

City Hall - January 3, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Park, Gaynor, Marstall and Reusch. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held December 20, 1978 were approved as read.

#### Report of the Planning Commission

A report of the City Planning Commission of its meeting held January 2, 1979 is as follows:

"The Planning Commission decided by a 7 to 0 vote to recommend the rezoning of Lots 1 - 48, Block B, Highland Place Subdivision (East 9th Mobile Home Community) from M-H (Mobile Home District) to M-P (Mobile Home Park District).

The Planning Commission decided by a 5 to 2 vote to table action on Mr. Stuart Young's request to rezone Pinehurst Estates Subdivision from R-1 (Residential) to R-2 (Multi-Family). The Planning Commission members instructed the developer of the proposed multi-family housing project to be located on the site, Mr. Joel Tonkin, Urban Equities, Inc., to supply additional information before the next meeting in February so they might consider the application of R-P zoning, which is Community Unit Planned District, for this tract of land."

#### Ordinance No. 2603 - Industrial Revenue Bonds

An ordinance authorizing the issuance of Industrial Revenue Bonds in the amount of \$160,000 for the Puritan-Bennett Corporation was introduced. Discussion concerning the issuance of these bonds pointed out that the city was not monetarily liable for the repayment of these bonds should the company fail but that the city would be obligated to assist in finding a new tenant for the facility should it become necessary. A motion to approve the ordinance authorizing the issuance of Industrial Revenue Bonds in the amount of \$160,000 for the Puritan-Bennett Corporation and to authorize the Mayor to execute said ordinance was made by Commissioner Marstall. The motion was seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Lease Agreement - Puritan-Bennett Corporation

A lease agreement for the Puritan-Bennett Corporation to occupy a manufacturing facility provided through the issuance of Industrial Revenue Bonds was introduced. A motion to approve the lease agreement and to authorize the Mayor to sign the lease agreement was made by Commissioner Park, seconded by Commissioner Reusch and all present, as stated above, voted in favor of the motion.

#### Resolution - Kansas Department of Transportation

A resolution authorizing the Mayor and City Clerk to execute an agreement with the Kansas Department of Transportation for the plastic centerline striping of all highways within the corporate limits of the city was introduced. It was discussed that under the proposed agreements that the city can have semi-permanent plastic centerline stripes applied to all highways within the city at no cost to the city. The costs are to be borne by the Federal government through the Kansas Department of Transportation. A motion for passage of said resolution was made by Commissioner

Reusch, seconded by Commissioner Marstall and all present voted in favor of the motion.

Public Hearing - Community Development Block Grant

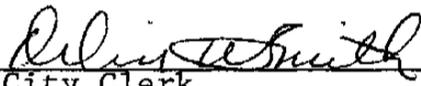
A public hearing was held seeking citizen input on needs for which funds from a Community Development Block Grant might be spent. Mr. David Watkins, Administrative Assistant, explained the scope of the program in detail.

Mr. Richard Elliott, property owner at 1015 S. Elm, spoke to the need of improving Skunk Run to handle storm drainage. Mr. Elliott stated that Skunk Run in many areas is in a very run down condition, including city park, and that he felt the city needed to initiate some sort of action to improve the condition of Skunk Run.

It was discussed that the flooding tendency of Skunk Run has been further increased over the past few years by the paving of streets and by the construction of new homes. In the course of the flooding of Skunk Run through infiltration into sanitary sewers, the basements in some areas are flooded. Additionally, the ponding in some areas of Skunk Run create an attractive place for children to swim.

The City Commission indicated a concern and interest in this problem and stated that the problem would be further looked into.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - January 15, 1979

The City Commission met in special session at 3:00 p.m. this date for the purpose of holding a public hearing on a preapplication for Community Development funds in the amount of \$500,000. Present: Mayor Nichols and Commissioners Marstall, Park and Gaynor. Absent: Commissioner Reusch.

Mayor Nichols opened the meeting by asking for comments from Commissioners concerning the preapplication. There were no persons present outside of city officials. Mayor Nichols outlined the amounts and categories for which the preapplication sets forth which is as follows:

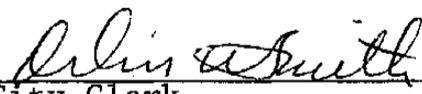
Housing rehabilitation	\$ 125,000
Sidewalk rehabilitation	100,000
Street improvements	150,000
Extension of sewer mains	35,000
Skunk Run engineering study	50,000
Demolition of abandoned buildings	10,000
Alleyway cleanup and removal of dead trees	10,000
Administrative costs	<u>20,000</u>
	\$ 500,000

The \$500,000 request is not inclusive of \$25,000 which is termed a local match by the city.

Commissioner Gaynor expressed concern of the \$20,000 for administrative costs, questioning if this would entail the hiring of additional persons. Through discussion, it was brought out that the \$20,000 consists of inhouse salary costs of those persons who would be administrating the program.

Another question concerning the preapplication was the \$50,000 to be allocated to the Skunk Run engineering study. It was the feeling of the Commission that with the study that has been recently completed by a senior engineering class of Kansas University that \$50,000 would not be needed for this purpose. Discussion pointed out that the study completed by the Kansas University class, though being complete and informative, was a superficial type study that pointed out the need for further study and design prior to the undertaking of any modifications to Skunk Run. It was further discussed that should the city be over-budgeted for the engineering study that the excess funds could be allocated to another area with approval from Housing and Urban Development. Commissioner Marstall made a motion that the preapplication as presented this date be approved for submission to the Department of Housing and Urban Development. The motion was seconded by Commissioner Park and all present voted in favor of the motion.

The meeting was adjourned.

  
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City Clerk

City Hall - January 17, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Gaynor, Marstall and Park. Absent: Commissioner Reusch.

#### Approval of Minutes

The minutes of the last regular meeting which was held January 3, 1979 were approved as written.

#### Ordinance No. 2604 - Zoning

An ordinance rezoning the East 9th Mobile Home Park from M-H (Mobile Home) to M-P (Mobile Home Park) was passed. It was discussed that this mobile home park, along with two others, were erroneously zoned for M-H District as opposed to M-P District at the time of the adoption of a new zoning map by the city and that this action is to correct this error. A motion for passage of said ordinance was made by Commissioner Park, seconded by Commissioner Gaynor and all present voted in favor of the motion.

