

## STUDY SESSION MINUTES

4:00 P.M.

January 15, 1996

**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: Raquel Fleer.

**Absent:** Mayor Matthews

1. Review of the January 17, 1996 City Commission Agenda. Mayor Ramsey reminded the media that this meeting will be held at 7:00 p.m.

2. Legal Services for the City of Ottawa. The City Manager stated that the first action the City needed to take would be to designate that Bob Bezek would be the Assistant City Attorney and reaffirm that Mr. Lowry is the City Attorney. Mr. Lowry is also requesting that the City supply stationary for his firm to use to correspond while handling City business. The memo received from Mr. Lowry also sets out a fee structure which would allow for an increase in Mr. Lowry's fees for services provided to the City. The City Manager informed the Commission that the City did budget additional monies this year for legal services.

The City Manager stated that he would like for this to be placed on the January 17, 1996 City Commission Agenda to designate the firm and identify Mr. Lowry and Mr. Bezek in their capacity as City Attorney and Assistant City Attorney.

Commissioner Tyson asked if the Commission would be copied with a detailed record of time spent by the Attorney. Mayor Ramsey stated that this report could be included with the Monthly Financial and Activity Report. All the Commissioners were in favor to place this item on the agenda.

**1996 State Legislative Program - Continued.**

The City Manager stated that he would like approval to place this item on the January 17, 1996 City Commission Agenda.

4. **Rezoning of Property.** Jim Shaw, Planning and Zoning Director, stated that all but one of the properties (Work Study Session Item Nos. 4, 6 & 7) needs to be rezoned as a result of the new R-3 category. The Planning Commission is requesting that the property located at 1535 S. Hickory (Work Study Session Item No. 5) be rezoned from C-2 to R-3 which would give the owner the capability to provide future residential construction.

All the Commissioners were in favor of placing the rezoning items on the January 17, 1996 City Commission Agenda.

5. **1995 Weed Enforcement Policy Ordinance.** Jim Shaw, Planning and Zoning Director, stated that this is an annual ordinance that needs to be approved by the City Commission once a year. Mr. Shaw explained that the reason this ordinance is approved on an annual basis is so that City staff does not need to notify violators for continual problems.

Commissioner Cummiskey stated that this is another example of an ordinance that could be published every year instead of needing actual passage by the City Commission.

All of the Commissioners agreed to place on the January 17, 1996 City Commission Agenda.

6. **Parking Regulations, Article XXIII.** Jim Shaw, Planning and Zoning Director, stated that there are four changes to the regulations. One of the changes occurs in Section 2 of Article 23 which would require that all parking spaces shall be submitted and approved by the Building Official, not just the required parking spaces. The second change would be to bring Section 3 of this article in compliance with the Driveway Ordinance. The third change occurs in Section 6 which deletes information about curb cuts to avoid conflict with the Driveway Ordinance and also creating a reference to Handicap Accessible parking spaces. The fourth change in Section 3 of this article changes the 10 foot buffer which is required in the C-2 Zone has been reduced to 5 feet

All the Commissioners gave their approval to place this item on the January 17, 1996 City Commission Agenda.

7. **TCI - Learning Channel.** Mayor Matthews stated that a letter from Drew Fleming, Area Manager of TCI, was received informing the City Commission that The Learning Channel will be added to residents who subscribe to Expanded Basic television at no additional cost.

## **II. Open Agenda:**

1. Commissioner Jackson announced that the Martin Luther King Program will be Sunday, January 14, 1996 at 2:00 p.m. at the Municipal Auditorium.

2. The City Manager stated that there would be several cars traveling to Topeka on Thursday, January 11, 1996, for a League Legislative meeting if any of the media members would like a ride. Commissioner Cumiskey also announced that there will be a Chamber Ribbon Cutting at 8:30 a.m. this same morning.

3. Mayor Matthews announced the annual Chamber Dinner on Saturday, January 13, 1996 at 6:30 p.m. at Ottawa University.

**III. Announcements:** Mayor Matthews announced that there will be a City Commission Meeting on January 17, 1996 at 7:00 p.m. and that the Work Study Session on January 15, 1996 will be at 4:00 p.m. instead of 3:00 p.m.

**IV. Executive Session:** None.

With no other business to discuss, Commissioner Cumiskey made a motion to adjourn the Work Study Session. The Work Study Session adjourned at 4:35 p.m.

8. **Request for Sidewalk Repair at 4th and Main Streets.** The City Manager stated that the City received a complaint regarding the condition of sidewalk at the northeast corner of Main and 4th Streets. The City has a specific policy regarding snow removal from sidewalks, but does not have any specific policy statement regarding the maintenance and/or repair. State law provides that it is the property owner's responsibility to correct the situation.

The City Manager stated that he would like to request that a policy statement be adopted by the City Commission regarding this matter so that it can be conveyed to anyone filing a complaint with the City regarding the maintenance of sidewalks.

All the Commissioners gave their consensus to have this as the policy for the City. The City Manager stated that upon the receipt of a complaint, he will send a notice to the person making the complaint, as well as the property owner and provide a copy of the State law to ensure that the property owner knows that it is his/her responsibility to take care of the problem.

## II. Open Agenda:

1. Commissioner Jackson asked the City Manager if the spending lid letter to the Governor had been completed. The City Manager stated that he had received all the corrections from the Commissioners and that the letter will be mailed out later in the week.

2. Mayor Ramsey stated that the City should be commended for all the work that was done to receive the Pacemaker Award and City staff should be congratulated for everything that they did. The City Manager stated that Wynndee Lee was a strong force for the City achieving the award.

3. Mayor Ramsey stated that he noticed the City had an advertisement in the paper for dog licenses. At one time, the Commission and City staff met with a veterinarian about having them take care of dog licenses. Scott Bird, City Clerk, stated that he had talked to the shelter but had not visited with any of the veterinarians. Mr. Bird stated that the shelter was willing to work with the City. Mayor Ramsey stated that he would like to see the City utilize the veterinarians in the area with these services.

4. Mayor Ramsey asked if the other Commissioners would be willing to move the Work Study Sessions to 4:00 p.m. on a continuous basis. Commissioner Tyson stated that if the meetings would only last one hour, she would not be opposed to meeting at 4:00 p.m., however she would rather have a set time. Commissioner Cummiskey indicated that she would not be opposed and that the time change might be more productive for City staff. Commissioner Jackson stated that he did not have a problem with meeting at 4:00 p.m. as long as the agenda complied with the time allotted. All of the Commissioners decided to postpone a decision until the next meeting.

**III. Announcements:** Mayor Ramsey announced that there will be a City Commission Meeting on January 17, 1996 at 7:00 p.m., a Work Study Session on January 22, 1996 at 3:00 p.m., a Work Study Session on January 29, 1996 at 3:00 p.m., a Work Study Session on February 5, 1996 at 3:00 p.m., and a City Commission Meeting on February 7, 1996 at 7:00 p.m.

**IV. Executive Session:** Commissioner Jackson made a motion to adjourn to Executive Session at 4:50 p.m. to discuss land acquisition with the Regular Work Study Session reconvening at 5:00 p.m. in the downstairs conference room. Commissioner Cummiskey seconded the motion. All the Commissioners agreed to adjourn to Executive Session.

The regular Work Study Session reconvened at 5:00 p.m.

With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. The Work Study Session adjourned at 5:01 p.m.

## STUDY SESSION MINUTES

4:00 P.M.

January 8, 1996

**Present:** Mayor Matthews; 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: Raquel Fleer.

**Absent:** Commissioner Ramsey.

1. Review of the January 17, 1996 City Commission Agenda.

2. Cost-of-Living Raises for City Employees. Commissioner Cummiskey asked if this needed to be published in this calendar year so it would not be included in the Budget. The City Manager stated that the COLA is part of the Budget, however, the City adopts this in the current year. Commissioners Jackson and Cummiskey asked if their approval could be given at the same time as Budget approval. The City Manager stated that the COLA Resolution could be included in the Budget as part of the Pay Plan, however it would still need to be published or adopted.

All the Commissioner gave their approval to place on January 17, 1996 City Commission Agenda.

3. 1996 State Legislative Program. The City Manager stated that this is a draft program. This document will be mailed to each member of the Senate and House of Representatives.

A. Curfew Violations for Minors: Commissioner Jackson asked if the minors are responsible for paying a fine for breaking curfew. The City Manager stated that the City's ordinance provided for both the parent and minor to receive a fine.

Mayor Matthews asked the Commissioners if they wanted to raise the fine amount to \$100. Forrest Lowry stated that there are quite a few cases where the parents are prosecuted and they have a defense that they contend that their child is wayward and out of their control. Mr. Lowry stated that if the parent can prove that they do not have control over their children, then the only recourse to get any kind of a fine is against the child. The Commissioners decided to leave the amount as is.

B. Spending Lid. Commissioner Jackson asked the City Manager if he had mailed the letter to the Governor regarding the spending lid. The City Manager stated that he was waiting for some of the Commissioners to make revisions to the letter. All of the Commissioners agreed that this letter should be sent as soon as changes are made.

The City Manager asked the Commission to review the document and let him know of any changes or revisions.

3. **13th Street Improvement Project.** The Mayor stated that the City has received three bids for construction engineering services for the 13th Street Extension Project. The lowest bid is from Landplan Engineering for an amount of \$23,000. Landplan will also perform the construction inspection on an hourly fee basis as contained in the proposal. The City Manager stated that he would like to receive authority from the Commission to negotiate a contract with Landplan in an amount not to exceed \$23,000.

Commissioner Tyson asked about the cost of \$23,000 plus hourly for survey engineering construction for the construction observation services. The City Manager responded that the construction inspection would be separate and apart from the engineering section of the contract.

Commissioner Cummiskey asked the City Manager why he did not submit the other bids for this project to the Commission for their review. The City Manager stated that the reason he did not submit the bids to them is because one of the bidders expressed concern that the City was leveraging bids to negotiate with the City's Engineer. Commissioner Cummiskey responded that she appreciated everything City staff could do to get the lowest bid, however, she also would like to see all of the bids submitted.

Commissioner Tyson asked if the cost of the street project would be entirely funded by the City. The City Manager stated that the cost will be split 50% City and property owners to the South will reimburse the City for 50% as final plats are submitted. The property owners to the North will also end up participating in this project.

The City Commission agreed to place on the January 17, 1996 City Commission Agenda for authorization to negotiate a contract with Landplan in an amount not to exceed \$23,000.

4. **Directional Signs - Franklin County Recycling Center.** Mayor Ramsey read a letter submitted by Franklin County requesting authorization to place directional signs to the County's Recycling Facility.

Commissioner Tyson asked Andy Haney, Public Works Director, what type of sign will be used. Mr. Haney stated that the sign will probably be a green and white sign similar in size to those signs directing people to the parks, however, the design is not known at this time.

5. **Release of Easement.** The City Manager stated that there is a right-of-way and an easement that is no longer needed and it would be beneficial to the City to vacate the property and revert it back to the property owner.

All the Commissioner gave their approval to place this item on the January 17, 1996 City Commission Agenda.

6. **Naming of West Diamond at Orlis Cox Complex.** Mayor Ramsey commented that this is a deferred item from several previous City Commission Work Study Sessions.

Commissioner Tyson stated that she still did not feel that any facility should be named after a particular person. Commissioner Cummiskey stated that she would not object to the request. Commissioner Jackson stated that he disagreed with Commissioner Tyson regarding never naming facilities after persons, however, he did not know if Mr. Moore actually did more than anyone else to deserve the diamond to be named after him. Commissioner Ramsey stated that he would agree with Commissioner Tyson and that he would suggest that this item be placed on the City Commission Agenda for January 17, 1996. Commissioner Cummiskey stated that she did not feel this request should be placed on the agenda, however, she did comment that the City Manager should respond to Marcia Servatius indicating the Commission's decision not to name the facility after her father.

7. **Letter from Franklin County Mental Health.** The City Manager stated that as a result of the presentation made to the Commission by Ms. Diane Sullivan, Franklin County Mental Health, She was now requesting that the City urge the County Commission to consider additional funding for the agency because they are below the legal and maximum mill levy amount.

Commissioner Cummiskey stated that this subject was brought up at the last Joint City/County Meeting, however, there was no response from the County Commission. Commissioner Ramsey commented that he did not feel it was the responsibility of the City to recommend to the County how to legislate the mill levy. Commissioner Ramsey also had a concern with Ms. Sullivan quoting Mr. Lowry, Ms. Hasty and Chief Herrman with regard how much the Clinic provides to the City.

Mr. Lowry responded that Ms. Sullivan did not exaggerate with regard to the work that was done by himself and Ms. Sullivan.

Ms. Hasty stated that she has used the services provided by the Mental Health Clinic and that they have responded several times for the City in an emergency situation. However, Ms. Hasty did not consider this to be preferential treatment and that she considered the service City employees received was just part of the Clinic's job.

Chief Herrman stated that the Clinic does not do as much counseling for the Police Department as they do evaluations. Chief Herrman continued by saying that the staff at the Mental Health Clinic has been very helpful and have made themselves available on a number of occasions quicker than the services received in the past. However, this is a part of their job and they are compensated for their services.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of January 17, 1996

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 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 Ramsey made a motion, seconded by Commissioner Tyson to approve the agenda as presented. 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 December 20, 1995, and the Special Call Meeting of December 27, 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 December 20, and December 27, 1995, approved as written.

New Business  
COLA

Bill No. 96-1. Thereupon, there was presented a resolution implementing the 1996 Cost of Living Adjustment for employees of the City of Ottawa.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey to adopt the resolution. During discussion it was explained that this item had been previously addressed during the 1996 Budget. The motion was considered and upon being put to the question, all present voted aye.

Release of Easement

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered , Resolution No. 887-96.

Bill No. 96-2. Thereupon, there was presented a resolution finding the necessity of and authorizing the release of a certain easement, now held by the City of Ottawa, Kansas, back to the underlying fee owner.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the resolution. During discussion it was explained that the property owner at 701 East 3rd Street had requested the City release the utility easement on the west side of his/her property. The property is immediately west of the Woodward Center Tennis Courts. The portion of the property was at one time dedicated as a street right of way, that since been vacated, and the portion that is now utility easement was at one time used for a now abandoned water line. 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. 888-96.

Rezoning 1526 &  
1532 S Cedar

Bill No. 96-3. 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 Tyson, to adopt the ordinance. During discussion it was explained that the Planning Commission was requesting these two properties be rezoned from R-2 to R-3, and that the lots are located on the west side of S. Cedar, just north of the Cedar Square Apartments. The properties have a duplex and a single family residence respectively. This request had been made to allow these properties not to become spot zoned as the surrounding area is being rezoned, due to the recent creation of an R-3 zoning district, as per Ordinance No. 3146-95. 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. 3168-96.

Rezone 1535 S.  
Hickory

Bill No. 96-4 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 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 Planning Commission, along with owner Jerry Donally, had requested that the property at 1535 S. Hickory be rezoned, from C-2 (General Commercial District) to R-3 (Multi-family Dwelling District). This lot is located just north of the Hidden Meadows Apartment Complex. The property is currently vacant; however, the Planning Commission and owner are requesting that this lot be brought into the same zoning as the apartment complex to the south. It was further explained that the owner anticipates residential construction on this lot in the future. 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. 3169-96.

Rezone of 1601 &  
1602 S. Hickory,  
& 1550 S. Cedar &  
1620 S. Cedar

Bill No. 96-5. 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, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had requested these properties be rezoned from R-2 to R-3 as the existing use of these properties would be brought into conformance with the zoning regulations, as per the recent creation of an R-3 zoning district, through Ordinance No. 3146-95. 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. 3170-96.

Rezone of  
Canterbury Court

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 2933-90 of the City of Ottawa, Kansas.

Cutting of Weeds

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, to adopt the ordinance. During discussion it was explained that the Planning Commission had requested the rezoning of this property which is located on the west side of Olive Street in the 900 Block . It consists of 27 units with four apartments in each unit and one office building. The current R-2 zoning causes the apartment complex to be a non-conforming use. By rezoning it to R-3, the existing apartment complex would conform to the recently created R-3 Zoning District, as provided for in Ordinance No. 3146-95. 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. 3171-96.

Bill No 96-7. 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 Jackson made a motion, seconded by Commissioner Ramsey to adopt the ordinance. During discussion it was explained that Kansas Statutes require the City to pass a weed ordinance annually when the option of providing a single notice to cut weeds to a property owner is selected as an enforcement policy. Publication of this ordinance provides notice to the property owner, occupant, or agent in charge of the property, about the City's weed policy. The enforcement process is as follows: The owner will receive the letter ordering abatement within ten days. If there is an occupant, they will receive a copy of the letter, as well. If the weed nuisance is not abated the ordinance allows the City of Ottawa or its contractor to abate the nuisance and to recover the cost from the owner. 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. 3172-96.

Parking and Loading Requirements

Bill No. 96-9. Thereupon, there was presented an ordinance amending the zoning ordinance of the City of Ottawa, Kansas, Ordinance No. 2933-90, as amended, and repealing Ordinance No. 2963-91, relating to parking and loading requirements, Article XXIII.

State Legislative  
Program

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that the changes in Section 2, would make off-street parking requirements applicable to all parking spaces, and that the changes in Section 3 resulted from variances requested and approved the amount of green space required. 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. 3173-96.

Thereupon, there was presented the 1996 State Legislative Program .

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson to adopt the proposed 1996 Legislative Program. During discussion it was explained that the program had been reviewed at the January 8, 1996 City Commission Work Study Session, and that upon adoption the Legislative Program would be forwarded to each member of the Legislature. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the 1996 State Legislative Program adopted.

#### 1996 State Legislative Program

The City of Ottawa supports the position of the League of Kansas Municipalities as presented in its 1995-1996 Statement of Municipal Policy except on issues that are otherwise noted.

#### 1. Issue: Juvenile Crime Reform

**Discussion:** The City of Ottawa as well as other communities around the state have seen an increase in juvenile crime that is frequently violent in nature. Often the juveniles involved in crime are the same juveniles who have been involved in prior incidents. It is evident that our juvenile justice system is in need of reform in the areas of sentencing and incarceration.

**Position:** The City of Ottawa supports in the work of the Koch Crime Commission's Juvenile Justice System Task Force and the Kansas Youth Authority. The City of Ottawa supports the Kansas Youth Authority's recommendations for a juvenile justice reform act in particular the provisions for parental responsibility, and the placement options of dual sentencing and waivers to the adult criminal system.

The City also supports stiffer penalties associated with illegal possession of firearms by juveniles.

**2. Issue: Zero Tolerance for Operating Under the Influence by Minors**

**Discussion:** The National Highway System Designation Act, recently passed by Congress, requires twenty six states, including Kansas, to adopt "zero tolerance" laws, which penalize drivers younger than 21 when their blood alcohol content is higher than 0.02 percent. If Kansas does not adopt a zero tolerance law within the next three years, it will lose five to ten percent of federal highway funds.

**Position:** The City supports the idea of zero tolerance and accepts that it is the logical extension of the drinking age laws because people under the age of 21 are not legally allowed to consume alcohol. The City of Ottawa urges adoption of a zero tolerance law in Kansas.

**3. Issue: Curfew Violations for Minors**

**Discussion:** In 1994, the City of Ottawa passed an ordinance establishing a curfew for minors and providing fines for such minors who violate the curfew as well as the parents of the violators. The fines have not been applied to minors who violate the curfew because of a state law exempting minors from municipal court fines with the exception of fines stemming from traffic offenses.

**Position:** The City of Ottawa supports legislation to include application of fines stemming from municipal curfew violations to minors.

**4. Issue: Spending Lid**

**Discussion:** Currently a proposal exists for a constitutional amendment which would impose a spending cap on local governments. The proposal limits expenditure increases to the percentage increases of the greater of either the three year average growth in aggregate personal income of Kansas residents or the three year average growth in the sales tax and compensating taxes collected in the county.

**Position:** The City of Ottawa urges the legislature and governor not to enact a spending lid upon local governments in any form. Such a constitutional amendment would violate the concept of home rule for

local governments in Kansas by eliminating local control over spending and taxation. Most importantly, the spending lid amendment would impose regulations in efforts to fix a problem which does not exist at the local level.

**5. Issue: State Highway Program**

**Position:** The City of Ottawa supports the continuation of the state highway program for enhancements and maintenance to the state highway system. In particular, the City of Ottawa is in favor of including in the state highway program plans to enhance the existing Highway 59 from Ottawa to Lawrence by widening it to a four lane roadway.

**6. Issue: Electric Utilities: Retail Wheeling**

**Discussion:** Major changes have been occurring in the telephone, cable television and natural gas industries as a result of deregulation. Retail electric wheeling, the direct transmission of electric power from electric marketers to industrial, commercial and residential customers, is one of the changes on the horizon in the electric utility industry. The State of Kansas will need to examine its position on this issue in the near future.

**Position:** The City of Ottawa urges the legislature to approach the issue of retail electric wheeling with extreme caution. In particular, the City of Ottawa supports Kansas Municipal Utilities' suggestion that the legislature create a retail wheeling task force to study the issue. This task force should include representatives from municipal utilities.

Thereupon, there was presented a recommendation from City Manager Scott Lambers to be allowed to negotiate for Engineering Services for construction of the extension of 13th Street, from Pine to Eisenhower. It was explained that the lowest proposal received was from Landplan Engineering in the amount of \$23,000, and that the City Manager had requested the authority to enter negotiations with and enter into an agreement with Landplan for services associated with the 13th Street Project

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to authorize the City Manager to negotiate

Engineering  
Services 13th St.

Legal Services

engineering services related to the 13th Street Project, not to exceed \$27,000. During discussion City Manager, Scott Lambers explained that they had anticipated a construction bid sometime in April with construction starting sometime in mid to late summer. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the recommendation duly approved.

Thereupon, there was presented a request from City Attorney Forrest Lowry to designate his new law partner Mr. Bob Bezek as Assistant Attorney for the City of Ottawa, and that the firm's compensation be increased to \$75.00 per hour for all overtime spent on general City business and to \$50.00 hour for all overtime spent on Municipal Court activities and that the 64 hours for general City business and the 20 hours for Municipal Court business be based on a monthly retailer regardless of the number of weeks in a given month.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the request. During discussion Commissioner Ramsey asked for an itemized monthly record of fees and stated that he believed this increase was too high. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request from City Attorney Forrest Lowry duly approved.

Thereupon, Commissioner Cummiskey recognized representatives from the Boy Scout Troop #74, who were in attendance working on their Communication Merit Badges.

Governing  
Agenda

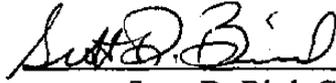
Body

Thereupon, the Mayor announced that Work Study Sessions had been scheduled for January 22, 1996 at 3:00 p.m., January 29, 1996 at 3:00 p.m. and February 5, 1996 at 3:00 p.m, and that the next Regular Meeting was scheduled for February 7, 1996 at 7:00 p.m.

Announcements

There being no further business to come before the Commission, Commissioner Jackson made a motion seconded by Commissioner Tyson, 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 duly 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.



A handwritten signature in cursive script, appearing to read "Scott D. Bird", is written over a horizontal line.

Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

January 22, 1996

**Present:** Mayor Matthews; Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Bill Mason for 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: Raquel Fleer.

**Absent:** Richard Towe

1. **Review of the February 7, 1996 City Commission Agenda.** Mayor Matthews stated that the only item on the agenda at this time is a proclamation for Boy Scouts.

2. **Baseball and Softball Lease Agreements, Swimming Pool Lease Agreement, Improvements to Baseball and Softball Facilities, Designated Parking Areas For Handicapped Citizens.** Mayor Matthews stated that ORC board members and staff were not able to attend this Work Study Session. Therefore, these items will be rescheduled for the January 29, 1996 Work Study Session. However, the Commission had several questions regarding the lease agreements.

Commissioner Ramsey stated that he noticed the liability had been changed on the contracts. The City Manager stated that he is proposing that the liability amounts be changed. All the Commissioners agreed.

Commissioner Tyson asked about the ADA requirement listed on the swimming pool agreement submitted by ORC. The City Manager stated that the City will be looking at making changes to the entire complex at Forest Park, however, he does not want the language placed in the agreements because he does not believe it is feasible for the City to have a lift and accessible restrooms completed on the ORC timetable, even though the City is planning to make these improvement to the facility in the future.

3. **Rezone 2520 S. Main from B-1 (County Zoning - "Business") to C-2 (General Commercial District).** Jim Shaw, Planning and Zoning Director, stated that the rezoning of this area is required by statutes because it is presently zoned B-1 which is County zoning. This would also bring this property into compliance with the South Ottawa Plan that would be rezoned into a C-2 zoning. This is being recommended by a 6-0 vote by the Planning Commission.

All of the Commissioners were in favor of placing this item on the February 7, 1996 City Commission Agenda.

4. **Rezone an area on the North side of the 200 block of West 23rd Street and West of Main Street, from I-1(Light Industrial District) to C-2 (General Commercial District).** Jim Shaw, Planning and Zoning Director, stated that this property is presently zoned I-1 and must be rezoned into C-2 to be compliant with the South Ottawa Plan. Accordingly, this property would need to be rezoned to a commercial zone, rather than the current industrial zoning. The Planning Commission has been approved by the Planning Commission by a 6-0 vote.

The Commission gave their approval to place on the February 7, 1996 City Commission Agenda.

5. **Rezone an area on the North side of the 100 block of West 23rd Street and the West side of the 2100 block of South Elm and the West side of the 200 block of South Main including 2226 S. Main and 2234 S. Main , from I-1 (Light Industrial District) to C-2 (General Commercial District).** Jim Shaw, Planning and Zoning Director, stated that this area is located on the North side of the 100 block of West 23rd Street and the West side of the 2100 block of South Elm and the West side of the 2200 block of South Main including 2226 S. Main and 2234 S. Main. This area has recently been studied and the conclusion resulted in a new future land use plan for this area of the City.

All the Commissioners gave their approval to place on the February 7, 1996 City Commission Agenda

6. **KMGA Full Membership.** The City Manager stated that the City is currently an affiliate member of KMGA. However, KMGA is soliciting the City in becoming a full member for a nominal fee increase of \$50 per year. City staff agrees that because the City of Ottawa is anticipating a number of natural gas issues to arise, that it would be in the City's best interest to become a full member.

All the Commissioners gave their approval to place on the February 7, 1996 City Commission Agenda.

7. **Replacement of WWTP Carter Plunger Pump.** The City Manager stated that City staff had approached the Commission to place money in the budget to replace the gear reducer, however, right now all of the gear reducers are working properly and will not need to be replaced unless they should happen to fall apart. However, the plunger pump has failed and will need to be replaced, therefore, Jim Bradley, Director of Utilities, has requested that either the Commission approve the use of Contingency Funds to replace the pump and leave the money for the gear reducer or use the money which was intended for the gear reducer and reserve the Contingency Fund expenditure should the purchase of the gear reducer become necessary.

The City Commission all agreed to allow Mr. Bradley to use funds that were intended for the gear reducer to be used to replace the pump.

8. **Emergency Vehicle Preemption.** The City Manager stated that after the Joint City/County meeting, he had City staff contact a vendor which the City utilizes frequently, to solicit a quote for emergency vehicle preemption devices at four of the City's intersections. This vendor has submitted a price of approximately \$20,000 (\$3,000 to \$5,000 for each intersection).

The City Manager stated that the City does not have any money budgeted for this and should be discussed with the County during the budget proceedings for 1997.

Commissioner Ramsey stated that he had talked to Richard Towe, Fire Chief, and he had said he did not think the Fire Department would use this device at all. Commissioner Ramsey also thought this was a County situation and that he is reluctant to spend City funds. Commissioner Ramsey went on to say, if the City was going to spend \$20,000, he would rather have another police officer on the street.

Mayor Matthews stated that he agreed with Commissioner Ramsey and that it should be postponed until the 1997 Budget. Commissioner Cumiskey stated that she would like to know if Jeff Herrman, Police Chief, thought he would use a device like this. Chief Herrman stated that if all the intersections could be done and his officers did not have to remember which intersections had the device and which ones did not, he thought it would provide some benefit, but not as much as it would for the County.

All the Commissioner agreed to wait and discuss this item with the 1997 Budget.

9. **RWD Rate Protests.** Forrest Lowry, City Attorney, and Jim Bradley, Director of Utilities explained the City's position regarding the rate protest presentation conducted by the RWD's Attorney's Bob Green and John Richeson.

The City Commission agreed with Mr. Lowry and City Manager Scott Lambers that the City should continue the rate increases as previously discussed. Also, Mr. Lambers suggested that City staff meet with attorneys from the RWDs so they could work on modifying contracts.

## **II. Open Agenda:**

1. Mayor Matthews reminded the Commission that there would be a public reception for the new tourism director on January 23, 1996 between 4:30 p.m. and 6:00 p.m. at the Franklin County Courthouse.

2. Commissioner Tyson asked Andy Haney, Public Works Director, if he had a list of streets that he had his crews clear during winter storms. Mr. Haney stated that he does have a list in his office and he does have several maps that he sends with his crews that shows streets which are priorities.

Commissioner Ramsey congratulated Mr. Haney and his crew for the way they cleaned the downtown area. However, he also mentioned that businesses and residents should be reminded that the City does have a sidewalk ordinance which requires snow to be removed within five hours after snowfall has diminished.

**Open Agenda - Continued:**

3. Commissioners Tyson and Cummiskey expressed their concern about inviting citizens to participate in the Strategic Plan and there are still no definite plans for follow-up. Commissioner Ramsey stated that he would like to have a chance to review the Strategic Plan and refamiliarize himself and the Commission with their goals. All the Commissioners agreed with Commissioner Ramsey.

The City Manager stated that he would copy the Commission with the current Plan and then contact the people who agreed to serve before to see if they are still interested in participating in the process. The Commissioners agreed that the February 5, 1996 Work Study Session would be set aside to review the Strategic Plan.

4. Commissioner Cummiskey announced that the City Manager had copied them with an article from Lawrence Journal World regarding the KOCH Crime Commission, KU and Mennigers forming an intervention program for delinquent youth. Commissioner Cummiskey stated that this might be a project that the Commission would want to be involved with.

**III. Announcements:** Mayor Matthews announced the following meetings:

Work Study Session on January 29, 1996 at 3:00 p.m. and the next City Commission Meeting on February 7, 1996 at 7:00 p.m.

**IV. Executive Session:** None.

With no other business to discuss, Commissioner Jackson made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 4:25 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

January 29, 1996

**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, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer, Wayne Burns, Tom Drake.

**Absent:**

1. Review of the February 7, 1996 City Commission Agenda. Mayor Matthews stated that there will be other items after the next two Work Study Sessions.

2. Request for Property Tax Relief. The City Manager informed the Commission that Donn Higgins, Manager of the Ottawa Sears Store, has requested to relocate within the downtown area, possibly acquiring the former J.C. Penney site.

The City Manager stated that the only way the City could help with this request, in a quick and efficient manner, would be to establish a Neighborhood Revitalization Program which would allow for this property to be eligible under the program guidelines. The City Manager stated that he envisions, if the Commission approves, that City staff would contact the County and School District officials to create a maximum benefit to property owners who might be considering this type of program. After all three entities are in agreement, a review committee would be established, patterned after the City's tax abatement process, which would be represented by one member of the City Commission, one member of the County Commission and one member of the School Board. The application would be reviewed and forwarded to each of the entities for approval/disapproval.

The City Manager asked the Commission for authority to proceed with this project if the Commission feels that it is appropriate and also see if the County and School District would be willing to participate in such a project on a limited scale.

Commissioner Ramsey indicated that he was reluctant to make this a County-wide issue. Mayor Matthews also stated that the project should just be the downtown area and the City should pursue the project by themselves. Commissioner Tyson stated that it would probably be easier not to include other entities. However, the Commissioners directed the City Manager to contact the County and USD 290 officials to discuss this issue.

3. **Baseball/Softball Lease Agreements and Swimming Pool Lease Agreement.**

The City Manager stated that the proposed changes to the lease agreements included removing obsolete language to make a clearer document; increasing insurance requirements; extending the agreements to 2000 as opposed to 1997; and a new section was added to concur with discrimination laws. The City Manager also stated that ORC should be able to sublease the facilities on one-time events without having to be reviewed by the City Commission. However, any long-term sub-lease agreements should be approved by the City Manager.

Mr. Wayne Burns, ORC Director, commented that he would like to keep the lease agreements on a year-to-year basis because he did not want to be tied for such a long period of time. However, the City Manager stated that changes could be made, if necessary, during the three year lease period.

The City Manager stated that the major discrepancy between the City draft lease and the ORC draft lease is the ADA requirements to the swimming pool. ORC added a section to the lease which would require the City to make the necessary ADA improvements to the pool. The City Manager stated that the City is aware of the ADA improvements, there is no guarantee that the improvements could be concluded within the time frame of this lease. Therefore, the City Manager concluded that he would like to have this section removed.

Mr. Burns asked how the City interpreted "minor maintenance" in Section 4.a. The City Manager stated that if there are items that need to be repaired and City staff did not believe that it was the responsibility of the City, it would be brought before the City Commission to be discussed. Mr. Burns also asked about repairs and structural items. The City Manager stated that any major items would be integrated into the budget process. Andy Haney, Public Works Director, informed Mr. Burns that the Public Works Department also has a line item for minor repairs if they would contact him.

4. **Improvements to Baseball and Softball Facilities and Designated Parking Areas For Handicapped Citizens.** The City Manager stated that Wayne Burns, ORC Director, requested that the City allow them to replace handicapped signage at the ball facilities and that minor improvements paid by ORC could be made.

Andy Haney, Public Works Director, has also requested that a parking space in front of the former ORC building be changed to allow handicap parking.

All the Commissioners agreed to place this item on the February 7, 1996 City Commission Agenda.

5. **KOFO Home & Garden Expo.** Mayor Matthews stated that a letter from Brad Howard, General Manager of KOFO, has been received requesting permission to utilize parking areas around the Auditorium for the Home and Garden Expo on March 1 and March 2.

Chief Towe stated that the Fire Department did not have a problem with the request as long as the no parking zone in front of the Auditorium was kept open. The City Manager stated that he would have Chief Towe contact Brad Howard to inform him of this parking stipulation.

6. **Engineer's Estimate for Street Improvements.** The City Manager stated that the City's Strategic Plan included a way to handle gravel streets more effectively. Therefore, the City has adopted requirements for future development. The new requirements will not allow any gravel streets to remain after a project has been completed. City staff has also instituted a program through the CIP which the City is participating 75% for such improvements. The property owners who reside on these gravel streets have been contacted to see if there is an interest in having their streets paved.

The City Manager stated that this will allow property owners to sign-up for a 25% benefit district with an option to pay off the investment initially or paying it off over a time period. The City's share will be paid as the work is completed.

The City Manager asked the Commissioners for authorization to have the City Engineer provide engineering estimates for each of the projects. After the estimates are provided, City staff would report back to the Commission for parameters for consideration to decide which projects will be funded for the first year.

All the Commissioners agreed that City staff should proceed with having the City Engineer provide engineering estimates and report back to them.

7. **Storm Drainage Improvements.** Jim Shaw, Planning and Zoning Director, stated that this would allow City staff to change the Procedures Manual to define the responsibilities of inspection of drainage improvements. Any private drainage located on private property will be inspected by the Inspection Division. All other drainage such as storm sewers will be inspected by engineers.

All the Commissioners gave their consensus to make the necessary changes and to include the document in the Procedures Manual.

8. **City-Wide Storm Drainage Utility.** The City Manager stated that as part of the Strategic Plan, the Commission decided that it would be wise to look at some type of storm management effort. The City Manager noted that there are many areas between 7th Street and the river that have insufficient or non-existing storm drainage facilities that either need to be upgraded or put in place.

City staff visited with city officials in Winfield and Manhattan who have implemented a Storm Drainage Utility. These two city's have a flat utility rate charged to residents of their city. This money is used to make storm drainage improvements throughout their community.

The City Manager distributed two revenue schedule options to the Commission. The first option used the flat rate and had a two step increase which would generate an acceptable revenue by 2003. The second option would utilize a combination of property tax, sales tax and a utility fee.

Commissioner Ramsey requested more time to review the options the City Manager proposed and to forward to him any questions or comments.

9. **City Participation in Certain Storm Drainage Improvements.** The City Manager prepared and explained a policy which would identify issues as requests were made for City participating in storm drainage improvements. The following parameters would be used to establish the storm drainage policy.

- **Selectivity.** This section of the policy would give the City Commission the authority to approve, deny or limit City participation, therefore, the City would not be under any obligation to help subsidize a project.

- **Financing.** The second section of the policy addresses the funding of a project. The City Manager stated that he would recommend that the funding would be on a pay-as-you-go basis as allowed by the revenues in the fund excepting a 10% cash-flow reserve and a 15% contingency reserve based on the prior years revenues.

- **Eligible Properties.** The City Commission retains the authority to approve, deny or limit City participation in the financing of any project. Any decision to limit or refuse participation does not require any justification on the part of the City Commission. Eligible properties include those properties that are zoned commercial of 5 acres or less within the City limits.

- **Scope of Improvements.** Eligible improvements for City participation shall be limited to the extension of storm drainage improvements upstream to the proposed site to be developed, oversizing of storm drainage improvements on the site proposed to be developed and the extension of storm drainage improvements downstream from the proposed site.

## City Participation in Certain Storm Drainage Improvements.

- **Eligible Costs.** Eligible costs include those costs solely associated with the construction of the proposed improvements. The City will not participate in any "soft costs" i.e. surveying, engineering, etc.
- **Minimum Participation.** The property owner/developer shall be responsible for participating in the construction of storm drainage improvements to a minimum standard. This minimum standard shall consist of an 12 inch concrete pipe and any necessary appurtenances, as determined necessary by the City Engineer, from property line to property line.
- **Certification of Costs.** Prior to the onset of any construction, the property owner/developer shall obtain a certification of approval for the cost of construction by the City Engineer. Failure to obtain the City Engineer certification prior to the start of construction automatically voids any agreement with the City to participate in the financing of any storm drainage improvements.
- **Cost Sharing.** A) The City may participate up to 100% for all off-site improvements upstream to the site. B) The City may participate up to 100% for all off-site improvements downstream from the site. C) The City may participate up to 25% for any on-site oversizing of storm drainage improvements that are desired by the property owner/developer but not required by the City. D) The City may participate up to 50% for any on-site oversizing of storm drainage improvements that are required by the City due to development impact(s) initiated by the property owner/developer. E) The City may participate up to 100% for any on-site oversizing of storm drainage improvements that are required by the City in which such requirement is not caused by the proposed impact(s) of the development.

Mayor Matthews asked if the Commission anticipated funding requests through the City's Stormwater Drainage Utility Fund, how would the City address the Kansas State Bank project. The City Manager stated that if the Commissioners agreed to proceed with a Storm Drainage Utility Fund and agreed with the policy, there would be some type of reimbursement offered.

The City Manager stated that he would like to have the Commission review the policy and get back with him with any changes to the policy.

## **II. Open Agenda:**

1. The City Manager informed the Commission that because of the extremely cold weather, City staff have been instructed not to shut-off any resident because of non-payment. Therefore, once warm weather does return, there will be customers who have not paid their bills for a two month period and will have sizable bills which will need to be paid in full in order to have service reconnected.
2. Commissioner Ramsey congratulated the people involved with the Municipal Court collections.

**Open Agenda - Continued.**

3. Commissioner Tyson had several questions about the January Monthly Report which were responded to by the appropriate Department Heads.

4. Commissioner Cummiskey reminded the Mayor that the City Manager's evaluation will need to be completed in the next couple of weeks if he could copy them with the evaluation sheets to begin the process.

**III. Announcements:** Mayor Matthews announced the following meetings:  
There will be a Work Study Session on February 5, 1996 at 3:00 p.m., and the next City Commission Meeting will be on February 7, 1996 at 7:00 p.m.

**IV. Executive Session:** None.

With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 5:00 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

February 5, 1996

**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, Jeff Herrman, and Diane Stoddard; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer.

**Absent:**

1. **Review of the February 7, 1996 City Commission Agenda.** Mayor Matthews stated that there will be other items after the next two Work Study Sessions.

2. **Stop Sign Request.** Chief Jeff Herrman received a request from Ms. Janet Carey asking that a stop sign be placed at 10th & Sycamore. After reviewing police records, Chief Herrman is recommending that stop signs be placed which would control the east and westbound traffic at that intersection.

All the Commissioners agreed with the recommendation by Chief Herrman.

3. **Replacement of Gear Reducer at Wastewater Treatment Plant.** All of the Commissioners approved to expend Contingency Funds for the replacement of the gear reducer.

4. **Strategic Plan.** The Strategic Plan was discussed and ideas were exchanged between the Commission and the City Manager. The Commissioners decided to complete the review of the Strategic Plan at the February 19, 1996 Work Study Session.

Commissioner Cummiskey distributed copies of the Strategic Plan developed by the League of Kansas Municipalities. The League would be willing to participate in the City's Strategic Plan process for \$500 plus mileage for two evening meetings or the City Commission could use the workbooks provided by the League and the League would help score the completed workbooks.

II. **Open Agenda:** Nothing was reported.

**IV. Executive Session:**

At 4:15 p.m. Commissioner Tyson moved that the City Commission enter into Executive Session for one half hour to discuss personnel. Commissioner Ramsey seconded and all Commissioners agreed.

With no other business to discuss, Commissioner Cumiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 5:00 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of February 7, 1996

**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: Commissioner Joan Tyson present, Commissioner Richard Jackson present, Commissioner Vicki Cummiskey present, and Commissioner Ramsey, present. Mayor Mathews, absent. A quorum was present.

Mayor pro tem Gene Ramsey called the meeting to order and welcomed the Chamber Audience. Thereupon, He 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, seconded by Commissioner Cummiskey to approve the agenda. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Ramsey declared the agenda duly approved.

**Approval of Minutes**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to approve the minutes of the previous meeting of January 17, 1996 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor Ramsey declared the minutes of January 17, 1996, approved as written.

