

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
January 13, 2003

The City Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Fleer, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Bill Wright who asked the Governing Body to revisit the nonsmoking issue. He requested that smoking be prohibited in local restaurants. Discussion ensued and the City Manager asked for direction.

During discussion it was pointed out that the Governing Body had visited this issue in the not to distant past, had drafted an ordinance, but it had not been placed on a Regular Meeting Agenda. The Governing Body expressed their concerns with imposing additional regulations on business owners.

**RV and Craft Show**

Thereupon, the Governing Body heard from Ms. Kathryn Scholotzhauer representing the Kaw Valley Center who requested the use of Forest Park for a fundraiser on May 3, 4, 2003, for an RV and Craft Show. The proceeds of the entry fees are earmarked for the Kaw Valley Center to help Franklin County children that are in foster care. The Governing Body considered this issue and agreed by consensus to authorize Ms. Scholotzhauer's request.

**Proclamation**

Thereupon, the Governing Body reviewed a proclamation declaring January 19, 2003, as Martin Luther King Day in the City of Ottawa and agreed to place this item on the Regular Meeting Agenda.

**City Limits**

Thereupon, the Governing Body reviewed a resolution to incorporate annexed areas into the City's legal description and agreed to place this item on the Regular Meeting Agenda for January 15, 2003.

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### **Dual Ownership of Duplex Units**

Thereupon, the Governing Body reviewed an ordinance that will allow dual ownership of duplex units and also eliminates the conflict of side yard setback and lot width restrictions.

During discussion it was explained that this issue had been brought fourth by the Fairway Vista Development and would only affect R-3 Zoning Districts. The Governing Body discussed this issue and agreed to place it on the January 15, 2003, agenda.

### **Rezone – 900 West 15th**

Thereupon, the Governing Body reviewed an ordinance to rezone the 900 Block of W. 15th from R-2 (two family dwelling) to R-3 (multi-family dwelling) the intent of which is to eventually allow the construction of an apartment complex.

During discussion, Fire Chief Jeff Carner noted there were some access issues that he would like to address as this project proceeds. However, the Chief explained it would not prevent this action. The Governing Body considered this issue and agreed to place it on the January 15, 2003, Regular Meeting Agenda.

### **Ordinance-KDHE Wastewater Treatment Plant-Loan Agreement**

Thereupon, the Governing Body reviewed a loan agreement with KDHE for the Wastewater Treatment Plant financing. It was noted this ordinance authorizes the execution of the first amendment to the loan agreement between the City and KDHE to obtain a loan from the Water Pollution Revolving Fund to finance the Wastewater Treatment Plant project. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for January 15, 2003.

### **Resolution-Ottawa Recreation Commission (ORC)-Bond Election**

Thereupon, there was presented a resolution calling for a bond election for submitting to the qualified electors of the City, a question of issuing General Obligation debt to finance construction of a new recreation facility. The City Manager noted that the General Fund or the Utility Funds should not be utilized to finance such projects that the method publicly agreed upon by all parties is to finance a new recreation facility through the City's ability to issue General Obligation debt and that the principal and interest would be paid by the Recreation Commission through the USD 290 mill levy.

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Thereupon, Commissioner Jackson asked that this issue be postponed until after the USD 290 Bond Issue on the school project is considered by the citizen's on January 21, 2003.

Thereupon, the City Manager stated that his intent was to allow the Governing Body the opportunity to review the language of this resolution. The final costs are not known and it is anticipated that this issue will be brought back so the Governing Body can consider placing it on the Regular Meeting Agenda for February 5, 2003.

### **Resolution-NPDES**

Thereupon, the Governing Body considered a resolution agreeing to participate in the cost sharing for engineering services required for compliance with federal NPDES Phase II storm water regulations. It was further explained that the Kansas Chapter of the American Public Works Association had selected a consulting engineer (Wilson and Co.) to provide services for cities in developing the documents necessary for NPDES compliance. It was recommended by staff that between \$10,000 and \$15,000 be committed toward the cost of this project. It was noted by Public Works Director Andy Haney that the City could not contract directly to have these same services provided at this cost. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for January 15, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes from December 9, 16, 2002; a Special City Commission Meeting on December 9, 2002, and a Regular City Commission on December 18, 2002. Thereupon, the Governing Body asked for three minor changes and the City Clerk agreed that such changes should be made.

### **Other Items**

#### **Recreational Task Force**

Thereupon, Mayor Henningsen noted that the Recreational Task Force would be meeting on January 23, 2003, and she will have an update for the Governing Body on January 27, 2003. Thereupon, it was noted that the City would be conducting a contest to name the park located adjacent to the Don Woodward Community Center.

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Thereupon, Commissioner Ramsey asked what was being considered in regard to the budget. Thereupon, the City Manager stated that staff had met two times on this issue, most recently this same morning, to discuss other possible revenues sources, a freeze on capital expenditures within the General Fund, and personnel will be reviewed at each opening, however, a hiring freeze has not been implemented at this time.

Thereupon, Commissioner Jackson noted that "City Hall Day at the Capitol" is scheduled for January 30, 2003, and there will a shuttle from the Expo Center to the Capitol.

Thereupon, roundabouts were discussed and it was recognized that the City is conducting an informal survey to obtain feedback on the temporary roundabout located at the corner of 11th and Ash.

Thereupon, the City Manager stated there is interest in developing a sewer project along 23rd Street. The property owners would be sharing the cost, however, the City would participate in the cost of this project to some degree.

## **Announcements**

Thereupon, the Mayor announced:

1. Joint City/County/School: January 15, 2003, at noon at City Hall
2. Work Study Session: NONE-January 20, 2003, Martin Luther King, Jr. Holiday
3. Work Study Session: January 27, 2003, at 3 p.m.- Tour at the Law Enforcement Center and the Regular Work Study Session starts at 4 p.m. at City Hall
4. Work Study Session: February 3, 2003, at 4 p.m.
5. City Commission Meeting: February 5, 2003, at 7 p.m.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

January 13, 2003

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
January 15, 2003

The City Governing Body met at 9:30 a.m. this date with the following members present and participating in wit: Mayor Henningsen, Commissioner Jackson, Commissioner Fleer, Commissioner Ramsey, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the community audience. Thereupon, the Mayor asked Alexis Heise to lead the Governing Body in the Pledge of Allegiance to the American Flag and the invocation was given by Commissioner Jackson.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to accept the Consent Agenda, which included the agenda approval and minutes of Work Study Session meetings of December 9, 16, 2002; and a Special Commission Meeting on December 9, 2002, and the Regular City Commission Meeting of December 18, 2002. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**Proclamation- Martin Luther King, Jr. Day**

Thereupon, the Mayor read a proclamation declaring Sunday, January 19, 2003, Martin Luther King, Jr. Day in the City of Ottawa, Kansas.

**Resolution-City Limits Designation**

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 1164-01. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the resolution. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution adopted and the Resolution was duly numbered Resolution No. 1137-03A.

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### **Ordinance-Dual Ownership of Duplex Units**

Thereupon, there was presented an Ordinance amending Article XA, R-3 Multi-Family Dwelling District, Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that this ordinance addresses dual ownership of duplex units and the conflict of side yard setback and lot width, which became an issue for the Fairway Vista development. The recommended changes could provide opportunities for other future developments. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3431-03.

### **Ordinance-Rezone of 900 W 15th**

Thereupon, there was presented an ordinance rezoning an area within the City and repealing the corresponding section of the zoning map that is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that this ordinance allows the rezoning of 900 W 15th Street from R-2 (two family dwelling) to R-3 (multi-family dwelling) to allow for construction of an apartment complex. It was further explained that the Planning Commission reviewed this rezone, held a public hearing on December 11, 2002, and recommended to the Governing Body its approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3432-03.

### **Ordinance-KDHE Loan Agreement Amendment**

Thereupon, there was presented an ordinance authorizing the execution of the first amendment to the loan agreement between Ottawa, Kansas, and the State of Kansas through the Kansas Department of Health and Environment to obtain a loan from the Kansas Water Pollution Control Revolving Fund for financing the Wastewater Treatment Plant project. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to adopt the ordinance.

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During discussion it was explained that this ordinance authorizes execution of the first amendment to the loan agreement and between the City and KDHE to obtain a loan from the Water Pollution Control Revolving Fund to finance the Wastewater Treatment Plant project. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3433-03.

### **Resolution-National Pollution Discharge Elimination System (NPDES) Phase II**

Thereupon, there was presented a resolution authorizing participation in a National Pollution Discharge Elimination System (NPDES) Phase II Consortium and appointed payment to Kansas Chapter of the American Public Works Association (APWA) for the benefits derived from participation in the consortium. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jackson, to adopt the resolution.

During discussion it was explained that the Kansas Chapter of the APWA had selected a consulting engineer (Wilson and Company) to provide services for cities in developing the documents necessary for NPDES compliance. Staff estimated that the potential commitment for the City of Ottawa would be between \$10,000 and \$15,000 well under what it would cost the City to contract directly to have the same services provided only for the City of Ottawa.

Thereupon, Public Works Director Andy Haney explained that Phase II of the NPDES has been a struggle for affected cities and for KDHE and that forming this consortium to share the cost to put this issue together would be to the City's advantage. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1138-03A.

### **Reports by City Manager**

Thereupon, City Clerk Scott Bird noted that the City Manager had been called away this morning to respond to a family emergency.

### **Reports by City Commission**

Thereupon, Commissioner Jackson made a point of clarification regarding a statement in the Ottawa Herald that he had criticized the City Manager for bringing fourth information on the Recreation Facility Bonds. Commissioner Jackson stated that he did not make such a statement, but did not want to cloud the issue between this project and the school districts bond issue.

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Thereupon, Commissioner Jackson also noted that the annual Martin Luther King, Jr. celebration would be at 2 p.m., Sunday, January 19, 2003, at the Ottawa University Chapel. Commissioner Jackson stated that this is a community wide program and Dr. Neal from Ottawa University will be the keynote speaker.

Thereupon, Commissioner Ramsey asked the audience to remember that the school bond election will be January 21, 2003, and urged everyone to look carefully at this issue and to respond to the call to vote. Commissioner Ramsey also noted that the deadline for filing for School Board or City Commission is January 21, 2003, at noon.

Thereupon, Mr. Robert Hinds, City Commission Candidate, was introduced to the Governing Body.

### **Reports by Mayor**

Thereupon, Mayor Henningsen noted that the Recreation Task Force will be meeting January 23, 2003, at 6 p.m. at City Hall.

### **Announcements**

Thereupon, the Mayor announced:

1. Joint City/County/School Meeting: TODAY at Noon at City Hall
2. Work Study Session: NONE, January 20, 2003, Martin Luther King, Jr. Holiday
3. Tour of Law Enforcement Center: January 27, 2003, at 3 p.m.
4. Regular Work Study Session: January 27, 2003, at 4 p.m.
5. Work Study Session: February 3, 2003, at 4 p.m.

**NEXT REGULAR MEETING: FEBRUARY 5, 2003, AT 7 P.M.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

January 15, 2003

**City Commission**  
**Special Call Meeting Minutes**

Ottawa, Kansas  
January 16, 2003

Thereupon, the City Governing Body met with representatives of Main Street Ottawa and other community leaders during the Economic Summit Meeting on January 16, 2003, at 12 Noon. Members present were Mayor Henningsen, Commissioner Ramsey, and Commissioner Jackson.

Mr. John Verssue of Ottawa Main Street opened the meeting and each participant introduced him or herself.

Thereupon, Mr. Blaine Finch recapped the Vision process and Mayor Henningsen reviewed the recommendations for the City of Ottawa and the Vision concept.

Thereupon, Mr. Harold Mayes reviewed some of the main concepts in the Phase I portion of Vision and the group discussed various possibilities within the community.

Thereupon, City Manager Weldon Padgett stated that the City has approximately \$170,000 in revolving loan money to assist businesses, but the City has no current policy on how to allocate this money therefore a policy is being drafted. He also indicated that the Neighborhood Revitalization Program was established primarily to meet the needs of the downtown area and historic guidelines should be considered as one component. The Ottawa Comprehensive Plan should be completed during the 2003 program year. A Public Arts Commission should be developed for procuring grants and other funds that might make obtaining display art a possibility. He reminded the group that the City is conducting a Recreational Task Force, grant funding is being pursued for the Rail Trail Lighting, there is an outstanding annexation report that will be followed up on and an inventory of existing gravel streets is being conducted.

During other discussion Mr. Jan Collins noted that the school district has been planning at the same time that the Vision Program who brought up to speed and next week's referendum regarding the school bonds will be an important day to the City of Ottawa. He also indicated that if the school bond issue is approved there will be 3 gym facilities available for community needs in the future.

Thereupon, Chamber Director Tom Weigand encouraged a meeting of the downtown owners group to encourage revitalization in the downtown area and to encourage the improvement of upstairs living quarters in the downtown area.

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A community trip has been planned to the City of El Dorado to discuss with city leaders in that community some of the programs they are involved in and to view for ourselves improvements being made in that community. Thereupon, it was suggested another meeting be held on the last Thursday in April, at noon, again at the Country Club, for additional discussion and to make plans for the El Dorado trip.

There being no further business to come before the Governing Body the meeting was adjourned.

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Scott D. Bird, City Clerk

January 16, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
January 27, 2003

The City Governing Body met at 3 p.m. this date to tour the construction at the Law Enforcement Center. The following members present and participating to wit: Mayor Henningsen, Commissioner Ramsey, Commissioner Jackson, Commissioner Gillette, and Commissioner Fleer. A quorum was present.

The meeting was called to order to tour the Law Enforcement Center. The tour was conducted by Police Chief Jeff Herrman. Others in attendance were City Manager Weldon Padgett, Fire Chief Jeff Carner, Police Captain Ron Puterbaugh, representatives from the Ottawa Herald and KOFO Radio, City Commissioner candidate Robert Hinds, Police Lieutenant Randy Allan, Detective Rick Geist, City Clerk Scott Bird, and others. The tour took approximately 50 minutes after which time the City Commission recessed in order to reconvene at City Hall at approximately 4 p.m.

**Public Comments**

None offered at this time.

**Youth In Government Project**

Thereupon, the Governing Body heard from Ms. Daryl Bugner and Mr. Andrew Huschka from Ottawa High School, who presented a proposal to conduct the Leadership Skills Camp at Timberlake Camp for 7th and 8th Graders May 29-31, 2003. Ms. Bugner stated that the estimated cost would be between \$3,500 and \$5,000. Mr. Huschka noted that the Youth In Government Program participants anticipated fundraisers to help defray the cost. Thereupon, Commissioner Jackson suggested the City propose a match program whereby the City would fund up to \$1,500, matching dollar for dollar the amount the Youth In Government participants are able to earn, and ECKAN would fund up to \$2,500. The motion was seconded by Commissioner Gillette, and upon being put, all present voted aye.

**Roundabout Survey**

Thereupon, the Governing Body reviewed with Public Works Director Andy Haney the completed results of the Citizen Survey for roundabouts. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to

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instruct the engineers to design Cedar Street without roundabouts. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey aye, Commissioner Jackson aye, Commissioner Gillette nay, and Mayor Henningsen aye. Thereupon, the Mayor declared the motion duly passed by a vote of 4-1.

### **Monthly Financial and Activity Report**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Report for the month of November 2002.

Thereupon, Commissioner Fleer asked about the status of the Airport and rental fees due from the Fixed Base Operator (FBO). Thereupon, City Manager Weldon Padgett asked if the Governing Body would be willing to let this issue ride until, it can be studied further. The Governing Body agreed by consensus to the City Managers request.

### **Boy Scout Proclamation**

Thereupon, the Governing Body reviewed a proclamation designating February 2-8, 2003, as Boy Scouts of America Week in the City of Ottawa and agreed to place this item on the Regular Meeting Agenda for February 5, 2003.

### **Franklin County Strategic Plan**

Thereupon, the Governing Body heard from Mr. Tom Weigand who explained the Franklin County Strategic Plan and asked the Governing Body to approve and accept the report prior to it being sent to the State. Thereupon, the Governing Body agreed to place this item on the February 5, 2003, Regular Meeting Agenda.

### **Recreation Center GO Bond**

Thereupon, the Governing Body discussed a resolution to place a GO Bond issue on the April ballot for a recreation center. It was explained that this item is needed to finance the proposed construction of a recreational center at Forest Park. The final cost estimate including a sprinkler system, an elevator to access the second story, and additional earthwork needed to raise the facility relative to storm water runoff levels, as well as, and additional utility work brought the total estimated project cost to approximately 2.1 million dollars.

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Thereupon, Commissioner Fleer asked for additional language to be inserted into the resolution declaring this a Civic Center. Thereupon, the City Manager explained that the language used in the resolution is statutory language prepared by our Bond Attorney and he would not be comfortable in altering said language.

Thereupon, Commissioner Jackson asked that a contract be drafted between the City and Ottawa Recreation Commission to make sure that payment is made on behalf of the Recreation Commission noting that this bond issue will be the responsibility of the City should the Recreation Commission not make payments to cover the debt payments. Commissioner Jackson also asked that this information be given to the community so they understand what they are voting for. The Governing Body discussed this issue and agreed to place the resolution calling for this election on the next Regular Meeting on February 5, 2003.

### **City Hall Day**

Thereupon, it was noted that City Hall Day at the Capitol is scheduled for January 30, 2003, at 9:30 a.m.

### **City Manager Report**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who reviewed the written report, which had been prepared for the Governing Body. One of items discussed was the possibility of implementing court fees for Municipal Court and the Governing Body instructed the City Manager to pursue this possibility. It was noted court fees could generate up to \$200,000 for the General Fund.

Thereupon, Commissioner Ramsey asked staff to address enforcement of environmental codes and respond to a citizen complaint.

Thereupon, Commissioner Gillette stated he has been reappointed by the Chair of the EENR Committee.

## **Announcements**

Thereupon, the Mayor announced:

1. City Hall Day in Topeka, Kansas: January 30, 2003
2. Work Study Session: February 3, 2003, at 4 p.m.

**NEXT REGULAR MEETING: FEBRUARY 5, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

January 27, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
February 3, 2003

The City Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Fleer, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for Public Comment.

**Public Comments**

None offered at this time.

**Recreational Task Force**

Thereupon, the Governing Body heard from the Mayor a report on the Recreational Task Force.

**National League Conference**

Thereupon, the Governing Body discussed the upcoming National League of Cities in Washington and whether or not local attendance should be more conservative in light of the budget situation. Thereupon, it was noted by Commissioner Gillette that the City had secured a \$450,000 grant from EPA as a result of the Governing Body's attendance and action at a recent National League of Cities meeting. It was further pointed out that members of the Governing Body are involved in various committees at the national level and play important roles regarding this issue.

Commissioner Fleer stated she would not be attending. It was further decided that the Youth In Government participants would attend the Spring Conference; however, this position will be reevaluated for the conference in December.

Thereupon, Commissioner Ramsey suggested three important issues be taken to Washington from the Governing Body.

1. Homeland Security for First Responders
2. TEA-21
3. Internet Sales Tax

February 3, 2003

### **ORC Board Appointment**

Thereupon, it was recognized that Steve Hasty has served as one of the City's representatives since 1988 to the Ottawa Recreation Commission. However, Mr. Hasty recently moved outside the city limits and is unable to complete his term, which will expire in April 2004. Thereupon, it was suggested this opening be advertised to the public and the Governing Body direct the City Manager to place ads that can be used to solicit interest in this position.

### **City Hall Day**

Thereupon, the Governing Body discussed their recent City Hall Day at Topeka.

### **Wastewater Treatment Plant-Vacation of rights-of-way**

Thereupon, the Governing Body considered an ordinance to vacate various portions of streets and alleys related to the construction and expansion of the City's new Wastewater Treatment Plant and it was agreed to place this item on the Regular Meeting Agenda for February 5, 2003.

### **Municipal Court Fees**

Thereupon, the Governing Body considered a Charter Ordinance which will allow the City to establish Municipal Court Fees and agreed to place this item on the February 5, 2003, Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body reviewed Study Session minutes for January 13, 2003; Regular Meeting Minutes for January 15, 2003, and a Special Call Meeting for January 16, 2003, and agreed to place these items on the Regular Meeting Agenda for February 5, 2003.

### **Commission Meeting Agenda-February 5, 2003**

Thereupon, the Mayor noted that the agenda for February 5, 2003, will include a proclamation for the Boy Scouts of America, the Franklin County Strategic Plan update, a Resolution for the GO Bonds for the Recreation Center, and a proclamation for Black History Month.

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## **Other Items**

### **Boards and Commissions**

Thereupon, the Governing Body reviewed openings on other Boards and Commissions, which will need to be addressed during the April reorganization.

### **Separation of Planning Commission and Board of Zoning Appeals Board**

Thereupon, the Governing Body heard from Planning/Zoning Director Wynndee Lee who reviewed the process of the Planning Commission having been appointed as the Board of Zoning Appeals. Ms. Lee also explained that the Planning Commission is charged with looking forward for the community and making decisions that guide toward the future vision of the community and thereby recommend legislative action. The Board of Zoning Appeals on the other hand is to look at situations on a case-by-case basis as a judicial body. Ms. Lee suggested the two focuses have been difficult to maintain and separate and therefore is recommending a separate Board of Zoning Appeals be appointed. The Governing Body directed an ordinance be drafted and brought back to the Governing Body for further consideration.

### **Street Signs**

Thereupon, Commissioner Ramsey asked if some of the downtown streets signs could be replaced.

### **Announcements**

Thereupon, the Mayor announced:

1. Work Study Session: February 10, 2003, at 4 p.m.
2. Work Study Session: February 17, 2003, at 4 p.m.
3. City Commission Meeting: February 19, 2003, at 9:30 a.m.
4. Joint City/County/School Meeting: February 19, 2003, at Noon (USD 290 Host)
5. Work Study Session: February 24, 2003, at 4 p.m.

**NEXT REGULAR MEETING: FEBRUARY 5, 2003, AT 7 P.M.**

February 3, 2003

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

February 3, 2003

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
February 5, 2003

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leon Burley.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to approve the consent agenda as presented which included the agenda approval and minutes of the January 13, 2003, Work Study Session; Regular Commission meeting January 15, 2003, and Special Commission meeting on January 16, 2003. Thereupon, the City Clerk stated that a scribner's error had been detected and corrected in the January 15, 2003, minutes in regards to the City Limits Resolution. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comment**

Thereupon, the Governing Body heard from Ms. Freon Hollinger, 3090 Neosho Road. Ms. Hollinger stated she is not anti-recreation; however, Ms. Hollinger stated she understood that the City will be issuing bonds for the construction of a new recreation center, which is, to be financed by the Ottawa Recreation Commission through a USD 290 mill levy which is already in existence. Ms. Hollinger submitted that it is unfair that as a resident of the school district and not of the City it is unfair that she is not allowed to vote on this issue.

**Proclamation-Boy Scouts of American Week**

Thereupon, the Mayor read a proclamation declaring February 2-8, 2003, as Boy Scout Week in the City of Ottawa, Kansas and presented the proclamation to members of Troop 77 and 118.

February 5, 2003

### **Proclamation-Black History Month**

Thereupon, the Mayor read a proclamation declaring February as Black History Month in the City of Ottawa, Kansas. Ms. Shernice Casteel accepted the proclamation and thanked the Governing Body for their support.

### **Resolution-Regional Strategic Plan**

Thereupon, there was presented a resolution reconfirming support for the Regional Strategic Plan and requesting the Secretary of Commerce and Housing re-approve Franklin County as a Kansas Enterprise Zone designated non-metropolitan business region. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained the City needs to pass this resolution accepting the updated Franklin County Strategic Plan so the Plan can be sent to the State. The City Manager was a member of the committee that coordinated the public input process and writing of the updated plan. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1239-03.

### **Resolution-Ottawa Recreation Bond Election**

Thereupon, there was presented a resolution authorizing and providing for the calling of a bond election in the City of Ottawa for the purpose of submitting to the qualified electors of the City the question of issuing General Obligation Bonds for the purpose of financing construction of a recreational and park facility. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this resolution places the general obligation debt issuance on the ballot for April. This item is needed to finance construction of a recreation center at Forest Park. Final cost estimates are projected to be just under \$2.1 million.

Thereupon, Commissioner Gillette stated this has been a controversial issue and expressed his pleasure that the citizen's will have an opportunity to vote on this project.

Thereupon, Commissioner Jackson reminded the citizen's that if the Recreation Commission is unable to make the payments to the City of Ottawa for the debt financing it will become the City's burden.

Thereupon, Mayor Henningsen stated she believes that recreation in the City of Ottawa is important and she reminded the listeners that she is involved in a Recreational Task Force. However, she stated that she is not interested in pursuing this project at this time, noting that there are other issues, which will impact this potential project.

Thereupon, Commissioner Ramsey stated the Vision Report recommended a recreation center and this is a unique situation. The school district levies the funding for the Recreation Commission and the City provides the property. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey aye, Commissioner Jackson aye, Commissioner Gillette aye, and Mayor Henningsen nay. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1240-03.

#### **Ordinance-WWTP Street Vacation**

Thereupon, there was presented an ordinance vacating portions of the following: Pontiac, Sycamore, Cherry and First Streets and certain alleys all within the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to adopt the ordinance.

During discussion it was explained that the construction of the WWTP creates a need to vacate portions of existing streets and alley rights-of-way. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3434-03.

#### **Charter Ordinance-Municipal Court Fees**

Thereupon, there was presented a Charter Ordinance exempting the City of Ottawa from provisions of KSA 12-4112, relating to municipal court fees and providing provision on the same subject. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained that cities are able to determine their local affairs and government subject to certain legislative enactments applicable uniformly to all cities. However, KSA 12-4112 is not uniformly applicable to all cities and it is recommended the City exempt itself from said legislation in order to allow the creation and implementation of administrative fees for municipal court.

Thereupon, Commissioner Fler stated she believed these fees would be used to finance the new police station. Thereupon, City Manager Weldon Padgett explained that this is an effort to create a new revenue source to help supplant the lost revenues incurred from the elimination of demand transfers. The motion was considered and upon being put, passed by the following vote: Commissioner Jackson aye, Commissioner Gillette aye, Commissioner Fler nay, Commissioner Ramsey aye, and Mayor Henningsen aye. Thereupon, the Mayor declared the charter ordinance duly approved by a 4-1 vote and the charter ordinance was numbered Charter Ordinance No. 16-03.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett noted that the park-naming contest had generated over 100 entries and that information would be coming to the Governing Body in the near future.

### **Announcements**

Thereupon, the Mayor announced:

1. February 10, 2003, at 4 p.m.: Work Study Session
2. February 17, 2003, at 4 p.m.: Work Study Session
3. February 19, 2003, at Noon: Joint City/County/School Meeting (USD 290)
4. February 24, 2003, at 4 p.m.: Work Study Session

**NEXT REGULAR MEETING: FEBRUARY 19, 2003, AT 9:30 A.M.**

### **Adjournment**

Thereupon, being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:32 p.m.

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Scott D. Bird, City Clerk

February 5, 2003

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
February 17, 2003

The City Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Fleer, and Commissioner Gillette. Commissioner Ramsey arrived at 3:33 p.m. A quorum was present.

The Mayor called the meeting to order and asked for Public Comment.

**Public Comments**

None offered at this time.

**Information and Discussion**

Thereupon, Ms. Kendra Harnden, President of the Ottawa Main Street Association, and Mr. John Verssue addressed the Governing Body in regards to unwanted solicitors in the downtown business district and in regards to the proliferation of drinking establishments and warehouse entertainment facilities in the downtown area. After discussion, staff recommended that a more appropriate study be conducted during the zoning regulation review.

**Name the Park Contest**

Thereupon, the Governing Body discussed the direction to be taken in regards to naming a park located north of the Don Woodward Center. Thereupon, it was agreed that the Youth In Government participants would be involved and the Governing Body would bring back 3-4 of their favorite names to a future meeting for further discussion.

**Commission Meeting Agenda Items**

**Proclamation-Community Arts Council**

Thereupon, there was presented a proclamation from the Ottawa Community Arts Council requesting the Governing Body proclaim the month of February 2003 as Ottawa Community Arts Council Appreciation Month in recognition of its 25th Anniversary. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for February 19, 2003.

February 17, 2003

### **Ordinance-Municipal Code-Sanitary Sewer**

Thereupon, the Governing Body reviewed an ordinance amending Chapter VI, Article II, Section 6-209, of the Municipal Code amending the requirements for Public Sewer Connection. The Governing Body reviewed this item and agreed to place it on the Regular Meeting Agenda for February 19, 2003.

### **Ordinance-Municipal Code-Board of Zoning Appeals/Planning Commission**

Thereupon, the Governing Body reviewed an ordinance amending Chapter V by adding Article VI, of the Municipal Code, which would separate the Board of Zoning Appeals and Planning Commission by creating two entities. The Governing Body reviewed this item and agreed to place it on the Regular Meeting Agenda for February 19, 2003.

### **Neighborhood Revitalization Act (NRA)**

Thereupon, the Governing Body reviewed two residential and two commercial properties for inclusion in the NRA Program and agreed to place this item on the Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from January 27, February 3, and February 5, 2003, and agreed to place these items on the Regular Meeting Agenda.