#### Charter Ordinance No. 6 - Library Tax Levy

An ordinance exempting the City of Ottawa, Kansas from Kansas Statutes Annotated 79-1952 and providing substitute provisions on the same subject relating to the limitation on the annual tax levy for library purposes was introduced. It was discussed that the present 3 mill levy limit for library operation has been insufficient for several years and that the city has been allocating revenue sharing monies for this purpose. In recent years it has become apparent that additional tax monies are necessary for the operation of the library, whether or not the library continues to operate in its present facility or a new or remodeled expanded facility is provided. The Charter Ordinance sets forth that an additional 3 mills may be levied outside of the present mill levy limit of 3 mills. A motion for passage of said Charter Ordinance was made by Commissioner Marstall, seconded by Commissioner Park and all present voted in favor of the motion.

#### Ordinance - Bond Issue - Library

An ordinance calling for an election to be held April 3, 1979 for the purpose of authorizing bonds in the amount of \$850,000 for the restoration, addition and to furnish and equip the Ottawa Library was introduced. A motion for passage of said ordinance was made by Commissioner Park, and seconded by Commissioner Gaynor. Commissioner Park opened the discussion by stating that this project was included in the public improvement program of the Comprehensive Plan which was adopted in 1975. Commissioner Park said he had read the numerous structural and feasibility reports which had been made over a period of several years and that the last two reports indicated that the structure of the library was in very bad condition. However, the earlier reports had not put such emphasis on its structural condition. From the standpoint of pure economics, it is probably not feasible to recondition and add to the present structure but that all persons with whom Commissioner Park had talked indicated that they would like to keep the old building. Commissioner Park said that he felt additional study was necessary on this building.

Commissioner Gaynor stated that he was in accord with Commissioner Park's comments and further commented that the people that he had talked to about the library were all in favor of keeping the present structure. Commissioner Gaynor stated that the persons he had talked to consisted of older "life-time residents" of the community as well as younger and new residents of the community and the sentiments were all the same, keep the present structure.

Commissioner Marstall then spoke opposing the motion. He stated that he had made a personal inspection of the library and spent many hours studying the many engineering reports of the library just within the past 24 hours and he did not feel that it would be feasible to rebuild and add to the old structure. Commissioner Marstall compared the library to the old worn out family car, that there comes a point in time when it is just not feasible to repair. He said that he felt the \$850,000 in question here could be better spent on a new structure.

Mrs. Virginia Loyd read a prepared statement to the City Commission asking that a Citizens Committee be appointed to study the library issue. She said that she felt there was a great deal of controversy and ignorance concerning the facts as to whether it would be better to renovate and add on or to construct a new library building. Mrs. Loyd gave three areas which she thought should be covered by the Citizens Committee: 1) services expected from the library and staff, 2) the importance of the architecture and aesthetic values and 3) the economics concerned with rebuilding or constructing a new building. Mrs. Loyd asked that the vote on the motion before the Commission today be postponed until a later date when a Citizens Committee report might be available.

Mr. Bob Pence, Chairman of the Library Board, spoke to the point that the discussions today are not a new issue but that he was sure that the Library Board would be very happy to go along with the suggestion of Mrs. Loyd that this issue might be settled in a proper manner.

Mr. Dale Wein spoke in favor of restoring the present building, stating that he enjoyed the smell of musty books and that there would be nothing wrong with a bucket setting under an occasional leak.

Mr. Tom Bach addressed the City Commission reiterating some conversations he said he had had with Commissioner Park concerning issues of zoning and serving the desires of the general public. Mr. Park stated that he did not remember the conversations\*and that he did not feel that Mr. Bach's statements properly addressed this issue. Mr. Park then stated that he thought that there was still time to make the public aware of all facts concerning the status and condition of the library building prior to an election which would be held April 3, 1979 and he was going to make a proposal to the Commission this date for that purpose.

Upon call for the question, Commissioners Marstall, Gaynor and Nichols voted opposing the motion and Commissioner Park voted in favor of the motion.

#### Resolution No. 204 - Cemetery Rates

A resolution establishing new rates for burials and sale of grave spaces was introduced. Rates for grave spaces are as follows: Adult - \$150; Babies under one year of age - \$25. Burial fees: Adult - \$125; Cremated remains - \$50; Babies under one year of age - \$25. The resolution further states that there will be no burials on Sundays or holidays and an extra charge of \$50 will be made for burial services on Saturdays.

Mr. Walt Dengel appeared, representing the funeral directors of the City of Ottawa, and stated that he was opposed to the additional burial charge for Saturday services. Mr. Dengel said that he felt that arrangements should be made with city employees whereby the city would not have to pay overtime for cemetery services on Saturday. Mr. Dengel pointed out that in the event of a four-day holiday weekend that for four days out of a week funerals could not be conducted without payment of additional fees and he felt that this should be corrected.

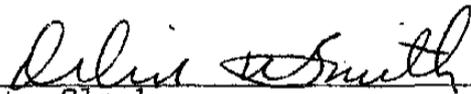
The City Commission indicated that they would take Mr. Dengel's suggest-

ions under consideration. A motion for passage of said resolution was made by Commissioner Gaynor, seconded by Commissioner Marstall and all present voted in favor of the motion.

Comments of Mrs. Louise Dietz

Mrs. Louise Dietz addressed the Commission complimenting the members of the Commission for voting their convictions on controversial issues. Mrs. Dietz said that she felt that that was the way government business should be conducted.

There being no further business, the meeting adjourned. The entire text of the meeting is one tape in the files of the City Clerk and will remain so for one year from the date of the meeting. The discussion on the library bond issue was quite lengthy and these minutes do not contain the entire text of that discussion. However, this discussion is on tape as stated above.

  
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City Clerk

City Hall - February 7, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Reusch, Marstall, Park and Gaynor. Absent: none.

#### Approval of Minutes

The minutes of the special meeting which was held January 15, 1979 were approved as written and the minutes of the last regular meeting which was held January 17, 1979 were approved with the following insertion. The fifth paragraph on page 5 had the words "as such" inserted to reflect that Mr. Park stated that he "did not recall the conversations as such".

#### Report of Planning Commission Meeting

A report of the Planning Commission of January 2, 1979 was read as follows:

"The Planning Commission held their regular meeting on February 6, 1979. Following is a report of that meeting:

The Planning Commission approved the minutes of the last regular meeting held on January 2, 1979.

