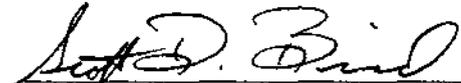


CITY OF OTTAWA, KANSAS  
COMMISSION MEETING

Minutes of January 4, 1995

**Cancellation**

The regular meeting of the Ottawa City Commission scheduled for 7:00 p.m. January 4, 1995, was canceled due to a lack of agenda items. As a precautionary measure the City Clerk opened City Hall at approximately 6:40 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.

  
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Scott D. Bird, City Clerk

January 4, 19894

## STUDY SESSION MINUTES

3:00 P.M.

January 9, 1995

**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: Keith Gaeddert and Shawn Kelsey of Agler & Gaeddert; Earl Devore, Barbara Dew, Bruce Prentice, Alice Jo DeFries and Louis Reed, Ottawa Library Representatives; Mary Anne Whiteford and Jeanette Lowry, Ottawa Community Arts Council; Mrs. Berniece Smith, Ottawa Girls Club Representative.

The Mayor opened the meeting by reviewing the following items on the City Commission Agenda for January 18, 1995.

1. Proclamation for Martin Luther King Week.
2. Resolution Affirming the Position of the City Commission with regards to the Election.

Work Study Session items included for discussion were:

1. 1993 and 1994 Audit. Mr. Keith Gaddert and Mr. Shawn Kelsey, Representatives of Agler and Gaeddert, were present to discuss the 1993 and 1994 audit. Mr. Kelsey reported that there was only one qualification in the opinion report which is the Financial Statements do not include the Utility Client and Service and the Depreciation in the Water and Sewer Utilities.

The City of Ottawa was in compliance with all bond issues for 1993.

There were several items that could be a potential violation of Kansas Statutes.

1. Indebtedness in access of available cash in the Municipal Auditorium Fund.
2. Waterline Extension Fund in the O.U. CDBG Fund.
3. Repurchase Agreements. The City is not involved in any purchase agreements at this time.

There were three CDBG programs and one Drug Law Enforcement Grant.

The Management Letter is used to emphasize items that have already been discussed in the audit report or to report on other items that the Governing Body needed to know. A few of the more significant items covered in this letter are: 1) documentation policy and procedures; 2) fixed asset accounting; 3) Police Department Petty Cash Fund and 4) securities for the Fireman's Relief Fund.

Mayor Cummiskey thanked Scott Bird, City Clerk and Chuck Nichols, City Treasurer for the work they did on the audit. The City Manager stated that it was his recommendation that the Commission approve Agler & Gaeddert to begin the 1994 audit and the cost of the audit would not exceed the cost of 1993's audit. This will be on the agenda for January 18, 1995.

2. Discussion on Former Franklin Savings Building. The City Manager stated that he and Earl Devore had met and drafted another alternative for the utilization of the former Franklin Building. The new proposal indicates the moving of a wall to provide more space for the Library. The utilization of the space for City Hall includes 5 work stations in the City Clerk's Department and 5 in the Finance and Data Processing. This would allow for growth to occur in future years.

The room designated as the Commission Chambers/Board Room would be available for other boards and other entities who would request to use this space. This room would be used on a reservation basis.

The Library would have the option of using the existing break room on the first floor as a break room or eliminate the break room to add additional working space for the Library. This would allow about 200 sq. feet of additional space.

Mayor Cummiskey and Commissioner Jackson commented that the plan before the Commission today would be the best plan to keep renovation costs to a minimum. The City Manager also commented that the conference room would have audio equipment and speakers installed to provide for the overflow of meetings.

Ms. Dew stated that she does still have some concerns about the over-all plan. She will be meeting with the consultant from the Kansas Library Association on Friday, January 13, 1995.

The City Manager stated that he had requested that the Library Board indicate which proposal would best serve their needs and bring their decision back to the City Commission for a final decision. Commissioner Matthews will be in Korea for two weeks and it is anticipated that the final decision will be made at the January 30, 1995 Work Study Session after his return.

Ms. Dew commented that the Library Board would be willing to look at the current plan and would also be willing to look at a modification to Plan A and/or Plan B of what the Library could live with.

Ms. Dew stated that when she added up the figures for assignable space on the first floor, the figures did not match the figures that Mr. Devore had listed. Ms. Cummiskey asked Mr. Devore to recalculate the figures before the meeting concluded to allow the Commission to know if percentages were correct figures.

Commissioner Ramsey asked the City Manager if City Hall would need all the space in the computer room. The City Manager stated that the room would house the main frame and allow for expansion of the City's computer equipment. The City Clerk also stated that this area would be used for important City computer records to be stored.

Mr. Devore returned to the Work Study Session with the corrected figures. The assignable space for City Hall is 3,257 sq. feet. The total square foot for the City Commission Chamber is 1,196 sq. feet. The shared conference room is a total of 5,047. The total gross area for City Hall is 6,462. This would be an equivalent of adding 2.4 floors to the current City Hall building.

The gross square footage for the Library would be 3,939 and the assignable square footage would be 2,204. This would be equivalent to adding 2.2 floors to the present Library building.

Utilization of Former Franklin Building - Continued.

The percentages equaled 62% for City and 38% Library for the first floor only.

Mr. Devore commented several times that he did not know how to solve the problems involved.

Mayor Cummiskey and Commissioners Jackson and Tyson all liked the latest plan proposed by the City Manager and Mr. Devore. Commissioner Ramsey stated that he would still like to see the Library have more space, but agrees with Mr. Devore, that he too, does not know how to accomplish this task.

It is anticipated that this will be discussed for a final decision at the January 30, 1995 Work Study Session.

Commissioner Ramsey suggested to the Mayor that there be a meeting between the City Manager, Library Director, Mr. Devore and the Mayor to work together to devise a common plan between the City and the Library. The Mayor commented that she would be willing to a joint meeting and would have the City Manager arrange a time for such a meeting.

3. Planning Advisory Services Agreement. Jim Shaw, Director of Planning, stated that this agreement went before the Planning Commission in November. The Planning Commission recommends that the City remain with Bucher, Willis & Ratliff. The contract is \$500 higher than last year's contract. Mr. Shaw commented that a monthly statement would be provided to the Commission to keep them informed of various projects. Commissioner Tyson made a motion to place the agreement on the January 18, 1995 City Commission Agenda. Commissioner Ramsey seconded the motion.

4. Franklin County Recycling Program. The City Manager commented that the City currently participates in the recycling efforts by making a cash contribution and also provides pick-up service. The county has offered another alternative to the City in which the City would not be providing the pick-up service but would continue to provide \$1,800 per year for the program. The money has already been budgeted for the recycling, but City manpower would not be used.

Commissioner Ramsey stated that when the money was contributed to the County before, it was being applied to the rental of a building.

It was the consensus of the City Commission that because the money had already been budgeted, that they would agree to this arrangement. However, the Commission would like to review this item during the preparation of the 1996 Budget.

5. Franklin County Emergency Operations. The City Manager stated that Franklin County staff is in the process of revising their Emergency Operations Plan. The County has requested that City staff participate in this process. Mayor Cummiskey commented that she is encouraged that the County would like to have City staff participation.

6. Purchase of Former ORC Building - Girls Club Request. The Ottawa Girls Club has submitted a request to purchase the former Ottawa Recreation Building. The City Manager stated that this raises two issues: 1) assuming that the City will be moving and; 2) will the Commission want to separate the two buildings (former ORC building and City Hall) to sell separately. If the Commission is interested in possibly selling the facility, the City Manager would like authorization to obtain an appraisal for the building. Upon receipt of the appraisal, the City Manager would report back to the Commission for their decision upon selling to this entity or opening this option to the community.

Mayor Cummiskey asked if the City was obliged to open the process to other entities. The City Manager commented that the City is not obligated, but felt the effort should be made to inform the community.

Mrs. Berneice Smith, Ottawa Girls Club Representative, commented that the building is close to the school and girls would be able to walk to the building. At this time, the Girls Club uses the First Methodist Church, but acquiring this building would be very nice for the girls involved in this organization.

The Commission authorized the City Manager to move forward with the appraisal.

7. Request from the Ottawa Community Arts Council. Ms. Mary Anne Whiteford and Ms. Jeanette Lowry, Representatives of the Ottawa Community Arts Council, have requested to use the Library Building after the Library moves to the former Franklin Building.

Currently, the income for the Arts Council come from fund raisers and donations. Members from the Arts Council have visited with the Kansas Arts Commission to see if there were any grants available and also the Kansas Historical Society and State Architect would be able to look at the building free of charge to help with any structural problems.

Ms. Lowry stated that another recommendation the Council would like to make, would be to include the Convention and Visitor's Bureau Office in the building.

Ms. Whiteford commented that the Council would also like to use the building for theater and dance activities. Ms. Lowry also suggested renting the upper floor for wedding receptions.

Ms. Whiteford and Ms. Lowry also commented that they were concerned for the ADA Compliance of the building. The Historical Society has communicated to the Council that a ramp could be placed at the back of the building leading into the basement with an elevator on the inside.

Commissioner Jackson inquired about the ADA. If the City does decide to keep the building and rent it out to the Arts Council or any other entity, would the City be held liable to make the improvements. The City Manager stated that the City would apply to the State to amend the grant application.

Commissioner Ramsey asked Ms. Dew how much money is budgeted for maintenance for the Library building. Ms. Dew commented that \$4,500 is currently budgeted for upkeep of the building. Ms. Whiteford stated that it was her thought that a Green Thumb worker could be hired for custodial help.

8. Benefit District. The City Manager announced that the Mayor had received correspondence from the County in which the County would like to create a benefit district in the area of 19th Street from Elm to Ash Streets. This would provide service to their new facility. It is anticipated that this project would be completed by early Spring so numbers can be gathered for the Benefit District.

9. Survey of Cities. The City Manager distributed a list of cities compiled by him that has been divided by geographical locations and the present population. The City Commission were asked to agree that the cities listed in the two tiers on the Summary page, would be the cities that would be surveyed (alternately) when various discussion items come up that the City could compare itself to. It was the consensus of the City Commission that this would be an appropriate way to complete survey's when needed.

The City Manager stated that City staff would use Tier One cities to survey the Building Permit Issue and would be brought back before the Commission.

**Other Business:**

The City Manager announced that KOFO Radio Station has provided a proclamation for National Radio Month to be placed on the January 18, 1995 City Commission Agenda.

**Executive Session:**

Commissioners entered into a ten minute Executive Session at 4:40 to discuss personnel.

Meeting adjourned at 5:00 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

JANUARY 16, 1995

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

**Absent:** Andy Haney, Jeff Herrman

Mayor Cummiskey began the Work Study Session by reviewing the January 18, 1995 City Commission Agenda. There were no additions or corrections to the agenda at this time.

The following items were brought before the Commission for discussion:

1. Request from Franklin County Historical Society. The City Manager stated that the Historical Society has requested to review the slides that are housed in the former Franklin Savings building. The City does not know what information the slides contain. The City Manager stated that he did not object to this request. Commissioner Tyson commented that some of the slides probably contained training sessions for former Franklin employees. Commissioners agreed with the City Manager and stated that the Historical Society could take the slides for historical purposes.

2. Annexation Requests. The first ordinance includes the property southwest of the Ottawa Retirement Village. The second ordinance submitted, brings the City into compliance with the request of the County that if the City does annex property, that the whole street is annexed. Commissioner Tyson questioned if the legal description was correct. The City Manager stated that staff would check on the legal description. Jim Shaw, Director of Planning and Zoning, stated that the legal is correct. Mr. Shaw used a map to show the Commissioners where the lines for annexation were located. Staff recommends that these ordinances be placed on the January 18, 1995 City Commission Agenda.

3. Housing and Demolition Grant Public Hearing. Documents were distributed to the Commission which had been corrected due to staff errors. Wynndee Lee, Program Manager, commented that the changes were related to estimated figures for the grant. This item will require a public hearing, therefore the City Manager requested to include this item on the February 1, 1995 City Commission Agenda.

4. Caterer Licensing - Liquor-by-the-Drink. The City Manager stated that the caterer, as part of the licensing requirement, must show that 30% of gross revenues come from food sales. The only other obligation is that their main place of business is located in a county that does have authorized liquor-by-the-drink. Commissioner Tyson inquired about the definition of a caterer when it states the caterer could operate on unlicensed premises which may be open to the public. Forrest Lowry, City Attorney, stated that the owners of the premises could still serve alcohol, if in fact the caterer had the proper license and the owners or managers of the property had proper permission from all involved. Scott Bird, City Clerk, stated that he had already been contacted by an out-of-town caterer about catering for the O/FCED Banquet. The City Manager stated that City staff would review the caterer licensing and bring back answers to the Commissioner's questions.

5. Rezoning of Property Within the City. These rezonings are a result of several annexations. The rezoning of the properties would bring them into conformance with City's zoning regulations. Jim Shaw, Director of Planning and Zoning, stated that the State of Kansas had changed the statutes requiring cities to change the zoning of the annexed property. Mayor Cumiskey asked Mr. Shaw if the rezoning could be done at the same time as the annexation. Mr. Shaw stated it could, but usually three or four properties are rezoned at one time. The City Manager will place the rezonings on the January 18, 1995 City Commission Agenda.

6. New South Side Circuit/Sub-Station Extension. The City Manager stated that as part of the authorization that the Commission gave to City staff to upgrade the electrical system on the West and South side of town, staff is requesting that the Commission provide authorization to enter into a contract for \$118,000 with Harold K. Scholz Co. This will be on the January 18, 1995 City Commission Agenda.

7. Traffic Control Ordinance. There have been some requests for consideration of placing stop signs for traffic control purposes. City staff is recommending a four-way stop at Ash and Seventh Streets and also at Cedar and Seventh Streets. Placing stop signs at these two locations will help in the traffic flow by allowing people to turn at those intersections. Primarily, the stop signs will be used to enhance traffic management, they are not intended to slow traffic down. Additionally, the Police Chief has requested that consideration be given to two other locations on Lincoln and Walnut Streets. There have been some recent traffic accidents at Lincoln and on 2nd and Walnut Streets there are some sight problems at the intersection. Fire Chief Towe stated he would like to see the intersection remain as is because of his crews responding to emergency calls. The City Manager does not feel the four-way stop would not significantly hinder the travel time of the Fire Department.

Commissioner Tyson asked why the City does not have a four-way stop on Third Street. The City Manager would investigate and give a reply to Commissioner Tyson at a later date. Commissioner Tyson also asked why there was still a stop sign at 17th and Elm Streets. The City Manager stated that he would have City staff check to see if a stop sign is still needed.

Commissioner Ramsey asked the City Manager when this process is completed, if City staff would publish the entire Ordinance. The City Manager indicated that the entire Ordinance would be published again. Commissioner Ramsey stated that the Ordinance was just passed in July, 1993 and he felt that reviewing the Ordinance so often brought about an extensive cost to the City.

Commissioner Ramsey asked if the southend of the new Wal-Mart store would be a public street. Mr. Shaw stated that this area would be 21st Street Terr. and would be extended East to 59 Highway. This would be a two-way street with traffic signals on 59 Highway for northbound and southbound.

The City Manager stated that the Commissioners could authorize by resolution the addition of changes to ordinance and at the end of the year change the complete ordinance.

Commissioner Jackson stated while the ordinance issue is being discussed, he would like to know where City staff is at on reviewing the recodification of ordinances.

The City Manager commented if the Commissioners had any other traffic situations that they had questions or concerns about, to please contact him.

8. Request for Qualification Statement from Wilson & Company. The City Manager stated that this is a contract with Wilson & Company. The contract amount will be for \$1,000 for the construction/engineering work for 17th Street from Eisenhower to US 59; Osage Drive to 23rd Street and 19th Street to Eisenhower.

Commissioner Tyson asked if this area is included in the request for annexation. The City Manager stated that the annexation request received from the Howe's in anticipation of development from 17th Street South, this is the City's attempt to give the public right-of-way improvements, at least engineered or at least under construction, concurrent with some sub-division development that is expected to go there this fall. The City will bid the projects in alternates depending on where the certain sections are. At this time the Commission would be authorizing Wilson & Company to prepare the Request for Proposals and the engineering firms can prepare all the construction engineering materials.

The City Manager commented this is the first step in order to go to the developing properties, he must be able to identify their cost of participating will be. The study will be paid for by City-at-large. A portion of it will be charged back.

The Commissioners were all in agreement to have the City Manager proceed with this request.

#### **Other Business:**

Commissioner Jackson commented that he had a KOCH Crime Commission Task Force Meeting on Thursday. This will be a sub-committee meeting to discuss various programs that might be implemented in Kansas.

The City Manager stated that he would like to dedicate an hour of a work study session to review the procedures for nuisance and inoperable vehicle procedures.

Mayor Cummiskey stated that she had received a letter from TCI Cable which stated that Todd Caruthird was leaving the Topeka and Ottawa areas. Mayor Cummiskey also commented that there would be a violence seminar task force at the Franklin County Mental Health.

Commissioner Ramsey announced that there would be a legislative coffee at Peoples Bank on Saturday, January 21, 1995 at 10:00 a.m.

Commissioner Ramsey inquired if the Governing Body should have special criteria for the adoption of proclamations. Mayor Cummiskey stated that she did not have a problem with passing proclamations at the Commission meetings.

Commissioner Ramsey indicated that something needed to be done about the bird droppings downtown. It was his opinion that the trees be taken out, not only for this purpose, but also because the view of the street lights are sometimes blocked.

Commissioner Jackson thanked Mayor Cummiskey and Commissioner Tyson for attending the Martin Luther King ceremony on Sunday, January 15, 1995.

Meeting adjourned at 5:00 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of January 18, 1995**

**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: Commissioner Richard Jackson, present, Commissioner Ramsey present, Commissioner Tyson present, Mayor Cumiskey absent and Commissioner Matthews absent. A quorum was present. Commissioner Jackson opened the meeting and explained that he was doing so in the absence of the Mayor and the Mayor Pro tem and that the first order of business would be to elect a Chair for the meeting.

**Election of  
Acting Mayor**

Thereupon, Commissioner Ramsey made a motion that Commissioner Jackson be elected as Chair of the meeting of January 18, 1995. The motion was seconded by Commissioner Tyson and upon being put to the question all present voted aye.

Thereupon, Commissioner Jackson declared the motion duly approved.

Thereupon, Commissioner Jackson welcomed the Chamber Audience and led them in the Pledge of Allegiance to the American Flag and the Invocation.

**Agenda Approval**

Thereupon, the agenda for January 18, 1995 was presented. Thereupon, City Manager Scott Lambers explained there had been a change to Item #16 on the agenda and asked that Item #17 be pulled from the agenda.

Thereupon, Commissioner Ramsey made a motion to accept the agenda with the suggested changes. The motion was seconded by Commissioner Tyson and upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the agenda approved with changes.

January 18, 1995

**Approval of  
Minutes**

Thereupon, the Commission considered the minutes of the previous meetings of December 21, 1994 and January 4, 1995.

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

Thereupon, Commissioner Jackson declared the minutes of the December 21 1994 and January 4, 1995, approved as written.

**Public Comments**

Thereupon, Commissioner Jackson opened the meeting to comments from the Chamber Audience.

Thereupon, Mr. Jim Grogan of 720 S. Poplar addressed the Commission regarding a letter he received as a landlord from the Utilities Dept. concerning changes in connection fees. Mr. Grogan stated that these fees had risen considerably in recent years and it was his belief it should not cost so much to change meter readings from tenants to landlords and from landlords back to the tenant. Mr. Grogan also brought to the City Commissioner's attention that the base sewer charge had gone up again, noting that it was his understanding that sewer rates were necessary to upgrade the system but asked where the money was going.

Thereupon, Mr. Greg Hernandez of 204 South Elm, addressed the Commission, stating that he was mad as hell and he was not going to take it any longer. Mr. Hernandez continued by stating that about a month ago he had requested an inquiry from the City Manager dealing with the City hiring practice and stated that he had been told that a City official who has involvement in hiring within the City, had made racial and sexist statements. Mr. Hernandez alleged that this official had made a statement that no Niger or Woman would ever work for his department. He stated that such behavior was a slap in the face to Hispanic and Black Americans. Mr.

January 18, 1995

Hernandez continued by saying that everyone should be given an equal opportunity to be hired. Mr. Hernandez thanked the City Manager for pursuing the problem and for his investigation but stated that the remedies were not acceptable. Mr. Hernandez further thanked Commissioners Matthews and Ramsey for listening to his concerns and closed by saying that his comments were not necessarily for himself but for the community.

Thereupon, Mr. Tony DeLatorre addressed the Commission stating that he had served as a Marshall for the Martin Luther King Parade in Topeka, and during the ceremony all speakers emphasized equal rights for all. Mr. DeLatorre suggested that he was representing the Hispanic community and expressed his concern for the entire community regarding Mr. Hernandez concerns. Mr. DeLatorre further asked that a public apology from the unnamed official come forthwith.

**Presentations &  
Recognitions**

Thereupon, there was presented a proclamation declaring January 16, 1995 as Martin Luther King, Jr. Week.

Thereupon, Commissioner Jackson read the Proclamation and encouraged all citizens to join in the spirit of Dr. King.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to approve the proclamation. Upon being put to the question, all present voted aye.

Thereupon, there was presented a proclamation declaring the month of January as National Radio Month.

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

**New Business**

Bill No. 95-1 Thereupon, there was presented a resolution establishing procedures for the

January 18, 1995

City Election scheduled for the Spring of 1995.

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, Commissioner Jackson declared the resolution duly adopted and the Resolution was duly numbered Resolution No. 837-95.

**1994 Audit**

Bill No. 95-2. Thereupon, there was presented a resolution authorizing an Agreement with Agler & Gaeddert Chartered for the purpose of conducting an audit of the General Purpose Financial Statement of the City of Ottawa, Kansas and the Financial Statements of the Firemen's Relief Association for the year ended December 31, 1994.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to adopt the resolution, which would authorize an agreement with Agler and Gaeddert Chartered, for the purpose of conducting the 1994 Audit for fees which will not exceed the 1993 Audit costs by more than 4 percent. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the resolution duly adopted and the resolution was duly numbered Resolution No. 838-95.

**Agreement with  
Bucher, Willis  
& Ratliff**

Bill No. 95-3. Thereupon, there was presented a resolution authorizing an agreement with Bucher, Willis and Ratliff for General Planning Services.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the resolution, which would authorize an agreement with Bucher, Willis & Ratliff. The motion was considered and upon being put to the question, all present voted aye.

Thereupon Commissioner Jackson declared the resolution duly adopted and the resolution was duly numbered Resolution No. 839-95.

**Annexation  
1600 Block of  
Eisenhower Rd.**

Bill No. 95-4. Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to adopt the ordinance annexing land to the City of Ottawa, Kansas, which is located on the east side of Eisenhower Road. During discussion it was explained that this is a consent for annexation by John E. and Candace Lee Howe, owner of property in the 1600 Block of Eisenhower lying east of Eisenhower Road. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared that the ordinance had been duly adopted and the Ordinance was duly numbered, Ordinance No. 3128-95.

**Rezoning  
1049 W. 15th**

Bill No. 95-6. 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 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. During discussion it was explained that this property was commonly known as 1049 West 15th and that there were other areas to be considered, to be rezoned during this meeting all in the same general location and that there is a 7.57 acre tract of land that is zoned R-S upon which sets the Church of Christ separating the two groups of land in question.

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

Thereupon, Commissioner Jackson declared the

ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3129-95.

**Rezoning  
1103 W. 15th**

Bill No. 95-7. 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 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 ordinance was considered an upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3130-95.

**Rezoning  
1311 W. 15th**

Bill No. 95-8. 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 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 ordinance was considered an upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3131-95.

**Rezoning  
1323 W. 15th**

Bill No. 95-9. 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 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. During discussion it was explained this area was known as 1323 W. 15th.

January 18, 1995

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

Thereupon, Commissioner Jackson declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3132-95.

**Agreement With  
Harold K. Scholz**

Thereupon, there was presented a proposed agreement with Harold K. Scholz for electric system improvements.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to approve the agreement. During discussion it was pointed out that this improvement would upgrade a substation at a cost of \$118,000 which would be paid for with cash from the Electric Utility Fund, and that the selection of H. K. Scholz was done by competitive bid. The motion was considered and upon being put to the question, all present voted aye. Thereupon Commissioner Jackson declared the agreement duly approved.

**Monthly Reports**

Thereupon, there was presented the monthly financial and activity reports for December 1994. Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to accept the reports. During discussion Commissioner Ramsey pointed out that City and County sales tax receipts were higher than had been budgeted for and that he hoped that this would boost the deficiency in the General Fund and hoped that in the future the Mill Levy could be adjusted accordingly. City Manager Scott Lambers explained that previous years had shown little or no growth in sales tax, but he felt that we could safely assume that Ottawa had experienced a base growth reflected in the sales tax collections. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the Monthly Financial and Activity Reports for the month of December 1994 duly approved.

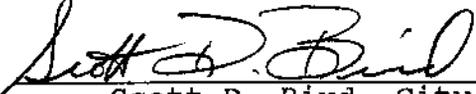
**Governing Body  
Agenda**

Thereupon, Commissioner Jackson noted that he had recently attended a meeting called "Kids Count" and had copies of the report which was provided for the press. Commissioner Jackson also noted that as a result of the Youth Employment Bill there would be approximately \$90,000 available to youth programs this year and noted that he anticipated that the City Summer Youth Program should apply for and attempt to utilize some of these funds.

**Adjournment**

Thereupon, Commissioner Jackson announced that the next regular meeting of the City Commission would be February 1, 1995 at 7 p.m. and that there would be a joint meeting of the City Commission and County Commission at noon this date.

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

  
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Scott D. Bird, City Clerk

January 18, 1995

## STUDY SESSION MINUTES

3:00 P.M.

JANUARY 30, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Diane Stoddard, and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Representatives from the Ottawa Library Board, Ottawa Library Staff and Friends of the Library. (Department Heads were not required to attend this study session.)

Mayor Cummiskey began the Work Study Session by reviewing the February 1, 1995 City Commission Agenda. There were no additions or corrections to the agenda at this time.

1. Proclamation for Black History Month
2. Proclamation for Boy Scout Day
3. Public Hearing for CDBG Budget Amendment

The following items were brought before the Commission for discussion:

1. Utilization of Former Franklin Savings Building. Ms. Barbara Dew and Mr. Bob Reusch approached the City Commission table regarding the utilization of the former Franklin Savings building.

Mr. Reusch told the Commission that despite what was reported in the newspaper, the Library Board did not unanimously vote the latest plan down. There was not a formal motion or vote to reject the plan. Mr. Reusch stated that members of the Friends of the Library are in attendance today to request space be given to them to utilize as a work area.

Mr. Reusch asked the Commission if he could read a short statement that he had prepared over the weekend to help him convey his thoughts to the Commission.

During this time he commented that when the Library Board found that they would be able to share the space at the Franklin Building, they were elated. The Trustees were informed that the basement and one-half to two-thirds of the first floor would be at their disposal. The Board and Library staff submitted, what they thought, was a practical plan. However, the City did not see it their way and completely altered the plans from the first floor usage the Library Board had submitted. Now instead of half to two-thirds of the floor, that was promised, they thought, they were offered only one-third of the square footage on the first floor.

Utilization of Former Franklin Savings Building - Continued

The City's plan drastically altered the vision the Library Board had to expand the Library for growth and storage space for the Friends of the Library and used book sales counter. The Library Board is requesting an additional 800 square feet to become available for the Friends of the Library. If this is not within the former Franklin Building, maybe another location could be provided. Mr. Reusch continued by asking what the City's plans were for the top floor and if the Commissioner's had seen a plan. How can the City Commission vote upon the current proposal without seeing a plan. Mr. Reusch stated as a taxpayer for the City of Ottawa, he would like to see a plan and that he is not the only person with this feeling. Perhaps some of the City functions slated for the first floor could be moved upstairs or space upstairs could be used to accommodate space for the Friends of the Library. The Library Board of Trustees has perhaps made some mistakes in the course of these proceedings, but they have been willing to compromise and pursue negotiations. However, this spirit of compromise has not been forthcoming from the City's side. Both sides are not that far apart, only 800 square feet is all it would take to resolve this matter. Mr. Reusch, in closing, encouraged the City Commission and City staff to take one last look at the plans to see if a home for the Friends of the Library could be found. The Friends have been homeless for twelve years, moving from space-to-space, and it is the Library Boards wish to have them occupy some part of the building at the former Franklin Savings Building. The City of Ottawa does not need more bureaucracy in the former Franklin Building, it needs more books and a home for the Friends of the Library.

Commissioner Jackson stated that the Commission had not discussed nor had they been informed that there would need to be space for the Friends of the Library. Ms. Dew stated that this had been briefly discussed in the meeting between Mayor Cummiskey, the City Manager, Mr. Devore, Ms. Dew and Mr. Prentice on Monday. Ms. Dew also commented that the space for the Friends had been a part of their plans from the very beginning. There is one room in the corner of the basement that was earmarked for the Friends, but when the space on the first floor was cut back, this room will be used for other functions. Ms. Dew apologized to the Commission for not making sure that they fully understood that the overall plans for the Library included the Friends.

Commissioner Ramsey stated he did not ever remember the allocation for one-half to two-thirds ever being discussed. Mr. Reusch stated that he distinctively remembers from the very beginning that the City offered the Library this amount of space.

Mayor Cummiskey stated that it was regrettable how the newspaper reported the outcome of the Library Board meeting. Mayor Cummiskey also stated that she has been listening to the residents concerns and has been thinking about the building situation for the last several months, not just the last couple of days.

Utilization of Former Franklin Savings Building - Continued

Mayor Cummiskey reported to the Commission about the meeting which took place on January 23, 1995 between Ms. Dew, Mr. Lambers, Mr. Prentice and Mayor Cummiskey. After both entities agreed that the current plan was workable, Mr. Prentice and Ms. Dew requested room for the Friends of the Library to store books and to sale used books year round. The City Manager indicated at that time that no more City office space could be spared, but other possibilities were discussed. Mayor Cummiskey went on to state that the City Manager indicated that the basement of the existing library might work for the Friends. Mayor Cummiskey also stated the Library's costs for sharing the building were also discussed, such as utilities. Mayor Cummiskey was encouraged at the close of the meeting on Monday.

Mayor Cummiskey stated that through media coverage, she learned that Commissioner Matthews addressed the Library Board. Commissioner Matthews brought up a point of view that through the 700 strong Friends of the Library organization, that the Commission, because of an election year, could be moved to bow to political pressure to give up more space to the Library. Mayor Cummiskey admonished Commissioner Matthews by stating his actions circumvented, if not violated, the spirit of team work and cooperation necessary for the Commission to move forward on this issue. Mayor Cummiskey also stated that she believed that Commissioner Matthews damaged and derailed a negotiation process and a good faith negotiation. Mayor Cummiskey went on to say that she has worked with the present Commission and that they would always do what they believe to be best for the City-at-large and the citizens, election year or not. Commissioner Matthews attempt to politicize this process and work with an admitted block of votes is regrettable. Mayor Cummiskey also stated that Commissioner Matthews advice to the Library Board and Friends was ill-advised. Mr. Reusch commented that they did not take his advice to heart and chose not to bring the incident up at this meeting. Mayor Cummiskey understood the Library Board's decision not to mention the incident, but stated that it was important that she remark on his actions.

Commissioner Matthews rebuked the comments made by the Mayor and stated that he did not feel he did anything wrong and still believed that concerned citizens should contact the Mayor and the other Commissioners.

Utilization of Former Franklin Savings Building - Continued

Mayor Cummiskey stated that the City does need to do a better of educating the citizens about the City's need for space. The building was purchased as a City Hall, to consolidate services for citizens. The present Commission also prioritized the growing needs of the Library over those of the Police Department. This sacrifice and commitment has somewhere been forgotten when talking about compromise. Both the Library and City Hall deserve quality space and room to grow. The City Manager has told the Commission that if the building is divided according to the last plan presented by the City, the room and office space as divided on the first floor now, growth is only allotted for one person per department in that space. Mayor Cummiskey reminded those in attendance, that the Franklin building was not designed to be a Library and the weight load of the floors will not make this a long term solution for the Library. Mayor Cummiskey also acknowledged that the Friends of the Library are an important part of the Library function and the community. She stated that it was her intention to attempt to secure a permanent location for the Friends of the Library. The other City Commissioners expressed concurrence with her statement.

Mayor Cummiskey concluded by stating that the Library and the City had been working very hard the last several months to come to a mutual agreement. The negotiation process must come to an end and a date must be set as to when both entities can move into their new offices. All Commissioners, with the exception of Commissioner Matthews, agreed with the Mayor's comments and also supported her decision to set a date for completion.

The City Manager informed the Commissioners that he would have preliminary plans for the second floor usage available at the February 13, 1995 Work Study Session. The City Manager has targeted September, 1995 as an anticipated move in date.

Commissioner Ramsey asked Ms. Dew how much money would be available to the Library to complete the necessary remodeling. Ms. Dew stated the Library had \$35,000 in the current building fund and that an application for grant monies will be filed.

The Library Board will call a special meeting to vote on this issue and will keep the City informed. The City Manager stated that a final plan will be developed by March 6, 1995.

2. Strategic Plan Process. Mayor Cummiskey stated that when she became Mayor, she pledged to find a way to further involve the public in City issues. Therefore, the Mayor requested that the City Manager develop a process which would include representatives from various locations throughout the City to be a part of the Strategic Plan process. The number of participants will be twenty selected at random and twenty selected by the City Commission and five youth representatives for a total of forty-five participants. The Strategic Plan would also be divided into five categories. Each group will be randomly assigned two topics to discuss. Each group will also be allowed to select one topic from the remaining three topics. The City Manager stated that a facilitator would also be involved to help conduct the meetings.

### Strategic Plan Process - Continued.

Commissioner Jackson commented that he liked the format as it has been presented. Commissioner Jackson also stated that he liked the idea of personally inviting citizens to participate.

Mayor Cummiskey stated that childcare would be provided to help participants attend the scheduled meetings. Commissioner Ramsey stated that an ideal place to hold the meetings would be ECVC.

Commissioner Ramsey asked if the map had been drawn to divide the City into four sections. Scott Bird, City Clerk, stated that the City is already divided into four zones according to the utility billing cycle. Mayor Cummiskey asked if this would divide the City the way it needs to be divided. The City Manager stated that he was trying to stay away from any existing demarcation.

The targeted date will be Tuesday, April 25, 1995 beginning at 7:00 p.m.

### **Other Business:**

Commissioner Ramsey asked if the City had any complaints from Senior Citizens regarding the new deadline for utility payment. Scott Bird, City Clerk, stated that he had not had any major problems with the new date. Mr. Bird also reported that because of the change in due dates, the courtesy notice amounts dropped from a routine 300 to 136. Commissioner Ramsey asked if City staff could provide a report to the Commission after this program has been in effect for three months. Mr. Bird stated that he would be able to copy the Commission with the results of the new due dates.

Commissioner Jackson asked what was being done about the concerns raised by Mr. Jim Grogan at the last City Commission meeting. The City Manager stated that an ordinance is being prepared for the Commission's consideration which would provide a different fee schedule for the transfer of rental to the landlord. This ordinance would provide either a flat rate charge or that it would be a percentage of what the normal charge would be.

Commissioner Jackson distributed information about the Heart-to-Heart program. Commissioner Jackson served on this board at the state level.

Mayor Cummiskey announced that the Mayor's Prayer Luncheon will be held on March 8, 1995 at 11:45 a.m. at the Franklin County Annex. The speaker was the Mayor of Raytown, Missouri from 1981 to 1985.

Mayor Cummiskey also announced that a meeting on gang violence will be tonight at the Ottawa Middle School. Commissioner Jackson stated that on February 11, 1995 at 2:00 p.m. Trooper Rolland will speak to the Crime Commission on gang violence.

**Executive Session:**

A motion was made to adjourn to executive session for 20 minutes to discuss personnel.

Meeting adjourned at 5:10 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of February 1, 1995**

**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 Cummiskey present, Commissioner Tyson present, Commissioner Jackson present, Commissioner Matthews present, and Commissioner Ramsey present. A quorum was present.

Mayor Cummiskey welcomed the Chamber Audience and led the 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 Commissioners 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Matthews to approve the minutes of the regular meeting of January 18, 1995. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the minutes of the January 18, 1995, duly approved.

**Public Comments**

Thereupon, Mr. Russ Daniels, of 636 South Main addressed the Commission, stating that he had had a pigeon problem at his residence and had tried to alleviate the problem through the use of a BB gun. He stated that he had been informed that the use of such a weapon was not permitted within the City limits and that he had reviewed the City ordinance and understood the intentions. However, Mr. Daniels asked

February 1, 1995

that the City offer some protection of property from pigeons and other birds or allow the issuance of a permit to use a BB Gun to protect a persons property. Mr. Daniels stated that as part of this permit, the owner should take responsibility for the BB Gun. Mayor Cummiskey thanked Mr. Daniels for his comments and stated that the City Manager would be pursuing the situation.

Next to address the Commission was Mr. Gregory Hernandez, 204 South Elm. Mr. Hernandez stated that as a citizen he was concerned for the safety and welfare of citizens of Ottawa; stating that it was his belief that the Ottawa Police Dept. needs more officers and better and more specific training for the officers they have on staff.

Mr. Hernandez asked what the annual budget for the City SWAT Team was and what the total cost had been since 1990 and questioned if these cost would have been better spent on new officers. Mr. Hernandez also asked for answers to questions such as, how many times the SWAT Team had been called out, the type of training sessions Police are sent to and why local officers are being trained in other states.

Mr. Hernandez suggested that local law enforcement staff should have more training in investigation and citizen response and that the Chief take more training in management. Mr. Hernandez stated that as a citizen he wanted the best quality law enforcement that the City could afford. He closed by thanking the Commission for allowing his concerns to be presented.

Thereupon, Mayor Cummiskey invited Tony DeLatorre who had indicated a possible interest in speaking, to address the Commission. However, Mr. DeLatorre chose not to speak at this time.

Thereupon, the Mayor invited anyone else to speak. There being no other persons wishing to address the Commission, the public comments

were closed.

**Presentations &  
Recognitions**

Thereupon, there was presented a proclamation declaring February 8, 1995, as Boy Scout Day in the City of Ottawa.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the proclamation. Upon being put to the question, all present voted aye.

Thereupon, There was presented a Proclamation declaring the month of February 1995, as Black History Month in the City of Ottawa, Kansas. There upon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the proclamation. Upon being put to the question, all present voted aye.

**Public Hearings**

Thereupon, the Mayor opened a Public Hearing to consider a CDBG Housing Rehabilitation and Demolition Budget Amendment. During the hearing it was explained that the CDBG Grant for Housing Rehabilitation and Demolition had been completed and that expenditures of funds had been slightly different than anticipated at the last budget amendment, thus a budget amendment had become necessary. According to CDBG guidelines, a 10% change in a budget activity requires an amendment, versus a revision, which also requires a public hearing. City Manager Scott Lambers explained that the revisions being made reflected actual cost and that the previous amendment had been based on estimates. There being no further comments the Public Hearing was closed.

**New Business  
CDBG Budget  
Amendment**

Bill No. 95-10. Thereupon, there was presented a resolution authorizing a budget amendment relating to Small Cities CDBG Housing Grant, No. 92-HR-200.

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.

February 1, 1995

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 840-95.

**Reports by City**

Thereupon, City Manager Scott Lambers requested an Executive Session to discuss the acquisition of real property, to exceed no more than 15 minutes.

**Governing Body  
Agenda**

Thereupon, the Mayor called upon the City Manager to explain the Gang Conference which had occurred on Tuesday night. Thereupon, City Manager Scott Lambers explained that speakers from the FBI and Overland Park Police Dept. had addressed an audience of about 50, addressing gang activity issues. He noted that it was the Overland Park Police Departments assessment, that gang influence is not coming from the west coast but rather from the Chicago area. He stated that the speakers discussed graffiti recognition and noted that community response depended on the local police department, schools and parents working together. Mr. Lambers concluded by saying that the conference had been very positive for the City and the community.

Thereupon, Commissioner Jackson noted that at 2 O'Clock on February 12, Trooper Roland would be at Bethany Chapel to discuss gang activities.

**Executive Session**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to recess for no more than 15 minutes, for the purpose of discussing real estate acquisition. Upon being put to the question, all present voted aye.

Thereupon, at 7:21 the Commission recessed to Executive Session. At 7:30 P.M. Commissioner Tyson made a motion which was seconded by Commissioner Jackson to return to Open Meeting. The motion was considered and upon being put to the question all present voted aye.

**Adjournment**

There being no further business to come before

February 1, 1995

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 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

February 1, 1995

## STUDY SESSION MINUTES

3:00 P.M.

FEBRUARY 6, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Jim Bradley, Andy Haney, Jeff Herrman, Diane Stoddard and Wynndee Lee; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Representatives from the Huxtable L.T. Service, Inc., and Mr Herrman VanArsdale representing Habitat for Humanity.

Mayor Cummiskey began the Work Study Session by reviewing the February 15, 1995, City Commission Agenda. There were no additions or corrections to the agenda at this time.

The following items were brought before the Commission for discussion:

1. Issuance of Industrial Revenue Bonds - Ottawa Truck. A letter has been received from Ottawa Truck requesting that the City of Ottawa issue Industrial Revenue Bonds for their expansion. The City Manager is requesting that the City Commission give him authority to direct the City's Bond Counsel to prepare the necessary documents for the Inducement Resolution. The City Manager stated that it is important for the resolution to be passed as quickly as possible because of any costs incurred for the expansion are not eligible to be financed through the proceeds of the IRB's. The City Manager is anticipating that the Inducement Resolution will be given to the City Commission by the March 1, 1995 City Commission meeting.

At present, the area of expansion includes an area that is currently used as a swill for storm drainage disposal. Representatives of Ottawa Truck and the City Manager had a meeting with the State at which the issue of CDBG monies being made available in grant form for public improvements was discussed. The City Manager informed the State that the City would be supportive of pursuing an application on their behalf to get CDBG Grant monies to take care of the storm drainage situation.

Mr. Lou Atherton was present at the study session and stated he felt the City of Ottawa was very fortunate that Ottawa Truck wanted to make their expansion in Ottawa.

All Commissioners gave their approval to have the City Manager notify Bond Counsel to begin the IRB process.

2. Nuisance Ordinances. The City Manager stated that there are situations in the community where there are problems of junk vehicles which are inoperable and have remained in residents' yards for long periods of time. Trash and weeds have also been a reoccurring problem within the City.

The current ordinances have been revised to establish procedures to eliminate some of the problems. The City Manager stated that he would like to have a public relations program making it clear that the City Commission wants City staff to crack down on the violators of this ordinance, particularly the automobile ordinance. Ms. Wynndee Lee is the City's Enforcement Officer and has the responsibility for the whole community. There will also need to be a set procedure on how complaints are forwarded to City staff.

Nuisance Ordinances - continued.

The City Manager received a complaint from an individual about a vacant property that is dilapidated, one property that has eight automobiles on it and a couple of properties with trash. The individual making the complaint stated that she had been cited and charged \$100 for a dead tree that had been cut down to build a house, but yet there are properties in the City that have nuisances, junk cars, trash or an excessive amount of weeds or grass in their yards in which the City does not cite the owners.

Commissioner Tyson commented that the Commission had worked very hard on these ordinances over one year ago, and thought the Commission was making considerable progress. Commissioner Tyson asked the City Manager to point out the items within the ordinances that are not working and have caused staff to slow down on investigating calls. The City Manager stated that the procedures that have been used do not identify what constitutes a complaint to have a nuisance investigated. The second item of concern is that once a complaint had been identified, then the neighborhood was surveyed to determine if there were any other violations in the area so the City could not be accused of picking on individual citizens. The City Manager asked if the Commission would like for City staff to deal solely with the complaint or to continue as previously initiated by the ordinances.

The proposal that is before the Commission at this time states that City staff will need to receive a written complaint from more than one individual. This will avoid the problems of neighbors trying to instigate action by the City just because they do not get along. The City Manager stated that City staff could canvass the community looking for violations. But in terms of responding to a specific complaint, but the City Manager wanted to make sure this process was acceptable to the Commission.

Mayor Cummiskey asked if there is a violation based upon the criteria agreed upon by the Commission, why should City staff need to send out more than one letter. The City Manager said that his preference was that if someone had a legitimate complaint, there should be some identification as to who made the complaint.

Commissioner Jackson stated that several years ago when the Commission agreed that this was a priority and they wanted the junk cars and the debris cleared up and have supported City staff regardless of how many calls that came in to "It's Your Quarter" or "Letter to the Editor" Commissioner Jackson said if someone takes the time and thinks there is a potential problem, they ought to be able to call and someone will take a look at it.

Mayor Cummiskey and all the Commissioners stated they did not feel it was necessary to have two persons to complain before City staff acts upon the complaint.

The City Manager asked if a phone call is sufficient versus writing a letter or statement to the City. If only one person is complaining, does the person need to be identified. The City Manager stated that it is his preference to have a document in the file rather than just an anonymous complaint. The City Manager also informed the Commission that there is a legal situation involved that if someone lives on 7th Street and sees a violation on 15th Street, calls City staff to complain, do they have a legitimate right to complain when it does not have an effect on them personally. Unless the person lives right next door to a nuisance situation, do they have the right to make a complaint.

Nuisance Ordinances - continued.

Mayor Cummiskey stated that she liked the process which involved mailing out notices to citizens and having a monthly report generated to show the Commission what had been accomplished.

Commissioner Jackson asked Ms. Lee if other City departments ever helped with inspections. Ms. Lee stated that several years ago there were other departments involved with the inspections. However, Ms. Lee would still need to review the property to make a final decision.

Commissioner Ramsey asked Chief Herrman if police officers ever turned in nuisance complaints to Ms. Lee. Chief Herrman stated that if the nuisance is a public health hazard, the officer will report the situation. If there is an abandoned vehicle, it probably will not be followed up on.

All the Commissioners were in agreement of having a City-wide canvass completed twice a year to spot nuisance situations within the City. Complaints can either be oral or written. The person complaining can be the sole reason for investigating. However, this person must identify him/herself.

Commissioner Matthews asked what the maximum fine would be for residents found guilty for a nuisance situation. Forrest Lowry, City Attorney, stated that the fine could go as high as \$1,000. Ms. Lee estimated that 90% of all cases acted upon were taken care of before the case was taken to court.

Commissioner Jackson asked if the canvassing could be coordinated with the Spring and Fall clean-up. Ms. Lee commented that the letters sent to citizens regarding their nuisance situations are changed to inform people that the clean-up time is coming and will allow them to extend their time period.

The City Manager indicated he would like to have the ordinance on vehicles acted upon as soon as possible. If there are still questions on the other two nuisance ordinances, there is still time to discuss them at a later date. The City Manager stated that there are three individual ordinances. However, Forrest Lowry, City Attorney, mentioned that it might be better to combine the salvage/junk and the inoperable vehicles. Mayor Cummiskey asked Mr. Lowry if he anticipated any legal problems with Ms. Lee going on private property. Mr. Lowry indicated the City has always had the authority to go on private property as long as the personal residence was not entered into.

One addition that has been made to the ordinance is that a right-of-entry clause has been added to allow the enforcement officer the right to go on to private property to make an inspection. The officer cannot go inside the premises, but may inspect from the yard, driveway, etc. Mayor Cummiskey noted that she would like to have a notification process drafted to inform citizens that a City employee will be on their property to conduct an inspection.

Mayor Cummiskey asked Ms. Lee if she carried identification when the inspections were being completed. Ms. Lee stated that she does have a badge indicating she works for the City.

The City Manager mentioned to the Commission that this process could take thirty days plus to complete.

These ordinances will be ready for approval by the February 15, 1995 City Commission Meeting.

Nuisance Ordinances - continued.

Commissioner Jackson asked about houses that are dilapidated with broken windows. The City Manager stated that this was a different situation but the City would need to have a basis for determination which would get into more of a legal area. City officials have got to have a reason, particularly a police or fire complaint, before City staff can be on the property.

2. Propane Tanks. City staff is requesting that the City Commission adopt a policy which would provide for prohibition with an exception that citizens would be served by natural gas. This policy would be incorporated into the development standards which have already been approved by the City Commission. If a property that is currently being served by propane has been annexed into the City, this property would be grandfathered in.

This Commission was in agreement that this would be a good policy to have added to the development standards.

3. Water Assurance. The City Manager stated that Ottawa relies on water from two reservoirs out of the Marais des Cygnes River. There is no guarantee that the City of Ottawa will be able to get water out of these reservoirs for future uses. Kansas is negotiating with the Federal Government to allow some municipalities to buy into the reservoirs and to provide water right guarantees. This would be money spent up-front, which would be expensive. However, this would provide the City protection for drought years. If the City Commission decides not to participate in the Water Assurance Program, the City would be in the situation where water could be purchased on the spot market, which could be expensive and risky.

Cost estimates and documentation will be brought back to the Commission at a later date for their consideration.

4. HVAC Maintenance Agreement - Former Franklin Savings Building. City staff is recommending that this contract be renewed for one year. Representatives from Huxtable L.T. Service, Inc. were at the meeting to answer questions with regard to this agreement.

Mayor Cummiskey inquired what types of maintenance had been required for the air conditioning heating system. Mr. Laird commented that the system is a very sophisticated unit and has some very expensive compressors. Some of the items covered under this maintenance agreement are oil changes, oil disposal, calibrating controls, cleaning all filters and coils, safety inspections on heating equipment and taking care of the entire system. If there is any failure with the equipment, Huxtable, Inc. will pay for the repairs in its entirety. Maintenance inspections are completed on a quarterly basis.

Commissioner Tyson questioned if "Franklin Savings" on page 5 of the contract should be changed to read "City of Ottawa." The agreement will be amended to read "City of Ottawa."

Mayor Cummiskey asked if the Library would be responsible for part of this contract. The City Manager stated that the Library would be responsible for part of this amount after the move has been completed.

This item will be placed on the February 15, 1995 City Commission Agenda.

5. Letter of Endorsement from S.P.I.R.I.T., Inc. The S.P.I.R.I.T. Organization is requesting a letter of endorsement from the Mayor/City Commission to receive a Community Housing Development Grant (C.H.D.O.) Wynndee Lee, Program Manager, stated that this organization is one of a few mental health type organizations attempting to be funded.

The Commissioners were in agreement that Mayor Cummiskey could give her endorsement to S.P.I.R.I.T., Inc.

6. Letter of Support for Habitat for Humanity. Habitat for Humanity is a new entity in Franklin County. Mr. VanArsdale stated that the reason for this request is to support the regional Habitat for Humanity because of a grant they are applying for through the State. Mr. VanArsdale added that he appreciated the Commissioners' and citizens' support. Mayor Cummiskey thanked Mr. VanArsdale for his efforts. The Commission supported Mayor Cummiskey's endorsement of this worthwhile project.

#### **Other Business:**

Mayor Cummiskey asked the City Manager to get an updated report from the Ottawa Recreation Commission.

The City Manager announced that the Joint City/County meetings would be scheduled every other month. If either the City or County decides that there are necessary topics to be discussed, monthly meetings will be reestablished.

Commissioner Jackson distributed copies of the Kansas Register which include the bills in the House and the Senate which could effect local units of government in some fashion.

Commissioner Jackson also announced that Trooper Larry Rowlands will be speaking at Bethany Baptist Church on gang activity. Also, the program director for KOCH Crime Commission will give an overview of the Commission and what they are doing to prevent delinquency.

**Executive Session:** A motion was made and seconded to adjourn to executive session for 30 minutes to discuss personnel.

Meeting adjourned at 5:00 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

FEBRUARY 13, 1995

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

Mayor Cummiskey began the Work Study Session by reviewing the February 15, 1995, City Commission Agenda. The nuisance ordinances and the HVAC maintenance agreement which were discussed at the February 6, 1995 Work Study Session have been added to the agenda. The City Manager anticipates at least one item to be added after today's Work Study Session.

Commissioner Ramsey asked if the Commission would receive copies of the Monthly Financial Reports before the Commission meeting on Wednesday. Mayor Cummiskey responded that it would be helpful for the Commission to have this report several days in advance of a Commission meeting to allow time for their review. The City Manager stated that this item would be taken off the agenda for February 15, 1995 and would be added to the March 1, 1995 agenda.

The following items were brought before the Commission for discussion:

1. Sidewalk Sale. The City Manager informed the City Commission that a request had been received from Kathy Niehoff, Chairperson of the Chamber of Commerce Retail Committee, to conduct the annual sidewalk sale on Saturday, February 25, 1995. This item will be placed on the February 15, 1995 City Commission agenda.
2. KOFO Home and Garden Show. Mayor Cummiskey stated that this was also an annual event. Commissioners agreed to have this item placed on the February 15, 1995 City Commission Agenda.
3. Industrial Revenue Bonds - Ottawa Truck. Mayor Cummiskey invited Dottie Riley, Bond Counsel for the City, to join the Commission at the table to discuss the IRB's for Ottawa Truck. Ms. Riley had contacted Ottawa Truck to find out how the project was progressing. Mr. Tom Leitnaker of Ottawa Truck stated that it was their hope that the City Commission would approve the Resolution of Intent as soon as possible.

Commissioner Tyson explained that she was concerned with proceeding with the project if the parent corporation had not yet decided to approve the project. The City Manager stated that this was not uncommon for an industry to make a request for the Resolution of Intent prior to a final decision being made. The City Manager also mentioned that he had met with officials from Ottawa Truck and felt comfortable in recommending that this action be considered favorably. Mayor Cummiskey stated that this would not go forward without corporate approval anyway. The City Manager also commented that he had attended a meeting with representatives of Department of Commerce and Ottawa Truck officials at the facility site in which the expansion project was discussed.