### **Environmental Code Enforcement**

Thereupon, the Governing Body reviewed a memo from Director of Planning and Codes Administration Wynndee Lee and discussed with her the importance of environmental code enforcement. Ms. Lee discussed the fact that the City requires 30 days notice for inoperable vehicles. However, state law only requires up to 10. The Governing Body expressed an interest in seeing environmental code enforcement tightened up and further expressed a desire to support the Inspection Department in these efforts.

February 17, 2003

## **Open Agenda**

Thereupon, Commissioner Fleer inquired of the advisability of supporting the proposed recreation center. During discussion the City Manager expressed concern over the advisability and legality of using public monies to support a bond issue.

Thereupon, Commissioner Ramsey stated he had been reappointed to the Small City Council and Steering Committee for National League of Cities and also advised that State Legislature is considering Senate Bill 167, which would allow local governments to notify nuisance violators by regular mail.

## **KMEA Appointment**

Thereupon, the City Manager stated staff had received information from KMEA asking for an appointment to the KMEA Board of Directors. Thereupon, it was moved and seconded to appoint Jim Bradley, Director of Utilities, as a KMEA Board of Directors member for the City of Ottawa, Kansas, and Richard Hollon be appointed as an alternate. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved and the City Clerk was directed to file the appropriate certification.

## **Announcements**

Thereupon, the Mayor announced:

1. February 19, 2003: Joint City/County/School Meeting, Noon, (at USD 290)
2. February 24, 2003: Work Study Session 4 p.m.
3. March 3, 2003: Work Study Session 4 p.m.
4. March 10, 2003: No Work Study Session (Washington, D.C., NLC Conference)

**NEXT REGULAR MEETING: FEBRUARY 19, 2003, AT 9:30 A.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

February 17, 2003

**City Commission**  
**Regular Meeting Minutes**

Ottawa, Kansas  
February 19, 2003

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to approve the consent agenda, which includes the agenda approval and minutes of January 27th, February 3rd, and February 5, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, City Clerk Scott Bird read the following: “Mr. Bob Lantis, 303 S. Walnut came to my office late yesterday afternoon to express his gratitude to the Ottawa Police and Fire Departments, to Mary Hanson at Ransom Memorial Hospital, and 911 Dispatchers. On Saturday evening February 15th Mr. Lantis fell asleep and a fire broke out in his home. Mr. Lantis stated that had it not been for his neighbor and the quick response from the local emergency teams he felt certain his life would have ended that evening. He asked that his sincere appreciation be expressed.”

**Proclamation-Ottawa Community Arts Council**

Thereupon, the Mayor read a proclamation declaring February as Community Arts council Appreciation month in the City of Ottawa.

Thereupon, Mr. Forrest Lowry, President of the Ottawa Community Arts Council accepted the proclamation and thanked the Governing Body and Staff for their past and current support. He stated that this is the 25th Anniversary for the Ottawa Community Arts Council and the 100th Anniversary for the Carnegie Building, where the Community Arts is located.

February 19, 2003

### **Sanitary Sewer Requirements**

Thereupon, there was presented an ordinance amending Chapter VI, Article II, Section 6-209, of the Municipal Code of the City of Ottawa, Kansas 1997. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained that this ordinance will amend the City's Municipal Code, reinstating and describing the requirements for when a structure must connect to a public sanitary sewer system. It was further explained by the City Manager that this had previously been a requirement of the City and had been omitted when the Municipal Code had last been updated. He stated that this ordinance will require homes within 200 feet of City sanitary sewer to connect if their private sewer failed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3435-03.

### **Board of Zoning Appeals**

Thereupon, there was presented an ordinance amending Chapter V by adding Article VI, of the Municipal Code of the City of Ottawa, Kansas 1997, and repealing Ordinance 3104-94 of the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that this ordinance separates the Planning Commission and the Board of Zoning Appeals creating two entities. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3436-03.

### **Neighborhood Revitalization Program**

Thereupon, there was presented a proposal to accept 210 Powhattan, 610 S. Walnut, 220 S. Main and 503 Pontiac into the Neighborhood Revitalization Program. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jackson, to approve the applications. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

February 19, 2003

### **Reports by City Commission**

Thereupon, Commissioner Jackson introduced Ms. Faye Cassell from Ottawa High School, Commissioner Jackson's "job shadow" for the day. Commissioner Jackson noted that she will be attending the Joint City/County/School District lunch and has expressed an interest in being a politician.

### **Reports by City Manager**

Thereupon, the City Manager reported on the park naming contest stating that the information would be forwarded to the Youth Delegates for further consideration.

### **Future Meetings**

Thereupon, the Mayor announced:

1. February 19, 2003, Noon: Joint City/County/School Meeting (USD 290)
2. February 24, 2003, 4 p.m.: Work Study Session
3. March 3, 2003, 4 p.m.: Work Study Session
4. March 7-11, 2003: NLC Conference (Washington, D.C.)

**NEXT REGULAR MEETING: MARCH 5, 2003, AT 7 P.M.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:48 a.m.

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Scott D. Bird, City Clerk

February 19, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 3, 2003

The City Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Ramsey, Commissioner Fleer, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comment.

**Public Comment**

None offered at this time.

**Information and Discussion Items**

**National Legislative Issues**

Thereupon, the Governing Body discussed issues they wish to take to Washington on their upcoming National League of Cities Conference. Those issues include:

- A thank you to Congressman Ryun for his support in helping the City attain grant monies
- A request for additional funding for Cedar Street
- Support for the National Housing Trust Fund
- Additional Information on Internet Sales

**Name the Park Contest**

Thereupon, the Governing Body considered the top three suggestions from the Youth in Government as follows:

- Freedom Park
- East Side Park
- River Run Park

Thereupon, it was moved and seconded to accept the name Freedom Park. The motion was considered and upon being put, passed by a 4-1 vote.

March 3, 2003

### **Board and Commission Appointments**

Thereupon, the Governing Body reviewed applications for the Board of Zoning Appeals. Thereupon, it was moved and seconded to appoint Mr. John Verssue, and Ms. Laura Ansley to the Board of Zoning Appeals. The motion was considered and upon being put, all present voted aye.

Thereupon, it was moved and seconded to appoint Mr. Dan Pickert to the Ottawa Recreation Commission to fill the spot vacated by Mr. Steve Hasty. The motion was considered and upon being put, the nomination was confirmed with a 4-1 vote.

### **Special Use Permit-Motorcycle Salvage Business, 301 W. Wilson**

Thereupon, the Governing Body considered a request for Special Use Permit by Brad and Rhonda Peterson to operate a motorcycle salvage business in an I-2 (Heavy Industrial) Zoning District located at 301 W. Wilson Street and agreed to place this item on the March 5, 2003, agenda.

### **Special Use Permit-Public Storage Business, 1112 N. Main**

Thereupon, the Governing Body considered a request by Mr. Greg Kruger for a Special Use Permit to operate a public storage business in the C-2 (General Commercial) Zoning District located at 1112 N. Main Street and agreed to place this item on the March 5, 2003, Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Regular Meeting Minutes of February 17, 2003, and the Work Study Session Minutes of February 17, 2003, and asked for one change on the February 17, 2003, minutes and agreed to place these items on the Regular Meeting for March 5, 2003.

### **Other Items from the City Commission or Staff**

Thereupon, Commissioner Gillette asked for an appointment to be made with Secretary of Transportation.

March 3, 2003

Thereupon, the City Manager stated that the Municipal Court Judge would like to make recommendations on the upcoming changes to the Municipal Court fines. Thereupon, the City Manager noted that the Recreation Commission is continuing with the City Engineer to go through artist renditions of what the proposed Recreation Center might look like. However, the City has not spent money on design at this point.

Thereupon, Commissioner Jackson asked if furniture is part of the bonding. The City Manager said that it is not.

Thereupon, the City Manager asked the Governing Body to look at the budget implications and express to him where cuts could be made especially in outside funding. Thereupon, Commissioner Ramsey suggested the City Manager review the community activities funded that may not be City Government related.

Thereupon, Commissioner Gillette stated that perhaps the citizens need to be reminded of the City snow ordinance and seasonal notices need to be made periodically.

## **Announcements**

Thereupon, the Mayor announced:

1. March 10, 2003: No Work Study Session (Washington, D.C., NLC Conference)
2. March 17, 2003: Work Study Session 4 p.m.
3. March 19, 2003: City Commission Meeting 9:30 a.m.
4. March 19, 2003: Joint City/County/School Meeting 12 p.m. (County)
5. March 24, 2003: Work Study Session 4 p.m.

### **NEXT REGULAR MEETING: MARCH 5, 2003, AT 7 P.M.**

Thereupon, the Mayor announced that the Recreation Task Force Meeting will meet on the March 6, 2003, at noon.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
March 3, 2003

**City Commission**  
**Regular Meeting Minutes**

Ottawa, Kansas  
March 5, 2003

The City Governing Body met at 7:00 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Commissioner Charles Gillette.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda as presented, including the agenda approval and minutes for the Work Study Session February 17, 2003, and the Regular Commission meeting of February 19, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Resolution- Special Use Permit-Motorcycle Salvage Business, 301 W. Wilson**

Thereupon, there was presented a resolution granting a Special Use Permit (SUP) for a motorcycle salvage business in the I-2 Zoning District at 301 W. Wilson Street requested by Brad & Rhonda Peterson. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained that the Planning Commission had reviewed the Special Use Permit request, held a Public Hearing, and recommended to the Governing Body by a vote of 5-1 the approval of this request. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1241-03.

**Resolution- Special Use Permit- Public Storage Business, 1112 N. Main Street**

Thereupon, there was presented a resolution granting a Special Use Permit for a public storage business in the C-2 Zoning district at 1112 N. Main Street  
March 5, 2003

requested by Greg Kuger, J & D Enterprises of Ottawa, Inc., in the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that the Planning Commission reviewed this request, held a Public Hearing, and recommends to the Governing Body by a vote 5-1 that the SUP be approved with conditions.

Thereupon, Mr. Dick Martin, 148 Megan Lane, owner of the north Ottawa laundry mat stated that this property is directly next door to his. He expressed concerns over drainage and a fence that separates the two properties, which is not intact.

Thereupon, the Governing Body heard from Ms. Wynndee Lee, Director of Planning and Zoning, who stated that drainage will be a consideration in the site, plan issue. She also stated another owner in the nearby vicinity has asked to be involved in the site plan issues and this is a good time for all players to be involved. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1242-03.

### **Reports by City Commission**

Thereupon, Commissioner Jackson noted that Mr. Sam Smith and Mr. Andrew Huschka have been recommended to the Governor's Office for appointment to the Kansas Commission on National Community Service.

### **Reports by Mayor**

Thereupon, the Mayor wished her husband a Happy 50th Birthday.

### **Announcements**

Thereupon, the Mayor announced:

1. March 10, 2003: No Work Study Session (Washington, D.C.)
2. March 7-11, 2003: NLC Conference (Washington, D.C.)
3. March 17, 2003: Work Study Session 4 p.m.
4. March 19, 2003: Joint City/County/School Meeting @ Noon (County)

**NEXT REGULAR MEETING: MARCH 19, 2003, AT 9:30 A.M.**  
March 5, 2003

Thereupon, the City Manager reminded the Governing Body that members of the Governing Body and staff will be meeting with representatives of the Kansas Department of Transportation on March 17, 2003, and this will be a Special Call Meeting.

Thereupon, the Mayor announced that the Mayor's Prayer Luncheon will be April 16, 2003, and the speaker will be Mr. Sam Brownback.

The Recreational Task Force will be meeting on the March 6th at Noon.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:17 p.m.

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Scott D. Bird, City Clerk

March 5, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 17, 2003

The City Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor pro tem Jackson, Commissioner Ramsey, Commissioner Fleer, and Commissioner Gillette. Mayor Henningsen was absent. A quorum was present.

Thereupon, Mayor pro tem Jackson called the meeting to order and asked for Public Comment.

**Public Comment**

Thereupon, Mr. Dan Pickert asked the Governing Body for support in the planning of the Franklin County Historical Society and Friends of the Prairie Spirit Trail "Second Annual Iron Horse 5K Run/Walk," Saturday, June 14, 2003, at 7:30 a.m. Thereupon, the Governing Body asked Mr. Pickert to work with staff on any assistance needed.

**Information and Discussion Items**

**Recreation Task Force Report**

Thereupon, the Recreation Task Force formally presented their report to the Governing Body. The report will be discussed in more detail when the Chair of the Task Force, Mayor Deb Henningsen is present.

**Boards and Commission-Term Expirations**

Thereupon, the Governing Body reviewed the list of Board and Commission Terms. Appointment language and clear guidelines will be presented to the Governing Body at the April 14, 2003, Work Study Session.

**Proclamation-Fair Housing Month**

Thereupon, the Governing Body agreed by consensus to place a proclamation declaring April as "Fair Housing Month" on the agenda for the Regular City Commission Meeting on March 19, 2003.

March 17, 2003

### **Ordinance-Municipal Code Amendment**

Thereupon, the Governing Body reviewed with Planning Director Wynndee Lee an ordinance to amend the Municipal Code with regards to inoperable vehicles. The proposed ordinance will remove the required 30-day period on inoperable vehicles, allowing for more timely resolution of these types of nuisances. Thereupon, the Governing Body agreed to place this item on the Regular City Commission agenda for March 19, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes for Work Study Session March 3, 2003, and the Regular Meeting Minutes for March 5, 2003, and agreed to place these items on the Regular Meeting agenda for March 19, 2003, with a change to be made on the March 3, 2003, minutes.

### **Other Items-City Commission or Staff**

#### **City Manager's Report**

Thereupon, City Manager Weldon Padgett discussed his report with the Governing Body.

During discussion it was decided the Governing Body would visit with the County Commissioners at the Joint Meeting and possibly agree upon a joint statement or resolution to send Secretary Miller regarding the City/County objectives for US 59 Highway.

#### **City Commission NLC Conference Reports**

Thereupon, City Commissioner's attending the recent National League Conference in Washington, D.C. reported on meetings they attended.

#### **Announcements**

Thereupon, Mayor pro tem Jackson announced:

1. March 19, 2003 Joint City/County/School Meeting, Noon, (County)  
**NEXT REGULAR MEETING: MARCH 19, 2003, AT 9:30 A.M.**

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Scott D. Bird, City Clerk  
March 17, 2003

**City Commission**  
**Regular Meeting Minutes**

Ottawa, Kansas

March 19, 2003

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor pro tem Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. Mayor Henningsen absent. A quorum was present.

Mayor Jackson called the meeting to order and welcomed the audience. Thereupon, he led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda as presented, including the agenda approval and minutes for the Work Study Session March 3, 2003, and the Regular Commission meeting of March 5, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, Franklin County Boxing Club Coach Edwin Nazario presented pictures to the Governing Body and expressed his dissatisfaction with the current area they are being asked to use for training at the Don Woodward Center. Thereupon, Mayor Jackson stated staff would review this issue and get back to him.

**Proclamation-Fair Housing Month**

Thereupon, the Mayor read a proclamation declaring the month of April as "Fair Housing Month".

**Ordinance-Nuisance Removal**

Thereupon, there was presented an ordinance amending Chapter X, Article II, Section 10-203, Number 4 of the Municipal Code of the City of Ottawa, Kansas 1997, and deleting Section 10-203, Number 4 of Ordinance 3134-95 of the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

March 19, 2003

During discussion it was explained this change will remove the required 30-day period on inoperable vehicles, allowing for more timely resolution of these nuisances. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3438-03.

### **Reports by Youth**

Thereupon, Ms. Daryl Bugner and Mr. Andrew Huschka reviewed with the Governing Body their Youth Leadership Camp information including:

- Donations/Fundraisers
- Promotions/Transportation
- Camp/Food/Supplies
- Games/Activities

Dates of the Youth Leadership Camp will be May 29-31, 2003. Thereupon, City Manager Weldon Padgett asked the Youth to bring in a request for the matching funds the City promised in the amount of \$1500.

Thereupon, Commissioner Gillette stated Ms. Bugner and Mr. Huschka participated in the recent trip to Washington, D. C. Ms. Bugner thanked the Governing Body for allowing them to share their program with other students at the conference.

Thereupon, Mayor Jackson asked what they had learned. Ms. Bugner and Mr. Huschka stated they had learned about other youth programs across the United States, including different activities, skate parks, and a community idea.

### **Reports by Mayor**

Thereupon, Mayor Jackson made a presentation on behalf of ECKAN to the City in the amount of \$1,400 to reimburse funds used by the Youth attending the recent National League of Cities Conference in Washington, D.C.

Thereupon, Mayor Jackson noted in the near future the Youth will be traveling to Arkansas City and Hutchinson to meet with other Youth and talk about the local Youth Action Council and the Youth In Government Program.

Thereupon, Mayor Jackson presented Ms. Bugner and Mr. Huschka, representatives of the Youth In Government Program, funds from a grant in the amount of \$3,500 to help towards the “Youth In Government” fund raising efforts. Mayor Jackson commended the efforts of the Youth to recognize the need and follow through on a Leadership Program here in Franklin County.

Thereupon, Mayor Jackson expressed on behalf of the entire Governing Body the need to remember the men and women protecting our country in our prayers during this time of pending war. In addition, he asked that their families and our country also be remembered.

### **Announcements**

Thereupon, the Mayor announced:

1. March 19, 2003 Joint City/County/School Meeting at noon, at the county.
2. March 24, 2003: Work Study Session, at 4 p.m.

### **Adjournments**

There being no further business to come before the Governing Body Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:50 a.m.

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Bonita Nicewander, Assistant City Clerk

March 19, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 24, 2003

The City Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Ramsey, Commissioner Jackson, and Commissioner Gillette. Commissioner Fleer was absent. A quorum was present.

Thereupon, Mayor Henningsen called the meeting to order and asked for Public Comment.

**Public Comments**

None offered at this time.

**Work Study Session Items**

**Southeast Substation Update**

Thereupon, the Governing Body heard from Mr. Jack Werthman from SEGA who updated the Governing Body on the Southeast Substation project.

Thereupon, at 3:33 p.m. Commissioner Fleer arrived.

During discussion it was explained that several alternatives have been examined for the possible routing of this important part of the City's infrastructure and the possibilities have been narrowed to 3 main alternatives. Mr. Werthman explained that he has been working with the City to determine the best route for the substation and transmission lines, which will include a route of least impact to current and future property owners. This project is slated to be completed as early as May 2004, but if that is to happen the City needs to move forward on this project. Mr. Werthman further explained that Kansas City Power and Light will need to be given lead time to begin the process of connecting to the substation. Upon completion KCPL will own the lines but the City will pay for the project.

There were approximately 10 representatives of the area in which the project is to be located. Some expressed their concern and frustration with the City's proposal.

March 24, 2003

## **Recreational Task Force**

Thereupon, the Governing Body heard a report from Mayor Henningsen regarding the Recreational Task Force who thanked all the task force for their efforts and input and she believed this comprehensive plan had needed to be updated. She expressed her concern over the current proposed project and suggested that some of the items listed on the report needs to be added to the City's Capital Improvement Program. Some of those items include:

- Recreation Center
- New Pool or remodel current pool
- Soccer Fields
- Ottawa Municipal Auditorium

Some discussion ensued regarding the possibility of developing soccer fields and they are currently located in the City's Industrial Park property.

## **Proclamation-Arbor Day**

Thereupon, the Governing Body reviewed a proclamation establishing April 25, 2003, as Arbor Day in the City of Ottawa.

Thereupon, it was explained an Arbor Day Poster Contest had been held with local 5th grade students and over 80 entries had been received from 4 schools. Members of the Tree Board served, as judges and the winner will be announced at the April 2, 2003, City Commission Meeting.

## **Ordinance-Board of Zoning Appeals**

Thereupon, the Governing Body reviewed an ordinance amending Article XXIX, Sections 1 and 6 of the Municipal Code to conform to the City's Zoning Code, re-establishing the Board of Zoning Appeals. Thereupon, the Governing Body agreed to place this item on the agenda.

## **Ordinance-Vacation**

Thereupon, there was presented an ordinance clarifying the process required when public rights-of-way are to be vacated. The Governing Body reviewed this item and agreed to place it on the April 2, 2003, Regular Meeting Agenda.

March 24, 2003

## **Other Items**

Thereupon, the Governing Body reviewed a request from Doug Durbin who requested permission to hold a benefit concert in City Park. Thereupon, the Governing Body agreed by consensus to allow the concert.

Thereupon, Commissioner Ramsey shared a report from Melissa White, National League of Cities, expressing victory over last week's T-21 now known as T-3 Reauthorization.

Thereupon, the Governing Body heard from Commissioner Jackson who reported on issues concerning the League of Kansas Municipalities and recent bills which the League has been lobbying for. Commissioner Jackson also noted there will be a Legislative Coffee scheduled for April 5, 2003.

## **Announcements**

Thereupon, the Mayor announced:

1. March 31, 2003: Work Study Session, at 3 p.m. It was further announced that work on the Comprehensive Plan will begin at 4 p.m. on this date.
2. April 7, 2003: Work Study Session-Cancelled
3. April 14, 2003: Work Study session, at 4 p.m.
4. April 16, 2003: Mayor's Prayer Luncheon, at 11:45 a.m. – Ottawa University Student Union
5. April 16, 2003: City Commission Meeting at 7 p.m. (City Commission Reorganization)

**NEXT REGULAR MEETING: APRIL 2, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

March 24, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 31, 2003

The City Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Ramsey, Commissioner Jackson, and Commissioner Fleer. Commissioner Gillette was absent. A quorum was present.

Thereupon, Mayor Henningsen called the meeting to order and asked for Public Comment.

**Public Comments**

Thereupon, a representative from the Farmer's Market, Mr. Chester Fredricks, requested a waiver of the permit fee for the Farmer's Market which, this season will be located in the Town and Country parking lot. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to waive the permit fee. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Work Study Session Items**

**Parade and Rally-Code: Red, White and Blue**

Thereupon, Mr. Larry Wright, Board and Committee Member of the Franklin County Veterans Memorial, reviewed with the Governing Body a request for a "parade and rally". The peaceful rally will be held April 5, 2003, leaving Forest Park at approximately 1:30 p.m. and traveling south on Main Street to the Veterans Memorial.

Thereupon, Public Works Director Andy Haney stated he had visited with Mr. Wright and KDOT and permission had been granted by KDOT for this event. Thereupon, the Governing Body agreed by consensus to allow this event to take place.

**Commission Meeting Agenda Items**

**Proclamation-National Library Week**

Thereupon, the Governing Body reviewed a proclamation declaring April 6-12, 2003, as National Library Week. Thereupon, the Governing Body agreed to place this proclamation on the Regular City Commission Agenda for April 2, 2003.

March 31, 2003

### **Final Plat-Griest Estates**

Thereupon, the Governing Body reviewed with staff a request to place the final plat for Griest Estates on the next City Commission Regular Meeting Agenda.

During discussion it was explained the Planning Commission had approved the final plat by a vote of 5-0 at its March 27, 2003, meeting and requested approval from the Governing Body. Thereupon, the Governing Body agreed to place this item on the April 2, 2003, Regular Meeting Agenda.

### **Resolution-US-59 Highway Project**

Thereupon, the Governing Body reviewed a draft resolution in support of the US-59 highway project with City Manager Weldon Padgett. Thereupon, the Governing Body agreed to place this item on the April 2, 2003, agenda with the information regarding the signalization at the intersection of Wilson Street and current US-59 being removed.

### **Review of Minutes**

Thereupon, the Governing Body agreed to place the Work Study Session Minutes for March 17, 2003, and Regular Meeting Minutes from March 19, 2003, on the next Regular Meeting Agenda for April 2, 2003, with a noted change.

### **Other Items**

#### **February 2003-Monthly Financial and Activity Report**

Thereupon, the Governing Body reviewed with staff the Monthly Financial and Activity report for the month of February 2003.

#### **Park Naming and Photo Dedication**

Thereupon, the Governing Body discussed a request to change the name of the recently named Freedom Park. Thereupon, the Governing Body agreed the process of naming the park had been completed and the name should not be changed.

Thereupon, the Governing Body agreed that on April 14, 2003, the Governing Body would meet at the Convention and Tourism Bureau, (time to be determined by City Manager when agenda set) for a photo dedication then arrive at City Hall for the Work Study Session.

March 31, 2003

Thereupon, Commissioner Gillette arrived at 3:52 p.m.

### **Announcements**

Thereupon, the Mayor announced:

1. April 7, 2003: Work Study Session-Cancelled
2. April 14, 2003: Work Study Session-time T.B.D. (Photo dedication at the Convention and Tourism Bureau, then arrive at City Hall for Regular Study Session Meeting)
3. April 16, 2003: Mayor's Prayer Luncheon at 11:45 a.m. – Ottawa University Student Union
4. April 16, 2003: City Commission Meeting at 7 p.m. (City Commission Reorganization)

**NEXT REGULAR MEETING: APRIL 2, 2003, AT 7 P.M.**

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

March 31, 2003

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
April 2, 2003

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to approve the Consent Agenda as presented, including the agenda approval and minutes for the Work Study Session March 17, 2003, and the Regular Commission meeting of March 19, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, the Governing Body heard from Director of Ottawa Recreation Commission Jane Morton who spoke on behalf of the Recreation Commission and thanked the Governing Body for their support of the recent bond issue question, which was defeated on Tuesday.

Thereupon, Ms. Freon Hollinger had asked the City Clerk to pass on a verbal message of appreciation. Ms. Hollinger expressed her appreciation to the Governing Body regarding the City's willingness to waive the permit fee for the Farmer's Market relocation to the Town & Country parking lot.

Thereupon, Ms. Janet Wentz, 2518 E. Logan, requested a CMB license. Thereupon, the City Clerk explained that the application had just been received this afternoon and a background check would have to be performed and the Governing Body would have to act upon the application.

**Response to Public Comment**

Thereupon, the Mayor explained that Mr. Edwin Nazario, Franklin County Boxing Club Coach, had previously presented information and expressed his dissatisfaction of the current area he is being asked to use for training at the Don

April 2, 2003

Woodward Center. City Attorney Bob Bezek reviewed Mr. Nazario's request and determined that the ORC followed its rules and regulations, and had made a decision based on its perception of what is best for the Recreation Commission and the leased premises. The City Commission has no legal authority to interfere and second-guess the Ottawa Recreation Commission Board in a manner that is solely before said Commission.

### **Proclamation-Arbor Day Proclamation**

Thereupon, the Mayor read a proclamation declaring April 5, 2003, as Arbor Day in the City of Ottawa, Kansas. Thereupon, the Mayor presented the proclamation to Mr. John Heckert, Chairman of the Ottawa Tree Advisory Board.

Thereupon, the Mayor read the following:

### **Tree City USA Recognition and Growth Award Presentation**

The City of Ottawa has been designated a Tree City USA Community by the National Arbor Day Foundation. This is the fourth consecutive year the City has received this national recognition.

The City of Ottawa is also a recipient of the Tree City USA Growth Award for demonstrating progress in its community forestry program. The Growth Award was developed to recognize environmental improvement and higher levels of tree care in Tree City USA communities.

The City has obtained these Awards by completing requirements in the following categories: Education and Public Relations; continuing education for tree workers; publicity events; improved forestry planning and management; and improving tree ordinances.

Thereupon, Chairman Heckert presented the Mayor with a certificate and flag from Tree City USA and introduced the attending Tree Board Members to publicly thank the City for the work on trees and tree related projects within the City. Board members in attendance were Connie Gaeddert, Connie Thompson, Roger Bell, and Wint Winter. Public Works Director Andy Haney, Superintendent Brad O'Dea, and Public Works Administrative Assistant JoAnn Nowatzke were thanked for their efforts on this project.

Thereupon, the Mayor announced the winners of the City's 2003 Arbor Day Poster Contest. Fifth graders from Ottawa elementary schools were eligible to participate in the contest. Eighty posters from four local elementary schools were received and judged by the Tree Advisory Board on March 3, 2003.

April 2, 2003

Thereupon, Mr. Joe Moody, Arborist for the City of Ottawa, presented the following awards to the winners of the local poster contest:

**TAYLOR REYNOLDS FROM LINCOLN ELEMENTARY**

**CODY CROUCHER FROM GARFIELD ELEMENTARY**

**DIANA JAVE FROM HAWTHORNE ELEMENTARY**

**JORDON SIMS FROM EISENHOWER ELEMENTARY**

Thereupon, Mr. Moody announced and congratulated Taylor Reynolds as the overall City winner and stated his poster was submitted to the State Arbor Day Poster Contest. Taylor was presented additional awards for being the overall City winner.

Thereupon, the Mayor congratulated all the poster contest winners, Tree Board Members, and the entire staff for all their hard work and efforts.

### **Proclamation-National Library Week**

Thereupon, the Mayor read a proclamation declaring April 6-12, 2003, as National Library Week in the City of Ottawa, Kansas. The proclamation was received by Ms. Betty Norwood who thanked the Governing Body and explained some of the upcoming activities at the Ottawa Library.

Thereupon, Ms. Gloria Kruse, President of the Friends of the Library Board, stated the "Friends of the Library" had raised over \$5,000 last year. More than was ever raised at the Skunk Run Book Sale. Ms. Kruse welcomed anyone not already a member the opportunity to join.