**Public Comments**

Thereupon, Hailey Hall of 1222 S. Maple, a member of the Mayors Youth Summit, addressed the Commission and asked that lighting be provided in the area of Walnut Street, located close to the Skunk Run Tunnel. Ms. Hall suggested that lighting in that area would deter gang type activities, and would hopefully reduce the amount of graffiti which is currently present. Mayor Ramsey thanked Ms. Hall for her comments and noted that it would be looked into.

Next to address the Commission was Ms. Carla Beinhoff 1317 N. Mulberry, representing the Auditorium Board. Ms. Beinhoff noted that she had four points she would like to make regarding the Auditorium. First, she asked the question, is the Board of Directors necessary? Second, should the Board of Directors be disbanded? Third, should the Auditorium continue to hold programs? Fourth, if the Auditorium is abandoned, then what? Ms. Beinhoff noted that the attendance to shows at the Auditorium had continued to go down for the last several years and that it was the board's suggestion that the board in fact be disbanded and perhaps a Friends program be established. She noted some frustration with the board members, in that the ordinance, which established the board was, in her words, ambiguous. Thereupon, Commissioner Cummiskey questioned whether or not the board could function as a Friends program. Ms. Beinhoff responded that that was a possibility. Ms. Beinhoff also noted that the Auditorium board had planned to reduce the number of shows for next year and suggested that the Auditorium be considered during the Strategic Plan. The Commission thanked Ms. Beinhoff for her comments.

### **Communications**

Thereupon, Mayor pro tem Ramsey acknowledged the letter from Brad Howard, General Manager of KOFO, requesting permission to utilize the parking areas around the Auditorium for the Home and Garden Expo on March 1st and 2nd. However, he also noted that the Fire Chief had stressed that the No Parking areas in front of the Auditorium must be kept clear for Emergency Vehicles use.

### **New Business**

#### **Rezone 2520 S. Main**

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas repealing the corresponding section of the zoning map which is a part of Ordinance 2933-90 of the City of Ottawa, Kansas. Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was noted that staff was requesting the property located at 2520 S. Main be re-zoned from B1 County Zoning Business to C2 General Commercial District. It was further noted that the area had recently been annexed into the city limits and consequently needed to be rezoned in conformance with future land use. The motion was considered and the bond being put to the question, all present voted aye.

Thereupon, Commissioner Ramsey declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3174-96.

### **Rezoning 200 of West 23rd**

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 2933-90 of the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During the discussion it was pointed out that staff had requested the property located on the North side of the 200 block of West 23rd and west of Main Street be rezoned from Light Industrial District to General Commercial district. It was further noted that the area had recently been studied as part of the South Ottawa Plan which resulted in a new future land use plan for this area of the City, and accordingly this property would need to be rezoned to a Commercial Zone rather than the current industrial listing. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No.3175-96.

### **Rezone 2226 and 2234 S. Main**

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 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 noted that the area in question is located on the North side of the 100 block of West 23rd Street and the west side of the 2100 block of South Elm and the West side of the 2200 block of South Main including 2226 S Main and 2234 S. Main. This area had recently been studied and the conclusion resulted in a new future land use plan for this area of the City. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No.3176-96.

### **KMGA Full Membership**

Thereupon, there was presented an ordinance consenting to the membership of the City in the Kansas Municipal Gas Agency and approving and authorizing the form of and execution of an agreement creating the Kansas Municipal Gas Agency and approving and authorizing the form of the bylaws of the Kansas Municipal Gas Agency. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was noted that KMGA had invited its affiliate members to become full members for a nominal fee increase of \$50.00 per year. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No.3177-96.

### **Restricted Parking**

Thereupon, there was presented an ordinance repealing Ordinance No. 3143-95 which designates parking areas restricted to use by handicapped citizens, and providing for substitution of a revised listing of authorized handicapped parking spaces. Thereupon, Commissioner Cummiskey 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 pro tem declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No.3178-96.

### **Stop Sign - 10th & Sycamore**

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 right-of-way within the City of Ottawa Kansas. Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was noted that Police Chief Jeff Herrman had received a request for Ms. Janet Carey asking that a stop sign be placed at 10th & Sycamore. After reviewing police records, Chief Herrman recommended that the stop signs be placed to control the East and West bound traffic at the intersection. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No.3179-96.

### **Baseball Lease Agreement**

Thereupon, there was presented a lease agreement for baseball and softball facilities between the City of Ottawa and the Ottawa Recreation Commission. Thereupon Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to approve the agreement. During discussion it was noted that the Governing Body had met with Wayne Burns and Tom Drake, representatives of the Ottawa Recreation Commission, to discuss the details of the agreement on January 29, 1996 and that this agreement is substantially the same as the previous agreement which it replaces. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the lease agreement for baseball and softball facilities duly approved.

### **Swimming Pool Lease**

Thereupon, there was presented a lease agreement for the Swimming Pool facilities between the City of Ottawa and the Ottawa Recreation Commission. Thereupon, Commissioner Cummiskey made a motion seconded by Commissioner Tyson, to

approve the agreement. During discussion it was noted that the Governing Body had met with Mr. Burns and Mr. Drake on January 29th to discuss the details of this agreement. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the lease agreement duly approved.

### **Financial Reports - December**

Thereupon, there was presented the monthly financial and activity reports for the month of December 31, 1995. Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Tyson, to approve the monthly financial and activity reports for month ending December 31, 1995. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor pro tem declared the Monthly Financial and Activity Reports for December 31, 1995, approved as presented.

### **Governing Body Agenda**

Thereupon, the Mayor pro tem announced that there will a work study session on February 12, 1996 at 4 p.m. and on February 19, 1996 at 3 p.m. He further announced that there would be a joint City/County Meeting on February 21, 1996 at 12 p.m. at the Franklin County Jail and that there will be a work study session on February 26, 1996 at 3 p.m.

The next regular meeting of the City Commission is scheduled for February 21, 1996 at 9:30 a.m.

### **Adjournment**

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

Thereupon the Mayor declared the meeting duly 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

4:00 P.M.

February 12, 1996

**Present:** Mayor Matthews; Commissioners Ramsey, Cummiskey, Jackson and Tyson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fler. City Staff not required to attend.

**Absent:**

**I. Study Session Items:** No regular items scheduled for this meeting.

**II. Open Agenda:** Discussion of Rails-to-Trails. No action taken.

At 4:25 p.m. Commissioner Ramsey moved that the City Commission enter into Executive Session for one-half hour or 5:00 p.m., to discuss personnel. Commissioner Jackson seconded and all Commissioners agreed. At 5:00 p.m. the Commissioners extended the Executive Session for a period not to exceed one-half hour or 5:30 p.m.

The Commissioners reconvened the regular Work Study Session and with no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 5:35 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

February 19, 1996

**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, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer.

**Absent:**

### I. Study Session Items:

1. Review of the February 21, 1996 City Commission Agenda.

2. Letters to State Officials. The City Manager copied the Commission with two letters to be sent to the Legislature. The first letter addresses the Summer Youth Employment Program which shows the City's support for the program.

The City Manager stated that the second letter addresses the mandates placed on cities relating to discharge standards for wastewater affluent into rivers and streams. There will be a hearing in Topeka on Friday, March 8, 1996 in which the City Manager will attend to testify on behalf of the City.

All the Commissioners agreed to have City staff mail the letters of support.

3. Update on Status of Kansas Pipeline Intervention and Western Resources Proposed Rate Hike. Mr. Bob Bezek, Assistant City Attorney, updated the Commission about the KCC proceedings and answered questions regarding the City's involvement.

4. Mid-America Nutrition Program, Inc. The City Manager stated that the Commission had been copied with a letter from Pat Watson, Mid-America Nutrition Program, Inc., asking for the City's participation in a fund raiser in which the City would purchase a square on a game board similar to the MONOPOLY Game. The price for one regular square would cost \$179 and \$279 for a corner square.

Mayor Matthews, Commissioners Jackson, and Cummiskey were in favor to purchase a square for \$179. Commissioner Ramsey deferred his vote and Commissioner Tyson voted to purchase a square, however, she thought there were other ways to raise money.

5. **Municipal Auditorium.** The City Manager stated that Dick Smith, Director of the Municipal Auditorium had submitted a memo requesting that the Commission direct him on how to proceed to fix the boiler in the Auditorium building.

The City Manager stated that he would like authorization to have Carey Mechanical inspect the boiler and report back to the Commission. If the Commission decides that repairs should be made, the money would be taken from the General Fund - Contingency Funds.

Commissioner Ramsey stated that he would not be opposed to allow Carey Mechanical to complete the study, however, after the study is complete, he would like to have bids submitted for the actual repairs.

All the Commissioners agreed to have Carey Mechanical do the preliminary inspection to identify problems that could be associated with the repair of the boiler.

6. **Remodeling of former Franklin Savings Building - Project Status.** The City Manager stated that Earl Devore submitted a letter which indicates contractors who are interested in the remodeling of the former Franklin Savings Building. A pre-bid conference is scheduled for Monday, February 26 with the bid opening being held March 12, 1996.

7. **Multiple Sclerosis Annual Walk.** The City Manager stated that a letter from Kathy Burgoon, Franklin County Multiple Sclerosis Chairperson, has been received requesting permission to use Forest Park, the brick shelter house and the restrooms for this annual event. Andy Haney, Director of Public Works, stated that he would contact Ms. Burgoon to coordinate their request.

All of the Commissioners were in favor of this request.

8. **Acceptance of rights-of-ways for Hidden Meadow Addition.** Jim Shaw, Planning and Zoning Director, stated that this is not an additional right-of-way but it is a document that will encompass all the work that has been done to date and will actually be shown on a plat. The Planning Commission approved the rights-of-ways by a 5-0 vote.

All of the Commissioners were in favor to place this item on the February 21, 1996 City Commission Agenda.

9. **Request for a special use permit for a proposed screen printing and embroidery shop at 106 South Main Street.** Jim Shaw, Planning and Zoning Director, stated that the owners of the embroidery shop of purchased the Sears building. The new business will do screen printing and embroidery and will also have a small retail area in the front of the business. Mr. Shaw stated that the Fire Chief and Building Inspector have been contacted and the Planning Commission approved by a 5-0 vote.

All of the Commissioners agreed to place on the February 21, 1996 City Commission Agenda.

10. **Strategic Plan.** The City Manager and the City Commission finished discussing the Strategic Plan. Mayor Matthews asked the Commissioners to make a final review of the plan, and to submit any additions or changes to the City Manager within three weeks from the date of this meeting. Mayor Matthews also stated that he would like to see the amount of pages in the plan significantly reduced.

## **II. Executive Session:**

At 4:45 p.m. Commissioner Jackson moved that the City Commission enter into Executive Session for one-half hour or 5:15 p.m., to discuss personnel and to reconvene in the lower level conference room. Commissioner Cumiskey seconded the motion which was approved unanimously .

The Commissioners reconvened the regular Work Study Session and with no other business to discuss, Commissioner Cumiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 5:15 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of February 21, 1996

**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 Mathews, present, Commissioner Ramsey present, Commissioner Cummisky present, Commissioner Jackson present, and Commissioner Tyson, present. A quorum was present.

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

**Agenda Approval**

Thereupon, Commissioner Cummisky made a motion to approve the agenda after the removal of item #14, Bill #96-16. The motion was seconded by Commissioner Tyson. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved with the removal of item #14.

**Approval of Minutes**

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey to approve the minutes of the previous meeting February 7, 1996 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 7, 1996, approved as written.

**Response to Public Comments**

Thereupon, the commission responded to comments which had been made by the public during the meeting of February 7, 1996:

1. Ms. Haley Hall addressed the City Commission regarding the box culvert at 7th & Walnut being an attractive nuisance and suggested that some additional lighting in the vicinity would deter vandalism or other types of problems that are currently taking place.

Response: The City's Dare Officer has taken photographs of the box culvert to analyze any graffiti which may be present and efforts are underway to remove the graffiti and to determine if additional lighting is warranted.

2. Ms. Carla Bienhoff of the City's Auditorium Board addressed the Commission with regards to the authority and effectiveness of the Board based upon the current City Ordinance depicting their responsibilities and duties.

Response: Individual City Commissioners have previously indicated to the City Manager the desire to reevaluate the financial standing of the Auditorium and the function of the Auditorium Board. The City Manager has already met with the Board to discuss some of their concerns and is clear that the role of the Auditorium Board needs to be more simply defined, particularly as it relates to programming and fund raising.

Thereupon, the Commissioners expressed an interest in meeting jointly with the Auditorium Board to discuss in greater detail the Auditorium Boards concerns.

### **New Business**

Thereupon, there was presented a resolution excepting the dedication of rights-of-way and easements within the Hidden Meadow Addition, Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that the planning commission had approved the final plat for Hidden Meadows Addition by a vote of 5-0. 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.889-96.

### **City Managers Contract**

Thereupon, there was presented an addendum to the City Manager's Contract. Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to approve an addendum to the City Manager's Contract as a result of a favorable annual performance evaluation by the City Commission and to provide for a 4 percent increase in the City Manager's 1995 base salary of \$64,050.00 to \$66,612.00 with an effective date retroactive to the City Manager's anniversary date of January 31st. The motion was considered and upon being

put to the question, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

#### **Financial Reports - January 31, 1996**

Thereupon, there was presented the monthly financial and activity reports for the month ending January 31, 1996. Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummsky, to approve the report. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the Monthly Financial and Activity Reports for January 31, 1996 approved as written.

#### **Announcements:**

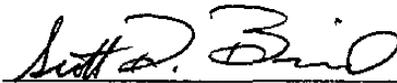
Thereupon, the Mayor announced the Joint City/County Meeting scheduled for this date at 12:00 p.m. in the Franklin County Jail, a Work Study Session on February 26, 1996 at 3:00 p.m., a Work Study Session on March 4, 1996 at 3:00 p.m., and that the next regularly scheduled City Commission Meeting would be March 6, 1996 at 7: p.m.

#### **Adjournment**

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

Thereupon the Mayor declared the meeting duly 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.

February 26, 1996

**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, Jeff Herrman, Diane Stoddard and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Flear, Bob Becker and Scott Fast.

### I. Study Session Items:

1. Review of the March 6, 1996 City Commission Agenda.

2. Cable I-Net System. Mr. Bob Becker, USD 290, explained that TCI, the local cable company, as part of their original agreement with the City Commission ran coax cable to Neosho County Community College, High School, Middle School and Ottawa University which was needed to have access to channel 8 (Government Access Channel). Mr. Becker told the Commission that because this cable had a full band width potential, USD 290 would like to use the part of the cable that extends past the board office to the Middle School and High School. Mr. Becker stated that if the Commission approved of their request, the use of the cable should not interfere with any broadcasts on Channel 8.

The City Manager stated that he did not have a problem allowing the school district to use the cable, however, he would recommend entering into a contract with USD 290 authorizing access, contingent upon the City having the right to interrupt programming if needed.

3. Rotary Club - "Welcome to Ottawa" Signage. Jeff Herrman, Representative of the Ottawa Rotary Club, stated that the Rotary Club has been working on placing new signs which would include a welcome sign and all service organizations who wanted to participate by placing their name on the sign could do so. Mr. Herrman suggested that if the City wanted to participate in the process, a sign could be placed at the south end of town by Woods Mini-Mart. The new sign would replace the existing welcome and organizational signs. Eventually more signs could be placed at the other locations entering Ottawa if a favorable response was received.

Andy Haney, Representative of the Optimist Club, stated that the sign would be two 16' wide panels which would be 52" tall x 16' long. There would probably be enough space for approximately ten to twelve service organizations to place their logos.

Commissioner Cummiskey stated that she thought this project is a good idea, however, she commented that the type of signage should be a really nice looking sign. The City Manager stated if the Commissioners are willing to spend money on this project, he would like for the service clubs to also be willing to provide for some additional money for a sign upgrade. The Commissioners asked Mr. Herrman and Mr. Haney to explore other options and report back to them at a future Work Study Session.

4. Weekend Police Activity. Police Chief Jeff Herrman informed the Commission that five arrests relating to the shooting of a teenager last October, occurred during the weekend.

5. **Traffic Signal Preemption.** The City Manager stated that this item is back before the City Commission pursuant to the recent Joint City/County meeting. Commissioner Cummiskey asked the City Manager if the County had provided figures for this project. The City Manager stated that the figures had not been received. Both Richard Towe, Fire Chief and Jeff Herrman, Police Chief stated that just doing part of the lights would not be beneficial to their personnel.

The Commission decided that this is something that could be considered during the 1997 budget process.

6. **All-Electric Apartment Incentive Program for the City.** The City Manager stated that he had received and the Commission had been copied with correspondence from Mr. Jerry Donnelly regarding the possibility of the City creating an incentive program for all-electric apartments. The City Manager stated that this would be a benefit to the City because it would expand the City's base power demand. At the current time, the City generates its own power and also purchases power from BPU and Kansas City Power and Light. The City Manager stated that if the City could raise the base demand, more power could be purchased which would be cheaper for the City. However, it would take a tremendous amount of apartments to make a difference. The City Manager stated that he and City staff have not discussed this option in detail until he had brought it to the Commission for their approval to proceed.

The Commission asked the City Manager to have City staff research the project and report back to them with the findings.

7. **Estimates for Rock Street Improvements - Acceptance of Proposal.** The City Manager stated that the City has received quotes for providing engineering estimates for the rock street improvements. The lowest quote is from BG Consultants in the amount not to exceed \$8,350. HNTB provided a quote in excess of \$15,000.

All the Commissioners agreed to accept the proposal.

8. **Pre-purchase of Natural Gas.** The City Manager informed the Commission that Bob Bezek, Jim Bradley and himself attended a meeting with KMGGA to discuss the pre-purchase of natural gas for an extended period of time (up to 10 years). KMGGA officials are investigating borrowing money and issuing bonds to enter into a contract for ten years to purchase natural gas. Half of the gas demand would be purchased from annual contracts from various providers. The other portion of the gas would be obtained from the pre-purchase program. The City of Ottawa would make annual bond payments for the purchase of the gas. KMGGA members would be required to purchase 75% of their gas through KMGGA and the other 25% could be purchased from KMGGA or from another vendor.

The City Manager will receive additional information and will bring this item back before the Commission at a later Work Study Session for approval..

## **II. Open Agenda:**

1. Mayor Matthews announced that there will be a seminar at Wichita State University for Strategic Planning.

2. Commissioner Ramsey and Commissioner Jackson reported on the KOCH Crime Commission Meeting on Thursday, February 22, 1996. There were 21 people from the community who attended. Two members from the KOCH Crime Commission spoke to the attendees about gangs and what signs local officials can look for to identify gangs in our community.

Commissioner Ramsey stated that Bob Dunn, Chairman of the Public Affairs Committee, attended the KOCH seminar and indicated that the Public Affairs Committee would prefer to have more preventative measures taken rather than incarceration. Jeff Herrman, Police Chief, noted that the KOCH Crime Prevention Program also stresses that if the kids can be dealt with at an earlier age, where the crimes may be less violent, could be more effective then waiting until the kids are older.

Commissioner Ramsey also praised the school system and police department for the service that the Dare Program and the Resource Officer have provided throughout the last several years.

Commissioner Jackson stated that he would like to have another program and possibly a public forum at a later date.

**III. Announcements:** The Mayor announced the following meetings: Work Study Session on March 4, 1996 at 3:00 p.m. and the regular City Commission Meeting on March 6, 1996 at 7:00 p.m.

With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 4:05 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

March 4, 1996

**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, Charlie Bowling for Jeff Herrman, Diane Stoddard, Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires.  
**Guests:** Raquel Fleer.

**Absent:** Mayor Matthews.

### I. Study Session Items:

1. **Review of the March 6, 1996 City Commission Agenda.** The City Manager stated that the only item on the agenda at this time is a special use permit which was discussed at a previous Work Study Session.

2. **1997 Capital Improvement Calendar.** The City Manager stated that the City Commission will hold two public hearings and the Planning Commission will have one public hearing for the proposed calendar. This will also be reviewed after the 1997 Operating Budget has been completed.

The Commissioners unanimously agreed to place this item on the March 6, 1996 City Commission Agenda.

3. **Operational Budget Calendar.** The City Manager stated that the first public hearing will be held on June 5, 1996 which will allow citizens to ask questions about the proposed Budget. A second public hearing will be held on July 3, 1996. The final Budget hearing will be held on August 7, 1996.

The Commissioners unanimously agreed to place this item on the March 6, 1996 City Commission Agenda.

4. **U.S. 59 Water Line Improvements.** The City Manager reminded the Commission that the City needed to have a County designation of US-59, South of the City limits or issue G.O. Bonds for the waterline relocation project. This project has been forced upon the City because of improvements being made on US-59. The County did adopt a resolution on February 28, 1996 which is necessary for this designation. Therefore, the City must adopt a resolution which authorize the financing of the project. However, the City Manager stated there is a 60 day protest period, but he did not anticipate any opposition.

The Commissioners unanimously agreed to place on the March 6, 1996 City Commission Agenda.

5. **Highway 59 Waterline.** The City Manager stated that engineers with Wilson and Company reviewed the bids and have recommended that the City award the project to G. C. Construction, the low bidder. The bid was in the amount of \$54,194.70.

It was the consensus of the Commission to place this item on the March 6, 1996 City Commission agenda.

6. **Request from Franklin County Child Development Services.** Letters from Brenda Boldra, Director of the Franklin County Child Development Services and Patty Snyder, President of the Franklin County Day Care Board of Directors have been received asking the City to provide additional information about the former ORC building. After the Franklin County Day Care Board of Directors are copied with the information, they will vote on acquiring the building. The City Manager stated that after the Work Study Session memo was prepared, the Ottawa Girls Club also submitted correspondence to offer a bid to purchase the building.

Commissioner Tyson asked the City Manager if the City could retain the building and use it for the recreation program. The City Manager stated that the building would have limited usage, however it could be used for providing programs for younger children.

Commissioner Jackson asked if they would like to open the bid process to the public to see if other entities would have an interest in purchasing the building. The City Manager asked if the type of useage for the building would be a factor in the decision to sell the building he would need to know in order to keep the process fair for all interested parties. All of the Commissioners agreed that they would prefer to have the building bought by a non-profit youth organization.

The City Manager stated that he would notify the Day Care and the Girls Club with the criteria and also work on advertisements for the sale of the building.

7. **Agreement Between City of Ottawa and Mr. and Mrs. William Bowers to Repurchase Real Estate.** The City Manager informed the Commission that the property is located west of the City's ponds which is used for the police firing range and utility and public works disposal by the City. The City is currently leasing the farm land on a year-to-year basis and is primarily used for erosion control. However, the terms set forth in the agreement between the City and Mr. and Mrs. Bowers indicate that the City is required to give Mr. Bowers the option to purchase the property if the property is not going to be used as a landfill.

The City Manager stated that he would not need a decision until later in March or early April.

8. **1996 Legislative Program.** The City's concerns will be delivered to the State officials by Commissioners Jackson and Matthews at the National League of Cities conference on March 9 - 12, 1996. A few issues that the City Manager and City Commission are concerned with are:

- a. Federal Debt Limit
- b. Unfunded Federal Mandates
- c. Health Insurance Reforms

The City Manager stated that the staff at the League of Kansas Municipalities are still working on their program and will be distributed later in the week. The City Manager asked the Commission for additional items which could be incorporated before the March 6, 1996 City Commission meeting.

9. **Request from PHASE (Promoting Health and Sexuality Education Through Community and School)** Shannon Pulliam, PHASE<sup>cs</sup> Assistant Coordinator, is requesting that the City allow community volunteers to tie red, purple and white ribbons around the lamp posts on Main Street. Purple is symbolic of domestic violence prevention, red represents alcohol, tobacco, and other drugs, and white signifies adolescent pregnancy prevention. The ribbons would be displayed the entire month of April. The volunteers who place the ribbons on the poles would also be responsible for removing them at the end of the month.

It was the consensus of the Commission to approve the request from PHASE<sup>cs</sup>.

## II. Open Agenda:

1. Commissioner Tyson asked about the Teens, Inc. organization. Scott Bird, City Clerk, stated that he understood that the organization no longer existed. Commissioner Tyson stated that she had attended a United Way meeting last week and there were funds being offered to this organization. Bill Grey, Ottawa Times, stated that he had talked with Brad O'Dea, former ORC Director, several years ago about the organization. At that time, Mr. O'Dea stated that even though the group was not active, the Teen Board was still operating.

2. Mayor pro tem Ramsey announced that Mayor Matthews and Commissioner Jackson would be attending the NLC meeting in Washington, D.C. on March 9 - 12, 1996.

3. Commissioner Jackson asked when the Commission and City Manager would meet with the Municipal Auditorium Board. The City Manager stated that he would contact the OMA Board to receive an agenda for the OMA Board meeting and also find out what meeting could be attended by the City. Commissioner Cummiskey asked that Dick Smith, Director of the OMA, to prepare a report which includes his fund raising and grant activities.

**III. Announcements:** Mayor pro tem Ramsey announced that there will be a City Commission Meeting on March 6, 1996 at 7:00 p.m. There will **not** be a Work Study Session on March 11, 1996. There will be a Work Study Session on March 18, 1996 at 3:00 p.m. There will be a City Commission Meeting on March 20, 1996 at 9:30 a.m. There will also be a Joint City/County Meeting on March 20, 1996 at 12:00 p.m. at the Franklin County Jail. The City Manager stated that the City will request that the Rails-to-Trails be placed on the agenda.

Tickets are available for the Mayor's Prayer Luncheon which has been scheduled for March 19, 1996 at 11:45 a.m. at Ottawa University .

With no other business to discuss, Commissioner Jackson made a motion to adjourn the Work Study Session. Commissioner Cummiskey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 4:15 p.m.

## **Regular Meeting**

### **Ottawa, Kansas City Commission**

Minutes of March 6, 1996

#### **Roll Call**

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

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

#### **Agenda Approval**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey 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 Ramsey made a motion, seconded by Commissioner Jackson to approve the minutes of the regular meeting February 21, 1996, 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 21, 1996, approved as written.

#### **New Business**

##### **Special Use**

Thereupon, there was presented a resolution granting a Special Use Permit for a screen printing and embroidery shop to be located at 106 South Main Street in the City of Ottawa.

Thereupon, Commissioner Cummiskey made a motion seconded by Commissioner Jackson to adopt the resolution. During discussion it was pointed out that the City of Ottawa's Planning Commission had reviewed the criteria regarding a Special Use Permit.

Positive Impressions, Inc. had met all 7 of those criteria and the Planning Commission recommended to the City Commission the approval of the Special Use Permit for a screen printing and embroidery shop at 106 South Main.

Thereupon, Mr. Lou Atherton, Executive Director of the Chamber of Commerce, spoke to the Commission and encouraged the adoption of the Special Use Permit.

Thereupon, Vanessa Oakes, of 1522 Rock Creek Road, owner of the proposed business, explained that the business had been located in Baldwin and had outgrown their facility in that community. They found a suitable site for expansion at 106 S Main. She thanked the Commission for their consideration and asked them to adopt the Special Use Permit.

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.890-96.

### **C I P Calendar**

Thereupon, there was presented as part of the 1997 Budget process, the 1997 Capital Improvement Program Calendar.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey to approve the Calendar. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **1997 Operational Budget Calendar**

Thereupon, there was presented a 1997 Operational Budget Calendar in accordance with State guidelines.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to approve the 1997 Budget Calendar. During discussion Commissioner Cummiskey pointed out the two additional public hearings which were scheduled for input from the public, scheduled for June 5, and July 3 of 1997. Thereupon, Commissioner Ramsey noted that the Commission would also be considering public input at a public hearing to be scheduled for April 3, which would deal with the Capital Improvement Program, and asked that the public be aware of these dates. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the 1997 Operational Budget Calendar duly approved.

### **Highway 59 Waterline**

Thereupon, there was presented a resolution determining it advisable to issue General Obligation Bonds of the City of Ottawa, Kansas to pay the cost of certain improvements to Highway 59 pursuant to K.S.A. 68-580 ET SEQ.

Thereupon, Commissioner Tyson made a motion seconded by Commissioner Jackson to adopt the resolution. During discussion it was pointed out that this

resolution would allow Staff to pursue the financing of this project in an amount not to exceed \$100,000. 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. 891.96.

### **G. C. Construction**

Thereupon, there was presented a contract for the Highway 59 Waterline improvement with G.C. Construction.

Thereupon, Commissioner Jackson made a motion seconded by Commissioner Tyson, to approve the contract. During discussion it was pointed out that bids on the US 59 Waterline Relocation Project had been received on February 22, 1996 by City staff and the engineering firm, Wilson & Company. The bids were reviewed by Wilson and Company who had recommended the City accept the low bid of \$54,194.70, from G. C. Construction. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the contracts duly approved.

### **1996 National Legislative Program**

Thereupon, there was presented the City Commission's 1996 National Legislative Program as follows:

#### **1996 Federal Legislative Program**

##### **Issue: Federal Budget**

**Discussion:** Due to the high level political nature of the budget discussions, Congress and the President have yet to reach a budget agreement for the 1996 fiscal year which began October 1, 1995 and is now at its midpoint. (The City of Ottawa is required to **complete** its budget process four months prior to the start of the fiscal year.)

**Position:** The City of Ottawa supports action by Congress and the President to pass a budget for fiscal year 1996 and for Congress to pass, at a minimum, all of the 1997 budget appropriation bills and send them to the President for his consideration prior to the start of the 1997 fiscal year.

##### **Issue: Federal Debt Limit**

**Discussion:** Using the nation's debt limit bill as leverage for political gain is financially irresponsible and detrimental to the nation's economy. Additionally, continuing use of short term stop gap measures fails to ease the concerns of the nation's financial markets. The forgotten victims of this political gamesmanship are the local economies and the citizens wanting to purchase homes and cars from their respective manufacturers and retailers, yet are being forced to withhold their

purchases as interest rates continue to rise over the uncertainty that permeates the financial markets with regards to this unresolved matter.

**Position:** The City of Ottawa supports efforts to impose a federal debt limit without any riders.

**Issue: Unfunded Federal Mandates**

**Discussion:** The imposition of federal laws, rules and/or regulations mandating new programs and the accompanying fiscal impacts on local governments without the federal financial resources to pay for such mandates imposes a significant financial burden on cities throughout the country. Cost impact analysis should be required for all proposed federal laws, rules and/or regulations that would have a fiscal impact on local units of government prior to their passage.

**Position:** The City of Ottawa is opposed to any federally mandated new programs unless the federal government prepares a cost analysis and provides the necessary financing for implementation. This includes the proposed application of OSHA regulations upon local governments.

**Issue: Davis-Bacon Act**

**Discussion:** The Davis-Bacon Act continues to have a significant negative effect on the ability of cities to maximize revenues needed for capital improvement projects. Federal grant monies involved in a project automatically trigger the Davis-Bacon Act resulting in higher wage costs and significantly more paperwork.

**Position:** The City of Ottawa supports SB 141, sponsored by Senator Kassebaum, which would repeal the Davis-Bacon Act. As of the end of February, this bill was reported out of committee and is on the calendar for potential floor action, but no date has been set for floor action as of yet.

**Issue: Health Insurance Reform**

**Discussion:** The current health insurance market provides too little protection for individuals and families with significant health problems and makes it too difficult for employers, particularly small employers, to obtain and retain adequate coverage for their employees. The Health Insurance Reform Act of 1995 (SB 1028), sponsored by Senator Kassebaum and others, will reduce many of the current barriers to obtaining health coverage by making it easier for people who change jobs or lose their jobs to maintain adequate coverage, and by providing increased purchasing power to small businesses and individuals. Some of the provisions of the bill include limitations on exclusions for preexisting conditions, portability of health insurance, group purchasing of health coverage, and most importantly for the City of Ottawa, the bill would require health plans to renew coverage for groups and individuals as long as premiums are paid except in the case of fraud or misrepresentation by the policyholder.

**Position:** The City of Ottawa supports SB 1028. As of the end of February, this bill was voted out of committee and as a result of unanimous consent of the Senate and support from Senator Dole, it will come to the floor for possible action sometime between April 15 and May 3, 1996.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson to approve the program. During discussion it was pointed out that Mayor Matt Matthews and Commissioner Richard Jackson would be part of the Kansas Congressional Delegation at the National League of Cities Convention in Washington, D. C. next week and would be presenting this program at that time.

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

Thereupon, the Mayor declared the 1996 National Legislative Program duly approved.

#### **Report by City Manager**

Thereupon, City Manager Scott Lambers, reported he would be in Topeka to testify to the House Committee on "Energy & Resources" in support of a resolution which encourages the Secretary of the Kansas Dept. of Health and Environment to back off of the additional standards imposed on the City's wastewater discharge.

In addition, City Manager Scott Lambers, reported that his assistant Diane Stoddard had resigned and would be taking a position with the City of Manhattan, and that she would be greatly missed.

#### **Governing Body Agenda**

Thereupon, Commissioner Cummiskey extended her congratulations to the Ottawa High School Boy's Basketball Team, for their recent victory and for qualifying for the State Tournament.

Thereupon, Commissioner Ramsey noted there would be a Legislative Coffey on Saturday the 9th at 10 a.m. at Peoples Bank.

#### **Announcements**

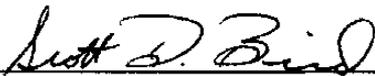
Thereupon, the Mayor announced there would not be a Study Session for March 11, 1996, but there will be a Work Study Session on March 18, 1996 at 3:00 p.m., that the Mayor's Prayer Luncheon is set for March 19, 1996 at 11:45 a.m. at Ottawa University, and there will be a Joint City/County Meeting on March 20, 1996 at 12:00 p.m. at the Franklin County Jail. The next regular meeting is scheduled March 20, 1996 at 9:30 a.m.

**Adjournment**

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

March 18, 1996

**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, Charlie Bowling for Jeff Herrman, Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fler, Donn Higgins, Pat Commeford, George Marstall, Barbara Dew and Larry Flatt.

**Absent:** Jeff Herrman.

### I. Study Session Items:

1. Review of the March 20, 1996 City Commission Agenda.

2. Building Remodel of City Hall/Library at 1st & Hickory. The City Manager stated that the bids were received from three contractors for the remodeling project. The City Manager requested that the low bid by Triangle Builders in the amount of \$146,800 and alternate # 1 of \$1,600 for a total bid of \$148,400, be placed on the March 20, 1996 City Commission Agenda.

All the Commissioners agreed to place this item on the agenda for the March 20, 1996 City Commission agenda.

3. Request from Donn Higgins. The City Manager stated that a program is being created which would provide the opportunity for property tax rebates. The City is in receipt of a request from Don Higgins to issue a preliminary letter of intent to provide a property tax rebate for the construction of a new Sears building on the property formerly occupied by the J.C.Penny Store. The City Manager suggested that Mr. Higgins make a request for a preliminary letter of intent to the City Commission.

All the Commissioners agreed to place a letter of intent for Mr. Higgins on the March 20, 1996 City Commission Agenda.

4. CDBG Economic Development Revolving Fund - Sears Store request. The City Manager stated that the City does have some money in its CDBG Economic Development Revolving Fund which can be used for low interest loans for eligible projects throughout the City. The fund is a result of a 1985 grant to the City, part of which was a loan to COF, who makes an annual payment to the City. The fund was used a few times in the late 1980's, but has not been utilized as a true revolving fund. The current fund balance is \$75,709.40, which if the loan is made, would leave a balance of \$43,709.40.

The City could agree to loan money for land acquisition in which the loan would be a ten year loan at 5%. The City is allowed to offer up to \$15,000 per LMI jobs created or obtained. However, the applicant is requesting a 15 year loan. The City Manager stated that the ten year period would be consistent with the other incentive programs that the City offers. Also, since the funds are limited, there is an opportunity cost of not being able to assist other industries or businesses that might desire to relocate to Ottawa. If the funds are used for one project for a long period of time, it would be difficult to offer assistance to other entities.

The City Manager stated that it is important that the City not be a player in the process to be a "deal maker", but only to help the deal become better.

Mr. Higgins stated that the only reason he is requesting the 15 year period is to allow a longer period to payback the money.

Commissioner Ramsey expressed his concern to authorize an agreement exceeding ten years.

Mr. Pat Commerford, Eastern Kansas Economic Development Group, stated that the SBA will participate in this project. The total combination of monies from CDBG funding and the money loaned for the project, can not exceed 50% of the total project costs. The SBA program is not based on the collateral value of the project. However, SBA requires the project be a sufficient collateral value to secure the governments interest in the project. The basis for the 15 year request is strictly based on the repayment ability of the business. Mr. Commerford stated that there will be approximately \$900 difference per year in cash flow between a ten year loan and a 15 year loan.

Mayor Matthews stated that he would not have a problem with authorizing a 15 year loan. Mayor Matthews also stated that because the City has an Economic Development Fund available, he would like to see the City utilize the funds. Commissioners Ramsey, Tyson and Jackson all agreed to allow a ten year loan. Commissioner Cumiskey stated that she would be willing to authorize a 15 year loan; however, she asked to see some figures at various rates for ten years. Therefore, all the Commissioners unanimously agreed to place this item on the agenda for March 20, 1996 for approval of \$27,000 with a ten year pay back at 5% interest.

5. **Golf Course Presentation.** Mr. Larry Flatt presented his analysis regarding the proposed golf course at the former Fogle Quarry site. Mr. Flatt stated that the quarry site would offer an excellent opportunity for a golf course and would be a benefit to the Ottawa community. However, Mr. Flatt explained that the market in Ottawa would not be sufficiently strong to make a money making project. Mr. Flatt stated that the market in the original study was overstated and needed to be more concentrated in order for the golf course to be successful. Mr. Flatt noted that the quarry offers a unique opportunity, but would require an extensive development project. The third factor which discouraged the golf course project is the cost Ottawa residents are willing to pay for green fees. Mr. Flatt also mentioned that there had be 81 new golf courses built in surrounding cities, which would cut down the market for a new course here.

Three options that Mr. Flatt offered to the Commission were:

Option 1: proceed with the 99 year lease, try to develop a plan and get the reclamation in as far as possible without investing a lot of money up-front, and also try to develop a driving range and/or miniature golf.

Option 2: acquire the property via the lease and try to do a 9-hole project.

Option 3: proceed with the lease and embark on developing an 18-hole golf course which would require an up-front contribution of about 1.2 million or an annual cost of approximately \$115,000 for 20 years.

The City Manager stated that if the Commission wanted to develop this area into a recreational complex for the City, ultimately developing it into a golf course, a driving range and a miniature golf course could be profitable.

Commissioner Ramsey stated that he would prefer to drop the golf course project and allow private enterprise to develop a course. All the Commissioners agreed that they would not be willing to subsidize a public golf course at the present time.

6. **Standard Traffic Ordinance.** Forrest Lowry, City Attorney, stated that the purpose for changing the Standard Traffic Ordinance is to allow fines imposed in Municipal Court for traffic violations to be increased.

All the Commissioners unanimously agreed to place the proposed ordinance on the March 20, 1996 City Commission Agenda.

7. **Burning Ban.** Richard Towe, Fire Chief, stated that Governor Graves has placed the entire State of Kansas under a burning ban. However, the fire chief for each local district can approve an application to burn if he/she feels burning would not cause a hazardous situation.

The City Manager stated that he wanted to inform the Commission about the ban so an explanation could be given in the event a citizen complained about not being able to burn trash. Chief Towe also informed the Commission that Governor Graves is also very concerned and dissatisfied with the emergency preparedness in the State of Kansas. Therefore, a committee has been assigned by Governor Graves to check emergency preparedness programs in cities and counties across the state. Chief Towe stated that the City and County Plan should be updated every two or three years. The City Manager suggested that emergency drills be performed to prepare the community for a possible disaster. The City Manager also suggested that this could be discussed at the April Joint City/County meeting.

8. **Request for Engineering Feasibility Study.** The City Manager stated that City staff had received a request for an engineering feasibility study for sanitary sewer improvements in the area of Liberty and Funston Streets. The City Manager asked the Commission for permission to proceed with the study. The Commission unanimously agreed to have City staff proceed as planned.

9. **Occupational Therapy Proclamation.** A proclamation for Occupational Therapy Month was submitted for approval by Ransom Memorial Hospital. The City Commission unanimously agreed to place the proclamation on the April 3, 1996 City Commission Agenda.

## II. Open Agenda:

1. Mayor Matthews and Commissioner Jackson reported on the National League of Cities Conference in Washington, D.C. Commissioner Jackson also distributed information on "DebateWatch96" and asked that the "DebateWatch96" Resolution be formerly passed at the City Commission Meeting.

2. Mayor Matthews announced that the Commission was invited to the Prairie Spirit Rail-Trail ribbon cutting ceremony on Saturday, March 30, 1996 in Garnett.

3. Commissioner Cummiskey asked if a meeting had been set with the Auditorium Board. The City Manager stated that he advised the Board that the City Commission could meet with the Auditorium Board at the regular Board meeting in April.

4. Commissioner Ramsey informed the Commission that he attended a meeting in Topeka for a Legislative Action Committee meeting for the League. The school finance plan was discussed at this meeting. The concealed weapons bill and a bill on retail wheeling on utilities were also discussed.

With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Ramsey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 4:30 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of March 20, 1996

**Roll Call**

The 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, Commissioner Ramsey, Commissioner Cummisky, Commissioner Jackson, and Commissioner Tyson. A quorum was present.

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

**Agenda Approval**

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 regular meeting of March 6, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of the March 6, 1996, regular meeting of the City Commission, approved as written.

**Public Comments**

Thereupon, Mr. Harold Mayes of 845 South Oak, representing the Ottawa Jaycees, requested permission from the Governing Body to use portions of Forest Park for the Annual Ottawa Jaycees Easter Egg Hunt, March 30, with a rain date of March 31, from 1 to 4 p.m. The request was considered and duly approved.

**Communications  
Sears**

Thereupon, there was presented a letter from Mr. Donn Higgins to issue a preliminary Letter of Intent to provide property tax rebate for the construction of a new Sears Building on the property, formerly occupied by the J.C. Penny Store.

