Commissioner Tyson and Ramsey voted in favor. Commissioner's Matthews and Jackson were opposed.

12. 17th and Elm Streets. The existing conditions of this intersection are unacceptable for the new developments that have taken place in this area. The City Manager suggested that as a solution to this problem, the section should be blocked off until the right-of-way could be secured to tie-in with the South end of 17th Street. All Commissioners were in agreement to block this area off to keep vehicles from driving through.

13. Automobile Policy. The City Manager has drafted a one-page administrative policy which will set out the policy for automobile allowances. Commissioner's Tyson and Matthews questioned the City Manager why the Personnel Director was on the administrative policy as receiving \$75 car allowance. Mayor Cummiskey again addressed the topic of replacing department head vehicles as they wear out. Discussion continued about leasing vehicles or whether the department head's should receive a car allowance. Commissioner Matthews stated he did not feel the Personnel Director needed a car allowance and thought she should be deleted from the automobile policy. Commissioner Jackson stated that the Commission had directed the City Manager to draft a policy for the automobile allowances and insurance coverage. He also stated that this is what the City Manager has done and whether the Personnel Director should or should not be included is another issue. The City Manager mentioned that if the Commission wanted to debate who should or should not be allowed a car allowance should be addressed at the budget meetings. Mayor Cummiskey to expedite the Fire Chief's request, she would be willing to approve this policy. However, she also felt the personnel policy should be looked at so this issue does not come up every time a car dies. This will be placed on the June 1 City Commission agenda.

Other Business:

Scott Lambers announced that he and Commissioner Jackson will be attending the "Reinventing Government" meetings in Topeka on May 25 and 26.

Executive Session:

Commissioner's convened to Executive Session at 4:35 p.m. for 20 minutes to discuss confidential data relating to financial information.

Meeting adjourned at 4:55 p.m.

City Hall - Ottawa, Kansas - June 1, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Gene Ramsey, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Approval of Minutes

The minutes of the regular meeting of May 18, 1994, were approved as written.

Public Comments

Thereupon, Mr. Greg Hernandez addressed the Commission, with concerns about the Housing Rehab Grant, sidewalk repair, the Wilson Street project and ask that a ditch on his property be mowed by the City.

Thereupon, the Mayor ask if Mr. Hernandez had contacted the City Manager or any of City staff concerning these matters. Mr. Hernandez responded by saying that he was under the impression that the Commission forum was the place to express concerns.

Presentations and Recognitions

Thereupon, there was presented a Proclamation declaring June 12th through 14th, 1994, to be Dorothy Delay Days in the City of Ottawa, Kansas.

Thereupon, Diana Yeamans addressed the Commission and explained that Dorothy Delay was one of the world's premiere violin instructors who would be in Ottawa, June 12th through June 14th, to instruct students at the Ottawa University Zuzuki Institute.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the Proclamation. The Proclamation was read and considered and upon being put to the question, all present voted aye.

Public Hearings

Capital Improvements Program

Thereupon, the Mayor opened a public hearing to consider the Capital Improvements Program for the years 1995 through 1999.

Thereupon, Mr. Lou Atherton, of 109 E. 2nd, spoke in favor of the Capital Improvement Program, stating that it addressed the City's Strategic Plan and actually called for less of an increase than the previous CIP.

Thereupon, Mr. Jim Lancaster of 1229 S. Elm and Chairman of the Planning Commission spoke in favor of the Capital Improvement Program, stating that the Planning Commission strongly endorsed the future of Ottawa and the CIP.

Thereupon, Mr. Larry Tawney, of 1815 Eisenhower Road spoke against the Capital Improvement Program stating that it would take a large part of his operation and that he had not planned on 482 new neighbors. Mr. Tawney, also, asked how the Commission would address truck traffic on Eisenhower Road.

Thereupon, Ms. Wanda Durbin of 527 S. Locust, spoke against the CIP, stating that Ottawa could not afford it, and that the costs should be born by the property owners.

Thereupon, Mr. George Young of 607 Burrough Street, spoke against the CIP stating that a tax increase at a time of low or no wage increases could not be afforded.

Thereupon, Mr. Cal Lantis of 416 Pine, spoke in favor of the Capital Improvement Program, stating that if Ottawa didn't grow there would fewer to pay for current taxes and therefore, a tax increase would result.

Thereupon, Mr. Bill Allegre of 1244 Lincoln, and Chairman of the Board of the Ottawa area Chamber of Commerce, spoke in favor of the CIP, stating that he was extremely encouraged that this Commission seemed to be willing to make something happen in Ottawa. He encouraged the Commission to take this opportunity to expand the tax base.

Thereupon, Mr. Greg Hernandez of 204 South Elm, spoke against the CIP stating that it was his belief that Ottawa didn't need empty development.

Thereupon, Mr. Brian Ketterer spoke in favor of the proposed CIP citing

that the Pin Oaks Project had been able to proceed with little infrastructure cost because the infrastructure was already in place and that those areas for development are not abundant. Therefore, the purposed CIP lays the ground work for future growth.

Thereupon, Mr. Hernandez spoke once again, stating that it was his belief that Ottawa's checkbook was getting smaller because of the Industrial Park growing smaller.

There being no further comments, from the Chamber audience, the Mayor declared the public hearing closed.

1995 Budget Hearing

Thereupon, the Mayor opened a public hearing for the 1995 Budget.

Thereupon, Commissioner Matthews asked if the City Manager would provide a time line for the '95 Budget process.

Thereupon, City Manager Scott Lambers explained that the staff would be providing a draft budget by the end of June and that it would be fine tuned in July for adoption in August.

There being no further comments, the budget hearing for the 1995 Budget was closed.

Vacation of Right-of-Way for Powhattan Street

Thereupon, the Mayor opened a public hearing to consider a request for vacation of right-of-way on Powhattan Street, east of the east line of Hemlock Street.

There being no one wishing to address this issue, the Mayor closed the public hearing.

New Business

Thereupon, there was presented Bill No.94-35, an Ordinance defining, regulating and licensing itinerant salesman, merchants, solicitors, and vendors and providing penalties for violation thereof.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the Ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3103-94.

Levelized Payment Plan

Thereupon, there was presented Bill No. 94-36, a Resolution allowing a levelized payment plan for the benefit of residential customers to budget for utility bills and provide for two periods during which to sign up.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Appointments for City Boards and Commissions

Thereupon, the Mayor presented a list of appointments and re-appointments for various City Boards and Commissions.

LIBRARY BOARD:

Gary Batemen	new appointment	1994-1998
Louis Reed (Unexpired term)	new appointment	1994-1996
Bob Reusch	reappointment	1994-1998

PLANNING COMMISSION:

Sandra Howard	reappointment	1994-1997
Paul Howe	new appointment	1994-1997

AUDITORIUM AUTHORITY:

Scott Wasser	new appointment	1994-1997
Kelley Soman	new appointment	1994-1997
Marjorie Bernhardt (Unexpired term)	new appointment	1994-1995
Carla Bienhoff	new appointment	1994-1997
Don Carr (Unexpired term)	new appointment	1994-1996

UNIFORM PLUMBING BOARD OF APPEALS:

Charles Adamson	new appointment	1994-1995
Mark Carey	reappointment	1994-1995
Harold Hinderliter	reappointment	1994-1995

NATIONAL ELECTRIC CODE BOARD OF APPEALS:

Bob Haas	new appointment	1994-1995
Brian Moore	reappointment	1994-1995
Richard Carlson	reappointment	1994-1995

BUILDING CODE BOARD OF APPEALS:

Ken Morton	new appointment	1994-1995
Jim McCrea	reappointment	1994-1995
E.V. Skidmore	reappointment	1994-1995

BAND COMMITTEE:

Byron Jensen	new appointment	1994-1995
Geneva Knight	reappointment	1994-1995
Bill Farrow	reappointment	1994-1995
Shannon Droddy	reappointment	1994-1995
Cathy Sutton	new appointment	1994-1995

UNITED WAY OF FRANKLIN COUNTY:

Scott Lambers	new appointment	1994-1996
---------------	-----------------	-----------

KMEA BOARD OF DIRECTORS (OTTAWA REPS):

Jim Bradley (Unexpired term)	new appointment	1994-1995
Gene Ramsey (Unexpired term)	new appointment	1994-1995

4TH JUDICIAL CORRECTION ADVISORY BOARD:

Richard Jackson	reappointment	1994-1996
-----------------	---------------	-----------

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson, to approve the appointments. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the appointments had been approved.

Board of Zoning Appeals

Thereupon, there was presented Bill No. 94-37. An Ordinance amending the zoning regulations of the City of Ottawa, Kansas, adopted as Ordinance No. 2933-90 relating to the membership of the Board of Zoning Appeals and repealing Section 1 of Article 29.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to adopt the Ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3104-94.

Vacation of Right-of-Way Powhattan Street

Thereupon, there was presented Bill No. 94-38. An Ordinance vacating that portion of Powhattan Street East of the intersection of Hemlock Street and Powhattan Street and reserving a utility easement as defined herein.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the Ordinance. The Ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3105-94.

Cereal Malt Beverage License - Another Other Place

Thereupon, there was presented a request for cereal malt beverage license to retail cereal malt beverages at Another Other Place located at 1020 North Main.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the application. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the application approved.

Utility Service Rate Change for Parmelee, Inc.

Thereupon, there was presented a request from Parmelee, Inc. to reduce the electric charges for their facility in the Industrial Park Area, retroactive to February 11, 1994.

Thereupon, Commissioner Ramsey made a motion to approve a request from Parmelee, Inc. to reduce the electric charges for their facility in Industrial Park through re-classification to General Service -Small but making that effective June 1, 1994. The motion was seconded by Commissioner Tyson. The motion was considered and upon being put to the question, passed by the following vote: Commissioner Jackson - Nay, Commissioner Ramsey - Aye, Commissioner Tyson - Aye, Commissioner Matthews- Nay, Mayor Cumiskey - Aye

Thereupon, the Mayor declared that the request had been approved as amended.

Automobile Allowance Policy

Thereupon, there was presented by the City Manager an Automobile Allowance Policy that would provide for an automobile allowance of \$250.00 per month for the Fire Chief.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to approve the policy. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the policy approved.

Report by City Manager

Thereupon, the City Manager introduced to the Commission Ms. Diane Stoddard as the City Manager's Intern, stating that she had started work on the 31st and would be with the City for approximately two years while she finished her degree in City Administration.

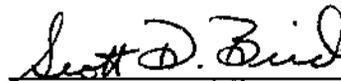
Governing Body Agenda

Thereupon, Commissioner Jackson reported to the Commission that he and City Manager Lambers had attended a two day workshop, one day which was concerned with re-inventing government and the second day which was concerned with crime issues in the State of Kansas. Commissioner Jackson, also, informed that there would be an article in the Government Journal which would be concerned with the Mayor's Youth Summit Program and the City's Summer Youth Employment Program.

Thereupon, Mayor Cummiskey reminded the Commission that the next regular meeting would be June 15th, 1994 at 9:30 A.M.

There being no further business to come before the Commission, Commissioner Jackson made a motion, which was seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered, and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the meeting.



Scott D. Bird, City Clerk

**STUDY SESSION
MINUTES
JUNE 6, 1994**

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Jim Shaw, Bill Mason for Richard Towe, Jeff Herrman, Diane Stoddard and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks.

Absent: Andy Haney, Richard Towe and Jim Bradley

Mayor Cummiskey opened the meeting by reviewing the agenda for the June 15, 1994 City Commission Agenda. The following are currently on the agenda:

1. Recognition of Employees. Four City employees will be honored at the June 15, 1994 City Commission meeting for their years of dedicated service as they retire from the City. The employees that will be recognized are: Mary Gilmore, Utility Warehouse; Vern Roller, Public Works Mechanic; Lester Wells, Public Works Street Superintendent and Jerry Harrell, Water/Sewer Distribution Asst. Superintendent.

The plans for the Wal-Mart project have been temporarily delayed by the State. The City Manager has advised Wal-Mart that the City cannot approve the plans until City staff has had final review and the City Commission has had a chance to look at them. Jim Shaw, Director of Planning and Zoning has been directed by the City Manager to contact the Wal-Mart Corporation and advise them that if the plans come in shortly after June 15, 1994 or well before the next regularly scheduled meeting, that the City Commission would probably consider calling a special meeting to allow Wal-Mart to proceed as quickly as possible.

The City Manager has met with Mr. Jerry Donnelly but forgot to give the revised contracts to him. It is anticipated that Mr. Donnelly could have these back to the City in time for the June 15, 1994 City Commission meeting.

Mayor Cummiskey announced that she had invited Mr. John Nalbandian, who serves as a Commissioner for the City of Lawrence, to the Study Session to speak to the City Commissioners about Youth in Government and the Open Meetings Act.

Commissioner Nalbandian provided a presentation regarding the student government activities for the City of Lawrence. It was his suggestion that the City of Ottawa would benefit from such a program. Commissioner Nalbandian also discussed how the City of Lawrence changed the definition of a quorum of the City Commission from three members to four. This change, while making it more difficult for a meeting to be held, did provide for the opportunity of two Commissioners to privately discuss city business without being in violation of the Kansas Open Meeting Act. This quorum definition is reviewed and approved each year by the Lawrence City Commission. Approval of the quorum change requires a super majority vote in favor, i.e. at least four of five members of the Commission voting in favor of the quorum definition. Commissioner Nalbandian indicated that the local news media did not support the quorum change, but he noted that the Kansas Supreme Court had upheld the ability of City Commissions to define what constitutes a quorum and that the Legislature had not passed any legislation precluding the quorum definition being decided by a city commission. Commissioner Nalbandian further noted that this only affected five member commissions and that seven member, nine member or eleven member city councils or commissions were allowed to talk amongst themselves, in groups of two or three depending upon their respective size of their city council or commission, in private and without being in violation of the Kansas Open Meetings Act. The other option available for cities with five member commissions who wish to address the issue of being able to talk privately with another member of the commission is for the commission to be expanded to more than five members. However, Commissioner Nalbandian cautioned that any attempt in this direction would probably be complicated by the issue of creating a strong mayor position and/or specific city commission districts. It was his opinion that the process utilized by Lawrence was a benefit to the effectiveness of the governmental operation of the City without significantly altering the structure of the city commission.

Work Study Session Items:

1. Beech Street Development. The previous plan recommended by the City of Ottawa, provided for the necessary right-of-way on a temporary basis and utilized one block for a cul-de-sac for emergency vehicles to turn around. On May 31, 1994 the City Manager received a letter from the owner of the property stating that they did not agree with the recommended plan and has requested that the City Commission allow them to have a 30' right-of-way instead of the cul-de-sac. This request would deviate from the 60' right-of-way standard. Commissioner Matthews asked if their request would cost the City any money? The City Manager stated that it would involve staff time but would not require a survey by Engineers. Commissioner Matthews stated that he did not have a problem with the owner's request. Commissioner Jackson stated that he would not be in favor of the request. Mayor Cumiskey stated that she was not in favor of the gravel streets and that she appreciated the City Manager trying to come up with a solution to the right-of-way and that she would not be in favor of deviating from the original plan. Commissioner Ramsey stated that he would be inclined to agree with Mayor Cumiskey and Commissioner Jackson. Commissioner Tyson would like to see the City work with this developer. Mayor Cumiskey stated that if the owner's of the property would be willing to accept staff's recommendation, she would be willing to reconsider her vote. Therefore, the City Commission's consensus was to reject the plan submitted by the owners and advise the owner's that the plan prepared by the City staff would still be considered if so desired.

2. Lincoln School Traffic Study. City staff contacted Wilson & Company about conducting a traffic survey of the Lincoln School area. Wilson & Company did visit with school officials and visited the school site. The City Manager did recommend that the City pay up to 50% of the cost of this study to bring this issue to a close. The results of this study will be forwarded to USD 290 for their comments before being brought back to the City. All Commissioners were in agreement to pay 50% of the Scope of Services cost.

3. Fishing in Water Treatment Ponds. City residents have expressed an interest in fishing in the two Water Treatment ponds. The current policy allows City employees to check out a key for these facilities at which time guests are permitted to fish the ponds. The City Manager mentioned that KDHE has been apprised of this situation and they did not give their support for allowing people to fish out of the ponds because the ponds function as a potable water supply and not a recreation facility. The City Manager also stated that the banks of the ponds are not extremely stable and would not recommend that this be open to the general public. All the Commissioners were in favor of discontinuing this policy which would not allow for fishing from these ponds to exist.

4. Bond Counsel for the City of Ottawa. All Commissioners were in agreement that Logan, Riley, Carson and Kaup would be their choice for Bond Counsel. This will be approved at the June 15, 1994 City Commission meeting.

5. Cereal Malt Beverages in City Facilities. The City has a blanket prohibition for consumption of cereal malt beverage in City facilities. There have been some requests from citizens to allow cereal malt beverage at special functions in City facilities (i.e. River Run Car Show, Skunk Run, etc.) without being in violation of the current ordinance. Commissioner Jackson stated that he would not be in favor of this request. Commissioners Matthews, Ramsey, Tyson also stated that they would not be in favor of honoring this request.

6. Petition from Downtown Merchants and Patrons. A petition has been submitted to the City Manager requesting that out-of-town vendors offering merchandise for sale that directly competes with downtown businesses at public buildings not be allowed. The Commissioner's discussed the request but indicated their concerns were not knowing what types of sales would be limited (i.e., crafts).

7. Fogle Quarry Development. The City Manager distributed a map of the Highland Cemetery and Fogle Quarry area. Mr. Fogle would like to start planning the land use for this area. The City Manager recommended that the land that had been purchased for future cemetery usage might be better used for this residential development. The proceeds from the sale of this property could be used to acquire additional property for cemetery purposes. Commissioner Matthews and Tyson questioned what kind of infrastructure would be needed to begin this project? The City Manager stated that water is readily available and that the sewer could be somewhat of a problem. The developer would be responsible for the on-sight development. This is part of the Southwest Study that is in progress right now. Mr. Fogle's initiation of the next phase of this project is contingent upon what the City's plans are for the land south of the Highland Cemetery.

Other Business:

Executive Session:

Commissioner's convened to Executive Session at 4:45 p.m. for 15 minutes to discuss pending litigation.

Meeting adjourned at 4:55 p.m.

**STUDY SESSION
MINUTES
JUNE 13, 1994**

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Jim Shaw, Andy Haney, Jim Bradley, Richard Towe, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks.

Absent:

Mayor Cummiskey opened the meeting by reviewing the agenda for the June 15, 1994 City Commission Agenda. The following are currently on the agenda:

1. Recognition of Employees. Four City employees will be honored at the June 15, 1994 City Commission meeting for their years of dedicated service as they retire from the City. The employees that will be recognized are: Mary Gilmore, Utility Warehouse; Vern Roller, Public Works Mechanic; Lester Wells, Public Works Street Superintendent and Jerry Harrell, Water/Sewer Distribution Asst. Superintendent.

2. Wal-Mart Project. The plans for the Wal-Mart project will not be received in time for the June 15, 1994 City Commission meeting but it is anticipated that the plans will be received in time for the July 6, 1994 City Commission meeting.

3. Preliminary Site Plan - Jerry Donnelly. Mr. Jerry Donnelly is having a preliminary site plan drafted. Mr. Donnelly has also reviewed the option agreement that the City Attorney has revised and has signed off on all the changes that the City Attorney has recommended. However, he has requested that the City holds off on taking action on the option until he has a chance to prepare the preliminary site plan.

Work Study Session Items:

1. 7th Street Sanitary Sewer Project. This project has been completed and the City needs to certify the costs for this project. The total project cost did exceed the original engineers estimate by a little over \$1,000. These costs cannot be assessed against the project and must be covered by the City-at-large. The City Manager has recommended that this overage amount be taken from the Wastewater Fund. This item will be included on the June 15, 1994 City Commission agenda.

2. 1995 - 1999 Capital Improvements Program. This proposed CIP has been reviewed by the City Planning Commission, the City Commission has held a public hearing and the City Manager has requested that at this study session the Commission either recommend adoption for budget planning purposes, to amend and then recommend for budget planning purposes or to reject for budget planning purposes. Formal adoption will take place as part of the final adoption of the budget in August, 1994. Commissioner Jackson made a motion to place the CIP on the June 15, 1994 City Commission agenda. All Commissioners were in favor of the motion except Commissioner Matthews. The City Manager commented that this CIP is an action plan and as a result of any formal adoption that has taken place, the Commission will be authorizing City staff to proceed with construction and to move ahead to issue bonds. The City Manager explained that if the CIP was approved, the Commissioners would be committing to funding for water extension, wastewater extension, electric line extension and new street construction (Water line improvement of \$850,000, Wastewater line improvement of \$525,000, Electric line improvement of \$450,000 and a collector street for \$1,000,000). The future streets are still subject and open to discussion as the plan would come back to the City Commission in 1995 at this same time. Mayor Cumiskey stated that she liked the idea of a phased collector street. Commissioner Matthews questioned if there would still be a 5 to 6 mill increase in 1995? The City Manager stated that the mill increase would take place in 1996 and that this was based on current assessed valuations. The City Manager also stated that the City would, more importantly, be looking at a property tax revenue increase at the dollar amount as shown in the CIP. The City Manager reiterated that what the Commissioner's are doing by approving this plan is laying the foundation for the City Manager to have a financial plan where he can go to the property owners in the growth corridor, along Eisenhower from 15th to 23rd Street, and solicit their interest in the potential development opportunities. Commissioner Tyson asked if they Commission does approve the CIP and the City Manager talks to the property owners, would the City Manager want 100% participation? The City Manager stated that he would be looking at sufficient property unspecified that would warrant the City moving ahead. There will be a developmental agreement that the property owners would sign and that the City of Ottawa would sign. In exchange for the City putting in the improvements, of which they will be eligible to tie into, then the owners would have to agree to cap the value of their property. Commissioner Tyson asked after the property is completed, how soon would the property be placed on the tax rolls. The City Manager replied that it is usually placed on the roll after one year.

3. 1995 Budget. The City Manager distributed a Summary Sheet, a detailed expenditure and revenue sheet and a proposed list of Capital Outlay/Capital Equipment items for each of the funds.

General Fund: The estimated beginning cash balance of approximately \$250,000. The City Manager stated that the City has 3.7 million dollars in the General Fund and less than 10% cash reserves. The City Manager also stated that the City has a deficit situation in the General Fund in which the City is spending \$100,000 more than what the City took in. If the City continues spending at that rate, the City would have three years left before the City would be out of money in the General Fund. The City Manager is estimating that the City's revenues will increase to \$3.7 million dollars.

On the expenditure side, the Department Heads submitted an operating budget to the City Manager. At that time, the City Manager arbitrarily cut their budget requests and concluded that \$3.7 million dollars was required. The City Manager stated that even after he had made the cuts to the budget, he was still about \$70,000 short of the required amount. At this point, the City Manager increased the property tax from \$472,000 (estimated from 1994) to \$545,000. If the City Commission wants to keep the property taxes the same as they were in 1994, then it would be appropriate for the Commission to direct the City Manager to reduce the property taxes to the 1994 level and then to reduce expenditures in the Operating Budget to that amount. Commissioner Ramsey asked where the deficit spending came from? Mayor Cumiskey stated that part of the reason the City has a new City Manager is because the City Commission recognized this pattern and recognized that the City would be in dire straits financially in the General Fund. This budget process is to alleviate that pattern. Mayor Cumiskey also stated that she would be in favor of directing the City Manager to look for the \$70,000 in more operating budget cuts and leave the increase in taxes to the CIP. Commissioner Matthews stated that he would suggest that the spending for 1995 remain the same as it was for 1994. The City Manager also pointed out one thing regarding the General Fund expenditures. In the past, the City, as part of the Electric Budget, has charged alot of items to that fund that would be more appropriate to allocate the expenses to all the Funds. As part of the budget for this year, the City Manager is recommending that the City Commission do a cost allocation program. The first thing the City Manager has done to the budget, has been to remove the entire Human Resources Department from the Electric Fund Budget and cost allocated 25% across the board. There will be an increase operational expenditures in the Personal Services for each of the Water, General and Wastewater Funds and a portion of that increase is attributable to the fact that the City Manager is extracting the charge to the Electric Fund which had been paying 100% of Human Resources. The City Manager's department is also in the Electric Fund 100%. It is the City Manager's objective to also cost allocate that expenditure next year. Commissioner Matthews agreed with the City Manager in that the City needs to have at least \$250,000 in the Contingency Reserve. Commissioner Ramsey agreed with Commissioner Matthews in that the budget needs to stay at \$3.5 and that the City needs to tighten their spending.

As part of this budget, the City Manager is recommending that a Cost-of-living increase not be awarded to the City employees for 1995. The budget will provide for a merit increase on the employees anniversary date. The City Manager also stated that his other priority that he has, since the City is not adding new employees for 1995, it is his opinion that the City needs to spend its money to increase productivity. All Commissioner's were in agreement that they wanted the City Manager to hold spending and not raise taxes.

Water Fund: In 1994 the total revenue was estimated at \$1.475 and the total required was \$1.6. The estimated ending cash balance was \$865,000 which also became the ending cash balance for 1995. There is sufficient money available for the Operating Reserves at 10%; there is appropriate money for the Contingency Reserve account at 15%.

Wastewater Fund: The revenue for 1994 was \$813,000 and the total requirements were \$890,000. The estimated ending cash balance for 1994 was \$240,000 which was carried over to the 1995 Budget. As part of the permanent requirement for the Wastewater Treatment Plant, the City has entered into an agreement with KDHE that the City will complete the I/I Study to eliminate the infiltration of non-sanitary sewer water into the system. In order for the City Manager to keep revenues and expenditures on line, he had to reduce the Capital Improvement Program.

Electric Fund: This fund showed a total revenue of \$7.9 million, there was also a transfer from the Electric Construction Fund of \$750,000. After subtracting the \$750,000 from the \$7.9 million the City has another deficit situation.

At the study session on June 27, 1994, all the Capital Outlay requests will be looked at for all the City Departments. The City Manager stated he felt that it was important to look at what the City is spending money on to invest in order to enhance the City's operation. The month of July will be reserved for just the operational review. The City Manager will get an updated Budget Calendar to the City Commission after today's meeting.

Other Business: Commission photographs will be retaken before the July 20, 1994 City Commission meeting at 8:45 a.m.

Executive Session:

Commissioner Tyson made a motion to convene to Executive Session at 4:15 p.m. for 45 minutes to discuss pending litigation. Commissioner Matthews seconded. All Commissioner's voted in favor.

Meeting adjourned at 5:00 p.m.

City Hall - Ottawa, Kansas - June 15, 1994

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Gene Ramsey, Matt Matthews, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to approve the minutes of the June 1st, 1994 regular meeting as corrected. The motion was considered and upon being put to the question, all present voted aye.

Public Comments

Thereupon, Todd Cruthird representing TCI of Ottawa, announced that he was pleased to inform the Commission and the citizens of Ottawa, that there would be rate rollbacks on cable television rates within the Ottawa Franchise area, and that all subscribers would see rate reductions. Mr. Cruthird explained that Ottawa customers could expect a 9% reduction in basic rates and a 16% reduction in expanded basic rates. Mr. Cruthird did explain that the standard converter and remote control units would increase in price, but that installation costs would be reduced by 4%. Mr. Cruthird stated that cable users in Ottawa would receive notification by postcard mailing so that the information could be received by customers as soon as possible.

Thereupon, Mr. George Marstall of 815 East 16th Street Terrace, addressed the Commission concerning the 40 acres south of Highland Cemetery which is owned by the City. Mr. Marstall stated that he had served on the City Commission from 1978 to 1983, and that in 1980, the City Manager at that time declared that Highland Cemetery would need more available space on or about the turn of the century. Mr. Marstall noted that there was 40 acres available at that time located immediately south of the current cemetery. The Commission at that time took into consideration the "economies of scale" of having the cemetery property in one area. He further explained that in 1983, through negotiations, the property was purchased for approximately \$80,000 and the City had used temporary notes to acquire the property. He noted that as Municipal Cemetery property, it had been removed from the tax rolls. Mr. Marstall urged the Commission to consider carefully, and to execute the trust to hold this property for cemetery use.