### **New Business**

#### **Ordinance-Amending Article XXIX**

Thereupon, there was presented an ordinance amending Article XXIX, Board of Zoning Appeals, Ordinance No. 2933-90, and the Zoning Ordinance for the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that the Planning Commission reviewed this ordinance, held a public hearing and recommended to the Governing Body by a vote of 4-0 that the amendments to Article XXIX, Sections 1 and 6 be approved.

April 2, 2003

It was further explained this ordinance will clean up language difference between the Zoning Ordinance and Municipal Code that allows for the separation of the Board of Zoning Appeals and the Planning Commission. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3438-03.

### **Ordinance-Street Vacation**

Thereupon, there was presented an ordinance amending Chapter 70, Article II, of the Municipal Code of the City of Ottawa, Kansas 1997, and repealing Article II and Ordinance 3043-92 of the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to adopt the ordinance.

During discussion it was explained the current City ordinance dealing with street vacation is vague and confusing in the procedure used to vacate street rights-of-way. This ordinance substantially clarifies the process. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3439-03.

### **Resolution-Dedication of Rights-of-Way-Waymire Addition**

Thereupon, there was presented a resolution accepting the dedication of rights-of-way and easements within Griest Estates, Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to adopt the resolution.

During discussion it was explained that this property adjoins the Waymire Addition, recently approved by the City Commission. There are three lots, one with frontage on 15th Street and two with frontage onto Beech Street cul-de-sac. The utilities and streets are already constructed. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly adopted and the resolution was duly numbered Resolution No. 1243-03.

### **Resolution-US 59 Support**

Thereupon, there was presented a resolution in support of replacing the existing US-59 between Ottawa and Lawrence with a four-lane limited access highway, with a crossover connection to I-35 and the addition of an interchange at Montana Road. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained the resolution provides written support for the US-59 Highway construction project and encourages the State to fund and expedite the improvements. Thereupon, Commissioner Ramsey stated that the Governing Body had met with KDOT approximately 2 weeks ago and asked the Secretary for support with emphasis on access to the north end of Ottawa, particularly Montana Road and the current US-59 Highway. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1244-03.

### **Reports by Youth Delegates**

Thereupon, Ms. Amanda Guenther stated the Youth Delegates had met last week to discuss the 7th and 8th grade summer camp program and they will be selling scratch cards as a fundraiser in the near future.

### **Reports by City Commission**

Thereupon, Commissioner Gillette expressed his appreciation for the great job the City Street Sweeper does.

### **Reports by Mayor**

Thereupon, the Mayor asked Human Resource Director Judy Hasty to explained the recent support of our troops. Ms. Hasty explained the City and others had put together packages to send to the service men and women in Iraq and a substantial donation had been made by Old Engine No. 8, a nonprofit organization handled by members of the Fire Department.

## **Announcements**

Thereupon, the Mayor announced:

1. April 7, 2003: Work Study Session cancelled
2. April 14, 2003: Work Study Session, at 4 p.m. (time is tentative)
3. April 16, 2003: Mayor's Prayer Luncheon, at 11:45 a.m., (Ottawa University Student Union) Cost: \$10, with Sam Brownback speaking.

**NEXT REGULAR MEETING: APRIL 16, 2003, AT 7 P.M.**  
(Reorganization of City Commission)

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 2, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 14, 2003

The City Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Ramsey, Commissioner Jackson, Commissioner Fleer, and Commissioner Gillette. A quorum was present.

Thereupon, Mayor Henningsen called the meeting to order and asked for Public Comment.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Matt Lash, representing Infant Toddler Services, for Ottawa and Wellsville. Mr. Lash and Mr. Dana Romary requested a motorcycle rally be allowed to commence at Forest Park, at 1 p.m., on June 14, 2003. The rally will start at Ottawa and return about 3 p.m. They clarified that they are not asking for the park to be closed and there would be between 100 and 500 riders. The Governing Body considered the request and agreed by consensus to allow the rally.

Thereupon, the Governing Body heard from Robert K. Smith who asked for help and direction in regards to a piece of property he is trying to develop on east Cherry Street. Thereupon, it was explained to Mr. Smith he needed to work with the State of Kansas in obtaining permission to develop this property given the fact that it is predominately in a flood zone. Mr. Smith argued that engineering and design to alleviate this problem would cost approximately \$25,000 - \$30,000. Mr. Smith also brought information indicating that other designation would be more appropriate. Again, it was suggested Mr. Smith work with the State of Kansas in regards to this issue.

**Industrial Park-Baseball Practice Area**

Thereupon, the Governing Body heard from Mr. Charley Adamson, 800 S. Main, who requested the use of property in Industrial Park to be used as a baseball practice area for the four traveling baseball teams serving 60 youth in the Ottawa area. Mr. Adamson explained this is a traveling tournament team and all the boys on his team also play recreational Babe Ruth Baseball. He further explained the traveling teams are on the bottom of the priority list when it comes to practice areas. These fields will only be used for practice and not games. The only other thing the City would be asked, by this group, is to allow the group to move the grass off an infield area and mow the outfield. Mr. Adamson asked that two

April 14, 2003

practice fields be established in this area. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to grant Mr. Adamson's request and upon being put, all present voted aye. Thereupon, the Mayor declared the baseball practice area duly approved pending a working contract between the City and Mr. Adamson.

### **CDBG Revolving Loan Fund Procedures**

Thereupon, the Governing Body reviewed draft procedures for the City's Economic Development CDBG Revolving Loan Fund and agreed to place this item on the agenda for April 16, 2003, with minor changes.

### **Board and Commission Appointments**

Thereupon, after some discussion and disappointment in the number of responses the Governing Body had received, Commissioner Ramsey suggested this item be tabled until the Study Session of April 21, 2003.

### **Waymire's Subdivision Sanitary Sewer**

Thereupon, the Governing Body heard from Utility Director Jim Bradley who stated the sanitary sewer had been completed, necessary inspections conducted and recommended the acceptance of this sanitary sewer in the Waymire's Subdivision. The Governing Body agreed to place this resolution on the Regular Meeting Agenda for April 16, 2003.

### **Annexation**

Thereupon, the Governing Body heard from Planning and Codes Administrator Wynndee Lee regarding a request for annexation of approximately 40 acres located between 17th and 19th, and Ash and Eisenhower Streets. The Governing Body agreed to place this item on the Regular Meeting Agenda for April 16, 2003.

### **Cereal Malt Beverage**

Thereupon, the Governing Body reviewed a license request for CMB license at 128 S. Main and agreed to place this item on the Regular Meeting Agenda for April 16, 2003.

April 14, 2003

## **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for March 24, 31, 2003, and Regular Meeting Minutes of April 2, 2003, and agreed to place these items on the Regular Meeting Agenda for April 16, 2003.

## **Other Items**

### **Vision Plan**

Thereupon, the Governing Body reviewed the City responses to the Vision Project and agreed this information should be copied to Main Street USA, Chamber of Commerce, Library, USD 290, and the Chair of the Vision Project Blaine Finch.

### **Discussion of Recreation Facility**

Thereupon, the Governing Body discussed the defeat of the vote on the recreation facility proposed to be located in Forest Park. They agreed this item should not just go away and that recreation facilities are needed in the City. Thereupon, Commissioner Gillette made a motion to instruct the City Manager to continue to check on land prices and make recommendations to the Governing Body and Commissioner Fleer seconded the motion. The motion was considered and upon being put, the voted was defeated 3-2 as follows: Commissioner Fleer aye, Commissioner Gillette aye, Commissioner Jackson nay, Commissioner Ramsey nay, and Mayor Henningsen nay.

### **United Way Board**

Thereupon, the Governing Body heard from Mr. Larry Felix, Chairperson of the United Way Board of Directors, visited the commission meeting to officially inform the Governing Body that the local United Way organization had recently undergone a complete reorganization with new bylaws and member appointments intended to become self-sustaining, rather than dependent on outside appointments by entities such as the city, county, chamber, etc. While the three persons who had been appointed to the old board by the City were retained in the new membership of the United Way, no future appointments or reappointments will be made by outside tribunals such as the City. This reorganization of the local organization was made necessary due to the pending affiliation of the local organization with the national United Way.

April 14, 2003

## **Reorganization**

Thereupon, Commissioner Ramsey recommended Commissioner Jackson be appointed Mayor for the upcoming year and Mayor Henningsen recommended Commissioner Ramsey be appointed Mayor pro tem. The Governing Body agreed by consensus to these appointments and agreed to place this item on the Regular Meeting Agenda for April 16, 2003.

Thereupon, the Governing Body heard from City Attorney Bob Bezek who stated the City has been sued along with HW Development in regards to a wrongful arrest accusation. He further reported that the BPU case has been remanded to District Court Judge Steve Hill at Paola.

## **Announcements**

Thereupon, the Mayor announced:

1. April 16, 2003: Mayor Prayer Luncheon at 11:45 a.m. Ottawa University Student Union (Joint City/County/School Meeting cancelled)
2. April 21, 2003: Work Study Session, at 4 p.m.
3. April 28, 2003: Work Study Session, at 4 p.m.
4. April 25, 2003: Arbor Day Activities

**NEXT REGULAR MEETING: APRIL 16, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 14, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**April 16, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Henningsen, Commissioner Jackson, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Reorganization**

Thereupon, the City Clerk administered the Oath of Office to the newly reelected Commissioners Gillette, Ramsey, and Jackson.

Thereupon, the Governing Body entertained remarks from outgoing Mayor Henningsen who thanked the Governing Body and staff for a good year.

Thereupon, Mayor Henningsen opened the floor for the election of Mayor for the 2003-2004 year. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to appoint Commissioner Jackson as Mayor for the upcoming year. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey aye, Commissioner Gillette aye, Commissioner Jackson abstained, and Mayor Henningsen aye. Thereupon, the Mayor congratulated Commissioner Jackson and the City Clerk administered the Oath of Office.

Thereupon, Mayor Jackson expressed his appreciation to Mayor Henningsen for a job well done and presented her with a plaque and gavel in commemoration of her service to the community. Mayor Jackson stated that Mayor Henningsen has made a difference and presented her with a lapel pen that says "You Have Made A Difference".

Thereupon, Mayor Jackson opened the election for Mayor pro tem. Thereupon, Commissioner Fleer made a motion to elect Commissioner Gillette as Mayor pro tem. There being no second the motion died. Thereupon, Commissioner Gillette made a motion to elect Commissioner Ramsey as Mayor pro tem. Commissioner Henningsen seconded the motion. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Fleer aye, Commissioner Gillette aye, Commissioner Ramsey abstained, and Mayor Jackson aye. Thereupon, the Oath of Office was administered by the City Clerk.

April 16, 2003

## **Consent Agenda**

Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda which includes the agenda approval and meeting minutes for the Work Study Session March 24, and 31, 2003, and the Regular Commission meeting of April 2, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

## **Public Comments**

Thereupon, the Governing Body heard from Mr. Bob Harshaw, 717 S. Main who expressed appreciation to the Governing Body for their efforts. In addition, he addressed an issue regarding the CMB application for 128 S. Main. Mr. Harshaw stated he has invested heavily in the 100 block of Main and had he known this area would become the downtown drinking area he would have not made that investment. He asked the Governing Body to look further into the issue of alcoholic sales.

## **New Business**

### **Resolution-Waymire Subdivision**

Thereupon, there was presented a resolution accepting sanitary sewer infrastructure built by the developer as public improvements in the Waymire Subdivision, Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the resolution.

During discussion it was explained that the Utility Department had completed all necessary inspections and recommended to the Governing Body the acceptance of the sanitary sewer as public improvements. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1245-03.

### **Ordinance-Annexation-area of 1001 W. 19th**

Thereupon, there was presented an ordinance annexing land into the city limits of the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

April 16, 2003

During discussion it explained that the property owners of 1001 W. 19th Street had submitted a request to be annexed into the City of Ottawa. The property includes approximately 40 acres located between 17th and 19th Streets east of Eisenhower. Benefits of having property within the City limits include fire and police service, access to public utilities such as water, sewer and electric, inspection services for development, etc. The intended use of this property is for the single-family subdivision. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3440-03.

### **CDBG Revolving Loan Fund Policy and Procedures**

Thereupon, there was presented a policy and procedures for the CDBG Revolving Loan Fund. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the policies and procedures.

During discussion it was explained that the City has had a revolving loan fund for the creation/retention of low-to-moderate income jobs since 1986. Several loans have been made from this fund, with two loans currently taking place. The balance of the loan fund is about \$144,000. Because there have not been any written policies or procedures on how to use this program, staff has not “marketed” the program well. The procedures will enable staff and applicants to understand the process and expectations for loan opportunities, and allow staff to publicize the program more. The procedures are compatible with State regulations and help meet State expectations for continued administration of the program. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Cereal Malt Beverage License-128 S. Main**

Thereupon, there was presented an acceptance of Cereal Malt Beverage license for Penny Miles, at 128 S. Main, doing business as Chalk It Up. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the application.

During discussion it was explained that an application had been received for a retail cereal malt beverage license for consumption on premises of Franklin County Chronicle, Inc., d/b/a Chalk It Up, 128 S. Main. The application has been reviewed, and staff found no cause for denying such application.

During discussion it was further explained that upon staff approval State Statute indicates that the Governing Body shall approve license. However, City Attorney Bob Bezek explained that a license could later be revoked if the need is apparent. Upon being put to the question, the application was approved by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fler nay, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the motion duly approved.

### **Reports by Youth Delegates**

Thereupon, Ms. Amanda Guenther, Youth In Government member, stated that the Youth In Government had traveled to Williamsburg to visit with 7th and 8th graders regarding the upcoming summer camp and 15 applications have been received.

### **Reports by City Manager**

Thereupon, the City Manager stated that Arbor Day will be recognized on April 25, 2003, at the Law Enforcement Center and at Lincoln Elementary School at 2 p.m. that same day.

### **Reports by City Commission**

Thereupon, Commissioner Henningsen thanked the Governing Body, City Manager, and Staff for their efforts on the Mayor's Prayer Luncheon. Thereupon, Commissioner Ramsey thanked Commissioner Henningsen for a great year.

Thereupon, the Governing Body entertained remarks from Mayor Jackson who stated that it is important to keep the citizens informed and he will give a "State of the City Address" in January 2004. The City needs to look for opportunities to keep citizens informed and to encourage and promote an "All American City", to appoint a "Blue Ribbon Task Force" to review the recreation plan of action and find an acceptable way for this to come to fruition, continue to promote racial equality, report on the Vision Plan on a quarterly basis, Youth In Government needs to be promoted and the youth in the community need to be allowed to have input.

Thereupon, the Mayor announced that Congressman Ryun will be in Ottawa on Thursday, April 17, 2003, to tour Courthouse Square Apartments.

April 16, 2003

## **Announcements**

Thereupon, the Mayor announced:

1. April 21, 2003: Work Study Session at 4 p.m.
2. April 28, 2003: Work Study Session from 3-4 p.m. and 4-8 p.m.
3. May 5, 2003: Work Study Session at 4 p.m.

**NEXT REGULAR MEETING: MAY 7, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:33 p.m.

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Scott D. Bird, City Clerk

April 16, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 21, 2003

The City Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, Commissioner Fleer, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comment.

**Public Comments**

None offered at this time.

**Recreation Center**

Thereupon, the Governing Body discussed the City priorities including a proposed recreation center. Thereupon, Commissioner Gillette suggested that another retreat might be in order to better place priorities noting that there are about 9 or 10 items on the Governing Body's list. After some discussion it was agreed that a Monday in the near future would be scheduled from 1-5 p.m. for an extended planning session.

**Boards and Commission Appointments**

Thereupon, the Governing Body reviewed the list of Board and Commission appointments and agreed to place this item on the Regular Meeting Agenda for May 7, 2003.

**Proclamation-National Arson Awareness Week**

Thereupon, the Governing Body reviewed a proclamation declaring May 4-10, 2003, as National Arson Awareness Week and agreed to place this item on the May 7, 2003, agenda.

**Neighborhood Revitalization Program**

Thereupon, the Governing Body reviewed applications for the Neighborhood Revitalization Program for 1108 E. 7th, 715 Liberty, 635 S. Locust and agreed to place these items on the Regular Meeting Agenda for May 7, 2003.

April 21, 2003

## **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for April 14, 2003, and agreed to place this item on the agenda for May 7, 2003.

## **Issuance of Cereal Malt Beverage License**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained that City Attorney Bob Bezek had looked into the statues and opined that the Governing Body had acted correctly in approving a CMB application during the most recent City Commission Meeting. There had been no reason to refuse the application. The criteria to revoke a license would be reviewed in the future. He further explained that had the vote gone against the applicant without cause the City would have been in a position to defend itself legally.

## **Other Items**

Thereupon, Commissioner Fler stated she had received a letter in regards to the odor from the Wastewater Treatment Plant. Thereupon, Utility Director Jim Bradley noted the City had received a handful of complaints and stated when the Wastewater Plant stirs the drying beds and then receives rain the odor is more noticeable. He stated lime is being added and other items such as a bio-cube filter is being installed to help reduce this problem. Mr. Bradley stated the final answer will be when the new plant goes online.

Thereupon, the Police Chief noted that the grand opening for the Law Enforcement Center is scheduled for Friday, June 13, 2003. Thereupon, the City Manager suggested an upcoming Study Session or Regular Meeting be scheduled for the new Law Enforcement Center.

Thereupon, the City Manager stated that the new court fees had been implemented and that the baseball practice field agreement was in the works.

Thereupon, Mayor Jackson reported that Main Street Ottawa is asking for additional funding. Commissioner Ramsey asked if they were living up to their end of the bargain with dues. Thereupon, the City Manager stated additional information has been requested and the Governing Body will receive the information when it's received.

Commissioner Ramsey asked for an update on the airport project and asked about a worker at the Auditorium. Thereupon, the City Manager provided an update and explained the worker at the Auditorium.

April 21, 2003

### **Announcements**

Thereupon, the Mayor announced:

1. April 28, 2003: Work Study Session at 3 p.m. Comprehensive Plan 4-8 p.m.
2. May 5, 2003: Work Study Session at 4 p.m.
3. May 12, 2003: Work Study Session at 4 p.m.
4. May 19, 2003: Work Study Session at 4 p.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 21, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 28, 2003

The City Governing Body deferred their normally scheduled Work Study Session and instead met with the Planning Commission and members of the community regarding the Comprehensive Plan. The following members were present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Gillette, and Commissioner Henningsen.

The meeting commenced at 4 p.m. with Planning Director Wynndee Lee opening the meeting and welcoming the 42 participants. Scott Michie of Bucher Willis and Ratliff, the City's consultant on the Comprehensive Plan. Mr. Mickey explained how the evening would proceed and the overall group would be split into 3 smaller groups to discuss the various aspects of the Comprehensive Plan. Thereupon, the participants broke into groups and moved to their respective meeting rooms.

The meetings concluded at approximately 8 p.m.

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Scott D. Bird, City Clerk

April 28, 2003

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
May 5, 2003

The City Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, Commissioner Fleer, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Request for Youth Skate Music Festival**

Thereupon, the Governing Body heard from Fred Martin, Youth Pastor of Ottawa Bible Church, who requested permission to hold the first annual musical festival at the Ottawa Skate Park on Saturday, May 10, 2003, from 11 a.m. to 8 p.m. Some discussion ensued regarding the neighbors and music volume. The Governing Body agreed by consensus to allow this request.

**Proclamation- National Public Works Week**

Thereupon, the Governing Body reviewed a proclamation declaring May 18-24 as National Public Works Week and agreed to place this item on the May 7, 2003, Regular Meeting Agenda.

**Ordinance-Vacation of 8th Street-Between Beech and Twyman Street**

Thereupon, the Governing Body considered an ordinance to vacate 8th Street right-of-way between Beech Street and Twyman Street requested by Clint Burkdoll and Franklin County related to the Sugar Creek Addition. It was agreed to place this item on the Regular Meeting Agenda.

**Resolution-Sugar Creek Addition Public Rights-of-way**

Thereupon, the Governing Body heard from Planning Director Wynndee Lee recommending a resolution accepting the Sugar Creek Addition public rights-of-ways and easements associated with the development's Final Plat and recommended this item be placed on the Regular Meeting Agenda. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for May 7, 2003.

May 5, 2003

### **Annexation**

Thereupon, the Governing Body reviewed an ordinance annexing approximately 121 acres at 300 W. 23rd Street into the City limits, noting that the owners have submitted a voluntary request for annexation as part of the steps necessary to develop the 23rd Street Sanitary Sewer Benefit District. The Governing Body agreed to place this item on the Regular Meeting Agenda for May 7, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes of April 28, April 21, and the Regular Meeting of April 16, 2003. Thereupon, there was one correction made on the April 28, 2003, minutes and the Governing Body agreed to place these items on the Regular Meeting Agenda for May 7, 2003.

### **Property Tax Comparison**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained that the City Mill Levy compares favorably especially when items such as the school district, county, and the library are removed from consideration of all levies and compared to other cities on the same basis.

### **Monthly Financial and Activity Report-March**

Thereupon, the Governing Body reviewed with staff the March Monthly Financial and Activity Report.

### **Web Site Update**

Thereupon, the City Manager updated the Governing Body as to the progress of the web site stating it will be online in the very near future.

### **Open Agenda**

Thereupon, the Governing Body expressed concern regarding the lack of Main Street Ottawa dues being collected.

Thereupon, the Mayor expressed his appreciation to Commissioner Ramsey for his work with the small cities with the NLC Small Cities Committee.

May 5, 2003

Thereupon, the Governing Body heard from Ms. Anne Killough, Youth In Government member, who reported that applications for the 7th and 8th Grade Camp are coming in.

Thereupon, the Governing Body heard from Public Works Director Andy Haney who provided handouts for Airport Parallel Taxiway information.

### **Announcements**

Thereupon, the Mayor announced:

1. May 12, 2003: Work Study Session at 4 p.m.

**NEXT REGULAR MEETING: MAY 7, 2003, AT 7 P.M.**

### **Adjournment**

Thereupon, it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

May 5, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**May 7, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fleer, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor invited Boy Scout Troop #74 to present the colors, followed by the Pledge of Allegiance. Rev. Leroy Rayson gave the invocation.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda as presented, including the agenda, minutes from Work Study Session April 14, 21, 28, Regular Meeting Minutes of April 16, 2003, and the Board and Commission Appointments. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the consent agenda duly approved.

**Public Comments**

None offered at this time.

**Response to Public Comments**

Thereupon, Mayor Jackson noted the agenda included a response to public comments from a previous meeting.

**Proclamation-National Arson Awareness Week**

Thereupon, the Mayor read a proclamation declaring May 4-10, 2003, as "Arson Awareness Week" in the City of Ottawa, Kansas. Thereupon, Mayor Jackson presented the proclamation to Chief Jeff Carner who expressed his appreciation to the Governing Body and introduced 3 members of his staff who are certified by the State of Kansas Fire Marshals. Fire Marshals are: Kendall Broers, Brent Macklin, and Assistant Fire Chief Richard Oglesby. Thereupon, the Mayor expressed appreciation on behalf of the Governing Body to the Firefighters present and asked that the Governing Body's appreciation be passed to the entire department for their hard work.

May 7, 2003

### **Proclamation-Public Works Week**

Thereupon, the Mayor read a proclamation declaring the week of May 18-24, 2003, as “National Public Works Week”. Thereupon, Mayor Jackson presented the proclamation to Public Works Director Andy Haney who thanked the Governing Body for the recognition and introduced staff members Andy Stauffer, Larry Matile, JoAnn Nowatzke, and Brad O’Dea. Thereupon, the Mayor expressed appreciation for the hard work of the Public Works Department.

### **Neighborhood Revitalization Program-Applications**

Thereupon, there was presented a proposal to accept 1108 E. 7th, 715 Liberty, and 635 S. Locust into the Neighborhood Revitalization Program. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the applications. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Ordinance-Vacating 8th Street Right-of-Way: Twyman-Beech Street**

Thereupon, there was presented an ordinance vacating the 8th Street right-of-way from Twyman to Beech Street. Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained Mr. Clint Burkdoll has purchased property adjacent to the right-of-way and plans a 42 unit single-family development. Mr. Burkdoll and Franklin County request the street rights-of-way adjacent to their properties be vacated in order to facilitate the development of Sugar Creek subdivision. Staff recommended approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3441-03.

### **Resolution-Dedication of Rights-of-Ways and Easements-Sugar Creek, Phase I**

Thereupon, there was presented a resolution accepting dedication of rights-of-ways and easements within the Sugar Creek subdivision, Phase I Addition Final Plat, Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

May 7, 2003

During discussion it was explained this is the first of five phases of a development proposed by Mr. Burkdoll. The area is located between 8th and 9th Streets, and Pine and Beech Streets. The Phase I plat includes four lots, while the entire Sugar Creek development will consist of 42 lots upon completion. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1246-03.

### **Ordinance-Annexing Land**

There was presented and ordinance annexing land into the City of Ottawa, described as 121.18 acres (more or less) located south of 23rd Street, north of Interstate 35, west of Old Highway 50 and east of Eisenhower Road, upon the written request of the owners. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen to adopt the ordinance.

During discussion it was explained the owners of this property submitted a request for voluntary annexation as part of the process to create a sanitary sewer benefit district. Details of the benefit district will be presented to the City Commission at a later meeting and Staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3442-03.

### **Reports by Youth**

Thereupon, Ms. Heather Parkin, a member of the Youth In Government Program, updated the Governing Body on the upcoming 7th and 8th Grade Camp. She noted 40 applicants have been received, packets are being made up, applications are out for volunteers, and the next meeting will be May 12, 2003, at 6:30 p.m., at ECKAN.

### **Reports by City Commission**

Thereupon, Commissioners Henningsen and Gillette expressed their personal appreciation to the Fire Department and Public Works Department for all they do for the community.

Thereupon, Commissioner Ramsey expressed his sympathy in the recent death of Rev. Bill Weber who served as the Police Chaplain for many years.

Commissioner Ramsey stated Rev. Weber will be missed by the community.

May 7, 2003

## **Announcements**

Thereupon, the Mayor announced:

1. May 12, 2003: Work Study Session at 4 p.m.

**NEXT REGULAR MEETING: MAY 21, 2003, AT 9:30 A.M.**

## **Adjournment**

Thereupon, being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:24 p.m.

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Scott D. Bird, City Clerk

May 7, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 12, 2003

The City Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, and Commissioner Gillette. Commissioner Henningsen was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Wilford Bugner who expressed concern over the recent Skate Festival with music at the skate park. Mr. Bugner stated that the loud music was very disturbing throughout the neighborhood and suggested the skate park be moved.

During discussion Commissioner Gillette suggested that some type of maximum decibel limit be implemented to control these types of events.

Thereupon, Fred Martin, Youth Pastor of Ottawa Bible Church, stated, while a final analysis has not been made, from his perspective the activity had been successful due to the number of participants and level of activity.

Thereupon, Mr. Bugner also expressed concern over the drainage in Skunk Run, north of his property, stating that this is a mosquito problem. Thereupon, City Manager Weldon Padgett stated Public Works Director Andy Haney has addressed this situation in the past and will be informed upon Mr. Haney's return.

**Personnel Policy Handbook**

Thereupon, the Governing Body reviewed changes to the Personnel Policy Handbook with the City Manager and Staff and complimented the committee for their hard work, which began in September and ran through April.

Thereupon, Mayor Jackson suggested additional language dealing with diversity be included and the policy on discrimination be more clearly defined as a separate defined item. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to accept the Personnel Policy Handbook subject to Mayor Jackson's changes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Personnel Policy Handbook duly accepted.

May 12, 2003

## **County Tax Sale**

Thereupon, the Governing Body heard from City Attorney Bob Bezek who stated that he and the City Clerk had attended the recent Sheriff's Tax Sale. The City purchased 3 properties for an approximate total of \$14,000. This was done in an effort to protect the City's interest in demolition and weed cutting cost. The City also will be represented during the next sale scheduled for May 17, 2003.

## **Open Agenda**

Thereupon, the City Manager provided the Governing Body with a Tax Rate Comparison sorted by City and showing Ottawa's ranking in various ways. He noted that Ottawa ranks very well in the tax criteria, especially when other entities are removed and cities are compared solely on a city levy basis.

Thereupon, Commissioner Ramsey stated the City needs to consider designating storm shelters within the City.

Thereupon, the City Manager announced there will be a City Employee Picnic scheduled for June 27, 2003. The Commission and other Boards are invited and encouraged to attend.

Thereupon, the City Manager expressed his appreciation to Rebecca Yohn and Justina Koch for their efforts as part time interns, noting that both will be leaving in the near future to take other positions.

## **Announcements**

Thereupon, the Mayor announced:

1. May 19, 2003: Work Study Session at 4 p.m.
2. May 21, 2003: City Commission Photo Session at 9 a.m.
3. May 21, 2003: Joint City/County/School Luncheon at 11:45 a.m.  
(USD 290)

**NEXT REGULAR MEETING: MAY 21, 2003, AT 9:30 A.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn and the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
May 12, 2003

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 19, 2003

The City Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Gillette and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Request-Haley Park**

Thereupon, the Governing Body reviewed a letter from Ottawa High School Music Teacher Bill Coltrane requesting to use Haley Park for a bake sale, money raiser, for the Ottawa High Cytones. The Governing Body agreed by consensus to approve this request.