The Planning Commission adopted by a 6 - 0 vote a resolution establishing a "table of lesser districts" which allows them the flexibility of approving a district more restrictive than that originally requested by the property owner.

The Planning Commission approved by a 4 - 2 vote a motion to recommend the rezoning of the northern half of Pinehurst Estates from R-1 (Single Family) to R-) (Community Unit Plan). This vote in essence approved a preliminary site plan with the understanding that four additional conditions must be met with the final submission. The Planning Commission approved a fifth condition by a 5 - 0 vote with one abstention that requires the developer to submit a schedule of construction with his final site plan.

The Planning Commission recommends the approval of a one year extension of the Planning Services Agreement with Bucher & Willis. The recommendation suggests that the City Commission change the billing charge from a per diem to a per hour basis.

The Planning Commission met with Jim Toburen, 1104 W. 7th, to discuss his plans to open a day care center in his residence. The Planning Commission suggested that he file a request to allow day care operations to operate in an R-1 district with a special use permit."

There was no action taken on this report at this time.

#### Purchase of Generating Unit

It was announced by Mayor Nichols that the City Commission would not take action on the purchase of a new diesel generating unit for the city power plant at this time. The purchase is still under consideration and discussion. A special meeting will be held February 14, 1979 at 9:35 a.m. to award a contract for the purchase of this equipment.

#### Mutual Aid Agreement - City of Garnett

The City Commission took action on a mutual aid agreement for fire protection and/or rescue service with the City of Garnett. A motion for approval of said agreement and to authorize the Mayor

to sign said agreement was made by Commissioner Reusch, seconded by Commissioner Park and all present voted in favor of the motion.

Planning Services Agreement - Bucher & Willis,  
Planning Consultants

As per the recommendations of the Planning Commission, the City Commission approved an agreement for continuing planning services with Bucher & Willis, Planning Consultants, with the following change. The Planning Services Agreement set forth that the Bucher & Willis firm would be compensated on a per diem basis. The agreement was changed to reflect that the Bucher & Willis firm would be compensated on a per hour basis as set forth by rates established in the agreement. A motion for approval of the agreement as amended and to authorize the Mayor to sign said agreement was made by Commissioner Park, seconded by Commissioner Marstall and all present voted in favor of the motion.

Cereal Malt Beverage License - Conoco Travel Shoppe

An application to sell cereal malt beverage in case lots (6 pack) as submitted by Randy W. Brownrigg for the operation of the Conoco Travel Shoppe at 2243 Princeton Street was considered. A motion for approval of said application and to authorize the Mayor to sign said application was made by Commissioner Marstall, seconded by Commissioner Park and all present voted in favor of the motion except Commissioner Reusch who voted opposing the motion.

Comments

Mayor Nichols reported that the library study committee is at the present time being contacted and it is hoped that this committee will be active in the near future.

Commissioner Gaynor reported that the airport committee had been selected and that they will be having a luncheon meeting February 8, 1979. The airport study committee consists of Hank Claterbos, Leroy Wasmund, Glenn Underwood, Dennis Woolman and Commissioner Gaynor.

Commissioner Park reported that two reports will be made Monday at a meeting of the Central Business District Association. Both reports pertain to preservation and revitalization of the Central Business District. One report is to be given by Mike Cornwell on preservation and the other report to be given by Dale Watts on the historic site survey.

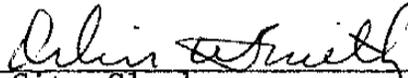
Proclamation - American History Month

A proclamation proclaiming the month of February, 1979 as American History Month was approved by the City Commission and signed by Mayor Nichols.

Request for Sidewalk Sale - ORA

Mr. Steve Abrams, representing the Ottawa Retail Association, asked for permission for the ORA merchants to move merchandise on to the sidewalk February 19, 20 and 21 for the purpose of a sidewalk sale. A motion was made by Commissioner Gaynor to grant the request, the motion was seconded by Commissioner Park and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - February 14, 1979

The City Governing Body met in special session at 9:35 a.m. this date as called for action on the items set forth below. Present: Mayor Nichols and Commissioners Marstall, Park, Reusch and Gaynor. Absent: none.

#### Purchase of Generation Equipment

Mayor Nichols opened discussion by stating that the city had taken bids for the purchase of one diesel powered electric generator two weeks ago. In the intervening period of time, consideration has been given to the purchase of two diesel powered electric generating units. Cooper Energy Services was the low bidder for the purchase of one piece of equipment and upon conferring with Cooper Energy Services, it was agreed that a second identical unit could be purchased at a savings of \$97,386 over the purchase price of the first unit. Cooper Energy Services' bid was for \$1,724,725 for one unit, \$1,627,339 for a second unit, for a total of \$3,352,064. Commissioner Reusch made a motion to award a contract for the purchase of two electric generating units to Cooper Energy Services for a total cost of \$3,352,064 and to authorize the Mayor to sign a contract for said purchase. The motion was seconded by Commissioner Park.

Further discussion brought out the long range plans of the city to purchase one unit now and another unit three years later. However, it was the concensus of the City Commission that with the savings derived from the purchase of two units over the original plan, plus the fact that inflation might have on purchasing another unit later, that it is economically feasible to proceed with the purchase of two units at this time. The City Commission agreed that it was wise to follow the advice of the consulting engineers and the staff, that they have studied the total issue much more than the City Commission ever could.

Upon call for the question, all members of the Governing Body voted in favor of the motion. Further discussion centered around the fact that the city has 30 days from the date of the award of the contract to cancel the contract with no penalties involved.

#### Resolution - Intent to Issue Electric Revenue Bonds

A resolution setting forth the intent of the City of Ottawa to issue \$600,000 in electric revenue bonds in addition to a former resolution which set out the intent to issue \$6,000,000 in Industrial Revenue Bonds was introduced. A motion for passage of said resolution was made by Commissioner Marstall and seconded by Commissioner Reusch. All present voted in favor of the motion.

#### Notice of Intent

A motion was made by Commissioner Marstall to issue and publish a notice of intent to issue electric revenue bonds in the amount of \$600,000 and that said notice is to be published in the official city newspaper. The motion was seconded by Commissioner Park and all present voted in favor of the motion.