Recognition of Retiring City Employees

Thereupon, Mayor Cummiskey called upon Director of Utilities, Mr. Jim Bradley, to recognize the retirements of Mary Gilmore - Secretary/Computer Operator at the Utility Warehouse and Jerry Harrell - Assistant Superintendent of Water Distribution/Sewer Maintenance. Mr. Bradley thanked each employee for their dedicated service and presented them with a plaque as an expression of appreciation from the City.

Thereupon, Mayor Cummiskey called upon Public Works Director, Andy Haney to recognize retiring employees Vern Roller - Mechanic for the Public Works Department and Lester Wells - Street Superintendent for the Public Works Department.

Thereupon, Mr. Haney thanked both employees for their dedicated service and presented each with a plaque as an expression of appreciation from the City.

Thereupon, the Commission expressed their appreciation and congratulated the four retiring employees.

Presentation of AWEA Award

Thereupon, Mr. Chris Burns, Chairman of AWEA Collection Systems, presented an award to the City and its employees responsible for operating and maintaining the City's Waste Water Collection System. Mr. Burns noted that some of the criteria used in determining the recipient of this award included operation and maintenance of the system, safety and training, improvements and planning. Mr. Burns noted the Inflow and Infiltration Program implemented by the City and the zero man hours lost to injuries as key factors for Ottawa.

Thereupon, Mr. Burns presented the award to Mr. Delbert Eichinger, Superintendent of the Waste Water Maintenance Collection System.

Thereupon, Utility Director, Jim Bradley addressed the Commission citing that the Waste Water Collection team had been started in 1991 and had received extensive training in various aspects of the job. Mr. Bradley noted that what had been anticipated as a \$21,000,000 project, would now come closer to a \$10,000,000 project.

Thereupon, Mr. Bradley introduced the members of the Sewer Maintenance crew to the Commission.

Thereupon, Commissioner Jackson stated that when this program was introduced in 1991, it was the Commission's belief that dollars could be saved by using City employees as opposed to contract labor and that it was his belief that this program proved that.

Thereupon, the Commission thanked the Waste Water Maintenance crew.

New Business

Thereupon, there was presented a request from City staff for authorization to enter into contract negotiations with Logan, Riley, Carson and Kaup for Bond Counsel services.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the request. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the request had been approved.

7th Street Sanitary Sewer Project

Thereupon, there was presented a Certification of Completion for the East Seventh Street Sanitary Sewer Project. It was noted that the Project cost exceeded the original engineer's estimate by \$1,035.25 and that those costs, which exceeded the engineer's estimate, would not be assessed against the benefit district but, rather be paid by the City at large.

Thereupon, Commissioner Tyson made a motion to certify the associated cost. The motion was seconded by Commissioner Matthews. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Certification duly adopted.

Capital Improvements Program

Thereupon, there was presented the Capital Improvements Program for 1995.

Thereupon, Commissioner Jackson made a motion, which was seconded by Commissioner Ramsey, to approve the Capital Improvement Program for budget planning purposes. The motion was considered, and upon being put to the question, passed by the following vote: Commissioner Ramsey - Aye, Commissioner Tyson - Aye, Commissioner Matthews - Nay, Commissioner Jackson - Aye, Mayor Cumiskey - Aye.

Thereupon, the Mayor declared that the CIP had been adopted for budget planning purposes.

Appointment of Special Counsel

Thereupon, there was presented a recommendation from the City Manager that the Commission appoint Mr. Robert Bezek as Special

Counsel for litigation purposes at a rate of \$75.00 per hour.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the recommendation duly approved.

Motion to Indemnify

Thereupon, there was presented requests from City employees, Scott Bird, Jeff Herrman, Richard Towe, and Forrest Lowry that the City provide for defense and to indemnify pursuant to K.S.A. 75-6108(e) relating to claims made against them in both their official and personal capacities as employees for the City of Ottawa in the case of Riddle and Wilson vs Board of City Commissioners of the City of Ottawa.

Thereupon, Commissioner Jackson made a motion as follows: I hereby move that pursuant to K.S.A. 75-6109, the City of Ottawa, Kansas indemnify and hold harmless Jeffrey D. Herrman, Richard Towe, Scott Bird and Forrest Lowry from any claims or damages resulting from the litigation in John Riddle III and Larry D. Wilson vs Board of City Commissioners for the City of Ottawa, Kansas et al - Case No.94-4095-DES. In support of this motion, I note that Jeffrey D. Herrman, Richard Towe, Scott Bird, and Forrest Lowry have acted within the scope of their employment as employees as to all allegations raised in the pleadings of above captioned case and that these employees have obligated themselves to reasonably cooperate in good faith and the defense of these claims. The motion was seconded by Commissioner Ramsey. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Cereal Malt Beverage License

Thereupon, there was presented an application for license to sell cereal malt beverages. The application was filed by Tony L. Cowdin for the End Zone at 210 S. Main, Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the application. The motion was considered and upon being put to the question, all present voted aye.

Reports by City Manager

Thereupon, Commissioner Jackson asked for an update of the Summer Youth Program.

Thereupon, Personnel Director, Judy Hasty reported that to date, there were forty youth at work in the Mentor Program and that she expected ten more to be employed by the end of the week. Ms. Hasty explained that there would be a full report in the near future.

Monthly Financial and Activities Report for May, 1994

Thereupon, Commissioner Matthews made a motion to approve the monthly Financial and Activities Report for the month of May. The motion was seconded by Commissioner Ramsey. The motion was considered and upon being put to the question, all present voted aye.

Governing Body Agenda

Thereupon, Mayor Cumiskey reminded the Commission that the next regular meeting would be July 6th, 1994 at 7:00 P.M., and that the joint City Council Meeting had been postponed to June 27th, 1994.

There being no further business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn the meeting. The motion was considered, and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the meeting.



Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - June 27, 1994
Special Call Meeting

The City Governing Body met in special session at the Commission Chambers in City Hall at 3:00 PM this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Matt Matthews, and Gene Ramsey; absent, Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the Chamber audience.

New Business

Thereupon, there was presented Bill No. 94-39, a Resolution Accepting the Dedication of Streets and Easements within the TFDM Addition, Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to adopt the Resolution. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Resolution adopted, and the Resolution was duly numbered Resolution No. 806-94.

Thereupon, there was presented a recommendation from David F. Egger of Black and Veatch to award the K-68 Transmission Main and Package Pump Station Project to GC Construction Company of Blue Springs, Missouri in the amount of \$665,000.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews, to award the K-68 Transmission Main and Package Pump Project to the low bidder, GC Construction Company of Blue Springs, Missouri in the amount of \$665,000. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Governing Body Agenda

Thereupon, Commissioner Matthews made a motion to recess to executive session for 25 minutes to discuss the acquisition of real estate. The motion was seconded by Commissioner Ramsey. The motion was considered, and upon being put to the question, all present voted aye.

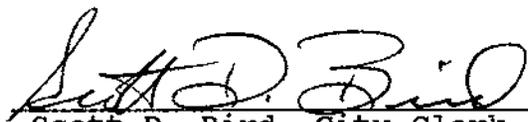
Thereupon, at 3:08 PM the Commission recessed into executive session. At 3:33, the Commission extended their executive session for an additional five minutes. At 3:38, the Commission came out of executive session.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to direct the City Manager to develop a finance plan to acquire the property at First and Hickory, formerly known as One Franklin Plaza. The motion was discussed and upon being put to the question passed by the following vote: Commissioner Jackson - aye; Commissioner Ramsey - aye; Commissioner Matthews - nay; Mayor Cumiskey - aye.

Thereupon, the Mayor declared that the motion had duly passed and that the City Manager was directed to develop a finance plan to acquire the building and property.

There being no further business to come before the Commission, Commissioner Ramsey made a motion to adjourn. The motion was seconded by Commissioner Matthews. The motion was considered and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the Office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

**STUDY SESSION
MINUTES
JUNE 27, 1994**

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Jim Shaw, Andy Haney, Jim Bradley, Richard Towe, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Lou Atherton and Debbie Henningson, Chamber of Commerce; Brad Howard, Travel and Tourism Committee Chairman; County Commissioners, Russ Savage and Gardner Hayden and County Attorney Larry Wright.

Absent: Commissioner Tyson

The City Manager opened the meeting by addressing various items that needed to be brought before the City Commissioners.

1. Request from Mr. Jerry Donnelly. Mr. Jerry Donnelly has requested that the City Commission write a letter of support for the development of additional housing on 15th Street as part of a Low-Income Tax Credit Program. A letter has been written to be signed by the Mayor upon consensus of the Governing Body. All Commissioner's were in favor of supporting this project.

2. League of Kansas Municipalities Building. The League of Kansas Municipalities has provided the City the option of prepaying the surcharge that will be imposed on the City. A decision will need to be made by July 6, 1994. However, if the City Commission does not want to take advantage of the prepayment at this time, there will be another prepayment option available February 1, 1995. The City Manager recommended that this item be reevaluated in January, 1995 and not take advantage of the option at this time.

3. Municipal Auditorium Rebid. It is anticipated that the rebidding process for the Municipal Auditorium project will be held in the Fall of 1994.

4. Request from ECKAN to use the Municipal Auditorium. The Advisory Committee for ECKAN has requested to use the Auditorium on August 19, 1994 to host a benefit which will allow ECKAN to replenish the Emergency Food Pantry. ECKAN has requested that the fees to accommodate the Auditorium be waived for the event. The City Manager stated that the City has ten to twelve days available to utilize throughout the year, and to date, has used four of these days. He suggested that the City allow ECKAN to use the Auditorium as the City's fifth day. However, it was recommended that the City allow only one charitable organization a year to take advantage of this fee waiver. It was the consensus of the City Commission to allow ECKAN to use the Auditorium and have all fees connected with this use waived for the food drive.

5. Acquisition of State Property. Correspondence has been received from KDOT inquiring whether the City of Ottawa would be interested in purchasing vacated property on South Main Street. The City Commission gave their approval for the City Manager to write a letter to KDOT informing them of the land use study and that the City would like to request four to six months to make a decision regarding this purchase.

6. Industrial Avenue. The City Manager noted that the person who requested to be at the Study Session for item number 7, Industrial Avenue, has requested to have this topic moved to July 11, 1994 due to the lengthy agenda for today.

Commissioner Ramsey made a motion to recess the work study session so the Commissioner's could participate in the Joint City/County Meeting. Commissioner Jackson seconded. All Commissioners present voted in favor of the motion.

Mayor Cummiskey opened the Joint/City County meeting by stating that the Commissioner's wanted to discuss the transient bed tax. Larry Wright, Franklin County Attorney stated that the options facing the Commissioners were: Option 1: Charter outside the statute; Option 2: Impose a mill levy; or Option 3: Raise funds from Sales Tax or any combination of the three options. Commissioner Jackson asked if the County could go higher than 2% on the bed tax? The County Attorney stated that the County could charter out of the statute by Home Rule and make the bed tax whatever was agreed upon. Mayor Cummiskey stated that 4% had been mentioned at previous meetings. County Commissioner Savage stated that "he did not feel it was right to pick out a particular business and saddle that business with a tax". Commissioner Ramsey stated that the tax would not be imposed upon the business, but the money would be used to promote the businesses business. County Attorney Larry Wright stated that the tax along the I-35 corridor was 4%. County Commissioner Savage stated that he would not be in favor of raising the tax to 4%. Commissioner Hayden stated that it was easier to start the tax off lower and raise it at a later date. Mayor Cummiskey asked if 3% tax would generate the monies needed for the Travel and Tourism Director? The City Manager and Lou Atherton stated that they felt the tax would need to be set at 4.5% to receive the income needed to kick the program off right. Commissioner Matthews stated that he felt the City needed to move ahead with the bed tax and get the Convention and Tourism on line. Commissioner Jackson agreed with Commissioner Matthews, that the City needs to move on this topic. City Attorney Forrest Lowry commented that the County would need to abandon their bed tax so the City would be allowed to impose their tax. The County would continue to tax outside the City of Ottawa. The City Manager suggested that the County Commission eliminate their tax within the City limits and increase their tax to 3% within the County. Each taxing entity would have a Convention and Tourism board.

Commissioner Jackson motioned and Commissioner Matthews seconded that the Joint City/County meeting be adjourned and the City Commissioner's recess into regular study session.

7. Capital Outlay - Budget Requests. The City Manager stated that one of his goals is to take care of the equipment on an on going basis. If the proposed items are approved, the City Manager would recommend that the Department Heads wait to mid-year of the budget year before the items are purchased. The City Manager is proposing that the vehicles for the Police Department be leased. This amount will be built into the operating budget. If this is approved, the City Commission will be agreeing to this expenditure for 1995, 1996 and 1997. This would allow a steady replacement policy. The City Manager went through each fund to explain the capital outlay requests made by each department.

Other Business: Commission photographs will be retaken before the July 20, 1994 City Commission meeting at 8:45 a.m.

Meeting adjourned at 5:20 p.m.

STUDY SESSION MINUTES

JULY 6, 1994

6:30 p.m.

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey and Tyson; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Jim Shaw, Andy Haney, Jim Bradley, Richard Towe, Jeff Herrman, Diane Stoddard; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks.

Absent:

The Mayor opened the meeting by having the City Manager address various items that needed to be brought before the City Commissioners.

1. Capital Improvements Program. Pursuant to previous discussions between the City Commission and the City Manager, the City Manager was directed to look at the existing Capital Improvements Program that was adopted for budget planning purposes and devise a plan that would adopt an incorporation of the possible acquisition of the Franklin Savings Administration Building in downtown Ottawa. The City Manager has prepared a plan that would allow for this acquisition. Some of the changes that were made in the CIP are:

Page 6 - Two Sections:

No changes to top section.

The City Manager reaffirmed his recommendation, instead of looking at a quick fix of the sanitary sewer situation, that we continue to plan on the ultimate sewer going in from approximately 20th Street, West of Eisenhower and allowing developers to tie into this. However, to accommodate some additional pipeline to take it to approximately 17th Street along Eisenhower, the cost has been increased from \$525,000 to \$600,000. The major changes in the plan deal with the water line and electric line improvements. As part of the Collector Street Program, the City Manager recommended that the City include improvement costs for not just the street but for the water line, sewer line and the electric line. In the previous fund there was \$1,000,000 for the collector street improvements. The City Manager is proposing to increase the project cost to \$1,250,000, however the increased cost would cover the water portion of the project which would allow the City to take the water system from 15th Street and tie it into the collector street along Eisenhower. The City Manager also recommended that instead of following the first proposal of opening up the whole west side of Eisenhower Street with water line improvements, that the City hold back on this and focus on 15th Street, I-35 and Eisenhower to the west city limits. The sewer would go in regardless because of the natural terrain.

The water line improvements costs have been reduced from the original anticipated \$850,000 to \$525,000. This construction would take place in 1996 instead of 1995. The electric line improvements have gone up \$50,000 to run electric line and doing some plant improvements all the way to 23rd Street and coming back over. The City's consultants are strongly suggesting that these improvements be made because the current load is almost at capacity and with the addition of the highway commercial corridor along US-59 and I-35, the City will see added demand. The City Manager recommended that the City utilize an existing CIP Reserve Fund to finance these improvements on a pay-as-you-go basis over 1994, 1995 and 1996 then issue temporary notes in 1997 and finance improvements for the long-term debt in 1998. This cost has gone up from \$750,000 to \$800,000 to include the cost of the financing and temporary notes in 1997.

City Hall Project - The City Manager recommended that if the City does decide to move ahead with the acquisition at the following City Commission meeting, that the City would acquire the building using existing funds in the City's KMEA Reserve Account in the Electric Fund. Temporary Notes would be issued and have long-term financing in 1997. The acquisition amount has been estimated to be approximately \$750,000. The City Manager also added an additional \$100,000 arbitrarily selected for improvement and another \$50,000 for temporary financing in 1996. An estimated total cost would be \$900,000. This project would be financed by the General Fund. Because this building could be used for other departments, the financing could be split between the other funds. It would be the City Manager's suggestion to split 40% General Fund and 20% to each of the other funds. Because of these changes, there will be an increase in the mill levy, however, this increase is slightly less than what was proposed. The greatest part of this plan will be about 13 mills.

Commissioner Ramsey asked what the City was looking at for mill levy increase prior to this for 1995 and 1996? The City Manager stated that 1995 did not change and for 1996 the mills were running between 12 and 13 mills during the 10 years of the plan.

Mayor Cumiskey questioned the amounts that would remain in reserve? Would this be an adequate percentage? The City Manager stated that the reserve requirement is the result of a contract with BPU in which the City is currently negotiating. If the City were not to extend the contract, the City might have to do a buy-out of the remainder of our contract. City staff anticipates that the contract will be extended through the year 2017 and moreover the reserve requirement will probably not be a condition of that extension. Mayor Cumiskey also questioned about emergency repairs that might arise? The City Manager again stated that the City would have \$250,000 in the fund plus additional reserves should there be a disaster. The City could also issue temporary notes to replenish those funds immediately.

Commissioner Ramsey asked if this could slow the City down for the development on the southwest area of the City because he felt that housing needed to be the number one priority? The City Manger stated that this would be two different funds that would move independent of each other.

Commissioner Ramsey questioned the City Manager about the ADA Funds for City Hall and the Library? The City Manager stated that in the previous CIP there was \$430,000 of City money allocated for the ADA Compliance, therefore, the City had to make up the difference of that with the \$900,000. City staff will be recommending that the City Commission, at their meeting tonight, request a budget amendment to the CDBG Grant that would allow the money to go towards the Library for their improvement and that our grant match requirement, which is City obligation, would be used for the acquisition. Conversations with the State have given City staff the indication that this amendment would be received favorably.

Commissioner Tyson asked for clarification of the Franklin Savings acquisition due to her absence at the last meeting. The City Manager explained the process that the City has gone through to acquire the building from the bank.

2. Refusal of Utility Payment by Parmelee. Parmelee has decided to appeal the City's decision and has stated that they will only pay a small portion of the total bill. The City Manager recommended that the City Commission reconsider reinstating the demand charges or direct staff to reaffirm the June 1, 1994 deadline that had been previously voted upon. Mayor Cummiskey asked what type of system the City had to handle people who were late paying their bills? The City Manager stated that most municipalities have a late charge of 18%. Commissioner Tyson commented that she thought the Commission was being very generous at the time of Parmelee's first request. Mayor Cummiskey stated that she would like to see the City reiterate the rate and institute a late charge. Commissioner Matthews stated that he agreed with the City Manager with regards to rescinding the previous decision and reinstitute the demand rate. Commissioner Jackson also agreed with Commissioner Matthews. Commissioners Tyson and Ramsey were in favor of the previous decision as stated above by Mayor Cummiskey.

Other Business: None

Meeting adjourned at 6:57 p.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of July 6, 1994 Regular Meeting

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 P.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Matt Matthews, Gene Ramsey, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

**Approval
of Minutes**

Thereupon, the minutes of the regular meeting of June 15, 1994, and the Special Meeting of June 27, 1994 were approved as written.

Public Comments

Thereupon, Mr. Greg Thyre of 1526 Orchard Drive spoke against the planned acquisition of the building known as Franklin Plaza located at First and Hickory.

Thereupon, Mr. Wayne Sylvester of 236 Ash spoke against the City's acquiring the building known as Franklin Plaza located at First and Hickory. Mr. Sylvester asked several questions regarding funding of the project and how the money would be repaid.

Thereupon, Mr. Jim Welch of 944 East 8th Street, asked the Commission if something could be done about the weeds and junk vehicles in his neighborhood. The Mayor responded that the Commission would direct the City Manager to have the appropriate person or persons look into the situation.

Thereupon, Mr. Charles Gillette of 1639 Willow, a member of the Planning Commission, spoke in favor of the City acquiring the building at First and Hickory in Ottawa, Kansas, known as Franklin Plaza.

Thereupon, Mr. Bob Reusch of 643 N. Hemlock, a member of the Library Board, spoke in favor of acquiring the building located at First and Hickory, Ottawa, Kansas, known as Franklin Plaza.

Public Hearing

**1994 CDBG
Housing
Application**

Thereupon, the Mayor opened a public hearing to consider an application to receive funding from the Small Cities Community Development Block Grant Program for housing purposes. The housing application requests \$300,000 of CDBG funds for housing rehabilitation in target areas to provide decent and affordable housing within the City. The Mayor explained that \$17,000 would be budgeted for administration, \$273,000 for rehabilitation, and \$10,000 for work-write up and inspection. Of the \$273,000 total for housing, \$136,500 is expected to be used for repair of homeowner occupied housing units. The remaining \$136,500 is for rehabilitation in the downtown area, Locust to Cedar from First to Seventh Street.

Thereupon, City Manager Scott Lambers explained that this application was a deviation from the norm, but would be setting a trend in the state as a means to revitalize the downtown areas by revitalizing upstairs apartments. In response to Commissioner Ramsey's question, Mr. Lambers explained that while the downtown area was the target area, other housing in that area could be revitalized. Mr. Lambers further explained that the program would be advertised so that applicants would have an opportunity to participate.

There being no further comments, the Mayor closed the Public Hearing.

**CDBG Community
Improvement
Budget
Amendment**

Thereupon, the Mayor opened a public hearing regarding a requested budget amendment to transfer all CDBG Grant monies to the Library portion of the ADA Compliance Application that had been previously approved and for the required matching funds of the City to be utilized for acquisition of an ADA compliant facility.

Thereupon, the City Manager explained in response to Mr. Wayne Sylvester's earlier question that this grant deals with State funds and such an amendment would require the State's approval which was the purpose of the public hearing and subsequent resolution.

Thereupon, Mr. Sylvester asked if the original budget had not been adequate to fund the Library ADA Project.

Thereupon, the City Manager explained that the original grant allowed for half of the grant to be applied to the Library Project and half of the grant to be applied to the City Hall Project, but that the local contribution would be fifty percent of each Project. As a result of this budget amendment, the City would transfer the entire grant to the

Library Project and monies expended on the proposed acquisition of the Franklin building would serve as the City's match.

Thereupon, the City Manager further explained that the dollar amount of the Grant did not change and that the ability to achieve this endeavor was favorable. There being no further comments, the Mayor closed the Public Hearing.

New Business

Bill No. 94-40

**Housing Project
CDBG**

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for a Housing Rehabilitation Project.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the resolution. The Motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the Resolution was duly numbered Resolution No. 807-94.

**A Resolution
relating to
Small Cities
CDBG
Community
Improvement
Grant**

Bill No. 94-41

Thereupon, there was presented a Resolution authorizing a budget amendment relating to Small Cities CDBG Community Improvement Grant, No. 93-PF-054.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the Resolution. During discussion, Commissioner Matthews stated that a vote for this bill would be a vote for a new City Hall and that he did not believe there was a guarantee that the Library would go into this building. Commissioner Matthews further stated that he would vote no on this issue. Upon being put to the question, the motion carried by the following vote: Commissioner Matthews - Nay; Commissioner Tyson - Aye; Commission Jackson - Aye; Commissioner Ramsey - Aye; Mayor Cumiskey - Aye.

Thereupon, the Mayor declared the resolution duly adopted, and the Resolution was duly numbered Resolution No. 808-94.

**Acquisition of
Franklin
Savings and
Loan Building**

Thereupon, there was presented a recommendation that the City Commission extend an offer to the RTC or the First National Bank of Kansas in the amount of their option for the purchase of the building, real property and furnishings excluding computer equipment in an amount not to exceed \$750,000, to be initially financed by borrowing funds from the KMEA reserve account in the City's electric fund.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the recommendation. During discussion, the City Manager explained that the funding available in the KMEA account was a result of a requirement placed upon the City when it became involved in the purchase of electricity and membership of KMEA. He further explained that the purpose of this money was for the potential buyout of the contract with KMEA and that it was unlikely that the funds would be needed for that purpose, however, the monies would have to be repaid and the City could achieve this repayment through temporary note financing and through long term financing at a later date.

Thereupon, Mr. Lambers explained that the revised CIP provided for the above mentioned financing to begin in 1997.

Thereupon, Mayor Cummiskey explained that upon the acquisition of the building there would be a building utilization study performed and that consideration such as the Library would be included. Mayor Cummiskey further explained that a study had been performed on the current City Hall and that approximately \$830,000 would be needed to bring it into ADA compliance and up to mechanical code.

Thereupon, Commissioner Ramsey explained that the use of the building had not yet been determined and that was not the intent of this action.

Thereupon, Commissioner Jackson explained that there had been ongoing discussions concerning the options in regards to the City Hall situation and that this had not been a decision made hastily. Upon being put to the question, the motion carried by the following vote: Commissioner Jackson - Aye; Commissioner Tyson - Aye; Commissioner Ramsey - Aye; Commissioner Matthews - Nay; Mayor Cummiskey - Aye.

Thereupon, the Mayor declared the motion duly approved.

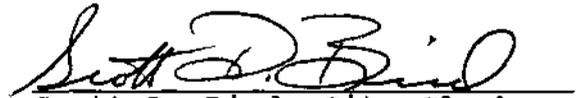
**Governing
Body Agenda**

Thereupon, Commissioner Jackson announced that on Monday, July 11, at 5:15 there would be a ribbon cutting at the new Chrysler dealership, South Star Chrysler.

Thereupon, Mayor Cummiskey announced that the next regular meeting would be July 20, 1994, at 9:30 A.M.

There being no further business to come before the Commission, Commissioner Tyson made a motion, which was seconded by Commissioner Matthews, to adjourn the meeting. The Motion was considered and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

JULY 11, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guest: Jerry Coatney.

Absent:

Mayor Cummiskey opened the meeting by reviewing the agenda for the July 20, 1994 City Commission Agenda. The City Manager stated this meeting has been canceled at this time due to lack of items. The ORV grant application had been scheduled for this meeting but because the State has not had time to review the amendment of this application, this item will be placed on the next Study Session agenda or the next City Commission meeting. Mayor Cummiskey asked the City Manager if the Commission meeting is canceled should the time be used to hold a budget meeting? The City Manager suggested that if after the July 18, 1994 Study Session the Commissioner's wanted to meet on July 20, 1994 to discuss budget, that it could be arranged to do so. Mayor Cummiskey also asked if the Joint City/County meeting would be held on July 20, 1994? The City Manager stated that it was the County's turn to host and the City would wait to see if the County called a meeting. City staff will notify the City Commission on Friday, July 15th if there will be a Commission meeting on July 20th.

1. Maintenance of Industrial Avenue. The Commissioner's had previously been copied with a letter from Mr. Jerry Coatney of National Sign Company stating his desire to have some type of dust control on Industrial Avenue. The City Manager stated that because it had been awhile since the benefit district had been proposed to the property owner's, that this option could be explored again and also see if there are other companies in this area that would be interested. Commissioner Tyson asked for an explanation of the process to eliminate the dust problem. Andy Haney, Public Works Director, stated that this process is a chemical treatment to the gravel which is a temporary fix and requires periodic freshening. Mr. Coatney advised the Commission that there would be another solution that could be tried. He stated that the Kansas Soybean Association has been experimenting with a byproduct of soybean oil that Miami County is currently testing. This treatment is very inexpensive but is also in an experimental stage. The other option Mr. Coatney suggested would be to use calcium chloride. Mr. Coatney went on to state that one of his concerns is the amount of rock applied over one years time. He also stated that the problem occurred mostly in the Spring and Summer months. The City Manager also stated that one other option to this problem for future years would be to use asphalt, which has been estimated by Mr. Haney to cost approximately \$50,000. Mr. Coatney asked what fiscal year funds would be available to apply the asphalt? The City Manager replied it would probably be 1996 at the earliest. Mr. Haney suggested that the City should have an engineer look at the project to find out the actual cost of the asphalt project. Mayor Cummiskey told Mr. Coatney that she appreciated him bringing another possible solution to their attention. Mr. Coatney stated that Miami County will be sending a packet of information to him regarding this product. The City Manager stated that Mr. Haney will get back to Mr. Coatney after City staff discusses all the possibilities.

The City Manager requested that the Commissioner's deviate from the agenda so that Mr. Bob Bezek, Attorney of Anderson, Byrd & Richeson, could discuss pending litigation in Executive Session. Commissioner Matthews made a motion to enter into Executive Session to discuss pending litigation at 3:20 p.m. for 30 minutes. Commissioner Jackson seconded. All Commissioners voted in favor.