**Capital Improvement Program**

Thereupon, the Governing Body reviewed with Planning Director Wynndee Lee proposed items for the Capital Improvement Plan.

**Special Use Permit-1124 West 7th St. Terrace**

Thereupon, the Governing Body reviewed a Special Use Permit requested by the Franklin County Commission for the expansion of the records center at 1124 West 7th St. Terrace and agreed to place this item on the Regular Meeting Agenda for May 21, 2003.

**Voluntary Annexation-729 West 23rd St.**

Thereupon, the Governing Body considered a request for voluntary annexation at 729 West 23rd St. The property is associated with the 23rd St. Sanitary Sewer Benefit District. The Governing Body agreed to place this item on the Regular Meeting Agenda for May 21, 2003.

May 19, 2003

## **Review of Minutes**

Thereupon, the Governing Body reviewed and accepted the minutes for Work Study Session May 5, 12, 2003, and Regular Meeting Minutes for May 7, 2003, with one correction.

## **County Tax Sale**

Thereupon, the Governing Body heard a report from City Clerk Scott Bird that the City had purchased 1024 Walnut for \$2,500 plus \$20 filing fees during the recent Sheriff's Sale. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to affirm the action taken by City Staff in the purchase of 4 properties during the two recent Sheriff Sales. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

## **City Manager Report**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett items that they would like to discuss during the upcoming Mini-Retreat. The City Manager also stated that the City's new web site was up and running and discussed the budget hearing and adoption schedule with the Governing Body.

## **Announcements**

Thereupon, the Mayor announced:

1. May 21, 2003: City Commission photo session at 9 a.m.
2. May 21, 2003: Joint City/County/ School, at 11:45 a.m. at the USD 290 Board Office

**NEXT REGULAR MEETING: MAY 21, 2003, AT 9:30 A.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
May 19, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**May 21, 2003**

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda as presented, including the agenda, minutes from Work Study Session May 5, 12, 2003, and the Regular Meeting Minutes of May 7, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the consent agenda duly approved.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Bill Bowers, 1200 West 7th, who expressed his disapproval of the Special Use Permit request in an R-1 Zoning District located at 1124 West. 7th Terrace. Mr. Bowers directed the Governing Body to Article 33 of the Zoning Ordinance and stated that two issues in particular: will the Special Use Permit promote the convenience of public; and will it cause damage to a neighborhood property values.

Thereupon, the Governing Body heard from Planning and Zoning Director Ms. Wynndee Lee who stated that the Planning Commission had considered all of the findings regarding this issue and stated a finding was made that this Special Use Permit, granting construction of a storage building behind the former Crestview Nursing Home, will in fact promote citizen convenience and the property values in the surrounding area were found not to be devalued as a result of this construction. She further stated all neighbors had been contacted and notices had been mailed out to 15 in the neighboring area.

May 21, 2003

## **New Business**

### **Resolution-Special Use Permit-1124 West 7th Street Terrace**

Thereupon, there was presented a resolution granting a Special Use Permit for the expansion of the archive or center for documentation in the R-1 Zoning District at 1124 West 7th Terrace requested by the Franklin County Commission, in the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained that the County Commission requested a Special Use Permit to allow expansion of the records center in this R-1 Zoning District and it involves the construction of a storage building behind the former Crestview Nursing Home facility. The Planning Commission reviewed the request, held a public hearing and recommends approval. The motion was considered and passed by the following vote: Commissioner Henningsen nay, Commissioner Gillette aye, Commissioner Ramsey aye, Commissioner Fleer aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1247-03.

### **Ordinance-Annexation-729 West 23rd**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa described as 37.8 acres (more or less) located east of Eisenhower Road and north of 23rd Street upon written request of the owners. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained that the owners of this tract of land, located at 729 West 23rd, had submitted a request for voluntary annexation as part of the steps necessary to form the 23rd Street Sanitary Sewer Benefit District. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3443-03.

### **Ordinance-Annexation-2049 Eisenhower Road**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa described as 0.129 acres (more or less) located at 2049 Eisenhower Road. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

May 21, 2003

During discussion it was explained that the City of Ottawa owns this small piece of property on which is situated the City Sanitary Sewer Lift Station. As a result of the recent annexations occurring in the immediate area and to facilitate the squaring of the City's, city limits, a recommendation was brought fourth to annex this piece of property. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3444-03.

### **Reports by Youth Delegates**

Thereupon, Mayor Jackson noted that May 29-31, 2003, would be the Youth Leadership Academy and invitations would be sent to the Governing Body for participation in this activity.

### **Reports by City Manager**

#### **Prairie Spirit Rail Trail Grant Award**

Thereupon, the City Manager stated he had provided information to the Governing Body to help bring them up to speed on the Prairie Spirit Rail Trail Extension.

Thereupon, Commissioner Ramsey asked about the surface of the extension of the trail. Public Works Director Andy Haney stated this will probably be asphalted concrete rather than concrete as stated in the documents and that zoning has not occurred yet on this project. It was further pointed out that this project is slated for 2004-2005 and it is contingent upon federal funds becoming available.

#### **Tour of City-owned Recreation Facilities**

Thereupon, it was decided that the Governing Body would begin their mini-retreat on June 2, 2003, at noon in order to allow time for a tour of the recreational facilities owned by the City.

#### **Web Site Feedback**

Thereupon, City Manager Weldon Padgett stated that the City had received its first response to the new web site, which was very favorable and read the same to the Governing Body.

May 21, 2003

## **Reports by Mayor**

Thereupon, Mayor Jackson stated June 20, 2003, has been selected as the National Small Cities Day and recognized that Commissioner Ramsey serves on the committee with the National League of Cities. He asked that a proclamation be placed on the agenda for June 18, 2003, to recognize this day.

## **Announcements**

Thereupon, the Mayor announced:

1. May 21, 2003: Joint City/County/School at 11:45 a.m. at USD 290 Office
2. June 2, 2003: City Commissioner Mini-Retreat from Noon to 5 p.m.

**NEXT REGULAR MEETING: JUNE 4, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 10:03 a.m.

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Scott D. Bird, City Clerk

May 21, 2003

**CITY COMMISSION “RETREAT”  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 2, 2003

The City Governing Body met at Noon this date at the Don Woodward Center to begin a tour of City recreational facilities. The following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

**Tour of Don Woodward Center**

Thereupon, the Governing Body heard from Ottawa Recreation Director Jane Morton who led the Governing Body on a tour of the Woodward Center and explained the use of the facility. The tour started in the downstairs meeting room and extended upstairs to the storage areas and office space. During the time the Governing Body was at the Woodward Center the “Lunch Bunch Program” was in progress, which is a high volume program established to provide lunches to children during the summer days.

**Tour of Forest Park Swimming Pool**

From the Woodward Center the tour proceeded to Forest Park where the Governing Body toured the swimming pool facilities, including the men and women’s bathhouse areas, the wadding pool area, and the filter house. It was noted that several items are not up to today’s standards and the bathhouse areas have ADA deficiencies even though they were built to standards at the time the pool was constructed. Upon the conclusion of the swimming pool tour the Governing Body returned to City Hall to continue their scheduled retreat.

**Tour Discussion-City Hall**

Thereupon, the Mayor opened discussion to recap the tour.

Items discussed:

1. The need for a lease of the Woodward Center
2. Customer charges
3. A County mill levy
4. The fact that the City does not set fees for the recreation commission

June 2, 2003

Other Issues:

1. Best use of the available space at the Woodward Center
2. Possibility of using the auditorium for training sessions and other recreational needs
3. A place for the boxing coach to hold sessions
4. Reviewed current leases with the recreation commission; that is, lease agreements for ball fields and the swimming pool

**Recreation Commission- Annual and Audit Reports**

It was further discussed that the recreation commission should provide the Governing Body with an annual report and an audit report, in addition to, insurance as indicated on the lease agreements.

**Swimming Pool- New or Rehabilitate**

Thereupon, the Governing Body reviewed options for a new or rehabilitated swimming pool, discussed issues such as whether or not the one mill levy from the recreation commission might be usable for this purpose, whether or not the recreational commission would be willing to utilize the monies put back for a recreation center for an improvement to the pool. It was noted that the renovation of the current pool could be accomplished for about \$625,000 and would extend the life expectancy of the pool for another 10-15 years. It was further discussed that this issue might be brought to the Joint Governing Body's meeting on June 18, 2003.

**Preliminary Information-2003-2004 Budgets**

Thereupon, the Governing Body received some preliminary information regarding the 2003-2004 Budgets and reviewed the tentative situation of the General Fund. Thereupon, Commissioner Ramsey noted that he did not feel comfortable with the reserves in the General Fund dropping below \$850,000.

Other items discussed:

1. Reduction in the Main Street donation
2. The need for joint presentations from some of the organizations the Governing Body provides money to.

June 2, 2003

### **Sales Tax Referendum Discussion**

Thereupon, the Governing Body discussed the possibility of sales tax referendum in the future, noting that the next regularly scheduled election would be in November 2004. With some dissenting views the City Manager was directed to pursue research on a sales tax question.

### **Capital Improvement Program Discussion**

Thereupon, the Governing Body reviewed the Capital Improvement Program noting that some items would be added and there are two items dropping off in 2003.

Thereupon, the Governing Body discussed the possibility of adding a vestibule to the current City Hall and proceeding with the signage on the new City Hall Building. Thereupon, the Governing Body discussed the possibility of purchasing a community sign and agreed funding is not available at this time.

### **Municipal Auditorium Discussion**

Thereupon, the Governing Body discussed the municipal auditorium and agreed that their preference would be for a “friends organization”, rather than a “municipal auditorium board”.

### **Work Study Session**

Thereupon, at 4 p.m. the Mayor opened the Regular Work Study Session.

### **Public Comments**

Thereupon, the Governing Body heard from Hallie Beardsley, 925 E. Wilson, who expressed her frustration about the privately owned swimming pool located on E. Wilson. The pool is within approximately 100 yards of her house. Ms. Beardsley stated the property owner is leaving lights on throughout the evening, there is considerable amounts of noise, and when flushing the pool he had washed water across the drive and into their yard. Ms. Beardsley asked if a curfew could be set for this pool so that she and her family could sleep and not be affected by the runoff from the pool.

### **Parallel Taxiway Project**

Thereupon, the Governing Body heard from Dave Hadel, Engineer, who explained that the FAA has approved the parallel taxiway improvements for the Ottawa Airport, which is essentially a complete rehabilitation of the existing taxiway. Mr. Hadel explained that the recommendation for a \$1,077, 055.95 project be awarded to Smokey Hill Construction. The FAA will be participating at 90% and the City will be responsible for 10% of the cost of this project. Mr. Hadel explained that this is a good opportunity to improve the airport. However, the FAA is still looking at its own ability to fund this project.

Thereupon, Public Works Director Andy Haney explained the FAA had originally intended that this be a \$450,000 project. However, the original plans were for an overlay rather than a complete rehabilitation. The FAA had indicated a willingness to participate on the change of the scope of the taxiway rehabilitation.

### **Electric Substation Rezone**

Thereupon, the Governing Body heard from Utility Director Jim Bradley and Planning and Codes Administration Director Wynndee Lee who provided the Governing Body with an explanation of the location of this project, which will be a 300-foot by 300-foot site located south of Orchard Heights, bordered on two sides by the city limits. Poles will be placed 5' higher than they are currently and the voltage of the new lines will be the same, that is, 12,400 KVA. Landscaping will be included to help reduce the impact and 3 circuits will be extended from this substation.

Thereupon, the Governing Body heard from Mr. Dan Fogle who stated that his property will be devalued as a result of this substation. He further indicated that his property has not been a quarry for the last 7 years and it is anticipated to be zoned R-1 in the City's Comprehensive Plan.

Thereupon, Ms. Lee explained that the county currently has Mr. Fogle's property zoned as Industrial, however, he is correct regarding the City's Comprehensive Plan. The property owned by the City is shown as Public Use.

Thereupon, the Governing Body heard from Mr. Stan Vickers who expressed concern about the substation and its ability to be secure, that either residential or business could be placed in this same area. The Governing Body considered this issue and agreed to place this item on the Regular Meeting Agenda for June 4, 2003.

June 2, 2003

### **Rezone Request Westview Subdivision**

Thereupon, the Governing Body reviewed the request for a rezone of this 40-acre tract, which was recently annexed to the City. The rezone is from C2 (Highway Commercial-Franklin County) to R-1 (Single Family Dwelling District), which is consistent with the City's Comprehensive Plan. The rezone of this area, will allow the construction of 125 units of single-family residents. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for June 4, 2003.

### **Municipal Code Amendment**

Thereupon, the Governing Body reviewed a proposed amendment to Chapter X, Articles II, III, and IV, which deal with inoperable vehicles, weeds and nuisances and agreed to place this item on the Regular Meeting Agenda for June 4, 2003.

### **Electrical Code Amendment**

Thereupon, the Governing Body reviewed a request for a change to the City's Electrical Code recommended by the Electric Board of Appeals so newly constructed apartment complexes will no longer be required to install electric wiring within a conduit system. However, this requirement will continue to exist in some building types including hotels and motels. The Governing Body agreed to place this item on the Regular Meeting Agenda for June 4, 2003.

### **Proclamation**

Thereupon, the Governing Body agreed to place proclamations declaring June 20, 2003, as National Small Cities Day in the City of Ottawa and to recognize the Ottawa High School Cyclones State Championship Softball Team.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for May 19, 2003, and the Regular Meeting Minutes for May 21, 2003, and agreed to place these items on the Regular Meeting Agenda.

June 2, 2003

### **Announcements**

Thereupon, the Mayor announced:

The next Regular Meeting is scheduled for June 4, 2003, at 7 p.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

June 2, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**June 4, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fleer, Commissioner Gillette, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Commissioner Gillette.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda as presented, including the agenda, minutes from Work Study Session May 19, 2003, and the Regular Meeting Minutes of May 21, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the consent agenda duly approved.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Harold Mayes who made a formal request to the Governing Body for use of the south bank of the Marais des Cygnes River in Forest Park for the July 4, 2003, firework display. Mr. Mayes thanked the Governing Body for their monetary support in recent years and again asked for \$2,500 towards the purchase of the fireworks for this year's display. Thereupon, the City Manager noted that the \$2,500 is budgeted and reminded Mr. Mayes that the City would need a copy of insurance naming the City as additionally insured.

Thereupon, the Governing Body heard from Mr. Scott Wasser, 432 S. Elm, regarding the OMA Board. Mr. Wasser reminded the Governing Body that he is not a member of the board and asked the City to review the Ottawa Municipal Auditorium needs during the 2004 budget discussions. He suggested the current board be dissolved and a "friends organization" be considered and asked the Governing Body to consider growth in the recreational area as a part of Ottawa's quality of life as a means to restore physical, mental, and spiritual health. He further asked the Governing Body to consider forming a City Department of Recreation and to cooperate with the school board to use funds, which are currently being made available for recreation. Mr. Wasser stated he would

June 4, 2003

make himself available for additional concerns. Thereupon, the City Manager noted that an ordinance is being prepared to rescind the current board structure and establish a “friends program”.

### **Presentations and Proclamations**

Thereupon, the Mayor read a proclamation recognizing the OHS Cyclone Girls Softball State Championship Team and presented each member of the team with a framed copy of the proclamation.

Thereupon, the Mayor read a proclamation declaring Friday, June 20th, 2003, as National Small Cities Day in the City of Ottawa and recognized City Commission member Gene Ramsey for his efforts on the National Small Cities Committee.

Thereupon, the Mayor made special recognition of the Youth In Government Students for their efforts during the recent Leadership Academy, which was conducted May 29-31, 2003. The Mayor presented to the youth \$1,500 in City matching funds for their efforts.

### **New Business**

#### **Resolution-Ottawa Municipal Airport Parallel Taxiway Project**

Thereupon, there was presented a resolution accepting the low bid from Smoky Hill Construction, L.L.C., and authorizing the City Manager to execute an agreement for construction of improvements to the parallel taxiway at the Ottawa Municipal Airport once administrative details with the Federal Aviation Administration have been resolved. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that the City had solicited bids from qualified contractors for reconstruction of the parallel taxiway and the low bidder for each of the alternatives was Smoky Hill Construction, a Salina firm. This resolution authorizes the acceptance of the low bid pursuant to FAA concurrence and agreement to participate with 90% federal funding for the improvement. It was noted that the low bid for the reconstruction plus Alternates “A” and “B” is \$1,077,055.95. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved and the resolution was duly numbered Resolution No. 1248-03.

June 4, 2003

### **Ordinance-Rezone 2810 Montana Road (Ottawa South Substation)**

Thereupon, there was presented an ordinance rezoning an area (300' square at about 2810 Montana Road) owned by the City of Ottawa and within the City of Ottawa from R-S (Residential-Suburban) to L-1 (Light Industrial), and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained that the Planning Commission had reviewed this request, held a Public Hearing and recommends to the City Commission by a vote of 6-0 its approval. Approving this request is necessitated by the planned City electric substation.

During discussion the Governing Body heard from City Attorney Bob Bezek who stated that a protest petition had been received this date which was signed by Frank D. Fogle. The Commissions' decision is subject to Kansas Statutes and City Ordinance and affected landowners had been notified at least 14 days prior to the Public Hearing. Affected property owners are qualified to file a protest petition. Mr. Bezek noted that Mr. Fogle did not attend the Public Hearing on May 14, 2003, and the protest petition was not filed until after the May 29, 2003, deadline. Mr. Bezek continued by explaining that if the petition had been an effective petition it would require a "super majority" that is, 4/5 vote of the City Commission. But, since the petition was filed after the deadline a simple majority would be sufficient.

Thereupon, the Governing Body heard from Mr. Fogle stating that he did not believe that he had been given complete information and felt like there were questions he had not been given answers to. He further stated that if he were able to talk with those who are in the planning of this project his concerns could be resolved. Mr. Fogle expressed one of his main concerns was whether or not a peaking station turbine would be placed at this location.

Thereupon, the Governing Body heard from Mr. Jim Bradley, Director of Utilities, who stated that no peaking generator will be placed at this location and none had been planned for.

Thereupon, the City Manager stated that he believed that he understood Mr. Fogle's concerns and this issue could be resolved. The motion was considered and upon being put, passed by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fleer aye, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the ordinance duly adopted by a vote of 4-1, and the ordinance was duly numbered Ordinance No. 3445-03.

### **Resolution-Special Use Permit-2810 Montana Road**

Thereupon, there was presented a resolution granting a Special Use Permit for the construction of a City electrical substation in the I-1 Zoning District at 2810 Montana Road requested by the City of Ottawa. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the resolution.

During discussion it was explained that the Planning Commission reviewed the Special Use Permit, held a Public Hearing, and recommended approval to the Governing Body by at vote of 6-0. The motion was considered and upon being put, passed by the following vote: Commissioner Ramsey nay, Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fleer aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1249-03.

### **Ordinance-Rezone 17th and 19th Eisenhower Road**

Thereupon, there was presented an ordinance to rezone 40-acres located between 17th and 19th east of Eisenhower Road from C2 (Highway Commercial-Franklin County) to R-1 (Single Family Dwelling District). Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey to adopt the ordinance.

During discussion it was explained that the Planning Commission had reviewed this rezone request, held a Public Hearing, and recommended to the Governing Body by a vote of 5-0 the request be approved. It was further noted that this property had recently been annexed into the City for the purpose of residential development and the adoption would allow the construction of approximately 125 single-family residences. The motion was considered and upon being put all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3446-03.

### **Ordinance-Vehicles, Weeds, and Nuisances**

Thereupon, there was presented an ordinance amending Chapter X of the Municipal Code of the City of Ottawa, Kansas, by adding sections to Articles II & VI, and amending Article III. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained that the proposed changes deal with inoperable vehicles, weeds and nuisances. The inoperable vehicle and nuisance articles, insertion of the interference language is only an amendment. In the weed article, one amendment addresses the notification for grass and weed violations by changing the requirement from a restricted letter to a certified letter, consistent with KSA 12-1617 (f). It was further explained that this will help lower the cost and there have been two instances of threats to City personnel or contracted personnel who have attempted to eliminate weed nuisances. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3447-03.

### **Ordinance-National Electric Code Amendment**

Thereupon, there was presented an ordinance amending Chapter VI, Article III, Section 6-309 Number 80-37, of the National Electrical Code of the City of Ottawa, and repealing Sections 6-309 Number 80-37 of Ordinance 3397-02 of the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained that the City's Electric Code Board of Appeals had recommended to the Governing Body that newly constructed apartment complexes not be required to install electric wiring within conduit systems. This requirement would continue in some building types, such as, hotels and motels. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3448-03.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Ms. Heather Parkin of the Youth In Government Program who stated that the recent Leadership Summit had been conducted with approximately 34 campers and the Youth In Government Program will continue throughout the summer.

June 4, 2003

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett reported that the next Study Session scheduled for Monday will be at the Law Enforcement Center starting with a tour at 3 p.m. The meeting itself will be conducted starting at approximately 4 p.m. to include discussion of both Water and Wastewater budgets.

### **Reports by City Commission**

Thereupon, Commissioner Ramsey suggested that Mr. Wasser be kept up to date with budget talks concerning recreational needs as the City progresses in the budget talks.

### **Announcements**

Thereupon, the Mayor announced:

1. June 9, 2003: Work Study Session at 3 p.m. at the Law Enforcement Center

**NEXT REGULAR MEETING: JUNE 18, 2003, AT 9:30 A.M.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:50 p.m.

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Scott D. Bird, City Clerk

June 4, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**  
*At the Law Enforcement Center*  
Minutes of  
June 9, 2003

The City Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Gillette, Commissioner Fleer, Commissioner Henningsen, and Commissioner Ramsey absent. A quorum was present.

Thereupon, the Governing Body toured the newly completed Law Enforcement Center. Police Chief Jeff Herrman guided the Governing Body and explained the various functions throughout the new facility including the office areas, court facility, Star Team staging area, holding facilities, and exercise room. Upon completion of the tour the Governing Body addressed the Work Study Session agenda for the day.

Thereupon, the Mayor asked for Public Comments.

**Public Comments**

None offered at this time.

**2004 Budget-Discussion**

Thereupon, the Governing Body reviewed the proposed 2004 Water Fund Budget. Thereupon, Commissioner Ramsey arrived at 4 p.m. Thereupon, the Governing Body reviewed the proposed 2004 Wastewater Fund Budget with City Manager Weldon Padgett and Director of Utilities Jim Bradley.

**Employee Recognition-Retiring Employees**

Thereupon, the Governing Body was informed of the impending retirement of long time employees David Diamond and Roger Welton, both employees of the Electric Distribution Crew. A reception had been held for the two employees on June 5, 2003. It was suggested the City would like to formally recognize these two employees. The Governing Body agreed to place this item on the Regular Meeting Agenda for June 18, 2003.

**Monthly Financial and Activity Report-April 2003**

Thereupon, the Governing Body reviewed the monthly reports for the month of April with City Staff.  
June 9, 2003

## **Sunday Liquor Sales**

Thereupon, the Governing Body reviewed a request from Classic Eagle Distributing requesting the City consider the sale of liquor on Sunday's. The Governing Body took no action on this request.

## **Open Agenda**

Thereupon, Commissioner Gillette suggested that the Governing Body hold Study Sessions at some of the other City buildings and have the opportunity to tour them as well.

Thereupon, Commissioner Fleer asked about the debt of a gas utility line in her neighborhood and Fire Chief Jeff Carner stated he would look into the situation.

Thereupon, questions about safety issues at the Auditorium were raised.

Thereupon, Commissioner Ramsey stated he had been in contact with Jane Morton and she had indicated that the Recreation Commission only had about \$115,000 in reserve regarding the 1 mill levy allocated by the school district.

Thereupon, Commissioner Jackson stated he had noticed that the Police Department had reported 2 identity thefts per month and asked what education programs could be utilized to inform the public. Thereupon, Police Chief Jeff Herrman stated that Officer Rick Geist has developed a program that can be used for this.

## **Announcements**

Thereupon, the Mayor announced:

1. The Governing Body would be participating in Allied Days at the Country Club on June 16, 2003.
2. Work Study Session, at 4 p.m., June 16, 2003

**NEXT REGULAR MEETING: JUNE 18, 2003, AT 9:30 A.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:53 p.m.

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Scott D. Bird, City Clerk  
June 9, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 16, 2003

The City Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Henningsen, and Commissioner Fleeer. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Discussion of Special Revenue Funds**

Thereupon, the Governing Body reviewed the Special Alcohol Program Fund, Economic Development Fund, Revolving Loan Fund, and the Risk Management Reserve Fund for the proposed 2004 Budget.

**Proclamation-Adopt A Cat Month**

Thereupon, the Governing Body reviewed a proclamation declaring June "Adopt A Cat Month" in the City of Ottawa, Kansas, and agreed to place this item on the agenda for June 18, 2003.

**Tax Abatement Application**

Thereupon, the Governing Body reviewed a tax abatement request from Midwest Cabinet Company for a 10,000 square foot addition to their facility, which was completed last year and added 10 employees to their payroll. The Governing Body discussed this issue and agreed to proceed by placing a Public Hearing Notice on the agenda for July 2, 2003.

**Ottawa University Anticipation Notes**

Thereupon, the Governing Body reviewed a request to issue \$1.6 million in temporary notes by Ottawa University in cooperation with the Kansas Independent College Association. It was explained that this does not create a liability for the City; however, it does reduce the amount of tax exempt financing that the City can issue by the \$1.6 million.

June 16, 2003

Representing Ottawa University was Finance Director Brenda Guenther who explained the university has needs during this time of the year when revenue from tuition and grants are not available to the university. The Governing Body agreed to place this item on the Regular Meeting Agenda for June 18, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes of June 2, 2003, and the Regular Meeting Minutes of June 8, 2003, and agreed to place them on the agenda for June 18, 2003.

### **Open Agenda**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who stated he was working on agreements with the City, County, and Chamber of Commerce regarding accountability for the use of public funds for economic development. In addition, he is working with Library Director Barbara Dew related to the Library's budget, developing language to dissolve the OMA Board, and the detail for the Community Promotion's Fund to more clearly define where monies for various activities such as City Band, and Christmas Lighting is being spent.

Thereupon, Commissioner Ramsey asked the City to look at the 400 Block of South Main and possibly replace curbing where old unused drives are now located.

Thereupon, Commissioner Gillette reported on his recent activity with EENR Policy Committee/Steering Committee of the National League of Cities. He stated that the first day was devoted for discussion of the use of natural resources; the second was developed to sustainable development, and solid waste; the third day was devoted to electric waste and a legislative update.

Thereupon, the Governing Body heard from Mayor Jackson who reported on the recent League Governing Body Meeting and stated that no raise in dues for membership would be recommended for this year. There are Federal Funds being distributed for Homeland Security that will flow through the Highway Patrol. However, distribution details are yet to be worked out. He noted that the League Conference will be held in October in Topeka this year and there will be a tract for youth. The League is working on developing an employment screening services contract, which may be extended to member cities.

June 16, 2003

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

June 16, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**June 18, 2003**

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey absent. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda, which includes the Agenda approval and meeting minutes for Work Study Session of June 2, 2003, and Regular City Commission Meeting dated June 4, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Response to Public Comments**

Thereupon, the Mayor recognized that Mr. Dan Fogle, 612 E. 15th St. had expressed concern regarding the location of a proposed substation at 2810 Montana Road.

**Presentations and Proclamations**

Thereupon, the Mayor recognized Roger Welton, upon his retirement, for his 38 years of service to the City of Ottawa.

Thereupon, the Mayor recognized David Diamond, upon his retirement, for 40 years of service to the City of Ottawa and noted that the City is losing 78 years of experience with the retirement of these two long-term employees.

June 18, 2003

## **New Business**

### **Certificate of Approval-Ottawa University**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve a request for issuance of \$1,600,000 Revenue Anticipation Notes. Thereupon, the motion was considered with the following comments:

Ottawa University has requested authority to issue \$1,600,000 of short term financing through the Kansas Independent College Association which will allow the university to meet temporary cash flow needs experienced during the part of the year when funds are not on hand to pay expenses as incurred. The issuance creates no liability to the city; however, it does reduce the City's cap on issuing its own tax exempt financing. The action requested is to authorize the Mayor to certify that the City has jurisdiction over the issuer, that it is understood that the Kansas Independent College Association will conduct a public meeting regarding this issue, and that the issuance of these notes meets the Governing Body's approval.

Thereupon, Commissioner Fleer asked several questions regarding the university's ability to make the payments, whether or not an independent audit had been conducted, and if full disclosure had been made before approval.

Thereupon, City Clerk Scott Bird explained that this issue does not create a liability to the City. The City's Bond Attorney had reviewed this issue and worked with the University's Bond Attorney to ensure that City interests were protected.

Thereupon, the City Commissioners heard from Mr. Wayne Duderstadt, Vice President of Finance, with Ottawa University. Mr. Duderstadt explained that the university does have an independent audit conducted on an annual basis and will provide the last five years as suggested by Commissioner Fleer. Mr. Duderstadt remarked that the university had shown a \$508,000 surplus in fiscal year 2002 and enrollment has been up as a whole for the university.