#### Selection of Generating Units

As per agreement with Cooper Energy Services, the City of Ottawa selected Electric Machinery generating units to be used with the Cooper Energy Services diesel engines. A motion was made by Commissioner Park that Electric Machinery generating units be used. The motion was seconded by Commissioner Reusch and all present voted in favor of the motion.

Comments from Visitors

Mr. Leonard Larson, candidate for City Commissioner, complimented the City Commission for their courage and foresite in purchasing two generation units at this time.

All business for which this meeting was called having been conducted, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - February 21, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Gaynor, Marstall, Reusch and Park. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held February 7, 1979 were approved as written and the minutes of a special meeting which was held February 14, 1979 were approved with the following correction: the fourth paragraph, page 10, indicated that the city has 45 days from the date of contract to cancel said contract with no penalties. This paragraph was corrected to reflect that the city has 30 days for cancellation with no penalties.

#### Service Award Plaque - Joe Campbell

Mr. Joe Campbell was presented with a plaque by Mayor Nichols commemorating his 27 years service with the city. Mr. Campbell retired in December, 1978.

#### Sale of Property

The City Commission gave consideration to the sale of .7 acres of city property to Mr. Olin Wollen. Mr. Wollen owns a tract adjacent to the .7 acres in question and needs this tract to complete a proposed development of his total acreage. It was explained that this tract is of no value to anyone except Mr. Wollen in that the tract is land-locked and could serve only Mr. Wollen or the city. The land is situated such that the city cannot foresee any use that it might have for said tract. Commissioner Gaynor made a motion that the city sell the .7 acres to Mr. Wollen for a purchase price of \$4,000.00 and to authorize the Mayor to execute a sales agreement and a deed conveying ownership. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

#### Damage Claim - Emil Johnson

The City Commission proceeded to consider a claim for damages as submitted by Mr. Emil Johnson. Mr. Johnson was involved in a vehicular accident on South Main, the cause of said accident was claimed by Mr. Johnson to have been the dust caused by the city street sweeper. Based on Mr. Johnson's statement of fact and the recommendation of the City Attorney, the Governing Body proceeded to deny the claim. Commissioner Park made a motion to deny the claim of Mr. Johnson, the motion was seconded by Commissioner Reusch and all present voted in favor of the motion.

#### Mutual Aid Agreement - City of Olathe

The City Commission gave consideration to entering into a mutual aid agreement for fire and rescue service with the City of Olathe. It was explained that this agreement is similar to other agreements the city has with various cities in this area. A motion for approval of said agreement and to authorize the Mayor to sign said agreement was made by Commissioner Reusch, seconded by Commissioner Marstall and all present voted in favor of the motion.

#### License Agreement - Santa Fe Railway Company

The Governing Body proceeded to take action on an agreement with the Santa Fe Railway Company to allow the City of Ottawa to cross Santa Fe Railway right-of-way with a 12" water main. It was explained that said agreement sets forth specifications for running the water main across Santa Fe property and serves to hold the Santa Fe Railway Company harmless from any subsequent damages caused by the water line. Other stipulations require the city to pay the Santa Fe Railway Company \$150 for this consideration. A motion to approve said agreement and to authorize the Mayor and City Clerk to execute said agreement was made by Commissioner Marstall, seconded by Commissioner

Park and all present voted in favor of the motion.

Announcements

Mayor Nichols announced that the Library Advisory Committee will hold their first meeting at 7:30 p.m., February 26, 1979 and that the City Commission would meet with the County Commission February 21, 1979.

Tuesday, February 27 at 7:30 p.m., Mr. Dale Watts will make an historical preservation survey presentation in the mezzanine room at the Municipal Auditorium.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - March 7, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Acting Mayor Pro Tem Reusch and Commissioners Marstall and Park. Absent: Mayor Nichols and Mayor Pro Tem Gaynor.

#### Approval of Minutes

The minutes of the last regular meeting which was held February 21, 1979 were changed to reflect that the City Commission was to meet with the County Commission on February 21, 1979 as opposed to February 26, 1979. The balance of the minutes were approved as written.

#### Report of Planning Commission

A report of the Planning Commission meeting of March 6, 1979 was read as follows:

"The Planning Commission approved the minutes of the last regular meeting held on February 6, 1979.

The Planning Commission decided by a 5 - 0 vote, with one abstention, to recommend the approval of the final site plan for the construction of the Willow Manor Apartments. The Planning Commission conditioned the recommendation by requiring that 1) Block A and Block B of the northern half of Pinehurst Estates be considered inseparable, 2) that the southern half of Pinehurst Estates be replatted in order for the two streets involved to be in proper alignment and 3) that the final landscaping plan be reviewed and approved by the staff.

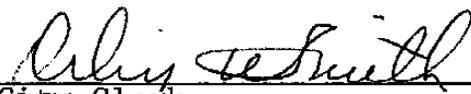
The Planning Commission met with Mr. Robert Shrum to discuss the Assembly of God's plans to erect a sign that exceeds the height requirement contained in the zoning ordinance. The Planning Commission told Mr. Shrum that they would take this matter under advisement."

The foregoing report was received by the City Commission with no action taken at this time. Acting Mayor Pro Tem Reusch commented that the city had received a copy of a resolution from Cape Girardeau, Missouri which establishes a Historic Advisory Committee. Mrs. Reusch further commented that this type of resolution would be brought under discussion by the full City Commission at a later date.

Commissioner Park directed the staff to make contact with Cape Girardeau and possibly the Chairman of the Historic Advisory Committee to find out more about the actions and direction that this committee had taken. Commissioner Marstall indicated that he was in accordance with the comments of Mrs. Reusch and Mr. Park and wishes to pursue the matter further. Mrs. Reusch stated that a Historic Advisory Committee as established by Cape Girardeau acted entirely in an advisory manner to those seeking its help and advice.

Acting Mayor Pro Tem Reusch recognized a group of four young people attending the City Commission meeting. A spokesman for the group identified them as members of the Discovery class from the Junior High School and that they are studying city and county government.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - March 21, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Gaynor, Marstall and Park. Absent: Commissioner Reusch.

#### Approval of Minutes

The minutes of the last regular meeting which was held March 7, 1979 were corrected to reflect that the Historic Advisory Committee as established by Cape Girardeau 'acted entirely in an advisory manner' as opposed to 'acts entirely in an advisory manner'. This change was made as the Cape Girardeau Historic Advisory Committee is no longer an active organization. The balance of the minutes were approved as written.