Executive Session closed at 3:55 p.m. and regular work study session convened.

2. 1995 Proposed Budget. The 1995 budget proposes to maintain the current level of employees and does not include any increase in the number of employees. Commissioner Matthews asked what the total number of City employees was at this time? The City Manager stated that the City has 140 full-time employees and 60 summer employment employees. The budget does provide for merit increases for eligible employees based on their anniversary date, however, it does not provide for a cost-of-living adjustment. The City Manager noted that there was an increase in the Personal Services budgets. This increase is due to the fact that a Building Inspector position had been budgeted for 1994 with partial funding available. This position will have full funding in 1995. Additionally, the 911 budget with the County has added another dispatcher which was also partially funded in 1994. The other significant change in the Personal Services budget is the Personnel Department has previously been charged to the Electric Department, the City Manager is recommending that this department be cost allocated to each of the funds.

Fund Levies - The Employee Benefits Fund has a slight decrease proposed. This fund is in a deficit situation and does require a subsidy from the General Fund of approximately \$20,000 to be balanced. This fund had a reduction in the ending cash balance of approximately \$25,000 between 1993 and 1994. The City Manager is proposing that the ending cash balance stay the same for 1995. The total mill levy that is projected between 1994 and 1995 is showing a slight reduction.

Detailed Sheets:

The City Manager pointed out that the City Commission would basically be looking at the salaries of the following funds. He also mentioned that due to some employees retiring, some of the funds will have some substantial changes in salary.

0115/Administration - Three positions of 25% each have been added which represents the Personal Services amounts.

0116/Finance - No change.

0130/Planning & Zoning/Planning - Estimated increase of \$57,000 to \$59,000.

0135/Planning & Zoning/Inspection - The increase noticed in this fund is due to the full funding of the Building Inspector.

0140/Public Works/Cemetery - No Change.

0141/Public Works/SBA - \$10,000 projected increase.

0144/Public Works/Fleet Mgmt. - There had been an employee that has retired from this department and therefore the salary has been reduced slightly.

0146/Public Works/Parks - Slight increase.

0151/Police - Approximate increase of \$5,000.

0155/Municipal Court - Salaries show a decrease to reflect the Judges situation as opposed to the Court Clerk. The City of Ottawa currently does not have a bailiff which is very atypical for a Municipal Court. The City Manager stated that as the City continues to grow and the City's municipal court function continues to grow as well, the City may look at hiring a part-time person for this position.

0157/Fire Department - There has been a significant reduction in overtime between the 1994 and 1995 budget. The City Commission had approved staff to utilize the overtime monies for an additional fire fighter.

0171/Summer Youth Program - The City presently has 58 youths working in the Summer Youth Program.

Enterprise Funds:

1300/Auditorium Fund - No changes in Personnel

3001/Utilities/Water Production - This Personal Services Budget shows an increase from 1994 of approximately \$48,000. This increase is due to the cost allocation against the Personal Services of the Personnel Department which would also cause an increase in the benefits fund.

3002/Utilities/Water Distribution - This fund has a slight increase. The computer operator is not being charged to this fund as in the previous years.

3601/Utilities/Wastewater Treatment - The increase in this fund is again related to the changes in Personal Services.

3602/Utilities/Sewer Maintenance - This fund has a slight reduction due to the retirements from this department.

3703/Utilities/Electric Production - No changes made to this fund from 1994 to 1995.

3704/Utilities/Electric Distribution - No changes made to this fund from 1994 to 1995.

3705/Utilities/Warehouse - A retirement took place in this department which accounts for the change in salaries.

3710/Utilities/Administration - There is a reduction in the Personal Services due to cost allocation. The Administrative Assistant position has also been dropped from the 1995 Budget and the Clerk Typist position has been cost allocated out to other funds.

The City Manager stated that at the July 18, 1994 Study Session the Commission and City staff will be reviewing the Contractual Services and the Commodities sections of each of the budgets. The Department Heads have the flexibility to spend these monies within the categories. However, it is possible that a line item could be under-spent or over-spent. If there are significant deviation from what is budgeted, those amounts would be brought to the Commission. If there are going to be any cost utilization of funds, these would require the City Manager's approval.

The City Manager told the Commissioner's if they had questions regarding the proposed budget, to feel free to contact him.

Other Business:

Commissioner Tyson asked Andy Haney when 17th and Elm Streets would be closed to through traffic? Andy stated that the materials had been ordered from National Sign Company but have not been completed. Andy further stated that the necessary posts to close the street would be borrowed from Overland Park.

Commissioner Tyson also asked about the building being built in Kanza Park and who would be occupying this building. Jim Shaw, Director of Planning and Zoning, stated that Devore and Associates is building one building and Agler and Gaeddert will also be building.

Commissioner Tyson also asked when the job descriptions for City employees would be copied? The City Manager stated that the Personnel Department has been working on this project and that he would check Judy Hasty on the progress.

The City Manager also informed the Commission that he would notify them of the meeting times for next week. He also stated that the Study Session would be dedicated for review of the budget and that he would like to complete the budget process at this meeting.

Commissioner Jackson moved that the City Commission meeting be recessed to Southstar Chrysler for their ribbon cutting. Commissioner Matthews seconded. All Commissioners were in favor.

Meeting adjourned at 4:45 p.m.

STUDY SESSION MINUTES

3:00 P.M.

JULY 18, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Jackson, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Dick Smith, Diane Stoddard and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Carla Bienhoff and Scott Wassar from the Auditorium Board.

Absent:

Mayor Cummiskey opened the meeting by stating that today's meeting would be dedicated to the 1995 Proposed Budget. The City Manager provided the City Commission with Contractual Service items that have been divided into proper funds. The City Manager stated that the Contractual Services and Commodities Funds would be reviewed at this meeting. The Commodities Fund between 1994 and 1995 has had a reduction in anticipated expenditures of approximately \$2,142 or 1%. The Contractual Services Fund will have an estimated increase of almost \$16,000. However, 50% of this increase is due to the fact that for accounting purposes, the Municipal Court Judge is being charged under Contractual Services instead of Personal Services.

Mayor Cummiskey and the City Manager suggested that because members of the Auditorium Board were present at the study session, that their budget be reviewed before discussing other City funds. The City Manager commented that the budget for the Auditorium is tight and that they are living from year-to-year on the revenues that the Auditorium receives. This budget does not have a contingent reserve, operating reserves and is anticipated to spend 100% of the revenue that is collected.

Carla Bienhoff, Auditorium Board Member, questioned why in 1992 and 1993 the carryover amount did not match the information that had been distributed in March, 1994 for this budget. The difference between the figures was approximately \$35,000. Scott Bird, City Clerk, stated that the report the Auditorium had received in March was not an audited report and since that time has been audited to reflect the current figures. Ms. Bienhoff also stated that when the Auditorium Board was established and the Auditorium was refurbished, the Ottawa community voted on a 1.5 mill levy for the Auditorium. At this time the Auditorium is only receiving a 1.15 mill levy. Ms. Bienhoff commented that it was the Auditorium Board's understanding that any funds that are raised from their shows or activities can be kept as a program fund. The Board has been meeting to set up by-laws to run the Board. The Board has also been developing a five year plan to predict the future of the Auditorium. Ms. Bienhoff questioned the City Commission as to what they are willing to do to help the Auditorium. Will the City be willing to continue paying their share of the utilities? Is the City going to be held responsible for the ADA upgrades that need to be made to the Auditorium building? She also stated that according to their ordinance, the Auditorium Board is to have control of their funds. Is this possible?

Mayor Cummiskey asked Ms. Bienhoff how this budget differs from the one submitted by the Board? Dick Smith, Auditorium Director, commented that the budget had changed several times. He stated that he had visited with Mr. Lambers and Mr. Bird about the possibility of raising the mill levy to 1.5 mill. The budget that was submitted in April included this mill levy and \$160,650 was the budgeted amount for the Auditorium. When the budget was returned to Mr. Smith, there had been a cut made to the mill levy and the budget was reduced to below the budget amount for 1994. The budget as it is now, is below the working budget that the Auditorium used in 1991. The City Manager commented that if the Commission wanted to allow the Auditorium the 1.5 mill levy, it would allow for approximately \$11,000 more in available income. However, at the beginning of the budget process the City Manager was directed to prepare the budget with no increase in the mill levy.

Mayor Cummiskey commented that she was under the impression, according to retired City Clerk, Pete Smith, that the 1.5 mill levy would be used for maintenance and not operations. Dick Smith commented that he had talked to Mr. Charles Gillette, who was on the City Commission at the time that the mill levy was discussed, and that Mr. Gillette stated that it was not specifically for maintenance but for maintenance and operation. Scott Bird stated that the intent was for up to 1.5 mills be allocated to the Auditorium for maintenance purposes.

Mayor Cummiskey also questioned Ms. Bienhoff about utilities paid for the Auditorium. The actual amount shown for utilities in 1993 was \$16,779 and the estimated for 1994 was \$9,000. Dick Smith commented that the City would absorb the electric and water billing for the Auditorium for 1994. Mayor Cummiskey also asked if the energy audit had been included in the budget. Dick Smith stated that if the Auditorium wanted to do the audit, it was up to them to place it in the budget. However, since this was estimated to cost approximately \$2,500, they did not feel it was practical to put this in the budget.

Commissioner Tyson asked Mr. Smith why the Contractual Services is up \$7,000 in the Auditorium budget from the City's proposed budget? The City Manager stated that this could have been an increase in the event fees and deposits because of the anticipated additional revenue from the increase in property tax.

Commissioner Ramsey asked if the Auditorium anticipated any hope that the \$35,956 for 1992 and the actual amount for 1993 would meet the \$11,000. Mr. Smith stated that in 1992 some of the line items were realigned and these items were changed in 1993. Commissioner Ramsey also asked if the BINGO revenue was put in the miscellaneous line item. Mr. Smith stated that this was correct. Mayor Cummiskey also stated that there were not any grants reflected in 1992 which would have been some of the money in question.

Commissioner Tyson commented that the City is still looking at \$10,000 difference between the City's proposed budget and the Auditorium's budget.

Mr. Smith stated that he contemplated talking with Scott Bird to see what the bottom line was for each line item and realign his line items to match the budget numbers.

The City Manager stated that the issue needing to be discussed by the City Commission is what the Commission wanted to offer the Auditorium for the mill levy.

Commissioner Ramsey again asked if the ADA requirements would be covered by the City or if the Auditorium would be responsible for the cost of this compliance? Commissioner Jackson said the items submitted were small ticket items but the City had already committed \$100,000 to update the loft in the Auditorium. Mr. Smith stated that the ADA requirements are being requested as part of a grant procedure for the Auditorium. The City Manager stated that as long as the City shows a good faith action to have started on the ADA improvements on all City buildings, we would not be expected to have all major improvements completed by January 1, 1995. The City Manager suggested that if the Commission would be willing to raise the mill levy, the money received from this increase could be set aside for the energy audit and the ADA improvements. Any money that is left-over after these two projects are completed, could be used for operations. Commissioner Matthews stated he felt the Auditorium could wait on the ADA requirements and did not need to be looked at this time. Ms. Bienhoff commented that she understood it did not need to be done immediately, but the Auditorium Board still needs to know where the money will come from for budget planning purposes. Commissioner Tyson stated she would be in favor of raising the mill levy to 1.5 with the stipulation that the extra money generated from this increase would be used for the energy audit, ADA and the balance to be used for operations. Commissioner Matthews questioned why the Auditorium had to address the ADA issue now. Why can't this issue be dealt with at some other time? If the City comes up with some extra money, the issues can be addressed at that time. Commissioner Ramsey suggested that if the Auditorium Board needed to take a cut, that other departments maybe should take a cut as well. The City Manager stated that the Auditorium basically runs independent from the City. The Auditorium relies solely on the mill levy to support them, so if the Commission started to cut into the General Fund and made a General Fund transfer, this would be possible, but it is inconsistent with past policies and is not recommended by the City Manager. Commissioner Ramsey stated that a decision needs to be made and not take a wait-and-see attitude. He also stated that he would not have a problem with raising the mill levy to 1.5 even though the City Manager was instructed to hold the mill levy, he still agreed that the Auditorium was a viable part of the City and the Commissioners needed to give their support. Scott Bird commented that he would like to see some cash carry-over to be stipulated as well, if the Commissioners agreed to raise the mill levy. Commissioner Jackson stated he agreed with Scott Bird and felt that the Auditorium needed to have more realistic goals and to be able to stay within their budget. The majority consensus (4-1) is that the mill levy will raise to 1.5, the budget would be increased to add the energy audit (approximately \$2,500), action on the ADA compliance will be delayed for now with the balance going into a Contingency Reserve account for the Auditorium with any expenditures coming out of this account coming back before the Commission for their approval. Ms. Bienhoff stated that this was a satisfactory solution. Commissioner Matthews stated that when the budget process first began, the Commission had a 5-0 vote to hold the mill levy down. The City Manager was directed to, and did, accomplish this request.

The City Manager stated the next part of the budget analysis was to go through the General Fund, focusing on line items in the Contractual Services.

0115 - City Commission, City Attorney, Finance and Administration: Commissioner Matthews questioned the amount budgeted for uniforms in this fund. The City Manager stated that the City provides uniforms for the street level employees as well as for the administrative clerical staff. The City Manager commented that the cost allocation for employees does not necessarily reflect the total cost to the department. Scott Bird stated that the street personnel will often receive more than one uniform per year, his staff only receives one new outfit each year. Scott Bird also commented that this does present a more professional image in the front office. Commissioner Matthews agreed that it does create a more professional image, however, with the City trying to cut spending, he did not feel this was a necessary expense. The City Commission instructed the City Manager to do a cost analysis on the uniforms by fund to show the potential savings.

0116 - Finance - Public Buildings: No discussion for this fund.

0117 - Non-operating: No discussion for this fund.

0130 - Planning & Zoning - Planning: Commissioner Ramsey inquired about the amount budgeted for books. Jim Shaw, Director of Planning, indicated that this would be to buy all the code books. The City is required to keep three books in the vault as well as to keep enough on-hand to sell to the public. Commissioner Ramsey noted that the books were not budgeted in 1992 and 1993 and wanted to know why. Mr. Shaw indicated this was because City staff budgets for larger amounts in the years that the codes are amended.

0135 - Planning - Inspection: The addition of personnel in this department doubled. Commissioner Ramsey asked why there was an increase in the amount budgeted for postage? The City Manager indicated that as the City deals with more of the property upkeep, the City needs to mail out notices to the whole area, which has increased the postage costs.

0140 - Public Works - Cemetery: Commissioner Tyson asked what the \$7,000 in machinery/equipment was budgeted for? Andy Haney, Director of Public Works, stated this was for a replacement engine for a backhoe.

0141 - Public Works - Streets, Bridges & Alleys: Mayor Cumiskey asked why there was a public relations line item when it is not listed on the detail sheet? The City Manager commented that this was an error. The \$10,000 listed in this budget for machinery/equipment is a lease payment for a tractor and a mower.

0142 - Public Works - Flood Control: The City Manager commented that the City Commission had been previously copied with correspondence of an inspection that had been conducted and the City has been watched carefully since this inspection from the State.

0143 - Public Works - Airport: Mayor Cumiskey asked why the Youth Summit Fliers were listed in this budget? The City Manager commented that this was an error.

0144 - Public Works - Fleet Management: The largest expense budgeted in this fund is for oil.

0146 - Public Works - Parks: Commissioner Ramsey asked what needed to be done to the City parks to comply with ADA? The City Manager commented that parks are difficult to make assessable because of all the items that could be included in the compliance procedure.

0147 - Public Works - Weed & Pest Control: No discussion.

0151 - Police: - Commissioner Ramsey asked if the Police Department pays the City for utilities. Chief Herrman stated that they do pay for their utilities. Commissioner Ramsey also questioned the English tutoring that was provided under this fund? Chief Herrman stated that this was a provision made for one of his employees that was having a difficult time in this area and therefore was sent to a specialized class.

0153 - Public Safety - 911 Services: This amount increased due to the funding of the dispatcher position.

0155 - Municipal Court: The contractual services reflects the transfer of salaries for the attorney's functions.

0157 - Fire: No discussion.

0171 - Summer Youth Program: Mayor Cummiskey asked what the Community Services line item was used for under this activity? The City Clerk stated that this was just a line item for different types of expenditures for the program. Mayor Cummiskey also requested that each Commissioner receive a chart-of-accounts and a description so they are better informed of what is being spent.

3001 - Utilities - Water Production: The City Manager instructed Jim Bradley, Director of Utilities, to explain why the building and structure repair line item had a higher amount budgeted. Jim explained that this line item included repairs to the basement and roof for the Water Plant. The City Manager explained that under Commodities, the largest amount in this fund would be for purchase of chemicals.

3002 - Utilities - Water & Sewer Maintenance - Water Distribution: Commissioner Ramsey questioned the amount in the Contractual Services under Other Contractual Services. Jim Bradley stated this was for a specific study, but would need to get the information from his office. The City Manager commented that information would be distributed to the Commission at a later date.

3601 - Utilities - Wastewater Treatment: No discussion.

3602 - Utilities - Sewer Maintenance: Slight increase in Contractual Services and a slight increase in Commodities. No other discussion.

3703 - Utilities - Electric Production: No discussion.

3704 - Utilities - Electric Distribution: No discussion.

3705 - Utilities - Warehouse: No discussion.

3710 - Utilities - Administration, Finance Administration, Data Processing, Human Resources and City Manager: Commissioners Matthews and Ramsey commented about the uniform expense in this fund.

Commissioner Matthews commented that the Commission was under the impression the City employed 140 employees. However, according to the detail sheets provided to the Commission, Commissioner Matthews actually counted 165 employees which included seasonal employees.

Commissioner Matthews also requested that the City Manager and City Clerk check on sales tax figures to see what the amounts might be.

Other Business:

Mayor Cumiskey announced the reception with the Ottawa University Hong Kong students.

Mayor Cumiskey also announced that she had received correspondence from the League of Kansas Municipalities wanting round table items for the upcoming League meetings in Topeka.

Commissioner Matthews made a motion to move into Executive Session at 5:23 p.m. for 15 minutes to discuss acquisition of real estate. Commissioner Jackson seconded. All Commissioners voted in favor.

Meeting adjourned at 5:45 p.m.

CITY OF OTTAWA, KANSAS
Special Commission Meeting

Minutes of July 27, 1994 Special Meeting

Roll Call

The City Governing Body met in special session at the Commission Chambers in City Hall at 8:30 A.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Matt Matthews, Gene Ramsey, and Joan Tyson. A quorum was present. The Mayor called the meeting to order and welcomed the Chamber audience.

**Public Hearing
CDBG Lester
Building Inc.**

Thereupon, the Mayor opened a Public Hearing to consider the proposed application for a Community Development Block Grant for an Economic Development project, Lester Building Inc. The Mayor explained that the City would submit an application for Economic Development funds for Lester Building Inc., for a project which once completed would result in the creation of 41 low to moderate income positions, with a total of 60 jobs. The total cost of the project is anticipated to be \$2,250,000 with \$500,000 of the total to come from the CDBG Economic Development program. The Mayor further explained that the applicant, Lester Building Inc., manufactures commercial and agricultural buildings and is a division of the Butler Building Company.

Thereupon, Mr. Lou Atherton, of the Ottawa Area Chamber of Commerce spoke in favor of the application, stating that he had been working on this project since November of 1993 and that Ottawa had received serious competition regionally.

Thereupon, Commissioner Jackson asked how many of the 60 jobs would actually be created, and how many the company would bring with them.

Thereupon, Ms. Wynndee Lee, Grant Administrator, for the City of Ottawa explained that Lester Building Inc., only planned on bringing 3 staff members with them, leaving a potential creation of 57 jobs in the Ottawa area.

Thereupon, Ms. Lee explained that 41 low to moderate income positions would be created, not the 31 which had earlier been projected, and that the maximum amount allowable from the State had been requested through the CDBG application.

Thereupon, Commissioner Ramsey asked if other cities were

making similar applications for Lester Inc.

Thereupon, City Manager Scott Lambers explained that this application was being filed before final commitment from Lester, however, as a result of the grant cycle and the fact that the cycle was coming to an abrupt end, the City had to pursue the application at this time.

Thereupon, Ms. Lee stated that Ottawa was the preferred choice even though a final commitment had not been made.

Thereupon, Commissioner Jackson cited that wages for unskilled and skilled labor was anticipated to be between \$6.00 and \$8.00 per hour.

There being no further comments to come before the Commission, the Mayor closed the Public Hearing.

**Resolution CDBG
Lester Inc.**

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for an Economic Development Application.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 809-94.

**K-68 Water Line
Agreement**

Thereupon, there was presented a Water Line Agreement with Wal-Mart District and Rural Water District No. 1.

Thereupon, City Manager Scott Lambers explained that Rural Water Dist. No. 1, had requested separate agreements, one between the City of Ottawa and the rural water district, and one between the City of Ottawa and Wal-Mart. This arrangement will allow the City of Ottawa to provide water during the construction phase of the Wal-Mart Dist. facility. He explained that the 2 agreements, as opposed to a single agreement, would actually simplify the process and asked for concurrence of acceptability from the Commission.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve and direct the City Manager to proceed with agreements as presented. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Bambinos

Thereupon, the Mayor congratulated the 12 year old Bambinos, for their victory at the State level.

Budget

Thereupon, the Mayor declared that the Commission anticipated finishing the 1995 Budget as scheduled and that the Budget Hearing for August 15, would proceed as planned.

**Executive
Session:
Real Estate**

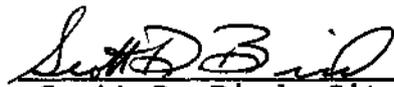
Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to recess to Executive Session for 15 minutes for the purpose of discussing the acquisition of real estate. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Commission recessed at 8:54 A.M.

Thereupon, at 9:09 A.M. the Commission requested an extension of 10 minutes, at 9:19 A.M. Commissioner Tyson made a motion which was seconded by Commissioner Jackson to end the recess. The motion was considered and upon being put to the question all present voted aye.

There being no further business to come before the Commission, Commissioner Tyson made a motion, which was seconded by Commissioner Jackson, to adjourn the meeting. The Motion was considered and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

CITY OF OTTAWA, KANSAS
Commission Meeting

Minutes of August 3, 1994 Regular Meeting

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9 A.M. this date. The following members being present and participating, to wit: presiding Mayor pro tem Matt Matthews, Commissioners Richard Jackson, Gene Ramsey, and Joan Tyson, absent Mayor Cumiskey. A quorum was present. Mayor pro tem Matthews called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

Approval of Minutes

Thereupon, the minutes of the regular meeting of July 6th, 1994, were approved as written.

New Business

**Resolution
Home Day Care
Service**

A Resolution regarding home day care service at 535 S. Ash Street.

Thereupon, there was presented a resolution granting a special use permit for a home day care service to be located at 535 S. Ash Street in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor pro tem declared the Resolution duly adopted and the Resolution was duly numbered Resolution No. 810-94.

**Ordinance
Bed & Breakfast**

An Ordinance providing for the establishment of a Bed and Breakfast.

Thereupon, there was presented an Ordinance amending Article 33, Section 4, and Appendix A of Ordinance No. 2933-90, the Zoning Ordinance for Ottawa, Kansas to provide for the proper location of "Bed and Breakfast" establishments in the City of Ottawa.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the Ordinance. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor pro tem declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3106-94.

**Purchase of
Franklin
Savings
Building**

Purchase of Franklin Savings Building and lease-back agreement with First National Bank of Kansas.

Thereupon, there was presented an assignment and assumption agreement and lease agreement with First National Bank of Kansas for the acquisition and lease-back of Franklin Savings Administration Building.

Thereupon, City Manager Scott Lambers explained that the agreement before the Commission would provide for the City to acquire and lease-back on a month-to-month basis the Franklin Savings and Loan Administration Building. He further explained that the gross purchase price as established by the RTC was set at \$819,806.39. The date of acquisition had been established as June 10, 1994, and therefore, the City would assume property tax liability commencing with that date. The liability was estimated at \$14,500.00, bringing the total purchase price, through August 25, 1994, (the execution date of the agreement), to \$834,306.39. Mr. Lambers went on to explain that there were several financial offsets which would reduce the purchase price, including an interest payment by the First National Bank of Kansas from June 10 to August 25 of \$10,168.39 and a first month lease payment of \$26,156.69. In addition, First National Bank of Kansas has expressed interest to purchase some of the equipment from the City at a value estimated at \$2,575.00. The resulting net purchase price being \$795,406.31 for a cost of approximately \$25.00 per square foot. Mr. Lambers explained that the Bank would continue to lease the building from the City on a month-to-month basis through April, 1995, at a cost of \$26,156.39, which would continue to reduce the corresponding purchase price.

During discussion, Commissioner Matthews stated that he would vote in favor of the project and that he would like to see the library be located in this facility. Mr. Lambers explained that he had met with members of the library board and instructed them to perform a space

utilization study and that no movement into the building would occur until a completed space utilization study had been accepted by the Commission.

Thereupon, Commissioner Jackson made a motion, which was seconded by Commissioner Ramsey to approve the agreement. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor pro tem declared the motion duly approved.

**Financial
Activities for
June, 1994**

Thereupon, there was presented the monthly financial and activities reports for June, 1994.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to accept the reports. During discussion, Commissioner Jackson ask for minutes from the ORC Board meetings. Upon being put to the question, all present voted aye.

**Governing Body
Agenda**

Thereupon, the Mayor pro tem reminded the Commission that a special call meeting for August 15, 1994, would be held at 7 PM at the Ottawa Middle School to consider the 1995 Budget, and that the next regular meeting would be September 7, 1994, at 7 PM.

Adjourn

There being no further business to come before the Commission, Commissioner Ramsey made a motion, which was seconded by Commissioner Jackson, to adjourn the meeting.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

CITY OF OTTAWA, KANSAS
Special Commission Meeting

Minutes of August 15, 1994 Special Meeting

Roll Call

The City Governing Body met in special session at Ottawa Middle School, 5th and Main, Ottawa, Kansas, at 7:00 PM this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Matt Matthews, Gene Ramsey, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the Chamber audience.

Agenda Approval

Thereupon, the Agenda for the meeting was approved by the Commission.

**Approval of
Minutes**

Thereupon, the minutes of the Special Call Meeting of July 27, 1994, and the regular meeting of August 3, 1994, were approved as written.

Public Hearing

Thereupon, the Mayor opened a Public Hearing to consider the 1995 Proposed Budget.

Thereupon, Commissioner Matthews ask if the \$6,000 to \$7,000 for administrative uniforms had been taken out of the budget. City Manager, Scott Lambers, responded that it had indeed been removed.

Thereupon, Commissioner Matthews ask if the community had time to review the budget and if it had been made available. Mr. Lambers responded that the entire budget had been made available and that the City had complied with statute.

Thereupon, Commissioner Matthews stated that he believed more cuts could be made to the budget and suggested that the Commission delay adoption.

Thereupon, Mayor Cummiskey stated that any budget could be cut, but one has to look at the wisdom of such cuts.

Thereupon, Commissioner Ramsey commented that he believed the City Manager had been conservative in his estimates, but if this proved to be the case, a reserve would be developed which could be utilized in the future.

There being no further comments, the Mayor closed the Public Hearing.

New Business

1995 Budget

Thereupon, there was presented Bill No. 94-45. An Ordinance appropriating the amounts provided in each fund in the budget for the year 1995; providing for the payment of all claims and charges against the funds provided for therein; and approving and ratifying the payment of all claims against the accounts for the year 1995; and establishing the amount of ad valorem tax to be levied in 1994 for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the Ordinance. The motion was considered and upon being put to the question, passed by the following vote: Commissioner Tyson - Aye; Commissioner Ramsey - Aye; Commissioner Jackson - Aye; Commissioner Matthews - Nay; Mayor Cumiskey - Aye.

Thereupon, the Mayor declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3107-94.