Thereupon, Mayor Jackson stated that Ottawa University bears an economic development element to the community.

June 18, 2003

Thereupon, Commissioner Fleer asked what would happen to the City's bond rating if the university became insolvent. Thereupon, City Manager Weldon Padgett explained that it is the company that is at risk and the issuance of revenue anticipation notes in this manner is much like the issuance of other conduit financing, more specifically, Industrial Revenue Bonds. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Gillette aye, Commissioner Fleer nay, and Mayor Jackson aye. Thereupon, the Mayor declared the motion duly approved by a 3-1 vote.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Kyle Huschka, Youth in Government participant, who explained that the Youth Leadership Camp had recently been conducted and thanked the Governing Body for their support and participation in this event.

### **Reports by City Manager**

Thereupon, the City Manager noted that he will be meeting with the Ottawa Municipal Auditorium Board to discuss creating a "friends group". He is waiting on comments from the Chamber and the County on an agreement for Economic Development Services and he is finishing a report on Main Street's request for increased funding and will forward it to the Governing Body in the near future.

### **Reports by Mayor**

Thereupon, Mayor Jackson noted that Commissioner Ramsey's absence was due to the fact that he is representing the City at the National League of Cities, Small Cities Committee meeting.

Thereupon, the Mayor inquired of the recreation commission's response to providing the City proof of insurance. Thereupon, the City Manager responded that they had done so.

Thereupon, Commissioner Fleer inquired of the situation with the chairs in the courthouse where Municipal Court had been held. Thereupon, the City Manager responded he had asked the county to document the damage that they thought had incurred as a result of Municipal Court.

## **Announcements**

Thereupon, the Mayor announced:

1. June 18, 2003: Joint City/County/School, at 12 p.m. (County)

**NEXT REGULAR MEETING: JULY 2, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:56 a.m.

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Scott D. Bird, City Clerk

June 18, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 23, 2003

Thereupon, the Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Henningsen, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**New City Employee**

Thereupon, Chief Jeff Herrman introduced the new Animal Control Officer Tony Hurtado who started June 19, 2003.

**Request for Park Use**

Thereupon, the Governing Body reviewed a request from the Lester Vander Band to perform patriotic music in Forest Park on July 4, 2003, and have access to electricity for this endeavor. The Governing Body discussed this issue and recognized that the City Band often uses the park and plays music during the Fourth of July celebrations. They asked Band Manager Sandy Brown-Payne to coordinate with the City Band in this effort. In so doing, the Governing Body gave their approval to this request.

**Lease Agreements**

Thereupon, the Governing Body reviewed lease agreements concerning the City owned ball fields and the City owned swimming pool.

During discussion Mr. Gary Kuntz questioned whether or not the baseball facilities are serving the youth in Ottawa, noting that often times other tournament play is tying up the fields. Mr. Kuntz suggested the Orlis Cox Complex is being used as a fundraiser rather than for the youth of Ottawa.

Thereupon, Recreation Commissioner Randy Vance stated that the ORC has attempted to work with and invited youth organizations in Ottawa to utilize the Orlis Cox Complex and is not sure why they choose to participate elsewhere.

June 23, 2003

### **KLINK Resurface Project**

Thereupon, the Governing Body reviewed a resolution to authorize a KLINK overlay project to improve Main Street from Logan to the North City Limits, a 50/50 cost share project with City funding programmed into the 2003 Special Street Fund. The Governing Body reviewed this issue and agreed to place it on the Regular Meeting Agenda for July 2, 2003.

### **2004 Budget-Special Revenue Funds**

Thereupon, the Governing Body reviewed the GO Debt Retirement Fund, Special Park and Recreation Fund, and the Equipment Reserve Fund for the 2004 Budget.

### **Board and Commissions**

Thereupon, the Governing Body reviewed recommendations to appoint Mr. Steve Anderson to the Planning Commission and Mr. Blaine Finch to the Board of Zoning Appeals. The Governing Body reviewed these recommendations and agreed to place this on the Consent Agenda for July 2, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for June 9, June 16, 2003, and the Regular Meeting Minutes of June 18, 2003, and agreed to place these items on the July 2, 2003, meeting.

### **Open Agenda**

Thereupon, Commissioner Henningsen reminded the Governing Body that she will be gone on July 14, 2003.

Thereupon, Commissioner Ramsey noted that Ottawa has been listed by the National League of Cities as a "Strong Growth City" in the small cities category.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
June 23, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 30 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Henningsen, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Ms. Cindy Tegtmeier who expressed frustration with the City since moving to 704 S. Cherry approximately 5 to 6 years ago. Ms. Tegtmeier sighted problems with an above ground pool, parking on 7th Street and parking on Cherry Street. Ms. Tegtmeier expressed considerable concern that she and her husband had received citations on three old vehicles parked on their property and they have been ticketed with the impact of up to \$2,000 and possible jail time. Thereupon, the Mayor suggested to Ms. Tegtmeier that some of her issues could be addressed to the City Manager and Staff. In regards to the ticket and the consequences of said ticket the Mayor stated that Ms. Tegtmeier would have to go through the Municipal Judicial system for resolution to this problem.

**2004 Budget**

**Main Street Ottawa**

Thereupon, the Governing Body heard from Mr. Blaine Finch, representing Main Street Ottawa. Mr. Finch stated Main Street had approached the Governing Body seeking an increase in the 2004 Budget. However, Mr. Finch stated, they realize with the elimination of demand transfers that this request would be difficult. After considerable discussion the Governing Body agreed to consider funding Main Street Ottawa for \$30,000 for the 2004 Budget Year noting that this amount may change when the budget is finally adopted.

**Bea Martin Peck Animal Shelter**

Thereupon, the Governing Body heard from Mr. Larry Mages, representing the Bea Martin Peck Animal Shelter, who presented the Governing Body with budget information that reduces the City's contribution to \$45,495.00, an approximate \$2,000 reduction. After discussion the Governing Body agreed to place this amount in the 2004 Budget for further consideration.

June 30, 2003

### **Chamber of Commerce/City/County-Agreement**

Thereupon, the Governing Body heard from Executive Director of the Chamber of Commerce Tom Weigand who reviewed the Chamber and OFCED Budgets with the Governing Body. After considerable discussion the Governing Body agreed to fund the Chamber of Commerce at a level of \$45,000, or \$5,000 less than previous allocations, for the 2004 Budget. This amount will be reviewed before final adoption.

### **Electric Fund**

Thereupon, the Governing Body reviewed the Electric Fund Budget with City Manager Weldon Padgett, Director of Utilities Jim Bradley, and City Clerk Scott Bird.

### **Cereal Malt Beverage Application**

Thereupon, the Governing Body reviewed a Cereal Malt Beverage license application for Gas 'N Shop from Lincoln, Nebraska. The business will be located at 334 N. Main in Ottawa, formerly the Co-op Country Store. The City Clerk noted that final approvals from staff are pending but that he anticipated approval before the Wednesday meeting. The Governing Body agreed to place this item on the Regular Meeting Agenda for July 2, 2003.

### **Ottawa Municipal Auditorium Board Repeal**

Thereupon, the Governing Body reviewed an ordinance eliminating the Auditorium Authority and establishing in its place a Friends of the Auditorium organization. The Governing Body discussed this issue and agreed to place it on the July 2, 2003, Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for June 23, 2003, and agreed to place them on the July 2, 2003, agenda.

## Open Agenda

Thereupon, City Manager Weldon Padgett stated that the Kansas Municipal Gas Agency had offered to represent the City, as well as other member cities, during public hearings related to proposed natural gas rate hikes. The Governing Body agreed to proceed with naming KMGGA as its representative in this case with expenses anticipated at \$1,800. It was also recommended and agreed to that a letter be drafted to the Kansas Corporation Commission protesting such rate hikes. The letter will be signed by the Mayor.

Thereupon, the City Manager inquired of the Governing Body of its interest in attending the National League of Cities Conference. Thereupon, Commissioner Ramsey stated that he will not be attending and Commissioner Henningsen stated she probably will not attend. Thereupon, Commissioner Gillette stated that he has an EENR Committee meeting during the conference and will attend. Commissioner Fleer said she will be attending.

Thereupon, the Governing Body heard from City Attorney Bob Bezek who stated that the City had received a suit filed on behalf of Mr. Frank D. Fogle regarding the proposed substation. The suit contends that there is a change of use in the property from governmental to proprietary, which should not be allowed. It further challenges the change in zoning. Mr. Bezek stated that staff is already working on this issue.

Thereupon, Commissioner Ramsey reported on his recent attendance at the NLC Small Cities Committee and reminded the Governing Body that grant monies will be made available for Homeland Security. However, it is still not certain on how these monies will be dispersed.

Thereupon, Commissioner Henningsen stated that she thought the El Dorado trip very worthwhile.

Thereupon, Mayor Jackson noted that the League journal had reported on the City's Youth in Government Program. Thereupon, the Mayor stated that in an attempt to be more available to citizens he has scheduled one night a month as a "Chat With the Mayor" with the first being scheduled for July 17, 2003, at 6 p.m., and random names have been generated and invitations have been sent out to join the Mayor for pizza and a one-hour dialog.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

June 30, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**July 2, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Gillette, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to approve the Consent Agenda, which includes the Agenda approval and meeting minutes for Work Study Session of June 9, 16, 23, 2003, and Regular City Commission Meeting Minutes dated June 18, 2003. The Consent Agenda also included the acceptance of a resignation from John Verssue from the Board of Zoning Appeals and the appointment of Mr. Blaine Finch in his place and the Appointment of Mr. Steve Anderson to the Planning Commission. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**Public Hearing**

Thereupon, the Mayor opened a Public Hearing to consider a tax abatement for Midwest Cabinet. Thereupon, Commissioner Ramsey asked if land was purchased in this proposal and Owner Bob Howell responded negatively. Commissioner Ramsey asked the amount of the tax abatement. Thereupon, the City Clerk responded that the Administrative Review Committee had recommended a 50 percent abatement in accordance with City Policy. Thereupon, Commissioner Ramsey asked about the amount of dollars and the City Clerk responded that amount would not be known until after appraisal.

There being no one else to speak to this issue the Mayor closed the Public Hearing.

July 2, 2003

## **New Business**

### **Resolution-KLINK Project**

Thereupon, there was presented a resolution relating to State aid for the improvement for the City connecting links on the State Highway System. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that the City plans to resurface Main Street from the north city limits to Logan Street according to the provisions of the KLINK Improvements Program administered by the Kansas Department of Transportation. The resolution will authorize the City Manager to sign the contract with KDOT and result in 50 percent of the cost of the improvements being paid by the State of Kansas. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1250-03.

### **Ordinance-Repealing Ottawa Municipal Auditorium Authority**

Thereupon, there was presented an ordinance amending Chapter V, Article II of the Municipal Code of the City of Ottawa, 1997 repealing these sections that created the Ottawa Municipal Auditorium Authority and substituting new sections creating a "Friends of the Ottawa Municipal Auditorium". Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adopt the ordinance.

During discussion it was explained that this action will abolish the auditorium authority and make way for the establishment of a Friends organization to provide support to the Municipal Auditorium. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3349-03.

### **CMB License-Gas 'N Shop**

Thereupon, there was submitted a recommendation for the acceptance of a Cereal Malt Beverage License to be located at a business at 334 N. Main, formerly Co-op Country Store. It was noted that staff had reviewed the application and

July 2, 2003

recommended approval. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the application. The motion was considered and upon being put, passed by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fleer aye, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the motion duly approved by a 4-1 vote.

### **KMGA-Natural Gas Rates**

Thereupon, there was presented a resolution authorizing the Kansas Municipal Gas Agency to represent the City of Ottawa, Kansas, and settle all claims and proceedings arising from or relating to an application of Oneok, Inc. d/b/a Kansas Gas Service, to the Kansas Corporation Commission for adjustment of its natural gas rates in the State of Kansas, Docket Number 03-KGSG-602-RTS. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that this action will authorize Kansas Municipal Gas Agency to represent the City in the proceedings and to enter into settlement discussions relating to the adjustment of natural gas rates in the State of Kansas. KMGA is further authorized to settle and release all claims in the proceedings on behalf of the City. During discussion it was further noted that the City is doing this on behalf of the customers and itself as a consumer. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1251-03.

### **Announcements**

Thereupon, the Mayor announced:

1. July 16, 2003: Next Regular City Commission Meeting, at 9:30 a.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:16 p.m.

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Scott D. Bird, City Clerk  
July 2, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 7, 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, Commissioner Fleer, and Commissioner Gillette absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Ralph Finch representing the Ole' Marais River Run who outlined the plan for the upcoming Car Show and Cruise Night. Thereupon, Commissioner Gillette arrived at 3:05 p.m. Thereupon, it was proposed that the Car Club, the Antique Tractor Club, and the City share in the cost of concrete parking blocks at Forest Park at a 33 1/3 percent each, which is approximately \$700. Thereupon, the City Manager suggested using Special Parks Fund for the City's share of this expense.

**Municipal Code Revision**

Thereupon, the Governing Body reviewed an ordinance providing for the regulation of vehicular and pedestrian traffic and to locate a stop sign at the corner of Blackhawk and Hemlock Streets traveling east and west. The Governing Body agreed to authorize this stop sign. Thereupon, the City Manager opened discussion to allow the Police Chief and Public Works Director to make decisions regarding stop signs. The Governing Body was in agreement that an ordinance should be drafted and brought back to the Governing Body for this proposal.

**S & K Stereo Sound-off and Car Show**

Thereupon, there was presented a request to use Forest Park on July 27, 2003, for the S & K Stereo Sound-off. The Governing Body noted that this has been done in the past; no complaints have been file, and granted approval for this event.

**2004 Budget**

Thereupon, the Governing Body heard from City Manager Weldon Padgett and City Clerk Scott Bird regarding the Community Services Support Fund for Budget Year 2004.

July 7, 2003

Thereupon, the Governing Body heard from Human Resource Director Judy Hasty and City Clerk Scott Bird regarding the Human Resource activity in the General Fund. The City Clerk noted that all activities in the General Fund have been requested to cut their 2004 Budget request in the Commodities and Contractual line items to the 2001 level, noting that this is a considerable cut back from the anticipated 2004 request.

### **23rd Street Sanitary Sewer Benefit District**

Thereupon, City Manager Weldon Padgett described the 23rd Street Sanitary Sewer project and made the Governing Body aware that the project is proceeding in order to allow development on the West 23rd Street corridor between Old US 50 Highway and Eisenhower Road.

### **Annexation**

Thereupon, the Governing Body reviewed a draft plan for performing a unilateral annexation of a 20-acre parcel to square the City boundaries and that would be part of the 23rd Street Sanitary Sewer Benefit District. The City Manager reported that the City plans on using approximately \$103,000 in grant money as the City's portion of the 23rd Street Sewer Project. The Governing Body agreed to place this item on the Regular Meeting Agenda for July 16, 2003.

### **Appointments to KMGA**

Thereupon, the Governing Body reviewed a recommendation to reappoint Jim Bradley to the Board of Directors for KMGA and Richard Hollon as Alternate Director. Both terms expire on August 31, 2003. The Governing Body agreed to place this item on the Regular Meeting Agenda for July 16, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for June 30, 2003, and agreed to place this item on the Regular Meeting Agenda.

### **Monthly Financial and Activity Reports-May 2003**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for May 2003.

July 7, 2003

### **CMB License**

Thereupon, the City Manager noted that information will be provided to the Governing Body regarding CMB applications on the original application form. Personal information will be blacked out so as to protect the applicant.

### **Youth Report**

Thereupon, the Governing Body heard from Ms. Laura O'Conner who stated that the Youth will be meeting this week to discuss next year's leadership camp.

### **Executive Session**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to recess into Executive Session to discuss non-elected personnel for a period of 15 minutes and to reconvene in open session at 4:33 p.m. in the same Work Study Session Room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4:33 p.m. it was moved and seconded to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 7, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 14, 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Flear, Commissioner Gillette, and Commissioner Henningsen absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Neosho County Community College-Property Transfer**

Thereupon, Neosho County Community College, represented by Dr. Vicky Smith, President of Neosho County Community College, and others, presented to the City a \$100 check as the final responsibility to the retirement of conduit debt for the Neosho County facility located at 226 S. Beech Street. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to approve the execution of documentation that would approve the termination of lease and sub-lease and provide ownership to the Neosho County Community College Foundation pursuant to the agreement with the City of Ottawa and a transfer of easements between the Neosho County Community College and the City. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved and the appropriate transfers were executed.

**2004 Budget**

Thereupon, the Governing Body reviewed the 2004 General Fund sheet with City Manager Weldon Padgett and City Clerk Scott Bird. The City Manager explained that between late 2002 through 2004 the City anticipates losing \$510,000 in demand transfers to the General Fund, the interest rate revenues were around \$185,000 in 2001, and are estimated to be about \$48,000 in 2004. The reduction of 2 mills for 2003 resulted in about \$115,000 in fewer revenues and the accumulative total between 2003 and 2004 would be \$235,000.

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It was further explained that department heads had trimmed their budgets to the 2001 levels and it is believed that no further cuts would be prudent out of the Contractual Services and Commodities line items. All Capital Outlay with the exception of \$7,500 had been removed and the anticipated balance is just over \$500,000 at the end of 2004.

### **Library Budget**

Thereupon, the Governing Body reviewed the Library Budget with Library Director Barbara Dew, Board Members Betty Norwood, Liz Reusch, Ken Woods, and Mark Doty. The Library reduced their Ad Valorem appropriations and will be utilizing \$60,000 in Reserves.

### **Auditorium**

Thereupon, the Governing Body reviewed with Co-Director Shonda Stitt, City Manager Weldon Padgett, and City Clerk Scott Bird the proposed Auditorium Budget noting that Ad Valorem had been reduced by approximately 1/10th of a mill and Reserves are anticipated to be increased to approximately \$12,000 by the end of 2004.

### **Annexations Revisited**

Thereupon, the Governing Body reviewed an updated report setting forth plans for the extension of services in regards to the annexation of property legally described as: the West ½ of the southeast quarter of the southwest quarter of Section 11, Township 17, Range 19, Franklin County, Kansas, 20 acres more or less.

### **Tax Abatement Application-Midwest Cabinet Co. Inc.**

Thereupon, the Governing Body reviewed an application from Midwest Cabinet Co. Inc. requesting a 50 percent tax abatement for a 10,000 square foot addition completed last year, which resulted in the addition of 10 employees. The Governing Body considered this issue and agreed to place it on the July 16, 2003, agenda.

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### **Tax Abatement Application-Mac Fasteners**

Thereupon, the Governing Body reviewed an ordinance to replace one adopted by the Governing Body in December 2002 for a 50 percent tax abatement related to a 6,000 square foot addition to Mac Fastener's facility in Industrial Park. It was noted that the new ordinance includes additional information requested by the Board of Tax Appeals, as well as, the original language authorizing the 8-year abatement. The Governing Body agreed to place this item on the July 16, 2003, agenda.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for July 7, 2003, and the Regular Meeting Minutes for July 2, 2003, and agreed to place these on the Regular Meeting Agenda for July 16, 2003.

### **Other Items from the City Commission or Staff**

Thereupon, the Governing Body heard a report from Risk Manager Judy Hasty regarding the recent hail storm, who explained that 33 vehicles had experienced damage and insurance adjusters will be looking at the buildings to assess damage.

Thereupon, some discussion ensued regarding contractors who would be coming into town to perform roofing services. Director of Planning and Codes Administration Wynndee Lee stated that roofers will be required to pull permits; however, the permit fees will be waived. More information on how to avoid being taken advantage of by itinerant contractors will be provided to the community by the media to help avoid problem situations.

### **Rick Lines Settlement**

Thereupon, the Governing Body heard from City Attorney Bob Bezek who informed them that the case between former employee Rick Lines and the City of Ottawa had reached a settlement. He explained to the Governing Body that unlike other cases the City has been involved in, this matter was not a case of malfeasance. Rick had been a long time, good employee, and the settlement which resulted from Mr. Lines' discharge in 2000 includes the City paying \$15,000 and the City's insurance paying \$10,000. Mr. Lines will be hired to

July 14, 2003

perform maintenance work for the City, some vacation and sick leave will be reinstated, and he will be performing duties in the area of maintenance at City Hall and the Auditorium. Thereupon, Mr. Bezek requested the Governing Body ratify this agreement. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to ratify the agreement between the City and Mr. Lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ratification duly approved by a 4-0 vote.

### **Joint Meeting**

Thereupon, discussion ensued regarding the upcoming joint meeting with the School District and County Commission. Agenda items were offered as follows:

1. 911 Budget
2. Tax Increment Finance
3. Elm Street Finance

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 14, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**July 16, 2003**

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen absent.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Commissioner Gillette.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the consent agenda, which includes the agenda approval and the minutes for Work Study Sessions June 30, July 7, 2003, and Regular Meeting Minutes for July 2, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**New Business**

**Ordinance-Stop Sign-Blackhawk and Hemlock Streets**

Thereupon, there was presented an ordinance providing for the regulation of vehicular and pedestrian traffic and authorizing installation of traffic control signs to establish right-of-way within the City of Ottawa. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained that this ordinance allows a stop sign to be located at the intersection of Blackhawk and Hemlock Streets and added to the codified list of stop signs. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3450-03.

July 16, 2003

### **Resolution-Annexation 701 W. 23rd Street (Cox Property)**

Thereupon, there was presented a resolution of intent to annex declaring an interest in, and establishing a public hearing date for the annexation of certain land into the City, commonly known as 701 W. 23rd Street. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that the City recently responded to annexation requests from several property owners in the southwest area, adjacent to the city limits and forming a sanitary sewer benefit district. This will require all beneficiaries of the sewer district to be within the city. Owners of the twenty-acre tract located at 701 W. 23rd Street have not requested annexation; however, they will benefit from the sanitary sewer district. According to statute, in a unilateral annexation; the City must pass a resolution of intent to annex. This resolution sets a public hearing date for September 17, 2003. Thereupon, the City Manager noted that this meeting will be held at 7 p.m. on September 17, 2003, in order to allow those who want to participate the best opportunity to be in attendance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1252-03.

### **Resolution- Midwest Cabinet Company, Inc.**

Thereupon, there was presented a resolution authorizing an agreement with Midwest Cabinet Company, Inc. granting a tax exemption pursuant to Article 11, Section 13, of the constitution of the State of Kansas. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Gillette, to adopt the resolution.

During discussion it was explained that the owners of Midwest Cabinet Co. Inc., had requested tax abatement for a 10,000 square foot addition completed last year, which resulted in the addition of 10 employees at their 1674 Industrial Avenue location. A public hearing was held July 2, 2003, and staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1253-03.

### **Ordinance-Tax Abatement Midwest Cabinet Company, Inc.**

Thereupon, there was presented an ordinance exempting a 10,000 square foot addition to Midwest Cabinet Company from 50% of the ad valorem taxation over

July 16, 2003

a ten-year period from 2003 to 2012 for economic development purposes in the City of Ottawa, Franklin County, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3451-03.

#### **Tax Abatement Contract-Midwest Cabinet Company, Inc.**

Thereupon, there was presented the acceptance of a contract between the City and Midwest Cabinet Company, Inc., related to the abatement of 50% ad valorem taxes for a ten-year period for a 10,000 square foot addition at Midwest Cabinet Company, Inc. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to accept this contract.

During discussion it was explained that the use of a contract assists in ensuring all parties abide to the terms included in the abatement, which might relate to the payment of the annual abatement request fee, as well as, other property taxes that are part of this property. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the contract duly approved.

#### **Ordinance-Tax Abatement-Mac Fasteners**

Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that this ordinance will replace an existing ordinance adopted by the City Commission in December 2002 for a 6,000 square foot addition to Mac Fasteners. The new ordinance includes additional information requested by the Board of Tax Appeals, as well as, the original language authorizing a 50 percent 8-year abatement. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3452-03.

### **KMGA Appointments**

Thereupon, there was presented a request to appoint Director of Utilities Jim Bradley to the Board of Directors of KMGA and Power Plant Superintendent Richard Hollon as alternate to the Board of Directors for KMGA. Both terms expire August 31, 2003. Staff recommended approval. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Gillette, to approve the appointments. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the appointments duly approved.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Ms. Jennifer Nelson who stated that the Youth in Government participants are sending out application forms for next years Youth In Government participants. The deadline is October 1, 2003.

### **Reports by City Manager**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who stated he had met with the ORC Director Jane Morton to review the swimming pool and baseball facility agreements and will continue working on these agreements to be in place by next year.

Thereupon, the City Manager reminded the Governing Body that Tuesday, July 29, 2003, at 7 p.m. will be the first meeting of the Friends of the Ottawa Municipal Auditorium. Kathy Reed is the contact person for this activity.

### **Announcements**

Thereupon, the Mayor announced:

1. July 18, 2003: Special Call Meeting from Noon to 2 p.m., at the Ottawa Country Club, to receive information about the industrial park and development ideas in Ottawa.
2. July 16, 2003: Joint City/County/School Meeting, at Noon, @ City Hall
3. July 21, 2003: Work Study Session, at 3 p.m.

**NEXT REGULAR MEETING: AUGUST 6, 2003, AT 7 P.M.**

July 16, 2003

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:45 a.m.

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Scott D. Bird, City Clerk

July 16, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 21, 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, Commissioner Fler, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Storm Damage Update**

Thereupon, the Governing Body heard from Risk Management Director Judy Hasty who explained that the City had incurred \$462,000 worth of damage during the July 11, 2003 hailstorm. However, Ms. Hasty stated there were further inspections to be conducted to provide estimates on roof repairs. These roofs are located at City Hall, the Fire Station, the tile roof at the old city hall, and the metal roofs at the Carnegie Cultural Center and the Law Enforcement Center.

**Proclamation-Ottawa Promise Week**

Thereupon, the Governing Body reviewed a proclamation declaring July 20-26, 2003, as Ottawa Promise Week in the City of Ottawa. The Governing Body agreed to accept this proclamation.

**2004 Budget**

Thereupon, the Governing Body reviewed the 2004 General Fund Budget with the City Manager, City Clerk, Director of Planning and Codes Administration, Fire Chief, Police Chief, and Public Works Director. It was noted that these budgets have been trimmed to the 2001 expenditure level in the area of Commodities and Contractual Services. It was also explained that almost all Capital Expenditures have been removed for the 2004 Year and some Capital Expenditures have been removed for the 2003 Year in order to make the budget.

July 21, 2003

Thereupon, Commissioner Jackson asked that the public hearing for the budget be held in the evening, suggesting the meeting scheduled for the August 20th be moved to 7 p.m.

Thereupon, the Commissioners asked to see the entire budget again.

Thereupon, Commissioner Gillette asked for discussion on the Historical Society's request for additional funding. The Governing Body discussed this issue and agreed 4-1 not to grant additional funding for the Historical Society for the 2004 Budget. It was pointed out that the City was participating in expenses to extend Rail Trail and add parking for the museum.

### **Standard Traffic Ordinance**

Thereupon, the Governing Body reviewed an ordinance to accept the League of Kansas Municipalities Standard Traffic Ordinance and agreed to place this item on the August 6, 2003, Regular Meeting Agenda.

### **GAAP Waiver**

Thereupon, the Governing Body reviewed a resolution to prepare the financial statements in accordance with Kansas Cash Basis Law and waive the GAAP Basis requirements for the Year 2003. The Governing Body reviewed this action and agreed to place it on the Regular Meeting Agenda for August 6, 2003.

### **Economic Development Services Agreement**

Thereupon, the Governing Body reviewed the Economic Development Services Agreement between the Chamber of Commerce/County/City and agreed to place this item on the Regular Meeting Agenda for August 6, 2003.

### **Open Agenda**

Thereupon, the Governing Body heard from the City Manager who stated that the Arts Council had presented the City with a plaque to recognize their efforts in supporting the arts.

The Recreation Commission had requested assistance during bad weather events at Orlis Cox Field and a response from Chief Herrman had been prepared.

July 21, 2003

The City Manager had met with the Recreation Commission last week, made a few changes to the draft leases, and hopes to close this issue in the near future. Thereupon, the Governing Body expressed disappointment that this issue had been aired in a letter to the editor as opposed to bringing concerns to the City Staff.

### **Youth Action Council**

Thereupon, the Governing Body heard from Andrew Huschke who stated that the Youth Action Council is seeing a lot of interest for the available 10 positions open on the council for the 2003-2004 School Year.

### **Report from the Mayor**

Thereupon, the Mayor stated he had conducted his first “Chat With the Mayor” Thursday, July 17, 2003, and there was good attendance. Many issues were discussed including stop signs, the recreation commission, taxes, municipal swimming pool, and gravel streets.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 21, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 28, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Gillette, Commissioner Ramsey, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and ask for public comment.

**Public Comments**

None offered at this time.

**Peoples Bank Customer Appreciation**

Thereupon, the Governing Body reviewed a letter of request from Peoples Bank President Dale Dieterich who asked to reserve the City Park on Friday, August 15, 2003, for an ice cream social and appreciation of Peoples Bank Customers. Mr. Dieterich explained that the request would include availability of the park from 6 p.m. to 9 p.m. for setup and clean up, although the event itself will last from 6:30 p.m. to 8:30 p.m. The Governing Body considered this request and granted its approval by consensus.