#### Resolutions - Street Improvements

The following resolutions calling for public hearings on proposed street improvements, with the exception of Dundee Street from Hickory to Mulberry, are brought about by increasing costs in improving streets. All of the following proposed street improvement projects, with the exception of Dundee Street, were ordered in by prior resolutions but due to the rise in costs are being updated.

Resolution No. 205 - Improvement of Maple Street. A resolution directing and ordering a public hearing to determine the advisability of improving Maple Street from the south line of 11th Street to the north line of Gleason's Addition was introduced. The estimated probable cost of said improvement is \$54,804.30 for reinforced concrete or \$49,725.96 for asphaltic concrete. The public hearing was called for April 4, 1979 at 9:35 a.m. A motion for passage of said resolution was made by Commissioner Park, seconded by Commissioner Marstall and all present, as stated above, voted in favor of the motion.

Resolution No. 206 - Improvement of Elm Street. A resolution directing and ordering a public hearing to determine the advisability of improving Elm Street from the south line of 7th Street to the south line of 8th Street was introduced. The estimated probable cost of the proposed improvement is \$87,392.58 for reinforced concrete. The public hearing was called for April 4, 1979 at 9:35 a.m. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

Resolution No. 207 - Improvement of Elm Street. A resolution directing and ordering a public hearing to determine the advisability of improving Elm Street from the south line of U.S.D. #290 Subdivision No. 1 to the north line of Atchison's Subdivision was introduced. The estimated probable cost of the proposed improvement is \$27,363.06 for reinforced concrete or \$23,932.22 for asphaltic concrete. The public hearing was called for April 4, 1979 at 9:35 a.m. The motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Gaynor and all present, as stated above, voted in favor of the motion.

Resolution No. 208 - Improvement of Cypress Street. A resolution directing and ordering a public hearing to determine the advisability of improving Cypress Street from the north line of 11th Street to the south line of Smith's Subdivision No. 10 was introduced. The estimated probable cost of the proposed improvement is \$44,962.44 for reinforced concrete. The public hearing was called for April 4, 1979 at 9:35 a.m. A motion for passage of said resolution was made by Commissioner Gaynor, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

City Hall - April 4, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Marstall, Park, Reusch and Gaynor. Absent: none.

The Commission offered condolences to the congregation of the Catholic Church on the loss of their church building.

#### Approval of Minutes

The minutes of the last regular meeting which was held March 21, 1979 were approved as written with the comment that statements made concerning an historic preservation committee of Cape Girardeau, Missouri were changed to reflect the fact that the committee is no longer in existence.

#### Ordinance No. 2605 - Planning and Zoning

An ordinance changing the zoning of the north half of Pinehurst Estates from R-1 (Single Family) to R-P (Community Unit Plan District) was introduced. Commissioner Marstall made a motion to rezone the north half of the Pinehurst Estates Addition from R-1 (Single Family) to R-P (Community Unit Plan District). The motion was seconded by Commissioner Reusch. Mayor Nichols then called on David Watkins, Administrative Assistant, for comments on this proposed rezoning. Mr. Watkins stated that the Planning Commission decided to have three conditions attached to and made a part of the rezoning of this tract. Condition No. 1 - that blocks A & B be considered inseparable in that one block could not be sold or allowed to be separated from the other for reason of non-payment of taxes. Condition No. 2 - the southern half of Pinehurst Estates be replatted to insure proper alignment of streets through this addition. Condition No. 3 - a landscape plan be submitted to the staff and to the architectural staff of Bucher & Willis for approval. Mr. Joel Tonkin, developer, stated that he had no objection to these conditions.

Commissioner Marstall then amended his motion to include the three conditions that blocks A & B be considered inseparable that the southern half be replatted for proper street alignment and that the final landscape plan be submitted to the staff and the staff of Bucher & Willis for approval. The amendment to the motion was seconded by Commissioner Reusch.

Mr. Floyd Coffman, a landowner residing within 200 feet of the aforementioned tract, submitted an additional protest petition with approximately 40 signatures from people residing on the outside of a 200 feet radius of the tract. Mr. Coffman stated that he had previously submitted a petition which was almost unanimous, with signatures protesting the proposed zoning change, all signers owning property within the 200 feet radius area.

Mr. Coffman presented the City Commission with a letter setting forth what he considered to be possible irregularities within the proceedings concerning this issue. The first paragraph of Mr. Coffman's letter set forth that many persons felt that this zoning change would constitute spot zoning. The second paragraph addresses itself to the applicant's ability to carry out the proposed plan and the submission of a schedule for construction. The third paragraph addresses itself to a plot plan showing the buildings within 200 feet of the proposed area. Mr. Coffman stated that he had not seen this plot plan. The paragraph further addresses itself to a map showing the location of streets and location of utility lines. Mr. Coffman stated that he had not seen this map. The fourth paragraph addresses itself to the fact that the developer had stated that there were no other sites available for this development. Mr. Coffman's letter set forth nine other sites which he felt would accommodate this development. The final paragraph questions the organization of the Planning Commission in that Mr. Coffman states that Kansas Statutes require two members residing outside of the city

but within three miles of the city. The present Planning Commission does not have two members meeting these qualifications.

Further discussion on the matter brought out that in the opinion of the staff, the present requirements for platting and rezoning have been met. 1. Spot zoning has never been clearly defined, the interpretation of the staff and Commission is that a different type of residential zoning within a larger area of residential zoning does not constitute spot zoning, that spot zoning would be the location of a small commercial area within a larger residential area. 2. The plot plans and location maps pointed out locations of buildings within the 200 feet area showing streets, sewer easements and etc. have been presented. 3. The developer interjected that although other areas may be of proper size and some of proper zoning that economics dictates how much can be spent on land for a development of this type. 4. It is the feeling of the staff and of the City Attorney that the requirement of two Planning Commission members residing outside of the city, but within three miles of the city, is intended to be necessary when the city has zoning controls outside of its corporate boundaries, the City of Ottawa does not.