Itinerant Sales

Thereupon, there was presented Bill No. 94-46. An Ordinance repealing Section 11-401 of the Municipal Code of the City of Ottawa, Kansas, having to do with door-to-door solicitors, peddlers, and itinerant merchants, and replacing it with an Ordinance allowing such activities under certain conditions.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson, to adopt the Ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3108-94.

Temporary Water Agreement

Thereupon, there was presented an agreement between the City of Ottawa and Rural Water District No. 1 for use of water main and agreement between the City of Ottawa and Walmart for the provision of temporary construction water.

Thereupon, City Manager Scott Lambers explained that the agreements allowed the City of Ottawa to provide water during the construction phase of the Walmart Distribution facility to the project location and that said water would

be "wheeled" through the Rural Water District's main.

Thereupon, Commission Tyson made a motion which was seconded by Commissioner Ramsey to approve the agreements. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the agreements had been approved.

**Employment
Policies**

Thereupon, there was presented Bill No. 94-47. A Resolution amending the policies concerning employment as adopted by Resolution No. 581-91, dated November 20, 1991, of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to adopt the Resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was duly numbered Resolution No. 811-94.

**F i n a n c i a l
Reports
July, 1994**

Thereupon, there was presented the monthly financial and activities report for July, 1994.

Thereupon, Commissioner Tyson inquired about the hiring practices of the City. City Manager, Scott Lambers, explained the City does both inside and outside recruitment depending on the position and the people who might be qualified and on staff.

Thereupon, Commissioner Jackson, made a motion which was seconded by Commissioner Tyson to accept the monthly financial and activities report for July, 1994. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the reports duly accepted.

**Governing Body
Agenda**

Thereupon, Commissioner Jackson congratulated the American Legion Baseball Team for winning the state tournament.

Thereupon, the Mayor reminded the Commission that there would be a ceremony to dedicate the Eagle Project Exercise area at Kanza Park on August 28; that the next regular meeting of the Commission would be September 7, 1994, and that there would be a special call meeting to consider the proposed Cemetery Ordinance on August 29, 1994.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, which was seconded by Commissioner Matthews, to adjourn the meeting. Upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

CITY OF OTTAWA, KANSAS
Special Commission Meeting

Minutes of August 29, 1994 Special Meeting

Roll Call

The City Governing Body met in special session at 3:30 PM this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Matt Matthews, Gene Ramsey, and Joan Tyson; absent, Commissioner Richard Jackson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the audience.

**New Business
H i g h l a n d
Cemetery**

Thereupon, Mayor Cummiskey explained that an Ordinance had been presented to the Commission which would restrict the use of 40 acres, more or less, to future expansion of Highland Cemetery. The Mayor further explained that the City Attorney had opined that any ordinance restricting land use, especially land owned by the City and not yet dedicated to public use is administrative, and that the Attorney for the League of Kansas Municipalities had concurred with that opinion.

Thereupon, Commissioner Ramsey asked why the Ordinance was invalid, and why it could not be put on the ballot.

Thereupon, City Manager Scott Lambers explained that this was not a regular City Ordinance, but was an attempt to bind future City Commissions.

Thereupon, City Attorney Forest Lowry explained that if this initiative and referendum were approved, it would bind Commissions, but that it was his opinion that the Ordinance could be found flawed and possibly defeated in the future.

Thereupon, Commissioner Ramsey asked, "if the Attorney General rules that the issue is not administrative, then will it be placed on the ballot?" City Manager Scott Lambers explained that at that time, the City Commission could either act on the Ordinance or place it before the voters.

Thereupon, Commissioner Tyson asked if a more appropriate ordinance could be drafted.

Thereupon, Mr. Lowry explained that one way to do so would be to ordain that the 40 acres in question was a part of Highland Cemetery and to proceed with the platting.

August 29, 1994

However, he explained, "the statutes do not address this situation and the League's position is that such an ordinance will not be 'foolproof'."

Thereupon, Commissioner Tyson stated that she would have no problem with referring the issue to the Attorney General, but would never vote to sell the property.

Thereupon, Commissioner Matthews cited that the Friends of the Cemetery had collected 1500 signatures on this issue. He further stated that he would not vote to sell the property in question.

Thereupon, Commissioner Ramsey asked what the Commission could do to dedicate the property.

Thereupon, Mr. Lowry explained that in order to dedicate property as a cemetery, one would need to draw up an ordinance and order the platting, but, nevertheless, a question would remain as to whether or not dedication would occur until someone was actually buried in the cemetery.

Thereupon, Mayor Cummiskey stated that she was listening to the people's voice and wanted to go forward with the Attorney General's opinion.

Thereupon, Commissioner Tyson made a motion that was seconded by Commissioner Matthews to direct the City Attorney to prepare a request of the Attorney General for answers to the following questions:

1. Is the proposed Ordinance appropriate for initiative and referendum?
2. Is there a way the City Commission can bind future Commissions concerning the use of the property in question?
3. What is the legal definition of dedication as it relates to this issue?

The motion was considered, and upon being put to the question passed by the following vote: Commissioner Tyson - Aye; Commissioner Matthews - Aye; Commissioner Ramsey - Nay; Mayor Cummiskey - Aye.

Thereupon, the Mayor declared that the motion had carried.

Thereupon, the Mayor directed the City Clerk to determine the final date at which the issue could be placed on the November ballot.

Thereupon, Mr. Lambers stated that the request to the

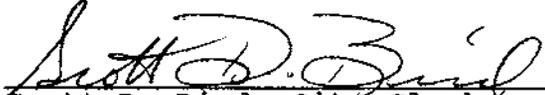
August 29, 1994

Attorney General would be completed by the 30th of August and copied to the Commission.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adjourn the meeting. The Motion was considered and upon being put to the question, all present voted aye.

The text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

August 29, 1994

STUDY SESSION MINUTES

3:00 P.M.

AUGUST 29, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Bill Mason for Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Mr. George Marstall and several members of Friends of the Cemetery.

Absent: Commissioner Jackson, Richard Towe

Mayor Cummiskey opened the meeting by reviewing the September 7, 1994 City Commission Agenda. The City Manager stated that at this time there is nothing on the agenda at this time. It is anticipated that there will be at least three items placed on the agenda from this study session.

The following items were brought before the Commission for discussion:

1. Highland Cemetery. The City Manager stated that the City has received a petition ordinance from City residents to either have the City Commission adopt or take the issue to the voters. This petition was validated by the County Clerk. The City Attorney was directed to determine whether or not this was a valid ordinance under the State statutory process. The City Attorney opined that this is indeed an administrative ordinance and is not subject to the initiative process. The City Attorney also reviewed the Attorney General's opinion about issues to date regarding this matter. There are no opinions that directly relate to this issue. However, he did extrapolate from two of the opinions that were close to this issue. In both of these cases, the Attorney General opined that if there is something that has statewide implication and has been delegated to the local units, that over-all policy decisions regarding those matters would be subject to the initiative process.

Due to the significant amount of numbers obtained by the petition, it was appropriate for the City Manager to contact the League of Kansas Municipalities to seek their opinion on this matter. The League indicated that they did agree with the City Attorney on his opinion that this was an administrative ordinance. The City Manager suggested that the City ask the Attorney General for his opinion which would eliminate any misunderstandings.

When the City Commission acquired this property, it was indicated that this land would be used for cemetery purposes sometime in the future. Any change in the use of the property would require legislative action on the part of the City Commission. Commissioner Ramsey asked what it would take to have the cemetery officially dedicated. The City Manager stated that in order for the property to be dedicated for cemetery purposes, there is some statutory language involving platting and utilization. The City Attorney stated the Commission could pass an ordinance to use this as a cemetery, but the land in question would need to be declared as a part of the current cemetery.

Mayor Cummiske invited Mr. George Marstall to the table. Mr. Marstall asked the City Attorney if he was the sole author of the opinion presented without any input by the City Manager? The City Attorney stated that he was. Was it indeed the City Manager who asked the original question if this was a Legislative measure and therefore subject to initiative and referendum? The City Attorney stated that he had read the appropriate statutes and case law which finally decided if this was a legislative issue. Mr. Marstall stated he had studied and reviewed K.S.A. 30-13. "No where in that ordinance is the word legislative used." The City Attorney stated that the words "administrative ordinance" and "administrative use" is used. Mr. Marstall then asked the City Attorney to explain the difference between an "administrative ordinance" and a "legislative measure". The City Attorney stated that these are the two types of ordinances that the courts within Kansas consider when these types of problems occur.

Mr. Marstall stated that on September 1, 1982, the Ottawa City Commission passed an ordinance which stated that the City was buying additional public cemetery land and authorized the publication of it. Mr. Marstall went on to ask the City Attorney, "What does dedication mean?" "No where in here do we mention the fact that taxes were levied in the name of Highland Cemetery to pay for this. We just didn't take General Funds or anything of that nature. Very specific, and that is a form of dedication in the opinion of some." Mr. Marstall added that the City Attorney's opinion makes no reference to the fact that the City Attorney and the City Clerk went to Topeka and certified, under oath, that the present cemetery was 75% full, and that the City of Ottawa would need additional land and that this land would be held in reserve for cemetery. The property has been taken off of the tax rolls. "I don't see this as being dedication at all, but the people were told that it was going to be held, and that has been the standing opinion through the years."

Mr. Marstall went on to say that in June 1994, the City Commission was asked to consider using the land for housing development instead of a cemetery. The City Manager indicated to Mr. Fogle that he consider the 40 acres, when all he wanted was a little bit. The City Manager agreed. Mr. Marstall stated that he had visited with the City Manager about his concerns on April 20, 1994 after a Rotary meeting. On May 14, 1994 there was a meeting between Jim Shaw, the City Manager, Mr. Fogle and representatives from LandPlan. The City Manager agreed. On June 6, 1994, the City Commission received the request that this 40 acres be considered for housing development. The situation gave rise to a petition. This was because members of the Friends of the Cemetery could not get to the City Manager and the City Commission to discuss the subject within the time frame to have action taken.

Mr. Marstall stated that Kansas Statute 30-13 is basically the only clear petition law that is available to process. This Statute does not tie the hands of the City Commission. If a good idea comes along and the Commission wants to use it afterwards, assuming that an ordinance is passed or becomes an ordinance by electorate vote, the Commission can take it to the electorate and something else can be done with that land. The Commission's hands are not tied.

Mr. Marstall stated that the City Attorney has been asked for an opinion and has done a good job. All the references were cited with great emphasis on the City of Lawrence vs. McArdle, which has to do with equalizing the salary for firefighters with those of police officers. The City Attorney agreed that the equalization of firefighter and police officers salaries has nothing to do with land use, but the four paragraphs regarding the McArdle case are aspects of administrative and legislative ordinances applied to every single ordinance that is submitted under initiative and referendum. The four syllabi are cited under other cases that dealt with land use and are the most concise and complete when trying to decide if an item of discussion is a legislative ordinance.

Mr. Marstall closed by saying, "that the City Commission in 1982 bought the land to use as a cemetery. If the City sells the property that the City said would be used as for cemetery purposes, would tend to deceive the public, it would violate the public's confidence and injure the public's interest in City government. The public is first, then the Commission, then the City Manager, the City Attorney and the rest of the City staff. We have got to maintain this form of government, and anything that is contrary to what the people understand, if I may use the word "fraud", because you are not keeping your word good." Mr. Marstall thanked the Commission.

Mayor Cumiskey asked Mr. Marstall for the date that he brought this before the Commission. Mr. Marstall stated that the first Commission meeting was June 15, 1994 which is when he expressed his concerns and was looking forward to meeting with the Commission on June 27, 1994. On June 24, 1994, the City Manager had his secretary call and leave a message stating that the subject had been removed from the study session agenda because it was too full of other subjects and did not know exactly when it might come up for discussion, but that he would be notified at a later date.

Commissioner Ramsey moved that the City Commission recess the study session to hold the Special Call Meeting. Commissioner Matthews seconded. All Commissioners present were in favor.

Commissioner Matthews moved that the City Commission reconvene into regular study session. Commissioner Ramsey seconded. All Commissioners present voted in favor to reconvene.

2. Patterson Subdivision. Jim Shaw, Director of Planning and Zoning gave a brief explanation of the boundaries of the property to be rezoned. The City Manager stated that the developer will pay for the streets. However, in the area that will be developed, concrete streets are in use. The developer, in trying to keep his costs down, has requested that he be allowed to put in asphalt streets. City staff is researching what the cost difference would be between asphalt and concrete. In order to comply with standards in that area, the City would charge the developer the cost of the asphalt and the City would pay the difference between asphalt and concrete. Construction of this project will begin this fall. Commissioner Ramsey made a motion to add this item to the September 7, 1994 City Commission Agenda. Commissioner Matthews seconded. All Commissioners present voted in favor.

3. Fashion, Inc. - Budget Amendment. The City Manager stated that this amendment will be taking the estimated numbers out and using actual numbers. Copies will be distributed to the City Commission. Commissioner Matthews moved that this CDBG Economic Development Budget Amendment be placed on the September 7, 1994 City Commission Agenda. Commissioner Tyson seconded. All Commissioner's voted in favor.

4. Temporary Closure of East 2nd Street. The City Manager stated that a request had been received by the City to facilitate a shuttle bus for the River Run Car Show. City staff has reviewed the request and recommend approval. Commission gave their approval to this request.

5. Water Works Dam Improvement. The City Manager has received a request by a citizen of Ottawa to donate his time, effort and money to improve the water works dam to allow for a safer fishing environment on the river. Staff has researched this project and would like to proceed. However, Mr. Hayworth and City staff will need to work together to submit plans to the Corp of Engineer and Division of Water Resources. The City Commission gave the City Manager permission to further pursue Mr. Hayworth's request.

6. TouchRead Meter Deposits. As part of a pilot program, the City required deposits from the citizens of Ottawa. Since the City is engaged in expanding this program, primarily to make the City more efficient, it is recommended by the City Manager that the deposit requirement be rescinded. Commissioner Matthews moved that this item be placed on the September 7, 1994 City Commission agenda. Commissioner Ramsey seconded. All Commissioner's present voted in favor.

Other Business:

Mayor Cummiskey mentioned that the League Meetings will be held in Topeka on October 9 - 11. One voting delegate and one alternate will need to be chosen. Mayor Cummiskey, Commissioner Tyson and Commissioner Ramsey stated that they will attend the meetings. Commissioner Matthews will not be able to attend. It was decided that the delegates will be chosen when Commissioner Jackson returns.

Commissioner Tyson asked about the 17th and Elm Intersection and why the residents on Elm were questioned if they wanted it open. The City Manager stated that because of the petition that was brought forth, he felt that all persons affected on Elm Street between 15th and 17th Streets should be surveyed to allow them to give their opinion on whether the intersection should be opened.

Commissioner Tyson also asked about the one-way street and alley by Eugene Field. The City Manager stated that Tremont was made one-way going towards the South and the alley has remained one-way towards the North.

Mayor Cummiskey also stated that the Commission needed to be thinking about who would represent Ottawa at the National League of Cities meeting in Minneapolis. Mayor Cummiskey, Commissioner's Ramsey, Tyson and Jackson will not be able to attend. Commissioner Matthews will check his calendar and let Barb know tomorrow.

The City Manager announced that there will be a meeting on September 7, 1994 but not on September 26, 1994.

Meeting adjourned at 4:40 p.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of September 7, 1994

Roll Call The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 P.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Matt Matthews, Gene Ramsey, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

Agenda Approval Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to approve the agenda. The motion was considered and upon being put to the question all present voted aye.

Approval of Minutes Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the Special Meeting minutes of August 15, 1994 and August 29, 1994, as written. The motion was considered and upon being put to the question all present voted aye. Thereupon, the Mayor declared that the minutes stood approved.

Public Comments Thereupon, Mr. Turone Greenwood, 20A, Canterbury Courts, spoke to the Commission concerning the tactics used by the Ottawa Police Dept. Mr. Greenwood stated that he had been hand-cuffed and removed from a local tavern without the opportunity to identify himself. He stated that he was released shortly thereafter, but he was upset with the way he was handled and upset that the City refused to provide information to him concerning the officers who were involved.

Thereupon, City Manager Scott Lambers stated that the matter was under investigation and that any action taken against the officers

involved would not be made public.

Thereupon, Mr. Ben Campbell of 803 Tremont, presented the Commission with a copy of a petition which he presented as having been signed by the citizens who live on Tremont Street. Mr. Campbell explained that the citizens who live on Tremont had not been consulted before it had been made a one-way street and that the change had in fact caused hardships on those citizens. Mr. Campbell expressed concern for the safety of the children and for the inconvenience caused as a result of cars stacking 3 wide in front of Eugene Field School. Mr. Campbell asked the Commission to reverse their decision, and if that was not possible, to limit the hours of one-way traffic on that street.

Thereupon, Mr. Tom Moreau of 724 South Elm, spoke to the Commission concerning the road block at the corner of 17th and Elm. Mr. Moreau commended the Commission's position regarding the closing of the easement, which had in the past been used by traffic, and encouraged the Commission not only to keep the easement closed but to make Elm Street a cul-de-sac.

Thereupon, Mr. Gary Dunn of 1644 Elm, addressed the Commission asking that the road block at 17th & Elm remain. Mr. Dunn stated that when the easement was open people had taken the liberty to drive through his yard. He also expressed concern for the safety of the children on Elm Street.

Thereupon, Mr. Russ Daniels of 636 South Main presented the Commission with a detailed study concerning traffic on Main Street. Mr. Daniels cited that between 300 and 600 trucks use Main Street daily, and that approximately 600 cars use Main Street in front of his residence each evening. He cited both noise and pollution as problems. Mr. Daniels noted he had measured from his sidewalk, decibel readings in excess of 95 decibels from trucks and up to 105 decibels from motorcycles. He also stated that some vehicles were muffled such that they would not create a response on his meter, therefore, it was his conclusion that those vehicles which were excessively loud were so as a result of the operator.

Mr. Daniels requested that the trucks be routed away from Main Street, specifically down 23rd and Eisenhower Streets, that noise limits

be placed on vehicles, and that the dragging of Main Street be prohibited. Finally Mr. Daniels asked that a vulgar word which had been spray painted on the old railway behind his residence be removed.

Thereupon, Commissioner Matthews noted that he had made the same suggestion concerning the truck route several months before, and asked Public Works Director Andy Haney, to bring the Commission up to date on that project.

Thereupon, Mr. Haney stated that he had been in contact with the Kansas Dept. of Transportation, KDOT, concerning this issue and was awaiting a response from them. Mr. Haney noted that Eisenhower Road, which has been suggested, was not originally build to handle the type of traffic which was being discussed.

The Commission assured Mr. Daniels that further research would be done.

Thereupon, Mr. Jim Bunch of 114 South Locust and business owner of the Horseshoe Cafe, addressed the Commission, stating that there were several junk cars in the 400 Block of North Main which he would like to see removed. He further asked the Commission to pursue such removal.

Thereupon, Mayor Cummiskey assured Mr. Bunch that the issue would be pursued.

**Public Hearings
Fashion Inc.**

Thereupon, Mayor Cummiskey opened a Public Hearing regarding the CDBG Grant for Economic Development for Fashion, Inc. and to inform that 66.5 positions had been retained, eleven positions created and that 100 % of those positions were held by low-and moderate income persons.

Thereupon, Commissioner Ramsey noted that the language the Staff had used was ambiguous and asked if indeed there were 66.5 positions retained. Thereupon, Program Manager Wynndee Lee, replied that there were more than 66.5 at the current time period. Thereupon, Commissioner Ramsey expressed his concern that such grants be monitored closely. There being no further comments the Mayor closed the public hearing.

CDGB Fashion Inc. Thereupon, there was presented a resolution authorizing a budget amendment relating to Small Cities CDBG Economic Development Grant, No. 91-BF-156.

Thereupon, Commissioner Matthews a made motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 812-94.

Patterson Rezoning Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa, Kansas and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3109-94.

**Patterson 's
Final Plat**

Thereupon, there was presented a resolution accepting the dedication of Streets and easements within final plat of Patterson's subdivision replat, Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 813-94.

TouchRead Repeal Thereupon, there was presented a resolution repealing Resolution No. 640-92 of the City of Ottawa, Kansas.

Thereupon, the Mayor explained this resolution would repeal the deposit requirement for TouchRead Metering in the City of Ottawa,

Kansas and that those deposits which had been collected previously earlier would be refunded.

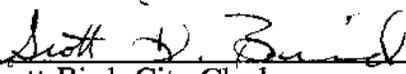
Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 814-94.

Adjournment

Thereupon, Mayor Cummiskey reminded the Commission that the next regular meeting would be September 21, 1994 at 9:30 A.M. There being no further business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott Bird, City Clerk

STUDY SESSION MINUTES
3:00 P.M.
SEPTEMBER 12, 1994

Present: Mayor Cummiskey, Commissioners Jackson, Matthews, Ramsey, and Tyson; City Manager Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson. City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Mr. Lou Atherton.

Absent:

Mayor Cummiskey opened the meeting by reviewing the September 21, 1994 City Commission Agenda.

The following items were brought before the Commission for discussion:

1. Discussion of 17th and Elm Street Intersection. The City Manager stated that a survey had been completed involving residents on Elm Street from 15th to 17th Streets. The survey indicated that there was a fairly even split as to whether residents wanted to have the intersection opened. However, the majority of single family residents would prefer to keep the street closed. The City Manager recommended that because the single family residents are more likely to remain on Elm Street for a longer period of time due to their investment in real property. Mr. Lou Atherton asked why the survey was taken after the street was closed and why the distinction was made between single family and multi-family dwellings. The City Manager stated that the people between 15th and 17th Street on Elm would prefer to see the street closed and the issue was not seen to be significant at the time the street was closed. When the petition was received from the residents on 19th Street, the City Commission thought it was appropriate to question the residents most directly affected. All Commissioner's present voted to keep the intersection closed. The City Manager announced that the City is going through a traffic management review that will affect 17th and 19th Streets. This study will be presented to the City Commission at the September 19, 1994 Study Session.

2. Proposed Fee Increases. The City Manager stated that this is the final action with regards to the CIP. The proposed ordinances will establish rate increases to the City's water and sewer fee charges. The additional fees are being imposed in order to finance existing projects that were not previously in the CIP and also for the expansion of water and sewer for new residential and commercial development. The City contracted with Black and Veatch Engineering Firm to complete a study as part of the K-68 corridor improvement and to provide an estimate as to what the City found necessary in regards to fee increases to repay what the City has borrowed from the State. Black and Veatch concluded that approximately an 8% increase would be needed. The two major policy issues are that 1) the smaller users are being charged with the smallest increase and the larger users are receiving the larger increase. The Non-City users are seeing a greater increase than the City users. This policy is included in the proposed fee documents. There is approximately a 30% to 50% difference between City residence and Non-City residence. There has not been a fee increase since 1987 and the City is looking at having a substantial increase for the CIP by 1997. 2) The City Manager would like to see the necessary increases be phased in over a two year period rather than having a significant increase all at one time. It was the consensus of the Commission to adopt the fee ordinance at the September 21, 1994 City Commission Meeting.

The City Manager stated that he would like to have staff create a water-rural large business rate schedule that would be separate from the other schedules. City staff assumed that the current rates being used for the water large business were rates that the City was making money. This has not found to be the case. Therefore, because the City is losing money with the current rates, the rates for large businesses will show a significant increase.

Commissioner Ramsey asked if the Commissioner's decided to adopt this ordinance, when would the effective date be. The City Manager stated that it is his recommendation that the wastewater rates go into effect with the January, 1995 billing and that the water rates be effective with the June, 1995 billing.

3. Utility Late Fee. Scott Bird, City Clerk, stated that this is not a new problem but has continually been a problem for the City. The new late fee ordinance would allow City staff to implement the greater of \$10 or 10%. The payment date would also be extended from giving the customer 10 days to 15 days before the late charge would be implemented. Extending the time for the bill to be paid will help to eliminate the amount of courtesy notices being mailed.

Commissioner Ramsey asked if the bills are always sent out on time. Mr. Bird stated that City staff works very hard to get the bills out on time.

Mr. Bird also noted that out of 141 Kansas Municipalities 68 cities charge a 10% late fee.

Commissioner Tyson stated that 10% seemed to high. Mr. Bird also stated that if the Commission passed the proposed late fee ordinance, he would like to have it implemented after the first of the year to allow City staff to notify customers of this change and allow the needed program changes to be made. Commissioner Ramsey stated that he also felt 10% was to high. Commissioner Ramsey was also concerned about having a good campaign to let the customers know about the future change.

4. Handicapped Parking for ECKAAA and the Ottawa Municipal Auditorium. The East Central Kansas Area Agency on Aging has requested two additional parking spaces near the back door of their building for two of their employees who are handicapped.

Dick Smith, Ottawa Municipal Auditorium Director, has also requested that one handicapped parking space be added to the West side of the Auditorium Building.

Andy Haney, Director of Public Works and Jeff Herrman, Chief of Police, do not anticipate the additional parking spaces will be any problem.

Andy Haney stated that he anticipates the Postmaster will be requesting that handicapped parking spaces be added around the Post Office to accommodate their patrons in the near future.

All Commissioners present were in favor of placing this item on the September 21, 1994 City Commission agenda for approval.

5. Brick Streets. City staff needs direction from the City Commission as to how repairs will be made to brick streets. Commissioner Jackson asked what it cost to repair the brick streets. Andy Haney, Public Works Director, commented that the asphalt overlay costs \$3.00 per square yard and to repair the brick streets with brick it would cost approximately \$75 per square yard. However, because this is a small repair, Andy did not know how much it would cost to do a patch job. Mayor Cummiskey and Commissioner Tyson stated they felt that brick streets in the older neighborhoods should be maintained because of the historical appearance. The City Manager stated that a policy decision would need to be City wide not just for the older areas of town. This will be reviewed by City staff and the costs will be monitored to bring back to the Commission at a later date.

Other Business:

Commissioner Ramsey questioned if any action had been taken on the Tremont Street issue. There was discussion regarding the current petition. Most of the problems addressed in the most recent complaint about traffic around the school, happened before the street was turned into a one-way street. This item will be monitored and be brought back to the Commission for further review.

Mayor Cummiskey asked the City Manager if an informal report could be drafted to track complaints made by citizens. The City Manager stated that a three part Citizen Complaint Form could be filled out and used to track complaints. This system could be used for citizens who come to City Commission Meetings or for citizens who call the Commissioners at their home or work.

Mayor Cummiskey commented that she would be conducting a round table on the Mayor's Youth Summit at the League meetings in Topeka. The Commissioners will select the voting delegates at the September 19, 1994 Study Session.

Mayor Cummiskey and the City Manager stated that there would be a meeting in Topeka on September 21, 1994 regarding the Open Meetings Act. The League has opined that any social event does not need to be posted. The City Manager drafted a letter for the Mayor's signature which addresses the concern of the City Commission and the City Manager of having to post for the numerous social events that are held where more than one Commissioner may be present. The City Manager, Diane Stoddard and several members of the Commission will be attending the Open Meetings Committee meeting.

Meeting adjourned at 4:15 p.m.

STUDY SESSION MINUTES

3:00 P.M.

SEPTEMBER 19, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Ramsey, and Tyson; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jeff Herrman and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Business owners representing South Business District.

Absent: Commissioner Jackson, Scott Lambers, City Manager; Diane Stoddard, City Manager's Intern and Jim Shaw, Director of Planning and Zoning.

Mayor Cummiskey opened the meeting by reviewing the September 21, 1994 City Commission Agenda.

The following items were brought before the Commission for discussion:

1. Review of Water Conservation Plan. Jim Bradley, Director of Utilities stated that the Water Conservation Plan is the same plan that was reviewed by the City Commission about nine months ago. The information included in the plan is the same but has a different format. This plan will provide protection for future water supplies and will ensure that the City will have a better water supply for future purposes.

2. Klink Engineering Contract. Andy Haney, Public Works Director, was not available to comment at this time. Mayor Cummiskey suggested that the Commissioner's discuss the next item on the agenda and continue when Andy was able to report to the study session.

3. Cereal Malt Beverage License. Scott Bird, City Clerk, stated that because laws in Kansas have been changed regarding cereal malt beverages being sold on election day, local grocers called City Hall during the previous election asking if they could sell cereal malt beverage. At the present time, the City of Ottawa has an ordinance that would prohibit the sale of cereal malt beverages on an election day and that this ordinance would be enforced. It was the consensus of the Commission that the City's ordinance would be changed to conform with State law. Mr. Bird stated that these changes would be available at the last Commission meeting in October, 1994.