4. Library Grant Application. Mayor Cummiskey invited Barbara Dew and Bob Reusch to the table to explain the grant application for the Ottawa Library. There are Federal monies available through the State of Kansas which would help with the remodeling of the former Franklin Savings building. This grant is a 50/50 matching grant. Mr. Reusch stated that the purpose of this meeting is to ask the Commission to help the Library to put some money together to get a little more money out of the Federal Government. All information for this grant must be supplied to the state the first week in March, 1995. Mr. Reusch commented that part of the Library's problems to have this information completed, is not knowing what the construction costs are going to be. Earl Devore will prepare the cost of construction and will provide them to the Library and the City in the next several weeks.

Ms. Dew stated that the State Library contact person has informed her that if something needed to be done at the March 1, 1995 City Commission meeting, the State would allow an extension of time for the information to be submitted.

Commissioner Ramsey asked the City Manager about the general requirements of the applicant regarding the fee simple title. The City Manager commented that the City has to agree to commit space to the Ottawa Library for a twenty year period. A resolution will need to be drafted and formally passed by the Commission which will indicate that the City is the title holder to the facility.

The results of the grant application will be announced April 14, 1995 in Salina, Kansas. Ms. Dew stated that if any member of the Commission could attend this meeting to show their support, it would be appreciated.

The three issues to be considered for the Library at the March 1, 1995 City Commission meeting will be: Using General Obligation monies to help assist in the renovation; a resolution for the twenty year agreement for utilization of space; and the authorization for the Mayor and City Manager to execute portions of the grant application required for its application.

Ms. Dew also asked authorities from the State about the historical district and the flood plain. The City Manager asked if Ms. Dew followed-up with the State regarding the Environmental Impact Report. Ms. Dew stated that she did inquire about the report and was told not to worry about this issue at this time. The City Manager commented that this item could present a tremendous amount of cost to the Library and the City if the State discovered that there was a problem after the move has been completed.

Ms. Dew stated that another thing that the Library would like to include with their request to the State is technology enhancement. However, the State of Kansas has never funded this request as a stand-alone project, but when it is done along with a building project, they have sometimes included money for the automation.

Library Grant Application- continued.

Ms. Dew presented to the Commission the Library's plan for their area of space. The reference section of the Library will be on the second floor as well as some office space and possibly a small conference room. Ms. Dew indicated that Library staff are anticipating using current newspaper stands and racks, chairs (which were recently recovered), the reference desk. Ms. Dew pointed out that there would also need to be an emergency exit added to this area of the second floor. There will be a circulation area, with back files of magazines and newspapers behind the circulation desk. The children's department, young adult, juvenile, non-fiction, fiction, large print sections, career center and a break room will be on the lower floor.

Ms. Dew also stated that she has been working with Bob Becker, Adult Education Coordinator, to obtain a Literacy Grant.

Mr. Reusch again asked the Commission to consider giving the Friends of the Library space somewhere in the facility. Mayor Cummiskey stated that the Commission unanimously agreed that they would like to see the Friends have permanent space somewhere, but at this time, did not know where this space would be at.

5. Utilization of Former Franklin Savings Building. The City Manager presented a proposed map of the second floor of the former Franklin Building. The City Manager commented that the Planning Department offices would be occupying the first section of offices as you enter the second floor. Earl Devore, architect for this project, has proposed that a partition be installed so that visitors coming into the main City Hall entrance upstairs would not be able to see all the tables and files.

The City Manager stated that the personnel secretary will be in the open area to the west of the entrance. The Personnel Director would be in the first office of this same location. The offices for the Environmental Officer, Utilities Director, Public Works Director, Administrative Intern, copy/mail room, Administrative Secretary and the City Manager will all be located along the west side of the building. The room that has been previously used as a second conference room will be used as a file room for the Utility and Public Works Departments. There is also a board room across the hall from the City Manager's area. In the center section of this floor, there is a proposed office for the City Attorney, one office for the Mayor and Mayor pro tem and one office for the remaining three commissioners to share. The City Manager stated that there will not be any improvements and using the building as is.

Commissioners Matthews and Tyson stated that they did not need office space as long as they had an area to pick up mail and phone messages. Mayor Cummiskey agreed with the Commissioners, but also commented that the present Commission must look at the feasibility of having these offices for future uses. The City Manager commented that the office space allocated would allow the Commission to come to City Hall and make phone calls, open mail and/or to meet with citizens.

Utilization of Former Franklin Savings Building - continued.

The City Manager pointed out that future possibilities would be an office for a full-time City Attorney, full-time engineer or a parks director.

Mayor Cummiskey asked about bringing the auditorium staff to the new facility to help cut utility costs at the Auditorium. The City Manager stated that this was a possibility and could be further looked into.

Mayor Cummiskey thanked the City Manager for providing a floor plan which did not require improvements/no cost.

Commissioner Tyson asked how City Hall would be secured while the Library is open during evening and weekend hours. The City Manager stated that the first floor would be secured with a metal barrier which would lock the west corridor. A key would be provided (on a as needed basis) to individuals who wish to utilize the conference room. On the second floor, the double glass doors would lock which would eliminate public access during non-business hours. Commissioner Jackson inquired if the front doors would be an automatic sliding door for easier access. The City Manager stated that this would certainly be a possibility and that the City could have Earl Devore install this for ADA purposes.

**Other Business:**

Open agenda and announcements will be changed at future meetings to be discussed before adjourning to the Executive Session.

Commissioner Jackson announced that he had distributed copies on the Community Service Program Act. This is a program which allow non-profit entities to work together with businesses. This program would allow businesses that contribute money donations to certain projects in an excess of what they contributed over the past three years, are entitled to a 70% deduction on the amount that is given to the project.

Commissioner Jackson also thanked Police Chief Jeff Herrman for participating in the gang forum which was held on Sunday, February 12, 1995. Representative Tanner was also present at the forum.

The City Commission meeting will be March 1.

The Commissioner's will be leaving on Friday March 10, 1995 for the NLC Conference in Washington, D.C. Therefore, the City Commission meeting will be held on Wednesday, March 22, 1995 instead of March 15. There will also be a Joint City/County meeting at noon on March 22.

**Executive Session:** A motion was made and seconded to adjourn to executive session for 15 minutes to discuss personnel.

Meeting adjourned at 5:05 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of February 15, 1995**

**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 Cummiskey present, Commissioner Tyson present, Commissioner Jackson present, Commissioner Matthews present, and Commissioner Ramsey present. A quorum was present.

Mayor Cummiskey welcomed the Chamber Audience and led the audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

**Agenda Approval**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioners 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the minutes of the regular meeting of February 1, 1995. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the minutes of February 1, 1995, duly approved.

**Public Comments**

Thereupon, Mr. John Kruzel, of 717 East Third spoke to the Commission regarding the purposed salvage and junk enforcement policies. Mr. Kruzel said that he had been fighting a situation since 1989, and had complained numerous times in an attempt to get action on 304 S. Cherry. Mr. Kruzel said that he was frustrated when the property owner had been

fined \$100.00 which was later waived. Mr. Kruzel explained that this had become a harassment issue and felt that he had been mistreated by the City Attorney and the City Police Department. Mr. Kruzel stated that it was okay to strengthen the laws, but the laws in effect need to be enforced.

Next to address the Commission was Mr. Gregory Hernandez, 204 South Elm. Mr. Hernandez expressed concerns about the qualifications and integrity of the Power Plant Manager and the Utilities Director. Mr. Hernandez expressed questions concerning whether or not the two individuals had knowledge of upcoming EPA requirements and regulations. Mr. Hernandez questioned the legitimacy of using the American Disabilities Act to justify the purchase of the Franklin Building. He complained further that he believed the City was deviating from the Clean Air Act. Mr. Hernandez thanked the Commission for allowing him to present his concerns.

#### **Communications**

Thereupon, there was a request from the Ottawa Chamber of Commerce Retail Committee to conduct a sidewalk sale on February 25, 1995, from 9 a.m. to 5 p.m.

Thereupon, Commissioner Ramsey 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 request duly approved.

#### **Home & Garden Show**

Thereupon, there was presented a request from KOFO to close the northbound lane of Hickory Street from Third and Hickory to approximately 313 S. Hickory to host the annual Home and Garden Show on March 10 and 11, 1995.

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

February 15, 1995

Thereupon, the Mayor declared the request duly approved.

**New Business  
Nuisances**

Bill No. 95-11. Thereupon, there was presented an Ordinance declaring certain matters as salvage junk and motor vehicle nuisances within the City of Ottawa, Kansas, providing for the notice and penalty of noncompliance; and repealing Ordinance No. 3008-91 of City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to adopt the Ordinance. During discussion, City Manager Scott Lambers explained that the Ordinance was an effort to clean up some technical problems and inconsistencies. 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. 3133-95.

**Salvage Junk &  
Vehicle Nuisances**

Bill No. 95-12. Thereupon, there was presented an Ordinance declaring certain matters as salvage, junk and motor vehicle nuisances within the City of Ottawa, Kansas; providing for notice and penalty; and repealing Article 2 of Chapter X of the Municipal Code of the City of Ottawa, Kansas, 1982 and repealing Ordinance No. 3002-91 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.

**Cutting of Weeds  
and Vegetation**

Bill No. 95-13. 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 Tyson made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. The motion was

February 15, 1995

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

Thereupon, the Mayor declared the ordinance duly approved and the ordinance was duly numbered Ordinance No. 3135-95.

**Ottawa Truck IRB'S**

Bill No. 95-14. 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 \$5,000,000 to finance the cost of renovating, expanding and equipping a manufacturing facility in the City to be leased to Ottawa, Truck, Inc.

Thereupon, Commissioner Ramsey 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. 841-95.

**Huxtable & Assoc.**

Thereupon, there was presented an agreement between Huxtable & Associates, Incorporated and the City of Ottawa for the maintenance of the HVAC System at the former Franklin Savings Building.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to approve the agreement. During discussion it was explained that Huxtable & Associates, had maintained the heating and air conditioning system in the Franklin Building since 1990 and that it was staff's recommendation that they continue to maintain the system for the next year. However, before this contract is renewed in 1996 it was further suggested that request for proposals be taken. The motion was considered and upon being put to the question, all present voted aye.

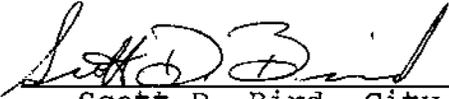
Thereupon, the Mayor declared the agreement between Huxtable & Associates, Inc. duly approved.

February 15, 1995

**Adjournment**

There being no further business to come before the Commission, Mayor Cumiskey reminded the Commission that the next regular meeting was scheduled for March 1, 1995 at 7 p.m.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to adjourn. 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

STUDY SESSION MINUTES

3:00 P.M.

FEBRUARY 27, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Jim Bradley, Andy Haney, Jeff Herrman, Diane Stoddard Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Dottie Riley, Logan Riley Carson & Kaup; David Brandt, Bank IV; Dr. Ted Wischropp and Ray Cummiskey, Neosho County Community College.

Mayor Cummiskey began the Work Study Session by reviewing the March 1, 1995 City Commission Agenda. A few items will be added to the agenda after this Work Study Session.

The following items were brought before the Commission for discussion:

1. Tax Exemption - Havens Steel. The City Manager stated that Havens Steel is planning an expansion to their existing facility. The Administrative Review Committee reviewed the application for tax exemption. The committee is recommending that the Commission proceed favorably with the request and are requesting that the Commission authorize a public hearing to be held on April 5, 1995. Mayor Cummiskey also added that Havens had met or exceeded all their promises made to the City regarding employment. A motion was made and seconded to have this item placed on the April 5, 1995 City Commission agenda.

2. Housing Rehabilitation Closeout. Wynndee Lee, Program Manager for the City of Ottawa, stated that a public hearing will need to be held to receive public comments. A resolution authorizing the Mayor to sign related documents will also need to be placed on the March 1, 1995 City Commission Agenda.

3. Rezoning of Property. Jim Shaw, Director of Planing and Zoning, stated that this area had recently been annexed. The owner of the property, Mr. John Howe, has requested that this property be rezoned from B-2 to R-2. The City is anticipating that a church will be built in the northeast corner of the property. The remaining area will be housing development. It was moved and seconded that this item would be placed on the March 1, 1995 City Commission Agenda.

4. Purchase of Tractor and Mower for Public Works Department. Andy Haney, Public Works Director, stated that proposals had been received on tractors and mowers that would meet the needs of his department. The least expensive alternative would be to purchase the tractor and mower separately. However, he is recommending that the City spend an extra \$250 to purchase one that slightly exceeds the City's specifications. Scott Bird, City Clerk and Mr. Haney discussed paying cash for the mower this year and apply the remainder of the \$10,000 that was budgeted towards the tractor on a lease purchase plan for this year. There would also be \$9,000 allotted for a trade-in.

5. Neosho County Community College - Sub-lease Agreement. Mayor Cummiskey welcomed Dr. Ted Wischropp, President of Neosho County Community College; David Brandt, Bank IV; Dottie Riley, City Bond Counsel; and Ray Cummiskey, Dean of the Ottawa campus. Ms. Riley gave a brief summary of the sub-lease transaction and explained what the City would be adopting with the passage of the proposed ordinance.

Ms. Riley explained that a college entity can only enter into leases that do not have a term of more than ten years. The proceeds from the lease-purchase transaction will be used to refund the existing lease and also to create funds for an addition to the project. If this transaction is entered into, the City would be obligating itself to pay off the lender from any money that is received from the college from the sub-lease. If for any reason the college would fail to make a payment to the City, the City would still have an obligation for the year that was appropriated for but not for any subsequent years.

Commissioner Ramsey inquired if the college was current with their payments. Scott Bird stated that they were up-to-date with their payments to the City. Mr. Brandt stated that the college still has \$490,000 remaining from the 1990 financing.

Mr. Cummiskey distributed copies of the proposed building expansion and stated when NCCC first began the expansion process, both ends of the building were to have additions. However, due to several constraints, the previous plans have been scaled back. The current plans will allow for expansion on the North side of the building. The library at NCCC will also undergo some expansion. This is really the only renovation that will affect the existing structure. A learning lab will be added to the North side, a large auditorium classroom will be added. The existing nursing room would be expanded 13' to allow for more space for training and would have a curtain partition in the middle of this room allowing the college to use this room for more than one activity or class. The newly formed student senate will also have their own office and conference room. The expansion will essentially be paid for out of student fees. The students began paying \$4 per credit hour this semester addition to the regular fees. Mr. Cummiskey announced that he is anticipating construction to begin this summer and completed by the Fall semester. The total cost of the expansion will be \$61,290.

Dr. Wischropp thanked the Commission for their support with the first building project and hoped that NCCC could move ahead with this building project.

The Commission moved and seconded to place this item on the City Commission Agenda for the next meeting.

6. Temporary Parking for Wal-Mart. The City Manager stated that Wal-Mart is undergoing an extensive recruitment effort for the distribution center. Wal-Mart officials envision having almost thirty employees interviewing prospective employees for the distribution center. Therefore, Wal-Mart is requesting that the City provide temporary parking for them. The City Manager suggested that lots be identified in which the employees are eligible to park and provide some type of identification which would be displayed in their car window or car dash to be exempt from the parking requirements. The temporary office would be located in the former Price Appliance building. The City Manager was instructed by the Commission to handle this request.

7. Nuisances Ordinance. The City Manager stated that there has been some concern by citizens over the City's enforcement of the nuisance abatement. If there are complaints with rental property, the City holds the property owner or the landlord responsible. The City Manager suggested that the City consider amending the ordinance to provide that the City would initiate action against the residents/occupants of the property and go through the abatement process to the point of a citation being issued. If the occupant/resident is the tenant, of which the property owner would also be notified, once the citation has been issued, then the City would begin to cycle against the property owner.

Mayor Cummiskey and Commissioner Ramsey asked for a revised draft ordinance to show the new wording.

Commissioner Ramséy also asked if any follow-up had been done about a complaint received at the last City Commission meeting. Wynndee Lee, Program Manager, stated that action will not be taken until March 1, 1995 because the City will be informing all citizens in the community that the City would be enforcing these ordinances. The City Manager asked the City Commission to notify him or Ms. Lee if any complaints were made to them regarding a property that was considered to be a nuisance.

8. Sale of Furniture from Former Franklin Building. The City Manager stated that he has had numerous requests from various entities within the City regarding the sale of furniture from the former Franklin Building. The City Manager commented that the City will have a problem moving and storing the furniture when the City and Library begin the remodeling process.

Mayor Cummiskey commented that she would like everybody to have an equal opportunity to purchase these furnishings. Mayor Cummiskey suggested that the City conduct a public auction or have a bidding process for the furniture that is not needed for City purposes.

Barbara Dew, Ottawa Library, asked if the Library would be able to acquire any of this furniture. Ms. Dew also stated that the Library is at a point to identify the furniture that they could use from the lower level.

Commissioner Tyson commented that she would like to wait and see what the needs of the City and the Library were before the City started selling the furniture. After the City and Library select the furniture that could be used for their operations, then the City should give the public an equal opportunity to acquire the furnishings.

Commissioner Ramsey stated that he would not be opposed to selling the furniture at a later date, but felt any action before the City moved in was a little premature.

9. Library Grant and Remodeling Figures. Mr. Bob Reusch and Ms. Barbara Dew of the Ottawa Library were present to discuss the costs for the remodeling of the former Franklin building. The cost for remodeling is approximately \$45,000. The shelving and furnishings will be approximately \$52,000. The Library Board and staff are also researching a security system which will cost approximately \$31,000 and the automation for circulation will cost approximately \$50,000. The total cost for updating the current Library features (not counting the remodeling costs) will be approximately \$133,000.

Mr. Reusch also announced that the Library is having problems with the grant which the Library applied for. The House committee that handles the grant, has voted to rescind the allocation of this money. The Library was informed by the City Manager, that this grant would also be categorized under the Davis-Bacon Act from 1932. This would mean that the cost of construction would be based upon a higher rate. Mr. Devore has instructed the Library that this could raise the construction costs an additional \$15,000. Mr. Reusch stated that the Library will go ahead and apply for the grant. The Library has matching funds of \$60,000 out their building funds to use for the grant. If the Library does not get the grant, Mr. Reusch asked if the Commission would authorize the issuance of an additional \$125,000 on a general obligation bond (this would make the Library's share to be \$475,000).

Commissioner Ramsey asked if the Library was currently using a security system. Ms. Dew stated that they did not have one, but had been looking at various systems. Commissioner Ramsey also asked the City Manager how long and what the mill levy would be for the issuance of a \$475,000 bond. The City Manager stated that the term of the GOB's would probably be approximately 10 years and the mill levy would be approximately 2 mills. The annual debt service would probably be between \$55,000 and \$58,000 per year.

The City Manager commented that Mr. Devore has estimated the City's portion costing around \$40,000 - \$45,000. The City Manager had anticipated using the CDBG grant money to make the ADA improvements. However, he has decided not to recommend this because it could question the whole project for Davis-Bacon, therefore other financing would be used which would not trigger the Davis-Bacon Act.

Ms. Dew stated that monies received from the CDBG could possibly be used for tables and furniture that are not ADA compliant.

The City Manager asked the Commission for their consensus to add this \$475,000 for the Library building acquisition and remodeling to the Capital Improvement Program. Commissioner Tyson stated that it would be all right to put this in the CIP, but she would like to have a chance to look at the figures before a decision is made.

The City Manager stated that he would prepare a cash management plan in which the City Commission would agree, by resolution, to pay back the Electric Fund for the City's share of the purchase. The City Manager also indicated that he does not anticipate to acquire a GO Bond for the City Hall portion of this project.

Commissioner Ramsey questioned if the City would be financing the Library's portion of the remodeling. The City Manager stated that the City's mill levy would finance the acquisition and the refinancing.

Commissioner Ramsey stated that he was not against the Library moving into the former Franklin building, but questioned Library officials if they would be able to maintain their portion of the building with their budget. Commissioner Ramsey also asked the Library if they would be coming back to the Commission in the future asking for more money or help to make ends meet. Ms. Dew stated that she hoped not, but that she has not had any figures yet. Commissioner Ramsey stated that the Commission had not received any figures from the Library as requested either. Commissioner Ramsey then asked everyone at the Work Study Session if they would mind if the mill levy was raised 2 mills. Commissioner Matthews asked if the mill levy was increased, when would it become effective. The City Manager stated that the mill levy would be imposed in 1997. Commissioner Matthews went on to state that between now and 1997, there could always be deductions in other areas.

Commissioner Ramsey asked the City Manager when a decision would need to be made according to grant guidelines. The City Manager stated that the grant application requires the Library to identify their funding sources of what they are applying for. Also, a commitment letter signed by the Mayor and the City's commitment stating that the Library can use this facility for twenty years will need to be in by the first of March.

Commissioner Ramsey asked Ms. Dew if the Library had taken into consideration of how they would move the new building. Ms. Dew stated that she had not considered the cost to move at this time.

The City Manager received a consensus from the City Commission to place this on the agenda for the March 1, 1995 City Commission meeting.

Mayor Cummiskey thanked Ms. Dew for keeping the Commission informed on the grant activity.

10. Resolution for Acquiring Easements. Forrest Lowery, City Attorney, drafted a resolution to acquire property which would extend power service to the southern area of the City. The City Manager stated that property owners had been contacted by the City to negotiate the acquisition of easements along Eisenhower Road, 19th Street and other various properties. Some of the property owners did not find the City's offer acceptable, therefore the City will need to initiate a condemnation procedure. This resolution would authorize this procedure and would need to be placed on the March 1, 1995 City Commission agenda.

All Commissioners concurred to place the resolution on the agenda.

**Other Business:**

Mayor Cummiskey announced that the Mayor's Prayer Luncheon will be on Wednesday, March 8, 1995 at 11:45 a.m.

**Other Business - Continued:**

All Commissioners will be in Washington, D. C. on March 11 - 14, 1995 for the NLC Conference which would move the Work Study Session to March 20, 1995 and the City Commission to March 22, 1995. There will also be a Joint City/County meeting on Wednesday, March 22, 1995. Mayor Cummiskey also instructed the City Manager that the County and City Commission would like to continue to meet once a month.

Commissioner Jackson asked the City Manager to formulate a list of topics to discuss with Representative Brownback. Several items the Commission would like to have placed on the list are: 1) Davis-Bacon Act; 2) Summer Youth Work Program; 3) Unfunded Mandates; 4) Community Development Block Grant

Commissioner Matthews asked Scott Bird, City Clerk, if he had received information for the MS Walk which will be held in Kanza Park in April.

Mayor Cummiskey announced that she and the City Manager and City Clerk will be addressing the Leadership Class on Thursday, March 2, 1995.

**Executive Session:**

Members of the Commission moved and seconded to convene into Executive Session at 4:50 p.m., not to exceed 15 minutes to discuss litigation. At 5:05 p.m. the City Commission extended the Executive Session which would not exceed 15 minutes.

Meeting adjourned at 5:20 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of March 1, 1995**

**Roll Call**

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cumiskey, Commissioner Tyson, Commissioner Jackson, Commissioner Matthews and Commissioner Ramsey. A quorum was present.

Mayor Cumiskey called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the 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 to approve the agenda with the addition of a resolution which would provide for an amendment to the Capitol Improvement Plan. The motion was seconded by Commissioner Matthews 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 Jackson to approve the minutes of the regular meeting of February 15, 1995 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of February 15, 1995 approved as written.

**Presentations &  
Recognitions**

Thereupon, the Mayor read a proclamation on behalf of the City of Ottawa, Kansas, congratulating the Ottawa University Men's Basketball Team, and Coach Andy Carrier for their victory the previous night, which allowed them to qualify for the NAIA Basketball Finals.

**Public Hearings**

Thereupon, the Mayor opened a public hearing for the purpose of evaluating the performance

March 1, 1995

of Grant Agreement Number 92-HR-200, which was for Housing Rehabilitation and Demolition. There being no one wishing to speak to the issue the Mayor closed the public hearing.

#### **New Business**

##### **CDBG Housing Rehab. & Demolition**

Bill No. 95-15. 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 Housing Rehabilitation and Demolition, Grant No. 92-HR-200.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to adopt the resolution. During discussion it was explained that the Small Cities Community Development Block Grant No. 92-HR-200 for Housing Rehabilitation and Demolition had been completed and that all monitoring issues had been resolved. 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. 842-95.

##### **Rezoning-John Howe**

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 Jackson to approve the ordinance. During discussion it was explained that Mr. and Mrs. John Howe had requested to have a ten acre tract of land rezoned from District B-2 (Service Business District) to District R-2 (Multi-Family District). It was further explained that the B-2 District is a County District that had not been changed since the property was annexed. This application area is located on the east

March 1, 1995

side of Eisenhower Street approximately one-quarter of a mile north of Nineteenth Street. 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. 3136-95.

**Lease Agreement  
NCCC**

Bill No. 95-17. Thereupon, there was presented an ordinance approving and authorizing the execution of a Base Lease from the City of Ottawa, Kansas, to the Bank of Commerce, Chanute, Kansas, whereby the City leases certain property to said Bank; approving and authorizing the execution of a Lease Purchase Agreement from the bank to the City whereby said bank leases back to the City such property; approving and authorizing the execution of a sublease of such property from the City to Neosho County Community College, Neosho County, Kansas; and authorizing the redemption of the City's outstanding Certificates of Participation, Series 1990, previously issued to finance a portion of such property.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that the ordinance would provide for financing of a proposed expansion to Neosho County Community College, Ottawa, Kansas. The Mayor, also noted that there was a representative, Mr. Ray Cumiskey, from Neosho County Community College, Ottawa, and recognized City Bond Council Dottie Riley, who had prepared the ordinance. The motion was considered and upon being put to the question, passed by the following vote: Commissioner Ramsey aye, Commissioner Tyson aye, Commissioner Matthews aye, Commissioner Jackson aye, Mayor Cumiskey abstained to avoid a potential conflict of interest.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3137-95.

March 1, 1995

**CIP**

Bill No. 95-18. Thereupon, there was presented a resolution amending the City's 1994 Capital Improvements Program to include financing for the acquisition and remodeling for a new Library facility.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey to adopt the resolution. During discussion it was explained that the Library was applying for a grant which required a commitment of matching funds. This resolution would provide such a commitment. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and resolution was duly numbered Resolution No. 843-95.

**Condemnation**

Bill No. 95-19. Thereupon, there was presented a resolution declaring the necessity of condemning certain real property for the purpose of acquiring permanent easements thereon to install power lines for the construction of a power substation.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the resolution. During discussion it was explained that the City is in the process of extending power service to unserved and underserved areas in the southwest and south quadrants of 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 844-95.

**Monthly Financial Reports**

Thereupon, there was presented the Monthly Financial and Activity Report for January, 1995.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the report. During discussion Commissioner Jackson questioned the minutes of

March 1, 1995

the Ottawa Recreation Commission, noting that they had not discussed further uses of the new ORC Facility which the City Commission had requested. City Manager Scott Lambers, explained that members of the Ottawa Recreation Commission would be attending the Study Session scheduled for March 6.

The motion was considered and upon being put to the question all present voted aye. Thereupon, the Mayor declared the reports duly approved.

**Reports by  
City Manager**

Thereupon, City Manager Scott Lambers reported that there had been damage caused to the traffic signal at the Intersection of 15th & Main but expected repairs to be made by March 3, 1995.

**Announcements**

Thereupon, the Mayor announced that the next work study session would be March 6, 1995, at 3 p.m., the Mayor's Prayer Luncheon was scheduled for March 8, 1995 at 11:45 a.m. at the Franklin County Annex Building and that the next regular meeting of the City Commission would be March 22, 1995 at 9:30 a.m.

**Adjournment**

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

March 1, 1995

## STUDY SESSION MINUTES

3:00 P.M.

MARCH 6, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Jim Bradley, Andy Haney, Jeff Herrman, Diane Stoddard Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Daryl Davis from Cook, Flatt and Strobel and RickENZ from Wilson & Company; Tom Drake and Don Kornhaus, Ottawa Recreation Commission.

Mayor Cummiskey began the Work Study Session by reviewing the March 22, 1995 City Commission Agenda. A few items will be added to the agenda after this Work Study Session. The City Manager suggested that under the "Public Comments" section of the agenda, another statement be added. The statement will now read as follows: Speakers will be limited to three minutes on items not already listed on the agenda.

The following items were brought before the Commission for discussion:

1. 17th Street Improvement Project. The City Manager stated that the City Engineer had sent out qualification requests to various engineering firms in the Kansas City Metropolitan area and Topeka. From the seven or eight companies that were solicited, five or six companies responded. Two companies were selected for this project because of their qualifications. The City Engineer and City staff decided to negotiate with Cook, Flatt and Strobel to come up with a reasonable fee proposal for this project. A proposal has been submitted to the City and an analysis has been completed by the City engineer. This proposal is being recommended by City staff for the construction of 17th Street and Osage Drive. This project will be started immediately with construction being completed by the end of October. This project does not include the sewerage improvements which is necessary for the developments to take place. A commitment on the sewerage improvements will be completed after the project bids are analyzed.

Daryl Davis, with Cook, Flatt and Strobel stated that his firm looks forward to working with the City of Ottawa and has set forth an aggressive schedule to complete the project.

Commissioner Ramsey inquired if the City had right-of-ways to move on the project. The City Manager stated that a lot of the right-of-ways are already in place, some that have been promised and some that the City needs to deal with after the project is approved.

Mayor Cummiskey asked how these costs compared with earlier work. The City Manager stated that the earlier work was a preliminary project estimate to give the Commission an idea on what the costs would be. The numbers are fairly consistent with what have been submitted at this time.

The City Manager stated that the current CIP provides \$1,300,000 for total project costs for 1997 financing and the City also has \$1.1 million in 1998 for which the Commission has already approved. Temporary financing will be used for costs incurred prior to the long-term debt.

17th Street Improvement Project - Continued.

This project is consistent with the land use plan which was identified by Bucher, Willis & Ratliff. Nineteenth Street would be the next project to be approved and Osage Drive going from Nineteenth to 23rd Street which is also consistent with the traffic management plan as recommended by Bucher, Willis & Ratliff.

The City Manager requested that this item be placed on the March 22, 1995 City Commission Agenda. The City Manager also requested that City staff provide a preliminary notice to proceed to the engineer so that they can start working on the project. The Commission gave their approval to have this added to the March 22, 1995 Agenda.

Commissioner Jackson asked if there had been any other discussion with land owners and possible developers through this area. The City Manager stated that there is a lot of development from Osage to Eisenhower and on both sides of 17th Street. From Osage Drive east, the City may incur some difficulty in obtaining rights-of-way, however, the City will proceed in a fashion to insure the City will obtain this land.

2. KDOT Main Street Improvement. This project is the 15th to 17th Street improvement project on Main Street. Andy Haney, Public Works Director, commented that this is a standard contract that KDOT has for projects where federal funding is being administered. This is an identical contract that the Commission authorized for the Wilson Street Project. The Commission must execute this contract or authorize the Mayor to execute this contract in order to proceed with the project. Mr. Haney stated that it is anticipated that this project would start late summer.

Commissioner Ramsey asked if the City would absorb the costs of the traffic lights at 15th & Main. Mr. Haney stated that this is a request by City staff in order to address a problem that the City is currently having with traffic control. There will be a 65/35 split with KDOT.

Commissioner Ramsey also asked if all the right-of-ways are secured. Mr. Haney stated that the City will need to acquire the necessary right-of-way. The right-of-way will not get wider as a result of this project, however, the City will encroach on some properties. There will be some cost associated with obtaining the right-of-way.

The Commission agreed to have this item placed on the agenda for March 22, 1995.

3. Ottawa Recreation Commission - Don Woodward Community Center. Mr. Tom Drake and Mr. Don Kornhaus from the Recreation Commission were present to update the City Commission on current activities at the Don Woodward Recreation Community Center/Ottawa Recreation Commission and what plans are indicated for future uses.

Mr. Drake distributed a print-out of activities that were being conducted at the building.

Commissioner Ramsey asked what kind of response the ORC is getting on the after school youth activities. Mr. Drake stated that this depends on the weather. Sometimes there are twenty to twenty-five in the afternoon. If the weather is nice, he may only have four or five kids utilizing the building.

Mr. Drake stated that he is starting a new program which will run from 6:00 to 9:00 p.m. on Monday, 6:00 to 10:00 p.m on Friday for the children; Wednesday and Sunday evenings from 6:00 to 9:00 p.m. for adult use.

Mr. Kornhaus stated that some equipment has been donated for exercise. The building is also reserved in the morning from 9:00 a.m. until noon for walking and use of any of the exercise equipment. Mr. Kornhaus also commented that the new floor has been put in and has been enjoyed by all the people that use the building. Commissioner Ramsey asked Mr. Drake what the financial situation is to pay for the floor. Mr. Drake stated that he is still about \$8,000 short on paying for the floor. The second part of the payment totaled \$12,020. ORC has raised a little over \$4,000. If the money is not raised, then there are some funds that are available to draw from. Mr. Drake also announced that he has been working with Paul Howe at ORV for an exercise program in the mornings. The exercise classes would be held from 9:00 to 12:00.

Commissioner Tyson asked what activities were available to the youth after school. Mr. Drake stated that they play basketball in the gym; there are two pool tables upstairs and two foosball tables upstairs.

Mayor Cummiskey asked about the activity list that was provided by the middle school and high school kids. Mr. Drake stated that some of the areas have been targeted. He commented that he does not have the funding available for the majority of adult education activities. Mr. Kornhaus stated that he was going to suggest to the Recreation Commission that some of the clubs in the area be invited to come in and use the building for their meetings or activities.

Commissioner Jackson asked if the ORC had any plans for summer activities. Mr. Drake stated that he has a karate class that will be available through the summer. Commissioner Jackson suggested day camps or nature camps. Mr. Drake commented that this is a possibility and possibly offer some type of craft activities.

Mr. Drake also commented that he is also scheduling birthday parties. There is a \$25 rental fee with a \$50 deposit. The deposit is returned when the key is returned and the area has been cleaned. Any non-profit group that uses the facility is charged \$7.50.

Commissioner Ramsey asked if the Recreation Commission has staff to cover the activities. Mr. Drake stated that he does have staff to cover all the activities.

Commissioner Jackson asked Mr. Drake if he has utilized any of the Ottawa University students that are majoring in physical education. Mr. Drake commented that he had used some Ottawa University students on a voluntary basis. He has not used a student from the work study program or anyone working on their degree in the physical education field.

Commissioner Jackson also stated that a tutoring program might also serve to be a useful addition to the use of the Woodward facility. Mr. Kornhaus stated that he had visited with Don Duncan, Superintendent of Schools, about a tutoring program. Mr. Duncan indicated that if more tutoring was to be done, it would be done in the school system.

Commissioner Ramsey asked Mr. Kornhaus about what the Board will be doing about hiring a full-time permanent director for the ORC. Mr. Kornhaus stated that this has not been discussed. He stated that Tom had been appointed interim director and that they wanted to give Tom the full benefit of the opportunity to work into the job.

Commissioner Tyson stated that she would like to see the facility used for youth and for family's that have younger children. Mr. Drake responded that they are doing all that they can to include all age groups. He also stated that a home school group has also been using the facility.

Mayor Cummiskey asked Mr. Drake if he had a time frame of when some of the additional projects would be implemented. Mr. Drake commented that he would like to have them in place by the time school starts next year.

Mr. Kornhaus suggested some long-term goals for the facility would be to improve the tennis courts, have additional outdoor basketball courts, equip the facility with a kitchen for nice dinner functions. Mr. Kornhaus also felt that it is feasible, for a City the size of Ottawa, to have a nice indoor swimming pool with dressing rooms and a nice size exercise room.

Mayor Cummiskey thanked Mr. Drake and Mr. Kornhaus for attending the Work Study Session and for all the work the Recreation Commission is doing for our community.

4. Service Fees for Utilities. The City Manager stated that this item is in response to a citizen who appeared before the City Commission at a City Commission meeting. The City Manager is recommending that the City provide a reduced rate for the landlords when the City is transferring services from a tenant back to a landlord. The Commission could either impose a flat rate for this service or a percentage rate could be imposed.

Commissioner Tyson commented that she would prefer to impose a 50% service fee. The City Manager and the other members of the Commission agreed with the 50% rate. This item will also be placed on the March 22, 1995 City Commission Agenda.

5. Dog Licenses. The City Manager stated that this issue was brought to his attention because the City was differentiating between neutered and spayed male and female dogs. The City Manager also commented that it would make sense for the people who have taken the responsibility of controlling the pet population, that they should not have to pay the higher fee.

Commissioner Tyson asked why the ordinance states that the City Clerk will collect a registration fee for each additional neutered male or spayed female if the household contains more than two neutered males or spayed females. Scott Bird, City Clerk, stated that the intent of this section is to restrict the number or charge for more than two animals. Commissioner Jackson asked how many a resident could have before you are considered a kennel. The City Manager commented that anything more than four animals would normally constitute a kennel. Chief Herrman stated that this issue does create some problems for his department from time-to-time.

It was moved and seconded to add this item to the March 22, 1995 City Commission agenda.

6. MS Walk. The City Manager stated that a request has been received by the Franklin County Multiple Sclerosis Support Group to use Kanza Park on April 8, 1995 for approximately 4 hours to conduct a walk for MS.

7. Upgrade of Radio Broadcast Facilities. Mayor Cummiskey stated that she did listen to the broadcast of one City Commission meeting when she was sick and felt that the equipment could use an upgrade. Scott Bird, City Clerk, also suggested that the equipment could be in need of an upgrade.

Commissioner Ramsey asked what expense the City now had related to the current system. Mr. Bird stated the only expense the City had right now is the telephone line. However, the telephone line is also used for other functions.

The City Manager also commented that as part of the upgrade to the new City Hall, it was his intention to put in a PA System in the back of the Commission Room and also in the conference room next to the Commission Room.

If the Commission approves of this request, the City Manager stated that he will work with Brad Howard of KOFO to integrate the whole system to upgrade it. It is anticipated that the cost of this expenditure would be \$1,000 plus and an ongoing expense of \$40 per month.

It was the consensus of the Commission to have the City Manager move forward with this request as part of the move to the new building.

8. COPS Grant. The City Manager stated that the dollar amount (\$62,977.50) that was provided to City staff, what was believed to be per officer contribution, turned out to be the total contribution. Jeff Herrman, Police Chief, stated that the City asked for three officers for three years. Chief Herrman also stated that he had contacted about fifty-five police departments. Of those departments who asked for more than one officer, only three departments understood that the amount was an annual amount.

Chief Herrman indicated that he would like to propose a school resource officer and one street officer. He has provided the figures to the school district and has visited with Mr. Don Duncan, USD 290 Superintendent. Mr. Duncan looked at the figures favorably but would need to get approval from the school board. The third officer would not be hired until the grant period is over and then he would bring it back to the Commission for their approval.

The Commissioners agreed that the miscommunication that took place between the federal government and local cities, should be placed on the list to discuss with Congressman Brownback in Washington, D.C.

Chief Herrman is proposing that the City use the \$63,000 for hiring two officers to pay 100% the first year which would leave approximately \$7,000 into the following year. One officer would initially be hired in April and the other officer would not be hired until July, which would be the school resource officer replacement. This would extend the grant money a little farther into 1996.

COPS Grant - Continued.

The City Manager asked the Commission if they wanted him to place this on the March 22, 1995 City Commission agenda to have the authorization for the Police Chief to execute the documents to accept the grant.

Commissioner Matthews asked when the school board would be able to vote on this topic. The City Manager stated that the Commission could vote on this contingent upon school board approval.

It was the consensus of the Commissioners to have this placed on the City Commission agenda.

10. Annexation Request. Jim Shaw, Planning and Zoning Director, indicated that the area for annexation is north of 15th Street. As part of the proposed agreement, there will not be a tap fee, for the extension of services to the church property, for a period of five years from the date of the agreement.

Commissioner Jackson asked what the City had to gain at this point-and-time to annex the church in. The City Manager stated that the City would be squaring off City boundaries and allowing them to come into the City.

This item will also be placed on the March 22, 1995 City Commission agenda.

**Other Business:**

The City Commission discussed travel arrangements to and from the airport for the National League of Cities Conference.

The City Manager stated that he needed a list of items from the Commission of what items they wanted to discuss with any of the Congressional members. The present list consists of the following: COPS Grant, Balanced Budget Amendment, Summer Youth, CDBG, and Emission Control.

Mayor Cummiskey reminded everyone about the Mayor's Prayer Luncheon on Wednesday, March 8, 1995. Tickets can be purchased at the door.

There will not be a Work Study Session March 13, 1995 because of the NLC Conference.

There will be a Work Study Session on March 20, 1995.

The next City Commission meeting will be March 22, 1995. Mayor Cummiskey also asked the City Clerk to get the County to confirm, in writing, that there will be a Joint City/County meeting on March 22, 1995.

**Executive Session:** None.

Meeting adjourned at 4:50 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

MARCH 20, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Jim Bradley, Andy Haney, Jeff Herrman, Diane Stoddard Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Earl Tast, Engineer for Highway Connecting Link Project; Lou Atherton, Ottawa Area Chamber of Commerce

Mayor Cummiskey began the Work Study Session by reviewing the March 22, 1995 City Commission Agenda.

The following items were brought before the Commission for discussion:

1. Occupational Therapy Proclamation. The Commission approved to have this item added to the March 22, 1995 City Commission Agenda.
2. Free Enterprise Proclamation. The Commission approved to have this item added to the March 22, 1995 City Commission Agenda.
3. Franklin County Recycling Program. The City Manager stated that this is a request from Ray DeJulio, Manager Franklin County Recycling Program, asking for the City to participate in the County's recycling program. The City does participate in the program indirectly by taking all recyclables out to the Wal-Mart parking area which is then picked up by the County.

Mayor Cummiskey asked if the City is sorting the paper to meet the specifications set forth by the recycling center. The City Manager stated that the green bar paper and newspapers are being maintained separately. Commissioner Tyson asked the City Manager if City staff shred any paper. The City Manager stated that the more sensitive documents are shredded.

Andy Haney, Director of Public Works, stated that the collection bins at Wal-Mart are no longer Wal-Mart facilities, it is now a Franklin County collection area.

4. Land Prices for the Industrial Park. The City Manager stated that the City is running out of buildings in the Industrial Park. There have been several requests from interested parties to locate to the industrial park. Because of this interest, a rate needs to be established for the price of the property. Some calculations have been completed based on the improvements and inflation. The property with improvements is estimated to be worth \$11,075 per acre, which would include the 4% commission authorized by the City Commission. The property without improvements, know as the Fitts place, would be calculated at \$6,725. The City Manager recommended that the Commission round the numbers to \$11,000 and \$6,700 respectfully.

Land Prices for the Industrial Park.

The City Manager told the Commission that there are some areas in the industrial park where a storm drainage ditch runs through the property and has been a the focus for complaints. People interested in the property contend that this is not usable property for anything. The Manager commented that this is a point well taken. The City Manager a possible solution would be to take the net usable acreage and remove the amount taken up by the ditch.

The City Manager stated that a decision does not need to be made at this study session, but will require a policy decision to be made in the near future. However, the Manager did request an affirmation for the existing acreage because there are prospective buyers looking at this area and will need to know what the City is asking.

Commissioner Ramsey asked who would be responsible for maintaining the storm drainage ditch. The City Manager stated that the property owner would be responsible.

All the Commissioners gave their approval to the price per acreage as stated above. The City Manager suggested that these prices be effective through 1996. Mr. Lou Atherton, Chamber of Commerce Director, asked the City Manager when the prices would become effective. The City Manager commented that the prices are effective as of today's discussion.

5. Speed Limits and Crosswalk on East Logan Street. The City Manager stated that this is an issue where a resident requested KDOT to conduct a speed study because of their concern that the speed limits were to great and that the pedestrian traffic was having trouble crossing the highway. KDOT answered the request by stating that there did need to be a change in the speed, but it was their indication that the limits needed to be raised not lowered.

The City Manager stated that there are instances along K-68 where one side of the street is different then the other side of the street. KDOT concluded that in area where there are differences in speed limits, that rather than going from the higher to the lower, KDOT would like to go from the lower to the higher to make the speeds consistent. Representatives from KDOT met with City staff and a compromise was made. The eastern limits along K-68 that had 40 and 50 speed limits on both sides and make them both 50 mph limits.

Commissioner Ramsey asked why the City could not keep the speed set at 30 mph all the way to Spruce Street. Andy Haney, Director of Public Works, stated that KDOT bases their survey on the 85th percentile method. If 85% of the people drive a certain speed during a survey, KDOT will set the limit at that driven speed or lower. If the public chooses to travel, in what has been posted at a 30 mph zone, if 85% of these drivers drive up to 50 mph, KDOT will recommend that the speed limit be set at 50 mph. However, KDOT also says that the City Commission has the authority to set the speed limits in the City of Ottawa. The City Manager stated that the people who drive, set the speed limit.

Commissioner Ramsey also asked why the limits changed at mid-block. Mr. Haney stated if you change between intersections, traffic turning on to the highway will have an opportunity to pick up speed to adhere with the posted speed.

Speed Limits and Crosswalk on East Logan Street - Continued.

Commissioner Tyson asked why this area is not considered a residential section. The City Manager answered that this is not a residential street, it is a four lane thoroughfare. Mr. Haney stated that the reason KDOT has decided to put in a crosswalk is because there is insufficient gaps in the traffic flow.

Commissioner Ramsey asked if this crosswalk would just be a marked crosswalk or if there would be a light. The City Manager stated that it would just be a marked crosswalk, no light. There is also a median that is being proposed just east of Oak Street. Signs will also be placed before the crosswalk to warn drivers of the upcoming crosswalk.

City staff is recommending that the speed be reduced from the alley on the north side to 30 mph mid-block. The speed limit on the south side be increased to 50 mph up until Spruce Street and that a crosswalk be installed.

If the Commission is in agreement with the recommendations, then staff will notify KDOT of the proposed changes for their approval.

The Commission gave their approval to continue with the recommended changes.

6. City Connecting Links - Main Street from Fifth Street North to the Marais des Cygnes River. Commissioner Tyson noticed that the proposed resolution had problems with the project description. Mr. Haney and the City Manager asked Barb Nelson, Administrative Secretary, to correct the resolution and provide copies to the Commission.

The City Manager stated that the City received four bids for this project. The bids were opened on Friday, March 17, 1995. A letter of recommendation was distributed by Mr. Earl Tast, Engineer for this project. Mr. Tast stated that the lowest bid, submitted by W. A. Dunbar & Son, was below the engineer's estimate and was also below the City budget which was anticipated to be \$230,000 plus up to \$100,000 in KDOT matching funds for a total project cost of \$330,000.

The City Manager stated that the downtown merchants were concerned that the Wal-Mart Super Center would be opening and Main Street would be torn-up. Since the Wal-Mart project would be completed the first part of July, it is anticipated that this project would be completed by June 16, 1995. If the Commission approves of this recommendation, the contractor could possibly start as soon as April 1, 1995.

Commissioner Ramsey inquired as to what part of the street would be the beginning point of construction. Mr. Tast stated that he had talked with Bob Snyder, Associate of Dunbar & Son, and he commented that he would begin between the bridge and Second Street. Mr. Snyder also informed Mr. Tast that he would complete one half of the street then do the other half of the street, one block at a time. Mr. Haney stated that the milling will be completed from the North end to the South end.

City Connecting Links - Main Street from Fifth Street North to the Marais des Cygnes River - Continued.

Commissioner Tyson inquired if all the brick crosswalks would need to be replaced. Mr. Haney stated that there are nine crosswalks, seven of these crosswalks will be removed and replaced.

The City Manager stated that because this was a KDOT project, the City is required to provide on-sight inspection at the City's expense. City staff has requested that White, Martin & Associates provide a proposal to provide such services since they engineered the project. The cost of this project would be \$35 per hour estimating 250 hours which would total approximately another \$9,000 to be added to the cost of the project. The total cost for the entire program would be \$306,000 with \$206,000 being the City's responsibility.

It was moved and seconded to place this item on the agenda for March 22, 1995.

7. Demolition of Structure. The City Manager stated that a request had been received from the builders that purchased the property at 8th and Princeton Streets. The purchase of the property did transpire when the City had a demolition program which was general in its application. At a later date, this program was suspended.

In this request from the property owner, he stated that he believed that the City did make a commitment to them for which they based their decision to purchase the property. After the property was purchased, they were notified that the City would not participate in the demolition process. The owners are now asking the City Commission to reconsider and split the cost of demolition with them.

It was the consensus of the Commission to split the demolition cost with the property owner. The Commission also expressed their desire to discuss the demolition procedure during the 1996 budget process.

8. CIP Calendar of Events. The City Manager distributed the Calendar of Events for the CIP Program. There have been some revisions to this plan from the previous plan with the inclusion of the Library and the costs of the Main Street Improvement Projects.

9. Acquisition of Easements. Forrest Lowry, City Attorney, provided the Commission with a draft resolution which would allow the City to acquire easements for a utility power substation along Eisenhower Road.

**Other Business:**

The next City Commission meeting will be March 22, 1995.

The Joint City/County meeting which was scheduled for March 22, 1995 has been canceled. The next Joint City/County meeting will be April 19, 1995.

**Executive Session:** None.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of March 22, 1995**

**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 Cummiskey present, Commissioner Tyson present, Commissioner Jackson present, Commissioner Matthews present, and Commissioner Ramsey present. A quorum was present.

Mayor Cummiskey welcomed the Chamber Audience and led the audience in the Pledge of Allegiance to the American Flag. The invocation was given by Commissioner Jackson.

**Agenda Approval**

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Ramsey 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to approve the minutes of the regular meeting of February 1, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of March 1, 1995, duly approved.

**Public Comments**

Thereupon, Mr. Jim Grogan, 720 S. Poplar thanked the Commission for passing the resolution establishing the service fees for utility customers with continuous agreements.

Mr. Grogan also stated; in April of 1960 the people of Ottawa voted by 64% to take 1% of the gross revenue from the Utility Dept. for industrial development. This money was not to

exceed \$10,000 nor to accumulate to more than \$50,000. Mr. Grogan questioned, is the 1% still being taken from the utility revenue and if it is, is it still being used for industrial development?

Mr. Grogan also stated; that the people of Ottawa voted for a 1/2 cent sales tax to be used for street rehabilitation and repair. Mr. Grogan stated; that at some point it was his understanding this money has been used for industrial development and also for the general fund. This is not what the 1/2% Sales Tax was intended for and suggested that with the 17th St. improvement and the number of unimproved streets in the City, that money could well be spent for that purpose.

Mayor Cummiskey assured Mr. Grogan this information would be duly researched.

#### **Presentations & Recognitions**

Thereupon, Mayor Cummiskey read a proclamation declaring the week of March 20 through March 24, 1995 as Free Enterprise Week.

Thereupon, Mayor Cummiskey read a proclamation declaring the month of April, 1995 as National Occupational Therapy Month.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to accept the proclamations.

Thereupon, the Mayor declared the proclamations duly approved.

#### **New Business**

##### **COPS-Proposal**

Mayor Cummiskey stated; in December 1994, the City of Ottawa applied for a grant for three officer through the COPS Fast portion of the Crime Bill. The City received a letter informing that the City of Ottawa had been authorized to hire one officer through the COPS Fast Grant, and the total amount of the grant for Ottawa was \$62,977.50, not the annual amount for three officers. The grant would allow the City to hire two officers, with full funding for the first year, and the remaining balance of the grant being utilized

the second year. The additional cost to the City, if one patrol officer were added and a second officer were added as a school resource officer in 1997, and each subsequent year, would be \$6,997.56 over the cost of a single officer. During discussion Mayor Cummiskey explained to the City Commission, that approval of this proposal was contingent upon School Board approval.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson, to accept the COPS Fast Grant revised proposal. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the COPS Fast Grant revised proposal duly approved.

**Engineering  
Contract**

Thereupon, there was presented a fee proposal for design and construction engineering services contract, with Cook, Flatt and Stroble for 17th Street and Osage Street in the City of Ottawa.

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

Thereupon, Mayor Cummiskey declared the Fee Proposal with Cook, Flatt and Stroble duly approved.

**City Connecting  
Links**

Bill No. 95-20. Thereupon, there was presented a resolution relating to state aid for the improvement of City connecting links on the State Highway System (Main Street from Seventeenth Street North to Fifteenth Street - Project No. 59-30 K-4912-01)

Thereupon, Commissioner Matthews made a motion which 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 resolution duly adopted and the resolution was duly numbered Resolution No. 845-95.

**City Connecting  
Links**

Bill No. 95-21. Thereupon, there was presented a resolution relating to state aid for the improvement of City connecting links on the State Highway system (Main Street (US 59); from Fifth Street North to the Marais des Cygnes River - Project No. 59-30 U-1527-01.

Thereupon, Commissioner Matthews made a motion which 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 resolution duly adopted and the resolution was duly numbered Resolution No. 846-95.

**W.A. Dunbar & Son  
Agreement**

Bill No. 95-22. Thereupon, there was presented a resolution authorizing an agreement with W. A. Dunbar & Son Trucking and Excavating, Inc., for construction of improvement to Main Street in downtown Ottawa, and with White, Martin and Associates, Inc., for the construction inspection of said improvements for KDOT Project 59-30 U-1527-01 (Main Street (US 59); from Fifth Street North to the Marais des Cygnes River).

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. 847-95.

**Service Fees  
Continuous  
Agreements**

Bill No. 95-23. Thereupon, there was presented a resolution authorizing and establishing service fees for utility customers with continuous agreements in and with the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to approve the resolution. 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. 848-95.