A question posed by Commissioner Park, and later by Mr. Stu Young, landowner in question, concerned the fact that Mr. Coffman's letter was on letterhead of the District Court. Mr. Coffman was asked if he was appearing as Judge of the District Court or as a private citizen. Mr. Coffman stated that he was appearing as a private citizen and had he realized that the letterhead would have caused this question, the letter would have been written on plain paper. Further discussions centered on population density and it was brought out that the present proposed development will increase population density very slight over the original Pinehurst Estates plat.

Upon call for the question, Commissioners Reusch, Marstall, Gaynor and Nichols voted in favor of the motion and Commissioner Park abstained from voting by answering "Present" upon call for his vote.

City Clerk's comments: The entire discussion concerning passage of the foregoing ordinance was very lengthy and detailed. The entire text of this discussion is on tape in the files of the City Clerk and will remain so for one year from the date of this meeting.

#### Public Hearings - Street Improvements

As set forth by resolution, a public hearing was held on the proposed improvement of Maple Street from the south line of 11th Street to the north line of Gleason's Addition. The estimated probable cost of said improvement is \$54,804.30 for reinforced concrete pavement or \$49,725.96 for asphaltic concrete pavement. There was no one present to discuss this proposed improvement.

As set forth by resolution, a public hearing was held to determine the advisability of improving Elm Street from the south line of 7th Street to the south line of 8th Street produced. The estimated probable cost of said improvement is \$87,392.58 for reinforced concrete pavement. There was no one present to discuss this project.

As set forth by resolution, a public hearing was held to determine the advisability of improving Elm Street from the south line of USD 290 Subdivision #1 to the north line of Atchison's Subdivision. The estimated probable cost of said improvement is \$27,363.06 for reinforced concrete pavement or \$23,932.22 for asphaltic concrete pavement. There was no one present to discuss this project.

As set forth by resolution, a public hearing was held to determine the advisability of improving Cypress Street from 11th Street to the south line of Smith Subdivision #10. The estimated probable cost of said improvement is \$44,962.44 for reinforced concrete

pavement. There was no one present to discuss this proposed improvement.

As set forth by resolution, a public hearing was held to determine the advisability of improving Hemlock Street from the south line of Blackhawk to the south line of Wilson. The estimated probable cost of said improvement is \$71,317.26 for reinforced concrete pavement or \$64,098.12 for asphaltic concrete pavement. There was no one present to discuss this proposed improvement.

As set forth by resolution, a public hearing was held to determine the advisability of improving Dundee Street from the east line of Hickory Street to the west line of Mulberry Street. The estimated probable cost of said improvement is \$192,329.58 for reinforced concrete pavement or \$170,538.48 for asphaltic concrete pavement. There was no one present to discuss the proposed improvement.

#### Resolution No. 212 - Rescinding Prior Resolutions

A resolution rescinding Resolutions 171, 173, 176, 177, 179, 180, 190, 191, 192, 193, 198 and 199 was introduced. The resolutions being rescinded are resolutions calling for street improvement projects for which the estimated costs probable costs have escalated to a point that it is not feasible to proceed with construction. A motion for passage of said resolution was made by Commissioner Reusch, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Resolution No. 213 - Making Findings - Maple Street

A resolution making findings as to the advisability of improving Maple Street from the south line of 11th Street to the north line of Gleason's Addition was introduced. The estimated probable cost of said improvement is \$54,804.30 for reinforced concrete pavement or \$49,725.96 for asphaltic concrete pavement. A motion for passage of said resolution was made by Commissioner Gaynor, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Resolution No. 214 - Ordering - Maple Street

A resolution directing and ordering the improvement of Maple Street from the south line of 11th Street to the north line of Gleason's Addition was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 213 above. A motion for passage of said resolution was made by Commissioner Reusch, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Resolution No. 215 - Making Findings - Elm Street

A resolution making findings as to the advisability of improving Elm Street from the south line of 7th Street to the south line of 8th Street produced was introduced. The estimated probable cost of said improvement is \$87,392.58 for reinforced concrete pavement. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Gaynor and all present, as stated above, voted in favor of the motion.

#### Resolution No. 216 - Ordering - Elm Street

A resolution directing and ordering the improvement of Elm Street from the south line of 7th Street to the south line of 8th Street produced was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 215 above. A motion for passage of said resolution was made by Commissioner Park, seconded by Commissioner Reusch and all present, as stated above, voted in favor of the motion.

Resolution No. 217 - Making Findings - Elm Street

A resolution making findings as to the advisability of improving Elm Street from the south line of USD 290, Subdivision No. 1, to the north line of Atchison's Subdivision was introduced. The estimated probable cost of said improvement is \$27,363.06 for reinforced concrete pavement or \$23,932.22 for asphaltic concrete pavement. A motion for passage of said resolution was made by Commissioner Reusch, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

Resolution No. 218 - Ordering - Elm Street

A resolution directing and ordering the improvement of Elm Street from the south line of USD 290, Subdivision No. 1, to the north line of Atchison's Subdivision was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 217 above. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

Resolution No. 219 - Making Findings - Cypress Street

A resolution making findings as to the advisability of improving Cypress Street from the north line of 11th Street to the south line of Smith Subdivision No. 10 was introduced. The estimated probable cost of said improvement is \$44,962.44 for reinforced concrete pavement. A motion for passage of said resolution was made by Commissioner Park, seconded by Commissioner Marstall and all present, as stated above, voted in favor of the motion.

Resolution No. 220 - Ordering - Cypress Street

A resolution directing and ordering the improvement of Cypress Street from the north line of 11th Street to the south line of Smith Subdivision No. 10 was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 219 above. A motion for passage of said resolution was made by Commissioner Reusch, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

Resolution No. 221 - Making Findings - Hemlock Street

A resolution making findings as to the advisability of improving Hemlock Street from the south line of Blackhawk Street to the south line of Wilson Street was introduced. The estimated probable cost of said improvement is \$71,317.26 for reinforced concrete pavement or \$64,098.12 for asphaltic concrete pavement. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

Resolution No. 222 - Ordering - Hemlock Street

A resolution directing and ordering the improvement of Hemlock Street from the south line of Blackhawk Street to the south line of Wilson Street was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 221 above. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Reusch and all present, as stated above, voted in favor of the motion.

Resolution No. 223 - Making Findings - Dundee Street

A resolution making findings as to the advisability of improving Dundee Street from the east line of Hickory Street to the west line of Mulberry Street was introduced. The estimated probable cost of said improvement is \$192,329.58 for reinforced concrete pavement or \$170,538.48 for asphaltic concrete pavement. A motion

for passage of said resolution was made by Commissioner Park, seconded by Commissioner Gaynor and all present, as stated above, voted in favor of the motion.