4. Maintenance of Flood Control Pumps. City Clerk Scott Bird stated that Andy Haney, Public Works Director, had reported to him that there was a pump that would need to be repaired or replaced as soon as possible. The estimated repairs would cost around \$17,100. It has been proposed that half of this amount would come from the City's Contingency Reserve Fund and the other half would come from the Equipment Reserve Fund.

5. South Ottawa Area Plan Presentation by Bucher, Willis & Ratliff. Ron Williamson representing Bucher, Willis & Ratliff was present to discuss the proposed plan. Mr. Williamson stated that the Planning Commission has been working on this project for two to three months and has come up with some ideas to present to the City Commission. Mr. Williamson noticed that there were a number of businesses representing the south side area and commented that there would be a public information meeting and a meeting for the business people to get their input and answer questions regarding this project.

The purpose of this study is 1) to develop the long range future land use plan for the South Ottawa area, 2) to study the traffic patterns of this area to see if it can accommodate the projected growth of the area, 3) to look at the stormwater management to analyze problems that could result with growth and 4) to identify what some of the proposed improvements would be.

Mr. Williamson commented that the new Wal-Mart facility will have a substantial impact on this area. Because of the increase traffic flow, it is anticipated that there will be more commercial types of usage. Once the plan for land use is established, the traffic flow patterns will be determined.

One of the main problems that the study is addressing, is where Highway 50 and Highway 59 converge at 17th Street. Mr. Williams stated that this is a confusing area for visitors to the City and as the traffic increases, will become even more complicated. Three alternatives to the traffic flow are: 1) leave the situation as is, 2) remove the Highway 50 bridge overpass and have Highway 50 connect with 23rd Street or 19th Street which would create a truck route on Eisenhower Road and 3) remove the Highway 50 overpass and putting Princeton Circle back to two-way traffic North and South which would probably have 5 lanes, 2 travel lanes North and South and a turn lane, and some instances a double turn lane. Princeton Street would also be re-directed for two lane traffic.

The alternatives for the stormwater drainage problems would be to either have a retention pond or have reconstruction of the existing drainage area. To rebuild the concrete pipe that runs through the area could cost around \$1,500,000 compared to \$310,000 to build a retention pond. Financing alternatives have not yet been looked at for this project.

Commissioner Ramsey asked how the traffic problem at 17th and Elm would be eliminated? Mr. Williamson commented that this would probably have a signal installed to help with the traffic flow. Commissioner Ramsey also asked about the East/West traffic plans for 17th and 19th Streets and how Eisenhower Road could be accesses. Mr. Williamson commented that 23rd Street would be designed to accommodate the traffic to Eisenhower. However, 15th and 19th Street could also serve as a collector street.

One of the business owner's asked if there were any plans for widening or expanding of 23rd Street East of US-59? The plans for the Wal-Mart facility will include widening the street which will occur with construction.

Mayor Cummiskey asked Mr. Williamson if there was a time-frame for the public forum to be held. Mr. Williamson stated that Bucher, Willis & Ratliff was waiting to get some indication from the City Commission on what their ideas and comments were before setting up further meetings with the public.

Bill Tellier, reporter with the Ottawa Herald, asked for clarification on the traffic use option and where the cul-de-sac would be placed. Mr. Williamson commented that it would be North of where the hotel has their right-of-way.

A question was asked if the land use plan differed from the way the land was zoned? Mr. Williamson stated that the land was zoned in the county, but actually a lot of the area that has been talked about is not in the City at this point-and-time, so it is a clear that they will need to get with the County planners as well.

Bill Gray, reporter with the Ottawa Times, asked if the County Commissioners had been consulted. Mr. Williamson stated not yet. There are a whole group of people to meet with and to get information from with regards to what the community leaders are wanting to achieve. The Kansas Highway Department will need to be involved to discuss the highways and get some feedback from KDOT. Mayor Cummiskey stated that there had been some discussions with the County Commissioner's at the Joint City/County meetings regarding the Highway 50 bridge and the opening of traffic flow in this area.

Mayor Cummiskey thanked Mr. Williamson for attending the meeting and for providing the information to the Commission.

Mayor Cummiskey announced that Andy Haney was now present and discussion could continue on the Klink project and the Flood Control Pumps. (Numbers 2 and 4 listed above). Mr. Haney apologized for being late and explained that he had been delayed at the Wilson Street project. Commissioner Ramsey asked Andy how the project was progressing. Andy stated the second layer of asphalt will be placed today. The estimated date for completion is October 15, 1994. Andy commented that he has been arguing that sidewalks need ramps to be made handicapped accessible.

Klink Engineering Contract - #2 Continued. Andy stated that he had received proposals, not bids. The City is looking at different phases of the proposal. White, Martin & Associates gave a proposal for the design, to be \$11,500 and for the construction phase, \$9,500 for a total of \$21,000. There were two firms that were lower in their proposals for design than White, Martin and Associates, but these firms were higher on the construction and specs. Cook, Flat & Strobel's proposal was \$21,500 and Wilson & Company's proposal was \$23,000 and Schafer, Kline & Warren's proposal \$29,140.

Mayor Cummiskey asked City staff if the Commission could be copied with proposal summaries? Andy asked Barb Nelson, Administrative Secretary, to make sure that the Commission receives these copies when submitted to the City Manager. Mayor Cummiskey also asked Barb to correct the wording on item #20 of the agenda to "proposals" rather than "bids".

Maintenance of Flood Control Pumps - #4 Continued. Andy Haney, Public Works Director, stated that the last time the City had high water, Public Works crews noted that there were some deficiencies or something that did not sound right with the flood control pumps. A repair company was called in to look at the pumps and there were some problems with the pumps. There is a proposal from Douglas Pump Service for the repair of the two pumps. The proposal fee for the pumps is \$9,300 the other proposal fee is \$7,800 to be rebuild and refit those pumps as appropriate. City staff is requesting that the Commission give their permission to spend the funds out of Contingency Funds.

Mayor Cummiskey stated that she would like to see City staff take bids. Andy emphasized that the rains are coming and the repair people for this type of equipment are few and far between. Douglas has always been competitive and has always provided excellent service in a timely manner. Andy has commented if the Commission instructs him to take bids, he would like to suppress any reports from the media other than the Commission directed City staff to solicit proposals.

Commissioner Matthews stated he did not feel the City should wait on repairing the pumps. The work needs to be done quick with the rainy season coming on. He did not see the need to allow staff to proceed.

Commissioner Tyson stated that this brings up the same issue, no matter what is decided with this one item, the City still needs to adopt a purchasing policy.

Mayor Cummiskey commented that now the budget is under City staffs belt, she would like to see the purchasing policy should be a priority. She will visit with the City Manager about this item and asked Commissioner Tyson if she would be interested in working on drafting a document.

It was the consensus of the Commission to allow Andy to move forward with Douglas Pump to do the repairs, with the understanding that a purchasing policy will be drafted as soon as possible.

6. Engine for Public Works Backhoe. This was previously approved in the 1995 Budget but the engine did not last until 1995. The engine block is cracked. Three proposals have been submitted. One of the two local equipment dealers has made a verbal proposal. Glenn Underwood of Underwood Equipment stated he could provide the engine for \$3,795. This is 11.6% higher than the lowest bid. If approved, the City would borrow against this year's Contingency Fund and lower the budget for 1995.

Commissioner Ramsey asked if Ottawa Ford had been solicited for a bid, since this equipment is a Ford product. Ottawa Ford did not respond to our request. It was the consensus of the City Commission to allow Andy to purchase the Public Works backhoe from Martin Tractor who submitted the low bid of \$3,400.

7. League of Kansas Municipalities Voting Delegates. Mayor Cummiskey and Commissioner Ramsey announced that they would attend the League meetings on Sunday and Monday. Commissioner Jackson will attend the pre-conferences on Saturday and will also attend Sunday through Tuesday. Commissioner Tyson will attend Sunday through Tuesday. Commissioner Matthews will be out-of-town. The voting delegates are as follows: Commissioners Jackson and Tyson and City Manager Lambers. The alternate delegates will be Scott Bird and Andy Haney.

8. National League of Cities. Commissioner Matthews will be attending the National League of Cities conference in Minneapolis, MN and will be the voting delegate for the City.

Other Business:

Commissioner Matthews asked Andy who the Commissioner's should contact about the Kansas Traffic Engineering Assistance Program regarding the truck issue. Andy stated there are some recommendations listed at the end of the report.

Andy also announced that the City has applied for an Economic Development Grant for Eisenhower Road.

Commissioner Ramsey asked the City Attorney if the Attorney General had responded to the City's request regarding the Cemetery ordinance. Forrest stated that he should be receiving an answer by Thursday, September 22, 1994.

Commissioner Ramsey also asked if anything else has been done regarding the local purchasing request by Ed Baldrige and the Chamber of Commerce. Scott Bird stated he had done some preliminary research but did not know what had been done on this issue since.

Commissioner Tyson mentioned that she was still concerned that 10% was too much to charge citizens as a penalty for being late on paying their utility bills. Scott Bird noted that he had met with Mr. and Mrs. S. G. Howell, who own a mobile home park here in Ottawa, regarding the 10% late fee. Mayor Cumiskey had also received a letter from Mr. and Mrs. Howell which she read to the Commission. According to the letter, Mr. and Mrs. Howell would like to have a "cap" placed on the amount charged to citizens for being late on their utility bill. It was the consensus of the City Commission to remove this from the September 21, 1994 City Commission Agenda so that discussion of the late fee can be continued.

Mayor Cumiskey announced that the City had received a Small Cities Grant in the amount of \$500,000 for the Lester Building. The Mayor also commended City staff for the amount of grants that had been secured for the City of Ottawa.

Mayor Cumiskey also announced that the City just missed the Kansas Small Cities Community Development Block Grant. The City just missed this grant by five (5) points.

Commissioner Ramsey asked City staff if they had been contacted by the Attorney General regarding the Crime Bill. Chief Herrman stated the only thing he has heard, came from Judy Hasty, Personnel Director, at possibly receiving funds to employ an officer at 75%. Judy has requested the paperwork but has not received anything at this time.

Meeting adjourned at 4:53 p.m.

STUDY SESSION MINUTES

3:00 P.M.

OCTOBER 3, 1994

Present: Mayor Cummiskey, Commissioners Matthews, Ramsey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: George Marstall.

Absent:

Mayor Cummiskey opened the meeting by reviewing the "gang" activity and the murder that happened at Forrest Park last week. Mayor Cummiskey asked the Commissioners what their thoughts were and what could be done to keep this from being a bigger problem. She also stated that citizens have called her asking if they were safe to go out at night, and Mayor Cummiskey stated that she had talked with the City Manager about the existing curfew times and that he had drafted an Ordinance to change these times. Commissioner Jackson stated that he would be interested in knowing what the magnitude of the problem is concerning the curfew.

Jeff Herrman, Police Chief, stated that very few curfew violation arrests are made. In the past month, probably three or four incidents have been recorded. There are only three or four officers on duty available to remove the kids during the hours that are stated in the City's current ordinance. The kids that do violate curfew must be referred to the County because they are juveniles. Chief Herrman stated that the proposed modifications to the ordinance would also include a fine to the parents or legal guardians of these juveniles. There are not a lot of violations after midnight.

Mayor Cummiskey asked how the Police Department could handle dispersing gatherings after midnight? If the people involved in the gathering are older than 18 and the property owners have not voiced a complaint, his department does not have authority to remove them. If they are juveniles, then they have violated curfew. Chief Herrman also stated that business owners could "post" their lot and sign an agreement with the Police Department to authorize in advance to prosecute. Otherwise, the group is being moved from lot to lot.

Commissioner Tyson asked if the Police Department had been called to the Middle School and High School during the daytime hours. Chief Herrman commented that the schools were very good at handling their own students on school property. If there are problems with dropouts, kicked out or older persons causing a disturbance, the Police handle this as trespassing. The officers don't have a lot of recourse in these situations unless a criminal violation has been committed.

Mayor Cummiskey commented that the Police Department has done a good job with educating various groups and organizations within the City but questioned if there was a checklist that could be distributed to citizens on what people can do if they find themselves as a victim of crime.

Chief Herrman stated that it would probably be a little over-reactive to publish something at this time. A general safety check-list could be distributed but he did not know if it would be used by the general public.

Chief Herrman also encouraged the Commission to direct calls from citizens to the Police Department if they have specific problems or complaints.

Commissioner Matthews asked Chief Herrman who would decide the amount of the fine? Chief Herrman stated that the City Commission would decide on the amount to be fined and the County Judge would adhere to the amount set. Forrest Lowry, City Attorney, added that in the event a parent is involved, there could actually be two separate jurisdictions. Juveniles could be prosecuted in the District Court and the parents could be prosecuted in Municipal Court.

Commissioner Ramsey asked the City Attorney if this was legal to fine parents or the legal guardians. Mayor Cumiskey and the City Manager stated that there have been cases in Oklahoma City and Philadelphia.

Commissioner Jackson questioned if the park would be closed to all citizens at 10:30 p.m. and if so, how the closing would effect summer activities and Ottawa Recreation games. The City Manager stated that the Resolution may need to have different times for Summer months and Winter months. Chief Herrman commented that an extension of these times could also be given to groups that are sponsoring a sport activity.

Commissioner Tyson asked how 4:00 a.m. was decided upon. The City Manager stated that he was trying to be consistent with the curfew hours. Chief Herrman also commented that it corresponded with the arrests that have been made in the past. After 3:00 a.m. the amount of reports decreased dramatically.

Commissioner Matthews stated he liked the proposed ordinance and that the City Commission should act as quickly as possible.

Commissioner Jackson commented that he liked the ordinance and especially liked holding the parents responsible for their children.

Commissioner Tyson questioned the penalty amount. The City Manager stated that each parent, legal guardian or otherwise, would be fined. (The juvenile would receive a \$25 fine and each parent would be fined \$100.) Commissioner Jackson asked how the fines could be enforced if the parents did not pay. The City Attorney stated that the parents would be in contempt of court and could either serve time in jail or be charged an additional amount of money.

Mayor Cumiskey stated that she would like to contact the other cities that have already implemented this type of ordinance to see what their problems have been with their ordinances. All the Commissioner's agreed to have the curfew ordinance and park hour resolution on the October 19, 1994 City Commission agenda.

The following items were brought before the Commission for discussion:

Review of the October 5, 1994 Agenda.

Request from Ottawa University Homecoming Parade.

Request from former Franklin Savings employees to give Franklin wording and logo to Mr. Ernie Fleischer.

Public Hearings.

Village West
Ottawa University and Fashion, Inc. Grant Closeouts
East 7th Street Improvements

Resolutions and Ordinances that correspond to the public hearings.

Rezoning of Properties on East 2nd. The Planning Commission has reviewed these requests and is recommending to the City Commission that both areas be zoned into the MH categories.

Laich Industries

Home Day Care - The Planning Commission was approached on day care in the home. The Planning Commission is now recommending that this be removed from the Special Use category and placed in Conditional Use category which would not require the \$100 fee. This item, if approved by the City Commission, would be added to the home occupation section of the ordinance. The applicant would still need to meet state requirements. There is not an application for this process.

Commissioner Tyson noted that the 9:30 a.m. meeting time printed on the agenda was an error. The starting time for the Wednesday night City Commission meeting is 7:00 p.m.

1. Utility Payment Late Fees. The proposed ordinance will allow the customer to pay their bill fifteen days after due date. After the fifteen days, the late fee would go into effect. After twenty days, the customer would be cut-off. Mayor Cummiskey stated that another point of discussion was if there should be a cap on the amount charged for a late fee. Scott Bird, City Clerk, recommended that there not be a cap. Commissioner Matthews moved to put this item on the October 19th City Commission agenda.

Other Business:

Mayor Cummiskey invited the Commissioner's to join her at the Municipal Round Tables at the League of Municipalities.

Meeting adjourned at 4:55 p.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of October 5, 1994

- Roll Call** The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 P.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Richard Jackson, Gene Ramsey, and Joan Tyson, absent Commissioner Matthews. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.
- Agenda Approval** Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to approve the agenda. The motion was considered and upon being put to the question, all present voted aye.
- Approval of Minutes** Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to approve the minutes of the regular meeting of September 7, 1994. The motion was considered and upon being put to the question, all present voted aye.
- Thereupon, the Mayor declared that the minutes of September 4, 1994, were approved as written.
- Public Comments** Thereupon, Mr. Russ Daniels, of 636 South Main, presented the Commission with a proposal to reroute truck traffic off of Main Street to eliminate the industrial elements from residential, school and commercial zones. Mr. Daniels also asked that action be taken against those who loiter.
- Physical Therapy Month** Thereupon, the Mayor read a proclamation proclaiming the month of October, 1994 as National Physical Therapy Month, and urged the citizens of Ottawa to support the Physical Therapy profession in its effort to secure better health care for all citizens.
- Mammography Day** Thereupon, Mayor Cummiskey read a proclamation

National Physical Therapy Month, and urged the citizens of Ottawa to support the Physical Therapy profession in its effort to secure better health care for all citizens.

Mammography Day

Thereupon, Mayor Cummiskey read a proclamation declaring October 18 - 22, 1994 as Breast Cancer Awareness Week and October 19, 1994 as Mammography Day, in the City of Ottawa, Kansas. The Mayor encouraged all citizens and community leaders to support the mission carried out by the Franklin County Chapter of American Medical Assistance, the Franklin County Unit of American Cancer Society and the American Association of Medical Assistance.

Fire Prevention Week

Thereupon, Dennis Nowatski of the Ottawa Fire Dept. addressed the Commission, stating that the Fire Dept. had set a goal to encourage people to change their behavior to become more aware of fire safety. Mr. Nowatski stated that, the Fire Department's slogan for this years Fire Prevention Week would be "Test your Detector for Life."

Thereupon, Mayor Cummiskey read a proclamation declaring October 9 - 15, 1994 as Fire Prevention Week in the City of Ottawa, Kansas, and urged all citizens to join in the observance. The Mayor noted that the week of October 9 - 15, commemorates the great Chicago Fire of 1871, which killed 300 persons and left over 100,000 homeless.

100th Birthday

Thereupon, Mayor Cummiskey read a proclamation congratulating and honoring Fannie Collins on celebrating her 100th Birthday, and asked the citizens of Ottawa to take part in her celebration by sending cards and best wishes to her home at 830 South Sycamore.

Communications

Thereupon, Mayor Cummiskey read a letter from Ottawa High School requesting that the annual Ottawa High Homecoming Parade be held on Wednesday, October 12, with a starting time of 6:00 PM and that the desired parade route would originate from Forest Park, marching to

October 5, 1994

Main Street, down Main to 5th and Main.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request approved.

BPW

Thereupon, the Mayor read a request from the Ottawa Business and Professional Women's Organization, that the week of October 16 - 22, be declared National Business Women's Week, in honor of all of the working women of Ottawa.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to declare the week of October 16 - 22, 1994 as National Business Women's Week in the City of Ottawa, Kansas. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request approved.

OU Parade

Thereupon, there was presented a request from Ottawa University to hold their annual Homecoming Parade on Friday, October 21, 1994 at 7:00 p.m.

Thereupon, Mark Shivers, a freshman from Ottawa University, requested that the parade route be allowed to stage at 1st and Main, continue down Main Street to 11th and Main, and east on 11th to the campus.

Thereupon, Mayor Cumiskey called upon Public Works director Andy Haney to comment on the proposed parade route.

Thereupon, Mr. Haney noted that the City had concerns and limitations about a parade that would extend to 11th St. Mr. Haney explained that re-routing traffic on 59 Hwy. could be

October 5, 1994

accomplished if the detour were placed at 7th and Main, but that a detour was not possible at the location which the University had suggested. Mr. Haney added that the City did not have the manpower to coordinate such an extensive route. Mr. Haney offered instead a detour at 7th and Main whereby the parade would turn off of Main Street at Park Street, make its way to Cedar and continue down Cedar Street to the University.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to grant the request from Ottawa University to hold their annual Homecoming Parade on Friday, October 21, 1994 at 7:00 p.m., but that the details of the parade route were to be worked out with City Staff. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

**Veterans Memorial
Parade**

Thereupon, there was presented a request from the Franklin County Veterans' Memorial Committee to hold a parade and Veterans Memorial Service on Saturday, November 5th 1994. The request, includes the use of Haley Park at 2nd and Main Streets from 10:00 a.m. until 12:00 noon for the Memorial Service.

Thereupon, Mr. Joe Wakefield of VFW Post 5901 expressed his pleasure in working with City Staff in preparation for this parade.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

**Franklin Savings
Logo**

Thereupon, there was presented a request from former employees of Franklin Savings Association to keep the Franklin Logo and

October 5, 1994

lettering that is currently positioned on the wall behind the reception area, in order to present it as a gift to Mr. Fleisher, former owner of the institution.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

Village West

Thereupon, Mayor Cummiskey read a news release announcing that the City had been notified this date that the Village West project proposed by Mr. John Howe had been awarded a Section 232 loan guaranty in the amount of \$1,395,000 from the Department of Housing and Urban Development, better known as HUD. The Mayor continued by explaining that the City of Ottawa is making an application to the Kansas Dept. of Commerce and Housing concurrent with the HUD loan guaranty to enable the project to be constructed.

Public Hearings

Village West

Thereupon, the Mayor opened a public hearing to consider a Community Development Block Grant for Village West, in conjunction with the HUD Section 232 loan guaranty program. There being no further comments the Mayor closed the public hearing.

**Fashion Inc.
Grant Closing**

Thereupon, the Mayor opened a public hearing to notify the public that the Fashion project had been completed and that documentation would be submitted to the State of Kansas Department of Commerce and Housing related to that grant.

Thereupon, Mr. Lonnie King of Fashion Inc. spoke to the Commission stating that Fashion had approximately 80 employees at its Ottawa facility, that the grant had helped create 11 low to moderate income jobs and that Fashion had a one point six million dollar payroll in

October 5, 1994

the local economy.

Thereupon, Commissioner Jackson asked how many of the 80 employees were from the Franklin County area to which Mr. King responded that 50 were from Franklin County and ten had moved with the Company to Franklin County.

There being no further comments, the Mayor closed the Public Hearing.

OU Grant Closeout

Thereupon, the Mayor opened a public hearing to notify the public that the Ottawa University CDBG Grant had been completed and that all necessary documentation would be submitted to the State of Kansas Department of Commerce and Housing. There being no comments the Mayor closed the public hearing.

**East 7th Street
Improvement**

Thereupon, the Mayor opened a public hearing to consider proposed assessments for the cost of construction of Special Improvement Project No. 9305.1 for East 7th St. Improvements. The Mayor explained that upon conclusion of the hearing, an ordinance would be considered which would levy special assessments against the effective property owners. There being no further comments, the Mayor closed the public hearing.

**Laich Industries
Tax Abatement**

Thereupon, the Mayor opened a public hearing to consider a tax abatement on tangible personal property comprised of equipment placed into production at the Ottawa facility of Laich Industries. The Mayor explained that action would be taken later in the meeting regarding this issue. There being no further comments, the Mayor closed the public hearing.

New Business

**Handicapped
Parking**

Bill No. 94-52. Thereupon there was presented an Ordinance repealing Section 7 (h) Handicapped Parking Zones, Ordinance 3071-93, which designates parking areas restricted to use by handicapped citizens, and providing for

October 5, 1994

substitution of a revised listing of authorized handicapped parking spaces.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the Ordinance was duly numbered, Ordinance No. 3110-94.

**CDBG
Village West**

Bill No. 94-53. Thereupon, there was presented a Resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for an Economic Development Project for Village West.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 815-94.

**Grant Closeout
Fashion Inc,**

Bill No. 94-54. Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to the closeout of a Kansas Small Cities Community Development Block Grant for Economic Development for Fashion, Inc., Grant No 91-BF-156.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution

October 5, 1994

duly adopted and the resolution was duly numbered, Resolution No. 816-94.

**Grant Closeout
Ottawa University**

Bill No. 94-55. Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to the close out of a Kansas Small Cities Community Development Block Grant Funds for Economic Development for Ottawa University, Grant No. 91-BF-004.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 817-94.

**East 7th Street
Specials**

Bill No. 94-56. Thereupon, there was presented an ordinance levying assessments on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying a portion of the cost of constructing an 8" sanitary sewer improvement in East Seventh Street, Ottawa, Kansas, designated as Special Improvement Project No. 9305-1, and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the ordinance. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3116-94.

**East 6th Street
Paving Specials**

Bill No. 94-57. Thereupon, there was presented an ordinance levying assessments on lots,

October 5, 1994

pieces and parcels of ground in the City of Ottawa, Kansas for the purpose of paying a portion of the cost of paving East Sixth Street, designated as Special Improvement Project No. 9203.3 and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was numbered, Ordinance No. 3117-94.

M-H- Zoning

Bill No. 94-58. Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa Kansas and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3111-94.

M-H Zoning

Bill No. 94-59. Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Mr. Kim Giffen, of 1232 East 7th St., asked to address the Commission. Mr. Giffen stated that he had no objection to a mobile home being place on East 7th., but stated that the conditions of the road on East

October 5, 1994

7th were poor, especially after the sewer improvements were made and in some cases weeds made visibility on the road hazardous. Mr. Giffen expressed concern that increased traffic would only exacerbate the problem.

Thereupon, Mr. Lambers explained that weeds were the responsibility of the property owners and pointed out that this re-zoning would only allow for one additional home in the area.

Thereupon, Commissioner Ramsey asked if road improvements were planned for the street in question, to which Mr. Lambers responded "not at this time".

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3112-94.

**Laich Industries
Tax Abatement**

Bill No. 94-60. Thereupon, there was presented a resolution authorizing an agreement with Laich Industries Corp., Cleveland, Ohio, for payments in lieu of taxation as a condition precedent to the granting of tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 818-94.

Laich Industries

Bill No. 94-61. Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin

October 5, 1994

County, Kansas, and providing for payments in lieu of taxes.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. A motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3113-94.

Home Day Care

Thereupon, there was presented an ordinance amending Article 26, Section 7 of Ordinance No. 2933-90, the Zoning Ordinance for Ottawa, Kansas, to provide for the proper location of day care homes and group day care homes in the City of Ottawa.

Thereupon, Commissioner Ramsey made a motion which was seconded by Mayor Cummiskey to adopt the ordinance.

During discussion it was brought out that the previous \$100 application fee had been eliminated, and that notification of neighbors had been dropped from the requirements of home day care.

Thereupon, Mr. Charles Gillette of the Planning Commission explained the Planning Commission's philosophy concerning this issue and that this action would not eliminate the need for home day care providers to be licensed by the State of Kansas. During discussion, Mr. Lambers suggested that the ordinance could be adopted and revisited in the future, or that a notification clause could be included before it was passed.

Thereupon, Commissioner Ramsey asked to amend his motion. The request was granted. Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the ordinance to include: No. 4 under Section 20, to read as follows: The applicant shall show proof that all owners of property

within a 200 foot radius have been notified of the intention of the proposed day care location. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Ramsey aye, Commissioner Tyson nay, Commissioner Jackson aye, Mayor Cumiskey aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3114-94.

Water Rates

Thereupon, there was presented a resolution finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations, conditions and availability of the services rendered by the Water Department of the City of Ottawa, Kansas, and establishing an effective date therefore, and providing for the enforcement thereof and rescinding prior resolution.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 819-94.

Sewer Rates

Thereupon, there was presented an ordinance amending certain sections of Chapter XIV of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to sewer connections and use, and providing for sewer user charges and the designation of revenues therefrom, and incorporating said amendments into said Municipal Code.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance

October 5, 1994

appreciation to Grant Manager Wynndee Lee for her efforts to bring Lester Buildings and Village West to the community.

Financial Report

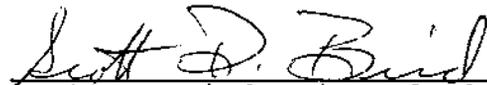
Thereupon, there was presented the Monthly Financial and Activities Reports for August 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to accept the report. The motion was considered and upon being put to the question, all present voted aye.