**2004 Budget**

Thereupon, the Governing Body reviewed the overall 2004 Budget pages with issues such as the airport rent franchise fees, animal fees, and building permit fees being discussed.

Thereupon, the City Manager stated that the proposed mill levy had been held the same as the 2003 Budget and the Governing Body thanked the City Manager and staff for their work on the 2004 Budget.

Thereupon, the Governing Body heard from City Clerk Scott Bird who recommended an increase of 2 mills in the General Fund to help the end of 2004 cash carryover and further suggested that this would be a temporary fix until such time an increase in sales tax could be considered. The Governing Body discussed this issue and agreed to allow the City Clerk to move forward with the intent to increase the budget by 2 mills, but would make final determination on August 20, 2003. It was explained that the higher amount can be published in the paper and the Governing Body has the right to lower the budget but cannot increase the budget after it has been published.

July 28, 2003

Thereupon, the Governing Body discussed the School District budget and the fact that the School District Board has provided an additional mill for the Recreation Commission. It was explained that the Recreation Commission's authority is for 5 mills and that once public hearings have been held, and the Board of Commissioners have voted on the budget, it is merely presented to the School District as part of their budget. Authority to levy below the 5 mill maximum lies with the Recreation Commission.

Thereupon, the Governing Body heard from Jane Morton, ORC Director, who stated that the commitment from the Recreation Commission is for one more year of additional mill.

### **Other Items**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who stated that the Friends of the OMA would meet on Tuesday night and he would be in attendance.

Mayor Jackson stated that Ottawa Promise had met at Haley Park.

It was noted that no further update on the hail damage was available at this time.

### **Announcements**

Thereupon, the Mayor announced:

1. July 28, 2003: Work Study Session at 3 p.m.
2. August 4, 2003: Work Study Session at 3 p.m.
3. August 11, 2003: Work Study Session at 3 p.m.

**NEXT REGULAR MEETING: AUGUST 6, 2003, AT 7 P.M.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 28, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
August 4, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Gillette, Commissioner Ramsey, Commissioner Fleer, and Commissioner Henningsen. A quorum was present.

**Public Comments**

None offered at this time.

**Addition to Agenda**

Thereupon, the Mayor requested a Proclamation to declare August 15, 2003, as Hong Kong, Malaysia Day in the City of Ottawa, Kansas, be placed on the Regular City Commission meeting agenda for August 6, 2003. The Governing Body agreed by consensus to place this item on the agenda.

**Ordinance Authority for Consumer Protection**

Thereupon, the Governing Body discussed with City Attorney Bob Bezek the possibility of bringing information to the Governing Body to develop legislation to protect citizens from fraudulent practices. Currently the City's authority is limited, but this could be expanded to provide more local control. Thereupon, the Governing Body requested the City Attorney bring back additional information.

**2004 Budget**

Thereupon, the Governing Body discussed the 2004 Budget. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to publish the notice of the budget public hearing with the 2-mill increase over the 2003 budget. The Public Hearing will be held on August 20, 2003, City Commission Meeting, at 7 p.m. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Review of Minutes**

Thereupon, the Governing Body reviewed and agreed by consensus to place the Study Session Minutes for July 14, 21, 28, 2003, and Regular Meeting Minutes for July 16, 2003, on the Regular Meeting for August 6, 2003.

August 4, 2003

### **Monthly Financial and Activity Report-June 2003**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Report for June 2003.

### **Open Agenda**

Thereupon, Youth in Government member Laura O'Conner stated the members are currently updating the by-laws and hope to have them to the Governing Body in the near future.

Thereupon, Commissioner Ramsey stated the two Regular City Commission Meetings will be held at 7 p.m. in August and the Governing Body agreed.

Thereupon, Commissioner Ramsey asked if attention had been given to the curb in the 400 Block of South Main. Thereupon, the City Manager stated he needed to get with the Public Works Director on this issue.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 4, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**August 6, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. LeRoy Rayson.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to approve the consent agenda, which includes the agenda approval and the minutes for Work Study Sessions: July 14, 21, 28, 2003, and Regular Meeting Minutes for July 16, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**Proclamation-Hong Kong, Malaysia Day**

Thereupon, the Mayor read a proclamation declaring Friday, August 15, 2003, as Hong Kong, Malaysia Day in the City of Ottawa, Kansas, and presented gifts to representatives of the Hong Kong, Malaysia delegation from Ottawa University. Receiving the proclamation was Dr. Murle Mordy from Ottawa University who thanked the Governing Body on behalf of the international students of Ottawa University.

**Standard Traffic Ordinance 2003**

Thereupon, there was presented an ordinance regulating traffic within the Ottawa corporate limits, incorporating by reference the limits of the City of Ottawa; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," edition 2003, with certain omissions, changes and additions; prescribing additional regulations; providing certain penalties and repealing ordinance numbered 3423-02. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

August 6, 2003

During discussion it was explained that each year the League of Kansas Municipalities prepares a handbook of traffic rules and regulations known as the Standard Traffic Ordinance, which can be adopted and used as local law. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3453-03.

### **Resolution-GASB-34**

Thereupon, there was presented a resolution authorizing the City to request the Director of Accounts and Reports to waive the statutory requirements to use GAAP based accounting for the reporting of fiscal year 2003. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained that the City Auditor, City Manager, and City Clerk recommended the adoption of this resolution to exempt the City from GASB-34 requirements, which would add financial and administrative burden to the City while providing no benefits. It was further explained the City will continue to make its financial reports in accordance with State law, more specifically the cash basis and budget laws. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1254-03.

### **Economic Development Agreement**

Thereupon, there was presented an acceptance of Economic Development Services Agreement between the City, County and Chamber of Commerce. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to accept the agreement.

During discussion it was explained that as a step toward accountability and the use of public funds, an agreement to have the Ottawa Area Chamber of Commerce provide economic development services for the City and Franklin County had been developed. The Chamber Board and Franklin County Commission had previously accepted the agreement, and the agreement was recommended for approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Ms. Amanda Guenther who stated that the Youth In Government participants had been meeting to prepare for a trip to Anaheim, California, where they will participate in a Youth In Government workshop.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett stated the agenda for Monday would be very light and barring any items which might come up in the next two days suggested the Study Session scheduled for August 11, 2003, be canceled.

Thereupon, the City Manager stated that it had been a pleasure to work with the Chamber and the County Commission on the Economic Development Services Agreement and expressed his appreciation for the overall cooperation between the entities involved.

### **Reports by City Commission**

Thereupon, Commissioner Henningsen expressed her appreciation to Youth In Government delegates Anne Killough and Amanda Guenther for the work they have provided to this program. Commissioner Henningsen stated they go above and beyond and are true role models for their peers.

Thereupon, Commissioner Ramsey reminded the community the 2004 budget public hearing will be held on August 20, 2003, at 7 p.m. and encouraged citizens to attend.

### **Reports by Mayor**

Thereupon, Mayor Jackson asked Chief Herrman to come forward and discuss the Dare Camp Program. Thereupon, Chief Herrman explained the Dare/McGruff Camp Program, which has been conducted for more than 15 years will be held again next week and invited Commissioners and citizens to be involved, stating this is an opportunity for kids to see the officers in a different light. He further explained there are no fees charged. Participants are local youth who graduated from the 5th grade in the Spring.

### **Adjournment**

There being no further business to come before the Governing Body, it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:19 p.m.

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Scott D. Bird, City Clerk  
August 6, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
August 18, 2003

The Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Gillette, Commissioner Ramsey, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

**Public Comments**

None offered at this time.

**Benefit Motorcycle Fun Run**

Thereupon, the Governing Body heard from a representative of the Ottawa-Wellsville Infant-Toddler Program who requested permission to hold a Benefit Motorcycle Fun Run at Forest Park. The tentative date is scheduled for October 11, 2003, with a rain date of October 18, 2003. Thereupon, the Governing Body agreed by consensus to approve this request.

**Youth-In-Government Bylaw Changes**

Thereupon, the Governing Body reviewed and discussed suggested changes in the Youth-In-Government bylaws with members of Youth-In-Government. Thereupon, the Governing Body agreed by consensus to approve all changes as requested.

**Franklin County Firefighter Association**

Thereupon, the Governing Body discussed a request from the Franklin County Fire Fighters Association for a Boot-Walk benefiting the Muscular Dystrophy Association.

During discussion it was explained, with safety in mind, that daylight hours and the 15th Street intersection would be preferred by the Governing Body and Staff. Thereupon, the Governing Body approved this request with the 15th Street intersection being the location for the Boot-Walk during daylight hours. Thereupon, the Governing Body asked Fire Chief Jeff Carner to visit with the association and work out the details of the daylight hours the Boot-Walk would be held.

August 18, 2003

### **Ottawa Church of the Nazarene**

Thereupon, City Manager Weldon Padgett and Public Works Director Andy Haney reviewed a request from the Ottawa Church of the Nazarene to hold a cookout and concert on September 6, 2003, at 6:30 p.m., at a Forest Park shelter house.

During discussion it was explained the City doesn't take reservations on the shelter house in question. Thereupon, the Governing Body agreed by consensus to allow the concert and requested the church be notified the shelter house would not be reserved.

### **2004 Budget**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body the direction they would like for him to take at Wednesday's Public Hearing on the 2004 Budget. Thereupon, the Mayor asked the City Manager to give an overview from last year to this year and where the City is headed.

### **Proclamation**

Thereupon, the Governing Body agreed by consensus to place two proclamations on the agenda for the Regular City Commission meeting August 20, 2003. The proclamations will recognize First United Methodist Church for their 100th Anniversary and Bethany Chapel Baptist Church for their 136th Anniversary.

### **15th Street Bridge Improvement**

Thereupon, the Governing Body agreed by consensus to place the resolution on the Regular Meeting agenda for August 20, 2003. This resolution will allow the Mayor and City Clerk authorization to execute the contractual agreement with KDOT to proceed with the 15th Street Bridge Improvement where funding for the City is 20% for the project and 80% of Federal Funds are available.

### **Budget Ordinance**

Thereupon, there was presented an ordinance attesting to an increase in tax revenues for Budget Year 2004 for the City of Ottawa, Kansas. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for August 20, 2003.

August 18, 2003

### **Library Board Position Vacancy**

Thereupon, it was noted that Ms. Anne Ramsey had applied to fill the vacant Library Board position. The Governing Body agreed by consensus to place this application on the Regular Meeting Agenda for August 20, 2003, for approval.

### **Planning Commission**

Thereupon, City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee stated there might be one or two vacancies on the Planning Commission in the near future. Thereupon, the City Manager stated as soon as the vacancies were known the information will be brought to the Governing Body.

### **Review of Minutes**

Thereupon, the Governing Body agreed by consensus to place the Work Study Session Minutes from August 4, 2003, and Regular Meeting Minutes August 6, 2003, on the Regular Meeting agenda for August 20, 2003.

### **Water Conservation Measures**

Thereupon, City Manager Weldon Padgett explained the information included in the Study Session packet on Water Conservation was for information only. The City Manager thought the information would be helpful if the Governing Body received calls relating to the drought warning issued by Governor Sebelius.

### **Power Outage**

Thereupon, the Governing Body asked that Utility Director Jim Bradley address information on “What If” the City of Ottawa had a power outage like the recent east coast blackout. Thereupon, Utility Director Jim Bradley stated it could happen here. The City doesn’t currently have enough generation capacity to carry the entire city and the City would be on a rotating schedule for power. Mr. Bradley stated the Governing Body has addressed some of the issues and the new substation once up and running will help. However, Mr. Bradley reaffirmed discussions need to continue to add additional generation in order to assure less future problems with an outage.

August 18, 2003

## **Tornado Sirens**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body a map which shows the areas served by the current tornado sirens. Mr. Padgett explained he had asked City Manager Intern David Dillner to coordinate a plan to have City Employees strategically placed in areas believed to be covered by each siren, to assure the siren was heard. This test will take place next Monday at Noon unless there is a chance for severe weather in the area. If needed the test may be carried out more than once.

## **School Start Up**

Thereupon, the Governing Body heard from Police Chief Jeff Herrman who stated there were only minor problems such as some parents parking in “No Parking” areas. Warning tickets were being issued for some violations and starting Wednesday regular citations will be issued.

## **Announcements**

Thereupon, the Mayor announced:

1. Next Regular Meeting: August 20, 2003 at 7 p.m.
2. Joint City/County/School Meeting: August 20, 2003, at Noon  
(City Manager’s Office will call and confirm location of meeting being hosted by USD 290)

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 18, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**August 20, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Henningsen and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. LeRoy Rayson.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda which included the agenda approval, minutes from Work Study Session August 4, 2003, Regular Meeting Minutes from August 6, 2003, and an appointment of Mrs. Anne Ramsey to the Library Board to fill an unexpired 2 year term. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamations**

**First United Methodist Church-100th Year Celebration**

Thereupon, the Mayor read a proclamation recognizing the First United Methodist Church for their 100th Anniversary in the City of Ottawa. Accepting the proclamation was Retired Pastor LeRoy Rayson who thanked the Governing Body for this recognition and stated he hoped the First United Methodist Church would continue to be faithful in service.

**Bethany Chapel Baptist Church –136th Anniversary**

Thereupon, the Mayor read a proclamation recognizing Bethany Chapel Baptist Church for their 136th Anniversary. Thereupon, Mr. Herman Norwood accepted the proclamation and thanked the Governing Body for their recognition of the long tenure of Bethany Chapel Baptist Church.

August 20, 2003

### **Public Hearing-2004 Budget**

Thereupon, the Mayor opened a Public Hearing to consider the 2004 Budget. Thereupon, the Governing Body heard from Mrs. Mildred Heathman who presented the Governing Body with a list of questions and an editorial from the Kansas City Star relating to pay increases for City Employees.

Thereupon, the Governing Body heard from Mr. Francisco Mora who accused the City of being wasteful and City Employees as being inconsiderate.

There being no one else to speak to this issue the Mayor closed the Public Hearing.

### **2004 Budget Adoption**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the 2004 Budget at the same mill levy rate as the 2003 Budget; i.e., 42.446. The motion was considered and upon being put, passed by the following vote: Commissioner Gillette nay, Commissioner Henningsen nay, Commissioner Fleer aye, Commissioner Ramsey aye, and Mayor Jackson aye. Thereupon, the Mayor declared the 2004 Budget duly approved with a 3-2 vote at 42.446 mills.

### **Ordinance-2004 Budget Revenue**

Thereupon, there was presented an ordinance attesting to an increase in tax revenues for Budget Year 2004 for the City of Ottawa, Kansas. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained that the increase in assessed valuation created an increase in tax revenue even though the mill levy was held constant. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3454-03.

### **Resolution-Fifteenth Street Bridge Federal Aid Project**

Thereupon, there was presented a resolution providing Federal Aid Project right-of-way clearance and utility arrangements. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

August 20, 2003

During discussion it was explained that the resolution will authorize the Mayor and City Clerk to execute an agreement with KDOT to proceed with the 15th Street bridge improvement and allow the Secretary of Transportation to proceed with bid letting and contracting for the work according to the agreement. The engineer's estimate for construction on this project is \$303,000. Approximately \$61,000 of the construction expense for this project will be the City's share. There will also be construction-engineering expenses of about 15% of the construction, for a total expense to the City of \$70,000.

Thereupon, Commissioner Fleer asked if money had been set-aside for this. She received an affirmative answer. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey nay, Commissioner Gillette aye, Commissioner Henningsen aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1255-03.

#### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Mr. Andrew Huschka, Youth Delegate, who thanked the Governing Body for the opportunities the Youth In Government Program had afforded the youth in Ottawa and also for the adoption of the recently requested bylaw changes.

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

Thereupon, City Manager Weldon Padgett thanked the Governing Body for all their work on the budget for next year and stated they had taken a strong stance to protect, as much as they could, the people that pay taxes and the level of services provided. Mr. Padgett expressed it had been a pleasure to work with the Governing Body on this budget.

Thereupon, the City Manager reminded the Governing Body and viewing audience about the testing of the tornado sirens at noon on Monday unless there was threatening weather in the area. Results of the testing will be brought back to the Governing Body.

Thereupon, City Manager Weldon Padgett requested that Planning and Codes Administration Director Wynndee Lee address some recent complaints regarding roofers. Thereupon, Ms. Lee stated that the recent hailstorm had created a great deal of additional business and there is a need for these roofs to be inspected subsequent to the storm. Furthermore, the code calls for the removal of the old roof if deterioration has occurred and while some homeowners don't see the need in this it is specifically spelled out in the code to the homeowners' long-term benefit.

August 20, 2003

Thereupon, Commissioner Fler inquired about the debris from the roofs being hauled openly. Thereupon, the City Manager stated this problem is being addressed by the Police Department as incidents occur.

### **Reports by Mayor**

Thereupon, Mayor Jackson clarified for Ms. Heathman and the viewing audience the comment regarding the taxpayers paying for the Youth to go on national trips. Mayor Jackson stated the City of Ottawa has made a commitment to the young people of this community, they have worked hard, they do a good job and the last trip they took ECKAN reimbursed the City of Ottawa \$1,400. This agency will continue to do that as long as they have money budgeted for the Youth Program. In addition, Mayor Jackson announced that next week three youth will be going to California at his agency's expense and will do a workshop on the Youth In Government Program.

Thereupon, Mayor Jackson thanked the City Manager and Staff for their hard work putting the budget together. He realized it was not an easy task this year, with the loss of state funding as other cities and counties did, and some things we needed we have put off. "The Governing Body had asked the City Manager to bring them a budget that was flat, basically the same as it was last year, and he did that."

In addition, Mayor Jackson thanked his colleagues for their diligent work on the budget. Mayor Jackson stated, "going through the budget process is not one of the most exciting things the Governing Body does but it is something they need to do to assure the City finances are in order. The City has been fortunate services haven't had to be reduced."

Thereupon, the Mayor announced that Saturday there will be about 30 elected officials, and City Staff from around the state at City Hall for a workshop. The League of Municipalities started a Leadership Academy two years ago for elected officials and City Employees covering a variety of topics.

Thereupon, Mayor Jackson announced he will be gone for the Study Session August 25, 2003, so Mayor pro tem Ramsey will handle the meeting in his absence.

## **Adjournment**

There being no further business to come before the Governing Body  
Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to  
adjourn the meeting. The motion was considered and upon being put, all present  
voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:42  
p.m.

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Scott D. Bird, City Clerk

August 20, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
August 25, 2003

The Governing Body met at 4:00 p.m. this date with the following members present and participating to wit: Mayor pro tem Ramsey, Commissioner Gillette, Commissioner Fleer, Commissioner Henningsen, and Mayor Jackson absent. A quorum was present.

Thereupon, the Mayor pro tem opened the meeting and asked for Public Comments.

**Public Comments**

None offered at this time.

**City Park Events**

Thereupon, there was presented a letter from Ms. Ann Sinclair who lives in the vicinity of City Park and asked the Governing Body to address noise issues related to events at the Park. The Governing Body discussed this issue and asked for additional information from other cities, suggesting that the purchase of decibel meters may be in order and a review of the City's Noise Ordinance may be necessary.

**Pink Line Project**

Thereupon, the Governing Body heard from Main Street Director Mary Allison Haynie who requested the City partner with the Avon Breast Cancer Crusade to sponsor a special awareness event on October 18, 2003.

It was explained that City Staff has some concerns regarding this event. However, Ms. Haynie has been working with Public Works Director Andy Haney and Police Chief Jeff Herrman. Ms. Haynie requested Main Street be closed from First to Fifth Street and that a Pink Line Ceremony be conducted which will include balloons, banners, posters, etc. and a pink line be drawn down the center of Main Street to bring attention to Breast Cancer Awareness. The Governing Body remanded this issue to staff.

August 25, 2003

### **Ordinance-Fence Regulation**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who discussed a proposed revision to the City's Fence Regulation. The Governing Body agreed to place this item on the Regular Meeting Agenda for September 3, 2003.

### **Special Use Permit**

Thereupon, the Governing Body heard from Ms. Lee regarding a proposed fertilizer (urea) storage building to be located at 433 N. Locust. It was explained that the City's Planning Commission had reviewed this request, held a Public Hearing, and no comments had been made. It was further explained this request had been brought to the City from the local Coop and the storage facility would be used for storing urea fertilizer. The Governing Body discussed this issue and agreed to place it on the September 3, 2003, City Commission Agenda.

### **Planning Commission Vacancies**

Thereupon, it was noted that Ms. Vicky McCurdy had resigned from the Planning Commission and the City had begun advertising for this position. It was further noted that Commissioner Underwood had missed 12 meetings this calendar year. Mr. Underwood's position on the Planning Commission could also be considered vacant. Mr. Underwood spoke on his own behalf stating he had experienced some personal problems and some communication problems with the Planning Department, but would like to continue on the Planning Commission. The Governing Body discussed this issue and agreed to allow Mr. Underwood to continue to fill the position on the Planning Commission. However, the Governing Body warning Mr. Underwood that should he miss 2 more meetings the position will be considered vacated.

### **Comprehensive Plan Update**

Thereupon, the Governing Body heard a status report on the Comprehensive Plan from Planning and Codes Administration Director Wynndee Lee.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Work Study Session Minutes for August 18, 2003, and agreed to place them on the next Regular City Commission Meeting Agenda.

August 25, 2003

## **Tornado Sirens**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained that 19 people had been stationed throughout the community to listen for the tornado siren testing and reported that all systems were clear in Ottawa. The Governing Body agreed the testing should continue to be scheduled at noon on Mondays.

## **Open Agenda**

Thereupon, Commissioner Fleer reported a dead tree on the easement at the location of Wilson and Poplar and expressed concern over the number of yard sale and garage sale signs on public rights-of-way.

Thereupon, Commissioner Henningsen expressed concern over the lighting at Forest Park. Utility Director Jim Bradley stated his crews had recently been there.

Thereupon, Mayor pro tem Ramsey complimented the Electric Department for the fine job that they have done through this hot summer. He also reminded that the new school year had begun and that parking becomes a problem in the vicinity of 11th and Mulberry partially due to construction.

## **Announcements**

Thereupon, the Mayor pro tem announced:

1. September 1, 2003: **No** Work Study Session (Labor Day)
2. September 3, 2003: Work Study Session (**if needed**) at 9 a.m.
3. September 3, 2003: City Commission Meeting at 9:30 a.m.
4. September 8, 2003: Work Study Session at 4 p.m.
5. September 15, 2003: Work Study Session at 4 p.m.
6. September 17, 2003: City Commission Meeting at 7 p.m.

**NEXT REGULAR MEETING: SEPTEMBER 3, 2003, AT 9:30 A.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor pro tem declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
August 25, 2003

**CITY COMMISSION**  
**Regular Meeting Minutes**  
**OTTAWA, KANSAS**

Minutes of  
September 3, 2003

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Henningsen and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Commissioner Gillette.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda which included the agenda approval, and minutes from Work Study Session August 18, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Ordinance-Fences**

Thereupon, there was presented an ordinance amending Article XXVI, Additional Height Area & Use, Section 4, dealing with fences, Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained that this ordinance is amended as follows: Section 3e explains maximum fence heights and gives some discretion to staff and the property owner if property is highly sloped. Section 3f is new and does not allow a fence to be built directly parallel to an exterior wall unless at least 4 feet away. Section 5 has been changed to allow homeowners with utility easements (except storm drainage) in their yards to build fences over the easement, but they are responsible for removing and repairing the fence if there is a need to access the utility. Finally, Section 6c states that fences shall not impair stormwater runoff. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3455-03.

September 3, 2003

### **Resolution-Special Use Permit-Ottawa Coop**

Thereupon, there was presented a resolution granting a Special Use Permit for a fertilizer storage building in the I-2 Zoning District at 433 N. Locust Street, requested by Ottawa Coop, in the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that the Planning Commission reviewed the SUP request and held a public hearing with no public comments being made. Staff recommended this special use permit be approved with two conditions: (1) Storage on the site shall be limited to fertilizer urea. (2) All pending items related to site plan approval be resolved and the site plan be approved. Any change in use of the property must conform to those uses permitted by right or as a special use in the I-2 Zoning District. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1256-03.

### **Reports by City Manager**

Thereupon, the City Manager stated that the Governing Body would be receiving an invitation to attend a promotional development conference on September 25, 2003, in the downtown Kansas City, Missouri area. This is a combined effort with the City/Chamber/OFCED to get the word out about Ottawa and the Governing Body's feedback is requested.

### **Reports by City Commission**

Thereupon, Commissioner Gillette stated he will be attending the National League of Cities EENR Steering Committee meeting this week.

### **Reports by Mayor**

Thereupon, Mayor Jackson noted that last week he had attended a meeting in Anaheim, California with 3 of the Youth-In-Government Members. This trip was paid for by his agency. The 3 youth put on a program for other interested parties who are looking at establishing Youth-In-Government programs in their communities.

September 3, 2003

## **Announcements**

Thereupon, the Mayor announced:

1. September 8, 2003: Work Study Session, at 4 p.m.

**NEXT REGULAR MEETING: SEPTEMBER 17, 2003, AT 7 P.M.**

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 3, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
September 8, 2003

The Governing Body met at 4:00 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor opened the meeting and asked for Public Comments.

**Public Comments**

None offered at this time.

**Ottawa Main Street-Pink Line Project**

Thereupon, the Governing Body heard from Mary Allison Haynie, Director of Ottawa Main Street, who reported that she had canvassed the Main Street Merchants and felt she had support regarding this issue and looked forward to the project with the Governing Body's approval. Thereupon, the Governing Body agreed to allow this project to proceed on the scheduled date of October 18, 2003, with assistance from staff.

**Memorial Wall**

Thereupon, the Governing Body heard from Mr. Harvey Nicholson requesting permission to place a permanent plaque in Forest Park commemorating the event of the American Veteran's Traveling Tribute having visited Ottawa, Kansas. It was also requested the park be closed while the wall is being assembled and while the wall is being retired. The Governing Body noted the area of the park in which the wall is located might be closed and remanded this issue back to staff. However, they did not approve the entire park being closed. The issue of placing a permanent memorial was tabled for further discussion at a future Work Study Session.

**Planning Commission Vacancy**

Thereupon, the Governing Body visited with Ms. Troy Wickham, 1140 Underwood St., as an applicant for the open seat on the Planning Commission.

September 8, 2003

## **Annexation**

Thereupon, it was noted that as part of the process to create a Sewer Benefit District for property around Eisenhower and 23rd Street all but one landowner had voluntarily requested annexation into the city limits. An ordinance was presented for consideration after the upcoming public hearing scheduled for September 17, 2003, to consider unilateral annexation. The Governing Body agreed to place this item on the Regular Meeting Agenda for September 17, 2003.

## **Neighborhood Revitalization (NRA)**

Thereupon, the Governing Body discussed with Planning and Codes Administration Director Wynndee Lee applications for admittance into the Neighborhood Revitalization Program from 212 ½ S. Main, 123 S. Mulberry, and 715 S. Locust. The Governing Body agreed to place these items on the Regular Meeting Agenda for September 17, 2003.

## **NRA Program Reviewed**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who discussed the possibility of expanding the Neighborhood Revitalization Program and agreed to place this item on the Regular Meeting Agenda for September 17, 2003.

## **Voting Delegates-League of Municipalities**

Thereupon, the Governing Body discussed the need for voting delegates and alternate voting delegates for the League of Kansas Municipalities Conference scheduled for October 11-14, 2003. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for September 17, 2003, to consider Mayor Jackson, Commissioner Gillette, and Commissioner Henningsen as voting-delegates; and Commissioner Fleer, Commissioner Ramsey, and City Manager Weldon Padgett as alternate-delegates.

## **Voting Delegates-National League of Cities Congress of Cities**

Thereupon, the Governing Body considered the need for one voting delegate and one alternate voting delegate at the National League of Cities Congress of Cities meeting scheduled for December 13, 2003. The Governing Body agreed to place this item on the Regular Meeting Agenda for September 17, 2003, to consider Mayor Jackson as the voting delegate and Commissioner Gillette as the alternate.

September 8, 2003

## **Review of Minutes**

Thereupon, the Governing Body considered the Work Study Session Minutes from August 25, 2003, and the Regular Meeting Minutes from August 20, and September 3, 2003. Thereupon, the Governing Body agreed to place these items on the Regular Meeting Agenda with corrections.

## **County Addressing**

Thereupon, the Governing Body was informed of the discussion between the City and County regarding the need for city addressing on county roads, near the City.

## **Open Agenda**

Thereupon, Commissioner Fleer thanked the Public Works Department for their quick response and removal of a tree on the north side of town.

## **Announcements**

Thereupon, the Mayor announced:

1. Next Regular Meeting is scheduled for September 17, 2003, at 7 p.m.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 8, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
September 15, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor opened the meeting and asked for Public Comments.

**Public Comments**

Thereupon, the Governing Body heard from Ottawa University Dean of Student Affairs Ms. Ina Agnew. Ms. Agnew requested permission for Ottawa University and Ottawa High School to hold a homecoming parade on October 1, 2003, beginning at 6 p.m. from Forest Park through downtown and ending at City Park. Thereupon, the Governing Body agreed by consensus to approve this request.