Thereupon, Commissioner Ramsey made a motion , seconded by Commissioner Tyson, to approve the request to issue a letter of intent to provide property tax relief for the new Sears store. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

### **New Business Sears Loan**

Thereupon, there was presented a resolution approving an application from Donn Higgins, dba Sears, for a loan from the Economic Development Reserve Funds.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson to adopt the resolution. During discussion it was pointed out that Staff had recommended the use of the Economic Development Reserve Fund, for land acquisition for the purpose of creating and retaining jobs in Ottawa, and had suggested a loan be offered for the purchase of said land in an amount of \$27,000 to be repaid in ten years at an interest rate of 5%, which would create annual payments of approximately \$3,500. 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. 892-96.

### **Economic Development Contract**

Thereupon, there was presented a resolution authorizing the Mayor to sign a contract with Donn Higgins, dba Sears, from the Economic Development Reserve Fund.

Thereupon, Commissioner Tyson 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. 893-96.

### **Standard Traffic Ordinance**

Thereupon, there was presented an ordinance regulating traffic within the corporate limits of the City of Ottawa; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," edition of 1995, with certain omissions, changes and additions; prescribing additional regulations; providing certain penalties and repealing Ordinance No. 3074-93.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson , to adopt the ordinance. During discussion it was pointed out that City Attorney Forrest Lowrey had prepared the attached Ordinance to adopt the Standard Traffic Ordinances for Kansas Cities, edition of 1995, with certain amendments included within the body of 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. 3180-96.

### **City Hall/Library**

Thereupon, there was presented a resolution authorizing the Mayor to sign a contract with Triangle Builders of Kansas, Inc., for the building remodel for City Hall and Ottawa Public Library at 1st & Hickory.

Thereupon, Commissioner Jackson made a motion seconded by Commissioner Cummiskey, to adopt the resolution. During discussion it was explained that Triangle Builders of Paola, Kansas were the apparent low bidders for the remodel project of the new City Hall/Library Building at a total cost of \$148,400, with the City being responsible for \$85,000 and the Library responsible for \$63,400, respectively. 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. 894-96.

### **Governing Body Agenda**

Thereupon, Commissioner Jackson noted that the Ottawa Youth Project, sponsored in co-operation with ECKAN and the City of Ottawa, had been selected as an outstanding rural development initiative by the Department of Agriculture. Mr. Jackson explained that this was a program that was started about a year ago, to recognize those projects with the potential to be replicated in rural areas across the country . Mr. Jackson further explained the program had approximately 24 youth matched up with volunteers and that 8 more volunteers had recently completed the screening process. However, he explained that additional volunteers were needed since the program had about 32 youth which had been referred and were still in need of mentors.

### **Announcements**

Thereupon, the Mayor announced there would be a work study session March 25, 1996, 3 p.m. and that the next regular meeting would be April 3, 1996, at 7:00 p.m.

## Adjournment

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

Thereupon the Mayor declared the meeting duly 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  
Scott D. Bird, City Clerk

**STUDY SESSION MINUTES**

**3:00 P.M.**

**March 25, 1996**

Meeting rescheduled for April 1, 1996 by City Manager.

## STUDY SESSION MINUTES

3:00 P.M.

April 1, 1996

**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, Ron Puterbaugh for Jeff Herrman, Wynndee Lee and Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fler.

**Absent:** Jeff Herrman.

### I. Study Session Items:

1. **Review of the April 3, 1996 City Commission Agenda.** Commissioner Ramsey noted that Rev. Henry Roberts will perform the invocation at the City Commission meeting and the Ministerial Association will provide clergy to perform the invocation for the rest of the year.

2. **Request from USD 290 School Officials.** The City Manager stated that the City received a letter from USD 290 Superintendent Don Duncan and Nancy Johnson, Principal at Eisenhower Elementary School, requesting signalization on 15th Street similar to the school signal on 7th Street. The City Manager recommended that the School District and the City split the cost for this project.

Commissioner Cumiskey asked the City Manager if any cost estimates could be provided to the school district prior to the school board meeting on Tuesday, April 2, 1996. Andy Haney, Public Works Director, stated that it would cost approximately \$3,000 for the entire project; therefore, the school district would pay approximately \$1,500 to install flashing lights on 15th Street.

Commissioner Ramsey asked when the painted crosswalk on 68 Highway would be repainted. Mr. Haney stated that the crosswalks will be repainted this spring or summer.

The Commissioners unanimously supported placing signals on 15th Street for the safety of school children.

3. **Discussion of Election of Mayor and Mayor pro tem.** Mayor Matthews stated that Commissioner Ramsey would become Mayor because he has served as Mayor pro tem from April, 1995 through April, 1996. Commissioner Ramsey asked that Commissioner Cumiskey be considered for Mayor pro tem for April, 1996 to April, 1997. Commissioner Cumiskey stated that she would be willing to serve in that capacity.

The Commissioners were in agreement with these suggestions.

4. **Rezoning of Property.** Jim Shaw, Planning and Zoning Director, stated that the proposed ordinances will:

- a. rezone the property at 701 N. Cherry from R-2 (Two-Family Dwelling) to R-3 (Multi-Family Dwelling);
- b. rezone the Right-of-Way Area South of the I-35 Interchange from I-1 (Light Industrial) and R-S (Residential Suburban Dwelling District) to C-2 (General Commercial);
- c. rezone the area on the East Side of Elm in the 1500 Block from R-2 (Two-Family Dwelling) to R3 (Multi-Family Dwelling).

Mr. Shaw informed the City Commission that there was no opposition for these rezonings at the Planning Commission meeting.

The City Commissioners unanimously agreed to place the three ordinances on the April 3, 1996 City Commission Agenda.

5. **Condemnation of Structures.** Wynndee Lee, Program Director, stated that the Commission had previously been copied with a cover memo explaining the procedures for all the following condemnations. Ms. Lee also had photographs available of all the structures to allow the Commission to view the deterioration which has occurred.

- a. The commercial structure located at 109 S. Walnut-Flea Market property has been inspected by engineers and has been determined that the site is a hazard. The north wall of the building is unstable and a major concern. Ms. Lee stated that she is hopeful that the owner of the property will proceed with plans to clean-up the property. However, at this time, Ms. Lee would like permission to pursue the condemnation procedure.
- b. The owners of the single-family structure located at 724 S. Locust, are aware that the structure is open and has had problems with vandalism. Ms. Lee stated that she has received complaints from neighbors.
- c. Ms. Lee stated that the owners of the structure located at 731 S. Mulberry were notified last fall by Fire Chief Richard Towe, that the structure needed to be closed-up. Ms. Lee informed the Commission a similar letter was sent to the owners from her department. The Police Department has been called to the location on numerous occasions. Ms. Lee stated that the neighbors in the area are also very concerned about the condition of the structure.

## Condemnation of Structures - Continued.

- d. Ms. Lee stated that three of the four apartments located at 810 S. Cedar are currently vacant. Noel Douglas, owner of the property, has been given a two page checklist of items that need to be fixed. Ms. Lee informed the Commission that Mr. Douglas has completed some minor items such as painting and cosmetic items to help the appearance, but the major items contained in the list given to Mr. Douglas need to be completed.

The Commissioners unanimously agreed to place the resolutions to set public hearings on the April 3 City Commission Agenda. However, the City Manager instructed that the public hearings for the properties at 810 S. Cedar, 109 S. Walnut and 731 S. Mulberry will be set for May 15, 1996 and the public hearing for the property located at 724 S. Locust will be on June 5, 1996.

6. **Trafficway Connection on Thirteenth Street between Pine and Eisenhower Streets.** The City Manager stated that City staff is in the process of finalizing plans for the construction of 13th Street. It is anticipated that bids will be accepted April 18, 1996. There are three property owners involved in the acquisition of rights-of-way for the project. The action is necessary to establish authorization for the project and to place the financing process in motion. Preliminary cost figures estimate the project in the neighborhood of \$500,000.

All of the Commissioners were in agreement to place this item on the April 3, 1996 City Commission Agenda.

7. **Amending the Uniform Building Code Board of Appeals Membership.** The City Manager stated that the Building Code Board of Appeals has requested that two members be added to the board. Currently, there are three members on the board which makes it difficult to sufficiently conduct business if one member is absent.

The board is also requesting that the City Manager be removed from the Fire Code Board of Appeals.

Jim Shaw stated that the members of the board are currently reviewing the 94 Uniform Building Code which will be submitted to the Commission for approval in the next month or two. Mr. Shaw added that he would like to have the new members added to the board now so they can review the code.

The Commissioners unanimously agreed to place this item on the April 3, 1996 City Commission Agenda.

8. **1996 Street Festival - July 27, 1996.** The City Manager stated that he received a request from Skip Speich, Chairman of the Ottawa Area Chamber of Commerce Retail Committee, requesting that Second Street (parking on south side only), Third Street (Main Street to alleys east and west), and Fourth Street (Main Street east to Hickory Street) be closed on July 27, 1996 from 5:00 a.m. to 6:00 p.m. to accommodate the annual Street Festival. The City Manager reminded the Commission that the K-68 Bridge will be closed during the summer; therefore, US-59 will not be able to be closed. After reviewing the request with Chief Towe, who has asked that a fire lane provided in the middle of one of the side streets where new vehicles will be displayed. Mr. Speich did not have a problem with Chief Towe's request. Food vendors will be allowed to set their food stands up in the parking areas along the street to allow them to sell food to people passing by.

All the Commissioners agreed to place this item on the April 3, 1996 City Commission Agenda.

9. **Week of the Young Child Proclamation.** The Franklin County Child Care Providers Organization has requested that the City Commission proclaim April 22-26, 1996 as Week of the Young Child.

All the Commissioners agreed to place this item on the April 17, 1996 City Commission Agenda.

10. **St. Jude Children's Research - Wheels for Life.** Cheryl Hartpence, Coordinator for this event is requesting to use Forest Park on Saturday, May 18, 1996 from 1:00 p.m. until approximately 6:00 p.m. The participants will ride their bicycles for ten laps around the park. The City Manager stated that the park will still be open for public use.

The Commissioners unanimously agreed to approve Ms. Hartpence' request.

11. **Request for Furniture From Former Franklin Savings Building.** The City Manager stated that a request from Joe Sutton, Franklin County Fire EMS Association, has been received asking the City to consider donating or giving computers and office equipment to their association. The City Manager informed the Commission that there have been numerous requests for furniture from the former Franklin building. At the present time, all requests have been denied and the City Manager anticipates that once the City moves into the building, all unused furniture and equipment will be disposed of. However, the City Manager wanted the Commission to be aware of his decision to deny the request.

12. **1970 O'Brien Sewer Rodder.** The City Manager stated that as part of the budget process, City staff anticipated that the sewer rodder would not need to be replaced until next year. However, the rodder will need to be replaced as soon as possible. Therefore, the City Manager is requesting that the balance of funding not included in the budget, approximately \$9,000 out of Contingency Funds, be used to purchase this equipment.

The Commissioners gave their approval to use funds from the Sewer Fund Contingency Reserve to purchase the new equipment.

13. **Nuisance Violation at 903 S. Ash.** Wynndee Lee, Program Manager, stated that City staff has determined that a nuisance consisting of discarded household items and debris does exist. All attempts to contact the property owner have been unsuccessful. The proposed resolution will allow the City to take the necessary action to remove the existing nuisance.

The Commissioners unanimously agreed to place this item on the April 3, 1996 City Commission Agenda.

**II. Open Agenda:**

1. Commissioner Tyson had questions about the March Monthly Report.
2. Commissioner Cummiskey asked the City Manager about the meeting between the City Commission and the OMA Board of Directors. The City Manager stated that the meeting had been scheduled for the fourth Tuesday in April.
3. Commissioner Ramsey asked for Andy Haney, Public Works Director, to give them an update on the swimming pool repairs.
4. Mayor Matthews reported on the Rails-to-trails opening ceremony.
5. Fire Chief Richard Towe reported that even though the state burning ban was still active, the City had received enough rain to allow City residents to burn trash Monday and Thursday of each week until notified otherwise.

**III. Announcements:** Mayor Matthews announced that there would be a City Commission Meeting on Wednesday, April 3, 1996 at 7:00 p.m. and there would be a Work Study Session on Monday, April 8, 1996 at 3:00 p.m.

**IV. Executive Session - Attorney Client Privilege:  
Subject: Kansas Pipeline - Open Meetings Act.**

Commissioner Ramsey moved to adjourn into executive session for Attorney Client Privilege to discuss the Kansas Pipeline Open Meetings Act at 4:00 p.m. for a period not to exceed 20 minutes and reconvening in the downstairs conference room at 4:20 p.m. Commissioner Cummiskey seconded. All City Commissioners unanimously agreed.

Commissioner Cummiskey moved to reconvene to the regular Work Study Session at 4:20 p.m. in the downstairs conference room. Commissioner Jackson seconded. The Commissioners unanimously agreed.

With no other business to discuss, Commissioner Jackson made a motion to adjourn the Work Study Session. Commissioner Cummiskey seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 4:22 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of April 3, 1996

**Roll Call**

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

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Chamber audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Henry Roberts of the Westminster Presbyterian Church.

**Out Going Mayor**

Thereupon, the Commission entertained remarks from outgoing Mayor Matt Matthews. The Mayor thanked the Commissioners, the City Manager, Department Heads, Employees and the Citizens of Ottawa, for helping make his tenure as Mayor a success, noting that it had been a rewarding experience to see the growth and expansion of this community. Mayor Matthews stated that he believed the City Commission was realizing the goals and objectives that it had set during the Strategic Planning process. "Ottawa is realizing a growth in available housing and in available jobs." He expressed excitement over the new Sears Store and pleasure that the South side was growing, but challenged entrepreneurs to look at the City's downtown area for development of that under utilized area. The Mayor stated that he had lived in a lot of places throughout the world and believed the people of Ottawa are the best anywhere!

**Governing Body Reorganization**

Thereupon, the Mayor stated the next order of business would be the election of a new Mayor.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to elect Commissioner Gene Ramsey as Mayor of the City of Ottawa. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Oath of Office was administered and the Commission congratulated Mayor Ramsey.

Thereupon, Mayor Ramsey opened the nominations for Mayor Pro tem.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson to elect Commissioner Cummiskey as Mayor Pro tem of the City of Ottawa. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Oath of Office was administered and the Commission congratulated Mayor Pro tem Cummiskey.

### **Agenda Approval**

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, 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 Cummiskey made a motion, seconded by Commissioner Jackson, to approve the minutes of the regular meeting of March 20, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of the March 20, 1996, regular meeting of the City Commission, approved as written.

### **Proclamations**

Thereupon, the Mayor read three proclamations, the first declaring the month of April 1996, as national Occupational Therapy Month, the second a proclamation honoring Catherine Ecroyd as a 1996 "Kansas Master Teacher," and the third a proclamation declaring April 5, 1996 as Tune Out TV Violence Day.

### **Public Hearing**

Thereupon, the Mayor opened a Public Hearing to consider the City's Capital Improvement Program for the Year 1997.

Thereupon, Mr. Wayne Burns, representing the Ottawa Recreation Commission presented the Commission with several request to be considered during the City's Capital Improvement Program for the year 1997. Mr. Burn's request included items at the Don Woodward Community Center, such as insulation for

the gym ceiling, repairs to the heaters in the gym and air conditioning for the game room and gym area. In addition, he requested that improvements be made to the Forest Park Tennis Courts, the bleachers at the soft ball facilities, the swimming pool bath house and a shade area at the swimming pool. Finally, Mr. Burns requested that improvements be made at the Orlis Cox Base Ball Complex, such as bleacher board replacement, a new bathroom facility and lights on the west field of the complex.

Thereupon, Commissioner Jackson asked Mr. Burns if he had any dollar figures at this point in time. Mr. Burns responded that the only estimates he had were related to the tennis courts, and he provided the Commission with a recommendation from Southwest Tennis Company. Southwest's estimate for replacement of the six courts is between \$80,000 and \$150,000 .

Thereupon, Commissioner Cummiskey thanked Mr. Burns for his input and asked if the list of requests could be prioritized. There being no further public comments regarding this public hearing the Mayor closed the Hearing at 7:23 p.m.

#### **New Business**

Thereupon, there was presented a resolution of support for the National League of Cities's Election 96 and the endorsement of "Debate Watch "96" project.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion Commissioner Jackson explained that Debate Watch "96" was a program established to develop greater involvement in National Elections on a community basis. 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. 895-96.

#### **Rezone, 701 North Cherry**

Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa, Kansas, and the 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 Matthews made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings and recommended to the City Commission the approval of the rezone of an area at 701 North Cherry, from R-2 to Family Dwelling District, to R-3 Multi Family Dwelling District by a vote of 6-0. 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 3181-96.

#### **Rezone , I-35 Right-of-Way**

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 Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings and recommended to the City Commission the approval of the re-zone of the right-of-way for I-35 Interchange from I-1 (Light Industrial) and R-S (Residential Suburban Dwelling District) to C-2 (General) by a vote of 6-0. 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 duly numbered Ordinance No. 3182-96.

#### **Rezone , Park Place Retirement Village**

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, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings and recommended to the City Commission the approval of the rezone of an area on the east side of Elm in the 1500 Block directly south of 15th Street; that is, Park Place Teachers Retirement Village, from R-2 (Two Family Dwelling District) to R-3 (Multi-Family Dwelling District) by a vote of 6-0. 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. 3183-96.

#### **Condemnation , 109 S Walnut**

Thereupon, there was presented a resolution fixing the time and place and providing for a notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq; for 109 South Walnut.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the resolution. During discussion it was explained that

the purpose of this resolution is to fix the time and place for a hearing concerning a commercial structure located at 109 S. Walnut. 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. 896-96.

#### **Condemnation , 724 South Locust**

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; for 724 South Locust.

Thereupon, Commissioner Matthews made a motion, seconded by Commission Jackson, to adopt the resolution. During discussion it was explained that the structure had been determined to be in an unacceptable state of deterioration. The motion was considered and upon being put to the question, all present all voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 897-96.

#### **Condemnation ,731 South Mulberry**

Thereupon, there was presented a resolution fixing the time and place and providing for a notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq; for 731 South Mulberry.

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. 898-96.

#### **Condemnation, 810 South Cedar**

Thereupon, there was presented a resolution fixing the time and place and providing for notice of hearing before the Governing Body of the City of Ottawa Kansas, pursuant to K.S.A. 12 -1750 et seq, for 810 South Cedar.

Thereupon, Commissioner Tyson made a motion, 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. 899-96.

### **13th Street**

Thereupon, there was presented an ordinance designating a portion of 13th Street within the City of Ottawa, Kansas, as a traffic way connection, pursuant to K.S.A. 12-686.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that this action would designate a portion of 13th Street, between Pine and Eisenhower Streets, as a trafficway connection, pursuant to K.S.A. 12-686, and that this action is necessary to establish authorization for the project and to place the financing process in motion. Preliminary cost figures estimate the project to be approximately \$500,000. 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. 3184-96.

### **Building Code of Appeals**

Thereupon, there was presented an ordinance providing a certain amendment in Chapter VI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Section 6-105, of said code, and amending Ordinance No. 2978-91, specifically Article 1 Sections 9-105 and 9-108, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it explained that this ordinance would increase the membership of the Building Code Board of appeals from 3 to 5 members and that the ordinance would also amend the Municipal Code to provide that the Building Code of Appeals serve as the Fire Code Board of Appeals. 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. 3185-96 .

## **Nuisance , 903 South Ash**

Thereupon, there was presented a resolution determining the existence of a nuisance at 903 South Ash Street, Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the resolution. During discussion it was explained that a nuisance consisting of discarded household items and debris does exist at 903 South Ash, and that attempts to contact the property owner had been unsuccessful. 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. 900-96

## **Financial Report**

Thereupon, there was presented the Monthly Financial and Activity Report for February, 1996.

Thereupon, Commissioner Cummiskey make a motion, seconded by Commissioner Matthews to accept the Report. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the monthly Financial and Activity report for February, 1996, approved as presented.

## **Reports by City Manager**

Thereupon, City Manager Scott Lambers, called upon Fire Chief Richard Towe, who explained that Franklin County had placed a used ambulance at the Fire Dept. at 5 p.m. this evening and that it had gone into service at 6 p.m. as a first responder vehicle. He explained that the ambulance still belonged to Franklin County but would be used by his Department to supplement the community's ability to respond in an emergency situation.

## **Governing Body Agenda**

Thereupon, Mayor Ramsey noted that there would be a forum to discuss the Gravel Street Program, at the Ottawa Middle School at 7:30 p.m., Monday night, April 8.

Thereupon, Mayor Ramsey stated that he was looking forward to a great year for the City of Ottawa, that he was excited about the new City Hall/Library Facility and the opportunities for new construction within the community. He noted that

this municipality is on the move and growing and urged the City to continue to provide basic services that would encourage people to want to live here.

### **Announcements**

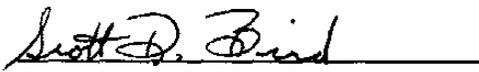
Thereupon, the Mayor announced there will be work study sessions scheduled Monday, April 8, April 15, April 22, and April 29 at 3 p.m., and that there will be a joint City/County Meeting, Wednesday April 17, at noon at the Franklin County Jail and that the next regular meeting of the City Commission is scheduled for April 17, 1996, at 9:30 a.m.

### **Adjournment**

There being no further business to come before the Commission, Commissioner Cumiskey made a motion 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 duly 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

4:00 P.M.

April 8, 1996

**Present:** Mayor Ramsey, Commissioners Matthews, 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 Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Raquel Fleer.

### I. Study Session Items:

1. **Review of the April 17, 1996 City Commission Agenda.** The City Manager stated that the only items on the agenda at this time are: a proclamation and a presentation of an award to the City of Ottawa's Water Department.

2. **Discussion of CIP.** The City Manager asked the Commission to look through the CIP and inform him of any items that they would like to add. Commissioner Ramsey asked the City Manager to review the items on the CIP. Commissioner Ramsey specifically asked about the City's obligation for the new City Hall/Library. The City Manager stated that the City is paying cash for the City Hall portion of the building and reimbursing the Electric Fund over a period of time. The amount included in the CIP is basically to provide for the acquisition of the building for the Library for the percentage that is represented for the final cost which is estimated at approximately \$375,000. The City Manager stated that there is still some uncertainty that the Library will receive the grant for remodeling. Therefore, the City budgeted extra funds in case the grant did not go through. The City Manager also informed the Commission that \$200,000 had been budgeted for the US-59 Waterline Project, however, the final cost of the project was approximately \$60,000.

Commissioner Cummiskey stated that she would like to see a new Public Works Shop included in the CIP which will allow City staff to maintain their equipment in a covered building. This has been a priority and she would like to see funds be provided for the project. The City Manager stated that Andy Haney, Public Works Director, is already preparing a report to distribute to the Commission at a future work study session. Commissioner Cummiskey also asked about funds for ORC. The City Manager stated that some of the projects would not fall appropriately within the CIP. However, as the Commission and staff review the operating budget, funds should be budgeted each year as a one year pay-as-you-go item within the operating budget for such items as the tennis courts.

The City Manager stated that bids for the 13th Street Improvement Project would be submitted to the Commission by the May 1, 1996 City Commission meeting. The CIP will be adjusted accordingly to those bids.

The City Manager asked the Commissioners to review the CIP and let him know of any improvements they would like to add to the CIP.

3. **Request by the Over The Road Gang.** Mr. Bill Younkin, President, has submitted a request to use all of Forest Park on September 20, 21, and 22, 1996 for the 10th annual Over the Road Gang's Old Marais River Run.

The Commissioners were in agreement to approve the request from the Over the Road Gang.

4. **Ottawa Housing Associates request for all-electric apartment incentive program.** The City Manager and Jim Bradley, Director of Utilities, explained how the all-electric program would benefit the City of Ottawa .

## **II. Open Agenda:**

1. Richard Towe, Fire Chief, stated that residents of Ottawa are still allowed to burn trash on Monday and Thursday. However, Chief Towe suggested that the Commission may want to consider requiring all citizens pay to have their garbage removed during a drought period. Commissioner Ramsey stated that this could be discussed at the next Joint City/County meeting.

**III. Announcements:** Mayor Ramsey announced that there will be a Work Study Session on April 15, 1996 at 3:00 p.m., the Regular City Commission Meeting will be held on April 17, 1996 at 9:30 a.m., there will be a Joint City/County Meeting on April 17, 1996 at noon in the Franklin County Jail Basement. There will not be a Work Study Session on April 22, 1996.

## **IV. Executive Session - Attorney/Client Privilege. SUBJECT: Open Meetings Act**

Commissioner Cummiskey made a motion to adjourn to Executive Session at 4:45 p.m. for a period not to exceed 15 minutes and to reconvene into the Regular Work Study Session at 5:00 p.m. in the lower level conference room at City Hall. Commissioner Jackson seconded the motion and all of the Commissioners agreed.

Commissioner Tyson moved to reconvene the Work Study Session at 5:00 p.m. Commissioner Cummiskey seconded. All the Commissioners unanimously agreed. Commissioner Jackson moved to authorize the City Commission to sign a document pertaining to the Open Meetings Act. Commissioner Matthews seconded. All the Commissioners unanimously agreed. With no other business to discuss, Commissioner Cummiskey made a motion to adjourn the Work Study Session. Commissioner Jackson seconded the motion and all Commissioners were in agreement. The Work Study Session adjourned at 5:10 p.m.

## STUDY SESSION MINUTES

3:00 P.M.

April 15, 1996

**Present:** Mayor Ramsey, Commissioners Matthews, 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 Barb Nelson; City Attorney, Forrest Lowry and Media: Bill Grey, Bill Tellier and Shawn Stires. Guests: Bob Player, Jeff Mourning, Joyce Stuermer and Raquel Fleer.

### I. Study Session Items:

1. **Review of the April 17, 1996 City Commission Agenda.** Mayor Ramsey announced that Rev. Henry Roberts will conduct the invocation. Mayor Ramsey also noted that a proclamation for "Week of the Young Children" will also be placed on this agenda. The City Manager stated that there is a ribbon cutting scheduled for Hiatt Heating and Cooling at 10:00 a.m. on April 17, 1996. However, agenda items are limited which will allow the Commissioners to attend the ribbon cutting ceremony.

2. **Board and Commission Appointments.** Mayor Ramsey stated that a list had been distributed of all expired terms for City boards and commissions. The City Manager informed the Commission that ads had been placed in the Ottawa Herald and the Ottawa Times asking for citizens interested in serving on a board or commission to submit a letter of interest or pick-up an application at City Hall by May 1, 1996. All letters and applications will be copied and given to the City Commission by May 6, 1996. The City Manager recommended that all terms begin June 1 and end May 31, 1996.

Commissioner Cummiskey conveyed her concern that there are several committees that would need to have their members selected and working before June 1, 1996. Commissioner Cummiskey suggested that the band committee would be one committee that would want members to be active in May. The City Manager stated if there were problems associated with moving the dates, board chairpersons could contact him to voice concerns.

Mayor Ramsey stated that he received a letter from Kent Kummer, Planning Commission, indicating that he will resign at the end of his term because of job conflicts. Mayor Ramsey also stated that he received a letter from the Library Board asking that Louis Reed be reappointed for their board.

Mayor Ramsey informed the Commission that he would welcome any suggestions for appointments.

3. Storm Drainage Improvements for Kansas State Bank. Mr. Jeff Mourning and Mr. Bob Hill attended the Work Study Session to discuss the southside Kansas State project. Mayor Ramsey stated that he would abstain from any discussion and/or decisions pertaining to this project and asked Mayor pro tem Cummiskey to temporarily chair the meeting.

The City Manager reminded the Commission that a draft proposal for the establishment of a storm drainage and utility district had been presented at an earlier date. At that time, the Commission asked the City Manager for more time to study rate structures. Also, at that time the City had a policy for participation and new construction for small commercial projects which was stimulated by the Kansas State Bank ATM project. The City Manager stated that the utility district would need to be established formally before the policy could be implemented. However, Kansas State Bank would like to proceed immediately with the project, but did not want to be considered ineligible to participate in the program should the program come to fruition. Therefore, the City Manager suggested that Kansas State Bank submit a letter stating that if a utility district is established in the future, their project could be considered for reimbursement.

Commissioner Tyson made a motion to allow the Kansas State Bank to apply for repayment of funds when the Utility District Policy is established. Commissioner Jackson seconded the motion and all Commissioners were in favor with Mayor Ramsey abstaining from the vote.

4. Request by Joyce Stuermer. Mayor Ramsey invited Ms. Joyce Stuermer to join the Commissioners at the table and asked her to explain her request. Ms. Stuermer stated that an Ottawa University singing group would like to establish a relationship between Ottawa, Kansas and Ottawa, Canada and act as a liaison for the City of Ottawa. Ms. Stuermer stated that the trip will allow the students to travel through Ontario, Canada, Niagara Falls and Ottawa, Canada. The singing group will travel to Canada May 21 through May 28, 1996. Mayor Ramsey told the Commission that Ms. Stuermer had visited with him and Lou Atherton about the trip and informed them that there is an Ottawa University in Ottawa, Canada. Also, the Ottawa Indian Tribe has a tie to Ottawa Canada.

Mayor Ramsey informed the Commission that the City Manager and Lou Atherton have talked to Heartland China about getting a set of china similar to the china used by the Governor of Kansas. The china would be given to the representative of Ottawa, Canada. All the Commissioners agreed that this community outreach project planned by the Ottawa University singing group is a wonderful opportunity for the City of Ottawa, Kansas and thanked Ms. Stuermer for her help in bringing the two communities together.

5. **1968 Howe Fire Truck.** Fire Chief Richard Towe informed the Commission that after the Commission agreed to allow the Fire Department to convert the 1968 Howe fire truck into a backup rescue vehicle, Fire Department employees have become aware that space will not be available to house the new truck, the ambulance and remaining fire trucks. Therefore, Chief Towe recommended that the 1968 Howe fire truck be offered to Franklin County with the stipulation that it go to Lincoln, Harrison, or Ottawa Township because of the mutual aid agreement with them. The City Manager stated that the Township receiving the truck must also agree that the truck will be sheltered from the weather.

All the Commissioners agreed with Chief Towe's recommendation and stated that Chief Towe could present this idea to the Franklin County Commissioners at the Joint City/County meeting on April 17, 1996

Chief Towe also informed the Commissioners that the State Fire Marshall will be in Ottawa on Thursday, April 18, 1996 from 8:00 a.m. through 10:00 p.m. to tour all fire departments in the County.

6. **Request to pave the 1400 Block of Industrial Avenue.** Mayor Ramsey stated that all the Commissioners should have received a letter from Edward Jukes, President of National Sign Company, Inc. requesting that the City pay 75% toward paving Industrial Avenue. The City Manager stated that it was his recommendation to respond to Mr. Jukes informing him that the program Mr. Jukes referred to in his letter is just for residential use and not for industrial and commercial use. The City Manager stated that one option for businesses in the Industrial Park who would like to have the street paved would be to form a benefit district.

All Commissioners agreed with the City Manager's recommendation to send a letter to Mr. Jukes explaining this position.

7. **CIP discussion.** The City Manager stated that the CIP has been revised and will be revised again by the April 29th Work Study Session. The City Manager explained the items included in the CIP, and updated the Commission on various projects.

Commissioner Ramsey asked when figures would be available for the public works facility. The City Manager stated that Andy Haney, Public Works Director will make a presentation to the Commission on April 29, 1996.

The City Manager stated the final public hearing will be held at the first City Commission meeting in June.

8. **Approval of a special use permit for the Fraternal Order of Eagles at 524 E. 15th Street.** Jim Shaw, Planning and Zoning Director, stated the Planning Commission approved the special permit by a vote of 7-0. The City Manager stated that neighbors of the property within 200 feet were notified and no one came forward to oppose the project. All Commissioners agreed to place this item on the April 17, 1996 City Commission Agenda.

9. Proclamation declaring April 20, 1996 as Ottawa Kiwanis Day. All the Commissioners agreed to place this proclamation on the April 17, 1996 City Commission Agenda.

10. Proclamation declaring April 14 - 20, 1996 as Medical Laboratory Week. All the Commissioners agreed to place this proclamation on the April 17, 1996 City Commission Agenda.

## **II. Open Agenda:**

1. Commissioner Jackson commended ORC staff for making needed changes to the programs offered to the community. All of the Commissioners agreed that the programs published in the newspaper were positive changes.

**III. Announcements:** Mayor Ramsey announced the following meetings: There will be a regular City Commission Meeting on April 17, 1996 at 9:30 a.m., there will be a Joint City/County Meeting on April 17, 1996 at noon in the Franklin County Jail Basement, there will not be a Work Study Session on April 22, 1996, there will be a Work Study Session on April 29, 1996 at 3:00 p.m., there will be a Regular City Commission Meeting on May 1, 1996 at 7:00 p.m.

## **IV. Executive Session - Acquisition of Real Property:**

**Subject - 17th Street Rights-of-Ways and Easements.**

Commissioner Matthews made a motion that the City Commission go into Executive Session to discuss the acquisition of real property for rights-of-ways and easements for the future 17th Street improvement project for a period of ten minutes and to reconvene in the lower level conference room at City Hall at 4:10 p.m. Commissioner Cumiskey seconded. The Commissioners unanimously agreed.

At 4:10 p.m. Commissioner Matthews made a motion to reconvene into the regular Work Study Session. Commissioner Jackson seconded. The Commissioners unanimously agreed.

Commissioner Tyson made a motion that the City Commission direct the City Manager to begin condemnation procedures to obtain necessary rights-of-ways for the 17th Street Project. Commissioner Jackson seconded. The Commissioners unanimously agreed.

With no other business to discuss, Commissioner Jackson made a motion to adjourn the Work Study Session. Commissioner Matthews seconded the motion, and all Commissioners were in agreement. The Work Study Session adjourned at 4:25 p.m.

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of April 17, 1996

**Roll Call**

The Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Ramsey, Commissioner Matthews, Commissioner Cummiskey, Commissioner Jackson, and Commissioner Tyson. 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 Rev. Henry Roberts of the Westminster Presbyterian Church.

**Agenda Approval**

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, 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.

**Public Comments**

Thereupon, Mr. Ernest Wilson of 827 South Ash, addressed the Commission stating he received disability and was residing in HUD Housing. Mr. Wilson complained that he is sometimes unable to pay his bill in a timely fashion and as a result has to pay the late fee. He stated he and his wife were struggling to support themselves and their son. He thanked the Commission for hearing his concern.

**Presentations and Recognition's**

Thereupon, Mayor Ramsey, presented to the City of Ottawa Water Dept. a plaque, awarded by the American Water Works Association for 50 years of service and support of programs and goals of the American Water Works Association.

The Mayor noted that the City of Ottawa had purchased the Water and Light Plant in 1905 and Municipal water production began operation in 1906. He further noted that the plant had been upgraded in 1907 to include fire protection and that in 1939 the plant had again been upgraded to include new chemical feed facilities and a holding pond. In 1946 the Water Plant became the first plant in

Kansas to feed fluoride and in 1951 the employees were able to provide temporary water service during the 1951 Flood, from horse tanks located in the City Park area. In 1980, the current plant was constructed and the Water Plant moved from the current Power Plant Facility to its new location. It has a capacity of 5,500,000, gallons day.

Thereupon, the Mayor called upon former Director of Utilities Jack Davis to receive the award.

Thereupon, Mr. Davis expressed his appreciation to the City of Ottawa for its long standing commitment to providing some of the best drinking water in the State of Kansas. He particularly made mention of 5 superintendents of the Water Plant during the 50 years which were being recognized by the A.W.W.A. Those superintendents are Joe Schmidt, Carl Nutt, Leo Logan, Dale Howard and current Water Plant Superintendent, Mr. Ron Snethen.

Thereupon, the Commission congratulated the Water Plant employees for their recognition from the A.W.W.A.

#### **Proclamations**

##### **Medical Lab Week**

Thereupon, the Mayor read a proclamation declaring April 14 - 20, 1996 as Medical Laboratory Week.

##### **Kiwanis Day**

Thereupon, the Mayor read a proclamation declaring April 20, 1996 as Ottawa Kiwanis Day, recognizing the Kiwanis for their 75 years of service in the Ottawa Franklin County Area.

##### **Week of the Young Child**

Thereupon, the Mayor read a proclamation, proclaiming April 22 - 26, 1996 as Week of the Young Child.

Thereupon, Brenda Boldra, with the Franklin County Child Development thanked the Commission for the proclamation and explained some of the programs which would be provided to Ottawa Youth during the week of April 22.

##### **Reports by City Manager**

Thereupon, City Manager Scott Lambers, called upon Mr. Jack Davis who reported that the Marais des Cygne Water Assurance District No. 2. had met on Tuesday April 16, noting that the district had secured rights to water in both Pomona and Melvern Reservoirs.

## Announcements

Thereupon, the Mayor announced the joint City/County Meeting scheduled for April 17, 1996 at noon in the Franklin County Jail Basement, that the Work Study Session scheduled for April 22, 1996 had been canceled, that there would be Work Study Sessions scheduled for April 29, May 6, and May 13, at 3 p.m. in the basement Conference Room at City Hall.

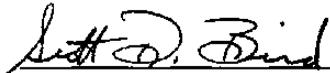
Thereupon, the Mayor announced the next regular meeting scheduled for May 1, 1996 at 7:00 p.m.

## Adjournment

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cummisky, 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 duly 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 May 1, 1996

**Roll Call**

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

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Chamber audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Fred Schaeffer of the First Christian Church.

**Agenda Approval**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews 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 Cummiskey noted that a correction to the spelling of her name needed to be made.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to approve the minutes of the regular meeting of April 3 and April 17, 1996 with corrections. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of April 3, and April 17, duly approved.

**Response to Public Comments**

Thereupon, the Mayor noted that Mr. Ernest Wilson had addressed the Commission at the April 17th meeting, expressing difficulty with the timing of his utility bill, and concerns about the late fee. The Mayor noted that the City Clerk had invited Mr. Wilson to discuss the issue at a time which would be convenient to Mr. Wilson, but an appointment had not been made as of this date.

## **New Business**

Thereupon, Mayor Ramsey asked Mayor Pro tem Cummiskey to chair the next issue to allow him to avoid any potential conflict of interest.

### **Special Use Permit, Eagles**

Thereupon, there was presented a resolution granting a Special Use Permit for the construction of a new building for the Fraternal Order of Eagles Aerie #2700 at 524 East 15th St., in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was pointed out that the City of Ottawa's Planning Commission had reviewed the criteria for a Special Use Permit and found that all 7 criteria had been met. The Planning Commission recommended with a 7 to 0 vote to the City Commission, the approval of a Special Use Permit for the construction of a new building for the Fraternal Order of Eagles Aerie No. 2700; with the following conditions: 1. A 7 foot privacy fence be constructed along the west side of the property beginning at the south line of the property and ending ten feet north of the proposed parking lot; 2. Lighting shields be placed on lights in the parking lot to protect neighboring residential areas; 3. Allow display space on grass area for special events not more than three times a year with notification and approval by the Planning Director or designee; 4. Allow access to building from 15th Street only; and 5. Minimum parking spaces required will be 150. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Matthews aye, Commissioner Tyson aye, Commissioner Jackson aye, Commissioner Cummiskey aye, Mayor Ramsey abstained.

Thereupon, Mayor Pro tem Cummiskey declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 901-96.

### **13th Street Extension**

Thereupon, there was presented a recommendation that a contract for 13th St. from Eisenhower Road to Pine Street be awarded to Killough Const. Inc., based upon their bid for the project of \$390,531.22. It was further recommended that two change orders for water line extensions at a total estimated cost of \$40,000 be added to the contract, resulting in a total construction cost of less than \$440,000.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, 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 with Killough Construction Inc. for an amount not to exceed \$440,000 for the 13th Street Project, and two change orders duly approved.

#### **General Obligation Bonds, 13th Street**

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas, to construct certain trafficway connections and authorizing the issuance of general obligation bonds of the City to pay the cost thereof.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to adopt the resolution. During discussion it was noted that the proposed resolution authorizes the construction of 13th Street and the issuance of G.O. bonds to pay for the project. This action sets a limit on the cost of the project not to exceed \$550,000 to cover the construction, engineering, easements, administration, legal costs, change orders and any miscellaneous costs associated therewith. 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. 902-96.

#### **Release of Easement, ORV**

Thereupon, there was presented a resolution finding the necessity of and authorizing the release of a certain easement now held by the City of Ottawa, Kansas, back to the underlying fee owner.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the resolution. During discussion it was noted that the proposed resolution would vacate an existing utility easement that had been rendered unnecessary for the proposed development plan for the Ottawa Retirement Village. 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 903-96.

#### **District Court Order**

Thereupon, a recommendation was presented from City Manager Scott Lambers and Assistant City Attorney Bob Bezek to challenge the legality of a recent Court Order issued by the District Judge of the 4th Judicial District. During discussion Commissioner Matthews asked if costs had been discussed during the study session, and noted that he would like to have a cost determination before proceeding with this request.

Thereupon, City Manager Scott Lambers noted that the City's exposure could be considerable, but would bring this issue back to the Commission if the cost exceeded \$5,000.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to authorize the City Manager, and Assistant City Attorney to proceed with the challenge. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

### **Antique Mall, Cereal Malt Beverage License**

Thereupon, there was presented an application for Cereal Malt Beverage License received from Mitchell Rorabaugh, manager of the Ottawa Antique Mall, 202 Walnut.

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.

### **KMEA, Appointment**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to appoint Commissioner Tyson as the City's representative on the Kansas Municipal Energy Agency Board of Directors. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment of Commissioner Joan Tyson to the KMEA Board of Directors, duly approved.

### **Judicial Advisory Board, Appointment**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to appoint Commissioner Jackson as the City's representative on the 4th Judicial Advisory Board. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment of Commissioner Richard Jackson of the City's representative on the 4th Judicial Advisory Board, duly approved.

## **Financial Reports, March 1996**

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to approve the Monthly Activity and Financial Reports for March, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Activity and Financial Reports for March 1996, duly approved.

## **Report by City Manager**

Thereupon, City Manager Scott Lambers, noted that he had been informed that the State anticipated construction on the K-68 Overpass to begin next week. Both Mr. Lambers and the Commission expressed concern with this time frame in light of the need for public awareness. Public Works Director Andy Haney noted that he would be attending a pre-construction conference regarding this issue on the second of May and would report to the City Manager as soon as possible.