Adjournment

Thereupon, Mayor Cumiskey reminded the Commission that most of them would be attending the Kansas League of Municipalities annual meeting in Topeka on the 9th, 10th and 11th of October, and that the next regular meeting would be October 19th, 1994 at 9:30 a.m.

There being no further business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the meeting.



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

OCTOBER 17, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Andy Haney, Bill Mason for Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Daryl Shutt for Jeff Herrman, Diane Stoddard, Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Earl Devore, George Marstall and members of the Ottawa Library Board of Directors.

Absent: Jeff Herrman and Richard Towe.

The City Manager opened the meeting by announcing that the first item on the Work Study Session Agenda would be the first of a series of presentations and sessions that the City Commission will be having regarding the space utilization of the former Franklin Savings Building. Members of the Ottawa Library Board of Director's are present to present their overview to the City Commission regarding their possible utilization of the facility. The next study session will be held at the Ottawa Police Department so the City Commission can receive first hand information as to the current space problems at the station and a proposal from the Police Department as to their utilization of the former Franklin Savings Building.

Once both presentations have been completed, the City Commission will discuss the studies in November and provide direction to the City Manager as to how the Commission would like to utilize the former Franklin Savings Building. The City Manager is looking for the final decision to be made in January, 1995. If any remodeling will need to be done, the City Manager stated that the remodeling should be completed before anyone moves into the building. Once the remodeling is complete, then target dates will be set as to when the actual move-in time shall be.

1. Presentation by the Ottawa Library. Bob Reusch, President of the Library Board approached the City Commission as spokesperson for the Library. Mr. Reusch stated that the Library wanted to reiterate the Board of Trustees interest in sharing the space at the former Franklin Savings Building with the City of Ottawa. The Library Board has toured the FSA Building with a consultant from the Northeast Kansas Library Association. The consultant, staff of the Library and the Library Board all concur that the building would be very suitable with some renovations.

Mr. Reusch stated that the Library would like to move ahead with an architectural study. Earl Devore has been contacted by the Library to conduct the study.

The City Manager stated that he would envision the Library ~~indicating utilization~~ ; probably of the lower lever and maybe a portion of the first floor based on square footage needs. If the Library could come up with some figures on square footage and some alternatives utilizing the lower level and the first floor, then the City Manager would have a better idea as to what areas would need to be shared.

Ms. Barbara Dew, Director of the Library, stated that the Board needed some clarification as to what to work around. The City Manager again stated that rather than looking at specific rooms, to look at square footage. It is possible that certain rooms (e.g. computer room, vault) of the building could be shared by the City and the other entity involved in relocating to the building. With the exception of the vault and the computer room, all the rooms available are open for discussion.

The only changes that will need to be made for ADA Compliance would be the restrooms.

Mr. Reusch commented that the Library Board was also curious as to how Devore and Associates fees would be paid for. The City Manager indicated that the Library would be responsible for their study and the Police Department would pay for their study out of their budget.

Mr. Reusch asked if there was still money left from the Community Development Block Grant. The City Manager stated that an amendment would need to be filed.

Mr. Reusch made his closing comments by stating that the Library is out of space, the public is in favor of the move and he would appreciate the City Commission looking favorably upon the Library to move into the building.

Ms. Dew said she has heard it rumored that the Library can not be used for any other purpose. She is not aware of such a restriction. The City Commission asked the City Attorney to research the Deed. More than likely, if this is true, the Library would revert back to a previous owner.

The City Manager stated that he has also been asked about the current City Hall and what it will be used for after it is vacated. He also stated that it is his opinion that the City will work on utilization of the new building, get moved in and then take care of the existing buildings.

Mr. Reusch asked if it would be the responsibility of the Library Board to find a tenant for the existing building when it is vacant. The City Manager stated that if the Board retains ownership, then they would be responsible. Mr. Reusch stated that they are not sure if the Trustees are considered the owners or if the City would be considered the owner. The City Attorney stated he would also do some research on this matter as well.

Mayor Cummiskey thanked Mr. Reusch and the Library visitors for attending the Study Session.

The following items were brought before the Commission for discussion:

Review of the October 19, 1994 Agenda.

1. Unfunded Mandates. This request is from the League of Kansas Municipalities for all Cities to adopt a Resolution supporting Unfunded Mandates Week. This Resolution will be sent to our Kansas Congressional Delegation.
2. Water Conservation Plan. Has been previously reviewed and is ready for formal adoption.
3. KLINK Project. White, Martin & Associates will be doing the work for this project.
4. Utility Payment Late Fee Ordinances.
5. Lester Building Economic Development Project. This will authorize the Mayor to sign documents related to the CDBG Application.

6. Curfew Ordinance. It was decided to change the hour for the curfew to begin at 11:00 a.m. Commission Jackson stated that he would like to see a Community Service Program included in this Ordinance. Mayor Cummiskey commented that she liked that idea as well, but did not feel the Commissioners should include it in this current document because of the time frame to get this type of program started. Mayor Cummiskey asked the City Attorney if he had found any ordinances from other cities that the City of Ottawa could compare this document to. The City Attorney stated that he has found that the City probably could not enforce this curfew ordinance. There have not been any cases, that the City Attorney could find, where the juveniles were actually fined or prosecuted for breaking curfew. However, the City Attorney did find that the City could still fine the parents or legal guardians of these juveniles. The City Manager stated that the penalty section should be deleted at this time until more research can be completed. Mayor Cummiskey stated that this may be an issue to have the State Legislatures adopt a state statute which will allow cities to adopt and enforce ordinances against the juveniles that break curfew.

7. Regulating Park Hours. Hours will correlate to the curfew hours. See above comments.

8. Authorization of Bonds for East 6th Street and East 7th Street.

9. Sale of Cereal Malt Beverages on Election Day. This will bring the City into conformity with the State for grocery stores to be able to sell cereal malt beverages on election days.

WORK STUDY SESSION ITEMS:

1. Hidden Meadows Construction. Mr. Donnelly is continuing his apartment construction project off of South 15th Street. He would like to start construction this week. Cedar Street will be the eastern entrance to the complex. The City is asking Mr. Donnelly to pay for the asphalt equivalency and the City will make up the difference between the cost of asphalt and concrete. The City currently dumps water onto this property from 59 Highway. The City does not have an easement to dump the water. Therefore, Mr. Donnelly has requested, and the City has agreed, that the City will rough grade the storm drainage ditch in exchange for the easement. Mr. Donnelly has agreed to maintain this storm drainage ditch. It was the consensus of all Commissioners present to have the City Manager execute the agreement between the City of Ottawa and Mr. Donnelly.

2. Development Policy Standards. This will be the development policy in which all developers working within the City of Ottawa will be required to meet these standards.

3. Set-off Program. Scott Bird, City Clerk, stated that as of this morning the City has been able to collection \$12,000 as a result of this program. Mr. Bird also stated that employee's that had attended the KMU Conference last week, the City can also recapture the fees paid out for this program. The City can go back as far as seven years to collect on old utility bills. The City can actually send in any type of claim where the City has not collected funds to cover the claim.

4. Street Dedication Resolutions. These are two streets that have been recorded but never dedicated. The resolutions will officially dedicate these streets.

5. Monthly Activity Reports. Commissioner Jackson had two comments about the Ottawa Recreation Commission.

1. Would like to have a report indicating how the building is being used and what type of groups are using the building.
2. Talking with ORC Board about the amount being charged to use the building.

Mayor Cummiskey had pulled a letter from Frank Garvin from one year ago and suggested the Commission may want to sit down and discuss if the building is being used as planned.

Other Business:

The next study session will be Monday, October 24, 1994 at the Police Department at 3:00 p.m.

There will not be a study session on Monday, October 31, 1994.

Meeting adjourned at 4:50 p.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of October 19, 1994

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 A.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Matt Matthews, Gene Ramsey, and Joan Tyson, absent Commissioner Jackson. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Ramsey.

Agenda Approval

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the agenda. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda approved.

**Approval of
Minutes**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the minutes of the regular meeting of the City Commission dated October 5, 1994. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the minutes of October 5, 1994, approved as written.

Public Comments

Thereupon, Mildred Heathman, 1026 North Cherry expressed to the Commission her support for the Ottawa Library to be allowed to use a portion of the Franklin Building. Mrs. Heathman also expressed concern about the cost of the architectural study and how that would be paid for.

Thereupon, Cheri Campbell, 615 S. Cherry, requested that the local Girl Scouts be allowed to place ribbons on utility poles to emphasize Drug Awareness Week. ~~City Manager~~

October 19, 1994

[Thereupon, Cheri Campbell, 615 S. Cherry, requested that the local Girl Scouts be allowed to place ribbons on utility poles to emphasize Drug Awareness Week.] City Manager Scott Lambers, said he had no objections as long as the ribbons would be placed and removed within a one week period.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to allow the Girl Scouts to place ribbons on utility poles to emphasize Drug Awareness Week, providing the ribbons were removed within a week. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the request duly approved.

Thereupon, Cheri Campbell also asked that the City consider an ordinance whereby cats would be required to wear a City tag.

Thereupon, the Mayor thanked Ms. Campbell for her comments.

Mr. Merle Taylor, 725 Cypress, addressed the Commission and expressed his concern that he had been unable to dispose of several large rocks upon his property. Mr. Taylor stated that he had attempted to dispose of the rocks, but he had been unable to find a local land fill which would take them. The Mayor thanked Mr. Taylor and stated that she would ask Staff if a solution could be found.

Communications

Thereupon, there was presented a resolution opposing Unfunded Federal Mandates on State and Local Governments and Supporting the efforts of the National League of Cities and League of Kansas Municipalities during National Unfunded Mandates Week.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the resolution. During Discussion City Manager Scott Lambers informed the Commission

that Congress had adjourned their recent session without passing the Unfunded Mandates Legislation which had been before them. Mr. Lambers explained that Mandates continued to be handed down from the Federal level and cited the storm drainage permits issue as an example. Mayor Cumiskey noted that the Commission would be informing Ottawans about Unfunded Mandates and how they affect the City and its budget. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolutions was duly numbered, Resolution 820-94.

**Water Conservation
Plan**

Bill No. 94-65. Thereupon, there was presented a Water Conservation Plan for the City of Ottawa.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the plan. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the plan duly adopted.

**Water Conservation
Ordinance**

Bill No. 94-66. Thereupon, there was presented an ordinance establishing a Water Conservation Plan, authorizing the declaration of a water emergency; establishing voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3118-94.

October 19, 1994

**Development
Standard**

Thereupon, there was presented a proposed Development Standards and Procedure Manual for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the manual. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Development Standards and Procedure Manual duly adopted.

**Engineering
Agreement
White, Martin Assoc.**

Thereupon, there was presented an engineering agreement with White, Martin and Associates for KLINK Project US-59; i.e., Main Street to 5th Street.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the agreement. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Setoff Program

Thereupon, there was presented an agreement between the City of Ottawa, Kansas and the Department of Administration, State of Kansas to continue the Setoff Program.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the agreement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agreement duly approved.

**Late Fee
Electric Service**

Bill No. 94-67. Thereupon, there was presented an ordinance providing for certain deletions, amendments and substitutions in Article 3, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public electric service and providing penalties for violation thereof.

October 19, 1994

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion it was pointed out that this ordinance would provide for the establishment of a late fee for electric services, which would amount to the greater of \$10.00 or 10 percent of the amount billed, and that the number of days allowed to pay the bill would be extended from 10 to 15 days before the bill became delinquent and subject to the late fee penalty.

The motion was considered an upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3119-94.

**Late Fee
Wastewater**

Bill No. 94-68. Thereupon, there was presented an ordinance providing for certain deletions, amendments and substitutions in Article 1, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public wastewater system and providing penalties for violation thereof.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3120-94.

**Late Fee
Water System**

Bill No. 94-69. Thereupon, there was presented an ordinance providing for certain deletions, amendments and substitutions in Article 2, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public water system and providing penalties for violation thereof.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The ordinance was

October 19, 1994

considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3121-94.

**Grant Agreement
Lester Bldgs.**

Bill No. 94-70. Thereupon, there was presented a resolution authorizing Grant Agreement No. 94-BF-213 with the State of Kansas Department of Commerce and Housing for the Economic Development Lester Buildings Project through the Small Cities CDBG Program and other agreements necessary with Lester Building Systems, a Division of Butler Manufacturing Co.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution 821-94.

Curfew

Bill No. 94-71. Thereupon, there was presented an ordinance amending the Municipal Code of the City of Ottawa, Kansas, 1982, concerning curfew, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3122-94.

October 19, 1994

Park Hours

Bill No. 94-72. Thereupon, there was presented a resolution establishing hours of operation for the municipal parks of the City of Ottawa.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 822-94.

**E. 6th & 7th St.
Bond Sale**

Thereupon, there was presented a resolution authorizing the offer for sale of approximately \$143,864.00, principal amount of General Obligation Bonds, Series 1994, of the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adopt the resolution. During discussion it was pointed out that these bonds would be sold to finance the East 6th and 7th Street improvement projects and that final action was scheduled to be conducted at 9:30 a.m. during the regular meeting of the Governing Body on November 16, 1994. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 823-94.

**Cereal Malt\
Election Day**

Bill No. 94-74. Thereupon, there was presented an ordinance amending Section 306 of Chapter Four of the 1982 Municipal Code of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. During discussion it was pointed out that this ordinance would align City regulations concerning the sale of Cereal Malt Beverages on Election Day, with the laws of the State of Kansas. The motion was

October 19, 1994

considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3123-94.

Street Dedication

Bill No. 94-75. Thereupon, there was presented a resolution providing for the acceptance of a street dedication dated November 4, 1989.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adopt the resolution. During discussion it was pointed out that two street dedications had occurred on November 4, 1989 for the purpose of extending South Hickory Street. The dedications have been recorded with the County Register of Deeds, however there was no official record of acceptance by the City. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 824-94.

Street Dedication

Bill No. 94-76. Thereupon, there was presented a resolution providing for the acceptance of a street dedication dated November 4, 1989 for South Hickory Street.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. During discussion it was pointed out that this was the second half of the aforementioned street dedications. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 825-94.

October 19, 1994

**Financial Report
September**

Thereupon, there was presented the Monthly Financial and Activities Report for September 1994.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to approve the report. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activities Report for the month of September 1994 duly approved.

Adjournment

Thereupon, Mayor Cumiskey reminded the Commission that the next regular meeting was scheduled for November 2, 1994 at 7:00 p.m.

There being no further business to come before the Commission, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to adjourn the meeting. Upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting adjourned.

The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

October 19, 1994

STUDY SESSION MINUTES

3:00 P.M.

OCTOBER 24, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Rick Olmstead, Mildred Heathman and Wanda Durbin.

Absent: Commissioner Matthews

Executive Session: Pending Litigation

Study Session Items:

1. Special Use Permit. Underwood Plumbing has requested that the vacant lot directly south of the river and on the east side of Main Street be used for storage of plumbing supplies. The Planning Commission voted 4-0 to approve the request under the condition that the following requirements are met. a) A fence must be erected; b) No storage will be stored higher than the fence; c) The site must be accessed from the alley on the East and; d) security fencing and gate to be installed.

Commissioner Ramsey asked if the City would charge a lease fee or a rental fee. The City Manager stated that there would not be a charge at this time. If the applicant does comply with the conditions of the special use permit, then the City would enter into a lease or a possible purchase of the property.

Commissioner Ramsey asked if the City would be liable if someone got hurt? The City Manager stated that because the City owns the property and it is a public lot, the City would have some liability. The Commission could revoke the special use permit at any time as deemed necessary.

2. Municipal Auditorium Bid. This project does have money available from the bond issue. If the Commission chooses to participate in this project, the cost will be approximately \$136,000 which would expend the proceeds from the bond issue. This bid is higher than the last bid by \$10,600. Dick Smith, Director of the Auditorium, stated that there will be some unidentified expenses with this project, one being some electrical work that will need to be included in the amounts. Mayor Cummiskey apologized to Mr. Smith for delaying the project and stated that the Commission would not be opposed to the project be completed.

Commissioner Ramsey questioned what "liquidating damages" consisted of. Earl Devore stated that the City would have the right to hire other workers to complete the project in a timely manner. The bid will be placed on the November 2, 1994 City Commission Agenda.

3. Eliminating a Utility Easement. Jim Bradley, Director of Utilities, stated that for the City of Ottawa to meet future power requirements, particularly in the south end of the City, the City crews are having to extend new circuits. One circuit will be located on West 2nd Street and South down Eisenhower Road. Mr. Bradley added that about eight years ago, the City obtained easements about 1/2 mile further West of Eisenhower Road, these easements will not be needed. One of the property owners, Mr. Frank Yates, has now asked that the City return the 100' easement in exchange for the easement along Eisenhower Road. Approval is recommended.

4. Pay Plan Classification and Personnel Rules and Regulations. The City Manager stated that he would like to have this resolution changed. Currently, when the City hires a new employee, that employee does not become on the KPERS Program until the employee has served the City for one year. At that time, the employee receives a 4% deduction to make the employee contribution to the fund. The City also makes a contribution on behalf of the employee. However, it has been City policy to grant a 4% increase to off-set the 4% deduction. Any employee currently on the payroll will still receive the 4%, however, any new employees after this resolution is passed will not be eligible for this 4% increase. Mayor Cummiskey also stated that the word "at lease" in section (a), should read "at least".

Commissioner Tyson asked about new employees that fall below the mid-point of their pay range. Judy Hasty, Personnel Director, stated that there was an error in this document. Some of the verbiage included in the resolution should be deleted. The new statement should read, "New employees will be evaluated after six (6) months employment as set forth in the City of Ottawa Employee Classification and Pay Plan." Thereafter, an evaluation will be completed annually.

The two resolutions will be placed on the City Commission Agenda for November 2, 1994

5. Tour of Police Department. Chief Jeff Herrman hosted a tour of the Police/Fire building for all the Commissioners and visitors.

Other Business:

Meeting adjourned at 4:15 p.m.

Unofficial until approved

**City of Ottawa, Kansas
Commission Meeting**

Minutes of November 2, 1994

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 P.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Joan Tyson, Matt Matthews, Gene Ramsey, and Richard Jackson. A quorum was present. Mayor Cummiskey called the meeting to order and led the Chamber audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, the Mayor noted that there were two changes in the agenda; i.e., the addition of a request for disbursement of funds regarding the Lester Building Grant. The second change was the removal of Item No. 15, a Resolution authorizing the release of easements on the property of Mr. Franklin D. and Mary L. Yates. City Manager, Scott Lambers explained that this item would be brought back to the Commission at a later date.

Thereupon, Commissioner Ramsey made a motion, which was seconded by Commissioner Matthews, to approve the agenda as amended. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

**Approval of
Minutes**

The Commission considered the minutes of the previous meeting of October 19, 1994.

Thereupon, Commissioner Matthews made a motion, which was seconded by Commissioner Jackson, to approve the minutes as written. Upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of October 19, 1994, approved as written.

November 2, 1994

**Presentations and
Recognitions**

**American Education
Week**

Thereupon, the Mayor read a Proclamation declaring November 13 - 19, 1994, as American Education Week in the City of Ottawa, Kansas.

Thereupon, Ms. Kattie Ecroyd of the Ottawa Education Association accepted the presentation and thanked the Commission for the Proclamation.

Richard Jackson Day

Thereupon, Mayor Cummiskey read a Proclamation citing Mr. Richard Jackson's accomplishments as a citizen community leader and Christian model and noted Mr. Jackson's invitation to participate in a delegation which will travel to Moscow on November 18, 1994, to carry abroad the motto of "Helping People Help Themselves".

Thereupon, the Mayor congratulated Mr. Jackson and noted that October 30, 1994, had been designated as Richard Jackson Day in the City of Ottawa, Kansas.

**Communications
Lester Grant
Draw Down**

Thereupon, there was presented a request from Wynndee Lee, Grant Administrator for the City of Ottawa, for a draw down authorization in the amount of \$490,000 for the Lester Building Community Development Block Grant.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mr. Glen Richardson of Lester Building, Inc., thanked the City for their cooperation and assistance.

VFW Request

Thereupon, there was presented a request from Icel Schmitt with VFW 5109 Auxiliary requesting that the VFW be allowed to sell poppies during and after the VFW Parade scheduled for this Saturday, November 5, at 1:30 P.M.

November 2, 1994

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson, to approve the request. The request was considered and upon being put to the question, all present voted aye.

New Business

Auditorium Fly Loft Thereupon, there was presented an agreement with M.C.A., Inc., to install the fly loft structure at the Ottawa Municipal Auditorium.

Thereupon, the Mayor explained that this project had been bid last fall at which time the City had received only one bid and therefore, the Commission had chosen to bid the project again. However, M.C.A. again, was the only bidder and the bid was in the amount of \$124,141 to cover the cost of installing the fly loft structure.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the request. During discussion, City Attorney Forrest Lowry explained that before the agreement was approved, he would recommend that the City insist on proof of bond and proof of insurance.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jackson, that proof of bond and proof of insurance be required from M.C.A., Inc. During discussion, Commissioner Matthews pointed out that he had not been in favor of this project, however, bonds had already been sold and therefore, felt obligated to vote in favor. Upon being called, all present voted in favor of the motions.

Thereupon, the Mayor declared that the agreement with M.C.A., Inc., to install the fly loft structure at the Ottawa Municipal Auditorium for a contract amount of \$124,141 had been approved upon M.C.A.'s ability to satisfy the City's requirement that proof of bond and proof of insurance be provided.

**Fly Loft Winch
System**

Thereupon, there was presented an agreement with Allied Theater Crafts, Inc. to install the winch system and electrical bars which will be part of the Municipal Auditorium Fly Loft in the amount of \$22,287.

Thereupon, the Mayor explained that the City had received two bids for the winch system and electrical bars; the first bid from Associated Theater Contractors, Inc. in the amount of \$32,947, and a bid from Allied Theater Crafts, Inc. in the amount of \$22,287. The Mayor noted that total cost on the project if Allied Theater's bid were accepted would be \$146,428.

Thereupon, Commission Jackson made a motion which was seconded by Commissioner Ramsey to approve the agreement with Allied Theater Crafts, Inc., to install the winch system and electrical bars which will be part of the Municipal Auditorium Fly Loft Project in the amount of \$22,287. The Motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agreement duly approved.

**Special Use Permit
121 North Main**

Thereupon, there was presented a resolution granting a Special Use Permit for a storage area to be located at 121 North Main, in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, which was seconded by Commissioner Matthews, to adopt the resolution. During discussion, it was pointed out that the Planning Commission had considered an application by the City and Underwood Plumbing for a Special Use Permit to allow storage of plumbing supplies at this location. The Planning Commission had voted 4-0 to recommend the approval of the Permit with the following conditions:

1. The applicant fence the property line adjacent to Main Street with a solid fence that is attractive in nature and not more than eight feet in height.
2. That no storage of supplies or materials on the site be higher than

November 2, 1994

the fence and be visible from Main Street.

3. The sites be accessible from the alley on the East and security fencing and gate be installed.

4. The applicant submit a site plan in accordance with Section II of Article 33 and indicate the location of any fencing, the design of the fencing, the location of access and any other item that are appropriate to the site.

The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was duly numbered Resolution No. 826-94.

Pay Plan Amendment

Thereupon, there was presented a resolution amending the City of Ottawa, Kansas, employee classification and pay plan.

Thereupon, Commissioner Tyson made a motion, which was seconded by Commissioner Jackson, to adopt the resolution. During discussion, it was pointed out that the resolution would eliminate the wage increase which would accompany the employee's enrollment in KPERS. The motion was considered, and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 827-94.

Employment Policies

Thereupon, there was presented a resolution amending the policies concerning employment as adopted by Resolution No. 581-91, dated November 20, 1991, of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the resolution. During discussion it was pointed out that the proposed resolution would amend the personnel rules and regulations to conform with the changes in the

November 2, 1994

classification and pay plan as adopted in Resolution No. 827-94. The motion was considered and upon being put to the question, all present voted aye.

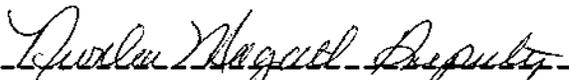
Thereupon, the Mayor declared the resolution duly adopted, and the Resolution was duly numbered Resolution No. 828-94.

City Manager Report Thereupon, City Manager, Scott Lambers informed the Commission that the K-68 water line to the Walmart Distribution Center had passed a pressure test and that it would be disinfected, which would make water available by Thursday or Friday to the Walmart site. Mr. Lambers noted that Walmart was not quite ready at this point in time, but the City had met it's obligation to provide water well in advance of schedule.

Governing Body Thereupon, the Mayor congratulated the local PRIDE effort for their recent accomplishments and reminded the Commission that the next regular meeting was scheduled for November 16, 1994, at 9:30 a.m.

Adjourn There being no further business to come before the Commission, Commissioner Jackson made a motion, which was seconded by Commissioner Matthews, to adjourn the meeting. Upon being called for the question, all present vote aye.

The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

NOVEMBER 7, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Andy Haney, Richard Towe, Jim Bradley, Vicki Baugher for Scott Bird, Judy Hasty, Jim Shaw, Jeff Herrman, Diane Stoddard, and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: George Marstall; Bob Mills and Tony Turner from KMEA; Lou Atherton; and Tom Melland and Kiah Harris from Burns & McDonnell.

Absent: Scott Bird.

The following items were brought before the Commission for discussion:

1. Presentation by Burns & McDonnell. Kiah Harris and Tom Melland from Burns & McDonnell were present to discuss the current power supply contract. Burns & McDonnell reviewed the existing power supply contracts that were available to the City. Also, reviewed options that might exist at the power plant and look at the utility interconnections with KCPL and what alternatives the City might have to these issues. Handouts explaining the current status of the City's power supply were distributed and discussed.

Some of the options that were looked at by Burns & McDonnell were as follows:

- 1) To retire the existing units.
- 2) The capabilities to add new generation units.
- 3) Purchase contracts through KMEA and KCPL Capacity Slot.

The best options that came out of the analysis included, upgrading the controls on the existing stag unit; looking at the new BPU/Nearman Contract, which looked to be the most favorable contract that was analyzed or to continue with the KCPL power exchange provided a significant continuance of low cost energy that is now being obtained from the current contract.

Another area that was looked at was the transmission and distribution system. Many of the options that were looked at were to correct specific problems that were on the distribution system as well as to look at the growth of the system. Burns & McDonnell prepared a forecast which is identified in the study.

The conversion of the existing 4KV system and converting the system to a higher voltage system to reduce losses and enhance the performance was also an option.

Another option was to develop a City owned 34 1/2 KV Transmission System instead of using the 34.5 KV System of KCPL.

Two concerns that Burns & McDonnell had were 1) the capacity to supply future services and 2) the conductor loading limits.

Presentation by Burns & McDonnell - Continued.

The recommendations made by Burns & McDonnell consisted of the following:

1. Pursue the Nearman Contract as well as discuss options with KCP & L on capacity for the excess on the Ottawa System.
2. The transmission and distribution system improvements include the addition of several feeders and upgrading the controls on the combustion-combined cycle units at the power plant.

These improvements are estimated to cost around \$2.5 million over the three year study period. There are other distribution system improvements that will occur from 2001 - 2007, which would total around \$350,000 and in the future, if the City put in a 34.5 KV System, there would be an additional \$2.1 million that would be expended to upgrade the system.

Commissioner Ramsey asked why Burns & McDonnell did not show any documentation about existing generation. Mr. Harris stated that the numbers provided were the total costs and would include the local power plants generation statistics.

The City Manager stated that this study will be used as a reference for future changes to the City's CIP as the City continues to develop.

Mayor Cummiskey thanked Mr. Harris and Mr. Melland for attending the meeting.

2. Presentation by Bob Mills and Tony Turner with KMEA. - Ottawa has been an active member in the KMEA and has been a recipient of purchases of power from the agency since 1983. The City of Ottawa has been a recipient of 10 mw and has proven to be a reliable and economical source of energy.

The project involves seven (7) cities that take a combined total of 37.5 mw. In the contract with the Kansas City, Kansas Board of Public Utilities, the Nearman power is bought for a long-term period. The Nearman plant is a 235 mw coal plant. In 1973, the City of Ottawa used the Nearman plant 77% of the time it was available.