**Amending Dog  
Ordinance**

Bill No. 95-24. Thereupon, there was presented an Ordinance amending Sections 302, 303 and 306 of Chapter Three of the 1982 Municipal Code of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the ordinance. Upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the ordinance was duly numbered Ordinance No. 3137-95.

**Agreement First  
Southern Baptist  
Church**

Thereupon, there was presented an agreement for annexation from the First Southern Baptist Church.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the agreement. Upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agreement with the First Southern Baptist Church, Inc. duly approved.

**Annexation First  
Southern Baptist  
Church**

Bill No. 95-25. Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Matthews to approve the ordinance. Upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly approved and the ordinance was duly numbered Ordinance No. 3138-95.

**Acquisition of  
Property by  
Eminent Domain**

Bill No. 95-26. Thereupon there was presented an ordinance providing for the acquisition by eminent domain of certain private property, consisting of easements for the purpose of establishing power lines to be connected to a power substation on the south side of Ottawa, Franklin County, Kansas, for acquisition of

the easements therein taken and providing for payment of cost thereof.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Tyson to approve the ordinance. Upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly approved and the ordinance was duly numbered Ordinance No. 3139-95.

**Monthly Financial Report**

Thereupon, there was presented the Monthly Financial and Activity Report for February, 1995.

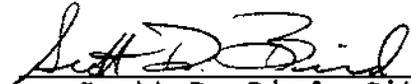
Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to approve the report.

Thereupon, the Mayor declared the motion approved.

**Adjournment**

There being no further business to come before the Commission, Mayor Cumiskey reminded the Commission that the next regular meeting was scheduled for April 5, 1995 at 7 p.m.

Thereupon, 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 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.

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

MARCH 27, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Jim Bradley, Andy Haney, Charlie Bowling for Jeff Herrman, Diane Stoddard Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Scott Parks. Guests: Lou Atherton, Ottawa Area Chamber of Commerce

Mayor Cummiskey began the Work Study Session by reviewing the April 5, 1995 City Commission Agenda.

The following items were brought before the Commission for discussion:

1. Rezone R-2 to PUD. Jim Shaw, Director of Planning and Zoning showed the Commission the areas to be rezoned for the Village West P.U.D.

Commissioner Jackson asked why the City was waiting on the sidewalks. Mr. Shaw stated that Mr. Howe, the owner of the property, made this request to the Planning Commission because there are no sidewalks in the area. Mr. Howe is requesting that the sidewalks be delayed on 15th Street, not on Twyman, until after the sidewalks are put in east of his property. The City Manager stated that this is a deferral not an elimination.

This item will be placed on the April 5, 1995 City Commission agenda.

2. Amending Appendix A of the Zoning Ordinance. This amendment would allow two-family residential in the C-3. At the present time, multi-family and single-family attached are both allowed in the C-3 area, but two-family is not allowed. The Planning Commission is recommending that the ordinance be changed to allow two-family

This item will be placed on the April 5, 1995 City Commission agenda.

3. Curfew Ordinance Update. The City Manager stated that he has brought this ordinance back to the Commission for their review. The purpose for the review is to look at revising the hours for the summer months.

Mayor Cummiskey and Commissioner Ramsey asked if the ordinance has been working. Forrest Lowry, City Attorney, stated that there had been several prosecutions. Captain Bowling, Police Department, stated that the traffic in the park had slowed down and that the police department has not had as many reports on vandalism as in the past. Mayor Cummiskey asked Captain Bowling if he felt like this was contributed to the curfew ordinance. Captain Bowling stated that he felt the two were related.

Curfew Ordinance Update.

The City Manager commented that when the ordinance was first drafted, 11:00 p.m. was sufficient time for persons working or playing sports to return home. However, with summer approaching, those affected by the ordinance will be staying out later.

Mayor Cummiskey asked for someone on City staff to call ORC and ask for their summer program hours.

Commissioner Matthews stated that he would like to have the times left as is. Mayor Cummiskey and Commissioner Jackson stated that they would like to hear from ORC about their schedules. The City Manager said that this item would be on the Work Study Session agenda for the next meeting.

4. Haven's Steel Tax Exemption. The City Manager stated that Haven's Steel is in the process of an expansion and are requesting a tax exemption. The Administrative Review Committee reviewed the application and is recommending that the City move forward to the next step in the process, which would be a public hearing. This public hearing has been scheduled for the April 5, 1995 City Commission meeting. No action will be taken at the April 5 meeting.

Commissioner Tyson asked about two figures in the document that were contradictory in the application. The City Manager stated that this was probably a typo and would check into the figures provided by the company.

5. Tree Sales. The City Manager stated that a request had been received from the Kiwanis Club asking for the \$25 fee be waived for a tree sale.

Commissioner Ramsey stated that he was opposed to the request and would vote against it. He went on to say that it was a disadvantage to the two local businesses in the community that are Chamber members. Commissioner Ramsey also stated that he had visited with one of the local businesses and the owner told him that he had not been contacted by the club as stated in the request.

Mayor Cummiskey asked Commissioner Ramsey if he felt that way about anything that would be included in the Itinerant vendor ordinance. Commissioner Ramsey responded if it was available in the community he would be opposed.

Commissioner Tyson asked what determined if a person is an itinerant vendor. The City Manager stated that there would not be a physical structure to sell out of.

Commissioner Tyson asked Scott Bird, City Clerk, if the City had ever waived a fee for a service organization before. Mr. Bird stated that he did not recall ever waiving the fee. Commissioner Tyson stated that if the fee had not been waived before she could not vote for this request.

Tree Sales - Continued.

Mayor Cummiskey also voted against waiving the fee.

Commissioners Matthews and Jackson were in favor of allowing the Kiwanis Club to sell the trees for their organization.

6. Items to be added to the City Commission Agenda for April 5. The City Manager stated that there are two public hearings to be added to the agenda. Both of these public hearings deal with CDBG.

The first public hearing will be a General Public Hearing. This will provide an opportunity for people who are aware of the type of CDBG programs that the City has undertaken in the past, to come forward and provide input as to how the City should direct their efforts in future CDBG programming.

The second public hearing, in which the information was not available at the time the agenda packet was delivered, but time is of the essence. This public hearing deals with the former Village West Project which is now referred to as the Ottawa Services L.L.C. The name change was required to establish a separate identity in order to meet the concerns of the federal regulations. The application has been received and the public hearing has been noticed. Wynndee Lee, Program Manager, told the Commission that the most the City could ask for from the State is \$330,000.

Commissioner Ramsey inquired what L.L.C. stood for. Ms. Lee commented that it stands for Limited Liability Company.

The City Manager reminded the Commission that the City is only allowed one application for each cycle with four cycles this year. This application would be the City's Spring application. The next cycle would begin in June.

Commissioner Jackson asked Ms. Lee if it would be possible to give more detail to the news media about the various categories and what could be done in those categories. Ms. Lee responded that notices had been sent to the newspapers, radio, the Chamber of Commerce, O/FCED and several other entities with a description but not in each category. Ms. Lee stated that she would work on Commissioner Jackson's request and provide this information to the media.

**Other Business:**

The City Manager informed the Commission that there is a meeting scheduled on May 9, 1995 at City Hall at 9:00 a.m. to discuss the Marais des Cynges Water District. Information was distributed to explain the differences between the Water Assurance vs. Water Marketing. The City Manager requested that at least one Commissioner attend. If more than one Commissioner would like to attend, the City Manager asked that they please notify him.

The City Manager also informed the Commission that they had been copied with correspondence from Mr. Haney to KDOT regarding pending improvements to the K-68 Bridge. The State is looking to the City for input since this will have an impact on the City. The Police Chief and Fire Chief will be offering their comments for this construction period. The City Manager also encouraged the Commission to supply comments. Commissioner Ramsey asked if this project could be done one lane at-a-time with a stop sign on each end. Mr. Haney stated that KDOT can't do the project this way. KDOT stated this would increase the cost of the project and will probably run the project through two construction seasons instead of one.

Mayor Cummiskey stated that LeighAnn Lantis who is a member of the Mayor's Youth Summit Committee will be at the Study Session to distribute a press release and update the Commission on the Mayor's Youth Summit which will be held on April 8, 1995. Mayor Cummiskey also announced that students would be using the telephones at City Hall tonight to remind students about the Summit.

The next City Commission meeting will be April 5, 1995 at 7:00 p.m.

The Commission took a short recess before making a motion to enter into the executive session.

**Executive Session:** A motion was made and seconded to enter into executive session for 1/2 hour to discuss personnel.

Meeting adjourned at 4:40 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of April 5, 1995**

**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 Cummiskey present, Commissioner Tyson present, Commissioner Jackson present, Commissioner Matthews present, and Commissioner Ramsey present. A quorum was present.

Mayor Cummiskey welcomed the Chamber Audience and led the 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 as written. 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**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the minutes of the previous meeting dated March 22, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of March 22, 1995, duly approved.

**Public Comments**

Thereupon, Ms. Pat Watson, 4419 Ellis Terrace, Lane, Kansas, representing Mid America Nutrition, spoke to the Commission asking that a grant be written for the remodel of the old Ford Bldg., in order to provide meals for the elderly.

**Public Hearings**

Thereupon, Mayor Cummiskey opened a public hearing to consider a tax exemption application for the Havens Steel Company. City Manager Scott Lambers, noted that this application would increase local employment and that the Administrative Review Committee had made a recommendation that this exemption go forward.

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

**CDBG, All Categories** Thereupon, Mayor Cummiskey, opened a public hearing to consider an application to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant Funds. (All categories).

Thereupon, Mr. Aaron Bien spoke, representing a group of property owners in the area of East 1st Street, asking for some type of street rehabilitation on First Street, stating this had been asked for before and that it was his hope that a grant could be found to help fund such a project.

Thereupon, Mr. Paul Howe, of 2663 Louisiana Road requested that a grant be written to finance a local YMCA. Mr. Howe noted that this organization focuses on low to moderate income, but would serve the needs of anyone. He called upon Robin Lutz of 351 High Street, Baldwin, to explain this project. Ms. Lutz stated that she was new to the community and would be moving to Ottawa within the next two weeks. Ms. Lutz noted that the YMCA is a Co-ed not for profit organization and reiterated that it focuses on low to moderate income, but would serve the needs to all comers. Ms. Lutz explained that a YMCA could serve the needs of the community and could be what ever the community desired.

Thereupon, Ms. Betty Birzer of 1644 Chestnut, Ottawa, spoke to the Commission, again addressing the desire for a YMCA, noting that the organization which was working on this project was in the initial stages of development and saw an opportunity for funding and that is why they approached the Commission

at this time. Ms. Birzer further explained that she had been in contact with Tom Drake, Interim Director of the Ottawa Recreation Commission, and that they seemed to have his support.

Commissioner Jackson noted; a number of years ago a YMCA had been considered and there had been some concern as to whether or not it would survive in a community this size. Ms. Lutz noted that the first step in this process was to determine whether or not there was enough community interest and the second step would be a feasibility study.

Thereupon, Mr. Aaron Bien ask if a decision would be rendered on these possible findings at this time.

Thereupon, Wynndee Lee, Program Grant Manager, explained that more documentation and evaluation process must result before the Commission could proceed. Ms. Lee also explained that there are four rounds of grants this year and the City could only submit one application during each round but thanked those who had brought their ideas to the Commission.

Thereupon, Commissioner Jackson noted this hearing was to gather ideas as opposed to waiting until a last minute deadline to write a grant.

There being no further comments on this issue the Mayor closed the Public Hearing.

**CDBG Ottawa  
Services L.L.C.**

Thereupon, the Mayor opened a public hearing to consider an application to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant funds. A special project application to be discussed for Ottawa Services L.L.C., is for Ottawa Services L.L.C., containing an Alzheimer unit and a personal care unit.

Thereupon, Scott Lambers City Manager, noted that this project had previously been approved but due to technical difficulties been placed

on hold. He noted that the project was substantially the same. There being no further comments the Mayor closed the public hearing.

#### **New Business**

##### **Re-Zoning**

Bill No. 95-27. 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 Jackson made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. During discussion it was pointed out that Village West Inc., had requested approval of a Preliminary Development Plan for Village West P.U.D. in the 1100 block of West 15th Street. 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. 3140-95.

##### **Dedication of Streets, Village West**

Bill No. 95-30. Thereupon, there was presented a resolution accepting the dedication of streets and easements within Village West, Ottawa, Kansas.

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. 849-95.

##### **Rezoning 120 & 122 W. 3rd.**

Bill No. 95-28. Thereupon, there was presented an ordinance amending Appendix A of Ordinance No. 2933-90, the Zoning Ordinance for Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion which was seconded by Commissioner Jackson to

adopt the ordinance. During discussion it was explained that Karen Kressin on behalf of her mother, Ruth Kressin had requested that the property of 120 and 122 West 3rd Street, a family attached dwelling be permitted use in a C-3 District. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly approved and the ordinance was duly numbered Ordinance No. 3141-95.

**CDBG Alzheimer**

Bill No. 95-29. 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.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. During discussion it was pointed out, the resolution would assure the State that the City of Ottawa will follow the guidelines that are required in the administration of this grant as well as assurance that the application is appropriate for funding. It was further explained that the total cost of the project is anticipated to be \$690,000, with \$330,000 of the total coming from the CDBG Economic Development funds and the remainder to be provided by Mr. John Howe. 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. 850-95.

**Governing Body  
Agenda**

Thereupon, Commissioner Jackson explained that he had attended a meeting of the Department of Commerce and Housing and noted that approximately one million dollars would be available for projects this year. Mr. Jackson also shared a top 10 list which outlined reasons why development in cities fail.

Thereupon, Mayor Cumiskey noted that the Girls Club had requested some time ago a response concerning the old ORC Bldg. and asked if that could be followed up on.

Thereupon, the Mayor noted that the Mayor's Youth Summit would be held Saturday April 8, 1995 at the Don Woodward Center, and that there would be free pizza and pop and the main speaker would be Mr. Bill Kortes. The Mayor also announced there would be a Work Study Session on Monday April 10, 1995 at 3 p.m. and a Joint City County Meeting, April 19, 1995 at 12 p.m. at the Franklin County Jail.

Thereupon Commissioner Jackson noted that the next regular meeting of April 19, 1995 was scheduled for 9:30 a.m. but requested that the meeting time be moved to 7 p.m. since the reelected commissioners would be sworn into office and friends, family and the public should have every opportunity to attend.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Jackson to move the meeting time of April 19, 1995 from 9:30 a.m. to 7 p.m. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

#### Adjournment

There being no further business to come before the Commission, Mayor Tyson made 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.

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

April 10, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Shaw, Andy Haney, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Dave Higgins. Guests: Ms. Dottie Riley, Logan, Riley, Carson & Kaup.

**Absent:** Jim Bradley and Jeff Herrman.

Mayor Cummiskey began the Work Study Session by reviewing the April 19, 1995, City Commission Agenda. Time on the draft agenda was changed from 9:30 a.m. to 7:00 p.m.

The following items were brought before the Commission for discussion:

1. Proclamation for Bev Deardorf. Mayor Cummiskey asked City staff to draft a proclamation for Bev Deardorf to recognize her as Kansas Mother of the Year.

**Executive Session was called at 3:04 p.m. for the purpose of attorney client privilege, not to exceed 15 minutes. Regular Work Study Session reconvened at 3:20 p.m.**

2. Issuance of General Obligation Bonds and Issuance of Temporary Notes. Ms. Riley explained the issuance of General Obligation Bonds and Issuance of Temporary Notes. Commissioner Ramsey made a motion to place this on the agenda for April 19, 1995. All Commissioners were in agreement.

3. Hidden Meadows Apartment Complex. The developer of Hidden Meadows Estates is requesting that a letter of support from the City of Ottawa, signed by the Mayor for the project be mailed to the state. The majority of the project is to be used for low-income housing, however, sixteen units will be regular apartment units. The Mayor asked the City Manager to prepare a letter to the State to show the City's support for this project.

4. Handicapped Parking. The manager at Courthouse Square Apartments and the owner of the Antique Mall have requested that areas near their entrances be marked as handicapped parking. This item will be on the City Commission agenda for April 19, 1995.

Commissioner Ramsey commented that several groups had been using the parking lot at the Antique Mall to go on trips. He wanted to know how the new business would be effected by this parking situation. The City Manager stated that this would create a conflict for the new business and that City staff would contact the people using this lot.

5. Duathalon. Andy Haney, Public Works Director, commented that this is the third or fourth year for this event. KDOT has approved this request. The Commissioners were in agreement to allow this activity to be held as requested.

6. Skunk Run Days. The Skunk Run Committee is requesting to reserve City Park for the annual Skunk Run Book Sale. The Committee will submit a second request at a later date to ask for permission to close certain streets around the park.

It was the consensus of the Commission to accept this request.

7. Curfew Ordinance. The City Manager stated that ORC had been contacted and they did not believe that there would be a conflict with any of their activities requiring participation after 11:00 p.m.

All Commissioners were in agreement to leave the curfew ordinance as is.

8. City Commission Schedule. The City Manager prepared a calendar showing scheduled Work Study Sessions and City Commission meetings. The City Manager explained that items placed on a Work Study Session before a City Commission meeting would be carried to the next City Commission meeting.

Commissioner Tyson stated that there are some months where there are no scheduled meetings for two weeks. Mayor Cummiskey commented that she could appreciate the effort that City staff makes to get packets out, but does not want to be limited to two study sessions a month. Mayor Cummiskey also stated that with the budget process approaching, she did not feel that two study sessions were enough.

The City Manager responded that this calendar is the absolute minimum for meetings. Mayor Cummiskey also stated that meeting four times a month has always worked well for the Commission and should not be changed. Commissioner Tyson commented that the Work Study Sessions are the only legal meetings the Commissioners have to thoroughly discuss items

Commissioner Jackson stated that if the meetings were needed and items needed to be discussed, it would be fine to meet. However, he did not see the purpose of meeting just for the sake of meeting.

Commissioner Matthews concurred with Commissioner Jackson.

The City Manager stated that while going through the budget process, there would be a meeting every Monday. Mayor Cummiskey asked the City Manager what the Work Study Session dates would be for the budget process. The City Manager replied that all the meetings in June and July would be dedicated to the budget. A budget calendar will be distributed showing all the dates for meetings. The City Manager also stated that he is anticipating a budget hearing to be held on June 7, 1995 for public comment. There will also be a public hearing at the end of the budget process.

City Commission Schedule.

Commission Tyson reiterated her desire to have a regular schedule for meetings. The City Manager stated that future meetings (approximately one month in advance) are listed on the agenda and the Work Study Session memo. Mayor Cummiskey again voiced her displeasure with the scheduled meetings. Commissioner Matthews stated that he thought it was ridiculous to meet if there was nothing going on. Commissioner Ramsey stated that because of the flexibility of the calendar he would not be opposed to the proposed schedule.

9. Addendum to City Manager's Contract. This item will be on the City Commission Agenda for April 19, 1995.

10. Proclamation for Compeer Friendship Week. The Commission agreed to have this added to the April 19, 1995 City Commission Agenda.

Commissioner Matthews stated that it would be nice for the people to attend the Commission meetings who are requesting proclamations to be read by the Mayor.

11. Request from City Attorney. Forrest Lowry, City Attorney, stated that the Ottawa Recreation Commission has asked him to serve as their attorney. Mr. Lowry commented that he did not feel there would ever be a conflict of interest but wanted the Commission to understand that the City would always be his first priority.

Mayor Cummiskey asked if the City Attorney is to report to the City Manager. The City Manager responded that Forrest is the Commissioners attorney, and the City's attorney, even though the City Manager directs him from day-to-day.

Mayor Cummiskey thanked Forrest for seeking the Commissions approval.

12. Girls Club Request. The City Manager stated that when the City moves into the new City Hall, it is his intention that the present City Hall building be used for Municipal Court. The City Manager stated that one concern he has with the girls club moving into the former ORC Building is the proximity of that building to where the Municipal Court will be.

The City Manager asked the Commission if it is acceptable to them to have the Municipal Court move onto the first floor of the current City Hall building. If this is acceptable to the Commission, representatives of the Girls Club should be notified to see if they would like to continue with their plans to purchase the former ORC building.

Commissioner Tyson asked how much the City would need to spend to make the building accessible. The City Manager stated that grant monies would be available to fund the needed improvements.

### Girls Club Request.

Mayor Cummiskey stated that she would like to know what the representatives of the Girls Club thought about the proposed arrangement. The City Manager stated that he would contact the Girls Club representatives to visit with them about the building.

### **Other Business:**

1. Petitions on Nuisance Ordinances and Electric Fees. Commissioner Tyson asked if there would be any discussion on the petitions received. Commissioner Matthews stated that the issue had already been discussed and that he did not need to discuss the issue further. Commissioner Jackson commented that this was not a matter which was taken lightly by any of the Commissioners. Commissioner Ramsey stated that the nuisance Ordinance was voted on and did not feel it needed to be discussed. Commissioner Ramsey also stated that he did not feel the electric fees had been used long enough to make a decision. Commissioner Tyson stated that she was not as concerned about the electric fees as much as the nuisance ordinance.

2. COPS Grant. Commissioner Ramsey asked what will happen with this grant now that the school board did not authorize the funds. The City Manager will request that the school board will come to a conclusion because the City has completed the recruitment process with candidates waiting to hear about the positions. The City Manager also stated that if the school board chooses not to participate, then City staff will come back to the Commission with a proposal to hire one officer and more money for that position or to hire two officers with the money being split and financing the extra nine months. Mayor Cummiskey commented that she hopes the school board will recognize the value of utilizing the grant funds.

3. Flea Market Building. Commissioner Ramsey asked about the demolition of the flea market building. The City Manager stated that the property owner has notified their insurance carrier. The insurance carrier is attempting to get the adjuster to conclude the project. City staff has informed the insurance company that the structure is dangerous. The main priority is to get the walls knocked down.

4. Wilson Street Crossing. Commissioner Ramsey asked if a letter had been sent regarding the Wilson Street crossing. Andy Haney, Public Works Director, commented that he would work on a letter and get it out.

5. Remodeling of New City and Library Offices. Commissioner Ramsey asked the City Manager for a timetable on the remodeling of the new City Hall/Library building. Mayor Cummiskey stated that the Library had asked to have a member from City staff or the Commission to attend the grant hearing on April 21, 1995 in Salina. The City Manager stated that the City is ready to move but the outcome of the Library's financing will need to be decided before steps can actively be taken by the City.

6. Request from Chamber - Lottery. Commissioner Ramsey asked the City Commission if they would feel comfortable sending a letter to state representatives to show support for the lottery. The Commissioners decided to write individual letters

7. Reorganization of City Commission. Commissioner Ramsey asked if the reorganization of the City Commission should be discussed.

Commissioner Tyson stated that because the line of succession has been altered by Commissioner Keim resigning, she would like to suggest that the person filling in for Commissioner Keim would be the Mayor. The person receiving the most votes in the election would therefore become Mayor pro-tem.

Mayor Cummiskey stated that she thought it would be valuable for the newly elected Mayor to have Commission experience before serving.

If Commissioner Tyson's suggestion was approved by the Commission, Commissioner Jackson would serve as Mayor for 1995, Commissioner Matthews would serve as Mayor pro-tem in 1995 and Mayor in 1996, and Commissioner Ramsey would serve as Mayor pro-tem in 1996 and Mayor for 1997. The person who received the highest number of votes in the 1997 election would then be Mayor pro tem.

Commissioners Matthews and Jackson both stated that they would both be willing to serve as Mayor. Commissioner Ramsey stated that it was his opinion that because Commissioner Matthews is currently Mayor pro-tem and received the highest number of votes that he should be the next Mayor.

The City Manager stated that the Commission could also vote Commissioner Matthews, as top vote getter, as Mayor for 1995; Commissioner Ramsey would be Mayor pro-tem in 1995 and the Mayor in 1996 with the Mayor pro-tem to be decided in 1996.

Mayor Cummiskey stated that she would not be opposed to either of the above listed scenarios. Commissioner Ramsey again stated that he would like to see Commissioner Matthews as Mayor for 1995, not only because he is currently serving as Mayor pro-tem, but also because he received the highest number of votes in the last election. Commissioner Matthews stated again that he would like to serve as Mayor.

8. Mayor's Youth Summit. Mayor Cummiskey handed out t-shirts to the Commissioners, City Manager and Administrative Secretary to thank them for their involvement and work with the Mayor's Youth Summit. There were approximately 50 kids involved with this years conference. Mayor Cummiskey also stated that Mr. Cal Lantis did an excellent job soliciting businesses to raise money for the speaker.

Mayor's Youth Summit - Continued.

Commissioner Ramsey noted that some of the people he visited with at the conference have a perception that citizens are afraid to go to Forest Park. If this is true, Commissioner Ramsey encouraged the Police Department to get involved with citizens to change their view of using the park. Mayor Cumiskey commented that there have always been places where parents did not want their children to go to because of certain conditions or dangers, but Forest Park should not be included as one of those places.

**Executive Session:**

Meeting adjourned at 5:05 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

April 17, 1995

**Present:** Mayor Cummiskey, Commissioners Ramsey, Matthews, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Dave Higgins. Guests:

**Absent:** Department Heads not required to attend.

The following items were brought before the Commission for discussion:

1. City Commission Reorganization. After discussing the reorganization possibilities, the City Commission decided to elect Commissioner Matthews as Mayor for 1995 and Commissioner Ramsey as Mayor pro-tem for 1995 at the April 19, 1995 City Commission Meeting.

2. Strategic Plan. Mayor Cummiskey announced that City staff mailed out more letters to citizens selected randomly. The City Manager stated that he is anticipating mid-May to be the earliest that this process could begin. Mayor Cummiskey stated that the Commission will select four citizens and one youth to serve on the committee. A map will be provided to the Commission to show the boundary lines of each group.

### **Other Business:**

1. Joint City/County Meeting. There will be a joint City/County meeting on Wednesday, April 17, 1995. Mayor Cummiskey inquired if the Commission had any topics they would like to discuss at this meeting.

Commissioner Ramsey stated that County Commissioner Russ Savage commented that the County had committed themselves to \$50,000 for the Alternative School Program. Commissioner Ramsey also asked the City Manager if Don Duncan, USD 290 School Superintendent, had contacted him. The City Manager stated that he had received a request to have one City Commissioner serve on this board but no one has approached him with a request for money.

Commissioner Ramsey inquired if the County Commission have made any decisions regarding the sewer. The City Manager stated that an engineers estimate has been provided to the County. Correspondence has been received from a property owner south of 19th Street indicating that they are interested in participating in the district.

Commissioner Ramsey stated that the Rails-to-Trails Project may be another topic to be considered at the Joint City/County Meeting.

**Executive Session:** None.

Meeting adjourned at 3:53 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of April 19, 1995**

**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 Cummiskey present, Commissioner Tyson present, Commissioner Jackson present, Commissioner Matthews present, and Commissioner Ramsey present. A quorum was present.

Mayor Cummiskey called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

**Oath of Office**

Thereupon, the Loyalty Oath was administered to re-elected Commissioners Gene Ramsey, Richard Jackson, Joan Tyson and Matt Matthews.

**Remarks by  
Mayor Cummiskey**

Thereupon, Mayor Cummiskey noted the high points for the City over the last twelve months, citing specifically the Wal-Mart Distribution project, as well as Heartland China and Lester Buildings. Mayor Cummiskey thanked those who participated in the Community Oriented Policing Seminar which was held in Lenexa. The Mayor noted that the Capitol Improvements program had moved from a wish list project to an action plan, and expressed her enthusiasm for the new facility which is to be shared by the Public Library and City Hall. The Mayor continued by noting her excitement concerning the citizen involvement with the Strategic Plan initiative. She encouraged citizens to be involved, noting that there would soon be seats available on various boards and commissions throughout the community. The Mayor closed her comments by thanking the community for being allowed the honor to serve as Mayor for the last twelve months, and stated that she was looking forward to

continuing to serve as City Commissioner.

**Reorganization of  
City Commission**

Thereupon, Mayor Cummiskey opened nominations for the election of Mayor.

Thereupon, Commissioner Ramsey made a motion that Commissioner Matthews be chosen to serve as Mayor for the next twelve months. The motion was seconded by Commissioner Jackson. Upon being called for the question, all present voted aye.

Thereupon, Mayor Cummiskey congratulated newly elected Mayor Matthews declaring the motion duly approved.

Thereupon, Mayor Matthews opened the floor for the election of Mayor Pro tem.

Thereupon, Commissioner Cummiskey made a motion that Commissioner Ramsey be elected to the position of Mayor Pro tem for the next 12 months. The motion was seconded by Commissioner Jackson. Upon being called for the question, the motion passed by the following vote. Commissioner Jackson aye, Commissioner Tyson aye, Commissioner Cummiskey aye, Mayor Matthews aye and Commissioner Ramsey abstained.

Thereupon, the Mayor declared the motion duly approved.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Ramsey to approve the minutes of the previous meeting dated April 5, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

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. 851-95.

**Sewer Lift/  
Pin Oak**

Bill No. 95-34. Thereupon, there was presented a resolution authorizing certain sewer improvements to be made in the City of Ottawa, Kansas and authorizing General Obligation Bonds to be issued in an amount not to exceed \$52,859 to pay the cost of such improvements, all pursuant to K.S.A. 12-617 and 12-618.

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. 852-95.

**Temporary Notes**

Bill No. 95-32. Thereupon, there was presented a resolution amending Resolution No. 803-94 of the City of Ottawa, Kansas, previously adopted to authorize the issuance of certain temporary notes of the City.

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. 853-95.

**G. O. Bonds  
Wilson Street/  
Pin Oaks**

Bill No. 95-33. Thereupon, there was presented a resolution authorizing the offer for sale of \$307,000 principal amount of General Obligation Bonds, Series 1995, of the City of Ottawa, Kansas.

Thereupon, the Mayor declared the minutes of April 5, 1995, duly approved.

**Public Comments**

Thereupon, Bernice Smith, 1016 Ash, representing the Girls Club, reminded the Commission that the Girls Club had requested the opportunity to purchase the old Ottawa Recreation Commissioner Bldg., which sets next door to City Hall. She stated that the girls were looking for a permanent home and was not interested in leasing and noted the original intent of the building was to provide for teenagers in the community.

Thereupon, Commissioner Cummiskey asked if there were any concern with the Girls Club meeting next door to what has been proposed as Municipal Court. Ms. Smith replied that the board had considered this question and saw no concerns.

Thereupon, Mr. Adrian Derousseau, representing merchants at the corner of 68 & 59 Highways, expressed concerns for the islands which separate traffic at that intersection. He stated that it was his belief the islands created a danger factor. Mr. Derousseau explained that all business owners in the area had signed a letter to ask the City Commission to get behind the project and help elevate the problem.

Thereupon, Bernice Smith representing the Senior Center, asked that the Commission consider providing grant funds to the Senior Center to help renovate and revitalize the front of their building.

There being no further comments to come before the Commission the Public Comments were closed.

**Presentations and Recognitions**

Thereupon, Mayor Matthews read a proclamation declaring the week of April 23 through April 29, 1995 as Compeer Friendship Week.

Thereupon, the Mayor read a proclamation recognizing Ms. Bev Deardorf as Mother of the Year.

Thereupon, the Mayor read a proclamation declaring the Week of April 23 through April 29, 1995 as National Volunteer Week.

Thereupon, the Mayor read a proclamation declaring the Week of April 23 through April 29, 1995 as Youth Temperance Education Week.

Thereupon, Ms. Annie Sommer, President of the Womens Christian Temperance Union, thanked the Commission for the Proclamation, noting that it was her organization's intention to fight against anything that destroys "our homes". She further stated that it was their mission to teach the harm of drugs and alcohol.

Thereupon, the Mayor read a proclamation declaring the week of April 23 through May 1 as White Ribbon Week, as an effort to create and increase awareness of the consequences of Teen Age Sexual Behavior.

#### **New Business**

##### **Wilson St./ Pin Oak Project**

Bill No. 95-31. Thereupon, there was presented an ordinance designating certain streets or portions of streets within the City of Ottawa, Kansas as main traffic ways or trafficway connections, pursuant to K.S.A. 12-685 and 12-686.

Thereupon, Commissioner Cummiskey 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. 3142-95.

##### **Trafficway Imp.**

Bill No. 95-30. Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas, to construct certain main trafficway improvements and trafficway connections and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

Thereupon, Commissioner Jackson made a motion which was seconded by Commission Cummiskey 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. 854-95.

**Handicapped Parking** Bill No. 95-35. Thereupon, there was presented an ordinance repealing Ordinance No. 3110-94, which designates parking areas restricted to use by handicapped citizens and providing for substitutions of a revised listing of authorized handicapped parking spaces.

Thereupon, Commissioner Cummiskey 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. 3143-95.

**Activity Report  
March** Thereupon, there was presented the monthly financial and activity report for the Month of March 1995.

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

Thereupon, the Mayor declared the monthly financial and activity report for March 1995, duly approved.

**Governing Body  
Agenda** Thereupon, Commissioner Jackson recognized Commissioner Cummiskey as being elected to the Kansas Leadership Class, which is to start in late May.

Thereupon, Mayor Matthews reminded the Commissioners that the next regular meeting was scheduled for May 3, 1995 at 7 p.m.

**Adjournment**

There being no further business to come before the Commission, Commissioner Jackson 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 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.

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

April 24, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw, Jim Bradley, Richard Towe, Judy Hasty, Andy Haney and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Dave Higgins. Guests: Bill Lewis, Noel Douglas, Adrian Derousseau and Jennifer Norris.

**Absent:** Jeff Herrman and Diane Stoddard.

Mayor Matthews opened the meeting by reviewing the May 3, 1995 City Commission Meeting. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Annexation. Mr. Bill Lewis has requested that the City annex his property which is located at 2520 South Main. Mr. Jim Shaw, Director of Planning and Zoning, stated that Mr. Lewis owns the Village West Motel and would like to annex into the City to utilize the City's sewer system.

Commissioner Tyson asked if there was a sewer line available to this area now. Mr. Shaw stated that there is not a sewer line and that Mr. Lewis would need to install a sewer line to hook up to the City's existing sewer.

Mr. Lewis stated that he is making this request to annex because his present septic tank system is not sufficient to meet the needs of his growing business. Mr. Lewis told the Commission that another reason he would like to annex into the City is because of the strict state guidelines for lateral fields or lagoons. Mr. Lewis stated that Cook, Flatt and Strobel are in the process of completing a cost analysis study. The City Manager commented that City staff will contact Cook, Flatt and Strobel about this project.

Mr. Lewis thanked the City Commission for allowing him to attend the Work Study Session and for any assistance that can be provided to him throughout this project.

This item will be placed on the May 3, 1995 City Commission Agenda.

2. Rezone R-S to R-1. Mr. Shaw stated that this property belongs to the Paul H. Gaynor and Oneta M. Gaynor Trust. Mr. Shaw also stated that there is a potential developer for the property if the property is rezoned. The City Manager explained that the R-S Zones require extremely large lots and the developer is anticipating developing a more contemporary urban size lots. The owner of the property has also indicated that they would extend the sewer along the property lines. This item will be placed on the City Commission agenda for May 3, 1995.

3. Additional R-3 (Multi-Family Zoning District). The existing R-2 Zoning includes duplexes and multi-family. This change in zoning would allow any residential structure larger than a duplex to be classified as an R-3 Zone. A single, two-family or multi-family dwelling would be allowed in the R-3 Zone. This item will also be on the City Commission agenda for May 3, 1995.

4. Rezone R-1 to PUD. Jim Shaw explained that this property is located on the South Side of West 15th Street. The developers would like to develop this area into multi-family dwellings. Upon completion, it is anticipated that 40 units will be developed. This item will be placed on the May 3, 1995 City Commission agenda.

5. Ottawa Coop Request. Mr. Adrian Derousseau, Ottawa Coop, attended the Work Study Session to request that the City write a letter to KDOT asking them to remove the median islands at 68 Highway and US 59. Mr. Derousseau stated that these islands create a limited access to the businesses along this section. Mr. Derousseau and other businesses have tried to work with KDOT but have not been able to get them to respond to their problem. Coop will be making some major improvements to their property but want to have the median problem addressed before undertaking the improvements. The City Manager stated that City staff would contact KDOT and work with them to alleviate the existing problems.

6. Cereal Malt Beverage. The City Manager stated that the current cereal malt beverage ordinance is inconsistent with the sale of alcoholic beverages. City staff is recommending that this ordinance be changed to allow cereal malt beverages to be sold on Sundays. This will be placed on the May 3, 1995 City Commission agenda.

7. KMEA Appointment. There are currently two appointments to the KMEA Board. One position is a staff appointment which will need to be made. Commissioner Ramsey will be able to serve on this board until 1996. City staff is requesting that Jim Bradley, Director of Utilities be reappointed to the KMEA Board of Directors. This item will be on the May 3, 1995 City Commission agenda.

8. Budget Calendar. The City Manager submitted a proposed budget calendar to the City Commission. Department Heads will be working on their budgets and will meet with the City Manager May 11 through May 19. A public hearing will be held on June 7. The Budget will be distributed to the City Commission on June 15 and Work Study Sessions on June 19, 26 and July 10 will be dedicated for the budget process. The Budget will be approved by the City Commission for publication on July 19 and the last Budget Hearing will be August 2. The final 1995 Budget will be filed with the County Clerk on August 21, 1995.

9. Request from Bob Dodson. Mr. Bob Dodson has requested that the City allow him to expand onto an existing building at the Ottawa airport. The City Manager stated that the County would be responsible for building permits and the FAA would also need to give their approval for the project.

10. K-68 Bridge Closing. The City Commission reviewed this project at a previous Work Study Session and requested that the Police Chief and Fire Chief give their recommendations. The Police Chief and Fire Chief both agreed that it would be better to close the entire bridge during construction. Commissioner Tyson asked what would be involved in having a temporary response station on the north side of town for the Fire Department. Chief Towe stated that an empty building would be utilized and that a fire truck and manpower would be stationed on the north side during the construction period. It was the consensus of the Commission to completely close the bridge.

#### **Other Business:**

1. Take a Girl to Work. Commissioner Cummiskey introduced Jennifer Norris as her shadowing companion for the day. Take your daughter/girl to work day is recognized nationally to help girls realize what activities occur in the work place.

2. KOCH Crime Commission Meeting. Commissioner Jackson announced that there would be a Crime Commission meeting on April 27, 1995 in Wichita, Kansas.

3. Street Repair. Commissioner Ramsey stated that business owners along Main Street had called him asking why work was not proceeding on the street and why the equipment is setting idle. Commissioner Matthews stated he had also received calls. Andy Haney, Director of Public Works stated that he had talked to the contractor about communicating with the businesses along Main Street to explain why work has temporarily been delayed. Mr. Haney also stated that the base is too soft and wet to apply asphalt. Jim Bradley, Director of Utilities, asked the Commissioner's to call him or Mr. Haney anytime they received complaints about a project. The contract deadline for this project is June 16, 1995.

4. Summer Work Program. Mayor Matthews announced that there is a landscaping company in Lenexa that would like to hire some of the workers from the City's Summer Youth Program.

5. Grant Money for the Library. The City Manager announced that the Library Board did receive some money from the state and he anticipated that members from the Library Board would be present at an upcoming Work Study Session to update the City Commission on the building project.

6. COPS Grant. City staff is anticipating that the School Board will make a decision at their May 8, 1995 board meeting regarding their participation in the COPS Grant.

7. Photo Session. Bill Wright from Wrights Photography will be at City Hall on Wednesday, May 17 at 9:00 a.m. to take pictures of the Governing Body.

8. Pipe Bomb. The City Manager stated that Chief Herrman was not present at this Work Study Session because of a devise, which appeared to be a pipe bomb, was discovered in the Marais des Cygnes River just East of the damn. The Olathe Bomb Squad has been called in to diffuse the devise.

9. Joint City/County Meeting. There will be a Joint City/County Meeting on May 17, 1995.

**Executive Session:** None.

Meeting adjourned at 4:45 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of May 3, 1995**

**Roll Call**

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Ramsey.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Jackson to approve the minutes of the previous meeting dated April 19, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of April 19, 1995, approved as written.

**Public Comments**

Thereupon, Ms. Anita Poe, 4172 Indiana Road, representing the Girls Club of Ottawa, asked the Commission to move on the Girls Club request, concerning the old Ottawa Recreation

May 3, 1995

Commission Bldg. Ms. Poe stated that local girls need a place to go and cited two cases in which girls that were members of the Girls Club had suffered because of a lack of a place to go after school.

Thereupon, Commissioner Matthews asked if this item could be placed on Monday's Study Session Agenda. Thereupon, City Manager Scott Lambers said that the item could be placed on the agenda, however an appraisal had not been completed which would need to be done before a sale of the property could commence.

Thereupon, Commissioner Ramsey asked Ms. Poe if the Girls Club would consider a lease. Ms. Poe stated that would have to be a board decision but it might be acceptable.

Thereupon, Mr. Bruce Chapman of 420 North Sycamore requested that the Commission consider placing a crosswalk on K-68 Highway East of Main Street.

Thereupon, City Manager Scott Lambers, stated that this item was indeed on Monday's Study Session Agenda and noted that the Kansas Dept. of Transportation had rejected a request from the City of Ottawa, to lower speed limits and in fact wanted to raise speed limits in this area.

Thereupon, Ms. Judy Chapman of 420 North Sycamore stated; they had a son who had been permanently damaged by being hit by a car, while trying to cross K-68, and she felt that increased speeds would make the situation worse.

The Mayor thanked the Chapmans for their input.

**Presentations and Recognitions**

Thereupon, Mayor Matthews presented former Mayor Vicki Cumiskey, a plaque and gavel commemorating her tenure as Mayor from April 1994 to April 1995.

**New Business**

**Annexation  
2520 S Main**

Bill No. 95-36. Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion it was pointed out that this was a consent for Annexation by Wm. Morris Lewis and Audrey Ann Lewis, owners of the property located at 2520 South Main. 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. 3144-95.

**Rezoning Gaynor  
Property**

Bill No. 95-37. 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 Cumiskey made a motion which was seconded by Commissioner Ramsey to adopt the ordinance. During discussion it was pointed out that, the Paul H. and Oneta M. Gaynor Trust had request to have property located at 410 W. 19th St. rezoned from R-S (Residential Suburban) to R-2 (Multi-Family). The property is approximately 23.5 acres and contains an existing farmstead. Mrs. Gaynor had subsequently requested to have the area be rezoned as R-1 (Single-Family) as that she believes the current R-S Zoning is too restrictive. It was also pointed out that the City Planning Commission had approved this request. 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. 3145-95.

**Zoning Ordinance  
Amendment**

Bill No. 95-38. Thereupon, there was presented an ordinance amending the zoning regulations of the City of Ottawa, Kansas, which zoning regulations were adopted by Ordinance No. 2933-90 of the City of Ottawa, Kansas, by amending Section 1, Article X, and creating Article X-a of said zoning regulations.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion City Manager Scott Lambers, pointed out that the previous agenda item had been the catalyst for this change, and that the change would make multi-family use a more clear definition. 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. 3146-95.

**Rezoning PUD**

Bill No. 95-39. 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 Ramsey made a motion which was seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that the property in question would consist of 23 multi-family dwelling buildings which would provide a total of 93 dwelling units, located east of Pine Manor Apartments off of 15th Street. 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. 3147-95.

**Acceptance of Plat  
Bush-Hurtig #1 Sub.**

Bill No. 95-40. Thereupon there was presented a resolution accepting the dedication of rights-of ways and easements within the Bush-Hurtig #1 Subdivision, Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Jackson to adopt the resolution. During discussion it was explained that this resolution would authorize the Mayor and the City Clerk to execute a certificate on the final plat of Bush-Hurtig #1 Subdivision, Ottawa, Kansas, for the purpose of accepting the dedication to the public of all streets rights-of-ways and easements. 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. 855-95.

**Appointment to  
KMEA**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to appoint Mr. Jim Bradley, Director Of Utilities, for the City of Ottawa, Kansas, as the staff appointment to the Kansas Municipal Energy Agency. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared Mr. Jim Bradley as the City Staff appointment to KMEA.

**Governing Body  
Agenda**

Thereupon, Commissioner Jackson announced that the Commissioners had received a letter from the Ottawa Recreation Commission, inviting them to a tour and suggested that the Commission RSVP as soon as possible.

Thereupon, the Mayor announced there would be a work study session on May 8, 1995 at 3 p.m., a Joint City/County meeting May 17, 1995 at 12 p.m. at the Franklin County Jail, a Work Study Session May 22, 1995 and that there would not be a Work Study Session on May 29,

1995.

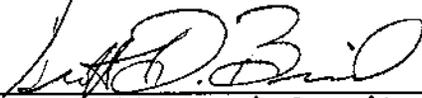
Thereupon, the City Commission asked the Chamber audience for a few moments of silence to recognize the Bob Moore family.

Thereupon, the Mayor announced the next regular meeting would be May 17, 1995 9:30 a.m.

**Adjournment**

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.

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

May 8, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw, Jim Bradley, Richard Towe, Andy Haney, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Dave Higgins. Guests: Jack Davis, Lou Atherton, Barbara Dew, Bruce Prentice and Bob Reusch..

**Absent:** Judy Hasty

Mayor Matthews opened the meeting by reviewing the May 17, 1995 City Commission Meeting. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Marais Des Cygnes River Water Assurance District. The City Manager stated that the Commission had previously discussed the Water Assurance issue and had been given information pertaining to the Water Assurance District. Mr. Jack Davis was present at the Work Study Session to present the history and background information about water assurance vs. water marketing. The City Manager commented that the State of Kansas is the only state that the Corps of Engineers has allowed local units to buy into federally financed reservoirs at reasonable prices. The City of Ottawa does not have an obligation to participate in this program. However, if the City chooses not to participate, there will not be another opportunity.

This program would offer the City of Ottawa assurance of water delivery during drought or low water flow conditions. The State is willing to finance the program with a bond pool which would allow the City to share the cost of issuance with other participants in the bond pool and allow a lower interest rate. If it is the consensus of the Commission to proceed with this program, City staff will provide estimates of the financing cost and some alternative ways to pay for the debt service which would be incurred.

Using the Water Assurance program would require the City to make one payment which would allow benefits for the life of the reservoir. The Water Marketing program would require continuous payments for every thousand gallons used.

Mr. Davis also encouraged the Commissioners to review the spreadsheets which were included in the Work Study Session packets and invited the Commissioners to attend a District Assurance meeting at 9:00 a.m. on May 9, 1995.

The City Manager stated that the estimated cost to the City would be approximately \$60,000 per year for the first ten year period and \$15,000 throughout the life of the reservoirs.

The Commissioners thanked Mr. Davis for his participation and active support for this program.

2. Ottawa Library - Utilization of Franklin Building. The City Manager stated that the City had been approached by a company that wishes to locate a satellite facility in Ottawa. This company is a bill collection agency which focus on overdue credit card payments. The company currently has 400 employees and has just opened a branch office in Las Vegas. This company has requested to use the lower level of the former Franklin building while negotiations with the County are being conducted for space at the Franklin County Annex building. It is anticipated that they could occupy their new office space by September, 1995. If the City agrees to provide office space to this company, the City would also need to verify that the officials of the company have a signed lease with the County to assure the City that a permanent space in the Annex has been secured. Therefore, remodeling for the new City Hall/Library would not be able to begin until this company vacated the premises. It is possible that the new move in date for the City Hall/Library entities could be as late as Spring, 1996.

Because the building is a tax-exempt entity, the City can not charge rent for the building. However, payments for maintenance and utilities are to be expected. If the company does not find temporary office space, officials have indicated that they would be forced to look elsewhere.

Mayor Matthews asked if this was something that the Library could live with. Mr. Bob Reusch stated that he thought it was a good opportunity for the City of Ottawa and would not want to chance losing a new business.

Commissioner Cummiskey questioned how City staff would secure the portion of the building that will not be used by the company. The City Manager stated that the second floor could be locked up without any difficulty. The second floor will be blocked in the west hallway between the training room and the finance area. All equipment and furnishings that is currently on the lower level will be stored upstairs. The company will supply all their own equipment and supplies.

Ms. Barbara Dew, Ottawa Library Director, stated that the Library had planned to store their furnishings and equipment in the downstairs vault and questioned if the company would be using the vault. The City Manager stated that Library staff would still be able to utilize the vault to store their furnishings.

It was the consensus of the Commission to allow the company, National Credit Services Corporation, to move into the lower level of the former Franklin Savings building.

3. Revision of Storm Water Management Regulations Incorporated in the Public Improvements Policy Manual. Andy Haney, Director of Public Works, stated that the construction standard section of the policy manual did not list any requirements for construction standards for storm water management. Mr. Haney stated that a Construction Standards Book is being developed, but has not yet been concluded. Mr. Haney is requesting that the City Commission change the construction standards section of the policy to include standards as written in the Standard Specifications and Design criteria published by the Kansas City Metropolitan Chapter of the American Public Works Association. This item will be on the May 17, 1995 City Commission Agenda.

4. K-68 Highway. The City Manager informed the City Commission that the State rejected the speed limit adjustment request. However, the State did agree that the pedestrian cross-walk would be accepted. The City Manager stated that the City could appeal the decision made by the State and ask for a second consideration or just to accept their recommendation. The City Manager also asked the Commission if they wanted to proceed with the installation of the crosswalk on K-68 according to KDOT's specifications or if they wanted to delay the entire project until further notification from KDOT. The crosswalk would be within the 30 m.p.h. zone and would not have a flashing light but would have a pedestrian crosswalk sign.

It was the consensus of the Commission to appeal KDOT's decision and install the crosswalk as soon as school is out.

5. 1996 CIP. The City Manager commented that this item is for informational purposes. The City Planning Commission will have a public hearing on Wednesday, May 10, 1995 regarding the CIP.

Commissioner Jackson inquired about the plans that had been discussed for Orlis Cox Field and the tennis courts at Forest Park. Mr. Haney stated that he had asked two Recreation Commissioners and the Acting Recreation Director to provide information for the budget for this year. As of this Work Study Session, Mr. Haney has not received any information from ORC.

The City Manager encouraged the Commissioners to submit major improvements to him as soon as possible.

6. Prairie Spirit Rail-Trails. The City Manager announced that the Legislature has approved funding for the Prairie Spirit Rail-to-Trails Project. However, the Franklin County Commissioners must express support for the trail. The City has committed approximately \$70,000 for this project. Commissioner Ramsey commented that he is not in favor of spending this money if the state will not maintain the trail.

This item will be brought before the County Commission on May 17, 1995 at the Joint City/County Meeting. All of the Commissioners were in agreement to request that the County Commission sign the letter of endorsement for the trail.

7. Strategic Plan Update. The City Manager requested that the Commission submit their names of individuals by the first part of next week. Each Commissioner should select one person from each specified area, which would be a total of five people for each Commissioner.

8. ORC Building/Girls Club. The City Manager stated that with the City Hall/Library move being delayed to their new facility, and knowing that the City has been asked by the County to find a new facility for Municipal Court, he indicated that the City may need to use the former ORC building for Municipal Court. The City Manager stated that space could be made available for the Girls Club at the former ORC building for after school use at the rate of \$25 per month. Commissioners Tyson and Jackson expressed that they would like to see more organizations utilize the community center. Commissioner Ramsey stated that he would like to see the City accommodate the Girls Club on a temporary basis until a permanent meeting place could be established.

Executive Session: None.

**Other Business:**

1. Board and Commissions Appointees. Mayor Matthews announced his selections for the City Board and Commissions.

**Library Board:**

Shernice Casteel - reappointment  
Virginia Lancaster - reappointment

**Planning Commission:**

Laura Ansley - new appointment  
Wayne Sylvester - new appointment  
Jim Lancaster - reappointment

**Auditorium Authority:**

Don Waymire - new appointment  
Marjorie Bernhardt - reappointment

**Uniform Plumbing Code Board of Appeals:**

Richard Cheek - new appointment  
Duane Conner - new appointment  
Charles Adamson - reappointment

**Building Code Board of Appeals:**

David Barkley - new appointment  
Earl Devore - new appointment

**National Electric Code Board of Appeals:**

Dave Rossman - new appointment  
Jimmie Bass, Jr. - new appointment  
Bob Haas - reappointment

**United Way Board:**

Herrman Norwood - reappointment  
Shirley Long - reappointment

Mayor Matthews stated he had not been contacted by the current members of the band committee but assumed all current members would serve another term. He also stated that he had numerous letters for the 4th Judicial Corrections Advisory Board, however, the current term has not expired.

2. Smoking in Public Places. Commissioner Tyson announced that Mr. Earl Mandell contacted her regarding an ordinance being passed to restrict smoking in public places. Mr. Mandell has circulated a petition around the City and has asked Commissioner Tyson to bring this information to a regular City Commission meeting.

The City Manager stated that the petition does not state whether or not Mr. Mandell is referring to publicly owned facilities or any buildings that have public access.

Commissioner Ramsey inquired if the new City Hall/Library could be a smoke-free building. The City Manager stated that it would be his preference to have the building remain a smoke-free environment. The City Manager also stated that if one building is smoke-free then all City owned buildings should be designated smoke-free.

3. 17th Street Project. Mrs. Guy Monroe had contacted all the Commissioners about her dissatisfaction about the City-at-large paying for the 17th Street project. Commissioner Ramsey asked when the development plans would be available to the Commission. The City Manager stated that the Commission had already adopted a CIP that included the City-at-large making a significant contribution toward this project.

4. Flea Market. Commissioner Ramsey asked what the status was on the Flea Market. The City Manager stated that the City had not received a check as promised, so the City will initiate the proceedings to tear the walls down.