**Memorial Wall Plaque**

Thereupon, the Governing Body discussed the placement of the Memorial Wall Plaque. Thereupon, the Governing Body agreed by consensus for the plaque to be placed at the Veteran's Memorial Wall and requested the City Clerk to pass this information onto those making the request.

**Planning Commission Applications**

Thereupon, the Governing Body discussed the 4 applications for the one open position on the Planning Commission. Thereupon, the Governing Body expressed their appreciation for the applicants' willingness to serve on the Planning Commission. However, only one position was open at this time and the Governing Body agreed by consensus to appoint Blake Jorgensen.

**Review of Minutes**

Thereupon, the Governing Body agreed by consensus to place the minutes from the Work Study Session of September 8, 2003, on the Regular Meeting Agenda for September 17, 2003.

September 15, 2003

### **City Auction**

Thereupon, City Clerk Scott Bird announced the City will hold an auction Saturday, September 27, 2003, beginning at 10 a.m. in the parking lot at City Hall.

### **Main Street Curb Cut Replacements**

Thereupon, the Governing Body discussed with Staff estimated cost and zoning policy for driveway removal or replacement in the 400 block of Main Street. Thereupon, the Governing Body agreed to have Director of Public Works Andy Haney contact property owners regarding the need to replace/remove driveways in front of their businesses. Mr. Haney will bring information back to the Governing Body after discussion with business owners.

### **Garage Sale Frequency**

Thereupon, the Governing Body discussed garage sale frequency, regulating garage sale signs, and the possibility of permit/license for garage sales. Thereupon, Planning and Codes Administration Director Wynndee Lee asked to bring this item back when City Manager Weldon Padgett could be present. Ms. Lee stated she had discussions with the City Manager about the possibility of this issue being taken out of zoning and placed in the Municipal Code. It was agreed to bring this item back at a later date.

### **EENR Conference-Commissioner Gillette Report**

Thereupon, the Governing Body heard from Commissioner Gillette regarding his recent Energy, Environment and Natural Resources Policy Committee Conference.

### **Open Agenda**

Thereupon, Commissioner Ramsey reported on issues the National League of Cities Transportation Committee is currently working on.

September 15, 2003

## **Announcements**

Thereupon, the Mayor announced:

1. September 17, 2003: Joint City/County/School Meeting 12 p.m.  
(County)

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 15, 2003

**CITY COMMISSION**  
**Regular Meeting Minutes**  
**OTTAWA, KANSAS**  
Minutes of  
September 17, 2003

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the Consent Agenda, which included the agenda approval and minutes from Work Study Sessions August 25, September 8, 2003, and Regular Meeting Minutes from August 20, and September 3, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation**

Thereupon, the Mayor read a proclamation declaring September 28, 2003, as “Good Neighbor Day” in the City of Ottawa, Kansas.

**Public Hearing**

Thereupon, the Mayor opened a public hearing to consider annexation of the west half of the Southeast Quarter of the Southwest Quarter of Section 11, Township 17, Range 19, Franklin County, Kansas, 20 acres more or less. Commonly known as 701 W. 23rd Street.

Thereupon, the Governing Body heard from City Manager Weldon Padgett who stated that in July the Governing Body had adopted a resolution to consider plans to annex this property and a plan to extend services had been created. This annexation has resulted from the voluntary request to annex from other property owners in the area and due to the interest in extending the City Sanitary Sewer down the 23rd Street Corridor.

September 17, 2003

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

### **Ordinance-Annexing Land-701 W. 23rd Street**

Thereupon, there was presented an ordinance annexing land into the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained that in accordance with State statute, this ordinance provides for the annexation of property legally described as the West half of the Southeast Quarter of the Southwest Quarter of Section 11, Township 17, Range 19, Franklin County, Kansas, 20 acres more or less, commonly known at 701 W. 23rd Street. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3456-03.

### **Neighborhood Revitalization Program Applications**

Thereupon, there was presented Neighborhood Revitalization Applications for 212 ½ S. Main, 123 S. Mulberry, and 715 S. Locust. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the applications.

During discussion it was explained that the Neighborhood Revitalization Program review committee recommended the aforementioned properties be included in the Neighborhood Revitalization Program and receive appropriate tax rebate if the projects meet the established guidelines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Resolution-Neighborhood Revitalization Plan-Revisions**

Thereupon, there was presented a resolution to allow businesses to receive a rebate for 5 years if their appraised value increases between 10-20%. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adopt the resolution.

During discussion it was explained that the approval of this resolution will add the opportunity for three additional residential areas and one commercial area to be included in the NRA Program and will round out the NRA boundaries. It was further explained that this lowers the threshold for projects

September 17, 2003

to be included in the NRA Program, but adjusts the rebate accordingly. The motion was considered and upon being put, all present aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution 1257-03.

### **League of Kansas Municipalities-Voting Delegates**

Thereupon, it was recommended Mayor Richard Jackson, Commissioner Charles Gillette, and Commissioner Debbie Henningsen be appointed to serve as voting delegates. Commissioners Gene Ramsey, Rocky Fleer, and City Manager Weldon Padgett as alternate voting delegates to the League of Kansas Municipalities meeting in Topeka, Kansas, October 11-14, 2003. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to accept the recommendation. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **National League of Cities Conference-Voting Delegates**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to appoint Mayor Richard Jackson as voting delegate and Commissioner Charles Gillette as alternate voting delegate to the upcoming National League of Cities Conference in Nashville, Tennessee, December 9-13, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Ms. Amanda Guenther who stated the Youth In Government participants are now accepting applications and doing interviews for the upcoming year. It was further noted that 15 applications have been received.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett suggested the October 13, 2003, City Commission Meeting be canceled due to the League of Kansas Municipalities meeting. The Governing Body agreed by consensus.

Thereupon, the City Manager noted the waiving of permit fees for the recent roof damage resulting from the July 7, 2003, hailstorm had probably cost the City between \$40,000-\$60,000. The Governing Body suggested this issue be brought to the next Regular Study Session.

September 17, 2003

## **Reports by Mayor**

Thereupon, Mayor Jackson reminded the Commission that the Monday Session at the League Meeting will include Youth In Government participants and will allow them the opportunity to meet with other youth around the state. He also suggested that Ottawa Middle School 7 graders be encouraged to participate in the League's "If I Were Mayor Contest".

Thereupon, Mayor Jackson reminded staff that the "first responders" funding is flowing through the Kansas Highway Patrol. The KHP plans to allocate these monies to county emergency managers for distribution at the local level. Equipment purchases will be the primary focus of these new monies. The Mayor encouraged governing bodies of cities and counties, as well as "first responder" agencies (city and county, including police/sheriff, fire, emergency medical service) to pursue this opportunity.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:34 p.m.

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Scott D. Bird, City Clerk

September 17, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
September 22, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Ramsey, Commissioner Gillette and Commissioner Fleer absent. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**BPU Lawsuit**

Thereupon, the Governing Body heard from City Attorney Bob Bezek who recapped the BPU Lawsuit stating that the issue was whether or not the Cities involved represented by KMEA should receive pricing provisions that they believe they were entitled to, which would be the lesser of the cost between incremental generation and incremental purchased power. Mr. Bezek stated that he believed the trial was fair, both sides had an opportunity to present their positions, the Judge ran an excellent court and unfortunately the verdict had not been in the KMEA's favor.

Commissioner Fleer arrived at 4:07 p.m.

**Public Comments**

Thereupon, the Governing Body heard from Over The Road Gang member Mr. Ralph Finch who thanked the Governing Body and City Employees for their help during the Ole' Marais River Run Car Show and Cruise Night conducted over the weekend of September 20-21, 2003. Mr. Finch explained the show had attracted approximately 870 vehicles, which were 190 less than the year before. However, the car club was very pleased with the number of participants during cruise night stating that there was a national car show in the Kansas City area during the same weekend. However, Mr. Finch stated the car club was very pleased with the turnout and thought it was a successful event.

**Eagle Scout Recognition**

Thereupon, the Governing Body discussed a proclamation for Eric Duderstadt recognizing his attainment of the Eagle Scout Rank with the Boy Scouts of America.

September 22, 2003

### **Proclamations**

Thereupon, the Governing Body reviewed proclamations for National Bible Week, Ottawa High School Wall of Honor and Race Equality Week and agreed to place these on upcoming agendas.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Study Session Minutes of September 15, 2003, and Regular Meeting Minutes from September 17, 2003, and agreed to place these on the next Regular Commission Agenda.

### **Roof Permit Fees**

Thereupon, the Governing Body discussed the fact that permit fees had been waived due to the hailstorm. However, it was recognized that this effort, while well meaning, had probably hurt the City and not helped those who are having the work done. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to reimpose building permit fees for roof replacements starting October 1, 2003.

### **Main Street Curb Cuts/Replacements**

Thereupon, the Governing Body heard from Public Works Director Andy Haney who stated he had been in contact with the owners of buildings located in the middle of the 400 Block of Main. The owner on the east side is not interested in removing the curb cut in front of her facility. However, the owner on the west side agreed to a 50/50 cost share for improvements made in front of his building. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to remand this issue to staff and replace curb cuts with new curb, gutter and sidewalks with property owners participating in a 50/50 cost share. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Monthly Activity Report**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for the month of July 2003.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 22, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
September 29, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Ramsey, Commissioner Gillette, and Commissioner Fleer. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Power of the Past-Next year's event**

Thereupon, the Governing Body heard from Mr. Richard Mullins representing the Power of the Past Association. Mr. Mullins stated that in spite of the weather they had been very please with this year's show, noting that the receipts at the gate were up. The association requested use of the entire park for next year's show, scheduled for September 10-12, 2004. Mr. Mullins also stated that the "Red Power Association" would be here in 2005, which should double the size of the show, and the local association is attempting to attract the 2007 "National Oliver Association" show. The Governing Body remanded this back to staff and congratulated Mr. Mullins for another fine year and another good showing for the City of Ottawa.

**Proclamations**

Thereupon, the Governing Body reviewed recognition for Eric Duderstadt in achieving his Eagle Scout status, and proclamations for National Business Women's Week, Fire Prevention Week and Adopt a Shelter Dog Month.

**Resolution-Special Use Permit-113 West Fourth**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee regarding a requested Special Use Permit to allow a pre-school facility in a C-3 Retail Commercial, Zoning District located at 113 W. 4th Street property owned by the Girls Club and adjacent to the USD 290 administrative offices. The concern of the issuance of CMB licenses for businesses that already exist within 200' of an accredited school building became an issue but it was agreed to place this item on the Regular Meeting Agenda for October 1, 2003.

September 29, 2003

### **Resolution-Benefit District 23rd Street**

Thereupon, the Governing Body considered a resolution establishing a benefit district for the 23rd Street Sanitary Sewer Project, noting that sufficient petitions had been received to create the benefit district. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for October 1, 2003.

### **Resolution-Bond Sale**

Thereupon, the Governing Body considered a resolution authorizing a public sale of approximately \$1,060,000 principal amount of general obligation bonds, Series 2003, Maris des Cygnes levy project, and approximately \$530,000 principal amount of general obligation temporary notes, to finance the 23rd Street Sanitary Sewer Benefit Project. The Governing Body agreed to place this item on the October 1, 2003, agenda.

### **Review of Minutes**

Thereupon, the Governing Body considered the minutes for September 22, 2003, Study Session and agreed to place them on the Regular Meeting Agenda for October 1, 2003.

### **Open Agenda**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who stated he was very pleased with the outcome of the recent activity of the Society of Industrial and Office Realtors (SIOR) noting that Ottawa's presentation came across very professional.

Thereupon, the City Manager presented the Governing Body with a proposed extension of contract for the Industrial Park usage for ball fields, which had earlier been considered by the Governing Body who agreed to allow the local youth organization to continue to use the vacant industrial ground as long as it was not needed for an industrial prospect.

Thereupon, it was reported that the City Auction had grossed approximately \$7,600 and netted \$6,500 during the recent City Auction on September 27, 2003.

September 29, 2003

Thereupon, the Governing Body agreed that the City Manager should draft a letter so fireworks could be obtained by the local school district to celebrate their homecoming football game on October 4, 2003. It was noted that this is a new requirement related to Homeland Security.

Thereupon, the Governing Body agreed to move the meeting start time to 7:15 p.m. on October 1, 2003, noting that the homecoming parade was scheduled to begin at 6 p.m. and might not be completed in time for the Governing Body to arrive at 7 p.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 29, 2003

**CITY COMMISSION**  
**Regular Meeting Minutes**  
**OTTAWA, KANSAS**

Minutes of  
October 1, 2003

The City Governing Body met at 7:15 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda which included the agenda approval and minutes for Work Study Session September 15, 22, 2003, and the Regular Meeting September 17, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, the Governing Body heard from Ms. Virginia Welch, 908 N Oak who complained that she had received a letter from the Inspection Department regarding a recently installed carport and protested the necessity of obtaining a permit for the installation for said carport.

Thereupon, Mr. Doug Farrell, 916 N Oak, who had a similar complaint regarding a recently erected carport which he had received a letter concerning a request for site drawing with property line, location of house, carport, and other out buildings.

The City Commission remanded these items back to staff.

**Presentations and Proclamations**

Thereupon, the Mayor recognized Eric Duderstadt for achieving the rank of Eagle Scout.

Thereupon, the Mayor read a proclamation recognizing Gary Hart (Class of 1954), Charles Henning (Class of 1955), Gary Fredricks (Class of 1956) for their induction into the Renaissance Program of Ottawa High School "Wall of Honor".  
October 1, 2003

Thereupon, the Mayor read a proclamation declaring October 20-24, 2003, as “National Business Women’s Week”.

Thereupon, the Mayor read a proclamation declaring October 5-11, 2003, as “Fire Prevention Week”.

Thereupon, the Mayor read a proclamation declaring September 29-October 4, 2003, as “Race Equality Week”.

Thereupon, the Mayor read a proclamation declaring October as “Adopt A Shelter Dog Month”.

Thereupon, the Mayor presented City Manager Weldon Padgett with a membership plaque from the Ottawa Area Chamber of Commerce on behalf of the Chamber of Commerce and thanked the City for their long tenure as a member and supporter of the Chamber of Commerce.

## **New Business**

### **Special Use-113 West Fourth Street**

Thereupon, there was presented a resolution granting a Special Use Permit for an early childhood special education center in the C-3 Zoning District at 113 West Fourth Street, as requested by USD 290. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to adopt the Resolution.

During discussion it was explained that USD 290 had requested a Special Use Permit to allow pre-school facility in a C-3, Retail Commercial Zoning District, which is adjacent to the USD 290 Administrative Offices at 4th and Walnut. The proposal calls for a maximum of 12, three to five year old children with developmental or behavioral concerns to use the facility. The Planning Commission reviewed the request, held a public hearing and recommended to the Governing Body its approval. Hours of operation should be limited to 8 a.m. to 3 p.m., Monday through Friday, during the regular school year, and subject to review after one year.

Further discussion included the City’s distance restrictions with local businesses that sell alcoholic beverages. However, staff assured the Governing Body that a resolution to this concern would be brought before the Governing Body in the near future. Commissioner Henningsen noted that she would like to see this

October 1, 2003

correction prior to the adoption of this special use permit. Upon call for the question the motion carried by the following vote: Commissioner Henningsen nay, Commissioner Gillette aye, Commissioner Ramsey aye, Commissioner Fleer nay, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 3-2 vote and the Resolution was duly numbered Resolution No. 1258-03.

### **Resolution-23rd Street Improvement District**

Thereupon, there was presented a resolution to determine the advisability of certain internal improvements in the City of Ottawa and authorizing and providing for the making of such improvements in accordance with findings of the Governing Body and K.S.A 12-6a01 et seq. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that a sufficient petition had been received requesting the creation of a benefit district for the cost of a sewer main project down on 23rd Street between Old Highway 50 and Eisenhower Road. The resolution authorizes the project and establishes the means by which the project may be paid in accordance with statutes dealing with creating a special assessment improvement district. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was duly numbered Resolution No. 1259-03.

### **Resolution-Sale of Bonds/Levy Rip Rap and Temporary Notes-23rd St.**

Thereupon, there was presented a resolution authorizing the public sale of approximately \$1,060,000 principal amount of General Obligation Bonds, Series 2003, of the City of Ottawa, and approximately \$530,000 principal amount of General Obligation Temporary Notes, Series 2003, of the City. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that this resolution authorizes the sale of bonds to pay off the short term financing used to complete the Marais des Cygnes levy rip rap project and authorizes short term financing in the amount of \$530,000 for the 23rd Street sanitary sewer project described in the previous agenda item. The motion was considered and upon being put all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1260-03.

October 1, 2003

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Mr. Brett Staneslow, a Junior at Ottawa High School, and a member of the Youth In Government program who reported that they had had their first meeting of the year and looked forward to a good year as Youth Delegates.

Thereupon, the Mayor announced that the new Youth Delegates would be sworn in at the next evening meeting.

### **Announcements**

Thereupon, the Mayor announced:

The next Regular Meeting is scheduled for October 15, 2003, at 9:30 a.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 8:00 p.m.

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Scott D. Bird, City Clerk

October 1, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
October 6, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Ramsey, Commissioner Fleer, and Commissioner Gillette absent. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Doug Farrell, 916 N. Oak, who stated he would be meeting with the Planning Commission on Wednesday to try and work out the issue of his portable carport.

Thereupon, the Governing Body heard from Mr. Duane Swafford, 501 Beech, who expressed concern about the policy on carports. He too is in the process of working with Planning and Codes to try and resolve the issue.

**Ordinance-CMB**

Thereupon, the Governing Body discussed a proposed ordinance with City Attorney Bob Bezek, which would create an amendment to City Code Sections 4-307, and 4-503 relating to the distance of drinking establishments.

During discussion it was explained the distance issue would not apply to restaurants. However, proposed location restriction limit the location of bars, taverns and drinking establishments, that apply to both cereal malt and alcoholic liquor licenses, but does not apply to restaurants. Thereupon, the Governing Body requested that staff not forget to include daycare language when future updates to zoning were being considered. Thereupon, the Governing Body agreed to place this ordinance on the October 15, 2003, Regular Meeting Agenda.

**Cox Communication-Franchise Fee**

Thereupon, the Governing Body discussed with City Attorney Bob Bezek and City Manager Weldon Padgett a proposed 18-month extension with CoxComm, Inc. d/b/a Cox Communications. Thereupon, Commissioner Ramsey expressed his concerns for not extending this agreement. Thereupon, Mayor Jackson noted the City isn't losing any benefits and the 18-month extension would save both

October 6, 2003

parties time in preparing yearly extensions. Thereupon, City Clerk Scott Bird stated Cox Communication had been good to work with in obtaining the current video equipment and in assisting with problems experienced in the past with the Government Access Channel. Everyone agreed the ultimate goal will be to have fiber optic available to the community. However, at this time Cox is not willing to financially support that option. This doesn't mean in the future they won't be. If fiber becomes available the City may look at a longer-term contract with Cox Communication. Thereupon, the Governing Body agreed by consensus to place this agreement on the Regular Meeting Agenda for October 15, 2003.

### **Monthly Financial and Activity Report-August 2003**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Report for the month of August 2003.

### **Open Agenda**

Thereupon, the Governing Body discussed the possibility of a representative from Ottawa Recreation Commission attending City Commission meetings. If a representative from ORC wouldn't be available maybe ORC could provide a written detailed update of their activities to share with the Governing Body.

Thereupon, the Governing Body and Planning and Codes Administration Director Wynndee Lee discussed the problem of yard sale signs and yard sale violations in general. Ms. Lee explained the City will be looking at these issues as they continue updating zoning and the Comprehensive Plan.

Thereupon, Mayor Jackson reminded the Governing Body about the upcoming League of Kansas Municipalities Conference in Topeka October 11-14, 2003. Mayor Jackson reported 37 Youth will be attending from across the state. The City of Ottawa will have 6 Youth Delegates attending.

Thereupon, Commissioner Ramsey discussed Internet Sales.

Thereupon, Mayor Jackson announced the City of Ottawa had been presented framed prints of the Declaration of Independence, The Constitution, and the Bill of Rights. Representatives from the Local VFW-Post 501 and the Ladies Auxiliary had made the presentation at City Hall this morning.

Thereupon, Mayor Jackson requested an agenda be put together for the upcoming Joint City/County/ School meeting on October 15, 2003, which the City will host.

October 6, 2003

## **Announcements**

Thereupon, the Mayor announced:

1. October 13, 2003: No Work Study Session (League of Kansas Municipalities Meeting)
2. October 15, 2003: Joint Meeting City/County/School Meeting at Noon with City Hall hosting.

### **NEXT REGULAR MEETING: OCTOBER 15, 2003, AT 9:30 A.M.**

(City Manager Weldon Padgett stated if needed a 9:00 a.m. Study Session may be called before the Regular Meeting on October 15, 2003.)

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 6, 2003

**CITY COMMISSION**  
**Regular Meeting Minutes**  
**OTTAWA, KANSAS**  
Minutes of  
October 15, 2003

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the Consent Agenda which included the agenda approval and minutes for Work Study Sessions September 29, October 6, 2003, and the Regular Meeting October 1, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Presentation**

Thereupon, the Mayor read a citation recognizing Steve DeLaTorre for 23 years of service to the City of Ottawa, Kansas, and congratulated him upon his retirement.

**Ordinance-Distance Restrictions for Alcoholic Liquor and Cereal Malt Beverages**

Thereupon, there was presented an ordinance amending Section 4-307 CMB and 4-503 Alcoholic Liquor by the Drink, restrictions on location, in the Ottawa Municipal Code. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

October 15, 2003

During discussion it was explained that the issuance of a Special Use Permit to USD 290 for a pre-school on 4th Street would have kept Pizza Village and El Mezcal from being granted a future cereal malt beverage or liquor by the drink license, due to their proximity to the school. City Staff researched the issue and brought forth an amendment to the City Code to address the conflict. The proposed ordinance amendment will protect the ability of businesses, particularly restaurants, to exist without placing in jeopardy future licenses due to the actions of others. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3457-03.

#### **Agreement-Cox Com., Inc., d.b.a. Cox Communications**

Thereupon, there was presented a franchise agreement with Cox Com., Inc., d.b.a. Cox Communications. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the agreement.

During discussion it was explained that this agreement is for 18 months and contains the same franchise fee as the previous franchise agreement and extensions. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Gillette aye, Commissioner Ramsey nay, Commissioner Fleer aye, and Mayor Jackson aye. Thereupon, the Mayor declared the agreement duly approved.

#### **Vietnam Memorial Organizers**

Thereupon, the Governing Body considered a request to place a temporary informational sign within a public right-of-way to help promote and provide direction for the Vietnam War Memorial.

During discussion Planning and Codes Administration Director Wynndee Lee explained the need for special permission for events of this nature. The informational signs don't create problems for traffic. She further stated that anytime a group asks for permission to use the park and expects to advertise the event, this consideration should be made at the time of approval by the Governing Body. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the request. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared motion duly approved.

### **Reports by City Commission**

Thereupon, Commissioner Gillette congratulated the Mayor for his recent election as Vice President to the Kansas League of Municipalities.

### **Reports by Mayor**

Thereupon, the Mayor stated that the Regional League Supper would be conducted at the Ottawa Country Club, December 4, 2003. Member Cities would be encouraged to attend, as this is an opportunity for dialog with other colleagues.

Thereupon, the Mayor noted that Monday had been Youth Day at the League of Municipalities Conference and approximately 40 Youth from around the state had participated.

The Mayor further announced that this Friday is an orientation with the Youth In Government participants.

Thereupon, Commissioner Ramsey suggested that a dinner be set up to meet with State Legislators before the new Legislative Session begins.

### **Announcements**

Thereupon, the Mayor announced:

1. Joint City/County/School Meeting at 12 p.m. this date (City Hall)

### **Adjournment**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:53 a.m.

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Scott D. Bird, City Clerk

October 15, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
October 27, 2003

The Governing Body met at 3:30 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen absent. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Storm Drainage Master Plan**

Thereupon, the Governing Body heard from Public Works Director Andy Haney who explained that the qualifications of 8 consulting firms had been considered for the City's Storm Water Master Plan and Burns & McDonnell had been notified of their selection for this project. Mr. Haney further explained that funding includes previously budgeted funds, as well as, approximately \$150,000 in grant proceeds.

3:40 p.m. Commissioner Henningsen arrived.

**Street Rehabilitation Program**

Thereupon, the Governing Body reviewed a recommendation to complete additional street rehabilitation work with the balance of funds in the Street Rehabilitation Fund noting that the most important project would be Hickory Street from 1st-7th, and Park Street. Additional work may be funded from the Street Rehabilitation Fund for streets immediately east and north of Forest Park. The Governing Body agreed that these projects can go forward if funds are available.

**Proclamations**

Thereupon, the Governing Body reviewed proclamations for the Community and Regional Planning Day and the Vietnam War Memorial Wall. Thereupon, the Governing Body agreed by consensus to place the Planning Day proclamation on the next Regular City Commission agenda, and the Mayor will read the Vietnam War Memorial proclamation on Thursday, October 30, 2003, at the opening ceremony of the Vietnam Traveling Wall starting at 6 p.m.

October 27, 2003

## **Sale of General Obligation Bonds**

Thereupon, the Governing Body heard from City Clerk Scott Bird who reviewed the Summary Notice of Sale regarding the upcoming Marais des Cygne levy rip-rap project General Obligation Bonds, and temporary financing for the 23rd Street Sewer Benefit District.

## **15th Street Bridge**

Thereupon, the Governing Body considered authority from the City to proceed with contracting for the low bid for the 15th Street Bridge project. It was noted that all bids had exceeded the engineer's estimate and KDOT estimates and could only proceed with the Governing Body's approval. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to proceed with the 15th Street Bridge project. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey nay, Commissioner Gillette aye, Commissioner Henningsen aye, and Mayor Jackson aye. Thereupon, the Mayor declared the motion duly approved by a 4-1 vote.

## **Special Use Permit-913 E. Wilson**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee regarding a Special Use Permit request for 913 E. Wilson a.k.a. Swim For Life. It was noted that the Planning Commission had recommended to the City Commission the continuance of the Special Use Permit with three conditions as follows:

1. Hours of operation will be limited to 8 a.m. to 8 p.m. Monday through Thursday (with no private parties after 10 p.m.), 8 a.m. to 11 p.m. Friday and Saturday (with no private parties after 11 p.m.), and 12 p.m. to 8 p.m. Sunday.
2. Trees shall be planted on the subject property to buffer the use from adjacent properties. Trees should be planted along the east property line to create a continuous vegetative screen as approved by the Planning Department with the aide of the Tree Board. All trees shall be a least 4-5 feet in height at time of planting. Some type of landscaping installed around the parking lot area.
3. The parking area shall be expanded. The applicant will be given (6) months to permanently improve the expanded area and the Special

October 27, 2003

Use Permit will be subject to review in one year from the date of renewal. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for November 5, 2003.

### **Cereal Malt Beverage License-330 S. Main (Pizza Village)**

Thereupon, the Governing Body reviewed a request for CMB license for 330 S. Main and agreed to place this item on the Regular Meeting Agenda for November 5, 2003.

### **Review of Minutes**

Thereupon, the Governing Body considered the Regular Meeting Minutes for October 15, 2003, and agreed to place this item on the Regular Meeting Agenda for November 5, 2003.

### **Reports**

Thereupon, the Governing Body reported on its participation in the Annual League of Kansas Municipalities meeting.

### **Announcements**

Thereupon, the Mayor announced:

1. The tentative date for the Legislative Dinner is scheduled for December 1, 2003.
2. Employee recognition is scheduled for November 19, 2003.
3. Next Regular Meeting is November 5, 2003, at 7 p.m.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 27, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
November 3, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Marais Des Cygnes River Levy Project Bond Sale**

Thereupon, the Governing Body heard from City Clerk Scott Bird who explained that Bond Council and City Staff will receive bids at 11 a.m., November 5, 2003, for \$1,060,000 in General Obligation Bonds related to the Marais Des Cygnes Levy improvement project. Mr. Bird noted that the project had been estimated at 1.2 million dollars and had come in considerably less. After opening the bids at 11 a.m. Bond Counsel and City Staff will report to the Governing Body at the Regular City Commission Meeting the results of the General Obligation Bonds. Temporary Note financing in the amount of \$530,000 for the Twenty-Third (23rd) Street Sewer Project will also be reported. The Governing Body considered these issues and agreed to place an ordinance for the sale of issuance of General Obligation Bonds, a resolution for the sale of General Obligation Bonds, and a resolution authorizing the issuance of \$530,000 General Obligation temporary notes on the next Regular Meeting scheduled for November 5, 2003.

**Fifteenth (15th) Street Bridge Project**

Thereupon, the Governing Body reviewed a resolution authorizing the City's share, of \$87,876.25 for the 15th Street Bridge Improvement project and agree to place it.

**Review of Minutes**

Thereupon, the Governing Body reviewed and approved the minutes of October 27, 2003, with corrections. Thereupon, the Governing Body agreed to place this item on the November 5, 2003, Regular Meeting.

November 3, 2003

### **National League of Cities Conference-Tennessee**

Thereupon, the Mayor announced that Brett Staneslow and Erin Rogers would be attending the NLC Conference in Tennessee as the Youth Representatives for the City.