There is a provision in the contract where KMEA could unilaterally forfeit the contract if the member cities wanted to. One of the reasons that the offer from the BPU is better than other alternatives is that the existing contract with BPU extends through the year 1997. If the member cities went with another supplier, the cities would have to stay with BPU until the current contract expires. However, if the members renegotiated the contract, the new prices would become effective immediately. New contract terms could be initiated as of January 1, 1995.

The contract will be in effect until 2022. However, there is an option to get out in 2014 with a three (3) year notice. There is also a provision stating if a participating city has a loss of load, the contract could be reduced by 2 megawatts per year. If the City does not want to stay with the Nearman Project, the existing contract will remain in effect until 1997.

Presentation by Bob Mills and Tony Turner with KMEA- Continued.

Mayor Cummiskey asked if one or more of the participating cities decided not to renew the contract, would the City have to pay a higher amount. Mr. Turner commented that the City would pick up a greater portion of the Agency expense but would just pay for the 10 megawatts of power. All of the cities have indicated that they plan to remain with the Agency. Also, the City of Chanute may also decide to join KMEA with the proposed contract.

Mr. Mills stated that the proposed budget numbers reflect that Ottawa's share will be decreased to around \$385,000 for 1995.

The City Manager stated that City staff is recommending that the City keep their current entitlement and that the resolutions approving the second and fourth amendments be approved. The City Manager asked the Commissioners for a consensus to have this placed on the agenda for the 16th of November. Mayor Cummiskey stated she would be in favor of placing this on the agenda, but the Commission may need to designate some time at the Work Study Session on November 14, 1994, to review the information that was distributed and have any questions answered.

Mayor Cummiskey thanked Mr. Mills and Mr. Turner for coming to the Work Study Session.

Review of the November 16, 1994 Agenda.

1. Great American Smokeout Proclamation.
2. City Employee Recognition.

WORK STUDY SESSION ITEMS:

1. Chamber of Commerce Real Estate Deed. The City has received a Deed which would take a portion of Haley Park that is currently used for parking and return this property to the Chamber of Commerce for them to use this area for parking for the Chamber staff. Will be on the November 16, 1994 City Commission Agenda.

2. Investment of Idle Funds. A proposed resolution which would provide for the depository of funds and allow local investments of funds. There was some discussion between the Governing Body and the City Manager, if all the financial institutions should be listed or if there could be a generic listing. Commissioner Ramsey abstained from the discussion for personal reasons. Commissioner Tyson stated she thought all the financial institutions should be individually named. Commissioner Jackson would like to make the list all inclusive without naming individual banks. Mayor Cummiskey stated she was in favor of having a generic format. However, there will be a list of current institutions that will be kept up-to-date. It was the consensus of the City Commission to place this item on the November 16, 1994 City Commission Agenda.

3. US 59 Highway Water Line Location. The City has been notified by the State of Kansas that when the current water line located along US 59 was installed in the 1950's, there was not proper permission obtained to do so. Therefore, the City of Ottawa has trespassed on the State right-of-way. With the current improvements projects, the State has indicated that the City will move the water line off of their property at the City's expense. City staff is requesting permission that the engineering work be started on this project and that a Scope of Services be performed by Wilson & Company in an amount not to exceed \$13,500. The funds for this project would come out of the Contingency Fund. It was the consensus of the Commission to place this on the City Commission Agenda for November 16, 1994.

4. Ottawa Project for Youth. Richard Jackson has requested that the Ottawa City Commission and the U.S.D. 290 School Board participate in this program for youth by contributing \$5,000. This is a prevention project that will work with young people in the community and will provide a mentoring program for children primarily in the elementary grades through 8th grade. Interns from Ottawa University will be working with young people. SRS, School District and the Courts will be asked to help identify kids that might be in need of this program.

Commissioner Ramsey asked Richard if he had received the Community Development Block Grant Funds from the State. Richard stated he had not heard from the State but should receive notification in the next couple of weeks.

Mayor Cummiskey stated she would like to see businesses participate in the future years. Richard stated that this would be a possibility. Mayor Cummiskey told Richard that she had some material available, if he would be interested, for selection criteria for the adults who would be working with the children.

Commissioner Ramsey asked where the City would get the \$5,000 to apply towards this program. The City Manager stated that he would recommend the monies come out of the 1994 budget that was left over from the Youth Employment Program.

Commissioner Matthews asked Richard if he would hire his project director from the Ottawa area or if he would need to recruit out-of-town. Richard commented that Kansas City, Topeka and Lawrence would be solicited to find the best possible director. However, the interns that would help with the program would come from Ottawa University.

Commissioner Tyson questioned if there would be a board to oversee the project. Richard stated there would be one representative from the City and the Police Department, USD 290, Ottawa University, ECKAN and the business community would also be involved. The board would consist of 8 to 10 representatives.

Commissioner Matthews made a motion to place this on the November 16, 1994 City Commission Agenda. Approval would be contingent upon the CBDG funding.

5. Tax Abatement Ordinance. The City Manager stated he had gone through the current Tax Abatement Ordinance and reworked the presentation section so that it would be more of a sequential order. Additionally, there are a couple of major changes that were made. The first change is that the City will no longer offer in-lieu of tax payments. Partial exemptions may be granted, but allowing 100% to be given will not be in effect. Secondly, employment parameters have been established that are to be proposed by the applicant in terms of the numbers of employees to allow the company to be eligible for certain percentages of abatement. There would be a variance allowed to the applicant regarding the number of employees. If the company increases their employment by 50% during the abatement period, the company would then be eligible for an additional abatement. Finally, the Administrative Review Committee will come forward to the City Commission for approval of a Letter of Intent. Once the applicant has everything finalized, they would then come back before the Commission for approval and a public hearing would be held. If an applicant wishes to retain secrecy, the Administrative Review Committee would have the authority to issue an Administrative Letter of Intent which would not be binding upon the Commission. The Mayor would be the only member from the Commission to sit on this Committee. If an Administrative Letter of Intent is given to an applicant, the City Commission will be copied with the letter in confidence.

Mayor Cummiskey asked if this would apply to the existing companies beginning in March, 1995. The City Manager stated that all the companies will be informed about the changes in the process and the City will be a little more flexible the first year because of the lack of awareness. The City Manager stated the Commission may also want to consider whether or not to apply this to any new business. The City Manager stated the revised ordinance could be used for all new applicants, but existing companies could be grandfathered under the changed ordinance.

Other Business:

Commissioner Matthews asked if the City could provide some type of radio or walkie-talkie to the new downtown business group to be used while they make their rounds. Chief Herrman commented that his department had been wanting to get another portable car phone and that he felt it would be appropriate to purchase one and allow the business group to use it by signing for the equipment.

The City Commission directed the City Manager to have the Police Department purchase this equipment to use and to have available to the Downtown Business Group.

Meeting adjourned at 5:20 p.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of December 7, 1994

Roll Call

The regular meeting of the Ottawa City Commission for December 7, 1994, was canceled due to a lack of agenda items. As a precautionary measure the City Clerk opened City Hall at approximately 6:35 p.m. in the event that a member of the public would seek to address the Commission. However, no person from the public arrived at City Hall before 7.30 p.m. Thereupon, the building was closed and secured.



Scott D. Bird, City Clerk

Unofficial until approved

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of November 16, 1994

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 A.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Matt Matthews, Richard Jackson, Gene Ramsey, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the Chamber audience.

Thereupon the Mayor led the Chamber audience in the Pledge of Allegiance to the American Flag and the invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to approve the agenda. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda approved.

**Approval of
Minutes**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the minutes of the regular meeting of the City Commission dated November 2, 1994 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the minutes of November 2, 1994, approved as written.

Presentations

Thereupon, Mayor Cummiskey read a proclamation declaring November 17, 1994 as American Cancer Society's Smokeout Day.

Thereupon, Bob Bregant, President of the Local Chapter of the American Cancer Society, thanked the Commission for the proclamation.

-Service Awards

Thereupon, Robert McClay, David McCurdy, Layman Miller, and in absentia, David Mackler of the Utilities Department, were recognized by Mr. Jim Bradley, Director of Utilities for ten years of service with the City of Ottawa, Utility Department.

Thereupon, Mr. Vern Roller, and in absentia, Mike Higbie, of the Public Works Department, were recognized by Andy Haney, Director of Public Works, for their ten years of service with the City of Ottawa, Public Works Department.

Thereupon, Bobbie Hawkins, of the Police Department was recognized by Police Chief Jeff Herrman, for ten years of service with the City of Ottawa.

Thereupon, Mr. John Riddle, of the Fire Department was recognized in absentia by Chief Richard Towe, for ten years of service with the City of Ottawa.

Thereupon, Mr. Charles Bowling was recognized for 25 years of service with the Ottawa Police and Public Safety Department.

Thereupon, Fire Chief Richard Towe was recognized for 25 years of service, both with the Ottawa Fire Department and the Ottawa Department of Public Safety.

**Communications
Christmas Parade**

Thereupon, there was presented a request from the Ottawa Chamber of Commerce Retail Committee to hold their annual Christmas Parade on December 3, 1994 at 1:00 p.m.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the request. The request was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the request duly approved.

November 16, 1994

**New Business
KMEA Amendment**

Thereupon, there was presented a resolution of the City of Ottawa, Kansas approving and consenting to the third and fourth amendments to the Participation Power Sales Agreement between the Kansas Municipal Energy Agency and the Board of Public Utilities of Kansas City, Kansas; approving and consenting to the second amendment to the Nearman Power Sales Contract between the City and the Kansas Municipal Energy Agency; and confirming the obligations of the City under the Nearman Power Sales Contract as amended by the first and second amendments.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the resolution.

During discussion it was pointed out that member Cities of the Kansas Municipal Energy Agency had been negotiating a new agreement with the Board of Public Utilities for the purchase of power for the respective cities. It was also pointed out that the new agreement would extend through the year 2022 and was estimated to result in a cost savings of approximately \$385,000 per year.

The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 829-94.

**Depository
Institutions**

Bill No. 94-81. Thereupon there was presented a resolution designating depository institutions acceptable for investment of idle City funds held by the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote: Commissioner Tyson yea, Commissioner Matthews yea, Commissioner Jackson yea, Commissioner Ramsey

November 16, 1994

abstained, Mayor Cumiskey yea.

Thereupon, the Mayor declared the resolution duly adopted and the ordinance was duly numbered, Resolution No. 830-94.

**General Obligation
Bond**

Thereupon, the Mayor called upon the City Clerk to open bids on \$143,864, principal amount of General Obligation Bonds, Series 1994, of the City of Ottawa, Kansas. The Clerk opened the bids and reported that First Securities Company of Kansas Inc., had submitted a bid with a total interest cost of \$61,984.73 and an average annual interest rate of 6.546632%, and Anderson Chandler from Topeka, Kansas had submitted a bid with a total interest cost of \$55,638.21 and an average annual interest rate of 5.848872%.

Thereupon, the Clerk requested that Dottie Riley, Bond Attorney for the City of Ottawa and Nevalea Magrath, Deputy City Clerk be excused from the meeting to verify the bids and that other business be conducted while this process was being taken care of.

**Complaint
Procedures**

Bill No. 94-85. Thereupon, there was presented a resolution amending the policies concerning emloyment as adopted by Res. No. 581-91 dated November 20, 1991, of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the resolution.

During discussion it was pointed out that the revised policy reflected changes recommended by the League of Kansas Municipalities; clarifying the complaint procedures and providing for an appeal process.

The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 832-94.

November 16, 1994

**Haley Park
Parking Lot**

Thereupon, there was presented a request by the Ottawa Area Chamber of Commerce to deed a portion of Haley Park back to the Chamber of Commerce so that it could be used for parking by chamber staff.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commission Tyson to approve the request.

The motion was considered an upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

**Mears Park
Quit Claim Deed**

Thereupon, there was presented a request from Mr. and Mrs. Jay DeGroot, that the City of Ottawa correct what they believe to be an error that occurred at the time of 1984 sale of what was known as the Mears Park Property.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the request. During discussion it was pointed out by City Manager Scott Lambers, that at the time of the 1984 sale of the Mears Park Property, a portion of the property had been left off of the legal description, leaving a small portion of approximately 4.3 acres in the city's name. However, the City had no public access to this property and therefore it was apparent that a correction was in order. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Wilson & Co.

Thereupon, there was presented an agreement with Wilson & Company for U.S. 59 Highway Water Line Relocation Engineering Services Proposal.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to

November 16, 1994

approve the agreement. During discussion it was explained that the City water line had been extended along U.S. Highway 59 in the 1950's, however, the City had not received permission from the state to utilize their right-of-way. The state intends to widen 59 Highway and as a result a relocation of the water line at city expense will occur. City staff has recommended that Wilson & Co. be authorized to conduct engineering for the project in an amount not to exceed \$13,500. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the agreement with Wilson & Co. duly approved.

Project for Youth

Thereupon, there was presented by Commissioner Jackson a request that the City of Ottawa participate in the Ottawa Project for Youth, which is designed to reverse or slow negative trends relating to teen pregnancy rate, truancy, the school dropout rate and arrests for violence and drug related activities. The total first year budget for the project had been set at \$30,000 of which \$20,000 will be Community Service Block Grant Funds provided by the State Department of Commerce and Housing and \$10,000 will be contributed locally. By the third year the project is expected to be funded entirely with local funds. It was further pointed out that the City portion would come out of the 1994 Budget for the Summer Youth Employment Program and that the City's participation is contingent upon approval of the CDBG application.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the City's involvement in the Ottawa Project for Youth and that the City contribute \$5,000 toward this endeavor.

The motion was considered and upon being put to the question, passed by the following vote, Commissioner Tyson aye, Commissioner Matthews aye, Commissioner Ramsey aye, Commissioner Jackson abstained, Mayor Cumiskey aye.

November 16, 1994

Thereupon, the Mayor declared the motion duly approved.

Contingency Funds

Thereupon, there was presented a request by the City of Ottawa Police Dept. to purchase a heretofore unbudgeted vehicle, not to exceed \$9,000.

Thereupon, Commissioner Matthews made a motion which was seconded by Commission Ramsey to approve the request. During discussion it was explained that the vehicle used by the City's Drug Enforcement Officer was in need of significant repairs which were beyond its value, and that the replacement vehicle would be purchased from one of the four local dealers. It was further clarified that the request was for budget authority to be used from Contingency Reserve of the General Fund. The motion was considered and upon being put to the question, all present voted aye.

**Report by
City Staff**

Thereupon, City Manager Scott Lambers called on Public Works Director Andy Haney, who reported the City had scheduled for the 29th of November with the Army Corp of Engineers a Flood Defense Seminar. Mr. Haney explained that this session would include both in class and hands on flood control familiarization with the City's system. He encouraged the public to attend, stating that the session would begin approximately at 8:30 a.m. at the Ottawa Municipal Auditorium.

**Governing Body
Agenda**

Thereupon, Commissioner Ramsey recognized Commissioner Jackson for his upcoming trip to Russia.

Thereupon, Commissioner Jackson explained his itinerary for the trip and noted that he had a gift for the Chief of Police of St. Petersburg, Russia, which is a picture of the Chief of Police of St. Petersburg and the Chief of Ottawa Kansas, taken earlier in the year when a delegation from Russia had visited Kansas.

November 16, 1994

Bond Sale

Thereupon, Dottie Riley, Bond Council for the City of Ottawa, reported to the Commission that the apparent low bidder for the bond sale had been Anderson Chandler, from Topeka, Kansas, and that the interest cost for the project were indeed \$55,638.21, however Ms. Riley noted a small error in the calculation of interest and noted the figure should be 5.876332. Ms. Riley further requested that the Commission move to accept Mr. Chandler's bid.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to accept Mr. Anderson Chandler's bid on the East 6th and 7th Street bond project. Upon being put to the question, all present voted aye.

Bond Ordinance

Bill No. 94-83. Thereupon, there was presented an ordinance authorizing the issuance and delivery of \$143,864 Principal amount of General Obligation Bonds, Series 1994, of Ottawa, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto.

Thereupon, Commissioner Matthews made a motion which was seconded by Commission Jackson to adopt the ordinance. During discussion it was pointed out that property owners had been notified and given 30 days to pay the respective special assessments or to allow these cost to be attached to the bond issue schedule to be let on this date. It was further explained that the bonds would replace temporary financing which had been used to finance the project. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance 3124-94.

Bond Resolution

Bill 94-84. Thereupon, there was presented a resolution prescribing the form and details of and authorizing the delivery of \$143,864 principal amount of General Obligation Bonds, Series 1994, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3124-94 of the City; and making certain covenants with respect thereto.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

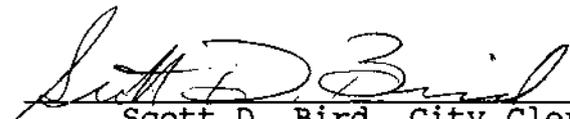
Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 831-94.

Adjournment

There being no further business to come before the Commission, Mayor Cumiskey reminded the Commission that the next regular meeting would be held December 7, 1994 at 7:00 p.m.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn the meeting, the motion was considered and upon being put to the question, all present voted aye.

The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk

November 16, 1994

**JOINT CITY/COUNTY
STUDY SESSION MINUTES**

3:00 P.M.

December 6, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw and Diane Stoddard; City Attorney, Forrest Lowry; and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Franklin County Commissioners; J. B. Hall, Franklin County Emergency Preparedness Director; Rex Bowling, Franklin County Sheriff; Larry Wright, Franklin County Attorney and Ron Williamson of Bucher, Willis & Ratliff.

The following items were brought before the Commissioners for discussion: Mayor Cummiskey stated that it was good to be able to meet with the County Commissioners again and that this would be a good time to have questions and concerns brought to the table.

1. Southside Land Use Study. The City Manager opened this topic by reviewing the process to inform everyone present as to what has taken place the last several months. The study area being looked at for land use is primarily in the jurisdiction of the City in terms of sub-division regulations. Much of this property has been zoned for industrial use, but with the Industrial Park in the North, it would probably be more appropriate to zone this area as highway commercial possibly mixed with some residential. The City then contracted with Bucher, Willis & Ratliff to look at the land use of the study area, stormwater management as well as traffic management. Several alternatives for traffic management have been discussed as well as some recommendations for land use. The storm drainage will be more of an engineering issue. The area south of 15th Street and areas west of the City limits (1/2 mile west of Eisenhower Road) will be subject to development. Ron Williamson, Bucher, Willis & Ratliff, was present at the meeting to discuss the possibilities of the growth of the southern area of the City. Mr. Williamson indicated that this meeting is an informational meeting and would like to hear discussion or ideas regarding this project. After showing where the limits of the City are located, Mr. Williamson discussed the alternatives related to this study. One of the alternatives for traffic would be to have Eisenhower Road serve as a bypass for 59 Highway. There is also the possibility that the 50 Highway Bridge would be removed to allow traffic to be rerouted to tie into 23rd Street which would join Highway 59. The existing street would join Elm Street, which would open up the area for more development. This would also eliminate much of the confusion that is now present at the 59 Highway, 50 Highway Intersection. Twenty-third Street would become a major street all the way to 15th Street. Seventeenth and Nineteenth would be considered to be collector streets. Eisenhower Road would also be considered as a limited access road and would be used to carry traffic.

Commissioner Tyson asked if the State had given any indication if they would be willing to remove the overpass? Mr. Williamson stated that there will be a meeting scheduled with the State after informal informational meetings with local officials have been completed. County Commissioner Savage asked if any thought had been given to converting the park trail to a street within the City? Mr. Williamson stated that he had not heard of this being discussed. Commissioner Tyson stated that it might be logical but did not think the land could be used for this purpose. Forrest Lowry, City Attorney, stated that Commissioner Tyson was correct and that the Wildlife and Parks has jurisdiction over this property. Commissioner Ramsey asked if Osage Street would be a street all the way to 23rd from 15th Street. Mr. Williamson stated that it was anticipated to go through at this time.

Southside Land Use Study - Continued

County Commissioner Hayden asked what would happen to all the traffic being redirected to 23rd Street? Mr. Williamson stated that 23rd Street would be rebuilt to be an arterial street, which would include widening the street and having turn lanes added. Commissioner Mavity stated that Eisenhower Road would need to be rebuilt in order to handle all the traffic. Mr. Williamson stated the main item that the initial planning would need to include rights-of-ways to accommodate this growth. Commissioner Hayden stated if the City wishes to annex Eisenhower Road, it would be his desire to have the City annex the entire road to the western boundaries and the County would not have any jurisdiction. The City Manager agreed that if the City does begin the annexation process, the City would assume the responsibility to annex the street in its entirety.

At the current time, the County has zoning through the townships which specified areas would need to be relinquished over to the City. Commissioner Ramsey asked how soon in the overall process would the traffic concerns be discussed with KDOT. The City Manager stated that once an alternative to re-route traffic has been finalized, the City would go to KDOT for approval. The City Manager also stated that the City currently has a grant application submitted with the State for several million dollars for Eisenhower from I-35 to 7th Street. Franklin County Commissioner Charles Mavity stated that he felt it would be better to let the City annex all of the property necessary for this project instead of having both the City and the County having bits and pieces of the property. Mr. Williamson stated that if anyone had questions or comments to get in touch with the City Manager or Jim Shaw and they could relay the message to him.

2. Liquor-by-the-Drink.

The City Manager stated that all the existing and future drinking establishments be made aware of any restrictions the City or County has regarding liquor-by-the-drink.

The City Manager recommended that all of the establishments that serve liquor-by-the-drink would close at 1:30 a.m. Mayor Cumiskey and the Commission asked the City Manager to survey counties that have the 30% food requirement to see what their closing times for liquor-by-the-drink establishments are. The City and County Commissioners were in agreement that the City and County should have the same closing times. The City Manager will do a survey and forward the results to the County Commission.

The City Manager also stated that the distance from school or churches be regulated and recommended that the distance be 300 ft.

At the October 12th Work Study Session, the City Commission will review model ordinances provided to the City by the League of Kansas Municipalities and other surrounding cities. The Mayor requested that the County Commissioners review the model ordinances provided to them and forward any comments to the City Commission by Monday, December 12th.

Other Business:

The next Joint City/County Meeting will be Wednesday, January 18, 1995 at noon in the basement of the Franklin County Jail. The County will host.

Meeting adjourned at 4:30 p.m.

STUDY SESSION MINUTES

3:00 P.M.

December 12, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw, Jeff Herrman, Andy Haney, Richard Towe, Judy Hasty, Jim Bradley, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry; and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: John White, Earl Tast and Brian Eggold of White Martin and Associates; Lou Atherton, Chamber of Commerce.

Absent:

The following items were brought before the Commissioners for discussion:

Mayor Cummiskey opened the meeting by discussing the procedures to be followed for election when a vacancy occurs in office. The City Manager commented that the current situation of the City Commission was created by a City ordinance which states if a person leaves office and the vacancy is filled then the person that was appointed would then remain seated until the next general election. In 1985 this ordinance was changed to state that the appointment was for the full length of the term. However, the City's ordinance did not change to reflect this. Because the City has an unexpired term to be filled, this seat needs to be identified in a special way. The City Manager has checked with the Secretary of States Office and the League of Kansas Municipalities and both entities have concurred that the City Commission needs to make a statement as to how this seat will be affected, if at all. There are several options to resolve this problem, 1) have the seat run as a seat of an unexpired term, in which candidates would file specifically for this seat, or 2) the Commission could state that it is just a normal seat, but would have a two year term assigned to it. The assignment of this seat could be done by having the candidate that receives the fourth highest votes being assigned this seat. If the City Commission is going to distinguish this seat from the other seats, the distinguishment should be made early in the filing period so candidates who are considering filing are aware of the circumstances.

The City Manager stated that the Commissioners could study this issue and discuss this at the December 19, 1994 Work Study Session. The City Manager also suggested that the City ordinance be revised to conform with the State Statute.

Commissioner Ramsey stated that he would abstain from any discussion or any comments on the issue because it is his seat that is involved. The City Manager and the Mayor stated that there would not be a conflict because his term is up and it was another persons unexpired term. Mayor Cummiskey stated that this issue would be at the top of the agenda for the December 19, 1994 meeting.

1. Review of December 21, 1994 City Commission Agenda. No discussion.

2. 1995 Downtown KLINK Improvement Project. John White, Earl Tast and Brian Eggold of White Martin & Associates the City's Consulting Engineers, were present to discuss some of the alternatives available for this project. This presentation will be for information only and will be brought back at the December 19, 1994 Work Study Session.

A survey of the downtown area was completed and alternatives are now being studied. One of the main problems with Main Street is the parking area in the 200 Block of Main, especially in the winter with ice being on the street. Mr. Williamson displayed cross-section drawings of the street and explained the processes that would be involved with their recommendations. Mr. Williamson stated that one of the alternatives would be to take off 6 to 8 inches of the street to reduce the grade. One of the problems with this idea is that all the brick under the existing street would need to be removed and basically a new street would need to be built from the ground up. A problem that arises when the street is not fixed from the bottom up and milling off the existing asphalt is done, is that there is major deterioration of the street below.

Another alternative would be to work with the center four lanes and milling off just those lanes. This process would be cheaper, however, it would not solve the parking problem. If the Commission wanted to proceed with this alternative, Mr. White recommended that a slurry seal be placed on the exterior.

Mr. White stated that if the 200 block is the only block to be completely rebuilt, which would include going curb-to-curb with a 2" milling and overlay and repairing the bad spots, which his firm is estimating to be around 25% of the street, an additional \$35,000 would be spent.

Commissioner Ramsey asked what the state would match for a KLINK project. Andy Haney, Public Works Director, commented the funding would be 50/50 with a maximum amount being \$100,000.

Mr. White continued his presentation by discussing the brick crosswalks. The plans indicate there are about 8" of concrete below the bricks to hold the bricks in place. Mr. White stated that because the concrete has started to break up and heavy trucks continue to use the Main Street, the brick are starting to rut. One alternative for this problem is to take the pavers out, put in new concrete and replace the pavers. Another alternative would be to take out the crosswalks. At this time, the total cost for removing all the crosswalks would be approximately \$30,000.

Commissioner Matthews asked how much longer the crosswalks would last if trucks were rerouted. Mr. White stated there would be a minimal amount of damage. However, Mr. Tast also explained that until the subgrade and cracks are fixed then any type of vehicle will effect the sidewalks.

The City Manager asked, assuming the City goes forward with this project, regardless of which option is selected, the next time the City goes in to repair the Main Street, would it be estimated that the entire base from First Street to Fifth Street or would the lower bricks still be in good shape.

Mr. White stated that the City would still need to have some percentage of the bricks replaced. He also noted that just the key areas will need to be replaced. There will be a lot of areas where the street does not have the heavy truck traffic and therefore will not have the problems that have previously been discussed.

The City Manager commented that even though there would be a difference in price to just do the overlay, it would be his opinion that the entire process of removing the bricks should be completed.

Commissioner Tyson asked how long it would take for the street to be run down with the existing truck traffic. The City Manager stated if the trucks are moved to a different route, the life expectancy would be extended.

Commissioner Matthews questioned what the time-line is for this project.

Andy Haney commented that it was his goal to have this project completed by May 26, 1995. City staff would like to see this project completed before construction begins on 15th through 17th Streets.

Commissioner Matthews stated that if the repairs are made and the trucks are not moved off Main Street, there could be a lot of damage to the newly repaired streets after spending a large amount of money for those repairs. Commissioner Matthews went on to ask if the City could move ahead with the plan to get large trucks off of Main Street. The City Manager answered that the reason we are moving the KLINK Improvement Project ahead is because the street is deteriorating to the point that the City will need to do more sub-grade work than what is already anticipated. If the City defers to make a decision on this project and the road continues to deteriorate, then the City will pay more later on.

Andy Haney commented that there would be additional information drafted to submit to the Commission regarding all the various proposals for this project and will be brought back to the Commission on December 19, 1994

3. Liquor-by-the-Drink Ordinances. There are four ordinances which describe hours of operation, restriction of minors, Sunday sales and zoning locations. The hours of operation for private clubs would be between 9:00 a.m. to 1:30 p.m. Monday through Saturday and 12:00 noon on Sunday for establishments. The City Manager commented that for enforcement purposes it would be to the City's benefit to have similar hours of operation. The City Manager also stated that it was his opinion that Sunday sales would be appropriate because of restaurants being the main focus on liquor-by-the-drink.