#### ANNOUNCEMENTS:

1. Commission Photo Session on May 17, 1995 at 9:00 a.m.
2. Joint City/County Meeting on May 17, 1995 at 12:00 p.m.

Meeting adjourned at 4:50 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of May 17, 1995**

**Roll Call**

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to approve the agenda, with the additions of items 17a and 17b, that is, appointments to Boards and Commissions and Cedar Street Improvement project. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved with changes.

**Approval of  
Minutes**

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Jackson to approve the minutes of the previous meeting dated May 3, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of May 3, 1995, approved as written.

**Public Hearings**

**Duke Manufacturing**

Thereupon, the Mayor opened the Public Hearing to consider a tax exemption request by Duke Manufacturing, Ottawa, Kansas.

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Thereupon, Mr. Dan Rohr, representing Duke Manufacturing thanked the Commission for allowing him the opportunity to speak in favor of this exemption. There being no further comments the Mayor closed the Public Hearing.

**Lester Buildings**

Thereupon, the Mayor opened the public hearing to consider a Tax Exemption for Lester Building Systems, Ottawa, Kansas.

Thereupon, Mr. Glen Richardson of Lester Buildings, spoke to the Commission requesting that this Tax Exemption go forward. There being no further comments the Mayor closed the public hearing.

**New Business**

**CMB ORDINANCE**

Bill No. 95-41. Thereupon there was presented an ordinance amending Section 306 of Chapter 4 of the 1982 Municipal Code of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that this ordinance would allow the sale of Cereal Malt Beverage on Sundays in accordance with state law. The motion was considered and upon being put to the question all present voted aye.

**Pin Oaks\Wilson St.  
Bonds**

Bill No. 95-42. Thereupon, bids were opened related to the Bond Sale of \$307,000 principal amount related to the Wilson Street and Pin Oak project. The Commission received one bid from United Missouri Bank in the amount of \$87,516.25. Thereupon, the City Clerk requested that Bond Council be allowed to confirm the bid and that the meeting continue.

**Policy Manual  
Storm Water**

Thereupon, there was presented a Storm Water Management Regulations Policy Manual.

Thereupon, Commissioner Cumiskey made a motion which was seconded by Commissioner Jackson to adopt the changes related to the Storm Water Management Policy Manual. The motion was considered and upon being put to

the question, all present voted aye.

Thereupon, the Mayor declared the Storm Water Management Regulations Policy Manual approved as written.

**Addendum to City  
Manager's Contract**

Thereupon, there was presented an addendum to the City Manager's Contract.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the addendum. Thereupon, the City Clerk read the addendum as follows: The contract between the City Commission of Ottawa and Scott Lambers, City Manager, is hereby amended as follows with such amendments to be effective January 31, 1995.

1. A 5% increase in base salary from \$61,000 to \$64,000.
2. A \$25 increase in monthly car allowance from \$325 to \$350.
3. A \$50 per pay period employer contribution to ICMA deferred compensation.

Thereupon, the Mayor declared the addendum duly approved.

**Appointment of  
Board & Commissions**

Thereupon, the Mayor presented his list for board and commission appointments.

Thereupon, Commissioner Cummiskey 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 the appointments duly approved.

**Cedar Street Imp.**

Thereupon, Mr. Rick Ensz of Wilson and Company addressed the Commission concerning the bid opening which occurred at 11 a.m., May 12, 1995, related to the improvement in the 1600 hundred block of Cedar Street. Mr. Ensz suggested that the low bid from Burlingame Concrete Construction Inc. in an amount of

\$53,665 be accepted, Mr. Enszt noted that one other bid was received from W.B. Dunbar.

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

**Wilson/Pin Oak**

Thereupon, Dottie Riley, Bond Counsel for the City of Ottawa returned stating that the bid from United Missouri Bank had indeed checked out.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Cumiskey to accept the bid from United Missouri Bank, with a total interest cost to maturity of \$87,516.25, and an average annual net interest rate of 4.900583 percent. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

**Bond Ordinance**

Bill No. 95-41. Thereupon, there was presented an ordinance authorizing the issuance and delivery of \$307,000 principal amount of General Obligation Bonds, Series 1995, with the City of Ottawa, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and the interest on said bonds as they become due; and making certain covenants with respect thereto.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Cumiskey 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. 3149-95.

**Bond Resolution**

Bill No. 95-43. Thereupon, there was presented a resolution prescribing the form

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and details of and authorizing the delivery of \$307,000 Principal amount of General Obligation Bonds, Series 1995, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3149-95 of the City; and making certain covenants with respect thereto.

Thereupon, Commissioner Cummiskey 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. 856-95.

**Monthly Financial & Activity Reports**

Thereupon, there was presented the Monthly Financial and Activity Reports for the Month of April, 1995.

Thereupon, Commissioner Tyson made a motion to approve and accept the reports, the motion was seconded by Commissioner Cummiskey. Upon, being called for the question, all present voted aye.

Thereupon, the Mayor declared the monthly financial and activity reports for the month of April 1995 duly approved.

**Reports by City Manager**

Thereupon, City Manager Scott Lambers reported that the Main Street Bridge had been closed due to the recent rains and high water, he also informed the Commission that pumps from the Army Corp of Engineers were being brought in to the City to aid in the water removal on the land side of the dike.

**Announcements**

Thereupon, the Mayor reminded the Commission that their would be a Joint City/County Meeting this date at 12 p.m. at the Franklin County Jail, he also reminded the commission there would be a work study session on May 22, 1995, but there would not be a work study session on May 29, 1995.

Mayor Matthews reminded the Commission that the next regular meeting would be June 7, 1995 at 7 p.m.

**Adjournment**

There being no further business to come before the Commission, Commissioner Jackson 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.

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

## STUDY SESSION MINUTES

3:00 P.M.

May 22, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Shaw, Jim Bradley, Richard Towe, Andy Haney, Jeff Herrman, Judy Hasty, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Dave Higgins. Guests: Tina McComb, Stacey Robbins, Harvey Nicholson and Lou Atherton.

### **Absent:**

Mayor Matthews opened the meeting by reviewing the June 7, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

1. Cereal Malt Beverage Licenses. Two applications have been received for cereal malt beverage licenses.
2. KDOT Agreement for Main Street Improvement Project (15th - 17th Street).

The following items were brought before the Commission for discussion:

1. Street Closing Request. Mayor Matthews stated that he had received a request from Mr. Darwin Alexander to close streets in front of Hawthorne School for the last day of school challenge. The event will be held on Friday, May 26, 1995 from 8:30 to 11:30 a.m. This event has been held the past four years.

It was the consensus of the Commission to allow Hawthorne School to close the street for this annual event.

2. Chamber Leadership Class Project. Commissioner Cummiskey announced that members of the 1995 Chamber Leadership Class had called her and asked for her endorsement for their community project. The class would like to organize a relationship between the Boys and Girls Clubs. However, Commissioner Cummiskey also stated that there are various groups within the community that are trying to operate independently to accomplish the same goal, which is to provide the youth of our community activities in which they can participate.

Ms. McComb stated that the Chamber Leadership class had visited with members of the Girls Club and it was their consensus to initiate a Girls and Boys Club of America. If this project is approved by the Commission, the Boys and Girls Club of Lawrence would be responsible for hiring a director and all the financial details.

Chamber Leadership Class Project - continued.

Ms. McComb also stated if the Commission endorsed this project, she would need a letter from the Commission, signed by Mayor Matthews addressed to Mr. John Alsh, who is the director of the Lawrence unit. Ms. McComb explained that the newly formed group would utilize the Don Woodward Community Center as their meeting facility.

Commissioner Jackson asked Ms. McComb what this organization would accomplish that can not already be completed at the Don Woodward building. Ms. McComb stated that their program would focus on more educational and mentoring programs.

All the Commissioners were in agreement that more information should be gathered and presented to the Governing Body before a letter endorsing the project could be signed.

2. Franklin County Veterans Memorial Committee. Mr. Harvey Nicholson, President of the Franklin County Memorial Committee, was present at this work study session to request the use of the City Park and the bandstand for a candlelight service. The ceremony will be held on Friday, May 26, 1995 at 6:30 p.m. through 8:00 p.m.

Andy Haney, Director of Public Works, stated that this facility will need to be reserved. All the Commissioners agreed if the park and bandstand were not already reserved, permission would be given to the committee to schedule the service.

Commissioner Ramsey made a motion to recess into executive session at 3:20 p.m. not to exceed 30 minutes. Commissioner Jackson seconded.

**Executive Session:**

1. Attorney/Client Privilege.

**The Work Study Session reconvened at 3:40 p.m.**

3. Water Assurance Program. The City Manager used the average and median water usage from several utility billings on an annual basis. From this analysis, the City Manager determined the cost of this program would average 59 1/2 cents per month for the typical residential bill. The larger water users would pay a larger percentage.

Commissioner Ramsey inquired when this fee would be implemented. The City Manager stated that the fee could be effective in 1996.

4. Havens Steel Tax Abatement. The City Manager informed the City Commission that this item is ready to be placed on the agenda for approval. This item will be placed on the June 7, 1995 City Commission Agenda.

Mr. Lou Atherton stated that there have been some concerns about tax exemptions that have been granted. The company's that have received the tax abatements are not exempt from tax on purchases made, such as office supplies and consumables.

5. Street Festival. Mr. Lou Atherton, Chamber of Commerce Director, stated that the street festival will not include a street dance. This request will not be placed on the June 7, 1995 City Commission Agenda, but approval was given to the Chamber to proceed with their planning and approval from KDOT would be requested.

6. Procedures Policy. This item was removed from the Work Study Session Agenda and will be discussed at the June 5, 1995 Work Study Session.

7. Alternative School. The City Manager stated that he had received a request from Mr. Jim Cain, Superintendent of USD 287, asking for permission to attend a Commission meeting to discuss the Alternative School Program. This will be scheduled for the June 7, 1995 City Commission meeting or the June 5, 1995 Work Study Session. Commissioner Tyson stated she would like to have a presentation from the Alternative School Committee so the Commission will be informed about the program.

Chief Jeff Herrman, who has been the City's representative on the Committee, stated that each of the school districts has agreed to provide \$4,000 per student, which the program would not exceed 30 students. The committee is still trying to locate a temporary site to house the school and grant applications are still being completed.

Commissioner Ramsey commented that he did not feel that the City should provide funding to the program essentially because it is a school district issue. Commissioners Tyson and Cumiskey stated that this program should be looked at and that it is a program that is very much needed in this community.

8. Building Permit Fees. This item has been rescheduled for the June 5, 1995 Work Study Session Agenda.

9. Street Vacation Request from Ottawa Truck. This item has been rescheduled for the June 5, 1995 Work Study Session Agenda.

10. 1996 CIP Update. The City Manager stated that a request from the Chamber of Commerce had been received asking the City Commission to consider incorporating into the CIP a program to have the existing gravel streets in the City be paved with concrete or asphalt and completing the project with curb and gutter.

The City Manager also stated that he is proposing a program that assumes a 75% City-at-large and a 25% property owner participation. The City Manager stated that this money may be included in the CIP but there was no guarantee that the citizens eligible for the funds would want to participate. The City Manager asked the Commissioners if the City offers the money and no one wishes to participate, will the City want to proceed with the project at 100% City-at-large.

Commissioner Ramsey stated he thought the policy was unfair to the people who have already paid for improvements on streets for the City to decide to pay 100% for the same type of improvements.

All the Commissioners were in agreement with the 75%/25% split and also did not agree that the City should pay for the 100% cost if the residents whose property abutted dirt streets did not want to participate.

The City Manager reminded the Commission that a public hearing for the 1996 Budget and CIP has been scheduled for the June 7, 1995 City Commission meeting.

11. Proposed Personnel Allocation Schedules. The City Manager stated that he has had some concern about cost allocation with certain staff positions in the City's budget. Those positions that would be more appropriately cost allocated against one or more funds were all included in the Electric Fund. This years budget provided for cost allocation of positions in the Personnel Department. However, there are other positions that should be cost allocated to some degree. The City Manager is recommending that in 1996, the City Commission, instead of being 100% General Fund, be cost allocated between each of the funds. The other positions which will be cost allocated to other funds in the 1996 budget will be the City Clerk and City Treasurer. In subsequent budget years, the Deputy City Clerk, Utilities Director, City Manager and the Administrative Secretary would be cost allocated.

The City has also developed a heavy reliance on Electric Fund monies to subsidize the General Fund. The primary objects given to the City Manager at the beginning of the budget process were 1) no increase in property tax levy, preferably a reduction; 2) the deficit spending was to cease and 3) the City was to reduce it's reliance on interfund transfers so that each fund could stand alone on costs and expenditures.

The City Manager is recommending that the General Fund transfer to the Employee Benefits Fund should be eliminated. Also, for 1996, the City Manager is recommending that the Water Fund transfer be phased out over the next three years. The Water Fund money that is currently going to the General Fund will be transferred to the CIP Fund for capital improvement projects. The City Manager is also recommending a seven year phase out of the Electric Fund subsidy. The money that was being used from this fund would also be used for capital improvements for the Electric Fund.

12. Rezoning. Jim Shaw, Director of Planning and Zoning, stated that the property to be rezoned is currently zoned R-S (Residential Suburban District). The owners of the property would like to change the zoning to R-2 (Multi-Family District). These lots are located along the west side of Davis Avenue, north of Wilson Street and Grant Street.

This item will be placed on the June 7, 1995 City Commission Agenda.

**Other Business:**

The City Manager stated that there will also be another item which will be discussed for the second meeting in June. City staff will be requesting that an amendment be made to the parking ordinance for furniture stores.

Commissioner Ramsey distributed handouts that he received at a Municipal Governing Body Institute sponsored by the League of Kansas Municipalities.

Commissioner Jackson requested that bushes at First and Main be trimmed.

Commissioner Ramsey asked about the Flea Market demolition. The City Manager stated that City staff has requested permission from the owner to push in the building. The owner has been invited to attend the Commission meeting to discuss this issue.

Commissioner Tyson commented that she had noticed for sale signs being placed on utility poles and stop signs. Commissioner Tyson would like to see the City's sign ordinance be strictly enforced.

**ANNOUNCEMENTS:**

1. There will not be a Work Study Session on May 29, 1995 because of Memorial Day.
2. There will be a Work Study Session on June 5, 1995.
3. There will be City Commission Meeting on June 7, 1995.

Meeting adjourned at 4:30 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

June 5, 1995

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

**Absent:**

Mayor Matthews opened the meeting by reviewing the June 7, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Jaycees Request. Scott Bird, City Clerk, stated that he had received a request from the Ottawa Jaycees asking for permission to use Forest Park for the annual 4th of July festivities. Mr. Bird stated that the request was not in writing at this time but will be forthcoming.

2. Neosho County Community College Expansion. Ray Cummiskey, Dean of the Ottawa Branch of NCCC, was present to update the City Commission on their building expansion. Mr. Cummiskey stated that bids received for this project were 14% below the original estimates. The NCCC Board approved the low bid from the Adventure Group/MCA Inc., for \$147,976 and would like to receive the Governing Body's approval to begin with construction.

Construction will begin as soon as possible with a projected completion date for the renovation of the current building being August 1, 1995 and the total project completion date being October 1, 1995.

The City Commissioners concurred that this item should be placed on the City Commission Agenda for June 7, 1995.

3. Water Assurance District. The City Manager stated that Kansas City Power & Light has decided to pay their portion of the project up front so there will not be a reason for a bond. Also, the State has agreed to finance the City at 0% interest for ten years. Therefore, the City will be paying straight principle payments of approximately \$28,000 per year for ten years. New documentation reflecting these numbers will be submitted to the Commission for their review. The City Manager recommended that the City Commission authorize him to proceed with finalizing the documents to complete the project.

4. Building Permit Fees. The City Manager stated that this item had previously been brought to the Commission for discussion. The last time the City had any changes or increases in building permit fees was in 1986. A survey of cities had been completed and presented to the City Commission at an earlier Work Study Session which engaged a more detail process involving two groups of cities. The proposed resolution will allow the City to be comparable to other Kansas cities.

The City Manager stated that the proposed fees could be phased in over a period of time if the Commission felt the amounts were too significant. The City Manager also stated if the Commission had any revisions to this resolution, that the changes are adopted in advance so everyone has knowledge of the changes.

Commissioner Jackson asked Jim Shaw, Director of Planning and Zoning, if any comments were addressed at the Planning Commission public hearing. Mr. Shaw stated that the proposed changes were approved by the Building Code Board, Electric Code Board and the Plumbing Code Board.

Commissioner Ramsey stated that he felt the increased fees were too high and that the City would be increasing the fees too fast. Commissioner Cumiskey also indicated that she thought the fees were too high for this area. Commissioner Matthews stated that he did not think it was fair to rely on 80% of the taxpayers to pay for another persons building permit fee and would support the increase.

Mr. Lou Atherton, Ottawa Chamber of Commerce, stated that he felt the Commission is sending a dark message to the investors in the community with this large increase all at one time. Mr. Atherton also commented that if the City Commission agrees to the increase of fees, he thought it should be a phase-in arrangement.

Mr. Jerry Thompson commented that he has talked to plumbers and electricians that work for his company on a daily basis and they all are for the increase of building fees. Mr. Thompson also stated that he thought the commercial rates were too high compared to residential rates. As a taxpayer, Mr. Thompson stated that he does consider this a tax increase if the mill levy is left the same.

Mayor Matthews indicated that if the increase in fees will allow the City to quit drawing large amounts of money from the General Fund, he still supports the building fees as presented. Commissioner Cumiskey stated that she thought this increase was too high and that an average should be considered. Commissioner Ramsey stated that he would not mind a two year phase-in with 50/50 split. Commissioner Tyson also indicated that she would not be opposed to the phase-in but would like to have a 60/40 split. The City Manager stated that the only authorization the City Commission would be giving, is an increase to half of what the goal is effective January 1, 1996.

Building Permit Fees - Continued.

Commissioner Jackson asked the City Manager what type of phase-in situation would be considered. The City Manager commented that he would prefer to have an increase in January, 1996 and an increase in January, 1998. The City Manager also stated that an evaluation could be completed in 1997 and 1999 to determine if the fees are sufficient and compatible with other cities.

Mr. Atherton asked if the City is subsidizing residential inspections at this time and if so does it cost more to do a home inspection than the fees that are being proposed. The City Manager stated that the City does subsidize all inspection within the City. The amount of inspections completed in a one year period, the fees do not generated enough to cover this cost.

It was the consensus of the Commission to move ahead with the building fee resolution with a 50/50 split with the first 50% being phased in on January 1, 1996.

5. Main Street (15th-17th) Improvement. Andy Haney, Director of Public Works stated that the final documents for this project will inform the State that the City is still interested in pursuing the project. Both documents require the Mayors signature.

This proposed resolution will be placed on the June 7, 1995 City Commission Agenda.

Mayor Matthews stated that he and the City Manager met last week with Dee Kimball, District Engineer with KDOT. Mr. Kimball indicated that he would be receptive to adopting a plan to allow the City to re-route semi trucks off of Main Street. The project would entail the City taking the responsibility of 59 Highway from I-35 to 68 Highway. The City Manager stated that this project would not be undertaken until at least 1996 or 1997.

6. Speed Limits and Cross Walk along K-68 Highway. The City Manager stated that Mr. Kimball might be able to assist the City by getting this project reconsidered. This project will be placed on hold until a later date.

7. K-68 Bridge Improvement. KDOT is requesting that the City provide a letter concurring that the detour be on 7th Street and that the bridge be closed during the entire project. While the bridge is closed, traffic will be rerouted onto Main Street for the duration of the project.

8. Procedures Policy Amendment. The City Manager stated that the City has existing streets that are reported to be open streets. There have been some circumstances in which City staff does not fee that it is appropriate to consider them to be open streets. Therefore, City staff is requesting that the procedures policy amendment, which delineates the criteria which is necessary in order for a street to be considered an open street.

This item will be placed on the June 7, 1995 City Commission Meeting Agenda.

9. Street Vacation Request from Ottawa Truck. The Planning Commission is recommending to the City Commission by a 7-0 vote to vacate certain streets and rights-of-ways as requested by Ottawa Truck. This request from Ottawa Truck to vacate streets near their facility will require a public hearing to be held. The public hearing will be on the June 7, 1995 City Commission meeting.

10. Parking Regulations. Mr. Phil Messinger is planning construction of a furniture store in Ottawa but feels that the number of parking spaces required for a furniture store is excessive. The Planning Commission has recommended that the attached ordinance be approved to amend Article 23, Section 1.16 of the Zoning Ordinance, No. 2933-90, for parking regulations for furniture and appliance stores, household equipment or furniture repair shops from "one (1) space for each two hundred (200) square feet of retail area to one (1) space for each four hundred (400) square feet of retail area.

11. Village West Townhouse The Village West Townhouse Plat has been approved by the Planning Commission and is now ready for acceptance of street rights-of-way and easements.

**Executive Session:** Commissioner Ramsey made a motion to recess into Executive Session at 4:20 p.m. to discuss personnel, not to exceed 10 minutes.

The Work Study Session reconvened at 4:40 p.m.

**Other Business:** None.

**Announcements:**

1. There will be City Commission Meeting on June 7, 1995.
2. Work Study Session on June 12, 1995 at 3:00 p.m.
3. Work Study Session on June 19, 1995 at 3:00 p.m.
4. Work Study Session on June 26, 1995 at 3:00 p.m.

Meeting adjourned at 4:45 p.m.

**CITY OF OTTAWA, KANSAS  
COMMISSION MEETING**

**Minutes of June 7, 1995**

**Roll Call**

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, and Commissioner Gene Ramsey present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Commissioner Cumiskey arrived at approximately 7:01 p.m. Mayor Matthews led the audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey 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 duly approved.

**Approval of  
Minutes**

Thereupon, Commissioner Cumiskey made a motion which was seconded by Commissioner Ramsey to approve the minutes of the previous meeting dated May 17, 1995 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of May 17, 1995, approved as written.

**Public Comments**

Thereupon, Mr. Robert Smith, 323 East Third addressed the Commissioners and asked them to include in the 1996 Budget, funds for sidewalk repair. Mr. Smith presented the Commission with pictures of damaged sidewalks in the community.

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Next to address the Commission was Mr. Russ Daniels, 636 South Main, who asked the Commissioners to be aware of rising property taxes and rising valuations, stating that it was his belief that property taxes were out of control.

Next to address the Commission was Mr. Cal Lantis of 416 Pine. Mr. Lantis presented the Commission with a survey conducted by the Ottawa Pride Committee, stating that it was a random sampling and not a scientific study and pointed specifically to two top ten lists. That is, Ottawa's Top 10 facilities and services and Ottawa's Top 10 concerns. The Commission thanked Mr. Lantis for his input.

Next to address the Commission was Mr. Leroy Hildebrandt, 436 North Main. Mr. Hildebrandt expressed concern over the nuisance rule, stating that he had been informed by the Program Manager that the property owner was responsible from the center of the street to the property lines and he felt this should be re-evaluated.

Next to address the Commission was Mr. Norman Hildebrandt, 836 South Sycamore. Mr. Hildebrandt stated that the nuisance law was a good idea but something should be done about unpaved streets.

#### **Public Hearings**

Thereupon, the Mayor opened the public hearing for Pre-application of the Demonstration Project through Kansas Department of Commerce and Housing.

Thereupon, Roxanna Lindquist of 745 South Princeton, representing Spirit Inc. asked the Commission for assistance in obtaining Grant Funds to match a Grant which Spirit Inc. had previously attained. Ms. Lindquist explained that they intended on rehabilitating a house which had been donated to Spirit Inc. located at 335 South Cedar. The intended use for this house would be to provide shelter and housing for the homeless in the area and to help those with mental health problems to recover and make their way back into the healthy

community.

Next to address the Commission was Mr. Lonnie Lindquist, 745 South Princeton, Mr. Lindquist explained that Spirit is a Community Housing organization which very much wants to go forward with their project.

Next to address the Commission was Ms. Patty Snyder, 504 West 7th St., who spoke in favor of the downtown upstairs apartments and endorsed the application to improve those facilities.

Thereupon, Mr. Cal Lantis, 416 Pine, commended the City for the downtown apartment project, stating that it was a way to maximize resources. Mr. Lantis continued by stating that he would like to see the area included in the application cover a broader area and gave, as an example, 9th Street south to north of the river. Mr. Lantis also asked to see as part of the project a component of the Neighborhood Revitalization Act, which would allow for upgrades for a period of 10 years, and provide tax breaks for those improvements.

Thereupon, Commissioner Cummmiskey asked how the designated area was determined.

Thereupon, Wynndee Lee, Program Manager for the City, stated that the City was the one to determine the area, and that the area could be adjusted if the Commission so desired.

Thereupon, Ms. Esther Fitzgerald representing Spirit Inc., stated that Ottawa has been supportive of Spirit Inc. and that she hoped that they would continue to support them by helping obtain a grant which would allow for the revitalization of 335 South Cedar.

Thereupon, Rick of 833 Cleveland, said that Spirit had helped him when he got out of a State Mental Hosp. and considered his recovery a miracle. He asked that miracles be allowed to continue, stating that a house specifically for this purpose would have a lot of potential for good in the community.

Thereupon, Mayor Matthews asked for a show of hands of those in attendance who were in support of Spirit Inc., approximately eight persons raised their hands.

Thereupon, Ms. Linda Zimmerman, 119 East 8th, addressed the Commission stating that she had been taken in by Spirit Inc. and that she now holds a part time job, is on disability, and is trying to purchase her own home. She stated that approximately 14 could be housed at the location at 335 South Cedar and encouraged the Commission to support the project.

Thereupon, Commissioner Tyson said that there was no doubt that Spirit Inc, and the Lindquists have done a lot of good for the community.

There being no further comments regarding the Public Hearing for the pre application for the demonstration project through Kansas Department of Commerce and Housing, the Mayor closed the public hearing.

**1996 CIP**

Thereupon, the Mayor opened a public hearing to consider the 1996 Capital Improvement Project.

Thereupon, Mr. Charles Gillette, 1639 Willow and a member of the Planning Commission, commended the City Commission for last years Capital Improvement Program, noting that Ottawa is beginning to bloom as a result of the Commission's efforts. He encouraged the Commission to go forward with the Capital Improvement Program, and speaking as a member of the Public Affairs Committee of the Chamber of Commerce, asked that some consideration be made for the 10.3 miles of unpaved streets and that a plan be developed to in fact pave those streets.

Thereupon, Raquel Fleeer, 1016 North Poplar, asked the Commission if new businesses were paying their fair share and if not who was paying what share.

Thereupon, Mr. Cal Lantis, 416 Pine, stated that he agreed with Mr. Gillette that we need to improve gravel streets, where property owners are willing to share in the cost, but emphasized that property owners should in fact share in the cost for improvement aided strongly by the City. Mr. Lantis also noted there are some areas on the west and east sides which could easily be developed with minimum infra-structure costs which would allow for rapid development.

Thereupon, Ms. Jodie Newland, 420 West 4th St., stated she was a new comer to the community and found it questionable that large trucks were allowed to go through the downtown area.

Thereupon, Mayor Matthews stated that this had been one of his concerns and that he was working on ways to alleviate this problem. He assured Ms. Newland he was confident that the problem could be addressed.

Thereupon, Commissioner Jackson noted that the Capital Improvement Program did not include funds for a Public Works Bldg., nor did it include needs which should be considered for the Woodward Community Center, specifically the need for a kitchen, and finally noted that there were needs at Forrest Park, such as refurbishing the swimming pool and tennis courts, which should be included in the Capital Improvement Program.

Thereupon, Commissioner Cumiskey noted that the CIP was no longer a wish list but a viable action list.

There being no further comments, the Mayor closed the Public Hearing.

#### **1996 Budget**

Thereupon, the Mayor opened a Public Hearing to consider the 1996 Budget.

Thereupon, Mr. Charles Gillette, 1639 Willow, again encouraged the Commission to place unpaved streets on the Budget Agenda and noted that whatever can be done to attract people

and businesses to the Community will only help spread the tax burden.

Thereupon, Ms. Sharon Haney, 1009 South Elm, asked the Commission to consider including in the 1996 Budget a program to pave unpaved streets.

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

**Street Vacation  
Ottawa Truck**

Thereupon, the Mayor opened a public hearing to consider a street vacation for Ottawa Truck Inc. The portion of streets included are as follows: A portion of North Cedar St., from Dundee to Garfield St., Garfield from North Cedar to North Oak St., and North Oak from Garfield St. south to the southern edge of Lot 18 and Block 10, and to abandon rights of way located along the east side of even lots 2 through 28, Lot 9 and the north side of Lots 1 and 2 and the east side of even lots 2 through 18 and Block 10, Ottawa Steel Addition.

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

**New Business**

**CMB Wal Mart**

Thereupon, there was presented an application for Cereal Malt Beverage License for Wal-Mart Stores Inc.

Thereupon, Commissioner Jackson made a motion, which was seconded by Commissioner Cummiskey 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 duly approved.

**CMB Conoco, Inc.**

Thereupon, there was presented an application for Cereal Malt Beverage License for Conoco, Inc.

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

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

Thereupon, the Mayor declared the application duly approved.

**Tax Abatement  
Havens Steel**

Bill No. 95-44. Thereupon, there was presented a resolution authorizing an agreement with Havens Steel Company Ottawa, Kansas, granting a 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 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. 857-95.

**Tax Abatement  
Ordinance**

Bill No. 95-45. Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas.

Thereupon, Commissioner Cumiskey 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. 3150-95.

**Re-zoning  
Brady - Altic**

Bill No. 95-46. 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 Ramsey made a motion which was seconded by Commissioner Jackson to adopt the ordinance. During discussion it was

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pointed out, that Michael S. and Sharon A. Brady, K. Terry Mitchell, David L. Altic, and Dwight & Maxine Haworth are requesting to have the east 145 1/2 feet of Lots 7 & 8 in Block 6, Riverview Addition to the City of Ottawa and Lots 1, 2, 3, 4, 5, 6, 7 and 8 Block A in Bien Subdivision rezoned from R-S (Residential Suburban District) to R-2 (Multi-Family District). These lots are located along the west side of Davis Avenue, north of Wilson Street and Grant Street. There are three existing single family homes, two single family homes that are being constructed, and four lots that are undeveloped within the area proposed to be rezoned. 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. 3151-95.

#### **Chautauqua Days**

Thereupon, there was presented a request from the Ottawa Jaycees to use Forest Park and reserve the Main Shelter House for the annual 4th of July Celebration.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Cumiskey to approve the request. During discussion it was pointed out that the annual event would be sponsored by the Ottawa Jaycees and fire works would be provided for the whole community. It was also pointed out that the Jaycees would purchase insurance for the event not to exceed \$500,000. The motion was considered and upon being put to the question, all present voted aye.

#### **Neosho CCC Bids**

Thereupon, there was presented a request for the acceptance of bids for the building expansion at Neosho County Community College Facility in Ottawa, Kansas. Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Jackson to approve the request. During discussion it was pointed out that President Ted Wischropp of Neosho County Community College had notified the City that the Board of Trustees for Neosho County

Community College had recommended the City accept the low bid of \$147,976 from the Adventure Group/MCA, Inc.

Thereupon, Mr. Ray Cummiskey of Neosho County Community College, explained that this bid was 14 percent less than the engineer's estimate. The motion was considered and upon being put to the question, passed by the following vote, Commissioner Jackson yea, Commissioner Tyson yea, Commissioner Ramsey yea, Commissioner Cummiskey abstained and Mayor Matthews yea.

Thereupon, the Mayor declared the motion duly approved.

**Main Street Imp.  
15th to 17th St.**

Thereupon, there was presented a resolution authorizing improvements to be made on Main Street from 15th to 17th Streets by the State of Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. During discussion it was pointed out that the Kansas Dept. of Transportation requires an expression of support and desire from the City to proceed with the KDOT Project No. 59-30 K-4912-01. This expression is required in the form of a resolution provided by the Kansas Dept. of Transportation. KDOT also requires certification that real property rights necessary for completion of the project have been obtained according to law. 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. 858-95.

**Procedures Policy**

Thereupon, there was presented revisions to the City of Ottawa Procedures Policy.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Jackson to approve the revision. During discussion it was pointed out that due to questions relating to open and unopened

streets the policy procedures had been reviewed by City Staff and the changes had been forwarded to the City Commission for their approval. The proposed changes are submitted as follows:

Section 1. General:

The existence of a dedicated right of way does not constitute an "open street". A street shall not be considered "open" until:

- a. It has been improved according to standards established in Section 3, below;
- b. A driveway permit has been issued or;
- c. A residential, commercial, or non-agricultural industrial driveway existed within that block prior to April 7, 1993.

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

Thereupon, the Mayor declared the revision to the City of Ottawa Procedures Policy approved as written.

**Parking Regulations** Bill No. 95-47. Thereupon, there was presented an ordinance relating to parking requirements for furniture and appliance stores, household equipment or furniture repair shops amending Section 1.16 of Article XXIII of the Zoning Regulations of the City of Ottawa which zoning regulations were adopted by Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to adopt the ordinance. During discussion it was pointed out that Mr. Phil Messinger is planning to construct a furniture store in Ottawa, but believes that the number of parking spaces required for a furniture store would be excessive. The Planning Commission had recommended that this ordinance be approved to amend Article 23, Section 1.16 of

the Zoning Ordinance, No. 2933-90, for parking regulations for furniture and appliance stores, household equipment or furniture repair shops from "one (1) space for each two hundred (200) square feet of retail area to one (1) Space for each four hundred (400) square feet of retail area. 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. 3152-95.

#### **Village West Plat**

Thereupon, there was presented a resolution accepting the dedication of right-of-way and easements within the Village West Townhome Addition to the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Cummiskey to adopt the resolution and accept the plat for Village West Townhomes. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the plat duly approved and the resolution was duly numbered Resolution No. 859-95.

Thereupon, Commissioner Cummiskey noted the Chamber audience was one of the largest they had seen in a long time.

#### **Announcements**

Thereupon, the Mayor announced work study sessions had been scheduled for June 12, 1995 and June 19, 1995 at 3:00 p.m., he further noted that the Joint City/County Meeting was scheduled for June 21, 1995 at 12:00 p.m. and that a Work Study Session was scheduled for June 26, 1995 at 3:00 p.m. Finally the Mayor noted that the next regular meeting would be June 21, 1995 at 9:35 a.m.

Thereupon, Mr. Woody Anderson, 4727 Texas Road, asked to be allowed to speak to the Commission.

Thereupon, Mr. Anderson provided information

to the Commission regarding proposed legislation which could potentially provide funding to the City and asked the Commission to support that legislation.

**Adjournment**

There being no further business to come before the Commission, Commissioner Tyson 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.

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

## STUDY SESSION MINUTES

3:00 P.M.

June 12, 1995

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

**Absent:** Commissioner Jackson and Jeff Herrman,

The City Manager opened the meeting by recessing into Executive Session for Attorney/Client Privilege (Kansas Pipeline discussions) not to exceed 30 minutes. The 30 minute time limit expired with further business to discuss. Therefore, the City Commission voted to extend the Executive Session for a time not to exceed 45 minutes.

Regular Work Study Session reconvened at 4:20 p.m. by reviewing the June 21, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Traffic Controller at 9th and Main. Jim Bradley, Director of Utilities, explained that the traffic signal at 9th and Main had been damaged in a traffic accident. A bill has been received and Mr. Bradley is requesting that Contingency Reserve monies be used to pay for the controller. The total amount, including labor for repair, will be submitted to the City's insurance for collection.

2. Health and Dental Insurance Renewal. The City Manager stated that there have been several amendments to the current health and dental plan throughout the last year. The City's Personnel Department would like to combine all the previous amendments at this time of renewal. The renewal would be effective August 1, 1995 and would not result in any increases for the City.

A few changes in the plan include adding a mail order prescription drug program, raising the annual dental limit, initiating an immunization/vaccination program, and initiating a vision care program.

Commissioner Tyson asked how the mail order program would be implemented. Judy Hasty said there would be an introductory kit supplied to each employee. This program would essentially be for "maintenance prescription drugs". The employee would mail the prescription form to the administrator of the program after which, the prescription would be returned by mail. A prescription could be filled for a 90 day period.

Commissioner Ramsey asked who would fill the mail order prescription. Mrs. Hasty stated one local pharmacist is interested in developing a system and has talked with Mrs. Hasty and Mr. Ed Treadwell. This pharmacist could not develop a program for this year, but possibly next year. Phone service would be available 24 hrs. a day.

Mrs. Hasty also commented that the City of Wichita participates in a program such as the one being discussed and they have been very satisfied.

3. 1996 Budget and Job Descriptions. The City Manager stated that he has deleted the step system. In the future, Minimum, Mid-point and Maximum-point will be used for each of the ranges. Also, during the past year, there were several changes made in terms of positions.

A loose leaf notebook will be distributed to the Commission. Anytime there is a change in the pay plan, new pages will be distributed to the City Commission to add to their notebook.

The City Manager stated that it is his recommendation that all employees receive a 3 1/2% COLA for all employees effective January 1, 1996. However, there would not be a merit increase for 1996. The 3 1/2% is based upon what state employees will be receiving in 1996. The City Manager is requesting the COLA for 1996 because of a number of employees that are currently topped or beyond the top of a range and have not been able to receive an increase in pay. This will be effective for 1996 only.

**Proposed New Positions:**

- Regular part-time Public Works/Utilities Secretary. The City Manager is requesting a regular part-time secretary. This position will be cost allocated from the General Fund Water/Wastewater and Electric. This new position will be divided between two department heads and the person would be hired after the move to the new building.
- Regular part-time Municipal Court Clerk. This position would be a back-up for the present municipal Court Clerk. If the current clerk is gone there is no one to help cover for the Court Clerk. This position would be evaluated in 1996 to see if this additional position would increase the fine collection.
- Part-time Custodian. With the future move to the new building the present custodian will need a person to help with the janitorial work at the Police Department, the current City Hall and the new building.
- Wastewater Treatment Plant. This would be a full-time position. Future regulations could be imposed which would require to have two people working for this department. At the present time, if someone gets hurt while working, there would not be a way for this person to get help. The power plant and water plant will be two other areas where a two man team will be required.

The City Manager stated that the next Work Study Session will be dedicated to review all personnel schedules in detail. The City Manager asked the Commission to provide him with direction regarding the COLA by June 19, 1995 so he could continue the budget planning process.

4. Insurance Coverage for City Vehicles. The City Manager stated that the City's policy has been not to obtain comprehensive insurance. This item is a policy decision and was brought to the Commission for their information.

**Other Business:** None

Meeting adjourned at 4:45 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

June 19, 1995

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

**Absent:**

Commissioners reviewed the June 21, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Health Insurance. Local pharmacists had contacted the Commission asking them to reconsider the approval of the health and dental renewal. The Commissioners agreed that they would like to take this item off the agenda because of concerns for local pharmacists. Commissioner Cummiskey stated that she had asked the pharmacists to get some information together and come to a Commission to discuss this item with the City Commission.

The City Manager stated if this was a problem for the Commission to vote for the renewal of the City Health plan with the mail order prescriptions as part of the plan, the prescription section could be left out until August, 1996. It is anticipated that City staff will report back to the Commission in March, 1996. However, the City will not realize the savings as anticipated because a major portion of the City's plan included the maintenance drug program.

Commissioner Cummiskey stated that one of the local pharmacists had visited with her and had stated that he talked with Kansas City Life. The representative from Kansas City Life informed him that they were willing to work with him on this portion of the program.

Judy Hasty, Personnel Director, stated that she had talked to all local pharmacists and they all seemed eager to develop a program and work with the City. However, the pharmacists were skeptical that a plan could be devised by them in time for this year's renewal. Mrs. Hasty also stated that she had shared all the information with the pharmacists and agreed to keep them informed.

The City Manager stated that City staff will need to let the insurance carrier know on the renewal of the policy. Either go ahead and proceed with the current proposal and report back in March, 1996 to allow local people to provide their information or keep the insurance policy as is and the savings would not be realized.

Commissioner Tyson suggested that the City renew existing contract. Commissioner Jackson stated he would not have a problem proceeding with the current proposal (including the drug maintenance program) which would allow staff to provide statistics for next year. Commissioner Ramsey stated that this should be left on the June 21 agenda to see if any representatives participate in the meeting. The City Manager stated that he had talked with Mr. Bill Allegre, Allegre Pharmacy, and asked them to come to a City Commission Meeting. The City Manager stated that this item could be pulled off the agenda and replace it on the first meeting in July.

2. STAG Unit Repair. There has been a failure on the STAG Unit at the Power Plant. Staff is requesting to spend \$22,551 this year and complete the project next year. This money will reduce the expenditure of the CIP for next year.

Jim Bradley, Director of Utilities, informed the Commission that this is a project in which funds were set aside for next year. However, because of the failure, the unit can be operated in extreme emergency's but is not a safe situation and would not want to do it for an extended period of time. Mr. Bradley stated that he would like to get the repair underway as soon as possible.

Commissioner Ramsey asked why the consulting fee was so high. Mr. Bradley stated that this is just an engineering fee. With this type of program, the engineering fees will be higher than the actual parts. Other quotes were taken but this was the lowest amount.

All the Commissioners were in agreement to add this item to the June 21, 1995 City Commission Agenda.

3. PRIDE Committee. The City Manager stated that the City would need to adopt this resolution to pursue energy efficiency among the City of Ottawa and help the PRIDE Committee obtain the "Blue Ribbon" Award

This item will be placed on the City Commission Agenda.

4. 1996 Budget - Personnel and Contractual Services/Commodities. City staff is still waiting on additional information from the County to complete the figures for the budget. As soon as the County forwards information on the property tax to City staff, there will be a more in-depth discussion of budget.

The City Manager reiterated the fact that he is recommending giving all employees a 3 1/2% COLA. A tabulation sheet has been developed which shows the amounts of wages and benefits for each individual employee. Scott Bird, City Clerk, also identified the average salary and the median salary of employees to give the Commission an idea how much money will be involved for a typical employee.

The City Manager continued the budget discussions by reviewing the Contractual Services and Commodities for the 1996 Budget. The City Manager indicated that the combined total increase was less than 3% of the previous year.

The City Manager stated that a major increase in the Budget is in Contractual Services. Scott Bird, City Clerk stated that the main reason for the increase includes all the maintenance agreements for the City Hall and the former Franklin Savings Building. The utilities shown in the budget also includes both buildings so there is increase in these funds.

Mr. Bird stated that 911 figures will be received from the County in the next week.

The City Manager stated that a summary sheet will be provided to the Commission in the next day or so.

**Other Business:**

The Commissioners requested to speak to the County at the Joint City/County meeting about the airport road. This topic will be scheduled for the July meeting. At the June meeting, the City Manager is anticipating to discuss the transient guest tax and the Convention and Tourism.

Mayor Matthews announced the following meeting times:

1. Photo retakes on June 21, 1995 at 9:00 a.m.
2. City Commission Meeting on June 21, 1995 at 9:30 a.m.
3. Joint City/County Meeting on June 21, 1995 at 12:00 p.m.
4. There will be a Work Study Session on June 26, 1995 at 3:00 p.m.
5. There will **not** be a Work Study Session on July 3, 1995.
6. There will be a City Commission Meeting on July 5, 1995 at 7:00 p.m.

Meeting adjourned at 4:50 p.m.

Unofficial  
Until Approved

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of June 21, 1995

Roll Call

The City governing Body met in regular session at 9:30 a.m. this date, The following member being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cumiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda  
Approval

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Cumiskey 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 duly approved.

Approval of  
Minutes

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the minutes of June 7, 1995 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of June 7, 1995, approved as written.

Public  
Comments

Thereupon, Mr. Harry Hendricks of 11C Canterbury Courts addressed the Commission stating that he had experienced service problems with his Cable Service. Mr. Hendricks explained that approximately 9 p.m. Friday evening he had lost partial service on his local cable and that he had called TCI Saturday morning. He found he was speaking to an answering service in Tulsa, Oklahoma. Mr. Hendricks did not feel he had received service

in an adequate amount of time, and it was his understanding that TCI should provide service in a 24 hour period. Mr. Hendricks noted that he did not receive service until Monday and that the local office was not aware of his problem even as late as 9:30 Monday morning.

Next to address the Commission was Mr. Leonard Chesbro. Mr. Chesbro addressed Bill No. 95-48 dealing with building permit fees, stating that he felt that additional building permit fees would discourage growth and building within the community and that this was the wrong time to implement an increase in those fees.

Next to address the Commission was Mr. Ed. Burrichter, 1117 South Maple, representing the pharmacist of Ottawa. Mr. Burrichter noted that the Commission had delayed action on the proposed mail order prescription benefit for City employees. Mr. Burrichter provided the Commission with written information on cost comparison of mail order prescription versus retail prescription and also explained the local retailers concerns in this matter.

There being no further comments to come before the commission. Mayor Matthews closed the public comments portion of the meeting.

Presentations  
and  
Recognitions

Thereupon, the Mayor recognized Mr. Dusty Rhoades, of the Electric Distribution Dept., noting that Dusty had started with the City in 1960 as a Meter Reader had later moved to the Electric Dist. Dept., working his way up to Assistant Superintendent. The Mayor congratulated Dusty for his 35 years of service and recognized him by presenting a plaque in honor of his retirement.

Alternative  
School

Thereupon, the Commission heard a presentation by Mr. James Cain, Chairman of the Franklin County Educational Committee for Alternative Schools, and Superintendent of USD 287 Schools. Mr. Cain explained that the four school districts within Franklin County had applied for a Federal Grant in the amount of \$500,000 to help fund an Alternative School for 6th through 9th graders, but noted that it would take a 20 percent match or a little over \$100,000 to obtain the grant if funded. Mr.

Cain explained that the vision of the group was to provide an alternative school to serve a larger age span than what is presently being served and to bring at risk children back into the main stream ranks of education. Mr. Cain noted that the grant is critical but that some type of Alternative School would be persued starting this fall. Finally, Mr. Cain noted that not only did all four school districts join together but many other children based entities had rallied behind this project and were very committed to it. He asked the City to commit themselves and some possible funding for this project.

New Business

Health Ins.  
Plan

Thereupon, the Mayor noted that Item 12, renewal of Health Dental and Life Insurance Plan had been deferred to the July 5, 1995 City Commission Agenda.

Building  
Permit Fees

Bill No. 95-48. Thereupon, there was presented a resolution establishing fees for the issuance of building permits in the City of Ottawa, Kansas, to be effective January 1, 1996, as proposed in Ordinance No. 2812-86, 2941-90 and the Municipal Code, 1982 ed.

Thereupon, Commissioner Cummiskey 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. 860-95.

Energy  
Awareness

Bill No. 95-49. Thereupon, there was presented a resolution encouraging citizens to be aware of energy and energy conservation issues in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adopt the resolution. During discussion it was explained that the Pride Committee of Ottawa had been working several years to achieve a "Blue Ribbon" status, and that part of the requirements included the passage of a resolution to encourage responsible energy

Governing Body  
Agenda

Announcements

Thereupon, Commissioner Jackson thanked the Staff and Commission for cards he had received during his stay in the hospital.

Thereupon, the Mayor announced the Joint City County Meeting would be this date at 12 Noon at the Franklin County Jail, and that there would be work study sessions scheduled June 16, and July 10, but no Work Study Session was scheduled for July 3, due to the holiday.

Thereupon, the Mayor announced that the next regular meeting of the City Commission was scheduled for July 5, 1995, at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Cumiskey made a motion which was seconded by Commissioner Ramsey to adjourn. The motion was considered and 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

Unofficial  
until approved

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of July 5, 1995

The City Governing Body met in regular session at 7:00 p.m. this date, The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cumiskey present, and Commissioner Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda  
Approval

Thereupon, Commissioner Cumiskey 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.

Thereupon, the Mayor declared the agenda duly approved.

Approval of  
Minutes

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Ramsey to approve the minutes of June 21, 1995 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of June 21, 1995, approved as written.

Public  
Comments

Thereupon, Mr. Greg Hernandez of 204 S. Elm representing the Concerned Citizens of Ottawa, presented the Commission with 400 signatures from citizens who are upset with the late charges on the water and electric bills. Mr. Hernandez stated the late charges were creating a hardship on the elderly citizens of Ottawa on fixed incomes, and questioned the legality of the late charges.

Mr. Hernandez also presented the Commission with 55 pages of signatures from citizens who oppose the Nuisance Ordinance, stating that it is taking away the citizens right to privacy.

In closing Mr. Hernandez asked all Commissioners if they would give the citizens of Ottawa back their right to privacy.

Mayor Matthews responded to Mr. Hernandez by stating that all of the Commissioners voted 5 to 0 to adopt both the Late Fee Ordinance and the Nuisance Ordinance and both ordinances would remain in effect.

Commissioner Cumiskey questioned the amount of duplicate copies of signatures.

Mr. Dan Fogle 612 E. 15th St., representing the Friends of the Prairie Spirit Rail-Trail, spoke to the Commission concerning the Bicycle Tour Sunday, July 23, 1995, stating that anyone interested could fill out an entry blank and the first 50 entries would receive free helmets. Mr. Fogle spoke in favor of the Rail to Trail, stating this could promote tourism and it would also be a place for the children to ride off the streets.

There being no further comments to come before the commission. Mayor Matthews closed the public comments portion of the meeting.

#### Public Hearings

Thereupon, the Mayor opened a Public Hearing to consider a Tax Exemption for Golden State Porcelain, Inc.

Mr. Lou Atherton Ottawa Area Chamber of Commerce, spoke to the commission asking them to act favorably on the tax exemption for Golden State Porcelain, Inc.

Mr. Bret Boyer General Manager of Golden State Porcelain, Inc., thanked the Commission for their support.

Thereupon, Mayor Matthews declared the public hearing closed.

#### New Business

Health and Dental Insurance Renewal was placed on the July 19, 1995 City Commission Agenda.

Day Care  
Centers,  
Special Use  
Permit

Bill No. 95-50. Thereupon, there was presented an ordinance relating to the allowing of Day Care Centers by Special Use Permit in the C-2 (General Commercial District) and amending Appendix A of the Zoning Regulation of the City of Ottawa which zoning regulations were adopted by 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. 3153-95.

Addendum to  
Loan Agreement  
Ottawa  
University

Bill No. 95-51. Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas to execute an addendum to the Loan Agreement and Promissory Note with Ottawa, University.

Thereupon, Commissioner Cummiskey 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. 862-95.

Mayor Matthews asked the City Manager to check into the "Curb Organization" and the possibility of the City of Ottawa taking action to remove several people from the present board, as he felt there might be some wrong doing.

Governing Body  
Agenda

Thereupon, the Mayor announced there would be a work study session on July, 10, 1995, at 3:30 p.m., a work study session on July 17, 1995, at 3:00 p.m., a work study session on July 24, 1995, at 3:00 p.m. and the next regular meeting was scheduled for July 19, 1995, at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey to adjourn. The motion was considered and 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 from the date of the meeting.

*Deborah Magalhães Deputy*  
Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

July 10, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cumiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Bradley, Richard Towe, Andy Haney, Judy Hasty, Daryl Shutt for Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Bruce Prentice, Bob Reusch, Barbara Dew and Dick Smith.

**Absent:** Jeff Herrman, Jim Shaw

Mayor Matthews opened the meeting by reviewing the July 19, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

The following items were brought before the Commission for discussion:

1. Review of the July 19, 1995 City Commission Agenda.
2. Consent Agreement with the Kansas Department of Health and Environment (KDHE). Jim Bradley, Director of Utilities, stated that there was a leak created by a break in an old pipeline. The people involved ~~have been notified and have been cooperating~~ with the City.

Commissioner Ramsey asked how many underground lines the City has. Mr. Bradley indicated there are approximately 250 to 300.

This item will be placed on the July 19, 1995 City Commission agenda.

3. 1996 Budget - Auditorium. Dick Smith, Director of the Municipal Auditorium stated that the Auditorium would like to publish a quarterly newsletter which would increase the postage and printing line items in their budget. The newsletter would be sent to all season ticket holders and other supporters of the OMA.

It is anticipated that revenues obtained from the rental of the Auditorium will reflect an increase in 1996. Mr. Smith stated that even though revenue from BINGO has been decreasing, it is his hope that additional revenue can be expected from the pull-tabs. Mr. Smith also stated that the Auditorium would also like to change line item 399 - Miscellaneous to Fund Raising.

Staffing will remain the same for the 1996 Budget.

4. 1996 Budget - Library. Representatives from the Library Board and Library staff were at this meeting to discuss the 1996 Budget for the Ottawa Library.

Mr. Bob Reusch stated that the estimates for utilities are much higher than expected. Commissioner Cummiskey stated the 1993 figures used as estimates do not reflect that the building will be used more than it was in 1993. Mr. Reusch also stated that the Library Board has examined the Budget and have concluded that the only way to afford the move for utilities would be to cut employee benefits or to decrease the cost for new books. Mr. Reusch continued by asking the City Commission to help the Library subsidize the cost for their utilities.

Ms. Barbara Dew explained their budget by line item. Ms. Dew stated that the latest grant approved was not included in the 1996 Budget. A 3% COLA has been included in the 1996 Budget for all Library employees. Ms. Dew explained that there had been a tremendous increase for postage because of the postage rates increasing.

The City Manager stated that because 1996 will be such an unknown year for planning the move to the new building and not knowing how much the utilities and maintenance will cost, it is his intention for the City to pay the utility and maintenance costs for the entire building for the remainder of 1996. If the Library exceeds their budget, the City would have an arrangement with the Library to pay back the funds. The City Manager stated that a 2.38 mill levy would be added to the CIP for 1996. Therefore, the minimum mill levy would be over nine mills to support the Library. However, the City Manager suggested that the City examine the total mill levy, and that it is his opinion that ten mills should be adopted for the 1996 Library Budget. The ten mills would additionally include approximately 0.62 mills, \$20,000, with one mill representing Library employee benefits cost.