### **Open Agenda**

Thereupon, Commissioner Ramsey asked for a report on the improvements made at the Carnegie Cultural Center.

### **Executive Session**

Thereupon, at 4:15 p.m. Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to recess into Executive Session to discuss Attorney client privilege matters and matters related to non-elected personnel for a period of 15 minutes, and to reconvene at 4:30 p.m. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4:30 p.m. Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

### **Recess**

Thereupon, at 4:30 p.m. Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess for a period of 15 minutes to continue discussion regarding Attorney client privileged matters and matters related to non-elected personnel. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened at 4:45 p.m.

November 3, 2003

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye and the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

November 3, 2003

**CITY COMMISSION**  
**Regular Meeting Minutes**  
**OTTAWA, KANSAS**

Minutes of  
November 5, 2003

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Youth-In-Government: Oath of Office**

Thereupon, Deputy City Clerk Carolyn Snethen administered the Oath of Office and acceptance of Youth-In-Government Applicants to the following Youth-In-Government members:

Bethany Duty	9th Grade	Jennifer Nelson	12th Grade
Ashley Guenther	10th Grade	Heather Parkin	12th Grade
Andrew Huschka	10th Grade	Brianna Reed	9th Grade
Kyle Huschka	12th Grade	Erin Rogers	9th Grade
Sara Kendell	12th Grade	Brett Staneslow	11th Grade

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to approve the consent agenda, which includes the agenda approval and minutes for the Regular Meeting of October 15, 2003, and the Work Study Session Minutes for October 27, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the consent agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation**

Thereupon, the Mayor read a proclamation recognizing World Town Planning Day. Planner/Codes Officer Tom Yahl accepted the proclamation.

November 5, 2003

### **Special Use Permit-Indoor Pool Aquatic Center-913 E. Wilson**

Thereupon, there was presented a resolution for a Special Use Permit (SUP) for an indoor pool aquatic center in the R-1 Zoning District at 913 E. Wilson requested by Mark R. and Carolyn S. Retzer, in the City of Ottawa, Kansas. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained one of the conditions related to the Special Use Permit for the Swim For Life facility was to review the SUP in one year. The Planning Commission and City Staff had reviewed issues relating to parking, buffering and hours of operation. Therefore, the Planning Commission recommended to the Governing Body the continuance of the SUP with the following conditions:

1. Hours of operation will be limited from 8 a.m. to 8 p.m. Monday through Thursday (with no private parties after 10 p.m.), 8 a.m. to 11 p.m. Friday and Saturday (with no private parties after 11 p.m.), and 12 p.m. to 8 p.m. Sunday.
2. Trees shall be planted on the subject property to buffer the use from adjacent properties. Trees should be planted along the east property line to create a continuous vegetative screen as approved by the Planning Department with the aide of the Tree Board. All trees shall be a least 4-5 feet in height at time of planting. Some type of landscaping installed around the parking lot area.
3. The parking area shall be expanded. The applicant will be given (6) months to permanently improve the expanded area and the Special Use Permit will be subject to review in one year from the date of renewal.

The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1261-03.

### **Acceptance of General Obligation Bonds and Temporary Notes**

Thereupon, City Clerk Scott Bird reported to the Governing Body that Bond Council had prepared a report related to the bid opening for debt issues, which

November 5, 2003

had been accepted at 11 a.m. this date. The City Clerk noted that the low bids had been submitted by UMB Bank for the Temporary Note issuance with a Net Interest Cost of \$8,480 and a Net Interest Rate of 1.600% and the low bid for the Series 2003 General Obligation Bonds in the amount of \$1,060,000 had been submitted by Gold Capital Management, Inc. with a Net Interest Cost over the 20 year life of the bonds of \$552,059.10, and with a Net Interest Rate of 4.42634%. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to accept the low bids. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the bids duly accepted.

### **Bond Ordinance- Marais Des Cygnes Levy Project**

Thereupon, there was presented an ordinance authorizing issuance and delivery of \$1,060,000 principal amount of General Obligation Bonds, Series 2003, of the City of Ottawa, Kansas, and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained that this ordinance authorizes issuance of \$1,060,000 in General Obligation Bonds to pay off temporary financing of the Marais Des Cygnes River Levy Project. The project was included in the City's Capital Improvement Plan and came in under the 1.2 million dollar cost estimate. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3458-03.

### **Bond Resolution**

Thereupon, there was presented a resolution prescribing the form and details of and authorizing the delivery of \$1,060,000 principal amount of General Obligation Bonds, Series 2003, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3458-03. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1262-03.

### **Temporary Note Resolution-Twenty-Third (23rd) Street Sewer Benefit District**

Thereupon, there was presented a resolution authorizing issuance and delivery of \$530,000 principal amount of General Obligation Temporary Notes, Series 2003, of the City of Ottawa, Kansas, for the purpose of temporarily financing the cost of certain internal improvements of the City. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that this resolution authorizes the issuance of \$530,000 in General Obligation Temporary Notes, for the purpose of financing the 23rd Street Sewer extension project. The project will be developed as a benefit district and will utilize \$103,000 of EPA grant funding as part of the City's 20% share of the overall cost. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1263-03.

### **Fifteenth (15th) Street Bridge Project**

Thereupon, there was presented a contract authorization for the 15th Street Bridge project. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that KDOT had requested the attached resolution, which indicates the City's intent to remit \$87,876.25 as the City's share of the 15th Street bridge project to KDOT by December 4, 2003. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Fleer nay, Commissioner Ramsey nay, Commissioner Gillette aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 3-2 vote and the resolution was duly numbered Resolution No. 1264-03.

### **Cereal Malt Beverage License-Pizza Village**

Thereupon, there was presented an application for Cereal Malt Beverage License for 330 S. Main, a.k.a. as Pizza Village. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the application.

During discussion it was noted that the new owners of the Pizza Village located at 330 S. Main had submitted an application for a CMB license. Thereupon, Staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

November 5, 2003

### **Youth Delegates**

Thereupon, Youth Delegate Ms. Heather Parkin addressed the Governing Body noting that two of their members would be attending the National League of Cities Conference in Tennessee this winter.

### **City Manager Report**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained the improvements to the Carnegie Building had come in just under \$10,000 and cost had been split between two funds.

Thereupon, Commissioner Ramsey stated he would like to see the lettering, lighting, and front door foyer project at City Hall.

Thereupon, the City Manager also explained he will be presenting at the Kansas City Manager's Association meeting this Friday.

### **Reports by Mayor**

Thereupon, Mayor Jackson stated he was very proud to announce that Mr. Andrew Huschka and Mr. Sam Smith of Ottawa High School had been named to the Kansas Volunteer Commission by Governor Sebelius.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:33 p.m.

**NEXT REGULAR MEETING: NOVEMBER 19, 2003, AT 9:30 A.M.**

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Scott D. Bird, City Clerk

November 5, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
November 17, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Disc Golf Proposal**

Thereupon, the Governing Body heard from Mr. Mark Eldridge, representing Ottawa Rotary Club, who stated that Rotary was prepared to contribute up to \$5,500 for the purchase of and some installation of a Frisbee Golf Course. The Governing Body discussed this issue. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to proceed with the Rotary's participation. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion approved. The Governing Body asked that City Staff work out the details of a layout for a course and the best location for this course and bring back the information for review.

**Prairie Spirit Rail Trail**

Thereupon, the Governing Body reviewed a memo from Public Works Director Andy Haney who explained that the next step in the Prairie Spirit Rail Trail Phase II is to complete a rail banking agreement with the Burlington Northern Santa Fe (BNSF) Railroad. The contract is under review by the City Attorney. However, BNSF has required the City to provide a qualified appraisal of the donation. No local appraiser is qualified to conduct this and the estimated expense is \$3,000.

Mr. Haney further explained that BNSF has no intention of salvaging the property, which will result in additional expense for the removal of the rail structures and the replacement of the street crossings. The deadline established by the Surface Transportation Board for reaching a rail-banking agreement with BNSF is December 16, 2003. However, a request has been sent to extend this time.

November 17, 2003

### **Employee Service Awards**

Thereupon, the Governing Body reviewed a list of employees who will be receiving longevity service awards as follows:

#### **10 Year Recipients**

Bryan Frick  
Charlotte Newkirk  
Joe Schirck

#### **25 Year Recipients**

Darlene Lister  
Connie Sams  
David Sellens

#### **40 Year Recipient**

David Diamond

The Governing Body agreed to place these items on the Regular Meeting for November 19, 2003.

### **Cutting Addition Phase II**

Thereupon, the Governing Body reviewed a resolution recommending the approval of the Final Plat for Cuttings Addition Phase II. Planning and Zoning Codes Administration Director Wynndee Lee noted that the developers still need to pay off Impact Fees and provide financial security for this project.

The Governing Body reviewed the resolution and agreed to place it on the Regular Meeting scheduled for November 19, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from the November 3, 2003, Study Session and November 5, 2003, Regular Meeting and agreed to place these items on the November 19, 2003, Regular Agenda.

### **Proclamation**

Thereupon, the Governing Body discussed a proclamation to recognize Mr. Jan Collins as the "Superintendent of the Year" and agreed to place this item on the November 19, 2003, agenda.

### **City Manager's Report**

Thereupon, the Governing Body reviewed the City Manager's Report for the quarter that just ended.

November 17, 2005

### **Monthly Financial and Activity Reports-September 2003**

Thereupon, the Governing Body reviewed with City Staff the Monthly Financial and Activity Reports for the month of September 2003.

### **Open Agenda**

Thereupon, the Governing Body discussed the possibility of improving the East/West Rail Trail, currently the Horseman's Trail and decided that other priorities must take precedence at this time.

Thereupon, it was suggested that the Joint Meeting Agenda include discussion on how the school district and county can provide information to be aired on the Government Access Channel.

#### Homeland Security Issues

Thereupon, Commissioner Ramsey inquired as to the City's involvement in the Homeland Securities Issue and grant money that may be available through the county.

### **Adjournment**

There being no further business to come before the Governing Body the Mayor declared the meeting duly adjourned at 5:01 p.m.

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Scott D. Bird, City Clerk

November 17, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**November 19, 2003**

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by City Clerk Scott Bird.

**Consent Agenda**

Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the Consent Agenda including the Agenda approval and Study Session Minutes for November 3, 2003, and Regular Meeting Minutes for November 5, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**Presentations**

Thereupon, the City Commission recognized the following employees for terms of service.

**10 Year Recipients**

Bryan Frick  
Charlotte Newkirk  
Joe Schirck

**25 Year Recipients**

Darlene Lister  
Connie Sams  
David Sellens

**40 Year Recipient**

David Diamond

**Proclamations**

Thereupon, the Mayor read a proclamation declaring November 23-30, 2003, as National Bible Week in the City of Ottawa, Kansas.

November 19, 2003

## **New Business**

### **Cuttings Addition Phase II**

Thereupon, there was presented a resolution accepting the dedication of rights-of-ways, and all easements within the Cuttings Addition Phase II Addition Final Plat, Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained that the Cuttings Addition is south of 17th Street and west of Elm Street. Phase I began in 1995 with a single street access off of Elm Street. Phase II has 28 lots, and will create a new access to 17th Street at Chestnut. The final plat was approved at the October 8, 2003, Planning Commission Meeting by a 6-0 vote. The City Engineer has approved the engineering plans. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1265-03.

### **Reports by City Commission**

Thereupon, Commissioner Gillette noted approximately 250 people had attended the ECKAN Banquet recognizing volunteers throughout the region and thanked the Mayor for his efforts in this organization.

Thereupon, the Mayor announced that some of the Youth-In-Government participants would be attending a leadership seminar in Topeka and Andrew Huschka and Sam Smith had attended their first meeting with the Kansas Volunteer Commission.

### **Announcements**

Thereupon, the Mayor announced there will be a Joint City/County/School meeting this date, at Noon, at the USD 290 School Board Office.

**NEXT REGULAR MEETING: DECEMBER 3, 2003, AT 7 P.M.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:45 a.m.

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Scott D. Bird, City Clerk  
November 19, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
December 1, 2003

The Governing Body met at 4 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fleer, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**New Business**

**Annexation-120 W. 23rd Street**

Thereupon, there was presented an ordinance to annex 120 W. 23rd Street upon the owner's request. The Governing Body considered this issue and agreed to place it on the Regular Meeting scheduled for December 3, 2003.

**Special Use Permit- Daycare 1120 W. 15th Street**

Thereupon, there was presented a resolution for Special Use Permit to continue operating a daycare at 1120 W. 15th Street. Planning and Codes Administration Director Wynndee Lee explained that this request is a result of a name change in ownership of the current daycare facility. The Governing Body agreed to place this item on the Regular Meeting for December 3, 2003.

**Special Use Permit-122 Tecumseh Street**

Thereupon, the Governing Body considered a resolution for a Special Use Permit to allow warehouse/storage facility in a C-2 General Commercial Zoning District at 122 Tecumseh Street. The Governing Body considered this issue and agreed to place it on the December 3, 2003, Regular Meeting Agenda.

December 1, 2003

### **Annual Cereal Malt Beverage License Renewal**

Thereupon, the Governing Body reviewed the list of upcoming CMB licenses noting that one existing license was still outstanding. However, they agreed to place the completed license applications on the Regular Meeting Agenda for December 3, 2004.

### **Other Items**

Thereupon, the Governing Body discussed legislative issues in preparation for the 5 p.m. meeting with the Kansas Legislatures.

### **Open Government Resolution**

Thereupon, the Governing Body was presented an Open Government Resolution as drafted by the Ottawa Herald. It was moved and seconded to table this issue. The motion was considered and upon being put, all present voted aye. It was further discussed that perhaps this issue be remanded to the City Manager.

### **Press Release**

Thereupon, the Governing Body discussed the Press Release from Director of Public Works Andy Haney explaining that the thermal plastic markings on north Main Street will be added to the recently improved project. However, the temperatures are such that thermal plastic will not adhere and therefore, this final piece of the project will be deferred until warmer weather.

### **Announcements**

Thereupon, the Mayor announced:

1. December 1, 2003: Joint meeting with State legislative representatives
2. December 4, 2003: League of Kansas Municipalities supper at 5:30 p.m. (Ottawa Country Club)

**NEXT REGULAR MEETING: DECEMBER 3, 2003, AT 7 P.M.**

### **Recess/Reconvene**

Thereupon, the Governing Body recessed for about 30 minutes to reconvene in Open Session at 5 p.m. with the Kansas State Legislatures.

December 1, 2003

### **Open Session with State Legislatures**

Thereupon, the City Commission enjoyed an evening meal with representatives of the Kansas State Legislature, Franklin County Commissioners, and the USD-290 School Board.

At about 5:40 p.m. Mayor Jackson officially reconvened the meeting and the groups discussed issues such as:

- County Code Court
- County Debt Limit
- Streamline Sales Tax
- Local Income Tax
- Sales Tax Restrictions
- Local Motor Fuel Tax
- STAR Bonds
- Casinos
- Kansas Open Meetings/Open Records Act
- Protecting US-59 Funding
- Concealed Carry Legislation
- Protection of Local Home Rule

Discussion continued until 6:55 p.m. at which time the Mayor thanked the participants and closed the meeting.

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Scott D. Bird, City Clerk

December 1, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**December 3, 2003**

The City Governing Body met at 7 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and Commissioner Gillette gave the invocation.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Ramsey, to approve the Consent Agenda, which includes the Agenda approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

**Public Comments**

None offered at this time.

**New Business**

**Annexation of 120 W. 23rd Street**

Thereupon, there was presented an ordinance annexing land located at 120 W. 23rd Street in the City of Ottawa. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained that this annexation was at the owner's request. The property is approximately 50 X 100 feet located at 120 W. 23rd Street. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3459-03.

**Annexation of 2529 Eisenhower Street**

Thereupon, there was presented an ordinance annexing land at 2529 Eisenhower Street into the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

December 3, 2003

During discussion it was explained that owners of this property had requested annexation of a tract of land approximately 495 X 425 feet. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3460-03.

### **Special Use Permit (SUP) –Daycare at 1120 W. 15th Street**

Thereupon, there was presented a resolution granting a Special Use Permit for a daycare facility in the PUD Zoning District at 1120 W. 15th Street requested by Windy Gibbs, in the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that this request is a result of a change in ownership. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1266-03.

### **Special Use Permit-122 Tecumseh Street**

Thereupon, there was presented a resolution granting a Special Use Permit for a warehouse/storage building in the C-2 Zoning District at 122 Tecumseh Street requested by Jerry Harnden, in the City of Ottawa, Kansas.

During discussion it was explained that the Planning Commission had reviewed this request, held a public hearing and voted to approve by a vote of 6-0. The motion was considered and upon being put, passed by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Ramsey aye, Commissioner Fleer nay, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1267-03.

### **Cereal Malt Beverage Licenses**

Thereupon, the Governing Body considered the following:

Applications for license for retail cereal malt beverage for the year 2004. Original and unopened containers and not for consumption on the premises:

Taylor Oil Inc., d/b/a Amoco, 2305 South Cedar  
Kayo Oil Company, d/b/a Conoco, Inc., 2243 Princeton  
Casey's General Stores, Inc., Store #2361, 1002 North Main Street  
Casey's General Stores, Inc., Store #2362, 1019 West 7th Street  
Charles R. Wood Oil Co., Inc., 304 E. Logan  
Charles R. Wood Oil Co., Inc., 2130 Princeton Road  
Wal-Mart Stores, Inc. 702 S.W. 8th St., Bentonville, AR 72716-8013  
(2101 Princeton Road)  
C & Z Inc., d/b/a Total Stop N Save, 1621 South Main  
C & J Management Serv., Inc., d/b/a Country Mart, 2138 Princeton Circle  
Dr.  
B & K Ventures LLC, d/b/a First Stop #4 (2518 E. Logan)  
Gas & Stop, 334 N. Main St.

Applications for license for retail cereal malt beverages, for consumption on the premise:

Shari Bishop d/b/a Bishop's Brew, 120 E. Dundee  
Ottawa Antique Mall & Restaurant, 202 Walnut  
Pizza Hut of America, Inc., Law Dept./Licensing, 14841 Dallas Pkwy.,  
Dallas, TX 75240  
Pizza Village, Inc., 330 South Main  
Susan Jackson, d/b/a Poncho's of Ottawa, 429 South Main  
Royal Lanes, 2040 Princeton Road

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the annual CMB Licenses for those properties listed above. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Mr. Andrew Huschka stating that the Youth-In-Government delegates were working on a fundraiser for next year's camp. Camp is scheduled for the last weekend in May and the first weekend in June of 2004.

### **Reports by City Manager**

Thereupon, the City Manager explained that recently a 2002 Resolution had been published at the request of the Attorney General relating to the Marais des Cygne Levy Rip Rap project. There had not been any oversight by the Staff or Bond Counsel. However, this was a requirement as promulgated by the current Attorney General.

### **Reports by Mayor**

Thereupon, Mayor Jackson noted that the City will be hosting the League of Kansas Municipalities meeting on December 4, 2003, at 5:30 p.m. at the Ottawa Country Club and asked for those participating to arrive early enough to greet the visitors.

### **Announcements**

Thereupon, the Mayor announced:

**The next Regular Meeting is scheduled for December 17, 2003, at 9:30 a.m.**

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:16 p.m.

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Scott D. Bird, City Clerk

December 3, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
December 15, 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Employee Retirements**

Thereupon, the Governing Body reviewed a list of three City Employees who will be recognized for their years of service at the December 17, 2003, Regular Meeting. Those employees are Benny Bennett, Gary Burns, and Eileen Marquis. The Governing Body agreed to place this item on the Regular Meeting Agenda.

**City Limits**

Thereupon, the Governing Body reviewed a resolution defining the corporate city limits and including newly annexed property and agreed to place this item on the Regular Meeting Agenda for December 17, 2003.

**Sugar Creek Development**

Thereupon, the Governing Body reviewed a resolution vacating certain street rights-of-way in the Lathrup's Addition for the Sugar Creek Development and also reviewed a resolution for the final plat of Phase II of Sugar Creek. The Governing Body agreed to place these items on the Regular Meeting Agenda for December 17, 2003.

**City's Cafeteria Plan**

Thereupon, the Governing Body reviewed a resolution to adopt the City's Cafeteria Plan and Addendum. Thereupon, the Governing Body heard from Human Resource Director Judy Hasty who stated that certain nonprescription items will be included in this plan and as a result the plan needs alteration and re-adoption. The Governing Body agreed to place this item on the Regular Meeting Agenda for December 17, 2003.

December 15, 2003

### **Abuse Ordinance**

Thereupon, the Governing Body reviewed an ordinance amending Section 38-309 of the municipal code to bring it into uniformity with State statutes relating to violation of Protection from Abuse Orders. The Governing Body agreed to place this item on the Regular Meeting Agenda for December 17, 2003.

### **Cereal Malt Beverage License**

Thereupon, the Governing Body reviewed a 2003 application for CMB license for Gasmart, a 2004 CMB license for Gasmart, and a 2004 application for Phillips 66 located on East 23rd Street. The Governing Body agreed to place these items on the Regular Meeting Agenda for December 17, 2003.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes for Study Session November 17, December 1, 2003; and Regular Minutes from November 19, 2003, and agreed to place these items on the Regular Meeting Agenda for December 17, 2003.

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

Thereupon, the Governing Body reviewed the Financial and Activity Reports for the Month of October 2003.

During discussion Commissioner Henningsen asked that certain pages that do not contain pertinent information be eliminated from the report.

Thereupon, Mayor Jackson asked for a copy of the Ottawa Recreation Commission Director's Report.

### **Swimming Pool Filter System**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained that a new filter for the Forest Park Swimming Pool was needed and that the estimated cost for the filter and an automated chlorinator system would be approximately \$76,000. He further explained that the Ottawa Recreation Commission had agreed to commit to paying 25% of the cost of the improvement not to exceed \$15,000, whichever is less.

December 15, 2003

The City Manager stated that he had worked with the City Clerk and it is believed the City can come up with between \$20,000 and \$25,000 towards this effort and further suggested the balance be borrowed from the City Electric Fund at a rate of 1% interest to be paid back over the next five years. The City Manager also suggested that City forces be used for some of the improvement needs such as a concrete pad in order to reduce cost.

It was further explained that this new filter system will address several safety concerns, accommodate the current pool arrangement, and will also accommodate additional improvements to the pool such as a zero entry area, and a slipper slide splash pool. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to approve the swimming pool filter project as outlined by the City Manager. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Open Government Proclamation**

Thereupon, Commissioner Ramsey made a motion to take the Open Government Proclamation off the table. The proclamation was considered and no action was taken at this time.

### **Snow Removal**

Thereupon, Commissioner Gillette asked if the City's ordinance on snow removal from sidewalks could be advertised. It was agreed this information would be placed on the Government Access Channel and the City's Web Site.

### **Executive Session**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to recess the meeting for a period of 15 minutes for Attorney/Client Privilege and to reconvene in the same Work Study Session Room at 4 p.m. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4 p.m. it was moved and seconded to reconvene.

December 15, 2003

### **Recess**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Gillette, to recess for 50 minutes and to reconvene at 4:50 p.m. for the purpose of discussing non-elected personnel. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4:50 p.m. it was moved and seconded to reconvene the meeting. The motion was considered and upon being put, all present voted aye.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting adjourned.

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Scott D. Bird, City Clerk

December 15, 2003

**City Commission**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**  
**December 17, 2003**

The City Governing Body met at 9:30 a.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leroy Rayson.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to approve the Consent Agenda which included the agenda approval and the approval of minutes for the Regular Meeting November 19, 2003, and Study Session Minutes for November 17, and December 1, 2003. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Presentations**

Thereupon, the Mayor recognized Eileen Marquis, Benny Bennett, and Gary Burns for their respective tenure with the City and retirement.

**New Business**

**Territorial City Limits**

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 1137-03A. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

December 17, 2003

During discussion it was explained that this resolution had been developed as a result of work performed by the City Engineer and preparation of the legal description, after reviewing the previous legal description and including annexations over the last 10 years to ensure a complete and accurate description. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1268-03.

### **Vacating Rights-of-way in Lathrop's Addition**

Thereupon, there was presented an ordinance vacating the street rights-of-way in Lathrop's Addition for the proposed Sugar Creek Development. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained that Clint Burkdoll had purchased the land in this area and is planning a single-family housing development. Portions of the street rights-of-way in this area need to be vacated so that the new development can proceed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3460A-03.

### **Final Plat Sugar Creek**

Thereupon, there was presented a resolution accepting the dedication of rights-of-way and easements within the Sugar Creek Phase II Addition Final Plat, Ottawa, Kansas. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained that the Final Plat for the Sugar Creek Phase II is located between 8th and 9th Streets and Pine and Beech Street. This phase will allow eight additional lots for residential development along Pine Street. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1269-03.

### **City Cafeteria Plan and Addendum**

Thereupon, there was presented a resolution amending the City's Cafeteria Plan and Addendum, including a Dependent Care Assistance Program and Health Care Reimbursement Plan effective January 1, 2004. Thereupon, Commissioner

December 17, 2003

Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained that this resolution will adopt a new plan document that was revised to comply with Federal Law and include changes acceptable by the City. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1270-03.

### **Abuse Order**

Thereupon, there was presented an ordinance amending Section 38-309, violation of protection from abuse order, in the Ottawa Municipal Code. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion is was explained that this ordinance amends Section 38-309 of the Municipal Code to bring it into uniformity with State statute related to violation of Protection from Abuse Orders. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3461-03.

### **Cereal Malt Beverage Applications**

Thereupon, there was presented CMB applications for Gasmart, 2243 Princeton Street; one for the remainder of 2003 and one for 2004. An additional application has been submitted by Ottawa Phillips-66, at 216 E. 23rd St. for the Year 2004. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to approve the applications. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Reports by City Manager**

Thereupon, the City Manager noted that staff is scheduling twice a year reports from Main Street, the Chamber of Commerce, and B. Martin Peck Animal Shelter. He further noted that Dan Pickert with the Ottawa Recreation Commission will be in attendance at the Study Session on Monday, December 22, 2003, to update the Governing Body.

December 17, 2003

## **Reports by Mayor**

Thereupon, the Mayor noted that two youth, Heather Parkin and Sam Smith, have been recognized by the Points of Light Foundation for their volunteer work in the City of Ottawa. Thereupon, the Mayor wished everyone a happy holiday and thanked the City Staff for their hard work and dedication throughout the year.

## **Announcements**

Thereupon, the Mayor announced:

December 22, 2003: Work Study Session at 3 p.m.

January 7, 2004: Next Regular City Commission meeting at 7 p.m.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:49 a.m.

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Scott D. Bird, City Clerk

December 17, 2003

**CITY COMMISSION  
STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
December 22, 2003

The Governing Body met at 3 p.m. this date with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Gillette, Commissioner Fler, and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

Thereupon, Jeanny Sharp, Editor of The Ottawa Herald, discussed with the Governing Body a proposed resolution regarding open government. Discussion ensued regarding a rewrite of the proposed resolution and/or a proclamation. No action was taken at this time.

**Items for Discussion**

Thereupon, the Governing Body heard a report from Mr. Dan Pickert of the Ottawa Recreation Commission. Mr. Pickert noted that there are currently 10-12 adult football teams, there is a need to push girls softball, and volleyball is an active program.

Thereupon, Commissioner Gillette inquired about boxing and Mr. Pickert stated that they were working with the boxing proponents regarding space.

Future goals for the Recreation Commission is to establish permanent soccer fields noting that space is very limited and to set up playground equipment at Orlis Cox Field.

Commissioner Henningsen inquired of the 1 mill that the School Board has set aside for the Recreation Commission. Mr. Pickert stated that this money is being collected and held. He commended the director for the job she has done and responded to other questions.

**Review of Minutes**

Thereupon, the Governing Body considered the Regular Meeting Minutes for December 3, 2003, and agreed to place them on the next Regular Meeting Agenda.

December 22, 2003

### **Other Items from the Commission or Staff**

Thereupon, Commissioner Ramsey noted that sales tax is up for the year.

Thereupon, at 3:45 p.m. Commissioner Ramsey left the meeting.

### **National League Reports**

Thereupon, the Governing Body reported on the recent National League of Cities Conference.

### **Executive Session**

Thereupon, at 4:04 p.m. Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess into Executive Session to discuss non-elected personnel for a period of 21 minutes and to reconvene at 4:25 p.m. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4:25 p.m. Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

### **Recess**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess into Executive Session for a period of 10 minutes and to reconvene at 4:35 p.m. in the same Work Study Session meeting room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

### **Reconvene**

Thereupon, at 4:35 p.m. Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

## **Recess**

Thereupon, the Governing Body invited the City Manager to rejoin them at 4:37 p.m. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess into Executive Session for a period of 5 minutes and to reconvene at 4:42 p.m. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

## **Reconvene**

Thereupon, at 4:42 p.m. Commissioner Fleer made a motion, seconded by Commissioner Gillette, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to increase the City Manager's salary by 3.6% and his ICMA contribution by up to 9%. The motion was considered and upon being put, all present voted aye. Thereupon, upon the Mayor declared the motion duly approved.

## **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

December 22, 2003