## **Governing Body Agenda**

Thereupon, Commissioner Jackson distributed information to the Commission regarding the Learn and Serve Program which was developed to utilize young people in a volunteer capacity throughout their community, and which also allows college students to earn a stipend with which to satisfy their school obligations. Mr. Jackson noted that he had attended a banquet in Topeka, as a member of the State Board where some of these volunteers were recognized for their efforts. He also noted that one of the projects had been a week long effort with Habitat for Humanity, which resulted in the presentation of the "Keys" to one of the home recipients. Commissioner Jackson also noted that he was honored to have the opportunity to recognize two local efforts, one called "Heart to Heart", which matches 6th grade students with senior citizens, had provided over 3000 hours of service to the Senior Community. The second program was "Heart to Heart, Technical Assistant Partnership". Mr. Jackson noted that 14 members of this program had given over 518 hours of service by providing information and assistance to schools and other agencies.

## **Announcements**

Thereupon, the Mayor announced that Work Study Sessions had been scheduled for May 6, at 4:00 p.m., May 13, at 3:00 p.m., and May 20, at 3:00 p.m., and there will be Joint City County Meeting on May 15, 1996, at noon in the Franklin County Jail Basement, and the next regular meeting of the City Commission is scheduled for May 15, 1996 at 9:30 a.m.

**Adjournment**

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the meeting.

Thereupon the Mayor declared the meeting duly 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

4:00 P.M.

May 6, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, and Barb Nelson. Members absent: Commissioner Matthews.

1. **Call to Order.** The Mayor called the meeting to order at 4:00 p.m. and asked the Commission to review the agenda for the upcoming regular City Commission meeting of May 15, 1996.

2. **Property Owned by Mr. and Mrs. William Bowers.** Thereupon, City Manager Scott Lambers reviewed an agreement with the City of Ottawa and Mr. and Mrs. William Bowers, dated December 3, 1969, whereby the City agreed to purchase property for a City landfill site in the West 2nd Street area. The City Manager noted that the agreement provided that the property be utilized by the City as a landfill site and that at the time the City no longer needed the area for that purpose, the owner could buy the property back, in whole or in part, for \$250 per acre. He further explained that there was also a provision that when the city ceased to use this area as a landfill site, part or all of the property would be purchased by the City at a fair market price, less the contractual obligation of \$250 per acre. In a letter dated February 9, 1996, the Bowers' stated that they believed a fair market price would be \$800 per acre. However, the Bowers' offered the City the option to survey the property and divide the property into two tracts. Each tract to be dealt with as follows: The first tract would include all the portions of the property that in the past, has been and is presently being utilized by the City for various purposes other than crop land and that this tract, in the northeast portion of the property, would be retained and deeded to the City for the consideration of \$800 per acre, less the \$250 per acre agreement. The second tract would consist of the remaining portion of the property, which has never been utilized by the City for municipal purposes and has been currently farmed by the City on a shared crop arrangement. The City would convey this second tract to the Bowers for the consideration of \$250 per acre as contemplated in the original agreement. Mr. Lambers noted that the City had the property surveyed by John E. Taylor on April 18, 1996 and provided the Commission with a map that outlined the portions of the property the City wished to retain and that which the City wished to relinquish to the Bowers. The City's portion would be 18.93 acres and the Bowers would reacquire would be 21.35 acres.

The Commission instructed City Manager Scott Lambers to proceed with this option.

3. **Ottawa Middle School/College Park Property.** Thereupon, the Commission reviewed a memorandum from City Attorney Forrest Lowry, which discussed the question of ownership of the west half of College Park, that is where the Ottawa Middle School is currently located. Mr. Lowry explained, that had the original deed contained language that conveyed the land for school purposes and for no other use or purpose and if the land is used for any other purpose that it then revert to the grantor, the City would in fact reacquire the property once it was no longer used for school purposes. However, since no such clause exists in this particular deed, the City retained no right to enforce the use of the land for school. Mr. Lowry stated in his memo, "Therefore, in my opinion, the land will continue to belong to USD 290 which can dispose of it as it sees fit, whether the middle school remains there or not." The Commission thanked Mr. Lowry for his work on this issue.

4. **Youth Center Building.** Thereupon, the Commission reviewed a letter from Earl Devore of Devore and Associates, whereby Mr. Devore established an estimated market value for the former ORC building located at 119 W. 4th Street. Mr. Devore noted that the building is L shaped containing 2,667 sq. feet and that the building was constructed sometime after December 1, 1943, making it approximately 52 years old. Mr. Devore estimated the present market value at a minimum of \$26,000 and a maximum of \$40,000. The cost would include the land from the back of the present building to the sidewalk on the south, and from the alley on the east to the west edge of the sidewalk, between the City Hall and the youth center. He noted that the lot size would be approximately 75' east and west and 90' north and south, thus, it would contain approximately 6,750 sq. feet or .15 acre. Thereupon, the Commission directed City Manager Scott Lambers to take bids on the property with a minimum bid of \$15,000, and directed that the proposed uses be youth oriented.

5. **Cable TV Rates.** Thereupon, there was presented, a letter from Mr. Drew Fleming, Area Manager of TCI of Kansas, Inc., which outlined the new rates to be charged for cable television service in the City of Ottawa.

6. **AS/400 Advanced 36 Computer System.** Thereupon, the Commission reviewed a recommendation from City Clerk/Finance Director Scott Bird to purchase a new AS/400 advanced 36 computer system from System Solutions, Inc. of Hays, Kansas. Mr. Bird noted that the cost of this system would be less than \$18,000 plus migration costs, but that this was significantly lower than estimated costs five years ago. The Commission agreed that this issue should be part of the May 15, 1996 regular City Commission agenda.

7. **Request from Ottawa United Soccer Club.** Thereupon, the Commission reviewed a letter from Mr. Tom Sachse, representative for the Ottawa United Soccer Club, which requested that the City allow the soccer club to utilize land near the Industrial Park for soccer practice and games. City Manager Scott Lambers noted that this was a yearly issue and that Mr. Sachse had attached a release of liability form which is to be signed by the parents of the participants.

8. **Water Plant Certificate.** Thereupon, the Mayor noted that a Certificate of Appreciation had been presented to the City of Ottawa in appreciation for fifty years of community water fluoridation. The certificate was awarded by the Kansas Department of Health and Environment.

9. Rock Street Improvements. Thereupon, the Commission heard a status report on the petition process from Public Works Director Andy Haney who noted that the City had received \$1,209,405 in petitions of which the City's obligation was \$962,146. Two more days remained on the petition deadline.

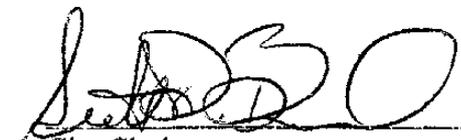
10. Dilapidated Structures - 804 N. Mulberry and 1023 E. 9th. Thereupon the City Commission heard from Wynndee Lee, Program Manager who informed the Commission that structures at 804 N. Mulberry and 1023 E. 9th had been declared to be dilapidated structures posing potential fire hazards and would be disposed of in the near future. The Commission thanked Ms. Lee for her report.

11. Performance of Grant Agreement Number 93-PF-054. Thereupon, Ms. Lee informed the Commission that she was requesting a public hearing on Grant No. 93-PF-054 which was a funding, in part, from the Kansas Department of Commerce and Housing Small Cities Community Development Block Grant, i.e., the Ottawa Public Library project. The Commission agreed that this item should be part of the May 15, 1996 regular City Commission meeting.

12. Good Sam Clean-Up Day. The Commission reviewed a proclamation received from Mr. Lowell Fouts asking the City Commission to declare May 28, 1996 as Good Sam Clean-up Day.

**Announcements:** Thereupon, Mayor Ramsey announced Work Study Sessions schedule for May 13, and May 20, 1996 at 3:00 p.m., and that the next regular City Commission Meeting will be May 15, 1996 at 9:30 a.m. There will not be a Work Study Session on May 27, 1996 and June 3, 1996.

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:55 p.m.

  
City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

May 13, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman, and Barb Nelson.

The Mayor called the meeting to order at 3:00 p.m.

1. Review of the May 15, 1996 City Commission Meeting. Thereupon, the Mayor asked the Commission to review the agenda for the upcoming regular City Commission meeting of May 15, 1996. Thereupon, City Manager Scott Lambers noted that a public hearing would be added regarding Bill No. 96-32, which is a budget amendment relating to Small Cities CDBG Community Improvement Grant No. 93-PF-054.

2. KOMA. Thereupon, the Mayor asked Forrest Lowry, City Attorney to present an overview of the Kansas Open Meetings Act. Mr. Lowry reviewed the act from information prepared by Carla Stovall, Attorney General for the State of Kansas. This was provided for informational purposes only. The Commission thanked Mr. Lowry for his time and effort and suggested that the affected boards of the City be provided with the same information and presentation.

3. Request from USD 290 Officials. Thereupon, Mr. Dale Fox, Assistant Principal at Ottawa Middle School, approached the Commission about the possibility of using the Municipal Auditorium for school functions for the next ten days until school is out for the 1995-1996 school year, during the day for classrooms in light of the recent Middle school problem. Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson to waive the fees for Auditorium use to USD 290 through the end of the 1995-1996 school year. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the request duly approved.

4. Appointments to Boards and Commissions. Thereupon, Mayor Ramsey asked for input from the Commissioners regarding the list of applicants to the various Boards and Commissions of the City. The Mayor noted that in addition to the list presented Mr. Steve Anderson had asked to be reappointed to the Ottawa Recreation Commission, and Mr. George Sell had asked to be considered for the Planning Commission. During discussion, it was noted that several applicants had expressed interest verbally and that the Commission had in fact requested written applications. Therefore, it was determined that the decision to appoint, would be deferred on the following boards: Auditorium Board, Library Board, Ottawa Recreation Commission, and Planning Commission. However, the following boards will be decided at the May 15, 1996 Regular City Commission Meeting: National Electric Code Board of Appeals, Uniform Plumbing Board of Appeals, and the Uniform Building Code Board of Appeals.

STUDY SESSION MINUTES, May 13, 1996

5. Outgoing Boards. Thereupon, Commissioner Cummiskey questioned as to what expression of thanks was being made to outgoing board members. Thereupon, City Manager Scott Lambers noted that outgoing board and commission members would receive a certificate and a written thank you at the end of their tenure, which had been the practice for several years.

6. Residential Gravel Street Improvements. Thereupon, City Manager Scott Lambers reviewed the list of residential streets and his recommendations noting that he recommend that project numbers RGSI-97-1, RGSI-97-2, RGSI-97-3, RGSI-97-5, RGSI-97-14, RGSI-97-7 and RGSI-97-9 be scheduled for 1997, and financed in 1998. He further recommended the remaining projects be given a priority status for construction in 1998 and financed in 1999.

7. CIP. Thereupon, City Manager Scott Lambers reviewed the 1997 Capital Improvement Program with the Commission noting the amount of millage which would be necessary for those projects which were already financed and those projects which the City has already agreed to. He further reviewed the unfunded capital improvements and noted the effects on the bond and interest/G.O. debt levy. Thereupon, the Commission agreed that this item should be scheduled for a public hearing on June 5, 1996.

8. Trash Burning. Thereupon, Commissioner Matthews asked that the trash burning issue be brought back before the Commission, noting that he had several requests from citizens to eliminate trash burning. During discussion Commissioner Jackson asked if this would necessitate mandatory pickup. Commissioner Matthews asked if the City Manager would obtain information from local trash haulers to determine if they were capable of handling the additional load.

Thereupon, the Commission asked Fire Chief Richard Towe what had been decided regarding the 1968 Howe Fire Truck. Chief Towe reported that Harrison Township would house the City's old truck and that it would be available for use in fighting local township fires as well as responding to City fires if need be.

9. Rails-to-Trails. Thereupon, the Mayor noted that the City Manager had suggested the Commission visit the rails-to-trails project in Garnett. Thereupon, it was tentatively suggested that the Commission venture to Garnett on June 10, 1996 at 4:00 p.m. as part of the Work Study Session to visit this site.

**Open Agenda:**

1. Former ORC Building. Thereupon, the Commission asked where the former ORC building process was. The City Manager noted that ads would be placed in the near future; however, there were some concerns regarding the appropriate division of property and allowance for the proper amount of right-of-way. He noted that the Planning Director was working on the situation.

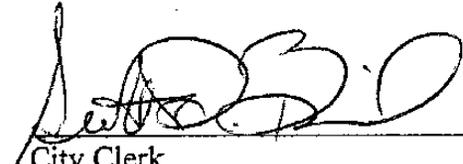
STUDY SESSION MINUTES - May 13, 1996

**Open Agenda - Continued:**

2. **Joint Meeting Discussion.** Thereupon, the Commission suggested that the Airport Road be placed on the agenda for the City/County Joint Meeting and asked the City Clerk to contact the County Clerk regarding any additional items.

**Announcements:** Thereupon, Mayor Ramsey announced that the City Commission photo session would be May 15, 1996 at 8:45 a.m. in the Commission room at City Hall. He further announced that there would be a regular City Commission Meeting on May 15, 1996 at 9:30 a.m., and a Joint City/County Meeting on May 15, 1996 at 12:00 p.m. at the Franklin County Jail Basement. The Mayor also announced there would be a Work Study Session on May 20, 1996 at 3:00 p.m., a joint meeting with the Auditorium Board on May 21, 1996 at 5:30 p.m. at City Hall and that a regular City Commission Meeting will be June 5, 1996 at 7:00 p.m. There will not be a Work Study Session on either May 27, 1996 or June 3, 1996 .

There being no further business to come before the Commission, Commissioner Jackson made a motion seconded by Commissioner Cummiskey to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:00 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of May 15, 1996

**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 Gene Ramsey, present, Commissioner Matthews present, Commissioner Cummiskey present, Commissioner Jackson present, and Commissioner Tyson, 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 Angela Perryman of the Bethany Baptist Church.

**Agenda Approval**

Thereupon, Commissioner Cummiskey made a motion, 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, there was presented the minutes of May 1, 1996. There being no changes or corrections the Mayor declared the minutes of May 1, 1996, approved as written.

**Proclamation**

**Good Sam Clean-Up Day**

Thereupon, the Mayor read a proclamation declaring May 28, 1996 as Good Sam Clean-Up Day.

**Preservation Week**

Thereupon, the Mayor read a proclamation declaring May 12 - 18, 1996 as Preservation Week.

**Public Hearing  
810 South Cedar**

Thereupon, Mayor Ramsey opened a Public Hearing to consider a condemnation for 810 South Cedar.

Thereupon, Program Director Wyndee Lee, noted that this multi-family structure was in fact being worked on by the owner and expected the proper repairs to be made, but asked the Commission to continue in its condemnation process, until such time as the repairs were completed.

Thereupon, Mr. Ed. Schneeberger, representing Mr. Noel Douglas, the property owner, noted that Mr. Douglas had had problems evicting a former tenant, but had obtained a \$3,000 Judgment against the tenant. While the settlement of that judgment remained outstanding, work continued on the property according to recommendations made by the City Inspection Dept. He asked the Commission to continue their patience and noted that repairs were being made.

There being no further comments the Mayor closed the Public Hearing on 810 South Cedar.

**731 South Mulberry**

Thereupon, the Mayor opened the public hearing to consider the condemnation for 731 South Mulberry.

Thereupon, Wyndee Lee, Program Manager, noted that this property had been unoccupied for several years and that the owners had not responded to either the Inspector or the Fire Dept. requests to make necessary improvements. She noted that this structure is unsafe and needs to be condemned.

Thereupon, Fire Chief Richard Towe, stated that his department had been working over a year on this issue and that the first floor is not secure.

Thereupon, Commissioner Jackson stated that several neighbors had contacted him regarding this issue, noting that the property was a detriment to the neighborhood.

There being no further comments regarding this issue, the Mayor closed the public hearing for 731 South Mulberry.

**109 South Walnut**

Thereupon, the Mayor opened the public hearing to consider the condemnation of 109 South Walnut. Wyndee Lee noted that this property was formally

known as the "Old Flea Market" and reminded the Commission of the damage caused by a previous fire. Ms. Lee indicated that the City had removed the north end of the structure, but the south end structure was becoming unsafe, and had no roof. She did note that the owners have planned to demolish the rest of the structure but that would take some time.

There being no further comments regarding this issue, the Mayor closed the public hearing for condemnation of 109 South Walnut.

#### **Grant No. 93-PF-054**

Thereupon, the Mayor opened a public hearing to consider the performance of Grant Agreement No. 93-PF-054.

Thereupon, Wyndee Lee, Program Manger for the City of Ottawa, noted that this public hearing was to allow the public an opportunity to speak to the Library Improvement Project. There being no further comments regarding this issue, the Mayor closed the Public Hearing.

#### **Budget Amendment CDBG**

Thereupon, the Mayor opened a public hearing to consider a budget amendment for the Small Cities Community Development Block Grant for Community Improvement.

Thereupon, Wynndee Lee, Program Manager for the City of Ottawa, noted that finance changes had resulted in this grant as a result of the City choosing to make improvements only at the Library building. Therefore, the total for the project was reduced from approximately \$229,000 to approximately \$50,000. She noted that the lift at the Library had been completed and that this would allow the Grant to be finalized.

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

#### **New Business**

##### **Budget Amendment CDBG 93-PF-054**

Thereupon, there was presented a resolution authorizing a Budget Amendment relating to a Small Cities CDBG Community Improvement Grant No. 93-PF-054.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was noted that this resolution would provide for a budget amendment to the Grant

reflecting the actual costs which were incurred and which were different from the anticipated budget amount. 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. 904-96.

### **Computer System**

Thereupon, there was presented a recommendation for the purchase of an AS/400 Advanced 36 Computer from System Solutions of Hays Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the request. During discussion City Clerk Scott Bird, recommended that the purchase of an AS/400 Advanced 36 Computer System from System Solutions, Inc. be approved and noted the purchase price at approximately \$18,000 with additional costs to be incurred for the transfer of data. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the recommendation duly approved.

### **National Electric Board**

Thereupon, The Mayor recommended the appointment of Rick Carlson to the National Electric Code Board of Appeals and recommended the reappointment of Jimmy Bass, Jr., and Dave Rossman for a one year term.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, 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.

### **Uniform Building Code Board of Appeals**

Thereupon, the Mayor recommended that the Commission appoint James Sullivan, Cal Lantis, and Joe Soper and to reappoint Earl Devore, and Dave Barkley for one year terms to the Uniform Building Code Board of Appeals.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, 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.

### **Uniform Plumbing Board of Appeals**

Thereupon, the Mayor recommended that the Commission appoint Raymond Carey, Lynn Hiatt, and Ray Dean Steanson for one year terms to the Uniform Plumbing Board Code of Appeals.

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

Thereupon, the Mayor declared the appointments duly approved.

### **Announcements**

Thereupon, the Mayor announced that the Joint City/County meeting for May 15, 1996 had been canceled. He further announced that Work Study Sessions had been scheduled for May 20, at 3:00 p.m., and June 10, at 3:00 p.m. and that there would not be Work Study Sessions on May 27 or June 3. He noted that the City Commission would meet in joint session with the Ottawa Municipal Auditorium Board, May 21, 1996, at 5:30 p.m. in the down stairs conference room at City Hall.

Thereupon, the Mayor announced the next regular meeting of the City Commission would be June 5, 1996 at 7:00 p.m.

### **Adjournment**

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

Thereupon the Mayor declared the meeting duly 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.

May 20, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Ron Puterbaugh for Jeff Herrman, Wynndee Lee and Barb Nelson.

The Mayor called the meeting to order at 3:00 p.m.

1. **Acceptance of Work Study Session Minutes - May 13, 1996.** Thereupon, the Commission reviewed the Work Study Session minutes of May 13, 1996. The City Manager noted that, as per the Commissioner's request, they would be asked to review the Work Study Session minutes subsequent to each meeting.

2. **Review of the June 5, 1996 City Commission Meeting.** Thereupon, the Commission reviewed the draft agenda for the upcoming regular City Commission meeting of June 5, 1996, noting that items currently proposed were public hearings for the condemnation of 724 S. Locust, a public hearing for the 1997 CIP and a public hearing for the 1997 Budget.

3. **Appointments to Boards and Commissions.** Thereupon, the Commission reviewed the Mayor's recommendations for appointments to the Planning Commission, Library Board, Ottawa Recreation Commission and the Band Committee. The Mayor's recommendations were as follow: Appoint George Sell and reappoint Charles Gillette to the Planning Commission; reappoint Louis Reed to the Library Board; and to reappoint Steve Anderson to the Ottawa Recreation Commission. In addition, the Mayor recommended accepting Mr. Brent Wheeler's recommendations to appoint Cynthia Harness and Terry Schoenfield and to reappoint Bill Farrow, Cathy Sutton, and Shannon Droddy to the Band Committee. The Commission agreed by consensus to the Mayor's recommendations and asked that this item be placed on the June 5, 1996 City Commission agenda.

4. **Wastewater Plant RBC Gear Reducer.** Thereupon, the Commission reviewed a memo from Director of Utilities Jim Bradley requesting that the City purchase two more gear reducers from Sewer Contingency Funds for the wastewater plant. Mr. Bradley noted that the Clow gear reducers designed and installed in 1987 and 1988 had reached their useful life and had failed in a rapid succession and that replacing them at this time would allow the wastewater plant to retain a backup reducer. The Commission agreed by consensus.

**STUDY SESSION MINUTES, May 20, 1996**

5. **Water Surcharge.** Thereupon, the City Manager reviewed a resolution which would provide for the imposition of a 2.5% water surcharge to allow the City to pay for its participation in the Water Assurance District. He explained that this resolution would memorialize the ten year sunset of this surcharge allowing for its expiration. The City Manager also noted that this should generate revenue substantial enough to cover the Marais des Cygnes River Water Assurance District's debt schedule. However, at such time that it failed to do so, the staff would return with a request to rectify any deficiency.

6. **Dedication of Rights-of-Ways and Easements - Davis Avenue Addition.** Thereupon, Planning Director Jim Shaw explained the dedication of rights-of-way within the Davis Avenue Addition, noting that this was to be replated. The City Commission agreed to place this item on the June 5, 1996 City Commission agenda.

7. **Dedication of Rights-of-Ways and Easements - Arrowhead Addition.** Thereupon, Planning Director Jim Shaw explained to the Commission the proposed dedication of rights-of-way and easements in the Arrowhead Addition between Eisenhower and Pine Street, along 13th Street. Responding to questions by the Commission, Mr. Shaw explained that this dedication would include the north half of what was known as the Coffman property. The City Commission agreed to place this item on the June 5, 1996 City Commission agenda.

8. **Rezoning 1419 S. Eisenhower.** Thereupon, Mr. Jim Shaw reviewed with the Commission the need to rezone an area located at 1419 S. Eisenhower from A2 (County zoning) to RS (Residential Suburban Dwelling District). He noted that the Planning Commission had approved this recommendation by a vote of 5-0 and that the City must bring this before the Commission by ordinance. The City Commission agreed to place this item on the June 5, 1996 City Commission agenda.

9. **Special Use Permit - Animal Veterinary Clinic.** Thereupon, there was presented a recommendation from the Planning Commission to deny a request for a small animal veterinary clinic at 1302 S. Main. The Planning Commission noted that the veterinary clinic could impose health problems for the medical and other offices within the same facility. The building shares a common heating, cooling and ventilation system and odor from the clinic could pose a problem for other occupants of the building; the entrances, exits and hallways are commonly used by all patrons and the use by owners of small animals could present a safety hazard. Finally, normal noise found in a small animal veterinary clinic would not be compatible with medical and other offices located within the facility.

Mr. Shaw noted that the Commission had two options: 1) to deny the special use permit and thereby agree with the Planning Commission's recommendation; or 2) the City Commission could refer the item back to the Planning Commission for further study.

The City Commission agreed to place this item on the June 5, 1996 City Commission agenda.

**STUDY SESSION MINUTES, May 20, 1996**

10. **Amendment to the Intent and Purpose of the RS (Residential Suburban) District.** Thereupon, Mr. Shaw reviewed a proposed ordinance to amend Article VII, Section 1 of the Zoning Ordinance. Mr. Shaw noted that the only change would be to change the verbiage in Section 1 to read .... other non-commercial purposes where such uses ~~are not or can not~~ *may or may not* be connected to an improved public sanitary sewer system and/or an improved public water system. The Commissioners agreed to place this item on the June 5, 1996 City Commission agenda.

11. **Parcels of City Owned Property.** Thereupon, the City Manager reviewed with the Commission a proposed parceling of the existing City Hall, former ORC building and garage facility which lies north of the former ORC building. The City Manager explained that these parcels would be clearly marked and defined so perspective bidders would understand exactly what they were bidding on.

12. **Neighborhood Revitalization Plan.** Thereupon, City Manager Scott Lambers reviewed the Neighborhood Revitalization Schedule, noting that copies had been forwarded to the County and to USD 290. He noted that the City intended on inviting the school district to join the City/County Joint meeting on June 19, 1996 and to allow the respective attorney's to work through any problems that might be a part of this documentation. He noted that it was his intent to bring this plan to fruition before the end of the 1996 calendar year, and to become effective January 1, 1997.

Responding to questions, the City Manager explained that the entire City limits of Ottawa would fall under this revitalization plan.

13. **Condemnation of 731 S. Mulberry.** Thereupon, Program Manager Wynndee Lee reviewed with the Commission a resolution to condemn an unsafe and dangerous structure located at 731 S. Mulberry in the City of Ottawa, Kansas. The Commission agreed to place this item on the June 5, 1996 City Commission agenda.

14. **Request from Skunk Run Steering Committee.** Thereupon, the City Manager reviewed a request from Jeanette Lowry, Chairperson of the Skunk Run Steering Committee, to hold the annual Skunk Run Days arts and humanities festival on June 7, 8, and 9, 1996 in City Park. Responding to questions from the Commission, City Attorney Forrest Lowry noted that the quilt show had been scheduled to be held in the Don Woodward Community Center as a result of the unavailability of the Middle School building. The City Commission agreed by consensus to approve this request.

15. **Demolition of Trash Enclosure in Parking Lot B.** Thereupon, the City Manager requested permission to remove a trash enclosure in parking lot B in the downtown area, noting that the City had experienced illegal disposal of trash and had cleaned the area once, only to experience continued illegal use of this facility. The Commission agreed by consensus to authorize the demolition of this enclosure.

STUDY SESSION MINUTES, May 20, 1996

16. **Planning Director's Vehicle.** Thereupon, the City Manager requested the Planning Director be allowed to dispose of his 1985 Ford LTD and replace it with a used vehicle at a cost not to exceed \$4,500. Thereupon, the Mayor suggested this vehicle be purchased locally and with that caveat, the Commission agreed by consensus to the recommendation.

**Open Agenda:**

1. **Ottawa University Trip to Ottawa, Canada.** Thereupon, the Mayor announced that Joyce Stuermer and her Adalante Singers would be venturing to Ottawa, Canada as emissaries of the City of Ottawa, Kansas and provided the Commission with a copy of the letter that they will be presenting to the Mayor of Ottawa, Canada.

The Commission noted that the group would also be carrying china produced at the Heartland China factory in Ottawa, Kansas as an offering of goodwill to the Mayor of Ottawa, Canada.

2. **Rails-to-Trails Visit.** Thereupon, the Mayor announced that the City Commission would be visiting the Garnett area Rails-to-Trails on June 10, 1996.

Thereupon, Commissioner Matthews offered to set up a visit in Garnett at a new restaurant and bar location along the trail.

3. **Trash Hauling.** Commissioner Cummiskey asked about the trash hauling question. Thereupon, City Manager Scott Lambers noted that he had contacted the League, who would be providing copies of ordinances from other communities who have mandatory hauling. He also noted that one of the questions regarding this issue is how to make sure people are complying and not merely dumping in the country. He stated that he wanted to analyze what others have done in order to avoid possible problems.

4. **Court of Appeals - KCC.** Thereupon, the City Manager informed the Commission that Assistant City Attorney Bob Bezek would be providing information regarding the Court of Appeals decision on the Kansas Corporation Commissions' recent lawsuit, noting that the City is in a wait-and-see mode at this point in time.

STUDY SESSION MINUTES, May 20, 1996

**Announcements:** Thereupon, Mayor Ramsey announced that there will be a joint meeting with the Auditorium Board on May 21, 1996 at 5:30 p.m. at City Hall and that there will not be a Work Study Session on either May 27, 1996 or June 3, 1996. The Mayor also announced that there will be a regular City Commission meeting on June 5, 1996 at 7:00 p.m.

There being no further business to come before the Commission, Commissioner Jackson made a motion seconded by Commissioner Cumiskey to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 3:56 p.m.

  
City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of Special Call Meeting May 29, 1996

**Roll Call**

The City Governing Body met in special session at 9:00 a.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey, present, Commissioner Jackson present, and Commissioner Tyson, present Commissioner Matthews absent, Commissioner Cumiskey absent. A quorum was present.

The Mayor called the meeting to order and introduced Bill No. 96-39, a resolution accepting the streets, storm sewers, sanitary sewers and water lines within the Cutting's Addition, Ottawa Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion, City Manager Scott Lambers noted that there are still some minor improvements needed to be made in the Cutting's Addition, but that the developer was anxious to begin construction on five new homes. The City Manager noted that Occupation Permits would not be issued until all of these improvements were satisfactory. However, he did recommend that the Commission proceed with this acceptance. 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. 905-96.

**17th Street**

Thereupon, there was presented an ordinance providing for the acquisition by eminent domain of certain private property, consisting of easements and rights-of-way for the purpose of constructing 17th Street in the City of Ottawa, Franklin County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Franklin County, Kansas, for acquisition of the easements and rights-of-way therein taken and providing for payment of the cost thereof.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was noted that the City is ready to go to bid on this project; however, some of the rights-of-way and construction easements needed to be acquired. Assistant City Attorney Robert Bezek noted that it would take approximately 90 to 120 days to accomplish the legal process. 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. 3186-96.

### **Announcements**

Thereupon, the Mayor announced that there would be no work study session on June 3, 1996, but that the next regular scheduled meeting would be June 5, 1996, at 7:00 p.m.

### **Adjournment**

There being no further business to come before the City Commission, Commissioner Jackson made a motion, seconded by Commissioner Tyson, 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 duly 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 June 5, 1996

**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 Gene Ramsey, present, Commissioner Matthews absent, Commissioner Cumiskey absent, Commissioner Jackson present, and Commissioner Tyson, present. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by City Clerk Scott Bird.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion, 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 of Minutes**

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the minutes of the regular meeting of May 15, 1996. The motion was considered and upon being put to the question all present voted aye. Thereupon, the Mayor declared the minutes of May 15, 1996 approved as written.

**Public Comments**

Thereupon, Mr. Russ Daniels, 636 South Main, spoke to the Commission about unnecessary noise generated by car engines which are not muffled, and boom boxes in cars. He noted that the noise generated from such vehicles start approximately at 5 a.m. each morning and does not end until approximately 11 p.m. each evening. Mr. Daniels asked the Commission to consider ordinances which other Cities have created to reduce and/or eliminate such unnecessary noises. Mr. Daniels thanked the Commission for correcting the graffiti problem which he had spoke of earlier. The Commission thanked Mr. Daniels for his comments.

## **Presentations and Recognitions**

Thereupon, the Mayor read a proclamation declaring the first week in June, National Gardener's Week, in the City of Ottawa, Kansas.

## **Public Hearing Condemnation, 724 South Locust**

Thereupon, Mayor Ramsey opened a Public Hearing to consider the condemnation of property located 724 S. Locust.

Thereupon, Mrs. Judy Stawn of Topeka, Kansas, noted that she and her husband had sold the property on contract. She read a letter from the purchaser dated May 28, 1996, in which the purchaser indicated that the necessary permits to make improvements had been pulled, that the doors had been locked, and windows had been boarded up.

Thereupon, the City Manager noted that this issue would be brought back at the next regular meeting. There being no further comments, the Mayor closed the public hearing.

## **1997 CIP**

Thereupon, the Mayor opened a public hearing to consider the 1997 Capital Improvement Program.

Thereupon, Mr. Cal Lantis, 416 Pine, asked the Commission to consider including a possible project in the form of a new community building. He noted that this project could serve the community in more than one way, given the need for class room space by USD. 290. He noted that he had visited with the school board, but was not speaking for the school board, and had suggested the possibility of a co-operative effort between the City and the School Board to erect a building which would serve as a 6th grade Middle School in a short term setting, and a community building in the long term. Mr. Lantis asked the Commission to consider this win win solution and to support the School Board in their efforts to resolve the Middle School dilemma. There being no further comments the Mayor closed the Public Hearing.

## **Budget Hearing**

Thereupon, the Mayor opened a hearing to consider the 1997 Budget. Thereupon, Ms. Brenda Boldra, 410 South Hickory, representing Franklin County Child Care, asked the Commission to consider placing more play ground equipment at City Park and to include this request in their 1997 Budget. She noted that the Day Care Children would benefit from this, but also noted that improvements at City Park would benefit the children community wide.

There being no further comments regarding the 1997 Budget, the Mayor closed the public hearing.

**New Business  
Water Surcharge**

Thereupon, there was presented a resolution finding the advisability of and ordering the adoption of a water surcharge rendered by the Water Department of the City of Ottawa, Kansas, to satisfy the debt incurred by the City's participation with the Marais des Cygnes River Water Assurance District No. 2.

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. 906-96.

**Dedication Within Davis Avenue**

Thereupon, there was presented a resolution accepting the dedication of rights-of-way and easements within the Davis Avenue Addition, Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, 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. 907-96.

**Rights-of-Way - Arrowhead Addition**

Thereupon, there was presented a resolution accepting the dedication of rights-of-way and easements within the Arrowhead 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 908-96.

### **Rezone 1419 S Eisenhower**

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

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the City Planning Commission had reviewed findings requesting this re-zone, and recommended to the City Commission the approval of the re-zone of an area at 1419 South Eisenhower from A2 (County Zoning) to RS (Residential Suburban Dwelling District) by a vote of 5-0. 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. 3187-96.

### **Special Use Permit Application**

Thereupon, there was presented a request for a Special Use Permit for a small animal veterinary clinic at 1302 South Main.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to deny the request. During discussion it was explained that the Planning Commission, by a vote of 5-0, had recommended to the City Commission that the special use permit be denied for the following reasons: 1) The veterinary clinic could pose health problems for the medical and other offices in the building.; 2) The building shares a common heating, cooling and ventilation system and the odor from the veterinary clinic could pose a problem for the other offices in the building; 3) Because the entrances and exits as well as the hallways are commonly used by all patrons including the small animal veterinary clinic, this could present a safety hazard; 4) Normal noise found in a small animal veterinary clinic would not be compatible with medical and other offices located in this building. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Special Use Permit for a small animal veterinary clinic at 1302 S. Main duly denied.

### **Amendment to Section I of Article VII of the Zoning Regulations**

Thereupon, there was presented an ordinance relating to the RS (Residential Suburban) Zoning District and amending Section I of Article VII of 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.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the City of Ottawa, Planning Commission had reviewed the definition of the intent and purpose of the RS (Residential Suburban) Zoning District and by a vote of 5-0 recommended that the intent and purpose be amended for the RS (Residential Suburban) Zoning District. 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. 3188-96.

### **Condemnation, 731 South Mulberry**

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 731 S. Mulberry in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commission Tyson, to adopt the resolution. During discussion it was explained that a Public Hearing had been held to give the owner of the structure and other interested parties an opportunity to be heard. The City Commission previously received a statement of findings of the condition of the building which provided sufficient cause to have the building condemned and ordered repaired or removed.

Thereupon, Commissioner Jackson noted that this condemnation had been a long time coming and asked the staff to move with due speed on this project. 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. 909-96.

### **Appointments**

Thereupon, there was presented a recommendation by the Mayor that Mr. Charles Gillette be re-appointed and Mr. George Sell be appointed to serve a three year term on the Planning Commission.

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

Thereupon, the Mayor declared the appointments to the Planning Commission duly approved.

### **Appointment to Library Board**

Thereupon, the Mayor recommended that Mr. Lewis Reed be re-appointed to serve another four year term on the Library Board.

Thereupon, Commission Jackson 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 appointment of Mr. Lewis Reed to the Library Board duly approved.

### **Appointment to ORC**

Thereupon, the Mayor recommended that Mr. Steve Anderson be re-appointed to serve another four year term on the Ottawa Recreation Commission.

Thereupon, Commissioner Tyson made a motion, seconded by Mayor Ramsey, to approve the appointment. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Tyson aye, Commissioner Jackson nay, Mayor Ramsey aye.

Thereupon, the Mayor declared the appointment duly approved.

### **Appointment to Band Committee**

Thereupon, there was recommended by the Mayor that the Commission appoint Kathy Sutton, Cynthia Harness, Bill Farrow, Shannon Droddy and Terry Schoenfeld, to the Band Committee each for a one year term.

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

### **Monthly Activity and Financial Reports**

Thereupon, Commission Jackson made a motion, seconded by Commission Tyson, to approve the Monthly Activity and Financial Reports for April 1996. During discussion Commissioner Jackson questioned the dollar amount of outstanding warrants at Municipal Court, noting that he believed this amount was becoming rather high. He asked if the outstanding warrants and accounts receivable were two separate amounts. City Attorney Forrest Lowrey responded the accounts receivable in the amount of \$32,878 and outstanding warrants in the amount of \$18,623, were two separate issues. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Activity and Financial Reports for April 1996, duly approved.

### **Announcements**

Thereupon, the Mayor announced work study sessions scheduled for June 10, 1996 at 3 p.m., June 17, 3 p.m., June 24, 3 p.m., July 8, 3 p.m., and July 15, 3 p.m. The Mayor also announced that the City Commission would meet in Joint Session with the County Commission, June 19, 1996, at noon in the Franklin County Jail Basement, and there would not be a work study session on July 1, nor will there be a City Commission meeting on July 3, due to the Fourth of July holiday.

Thereupon, the Mayor announced that the next regular meeting of the City Commission would be June 19, 1996 at 9:30 a.m.

Thereupon, Commissioner Jackson noted that the Commission would be traveling to Garnett during their June 10th Study Session to visit the Rails to Trails project in that area.

### **Adjournment**

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

Thereupon, the Mayor declared the meeting duly 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.

June 10, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Ron Puterbaugh for Jeff Herrman, Wynndee Lee and Barb Nelson. Guests: Louise Dietz, Mr. and Mrs. Wilfred Bugner, Deborah Barker, Candy Wasser, Joyce Stuermer, members of 1996 Chamber of Commerce Leadership Committee.

The Mayor called the meeting to order at 3:00 p.m.

1. Acceptance of Work Study Session Minutes - May 20, 1996. Thereupon, the Commission reviewed and accepted the Work Study Session minutes of May 20, 1996.
2. Review of the June 19, 1996 City Commission Meeting. Thereupon, the Commission reviewed the draft agenda for the upcoming regular City Commission meeting of June 19, 1996.
3. Storm Drain Request. Thereupon, Mr. Wilfred Bugner addressed the Commission to request that the stormwater run-off which drains onto his property at 701 E. 3rd be corrected. Mr. Bugner's requested a 40', 12" corrugated tube to pick up the water that drains across his property and to move said runoff to a nearby swale. City Manager Scott Lambers noted that the City had not budgeted for stormwater improvements and that this issue had been brought before the Commission in order to provide direction, not only for this project, but for future problems which might arise. Mr. Lambers noted that there were two possible solutions. One being an open ditch to channel the water to the current swale, and the second, to pipe the runoff to the same swale area. Mr. Andy Haney, Public Works Director, noted that if the direction of the stormwater pipe were changed, a junction box would be needed as a clean-out. He suggested that the public works crew correct this situation with a grader if Mr. Bugner would allow a temporary easement. Mr. Bugner suggested that a 15" ditch on his property would not be a satisfactory solution, but preferred a corrugated tube.

Commissioner Jackson stated that he believed the City needed to correct this problem. Commissioner Cummiskey agreed with Commissioner Jackson; however, noted that this would not be the only issue regarding stormwater runoff and asked that the Commission consider this issue further. Mayor Ramsey asked that this issue be brought back for discussion at a future Work Study Session.

STUDY SESSION MINUTES, June 10, 1996

4. **Historical Society Request.** Thereupon, Ms. Louise Dietz, on behalf of the Franklin County Historical Society, presented a request to the Commission for a gift of \$10,000 towards the Historical Society's goal of \$128,000 to be matched by an ISTE A Grant which the Historical Society has been pursuing in order to renovate the Old Depot Museum. Ms. Dietz noted that with the help of many organizations and individuals throughout the community, the Historical Society had raised \$98,807.00 towards their goal and were anxiously anticipating the ability to start renovation. She noted that the Historical Society hoped to complete their fund raising drive by this fall.

The Commission congratulated the Historical Society for their efforts and noted that this issue would be discussed in the near future.

5. **Adelante and Shekinah Singers.** Thereupon, Ms. Joyce Stuermer from Ottawa University representing the Adelante and Shekinah Singers briefly reviewed with the Commission a recent trip to Ottawa Canada whereby the singers represented Ottawa, Kansas as emissaries and carried greetings and gifts from the City to the Mayor and City of Ottawa, Canada. Ms. Stuermer shared photographs of the trip noting that their hosts were very gracious and that the trip was a wonderful occasion and experience.

6. **Intersection of 10th & Burrough.** Thereupon, the Commission viewed a video taken by the City Inspection Department of a very weeded and brushy area located at the corner of 10th & Burrough. Thereupon, City Manager Scott Lambers noted that the overgrowth and vegetation was beyond the property owner's ability to control, having been allowed to grow out-of-control for so long. Because of the overgrowth, the wetland problem in this area has been exacerbated. The City Manager suggested that a City work crew clean this property so that the property owner could then maintain the situation. Mr. Lambers recommended that the City increase its summer employment over the next three years and clean-up area problems such as this. The City Manager also noted concern expressed by the Ottawa Police Department that this situation created a sight distance hazard. Thereupon, the Commission authorized the City Manager to proceed with cleanup of this property.

Thereupon, on a related matter, Mayor Ramsey noted a sight distance problem which had been brought to his attention concerning the corner at 8th & Poplar. Thereupon, City Manager Scott Lambers asked Police Chief Jeff Herrman to follow-up on this concern.