#### Resolution No. 224 - Ordering - Dundee Street

A resolution directing and ordering the improvement of Dundee Street from the east line of Hickory Street to the west line of Mulberry Street was introduced. The estimated probable costs of said improvement are as set forth in Resolution No. 223 above. A motion for passage of said resolution was made by Commissioner Gaynor, seconded by Commissioner Reusch and all present, as stated above, voted in favor of the motion.

#### Resolution No. 225 - Making Findings - Poplar Street

A resolution making findings as to the advisability of improving Poplar Street (the unimproved portion located in Highland Heights Subdivision) was introduced. This improvement project is brought about by petition of property owners within the proposed benefit district, said petition has been determined valid by opinion of the City Attorney. The estimated probable cost of this improvement is \$108,278.52 for reinforced concrete pavement or \$97,981.80 for asphaltic concrete pavement. A motion for passage of said resolution was made by Commissioner Reusch, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Resolution No. 226 - Ordering - Poplar Street

A resolution directing and ordering the improvement of Poplar Street (the unimproved portion located in Highland Heights Subdivision) was introduced. The estimated probable costs are as set forth in Resolution No. 225 above. A motion for passage of said resolution was made by Commissioner Gaynor, seconded by Commissioner Park and all present, as stated above, voted in favor of the motion.

#### Ordinance - Street Repairs

An ordinance governing the replacement of backfill, pavement and surfacing of all excavations made in the streets or alleys in the City of Ottawa was introduced. A motion for passage of said ordinance was made by Commissioner Reusch and seconded by Commissioner Park. Mr. Robert Grabham, manager of the Gas Service Company, addressed the Commission objecting to the ordinance. Mr. Grabham stated that their experience had indicated that replacement of brick in brick streets caused by excavations had not been satisfactory. Mr. Grabham stated that the replacement brick has a tendency to work loose and cause potholes in the streets, further that replacement brick is not sealed to the elements as well as the original brick and allows moisture to seep through and cause soft spots in the streets.

Mr. Robert Wellington, 424 S. Elm, addressed the Commission urging the Commission to take action on this ordinance today. Mr. Wellington spoke of the street in front of his home which has had a series of excavations to repair gas leaks and for other reasons which have been sealed with asphalt, causing what he termed an unsightly condition. Mr. Wellington expressed the feeling that so long as there were no direct guidelines setting forth the procedure for replacing excavations in streets that the method of backfilling and finishing with unlike materials would continue.

Mr. Grabham then commented that the Gas Service branch in Arkansas City is replacing brick pavement by using concrete colored red and scoring the surface to simulate brick. Mr. Grabham asked if this would be satisfactory in this city. The City Commission asked Mr. Grabham if he would consent to his company experimentally replacing brick pavement caused by excavations with the method he spoke of using colored concrete and scoring the surface. Mr. Grabham stated

that he would be most happy to cooperate in this area.

Upon call for the question, Commissioners Reusch and Nichols voted in favor of the motion and Commissioners Gaynor, Park and Marstall voted opposing the motion. It was agreed that the experiment above mentioned would be conducted for a period of months before any further action would be taken on this subject. A motion to proceed with the test program as proposed by the Gas Service Company was made by Commissioner Park, seconded by Commissioner Gaynor and Commissioners Marstall, Gaynor, Park and Nichols voted in favor of the motion and Commissioner Reusch voted opposing the motion.

#### Agreement - A. C. Kirkwood & Associates

The City Governing Body approved an amendment to the Engineering Services Agreement with A. C. Kirkwood & Associates for additional services on the first phase of a sanitary sewer sewerage improvements study. A motion to approve the amendment to the agreement and to authorize the City Manager to execute said agreement and any subsequent conditions thereto was made by Commissioner Reusch, seconded by Commissioner Park and all present voted in favor of the motion.

#### Sale of General Obligation Bonds

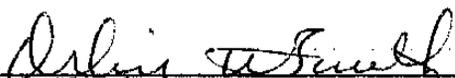
The City Governing Body approved the sale of General Obligation Bonds in the amount of \$131,146.96 to the First Securities Company of Wichita. Bids were opened for the sale of said bond on April 3, 1979 and First Securities Company was the low bidder with a net interest cost of \$47,132.02 and an average interest rate of 5.59948%. A motion to award the purchase of these bonds to the First Securities Company was made by Commissioner Park, seconded by Commissioner Gaynor and all present, as stated above, voted in favor of the motion.

#### Comments

Commissioner Park announced that the city would be appointing an ad hoc Historic Preservation Advisory Committee in the near future. This committee is to study the Historical Site Survey conducted by Mr. Dale Watts and present an historical preservation plan for the consideration of the City Commission. Upon completion of the beforementioned, the committee will have completed its assignment and will thus be disbanded.

Betty Salsbury gave congratulations to the successful candidates in the recent election for City Commission.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - April 18, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Nichols and Commissioners Park, Marstall, Reusch and Gaynor. Absent: none.

#### Approval of Minutes

The last sentence of the second full paragraph on page 18 was changed to reflect that the unit density of the north half of Pinehurst Estates Addition will remain approximately the same under the present proposed plan of development as it was under the original Pinehurst Estates plat. The last sentence of the first full paragraph on page 22 was changed to reflect that a motion was made by Commissioner Park to proceed with the test program as proposed by the Gas Service Company along with a program of brick laid over a concrete base and other alternatives. The second to the motion and the vote taken on the motion remains the same. The balance of the minutes were approved as they were written.

#### Report of the Planning Commission

A report of the meeting of the Planning Commission of April 5, 1979 is as follows:

"The Planning Commission approved the minutes of the last regular meeting held on March 6, 1979.

The Planning Commission decided to postpone action on the rezoning of Lot 2, Block 2, Riverview Addition (Sunrise Mobile Home Park) from M-H (Mobile Home District) to M-P (Mobile Home Park District) until the May 1 meeting.

The Planning Commission decided to defer action on the approval of a preliminary plat of the 19th Street Subdivision as well as an effort to rezone it from R-S (Residential Suburban) to R-1 (Single Family) until the May 1 meeting. The Planning Commission directed the staff to invite property owners located between 17th Street and 19th Street to the next meeting in order to discuss alternative street layout plans for the area.