Commissioner Cummiskey stated that the whole idea of the Library moving into the former Franklin Savings building was to increase their services to the community not cut the operations. However, Commissioner Cummiskey also stated that because of the automation of the Library system there could be a possibility of some position cuts of Library staff. Ms. Dew commented that she has never said that the Library could get along with less help. Ms. Dew also stated that Library staff would eventually like to provide an Internet Service to the public.

Commissioner Cummiskey stated that she did not see any problem with the Library budgeting for the utilities currently being used at the building now.

Scott Bird, City Clerk, asked Ms. Dew if a 24-hour custodian would be adequate in the larger facility. Ms. Dew stated that she would have to wait and see. One concern she had with the custodian services is how the Library and City would share custodial duties. The City Manager stated that he envisions that the City will maintain the grounds with the Library taking care of the biggest part of the inside maintenance.

Mayor Matthews stated that the City has a choice of adding 0.62 mills to the current proposed Budget or wait until the figures could be better established. The money that the City spends to help the Library would be extracted out of the General Fund.

1996 Budget - Library.

The City Manager asked the Commission if it was their consensus to prepare a Charter Ordinance. The City Commission gave their consensus. The City Manager stated that he would direct the City Attorney to prepare a draft Charter Ordinance and bring it back to the Commission for their review.

5. 1996 Capital Improvement Program (CIP). The City Manager stated that the main item brought forward by the public involved residential streets that were not paved. If the Commission directed the City Manager to proceed with this request, he would need to have a consensus at this meeting. The Commission approved the 75\25 split.

Commissioner Ramsey asked the City Manager about adding the purchase of a fire truck to the CIP. The City Manager stated that the CIP is not appropriate to finance capital equipment. The City Manager is proposing to create a fund for the purchase of equipment. He is also recommending that the City increase the revenue to this fund by \$16,000. In 1996, the City will be lease purchasing two police vehicles and one fire truck. In 1997, the police fleet would be replaced entirely and in the year 2001 two fire trucks would be lease purchased.

Commissioner Cummiskey stated that this was a good way to project future departmental and public safety needs and that the City is not having difficulty providing for base line items. Mayor Matthews also gave his approval for the proposed plan.

Commissioner Cummiskey asked the City Manager about the Public Works building. The City Manager stated that this project does need to be undertaken, however all the funds have been used for other projects. However, in 1996, the City Manager stated that he will be making a strong recommendation to budget for a new Public Works building.

The City Manager asked the Commission for their approval to the CIP. All the Commissioners were in consensus to include the proposed CIP into the 1996 Budget.

**Other Business:**

The City Manager stated that the traffic lights at 21st Street Terr. will be operational on July 11, 1995.

The power for certain sections of the City will be completely shut down on Sunday, July 16, 1995 due to the addition of new circuits to the South end of town. Jim Bradley, Director of Utilities, stated that a one hour shut down has been planned. There have been ads placed in the Ottawa Herald and Ottawa Times. KOFO has also been asked to make repeated announcements. There will also be an advertisement on the Weather Channel. All the major health care facilities have also been notified. Fliers have been distributed to businesses and churches. A majority of industries, service stations, hotels and grocery stores have also been notified. Commissioner Jackson suggested that area churches also be notified.

**Other Business - Continued.**

Commissioner Ramsey thanked Andy Haney, Director of Public Works, for his efforts on the Wilson Street crossing.

Commissioner Tyson asked if a response had been made to Gretchen Gahagan about the Highland Cemetery request. Commissioner Cummiskey asked if the involved parties could be notified that this will be discussed at the July 17, 1995 Work Study Session.

Commissioner Tyson also stated that she had received a letter from a citizen regarding the 15th Street improvement project. The City Manager stated that there will be a protected left turn installed. Andy Haney, Director of Public Works, stated that the bid letting for this project will be in Topeka the week of July 17, 1995 and the contract documents call for completion of the project by October 27, 1995.

Commissioner Jackson stated that the Commission had been copied with a memo regarding the KOCH Crime Commission. There will be a KOCH Crime Commission meeting in Wichita on Thursday, July 13, 1995.

Commissioner Jackson also commented that the concerned citizens that appeared before the Commission meeting on July 5, 1995 need to be responded to. The City Manager stated that a letter could be prepared for the Mayor's signature to explain the City's happenings.

Commissioner Cummiskey announced that someone should attend the Economic Meeting in Kansas City on July 19, 1995. The City Manager stated that he is planning to attend.

**Executive Session:**

Commissioner Tyson made a motion to recess into Executive Session to discuss Pending Litigation for a period not to exceed 20 minutes. Commissioner Cummiskey seconded the motion. The City Commission returned from Executive Session twenty minutes later. There was no further action and the Work Study Session was adjourned.

The following meetings were announced:

1. Work Study Session on July 17, 1995 at 3:00 p.m.
2. City Commission Meeting on July 19, 1995 at 9:30 a.m.
3. Joint City/County Meeting on July 19, 1995 at 12:00 p.m. at the Franklin County Jail.
4. Work Study Session on July 24, 1995 at 3:00 p.m.
5. Work Study Session on July 31, 1995 at 3:00 p.m.
6. City Commission Meeting on August 2, 1995 at 7:00 p.m.

Meeting adjourned at 4:50 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

July 17, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Jim Bradley, Richard Towe, Andy Haney, Judy Hasty, Jim Shaw, Jeff Herrman, and Diane Stoddard; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. **Guests:** Dr. Larry Mages, Ron Heise, Scott Hayen. **Absent:** Barb Nelson

Mayor Matthews opened the meeting by reviewing the July 19, 1995 City Commission Meeting Agenda. The City Manager stated that the Health and Dental Insurance Renewal and a Consent Agreement with KDHE were items for that meeting.

The following items were brought before the Commission for discussion:

The City Manager announced that the Joint City/County Meeting may be canceled due to the County Commission being out-of-town in Wichita.

1. Franklin County Humane Society. Dr. Larry Mages, Representative for the Humane Society, distributed a copy of last year's budget and a copy of this year's First Quarter report. Dr. Mages stated that the Humane Society has changed managers and the Society would like to start adopting all types of pets. All dogs and puppies are vaccinated before they are adopted. Dr. Mages and Heart of America Humane Society have been donating time and supplies to allow the pets to receive vaccinations and to have the pets spayed or neutered. Dr. Mages reported that the new manager, Emily Matthias, is working 75 to 80 hours per week and that another person would need to be hired to help Ms. Matthias. Dr. Mages reported that last year, 1,200 pets were accepted at the shelter. 271 animals were brought in by the City and 235 animals were brought in by the animal control officer. Dr. Mages stated that the County provided \$8,000 and should be providing around \$15,000 according to the number of animals that are taken to the shelter. The City provided \$19,000 last year and provided some assistance to help pay for air conditioning.

Dr. Mages also stated that he would be interested in helping the City by collecting registration fees for animals within the City limits and remitting the money on a scheduled basis. However, Dr. Mages did not know if the other veterinarians would be interested in this type of service. Commissioner Cummiskey stated that she liked the idea of the veterinarians helping the City collect the fees. Scott Bird, City Clerk, stated that the shelter could also participate in this service by helping to collect the registration fees. Dr. Mages also stated that citations could be issued to people who do not follow the City Ordinances by not having the City's tag on the dog. The City Manager commented that if a dog is turned into the shelter and is not licensed, the ordinance could be amended to make a requirement that before the dog is returned to the owner, a license will be purchased.

The City Manager stated that the proposed 1996 Budget provides for the City to supply \$21,000 to the Humane Society. The Commission gave their approval for the \$4,000 increase to be included in the 1996 Budget.

Commissioner Ramsey stated that this should be placed on the Joint City/County Agenda Meeting to ask the County Commission to provide additional funding for the Humane Society.

2. Cemetery Closing. The City Manager stated that currently the cemetery is open but is illegal to be in the cemetery from dusk until dawn. The cemetery was closed at 4:00 p.m. which is consistent with the hours of the cemetery work crews. City staff did receive phone calls asking that the hours be extended. The City Manager stated that he decided to have park employees close the cemetery at 8:00 p.m. during the week and open the gates on the weekends and the police department would close the gates on weekends. Accommodations will be made for personnel that work at the funeral homes or at facilities that have a need to be in the cemetery at different hours than what has been discussed. The City Manager asked the Commission for their consensus as to what hours they would like to have the gates locked. Mr. Ron Heise, Lamb-Roberts Funeral Home, stated that it will be necessary to be consistent with the times. Mr. Heise, suggested that a nice sign be placed outside the cemetery to inform them of the hours for visiting the cemetery. Mr. Heise also stated that just because the City locks the gates on 15th Street, people will still have access to the cemetery from the East.

Commissioner Ramsey voiced his opinion that the public works employees would not need to come back to lock the cemetery, the police should be able to handle this task. Commissioner Ramsey stated if the cemetery can not be closed from dawn to dusk, then the gate should not be shut and have more patrol through the cemetery. Chief Herrman stated that if the gate is closed, it does not restrict entrance and it could give a false sense of security to people living in that area. It could also hinder the patrol to find the people that might be in the cemetery.

The City Manager stated that a fence could be placed on the East side of the cemetery which would allow enough security to help people keep out. Chief Herrman stated this type of fence would also help his department by eliminating an escape route.

The Commissioners agreed to have City staff install a fence on the East side of the cemetery, place signs at the entrance of the cemetery stating that it is unlawful to be in the cemetery from dusk until dawn and violators will be fined, and have the police department make a regular patrols of the cemetery. The City Manager will receive bids on placement of the fence and report back to the Commission.

4. Health and Dental Insurance Renewal. Judy Hasty, Personnel Director, stated the City will be participating with an established network for pharmaceutical purchases. This program will include all prescription drugs, not just the maintenance prescriptions as discussed earlier. The company which was selected, the pharmacies in Ottawa are already members. This will supply City employees with a nationwide network and all employees will have an 800 number to call, which will be available 24 hours a day. Ms. Hasty also stated that if an employee purchases his or her prescription drugs at several locations, the pharmacists will be able to tell if the different drugs will interact. If a generic brand is purchased, the employee will pay a 10% co-pay. If the employee prefers a name brand, he/she will pay 20%.

Health and Dental Insurance Renewal - continued.

Commissioner Ramsey praised Ms. Hasty for the work she had done to involve the local pharmacies. Commissioner Cummiskey also agreed with Commissioner Ramsey and all the Commissioners thanked Ms. Hasty for explaining the new program.

This item will be placed on the July 19, 1995 City Commission Agenda.

5. Proposed 1996 Budget for 911. Scott Bird, City Clerk, copied the Commission with the Budget which is subject for approval by the County Commission. The City Manager stated that an increase is anticipated, therefore, the City will be budgeting more funds than the actual request.

Commissioner Tyson asked Mr. Bird if the County employees will be receiving a raise and if so, how much they will be receiving. Mr. Bird stated that he would find out. The City Manager also asked Mr. Bird to investigate if merit raises would also be given to County employees along with the COLA.

6. Capital Improvement Requests - Operating Budget. The City Manager stated that the hot tar applicator and air compressor are two items that do need to be replaced. There are also two dump trucks in the Public Works Department that do not have snow plows to attach to them during heavy snow storms. The City Manager is recommending that the snow plows for these trucks be purchased to better prepare the Public Works Department. One tractor was purchased last year, therefore, the City Manager is recommending that the City purchase one mower which attaches to this tractor. The City Manager also stated that the UST underground storage update will be required to be completed by 1997 and will be included in 1997 budget.

Another project that will require a large expenditure is the reconditioning of Kanza Park. The monies from the alcohol fund has been committed for the next three years to the Rails-to-Trails project. If the Rails-to-Trails project does go through, the utilization of Kanza Park will increase significantly because of its proximity to the trail. The track needs to be reconditioned and City staff is suggesting that the track be extended to equal one mile. The City Manager stated that the tennis courts at Forest Park also need to be redone, however, he is not recommending that the improvements be made this year. The sidewalks at Forest Park are in need of improvement. This project will cost approximately \$10,000. The Forest Park Swimming Pool also needs to be sand blasted and repainted and a second item is to add an ADA Chairlift. The City Manager is recommending that the sand blasting and repainting be completed this year and next year the chairlift could be added.

Commissioner Tyson stated that she had understood that there were more problems with the pool than just painting. Commissioner Ramsey stated that he and Commission Jackson walked the pool before opening season and there were some serious cracks, especially on the west side. The City Manager stated that if there is some structural damage, this would need to be taken care of before any sandblasting or painting is started.

Capital Improvement Requests - Operating Budget - continued.

Commissioner Jackson asked when the City would be able to provide money to repair the tennis courts in Forest Park. The City Manager stated that there are a lot of recreational areas that need to be addressed and these areas would have to be completed on a priority basis. Commissioner Ramsey asked if USD 290 paid fees to use the tennis courts. If they do not, this might be a way to help fund the repairs. Commissioner Jackson also commented that there might be some type of funding available for recreational areas through the state also.

The City Manager also stated that \$16,000 will be needed for 1996 for the lease purchase of police vehicles. The City Manager is anticipating that by adding \$16,000 each year, by the year 2001 there should be enough revenue available to replace seven police vehicles every three years and two fire trucks every seven years.

In 1995, the fire department began the process of purchasing bunker gear. In 1996, this expense will be completed.

The City Manager also announced that the Planning Department has initiated an upgrade to the Auto Cad System to bring the current system up-to-date consistent with current year mapping.

The City Manager then reviewed the figures of the General Fund which includes all the items listed above. While reviewing the figures, the City Manager commented that funds for a new copier for City Hall had been included in this budget. The City will lease purchase two copiers for \$3,000 per fund which equates to \$12,000 per year. Commissioner Ramsey asked what would happen to the copiers at the new City Hall/Library. The City Manager stated that City staff will trade off all the copiers at the new building.

The City Manager also reviewed the figures for the Capital Outlay requests and asked Jim Bradley, Director of Utilities, to explain the expenditures.

7. Franklin County Historical Society. Forrest Lowry, representative for the Franklin County Historical Society, stated that the Society will be receiving a grant from the state. However, this grant does not contain any funds for administration. In order to have someone available to oversee the day-to-day operations of the grant, a full-time person must be hired. Mr. Lowry stated that the Society has requested \$12,000 from the County Commission per year and would also like to make the same request to the City Commission. This money would be used to supplement the current director's income. Mayor Matthews asked Mr. Lowry how the County responded. Mr. Lowry stated that they did not show much encouragement but would reply with their answer sometime in August. Mayor Matthews stated that he had thought about the Commission's decision to provide \$17,000 for a Tourism Director. At this time, Mayor Matthews indicated that he would like to offer the \$17,000 to the National Historic Society. Commissioner Cumiskey stated that the City Commission gave a verbal agreement to the Chamber and the County regarding the Tourism Director and that this issue should be raised at the next Joint City/County Meeting.

Franklin County Historical Society - Continued.

Commissioner Jackson asked Mr. Lowry what would happen if neither the City or the County appropriated funds for this project. Mr. Lowry stated that this would cause some major problems for the Historical Society. Commissioner Ramsey stated that he would have to abstain on voting because of his position with the Chamber. Commissioner Ramsey also commented that he is not opposed to the Historic Society or the museum but the City can not keep funding other outside entities, i.e. the Library, the Alternative School, etc. Mr. Lowry stated that he did not want to go against the activities of the Chamber but that he did agree with Mayor Matthews that if the money is set aside for a Tourism Director, without a museum there is nothing to tour.

This item will be brought before the County Commission at the Joint City/County Commission on July 19, 1995.

8. 1996 Budget Discussion. Mayor Matthews requested that the City should take advantage of the large amount of money that was received from sales tax. He would like to roll back the mill levy.

Mayor Matthews also requested that the Commission consider the new position request and if a COLA should be granted to City employees. The City Manager stated that the next Work Study Session will be dedicated for any final decision. Commissioner Cummiskey stated that she found it a little disturbing for the Mayor to make a blanket statement to dismiss all recommended additions and positions, especially when the Commission is looking to subsidize positions in outside entities. Mayor Matthews stated that the COLA should be 2.5%. Commissioner Tyson stated that she would not want to approve a higher benefit to employees in other entities than what would be provided to City employees. Commissioner Ramsey stated that these items should be discussed at the next Work Study Session. The City Manager would anticipate that July 24 and July 31 would be reserved for budget discussions.

Commissioner Cummiskey asked about funding for the Alternative School. The Commission was in agreement that this project should not be funded by the City but by the School Districts. Commissioner Cummiskey stated that the school district should be responded to and not left unknowing the outcome of their request. The City Manager stated that the Alternative School has also requested furnishings and some partitions which could be provided temporarily by the City if so desired by the Commission.

**Other Business:**

1. K-68 School Crossing. Commissioner Ramsey asked what was being done on this project. The City Manager stated that the ramps have been completed. The signs have not been received and the markings on the Highway can not be painted until the signs are up.

2. Downtown Street Markings. Commissioner Ramsey stated that the markings on Main Street downtown looked sloppy and that the company contracted to paint the markings should come back to make it right.

Other Business - Continued.

3. Mowing for the Rails-to-Trails. The City did receive payment for mowing and upkeep of this trail. However, Commissioner Ramsey thought the areas should be mowed again.

4. National Credit. Commissioner Ramsey asked how much longer National Credit would be the former Franklin Building. The City Manager stated that they are paid up through July.

5. Trees Downtown. Commissioner Ramsey stated that the trees at 3rd and Main are blocking the view of the stoplights there.

6. KCC Case. Commissioner Cummiskey stated that she would like to reach an understanding or an agreement with what is happening with the gas contracts. Commissioner Cummiskey stated that she did not feel that the correspondence sent by the City Manager under the Mayor's signature was not discussed between the Governing Body members and that in the future if a letter is going out under the Mayor's and City Commissions position, that the Commission needs to see and comment on the correspondence or discuss the matter as a group. Mayor Matthews stated that he wanted to get something going as soon as possible. Commissioner Ramsey and Tyson stated that they agreed with Commissioner Cummiskey. Mayor Matthews should not represent the whole Commission until the Commission as a whole has a chance to vote on the issue. The City Manager stated that in the future, a consensus should be reached before the documentation is sent.

The City Manager stated that there was a lengthy article in the July 17, 1995 *Ottawa Herald* and that the City's attorney was preparing a summary of testimony that was presented by the KCC staff in regards to the contract that specifically affects the City of Ottawa. Copies of this will be distributed as soon as possible.

**Executive Session:** None

The following meetings were announced:

1. City Commission Meeting on July 19, 1995 at 9:30 a.m.
3. Joint City/County Meeting on July 19, 1995 at 12:00 p.m. at the Franklin County Jail.
4. Work Study Session on July 24, 1995 at 3:00 p.m.
5. Work Study Session on July 31, 1995 at 3:00 p.m.
6. City Commission Meeting on August 2, 1995 at 7:00 p.m.

Meeting adjourned at 4:57 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of July 19, 1995

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date, The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Jackson made a motion which was seconded by Commissioner Ramsey 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 duly approved as written.

Approval of  
Minutes

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to approve the minutes of the meeting of July 5, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of July 5, 1995, approved as written.

Thereupon, the Mayor recognized Commissioner Ramsey and Commissioner Tyson for successfully completing the

Public Comments

1995 Municipal Governing Body Institute, which was held on May 20, 1995 in Wichita, Kansas.

Thereupon, Mr. Ron Crystal of 4483 Montana Road, addressed the Commission asking that his grievance which had been filed with the City be replied to.

The Mayor thanked Mr. Crystal for his comments.

There being no further comments to come before the Commission. Mayor Matthews closed the public comments portion of the meeting.

New Business  
Health and  
Dental Insurance  
Renewal

Thereupon, there was presented the renewal for the City's Health and Dental Insurance.

Thereupon, Commission Jackson made a motion which was seconded by Commissioner Cummiskey to approve the renewal.

Thereupon, Personal Director Judy Hasty explained to the Commission that the program would allow the City and City Employees to take advantage of discounted pharmaceuticals and that it fit into the City's plan for improved Health Care Benefits.

Thereupon, Mr. Bill Allegre, representing Allegre's Pharmacy, stated; that he believed financially this program would be comparable with the Mail Order Program the Commission had considered earlier, and in fact, thought that some additional savings would be found, ~~the agreement and to authorize Mr. Dale Howard the Environmental Coördinator for the City of Ottawa to execuin some areas.~~ Mr. Allegre further stated that dollars were not the real issue but rather health care.

Mr. Allegre thanked the Commission and presented them with a small token of his appreciation.

Thereupon, Commissioner Cummiskey thanked Mrs. Hasty for her work throughout this project.

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

Thereupon, the Mayor declared that the Health and Dental Insurance renewal had been approved.

Agreement with  
KDHE

Thereupon, there was presented a consent agreement with the Kansas Department of Health and Environment to assist in the clean up of a Fuel oil leak at the Power Plant. The agreement calls for the City to Pay a deductible amount not to exceed \$6,000.00 and for KDHE to pay up to one million dollars.

Commissioner Cummiskey made a motion which was seconded by Commissioner Ramsey to approve the said agreement.

Thereupon, Commissioner Cummiskey made a motion to adopt the agreement, 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.

Announcements

Thereupon, the Mayor announced there would be a joint City County meeting scheduled for July 19, 1995 at 12 p.m., that there would be a work Study Session July 24, 1995, at 3 p.m., and a Work Study Session July 31, 1995 at 3 p.m.

The Mayor further announced that the next regular meeting would be scheduled for August 2, 1995, at 7 p.m., which will be the Budget Hearing.

Adjournment

Thereupon, the Commission directed through consensus that the Budget Hearing be scheduled at the Ottawa Middle School if at all possible.

There being no further business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to adjourn. The motion was considered and 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

## STUDY SESSION MINUTES

3:00 P.M.

July 24, 1995

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

Mayor Matthews opened the meeting by reviewing the August 2, 1995 City Commission Meeting Agenda.

The following items were brought before the Commission for discussion:

1. 1996 Proposed Budget.

• **Travel and Tourism Director/Franklin County Historical Society Grant**

**Moderator.** Commissioner Ramsey asked if one person could do both jobs. The City Manager thought there are two separate programs involved and that there should be people hired that would be trained in both areas. An additional \$4,000 will be provided from each of the funds into the Community Promotion Fund. A total of \$17,000 will be provided for the Convention and Tourism activities.

Mayor Matthews stated that all the Commissioners were in agreement to allow funds to be budgeted for the Travel and Tourism Director position. The City Manager stated that the money provided will be placed into an operational budget to provide additional staffing for the activity. Commissioners Cummiskey and Tyson stated that they had requested that a monthly report be generated and given to the Commissioners to inform them how the money is being expended. The City Manager stated that he was concerned that there might not be a specific identification as to what the money will be used for as had been the past practice in the Economic Development Fund report. The City Manager also stated that if the Commission wanted the money to go for a specific purpose, this needs to be announced at this time or it would be put into the operational section of the budget.

Mr. Lou Atherton, Chamber of Commerce Director, stated that the Convention and Tourism Board will have three vacancies in September. The board would like to have one City Commissioner serve on the board if funding is provided by the City. Mr. Atherton also stated that the Economic reports which are published by the Chamber and given to the Commission in the Monthly Reports are printed out by line item and shows where all the money has spent. Commissioner Jackson stated that unless the report had been changed, you could not track how the money was spent. Commissioners Jackson, Tyson and Cummiskey all stated that they would like to have a more detailed expenditure report.

1996 Proposed Budget - Continued.

• **Travel and Tourism Director/Franklin County Historical Society Grant Moderator.** Mayor Matthews stated that unless the Commissioners had changed their minds from the last Work Study Session, no money would be dedicated for the Historical Society. Commissioner Cummiskey stated that there were a lot of good causes, but the City cannot fund all requests that are received.

Commissioner Cummiskey made a motion to move forward with the commitment and funding for the Convention and Tourism Director as discussed. Commissioner Tyson seconded the motion. Commissioner Ramsey abstained from voting because of the potential conflict of interest regarding the Chamber of Commerce.

• **Positions being Proposed for the 1996 Budget .**

**Assistant Municipal Court Clerk.** The Assistant Municipal Court Clerk Position is intended to enhance the City's efforts to collect uncollected funds. The City Manager stated it would be his position to have this as a contract position for the first year. If, after the one year time period, the program did not generate additional revenues, then the position could be terminated without problems with unemployment benefits.

Chief Herrman stated that one of the major duties of this position would be to assist in the court room as a court clerk. If the current court clerk is sick or requests vacation time, court is not held for that week. Commissioner Jackson asked if court is only held once a week, what other duties would be assigned to keep the person in this position occupied. Chief Herrman stated that other assignments consist of preparing dockets, subpoenas and notifications to the people involved, setting up the continuances, processing the parole hearings, managing the people who are on community service schedules. Chief Herrman invited the Commissioners to come to the station so that he could give them a detailed description of what responsibilities are involved. Mayor Matthews asked Chief Herrman why the outstanding warrants could not be typed up on Mondays and have a police officer pick up the people who have a warrant for their arrest. Chief Herrman stated that they have a warrant list come out every week. Mayor Matthews asked why the court clerk is more effective to go out than a police officer. Chief Herrman responded that the court clerk deals with these people every week whereas the police officers do not. Chief Herrman stated that he is confident that they could justify every penny of the salary in the additional fines that are collected.

Mayor Matthews stated that he was opposed to funding this position. Commissioner Ramsey stated that he would rather wait another year. Commissioner Jackson stated that there is money to be collected but he was not sure this is the way the City should do it. Commissioners Tyson and Cummiskey concurred with Commissioner Jackson. Commissioner Cummiskey also stated that if the court clerk must have a back-up and because of the community's growth the City will need to have two court days, and the Commission could revisit this at a later date. All the Commissioners agreed they would be willing to revisit this later in the year.

Positions being Proposed for the 1996 Budget - Continued.

**Part-time Public Works Secretary.** At the current time, the Public Works Director does not have secretarial support. The City Manager stated that when the move to the new City Hall has been completed, the Planning and Zoning secretary, who has provided some secretarial services, will be in a different area than the Public Works and Utilities Directors. Barb Nelson, Administrative Secretary and Nancy Thacker, Personnel Secretary, will provide interim secretarial assistance until a secretary can be hired. This position would be a part-time position and would be split between the two departments. However, the City Manager stated that for budget purposes he would like to fund this position as a full-time position even though he would not be using the funds.

Commissioner Tyson stated that she has always thought that the department heads should not be spending their time conducting clerical work. Mayor Matthews thought the City needed this position but he did not think the City could afford it and therefore was opposed to it. Commissioner Ramsey thought the Commissioners should look at the funding. Commissioner Cummiskey stated that City staff needed the support and that the Commission should just budget the amount that is needed for the current year. It was the consensus of the Commission to provide half year funding for a half year position for this position.

**Part-time Custodian.** The Commissioners agreed that this position was like the above scenario with regards to funding. The City Manager stated that for 1996 that things could be worked out with the Library and that the City could get by. However, there will be an increase on duties for the current custodian.

Commissioner Cummiskey asked if the City Manager had ever talked to Dick Smith, Auditorium Director, about using his staff to help perform other functions. The City Manager stated that he had not anticipated moving the Auditorium staff but there could be some benefit by not having to heat and cool the Auditorium on a daily basis.

Commissioner Jackson asked if any of the maintenance work could be contracted out. The City Manager stated that this is something that could be looked at but there would still be a cost incurred with contracting. Mayor Matthews stated that he would like to see the City take bids for mowing and various other duties that City employees are currently handling.

The City Manager stated that it would be his recommendation that the Commission approve to make the funds available for both the secretary and custodian positions and he would come back to them for approval to spend the funds at a later date.

Mayor Matthews stated that he did not want to provide funds for the custodial position at this time. Commissioner Cummiskey stated that the City would need to receive additional custodial help, whether it be hiring a part-time employee or taking bids to contract out.

Scott Bird, City Clerk, stated that there are pluses and minuses with privatization.

• **Wastewater Treatment Plant Operator.** The City Manager is requesting that a person be hired to assist City staff while working in confined spaces. This position will be required by OSHA in the near future. City staff would like to proceed with the hiring and training of this person to allow for a smoother transition when this requirement takes effect. This will be a full-time position for the Wastewater Treatment Plant facility.

Commissioner Cummiskey and Jackson stated that it was their preference not to fund this position until it becomes a requirement. All the Commissioners were in agreement not to hire a person for this position until required.

• **1996 COLA Amount.** Commissioner Jackson asked if City staff investigated what the increases would be for the County and hospital employees. The City Manager stated that Ransom Memorial Hospital would provide a 3.5% COLA. However, the City Manager did not know if this was total increases or just a COLA. The State of Kansas did a combination of merit and COLA for their employees. The City Manager stated that the basis for his recommendation for a 3.5% COLA is because there are employees within the City who are at the top of their pay range and have not had the opportunity to receive any type of raise over the last several years.

Mayor Matthews stated he would like to cut the COLA from 3.5% to 2.5%, which would save the City \$22,000. Commissioner Jackson stated that he would not vote for 2.5%. Commissioner Tyson stated that she would not vote for anything lower than 3% and that she would not vote to provide a higher COLA amount or increase than what City employees receive to any entity to which the City provides funding. Commissioner Cummiskey stated that she would vote for a 3% COLA. It was the consensus of the Commission to allow a 3% COLA with no merit increases for 1996.

• **CIP for 1996.** The City Manager stated that the CIP is part of the Budget document and that a major component of the document is the 17th Street Improvement Project. The Commissioners and City staff discussed financing and mills for projects contained within the CIP and the possibility of using excess funds to either roll-back taxes or to use the funds to build-up the General Fund.

Mayor Matthews asked the Commission to take \$33,000 out of the Contingency Fund and use it to roll-back taxes. Commissioners Jackson, Tyson, Ramsey and Cummiskey were not in favor of this request.

**Other Business:**

1. Commissioner Jackson distributed an article from the Kansas City Star about Franklin County.

2. Commissioner Ramsey affirmed that the City Commission Meeting on August 2, 1995 would be held at the Middle School to accommodate citizens for the Budget meeting.

3. Commissioner Ramsey also asked about the new traffic signals at 21st Street Terr. The City Manager stated that KDOT will investigate the timing of the signals to see if they should be adjusted.

4. Mayor Matthews reprimanded Bill Gray of the Ottawa Times for not reporting the correct information in the paper. Mr. Gray stated that he would issue a correction.

**Executive Session:** None

The following meetings were announced:

1. Work Study Session on July 31, 1995 at 3:00 p.m.
2. City Commission Meeting on August 2, 1995 at 7:00 p.m.
3. City Commission Meeting on August 7, 1995 at 3:00 p.m.

Meeting adjourned at 4:57 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

July 31, 1995

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

Mayor Matthews opened the meeting by reviewing the August 2, 1995 City Commission Meeting Agenda. Items from this Work Study Session will be added after the meeting.

The next Work Study Session dates will be August 14, 1995 and August 21, 1995.

The following items were brought before the Commission for discussion:

1. Re-zoning an area within the City of Ottawa. Mr. Jim Shaw, Planning and Zoning Director, stated that this area is south of the new Industrial Park. This item will be placed on the August 2, 1995 City Commission Agenda.

2. Farm animals in the City of Ottawa. Jim Shaw, Director of Planning and Zoning, stated that the Planning Commission had been approached by citizens requesting that an ordinance be adopted to prohibit farm animals within the City limits. The City does not have an ordinance which would prohibit a citizen for keeping a horse or cows on private property. Under the current Zoning Regulations, farm animals could be kept anywhere within an R2 Zone. The Planning Commission reviewed this request and voted to recommend that any type of farm animal that a citizen would like to keep within the City limits would require at least 20 acres.

Commissioner Tyson asked if the Planning Commission was distinguishing farm animals from pets. Mr. Shaw commented that the ordinance states the keeping of one or more farm animals. This ordinance will require citizens to have 3 acres per cow, 1 acre per sheep and 5 acres per horse with a minimum of 20 acres. This ordinance will deal specifically farm animals. The Planning Commission will also prepare an ordinance for exotic animals and one ordinance for pets.

Commissioner Ramsey commented that he had attended several Planning Commission meetings and the people serving on the Commission have really worked hard to provide a workable solution for people to keep farm animals. Commissioner Jackson asked how the odors would be controlled. Mr. Shaw stated that the animal control officer would be called to check on any offensive odors. If there is a problem and citizens complain to the Planning Commission, the ordinance will be reviewed and amended as necessary.

This ordinance will be placed on the August 2, 1995 City Commission Agenda.

3. **Special use permit for daycare services to be located at 601 E. 23rd Street.**

Commissioner Jackson asked about smoke detectors and sprinkler systems. Mr. Shaw stated that smoke detectors would be required but the building is not large enough to require sprinklers. Mr. Shaw also stated that the Planning Commission would also require that fencing and lighting be installed to provide safety for the children. The daycare will also be required to meet any regulations as set out by the State of Kansas.

This item will be placed on the August 2, 1995 City Commission Agenda.

4. **Tax Exemption for Lester Building.** The City Manager stated that all the procedures have been met and he is recommending that this item be placed on the August 16, 1995 City Commission Agenda. This tax exemption will be effective at the end of 1996.

The Commission agreed to have this item placed on the August 2, 1995 agenda.

5. **Discussion of Proposed 1996 Budget and Charter Ordinance.**

• **Charter Ordinance.** The City Manager stated that City staff had been working to provide additional levy authority for the Library. By law the City must show a six mill limit. The City Manager stated that it is the City's intention to have the charter ordinance to be approved by the Governing Body and then a protest period after the approval. The City Manager stated that the ten mills is intended to cover their operating costs, employee benefits cost and also their capital improvement obligation to the CIP.

Ms. Barbara Dew, Library Director, has expressed concern over the possibility that there is a property tax levy discussions taking place in the Legislature. The City Manager stated that he suspects that the League of Kansas Municipalities is anticipating some reconfiguration of the tax lid law. If this is the case, and employee benefits are identified as separate item, this would be excluded outside the tax lid. However, the City Manager stated that he does not see this as a major concern.

Ms. Dew stated that the levy was made in 1984 and that it has always been her understanding that this was made outside the Library's levy. However, the City Manager has told Ms. Dew that the City never formally acted upon this. Basically, the City has just subsidized the Library's operational costs. The City Manager stated that the City is covered in two ways. 1) The City never created a fund and there is not a resolution or an ordinance and 2) the City is replacing this fund with an equal amount of the property tax levy.

The City Manager stated that he would still recommend the Charter Ordinance and would like to place this on the Agenda for the first meeting in September, 1995. All the Commissioners agreed to have a Charter Ordinance placed on the September 6, 1995 City Commission Agenda.

The City Manager stated if there is a protest to this ordinance and an election is held, it would be up to the County to set the date for the election.

Discussion of Proposed 1996 Budget and Charter Ordinance - Continued.

• **1996 Proposed Budget.** Commissioner Ramsey stated that the figures published in the paper and the figures provided on the Staff Advisory were different amounts. Scott Bird, City Clerk, stated that he published the figures high to allow for some changes to be made, if needed.

Mayor Matthews also recommended that \$33,248 be rolled back and also asked for the other Commissioners to vote to reduce the COLA to 2.5%. All the Commissioners again stated they would not vote for anything less than the 3%.

Commissioner Ramsey asked Ms. Dew what amount the Library would be giving to their employees for a COLA. Ms. Dew stated that the amount had not been set yet. Commissioner Ramsey encouraged her not to make the increase any larger than what City employees will receive. Ms. Dew reiterated her previous statement from a recent Work Study Session meeting, that the Library employees are starting out with a lower base than City employees. Commissioner Jackson stated that the Library Board should have known that the maintenance of the new building would be higher and they still included a 3.5% increase for their employees. Commissioner Jackson continued to say that the Library made some minor cuts in the budget but still want the City to bail them out. Ms. Dew stated that the Board brought their concerns to the Commission as soon as they were made aware of the figures and would not consider the cuts minor.

6. **Street Lights.** One light in the downtown area has been lost due to an automobile accident. The City currently has one light in stock. The street lights, which are custom made, can only be bought in groups of four which are custom made. If there should be another circumstance where a light is damaged, the City would have a ten week waiting period to receive another light. Funds are not available for this out of the Street Light Construction. However, a transfer could be taken from the Street Rehab Fund.

Commissioner Tyson asked if the City receives reimbursement from the drivers' insurance company for damages. The City Manager stated that reimbursement is requested but not always received.

Commissioner Ramsey asked how often a light would need to be replaced. Mr. Jim Bradley, Director of Utilities, stated that he has lost two this year and last year the City lost one light.

All the Commissioners were in agreement that the lights should be ordered by using Street Rehab funds.

7. Contingency Funds. Andy Haney, Public Works Director, stated that the funds in the line item used to purchase the chemicals to control mosquitoes within the City was already depleted in June. The City Manager has given his approval for additional chemicals to be purchased. Mr. Haney is requesting that \$5,500 be transferred into this line item for this year which would bring the line item up to \$13,000 for 1995.

All the Commissioners agreed to allow the transfer of funds.

8. Main Street Project from 15th Street to 17th Street. Mr. Haney stated that the bids were opened on July 19, 1995. Killough Construction was the low bidder. A preliminary, on site meeting has been scheduled for Tuesday, August 1, 1995. A pre-construction conference will be held on August 2, 1995 in Garnett with KDOT. The engineer selected for this project is Cook, Flatt and Strobel. The City Manager stated that the City had received some very competitive proposals from some major engineering firms. Mr. Haney stated that the actual contracts may not be in place until the end of August.

Notices will be hand delivered to all the businesses in this vicinity to inform them of when construction will take place.

Mr. Haney stated that the proposed resolution will confirm the construction bid of \$469,526.10 and a commitment from the City of \$56,915. Mr. Haney stated that \$125,000 has been set aside for the total project which would also cover other costs that would be the City's responsibility (i.e. a left turn lanes and traffic signals at 17th Street). The City Manager stated that the funds will be taken from the Street Rehabilitation fund. This project should be completed by October 27, 1995.

Mr. Haney requested that the contracts and resolution be placed on the August 2, 1995 City Commission Agenda.

#### **Open Agenda:**

Commissioner Ramsey and Jackson had several questions about the Monthly and Financial Activity Report for the month of June. City staff was available to answer his questions.

Commissioner Ramsey stated that he had been approached by the ORC Chairman that a family had contacted him about naming a ball field after a long-time citizen who had an active role in the community and was tragically killed this year. Commissioner Ramsey voiced his concerns about naming facilities after people. The City Manager stated that the Governing Body sets the policy for naming a facility within the City. The City Manager asked the Mayor to give him the letter and time could be set aside at a future Work Study Session. Commissioner Cumiskey asked the City Manager to have City staff contact other cities regarding their policy for naming facilities.

Commissioner Jackson also asked Jeff Herrman, Police Chief, if ORC had approached him about security at the ball diamonds. Chief Herrman stated that there had not been any reported problems with security.

Open Agenda - Continued:

Commissioner Ramsey asked the City Manager about the pool lease which would expire in 1996. Andy Haney, Public Works Director, stated that he would check the dates of the lease.

Commissioners, Tyson, Ramsey and Jackson asked Diane Stoddard, Administrative Assistant, about the dollar amount on outstanding warrants on the Court Report. Ms. Stoddard stated that she talked with Connie Sams, Court Clerk, about the warrants. Ms. Sams told Ms. Stoddard that the outstanding warrants are bonds where the person has already gone to court and been assessed a fine but the person has not paid over and beyond the 90 day period. After the 90 day period, a warrant is issued for that person and if the person posts a bond, this just ensures that the person will appear in court, it does not necessarily mean the fines will be collected. Chief Herrman stated that the figures on the monthly report are all misdemeanor warrants. Therefore, if a person moves to another state they will not be extradited. After several years of trying to contact these people, the court clerk petitions the court to dismiss the case.

Commissioner Cummiskey asked if there could be some charts available to citizens at the City Commission Meeting on August 2, 1995 to help them understand the proposed budget.

Commissioner Jackson asked the City Manager about responding to citizens that have raised issues to the Commission. The City Manager stated that City staff could provide an area on the City Commission agenda where the Mayor could respond to citizens who raised issues and concerns.

Commissioner Cummiskey stated that she had received a letter from Bonnie Ramsey about the cemetery closing. Ms. Ramsey is still requesting that the gates be closed seven nights a week from 9:00 p.m. until 7:00 a.m. the next morning. Commissioner Cummiskey stated that she needed to know how to respond to Ms. Ramsey. Mayor Matthews stated that Commissioner Cummiskey should call Ms. Ramsey and inform her why the Commission decided not to lock the gate and why a fence will be installed around the east section of the cemetery.

**Executive Session:** None

**ANNOUNCEMENTS:**

1. City Commission Meeting on August 2, 1995 at 7:00 p.m.
2. Work Study Session on August 14, 1995 at 3:00 p.m.
3. City Commission Meeting on August 16, 1995 at 9:30 a.m.
4. Joint City Commission/County Commission on August 16 at 12:00 p.m.
5. Work Study Session on August 21, 1995 at 3:00 p.m.
6. There will not be a Work Study Session on August 28, 1995
7. There will not be a Work Study Session on September 4, 1995.

Meeting adjourned at 4:24 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of August 2, 1995

**Roll Call**

The City governing Body met in regular session at 7:00 p.m. this date, at the Ottawa Middle School. The following member being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the 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 Tyson 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 duly approved.

**Approval  
Minutes of**

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to approve the minutes of July 19, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of July 19, 1995, approved as written.

**Public  
Comments**

Thereupon, the Mayor called upon those in the Chamber Audience who wished to speak to issues other than the 1996 budget.

Thereupon Mr. Dewey Cook, 3207 Labette Terrace suggested that the Budget Hearing should be held at the City's own Municipal Auditorium, rather than in the Middle School. Mr. Cook also

Public Hearing  
1996 Budget

addressed the issue of Tax Abatements, stating that it was his belief that 10 years at 100 percent abatement was excessive. Mr. Cook expressed that it was his belief that the City should not abate property taxes for more than 7 years at a rate of 70 percent, and that the percentage should be declining over the period of the abatement.

Thereupon, Mr. Greg Hernandez, 204 South Main, representing the Concerned Citizens Group, put the Commission on notice that the Attorney General of the State of Kansas had been requested to review the City's utility late fees and the nuisance ordinance.

There being no further open comments to come before the commission, the Mayor closed the public comments and opened a public hearing to consider the 1996 budget.

Thereupon, the Mayor opened a Public Hearing.

Thereupon, Mr. Tony DeLatorre, 811 North Poplar, stated that he believed the Police Dept. was spending too much money attending various schools which were inappropriate for the Ottawa Police Dept. Mr. DeLatorre stated that it was his belief that a lot of money was being spent on the City Swat Team.

Thereupon, Mr. Greg Hernandez, 204 South Main, accused the Mayor and the Commission of playing a shell game with the budget, increased utility rates, the utility late fee and with the proposed increase to the City Library.

There being no further comments to come before the Commission, Mayor Matthews closed the public Hearing.

Thereupon, Commissioner Cummiskey thanked the City Staff for the additional information provided to the Commission and the Ottawa citizens. She further stated that it was her belief that it was important to continue to build the reserves and reiterated Mr. Cook's position by stating that the City indeed needed to broaden the tax base. Commissioner Cummiskey noted that the City Manager had projected

that the reserves should be back in place within the next two to three years.

Thereupon, Mayor Matthews stated that he believed most people knew where he stood concerning the budget and stated he was proud of the Commission's position on the Library. Mayor Matthews continued by expressing his opinion that more areas could be privatized and that the City Employee raises should be held to 2.5 percent rather than 3.0 percent, and finally that the budget could be rolled back in his opinion another 1.8 Mills. Mayor Matthews stated that with those things in mind he would be voting no on the 1996 budget.

New Business  
1996 Budget

Bill No. 95-53. Thereupon, there was presented an ordinance appropriating the amounts provided in each fund in the budget for the year 1996, providing for the payment of all claims and charges against the funds provided for there in, and approving and ratifying the payment of all claims against the account for the year 1996 and establishing the amount of Advalorem Tax to be levied in 1995 for the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, 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 Jackson aye, Commissioner Cummiskey aye, Commissioner Ramsey aye, Mayor Matthews nay.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3154-95

Rezoning  
Davis Avenue

Bill No. 95-53. 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, 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. 3155-95.

Keeping of Farm  
Animals

Bill No. 95-54. Thereupon there was presented an ordinance relating to the keeping of farm animals and amending Section 4 of Article XXXIII of the Zoning Regulations of the City of Ottawa, which zoning regulations were adopted by Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion Commissioner Cummiskey asked why Pot Bellied Pigs had been excluded from the restrictions. City Manager Scott Lambers responded that it was generally accepted that Pot Bellied Pigs were considered pets and exotic animals and that the Planning Commission would be considering exotic animals in the near future, whereupon, their recommendations would be forwarded to the City Commission. 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 3156-95.

Day Care - 601  
E. 23rd Street

Bill No. 95-55. Thereupon, there was presented a resolution granting a special use permit for day care services to be located at 601 E. 23rd Street in, the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, 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. 863-95.

Bill No. 95-56. Thereupon there was presented a resolution committing the City of Ottawa to proceed with the Main Street Project from 15th Street to 17th Street which require matching funds in the amount of \$56,915.

Thereupon, Commissioner Tyson made a motion, which was seconded by Commissioner Cummiskey, 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. 864-95.

Thereupon, there was presented a contract for the Main Street Project from 15th Street to 17th Street, with the Kansas Department of Transportation.

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

Thereupon, the Mayor declared the contract duly approved.

Thereupon, there was presented the Monthly Financial and Activity reports for June, 1995.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the monthly financial and activity reports for the month of June 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for 1995 duly approved.

KDOT  
Contract

Financial  
Reports

Governing  
Body Agenda

Thereupon, Mayor Matthews asked City Manager Scott Lambers to respond to allegations made by Mr. Hernandez at the July 5 meeting concerning a citation issued for an improper clothes line.

Thereupon, Mr. Lambers stated that he had been unable to determine that any citation had, in fact been issued by any member of the City Staff and asked Mr. Hernandez if he could provide the name of the person who allegedly had received the citation.

Mr. Hernandez suggested that the City call each and every person on the petition that he had presented at the July 5, meeting to determine which person had received the citation.

Thereupon, the Mayor announced there would not be a Work Study Session on August the 7th, but that there had been study sessions scheduled for August 14th and 21st. He further announced that the Joint City County Meeting would be August 16th at 12 noon and that the next regular meeting would be August 16th, 1995 at 9:30 a.m. in the Commission Chambers at City Hall.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and 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

## STUDY SESSION MINUTES

3:00 P.M.

August 14, 1995

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

Mayor Matthews opened the meeting by reviewing the August 16, 1995 City Commission Meeting Agenda. The following items have been placed on the agenda.

1. Tax Exemption for Lester Building
2. Condemnation of Single Family Dwelling.

Some items from this Work Study Session will be added after the meeting.

The City Manager also distributed a draft of the front page of the August 16, 1995 City Commission agenda which contained an area for the City to respond to citizens complaints or concerns. Commissioner Cummiskey asked if a response would be made for every concern brought before the Commission. The City Manager stated that he would depend upon the Commission to tell him what concerns they wanted him to comment on.

1. **Project Youth Lifesaver.** The City Manager stated that a request had been received from Rev. Melcher of First United Methodist Church to close off Hickory Street on Sunday, October 8, 1995 for the church to host a program for all area young people. The Police and Fire Departments have been notified and do not have any problems with the request.

The Commission approved the request.

2. **Establishing Criteria for Naming Parks/Recreational and Other Facilities.** Diane Stoddard, Administrative Assistant, contacted several cities about naming parks or other facilities after someone. The City of Overland Park was the only City that had a formal policy regarding this item. Therefore, City staff has drafted a document which will set out guidelines for the Commission to review. Commissioners Tyson, Ramsey and Jackson stated that they did not think this policy should be referred to the Recreation Commission for their review. Commissioner Jackson also commented that the document was too general and that it was not very specific. Commissioner Cummiskey thought the policy was still too broad and wanted City staff to contact the National League. Commissioner Tyson stated that unless someone gave a certain amount of money or a certain amount of land, the City should not name facilities after a person.

**Establishing Criteria for Naming Parks/Recreational and Other Facilities - Continued.**

The Mayor and Commissioners asked the City Manager to have City staff revise the document by removing "who is deceased" in item one, remove item three and four, and also remove "non-recreational facility" in item five.

3 **Ottawa Municipal Auditorium - Cleaning of Carpeting/Chairs and Repair/Refinishing of Stage Floor.** The City Manager stated that Mr. Dick Smith, Director of the Municipal Auditorium, had accepted bids for these two projects. The low bid for cleaning the carpet and chairs was \$1,174. The low bid for the repair and refinishing of the stage floor was \$2,945. The City Manager stated that the mill levy for the Auditorium had been increased and the money was set aside into a reserve fund to be used for contingency expenditures if needed. However, there have not been any contingent expenses to this date, the City Manager recommended to the Commission to have these projects temporarily funded by the General Fund and at the end of the year, the money would be transferred from the Auditorium Fund.

Commissioner Tyson stated that the stage floor had been redone in the last few years. Mr. Smith stated that the stage floor had been redone when the renovations to the Auditorium were completed in the late 70's and the floor had not been done since he had been here.

Commissioner Ramsey and Tyson had questions regarding the bids. Mr. Smith stated that Stan's Cleaning had the appropriate equipment to completely sand the stage floor and to repair and seal the entire floor.

Mayor Matthews stated that he did not have a problem by accepting the recommended low bids. Commissioner Tyson stated that she thought it would be great to have the carpet and chairs cleaned.

This item will be placed on the August 16, 1995 City Commission Meeting.

4. **Ottawa Municipal Auditorium - Credit Card Processing.** The City Manager stated that City staff has been notified that if the City wants to accept credit card payments, then the City must become electronic. The City can acquire the necessary equipment and be on line with less cost or wait and have a larger amount of money required to acquire the system. The City Manager stated that the City does not have a large amount of credit card users at this time, however, Scott Bird, City Clerk, is recommending that the City proceed with this purchase by using reserve funds.

Commissioner Cumiskey asked if this would be a machine that could be updated and used as a debit machine or if the City would have the ability to lease and trade machines as needed. The City Manager stated that City staff would investigate the equipment available and report back to the Commission.

The City Manager commented that utility bills could be paid through this system as well as selling Auditorium event tickets.

6 Ottawa Municipal Auditorium - Energy Audit. The City Manager stated that the audit indicated that the boiler and the building automation system are the two main items that will need to be installed and planned for in the Capital Equipment Cost. There were several other items listed which would not require a substantial amount of money. However, money is not available to upgrade the system in the 1996 Budget. The City Manager is anticipating that funds will not be available until 1997.

The City Manager stated that he would recommend replacing the lighting in 1996, replace the boiler in 1997 and adding the automation system in 1998. The City Manager stated that the energy audit will be included in the 1996 Budget documents.

7. Tax Exemption for Duke Manufacturing. The City Manager stated that their application includes a 50% tax exemption for a ten year period, subject to the decision of the Board of Tax Appeals. The City Manager requested that this item be placed on the September 20, 1995 City Commission agenda. This exemption will be audited on an annual basis.

8. Tax Exemption for Golden State Porcelain, Inc. The City Manager stated that this application for tax exemption is based on the projected employment. Therefore, Golden State is eligible for a 100% exemption for a period of ten years. This item will be placed on the August 16, 1995 City Commission agenda.

9. Condemnation Hearing of a Single-Family Structure. The City Manager stated that after the agenda was prepared, the owner contacted City staff and agreed that the structure should be condemned. However, the City Manager stated that he would like to proceed with the condemnation process. The owner will be checking with local entities to remove the structure. This item will be on the City Commission agenda for August 16, 1995.

Commissioner Ramsey stated that he had driven by this property and noticed there was an accumulation of trash. Wynndee Lee, Program Manager, stated that the owner knows about the trash, however, Ms. Lee stated that the owner was aware of the problem but she would call him again to inform him about the outside condition of the property.

## II. Open Agenda:

1. Tax Exemptions Commissioner Ramsey asked about the tax abatement for Parmalee. The City Manager stated the situation had not been resolved at this time. Mr. Scott Bird, City Clerk, stated that the City has started checking the exemptions on an annual basis to make sure in lieu payments were being made in a timely manner.

2. COLA's for Other Entities. Commissioner Tyson asked if Mr. Bird investigated how much the County and hospital will be receiving as a COLA. Mr. Bird stated that the County and hospital will be receiving a 3% COLA. However, the 3% includes merit increases as well.

**Open Agenda - Continued:**

3. K-68 School Crossing. Commissioner Tyson also inquired if the crossing on 68 Highway had been completed. The City Manager stated that this project had been completed.

4. Neighborhood Revitalization. The Mayor would like for the City to move ahead with the revitalization project. The City Manager stated that this item has been scheduled for discussion on August 21, 1995 Work Study Session. The City Manager did copy the Commission with a bulletin from the League regarding the Legislative action on neighborhood revitalization.

The City Manager indicated that an area in the City that could be used for this program would be the former J.C. Penney site. The City Manager stated that in order for this project to attract business, the school district, county and City would need to participate to allow for a significant tax abatement. The City Manager stated that it would be his suggestion to pattern this after City's current tax abatement policy which would the entity would be responsible for a ten year abatement.

Commissioner Cummiskey stated that this topic was discussed at the League Meetings in Topeka last year and she was hoping that the League would offer similar discussions on this topic in Wichita.

5. League Meetings in Wichita. Commissioners Ramsey and Cummiskey stated they would not be able to stay Monday night at the League meetings. Commissioner Cummiskey also stated that the Commissioners should discuss travel arrangements to the League meetings after an agenda has been distributed.