**STUDY SESSION MINUTES, June 10, 1996**

7. **Christmas Light Request - Ransom Memorial Hospital.** Thereupon, a request was presented by Ransom Memorial Hospital for Christmas lights to be placed on the perimeter of the hospital roof prior to the Christmas lighting ceremony in November. Mr. Lambers noted that he wanted to revisit this issue due to the expense the City was incurring as a result of this program. He noted that this entire project has been funded out of the Electric Fund in the past and probably should be funded out of the General Fund. He directed attention to Utility Director Jim Bradley's estimate that the cost of maintaining the current Christmas lights is approximately \$12,000 to \$13,000 per year. Mr. Lambers asked for parameters regarding this issue and questioned as to whether or not the businesses should not play a larger role in this endeavor. Thereupon, Commissioner Cummiskey referenced a recent League publication regarding ways to stretch a city budget, where it had been noted that businesses should play a large part in Christmas lighting programs. Mr. Bradley stated that the Electric Department uses two men for a six week period each year to replace Christmas bulbs prior to the Christmas lighting ceremony.

Thereupon, City Manager Scott Lambers requested to bring this issue back before the Commission at a future Work Study Session. The Commission agreed.

8. **Request from Peoples National Bank.** Thereupon, a request was presented from Peoples National Bank to use City Park on June 23, 1996 for the purpose of having an ice cream social to help celebrate their 125th anniversary. The event will be opened to the public and is tentatively scheduled for 7:00 to 9:00 p.m.

Thereupon, the Commission, by consensus, approved the request.

9. **Request from S & K Stereo.** Thereupon, there was presented a request from Shawn Markley, owner of S & K Stereo to use Forest Park on August 18, 1996 for a car stereo soundoff show. Public Works Director Andy Haney noted that this did not conflict with any other dates. City Manager Scott Lambers suggested that this show be given an opportunity and if it did not work out, not allow it again in the future.

The City Commission considered the request and thereupon approved it by consensus.

**Open Agenda:**

1. **Sister City Contact.** Thereupon, Commissioner Matthews noted that the Sister City Program had contacted him regarding a community in the Dominican Republic which is interested in establishing a Sister City, possibly with the City of Ottawa. Commissioner Cummiskey noted that she would be finding out more about the Sister City Program through her work and that she would be reporting back to the Commission in the near future.

STUDY SESSION MINUTES, June 10, 1996

2. League Meetings. Thereupon, Commissioner Jackson noted that the League was asking other communities to become involved in "Debate Watch 96" and encourage participation. He also noted that the League would need to fill one board position at the next regular League meeting. He also announced that the League was developing a health insurance program similar to the worker's comp pool which they had established recently, and that the League was conducting a membership survey.

3. Former ORC Building. Thereupon, Mayor Ramsey asked if the ORC building would be on the Work Study Session agenda for next week. Thereupon, City Manager Scott Lambers noted that the school district had asked to use the former ORC building for the next two years, in light of the Ottawa Middle School problem .

4. OMA. Thereupon, Mayor Ramsey noted that the OMA would be on the next Work Study Session agenda.

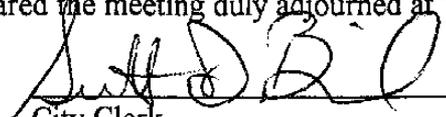
5. Annual League Meetings. Commissioner Cummiskey asked where this year's League meetings will be held. The City Manager noted that the League of Kansas Municipalities State meeting would be held in Overland Park this year on October 6, 7 & 8, 1996.

6. Eugene Field Fund Raiser. Thereupon, Ms. Candy Wasser representing the Eugene Field PTA thanked the Commission and City staff for their efforts towards the Eugene Field fund raiser, noting that they had raised enough money through their candy sales to purchase the curtains as well as provide some general sprucing up.

7. Recess to Garnett. Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson to recess the meeting in order that the Commission might visit the rails-to-trails project in Garnett and that the meeting would be adjourned at the Pioneer Restaurant in Garnett.

There being no further business to come before the Commission, the Commission recessed at 4:05 p.m.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:00 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

June 17, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Nevalea Magrath for Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, and Barb Nelson. Guests:

The Mayor called the meeting to order at 3:00 p.m.

1. **Review of Work Study Session Minutes - June 10, 1996.** Thereupon, the Commission reviewed the Work Study Session minutes of June 10, 1996.
2. **Review of the June 19, 1996 City Commission Meeting.** Thereupon, the Commission reviewed the draft agenda for the upcoming regular City Commission meeting of June 19, 1996. Mayor Ramsey asked the City Manager if there would be a response to Mr. Russ Daniels complaint of boom boxes and loud cars on Main Street from the May 15, 1996 Regular City Commission Meeting. The City Commission directed the City Manager to add to the agenda that there is not an ordinance at this time and this issue could be addressed at a later date.
3. **USD 290 Request.** Thereupon, Mayor Ramsey announced that the Commission had been copied with a request from Don Duncan, USD 290 Superintendent, asking the Commission for their approval to lease the former ORC building and the former Library building. City Manager Scott Lambers stated that the process to solicit bids for the sale of the former ORC building had been completed in which two sealed bids were received. However, if the Commission is interested in leasing the facilities to the school district (approximately two years), the City Manager requested that the bids be returned, unopened, to the bidders.

Thereupon, Fire Chief Richard Towe explained that the school district had originally requested to use the Library building for office space for the Superintendents office and the ECVC Child Care class. However, Chief Towe stated that life safety codes will not allow the child care class to be taught in the Library because of safety codes. Thereupon, Commissioner Cummiskey directed the City Manager to invite USD 290 officials to a meeting for additional information. Mayor Ramsey also suggested that the bids for the ORC building be held until the additional information can be obtained from USD 290. Thereupon, the City Manager stated that the City will keep the sealed bids, inform the bidders and contact the USD 290 officials to invite them to a meeting with the City Commission.

STUDY SESSION MINUTES, June 17, 1996

4. Thirteenth Street - Pine to Eisenhower. Thereupon, City Manager Scott Lambers advised the City Commission that the proposed resolution will allow the financing of the 13th Street for the authorization of temporary notes for the improvement project.

The Commission agreed to place the resolution on the City Commission agenda for June 17, 1996.

5. Application for Property Tax Exemption - Positive Impressions, Inc. Thereupon, City Manager Scott Lambers noted that this item was for informational purposes and requested authorization to proceed to the executive committee for review.

Thereupon, Commissioner Jackson asked what benefit this would provide for the company. The City Manager stated that the equipment would be exempted. The City Manager also noted that the City of Ottawa would need to receive a letter from the City of Baldwin to comply with the anti-pirating clause. The City Manager also informed the Commission that the equipment used by Positive Impressions, Inc. must be new equipment to qualify for the exemption.

6. Power Plant STAG Unit. Thereupon, City Manager Scott Lambers noted that City staff had made an extensive effort to rebuild the STAG Unit which \$250,000 was approved by the City Commission as part of the 1996 Budget. Several bids were received in excess of the budgeted amount, however, City staff does believe the bids received are reasonable bids. Thereupon, the City Manager noted that City staff would like to award the bid to the low bidder with the improvements being completed over two fiscal years beginning in 1997.

Thereupon, Mayor Ramsey asked when the unit would be in full operation. Director of Utilities Jim Bradley stated that the unit will be run frequently during the summer months. Thereupon, City Manager Scott Lambers noted that if the City did not have the STAG unit available during the summer months, the City would be required to purchase power at a premium cost with no guarantee that the power would be available. Thereupon, Commissioner Cummiskey asked what the anticipated life of the unit would be with the proposed improvements. Mr. Bradley informed the Commission that the unit could be used for approximately 15 to 20 years. Mr. Bradley also informed the Commission that the project should be completed by March 14, 1997 if Commission approval is granted in the next couple of weeks.

Thereupon, the City Manager stated that he would recommend that this item be placed on the June 19, 1996 City Commission agenda to award the bid to Woodward Governor and to provide financing from the 1996 and 1997 Electric Fund Budgets. Thereupon, the Commission agreed by consensus to place on the June 19, 1996 City Commission agenda.

STUDY SESSION MINUTES, June 1, 1996

7. Condemnation of Structure - 724 S. Locust. Thereupon, Commissioner Tyson noted that she is in favor to proceed with the condemnation action because of the time allotted to the owner for repair to the structure. Therefore, City Manager Scott Lambers informed the Commission that City staff would like to continue with approval of the proposed resolution which will give the City authority if the agreed upon improvements are not completed in a timely manner.

Thereupon, the Commission agreed, by consensus, to place this item on the June 19, 1996 City Commission.

8. Overview of Proposed 1997 Operational Budget. Thereupon, City Manager Scott Lambers reviewed the highlights of the draft 1997 Operational Budget. The items considered as part of the budget were: 1) no additional employees are proposed; 2) Complete funding of two positions (secretary and custodian) which were previously approved and partially funded FY96; 3) 2% COLA for all employees effective January 1, 1997; 4) 1.5% Merit Increase for all eligible employees (75% of work force) effective upon each employees anniversary date; 5) Increase in funding for Library operations; 6) Establishment of Human Resources Department in the General Fund Budget; 7) Increase in expenditures for anticipated costs associated with new City Hall; 8) Re-establishment of Public Safety Fund to finance lease purchase (3 years) of marked patrol fleet in 1997 (6 vehicles) and 1 1996 fire truck; 9) \$25,000 increase in General Fund transfer to Street Rehabilitation Fund; 10) \$25,000 reduction in Water Fund transfer to General Fund; 11) \$4,000 increase to Risk Management from four major funds; 12) Custodial Services and Mechanic Services have been cost allocated over the four major funds; 13) Increase in KPF & KPERS premium; 14) Increase in health insurance premium. The City Manager also recommended that \$5,000 be allotted from the Special Parks and Recreation Fund monies for Depot Restoration matching grant monies and \$5,000 from the Special Parks and Recreation Fund monies be allotted for additional playground equipment at City Park.

Thereupon, the City Manager reviewed and discussed the mill levy amounts and revenue for the General Fund.

**Open Agenda:**

1. Western Resources Contract. Thereupon, Commissioner Cummiskey asked the City Manager for an update regarding Western Resources. The City Manager noted that he had Assistant City Attorney Bob Bezek working on a document for the Commissions review.

2. Response to Mr. Wilfred Bugner. Thereupon, Mayor Ramsey asked if a response had been given to Mr. Bugner regarding the storm drainage problem on his property. The City Manager informed the Commission that this issue will be brought back before the Commission on June 24, 1996. Mr. Bugner has been advised of the upcoming meeting.

STUDY SESSION MINUTES, June 17, 1996

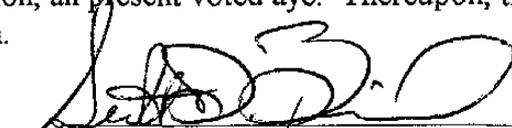
3. RMH Christmas Lights. Thereupon, Mayor Ramsey asked when a response would be given to RMH about placing lights on the hospital. The City Manager responded that this item would also be discussed at the June 24, 1996 Work Study Session.

4. Sister City Program. Thereupon, Mayor Ramsey stated that he would like to pursue the relationship with Ottawa, Canada. Mayor Ramsey also inquired if a thank you letter had been sent to the Mayor of Ottawa, Canada. The City Manager informed the Commission that a letter had not been sent, however, a draft response will be completed and forwarded to the Commission for approval. All of the Commissioners supported Mayor Ramsey's suggestion of having a sister city relationship with Ottawa, Canada.

5. Joint City/County Meeting Agenda. Thereupon, Mayor Ramsey reminded the Commission about the Joint City/County Meeting on June 19, 1996 at 12:00 p.m. The agenda items will consist of: 1) Neighborhood Revitalization and 2) O/FCED Railroad. Thereupon, Mayor Ramsey also noted that staff from USD 290 will also be invited to attend this meeting.

6. Ottawa Municipal Auditorium. Thereupon, Mayor Ramsey informed the Commission that the Auditorium would be discussed at the June 24, 1996 Work Study Session. However, the Commission discussed options that are available for the Auditorium and directed the City Manager to draft a charter ordinance similar to Ottawa Library's and also research a Friends of the Auditorium group.

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:45 p.m.

  
\_\_\_\_\_  
City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of June 19, 1996

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

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

**Agenda Approval**

Thereupon, Commissioner Cummiskey made a motion, 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, Mayor Ramsey asked for additions or corrections to the minutes of the Special Call Meeting of May 29, 1996, and the Regular Meeting of June 5, 1996. There being no additions or corrections, the Mayor declared the minutes of May 29, 1996 and June 5, 1996 approved as written.

**Presentations and Recognitions**

Thereupon, Mayor Ramsey presented Daryl W. Shutt, a plaque in recognition of 30 years of service with the City of Ottawa Police Dept. and Fire Dept.

**Public Comments**

Thereupon, Anita Poe, 422 Indiana Road, representing the Girls Club of Ottawa, Appeared before the City Commission requesting information about the bids on the Old ORC Bldg. The Commission agreed to discuss the issue further at the June 24th Study Session.

Thereupon, Mr. Don Duncan USD 290 Superintendent, appeared before the City Commission, requesting to lease the Old ORC Bldg. for Child Care Classes, and the present Ottawa Library Building, for USD 290 Central Offices, Adult Education Classes and storage. The Commission agreed to discuss this issue further at the June 24 Study Session.

**New Business**  
**Temporary Notes, Series 1996**

Thereupon, there was presented a resolution authorizing the public sale of \$5000,000 principal amount of temporary notes, Series 1996, of the City of 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. 910-96.

**Contract for Stag Units**

Thereupon, there was presented a recommendation to award the contract to the Engineering Firm of Burns & McDonnell, for the upgrade of the Control System of the STAG Unit.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to award the contract to Burns & McDonnell. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the contract duly awarded to Burns & McDonnell, Engineers.

**Condemn - 724 S. Locust**

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 724 South Locust in the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, 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 911-96.

## **KMGA Board of Directors Appointment**

Thereupon, there was presented a recommendation by Mayor Ramsey, to appoint Director of Utilities Jim Bradley, to serve as representative on the KMGA Board of Directors.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Joan Tyson to appoint Jim Bradley, to serve as representative on the KMGA Board of Directors. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment duly approved.

## **Reports by City Manager**

City Manager, Scott Lambers, noted he had received the certificate of insurance with a liability limit of \$1,000,000, from the Ottawa Jaycees for the 1996 fireworks display.

## **Announcements**

Thereupon, the Mayor announced the Joint City/County Meeting today June 19, 1996 at noon in the Franklin County Jail Basement. He also announced that a work study sessions had been scheduled for June 24, 1996 at 3:00 p.m., but there will not be a Work Study Session on July 1, 1996, and there will not be a City Commission Meeting on July 3, 1996. due to the Fourth of July holiday. The Mayor further noted there will be a Work Study Session on July 8, 1996, and July 15, 1996 at 3 p.m.

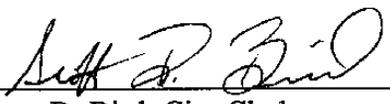
Thereupon, the Mayor announced that the next regular meeting of the City Commission would be July 17, 1996 at 9:30 a.m.

## **Adjournment**

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews 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 duly 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 24, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Karen Chase for Jeff Herrman and Barb Nelson. Guests: Cheryl Sylvester, Barbara Dew, Mr. and Mrs. Wilfred Bugner, Raquel Fleer, Representatives from Southwestern Bell and Representatives from the Ottawa Girls Club.

The Mayor called the meeting to order at 3:00 p.m.

1. Review of Work Study Session Minutes - June 17, 1996. Thereupon, the Commission reviewed the Work Study Session minutes of June 17, 1996.

2. Review of the July 17, 1996 City Commission Meeting. Thereupon, the Commission reviewed the draft agenda for the upcoming meeting of July 17, 1996. City Manager Scott Lambers noted that the sale of Temporary Notes for the 13th Street Project is the only item on the agenda at this time.

3. City Hall Phone System. Thereupon, the Commission heard a recommendation from City Clerk Scott Bird regarding a possible change to the Southwestern Bell Plexar System. Mr. Tom Bolar of Southwestern Bell and the Phone Connection of Kansas responded to questions from the Commission.

Thereupon, the Commission agreed to place this item on the July 17, 1996 City Commission Agenda.

4. Christmas Lighting Request - RMH. Thereupon, the City Manager presented a letter to the City Commission from Edie Derosseau, President of the Ransom Memorial Hospital Auxiliary. The letter requested that the City provide installation of Christmas lights at RMH. In her letter, Ms. Derosseau indicated that the lights and wiring would be purchased in a cooperative effort between the hospital and the hospital auxiliary. It was also noted that the electric costs would continue to be absorbed by the City.

Thereupon, the Commission, by consensus, authorized the City to proceed with this project. Mr. Lambers suggested that a deadline for like requests be set.

5. Disposal of Old Records. Thereupon, there was presented a resolution requesting authorization to be given to City staff to dispose of old municipal records.

Thereupon, the Commission agreed to place this resolution on the July 17, 1996 City Commission Agenda.

**STUDY SESSION MINUTES. June 24, 1996**

**Announcements:** Thereupon, the Mayor announced that the Work Study Session for July 1, 1996 and the Regular Commission Meeting for July 3, 1996 had been canceled. The Mayor further announced Work Study Sessions scheduled for July 8, July 15, July 22 and July 29. He also announced that there would be a regular City Commission Meeting on July 17, 1996 at 9:30 a.m. and that there would be a Joint City/County meeting on July 17, 1996 at 12:00 noon in the Franklin County Jail. The Mayor extended an invitation to USD 290 School Board members to attend the Joint City/County Meeting.

**Open Agenda:** Mayor Ramsey offered congratulations and best wishes to Commissioner Jackson and his fiance, LaDora Williams, on their upcoming wedding on June 29, 1996.

**Executive Session:**

1. **Attorney/Client Privilege.** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to recess into executive session for 10 minutes justified by attorney/client privilege to discuss the Human Rights complaints filed by Greg Hernandez, Ronald Small, Rev. Smith and Rev. Burley and that the meeting would reconvene in open session in the downstairs conference room at City Hall at 5:12 p.m.

**Reconvene.** Thereupon Commissioner Cummiskey made a motion to reconvene the open meeting at 5:12 p.m. The motion was seconded by Commissioner Jackson. Upon being put to the question, all present voted aye.

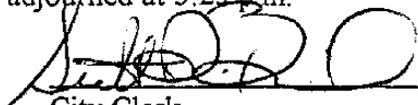
Thereupon, the Mayor declared the meeting duly opened.

**Executive Session.** Thereupon, Commissioner Jackson made a motion to again recess into executive session and to reconvene in the downstairs conference room at City Hall. The justification being the same as before; that is, attorney/client privilege to discuss the Human Rights complaints filed by Greg Hernandez, Ronald Small, Rev. Smith and Rev. Burley, and to reconvene at 5:24 p.m. The motion was seconded by Commissioner Cummiskey. Upon being put to the question, all present voted aye.

Thereupon, the Commission recessed into executive session.

**Reconvene.** Thereupon, Commissioner Tyson made a motion to reconvene the open session at 5:24 p.m. The motion was seconded by Commissioner Matthews. 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 Jackson, to adjourn the Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:25 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

July 8, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Charlie Bowling for Jeff Herrman and Barb Nelson. Guests: Representatives from the Ottawa Girls Club, and Representatives from the Municipal Auditorium.

The Mayor called the meeting to order at 3:00 p.m.

1. Review of Work Study Session Minutes - June 24, 1996. Thereupon, the Commission reviewed and accepted, with corrections, the Work Study Session minutes of June 24, 1996.

2. Review of the July 17, 1996 City Commission Meeting. Thereupon, the Commission reviewed the draft agenda for the July 17, 1996 regular meeting noting that other items would be added during this meeting.

3. Discussion of OMA. Thereupon, City Manager Scott Lambers presented a draft ordinance prepared by City Attorney Forrest Lowry which is designed to develop the Auditorium Authority as a separate entity from the City and returning the Auditorium employees to the Authority, removing them from City payroll, but allowing the Auditorium Authority to request tax levy under the City's taxing authority. The City Manager explained that this ordinance was merely a first draft and that he was bringing it to the Commission for policy direction, noting that it called for a substantial increase to the Auditorium tax levy cap from 1.5 mills, to a maximum of 10 mills. He explained that it was his opinion that Program revenues should not be included as part of operating revenues for the first year, thereby creating a cash carryover of one year's worth of these revenues. This cash carryover would be utilized to provide mill levy reduction, maintenance expenses, and/or cash carryover. The City Manager asked the Commission if this was the direction which they thought best. The City Commission discussed the issue at length and heard from members of the Auditorium Board. The Commission agreed that other employees of the Auditorium should come under the direction of the Auditorium Director since the Auditorium Board would be hiring the Director. It was agreed to bring this issue back to the Work Study Session scheduled for August 12, 1996.

STUDY SESSION MINUTES, July 8, 1996

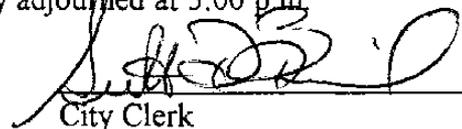
4. **Opening of Sealed Bids for Former ORC Building.** Thereupon, the Commission and City Manager asked City Clerk Scott Bird to open the sealed bids submitted for the purchase of the former ORC Building. Mr. Bird stated that Mr. Mike Detwiler had submitted a letter a to him on this date, July 8, 1996, requesting that the City return the bid from Jacob's Well, unopened, as they were no longer interested in purchasing the building. Therefore, Mr. Bird opened the sealed bid from the Ottawa Girls Club and read the letter to the Commission. The Girls Club bid \$20,000 to purchase the building. Thereupon, the City Commission moved to place this item on the agenda for July 17. Thereupon, Mrs. Bernice Smith asked the Commission if the Girls Club would also be allowed to keep the tables and folding chairs that were in the building at the time bids were solicited. City Manager Scott Lambers asked Mr. Bird to take an inventory of the items in the building and that City staff would respond to the request to keep the tables and chairs. Mrs. Smith also asked the Commission if the Girls Club would need to make arrangements with the school district to use the building. Mr. Lambers responded that he understood that the school district would not need to utilize the building at this time.

5. **1997 Operating Budget.** Thereupon, the City Commission reviewed the 1997 Operating Budget for the General Fund. City Manager Scott Lambers reviewed the 1996 sales tax estimates and revenues to date, noting that the estimated \$770,000 for City and \$800,000 for County sales tax revenue anticipated for 1997 seemed to be a sound estimate. The Commission spent approximately one hour reviewing the General Fund, page-by-page and asking questions of the various department heads. It was noted that the Budget would be considered further at the next two Work Study Sessions, one of which is scheduled after the regular City Commission Meeting on July 17, 1996.

**Announcements:** Thereupon, the Mayor announced that there would be Work Study Sessions scheduled for July 15 at 3:00 p.m., July 17 at approximately 10:00 a.m., or immediately following the Regular City Commission Meeting, July 22 at 3:00 p.m., and July 29 at 3:00 p.m.. He also announced that there would be a regular City Commission Meeting on July 17, 1996 at 9:30 a.m. and that there would be a Joint City/County meeting on July 17, 1996 at 12:00 noon in the Franklin County Jail.

**Open Agenda:** Thereupon, City Manager Scott Lambers noted that the City Inspector had given his notice and would be taking a position in Arizona.

**Adjournment.** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:00 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

July 15, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Andy Haney, Jim Bradley, Jim Shaw, Jeff Herrman and Barb Nelson. Guests:

The Mayor called the meeting to order at 3:00 p.m.

1. **Review of Work Study Session Minutes - July 8, 1996.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of July 8, 1996.

2. **Review of the July 17, 1996 City Commission Meeting.** Thereupon, the Commission reviewed the draft agenda for the July 17, 1996 regular meeting, noting that other items would be added during this meeting.

3. **Request from Tourism Director.** Thereupon, the Commission reviewed a request from Mr. Murray McGee, Franklin County Convention and Tourism Director. Mr. McGee requested the use of the municipal parking lot adjacent to the Ottawa Antique Mall and Restaurant the evening of August 4, 1996, noting that the Over-the-Road-Gang would be hosting a cruise night for the area car club and individual car enthusiasts.

The Commission considered the request and agreed by consensus to allow the use of the parking lot.

4. **Condemnation Proceedings for 228 S. Cedar and 731 S. Mulberry.** Thereupon, the Commission heard a report from Program Manager Wynndee Lee, that the properties at 228 S. Cedar and 731 S. Mulberry were soon to be razed. The Commission agreed that these properties should be cleaned up as soon as possible.

5. **Courtesy Parking Slips.** Thereupon, the Commission reviewed the possibility of using courtesy parking slips to out-of-county visitors to our community. During discussion, it was noted that the Chamber should lead a policy of self-policing. Commissioner Jackson also raised the question as to whether or not the City should be paying \$25,000 per year to earn between \$3,000 and \$4,000 in parking tickets. City Attorney Forrest Lowry noted that the person in the position in question also handled duties at Municipal Court. It was decided that this issue should come back in the future.

Work Study Session Minutes - July 15, 1996.

6. **Board Appointments.** Thereupon, Mayor Ramsey suggested that Don Carr be reappointed and that Gwynn McCurdy be appointed to the Ottawa Municipal Auditorium Board. Commissioner Cummiskey asked if the two applicants understood the new level of commitment that would be asked from this Board. Mayor Ramsey noted that he had visited with each of the individuals and had explained the situation. The Commission agreed by consensus to place this item on the City Commission agenda for July 17, 1996.

7. **ORC Program Guide.** Thereupon, there was presented a letter from ORC Director Wayne Burns requesting that the City team-up with the Recreation Commission to provide an informative and enjoyable recreational program guide. Mr. Burns noted that it was his intent to publish two guides per year, which would be distributed by mail to all patrons within the school district. He noted that this program guide would show case advertisements and have a shelf life of 5 to six months and would provide Ottawa residents information on local recreational activities. Thereupon, the Commission agreed by consensus to participate in this program, but asked the City Manager to work-up something that they could review.

8. **Thank You Letter to the Mayor of Ottawa, Canada.** Thereupon, the Mayor presented a proposed thank you letter to be sent to Mayor Holzman, City of Ottawa, Canada. The Commission agreed.

9. **1997 Operating Budget.** Thereupon, the City Commission spent about one hour reviewing the proposed 1997 Operating Budget, focusing most of their time on the Special Revenue Funds for the City. However, during discussion, Commissioner Jackson suggested that priorities be set and that possibly some equipment could be eliminated from the proposed 1997 General Fund Budget. Thereupon, Commissioner Matthews stated that he thought the Commission should find a way to roll taxes back, noting that the Middle School issue was on the minds of taxpayers.

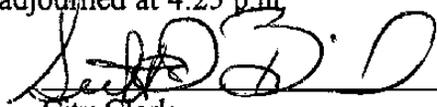
Thereupon, City Manager Scott Lambers noted that the dollar increase in the 1997 Budget was largely attributable to the increase allowed to the City Library. He suggested that new construction should not be apart of the discussion and reminded the Commission that staff was in the process of cost allocating and reducing transfers from the other funds to the General Fund. Mr. Lambers noted that using new construction as part of the equation would show our increase in tax dollars more favorably and noted that only 40% of the growth in real estate was attributable to artificial growth.

The Commission asked Mr. Lambers to look at ways in which the dollar amount of taxes could be lowered.

**Announcements:** Thereupon, the Mayor announced that there would be a regular meeting on July 17, 1996, at 9:30 a.m., with a Work Study Session immediately following the Regular City Commission Meeting (approximately 10:00 a.m.) and that there would be a Joint City/County meeting on July 17, 1996 at 12:00 noon in the Franklin County Jail. He also noted that there would be Work Study Sessions on July 22 and July 29, 1996 at 3:00 p.m.

**Open Agenda:** Nothing reported. \_\_\_\_\_

**Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:25 p.m.

  
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City Clerk

**STUDY SESSION MINUTES**

**10:15 A.M.**

**July 17, 1996**

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Jeff Herrman and Barb Nelson. Guests: None.

The Mayor called the meeting to order at 10:15 a.m.

The City Governing Body met in Work Study Session at 10:15 a.m. this date in the downstairs conference room at City Hall. They spent approximately 45 minutes discussing the proposed 1997 Operating Budget, reviewing the Water, Sewer and Electric Funds. In addition, in response to their requests, they were presented information regarding the General Fund Mill Levy; whereby, the City Manager recommended that a one ton truck for the Street Department and a pickup truck for the Parks Department not be funded in 1997. In addition, the City Manager also suggested that the COLA be changed from 2% to 3% and that the proposed 1.5% Merit Increase be eliminated. He noted that these changes would amount to a little over \$40,000, slightly more than one mill. The Commission agreed by consensus to these changes and asked that the Budget be revised to reflect the same.

**Open Agenda:** Nothing reported.

**Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 11:00 a.m.



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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of July 17, 1996

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

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

**Agenda Approval**

Thereupon, the agenda was approved with the addition of a Temporary Note Bid opening for the financing of 13th Street.

**Approval of Minutes**

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson to approve the minutes of the regular meeting of June 19, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes duly approved.

**Response to Public Comments:**

Thereupon, the Mayor noted that Ms. Anita Poe had addressed the Commission at their last regular meeting and that her interest in the Old ORC Bldg. would be addressed later in the meeting.

**Public Hearing**

Thereupon, the Mayor opened a Public Hearing to consider the 1997 Operating Budget.

There being no one wishing to speak to the issue, the Mayor closed the Public Hearing.

## **New Business Bid Opening**

Thereupon, the Mayor called upon City Clerk Scott Bird to open the bids for \$500,000 in temporary notes, being issued to finance the 13th Street project.

Thereupon, Mr. Bird read the following: Country Club Bank, Kansas City, Mo., average annual interest rate 4.42%, total interest cost \$22,100. United Missouri Bank, Kansas City, Mo., average annual interest rate 4.491%, total interest cost \$22,500. Boatman's Bank of St. Louis, average annual interest rate 4.36%, total interest cost \$21,800. Commerce Bank, Kansas City Mo., annual interest rate 4.24%, total interest cost \$21,200. Kansas State Bank, Ottawa, Ks., average annual interest rate, 4.53%, total interest cost, \$22,650. Cooper, Malone, McClain, Wichita, Ks., average annual interest rate 4.53%, total interest cost \$23,500. Davidson Securities Inc., Wichita, Ks., average annual interest rate 4.55%, total interest cost, \$22,750.

Thereupon, Dottie Riley , City Bond Council and Nevalea Magrath, Deputy City Clerk, excused themselves to confirm the bids.

## **Phone System**

Thereupon, there was presented a proposal to enter into an agreement with South Western Bell to improve the current phone system by adopting the Plexar System.

Thereupon, Commissioner Cummiskey made a motion seconded, by Commissioner Tyson, to approve the contract with Southwestern Bell. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the contract duly approved.

## **Disposition of City Documents**

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

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adopt the resolution. During discussion it was noted that City Staff had requested that certain obsolete records be disposed of but that some of the documents be placed with the Franklin County Historical Society due to their historical significance. 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 913-96.

## **Bed And Breakfast**

Thereupon, there was presented an ordinance amending Article 33, Section 4, Number 3, "Bed and Breakfast" of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was pointed out that the City Planning Commission had received a request to allow "Bed and Breakfast" establishments the ability to serve food and/or beverages to persons other than those staying at the bed and breakfast. After review of staff comments, the Planning Commission voted 4-0 to recommend the change. 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. 3189-96.

## **Disposition of Old ORC Bldg.**

Thereupon, there was presented a resolution authorizing the disposition of certain City property and authorizing the execution of certain documents by the City Manager to convey said property to the Ottawa Girls Club

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the resolution. During discussion it was noted that the Commission had received sealed bids for the old ORC Bldg. and some of its contents and that the only bid had come from the Ottawa Girls Club in an amount of \$20,000. 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. 914-96.

## **Planning Commission Appointment**

Thereupon, the Mayor recommended the appointment of Dave Rossman to fill the term vacated by Ron Yates on the City's Planning Commission.

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

Thereupon, the Mayor declared the appointment of Dave Rossman to the Planning Commission approved.

### **Appointments to Municipal Auditorium Board**

Thereupon, there was presented recommendation that Gwynn McCurdy be appointed to the Ottawa Municipal Auditorium Board and that Don Carr be re-appointed each to serve a three year term on the Municipal Auditorium Board.

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

Thereupon, the Mayor declared Gwynn McCurdy and Don Carr appointed to the Municipal Auditorium Board.

### **Financial Reports May 1996**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the Monthly Financial and Activity Reports for May 1996. The motion was considered and upon being put to the question, and all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for May 1996 approved as written.

### **Temporary Notes**

Thereupon, Dottie Riley, City Bond Council returned to the meeting and informed the Commission that Commerce Bank of Missouri had in fact been the low bidder, at a total interest cost of \$21,200 and an average annual interest rate of 4.24%, and recommended the Commission accept this bid and authorize the issuance of the notes.

Thereupon, there was presented a resolution authorizing the issuance and delivery of \$500,000, principal amount of temporary notes, Series 1996 of the City of Ottawa, Kansas, for the purpose of temporary financing the cost of certain internal improvements of the City, and prescribing the terms and details of the notes.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to adopt the resolution and to accept the bid from Commerce Bank of Missouri. During discussion it was noted that the \$500,000 in Temporary Notes would be used to pay the cost associated with the 13th Street Project.

Thereupon, the Mayor declared the resolution duly adopted, and the bid duly accepted, and the resolution was duly numbered, Resolution No. 912-96.

### **Announcements**

Thereupon, the Mayor announced Work Study Sessions scheduled, July 17, immediately following this Meeting, July 22, at 3:00 p.m., July 29, at 3:00 p.m., August 5, 3:00 p.m., August 12, 3:00 p.m., August 19, 3:00 p.m. and August 26, 3:00 p.m. The Mayor further announced there would be a Joint City/County Meeting this date at 12 noon in the Franklin County Jail Basement, and that there would be regular City Commission Meetings scheduled for August 7, 7:00 p.m., and August 21, 9:30 a.m. He further announced that there would be a joint City/County Meeting on August 21 at 12 noon in the Franklin County Jail. In addition the Mayor announced that there would not be Work Study Sessions scheduled for September 2, nor would there be a City Commission Meeting scheduled September 4, 1996 .

### **Adjournment**

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

Thereupon, the Mayor declared the meeting duly 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 22, 1996

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Jeff Herrman and Barb Nelson. Guests: None.

Absent: Commissioner Matthews

The Mayor called the meeting to order at 3:00 p.m..

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the downstairs conference room at City Hall.

1. Acceptance of Study Session Minutes. Thereupon, the Commission reviewed and accepted the minutes of the July 15, 1996 and July 17, 1996 Work Study Sessions.

2. Review of August 7, 1996 City Commission Agenda. Thereupon, the Commission reviewed the agenda of August 7, 1996.

3. Annexation. Thereupon, City Manager Scott Lambers reviewed a request for annexation by Frank D. Fogle, Jr., for an area located in the 2000 Block of South Cedar Street.

Thereupon, the Commission agreed to place this item on the August 7, 1996 City Commission Agenda.

4. Rezoning. Thereupon, the City Manager reviewed a proposed ordinance to rezone an area within the City of Ottawa located generally in the area of 120 E. 23rd Street. The rezoning would be from I1 (Light Industrial) to C2 (General Commercial). The Planning Commission recommended this rezoning by a vote of 5-0.

Thereupon, the City Commission agreed to place this item on the August 7, 1996 City Commission Agenda.

5. Rezoning. Thereupon, the City Manager reviewed a proposed rezoning in an area within the City of Ottawa located generally in the area of 100 W. 23rd Street. The rezoning would be from I1 (Light Industrial) to C2 (General Commercial). The Planning Commission recommended this rezoning by a vote of 5-0.

Thereupon, the City Commission agreed to place this item on the August 7, 1996 City Commission Agenda.

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6. **Parking and Loading Regulations.** Thereupon, the City Manager reviewed a proposed ordinance to amend Article XXIII, Section 1, Number 21, regarding parking and loading regulations of the zoning ordinance 2933-90. The Planning Commission had reviewed this proposal which would reduce the number of parking spaces to one space for each 300 square feet of floor area as opposed to one space for each 200 square feet. The Planning Commission recommended this change by a vote of 6-0.

The City Commission agreed to place this item on the August 7, 1996 City Commission agenda.

7. **Non-Conforming Uses.** Thereupon, the Commission reviewed a recommendation from the Planning Commission to amend Article XXVII, Section 4, Number 7, Nonconformities to the Zoning Ordinance 2933-90 for the City of Ottawa.

The Commission agreed to place this item on the August 7, 1996 City Commission agenda.

8. **Animal Regulations.** Thereupon, the City Commission discussed an ordinance to amend Article XXVI of Zoning Ordinance No. 2933-90 dealing with animal regulations. The Commission reviewed the new Section 8 of this Ordinance. Commissioner Jackson expressed concern over item #6 on this ordinance and asked that it be eliminated. Thereupon, Commissioner Cummiskey asked for a phase-out for the number of animals greater than the number allowed by this ordinance. The Commission was generally in agreement that five years should be the maximum number of years allowed for such a phase-out. Thereupon, Commissioner Jackson asked that a section be added to address arachnids.

The Commission agreed to review this ordinance before placing it on a future City Commission agenda.

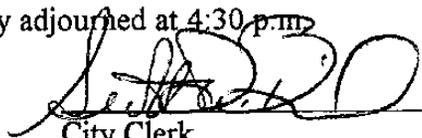
9. **CIP Review.** Thereupon, City Manager Scott Lambers reviewed the 1997 Capital Improvement Program with the Commission.

10. **1997 Operating Budget.** Thereupon, the City Manager reviewed the 1997 Operating Budget with the changes the Commission had previously asked for. The Commission agreed by consensus to publish the notice of hearing.

**Open Agenda:** Thereupon, City Manager Scott Lambers presented a request from USD 290 to rent the Municipal Auditorium for a reduced rental fee. The City Commission discussed this issue and decided that it should be referred to the Auditorium Board.

**Announcements:** Thereupon, the Mayor announced scheduled Work Study Sessions for July 29, 1996 at 3:00 p.m.; August 5, 1996 at 3:00 p.m., August 12, 1996 at 3:00 p.m., August 19, 1996 at 3:00 p.m. and August 26, 1996 at 3:00 p.m.. He further announced that there would be a Commission meeting on August 7, 1996 at 7:00 p.m. and August 21, 1996 at 9:30 a.m. He further announced that there would be a Joint City/County meeting on August 21, 1996 at 12:00 p.m. and there would not be a Work Study Session on September 2, 1996 nor a City Commission meeting on September 4, 1996.

**Adjournment.** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:30 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of August 7, 1996

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

The Mayor called the meeting to order and welcomed the Chamber and Radio Audiences.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Henry Roberts.

**Agenda Approval**

Thereupon, the agenda was approved as presented.

**Approval of Minutes**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to approve the minutes of the regular meeting of July, 17, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Agenda was approved as written.

**Response to Public Comments:**

Thereupon, Mr. Greg Hernandez, 204 South Elm addressed the Commission in regards to his claim against the City.

Thereupon the Mayor explained to Mr. Hernandez, that this issue is a personnel matter and that it had been referred to the City Attorney.

**Public Hearing**

Thereupon, the Mayor opened a Public Hearing concerning general requirements for animals.

Thereupon, City Manager Scott Lambers, explained that the Commission during review of a proposed ordinance had sent the ordinance back to the City Planning Commission for further review. He noted that this public hearing was for the purpose of allowing public input at this point in time, which is all together fitting and proper, and also noted that it would be brought back for a continued public hearing on August 21, 1996. The City Manager noted that no decision would be made on this topic at this time and probably would not be made until November or December of this year.

Thereupon, several citizens asked to speak to this issue. The first to speak was David Nieves. Mr. Nieves explained that he was from Missouri but was speaking on behalf of some citizens of the City of Ottawa. Mr. Nieves passed a handout out to the commission and noted that he was a representative from the Herpetological Alliance. Mr. Nieves noted that 15 percent of pet owning homes have some type of reptile and suggested that limitations on numbers of nonvenomous snakes and lizards was unnecessary, especially given the fact that reptiles are to be kept in terrariums. He further explained that subsection 5 & 6 of the proposed ordinance could handle any concerns for free running reptiles or amphibians.

Thereupon, Ms. Marilyn Davis, 821 North Oak, noted that she is an educator and an animal lover and did not want to see a number imposed on those who care for their animals properly.

Thereupon, Ms. Debbie Blakely, 501 W. 10th St., noted that limiting the number of animals was incorrect when in fact cruelty can be inflicted on pets no matter what the number is. She explained that she volunteered at the animal shelter and has several animals which she cares for while they await permanent homes. She also noted that she had a 21 year old cat and that a five year phase out period was not long enough.

Thereupon, Mr. Matthew Thomas, 1017 Maple, asked what the logic was behind the numbers which had been set. He noted that he had raised rabbits for approximately five years and that those animals made no noises and caused little problem to the neighborhood. He also asked what the result would be when a female animal had young.

Thereupon, the City Manager explained that animals less than 6 months old would not be affected by this ordinance.

Thereupon, Mr. Brian Fast, 816 West 9th, stated that he had raised rabbits for show in the past and that 4H and Scouters often raised rabbits and that three was not a proper number. In fact, Mr. Fast noted, he had at times over 100 animals which included twelve breeders.

Thereupon, Ms. Ken Graber, 807 South Princeton, representing the interest of farret owners, noted that farrets cause little noise and were raised to be house pets. She noted that farrets who escape to the wild cannot survive.

Thereupon, Ms. Jan Seals, 4636 Ohio Road, and the owner of a newly opened pet shop, stood opposed to the limits, noting that she felt this was actually an attempt to control nuisances and did not believe the new ordinance would accomplish that.

Thereupon, the Mayor noted that this ordinance is meant for residential areas and would not affect commercial pet shop owners.

Thereupon, Mr. Doug Loyd, 616 Mulberry, stated that he raised birds, and that some birds lived to be 65 years old and suggested that a five year phase out period would not be adequate.