All Commissioners agreed to look at the four ordinances pertaining to liquor-by-the-drink and bring it back to the December 19th Work Study Session.

4. Crime Bill. Jeff Herrman, Police Chief, made a presentation to the Commission regarding an application for the Crime Bill which would allow cities to receive a grant for extra police officers. This grant would allow the City to go up to \$75,000 over a three year grant period. With the current salary structure the City of Ottawa would be around \$71,000 over the three year period. Initial approval to apply for this grant would need to be given by the Commission by December 31, 1994. Chief Herrman stated that with the additional officers that this grant would allow, would enable his department to fill all his shifts with three officers per shift.

Commissioner Ramsey stated that he had visited with Don Duncan, Superintendent of Schools, regarding this topic. One idea Mr. Duncan had was that the D.A.R.E. Officer could be incorporated into the school resource officer. Chief Herrman stated that this officer could serve in this capacity, but the Police Department would lose him as a school resource officer. If the Police Department did use the officer just as a D.A.R.E. Officer he would not be used at the High School or if this officer was used at the High School and Middle School, the D.A.R.E. program would be lost. Commissioner Ramsey asked Chief Herrman to contact Mr. Duncan regarding this application.

Commissioner Matthews and Commissioner Ramsey asked if the officers involved in the S.T.A.R. Team are a volunteer group if the training these officer's receive are taken out of patrol time. Chief Herrman stated that some of this is taken out of patrol time. Four hours per month is all that is allocated for this special training but this four hours per month goes against the 40 hours of training that the officers have to have anyway. The state mandates 40 hours of training. Ottawa's officers traditionally receive 50 to 60 hours of training. Commissioner Ramsey stated that his concern is to have the officers on the street everyday, not just to participate on a S.T.A.R. Team. Chief Herrman stated that the officers on the S.T.A.R. team are patrol officers and do have regular street duty. Chief Herrman stated that the employees involved with the S.T.A.R. Team are high energy employees and have good morale. Commissioner Ramsey stated he felt the residents in Ottawa needed to have more of a public input and needed to be able to see what the S.T.A.R. Team actually does.

The City Manager stated that the City will proceed with the application and if the school district decides to participate in this grant, the application can be amended. Mayor Cummiskey stated that it would be nice to have the School Boards endorsement.

Mayor Cummiskey also asked Chief Herrman for an update on the curfew enforcement. Chief Herrman stated there had not been any significant violations, but several parents have been cited. Commissioner Ramsey asked if there had been any bookkeeping problems as a result of the curfew. Chief Herrman stated there had not been any problems.

5. Fringe Benefit Contract. Judy Hasty, Personnel Director, stated that the City has been involved with this company for the last several years and has been provided excellent service with no increase in administrative costs.

Mayor Cummiskey inquired as to the total annual cost of the contract. Ms. Hasty stated that it varies from year to year based on the number of employees involved. Ms. Hasty stated that the rules are very strict and that the company keeps the City informed about any changes in federal regulations.

Mayor Cummiskey asked about the City's procedure for service agreements. In the past, the Commission had talked about receiving quotes or bids from other vendors. Commissioner Tyson stated that this type of contract is not something you would want to change every year. Mayor Cummiskey stated that the City needs to develop a policy for service contracts.

The City Manager stated if the corporations that the City does business with has an increase in costs or experiences a dramatic change of some kind, then the City should look at the relationship with the corporation and consider how long the City has done business with the corporation.

Mayor Cummiskey asked if there are any other service contracts that will be coming up in the future. The City Manager stated that if the Governing Body is wanting to accept proposals from other firms, the corporations should be allowed to operate for this year but be placed on notice that in the coming years the City will be going through a new process.

Mayor Cummiskey asked for a list of company's the City does business with and how long the City has had a relationship with the company. Mayor Cummiskey also asked the City Manager to have the procurement process on an agenda in late January. The City Manager asked for a consensus to have this on the January agenda. Commissioner Ramsey and Jackson stated to look at this procedure at the City Manager's convenience.

6. Tax Abatement. The City Manager attended the monthly meeting of the O/FCED. As part of this meeting, it was requested that the City adopt a policy with recommended changes to the tax abatement policy that the Chamber Board has requested. The changes consist of 1) that there not be a differentiation between existing and new business; 2) filing fees for new applications be reduced from \$500 to \$200; and 3) the renewal fee be reduced from \$150 to \$100. The reason for the fees would discourage frivolous applications but did not want the fee large enough to discourage real applications. The City Manager also stated that he did not have any objections to the recommendations being made by O/FCED. Mr. Lou Atherton, Chamber of Commerce Director, was present at the meeting to comment on the changes and answer any questions the Commission might have. Commissioners all accepted the recommendations made and agreed to place this on the December 21, 1994 City Commission Agenda.

7. Selection of Engineering Firm to Complete Wastewater Treatment Plant Study. This is a topic that has been discussed several times to treat the ammonia problem at the Wastewater Plant. Two corporations responded and City staff is recommending that the contract be awarded to George Butler and Associates in amount not to exceed \$35,400. This item will be placed on the December 21, 1994 City Commission Agenda. Mayor Cummiskey stated that she appreciated the way Jim Bradley, Director of Utilities, placed the amounts and what fund the expenses will be taken out of on his staff advisory.

8. Issuance of Industrial Revenue Bonds. The City Manager stated that several industries have approached him requesting the IRB's be issued to help enhance economic development. If this is a tool that the City Commission would like to use to help businesses and new industry, then he would schedule the City's Bond Attorney to participate in the next study session scheduled for December 19th. Mayor Cummiskey and all the Commissioners were in agreement to have Ms. Dottie Riley, the City's Bond Attorney, to come to the meeting to discuss the IRB policy.

Other Business:

Commissioner Matthews reported on his trip to Minneapolis for the NLC Meetings. He commented that he brought back information to be copied for the Commission and that he was very impressed with the seminars that were offered. Received information on the Internet Highway, Cryptosporidium seminar, Reshaping of Public Meetings seminar and other information that would pertain to Ottawa. He also visited with the Sister City representatives to get information about the program. Commissioner Matthews stated he has always been highly skeptical about sending everyone to these meetings, but after attending this one, he would recommend everyone to attend. Commissioner Matthews also stated that the City of Ottawa might want to review their meeting times. The Mayor and other Commissioners felt that one morning and one night meeting worked pretty well to accommodate the general public and didn't see the need for a change.

Mayor Cummiskey stated in order to get the public more involved would be to complete census list so the City could invite the public on an individual basis to the next public forum on the Strategic Plan. Commissioner Matthews stated that he also had received information on this from the NLC meetings and would distribute with the other copies of information.

Commissioner Matthews also commented that he has been approached about the bird droppings in the downtown area. Richard Towe, Fire Chief, stated he would get some of his people to go downtown to clean up the mess.

Commissioner Jackson stated a report on the Summer Youth Program had been developed for the Commission to review.

Commissioner Jackson also stated he would like to have one youth and one adult appointment to the ORC Board to be a voting member. Mayor Cummiskey stated she had found her file on the Mayor's Youth Summit Program and would have it copied to give to the ORC Director and Board.

Commissioner Jackson also talked about his trip to Russia. He stated that juvenile crime was also a major problem in Russia.

Meeting adjourned at 5:30 p.m.

STUDY SESSION MINUTES

3:00 P.M.

December 19, 1994

Present: Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw, Jim Bradley, Andy Haney, Jeff Herrman, Richard Towe, Judy Hasty, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry; and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Earl Devore, Randy Osburn, Wilson & Company; Barbara Dew, Bruce Prentice, Ottawa Library Representatives; Trey Humphrey, Golden State Porcelain; and a representative from Wal-Mart.

The Mayor opened the meeting by reviewing the following items on the City Commission Agenda for December 21, 1994.

1. Revised Tax Abatement Ordinance.

2. Liquor-by-the-Drink Ordinance. The County was copied with the updated ordinances. City Attorney, Forrest Lowry met with Franklin County Attorney, Larry Wright regarding changes the County would like to recommend regarding the ordinances. The County would like closing times to be midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday nights. On Sunday, all establishments would be allowed to open at noon. The County Commission would also like to prohibit dancing in drinking establishments.

The City Manager stated he could understand why the County would request to change the hours because of law enforcement problems. As for dancing, the City Manager and City Commissioners could not see this as being a conflict with liquor-by-the-drink. The City Manager also commented that there are hotels that have dance floors in a lounge area. If the ordinances were amended to prohibit dancing, some businesses and a majority of catered parties would not be able to function because of this restriction. Chief Herrman commented that the City already adopted an ordinance which enforces adult entertainment.

Commissioner Tyson questioned how catering businesses could operate without meeting the 30% food law. The City Manager stated that these entities would have to comply with state statutes regarding private parties as well as complying with City policy. All the City will require is that if the state requires a permit then the City will also require a permit. The City Manager will have the City Attorney provide a summary and copies of state law.

All the Commissioners were in favor of leaving the ordinances to be approved as written.

Work Study Session items included for discussion were:

1. Cereal Malt Beverage Licenses. This will be on the December 21, 1994 City Commission Agenda.

2. Wal-Mart Distribution Center Force Main. Wal-Mart has requested the addition of a 4-inch force main for the distribution center on 68 Highway to tie into the City's system. Wilson and Company, the City's Engineering firm, has reviewed this project and agrees with City staff that this line should remain a private line.

This item will be placed on the City Commission Agenda for December 21, 1994.

3. Pin Oak Subdivision. The only item that remains on this project is the storm drainage system. The lots that abut the storm drainage ditch on the West will not be issued an occupancy permit until the storm drainage ditch has been approved.

City Commissioners agreed to place the resolution on the City Commission Agenda for December 21, 1994.

4. Designation as a Non-Metropolitan Region - O/FCED. This would provide additional tax benefits for company's locating in the City's Industrial Park. The Commissioners decided that because Lou Atherton, Chamber of Commerce Director, was out-of-town on vacation, it would be better not to have the resolution scheduled for this meeting.

5. Designation of Seats - Election. Mayor Cummiskey and Commissioner Jackson stated they agreed that the person receiving the fourth highest vote would be elected for the two year term (the unexpired term). This will not effect the election of Mayor because the City ordinance states that the Mayor will be elected from within the Governing Body after the election.

Commissioner Ramsey noted that he would like to see the City ordinance coincide with the state so the City will not be involved in a situation where four or five of the five Commissioners are going off at the same time. Commissioner Matthews stated he did not agree with this election concept.

6. Industrial Revenue Bonds - Golden State Porcelain. Dottie Riley, City Bond Counsel, was scheduled to attend the work study session to present a mini workshop on IRB's. However, Ms. Riley was unable to attend and will be asked to attend the City Commission Meeting on December 21, 1994. The Commission asked to have Ms. Riley attend a special meeting before the City Commission meeting. The special study session will convene at 9:00 a.m. on December 21, 1994.

The City Manager stated that Golden State Porcelain is in the process of consummating their transaction. Any activity that transpires prior to the issuance of the Inducement Resolution is not eligible for IRB financing, so it is important to move ahead as soon as possible.

Trey Humphrey, Attorney for Golden State Porcelain, was present at the study session and spoke briefly to the City Commission about the request for IRB's. Golden State Porcelain is presently located in Santa Maria, California. The company is seeking a 3 million dollar IRB for the acquisition of the former Parmalee building and property, improvements to this property and the acquisition of the equipment.

Representatives from Golden State will be meeting with City Staff and Ms. Riley on Wednesday, December 21, at 8:30 a.m.

7. Sub-Station Expansion. The City had a study completed which indicated the existing sub-station needed to be upgraded and also to build a new sub-station.

For the existing sub-station the City had two alternatives. One alternative is to contract all the work out and the second alternative would be to utilize existing personnel and contract out certain portions of the work. The second alternative would give considerable savings to the City.

Jim Bradley, Director of Utilities, stated that City staff estimates the Main Circuit will be \$100,000. The estimated cost to construct the sub-station would be \$125,000. The design work will be done by a contractor but the actual work will be done by City crews. This project will need to move forward as soon as possible because of the growth the City is experiencing.

Commissioner Jackson commented that if the City has the time and staff to handle the project, he thought this would be the cheapest way to handle the project.

All Commissioners were in agreement to put this on the agenda.

8. Gear Reducer at Wastewater Treatment Plant. The City Manager stated because the City has scaled back all the operation maintenance budgets of all funds and has in the past year placed the money in a Contingent Reserve for expenditures for items that break down. Any utilization of contingency funds will require approval by the City Commission. Therefore, Jim Bradley, Director of Utilities is requesting the City Commission approve to spend \$9,880 to repair the back-up unit.

This item will be placed on the December 21, 1994 City Commission Agenda.

9. KLINK Project. The City Manager stated that the total reconstruction of the entire street would not be viable at this time. The two issues the City Manager asked the Commissioners to direct him to undertake were the brick crosswalks and the 200 block of Main Street.

Commissioner Jackson stated he thought the brick crosswalks were nice but did not know if they were worth keeping. Mayor Cumiskey and Commissioners Matthews, Tyson and Ramsey stated they would like to keep the brick crosswalks throughout the downtown district.

The City Manager stated that whatever option the Commission selected, staff would draft a financial plan to bring back to the Commission. The City Manager also stated that it would be his recommendation to reconstruct the entire 200 block of Main.

Andy Haney inquired if he was being authorized to proceed with the plans for alternative 7. The Mayor stated the Commission would still like to see the funding statistics. The City Manager commented that staff would still need authorization to contact the engineer to prepare the plans which includes 200 Block reconstruction, full resurfacing and replacement of cross-walks if this is how the Commission wanted to proceed.

10. Discussion of former Franklin Savings Building. Earl Devore, Architect, was present at this meeting to discuss utilization of the former Franklin Savings Building. The City Manager stated that he had visited with Mr. Devore and it was recommended that reconstruction to the building be kept to a minimum. The construction changes include having a shared wall with the Library and then to remove the existing wall to the Library where counter space would be provided. The Commission Chambers would have a double entryway and a platform to provide for the City Commission to hold their meetings.

Mr. Devore presented the new plans and discussed how the plans had changed from the last presentation. The new plans would allow about a 90% increase in the City Hall building from the existing City Hall and about a 64% increase in the Library space from the existing Library. On the first floor, the City Hall would have 5,385 sq. ft. The Library would have 1,554 sq. ft. Mr. Devore stated that one of the critical problems would be having access to the vault.

Mr. Bruce Prentice, Library Board, asked if there had been any plans devised for the second floor. The City Manager commented that until the first floor issue was settled then the second floor really could not be discussed. Commissioner Tyson asked Mr. Prentice if the Library had anticipated asking for space on the second floor. Mr. Prentice said the Board was curious if any space was available. Mr. Prentice went on to ask if the City Commission Chambers and the Commission meeting room had to be separate. The City Commission indicated they would like to keep both of these room separate. The City Manager stated the study session meeting room could also be used as a meeting room for the Library if they needed to use it.

Commissioner Matthews asked if the Library felt they were not getting enough space. Barbara Dew, Library Director, stated that the current plan would not be sufficient space to accommodate the programs they had originally thought could be utilized. Commissioner Matthews indicated to Mr. Prentice and Ms. Dew he would like to know as soon as possible as to what the Library Board thought about this latest proposal.

The City Manager stated that the occupancy codes will play an important factor as to what room will be used as well as how many people the Commission would like to be in attendance of Commission meetings. Jim Shaw, Planning Director, stated that as soon as the City Commission adopts a plan, it will need to be given to the Planning Department for their review.

Ms. Dew and Mr. Prentice will present this plan to the Library Board and bring comments back to the City Commission. This item will be rescheduled for the work study session on January 16, 1995.

Other Business:

Mayor Cumiskey reminded all the Commissioners to get their reservations turned in for the Chamber Banquet on January 7, 1995.

Meeting adjourned at 5:20 p.m.

**SPECIAL CALL
STUDY SESSION MINUTES
9:00 A.M.
December 21, 1994**

Present: Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Andy Haney, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry; City Bond Counsel, Dottie Riley; and Media: David Bartowski and Scott Parks. Guests: Golden State Porcelain representatives: Trey Humphrey, Mr. Teruyuki Mori and Brent Boyer; Chamber of Commerce O/FCED Member: Jerry Thompson.

Mayor Cummiskey opened the meeting by stating that Dottie Riley, Logan Riley Carson & Kaup, was present to discuss issues related to Golden State Porcelain Company.

Ms. Riley stated that in order for this request by Golden State Porcelain Company to move forward, the Governing Body would need to participate by issuing a Resolution of Intent.

Ms. Riley also commented that any time a City is reviewing this type of a resolution, there are three areas which need to be satisfied. These areas are 1) local policy, 2) federal laws and 3) state laws. The Resolution of Intent is on the City Commission agenda today to allow Golden State Porcelain an option to use a certain amount of money and to pay it back in a specified amount of time. Ms. Riley announced that this is the very beginning stage of this process and that the City Commission would be kept informed as the process proceeded. Ms. Riley also stated that this process is basically a "good-faith" procedure and would in no way bind the City of Ottawa or guarantee that the money would be granted. The City would not have a financial liability and the Bond holders would not be able to come back to the Governing Body if the company defaulted.

After the Resolution of Intent is passed in the formal City Commission meeting, City staff would be collecting documentation on the company's financial status, receive a firm commitment from the underwriting firm and draft documents for legal framework. A Public Hearing would be scheduled as one of the last steps before a completed ordinance and corresponding documents are compiled and brought back before the City Commission.

Golden State Porcelain is a relatively new company, therefore the financial standing is good but not real strong. However, the parent company of Golden State has indicated they are willing to serve as a guarantor for Golden State.

The City Manager asked representatives of Golden State what company's they will be interviewing to underwrite the bonds? Trey Humphrey, Legal Advisor for Golden State, stated that George K. Baum, Mark Twain Bank of Kansas City and McKliney & Company would all be interviewed this afternoon after the City Commission meeting.

Ms. Riley was thanked by the Mayor and Mr. Humphrey for an exceptional presentation to the City Commission and the representatives of Golden State.

Some discussion took place regarding using a Disclosure Counsel. Ms. Riley stated that she was not aware of any Kansas city that used a Disclosure Counsel. Ms. Riley also commented that the City does have an obligation to make sure there is appropriate disclosure, but did not feel it necessary to have a separate entity to handle this issue.

Mr. Jerry Thompson, O/FCED, stated he had worked with Mr. Lou Atherton, Chamber of Commerce Director, and representatives of Golden State for several months and was very impressed with the whole organization. The management team is very honest, they run a clean operation, are sensitive to their employees and have a good quality product. Mayor Cummiskey asked Mr. Thompson if he would be willing to speak at the formal City Commission meeting at 9:30 a.m. Mr. Thompson stated he would be happy to.

Meeting adjourned at 9:28 a.m.

**CITY OF OTTAWA, KANSAS
COMMISSION MEETING**

Minutes of December 21, 1994

Roll Call

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 A.M. this date. The following members being present and participating, to wit: Mayor Vicki Cummiskey, Commissioners Matt Matthews, Richard Jackson, Gene Ramsey, and Joan Tyson. A quorum was present. Mayor Cummiskey called the meeting to order and welcomed the Chamber audience.

Thereupon, the Mayor led the Chamber audience in the Pledge of Allegiance to the American Flag and the invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to approve the agenda. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda approved.

**Approval of
Minutes**

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to approve the minutes of the regular meeting of the City Commission dated November 16, 1994 and the canceled meeting of December 7, 1994. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, City Manager, Scott Lambers asked that a resolution of support for the Regional Strategic Plan be added to the agenda.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to add the suggested resolution to the agenda. The motion was considered and upon being put

December 21, 1994

to the question, all present voted aye.

Thereupon, the Mayor declared the motion approved.

Crime Bill Grant

Thereupon, there was presented a request from Police Chief Herrman to authorize the application for crime bill grant money, to assist in the financing of three additional police officers. It was explained that one of the new police officers would be utilized as a school resource officer during the school year and provide expanded foot patrol in the down town area and to enhance police enforcement at the City public facilities during the summer months and the evening hours.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the request. During discussion Mr. Lambers explained that the school board had agreed to pay their portion of the one school resource officer which would be 75 percent of the cost. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

**Fringe Benefit
Design Agreement**

Thereupon, there was presented a renewal of a service agreement with Fringe Benefit Design.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the agreement. During discussion it was explained that Fringe Benefit Design had been the administrator of the City's Cafeteria Plan since 1989 and no fee increase had been requested at this time. Upon being called to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

**Agreement-George
Butler & Assoc.**

Thereupon, there was presented a request that the engineering firm of

December 21, 1994

George Butler and Associates be named to complete a Wastewater treatment plant improvement study.

Thereupon, Commission Tyson made a motion which was seconded by Commissioner Matthews to approve the request. During discussion it was pointed out that the study would be funded from the Wastewater Contractual Services account at \$5,000 the Environmental Compliance account at \$15,000 from the 1994 budget; and from the Contractual Services account in the amount of \$10,000 and from the Environmental Compliance account in an amount of \$5,400 from the 1995 Budget. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Liquor by the Drink Bill No. 94-87. Thereupon, there was presented an ordinance approving the sale of Alcoholic Liquor-by-the Drink in Public Places.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3125-94.

Temporary Permits Bill No. 94-88. Thereupon, there was presented an ordinance approving the Sale of Alcoholic Liquor-by-the Drink in Public Places.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor the declared the ordinance duly adopted and the ordinance was duly numbered Ord. No. 3126-94.

December 21, 1994

**Drinking
Establishment**

Bill No. 94-89. Thereupon, there was presented an ordinance approving the sale of Alcoholic Liquor by the Drink in public places.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3127-94.

Caterers

Bill No. 94-90. Thereupon, there was presented an ordinance approving the sale of Alcoholic Liquor-by-the-Drink in Public Places.

Thereupon, Commissioner Ramsey made a motion to defer this bill dealing with caterers and liquor by the drink to a later meeting.

The motion was seconded by Commissioner Jackson. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the proposed ordinance duly deferred.

**Cereal Malt
Beverage**

Thereupon, there was presented applications for Cereal Malt Beverage Licenses for the following facilities.

Ottawa Foods, dba Apple Mart, K.E.S. Enterprises Inc., National Marketing Co. of Kansas, Inc., Ottawa Cooperative Assn., Roe-Williams dba Short Stop # 2243, S & S Foods, Inc. dba Country Mart, Tananna Oil Corp., dba Miller Mart, Taylor Oil Inc., Triple K, Ltd. dba Casey's General Store, Triple K, Ltd. dba Casey's General Store, C. R. Wood Oil Co. Inc.,

Consumption on the premises:

Another Other Place, Hickory Inn Tavern,

Pizza Hut of America, Inc., Pizza Village Inc., Poncho's of Ottawa, The End Zone.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the applications. During discussion it was pointed out that these were renewal applications. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the application duly approved.

**Wal-Mart Sewer
Extension Permit**

Thereupon, there was presented an application for Sewer Extension Permit to accommodate the Wal Mart Distribution Center and to make connection to the Ottawa Sanitary Sewer System.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the application. During discussion it was explained that a permit would be required to be approved by the Mayor prior to Wal Mart submitting an application to the Kansas Dept. of Health and Environment, to allow the connection of the Wal-Mart Dist. Center to the Ottawa Sanitary Sewer System. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the application duly approved.

**Pin Oak Estates
Acceptance**

Bill No. 94-91. Thereupon, there was presented a resolution accepting the streets, water lines and sanitary sewer lines within Pin Oak Estates Subdivision, in the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution

duly adopted and the resolution was duly numbered, Resolution No. 833-94.

Golden State IRB's Bill No. 94-92. Thereupon, there was presented a resolution determining the intent of the City of Ottawa, Kansas, to issue its Industrial Revenue Bonds in the principal amount of approximately \$3,000,000 to finance the cost of acquiring, constructing, expanding and equipping a manufacturing facility in the City and determining the City's intent to apply for an exemption from taxation for the property financed with such bonds.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adopt the resolution.

Thereupon, Mr. William Humphrey III, Attorney for Golden State Porcelain, explained the need for the resolution and the desire for the tax exemption in order that Golden State Porcelain, Inc., could locate its manufacturing facility in the industrial park of the City.

Thereupon, Dottie Riley Bond Council for the City of Ottawa, explained that this action would assure that the City would proceed in good faith and would allow Golden State to continue in their effort to locate their facility in the City of Ottawa.

Thereupon, Mr. Jerry Thompson of Lloyd Builders Inc., and President of the OFCED Board, stated that the Chamber had worked with representatives of Golden State and found them to be very straight forward, that they had a super facility in California, appeared to be sensitive to their employees, and that it was his belief that they would be an asset to the community. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was numbered resolution No. 836-94.

December 21, 1994

Tax Exemption

Bill No. 94-93. Thereupon, there was presented a resolution adopting a statement of policy and procedures for tax exemptions and incentives for Economic Development for the City of Ottawa, Kansas and repealing Resolution 584-91 in its entirety.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to adopt the resolution. During discussion City Manager Scott Lambers explained the workings of the resolution and that existing tax exemptions would remain in effect but would allow companies with existing tax exemption to utilize this resolution if they saw fit.

Thereupon, Commissioner Tyson stated that she welcomed the changes that were being made by this resolution and appreciated the way the current tax exemptions were now being handled. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered resolution No. 835-94.

**Contintency
Expenditure
Sewer Fund**

Thereupon, there was presented a request for approval to purchase a gear reducer to be used at the Ottawa Wastewater Plant and for the funds to be expended in an amount of \$9,880, from the Wastewater Contingency reserve.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the request.

Thereupon, it was explained that the Wastewater Plant Supervisor had informed the Director of Utilities that a gear reducer had to be repaired to bring one of the units at the Wastewater Plant back on line. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the request duly approved.

December 21, 1994

Regional Strategic Plan

Thereupon, there was presented a resolution of support for the Regional Strategic Plan, and requesting the Secretary of Commerce and Housing, to designate the County of Franklin as a non metropolitan region.

Thereupon, Mr. Cal Lantis of the State Dept. of Commerce explained that this resolution would allow Ottawa and Franklin County the opportunity to better compete as a non-metropolitan enterprise zone. Mr. Lantis went on to explain that the City in conjunction with the County would need to revisit the County wide Strategic Plan to update it so that the status and the competitive edge would continue for another three years. Mr. Lantis encouraged the Commission to pass the resolution.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to adopt the resolution. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 834-94.

Monthly Financial

Thereupon, there was presented the Monthly Financial and Activity Reports for the months of October and November.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the reports. The motion was considered and upon being put to the question, all present voted aye.

Report by City Manager

Thereupon, City Manager Scott Lambers asked for an Executive Session before the conclusion of the meeting, stating the reason as pending litigation and the time duration approximately 10 minutes.

Governing Body Agenda

Thereupon, Commissioner Jackson noted that he had recently visited Osawatomie and conversed with several City officials, who had

December 21, 1994

complimented the City of Ottawa for the downtown lighting, during the Christmas Season. Mr. Jackson continued stating that as a Commissioner and the Director of ECKAN, he thanked the Mayor and Staff for their involvement with ECKAN, noting that ECKAN has served during this season, 187 families, and that 22 local organizations had adopted families.

Executive Session

Thereupon, Commissioner Tyson made a motion to recess to Executive Session for the discussion of pending litigation for 10 minutes. The motion was seconded by Commissioner Matthews and upon being put to the question, all present voted aye.

Thereupon, at 10:20 a.m. the Commission recessed to Executive Session.

Thereupon, at 10:30 a.m., Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to return from Executive Session. Upon being put to the question, all present voted aye.

Thereupon, the Mayor reminded the Commission that the next regular meeting would be January 18, 1995, at 9:30 a.m.

Adjournment

Thereupon, Commissioner Tyson made a motion to adjourn the meeting. The motion was seconded by Commissioner Jackson and upon being put to the question, all present voted aye.

The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year after the date of the meeting.



Scott D. Bird, City Clerk