6. Tourism Director. Mayor Matthews asked when the Tourism Committee would be chosen. Brad Howard, Chairman of the Travel and Tourism Committee, stated that the committee had been waiting to make sure all the appropriate funding would be available. The City Manager stated that a revised description will be distributed and will be discussed at the Joint City/County meeting in September. Mr. Scott Bird, City Clerk will notify the County about placing this topic on the agenda.

Commissioner Cummiskey stated that Allies Day has been scheduled on the same day as the next Joint City/County meeting. The City Manager stated that maybe the Joint City/County meeting could be moved from the 13th to the 27th.

The City Manager stated that the Tourism Committee would like to ~~have a person in this position~~ by the first of the year.

Commissioner Ramsey recommended that Commissioner Tyson serve on the Tourism Committee. Commissioner Tyson stated that she would need to know how much time would be involved if she served on the committee. Mr. Howard stated that the committee meets the first Thursday of every month at 12:00 p.m.

### Open Agenda - Continued:

7. Strategic Plan. Commissioner Tyson asked about the City's Strategic Plan process. The City Manager stated that he is waiting for one Commissioner to submit names. After names are submitted, a date will be set and the citizens who were selected, will be notified.

8. Project Grant Application. The City Manager stated that City staff met with the State officials for the Project Grant Application. City staff was notified that the City was weak in the Economic Development portion of the grant. The City Manager stated that staff will expand the economic development portion of the grant application.

The City Manager is proposing to put in money for land acquisition for the creation of new jobs in the City. The City Manager stated that two sites have been identified. One site is the former J.C. Penney property and the second would be at 23rd Street with an undetermined site. The City would request money to acquire the property and then have a 20 year interest free loan to the program. If the City decided to move ahead with the Neighborhood Revitalization Act, then a ten year abatement on property taxes could also be offered to the property owner.

Wynndee Lee, Program Manager, stated that the application will need to be submitted by the end of September.

9. Downtown Parking. Commissioner Ramsey stated that a request was submitted to the Chamber of Commerce to change the parking stalls in downtown parking lots to allow employees of downtown businesses to park without getting parking tickets. The City Manager stated that he has been made aware that there are commuters parking downtown as well as people who are leaving on bus tours. The City Manager responded that this situation will be reviewed at a later date.

### III. Announcements:

1. City Commission Meeting on August 16, 1995 at 7:00 p.m.
2. Joint City Commission/County Commission on August 16 at 12:00 p.m.
3. Work Study Session on August 21, 1995 at 3:00 p.m.
4. There will not be a Work Study Session on August 28, 1995.
5. There will not be a Work Study Session on September 4, 1995
6. There will be a City Commission Meeting on September 6, 1995 at 7:00 p.m..

### IV. Executive Session: None.

Meeting adjourned at 4:45 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of August 16, 1995

Roll Call

The City governing Body met in regular session at 9:30 a.m. this date, the following member being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the 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, with items number 16 and 17 removed at the request of representatives of Golden State Porcelain. 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

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey to approve the minutes of August 2, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of August 2, 1995, approved as written.

Public Comments

Thereupon, Mr. Lou Atherton, representing the Chamber of Commerce, thanked the City Staff for their efforts at the recent Street Festival, noting that some Staff Members had started to work as early as 5 a.m. on the project and that it was his belief that their efforts helped make the project a success.

Response to  
Public Comments

Thereupon, Mayor Matthews read a response to concerns expressed by Mr. Dewey Cook at the meeting of August 2, 1995. Mr. Cook's concerns centered around the City's Tax Abatement Policy. The Staff Response follows: The City Commission recently revised its tax abatement policy so as to establish specific job creation parameters that would result in various amounts of tax exemption for new businesses locating in Ottawa or existing businesses that are expanding. An example of this policy not resulting in a 100%, ten year abatement is evident by the property tax exemption application by Lester Building .

New Business  
Lester Building  
Abatement

Thereupon, there was presented a resolution authorizing an agreement with Lester Building Systems, Ottawa, Kansas, granting a tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas.

Thereupon, the Mayor asked for comments from the public regarding this issue.

Thereupon, Mr. Glenn Richardson of Lester Building Systems, expressed his appreciation to the Commission for considering this application and encouraged its passage. Mr. Richardson noted that Lester Buildings had arrived in Ottawa last October and had committed itself to hire locally. He explained that Lester had already hired in excess of 30 employees and noted that that exceeded the number to qualify for the 75% exemption. Mr. Richardson also suggested that while promises could not be made, he anticipated the business would continue to grow and

Lester Building  
System Tax  
Exemption

possibly expand . He asked the City to commit themselves and some possible funding for this project.

Thereupon, Mr. Dewey Cook, 3207 Labette Terrace stated that he hoped the City was not setting a precedent that could not be lived with. He also noted that he was pleased that the abatement was not for 100% , but thought that 10 years was too long. He further stated that he had several calls regarding his comments at the August 2nd meeting.

Thereupon, Mr. Lou Atherton, representing the Chamber and OFCED spoke in support of the Lester Application, stating that the City is only allowed to do what the State provides for and noted that the State of Kansas and Ottawa is constantly competing with the Kansas City area, as well as neighboring states for growth and economic development.

Bill No. 95-57. Thereupon, there was presented a resolution authorizing an agreement with Lester Building Systems, Ottawa Kansas, granting a tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to adopt the resolution . During discussion it was pointed out that Lester Buildings projected 35 employees by April of 1996, and a total anticipated payroll of 60 within 18 months of start up. It was further noted that this translated to an expected annual payroll of approximately 1.2 million dollars . Taxes on real property at their facility located at 801 North Street is \$30,883 for 1995. It was pointed out that before the action became final the application must be reviewed and acted upon by the State Board of Tax Appeals. The motion was considered and upon being put to the question all present voted aye.

Abatement  
Ordinance

Thereupon, the Mayor declared the resolution duly adopted and the resolution was numbered Resolution No. 865-95.

Bill No. 95-58. Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for economic development purposes in the City of Ottawa, Kansas, Franklin County, Kansas.

Thereupon, Commissioner Cummiskey 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. 3157-95.

Condemnation  
Hearing

Bill No. 95-59. Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas pursuant to K.S.A. 12-1750 et seq; at which time the owners, their agents, lien holders of record and any occupants of the structure located on Lot 1 and the North 67 1/2 feet of Lot 3 in DeValley & Wharton's Addition to the City of Ottawa, Franklin County, Kansas, also known as 812 Pecan, may appear and show cause why said structures should not be condemned and order repaired and demolished.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jackson to adopt the resolution. During discussion it was pointed out that Staff findings provided sufficient cause to have the building condemned and ordered repaired or removed, and that this resolution would call for a hearing to allow the property owners agents and any lien holders of record an opportunity to respond to the findings. The motion was considered and upon being put to the question, all present voted aye.

Auditorium  
Improvements

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 866-95.

Thereupon , there was presented a recommendation to accept a bid to clean carpets and chairs at the Municipal Auditorium from Stan's Cleaning Service in the amount of \$1, 174.60.

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

Thereupon, the Mayor declared the bid duly approved.

Thereupon , there was presented a bid to repair and refinish the stage floor at the Municipal Auditorium, from Stan's Cleaning Service, submitted in the amount of \$2,945 .

Thereupon, Commissioner Tyson made a motion , seconded by Commissioner Ramsey to accept the low bid from Stan's Cleaning. During discussion it was pointed out that these expenditures would be charged to the General Fund Contingency Reserve and paid back from the Auditorium, if funds are available at year end. The motion was considered and upon being put to the question , all present voted aye.

Thereupon, the Mayor declared the motion duly approved .

Announcements

Thereupon, the Mayor announced the Joint City/County Meeting scheduled for 12:00 p.m. at the Franklin County Jail this date, a work study session which is scheduled for August 21, 1995, at 3:00 p.m. and a Work Study Session, scheduled for September 11, 1995 at 3:00 p.m. He further announced that there would not be study sessions on August 28, or September 4, 1995.

Adjournment

The Mayor reminded the Commission and the Chamber Audience that the next regular meeting would be September 6, 1995. at 7:00 p.m.

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Ramsey 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.



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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

August 21, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; Scott Bird, Jim Bradley, Richard Towe, Andy Haney, Judy Hasty, Jeff Herrman, Jim Shaw, Dick Smith, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brad Howard. Guests: Raquel Fleer, Barbara Dew, Shawn Kelsey, Keith Gaeddert, Mr. Earl Devore, Mr. Daryl Davis of Cook, Flatt & Strobel, Darlene Lister, Wynndee Lee .

**Absent:** City Manager: Scott Lambers; City Staff: Judy Hasty

Mayor Matthews opened the meeting by reviewing the September 6, 1995 City Commission Meeting Agenda.

Commissioner Jackson announced that he would not be at the September 6, 1995 City Commission Meeting.

Items from this Work Study Session will be added after the meeting.

1. City Audit. Mr. Keith Gaeddert and Shawn Kelsey, Agler & Gaeddert, were at this meeting to review and answer questions about the 1994 City of Ottawa Audit. Mr. Gaeddert congratulated the City for receiving the highest recommendation allowed for an audit. The general long-term debt has receded about \$70,000 from the previous year. Every fund that the City operates had a positive growth during the year.

Mr. Gaeddert compared the utilities from 1993 to the 1994 audit and found that the charges for services had decreased by \$120,000 and the operating expenses had also decreased by \$390,000 leaving the net operating income reflected a \$270,000 increase. However, there were some high transfers which left a net loss in the utilities fund of \$106,000.

Mr. Gaeddert stated that the City is operating with a \$20 million dollar budget.

Commissioner Jackson stated it looked like this was a good audit. Mr. Scott Bird, City Clerk, stated that he was very pleased with his staff for doing such a good job preparing the budget.

Mr. Gaeddert asked the Commission if Agler & Gaeddert should prepare an engagement letter for 1996. The Commission approved the preparation of this letter.

2. **17th Street Improvement.** Mr. Daryl Davis of Cook, Flatt & Strobel, the City's Consulting Engineer for this project specified the projects design and discussed some policy issues that need to be resolved in order for engineering to be complete. There are several alternatives for lighting, pavement surfacing and scope of services for the City Commission to review.

Mr. Davis stated if the City would choose to stagger the lights, it would cost the City \$240,000 more. Mr. Davis stated that there is not a benefit to have the lights staggered. Jim Bradley, Director of Utilities, stated that currently the City is using a 30' pole with 250 W illumination on South Main.

Commissioner Ramsey stated that the Commission had received a letter from a citizen that lives along the 17th Street project area, that had a concern with sidewalks being on both sides of the street.

Mayor Matthews stated that he did not want to make any decisions until he had a chance to look at the plans which were distributed and he could discuss the project with the City Manager. Commissioner Cummiskey also stated that she did not want to make any major decisions, but would be willing to decide on the lighting and the surface work. All the Commissioners were in agreement that they should review the plans and would discuss this further at the September 11, 1995 Work Study Sessions.

3. **Existing City Hall/Library Renovation.** Mr. Earl Devore was present at this meeting to review the plans for renovation. There would be a chair lift added, and ADA accessible bathroom.

This project should be completed the end of this year because of the time frame set forth by the CDBG Grant application. The total remodeling cost would be approximately \$45,000. However, the cost to the City would be approximately \$7,000.

Commissioner Jackson and the other Commissioners stated that the Commission had never really decided to utilize this building for Municipal Court. Mayor Matthews and Commissioner Cummiskey stated that the improvements to the building would still need to be completed even if Municipal Court did not utilize the building. The Commission agreed to apply the funds for the ADA improvements, however, the Commission did not want to do the non-ADA construction until a decision has been made on how the building will be used.

Mr. Devore stated that documentation could be provided to the Commission which would list the amounts and time frame for this project to be completed.

Municipal Court was held in City Hall last week and will also be held in the Commission Chambers tomorrow August 22, 1995. Forrest Lowry, City Attorney, stated that this may be the permanent setting for Municipal Court.

**Existing City Hall/Library Renovation - Continued.**

Mr. Devore stated that the renovation to the Library would be similar to the renovation at City Hall. The renovation cost for the Library, which will be paid for with the grant money, will be \$32,000. The City will not be required to provide any funds for this project.

Ms. Lee stated that this project will need to be completed by the end of the year. If the project is not completed, the City could lose the \$221,000 which was granted for this project.

4. **New City Hall/Library Renovation.** Mr. Devore stated that he did have the drawings 80% to 90% completed for the new building. The Commission asked for Mr. Devore to leave the plans so the Commission could review them at a later date.

Commissioner Cummiskey also asked for a time line for the new City Hall/Library building.

5. **Request for Proposal of 1995 Audit** Mr. Scott Bird, City Clerk, stated that Agler & Gaeddert would be retained for the 1995 Audit and that the RFP's would be sent out for the 1996 Audit.

6. **Revitalization of Neighborhoods.** The Commission has been copied with the June 6, 1995 Research/Information Bulletin from the League of Kansas Municipalities. This issue discusses SB 732. City staff has requested the statutory required plans from the cities of Topeka and Atchison.

Commissioner Cummiskey asked for the information received from Topeka on various projects that have been completed. Ms. Diane Stoddard, Administrative Assistant, stated that she did have the information and she could make it available to the Commission before they left the Work Study Session today for discussion at a future work study session. Ms. Stoddard also stated that she would copy the Commission with the information received from Atchison.

7. **Rezone R-S Area to R.** The applicant, Mrs. Melda Cutting and Sutton Development Corp., is requesting a rezoning from R-S to R for approximately 17.9 acres located at the southwest corner of 17th and Elm Streets. Mrs. Cutting is requesting the rezoning for a single family housing area. Mayor Matthews stated that he would like to send this back to the Planning Commission because of the 3-2 vote from the Planning Commission. Mr. Jim Shaw, Director of Planning and Zoning, also recommended that the Commission refer this item back to the Planning Commission for more discussion and another vote.

All Commissioners were in agreement to have this added to the September 4, 1995 City Commission Agenda to have the Planning Commission review the rezoning.

8. **Special Use Permit for Residential Mini Storage Units.** The applicant, Jerry Donnelly, owner by contract, is requesting approval of a special use permit for the construction of four mini storage units on two lots across from each other in the 1500 block of South Hickory. Mr. Jim Shaw, Director of Planning and Zoning, stated that these lots would be on both sides of Hickory Street. Mr. Shaw also stated that Mr. Donnelly has contacted the City and stated that he would like to continue with the plans, however, he is considering changing the plans to allow for an eight unit complex on the east side of Hickory instead of the storage units. If Mr. Donnelly does decide to change the plans, this request would be brought back to the Commission for approval.

Richard Towe, Fire Chief, asked if this special permit is approved, would the City be able to specify what type of items can be stored in the storage buildings. Mr. Shaw stated that as soon as the special use permit is granted, then Mr. Donnelly would need to meet with the Inspection Department and the Fire Department to set regulations.

The Commissioners agreed to have this item placed on the September 6, 1995 City Commission Agenda.

9. **Special Use Permit for Recycling Center.** The applicant, Peoples National Bank, is requesting approval of a special use permit for a recycling center at 301 W. Wilson. The proposed firm, Covenant Fibers, would like to house a variety of uses at this facility, including offices, upholstery shop, screen printing, truck repair, parking semi-trailers, and recycling center. The recycling center would handle plastic, paper, cardboard, aluminum, textile and cloth, film, and scrap metal. Under the Standard Industrial Classification Manual, the recycling of these products results in the SIC #5093, which requires a special use permit in I-2 zoning district. All of the other uses are permitted in I-2.

The Planning Commission made a recommendation of specific items which will not be allowed and also the area would be fenced.

All the Commissioners gave approval to add this item on the September 6, 1995 City Commission Agenda.

## **II. Open Agenda:**

1. Commissioner Jackson commented on the article that was in the Ottawa Herald about the decision given by the Attorney General with regards to the City's ordinance to allow City employees to access private property. Forrest Lowy, City Attorney, stated if there is not a fence and a person can see into the yard from an alley, street or sidewalk, a search warrant would not need to be obtained.

Open Agenda - Continued:

2. Mayor Matthews stated that he received a letter from Paul Howe who would like to resign his position on the Planning Commission. This position would need to be outside the City limits but within the three mile radius of the City. Mayor Matthews asked if City staff could place an add in the Ottawa papers to receive some applications from interested parties.

Commissioner Cummiskey also asked Scott Bird, City Clerk, to review any letters which had been submitted from previous years.

3. Commissioner Cummiskey stated that Bonnie Ramsey petitioned the neighborhood asking for their comments about the gates being locked at the cemetery. Mayor Matthews and Commissioner Cummiskey also stated they had received phone calls from residents who like to walk or ride their bikes through the cemetery and would like to have the gates left open. Commissioner Cummiskey mentioned that she had also been informed by Ms. Ramsey that there are teenagers who spend time in the cemetery after hours. Commissioner Tyson also stated that she had received some phone calls from citizens that lived in this area that were not that concerned with this issue.

Commissioner Ramsey asked if the new signage had been ordered.

Chief Herrman stated that he encourages the officers to patrol the cemetery. Chief Herrman also stated that he does not have an objection to locking the gate, however he feels this could be a false sense of security because the officers are not always available to lock the gates. Chief Herrman also commented that he thought it was foolish to lock the gate without the fencing and disagreed with the resident that thought that it was irrelevant to install a fence and not lock the gate. Chief Herrman told the Commission if the residents around the cemetery see or hear something in the cemetery or around their residence, the police should be called and an officer will be dispatched to the area.

All the Commissioners were in agreement to have this discussed at the next Work Study Session on September 11.

4. Commissioner Ramsey asked if the draft Ordinance for park closings would be discussed at a later date. Chief Herrman stated that this ordinance will allow police officers to disburse persons 100 yards away from any City park. At the present time, if the police order a person to leave, there is no way to make them leave.

Commissioner Ramsey stated that he was against the passage of this ordinance. The Commissioners agreed to discuss this at a future Work Study Session.

**Open Agenda - Continued:**

5. Commissioner Tyson asked about placing a no U turn sign at the entrance of Forest Park. Chief Herrman stated that this is a frequent occurrence, however, there have not been a significant number of accidents to warrant placing a sign.

6. Request from the Living Way Apostolic Church to use City Park for a revival. Mr. Haney stated that the only conflict might be if someone else would be using the park. However, Mr. Bird stated that the park has already been reserved for this event. All the Commissioners were in agreement to approve this request.

7. Commissioner Jackson asked if the Girls Club has used the former ORC building. Mr. Bird stated that the Girls Club would be able to lease the building for a nominal fee, but had not requested to use the building.

**III. Announcements:**

1. There will **not** be a Work Study Session on August 28, 1995.
2. There will **not** be a Work Study Session on September 4, 1995
3. There will be a City Commission Meeting on September 6, 1995 at 7:00 p.m..
4. There will be a Work Study Session on September 11, 1995 at 3:00 p.m.

**IV. Executive Session: None.**

Meeting adjourned at 5:00 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Roll Call

Minutes of September 6, 1995

The City governing Body met in regular session at 7.00 p.m. this date. The following member being present and participating to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present, Commissioner Richard Jackson absent. A quorum was present.

Agenda Approval

The Mayor called the meeting to order, welcomed the Chamber Audience and led them in the Pledge of Allegiance to the American Flag. The Invocation was given by City Clerk, Scott Bird.

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

Approval  
of Minutes

Thereupon, the Mayor declared the agenda duly approved.

Thereupon, Commissioner Tyson made a motion , seconded by Commissioner Cummiskey to approve the minutes of the regular meeting of August 16, 1995, as written. The motion was considered and upon being put to the question all present voted aye.

Public Comments

Thereupon, the Mayor declared the minutes of August 16, 1995, approved as written.

Public Comments

Thereupon, the Mayor called upon those in the chamber audience who wished to address the Commission.

Thereupon, Mr. Greg Hernandez of 204 South Elm, addressed the Commission regarding the Nuisance Ordinance, and the City's Utility late fee. Mr. Hernandez presented the Commission with a letter from the office of the Attorney General and asked that these items be place on the Study Session Agenda scheduled for September 11, 1995.

City Manager Scott Lambers asked that they be placed on the Agenda for September 18, since the agenda for September 11, had already been set. This was agreed upon by the Commission , and Mr. Hernandez thanked the Commission.

Presentations and  
Recognition's

Thereupon, there was presented a proclamation declaring September as Warner Manufacturing Company Historical Recognition Month. Receiving the Proclamation was Mr. Charles Gillette of the Historical Society, who urged the citizens to attend the Ottawa Antique Gas Engine and Tractor Show scheduled for the 8th, 9th & 10th of September.

Public Hearing

Thereupon, the Mayor opened a public hearing to consider an application for the Demonstration Project through the Kansas Department of Commerce and Housing.

Thereupon, Mr. Lou Atherton, representing the Chamber of Commerce and OFCED, urged the Commission to move with caution into commercial development, noting that the former J. C. Penny facility had been studied before.

Thereupon, Ms. Patty Snyder, 504 West Seventh, representing the Downtown Development Committee of the Chamber of Commerce , encouraged the Commission to pursue this project, noting that it would in all likelihood invite other business to the community.

Public Hearing

Thereupon, Mr. Noel Douglas, P. O. 334, Ottawa, Kansas, noted that he had several properties within the proposed development area and encouraged the Commission to pursue this project stating that he was aware that some of his properties needed improvement.

Thereupon, Deb Barker, P. O. Box 145, Ottawa, Kansas, Director of the local Historical Society, thanked the City Commission for including the museum in the project area, stating that the Historical Society was looking for ways to match a grant they were pursuing for the restoration of the museum.

Thereupon, Commissioner Cummiskey asked for further clarification regarding the State's desire for greater Economic Development information.

Thereupon, Wyndee Lee, Grant Manager for the City of Ottawa, indicated the State had not given a clear explanation regarding Economic Development within the definition of this grant. However, she noted that the City had included information which would illustrate growth within the community. There being no further comments the Mayor closed the Public Hearing.

Thereupon, the Mayor opened a public hearing to consider a Charter Ordinance related to the proposed increased in tax levy authority for the Ottawa Library.

Thereupon, upon the City Manager explained that the proposed 10 Mills was not in reality a 4 Mill increase but resulted in approximately a .62 increase to help pay utility costs and that the balance was already being utilized by the Library.

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

New Business  
CHARTER  
ORDINANCE

Bill No. 95-60. Thereupon, there was presented an ordinance exempting the City of Ottawa, Kansas, from Kansas statutes annotated 79-1952, and providing substitute provisions on the same subject relating to the limitation on the annual tax levy for library purposes.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Cummiskey, 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 Charter Ordinance No. 12-95.

Special Use  
Permit Mini  
Storage

Bill No. 95-61. Thereupon, there was presented a resolution granting a special use permit for residential mini storage units services to be located in the 1500 Block of South Hickory Street, in the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was pointed out that the applicant, Jerry Donnely, owner by contract, was requesting approval of a Special use Permit for the construction of four mini storage units located on two lots across from each other in the 1500 block of South Hickory . 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. 867-95.

Special Use  
Recycling Center

Bill No. 95-62. Thereupon, there was presented a resolution granting a special use permit for recycling center, scrap and waste services to be located at 301 W. Wilson Street in the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was noted that the applicant, Peoples National Bank, was requesting approval of a special use permit for a recycling center at 301 W. Wilson. The proposed firm, Covenant Fibers, would like to house a variety of uses at this facility, including offices, upholstery shop, screen printing, truck repair, parking semi-trailers, and a recycling center. The recycling center would handle plastic, paper, cardboard, aluminum, textile and cloth, film and scrap metal. Under the Standard Industrial Classification Manual, the recycling of these products would require a Special use Permit in I-2 Zoning. 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. 868-95.

Rezoning - Mrs.  
Melda Cutting

Bill No. 95-63. 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. The Mayor noted that the applicant Mrs. Melda Cutting and Suton Development Corp., had requested a rezoning from R-S to R for approximately 17.9 acres located at the southwest corner of 17th and Elm Streets. Mrs. Cutting is requesting the rezoning for a single family housing area. He further noted that the Planning Commission had made a recommendation to deny the rezone by a vote of 3 to 2, and that the City Commission should either accept the Planning Commission's recommendation of denial or send a rezoning application back to the Planning Commission for further study.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Clummiskey, to deny the Planning

Monthly  
Financial and  
Activity Reports

City Manager  
Report

Commission's recommendation and to remand this item back to the Planning Commission for further consideration. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared that the item had been remanded to the Planning Commission.

Thereupon, Mr. George Watts accepted part of the responsibility for not being ready and stated that he supported the Staff's recommendation and thanked the Commission for their consideration.

Thereupon, Commissioner Ramsey noted that the Commission wanted to see this project move forward.

Thereupon, there was presented the monthly financial and activity reports for July 1995.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Ramsey, to approve the report. During discussion Commissioner Cummiskey congratulated Court Clerk Connie Sams for her appointment as President of Kansas Association of Court Management. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the monthly financial and activity report for July 1995, approved as written.

Thereupon, City Manager Scott Lambers noted that the Commission's approval for purchase of additional street lights had been well founded in that the City had recently lost, due to an accident, its final reserve street light and noted that three more had been ordered for delivery sometime in October. Mr. Lambers further noted that the hearings before the KCC had been concluded and Mr. Bob

Governing Body  
Agenda  
Announcements

Bezek would be reporting on the merits of the case in the near future.

Thereupon, Commissioner Ramsey expressed his appreciation to see the large crowd in the chamber audience and invited the audience back to future meetings.

Thereupon, the Mayor announced that a work study session had been scheduled for September 11, and September 18, 1995 at 3 p.m., that the Joint City County Meeting would be held at Allied Day, September 20, 1995 and that the County Commission and City Commission would be having lunch together at that event. The next regular meeting is scheduled for September 20, 1995 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson 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.

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

**STUDY SESSION MINUTES**

**3:00 P.M.**

**September 11, 1995**

**Present:** Mayor Matthews, Commissioners Ramsey, Cumiskey, Jackson and Tyson; City Manager: Scott Lambers; Scott Bird, Jim Bradley, Richard Towe, Andy Haney, Judy Hasty, Daryl Shutt for Jeff Herrman, Jim Shaw, Dick Smith, Judy Hasty, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Brad Howard. Guests: Raquel Fler, Daryl Davis of Cook, Flatt & Strobel and Mr. and Mrs. Kent Ramsey.

**Absent:** Jeff Herrman.

Mayor Matthews opened the meeting by reviewing the September 20, 1995 City Commission Meeting Agenda.

Tax abatements for Duke and Golden State Porcelain.

Items from this Work Study Session may be added after the meeting.

1. **Cemetery Fence.** Andy Haney, Director of Public Works stated that he had received bids to install fencing around Highland Cemetery.

Commissioner Jackson stated that if a fence is going to be installed, he would prefer to have the entire cemetery fenced. The City Manager stated that there are adequate funds available in the Contingency Fund to do all three sides, however to do so would double the bids that Mr. Haney received.

Commissioner Jackson asked how high the fence would be. Mr. Haney stated that fencing would be available in three different heights. However, the City Manager instructed Mr. Haney to have the new fence remain the same height as the current fence.

Mr. Kent Ramsey, 1531 S. Orchard Dr., stated that he and other area residents are concerned that the City had not been locking the main gate. The City Manager stated that employees in the Parks Department could open the cemetery and the Police would be responsible for closing and locking the gate when cemetery and park staff are not available. This will be implemented October 1, 1995.

All the Commissioners agreed with the City Manager's recommendation and requested that an update be provided to them after six months.

3. 17th Street Improvement. The City Manager reviewed the alternatives and policy issues available to the City for the construction of the street.

- Asphalt or concrete streets
- Decision to proceed with Osage Drive from 17th to 19th
- Type of street lighting

The City Manager stated that he would recommend to have the streets for this project be constructed with concrete. The City Manager commented that the concrete would require less maintenance than the asphalt.

The City Manager stated that the bidding process is taking place at a good time and that he anticipated that the project would not be bid too high. However, the Osage Drive portion of the project could be postponed until a later date. The City Manager stated that the Osage Drive section is an important part of this project because it will serve as an access street to any subdivisions which will be built at a later date. However, at this point and time the City Manager would not have a problem waiting to bid the Osage Drive project. Ultimately, Osage Drive will proceed all the way to 23rd Street to allow for development in the surrounding areas.

The City Manager stated that the street light decision really needs to be made as soon as possible. The City can save money by installing street lights all on one side of the street. However, there will be houses on both sides of 17th Street with back yards facing the streets. Because most homes traditionally have their bedrooms on the back of the house, the street lights would also provide illumination to the back of residents' homes which could cause concern to these residents. The City Manager stated that by spacing the lighting on both sides of the street, the City would be creating, in his opinion, a more equitable circumstance for the undeveloped properties. There would be a cost increase associated with placing lighting on both sides of the street. There would be approximately a \$40,000 difference between staggering the poles and placing the poles on one side. The cost difference between installing 30' poles or 40' poles is approximately \$44,000.

Commissioners Ramsey, Cumiskey and Tyson stated that he would like to have the lights on one side of the street to cut the cost of the project. All Commissioners agreed to have the lights on the south side of the street with a 40' pole and that bids could be taken for this project with the proposed changes.

4. Use of Existing City Hall/Library Renovation. The City Manager stated that he had envisioned the current City Hall be turned into the Municipal Court. However, it was also the City Manager's intention that the Franklin Savings Building would be remodeled, City services would be moved to the new building and then the remodeling would begin on the current City Hall. An extension for the remodeling of City Hall was granted by the State, however, the State also implied that if the repairs were not completed by the end of 1995, then the City would not be eligible to receive any monies from grants for 1996. Therefore, the City Manager recommended that the City proceed with the remodeling of the current City Hall.

Use of Existing City Hall/Library Renovation - Continued.

The City Manager stated that Forrest Lowry, City Attorney, had also been advised by the County that they would lease the old court room at the County Court House to the City for Municipal Court. This court room is ADA accessible but would need to have two or three air conditioning units added if this option is used. The City Manager stated that it is still his preference to proceed with the needed improvements to the current City Hall for Municipal Court because it would allow the City to control the court situation.

Commissioner Tyson asked what part of the City Hall building would be used if the Municipal Court did move here. The City Manager stated that the upstairs would still be used for a computer room for six months to one year. The other areas not used for Municipal Court could be leased out for office space.

Commissioner Jackson stated that he would like to have a cost analysis for the building, such as lease amounts, taxes and insurance, etc. Commissioner Cummiskey stated that she thought instead of keeping the current City Hall, it would make sense to investigate the offer made by the County. Mayor Matthews agreed with Commissioner Cummiskey. The City Manager stated that he would meet with the County and report back to the Commission. Commissioner Ramsey stated that he does not have a concern with having the Municipal Court here. However, he does have a concern with the cost factors and the long-term heating and cooling for the building.

The City Manager stated that the staff will receive bids from the County on lease amount, utility bills, etc.

5. Naming of City Facilities Ms. Diane Stoddard, Administrative Assistant, stated she only received one written policy from Mesa, Arizona from the Internet. Ms. Stoddard also stated that most cities dealt with the issue as they arose.

Commissioner Jackson suggested selecting a committee to decide what criteria should be used to name a facility. The City Manager stated that the Commission will probably need to decide on individual instances. Commissioner Jackson stated that there should be some criteria established for naming the facilities. Commissioner Cummiskey commented that she liked the process which was used to name the Don Woodward Community Center.

Andy Haney stated that previous City Commission authorized the naming of the baseball field after Mr. Harvey Drake as Harvey Drake field which was requested by the Ottawa Recreation Commission. The City Manager stated that most cities do not have a written policy and that most of the time there is a specific item within a facility which will be named after a person.

The Commission decided to accept the resolution to name facilities as written. The City Manager stated that this resolution would be added to the September 20, 1995 City Commission Agenda and ORC will be contacted to attend a Work Study Session.

6. Revitalizing Neighborhoods. The City Manager stated that because of time restrictions, he would like to place this on the September 18, 1995 Work Study Session Memo.

7. Speed Limits on K-68. The request from the City Commission to KDOT to reduce the speed recommendation for K-68 has been denied. The City Manager stated that he recommends that the City accept KDOT's answer.

Commissioner Ramsey asked that the City review KDOT's recommendation after six months.

## **II. Open Agenda:**

1. Commissioner Cummiskey asked Commissioner Ramsey to report on the National League of Cities Leadership Conference.

Commissioner Ramsey stated that the sessions were very informative. He also stated that the interaction was very important with the County and that he would also like to include the School District in the monthly Joint City/County meetings. The City Manager stated that he could approach the school board to see how many of the members could attend a joint meeting.

Commissioner Ramsey also stated that he would like to have more community involvement with the citizens.

## **III. Announcements:**

1. There will be a Work Study Session on September 18, 1995.
2. There will be a City Commission Meeting on September 20, 1995 at 7:00 p.m.
3. Allies Day will be September 20, 1995.
4. There will **not** be a Work Study Session on September 25, 1995.

**IV. Executive Session:** None.

Meeting adjourned at 5:05 p.m.

# STUDY SESSION MINUTES

3:00 P.M.

September 18, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Richard Towe, Judy Hasty, Jeff Herrman, and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer, Greg Hernandez, Mr. and Mrs. Leonard Cheasbro, and Mr. and Mrs. Bill Ewing.

**Absent:** Commissioner Cummiskey; City Staff: Andy Haney, Jim Bradley, Jim Shaw, and Diane Stoddard.

## 1. Review of the September 20, 1995 City Commission Agenda.

The City Manager stated that the cereal malt beverage license, appointment to the Planning Commission, appointment of Commissioner Tyson to Convention and Tourism Committee and the agreement with Fringe Benefits will all need to be placed on the City Commission Agenda for September 20, 1995.

The City Manager also stated that two items have been scheduled for the October 4, 1995 City Commission meeting. One item is a proclamation declaring October 15 - October 21, 1995 as Breast Cancer Awareness Week. The other item is a public hearing for the condemnation of a structure at 8th and Locust. However, the property owner of this property has been soliciting bids and has not been able to gather information for condemnation proceedings. Also, the City Manager stated that because the League meetings are being held October 1 - 3, 1995 and because the Annual O/FCED Banquet has been scheduled for the evening of October 3, 1995, he suggested that the regular City Commission meeting on October 4, 1995 be canceled. Therefore, the two items scheduled will be moved to the October 18, 1995 City Commission meeting. The City Manager stated that the next Work Study Session will be October 9, 1995.

2. Copier for City Hall. The City Manager stated that the City's copiers are in serious need of repair. Most of the larger copy jobs are completed at local business stores. Scott Bird, City Clerk, stated that he had originally received bids from three local vendors. However, a vendor from Kansas City, Kansas also submitted a late bid. The bid request was for a sixty copy per minute machine. Mr. Bird recommended that the City buy a Minolta EP6000 sixty copy per minute machine from HOTZ. Mr. Bird also stated that Kansas State Bank has agreed to finance the purchase with a 6% interest rate over a 24 month period with a \$1 buy-out. The City would also sign a service agreement with HOTZ for service to the machine. The City Manager stated that money was budgeted for a new copier in 1996, however, City staff is recommending that 1995 funds be utilized.

Commissioner Ramsey asked if staff had looked at the copiers which were purchased with the Franklin Savings Building. The City Manager stated that Patty Snyder from Hotz, had looked at the copiers and it was her recommendation that the copiers would not handle the big batch jobs that City personnel frequently runs.

Commissioner Ramsey moved to have this item placed on the City Commission Agenda for September 20, 1995. All the Commissioners approved to place on the agenda.

# STUDY SESSION MINUTES

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Commissioner Ramsey moved to have this item placed on the City Commission Agenda for September 20, 1995. All the Commissioners approved to place on the agenda.

## Discussion of Nuisance Ordinance and Utility Payment Late Fee.

Mr. Hernandez stated that the Concerned Citizen Group developed a policy which will make the nuisance ordinances more user friendly, citizen friendly and voter friendly. Some of the requested changes to the nuisance ordinance are:

- All complaints to the City must be confirmed by the nuisance inspector. The nuisance inspector can only confirm the nuisance from a public access road.
- If a complaint requires the inspector to step out of the car and onto private property, permission must first be granted by the homeowner/occupant in writing. If permission is granted, the inspector must make an appointment to inspect the site at the convenience of the occupant. Mr. Hernandez stated that the homeowner/occupant should be at the site when the inspection is taking place. If permission is not granted, the City must get a search warrant from a judge before a search can be made.
- All complaints that go to trial must identify all complainants.
- All complaints or notices shall be directed to the occupant, not the landlord.
- The City shall issue to all people that wish to start or change billing for utility service, a copy of the City nuisance ordinance and utility late charge ordinance.
- They request that the inspector's work week be from 10:00 a.m. to 7:00 p.m. Tuesday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, which would better implement inspections for individuals to attend.

Changes requested for the Utility Late Fee ordinance are:

- The late charge shall not exceed 1.5% of the total utility bill.
- If a late charge is imposed on a citizen, utility shut-off will not occur until five days after the next billing cycle.
- The City will return to the five day courtesy notice. Mr. Hernandez stated that a lot of the elderly citizens need to be reminded.
- The utility will not be turned off on any elderly or handicapped citizen requiring life support systems during the hottest or coldest part of the years. No late charges shall be imposed on those citizens who are determined to be eligible. Commissioner Tyson stated that it was the citizens responsibility to report any medical difficulties to City staff. Mr. Hernandez stated that the City needs to account for these people and never shut them off. Mr. Bird stated that if a written statement from a doctor is provided to him, City staff does watch for these residents.

Mr. Leonard Cheasbro stated that he had been told two different times by a citizen that they were cited for hanging their wash on the line. Commissioner Jackson stated that no one was cited for this. Commissioner Jackson stated that if the City wrote a letter, he would like to see it. Commissioner Jackson also stated that if a citizen did get a letter for this specific incident, he would like for them to contact the Commission in person. The City Attorney commented that he was not aware of any citations issued, however, if someone were to hang their laundry across a sidewalk, it would be considered an obstruction of public right-of-way.

Mr. Cheasbro stated that he had numerous visits with citizens that had come to his business stating that the nuisance ordinance was too restrictive and it is taking the rights away from the citizens.

Mr. Cheasbro stated that he did not feel that the landlords should not be held accountable for the actions of their tenants. The City Attorney stated that there is an average of two months between the time a nuisance is first sighted and the time a person is actually ticketed for that nuisance. During this two month period, there are two to three letters sent giving dates and times when further inspections will be conducted and what needs to be done. Mr. Lowry continued to state that there only a few cases which reach municipal court, most people respond to the initial notices.

Mr. Cheasbro and Mr. Hernandez stated that they felt the late fee assessed was too great and unfair. Mr. Cheasbro stated that a lot of people only get paid once a month and by having the additional fees added on their bills is a hardship. Commissioner Tyson stated that these people know they have a utility bill due and should budget for them.

5. Fire Prevention Proclamation. Approval to add to September 20, 1995 City Commission Agenda.

6. Planning Commission Appointment. Mayor Matthews stated that Mr. Ron Yates submitted a letter asking to be considered for the position on the Planning Commission. All Commissioners agreed to place this item on the September 20, 1995 City Commission Meeting.

7. Appointment to Convention and Tourism Committee. Commissioner Ramsey had nominated Commissioner Tyson to serve on this committee. Commissioner Tyson stated that she would accept the appointment. All Commissioners agreed to place this on the September 18, 1995 City Commission Agenda for approval. The City Manager stated that the person selected for this position would serve a one year term. However, the City Commission will always have an appointment on the committee. The recruitment process for the Travel and Tourism Director has been initiated and the committee would like to have the successful candidate begin his/her duties in February, 1996.

11. Neighborhood Revitalization. The City Manager stated that he had discussed this program with the League and would like to have discussion deferred to a later meeting. The City Manager also stated that he would still recommend that the entire City be designated and that the County and School District be involved with this program. The City Manager stated that he would also like to develop a system in which criteria similar to someone who is applying for an IRB or a tax abatement and certain areas would be designated as an eligible area within the districts. The City Manager recommended that the school district also be included in this revitalization program.

Ms. Charlene Lister arrived at the meeting to discuss this program with Commissioners. However, she was informed that the topic would be discussed at a later meeting. The City Manager asked Ms. Lister to call him later to discuss the program.

#### **Open Agenda:**

1. Commissioner Jackson distributed a copy of a report for the mentor program. Commissioner Jackson stated that 38 young people between elementary and middle school age associated with the program. There are 11 mentors that have already been matched and 18 have been interviewed. He stated that the interview process takes quite a bit of time but the program is going well. Commissioner Jackson stated that this will be a year long program. Commissioner Jackson also stated that area businesses have been very supportive.

2. Commissioner Ramsey asked if the Alternative School had begun. Chief Herrman stated that the school would be starting very soon if it had not already started.

3. Mayor Matthews stated that a letter and petitions from local businesses had been received requesting that the intersection at 2nd and Walnut be made into a four-way stop. The City Manager stated that this issue had been discussed last year. At that time, the City Manager announced that there were several intersections that the Commission might want to consider enhancing for better traffic flow. These intersections were: 7th and Cedar, 7th and Ash, and 2nd and Walnut. Commissioner Tyson also suggested at that time that 3rd and Hickory also be changed to a four-way. The City Manager stated that this item will be brought back for discussion at the October 9th or 16th Work Study Session.

Commissioner Ramsey also asked if the one-way on 7th and Tremont was helping traffic flow at Eugene Field School. Chief Herrman stated that he had monitored the school traffic and had not noticed any problems. Chief Herrman also commented that he had not received any complaints.

#### **Executive Session:**

Commissioner Tyson made a motion to recess into executive session at 4:30 p.m. not to exceed 20 minutes to discuss personnel.

The regular work study session reconvened at 4:50 p.m.

A motion was made to adjourn the meeting. All Commissioners were in favor of the motion and the meeting adjourned at 4:55 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of September 20, 1995

The City governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, the Mayor requested that a resolution fixing the time and place to reschedule a Public Hearing related to condemnation of property known as 812 Pecan, be added as Item No. 28 to the agenda.

Thereupon, Commissioner Ramsey made motion, seconded by Commissioner Jackson to approve the agenda with the requested addition. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda approved with additions..

Approval of Minutes

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Ramsey to approve the minutes of September 6, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of September 6, 1995, approved as written.

Presentations

Thereupon, the Mayor recognized Carol Price, of the Utility Business Office, and Don McKay of the Public Works Dept., for their long service to the City, and congratulated them on their retirement. The Mayor presented each with a plaque commemorating their time of service.

Fire Prevention  
Week

Thereupon, the Mayor recognized Mr. Carol Droddy in absentia for his contribution as an Electric Distribution Worker to the City of Ottawa and congratulated Mr. Droddy on his retirement.

Thereupon, the Mayor read a proclamation declaring October 8 through October 14, 1995, as Fire Prevention Week in the City of Ottawa, Kansas.

New Business  
Tax Exemption  
Duke Manufacturing

Thereupon, there was presented a resolution authorizing an agreement with Duke Manufacturing Co., Ottawa, Kansas, granting a tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of 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 declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 869-95.

Tax Exemption  
Duke Manufacturing

Bill No. 95-65. Thereupon, there was presented an ordinance exempting certain property from Ad valorem Taxation for Economic Development purposes in the City of Ottawa, Franklin, County, Kansas.

Thereupon, Commissioner Jackson made a motion seconded by Commissioner Cumiskey 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. 3158-95.

Tax Exemption  
Golden State  
Porcelain

Bill No. 95-66. Thereupon, there was presented a resolution authorizing an agreement with Golden State Porcelain, Inc., Ottawa, Kansas, granting a tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to adopt the resolution. During consideration Commissioner Ramsey noted that this is a 100% tax exemption for a 10 year period. 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. 870-95.

Tax Exemption  
Golden State  
Porcelain

Bill No. 95-67. Thereupon, there was presented an ordinance exempting certain property from Ad valorem taxation for Economic Development purposes in the City of Ottawa, Franklin, County, Kansas.

Thereupon, Commissioner Cummiskey made a motion, 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. 3159-95.

Naming of Parks/  
Facilities

Bill No. 95-68. Thereupon, there was presented a resolution establishing certain guidelines for naming parks/recreational areas and other facilities.

Thereupon, Commissioner Cummiskey made a motion to adopt the resolution. The resolution died for lack of a second.

Thereupon, the Mayor declared that the resolution would be sent back to City Staff and had died for lack of a second.

Demonstration  
Grant

Bill No. 95-69. Thereupon, there was presented a resolution authorizing the application for a Demonstration Grant for the City of Ottawa, Kansas, from the Kansas Department of Commerce and Housing.

Thereupon, Commissioner Ramsey made a motion which was seconded by Commissioner Tyson to adopt the resolution. The motion was considered and upon, being put to the question, passed by the following voted. Commissioner Ramsey aye, Commissioner Cummiskey aye, Commissioner Jackson abstained, Commissioner Tyson aye, and Mayor Matthews aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 872-95.

Thereupon, there was presented a request for the acquisition of a copy machine for City Hall.

City Hall Copier  
Hotz Office Systems

Thereupon, Commissioner Tyson made a motion to approve the request to purchase a copy machine from Hotz Office Systems. The motion was seconded by Commissioner Cummiskey, during discussion Commissioner Ramsey noted that the purchase amount after trade in allowance would be \$14,590. The motion was considered an upon being put to the question, passed by the following

Fringe Benefit  
Service Agreement

vote. Commissioner Cummiskey aye, Commissioner Jackson aye, Commissioner Tyson aye, Commissioner Ramsey abstained, and Mayor Matthews aye.

Thereupon, the Mayor declared the request duly approved.

Thereupon, there was presented an agreement which would renew the existing contract with Fringe Benefits Design, Inc., with no increase in rates for services provided to the City of Ottawa as administrator of the employees IRS Section 125 Cafeteria Plan.

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

CMB, Hickory Inn

Thereupon, there was presented an application for a Cereal Malt Beverage License which had been received from Helen Zook, owner of the Hickory Inn, 120 North Dundee, Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, 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 duly approved.

Report by City  
Manager

Thereupon, City Manager, Scott Lambers noted that a request had been made on behalf of the St. Judes Children's Hospital to use Forrest Park, and that the request had been approved administratively. The event is to be sponsored by Cindy Billings on Sept. 23rd and will run from 10 a.m. until 1 p.m.

Governing Body  
Agenda

Thereupon, the Mayor noted that the Commission needed to appoint voting delegates for the League of Kansas Municipalities Meeting, in Wichita.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Cummiskey to appoint Mayor Matthews, Commissioner Jackson and Commissioner Tyson as voting delegates and Commissioner Cummiskey and himself as alternates. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Planning  
Commission  
Appointment

Thereupon, there was presented a letter from Mr. Ron Yates of 4 SW Fairview Dr., requesting that the City Commission favorably consider his appointment to the Planning Commission.

Thereupon, Commissioner Tyson made a motion seconded by Commissioner Jackson to approve the appointment. During discussion Commissioner Ramsey noted that Mr. Yates would be replacing Mr. Paul Howell. Mayor Matthews noted that Mr. Yates met the criteria prescribed by this position and that the Commission had discussed this at some length during the study session. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment of Mr. Ron Yates, 4 SW Fairview Drive, to the Planning Commission duly approved.

Convention &  
Tourism Committee  
Representative

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Ramsey to appoint Joan Tyson as the City's representative to the Convention and Tourism Committee. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment of Commissioner Tyson to the Convention and Tourism Committee duly approved.

Condemnation  
812 Pecan

Thereupon, there was presented a resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to KSA 12-1750, et seq, at which time the owners, their agents, lienholders of record, and any occupants of the structure located on Lot 1, and the north 67 1/2 feet of Lot 3, in DeValley and Whartons Addition to the City of Ottawa, Franklin County, Kansas, also known as 812 Pecan, may appear and show cause why said structure should not be condemned and ordered repaired or demolished.

Thereupon, Commissioner Jackson made a motion, 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. 873-95.

Announcements

Thereupon, the Mayor announced that Allies Day would be held at the Ottawa Country Club and that the City Commission would be joining the County Commission for that event.

Adjournment

The Mayor further announced that there would not be a Work Study Session scheduled for September 25, or October 2 and that the regular meeting of October 4, 1995 had been canceled. The Mayor further noted there would be a Work Study Session, October 9, 1995, at 3 p.m. and the next regular session would be scheduled for October 18, 1995, at 9:30 a. m.

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey 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

3:00 P.M.

October 9, 1995

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

### **Absent:**

1. **Review of October 18, 1995 City Commission Meeting Agenda.** The Mayor noted that at this time the following proclamations are the only items on the City Commission agenda.

A proclamation declaring October 15 - 21, 1995 as Breast Cancer Awareness Week and a proclamation declaring the month of October, 1995 as National Physical Therapy Month.

2. **Franklin County Veterans Day Parade.** The Franklin County Veterans Memorial Committee has requested permission to have a Veterans Day Parade on Veterans Day, Saturday afternoon, November 11th at 1:30 p.m. The parade will begin at Forest Park and disband at City Park. Andy Haney, Public Works Director, stated that he did not have a problem with allowing the parade committee to proceed with their plans.

3. **Homecoming Parade.** The Ottawa High School Homecoming Committee has requested permission to have their annual Homecoming Parade on Wednesday, October 18, 1995, at 6:00 p.m. The parade route will begin at Forest Park and conclude at 4th Street. The parade will last approximately one hour. Andy Haney, Public Works Director, stated he has forwarded a copy to the Police Department and has written a letter to KDOT requesting permission to close the streets to support all the parades.

4. **Kansas Department of Commerce & Housing.** Commissioner Jackson explained the handouts he had received from a town hall meeting that he attended last week in Overland Park. People who attended this meeting were bankers, lenders, developers, and those who were interested in rental and home ownership.

Commissioner Cummiskey asked how the programs could be moved from federal to state and reducing the bulge of bureaucracy when it comes to the program administration. Commissioner Jackson stated that this program is still questionable what it will mean to the state.

8. 1995 Audit. Mr. Scott Bird, City Clerk, stated that he would like to have permission to have Agler and Gaeddert begin with the 1995 audit. Mr. Bird added that this is a routine process and Keith Gaeddert of Agler and Gaeddert does not anticipate any additional costs over what has been incurred over the last several years.

All Commissioners gave Mr. Bird approval to begin the audit process.

9. Attorney Fees Associated with the KCC Contracts. The City Manager stated that the hearings before the KCC have been completed. Initially, the Commission authorized \$5,000 for this project and the City Manager was also directed to ask the City of Osawatomie and the City of Paola if they would be interested in joining the City of Ottawa. Both cities were interested in the project from the start with the City of Ottawa paying \$5,000. However, the City of Osawatomie decided not to continue in the proceedings and therefore should not be billed for this. The City Manager stated that he was envisioning a \$10,000 budget, the initial scenario was on a per capita sharing basis which had Ottawa picking up 50% with the other two cities picking up 25% each. However, because Ottawa was taking the lead position in this case, and because the City of Osawatomie dropped out of the case, the City Manager recommended that the costs be split by 75% for the City of Ottawa and 25% for the City of Paola. This additional percentage for the City of Ottawa would require an additional \$2,500 to complete the process.

Mayor Matthews stated that he had attended one of the proceedings and he felt that Mr. Bob Bezek, Attorney, was doing an outstanding job and he is convinced that the City will win the case. Mayor Matthews also stated that he did not have a problem authorizing the additional funds.

Commissioner Jackson asked if the City Commission would receive a report from Mr. Bezek. The City Manager stated that once all the briefs are in, Mr. Bezek will provide a summary of those briefs.

Commissioner Cummiskey stated that she has felt left out of the process, even though the City Manager has reviewed the briefs. Commissioner Cummiskey asked if Mr. Bezek could provide them with a summary memo that would not incur more cost. The City Manager stated that Mr. Bezek could provide the report, however, it would be more definitive if once the briefs have been filed, the KCC would copy the City with the closing arguments. However, the City Manager stated that the Commission could be copied with the briefs.

Commissioner Ramsey stated that the Commission authorized \$5,000 and he does not want to authorize any more funds. Commissioner Ramsey stated that he would like to see an itemized statement.

Mayor Matthews, Commissioners Jackson, Tyson and Cummiskey were in favor of increasing the amount to pay for representation at the hearings.

12. Intersection at 2nd and Walnut. The City Manager commented that the Commission had been copied with a petition received from various businesses located in the area of 2nd and Walnut requesting that this intersection be made into a four-way stop and to change the parking west of Walnut to parallel parking only. The City Manager stated that there have been a series of accidents at this intersection. Richard Towe, Fire Chief, provided the City Manager with a summary of the accidents from June, 1995 until October, 1995. The reports showed that the main problem at the intersection are that people are not stopping at the stop signs which are on the north and south sides of the intersection. The people who signed the petition are requesting that this intersection become a four-way stop. The City Manager stated that this topic had been discussed at an earlier date and it had been suggested by the City staff to develop an ordinance which would identify certain streets in which four-way stops would be eligible. Also, the City Manager stated that he had asked the Commission if they had any suggestions on other possible intersections that could be deemed as a four-way stop. Commissioner Tyson suggested 3rd and Hickory and the City Manager suggested 7th and Ash and 7th and Cedar also be monitored.

Commissioner Ramsey stated that one problem is being able to see oncoming vehicles at 2nd and Walnut.

The City Manager stated that while construction is taking place on the K-68 bridge next summer, the bridge will be closed and traffic will have a significant increase. The City Manager suggested that this intersection could be made into a four-way stop, at least during the construction period, then track any changes or reduction of accidents.

Chief Towe also stated that if the stop sign is placed on the curb, it might be advisable to place a hanging flashing light in the middle of the intersection. Mr. Haney stated that his crews do have the equipment and the capability to place a flashing light.

All Commissioners were in agreement to have an ordinance added to the agenda for October 18, 1995.