Thereupon, Ms. Gabriel Lemons addressed the Commission noting that she was a volunteer helper at the animal shelter and suggested that the ordinance was "barking up the wrong tree." Ms. Lemons suggested there are regulations concerning animals which are not controlled now due to the lack of manpower.

Thereupon, Ms. Andy Hunter noted that she is a bird breeder and did not want to see her rights or anyone else's rights taken away through this ordinance.

Thereupon, Ms. Nancy Saunders, 618 South Linwood, noted that she had several animals and that they were all well cared for and she did not want to lose any of them.

Thereupon, Mr. Darren Graber, 807 South Princeton, asked for the logic behind the ordinance.

Thereupon, the City Manager noted that this was a land use regulation and that was an attempt to understand what a reasonable number of animals in a residential area should be.

Thereupon, Mr. Victor Simms, 616 South Locust, asked if there would be a difference between animals raised as pets and animals raised for consumption. He noted that he raised rabbits for consumption, and in fact, had butchered five this a.m. He suggested that the limits established would not be sufficient.

Thereupon, Commissioner Jackson noted that no one had spoke to the Pot Belly Pig issue.

Thereupon, Ms. Debbie Blakely suggested the Commission should consider size when determining whether or not Pot Belly Pigs should be controlled. She noted that some pigs were relatively small and odorless.

Thereupon, Mr. Max Cartmill, 1132 South Elm, asked the Commission what would define birds. Mr. Cartmill noted that he raised domestic show pigeons and had produced, in his estimation, a low number of 32 this year. He asked if he would lose his grandfather clause if he moved to a new location within the City. The City Manager replied in the affirmative. Mr. Cartmill also suggested that if the City intends to get into this that the Inspection Dept. issue permits and in fact inspect for violations.

There being no further comments on this issue, the Mayor closed the Public Hearing as of 7:53 p.m.

### **Public Hearing**

Thereupon, the Mayor opened the public hearing to consider the 1997 operation budget.

Thereupon, Ms. Carla Beinhoff representing the Auditorium Authority asked the Commission about the 1.5 Mills which had been decided for the Auditorium, noting that they had used a projected number to establish their request for budgetary authority, and when the assessed valuation came in higher than in fact instead of 1.5 Mills they were receiving less. She noted that the Director of the Auditorium was unaware of this situation until she had requested a budget.

Thereupon, City Manager Scott Lambers explained that the auditorium had worked on the same playing field as the City when trying to establish their budget and in fact had been given the less conservative end of estimates when dealing with this issue.

Thereupon, Commissioner Jackson suggested that perhaps there was a communication problem if in fact the director was unaware of the situation with the budget.

Thereupon, Mr. Pete Smith, 1247 South Elm, expressed concern with the 10 Mills which have been suggested for the Library noting that they are levying over 8.8 Mills which was a considerable increase over their prior mill levy. Mr. Smith's suggestion was for the County to fund the Library, noting that the same dollars could be funded by the County for 3.1 Mills and noting that citizens of Ottawa are in fact county residents and further noting that county residents make a great deal of use of the Library. Mr. Smith continued by explaining that the City provides many recreational opportunities, including but not limited to, the Swimming Pool, Ball Diamonds, the Auditorium as

well as the Airport. He suggested that he could not think of what the County provided in these areas. He suggested the Library is not merely a City function and asked the Commission to take this issue to the County.

Thereupon, Commission Jackson noted that Topeka had passed a partial Library Tax which would be shared by the County. I noted that Johnson County has a County Library.

Thereupon, Mayor Ramsey asked Mr. Smith if he would also approach the County Commission on this issue, Mr. Smith agreed.

Thereupon, Commissioner Cummiskey asked the City Manager for further clarification on the budget reserves, noting that Mr. Smith had raised some questions with her.

Thereupon, the City Manager noted that it was his suggestion that the City provide a minimum of 25 percent reserve in carry over and contingency and that the City was barely meeting those expectations. He suggested that the City be cautious in this regard noting that it relies on the volatility of the Sales Tax Revenue.

Thereupon, the Mayor noted the budget in fact showed a mill levy decrease and that most of the increase was due to the increase, as Mr. Smith had pointed out, in the Library Budget. There being no further comments on this issue the Mayor closed the public hearing.

#### **New Business Annexation**

Thereupon, there was presented an Ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion the City Manager explained that this annexation had been at the request of the property owner and would be located generally south of KOFO Radio Station. The property owner intended on placing some type of a restaurant facility in that 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. 3190-96.

**Rezone  
120 E. 23rd.**

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, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the City of Ottawa Planning Commission had reviewed Staff findings requesting this re-zone and that the Planning Commission recommended to the City Commission the approval of the rezone of an area generally located at 120 East 23rd, from I-1 (Light Industrial) to C-2 (General Commercial) by a vote of 5-0. 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 3191-96.

**Rezone  
100 Block of West 23rd**

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 Matthews, to adopt the ordinance. During discussion it was explained that the City of Ottawa, Planning Commission had reviewed Staff findings requesting this rezone and that the Planning Commission had recommended to the City Commission the approval of a rezone of an area, in the 100 block of West 23rd from I-1 (Light Industrial) to C-2 (General Commercial) by a vote of 5-0. 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. 3192-96.

**Parking Regulations**

Thereupon, there was presented an Ordinance to amend Article XXIII, Section 1, Number 21, Parking and Loading Regulations to the Zoning Ordinance 2933-90 for the City of Ottawa, Kansas.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had received a request to change the minimum required parking spaces for retail stores and shops. The

Planning Commission, after reviewing staff comments, voted 6-0 to recommend that Article XXIII, Section 1, Number 21, be amended. 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. 3193-96.

### **Nonconformities**

Thereupon, there was presented an ordinance to amend Article XXVII, Section 4, Number 7, Nonconformity's, to the Zoning Ordinance 2933-90, for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cumiskey, to adopt the ordinance. During discussion it was explained that the Planning Commission had received a request to change the time limit of nonconforming uses in relationship to agriculture uses. The Planning Commission, after reviewing staff comments, voted 6-0 to recommend that this change be made. The City Manager explained that this change would allow agricultural land which has not been used for two years to retain its exemption, noting that some land needed to lie fallow for at least one year and that this change would provide for that possibility. The motion was considered and upon being put the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3194-96.

### **Operating Budget 1997**

Thereupon, there was presented an ordinance appropriating the amounts provided in each fund in the budget for the year 1997, 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 1997; and establishing the amount of ad valorem tax to be levied in 1996 for the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3195-96.

### **Cost of Living Adjustment**

Thereupon, there was presented a resolution implementing a 3% cost of living adjustment (COLA) for employees of the City of Ottawa effective January 1, 1997.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the resolution. During discussion it was explained that this resolution amends the City's existing pay plan by incorporating the 3% COLA contained in the 1997 Budget, and the top end of the pay ranges would be adjusted by 3%. 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. 915-96.

### **Monthly Activity and Financial Reports June 1996**

Thereupon, there was presented the Monthly Activity and Financial Reports for June 1996.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to accept the report. During discussion Commissioner Jackson again raised the issue of uncollected fines. Mr. Jackson asked if we were any closer to being able to publish offenders names in the local paper. City Attorney Forrest Lowrey, noted that discussions had been held in this regard and he hoped that we would be able to do so in the near future. Commissioner Jackson suggested that this needed to be moved on.

Thereupon, Commissioner Tyson suggested that this report be broken down by year, making greater clarification possible.

Thereupon, Commissioner Cummiskey noted that the Commission had in fact turned down a request from the court for additional help.

### **Reports by City Manager**

Thereupon, Commissioner Cummiskey asked the City Manager for an update on the move.

Thereupon, the City Manager noted that the move was in progress, that the computer system would be moved Thursday, and that the City would continue to provide services as best as possible during this period.

Thereupon, the Mayor noted that the City had accelerated their move date in order to assist USD 290 with their relocation problems.

### **Governing Body Agenda**

Thereupon, Commissioner Jackson noted that 2 sessions ago the Commission had discussed the cost of parking and the signs associated therewith, he asked if discussion with the Chamber had occurred.

Thereupon, Mayor Ramsey noted that he would bring that issue up at the next Tuesday meeting, but did not know how well it would be received.

Thereupon, City Manager Scott Lambers noted that he had been asked to develop a plan and would be revisiting this issue.

Thereupon, Commissioner Jackson noted that the Rails to Trails area was needing to be mowed and ask how that situation was coming.

Thereupon, the City Manager noted that the City would be mowing the area in question and in fact has been mowing that area, and thereupon bills the State for those services.

Thereupon, Public Works Director Andy Haney, noted that the State would rather the City not mow this any more than necessary, and that he was working with the State as closely as possible on this issue.

### **Announcements**

Thereupon, the Mayor announced Work Study Sessions scheduled, August 12, at 3:00 p.m., August 19, at 3:00 p.m., that there would be a Joint City/County Meeting on August 21, at 12 noon in the Franklin County Jail, and that there would be a Work Study Session August 26, at 3:00 p.m. He noted that there would not be a Work Study Session on September 2, nor would there be a City Commission Meeting on September 4, 1996. The Mayor further announced that the next regular meeting of the City Commission would be scheduled for August 21, 1996 at 9:30 a.m.

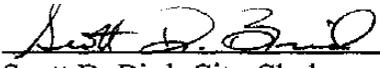
### **Adjournment**

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.

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Thereupon, the Mayor declared the meeting duly 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

4:00 P.M.

August 12, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, and Jeff Herrman. Guests: Carla Bienhoff.

Absent: Commissioner Matthews

The Mayor called the meeting to order at 4:01 p.m.

1. **Acceptance of Study Session Minutes.** Thereupon, the Commission reviewed and accepted the minutes of the July 22, 1996 Work Study Session.

2. **Review of August 21, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of August 21, 1996.

3. **Repair of Van.** Thereupon, the Commission reviewed a request by Utility Director Jim Bradley to repair the van used by Environmental Coordinator Dale Howard noting that it had incurred damages while parked outside Mr. Howard's home and that estimates to repair the damages was \$4,354.51.

Thereupon, the Commission gave consensus to repair the van.

Thereupon, Commissioner Cummiskey asked if an insurance reimbursement was possible. Thereupon, the City Manager responded if the perpetrator was discovered.

4. **Fire Hydrant at OHS.** Thereupon, the Commission reviewed a recommendation to charge a fire hydrant extension for USD 290 to the City Contingency Funds.

Thereupon, Commissioner Cummiskey asked if this was not similar to storm drainage situations. The City Manager noted that the City could certainly work this situation out with the school district if that was the Commissions intentions.

Thereupon, the Mayor asked if we previously had a line to service this hydrant. The City Manager said there had not been and normally the charges would be charged back to the developer.

Thereupon, Chief Towe noted that we had needed another hydrant in this area for a long time, but the additional fire load due to the Middle School crisis required that this issue be pursued.

Thereupon, the Commission agreed by consensus to place this item on the agenda..

5. OMA Fee Schedule for School District. Thereupon, the City Commission reviewed a proposed fee schedule for the Municipal Auditorium in regards to the Middle School and other USD 290 usage.

Thereupon, Carla Bienhoff, representing the Municipal Auditorium, noted that the board had considered and proposed the charges. Ms. Bienhoff also requested that the Commission continue to pursue the charter ordinance which they had discussed at an earlier Work Study Session. It was noted that a revised ordinance would be proposed to the Auditorium Board sometime during October or November.

Thereupon, Ms. Bienhoff suggested that the Auditorium Board felt that they had been overlooked as a board authority and would like to be brought in on the decision making process more often in regards to the Auditorium.

Thereupon, Commissioner Cummiskey reminded Ms. Bienhoff that the only time the Commission could discuss such issues were at regular meetings or Work Study Sessions. Commissioner Cummiskey also expressed that it is her belief that the Commission is still feeling their way through this transition period with the Auditorium Board. She noted that it would only be natural for a new superintendent to make his contacts through the City Manager.

Thereupon, the Mayor noted that every effort was being made to resolve this issue.

Thereupon, Ms. Bienhoff asked what the status of the Auditorium boiler was. Thereupon, the City Manager noted that he was waiting on information from Carey Plumbing.

6. Condemnation - 731 S. Mulberry. Thereupon, the City Manager reviewed the documentation prepared by the inspection department regarding the condemnation of 731 S. Mulberry. It was also noted that Robert Smith had withdrawn his bid and therefore the bid from Scott Construction in the amount of \$4,550 would be accepted.

7. Cereal Malt Beverage License - Pizza Time. Thereupon, the Commission reviewed a request from Mr. John Duncan of the Pizza Time Restaurant for a cereal malt beverage license for their new location at 133 S. Main.

Thereupon, the Commission agreed to place this item on the agenda for August 21, 1996.

8. Visitor Parking. Thereupon, the City Commission reviewed a proposed visitor parking form as prepared by the Ottawa Police Department.

Thereupon, the Commission agreed to proceed with this matter, but also agreed that the Mayor would bring this issue up at the next Tuesday Chamber meeting.

9. Taxis. Thereupon, the City Commission reviewed the City's ordinance regarding taxi cab licenses and insurance requirements.

Thereupon, the Mayor suggested that the Commission completely review this issue noting that the Safety Inspection section, 11-305, was outdated.

**Open Agenda:** Thereupon, Commissioner Jackson passed out information, "A Call to Action", regarding gangs and noted that the KOCH Crime Commission was to lead a meeting regarding gang involvement and had asked Commissioner Jackson to set in on this project.

Thereupon, Commissioner Cummiskey noted that she was also on the committee that was involved in organizing this session.

Thereupon, Commissioner Jackson noted that he had visited with John Montgomery of the Ottawa Herald who had indicated that he saw no problems in publishing the outstanding warrants list for Municipal Court.

**Announcements:** Thereupon, the Mayor announced scheduled Work Study Sessions for August 19, 1996 at 4:00 p.m. and August 26, 1996 at 3:00 p.m. He further announced that there would be a Commission meeting on August 21, 1996 at 9:30 a.m. He also announced that there would be a Joint City/County meeting on August 21, 1996 at 12:00 p.m. and there would not be a Work Study Session on September 2, 1996 nor a City Commission meeting on September 4, 1996.

**Executive Session:** Thereupon, Commissioner Jackson made a motion to recess into executive session, in order to discuss personnel for 20 minutes and to reconvene at 5:00 p.m. in the same meeting room, that is, the downstairs meeting room at City Hall. He also noted that names would not be revealed and no action would be taken after the executive session.

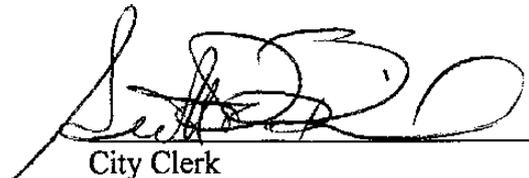
The motion was seconded by Commissioner Cummiskey.

Thereupon, the Commission recessed into executive session.

**Reconvene:** Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to reconvene the meeting at 5:00 p.m.

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 Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:08 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

August 19, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, and Jeff Herrman. Guests: Carla Bienhoff.

The Mayor called the meeting to order at 4:00 p.m.

1. **Review of August 21, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of August 21, 1996.

2. **Audit Report.** Thereupon, the Commission heard from Mr. Keith Gaeddert of Agler & Gaeddert regarding the 1995 Audit of the City's financial status.

3. **Request by Fashion, Inc.** Thereupon, the City Commission heard from Bond Counsel Ms. Dottie Riley, who explained that Fashion, Inc. had requested the opportunity to redeem their outstanding Industrial Revenue Bonds. She further explained that it had been thought that Fashion needed to act upon this as fast as possible, but now it looked as if this could be taken care of at the September 18, 1996 City Commission meeting.

Thereupon, Mr. Lonnie King of Fashion, Inc. thanked the Commission for their consideration in this matter and explained that Fashion, Inc. did intend to redeem these bonds with the approval of the Commission.

4. **Resolution Condemning Attacks against African American Churches.** Thereupon, the City Commission reviewed a proposed resolution presented by Commissioner Jackson which condemns attacks against African-American churches and other religious institutions.

Thereupon, the Commission agreed to place this item on the August 21, 1996 City Commission agenda.

5. **Request to Use the Former Library Building.** Thereupon, there was presented a request from the Area Community Theater asking for permission to use the former Library building at 5th and Main for the production of "Arsenic and Old Lace".

Thereupon, the Commission discussed the request. Thereupon, Commissioner Cummiskey asked if this item could be brought back to the Commission and a representative from the Area Community Theater could be in attendance.

**Open Agenda:** Thereupon, Commissioner Jackson passed out information, "A Call to Action", regarding gangs and noted that the KOCH Crime Commission was to lead a meeting regarding gang involvement and had asked Commissioner Jackson to set in on this project.

Thereupon, Commissioner Cummiskey noted that she was also on the committee that was involved in organizing this session.

Thereupon, Commissioner Jackson noted that he had visited with John Montgomery of the Ottawa Herald who had indicated that he saw no problem in publishing the outstanding warrants list for Municipal Court.

**Announcements:** Thereupon, the Mayor announced the following schedule: There will be a City Commission Meeting on August 21, 1996 at 9:30 a.m., there would be a Joint City/County meeting on August 21, 1996 at 12:00 p.m. The Mayor also announced that there would not be a Work Study Session on September 2, 1996 nor a City Commission meeting on September 4, 1996. There will be Work Study Sessions on August 26, 1996 at 3:00 p.m., September 9 and September 16, 1996 at 3:00 p.m..

**Executive Session:** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey to recess into executive session to discuss the acquisition of real estate for park land and to discuss personnel. The names of those persons involved could not be mentioned to protect their privacy and the meeting would be convened in open session at 5:10 p.m. in the same location. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Commission recessed into executive session.

**Reconvene:** Thereupon, at 5:10 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews to reconvene. The motion was considered, and upon being put to the question, all present voted aye.

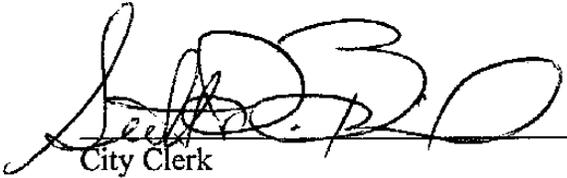
**Executive Session:** Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to again recess into executive session to discuss the acquisition of real estate for park land and to discuss personnel and to reconvene into open session at 5:25 p.m. in the same location.

**Reconvene:** Thereupon, at 5:25 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews, to reconvene the open session.

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

Thereupon, the Mayor declared the meeting duly reconvened.

**Adjournment:** There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Cumiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:30 p.m.



City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of August 21, 1996

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

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

**Agenda Approval**

Thereupon, the agenda was approved as presented.

**Response to Public Comments**

Thereupon, Mayor Pro tem Cummiskey read the following response to the address of the Commission by Mr. Greg Hernandez on August 7, 1996: "Since this matter is still pending before the Kansas Human Rights Commission, the City is precluded from responding to the comments made by Mr. Hernandez."

**Public Hearing**

Thereupon, the Mayor Pro tem opened the Public Hearing regarding the general requirements concerning animals. This public hearing was continued from the August 7, 1996, City Commission Meeting. All information and the proposed ordinance will be referred back to the City Commission to be studied at a Work Study Session in September, 1996. There being no one present to speak to this issue Mayor Pro tem Cummiskey closed the hearing.

**New Business  
OHS Fire Hydrant**

Thereupon, there was presented a request to authorize funds from the Water Contingency fund, to install a fire hydrant at Ottawa High School.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to approve the expenditure. During discussion it was explained that the total amount for materials to place the hydrant would be approximately \$3009.00, and that this had been necessitated by the movement of Ottawa Middle School. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor Pro tem declared the expenditure duly authorized.

#### **CMB License**

Thereupon, there was presented a request for a Cereal Malt Beverage License from John Duncan of Pizza Time asking for the approval to sell retail Cereal Malt Beverages at their new location of 133 South Main.

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

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

#### **Resolution, Condemning Attacks**

Thereupon, there was presented a resolution condemning attacks against African American churches and other religious institutions.

Thereupon, Mayor Pro tem Cummiskey read the resolution.

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

Thereupon, Mayor Pro tem Cummiskey declared the resolution duly adopted and the resolution was duly numbered Resolution No. 916-96.

#### **Reports by City Manager**

Thereupon, City Manager Scott Lambers advised the Commission that an individual had barricaded himself in a local residence this morning and the Star Team had responded. No further information was available at this time.

#### **Announcements**

Thereupon, the Mayor Pro tem announced, there will be Joint City County Meeting this date at 12 noon in the Franklin County Jail Basement, that Work Study Sessions have been scheduled for August 26, at 3:00 p.m., September 9, at 3:00 p.m. and September 16, at 3:00 p.m., and there will not

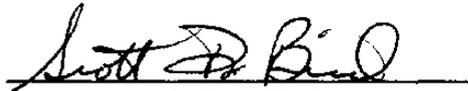
be a Work Study Session scheduled for September 2, 1996, nor will there be a meeting on September 4, 1996. The next regular meeting is scheduled for September 18, 1996, at 9:30 a.m., and the first meeting in the new City Commission Chambers at the New City Hall is scheduled for October 2, 1996, at 7:00 p.m.

### Adjournment

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

Thereupon the Mayor Pro tem declared the meeting duly 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

4:00 P.M.

August 26, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Richard Towe, Jim Bradley, Jim Shaw, and Jeff Herrman. Absent: Judy Hasty and Andy Haney. Guests: Medora Hoge and Jeannette Lowry.

The Mayor called the meeting to order at 4:02 p.m.

Thereupon, the Commission reviewed and accepted the Work Study Session minutes of August 12, 1996.

1. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of September 18, 1996. The City Manager reminded the Commission that there would be information regarding the Fashion, Inc. bond redemption added to the agenda at a latter date.

2. **Area Community Theater.** Thereupon, the Commission visited with Ms. Medora Hoge, representing the Area Community Theater, and entertained the request from ACT to use the former Library building as a location for a presentation of "Arsenic and Old Lace." The play would be presented on October 25, 26 and 27, 1996 if approved by the Commission.

Ms. Hoge explained that ACT was looking for an intimate atmosphere which would lend itself well to the genre of this particular play and felt that the Library offered this type of setting. During the discussion, City Manager Scott Lambers asked Ms. Hoge to make arrangements with City Clerk Scott Bird and himself to view the Library building after the Library had fully moved to see if this, in fact, met their needs. He also suggested that she contact the Auditorium to see what possibilities might be worked out.

3. **Veterans Day Parade.** Thereupon, the Commission considered a letter from the Franklin County Veterans Memorial Committee who is requesting permission to have a Veterans Day parade on November 9, 1996 at 1:30 p.m.

The Commission agreed by consensus to place this issue on the October 2, 1996 City Commission agenda..

4. **Power Plant Equipment Repair.** Thereupon, the Commission reviewed a memo from Utilities Director Jim Bradley requesting to have \$18,920 of budgetary authority moved from the Contingency line in the Electric Fund to line item 3703-533.

Thereupon, the City Manager explained that this line was being over-spent as a result of unanticipated expenditures which had occurred late in 1995 and early in 1996. He also explained that he and the Utilities Director had attempted to live within the confines of that budget, but it had become apparent that due to these and other routine equipment repair expenses that it would be necessary to make this request.

The Governing Body considered this issue and agreed by consensus to the request.

5. **Amendment to Zoning Ordinance.** Thereupon, the Commission considered an amendment to Article XXI of the Zoning Ordinance. Thereupon, Planning and Zoning Director Jim Shaw explained that this proposed ordinance would allow for an overlay zoning in either I-1 or C-2 zones and would save developers time rather than requesting special use permits.

The Commission reviewed this issue and agreed to place it on the October 2, 1996 City Commission agenda.

6. **Rezone - 2000 Block of South Cedar.** Thereupon, the Commission discussed with Planning and Zoning Director Jim Shaw a request to rezone an area within the 2000 Block of South Cedar. Mr. Shaw noted that this area had recently been annexed and that the property owner had requested this rezone in order to proceed with his plans to place a restaurant in this area.

The Commission agreed to place this item on the October 2, 1996 City Commission agenda.

7. **Amendment to the Zoning Ordinance to Allow Horticultural Use.** Thereupon, the Commission considered an ordinance to amend the zoning ordinance to allow horticultural uses. Mr. Shaw explained that this ordinance would allow ornamental flora culture and nursery products in the M-H Mobile Home Dwelling District group.

The Commission considered this change and agreed by consensus to place this item on the October 2, 1996 Commission agenda.

8. **Request for Flea Market.** Thereupon, the Commission reviewed a request from Murrey McGee of the Ottawa/Franklin County Convention and Tourism Bureau to use the municipal parking lots east and west of the 200 Block of Walnut the evening of September 27 and the days of September 28 and 29. The purpose of this usage would be to host an antique and flea market show for the days of September 28 and 29.

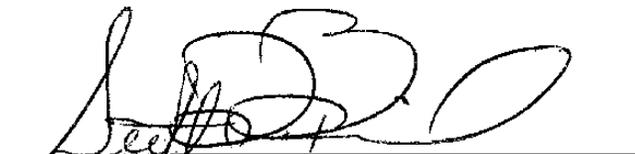
The Commission considered this request and agreed to place this item on the agenda for September 18, 1996.

**Open Agenda:** Thereupon, Commissioner Cummiskey asked to be placed on the next Work Study Session agenda to discuss water issues and retail wheeling.

**Announcements:** Thereupon, the Mayor announced the following times and dates for future meetings: There will not be a Work Study Session on September 2, 1996, there will not be a City Commission Meeting on September 4, 1996. There will be a Work Study Session on September 9 and September 16, with the times for these meetings to be announced at a later date. There will be a City Commission Meeting on September 18, 1996 at 9:30 a.m. and a Joint City/County meeting on September 18, 1996 at 11:45 a.m. There will also be Work Study Sessions on September 23, September 30 and October 14, 1996, and City Commission Meeting on October 2, 1996 at 7:00 p.m. and October 16, 1996 at 9:30 a.m. There will not be a Work Study Session on October 7, 1996 because of the League of Kansas Municipalities meetings in Overland Park, Kansas.

The City Manager informed the Commission that all meetings will continue to be held in the former City Hall, 123 W. 4th until the October 2, 1996 City Commission meeting.

**Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:05 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

September 9, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Barb Nelson and Charlie Bowling for Jeff Herrman. Guests: Jeanette Lowry, Mr. and Mrs. Wilfred Bugner. Absent: Andy Haney.

The Mayor called the meeting to order immediately following the Special Call meeting at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes for August 19 and August 26, 1996.
2. **Review of August 21, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of September 18, 1996, noting that items would be added.
3. **Stormwater Run-off.** Thereupon, the Commission heard from Mr. Wilfred Bugner regarding the stormwater drainage ditch which has been placed on his property. Mr. Bugner provided the Commission with pictures and expressed his concern that this was not an acceptable situation. He suggested that the City provide him with 40' of corrugated pipe and stated he would stand the cost of installation, performing most of the work himself.

The Commission discussed this issue at great length and asked to hear from Public Works Director Andy Haney on other areas of town which may be in a similar situation before making a decision.

4. **Electric Retail Wheeling** Thereupon, the Commission discussed the issue of Electric Retail Wheeling and reviewed a research bulletin from the League of Municipalities. City Manager Scott Lambers and Director of Utilities Jim Bradley noted that this would be an issue that could impact the City severely.
5. **Debate Watch.** Thereupon, Commissioner Jackson noted that Wichita had put together a debate watch task force and was looking forward to the political debate this fall. The Commission discussed various options at their proposed debate watch and asked the City Manager to secure the hospital conference room and two facilitators for the first debate.

6. **Community Theater.** Thereupon, the City Manager reported that he and the City Clerk had toured the old library building along with Library Director Barbara Dew, noting that there were several items to be removed from the building. However, he did mention that it should be adequate for the needs of the Area Community Theater group which had requested use of the building for the production of "Arsenic and Old Lace".

Thereupon, the Commission agreed by consensus to allow the production to continue.

Thereupon, Jeanette Lowry representing ACT thanked the Commission for their approval.

7. **Voting Delegates for League Conference.** Thereupon, the Mayor recommended that Commissioner Jackson, Commissioner Tyson and City Manager Scott Lambers be appointed as voting delegates for the City to the 1996 League conference to be held in Overland Park, and recommended that the other Commissioners be appointed as Alternate voting delegates.

The Commission agreed by consensus to place this item on the September 18, 1996 City Commission agenda.

8. **Disposition of Records.** Thereupon, the Commission reviewed a resolution prepared by the City Clerks office which recommended the disposition of several City documents.

Thereupon, the Mayor inquired about certain documents, specifically cemetery permits, and as to the advisability of disposition of those documents. Thereupon, City Clerk Scott Bird explained that these documents would be first offered to the Historical Society and then, if the Historical Society did not want them, would be disposed of. He also explained that the City maintains a master record of the cemeterys and that these documents were merely permits for burial.

The Commission agreed by consensus to place this item on the September 18, 1996 City Commission agenda.

9. **Vehicle Replacement.** Thereupon, there was presented a request from the Chief of Police to replace a 1984 Chevrolet Suburban which had recently experienced a transmission problem. The City Manager recommended replacing the vehicle with one from South Star Chrysler in the amount of \$8,450 and to expend Contingency Reserves of the General Fund for this vehicle.

Thereupon, the Mayor asked if this vehicle had been taken out to bid. The City Manager explained that while official bids were not taken, all local dealers had been contacted to determine whether or not they had a vehicle which suited the City's needs. South Star was the only dealer with a vehicle which met the Police Department's criteria.

Thereupon, Commissioner Cummiskey asked why this vehicle had not been part of the replacement schedule. Thereupon, the City Manager explained that he and the Police Chief had anticipated that this vehicle would last longer than it did.

Thereupon, the Commission decided by consensus to allow the purchase.

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**Open Agenda:** Thereupon, Commissioner Jackson noted that he had been discussing with Mr. John Montgomery, the situation with printing outstanding warrants. City Manager Scott Lambers noted that this issue should be on its way to publication some time in the next week or so. Thereupon, City Attorney Forrest Lowry noted that he and Court Clerk Connie Sams would be meeting with Jay Bemis of the Ottawa Herald on Tuesday morning.

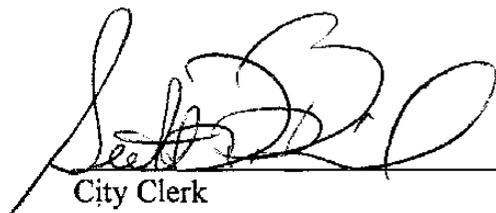
Thereupon, Commissioner Cummiskey asked for a report from the law enforcement regarding curfew.

Thereupon, Mayor Ramsey noted that the City had received a letter from Ottawa, Canada and provided the Commissioners with a copy. He also noted that he had sent a copy of the thank you letter to Joy Stuermer and Hal Germer of Ottawa University.

**Announcements:** Thereupon, the Mayor announced the following schedule: There will be a City Commission Meeting on September 18, 1996 at 9:30 a.m. at the former City Hall, 123 W. 4th and October 2, 1996 at 7:00 p.m. at the new City Hall, 101 S. Hickory Street. The Mayor also announced that there would be a Joint City/County meeting on September 18, 1996 at 12:00 p.m. He also noted that there would be Work Study Sessions on September 16, 1996, September 23 and September 30, 1996 at 4:00 p.m..

**Executive Session:** Thereupon, the City Manager noted that the City Commission would need to discuss the acquisition of real estate for park land in the future; however, the need for such an executive session at this time was not necessary.

**Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:10 p.m.

  
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City Clerk

**Special Call Meeting  
Ottawa, Kansas  
City Commission**

Minutes of Special Call September 9, 1996.

**Roll Call**

The City Governing Body met in Special Call Session at 3:45 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey, present, Commissioner Matthews present, Commissioner Cummiskey present, Commissioner Jackson present, and Commissioner Tyson, present. A quorum was present.

The Mayor called the meeting to order and asked the City Clerk to read the bill.

Thereupon, the City Clerk read Bill No. 96-53. A resolution accepting the streets, storm sewers, sanitary sewers and water lines within the Arrowhead Addition, Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to adopt the resolution. During discussion it was explained that no occupancy permits would be allowed until after such time that the developers had complied with City Engineer recommendations. 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. 917-96.

**Announcements**

Thereupon, the Mayor announced that the next regular meeting would be September 18, 1996, at 9:30 a.m. at 123 West 4th Street.

**Adjournment**

There being no further business to come before the Commission, Commissioner Jackson a motion, seconded by Commissioner Matthews, to adjourn the Special Meeting. Upon being put to the question, all present voted aye.

Thereupon the Mayor declared the meeting duly adjourned.

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

September 16, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Bill Mason for Richard Towe, Dale Howard for Jim Bradley, Wynndee Lee for Jim Shaw, Barb Nelson, Andy Haney and Jeff Herrman. Guests: Keith Gaeddert. Absent: Jim Shaw, Jim Bradley and Richard Towe.

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes for September 9, 1996.

Thereupon, City Manager Scott Lambers asked the Commissioners to bring the minutes of the August 7, 1996 City Commission meeting with them to the next Work Study Session for further discussion on the animal control issue.

2. **Review of September 18, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of September 18, 1996, noting that items would be added.

3. **Audit Comments - 1995.** Thereupon, the Commission heard from Keith Gaeddert of Agler & Gaeddert regarding the management letter which concerned the 1995 Audit comments. Mr. Gaeddert noted that staff was doing a good job of "dotting the i's and crossing the t's"; however, there were a few minor concerns which he brought to their attention. Specifically, he suggested that accounting policies and procedures be documented for a training vehicle. He suggested that the electric fixed asset accounting be improved to include less detail and that the McGruff fund petty cash make improvements by providing a more clear explanation in the fund ledger. He also noted that employee W-4 forms needed to be reviewed annually. Thereupon, he suggested that his firm begin with the 1996 Audit.

Thereupon, Commissioner Jackson reminded the Commission that they had agreed that the Commission would consider RFP's for the 1996 Audit.

Thereupon, the Commissioner's asked to have this item placed on the next Work Study Session agenda.

4. **Use of Contingency Funds** Thereupon, Public Works Director Andy Haney informed the Commission that a traffic light at 3rd and Main had become defunct and therefore needed to have a replacement controller. Mr. Haney explained that the controller, which had been used was like a variety that had been used throughout the City and that we were slowly replacing all of the obsolete controllers.

Mr. Lambers' request was to have the money replaced for this controller from the Contingency Funds Reserve since this line would be virtually expended after this point.

Thereupon, Commissioner Cummiskey stated that they had asked at the last meeting if there were any other items out there which would be upcoming from contingencies. Mr. Lambers explained that this line item had not been blown yet, but he was coming to them with this item before the account was expended. He noted that he did have a \$5,000 latitude, but that this was close enough he felt that the commission should be informed. Mr. Haney reiterated that the City did not have any choice on this situation.

Commissioner Tyson suggested that she did not see a problem, and asked what happened to the Contingency Funds if they went unspent. City Manager Scott Lambers noted that the Contingency Funds would essentially carryover at the end of the year.

Commissioner Cummiskey suggested a process for the expenditure of Contingency Funds.

Commissioner Jackson noted that he saw no problem in this situation.

Thereupon, the Commission agreed by consensus to the request.

5. **13th Street Project.** Thereupon, the City Commission heard from Public Works Director Andy Haney a request to designate 13th Street from Ash to Eisenhower as a through street, noting that residents in the 1300 block of Olive had complained of the absence of traffic control markings at that intersection.

The City Commission agreed by consensus to have Mr. Haney draft an ordinance which would address this issue.

6. **New City Hall Parking.** Thereupon, the Commission heard a recommendation from Mr. Haney dealing with parking at the new City Hall. Mr. Haney's recommendation included: 15 minute parking closest to the building, 30 minute parking immediately adjacent to the 15 minute parking, and 2 hour parking in the area immediately south of the first two rows. It also included a City vehicles only parking area on the west side of City Hall. In addition, City employees would be allowed to park in the row furthest south and across the street west of City Hall.

Thereupon, Mayor Ramsey questioned the need for City only parking. Thereupon, Mr. Haney explained that this area would be primarily utilized by City superintendents who work away from City Hall but have occasion to enter the building and that this area would give them immediate access to the northwest doors which they have a key for and to the mailroom and allow them the most expeditious trip to an from City Hall as possible and would not impair the publics visit in the parking lots located closer to the building.

7. **Discussion of Water and Environmental Issues.** Thereupon, Commissioner Cummiskey noted that as a member of the League of Kansas Municipalities Water and Environment Policy Board, she had attended a meeting where Mr. Ron Hammerschmit of Kansas Health and Environment had explained that the State was making an effort to put on listening tours to better address citizen concerns and questions regarding environmental issues. Commissioner Cummiskey stated that one of these sessions would be on October 9, 1996 and suggested that the City have representatives at that meeting to address the flat floater issue. City Manager Scott Lambers agreed that the City would have someone in attendance.

8. **Fire Prevention Week.** Thereupon, the Commission reviewed a proclamation declaring October 6 - 12, 1996 as Fire Prevention Week in the City of Ottawa, Kansas.

The Commission agreed by consensus to place this item on the October 2, 1996 City Commission agenda.

9. **Public Power Week.** Thereupon, the Commission reviewed a proclamation which will declare October 6 - 12, 1996 as Public Power Week in order to honor the Ottawa Municipal Power System.

**Announcements:** Thereupon, the Mayor announced that there would be Work Study Sessions on September 23 and September 30 at 4:00 p.m. He also announced that there would be a Work Study Session on October 14, 1996 at 4:00 p.m. There will also be a City Commission meeting on October 2, 1996 at 7:00 p.m. at the new City Hall, 101 S. Hickory Street. The Mayor further announced that there would not be a Work Study Session on October 7 due to the League of Kansas Municipalities meetings in Overland Park, however, there will be a City Commission meeting on October 16, 1996 at 9:30 a.m. It was also announced that there would be a Joint City/County meeting on October 16, 1996 at 11:45 a.m. in the upstairs conference room of City Hall.

**Open Agenda:** Commissioner Cummiskey announced that Barbara Dew, Ottawa Library, would be providing demographic information to the City Commission.

**Executive Session:** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to recess into executive session to discuss the acquisition of real estate for park land noting that the Commission would reconvene in open session at the same location at 5:15 p.m.

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

Thereupon, the Commission recessed into executive session.

**Reconvene.** Thereupon, Commissioner Jackson made a motion at 5:15 p.m., seconded by Commissioner Cummiskey to reconvene the open meeting.

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

Thereupon, the Mayor declared the meeting duly reconvened.

**Adjournment:** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:16 p.m.



City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of September 18, 1996

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

Thereupon, Mayor Ramsey 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 Matthews made a motion, seconded by Commissioner Jackson, to approve the agenda as presented.

**Approval of Minutes**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the minutes of August 21, 1996, and the Special Meeting of September 9, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of August 21, and September 9, 1996, approved as written.

**Veterans Day Parade**

Thereupon, there was presented a letter of request from the Franklin County Veterans Memorial Committee to hold a Veterans Day Parade on November 9, 1996 at 1:30 p.m.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the request. During discussion, Public Works Director Andy Haney, announced that the State had indicated to him that the K-68 Overpass would not be completed as early as thought. As a result an alternate route would need to be worked out with the Veterans Memorial Committee.

Thereupon, Commissioner Cummiskey asked if the State had provided an updated completion date. Mr. Haney responded that it looked as if

mid-November would be as early as could be expected. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

### **Flea Market Show/Sale**

Thereupon, there was presented a request from the Franklin County Convention & Tourism Bureau to hold an Antique and Flea Market Show/Sale on September 28 & 29, in the municipal parking lots east and west of the 200 block of Walnut.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, 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.

### **New Business**

#### **IRB Redemption, Fashion Inc.**

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas, to execute certain documents in connection with the exercise of a purchase option by Fashion, Inc., under a lease between the City and Fashion, Inc.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adopt the resolution. During discussion City Clerk Scott Bird, explained that this resolution would allow Fashion Inc., the opportunity to exercise a redemption clause on the Industrial Revenue Bonds, and that this was an indication of how Municipal Government and Industry could work to bring improvements to the community.

Thereupon, Lonnie King, representing Fashion Inc., thanked the Commission for their consideration and noted that this was being acted upon approximately 6 years after Fashion's arrival in the community.

Thereupon, Commissioner Tyson noted that the relationship between Fashion and the City had been a good relationship from the beginning. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 918-96.

## **Disposition of City Documents**

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

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

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 919-96.

## **Monthly Financial and Activity Reports for July 1996**

Thereupon, there was presented the Monthly Financial and Activity Reports for July, 1996.

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

Thereupon, the Mayor declared the reports duly accepted.

## **Recognition**

Thereupon, the Mayor called upon, Police Chief Jeff Herrman to make a presentation to a local citizen.

Thereupon, Chief Herrman recognized Mr. Richard Marvin for the saving of the life of an Ottawa youth who had slipped into a fast running drainage ditch, and had washed up against an abutment. Mr. Herrman noted that Mr. Marvin had rescued the boy after having someone notify 911 and was able to make the rescue with the assistance of Ottawa Police Officer Mark Pacheco. Mr. Marvin was presented a plaque which recognized his efforts and was congratulated by each of the City Commissioners.

## **Governing Body Agenda**

Thereupon, the Mayor asked for the nomination of Voting Delegates to the Kansas League of Municipalities.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to elect Richard Jackson and Joan Tyson as Voting Delegates and Scott Lambers as an Alternate Delegate to the League Conference this fall. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

### **Municipal Court**

Thereupon, Mayor Ramsey expressed his appreciation to Commissioner Jackson for pushing ahead with the publication of Municipal Court Violators who had not paid their fines and noted that the first publication had occurred on the 17th of September.

Thereupon, Chief Herrman explained that this would be a weekly event. Thereupon, Commissioner Jackson noted that pictures would be included in the future.

### **Announcements**

Thereupon, the Mayor announced there will be a Work Study Session scheduled for September 23, and September 30, 1996, at 3:00 p.m., that there would not be a Work Study Session on October 7, and that there would be a Work Study Session on October 14, 1996, at 3:00 p.m. He noted that there would be a City Commission meeting on October 16, 1996 at 9:30 a.m., and there would be a Joint City/County Meetings on October 16, 1996 and also on this date September 18, 1996, and that today's meeting would start at 11:45 a.m. He noted that the next regular meeting of the City Commission was scheduled for October 2, 1996, at 7:00 p.m. in the New City Hall Commission Chambers at 101 South Hickory.