13. Procedure for Eliminating Health Complaints within the City Limit. The City Manager stated that the City will need to establish a better coordinating effort between the City and County for eliminating health complaints within the City limits. Currently, the City of Ottawa does rely on the County to provide health problem assistance. The City Manager also stated that the City can handle minor issues involving trash. However, a recent situation occurred which involved the infestation of bugs which resulted in some confusion as to the enforcement of state laws pertaining to health violations. The statutes that currently exist, clearly identify the County as being the entity in charge of this activity and it does include beyond sewerage disposal, water supply, food handling and insects/rodents. When this incident took place, the people who raised the complaint were referred to the County and the County referred them back to the City which is when the City Manager responded and took care of the matter.

### 17th Street Project - Continued.

The City Manager explained that submitting the petition to express their opinions, this petition was sufficient. However, if the citizens were wanting to trigger a vote among the Commission, it would probably fall under the category of being an administrative ordinance and therefore not eligible under the states initiative.

The City Manager stated when Elm Street was open, the traffic was coming from south of 17th Street to get to 15th and Main to hit the traffic signal. There will be a light at 17th and US-59 so the traffic will probably not occur.

The City Manager stated that City staff is anticipating that the water drainage should be improved with the street improvement. Mr. Haney stated that the improvement to 17th Street will take the storm water underground into a storm drainage system at the intersection of 17th and Elm and stop a lot of the water that now flows north on Elm Street.

Ms. Prather asked if there had been any consideration given to leaving Elm Street a dead end. The City Manager responded that 17th Street was envisioned back in 1960 when the Willow Acres Addition was subdivided. Since that time, there have been several projects in which the same right-of-way dedications have been made into requirement for those developments.

Mayor Matthews also explained that there is a severe housing shortage in Ottawa and the people in the community instructed the City Commission that the number one goal to be met was housing opportunities and more jobs. Mayor Matthews went on to say that two years ago there was a public meeting held in which 100 people attended and not one person stood up against the project. Ms. Laws stated that at one time she was under the impression that 17th Street was a dead issue and suddenly it was pushed through.

Ms. Laws stated that she understood that 17th Street was to be paid by the whole City. The City Manager responded that 17th Street will be paid by the City as a whole as well as special assessments for the benefiting properties that have not yet developed. The City Manager also explained that 17th Street is a collector street and is designed to take traffic from residential streets. Once a street is developed, then a developer will pay 25% of their frontage of the 17th Street improvement costs. The City will pay 75%. Ms. Laws stated it is important to have a through route from Eisenhower Road to Main Street, however, she did not feel the City does not need to open up 17th Street to accomplish this function. Commissioner Tyson stated that 17th Street is being planned and will be a safe street, unlike 15th Street. The City Manager added that 17th Street will have sidewalks and there will not be any driveways except existing driveways. Ms. Prather asked if 15th Street is currently handling the traffic for the area and if it is, why does the City need to have another street. The City Manager stated that 17th Street will handle the residences south of 17th Street and a small portion of housing north of 17th Street so there will actually be a reduction of traffic moving north to use the intersection at 15th and Main.

Strategic Plan - Continued.

The City Manager stated that he would like to develop a format, get the approval of the Commission and then the citizens who agreed to serve on the committee can be contacted to reschedule the meetings.

Commissioner Tyson stated that she also thought there should be a professional facilitator to help the Commission and City staff.

4. Neighborhood Watch. Commissioner Cummiskey stated that she has had citizens ask her whether the City has crime watches or neighborhood associations. Commissioner Cummiskey also asked how to start a neighborhood watch. Jeff Herrman, Police Chief, stated that there are a number of neighborhood watch associations. Chief Herrman also stated that Ottawa did not set up their neighborhood watch program according to national standards. Only one new watch area has been designated this past year. Chief Herrman stated that Commissioner Cummiskey could have the citizens asking about the program call him or Mr. Daryl Shutt at the Police Department. Chief Herrman also stated that the Police Department also conducts a home security survey free of charge.

5. Bids for Cemetery Fence. Commissioner Ramsey asked about the bids for the Highland Cemetery fence and gate. Andy Haney, Public Works Director, stated that there are proposals being accepted with a deadline set for October 13, 1995.

**IV. Executive Session:**

1. Commissioner Tyson made a motion at 4:50 p.m. to enter into executive session for the purpose of discussing pending litigation for a period not to exceed 15 minutes. All Commissioners were in agreement.

The regular work study session reconvened at 5:03 p.m.

Meeting adjourned at 5:04 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of October 18, 1995

The City governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating: Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cumiskey present, Commissioner Ramsey present, Mayor Matthews absent, a quorum was present.

Mayor Pro tem Ramsey called the meeting to order and led the audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Jackson made a motion to approve the agenda as presented, the motion was seconded by Commissioner Tyson. Upon being put to the question, all present voted aye.

Thereupon, Mayor Pro tem Ramsey declared the agenda approved.

Approval of Minutes

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to approve the minutes of September 20, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor Pro tem declared the minutes of September 20, 1995, approved as written.

Presentations &  
Recognitions

Thereupon, Mr. Ramsey read a Proclamation declaring October 15 through October 20, 1995 as Breast Cancer Awareness Week.

Thereupon, Ms. Cindy Smith received the Proclamation on behalf of Ransom Memorial Hospital and thanked the Commission for their action.

Thereupon, Mayor Pro tem Ramsey read a proclamation declaring the month of October, 1995, as National Physical Therapy Month.

Thereupon, Gretchen Harrigan, of Ransom Memorial Hospital, received the Proclamation and thanked the Commission for their action.

Veterans Parade

Thereupon, there was presented a request from the Franklin County Veterans Memorial Committee to hold the Veterans Day Parade on November 11, 1995 at 1:30 p.m.

Thereupon, the request was duly noted and approved.

New Business  
Joint Resolution

Thereupon, there was presented a resolution to provide revision of the Area Boundary of the City of Ottawa.

Thereupon Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was pointed out that the Kansas Department of Transportation had submitted their recommendation to move the Urban Area Boundary out to include East 23rd Street and Davis/Montana Road inside the Urban Area Boundary. The new Urban Area Boundary would follow the north right-of-way of I-35 east to the east right-of-way of Davis/Montana Road and then north to the existing Urban Area Boundary at 15th Street. As a result, East 23rd and Davis/Montana Road would become designated as collector streets.

Thereupon, City Manager Scott Lambers explained that this would not affect the City Limits as has been earlier reported by the press. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the resolution was declared duly approved and the resolution was duly numbered Resolution No. 874-95.

Revision of  
Functional  
Classification

Thereupon, there was presented a resolution to approve the revision of the Functional Classification of City Streets.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that this resolution was directly related to the previous action, Resolution No. 874-95. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the resolution was declared duly approved, and the resolution was duly numbered Resolution No. 875-95.

Bucher, Willis and  
Ratliff

Thereupon, there was presented a request from Staff that the City of Ottawa increase the amount of contractual obligation to Bucher, Willis and Ratliff, for an additional of \$2,500.00.

Thereupon, Commissioner Tyson made a motion which was seconded, by Commissioner Jackson to approve the agreement. During discussion it was explained that the City currently contracts Planning Services with Bucher, Willis & Ratliff, but because of the large number of items and special meetings, which had been demanded, the City's budgeted amount had been almost totally expended for this activity. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, it was declared that the request had been duly approved.

1996 Audit

Thereupon, there was presented a resolution authorizing an agreement with Agler & Gaeddert Chartered for the purpose of conducting an audit of the general purpose financial statements of the City of Ottawa, Kansas, and the financial statements of the Firemen's Relief Association for the year ended December 31, 1995.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that the City of Ottawa has a yearly independent audit performed on its financial statements in keeping with State requirements and in the best interest of the City corporation and its inhabitants. It was further explained that the audit fees for 1995 were not expected to exceed the audit fees for 1994, which were \$23,649. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the resolution was declared duly adopted and the resolution was duly numbered Resolution No. 876-95.

Additional Funding  
KCC Case

Thereupon, there was presented a request from Staff that the initial budget for legal cost associated with the KCC hearings be increased from \$5,000.00 to \$7,500.00. It was explained that the City of Osawatomie has removed itself from the proceedings early on in the proceedings and that as a result the City of Ottawa and the City of Paola had born the cost of this endeavor.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to approve the request. During discussion Commissioner Cummiskey ask that the minutes reflect that the request had been proposed by Attorney Robert Bezek of Anderson, Byrd, Richeson & Flaherty. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Jackson aye, Commissioner Tyson aye, Commissioner Cummiskey aye, Mayor Pro tem Ramsey nay.

Traffic Control

Thereupon, it was declared that the request had been duly approved.

No. 95-71. Thereupon, there was presented an ordinance providing for the regulation of vehicular and pedestrian traffic, including designation of through streets and otherwise authorizing traffic control signs which establish rights-of-way within the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion seconded by Commissioner Cummiskey to adopt the ordinance. During discussion it was explained that this was an amendment to an existing ordinance and would allow for Fourway traffic control to be placed at the corner of 2nd and Walnut. 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. 3160-95.

Condemnation

Bill No. 95-72. Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq. at which time the owners, their agents, lien holders of record and any occupants of the structure located at 228 S. Cedar, may appear and show cause why said structure should not be razed.

Thereupon, Mayor Pro tem called upon Mr. Noel Douglas, owner of the property, at 228 South Elm, to address the Commission. Mr. Douglas noted that he had hired Mr. Earl Devore, Architect, to make necessary suggestions for improvements to the property, which should bring it into compliance. Mr. Douglas also noted that he had, at times, tried to get permits and building materials to make improvements, however the property had not in fact been brought up to the standards outlined in the past. Mr. Douglas did note that a beam had been placed under the structure to better support it and that was one of the items which had been noted in earlier inspections.

Mayor Pro tem Ramsey explained that what would be done at this time is to set a public hearing for a future meeting in order to consider this matter further, and that Mr. Douglas would be allowed to make headway on this project and present information at that time.

Thereupon, Commissioner Cummiskey 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.

Monthly Reports

Thereupon, the resolution was declared duly adopted and the resolution was duly numbered, Resolution No. 877-95.

Thereupon, there was presented the monthly financial and activity reports for August 1995.

Thereupon, Commissioner Tyson made a motion seconded by Commissioner Cummiskey to adopt the monthly financial and activity reports for August, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Pro tem Ramsey declared the Financial Reports duly adopted for August 1995.

Reports by City Manager

Thereupon, City Manager Scott Lambers, called upon Captain Bowling of the Ottawa Police Dept., who stepped forward and provided a demonstration to the Commission of how difficult it is to determine the difference between a real 45 caliber hand gun and a made to look like real BB gun. The City Manager asked for greater responsibility by the citizens and parents of the community.

Thereupon, Mayor Pro tem Ramsey asked that every effort be made to bring Ottawa's good reputation back on track. Commissioner Jackson echoed those thoughts, stating that Ottawa needs to get back to the family unit.

Thereupon, Commissioner Cummiskey asked that this concern be addressed as a community during the Strategic Planning process.

Governing Body Agenda

Thereupon, Commissioner Cummiskey noted that the Ottawa High School Homecoming Parade would be held this date and asked for public support.

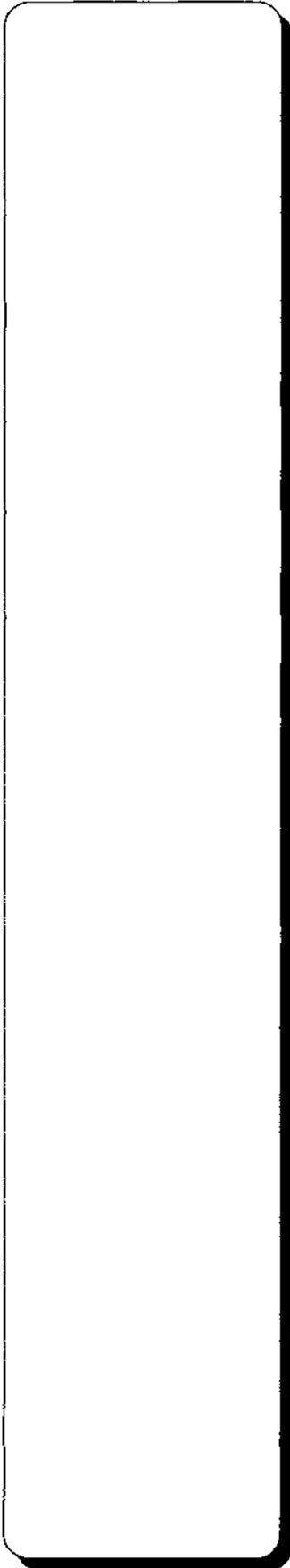
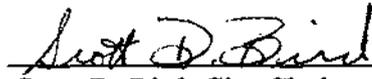
Announcements

Thereupon, Mayor Pro tem Ramsey announced that their would not be a Joint City County Meeting on October 18, 1995, however there would be a meeting on October 18, 1995, at 7 p.m. at Neosho County Community College, with the College Board of Trustees. He further announced that there would be a work study session scheduled for October 23, 1995 at 3 p.m., and there would be a work study session scheduled for October 30, 1995 at 3 p.m. at the Waste Water Treatment Plant, and the next regular meeting of the Commission would be November 1, 1995 at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, 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

3:00 P.M.

October 23, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Judy Hasty, Daryl Shutt for Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Cliff Burke, Mr. and Mrs. Bill Ewing, Raquel Fleer.

**Absent:** Jeff Herrman

1. Review of the November 1, 1995 City Commission Agenda. A public hearing for the condemnation of a structure at 812 Pecan. The City Manager stated that the property owner has decided to let the City proceed with the demolition of the structure. Any charges that are incurred with the condemnation will be charged back to the owner.

2. World Home Care Month Proclamation. A proclamation declaring the month of November as World Home Care Month. Sharon Jaworski, Southview Homecare, has requested that this proclamation be placed on the City Commission agenda for November 1, 1995. The City Commission agreed to place on the November 1, 1995 City Commission Agenda.

3. Rezone M-H District to R-1 District. Mr. Jim Shaw, Director of Planning and Zoning, stated that the applicants, Cecil and Mary McAdoo are requesting a rezoning from M-H to R-1 for approximately 3.3 acres located at 911 E. Wilson. The applicants are requesting the rezoning for future development of a single family housing area.

All of the Commissioners agreed to place this rezoning on the November 1, 1995 City Commission Agenda.

4. Rezone R-S Area to R. Mr. Jim Shaw, Planning and Zoning Director, stated that this request had been discussed by the Planning Commission a couple of times and is now being recommended to be changed from R-S to R Zone. Mr. Shaw stated that all members of the Planning Commission voted for this change with Commissioner Gillette abstaining. The preliminary plat on this area was also approved by the Planning Commission. The final plat has been submitted and will go to the Planning Commission at their next meeting and then will be forwarded to the City Commission when the plans are approved.

The Commissioners agreed to place on this item on the November 1, 1995 City Commission Agenda.

5. Amendment to Appendix A. Mr. Jim Shaw, Planning and Zoning Director, stated that this amendment will allow social and civic organizations as a special use in residential areas. Mr. Shaw stated that a representative from the Eagles attended the Planning Commission meeting to request that the City consider social and civic organizations in residential areas. The current building at East 15th used by the Eagles is nonconforming to the residential zoning because the building was built before the zoning laws were in effect. However, the Eagles are wanting to tear the old building down so they can build a new building at the same location. Mr. Shaw stated that once the old building is removed, the organization could not rebuild without first amending Appendix A. Mr. Shaw stated that the Planning Commission reviewed this item, and also contacted several other cities to see how they regulated social and civic organizations. Most of the cities contacted allow civic and social organizations be allowed as a special use in the residential areas. Mr. Shaw explained that the organizations would be allowed as a special use so the City can regulate such things as distance from property lines, buffering the noise or high traffic on various nights of the week.

The City Manager stated that the special use permit would provide assurances to the residents surrounding the organization and would provide the City with the authority to revoke the permit if the regulations are not followed.

Commissioner Tyson asked what the procedure would be if the permit is revoked. The City Manager stated that the organization could not use the building for a social or civic organization if the conditions of the special use were not met.

The Commission approved to place on the November 1, 1995 City Commission Agenda.

6. Franklin County Habitat for Humanity - Building Permit Fee Waiver. The City Manager stated that a letter was received from Mr. Herman Van Arsdale, on behalf of the Franklin County Habitat for Humanity, requesting that the building permit fee be waived for the construction of a new structure.

The City Manager reminded the City Commission that a previous request to waive the building fee had been denied. However, it was also decided at that time, that each case would be reviewed at the time of the request.

Commissioner Tyson stated that she did not feel that the City should approve the request because of setting a precedence.

Mayor Matthews, Commissioners Jackson and Cumiskey stated that they did not have a problem waiving the fee because it would help the City financially and also create housing for the City. Commissioner Ramsey also gave his approval for the waiver.

Commissioner Jackson asked Mr. Cliff Burke, representative for the Habitat organization, where the house would be built. Mr. Burke stated that the organization had already broke ground at 2nd and Willow. However, a family has not yet been selected for the house.

7. Fun Run/Walk. The City Manager stated that this is an annual event sponsored by the Ottawa Recreation Commission. Commissioner Cummiskey stated that it would be nice if the Commission received the request before the information was distributed to all schools.

8. Baseball and Softball Facility Lease Agreement and Swimming Pool Lease Agreement. The City Manager asked the Commission to review the agreements and invited the Commission to contact him with any questions or comments. City staff will be reviewing these agreements over the next week with discussion continuing at the Work Study Session on November 13, 1995.

Commissioner Ramsey asked why these contracts are reviewed every four years. Andy Haney, Director of Public Works, stated that when the current contracts were drafted, it was decided not to review the leases every year.

Commissioner Jackson asked if the City had ever given written permission to Ottawa University and the Legion to use the ball fields. Mr. Haney stated that written permission has never been given and he was not aware of what transactions were occurring between ORC and the organizations who use the fields.

Commissioner Ramsey stated that regardless of when the leases are finalized, there are some major maintenance items that will need to be taken care of, particularly to the swimming pool. Andy Haney, Public Works Director, stated that an engineer has been contacted to look at the pool to see what repairs need to be completed.

The City Manager stated that the Commission might want to consider other activities to be considered and allow other organizations to utilize the pool in the late spring and early fall.

Commissioner Ramsey stated that he would like to have Mr. Haney report to the Commission about ORC and their management of the facilities before the lease agreements are accepted. Mr. Haney stated that he had not been approached with any complaints and is not aware of any problems with the ORC.

10. Cemetery Fence. The City Manager stated that staff has started a bidding process. The bids have been coming in higher than expected. The City Manager stated that by the next study session, a decision should be ready for the Commission to review and approval would take place on November 15, 1995.

Commissioner Cummiskey suggested that City staff contact the local Sears store.

11. Set Public Hearing for Budget. The City Manager stated that with the Library Charter Ordinance, there was an inconsistency with the public notice in the budget. City staff had originally thought this could be republished once the charter ordinance protest petition period had passed. However, Scott Bird, City Clerk, has been notified by the state that another public hearing needs to be held.

The City Commission agreed to place this hearing on the November 1, 1995 City Commission agenda.

**Open Agenda:**

1. Poppy Sales. The City Manager stated that a request had been received to sell poppies for Veterans Day. City staff did not have a problem with the request and that City staff would notify the interested parties that the request had been approved.

2. City's Residency Requirement. The City Manager stated that currently the City has a residency requirement for a city employee. The City has various employees that work for the City full-time, regular part-time, part-time, temporary and seasonal. There is a possibility that some temporary or part-time people may or may not have become a resident if they were hired for a temporary position. The City Manager stated that he did not believe the Commission wanted to have such a restriction on all employees. He further concurred that he thought the intent was that all full-time employees should become a resident of Franklin County, either at the time of hiring or within six months. The City Manager requested that this section of the Personnel Rules be amended to read a full-time City employee shall be or shall become a resident.

The City Manager also reminded the Commission that in 1992 an ordinance was passed which separated out certain city officers as being residents of Franklin County and two being within the City. The City Manager and the City Engineer are the two that are required to live within the City. However, the City currently contracts with a consulting engineering firm. This firm does not live in the City of Ottawa, nor do they reside in Franklin County and therefore, the City is not in compliance with the ordinance.

Commissioner Tyson stated that she was under the impression that if the City contracted with someone such as an attorney or engineer, they are not considered City employees. The City Manager pointed out that the ordinance does not make that distinction. He thought that this was the intent of the ordinance, however, it does not clearly define this issue. Commissioner Cumiskey stated that these people are not defined as employees. The City Manager stated that they are defined as officers of the City and basically the City's engineering firm has a definition of City engineer.

City's Residency Requirement - Continued.

Mayor Matthews stated that he would not have a problem with leaving the full-time employees in the ordinance. The City Manager stated that inserting the full-time language would eliminate any disputes over consulting services by contract and the City Manager would be the only employee required to live within the City limits. Commissioner Cummiskey stated that she would agree make the changes as discussed. Commissioner Ramsey also agreed that the language should be consistent with the Personnel Rules and Regulations.

The City Manager stated that new ordinance will be drafted to include the changes as discussed.

3. Appointment to Sunshine Committee. Mayor Matthews stated that Commissioner Ramsey received a letter appointing him to the Attorney General's Committee for Brighter Sunshine. The first meeting of the committee will be Tuesday, November 7, 1995. The committee will be recognizing changes to the Kansas Open Meetings and Open Records Law to the Kansas Legislature for 1996.

4. Spending Lid Bill. Mayor Matthews asked the Commission if a letter should be sent to the State Legislators in the House and Senate regarding the spending lid bill which is being proposed and the Governor is supporting. Commissioner Tyson stated that a letter could be written, however, she wanted to see the letter before it was sent out. The City Manager asked the Commissioners to submit their thoughts regarding the spending lid bill, he would incorporate all the responses into a draft letter for their review.

Commissioner Cummiskey stated that it might be helpful to contact Ottawa's neighboring communities to get opinions from other city leaders.

5. Bible Week Proclamation. Mayor Matthews stated that he had received a letter from the Mayor of Wyoming requesting that the City of Ottawa read a proclamation declaring November 19, 1995 - November 26, 1995 as National Bible Week. If the Commission will read the proclamation and send it in, it will be on display at the Bible Week Inaugural Luncheon in New York City on November 17, 1995. The proclamation must be received by November 14th.

The proclamation will be placed on the November 1, 1995 City Commission Agenda.

6. KOCH Crime Commission. Commissioner Jackson distributed some information from the KOCH Crime Convention held in Salina. He also received some documentation on park and facility naming.

7. 17th Street Project. Commissioner Ramsey asked when the 17th Street Project will be brought back to the Commission. The City Manager stated that there will be a copy of the plans will be available for the public to view and there will also be a copy that can be checked out. The City Manager stated that after the plans have been checked, the Commission has already given City staff permission to bid the project.

8. Lights at 15th and Ash. Commissioner Jackson stated that a member of the Eisenhower Site Council contacted him requesting that a flashing light be placed at the corner of 15th and Ash by Eisenhower School.

9. 15th to 17th Street Project. Commissioner Ramsey asked about the 15th to 17th Street Project. Mr. Haney, Public Works Director, stated that the project is virtually completed. There are some last minute items that need to be completed such as striping, traffic light work and clean-up.

Commissioner Tyson made a motion to adjourn and Commissioner Ramsey seconded. All Commissioners were in favor to adjourn the meeting at 4:05 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of November 1, 1995

The City governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating: Mayor Matthews present, Commissioner Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson present, a quorum was present.

The Mayor called the meeting to order and welcomed the chamber audience. Thereupon, the Mayor led the audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to approve the agenda with the inclusion of a Proclamation related to Parents University. 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

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to approve the minutes of October 18, 1995, as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of the regular meeting of October 18, 1995, approved as written.

Public Comments

Thereupon, Mr. Jeff Welton, Rt. 1 Vassar, representing the Ottawa Youth Project, spoke to the Commission, noting that the Ottawa Youth Project has 65 children referred to its project and had only 16 matches to date. Mr. Welton explained that the Ottawa Youth Project is a mentors program matching children from the ages 5-17 with qualifying adults. Mr. Welton presented written information for the Commission as well as the chamber audience and asked that the community become involved with this program. Mr. Welton also displayed t- shirts which were being sold to promote the program.

Thereupon, Mr. Greg Hernandez, 204 S. Elm, addressed the Commission regarding the violence generated by the youth in Ottawa. Mr. Hernandez noted that he had addressed the Commission on this

subject before and that it was his belief that the first step in solving some of Ottawa's gang-related problems was to admit that there were indeed gangs. Thereupon, Mr. Hernandez concluded by requesting that the Commission admit that Ottawa has gang violence.

Thereupon, Mr. Tony DeLatorre, 811 N. Poplar, addressed the Commission, noting that he and Mr. Hernandez had been canvassing the community, trying to find out why Ottawa was experiencing youth violence. He noted that what they were finding is that there are youths carrying guns and wearing gang-related paraphernalia. He asked the Commission to take leadership and form some type of task force to bring people together. He noted that violence was occurring on a routine basis, but realized that the police could not do it all. Mr. DeLatorre asked that some organization be designed to place police and kids together, as well as working with parents to develop ideas to stop the violence.

Thereupon, Mrs. Vicky Crowley, 120 S. Elm, noted that both Mr. DeLatorre and Mr. Hernandez had sought her out to help find some solutions. Ms. Crowley noted that her husband had gone to the police department before his death. She noted that "we know who these guys are, and we know who is carrying guns, knives, etc." Mrs. Crowley concluded by saying that she is backing Mr. DeLatorre and Mr. Hernandez one hundred percent.

Thereupon, Commissioner Cummiskey thanked those who spoke and those who were taking their own time to investigate these issues. She extended her sympathy to Mrs. Crowley and Mrs. Ellis. She noted that the Commission had taken a group to Lenexa to discuss what other communities were doing and took exception to a statement which Mr. Hernandez had made that this Commission had labeled Mrs. Ellis as an outsider.

Thereupon, Mayor Matthews noted that the community was going to have to be involved and related an incident which he had been involved in just the previous night. Mayor Matthews also noted that municipal court could not prosecute these juveniles and that while the City could arrest them, it was up to the courts to prosecute.

Thereupon, Commissioner Jackson noted that the Commission had taken leadership, and that the Ottawa Youth Project, which was mentioned earlier, was both a Commission and ECKAN program. He echoed Mr. Welton's words that 65 children had been referred, but that to date, only 16 children had been matched.

Thereupon, Commissioner Ramsey noted that the Chamber and the Commission were both working with the Koch Crime Commission and that this would continue to be a high priority.

There being no further comments or speakers, the Mayor closed the public comments portion of the meeting.

Presentations &  
Recognitions

Thereupon, the Mayor read a Proclamation declaring November as World Home Care month and urged all citizens to support the home care profession in its efforts to provide safe, affordable and comfortable home care in homes of the elderly, disabled and infirm.

Thereupon, the Mayor read a Proclamation declaring November 19-26 as National Bible Week and urged all citizens to participate in the observance of National Bible Week by reading the Bible and discovering its values for personal and community life.

Thereupon, the Mayor read a Proclamation with regard to Parents University, which will be held on Saturday, November 4, from 8:00 a.m. to 12:00 noon, at the Ottawa Middle School, noting that the County and the City Commissions were promoting and encouraging citizens to participate in these educational activities.

Public Hearings  
Condemnation-  
812 Pecan

Thereupon, the Mayor opened a public hearing to consider the condemnation hearing for 812 Pecan. There being no one wishing to speak to this issue, the Mayor closed the public hearing.

1996 Budget

Thereupon, the Mayor opened a public hearing to consider the 1996 Budget, which was a re-hearing of a previously adopted budget. There being no one wishing to speak to this issue, the Mayor closed the public hearing.

New Business  
Budget 1996

Thereupon there was presented an ordinance appropriating the amounts provided in each fund in the budget for the year 1996, 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 1996, and establishing the amounts of ad valorem tax to be levied in 1995 for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. The motion was considered and upon being put to the question, passed by the

following vote: Commissioner Ramsey, aye, Commissioner Cummiskey, aye, Commissioner Jackson, aye, Commissioner Tyson, aye, Mayor Matthews, nay.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered ordinance number 3161-95.

Cecil and Mary  
McAdoo

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 part of the Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion, it was explained that the applicants, Cecil and Mary McAdoo, were requesting a rezoning from M-H to R-1 for approximately 3.3 acres located at 911 E. Wilson. 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. 3162-95.

Mrs. Melba Cutting

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 the Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion, it was explained that the applicant, Mrs. Melba Cutting and Sutton Development Corporation, had requested a rezoning from RS to R for approximately 17.9 acres located at the southeast corner of 17th and Elm Streets. 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. 3163-95.

Special Use  
Social Organizations

Thereupon, there was presented an ordinance relating to the allowing of civil and social organizations by special use permit in residential districts and amending Appendix A of the zoning regulations of the City of Ottawa, which zoning regulations were adopted by Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Monthly Financial  
and Activity Reports

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion, it was explained that the Planning Commission had been approached to amend Appendix A to allow civic and social organizations as a special use in all residential zoning districts. It was further explained that at the present time, civic and social organizations are only allowed as a permitted use in C-2 and C-3 zoning districts.

Thereupon, Commissioner Tyson pointed out that this would only be allowed as a special use and would be approved by the Planning Commission and City Commission before any action could be taken. 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. 3164-95.

Thereupon, there was presented the Monthly Financial and Activity Reports for September 1995.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to approve the reports. During discussion, Commissioner Jackson noted that there were still a large amount of outstanding warrants in the municipal court report. He further noted that the City of Wichita had made a decision to show the names on government television, of those persons for whom outstanding warrants existed. He further noted that the ORC was taking bids to resurface the tennis courts and asked if that was in keeping with their agreement with the City. He finally noted that the ORC was planning a roller blade competition this fall and asked if that would be covered by the ORC's liability insurance or the City's liability insurance.

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

Thereupon, the Mayor declared the financial and activity report for the month of September duly approved.

Governing Body  
Agenda

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to appoint Commissioner Jackson as official delegate to the National League of Cities conference in Phoenix, Arizona and to appoint City Manager Scott Lambers as alternate delegate to the same conference. The motion was considered and upon being put to the question, all present voted aye.

Government Access  
Television

Thereupon, the Mayor declared the appointments duly approved.

Announcements

Thereupon, Commissioner Cummiskey noted that relating to Commissioner Jackson's comments, perhaps it was time to budget for the equipment which would be needed in order to proceed with the City's government access channel.

Adjournment

Thereupon, the Mayor announced that there would be a Work Study Session on November 6, 1995 at 3:00 p.m. and on November 13, 1995 at 3:00 p.m. He noted that there would be a Joint City/County Meeting on November 15, 1995 at 12:00 noon at the Franklin County Jail and that the next regular meeting of the City Commission would be November 15, 1995 at 9:30 a.m.

There being no further business to come before the Commission, Commissioner Ramsey made a motion, 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 from the date of the meeting.

  
Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

November 6, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, and Tyson; City Manager: Scott Lambers; City Staff: Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Judy Hasty, Jeff Herrman, Diane Stoddard and Nancy Thacker; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Cliff Burke, Mr. and Mrs. Bill Ewing, Raquel Fleeer.

**Absent:** Commissioner Jackson and Scott Bird, City Clerk.

1. **Review of the November 15, 1995 City Commission Agenda.** Mayor Matthews noted that the American Cancer Society's Great American Smokeout Proclamation declaring November 16, 1995 as the Great American Smokeout Day has been placed on the agenda and a resolution for the condemnation of a structure.

The City Manager commented on the Smokeout Proclamation that when City staff moves into the new City Hall, the entire building will be a non-smoking facility and that the Commission may want to consider if they would like all City buildings to be non-smoking.

Mayor Matthews and Tyson thought all buildings should be non-smoking. Commissioner Ramsey stated there has been some concern at the Auditorium with people playing Bingo. The City Manager stated that he would like to have the Commission implement a policy in the near future. Commissioner Cummiskey stated that she concurred with Mayor Matthews and Commissioner Tyson. However, Commissioner Cummiskey asked if the City would put signs on all the City buildings.

3. **13th Street Extension Project.** The City has received a request to extend 13th Street from Pine Street to Eisenhower Road to accommodate a proposed multiple family and single family development. The developers are Dave Barkley and Frank Salb who have purchased property from Mr. John Howe. As part of the Pin Oak Subdivision, 13th Street ends at Pine Street and there was no requirement for that developer to be responsible for the southern part of 13th Street that abuts Pin Oak. Therefore, the City has assumed the obligation as City-at-large. The north side of the street, which abuts the Ottawa High School, would also be a City-at-large project. The City Manager stated that he had discussed this issue with the developers and they accept and acknowledge the responsibility of building half of 13th Street along the frontage of their property.

The developers would like to begin the project by building a full street, half the length, which would allow the first two cul-de-sacs to be developed as well as beginning to build duplexes. The City Manager stated that what would typically occur is that the property lines on both sides would give 30' of right-of-way, therefore, each property owner would share in the right-of-way dedication and the cost of the street improvement. However, these developers are proposing that the full 60' comes off of their property as opposed to being split, which would allow the hedgerow to remain intact to provide a screen between the agricultural use and the residential development to the south.

### 13th Street Extension Project - Continued.

However, the City Manager is recommending that the City Commission consider assuming full responsibility for the construction of 13th Street and that it is built from Pine Street all the way across as one complete project and the developers would pay the City back for a portion of their project as part of the final plat. The City Manager also emphasized that moving ahead with full construction of the street would also open the other two cul-de-sacs for potential development. The City Manager stated that the 17th Street Project currently projects Osage Drive running from 17th Street to 19th Street. However, the City Manager explained that funding could be transferred from the 17th Street Project, which is being built in anticipation of encouraging development but is not really necessary at this time, and instead divert those funds for an actual project which is scheduled for construction in the Spring of 1996.

The City Manager stated he would like to place this item on the November 15, 1995 City Commission Agenda as an amendment to the Capital Improvement Program.

Commissioner Ramsey asked about the utilities. The City Manager stated that all utilities would be extended and the City would be responsible for the extension to the east property line with the cost being shared with the developing properties to the south.

Commissioner Tyson asked specifically what the City would be responsible for. The City Manager stated that the City would be paying for the full street improvement from Pine Street to the east property line and the north portion of the property. The developer will be responsible for half the street and half of the utility cost improvements.

All the Commissioners were in agreement to place this on the November 15, 1995 City Commission Agenda.

4. Lease Agreement between the City of Ottawa and Franklin County. The City Manager stated that this proposed lease agreement between the City of Ottawa and Franklin County is consistent with the terms which were discussed at a previous Work Study Session. The County has also agreed to the terms as set forth.

Commissioner Ramsey asked why the County will be receiving \$100 for five days or \$20 per day, but as the days increase the County would receive \$25 per day. Forrest Lowry, City Attorney stated that some of the County Commissioners were concerned that the City was not paying enough and the extra \$5 was an additional incentive for the approval of the County.

Commissioner Cummiskey asked if the air conditioning units would remain the property of the City. The City Manager stated that they would and that the City would be responsible for maintenance.

The Commissioners approved to place on November 15, 1995 City Commission Agenda.

5. **Boundary Line Declarations.** The City Manager stated that this is an annual boundary line resolution and there are not any anticipated changes.

All the Commissioners gave their approval to place the resolution on the December 6, 1995 City Commission Agenda.

6. **Proposal for Golf Consulting Services.** The City Manager stated that Fogle Quarry is entering the final phase as a rock quarry. The Fogles are planning to complete excavating by 1996. The Fogles are in the process of preparing preliminary development plans for single family residential for the western side of their property that can be developed. Other residential development is proposed to be on the north side and along the east side. The Fogles are anticipating offering the land to the City. The City Manager is requesting authority to take initial steps by contracting with Mr. Flatt. Mr. Flatt would analyze the other golf courses in the area, compare golf course rates and see if a golf course would be utilized enough to sustain itself. Mr. Flatt would also review the golf course feasibility study in Winfield and provide a comparison of what actually transpired when the golf course was constructed.

Additionally, the City of Lawrence has also initiated a similar endeavor. The City Manager in Lawrence will be forwarding their request for proposals that were submitted by nine firms that expressed interest in the project.

The City Manager stated that he is initiating this project with two basic parameters. One is that this would not be backed by the full faith and credit of the City. The project will need to stand on its own merits and therefore there will be no guarantee that property tax monies would be levied to support it. Secondly, the City would own the golf course, but it would contract its services out to a golf management firm.

The City Manager requested authority in an amount not to exceed \$2,500, although Mr. Flatt is estimating approximately \$1,800 in order to initiate the first step. This will be a general fund expenditure and would be taken out of the Contingency Reserve Fund.

Commissioner Ramsey asked why the City would not want to contact THK since their firm did the original feasibility study. The City Manager stated that he did not want to go back and do a full blown feasibility study, but wanted to find out what has changed since the original study. Commissioner Cummiskey stated that she could understand why the City Manager would want to go with someone the City has confidence in and someone that is relatively cheap, however, she does not understand why it would not be just as easy for THK to offer their services since they are already familiar with Ottawa. The City Manager stated that he could request a proposal from THK, however, he would prefer to have someone that was not involved in the initial study so the City could get a fresh look at the project.

## Proposal for Golf Consulting Services.

Commissioner Ramsey also asked why this expense is the City's expense and not Fogles'. The City Manager stated that Mr. Fogle has indicated that he will give the land to the City and to rough grade the golf course, however, this would be a City project.

Commissioner Tyson asked if there were any courses around Ottawa that are operated by the City. The City Manager stated that Overland Park has two courses, Topeka has one course, and Emporia has a municipal golf course.

All of the Commissioners were in favor to allow the City Manager to continue the procedure with Mr. Flatt and agreed to place this item on the November 15, 1995 City Commission Agenda.

7. Cemetery Fence. Andy Haney, Public Works Director, stated that he had requested proposal from two firms which advertised in the Ottawa yellow pages. One firm is an Ottawa company and the other company is a Missouri Company. Following the request for proposals, Mr. Haney was approached by Town & Country Supply who had read in the paper that the City was working on this project and wanted to submit a proposal. Mr. Haney asked all three companies to submit a proposal for different alternatives approaching the structure of the fence which exists along the north side of the cemetery. Mr. Haney stated that the woven wire that currently fences the cemetery can no longer be matched and the closest the companies could come to it would be a chain link fence. Therefore, Mr. Haney is recommending that the City install a fence with a 36" fabric mounted on posts with clearance above ground so that the mowers can easily get under the fence. Mr. Haney also reported that the least cost proposal that was received was from Bowden Construction for \$7,920.

Mayor Matthews asked if there had been any other burglaries since the last incident. Chief Herrman stated that there had not been any other problems. Chief Herrman also replied that if the City is going to devote a good deal of money to this fence, a more restrictive fence along the west side would be a better investment to inhibit parties from using the cemetery as a haven and accessing the homes to the west of the cemetery. Chief Herrman also stated that by locking the gate and putting this fence up on the east could be giving a false sense of security. However, Chief Herrman also commented that the least expensive type of fencing around the cemetery would discourage vehicular traffic, which he thought would be warranted.

The City Manager stated that it is not uncommon for a cemetery to be completely fenced off and it is his belief that eventually the cemetery will be fenced.

Mayor Matthews stated that he had visited with a citizen that lives in the area of the cemetery and this person is totally against placing a fence around the cemetery. Therefore, Mayor Matthews stated that he would not be in favor of the fence project.

## Cemetery Fence - Continued.

Commissioner Tyson stated that she had also received two calls from residents that live in Orchard Heights and these people were not in favor of the fence.

Commissioner Cummiskey stated that she has only talked to people who were in favor of the fence. However, she also thought the Commission addressed the concerns of these residents by agreeing to lock the main gate of the cemetery. Commissioner Cummiskey stated that she is still in favor of placing a fence around the cemetery for added security.

Commissioner Ramsey stated that the cost is too high and that the project should be postponed. Commissioner Ramsey also thought the residents around the cemetery were satisfied that the main gate will be locked during evening hours. Commissioner Ramsey also expressed his disagreement with Chief Herrman about the police officers checking the cemetery.

Chief Herrman suggested that a cable fence could be used until the Commission felt more comfortable with the cost of a more decorative fence. All the Commissioners agreed that this would be a good idea and that they would consider the chain link fencing during the next budget process.

The City Manager stated that City staff would investigate the cable fence option.

8. Franklin County Ambulance - Backup Unit. Richard Towe, Fire Chief, stated that he had been working with Mr. Ted McCurdy, Franklin County Ambulance, on this proposal. Chief Towe stated that in 1993 the Ottawa Fire Department began looking at other ways to provide further services to the community. The First Responder Unit began at this time using Engine #2, which is a standard pumper truck. In 1994, seven firefighters volunteered to become EMT's and have since then become certified with the State. Six of these seven employees have now completed the EMTI course which is equivalent to the employees of the Franklin County Ambulance Service.

Mr. McCurdy will be receiving a new ambulance after the first of the year. The ambulance that is being replaced is in good shape and the County is interested in keeping it as a back-up unit for Franklin County. Chief Towe stated that it would be feasible for the Fire Department to use the ambulance instead of the fire truck. This would also allow Fire Department employees to transport victims.

Chief Towe also stated that in 1994, 173 EMS calls were responded to from 7th Street North. In 1995, 210 calls have been responded to.

Chief Towe explained that even though the City EMTs will be required to fill out paper work on the calls they respond to, all records will be kept at the Franklin County Ambulance Service.

**Franklin County Ambulance - Backup Unit.**

Commissioner Ramsey thought that acquiring the ambulance was a good idea and that it would provide more opportunity between the City and County to work together. Commissioner Tyson agreed with Commissioner Ramsey and thought this was a good idea. Mayor Matthews also agreed that this is a good idea.

Commissioner Tyson asked what would happen if the Fire Department received an EMS call and the Fire Department employees had already received a fire call. Chief Towe stated that people will not be pulled off a fire call. However, if the emergency personnel are already enroute to an EMS call and a fire call is taken, the ambulance will proceed with the EMS call.

Commissioner Ramsey asked what the criteria for the firefighters are. Chief Towe stated that when the program started, it was on a volunteer basis. However, any new employee must be trained as an EMT. Chief Towe also stated that he would like to see all fire employees be required to be First Responders in 1996.

Commissioner Cummiskey stated that she thought this was great to see the sharing between the City and County. Commissioner Tyson also commented that she was very pleased to have so many employees at the Fire Department interested in the EMT program.

Mayor Matthews stated that this topic will be discussed at the Joint City/County Meeting on November 15, 1995. The City Manager stated that if both parties find everything acceptable, then there will be some type of memorandum of understanding between the two parties.

9. **Naming Parks, Recreational Areas and other Facilities.** All the Commissioners decided to postpone discussion of this document until the next Work Study Session.

10. **Facility Supervisor Position at the Ottawa Municipal Auditorium.** The City Manager stated that there used to be two positions at the Auditorium. The positions were then consolidated into one which was a full-time position. However, the joint activities do not work well together and therefore, City staff would like to separate the two positions. This will be an increase in the number of positions, but will not be a notable change in funds.

All the Commissioners gave their consensus for City staff to proceed with two part-time positions.

11. **Cooperative Work Site Agreement.** Commissioner Tyson asked who had authority over the people in the program and also questioned how this would be a benefit to the City. The City Manager stated that the authority would be the supervisory staff in individual departments and this program is valuable to the City because City staff receives additional assistance in carrying out day-to-day functions.

Cooperative Work Site Agreement - Continued.

Commissioner Tyson asked if the person placed at a City job site did not do a satisfactory job would City staff have difficulty in having the person removed from the position. Judy Hasty, Human Resource Director, responded that it just takes one phone call to SRS and the person will be removed. The people serving on this program are not considered City employees and the City does not provide any funds towards the salary for the person. Mrs. Hasty stated that City staff does have the opportunity to interview the people selected for City positions and these people can be rejected if they do not have the necessary skills for the position.

The City Manager stated this program offers participants in the program a work history of showing up to work on time, carrying out the work functions and not taking advantage of the employer.

All the Commissioners agreed to place this agreement on the November 15, 1995 City Commission Agenda.

The City Manager also explained that the juveniles who participated in the Perez incident are being sentenced to provide a certain amount of community service. The City Manager expressed his concern that the City may be approached to have these juveniles meet their community service requirement. The City Manager stated that his concern is that these individuals have provided a disservice to the City and to the image of the City across the State of Kansas and he did not want the impression to be made that by doing 150 hours of community service that the damage has been restored. Therefore, the City Manager requested authority to advise the judge and community corrections that the City is not interested in having these individuals perform their community service requirement for the City. Mayor Matthews endorsed the City Manager's view by 100 percent. Commissioner Tyson stated that she had a problem with community service unless it was properly supervised and there is a real experience for the people who are carrying out their sentence. Commissioner Cummiskey stated that she is not a judge and did not have any problems with community service and it should depend upon the crime. The City Manager stated that he did not know if the community corrections authorities would ask the City, however, he did want to make it clear that the City would not be an option. Mayor Matthews stated that by not allowing the community service for the City, the Commissioners and City staff are sending a message to the Judge that allowing the juveniles to serve 150 hours of community service is a total lack of judgment on behalf of the Judge. Forrest Lowry, City Attorney, stated that the City can tell the court that the City is not interested in allowing these juveniles to work for the City and the City is not bound by the court. Commissioner Ramsey stated that he would agree with the Mayor and would stand behind the message being sent to the Judge and the court. Commissioner Cummiskey stated that she would concur with the other Commissioners, however, she also stated that the Commission should look at the whole scope and not just look at this one incident. The Commissioners were in agreement to have the City Manager send a letter to the Judge and Community Corrections Officer indicating that the City does not want the persons involved in the Perez case to be able to work for the City to meet their 150 hours of community service.

**Open Agenda:**

1. **Employee Service Awards.** The City Manager stated that the employee service awards to recognize City employees for their years of service will need to be added to the November 15, 1995 City Commission Agenda.

2. **Announcements.** Mayor Matthews announced that there will be a Work Study Session on November 13, 1995, which will be the tour of the Wastewater Treatment Plant; the regular City Commission Meeting on November 15, 1995 at 9:30 a.m.; and there will also be a Joint City/County Meeting on November 15, 1995 at 12:00 p.m.

Commissioner Cummiskey made a motion to adjourn and Commissioner Ramsey seconded. All Commissioners were in favor to adjourn the meeting at 4:35 p.m.

**STUDY SESSION MINUTES**

**3:00 P.M.**

**November 13, 1995**

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Jim Bradley, Dale Howard, and Bob Hollon. Guests: Bill Carter, Engineer for George Butler and Associates.

1. **Tour of the Wastewater Treatment Plant.** The Commission met at the Wastewater Treatment Plant to tour the facility and listen to a presentation by Bill Carter of George Butler and Associates.

The tour began at 3:00 p.m. and ended at 4:40 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of November 15, 1995

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following member being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the 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, seconded by Commissioner Jackson to approve the agenda as written. 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

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey to approve the minutes of the November 1, 1995 regular meeting of the City Commission, with corrections. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of November 1, 1995, approved .

Public Comments

Thereupon, Ms. Janet Prather, 1548 South Elm, presented the Commission with 2 neighborhood petitions . The first petition asked the City to maintain Elm Street as a non through street, and not to connect Elm to 17th from the north or at the end of 1600 block of south Elm , but rather to maintain its dead end status. The second petition asked that the Commission continue its plans to pave and develop Osage Drive between 15th and 23rd St., to defer traffic off of Elm Street.

Presentations & Recognitions

Employee Service Awards

Public Hearings  
228 South Cedar

Next to address the Commission was Janice Swallow, 614 South Cedar. Ms. Swallow asked the Commission to reconsider their position regarding the youths which had been sentenced in conjunction with the Perez case, indicating that a dose of humiliation might be of benefit in this situation.

There being no further comments to come before the Commission, the Mayor closed the public comment portion of the meeting.

Thereupon, the Mayor read a proclamation declaring November 16, 1995 as the American Cancer Society's Great American Smokeout, and encouraged all of Ottawa's citizens to participate.

Thereupon, the Mayor and Commission recognized city employees who had qualified for service awards under the guidelines established by the Kansas League of Municipalities. Employees receiving recognition were, Donald Fischer and Juan Garcia for 25 years of service; Perry Jordan, Judi Taylor, Benney Bennett, Charles King, Galen Horton, Mark Pacheco, Ronald Puterbaugh and Linda Leach, for 10 years of service.

Thereupon, Commissioner Tyson expressed the Governing Body's appreciation for the service provided by these long term employees.

Thereupon, the Mayor opened the public hearing to consider the condemnation hearing for property located at 228 South Cedar.

Thereupon, Mr. Earl Devore, representing Mr. Noel Douglas explained that he had been hired by Mr. Douglas to assist in the design in developments of improvements to the property in question. Mr. Devore noted that Mr. Douglas had agreed to renovate the project and stated it can "in my opinion be renovated," and make a positive contribution to the neighborhood.

Thereupon, Commissioner Cummiskey asked for comments from Staff.

Thereupon, City Manager Scott Lambers requested that the commission proceed with the condemnation proceedings. However, he noted, they could suspend the procedure at a point in time when Mr. Douglas is able to successfully secure a building permit. Mr Lambers explained that the City had the flexibility to dictate the time frame.

New Business  
Condemnation 812  
Pecan

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

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 812 Pecan in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, 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. 878-95.

13th St. Extension

Thereupon, there was presented a proposal to amend the Capital Improvement Project to extend 13th Street, from Pine Street to Eisenhower Road, to accommodate a proposed multiple family and single family development.

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

Thereupon, the Mayor declared the amendment to the Capital Improvement program, duly approved.

Lease Agreement  
Franklin County

Thereupon, there was presented a lease agreement between the City of Ottawa and Franklin County, Kansas, for the use of the old Franklin County Court Room.

City Manager Scott Lambers noted, this was a five year agreement, the cost of which would be \$100.00 per month for use of the Court facilities for 5 day a month and \$200.00 a month if the facilities were used from 6 to 10 days.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to approve the agreement. During discussion, it was noted that the proposed lease was for the purpose of leasing the courtroom on the second floor of the Franklin County Courthouse to enable the City to conduct Municipal Court. The motion was considered and upon being put to the question, all present voted aye. Thereupon the Mayor declared the agreement duly approved.

Flatt Golf Service

Thereupon, there was presented a proposal for Golf Consulting Services, from Mr. Larry Flatt, President of Flatt Golf Services.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to approve the proposal. During discussion it was explained that this proposal would allow the preparation of documentation supporting a golf course at the Fogle Quarry property, and that the actual cost of the study was not to exceed \$2,500.00. Commissioner Ramsey noted that he had some reluctance regarding this item since the Commission as a whole had not decided to proceed with this project. He also expressed concerns regarding the expenditure of public money on private property. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the proposal duly approved.

Cooperative Work  
Site

Thereupon, there was presented an agreement to allow the City of Ottawa to provide work experience, at no cost to the City, to persons referred to the City by SRS.

Thereupon, Commissioner Jackson made a motion, 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.

Governing Body  
Agenda

Thereupon, Commissioner Jackson noted that both the Ottawa Youth Project and the City of Ottawa Summer Youth Employment Program had been submitted for consideration to the Koch Crime Commission's Community Service Award. While neither project had won the award, they had received Certificates of Merit. Commissioner Jackson recognized Personnel Director Judy Hasty, for her involvement with the Summer Youth Program and noted that these programs were evidence of the Commission's dedication to local youth.

Thereupon, Commissioner Jackson noted that he planned to attend the League Governing Body Meeting, Tuesday, November 21, and asked the Commission for suggestions as to how the League's annual conference might be improved. Commissioner Jackson noted that out of almost 1,000 attendees at the recent league meetings only 27 evaluation sheets were returned.

Thereupon, Commissioner Jackson asked that the Commission not lose sight of the importance of the proposed spending lid legislation, noting that this issue needed to be followed upon.

Thereupon, Commissioner Cumiskey reminded the Commission that the Yule Feast Weekend was scheduled for the first weekend in December, and that she would be working with Kelly Waldo of WDAF TV, who would be showcasing one of the area homes and Yule Feast Activities. The report is scheduled to be broadcast the morning of November 30, 1995.

Announcements

Thereupon, the Mayor announced there would be a Joint City/County Meeting, November 15, 1995, at the Franklin County Jail at 12:00 noon, and the next regular meeting would be December 6, 1995 at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adjourn. The motion was considered and 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

## STUDY SESSION MINUTES

3:00 P.M.

November 20, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cumiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Bill Mason for Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, and Bill Tellier. Guests: Raquel Fleeer, Earl Devore and Lou Atherton.

**Absent:** Judy Hasty and Richard Towe.

1. Review of the December 6, 1995 City Commission Agenda.

2. Selection of New City Engineer. The City Manager is in the final stages of selecting a new City Engineer. The City had sent requests for proposals to several firms. Of those responding, three firms have been selected for finalists of designation of City Engineer. The next step in the process is for each of the firms to make a brief presentation of qualifications and to introduce the individuals who would be designated by the firm to serve as City Engineer and alternate City Engineer. Following the presentations the City Manager will forward a recommended firm to the City Commission at the December 4, 1995 Work Study Session for designation as City Engineer effective January 1, 1996.

3:00 p.m. Bucher, Willis & Ratliff

3:20 p.m. Burns & McDonnell

3:40 p.m. HNTB

3. CDBG Accessibility Project at the Public Library. Ms. Wynndee Lee and Earl Devore were present at the Work Study Session and announced that bids have been opened and accepted. Mr. Devore stated that the one bidder stated that the project could be completed in 60 days, however, Mr. Devore stated that it is his opinion that it will take 90 to 100 days. The low bidder for this project was MCA.