### **Adjournment**

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

Thereupon the Mayor declared the meeting duly 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

4:00 P.M.

September 23, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Bill Mason for Richard Towe, Jim Bradley, Wynndee Lee for Jim Shaw, Barb Nelson, Andy Haney and Jeff Herrman. Absent: Jim Shaw and Richard Towe.

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes for September 16, 1996.

2. **Review of October 2, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of October 2, 1996, noting that items would be added.

3. **Neighborhood Revitalization Act (NRA).** Thereupon, the Commission reviewed the proposed policy for the City's implementation of the Neighborhood Revitalization Act. The City Manager explained that the revised handout no longer designated the entire City, but rather the downtown area from 7th Street north to the City limits and two residential areas. The City Manager explained that the intent is to make this project for residential and commercial uses only and not to include industrial areas. He also noted that other property owners could apply even if they did not fall within the given area. He explained that once the Commission had made changes that would satisfy the City's needs, it would then be taken to the County and the School District and that the Attorney General must approve the plan.

Responding to Commissioner Cummiskey's question, the City Manager explained that neither the County nor the School District had seen this document since the City was taking the lead in this process. He noted that the language could be changed but believed that this was a good start on the project.

Mayor Ramsey noted that there would be a League Workshop concerning NRA's and suggested that as many who could should attend.

Thereupon, the Mayor suggested a change which would include the areas between Cedar and Locust on either side of Main Street in the core area of downtown. The City Manager noted that this policy would be brought back in a future Work Study Session.

4. **Audit Services.** Thereupon, the Commission reviewed a request for proposal for audit services.

Commissioner Jackson stated that it was his intention at the last meeting to make the Commission aware that this issue had been brought up the previous year; however, he had no problem in retaining the current auditor.

The Commission discussed the issue at some length, discussing the 5% local vendor preference guideline and whether-or-not to go outside the City with this request. However, the Commission agreed with the City Manager's suggestion that the auditing firm of Agler & Gaeddert be retained and at this time next year a survey be conducted to determine what other cities our size are paying for their audit.

5. **Parking on Ash.** Thereupon, the City Commission considered a request to eliminate parking on Ash Street from 11th to 13th Street. The City Manager noted that this issue was being studied and suggested discussing it at a later Work Study Session.

6. **Homecoming Parade.** Thereupon, Public Works Director Andy Haney suggested that he be allowed to modify the assembly area and parade route due to the closure of the K-68 bridge and to contact KDOT for their permission. City staff will try to work with the Homecoming Parade Committee.

7. **OMA - Box Office Hours.** The City considered a letter from Carla Bienhoff asking for direction regarding box office hours.

Thereupon, the Commission determined that this was a policy decision and should be handled by the Auditorium Board.

8. **Traffic Survey.** Thereupon, the Commission reviewed a traffic survey by Police Captain Charles Bowling that analyzed the traffic conduct at 7th and Ash Streets. The City Manager noted that this item would continue to be monitored and would be brought back to the Commission in the future.

Mayor Ramsey noted that he would like to see KDOT be brought into this situation. He also said that he would like to see 7th and Eisenhower as a 4-way stop. The City Manager noted that he had asked KDOT to reevaluate the situation at 7th and Ash Streets.

9. **County Library Task Force.** Thereupon, the Mayor noted that during the Joint City/County meeting on September 18, 1996, the county wide library issue had been discussed and County Commissioner Charles Mavity had suggested a County Wide Library Task Force to discuss and study the issue. The Mayor noted that he would like to appoint Commissioner Matthews to this task force.

10. **Debate Watch.** Thereupon, the City Manager stated that the dates of the proposed debates had already changed since the printing of the meeting agenda and that the debate previously scheduled for the 13th of October had been moved to the 16th of October. He further noted that the 6th of October would be impossible for the Commission to facilitate since they would be in Overland Park for the League meetings.

Commissioner Cumiskey asked if another person or group could facilitate the debate watch on October 6, 1996. Commissioner Jackson suggested that the 16th was available and that he would make himself available on the 6th if necessary.

The City Manager noted that he would arrange for the City Commission room to be available on the 16th.

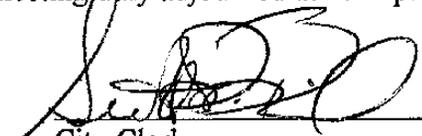
11. **Announcements:** Thereupon, the Mayor announced that there would be Work Study Sessions on September 30, 1996; October 14, 1996; October 28, 1996; and November 4, 1996 at 4:00 p.m. There will also be a City Commission meeting on October 2, 1996 at 7:00 p.m. at the new City Hall, 101 S. Hickory Street. The Mayor further announced that there would not be a Work Study Session on October 7 due to the League of Kansas Municipalities meetings in Overland Park and October 21, 1996. However, there will be a City Commission meeting on October 16, 1996 at 9:30 a.m. and November 6, 1996 at 7:00 p.m. It was also announced that there would be a Joint City/County meeting on October 16, 1996 at 11:45 a.m. in the upstairs conference room of City Hall.

12. **Open Agenda:** The City Manager noted that he would make the stormwater information available for the next Work Study Session.

Thereupon, Commissioner Jackson noted that he made some gang awareness information available to the Commission.

Thereupon, Commissioner Cumiskey asked about the possibility of an open house for the new City Hall. During discussion, it was determined that the open house would be a small affair scheduled for 6:30 on October 2, 1996 immediately prior to the City Commission meeting on that same date. Light refreshments will be served.

13. **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:35 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

September 29, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Jeff Carner for Richard Towe, Ron Puterbaugh for Jeff Herrman, Andy Haney, Jim Bradley, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson and Wynndee Lee. Guests: Representatives of the Chamber of Commerce Leadership Class of 1998, John Cook, Mark Morrissey, Jim Grogan. Media: Scott Welgos and Bill Tellier. Absent: Bob Bezek, Richard Towe and Jeff Herrman.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session Minutes of September 3, 1997 and September 8, 1997.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for October 1, 1997 noting that additions would be made.

3. **Request from American Cancer Society.** Thereupon, the Commission reviewed a request from the Franklin County Cancer Society to tie pink ribbons around trees on Main Street between 5th and 15th Streets in memory of women who have lost the battle of breast cancer and to honor survivors.

The Commission agreed to honor this request.

4. **Fire Prevention Week.** Thereupon, the Commission reviewed a proclamation proclaiming the week of October 5 -11, 1997 as Fire Prevention Week.

Thereupon the Commission agreed to place this item on the agenda.

5. **Dr. Delmont Hadley Day Proclamation.** Thereupon, the Commission agreed to place on the agenda a proclamation to congratulate Dr. Delmont Hadley upon his retirement of 31 years practicing medicine in the Ottawa community.

6. **Rezoning - 1400 Block of South Main.** Thereupon, the Commission heard a report from Planning Director Jim Shaw who explained that the Planning Commission had reviewed a request to rezone the east side of the 1400 Block of South Main and had recommended to the Commission by a vote of 6-0 with one abstention, the approval of this rezone. Mr. Shaw explained that this action would change the zoning from R-1 (Single-Family Zoning) to O & I (Office & Institutional) on the east side of Main Street between Fourteenth Street and Fifteenth Street.

By approving this rezone, two of the structures that were currently non-conforming, would become conforming structures and would allow one of the properties within this area to become a medical office. This would also serve as a buffer for the residential area in the 1400 Block of South Hickory.

The Commission agreed to place this item on the agenda for October 1, 1997.

7. **Comprehensive Plan.** Thereupon, the Commission reviewed with Mr. Shaw a recommendation from the Planning Commission for the approval of an amendment to the Comprehensive Plan to amend the 1400 Block of South Hickory to be preserved as a residential neighborhood. Mr. Shaw noted that the Comprehensive Plan currently called for this area to be commercial and that given the previous item, would provide an adequate buffer between the O&I Zoning and a Residential neighborhood.

The Commission agreed to place this item on the agenda for October 1, 1997.

8. **Amendment of Zoning Ordinance.** Thereupon, the Commission reviewed a recommendation from the Planning Commission, the approval of an amendment to Article XXVI, Section 6, of the Zoning Ordinance - Additional Height, Area and Use Regulations by a vote of 7-0. It was explained that the approval of this amendment would allow the control of carnivals and like activities in parking lots of other businesses and would require a shut-down time of 10:00 p.m., if said events were within 300' of residential or hotel areas. It was further explained that this amendment would provide an exception for the carnival or circus operated in conjunction with the Franklin County Fairgrounds.

The Commission considered the ordinance and agreed to place it on the October 1, 1997 City Commission agenda.

9. **Condemnations - 124 S. Maple, 227 S. Oak, 843 S. Cherry, 128 N. Locust, 1008 N. Hickory.** Thereupon, the Commission heard from Program Manager Wynndee Lee who requested that a time and place be set for condemnation hearings on properties located at 124 S. Maple, 227 S. Oak, 843 S. Cherry, 128 N. Locust and 1008 N. Hickory. Ms. Lee noted that the properties in question were all vacant and that she had a neighborhood petition regarding the condemnation of 1008 N. Hickory.

The Commission agreed to place these item on the agenda for October 1, 1997.

10. **Dangerous Structure - Immediate Hazard Determination at 719 N. Main.**

Thereupon, the Commission heard from Program Manager Wynndee Lee who reported to the Commission that the City Inspector had forwarded the file on a garage structure at 719 N. Main along with findings that a hazard existed which endangers persons and property. Ms. Lee recommended the City Commission declare the structure an immediate hazard and order its removal.

The Commission agreed to place this item on the October 1, 1997 City Commission agenda.

11. **Voting Delegates for National League of Cities.** Thereupon, Commissioner Ramsey suggested that Mayor Cummiskey be named the voting delegate for the Commission at the National League of Cities Annual Business meeting to be held Saturday, December 6, 1997 at 2:00 p.m. and that Commissioner Tyson be named alternate voting delegate.

The Commission agreed to place this item on the October 1, 1997 City Commission agenda.

12. **Former Ottawa Middle School Building.** Thereupon, the Commission reviewed a letter from Dr. Harvey Ludwick, Superintendent of Schools. In his letter, Dr. Ludwick asked the Commission if they had any interest in the buildings at this point in time. After some discussion, the Commission agreed to respond that the City had no interest at this time.

13. **Open Agenda.**

**Monthly Activity and Financial Report.** Commissioner Ramsey asked for an explanation on the Investments Report, noting that the City had \$2.4 million invested at a considerably lower interest rate. Thereupon, Scott Bird, City Clerk/Finance Director, explained that these monies were proceeds from the recent bond sale and could not be invested for more than what the City was receiving due to the arbitrage laws. However, by investing at the same rate, the City was able to invest these monies for short periods of time and still realize a considerable earnings over what they would have received in the money market account.

**Neighborhood Revitalization Program Article.** Thereupon, Commissioner Ramsey noted that the NRA article which had been in the National League of Cities publication, had received at least ten responses.

**Summer Youth Program - Restoration of Funds.** Thereupon, Mayor Cummiskey suggested that the Commission discuss the restoration of monies to the Summer Youth Program for the 1998 Budget. Commissioner Tyson asked that a report be given on the program.

**Open Agenda - Continued:**

**Set-off Referral Program.** Thereupon, Commissioner Tyson asked how long set-off referrals remained on the books. City Clerk Scott Bird explained that the State allowed up to seven years before they were removed from potential collection.

Thereupon, Commissioner Ramsey asked if the City had started to collect court fines through the collection agency. City Manager Scott Lambers noted that the Court Clerk had not had time to bring this program up to speed.

**Procedures for the Upcoming Public Hearing - OMS Building.** Thereupon, City Manager Scott Lambers noted that the City Attorney would be providing those procedures to the Commission.

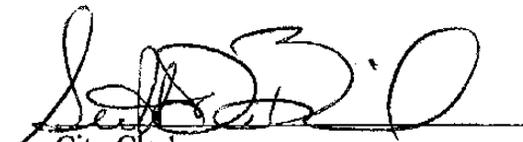
**Strategic Plan.** Thereupon, Mayor Cumiskey asked that the Strategic Plan document be brought back to the Commission.

14. **Public Comments:** Thereupon, the Mayor asked for public comments. Thereupon, Mr. Mark Morrissey, representing local landlords, expressed his frustration with the City's reconnect fee policy, noting that fees charged to the landlords by the City during automatic transfer seemed exploitive, contradictory and unfair. Mr. Morrissey noted that when the services for utilities were automatically placed in his name, he paid \$10 for water, \$12.5 for electric and \$19.50 for sewer. Mr. Bird explained that the \$19.50 was the sewer median charge which is charged to each an every customer, noting that the landlords had a viable concern regarding this issue. Mr. Morrissey explained that he had requested information from other utilities and noted that Kansas City Power & Light had no connect fee, KPL had a \$5 fee for gas and electric, Garnett made no charges for connections to landlords and that the City of Burlington had a \$5 connect fee. Thereupon, Mr. John Cook noted that he believed this would help the City, in that the landlords would be better able to tell the City when a tenant moved out.

Thereupon, the Mayor thanked the landlords for their input and asked City staff for information regarding this issue.

15. **Announcements:** Thereupon, the Mayor announced that there will be a Work Study Session on October 6, 1997 at 4:00 p.m., and a Special City Commission meeting on October 8, 1997 at 7:00 p.m. in the conference room at the Franklin County Annex to hold a hearing for the proposed demolition of the former Ottawa Middle School Building. The Mayor also stated that there will not be a Work Study Session on October 13, 1997 due to the League of Kansas Municipalities Meeting in Topeka; there will be a City Commission meeting on October 15, 1997 at 9:30 a.m., and there will be a Joint City/County meeting on October 15, 1997 at 12:00 p.m. at City Hall

16. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session and move into the Commission chambers for the regular City Commission meeting. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

September 30, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the downstairs conference room at City Hall, 123 W. 4th.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Barb Nelson, Andy Haney and Jeff Herrman. Absent:

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes for September 23, 1996.

2. **Review of October 2, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of October 2, 1996, noting that items would be added.

3. **Resolution of Support.** Thereupon, the Commission heard comments from USD 290 Superintendent Dr. Harvey Ludwig requesting support of the school district in regards to the school bond issue to serve the Ottawa Middle School.

Thereupon, Commissioners Cummiskey, Tyson and Jackson expressed concern over the resolution which had been presented. The resolution was not placed on the upcoming City Commission agenda.

4. **Debate Watch.** Thereupon, the Commission discussed the upcoming Debate Watch scheduled for October 16, 1996. The Mayor suggested that Dr. Ron Averyt of Ottawa University act as a facilitator and that the Debate Watch take place at the new City Hall and after the debate, the group would divide into two smaller groups to discuss the issues at hand.

5. **Gang Awareness and Intervention.** Thereupon, Commissioner Jackson suggested that the City implement a similar format to deal with gang awareness as that which the City of Lawrence used. Commissioner Jackson noted that most people are not aware of what is already available and that he believed that there is a false perception that the City does not have a program in place to deal with gang activity. Commissioner Cummiskey noted that this should be more than a one time event and that it was important to put information into parents hands.

Thereupon, the Mayor asked if Commissioner Jackson would follow-through with this idea. Commissioner Jackson agreed.

6. **Storm Drainage.** Thereupon, the Commission reviewed a list prepared by Public Works Director Andy Haney concerning storm drainage problems. Commissioner Jackson noted that he thought these problems needed to be attended to a long time ago and that this list pointed to a lack of action by the City Commission over the years. Commissioner Cummiskey stated that she believed this pointed to a bigger issue with storm water that needed to be addressed and that it needed to be addressed equally across the board.

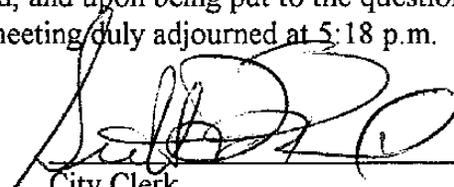
The City Manager noted that this issue would be addressed as a 1998 Budget issue and the City would be looking at some type of combination of taxes and utility fees. As the City experiences growth the issue would continue to require attention.

7. **Cereal Malt Beverage License Application.** Thereupon, the Commission reviewed a cereal malt beverage application submitted by Bishop's Brew and agreed to place it on the October 2, 1996 City Commission agenda.

8. **Open Agenda:** Thereupon, the Mayor reminded the Commission that the City would be hosting an open house at the new City Hall building on October 2, 1996 at 6:30 p.m. immediately proceeding the regular meeting.

9. **Announcements:** Thereupon, the Mayor announced that there will be a City Commission meeting on October 2, 1996 at 7:00 p.m., that there would not be a Work Study Session on October 7, 1996 due to the League of Kansas Municipalities meetings in Overland Park; that there will be a Work Study Session on October 14, 1996 at 3:00 p.m.; that there will be a City Commission meeting on October 16, 1996 at 9:30 a.m. The Mayor also announced that there would be a Joint City/County meeting on October 16, 1996 at 11:45 a.m. in the upstairs conference room of City Hall and that there would not be a Work Study Session on October 21, 1996 and that Work Study Sessions have been scheduled for October 28, 1996 and November 4, 1996 at 4:00 p.m. There will also be a City Commission meeting on November 6, 1996 at 7:00 p.m.

10. **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:18 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of October 2, 1996

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

Thereupon, Mayor Ramsey 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.

**Agenda Approval**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to accept the agenda as presented, with the addition of Item 6-a, to discuss the possibility of placing the Resolution of Support for the School Bond Issue on to the Study Session Agenda for October 14, 1996. The motion was considered and upon being put to the question, passed by voice vote.

**Discussion of Resolution of Support**

Thereupon, the Commission discussed the possibility of placing the Resolution of Support back on the Work Study Session scheduled for October 14. During discussion Commissioner Jackson pointed out that he thought the language could be changed to such that the resolution would be agreeable to the Commission.

Thereupon, the Commission agreed by consensus to placing the resolution on the Study Session Agenda.

**Approval of Minutes**

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to approve the minutes of the previous meeting dated September 18, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of September 18, duly approved.

## **Public Comments**

Thereupon, Mr. Greg Hernandez addressed the Commission accusing City Attorney Forrest Lowrey of lying to the public and saying that his case had not been closed.

Thereupon, the Mayor ruled Mr. Hernandez out of order, stating that this issue had been ruled a personnel matter and had been remanded to Staff.

Thereupon, City Attorney Forrest Lowrey, asked to respond and stated as follows: " never have I indicated that Mr. Hernandez's case is closed". Mr. Lowrey continued by stating that the case is still pending and is a personnel matter. Mr. Hernandez threatened that if he were not allowed to discuss this issue he would present a letter to the Ottawa Herald. The Mayor asked Mr. Hernandez to refrain from discussing this personnel matter several times and ruled him out of order. Mr. Hernandez eventually seated himself.

Next to address the Commission was Rev. Leon Burley, of the St. Paul AME Church of Ottawa. Rev. Burley discussed the complex issue of racism and expressed his disappointment that Mr. Hernandez had not been allowed to speak. Rev. Burley noted that the Lord had set standards that all men are created equal and that the community needs to step away from racism.

Next to address the Commission was Mr. Tony DeLaTorre, who noted that he had requested a public apology a year and a half ago from the Electric Plant Superintendent, and now requested an apology from the Police Chief, for statements which had been made.

Thereupon, City Attorney Forest Lowrey noted that these issues were personnel matters and were still pending.

Thereupon, the Mayor ruled Mr. DeLaTorre out of order, Mr. DeLaTorre noted that the Hispanic Community is very upset.

Thereupon, Mr. DeLaTorre continued discussing alleged statements that had been made, again the Mayor reminded Mr. DeLaTorre that personnel matters are to be referred to the staff.

Thereupon, Mr. DeLaTorre removed himself from the microphone.

## **Presentations & Recognitions**

Thereupon, the Mayor read a Proclamation declaring the week of October 6 - 12, 1996 as Fire Prevention Week in the City of Ottawa.

Thereupon, Fire Chief Richard Towe, thanked the Commission for the Proclamation, noting that 87 percent of all structural fires are due to human error, and asked the citizens of the community to be aware of fire safety.

Thereupon, the Mayor read a Proclamation designating the week of October 6 - 12, 1996 as Public Power Week.

**New Business**  
**Economic Development District**

Thereupon, there was presented an ordinance amending Article XXI, of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas. Thereupon, City Manager Scott Lambers, requested that this issue be remanded back to the Planning Commission, at the request of the property owners.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to remand this issue for reasons stated by Staff 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 the issue remanded back to the Planning Commission.

**Re-zone, 2000 Block Cedar**

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 Cummiskey made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was pointed out that the Ottawa Planning Commission had reviewed Staff findings for this requested re-zone, and that the Planning Commission had recommended to the City Commission the approval of the re-zone of an area, located in the 2000 Block of South Cedar from I-1, Light Industrial to C-2 General Commercial by a vote of 7 - 0. The motion was considered and upon being put the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3196-96.

**Amendment to Appendix A of Ordinance No 2933-90**

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

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed findings requesting this amendment, and recommended to the City Commission the approval of the amendment to Appendix A of the Zoning Ordinance to allow horticulture uses in the MH (Mobile Home District) by a vote of 7-0. 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. 3197-96.

### **CMB For Bishop's Brew**

Thereupon, there was presented an application for Cereal Malt License for Bishop's Brew, located at 120 E. Dundee.

Thereupon, Commissioner Cumiskey 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 Cereal Malt License for Bishop's Brew duly approved.

### **Monthly Financial and Activity Reports for August 1996**

Thereupon, there was presented the Monthly Financial and Activity Reports for August, 1996.

Thereupon, Commissioner Tyson 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.

Thereupon, the Mayor declared the Financial and Activity Reports for August 1996 duly approved.

### **Governing Body Agenda**

Thereupon, Commissioner Jackson noted that the new agendas for the upcoming League Conference would be forthcoming, he also noted that he had visited with Ottawa Recreation Commission Director Wayne Burns, and was pleased with the activities that Mr. Burns was implementing. He asked the Commissioners to take a look and see what is going on at the Recreation Commission. He thanked the Recreation Commission and Mr. Burns for a number of excellent programs.

Thereupon, Mayor Ramsey noted that the City had conducted an open house prior to the meeting, noting the Historical significance of the dedication of the new City Hall. Thereupon, the Mayor related historical information related to the old City Hall, which had been build in 1911, and which the City Council had received bids on in 1909. The Mayor noted the new facility is and will continue to be a great asset both as a City Hall and Library.

### **Announcements**

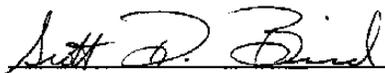
Thereupon, the Mayor announced there will not be a Work Study Session scheduled for October 7, 1996, and there will be a Work Study Session on October 14, 1996, at 3:00 p.m., there will be a City Commission meeting on October 16, 1996 at 9:30 a.m., and there would be a Joint City/County Meeting on October 16, 1996, at 11:45 a.m. in the upstairs Conference Room, at City Hall, 101 South Hickory. There will not be a Work Study Session on October 21, there will be a Work Study Session on October 28, at 4:00 p.m., there will be a Work Study Session on November 4, 1996, at 4:00 p.m., and there will be a City Commission Meeting on November 6, 1996, at 7:00 p.m. The Mayor announced that the next regular meeting of the City Commission was scheduled for October 16, 1996, at 9:30 a.m., and that the City Commission is planning a debate watch on the evening of the 16th.

### **Adjournment**

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, 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 duly adjourned.

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

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

October 14, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jim Bradley, Wynndee Lee, Jim Shaw, Barb Nelson, Andy Haney and Jeff Herrman.

The Mayor called the meeting to order at approximately 3:00 p.m.

1. **Review of October 2, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of October 16, 1996, noting that items would be added.

2. **School Bond Issue.** Thereupon, the Commission discussed support for the school bond issue regarding the proposed new middle school. Both Commissioners Jackson and Cummiskey made suggestions to amend the resolution of support and the Commission agreed by consensus to place the item as a proclamation on the agenda for October 16.

3. **Neighborhood Revitalization Act.** Thereupon, the City Commission heard a report from City Manager Scott Lambers regarding the proposed Neighborhood Revitalization Act and how it would affect the City's plan. They reviewed the plan and made suggestions to reduce the percentage of improvement which would trigger a tax benefit. The Commission agreed by consensus that the trigger should be reduced from 100% to 50% on commercial and from 50% to 25% on residential. Thereupon, they directed the City Manager to make changes in Sections D and E, respectively and to bring the item back to the Commission.

4. **Retail Wheeling.** Thereupon, the Commission reviewed a letter from Mr. Jim Weidner of the Kansas City, Kansas Board of Public Utilities regarding the proposed motions to place electric generation units in Kansas under the KCC. It was noted that the City was hosting a meeting to be put on jointly by KMEA and KMU in the Ottawa City Hall building this date at 7:00 p.m. Commissioners Jackson, Tyson, and Mayor Ramsey noted that they would be in attendance of the meeting.

5. **OMA - Boiler Replacement.** Thereupon, the Commission heard a report from the City Manager and Auditorium Director Dick Smith on the bid opening for boiler replacement at the Auditorium. The City Manager noted that Carey Heating and Plumbing had submitted a bid in the amount of \$17,400 and Huxtables from Topeka, Kansas had submitted a bid of \$22,000. However, he did note that Carey expected to take at least eight weeks to receive the unit and complete the project, while Huxtable was anticipating three weeks.

## OMA - Boiler Replacement - Continued.

During discussion, the old boiler was considered. Chief Richard Towe noted that he would not recommend using the old boiler for another season. Commissioners Jackson, Matthews and Tyson indicated their desire to act as quickly as possible, while Mayor Ramsey and Commissioner Cummiskey suggested going with the low bid.

After discussion, it was decided to place this item on the agenda for the October 16, 1996 City Commission Agenda. City Manager Scott Lambers noted that this expenditure would come from the Contingency Reserve of the General Fund.

6. **Curfew Report.** Thereupon, the Commission reviewed a report from City Attorney Forrest Lowry on curfew violations and prosecutions thereof. Police Chief Jeff Herrman noted that this was having a positive impact on the ability to control curfew violations. The City Commission suggested that this item be brought before the Joint Commissions on October 16 at 11:45 a.m.

7. **Recreation Commission Report.** Thereupon, the Commission heard from Mr. Wayne Burns, ORC Director, regarding the new programs which have been implemented. Mr. Burns noted that their after school programs have seen an increase of almost three-fold in new faces and that Friday afternoons they were experiencing fifty local children in the facility. He noted that monthly calendars were going out to all the kids in the local schools. He also noted that the ORC had installed a new volleyball system in the Woodward Center and two new basketball goals. He noted that they were trying to provide a clean facility and that some of the users were participating in clean-up and in the planting of flower beds out front of the facility. He also stated that the ORC had sponsored a Hershey Track & Field Meet for the first time and that they had also sponsored a hit-pitch-and-run contest.

He noted that Ottawa probably provides the cheapest swimming lessons in the area and that the adult softball programs were subsidizing the children programs; however, he stated that rates would be increasing in the future. He noted that the ORC was trying to market the center to attract greater use and had increased the hours due to the positive impact of such activity. He also said that in the next twelve months, he hoped to make the facility available for parties, to increase signage for better publicity, to continue to produce the activity publications every six months, to improve the outside looks of the facility and at Orlis Cox Field, and to replace the entire heating and air conditioning system at the center, to provide a place for children who do not have air conditioning at home to go during hot summer days. He noted that the ceiling needed to be insulated and that a kitchenette had been planned to provide kitchen use in the meeting rooms. He stated that he was working with Tourism Director Murray Magee to develop a possible arts and crafts show in April and to bring in softball tournaments. He also asked if it would be possible to install some type of security system at Orlis Cox Field to reduce the inflow of traffic during shutdown hours.

Thereupon, the Commission praised Mr. Burns for his efforts and thanked him for his report.

8. **Announcements:** Thereupon, the Mayor announced that there will be a City Commission meeting on October 16, 1996 at 9:30 a.m.; there will be a Joint City/County meeting on October 16, 1996 at 11:45 a.m. in the upstairs conference room of City Hall; there will not be a Work Study Session on October 21, 1996; and there will be Work Study Sessions on October 28, 1996 at 3:00 p.m. and November 4, 1996 at 4:00 p.m. The Mayor also announced that there will be a City Commission meeting on November 6, 1996 at 7:00 p.m. and there would not be a Work Study Session on November 11, 1996. He further announced that there will be a Work Study Session on November 18, 1996 at 4:00 p.m. and that there will be a City Commission meeting on November 20, 1996 at 9:30 a.m.

9. **Open Agenda:** Thereupon, the Mayor noted that he and Commissioner Jackson would facilitate the Debate Watch on October 16, 1996 in the Commission Chambers. Commissioner Cummiskey presented the Mayor with a Spanish version of the debate questions.

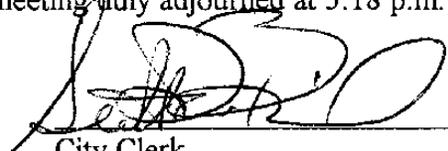
The Mayor asked the Commissioners to each report at a future meeting on their visit at the recent League meeting and thanked City Manager Scott Lambers and Barb Nelson for the booth at the meeting. Thereupon, Commissioner Jackson expressed his appreciation to Jeff Herrman, Judy Hasty, and Barb Nelson for their efforts in his presentation at the League meeting.

10. **Voting Delegates.** Thereupon, the Commission tentatively agreed that Commissioner Jackson and Commissioner Tyson would be the voting and alternate voting delegates at the upcoming National League of Cities meeting in San Antonio.

11. **Executive Session.** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey to recess into Executive Session to discuss the acquisition of right-of-way for 17th Street. The motion included that the Commission would reconvene in open session at 5:15 p.m. in this same conference room at City Hall. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the Commission recessed into Executive Session.

12. **Reconvene.** Thereupon, at 5:15 p.m., Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to reconvene the meeting. The motion was considered and upon being put to the question, all present voted aye.

13. **Adjournment:** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:18 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of October 16, 1996

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

Thereupon, Mayor Ramsey 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 Cummiskey made a motion, seconded by Commissioner Matthews, 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 Jackson made a motion, seconded by Commissioner Matthews, to approve the minutes of the previous meeting dated October 2, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of October 2, 1996 duly approved.

**Public Comments**

Thereupon, Ms. Barb Gibson, 703 West 19th, representing the School Board as the immediate past President addressed the Commission, stating that the School Board was attempting to provide quality schools to the local school system and that they requested that the original resolution of support for the bond issue related to the Ottawa Middle School be reconsidered.

Thereupon, the Mayor thanked Ms. Gibson for her comments.

## **Response to Public Comments**

Thereupon, the Mayor responded to comments made by Mr. Greg Hernandez, Rev. Leon Burley, and Mr. Tony DeLaTorre, which had been made at the previous regular meeting. The response reads as follows: It is the policy of the City not to discriminate against a person because of political or religious opinion or affiliation, race, color, sex, national origin or ancestry, physical disability, age, or status as a veteran in all aspects of its personnel policies, programs, practices and operations. Equal Employment Opportunity will be assured in the personnel system provided in its administration. This policy applies to all employees and includes recruitment, hiring, placement, promotion, demotion, discipline, termination, rates of pay and other forms of compensation. Such discrimination is prohibited except where age, sex or physical requirements constitute a bonafide occupational qualification.

Thereupon, Commissioner Cummiskey asked the City Manager to describe the grievance procedures. The City Manager explained that the personnel rules allowed for employees to grieve any possible discrimination to him/her, and allowed the citizenry to do likewise if they felt they had been discriminated against.

Thereupon, Commissioner Jackson said, he would like to see the affirmative action statement in the paper and also would like to see the statement regarding public comments placed in the paper, so the public could become aware of these policies. He noted that the Commission did take these complaints seriously.

## **Presentations and Recognitions**

Thereupon, the Mayor read a proclamation declaring the Month of October, 1996 as National Physical Therapy Month.

Thereupon, the Mayor read a proclamation declaring the Month of October, 1996 as Breast Cancer Awareness Month and October 18, 1996, as Mammography Day in the City of Ottawa, Kansas.

## **Support for USD 290**

Thereupon, Commissioner Jackson made a motion, to adopt the Resolution of Support, which had originally been proposed to the Commission in place of a proclamation, which had been subsequently drafted. The motion was seconded by Commissioner Matthews. During discussion Commissioner Cummiskey explained that for ethical reasons she did not believe the Governing Body had

the right to tell the electors how to vote, and therefore could not support the aforementioned resolution.

Thereupon, Commissioner Matthews stated he believed it was altogether fitting and proper that the Commission in fact support the bond issue, noting that the City was in need of a new middle school. Commissioner Tyson, stated that she did not approve of the statement in the resolution that urged the elector's support and believed that the proclamation covered the points which the School Board had asked for. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Matthews aye, Commissioner Jackson aye, Commissioner Tyson nay, Commissioner Cumiskey nay, and Mayor Ramsey aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 920-96.

#### **Authorization to Utilize Contingency Monies from WAPA "B" Fund**

Thereupon, there was presented a recommendation of approval to authorize the expenditure of Contingency Funds in the amount of \$50,000 by the Western Area Power Administration "B" Fund which currently has a fund balance of \$90,000.

Thereupon, the City Manager explained that the funds expended would be for a study dealing with the retail wheeling proposals and that the study would be conducted by Wichita State University Hugo Wall Center.

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

Thereupon, the Mayor declared the authorization duly approved.

#### **Service Renewal Fringe Benefits Design**

Thereupon, there was presented a recommendation to renew a service agreement with Fringe Benefits Design for the 1997 Plan Year.

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

Thereupon, the Mayor declared the renewal with Fringe Benefits Design duly approved.

### **Bids for Boiler Municipal Auditorium**

Thereupon, there was presented a request from Auditorium Director Dick Smith to replace the boiler at the Municipal Auditorium.

Thereupon, Staff explained that two bids had been received, one from Carey Mechanical Inc., Ottawa, Kansas, in the amount of \$17,400 and one from Huxtable LT Service, of Topeka, Kansas, in the amount of \$21,995. However, it was noted that the time difference was somewhat of a surprise, in that Huxtable anticipated being able to install the new system in three and one half weeks, while Carey was anticipating eight weeks for installation. It was explained that Mr. Carey could obtain a boiler of equal quality in approximately five weeks and this had been determined after the bids had been opened. Both Mr. Carey and Mr. Mike Winkelman of Huxtable, expressed their views regarding the boilers and their abilities to obtain an equal quality boiler as compared to the Peerless Boiler which had been specified in the bidding specifications. It was noted that the specifications did allow for an equal or comparable unit to be used. It was also explained that the funds to pay for this boiler would be expended from the General Fund Contingency.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to accept the original bid by Carey Mechanical. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the bid of Carey Mechanical, in the amount of \$17,400.00 duly approved.

### **Governing Body Agenda**

Thereupon, The Mayor expressed his appreciation to Kansas State Bank for the beautiful clock which had been provided to the Commission, to be used in the Commission Chambers, and expressed his appreciation to Intrust Bank for the gift of the floral wreath to be hung in City Hall, during the Open House.

### **Announcements**

Thereupon, there will be a Joint City/County Meeting on October 16, 1996, at 11:45 a.m. in the upstairs conference room at City Hall, 101 S. Hickory. There will not be a Work Study Session on October 21, 1996. There will be a Work

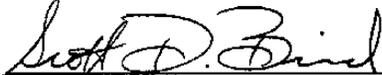
Study Session on October 28, 1996, at 4:00 p.m. There will be a Work Study Session on November 4, 1996, at 4:00 p.m. There will not be a Work Study Session on November 11, 1996 (tentative). There will be a Work Study Session on November 18, 1996, at 4:00 p.m. The next regular City Commission Meeting will be November 6, 1996 at 7:00 p.m., and there will be a City Commission Meeting on November 20, 1996 at 9:30 a.m. The Mayor further announced there would be a Debate Watch tonight at 7:30 p.m. in the Commission Chambers and that Commissioner Jackson and Mayor Ramsey would be facilitating this Debate Watch.

### **Adjournment**

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, 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 duly adjourned.

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

  
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Scott D. Bird, City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of November 6, 1996

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

Thereupon, Mayor Ramsey welcomed the Chamber and Radio Audience and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leon Burley, of the St. Paul AME Church.

**Agenda Approval**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, 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 Jackson made a motion, seconded by Commissioner Cummiskey, to approve the minutes of the previous meeting dated October 16, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of October 16, 1996 duly approved.

**Public Comments**

Thereupon, Rev. Leon Burley, of the St. Paul AME Church of Ottawa, commended the Chief of Police, for his letter of apology which had been printed in the paper. Rev. Burley noted that he was heartened by the Commission's position on allowing the citizens of Ottawa the ability to speak in open session, and suggested that all parties involved get together for the betterment of everyone. The Mayor thanked Rev. Burley for his remarks.

Thereupon, Mr. Bob Black, representing the Franklin County Independent Bikers, informed the Commission that the local bikers would be making their annual Toys for Kids Ride on Saturday, November 23, at 2:00 p.m., and offered shirts and ball caps for sale to help promote the event.

Thereupon, Mr. Tony DeLaTorre thanked the Mayor for his responsiveness to the Hispanic Community and expressed concerns about his right to freedom of speech. He asked the Commission to develop a public policy to renounce racism, and asked that the restrictions to the Public Comments portion of the regular meetings be removed.

Thereupon, Mr. Greg Hernandez addressed the Commission, stating that discrimination is anti Christian, anti American, and against the law, and related the story of the Texaco Employees who had been suspended for alleged racial remarks. He stated that he applauded the action taken by the Texaco Co. in these suspensions.

Thereupon, Mr. Tim Van Leiden, 1025 Pine St., questioned the Commission on how the priority list of improvements to gravel streets had been determined. He noted that Pine Street experienced poor draining at the intersection of 11th and Pine and that the Middle School situation had created a great deal of additional traffic in this area. He noted that parents used their street to turn around in after dropping off or picking up Middle School Children at the temporary facilities behind the High School.

Thereupon, Commissioner Cummiskey asked City Manager Scott Lambers to explain the prioritization.

Thereupon, Mr. Lambers explained that Staff had prioritized the proposed improvements based on the premise that at 75 percent of the cost born by the City at Large, the City at Large should gain as much benefit as possible. Therefore streets closer to the center of the community would be scheduled earlier than those on the edges of the community. He further noted that Pine Street was a dead end Street.

### **Response to Public Comments**

Thereupon, the Mayor reminded the Commission that School Board Member Barbara Gibson had addressed the City Commission, requesting the reconsideration of a resolution of support for the Ottawa Middle School Bond Issue, and that the matter had been addressed at that meeting.

## **Presentations and Recognitions**

Thereupon, the Mayor read a Proclamation declaring November 17 - 23, 1996 as American Education Week.

Thereupon, Ms. Kelli Ross accepted the proclamation on behalf of the local educators and thanked the Commission for the action.

## **Public Hearings**

Thereupon, the Mayor opened a Public Hearing to consider the Neighborhood Revitalization Act. There being no one wishing to speak to this issue, the Mayor closed the Public Hearing.

## **Performance Grant - Lester Building**

Thereupon, the Mayor opened a Public Hearing to consider the performance of Grant Agreement 94-BF-213 - Lester Building Systems.

Thereupon, Ms. Wynndee Lee, Program Manager for the City of Ottawa, explained that 34.75 full time jobs had been created by this Grant, and that 51 percent of those were low to moderate income jobs. She noted that Mr. Glenn Richardson of Lester Buildings, had expressed regrets for not reaching the goal of 60 employees, but they continued to work toward this endeavor. The City Manager emphasized that the company's recruiting efforts were strong and continued to work towards their goals.

Thereupon, Commissioner Jackson asked about the starting salary at Lester Buildings.

Thereupon, Ms. Wynndee Lee noted that it was approximately \$7.00 to 7.25 per hour. There being no further comments to come before the Commission the Mayor closed the Public Hearing.

## **New Business**

### **Vehicular and Pedestrian Traffic**

Thereupon, there was presented an ordinance providing for the regulation of Vehicular and Pedestrian Traffic including by the designating traffic light locations.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that this proposed ordinance modifies the existing Code, adding the traffic lights installed at 21 Street Terrace, and the traffic lights proposed for

17th Street. 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. 3199-96.

### **Vehicular and Pedestrian Traffic**

Thereupon, there was presented an Ordinance providing for the regulation of vehicular and pedestrian traffic, by designating various streets and alleys or portions thereof, as school zones.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that the proposed ordinance modified the existing Code, by removing the old Ottawa Middle School location from the School Zone List. It was further explained that other changes were being made to enhance the consistency of school zones and reflect actual locations of existing flashers. 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. 3200-96.

### **Vehicular and Pedestrian Traffic**

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 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 3198-96.

### **Zoning "Nonconformities"**

Thereupon, there was presented an ordinance to amend Article XXVII of the Zoning Ordinance to change Section 2 of the "Nonconformities".

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was

explained that the Planning Commission had reviewed Staff findings requesting this amendment and having held a public hearing recommended to the City Commission the approval of the amendments to Article XXVII of the Zoning Ordinance by a vote of 4-0. 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. 3201-96.

#### **1996 Audit**

Thereupon, there was presented proposed agreement with Agler and Gaeddert, for the performance of the City's 1996 audit.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to approve the agreement. During discussion it was explained that this contract was a one year contract in an amount not to exceed \$23,000. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Agreement duly approved.

#### **Rock Street Program**

Thereupon, there was presented a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Birch Street from Logan Street to and including, the intersection at Powhattan Street, Ottawa, Kansas, all as provided in K.S.A. 12-6a01 et seq., pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to adopt Bills No 96-63 through 96-71, which relate to the issue of Rock Street Improvement Project.

Thereupon, City Attorney Forrest Lowrey suggested that the City Clerk read for the record the locations of each improvement under each bill.

Thereupon, the City Clerk read the following descriptions:

- ✓ Bill No., 96-64, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Birch Street from Wilson Street to Blackhawk Street.

Bill No. 96-95, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement

- ✓ to Blackhawk Street from Hemlock Street through and including the intersection at Birch Street.
- ✓ Bill No. 96-66, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Eleventh Street from Elm Street through Walnut Street.
- ✓ Bill No. 96-67, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Locust Street from 10th Street through and including the intersection at 11th Street.
- ✓ Bill No. 96-68, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Red Jacket from Sycamore Street to Cherry Street.
- ✓ Bill No. 96-69, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Burrough Street from Sixth Street through, and including, the intersection at Seventh Street.
- ✓ Bill No. 96-70, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Pine Street from Fifth Street to Sixth Street.
- ✓ Bill No. 96-71, a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Pine Street from Eleventh Street through, and including, the intersection at Tenth Street. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolutions duly adopted and the resolutions were duly numbered, Resolution Numbers, 921-96, 922-96, 923-96, 924-96, 925-96, 926-96, 927-96, 928-96 and 929-96.

### **Acceptance of Village West Improvements**

Thereupon, there was presented a resolution accepting the streets, storm sewers, sanitary sewers and water lines within the Village West PUD, Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, 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 Number 930-96.

### **1997 Police Cars**

Thereupon, there was presented a recommendation from Police Chief Jeff Herrman, for the acceptance of a low bid from Lair Noller ford, for the purchase of six, 1997 Crown Victoria Police Cruisers at a cost of \$109,344, and the additional expense of \$10,500 for equipment to be added to these cars.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to authorize the acceptance of the Laird Noller Ford Bid and the purchase of the additional equipment. During discussion it was explained that the cars and equipment would be financed through a lease purchase arrangement, and payments would be made from the Equipment Reserve Fund line, Item 5300-721.

Thereupon, Commissioner Tyson pointed out that while the City had solicited for local bids, no local vendors had bid on this project. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the authorization duly approved.

### **Monthly Activity Reports**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to approve the Monthly Activity and Financial Reports for September, 1996. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Activity and Financial Reports for September 1996, duly approved.

### **Open Agenda**

Thereupon, Commissioner Jackson reminded the Commission of the Gang Awareness Seminar, which would be conducted December 14, at the Franklin County Annex, noting that registration started at 8 a.m. and that the sessions would start at 8:30 a.m. He noted that Herb Collins from the Wichita School District and Mr. Jerry Wells of the Koch Crime Commission, would be speaking during these sessions, and that they would be free to the public.

Thereupon, Commissioner Cummiskey congratulated the Ottawa University and Ottawa High School Volley Ball and Cross Country Champions.

### **Announcements**

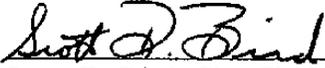
Thereupon, the Mayor announced that there will be no Work Study Session on November 11, due to the holiday, there will be Work Study Sessions scheduled for November 18, 4:00 p.m., November 25, 4:00 p.m., December 2, 4:00 p.m., December 9, and December 16, at 3:00 p.m. The Mayor further announced that regular meetings of the City Commission were scheduled for November 20, at 9:30 a.m., December 4, at 7:00 p.m. and December 18, at 9:30 a.m. Joint City County Meetings are scheduled for November 20 at 11:45 a.m., and December 18 at 11:45 a.m.

### **Adjournment**

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

Thereupon, the Mayor declared the meeting duly adjourned.

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

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

November 18, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, and Tyson; Commissioner Jackson absent; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jeff Herrman, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Andy Haney. Absent: Barb Nelson

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission considered and accepted the Work Study Session minutes of November 4, 1996.
2. **Review of November 6, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of November 20, 1996, noting that several items would be added.
3. **Unsafe and Dangerous Structure Procedure.** Thereupon, the Commission reviewed a recommendation from Program Manager Wynndee Lee that the Commission adopt an ordinance regarding unsafe and dangerous structures.

Thereupon, Ms. Lee noted that the City has two methods of pursuing remedies to properties that have structures which have deteriorated and are in need of condemnation. One is the Unsafe Dangerous Ordinance and the other is through the Building Code. She stated that the Building Code is in the process of being updated and that this would be an appropriate time to consider updating the procedures into a single procedure.

The Commission agreed by consensus to place this item on the November 20, 1996 City Commission agenda.

4. **Uniform Building Code.** Thereupon, the City Manager requested that this item be pulled from the agenda.
5. **Revision of Building Permits.** Thereupon, the Commission heard from Planning and Zoning Director Jim Shaw, regarding a resolution which established building permit fees. Mr. Shaw proposed some minor modifications stating that the Inspection Department had been working with this resolution since 1995 and were addressing concerns which have arisen during that time.

Thereupon, the Commission agreed to place this item on the November 20, 1996 City Commission agenda.

6. **Retail Wheeling Project.** Thereupon, the Commission heard a report from Director of Utilities Jim Bradley, whereupon he requested that the City contribute \$3,500 for the Retail Wheeling Project Study, noting that he anticipated this money would be expended from the Contingency Reserve line item in the Electric Fund, that is, line 3710-925, and that he would apply for refund of this money from the WAPA "B" Cities next spring. He anticipated at least 50% of the monies expended would be returned to the City.

The Commission considered this item and agreed by consensus to proceed.

7. **Arrowhead Division.** Thereupon, the Commission reviewed a letter from Mr. David Barkley, Vice-President of Barkley Salb Construction, Inc., requesting the City of Ottawa vacate 5' of easement from the north end of the 30' easement on the south property line of Arrowhead Development.

During discussion, it was explained that this would affect Lots 6 and 7 of Block 1 in the Arrowhead Development and also affect Lots 6, 7, 8 and 9 on Dogwood Street during the second phase of the development.

The Commission considered this item and agreed to place it on the November 20, 1996 City Commission agenda.

8. **Mid-America Nutrition Program.** Thereupon, the Commission reviewed a request from Linda Netterville, Director of Mid-America Nutrition Program, Inc., which requested from the Commission support for a real estate tax exemption for property located at 1538 Industrial Avenue. Ms. Netterville noted that this facility would be used by Mid-America Nutrition for meal preparation for the elderly of Franklin, Miami, Osage, Coffee, Anderson and Douglas Counties. It was further noted that Mid-America Nutrition Program, Inc., is the only non-profit agency providing meals to the elderly in the area and that meals are available to all people over age 60 either in the Senior Centers or home delivered.

The Commission considered this request and agreed to place it on the agenda for November 20, 1996.

9. **Downtown Lighting Ceremony.** Thereupon, the Commission reviewed a letter received from Trish Shannon, Representative of the Ottawa Area Chamber of Commerce Downtown Lighting Committee. Ms. Shannon requested permission to use Haley Park on November 29, 1996 from 6:30 p.m. to 7:30 p.m. for the downtown lighting ceremony.

During consideration, it was noted that the lights would be turned on this year at 7:30 p.m.

Thereupon, the Commission agreed by consensus to approve this request.

10. **Public Hearing.** Thereupon, the Commission considered a request from Program Manager Wynndee Lee to hold a public hearing to consider a resolution authorizing a budget amendment relating to the Economic Development Grant 94-BF-213 Lester Building Systems. It was explained that this was a budget amendment to realign budgeted amounts to more closely reflect actual expenditures.

The Commission considered the request and agreed to place this item on the agenda for the November 20, 1996 City Commission meeting.

11. **Open Agenda.** Thereupon, Commissioner Cummiskey asked to bring the burning ordinance back to the next week's Work Study Session.

Thereupon, Commissioner Cummiskey provided the Commission with an article regarding gang violence in Lawrence and asked if law enforcement had been made a part of the December 14th agenda. Police Chief Jeff Herrman responded in the affirmative.

Thereupon, Mayor Ramsey requested that the proposed sale of the Industrial Park property for mobile home use be brought back to the table for discussion in two weeks.

12. **Announcements:** Thereupon, the Mayor announced that there will be a City Commission Meeting on November 20, 1996 at 9:30 a.m. He also announced that there will be a Joint City/County Meeting on November 20, 1996 at 11:45 a.m. at the Franklin County Jail; He further announced that there will be a Work Study Session on November 25, 1996 at 4:00 p.m., and on December 2, 1996 at 4:00 p.m., There will be a City Commission meeting on December 4, 1996 at 7:00 p.m. There will not be a Work Study Session December 9, 1996 and there will be a Work Study Session on December 16, 1996 at 3:00 p.m. The Mayor also announced there would be a City Commission Meeting on December 18, 1996 at 9:30 a.m. He further announced that there will be a Joint City/County Meeting on December 18, 1996 at 11:45 a.m.

13. **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:00 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of November 20, 1996

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

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by City Clerk Scott Bird.

**Agenda Approval**

Thereupon, the City Clerk requested that Item No. 16, be considered as a resolution and added as Bill No. 96-76.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to approve the agenda as amended. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved as amended.

**Approval of Minutes**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to approve the minutes of November 6, 1996, as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of November 6, 1996 approved as written.

**Citizenship Essays**

Thereupon, the Commission heard from Mr. Dale Fox, Principle, of Ottawa Middle School, who introduced the winners of the Citizenship contest at

Ottawa Middle School. The two winners Elizabeth Lyman, a sixth grader and Amy Dickinson an eight grader, read their essays for the Commission.

Thereupon, the Mayor congratulated the winners and thanked them for their attendance this morning.

### **Response to Public Comments**

Thereupon, the Mayor read the following comments:

Rev. Burley addressed the City Commission regarding the restrictions contained on the City Agenda with regards to the ability of citizens to speak before the City Commission. Rev. Burley also commended the Police Chief for his apology for his comments that were previously reported.

**Staff Response:** None

**Mr. Bob Black** of the Franklin County Independent Bikers spoke to the City Commission about the upcoming Toys for Kids effort by the Bikers Association.

**Staff Response:** None

**Mr. Tony DeLaTorre** addressed the City Commission regarding the City's policy of public comment before the City Commission.

**Staff Response:** None

**Mr. Greg Hernandez** spoke to the City Commission regarding racism and the Texaco case pending before the Supreme Court in New York.

**Staff Response:** None

**Mr. Tim VanLeiden** of 1025 Pine Street addressed the commission regarding the priority system that was used to evaluate the proposed gravel street improvement projects.

**Staff Response:** The City Manager explained that the basis for priority was two-fold with the driving factor being the fact that the City-at-large was paying for 75% of the proposed improvements. Therefore, streets that were centrally located and through streets were given the highest priority and those that were located on the borders of the City and dead end streets were given the lowest priority. The City Manager advised Mr. VanLeiden that Pine Street fell into the latter category.

## **Presentations and Recognitions**

Thereupon, the Commission recognized five Employees of the City of Ottawa, for their long term service to the City. The following employees received 10 year awards: Mark d'Augereau Police Department, Kevin Hanson Utilities Department and Ron Hughes Utilities Department.

The following employees received 25 year awards: Ron Snethen Water Plant, and Jim Shaw Planning and Zoning.

## **Public Hearings**

Thereupon, the Mayor opened a Public Hearing to consider the Economic Development Grant for Lester Buildings Systems, and recognized Mr. Glen Richardson of Lester Buildings in the audience. Mr. Richardson said he would be glad to answer any questions and thanked the Commission for their attention to this grant. There being no one to speak to this issue the Mayor closed the public hearing.

## **New Business Lester Grant**

Thereupon, there was presented a resolution authorizing a budget amendment relating to economic development Grant, No 94-BF-213 (Lester Buildings).

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that as part of the close-out, the budget is reviewed for any overages, underages, or other charges. The administration costs had not been as much as anticipated and therefore this matter was a house cleaning issue. 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. 931-96.

## **Unsafe Structures**

Thereupon, there was presented an ordinance providing for the orderly and timely removal or repair of dangerous, unsafe or blighted structures unfit for human use or habitation within the City of Ottawa, Kansas, and providing for the inclusion of an administrative procedure for condemnation into the Municipal Code of the City of Ottawa, Kansas, 1982, and repealing Ordinance 3005-91, 3006-91, and 2812-86, Section 203.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the City had two methods of pursuing remedies at this time and that this ordinance would consolidate these procedures into one policy. 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 3202-96.

### **Building Fees**

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, 1997, as provided in Ordinance No. 2812-86, 2941-90, and the Municipal Code, 1982.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to adopt the resolution. During discussion it was explained that this resolution was primarily the same as what the City was working from currently; however, several descriptive changes to the Building Fee schedule had been recommended to more clearly indicate what type of activities are subject to building fees. 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. 932-96

### **Vacation of Easement**

Thereupon, there was presented a resolution finding the necessity and authorizing the release of a portion of a certain easement now held by the City of Ottawa, Kansas, back to the underlying fee owner

Thereupon, Commissioner Cummiskey made a motion seconded by Commissioner Matthews to adopt the resolution. During discussion it was explained that the City had been requested to vacate five feet of easement from the North end of the thirty foot easement, on the South property line of Arrowhead Development, and that this would allow the developer to stay within the appropriate setback requirements of this area.

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. 933-96.

### **Request from Mid American Nutrition**

Thereupon, the Commission considered a request from Mid-America Nutrition to support a Real Estate Tax Exemption, for property they had acquired in Industrial Park.

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

### **Report from City Manager**

Thereupon, the City Manager explained that he had been in contact with Mr. Carey, of Carey Mechanical, who had indicated that the new boiler at the Municipal Auditorium was installed and running.

### **Governing Body Agenda**

Thereupon, Mayor Ramsey explained to the Commission and the Chamber Audience that Ottawa Middle School had presented the City with an award for its help during the problem with the Ottawa Middle School, and expressed appreciation to all who were involved. He also presented to the Commission a gift from the Students of Singapore who have been attending Ottawa University.

### **Announcements**

Thereupon, the Mayor announced the Joint City/County Meeting scheduled for this date at 11:45 a.m. at the Franklin County Jail. A Work Study Session scheduled for November 25, at 4:00 p.m., and a Work Study Session for December 2, at 4:00 p.m. The Mayor announced there will not be a Work Study Session on December 9, but there will be a Work Study Session on December 6, at 3:00 p.m. There will be a City Commission Meeting on December 18, at 9:30 a.m. There will be a Joint City County Meeting on December 18, 1996, at 11:45 a.m., a Work Study Session on December 23, at 4:00 p.m., a Work Study Session on December 30, at 4:00 p.m., there will not be a City Commission Meeting Scheduled for January 1, 1997. There will be a Work Study Session scheduled for January 6, at 4:00 p.m. The next regular City Commission Meeting was announced for December 4, 1996 at 7:00 p.m.

## Adjournment

There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, 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 duly adjourned.

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

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

November 25, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Matthews, Jackson and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jeff Herrman, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, Andy Haney and Barb Nelson.

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Acceptance of Minutes.** Thereupon, the Commission considered and accepted the Work Study Session minutes of November 18, 1996.

2. **Review of December 4, 1996 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular City Commission meeting of December 4, 1996, noting that several items would be added.

3. **Chautauqua Days Celebration.** Thereupon, the Commission heard from Harold Mays and Charles Scoville, representing the Ottawa Jaycees. They explained to the Commission that the Jaycees hoped to expand the July 4th Chautauqua Days Celebrations in the Forest Park area to include a Civil War reenactment demonstration and a possible concert in the park. They explained that they would need to block off most of the park in order to control crowds and charge an admission fee to recover their costs.

The Commission discussed this issue and agreed to bring it back at a future meeting.

4. **Mobile Home Park.** Thereupon, the Commission considered a request from a Mr. Randy Jackson to purchase property owned by the City in the Industrial Park for the use of a AA Mobile Home Park. The Commission heard from Mr. Lou Atherton, Executive Director of the Ottawa Area Chamber of Commerce, who spoke against the proposal, suggesting that the property remain reserved for industrial use. The Commission also heard from Mr. Cal Lantis representing Mr. Jackson, who noted that he (Mr. Lantis) had been on the Commission when the property was purchased and suggested that this area would be well suited for a mobile home park.

Thereupon, the Commission agreed in a 3-2 split to continue to consider this proposal. However, City Manager Scott Lambers suggested that the request be scaled down to include only Option 1, or a 5 acre tract, rather than the entire 10 acre tract of property.

5. **Christmas Lights.** Thereupon, Mr. Lou Atherton on behalf of the Convention and Tourism, presented the Commission with a \$1,000 check to be used to defray part of the cost for the Christmas lighting in the City. He also requested that the City block parking on the East side of Main Street from 1st to 5th Streets for the Christmas parade on December 7, 1996 and further requested that the City consider refurbishing some of the Christmas lights in the near future, given the fact that the original lights are 10 years old.

The Commission thanked Mr. Atherton for his input.

6. **PUD.** Thereupon, the Commission heard from Planning Director, Jim Shaw who reviewed a recommendation from the Planning Commission that the City Commission approve an amendment to Article XI of the Zoning Ordinance to change Section V, Number 2 of the "PUD" Planned Unit Development District.

The Commission considered this recommendation and agreed to place it on the December 4, 1996 City Commission agenda.

7. **Truck Maintenance Refuse.** Thereupon, Planning Director, Jim Shaw noted that the Planning Commission had recommended that Amendment A of the Zoning Ordinance be adopted to allow SIC #4212, Truck Maintenance, as a permitted use in C-2 Zone and that SIC #4212 refuse trash be allowed as a special use only in C-2 zoning. He noted that the current law allows refuse and trash use in C-2 zoning.

The Commission agreed by consensus to place this item on the December 4, 1996 City Commission agenda.

8. **Economic Development District.** Thereupon, Mr. Shaw noted that the Commission had remanded this item back to the Planning Commission for further consideration. He noted that the Planning Commission had recommended with a 6-0 vote that the proposed ordinance with changes be approved. (See attached)

Thereupon, the Commission agreed to place this item on the December 4, 1996 City Commission agenda.

9. **Birch Street Improvement.** Thereupon, the Commission considered a petition for rock street improvement project that had been deemed sufficient by the City Attorney to make improvements to an area on Birch Street through and including the intersection at Red Jacket, also through and including the intersection at Blackhawk Street.

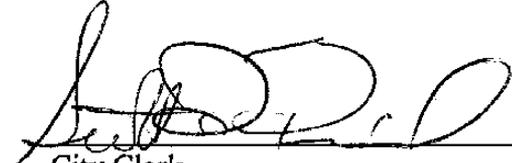
Thereupon, the Commission agreed by consensus to place this item on the December 4, 1996 City Commission agenda.

10. **Trash Burning.** Thereupon, Commissioner Cummiskey agreed to consider this item at a latter date

11. **Open Agenda.** Thereupon, Commissioner Jackson passed out information concerning the Governing Body meeting with the League of Municipalities. He asked the Commission to pay particular attention to the piece on the Youth Authority and local units of governments covering the partial costs of this program. He also asked them to pay particular attention to the unfunded mandates portion. He suggested that this information be discussed at a later date.

12. **Announcements:** Thereupon, the Mayor announced that there will be a Work Study Session on December 2, 1996 at 4:00 p.m., there will be a City Commission Meeting on December 4, 1996 at 7:00 p.m. and that there will **not** be a Work Study Session on December 9, 1996 due to the National League of Cities Conference in San Antonio. He further announced that there will be a Work Study Session on December 16, 1996 at 3:00 p.m., there will be a City Commission Meeting on December 18, 1996 at 9:30 a.m., there will be a Joint City/County Meeting on December 18, 1996 at 11:45 a.m. at the former City Hall, 123 W. 4th, at the invitation of USD 290. There will also be a Work Study Session on December 23, 1996 at 4:00 p.m., a Work Study Session on December 30, 1996 at 4:00 p.m., and a Work Study Session on January 6, 1997 at 4:00 p.m. There will **not** be a City Commission Meeting on January 1, 1997.

13. **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:13 p.m.

  
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City Clerk

## STUDY SESSION MINUTES

4:00 P.M.

December 2, 1996

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, Jackson and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Ron Puterbaugh for Jeff Herrman, Judy Hasty, Richard Towe, Jim Bradley, Jim Shaw, and Andy Haney. Absent: Jeff Herrman and Barb Nelson. Guests: Carla Bienhoff and Dick Smith

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Trash Burning.** Thereupon, the City Manager stated that he was planning to meet with local haulers in the near future and would be providing information to the Commission afterwards, regarding this issue.

Commissioner Jackson noted that the logistics and cost of a trash burning ban and the affects of such a ban needed to be considered.

Mayor Ramsey expressed concern over mandatory curbside pickup noting that there were areas within the community specifically on Main Street and areas on the north side which should be considered for alley-way pickup.

Commissioner Cummiskey asked if there was a way to work with the haulers to divide the town. Thereupon, the City Manager stated that he did not believe the City was large enough to develop franchise areas, and while in some cities this would be a viable option, he did not believe it to be the case for Ottawa. The City Manager also noted that as part of the new code the City would be adopting a new fire code but would delete the part of the code dealing with garbage. He suggested to return this particular issue to the Commission at such time, they were ready to make a policy change.

2. **Ottawa Municipal Auditorium.** Thereupon, the Commission reviewed a letter and proposed ordinance from Carla Bienhoff who represented the Auditorium Board. Thereupon, Dick Smith, Director of the OMA, stated that he and the Board had spent a considerable amount of time working on this ordinance with City Attorney Forrest Lowry. He noted that there were still some concerns, but generally felt good about the ordinance.

Thereupon, Commissioner Tyson expressed concern that the job description for the Auditorium Director had been removed from the proposed ordinance. Ms. Bienhoff responded by explaining that the current job description would, in all probability, continue to be used by the Board after the adoption of the proposed ordinance.

## Ottawa Municipal Auditorium - Continued.

Thereupon, the Commission noted several small details that might need to be cleaned up, specifically language that referred to the City Manager.

Thereupon, Commissioner Jackson expressed his desire that the Commission retain more authority than the proposed ordinance allowed, noting that he felt that there was not enough accountability. During the discussion, it was noted that this ordinance would allow the Auditorium to budget up to 10 mills, but that the City Commission would in fact have the last say on what the Auditorium would be allowed to budget.

Thereupon, Commissioner Jackson asked if there would be any change in the fee structure. Ms. Bienhoff responded that this could be a consideration, but asked how any reduction of fees would be off-set. She noted that they had attempted to pattern this ordinance after the ordinance used by the Ottawa Library. Mayor Ramsey noted that he was of the same opinion as Commissioner Jackson and did not feel there was enough accountability within this ordinance. Commissioners Matthews, Cummiskey and Tyson expressed tentative acceptance of this document.

3. **Sidewalk Construction.** Thereupon, Commission Jackson noted that the sidewalks in the community were in disrepair and had requested this item to be placed on the Work Study Session agenda. He raised the issue that some program needed to be implemented to repair broken or missing sidewalks.

City Manager Scott Lambers noted this would raise the issue as to whether or not the City would participate in the repairs and stated that new developers are required to install new sidewalks. He expressed some concern over the fairness of participating in repair in some cases, new sidewalks in other areas which have never paid original development costs for sidewalks.

4. **Natural Gas Franchise.** Thereupon, the City Manager called upon Assistant City Attorney Bob Bezek who explained that KPL Gas, formerly known as the Gas Service Company, had never formally accepted the franchise agreements. Although they paid the franchise fee, they had failed to respond in the affirmative within a given time frame specified by the franchise ordinance. He noted that by adopting a resolution which stated that a franchise did not exist, the Gas Company would be placed in a position of having to respond.

The Commission agreed to place this item on the December 18, 1996 City Commission agenda.

5. **Minimum Standards for Pavement Repairs.** Thereupon, the Commission reviewed a letter from City Engineer Dennis Garrett who recommended a reasonable standard for repairing utility cuts and proposed standards for adoption. The Commission asked if the City currently had such a policy. The City Manager responded in the negative.

Thereupon, the Commission agreed to place this item on the agenda for the December 4, 1996 City Commission agenda.

6. **City Limits.** Thereupon, the Commission reviewed a resolution which sets the official boundary for the City limits. Planning Director Jim Shaw explained that this resolution is passed annually, but only in years in which the City has annexed property. .

The Commission agreed by to place this item on the December 18, 1996 City Commission agenda.

7. **Amendment to City Personnel Rules.** Thereupon, the Commission reviewed a recommendation to eliminate Veterans Day as an observed holiday, but instead allow employees an additional floating holiday. This will provide a total of 4 floating holidays.

The issue was discussed and the Commission agreed by consensus to place this item on the December 18, 1996 City Commission agenda.

8. **Open Agenda.** Thereupon, Commissioner Tyson suggested that the Strategic Plan be brought back before the Commission.

Thereupon, Commissioner Jackson noted that he would be going to Topeka for the Governor's Conference on Crime.

9. **Announcements:** Thereupon, the Mayor announced that there will **not** be a Work Study Session on December 9, 1996 due to the National League of Cities Conference in San Antonio. He further announced that there will be a Work Study Session on December 16, 1996 at 3:00 p.m., there will be a City Commission Meeting on December 18, 1996 at 9:30 a.m., there will be a Joint City/County Meeting on December 18, 1996 at 11:45 a.m. at the former City Hall, 123 W. 4th, at the invitation of USD 290. There will also be a Work Study Session on December 23, 1996 at 4:00 p.m., a Work Study Session on December 30, 1996 at 4:00 p.m., and a Work Study Session on January 6, 1997 at 4:00 p.m. There will **not** be a City Commission Meeting on January 1, 1997.

10. **Adjournment:** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:05 p.m.

  
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City Clerk

**Regular Meeting  
Ottawa, Kansas  
City Commission**

Minutes of December 4, 1996

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

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber and Radio Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leon Burley, of the St. Paul AME Church.

**Agenda Approval**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, 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 approved as written.

**Approval of Minutes**

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to approve the minutes of the November 20, 1996 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of November 20, 1996 approved as written.

**Public Comments**

Thereupon, the Mayor invited Public Comments after having read the following statement: Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon by the Mayor. Comments regarding personnel matters and matters pending in Court or with other

tribunals are not permitted, please notify the City Clerk before the meeting if you wish to speak, speakers will be limited to three minutes. Any presentation as for informational purposes only, no action to be taken.

Thereupon, Mr. Tony DeLaTorre 811 North Poplar, addressed the Commission stating that over the last two years he had brought concerns before the Commission regarding alleged statements of racial discrimination made by the Electric Superintendent and the Police Chief. Mr. DeLaTorre stated that it was time for the Commission to take new steps to restructure the hiring practices and to establish policies of zero tolerances for racism. Mr. DeLaTorre asked why the City regarded these matters as closed and referred to the recent Texaco incidents and other Corporations who have experienced racial remarks by some of their employees. Mr. DeLaTorre asked that the Commission take some type of action.

Thereupon, Commissioner Cummiskey pointed out that there is always a public portion to the Commission Meeting

Thereupon, Mr. DeLaTorre expressed his frustrations stating, " there are no guide lines" as to what is and is not addressable before the Commission. He further stated that the Community needs to be aware of these issues.

Thereupon, the City Manager explained that the City cannot respond to certain personnel issues, and that given the legal implications and the fact that the Courts have established that individuals have a right to privacy regarding personnel matters, the City can not and will not respond.

### **Presentations and Recognitions**

Thereupon, Lela Mae Santarpia, Chairperson of the Ottawa Pride Committee, explained that representatives of Pride had traveled to the State Pride Convention on November 5, and had received on behalf of the Community, The Governor's Community Achievement Award, and a Special Emphasis Award in Tourism. She noted that Pride had received a \$200 Prize and a \$50 Prize, respectively for these awards, and that these moneys had been applied back to lighting at Haley Park, and would be used to further the Pride efforts.

Thereupon, Mrs. Santarpia presented both awards to the Mayor, and thanked the City for their help in these efforts.

Thereupon, the Mayor expressed his appreciation to Mrs. Santarpia and thanked the Pride Committee for their efforts.

**New Business  
"PUD"**

Thereupon, there was presented an ordinance amending Article XI, "PUD" Planned Unit Development District by changing Section 5, of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was explained that the City of Ottawa Planning Commission had reviewed staff findings and requested this amendment. It was further explained that a Public Hearing had been held regarding this issue and that the Planning Commission recommended the approval of this amendment to change Section 5, No. 2, of the "PUD" Planned Unit Development District, by a vote of 4-0. 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. 3203-96.

**Amendment to Zoning Ordinance**

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

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings, requesting this amendment and held a public hearing. The Planning Commission had recommended to the City Commission the approval of the amendment which would allow Truck Maintenance as a permitted use in C-2 Zoning, but refuse and trash would be allowed only as a Special Use in C-2 Zoning. This recommendation was presented as a 4-0 vote. 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. 3204-96.

**"ED" Economic Development**

Thereupon, there was presented an ordinance amending Article XXI "ED" Economic Development District, to be replaced with an "ED" Economic Development Overlay District and Appendix A of the Zoning District 2933-90 for 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 this item had been referred back to the Planning Commission for further review by the City Commission. The Planning Commission had made changes in the ordinance, held a public hearing on the item, and recommended to the City the amendment by a 6-0 vote.

Thereupon, the Mayor called upon the City Manager, who explained that this is a zoning process which should allow some flexibility in certain parts of the City. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Tyson aye, Commissioner Matthews aye, Commissioner Cummiskey aye, Commissioner Matthews aye, Mayor Ramsey nay.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered, Ordinance No. 3205-96.

### **Improvement to Birch Street**

✓ Thereupon, there was presented a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent improvement to Birch Street thru and including the intersection at Red Jacket thru and including the intersection at Blackhawk Street, Ottawa, Kansas, all as provided in K.S.A. 12-6a01 et seq, pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the resolution. During discussion it was explained that the City had received a petition for a rock street improvement project, that had been deemed sufficient by the City Attorney. The adoption of the resolution is recommended for the City staff to proceed with this project along with those projects which have previously been approved by the Governing Body. 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. 934-96.

### **Governing Body Agenda**

Thereupon, Commissioner Jackson explained that he had attended the Governors Crime Conference on Tuesday and Wednesday and suggested that the City make some funds available to help people attend these conferences. He reminded the Community and the Commission of the Juvenile Awareness Meeting to be held at the Franklin County Annex, on

December 14. He stated that the meeting would start at 8:00 a.m. and would be open to the public and that lunch would be served.

Thereupon, Commissioner Cummiskey suggested that TCI be contacted to possibly film this program.

### **Recognition of Tourism**

Thereupon, the Mayor recognized Greg Gilroy, Murray McGee and Lou Atherton, in the Chamber Audience and expressed his appreciation toward the Convention and Tourism Bureau, for their \$1000 donation towards the Christmas Lighting Program.

Thereupon, Mr. Atherton explained that this program had been initiated in 1985 and was being paid from the Transit Guest Tax. He thanked the City Commission for their recognition.

Thereupon, Commissioner Cummiskey noted that the Tourism Director had been on board almost one year and asked if he would be willing to address the Commission at a future study session. Mr. McGee responded in the affirmative.

### **Announcements**

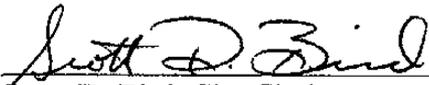
Thereupon, the Mayor announced that there will be not be a Work Study Session on December 9, there will be Work Study Sessions on December 16, 1996 at 3:00 p.m., there will be a Joint City/County meeting on December 18, 1996 at the former City Hall, 123 W. 4th, at 11:45 a.m. There will be a Work Study Session on December 23, 1996 at 4:00 p.m., there will be a Work Study Session on December 30, 1996 at 4:00 p.m., there will not be a City Commission meeting on January 1, 1997, and there will be a Work Study Session on January 6, 1997 at 4:00 p.m. The Mayor further announced that the next regular meeting is December 18, 1996 at 9:30 a.m.

### **Adjournment**

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

Thereupon, the Mayor declared the meeting duly adjourned.

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

  
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Scott D. Bird, City Clerk

## STUDY SESSION MINUTES

3:00 P.M.

December 16, 1996

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, Jackson and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jeff Herrman, Richard Towe, Jim Bradley, Jim Shaw, Andy Haney and Barb Nelson. Absent: Judy Hasty. Guests: Barbara Dew, Kathy Jordan, Raquel Fleer, and Wayne Burns.

The Mayor called the meeting to order at approximately 3:00 p.m.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed the Work Study Session Minutes of November 25, 1996 and December 2, 1996.

Thereupon, Mayor Ramsey asked that the wording under number 4 of the minutes of the November 25, 1996 Work Study Session be changed to read "the Commission agreed in a majority to continue to consider this proposal, rather than as a 3-2 split", stating that they did not vote at the Work Study Session.

Thereupon, the Commission accepted the minutes as amended.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the City Commission Agenda of December 18, 1996, noting that changes and additions would be made.

3. **SADD Ribbons.** Thereupon, the Commission reviewed a letter from Carrie Brigham, representing Students Against Drunk Driving. Ms. Brigham requested the use of a tree in City Park for citizens to tie white ribbons on, in memory of someone who had been killed or injured in a drunk driving accident.

The Commission considered and approved this request by consensus.

4. **Request to Construct a Gazebo at Forest Park.** Thereupon, the Commission reviewed a letter from Mr. Charles Scoville, in which he requested permission to construct a gazebo in Forest Park. Mr. Scoville noted that he would like to construct the gazebo, at his cost, in memory to his father who enjoyed music and had played in a Dixieland band.

The Commission considered this issue and agreed to continue discussion at a later date.

5. **Uniform Building Code.** Thereupon, the Commission heard from Planning Director Jim Shaw, regarding the proposed adoption of the 1994 Uniform Building Code. Mr. Shaw stated that the City was currently operating under the 1985 addition.

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6. **Council of American Building Officials.** Thereupon, the Commission heard from Mr. Shaw regarding a proposed adoption of the Council of American Building Officials One and Two Family Dwelling Code (CABO). Mr. Shaw noted that after having reviewed the UBC, the City Inspection staff believed that there would be a need to adopt the CABO One and Two Family Dwelling Code, stating that the Uniform Building Code primarily governs structural standards for multi-family and commercial buildings and that the adoption of this CABO at the same time as the adoption of the Uniform Building Code would allow for the most appropriate level of standards to be applied to any new construction.

The Commission agreed by to place this item on the December 18, 1996 City Commission agenda.

7. **Uniform Fire Code.** Thereupon, the Commission heard from Mr. Shaw and Fire Chief Richard Towe regarding the proposed adoption of the 1994 Uniform Fire Code. Mr. Shaw explained that the adoption of this code, at this time, is appropriate, given the proposed adoption of the 1994 UBC.

The City Manager noted that Section 1102.2.2, dealing with trash burning, would be deleted until such time the Commission agreed to address that issue.

The Commission considered this issue and agreed to place it on the December 18, 1996 City Commission agenda.

8. **Cereal Malt Beverage Licenses.** Thereupon, there was presented a list of Cereal Malt Beverage License Applications to be reviewed and a request for approval to place on the December 18, 1996 City Commission Agenda. It was noted that these were all renewal applications and no new applications were involved. The following applications were reviewed and considered:

Original and unopened containers and not for consumption on the premises:

Ottawa Foods, dba Apple Market, 901 S. Main  
National Marketing Co. of Kansas, Inc., 1621 S. Main  
Ottawa Cooperative Assn., 302 N. Main  
Conoco, 2243 Princeton  
S & S Foods, Inc., dba Country Mart, 2138 Princeton Circle Drive.  
Tananna Corp., dba Miller Mart, 304 E. Logan  
Taylor Oil Inc., 2305 S. Cedar  
Triple K, Ltd., dba Casey's General Store, 1002 North Main  
Triple K., Ltd., dba Casey's General Store, 1019 W. 7th Street  
C.R. Wood Oil Co., Inc., 2130 Princeton Rd.  
Wal-Mart, 702 S.W. 8th St., Bentonville, Ark.  
Wolken Oil, dba, Ottawa Wolken Truck, 216 E. 23rd St.

**Cereal Malt Beverage Licenses - Continued:**

The following applications are for license for retail cereal malt beverages, for consumption on the premise:

Bishop's Brew, 120 E. Dundee  
Ottawa Antique Mall & Restaurant, 202 Walnut  
Pizza Hut of America, Inc., 118 W. 15th St.  
Pizza Village, Inc., 330 S. Main  
Pizza Time, 133 S. Main  
Poncho's of Ottawa, 419 S. Main

The Commission agreed to place this item on the December 18, 1996 City Commission Agenda.

9. **City Planning Consultant RFP.** Thereupon, there was presented a summary of the request for proposals for City Planning Services. Mr. Shaw explained that Bucher, Willis & Ratliff had been the low bidder and that he was pleased to recommend them given their long-standing relationship with the City.

The Commission considered this recommendation and agreed to place this item on the December 18, 1996 City Commission Agenda.

10. **State Legislative Program.** Thereupon, the Commission reviewed a draft 1997 State Legislative Program. The Program included the following items:

General statement of support for the League of Kansas Municipalities 1996 to 1997 Statement of Municipal Policy.

US-59 Highway Improvement

Juvenile Crime

Retail Wheeling

In addition to the above items, the Commission also suggested the following items be included: Commissioner Jackson suggested that the Commission address the issue of concealed weapons and the issue of a criminal justice information system. Mayor Ramsey noted that in addition to the US-59 Highway Improvement Program, that the Commission should stand in support for a Comprehensive Highway Program. Commissioner Cummiskey asked that they should address water quality issues, noting that the flat floater had caused the City a great deal of concern. It was further noted that the City Commission planned on meeting with Legislators on the 16th of January.

The Commission agreed that these items should be placed on the Legislative agenda.

11. **Police Car Lease.** Thereupon, there was presented a memo from City Clerk Scott Bird regarding the request for bids on a lease arrangement for the upcoming acquisition of six (6) police cruisers. Mr. Bird reported the results as follow, noting that Kansas State Bank had been the low bidder at monthly payments of \$3,608.47 or an adjusted interest rate of 5.31%.

	Interest Rate	Payment
<b>Peoples Bank, Ottawa</b> Monthly	5.636	\$3,626.14
<b>Bank IV, Ottawa</b> Monthly	5.5	\$3,619.29
<b>Intrust Bank, Ottawa</b> Monthly	6.75	\$3,686.75
<b>KOCH of Wichita</b> Monthly	5.34	\$3,610.15
<b>KSB of Ottawa</b> Monthly	*5.24/5.31	\$3,608.47

(\*5.24 is based on 361 days; conversion to 365 days, equals 5.31%. Total monthly interest cost will be \$10,060.92. This will be payable from Fund 5300-721 - Police Equipment.)

The Commission agreed to place this item on the December 18, 1996 City Commission agenda.

12. **Ottawa Recreation Fee Schedule.** Thereupon, the Commission considered the following proposed fee schedule for Don Woodward recreation facility from Mr. Wayne Burns.

<u>Room</u>	<u>General Public</u>	<u>Commercial</u>
Gym	\$9.50 per hour Minimum 2 hours	\$12.50 per hour Minimum 2 hours
Meeting Room	\$6.50 per hour Minimum 2 hours	\$8.50 per hour Minimum 2 hours
Game Room	\$7.50 per hour Minimum 2 hours	\$9.75 per hour Minimum 2 hours
Entire Facility	\$20.00 per hour Minimum 2 hours	\$30.00 per hour Minimum 2 hours

Additional charge for setup and break down of tables and chairs in gymnasium will be \$30.00.

**ORC Fee Schedule - Continued:**

The Commission discussed this issue with Mr. Burns, who noted that ORC programs would always come first, but that he wished to establish a procedure for the use of the facility by other entities when requests occur.

The Commission considered this schedule and asked that the fees proposed be rounded to the nearest dollar amount.

13. **Utilization of Former Library Building.** Thereupon, the City considered a request by the Ottawa Friends of the Library to utilize the former Library building, or at least the basement thereof, for the storage of books and for the sale of books during the Skunk Run celebration weekend.

During discussion, the issue of utility cost were raised. The City Manager noted that these costs would continue to be absorbed until the Skunk Run weekend.

Thereupon, the Commission agreed by consensus to allow the use of the former Library basement but not to extend beyond the 1997 Skunk Run weekend.

14. **Ottawa Quilters Guild and Sunflower Piecemakers.** Thereupon, the Commission considered a request from Chris Campbell, representing the Ottawa Quilters Guild and Sunflower Piecemakers for a one-time use of the former Library lobby for the display of their quilts during the Skunk Run weekend.

The Commission considered this request and agreed to allow the Quilter's Guild a one-time use of the former Library lobby during the Skunk Run weekend in 1997.

15. **Report on National League Conference Activities.** Thereupon, the Commission discussed some of the sessions which they had participated in at the recent National League of Cities Conference in San Antonio.

16. **Trash Burning Ban.** The Commission agreed to bring this issue back before the Commission at a later date.

17. **Monthly Reports for October.** Thereupon, the Commission considered the Monthly Financial and Activity Reports for the month of October and agreed to place this item on the December 18, 1996 City Commission agenda.

18. **Open Agenda.** Thereupon, Mayor Ramsey asked if the detour sign at the K-68 overpass should be removed given the fact that the overpass had been recently been opened. Public Works Director Andy Haney noted that these signs were not the City's; however, he would look into the matter.

Thereupon, Commissioner Jackson noted that the Juvenile Crime Awareness Forum which had been held on December 14, 1996 went well and had approximately 60 participants. He noted that some participants left at lunch, but believed that the conference had been a success. Thereupon, the Mayor congratulated Commissioner Jackson, City Manager Scott Lambers and city staff for their hard work regarding this project.

19. **Announcements:** Thereupon, the Mayor announced that there will be a City Commission Meeting on December 18, 1996 at 9:30 a.m. in the new City Hall, 101 S. Hickory and a Joint City/County Meeting on December 18, 1996 at 11:45 a.m. at the former City Hall, 123 W. 4th, at the invitation of USD 290. He further noted that there will not be Work Study Sessions on December 23, 1996 or December 30, 1996. There will not be a City Commission Meeting on January 1, 1997. There will be a Work Study Session on January 6, 1997 at 4:00 p.m.

20. **Executive Session.** Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to recess into executive session to discuss Attorney/Client Privilege regarding the Kansas Pipeline Easement Acquisition and to reconvene in the same room at 5:05 p.m.

21. **Reconvene.** Thereupon, at 5:05 p.m., Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to reconvene the meeting. Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews to direct the City Manager not negotiate the Kansas Pipeline Easement Acquisition and instead to allow the condemnation of the property in question to proceed.

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

22. **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:12 p.m.

  
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City Clerk