The City Manager stated that he would like to have authorization for notice to proceed with the low bidder and have the contract placed on the December 6, 1995 City Commission Agenda so the contractor can start ordering the supplies. Mr. Devore stated that the contractor can start the concrete work and the majority of inside work immediately, however, the wheel chair lift may delay the process.

4. **Building at 4th and Cedar.** The City Manager informed the Commission that correspondence had been received from the Board of Directors of S.P.I.R.I.T. The organization is in the process of securing a grant to construct a facility which would function as a transitional dwelling for mentally ill patients. S.P.I.R.I.T. is requesting that the City show its support for the grant by offering to have the building demolished at the City's expense. This request is contingent upon the organization receiving the grant.

Commissioner Tyson asked who owned the property in question. The City Manager stated that the property has been deeded to S.P.I.R.I.T.

Jim Shaw, Planning and Zoning Director, stated that the plans would need to be approved by the Planning Commission before the organization could build.

Mayor Matthews stated that if the organization does receive the grant he would like to offer the City's support. Commissioner Cumiskey stated that she thought this would be a good solution to a problem property. Commissioner Tyson stated that she would like to help the organization if possible and realizes there is a need for such a structure. Commissioner Ramsey stated that he sympathizes with the leaders of the organization but he has a problem with the City spending money without a commitment from S.P.I.R.I.T. and the City should not be responsible for razing the building unless the grant is awarded.

The Commissioners were all in agreement to place this on the December 6, 1995 City Commission Agenda.

5. **Strategic Plan.** Lou Atherton, Chamber of Commerce Director, stated that he had mailed out a revised strategic plan to the Commissioners. Mr. Atherton stated that he would like for the City Commission to pass a resolution to support the proposed strategic plan.

Mr. Atherton stated that the two top issues for City and County officials has been housing and jobs. Mr. Atherton reviewed the highlights of the Strategic Plan which included housing and jobs as well as travel and tourism, industry, community image and family life.

Commissioner Tyson asked how many citizens responded to the survey which were mailed out to the various surrounding cities. Mr. Atherton stated that the surveys were mailed to every tenth name in the phone book. There were 143 respondents from Ottawa, Rantoul had 21, Pomona had 12 people responding, Wellsville and Williamsburg tied with 11 respondents, Richmond and Lane both responded with 8 and Princeton had 4 people responding.

Commissioner Jackson commented that most of the items in the plan dealt with local units of government and did not include the area school districts which he would like to include.

All the Commissioners were in agreement to add to the December 6, 1995.

6. Planning Consultant Contract. This item was deferred to the December 4th 1995 Work Study Session.

7. Investment Policy. This item was deferred to the December 4th 1995 Work Study Session.

## II. Open Agenda:

1. The City Manager stated that Bob Bregant, Ransom Memorial Hospital Director, had contacted him about placing Christmas lights on the hospital.

Commissioner Tyson stated that if the hospital had lights then she would like to have lights placed on the Municipal Auditorium.

Commissioner Ramsey suggested that lights be placed on the Auditorium for the 1995 Christmas season and that the City wait to decorate the other buildings in 1996.

2. The City Manager stated that a letter to Governor Graves had been drafted and copied for the Commission regarding the proposed spending lid. The City Manager asked for the Commissioners to make any desired changes and return to him for a final draft.

3. Commissioner Tyson asked the City Manager if the Eisenhower Site Council had contacted him about placing a light at 15th and Ash. The City Manager stated that he had visited with a representative from the Site Council and that he instructed the representative to approach the school district for hiring a traffic cross guard at this location. The City Manager stated that the City could place a light at the intersection, but felt that the traffic load during school hours warranted having a guard stationed at the intersection.

4. Mayor Matthews announced that he would not be hosting the Mayor's Carol Fest this year because of the lack of attendance in previous years.

## IV. Executive Session: None.

Commissioner Cummiskey made a motion to adjourn the Work Study Session and Commissioner Jackson seconded. All Commissioners were in favor. The meeting adjourned at 5:15 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

December 4, 1995

**Present:** Mayor Matthews, Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Charlie Bowling for Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer, Jack Davis, Earl Devore and Lou Atherton.

**Absent:** Jeff Herrman.

1. **Review of the December 6, 1995 City Commission Agenda.**

2. **Water Assurance.** The City Manager stated that the City is in the final stages of the Water Assurance Agreements. However, the Kansas Water Office had made an error in the assumptions in which the calculations were based upon, therefore causing a difference in the amount previously reported.

The City Manager stated that a sur charge will be shown on the City water bills for a ten year period which will be eliminated after the ten years expires.

Mr. Jack Davis was present to explain the revisions and the final steps that will need to be made for completion of this project. Mr. Davis stated that he would need to contact all parties involved to see if all participants approve of the changes. If approval is received, Mr. Davis will proceed with the signing ceremony on Thursday, December 7, 1995 by the State. Mr. Davis invited all the Commissioners to join him in Topeka to take part in the signing.

Bill Tellier, reporter for the Ottawa Herald, asked Mr. Davis how much water this contract would guarantee the City in the event of a drought. Jim Bradley, Director of Utilities, responded that the amount available in a serious drought there would be 708,000,000 gallons available for the City to use.

All the Commissioners gave their approval to add this item to the December 6, 1995 City Commission Agenda and thanked Mr. Davis for his dedication and work in this project.

3. **Planning Consultant Contract.** Jim Shaw, Director of Planning and Zoning, stated that the contract is the same as the 1995 contract. However, if the amount exceeds the budgeted \$12,000, City staff would bring the contract back to the Commission for approval.

Commissioner Cummiskey stated that she thought the Commission had agreed that the amount of the contract would be increased to keep it within the anticipated expense amount. The City Manager stated that the 1996 Budget had already been approved when the Commission discussed increasing the amount so the contract amount will be in the 1997 Budget planning process.

All Commissioners were in agreement to place this item on the December 6, 1995 City Commission Agenda.

4. **Investment Policy.** Scott Bird, Director of Finance, stated that the City's Investment Policy has been working well for the City, however, there is one constraint in the policy which only allows the City to place 60% of all idle funds into one financial institution. City staff is proposing that the percentage be increased to 65%. Currently, City staff does feel that local banks should be utilized as much as possible and without increasing the percentage the staff has a potential situation that may cause a transfer to MIP to keep compliance with the policy.

Commissioner Ramsey and Commissioner Cumiskey stated that they would abstain from any action taken. However, Commissioner Ramsey commented that the document was so lengthy and asked why the policy could not be shortened. Mr. Bird stated that the document had been suggested by the State and the document had been reviewed and shortened in 1993.

The City Manager stated that this policy is intended to protect the City Commission if an investment is made by a member of the City that is not a prudent investment.

Commissioner Tyson stated that she is reluctant to raise the percentage. Commissioner Tyson also asked if the City had investigated purchasing T Bills. Mr. Bird stated that members of the Finance Department have pursued T Bill options. Commissioner Tyson again indicated that she would prefer to leave the policy as is and utilize other methods of investment.

The City Manager stated that at the current time the City is approaching the 60% ceiling of idle funds for one institution and with the next bidding process it is possible that one of the local banks would be excluded from bidding because of the 60% ceiling.

Mayor Matthews and Commissioner Jackson indicated that they would give consensus to allow City staff to inform the local financial institutions that the limit would be 65%.

This item will be placed on the agenda for December 6, 1995.

5. **South End Study Proposal.** The City Manager stated that the purpose for this study was because it has been anticipated by City staff that the southwest area of the City would be the next growth corridor for the City. The primary areas which are being targeted for development are Eisenhower Road, 23rd Street, and 15th Street.

Jim Shaw, Director of Planning and Zoning, stated that currently the areas involved in the proposal are zoned commercial and industrial. However, the proposed ordinance would update the Comprehensive Plan. After the Comprehensive Plan has been updated, the Planning Commission and City staff will rezone the industrial area to C-2.

The Planning Commission has also been working on a new RS category which would be classified as an RS-1, RS-2 and RS-3. This would allow for a 9,000 sq. ft lot with a 70' frontage which is something that has not been previously offered.

## South End Study Proposal - Continued.

Mr. Shaw stated that in order to accomplish the rezoning of the commercial and establishing a new RS area there are several items that will need to be completed. First, the Comprehensive Plan would need to be updated, which would also require the approval of the City Commission.

All of the Commissioners were in agreement to place on the December 6, 1995 City Commission Agenda.

6. **Acquisition of State Building.** The City Manager stated that the State of Kansas is interested in disposing of the property south of 17th Street. This property could be used by the City of Ottawa for public uses such as storage for equipment or supplies.

Andy Haney, Public Works Director, stated that the property extends from 17th Street on the North, by 19th Street on the South, the abandoned railroad right-of-way on the West and Princeton Street (excluding the trailer park) on the East. The City Manager stated that KDOT staff has indicated that they would like to have adequate right-of-way for any future changes to US-59.

All the Commissioners were in agreement to have the City Manager and City staff proceed with negotiations with KDOT.

7. **Residency Requirements.** The City Manager stated that this document had been previously discussed and all changes have been made according to recommendations received by the Commission. The City Manager commented that the main reason for the change is because the City was not complying with the policy because the City Engineer is not a resident of the City.

Commissioner Tyson and Cumiskey had a concern with City officers and full-time employees listed in the resolution. The City Manager stated that the purpose of the resolution was to establish residency and not to declare officers. However, the City Manager suggested to clarify the wording in the resolution, the word "some" would be inserted in front of officers in the heading of the resolution.

All the Commissioners agreed to add this resolution to the December 6, 1995 City Commission Agenda.

8. **Establishing Certain Criteria Procedures for Naming Parks and Recreational Areas.** Commissioners Ramsey and Tyson did not wish to have this item placed on the December 6, 1995 City Commission Agenda. However, Mayor Matthews, Commissioners Jackson and Cumiskey all voted to have it placed on the agenda. Therefore, this item will be on the December 6, 1995 City Commission Agenda.

## II. Open Agenda:

1. Request from Historical Society. The City Manager stated that the Historical Society has requested to use the Orlis Cox Complex for a national gas engine show on September 13, 14 & 15. The ORC does approve of this request.

All the Commissioners were in agreement to allow the Historical Society to use Cox Field.

2. Response to Citizens. Commissioner Tyson asked if anyone responded to Ms. Janet Praether and Ms. Janice Swallow who appeared before the Commission at the November City Commission Meeting. The City Manager stated that he would send a letter to both parties after the December 6, 1995 City Commission Meeting.

3. Monthly Financial and Activity Reports. Commissioner Ramsey asked why the sales tax amounts for the month of October were so high. Mr. Bird stated that the report for November (which was not included in the October report) was down a few thousand which helped to balance the two months.

Commissioner Ramsey also stated that according to the monthly report for the Police Department, Chief Herrman reported that two of his employees had attended training in Austin, Texas. Commissioner Ramsey asked if this was necessary to send employees out-of-state for EMT training. The City Manager stated that different schools provide specific types of training. The Commissioners asked Chief Towe where his employees received their training. Chief Towe responded that his employees are trained here in Ottawa, however, Chief Towe also responded that the training the Police Officers received may have been a special type of training specifically for the Police Department.

Commissioner Jackson stated that he still had a concern with the outstanding warrants reported on the Police Departments Monthly Report. Forest Lowry, City Attorney, stated that he and Connie Sams, Court Clerk, had been discussing and working toward a solution for these outstanding amounts. One solution to this problem, which has worked for other cities, is to publish the names of the persons with outstanding warrants.

Commissioner Jackson also mentioned that eventually he would like to have a detailed line item Economic Development report from the Chamber of Commerce showing how the \$50,000 paid by the City to the Chamber for Economic Development purposes is spent. The City Manager commented that the City did not stipulate how these funds were to be spent. Therefore, if the Commission wants to dictate where the funds are spent, this could be done, but at this time the money given to the Chamber has not been earmarked other than for economic development. Commissioner Ramsey stated that he did not know how much more the report could be broken down. Commissioner Cumiskey stated that she did not have a problem with the format, however, she would like to see a more expansive reporting of month-to-month activities. Commissioner Tyson stated that she would like to see a more extensive breakdown of the amounts. The City Manager stated he would start copying the Commission with the minutes from the O/FCED meetings which would help clarify what was being spent. Commissioner Jackson requested that City staff contact the Recreation Commission regarding the resurfacing of the tennis courts in Forest Park and to make sure that the City was not completely responsible for the payment of the resurfacing.

4. **Response to the Governor from the City.** The City Manager asked the Commission to review the draft letter he had written to the Governor regarding the spending lid.

5. **Chamber Highway Committee.** Commissioner Ramsey stated that members of the committee attended the Transportation and Interim Committee meeting last Monday, November 27, 1995. Commissioner Ramsey also stated that the members of the committee could not understand why US-59 had not been considered for improvement before now. The City Manager stated that the Chairman of the Committee was very favorable for the improvement and suggested possible ways for funding.

Commissioner Cumiskey thanked Commissioner Ramsey and the City Manager for their work and diligence on this project.

6. **National League of Cities Conference.** Commissioner Jackson reported on his trip to Phoenix, Arizona for the National League of Cities Conference.

Commissioner Jackson will have copies made of various pamphlets and booklets which he received while attending the conference.

**IV. Executive Session:** None.

Commissioner Tyson made a motion to adjourn the Work Study Session and Commissioner Jackson seconded. All Commissioners were in favor. The meeting adjourned at 5:15 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of December 6, 1995

Roll Call

The City governing Body met in regular session at 7:00 p.m. this date. The following member being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor 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  
Agenda

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Ramsey, to approve the agenda as presented. 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

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the minutes of the previous meeting of November 15, 1995. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of November 15, 1995, approved as written.

Response to  
Public Comments

Thereupon, the Mayor read the Commission's response to public concerns expressed at the meeting of November 15, 1995.

#1. Ms. Janet Prather addressed the Commission regarding the connection of Elm Street to the pending 17th Street Construction Project and the Osage Drive portion of the 17th Street project, Ms. Prather requested that Elm Street not be connected to 17th Street and that the Osage Drive Improvement be included with the 17th Street Construction.

The City Commission had been previously approached at a Work Study Session with regards to the street connections along 17th Street to the South. The City Commission took no action at the Work Study Session to direct the staff to change the design of the project to remove these connections. The City Commission also has approved the addition of 13th Street from Pine to Eisenhower to the City's CIP. The financing for this project is intended to come from the monies originally intended for the Osage Drive from the 17th to 19th Street. This CIP Amendment was approved at the November 15, 1995 City Commission Meeting.

#2: Ms. Janice Swallow appeared before the Commission to ask their reconsideration of the City's refusal to allow those individuals who are receiving community service as a part of their sentence as a result of their involvement with the Perez incident.

At the November 20, 1995 Work Study Session the City Commission reaffirmed its position with regards to this specific incident.

Bill No. 95-75: Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 228 South Cedar in the City of Ottawa, Kansas.

Thereupon Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that the required public hearing for condemnation had been held November 15, 1995, at which time Mr. Earl Devore represented the property owner and advised the City Commission that an improvement plan was being completed and the property owner intended to bring the structure into compliance. However, it was explained that Staff was still recommending the condemnation proceedings, but upon the issuance of a building permit for the necessary improvements, the condemnation proceedings should be suspended for a period of 90 days to give the property owner every opportunity to make the necessary improvements. 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. 879-95.

Bill No. 95-75. Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas and rescinding Resolution No. 782-93.

New Business  
Condemnation 228 S  
Cedar

Territorial Limits &

Thereupon, Commissioner Jackson made a motion, 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. 880-95.

Regional Plan

Bill No. 95-77. Thereupon, there was presented a resolution reconfirming support for the qualifying regional plan and requesting that the Secretary of Commerce & Housing re-approve the County of Franklin as a Kansas Enterprise Zone, designated non-metropolitan region.

Thereupon, Commissioner Ramsey made a motion, 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. 881-95.

Bucher, Willis &  
Ratliff, Inc.  
Planning Services

Bill No. 95-78. Thereupon, there was presented a resolution authorizing an agreement with Bucher, Willis & Ratliff, Inc. for General Planning Advisory Services.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that the 1996 Planning advisory agreement with Bucher, Willis & Ratliff, Inc. was proposed for \$12,000, and that the contract should be sufficient for any regular planning and zoning consulting for the entire 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. 882-95.

Investment Policy

Bill No. 95-79. Thereupon, there was presented a resolution finding the advisability of and adopting of an Investment Policy for the City of Ottawa, Kansas, and establishing an effective date therefore, providing for the enforcement thereof, and rescinding prior resolutions.

Thereupon, Commissioner Jackson made a motion, seconded by Mayor Matthews, to adopt the resolution. During discussion Commissioner Jackson noted that the objectives of this resolution was

to maintain a higher rate of return on investments and to try to keep investments local if possible. Commissioner Ramsey noted that he would be abstaining due to his involvement with Kansas State Bank, but noted that it was his belief that 60 percent at any institution should be high enough. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Ramsey abstained, Commissioner Cummiskey abstained, Commissioner Jackson aye, Commissioner Tyson nay, Mayor Matthews aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 883-95.

#### Comprehensive Plan

Bill No. 95-80. Thereupon, there was presented an ordinance approving and adopting an amendment to the Ottawa Comprehensive Plan in accordance with K.S.A. 12-747.

Thereupon, Commissioner Jackson made a motion, 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. 3165-95.

#### Residency Requirements

Bill No. 95-81. Thereupon, there was presented an ordinance amending Chapter 2, Article 3, Section 2-303, of the Municipal Code of the City of Ottawa, Kansas, relating to some City officers and residency requirements.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the resolution. Mr. Lambers explained that this ordinance cleaned up previous rules which complicated the hiring of contract services for engineering and other traditional City offices. He further explained if an occasion arises, that the City saw fit to hire an employee who would fill, for example, the City Engineer's position, the ordinance should be amended again. 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. 3166-95.

#### Residency

Thereupon, there was presented a resolution amending Section 4.5 of the Personnel Rules and Regulations of the City of Ottawa, Kansas. Thereupon, Commissioner Ramsey made a motion, seconded by

Commissioner Tyson, to adopt the resolution, during discussion it was explained by City Manager Scott Lambers, that this resolution had been amended to include only full time employees and that the inclusion of temporary or part time employees would not be beneficial to 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. 884-95.

#### Naming of Parks

Bill No. 95-83. Thereupon, there was presented a establishing certain criteria and procedures for naming parks and recreational areas and other facilities.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, to adopt the resolution. During discussion Commissioner Tyson explained, she would vote against the resolutionresolution in its present form. Commissioner Ramsey also stated that he would vote no and saw no need for the resolution. Commissioner Cumiskey stated she that she believed the resolution brought clarification to an important concern. Thereupon, Commissioner Jackson noted the item had been discussed several times before and that he believed this document was more specific than those of other cities which the commission had studied. He echoed Commissioner Cumiskey's call for clear criteria.

The motion was considered and upon being put to the question, passed by the following vote. Commissioner Ramsey nay, Commissioner Cumiskey aye, Commissioner Jackson aye, Commissioner Tyson nay and Mayor Matthews aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 885-95.

#### S.P.I.R.I.T. Endorsement

Thereupon, there was presented a request for endorsement of the grant application for S.P.I.R.I.T.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to approve the request of S.P.I.R.I.T. Inc., to raze a building located at the corner of 4th & Cedar. During discussion it was explained that the organization had requested the City of Ottawa raze a house located at 4th & Cedar, in the hopes of receiving grant monies to rebuild a new two story structure with a basement

which would be used to house mentally ill and/or homeless people living in and around the community. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

CDBG  
Contract

Library

Thereupon, there was presented a contract for the CDBG Accessibility at the Public Library.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to approve the contract with Metro Construction Co. in the amount of \$41,249. During discussion it was explained that bids had been accepted and opened on Friday November 10, 1995 at the Library. There were three bidders who participated in the bidding process, Metro Const. Co., (MCA) of Olathe, Ks., had submitted the lowest bid in the amount of \$41,249. It was further explained that the estimated time of completion would run between 90 and 100 days. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the approval of the contract with Metro Const. Co. in the amount of \$41,249 approved.

Water Assurance

Thereupon, there was presented a proposal for the Marais Des Cygnes River Water Assurance District #2 Contracts.

Thereupon, Commissioner Jackson made a motion seconded by Commissioner Tyson to approve the agreement. During discussion it explained that negotiations regarding water assurance storage had been going on for the past three to four years and had entered the final stages. It was further explained that purchase of the storage capacity for Ottawa was estimated at \$280,837. The purchase is to be made in ten equal installments over the next ten years, and the administrative budget for the district is estimated at less than \$500 per year. The Corps of Engineer's operations and maintenance is estimated at \$5,500 to \$6,000 per year and the Kansas Water Office Administration and Enforcement is estimated at \$600 to \$700 per year. The purchase of this storage capacity will help ensure the residents of Ottawa will have a water supply during drought periods for the life of Melvern and Pomona Reservoirs. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Monthly Financial  
and Activity Report

Thereupon, there was presented the Monthly Financial and Activity Reports for the month of October 1995.

Thereupon, Commissioner Ramsey made a motion seconded by Commissioner Cumiskey, 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 report for October 1995 approved as written.

Reports by City  
Manager

Thereupon, City Manager Scott Lambers noted that City Crews had cut a fiberoptic phone cable serving the City of Ottawa as a result of erroneous markings. The City Manager also reported that the City had experienced a fatality fire on the east side of town and that victims had been life flighted from Ramsom Memorial Hospital.

Announcements

Thereupon, the Mayor announced that Work Study Sessions had been scheduled for December 11 and December 18, 1995, at 3:00 p.m., and that there would be a Joint City/ County Meeting on December 20, 1995 at 12 noon at the Franklin County Jail. The Mayor also announced there would not be a work study session on December 25, 1995 or January 1, 1996, and there would not be a City Commission Meeting on January 3, 1996. The Mayor announced that the next regular meeting of the City Commission would be December 20, 1995 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adjourn. The motion was considered and 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

## STUDY SESSION MINUTES

3:00 P.M.

December 11, 1995

**Present:** Mayor pro-tem Ramsey, Commissioners Cummiskey, Jackson and Tyson; City Manager: Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, and Diane Stoddard; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: John Richeson, Bob Green, Rural Rural Water District Representatives, Janet Praether, Jack Kauffman, Lou Atherton, Marcia Servatius and Raquel Fleer.

**Absent:** Mayor Matthews

1. **Review of the December 20, 1995 City Commission Agenda.** The only item on the agenda at this time is the recognition of retiring Public Works employee, Mr. Vic Hughes. One proclamation declaring Martin Luther King Day in the City of Ottawa and other items will be added after today's meeting.

2. **Proposal by Rural Water District Nos. 1, 2, 4 & 7.** John Richeson and Bob Green, Attorneys for the rural water districts, were present at the Work Study Session to present the District's position concerning water fees for the above mentioned districts.

Mr. Richeson stated that the rural water districts were not aware of the increases that applied to them until after the new rate went into effect. At that point, Mr. Green and Mr. Richeson were both contacted, and advised their perspective clients that the best thing for them to do was to investigate the matter as to the substance of the increase, review the contracts that were applicable to each of the districts, and to ask the City for some input as to the basis for the increases. Mr. Richeson added that they do not believe that the increase in the rates are based upon the contracts as they exist with the rural water districts. Mr. Richeson stated that each of the contracts had been negotiated at a separate time and on a separate basis. Districts 1 and 2 were created in 1965 for a 40 year period. The 40 years were based upon the financing arrangements with Farmers Home Administration and consequently, this is the 30th anniversary of those 40 years.

Mr. Richeson stated that the proposal they would like for the Commission to consider is to justify the increase. The increase as it relates to these districts is substantial. After discussing this matter and not being able to reach a satisfactory response through staff, it was determined, on behalf of the rural water districts, that discussion should continue with the City Commission. Mr. Richeson stated that the rural water districts are proposing that the rate increase across the board be adjusted to \$1.65 which is on a per thousand gallon basis. Mr. Richeson also asked that this adjustment be retroactive to May 1, with credits being given because the water districts have been paying under protest their monthly billings since the new rate increase went into effect. Mr. Richeson stated that the rural water districts also proposed that all the contracts be rewritten and simplified and that all of the four districts be treated alike.

Proposal by Rural Water District Nos. 1, 2, 4 & 7 - Continued.

Mr. Richeson indicated that the rural water districts recognize that the City has the legal right under the existing contracts to change the rates. However, the rural water districts believe that the basis of those changes should be based upon a standard by which the City and the rural water districts can reach an agreement in the future.

Mr. Richeson explained that the next section in the presentation booklet under the heading of *Historical Increases*, shows the Commission what the residential customers within the City of Ottawa have paid through the years. Mr. Richeson stated that the rural water districts are being charged the 62% increase over what the rates were prior to the increase in May, and of course, because of the volume of water that the Water Districts purchase, it puts them into the classification of over 124,000.

Mr. Richeson explained that the next page in the proposal is information supplied to the rural water districts by the City. The figures provided, indicate what the City's costs are per 100 cubic feet to produce water. Mr. Richeson stated that the amount of money that the City is asking the rural water districts to pay are far in excess of what the City's costs are. Mr. Richeson stated that they realized the City needed to cover their costs and that the City probably would like to make a little money off the sale of water and the rural water districts do not want to deny the City of this right. However, Mr. Richeson pointed out that it is time for his clients to be treated fairly. Mr. Richeson also informed the Commission that he would like to have a new contract drafted with the City which could be worked out through the City Attorney's office and staff.

Mr. Green indicated that when the rural water districts started out in 1965, there were relatively few categories of water that were in the rate structure that were charged by the City. However, since 1965, it has become more sophisticated which is reflective of the engineering advice that the City has had over the years to make more categories in regard to rates being charged by the City for its water. As a result, it becomes harder to push numbers and understand what they mean because there are now so many more categories of rates than there were in 1965. Mr. Green continued by stating that this did not result because the City set out to overcharge the water districts.

Mr. Green emphasized that the rural water districts and legal staff have had great cooperation from the City Manager and everybody in the City has cooperated with them in trying to find out the needed information. Mr. Green stated that the \$1.65 rate would result in a return on investment to the City and would be fair and reasonable to both sides, which is really what the rural water districts are asking for. Mr. Green added that the City has a superb water department and plant, and that the rural water districts certainly want the City to have a return on that investment, but to do so in a way that is fair and reasonable

Mr. Green and Mr. Richeson offered their offices, themselves and their staff to help come up with language that is acceptable to the Governing Body and the City Attorney and make this something that everyone can be proud of and hold up as a model to other rural water districts and other cities.

Proposal by Rural Water District Nos. 1, 2, 4 & 7 - Continued.

Commissioner Tyson asked how raising the rates were addressed in the original contracts. Mr. Green stated that the contracts did not give a formula for future rate changes. Basically the concept was that when rate increases were made in the future, the increases were to be made with relationship to the rates being charged to the residential customers within the City. Mr. Richeson read from the contracts that any future increases in the rates charged to the water districts will not be designed to produce a greater percentage of water revenue on the rates charged rural water district than is placed in effect on rates charged customers outside the City.

Commissioner Cummiskey asked for clarification about the water districts not being made aware of the increase. Mr. Richeson stated that he was not aware of any notification. One of the representatives stated that all they received was the bill with the increase on it. Mr. Lowry stated that he did not believe that any of the contracts referred to the City as having to give notice. The City Manager stated that some of the contracts had parameters and some of the contracts did not provide anything except whatever rate is prescribed. The City Manager noted that all of the contracts should have similar termination dates so that all contracts are due at the same time, not so much from a cost situation but whether or not the City can or wants to continue providing water to the water districts.

Mr. Richeson stated that item number seven is further agreed that the rate provided by Resolution and Ordinance No 2139, now known as 18-204, may be changed by resolution. Rural water districts shall be charged the rate designated water wholesale rate which rate of change will not be designed to produce a greater percentage of water revenue charged to water districts than is derived from rates charged water commercial rate customers inside the City limits.

Mr. Lowry stated that the City had probably made a formal response for the last several months and that the City's position briefly stated that the increases are well within the contract language of every contract, even though each contract is different. However, the City's position at this time, is that the City does not make money off the rural water districts. \$1.65 a thousand gallons will still not allow us to make money off the rural water districts. The City Manager added that he would like to resolve this matter now because there will be several increases during the next ten year period and he did not desire to come back every time the City proposes a rate increase. Also, by resolving the issue, the rural water districts would also have a sense of predictability.

Mayor Ramsey stated that because the City Commission represents the City of Ottawa, it is the concern of the Commission that the City should not subsidize the rural water districts. Commissioner Ramsey also responded that the City just invested \$250,000 to guarantee the availability of water for City of Ottawa residents and the rural water districts in a drought situation.

The City Manager stated that there are some things that will need to be renegotiated, however, there are some cost increases associated with the water production delivery. Mr. Richeson commented there are some items that could be agreed upon for the next ten years. Mayor Ramsey added that there has been a little neglect on the City's stand point in regard to keeping the rates up to date based on cost.

Proposal by Rural Water District Nos. 1, 2, 4 & 7 - Continued.

Commissioner Tyson asked if there were any areas of the county that are not being served by a rural water district now. Mr. Green stated that Water District No. 5 is not served by Ottawa, they totally rely on wells, and Rural Water District No. 6 produces water from the river in Rantoul.

Mr. Green and Mr. Richeson thanked the Commission and stated that they would wait to hear from them.

3. 17th Street. Mr. Jack Kauffman was present to express his concern about the fifteen and sixteen hundred blocks of South Elm regarding the 17th Street project. Mr. Kauffman stated that he did not see the need to have the street opened up and wanted the Commission to explain how opening the street would benefit the City of Ottawa.

Mayor Ramsey stated that he did not anticipate people using Elm to travel to 15th Street. The purpose of opening 17th Street is to provide another way to access Eisenhower Road. The City Manager stated that because Elm Street does essentially dead end at 17th and 15th Streets, traffic should be reduced. The City Manager also informed Mr. Kauffman that another reason 17th Street is being opened to Eisenhower Road is to provide access for emergency vehicles when future subdivisions are developed.

Mr. Kauffman asked if the decision to proceed with this project was completely set. Mayor Ramsey and the City Manager stated that the project would be going for bids sometime in February.

Mayor Ramsey stated that the Commission appreciated the citizens on Elm Street coming to the Work Study Sessions and expressing their concerns. Janet Praether thanked the Commission for allowing the citizens to attend the meetings to have their questions answered.

Ms. Praether asked the Commission about placing sidewalks on Elm Street between 15th and 17th. The City Manager stated that City staff is looking at sidewalks, curb and gutter improvements similar to the residential streets program. However, the priority has been to replace gravel streets in the City. After the paving project is completed, the City Manager stated that there will probably be a similar program for sidewalk construction.

4. **Site Plan Ordinance.** The City Manager stated that this ordinance would adopt a process to review site plans. The Planning Commission has reviewed this proposed ordinance and is now being brought to the City Commission for review.

Jim Shaw, Planning and Zoning Director, stated that the proposed ordinance will allow a licensed surveyor to stake the corners of a residential lot when a permit has been purchased. The proposed ordinance will also allow the Planning Commission to review the site plan. Currently, the review of site plans are completed by Mr. Shaw, other City Department Heads, and the City Engineer.

Mayor Ramsey asked if the review of the site plan would be delayed because of the Planning Commission only meeting once a month. The City Manager stated that there might be an impact on proceeding with a project. However, the City Manager added that he would rather spend a little more time up front and resolve any problems that the applicant may have instead of having to repeatedly review the plans.

Mr. Shaw stated that the sub-division regulations could be incorporated along with the Procedures Manual, into one manual which could be used by developers or contractors.

Mayor Ramsey asked how the 10,000 sq. feet was arrived at in the ordinance. Mr. Shaw stated that staff reviewed the building code and other site plan ordinances and other projects that used the 10,000 sq. foot limit.

Mayor Ramsey also asked how the applicant would receive information about traffic flow. Mr. Shaw stated that a detailed traffic study might be required for larger projects. Applications received for smaller projects could be waived by the Planning Commission. However, if the Planning Commission insists on a traffic study to be completed, the applicant could appear before the City Commission asking for their approval to waive the study.

Mr. Shaw emphasized that the applicant could approach the Planning Commission at the beginning of the process to ask that requirements listed in the Site Plan Ordinance be waived.

5. **Comments by Mr. Lou Atherton.** Mr. Atherton stated that he had missed the Public Comments section at the last City Commission meeting and just wanted to compliment and thank the City and City staff for their efforts to make a successful Christmas lighting and parade.

6. **Request for Naming Ball Field.** Ms. Marcia Servatius was present at the meeting to request that the West Field at Orlis Cox Complex be named Moore Field after her father Robert Moore. Ms. Servatius stated that the reason ORC recommended that the field be named Moore Memorial is because there have been numerous requests from citizens to leave memorials in memory of Bob Moore. Ms. Servatius stated that there could be a plaque designed to add other names of people who have given a significant amount of time or financial support to the community.

Andy Haney, Director of Public Works, stated that Bob Moore was one of the major participants of establishing the West Field at Orlis Cox Field.

Commissioner Cummiskey stated that because ORC submitted the formal request, City staff should copy ORC with the ordinance pertaining to making a request.

Mayor Ramsey stated that the City Commission would review the request and respond at a later date.

7. **Cereal Malt Beverage Applications.** Scott Bird, City Clerk, stated that there will be additional applications submitted before the December 20, 1995 City Commission Meeting. The City Manager stated that if additional applications are submitted before the December 18, 1995 Work Study Session, the ordinance will be rewritten accordingly.

8. **Naming of Facilities.** Even though this item has been discussed, the City Manager stated that he would like to have this item discussed at the December 18, 1995 Work Study Session. The City Manager added that he would like to have an application form drafted for requests to be submitted on.

Mayor Ramsey asked the City Manager to arrange for a representative from ORC to be present at the December 18, 1995 Work Study Session.

9. **Cemetery Fence.** The City Manager stated that City staff has found a fence which would be functional to restrict vehicular traffic through the cemetery on the east side of the property. The fence will cost approximately \$1,600 to \$1,700.

All the Commissioners agreed this was a cost effective solution and asked City staff to proceed.

10. **Fire Truck Proposal.** Richard Towe, Fire Chief, stated that the memo submitted by Scott Bird was self-explanatory, however, he wanted to be available to answer any questions that the Commission might have.

Chief Towe stated that he would be satisfied with either truck. However, the Pierce truck had a heavier suspension and a different type of engine.

Chief Towe explained that this year instead of trading in Engine 8 to purchase the new truck, he would like to use it as a rescue vehicle. The pump will be left intact and hoses will be left on the truck so water can still be pumped and use it as a fire truck. However, Chief Towe stated that he would like to recommend using the storage compartments and bins for confined space, HAZMAT and trench rescue. Chief Towe also noted that Franklin County officials have indicated that another JAWS For Life is needed in the community and they would like to split the cost 50/50 with the City to purchase this equipment at a future date. However, Chief Towe commented that any new equipment would be included in the 1997 Budget.

All the Commissioners agreed to place this item on the December 17, 1995 City Commission Agenda.

**Other Business:**

1. The City Manager stated that Andy Haney, Director of Public Works, has contacted ORC about the resurfacing of the tennis courts. The ORC staff has started the process of soliciting bids for the work.

2. Mayor Ramsey again asked Jeff Herrman, Police Chief, about sending Police employees to Texas for training. Chief Herrman stated that the officers attending this school were certified EMTs and the training which was received in Texas was for advanced training for longer term care for different types of disasters or emergencies.

3. Mayor Ramsey stated that he had a concern with the 911 Budget which was submitted. The City is financing almost half of the 911 Budget which included over an 8% COLA for the employees, whereas City of Ottawa employees only were given 3%. Mayor Ramsey stated that he thought this was unfair to City employees.

The City Manager stated that the increase shown was a total increase from the previous year which may also include COLA or merit increases.

With no other business to discuss, Commissioner Jackson made a motion to adjourn the Work Study Session. Commissioner Cummiskey seconded. The Work Study Session adjourned at 4:45 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

December 18, 1995

**Present:** Mayor Matthews; Commissioners Ramsey, Cumiskey, Jackson and Tyson; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, and Diane Stoddard; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Diane Sullivan, Kevin Shaw, Don Kornhaus, Debbie Baldwin, Wayne Burns and Raquel Fleer.

**Absent:**

1. **Review of the December 20, 1995 City Commission Agenda.** The City Manager stated that the agenda was modified to include one more cereal malt beverage application. A revised list will be given to the Commission before the meeting on December 20, 1995.

Mayor Matthews also announced that he has a proclamation for Martin Luther King Day which will be added to the December 20, 1995 City Commission Agenda.

2. **Site Ordinance Plan.** The City Manager stated that this item was reviewed at the December 11, 1995 Work Study Session. The Planning Commission has recommended the ordinance and City staff has requested that this plan be placed on the December 20, 1995 City Commission Agenda.

All the Commissioners agreed to place the ordinance on the agenda.

3. **Request from Franklin County Mental Health Clinic.** Diane Sullivan, Executive Director of the Clinic and Kevin Shaw, Director of Community Support Program, distributed and explained information regarding the services provided by the clinic.

Ms. Sullivan also distributed a page detailing the revenues for 1994. The clinic is very dependent upon fees collected by clients. The clinic also receives approximately 8% of their budget from State Aid. However, if the proposed Level A Budget is passed by the Governor, these funds will be significantly cut. The clinic does not receive any money for providing substance abuse services.

The City Manager asked Ms. Sullivan what the source of the local tax (7%) is. Ms. Sullivan stated that it is the mill levy from the County which is 0.76 mills.

### Request from Franklin County Mental Health Clinic.

Ms. Sullivan stated that the clinic is projecting that utilities will cost the clinic approximately \$12,500 for next year. Ms. Sullivan requested that the Commission provide some break or in-kind contribution which will help them through the reduction of state aid. The City Manager asked Ms. Sullivan what the projected ending cash balance for this budget year. Ms. Sullivan stated that there is \$27,000 in their Contingency account.

Commissioner Cummiskey asked the City Manager how many other agencies and not-for-profit organizations does the City help with this type of request. The City Manager stated that the Auditorium is the only entity that receives a break for utilities. The City Manager suggested that because the clinic is a County Health Agency then the County should pay a larger share and increase the mill levy to replace the loss of State Aid. Ms. Sullivan stated that she had approached the County for an increase. At that time the funds were increased from \$80,000 to \$85,000.

Scott Bird, City Clerk, stated that approximately three years ago the Franklin County Sheriff requested that the City move them to a different rate classification. At that time the request was denied.

Mayor Matthews informed Ms. Sullivan that the Commission would take their request under advisement.

Ms. Sullivan thanked the Commission for their time.

All the Commissioners were sympathetic with the financial situation, however the Commission all agreed that the City should not allow the utility break. Commissioner Ramsey stated he thought the County should be responsible for helping the clinic with funding. Commissioner Cummiskey asked the City Manager to contact Ms. Sullivan about their decision by the end of the day. The City Manager stated that he would get a written and verbal response to Ms. Sullivan after the Work Study Session has ended.

Commissioner Cummiskey stated she did not feel people should be told to come before the City Commission if their jurisdiction falls under another entity. The City Manager stated that he did not like to discourage people from appearing before the City Commission and that the request was for City utility fee relief.

4. City Engineer. The City Manager stated that all three firms that provided a presentation were all qualified and respected within the engineering community. However, the City Manager stated that HNTB appears to be the better firm and recommended that the City offer them a one year contract to serve as City Engineer. The designated engineer for the City on behalf of HNTB will be Dennis Garrett.

All the Commissioners agreed to place the engineering services contract on the December 20, 1995 City Commission Agenda.

5. **Kansas State Bank Request.** The City Manager stated that this request is being brought to the Commission as a vehicle to open the issue of storm drainage. The City Manager stated that the City has put in storm drainage systems on an as needed basis to meet the demands that currently exist. As the City continues to grow, there will be a larger impact on storm water management and the City will be looked at to participate in those improvements. However, the funds are not available for these improvements. The City Manager also stated that there is an area on the North side which there was an approved plat that is supposed to tie into a storm drainage system that does not exist.

The City Manager stated that the request from Kansas State Bank represents a legitimate request and an interesting scenario. Kansas State Bank is proposing to put an ATM machine at the northeast corner of 21st Terrace. As part of the proposal, KSB would like to provide access to the site off of Cedar Street from the east, 21st Terrace from the south and US-59 from the West. However, as part of the improvement, the parameter which serves as a storm drainage system will need to be upgraded. The City Manager stated that along US-59 there is an earthen ditch and if the bank proceeds with their request to construct a turn lane off of US-59, this would create a dangerous situation where a vehicle could go into the ditch and the City and the bank would share the liability if any damages were incurred. Therefore, the City is requiring the bank to put in a storm drainage pipe along the frontage of their property. However, KSB officials are requesting that the City participate in the project because of the larger pipe that will be needed to accommodate the new facility and because other businesses would be sharing the same system. Additionally, there is a pipe coming in from the west which will need to be extended in a boxed culvert that accepts water off of other property and dumps the water onto the KSB property. Again, KSB officials do not feel that this improvement should be at their expense. There is also a storm drainage ditch which runs along the south side of the KSB property which KSB officials are not being required to put in this ditch, but are asking the City to participate in the oversizing of the ditch. At the end of the KSB property, which is normally where the developers responsibility ends, the ditch would need to go under a street and onto the next property. KSB officials have indicated that they would pay for this improvement to the end of their property, however, after their property line, it would be the responsibility of the City.

The City Manager stated that a number of cities have adopted storm drainage utilities which is a method of taxation in which to generate revenue to pay for storm drainage improvements for existing systems that need to be upgraded, provide monies for connections and provide for reconstruction of storm drainage facilities.

The City Manager stated that he would like to present a report to the City Commission that would identify cities that have established a storm drainage utility and to examine how the facilities operate. The City Manager also recommended that City staff put together some policy guidelines for City participation to be used in the future.

**Kansas State Bank Request - Continued.**

Commissioner Tyson asked the City Manager if KSB wanted an immediate decision because the letter from KSB was dated December 6, 1995. The City Manager stated that he had met with KSB officials and told them that the issues they raised were legitimate concerns and that upon receipt of their letter he would present it to the City Commission.

Commissioner Cummiskey asked when KSB anticipated having the ATM installed. The City Manager responded that they had wanted to have the ATM ready in 1995.

The City Manager stated that this is a project that City staff will be working on. The City Manager also indicated that he would like to have a policy in place for future development plans.

6. **Naming of City Facilities.** The City Manager explained that City staff prepared a resolution and a nomination form which would be used as a formal request to name a facility within the City.

Mayor Matthews asked if anyone had submitted a nomination form to name the West field at Orlis Cox Complex after Bob Moore. The City Manager stated that ORC was asked to submit a letter requesting that the facility be named after Bob Moore.

Mr. Don Kornhaus, ORC Board Member, stated that the ORC Board did not feel they were empowered to name a field after anyone and that they could only recommend the naming of a facility. Mr. Kornhaus stated that the Board would fill out a nomination form and return it to the City Commission.

Mr. Kornhaus stated that the reason for naming the field after Bob Moore is because while Bob was working for the City as Public Works Director, he had a great deal to do with the building of the Orlis Cox ball field. Bob was also an avid baseball enthusiast and coached a number of teams in the City for a number of years.

Ms. Baldwin asked the City Commission what requests would need to be approved by them for naming facilities or for allowing improvements to be made as a memorial. The City Manager stated that anything involving a memorial should come before the City Commission. The City Manager also noted that any significant improvements should also be approved by the City Commission.

### Naming of City Facilities - Continued.

Mr. Kornhaus informed the Commission that there had been various memorials or donations to the ORC and it is their desire to replace the scoreboard at Orlis Cox Fields. Commissioner Jackson stated that they should check with the City Manager. Commissioner Ramsey commented that he did not have a problem with replacing the scoreboard as long as it was not a commercial board. The City Manager recommended that the ORC Board should send a letter of request to him and he will either make one of three decisions: 1) he would give his approval and copy the City Commission with the request; 2) bring it before the City Commission as an informational item, not anticipating any problems but because of the magnitude of the project would like to discuss with the Commission or 3) ask the ORC Board members to attend a Work Study Session to work with the City Commission.

Andy Haney, Public Works Director, stated that there is money built into the Operating Budget. Mr. Haney also informed the ORC Board members that the City does have a budget calendar and that he has discussed these areas with the ORC Director in the past and for the past four years did not receive any responses towards this calendar. Mr. Haney also stated that the engineer who designed the pool has been asked to come and inspect the pool. Mr. Haney also reported that all the lights were operational and he was not aware of any problems with the lights.

Mr. Kornhaus also stated that he would like to discuss some other areas of concern/interest with the Commission if they would allow him to do so. Mr. Kornhaus stated that Commissioners Jackson and Ramsey toured the tennis courts in Forest Park and were in agreement that the tennis courts are in need of being replaced. Mr. Kornhaus also indicated that the courts at the Don Woodward Center are in good shape and he suggested that ORC place a new surface on the courts. However, ORC was told that in order to place the new surface they would have to get the approval of the City Commission because it is still City property. Mr. Kornhaus stated that the surface would be a synthetic surface and similar to Acutrack.

Mr. Kornhaus also informed the City Commission that the ORC Board members had a concern with the condition of the swimming pool. Mr. Kornhaus stated that the underwater lights need repair and there are some other repairs needed around the bath house.

Commissioner Tyson asked Mr. Kornhaus if he had any figures available as to what the above repairs will cost. Mr. Kornhaus replied he did not have figures available.

### Naming of City Facilities - Continued.

Commissioner Ramsey stressed that there needs to be better communication between the ORC Board and the City. Mr. Kornhaus introduced Mr. Wayne Burns as the new ORC Director. Mr. Kornhaus noted that Mr. Burns played football for Bethany College and graduated from Bethany College with a background in athletics. Mr. Kornhaus also commented that Mr. Burns has a pleasant personality and easy to get along with, but is also willing to put his foot down when it is called for.

Commissioner Tyson asked that the minutes from ORC be given to the City on a timely basis. Ms. Baldwin and Mr. Kornhaus had been assured that the minutes have been given to the City Commission on a timely basis in the past.

7. **Rock Streets.** The City Manager stated that there has been an interest from some residents that abut rock streets to have the streets paved. Once all the requests have been received, City staff will return to the Commission with a total list and suggestions on how to proceed. The City Manager stated that he is anticipating a late summer-early fall construction.

8. **Cuttings Addition.** The City Manager stated that this is a straight-forward resolution accepting the rights-of-way and easements for the Cutting Subdivision south of 17th Street. This is ready to be placed on the City Commission Agenda for approval.

The Commissioners were all in agreement to place this on the December 20, 1995 City Commission Agenda.

9. **Request from Commissioner Jackson to use Municipal Auditorium.** Mayor Matthews stated that Commissioner Jackson has requested to use the Municipal Auditorium to host a program honoring Martin Luther King. Additionally, Commissioner Jackson has also asked that the \$150 fee to use the Auditorium be waived for this ceremony.

Mayor Matthews indicated that he did not have a problem with this request. Commissioner Ramsey stated that he did not have a problem with why Commissioner Jackson wanted to use the Auditorium, however, if the fee is waived for this activity, there would be other entities asking for the fee to be waived.

Commissioner Jackson stated that if the Commission did not want to waive the fee that was fine. However, the program is a community program and it has outgrown the Bethany Baptist Church. Commissioner Jackson stated that he would withdraw his request.

10. **Retail Sidewalk Sale.** The Mayor stated that a request has been received from the Chamber to hold a retail sidewalk sale on February 24, 1996.

All the Commissioners agreed to place this on the City Commission Agenda for December 20, 1995.

**Other Business:**

1. Mayor Matthews stated that the City of Topeka has a program to welcome visitors to their City. If a parking meter ran out of time or if a person parked too long, officials will not issue a ticket. Instead, a person would receive a slip to take to the Topeka Convention and Tourism Bureau with which they could receive some information about the City.

Mayor Matthews suggested that this might be something that Ottawa would want to consider in the future.

2. Commissioner Tyson asked how much longer the Inflow/Infiltration Project would take. The City Manager stated that this will be approximately a 10 year project.

3. Mayor Matthews asked how the City was reimbursed for claims for damage to city property. Judy Hasty, Director of Human Resources, stated that she would send a letter to the State and if the person is owed money through various State programs then the City would be able to collect. Forrest Lowry also stated that the City always has the option to take the people involved to court.

4. Commissioner Ramsey stated that he would miss the next Work Study Session to attend a Criminal Justice Institute.

With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded. The Work Study Session adjourned at 4:55 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of December 20, 1995

Roll Call

The City governing Body met in regular session at 9:30 a.m. this date, The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

The Mayor welcomed the Chamber Audience, and led them in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

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

Approval of Minutes

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the minutes of the regular meeting, December 6, 1995. The motion was considered and upon being put to the question, all present voted aye

Thereupon, the Mayor declared the minutes of December 6, 1995, approved as written.

Presentations

Thereupon, the Mayor recognized Mr. Vic Hughes in abstensia, for his nine years of service to the City of Ottawa and for his recent retirement.

Proclamation

Thereupon, the Mayor read a proclamation declaring January 14, 1996 as Dr. Martin Luther King, Jr. Day in the City of Ottawa, Kansas and encouraged all citizens to pledge to live the dream to work to make this a heavenly place and use this time to reaffirm the American ideals of freedom, justice and opportunity for all.

New Business  
CMB License

Thereupon there was presented a list of applications for Cereal Malt Beverage Licenses in the City of Ottawa, Kansas.

Not for consumption on the premise: Ottawa Foods, dba Apple Mart, 901 South Main, Kayo Oil Co. dba Conoco #16006, 2243 S. Princeton Rd., National Marketing Co., of Kansas, Inc., 1621 South Main, Ottawa Cooperative Assn., 302 North Main, Ottawa Wolken Truck Stop Inc., 216 E. 23rd St., S & S Foods, Inc. dba Country Mart, 2138 Princeton Circle Drive, Tananna Oil Corp., dba Miller Mart, 304 E. Logan, Taylor Oil Inc., 2305 S. Cedar, Triple K, Ltd. dba Casey's General Store, 1002 N. Main St., Triple K, Ltd. dba Casey's General Store, 1019 W. 7th St. C. R. Wood Oil Co., Inc., 2130 Princeton Rd., Walmart, 2101 Princeton Rd.

For consumption on the premise: Al's Place, 120 E. Dundee, Pizza Hut of America, Inc., 118 W. 15th St., Pizza Village Inc., 330 S. Main, Poncho's of Ottawa, 429 S. Main.

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

Thereupon, the Mayor declared the applications for Cereal Malt Beverage as listed above duly approved.

Thereupon, there was presented a proposal from Fire Chief Richard Towe, to accept a bid from Pierce Fire Apparatus in the amount of \$226,697 for a new fire truck with a Detroit Diesel Power Plant.

Thereupon, Commissioner Cummiskey made a motion seconded by Commissioner Tyson, to approve the recommendation. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

Thereupon, there was presented an ordinance amending Article 32 of Ordinance No. 2933-90, the Zoning Ordinance for Ottawa, Kansas, to Provide for Site Plan Review in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion seconded by Commissioner Ramsey to adopt the ordinance. During discussion City Manager Scott Lambers, explained that the intent of this ordinance would be to set a site plan review process which would eliminate the possibility of problems going back and forth between the Planning Commission and the City Commission which would result in time saving to all involved.

Fire Truck

Site Plan Review

City Engineer  
Appointment

Thereupon, Commissioner Ramsey noted that this ordinance also included additions and remodels which were greater than or equal to 10,000 sq. feet. 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. 3167-95.

Thereupon, there was presented a recommendation from City Manager Scott Lambers to appoint Mr. Dennis Garrett of HNTB, as the City Engineer for 1996.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the recommendation. During discussion Mr. Lambers explained that of the three firms who had shown interest in becoming the City's Engineer, only two were licensed in the state of Kansas currently, and that it was his belief that familiarity with State requirements would be a benefit. Of the two candidates which are licensed in the State, Mr. Garret had a great deal of City experience having been the City Engineer for the City of Overland Park Kansas. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Tyson aye, Commissioner Ramsey aye, Commissioner Cummiskey abstained, citing a potential conflict of interest, Commissioner Jackson aye and Mayor Matthews aye.

Thereupon, the Mayor declared the recommendation to appoint Dennis Garret of HNTB as the City Engineer for 1996, duly approved.

Cutting Addition

Thereupon, there was present a resolution accepting the dedication of rights of way and easements within the Cutting Addition, Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion 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. 886-95.

Sidewalk Sale

Sidewalk Sale

Thereupon, there was presented a request from Lou Atherton, President of the Ottawa Area Chamber of Commerce, to hold a Sidewalk Sale , February 24, 1996, from 9:30 a.m. to 5:00 p.m.

Thereupon, Commissioner Cummiskey made a motion, 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 request duly approved.

Financial Reports

Thereupon, there was presented the Monthly Financial and Activities Reports for the month of November 1995.

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

Adjournment

There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Ramsey , to adjourn. The motion was considered and 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

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of Special Call Meeting, December 27, 1995

Roll Call

The City Governing Body met in regular session at 4:00 p.m. this date. The following members being present and participating, to wit: Mayor Matt Matthews present, Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Gene Ramsey, present. A quorum was present.

Cereal Malt  
Beverage License

The Mayor called the meeting to order, explaining the purpose of the meeting was to approve a Cereal Malt Beverage License Application for the Other Place, 1020 North Main, Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, 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 duly approved.

Announcements

Mayor Matthews reminded the Commission of the next regular meeting, January 17, 1996 at 7. p.m.

Adjournment

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

Thereupon, the Mayor declared the meeting adjourned.



Scott D. Bird, City Clerk