The Planning Commission met with Mr. Eddie Cunningham, 824 S. Main, to discuss his plans to erect an addition to his house constructed of 2" x 4" blocks. The Planning Commission decided to defer action until Mr. Cunningham could make available additional information on the safety and structural aspects of this proposed addition."

#### Ordinance No. 2606 - General Obligation Bonds

An ordinance authorizing and directing of street improvement bonds in the amount of \$131,146.96 was introduced. A motion for passage of said ordinance was made by Commissioner Reusch and seconded by Commissioner Gaynor. It was discussed that the city had received a very favorable bid on the sale of these bonds and it was the concensus that the city should go ahead and sell said bonds. Upon call for the question, all present voted in favor of the motion.

#### Appointments - Historical Preservation Advisory Committee

Appointments to the ad hoc Historical Preservation Advisory Committee are as follows: Bill Bennett, Mike Cornwell, Harold Matney, Bessie Mudrick, Tom Porter, Betty Salsbury and Mary Lou Sheldon. It was brought out again that this committee would serve until their work was accomplished and at that time the committee would be disbanded.

#### Resolution No. 227 - Requesting Technical Assistance

A resolution authorizing the filing for an Ozarks Regional Commission Technical Assistance Grant for the selection, surveying, engineering and planning of industrial sites was introduced. A motion for passage

of said resolution was made by Commissioner Park and seconded by Commissioner Reusch. Discussion of the resolution indicated that the resolution is being enacted on behalf of the Ottawa Industrial Development organization. The total cost of the proposed project is \$20,000 of which O.I.D., Inc. will pay \$4,400 and the Ozarks Regional Commission will pay \$17,600 by way of a grant for a total of \$20,000. Upon call for the question, all present voted in favor of the motion.

#### Public Hearing - Community Development Block Grant

A public hearing was held for the purpose of discussing a proposed Community Development Block Grant. The city has filed a pre-application and been approved to submit a final application for funds to accomplish the following: housing rehabilitation, \$100,000; demolition, \$10,000; sidewalk rehabilitation, \$25,000; streets, \$125,000; sewers, \$35,000; blight removal, \$20,000; drainage engineering study, \$35,000 and administration, \$20,000. This is reflective of an amount equal to \$140,000 less than the grant pre-application. There was no citizenry present to discuss the application - a second hearing was scheduled for May 2, 1979.

#### Reorganization of City Commission

Prior to the swearing in of the new Commissioners replacing Commissioners Park and Reusch, Mayor Nichols presented Commissioner Park and Commissioner Reusch a key to the city. Commissioner Marstall stated that a key to the city could be considered a most coveted item as there are very few presented. Mr. Budge Reusch presented Commissioner Vi Reusch, his wife, with six red roses, each rose commemorating a year of service on the City Commission.

Mr. George Marstall, Mr. Sherwin Snyder and Mr. Leonard Larson were sworn in as City Commissioners by the City Clerk. Mayor Nichols called for nominations for Mayor. Commissioner Marstall nominated Commissioner Gaynor, the motion was seconded by Commissioner Larson. Upon call for the vote, all Commissioners voted in favor of the motion except Mr. Gaynor who voted present. Mayor Gaynor then called for nominations for Mayor Pro-Tem. Commissioner Snyder nominated Commissioner Larson, the nomination was seconded by Commissioner Gaynor and all present voted in favor of the motion except Commissioner Larson who voted present.

Mayor Gaynor then presented Commissioner Nichols with a plaque upon which was mounted the gavel and the sound block she had used during her term as Mayor in commemoration of her term as Mayor of the City of Ottawa.

Mayor Gaynor recognized five junior high students who were attending the Commission meeting as a part of their Discovery Class at their school.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
City Clerk

City Hall - May 2, 1979

The City Governing Body met in regular session at 9:35 this date. Present: Mayor Gaynor and Commissioners Larson, Nichols, Marstall and Snyder. Absent: none.

#### Request of John Sheldon, Chairman of Auditorium Authority

Mr. John Sheldon, Chairman of Auditorium Authority, appeared before the City Commission and requested that the membership of the Auditorium Authority be increased from 2 to 7 persons. Mr. Sheldon stated that the Auditorium Authority has worked very hard for the past year in opening the Auditorium and attempting to operate it in a proper manner. Mr. Sheldon further commented that it was the concensus of the Authority that two additional members, possibly younger persons, would be an asset in presenting a larger cross-section of representation on this board. Mr. Walter Butler, member of the Auditorium Authority, also made the same request as Mr. Sheldon stated that at present the five members' individual assignments tend to double up on the present members. The Commission questioned whether outside persons were used on various assignments. It was stated that the Authority has discussed using outside persons on individual assignments with Authority members chairing the individual committees but that to date, this procedure had not been established.

The City Commission directed the staff to prepare an ordinance increasing the membership of the Auditorium Authority from 5 members to 7 members for presentation and consideration at the next City Commission meeting.

#### Approval of Minutes

The minutes of the last regular meeting which was held April 18, 1979 were corrected as follows: Page 23, Ordinance No. 2606, the text of this paragraph to be changed to reflect that the First Securities Company of Wichita, Kansas was the purchaser of the bonds. Page 23 and 24, Resolution No. 277, the text of this paragraph to be changed to indicate that the City of Ottawa is responsible for the payment of the \$4,400.00 and that Ottawa Industrial Development, Inc. has agreed to pay the \$4,400.00. Upon a motion of Commissioner Larson and second of Commissioner Marstall, the balance of the minutes were approved as written.

#### Report of Citizens Library Advisory Committee

Mr. Joe Elder, vice-chairperson of the library study committee, submitted the findings of the committee. The majority report is summarized as follows: a) the library needs more space, it is so crowded now that new materials and services can only be added by removing current materials and services; b) the children's department is particularly handicapped, it is poorly heated and not cooled at all; c) the reference collection is much too small; d) the building is 75 years old and does not meet current safety standards; e) improved lighting and restrooms are badly needed and f) the present building is inaccessible to many elderly and handicapped persons.

The library committee does not believe the present library building can be successfully remodeled or added onto and be functionally efficient as a library should be. An addition to the library would possibly destroy the present architectural features and charm of the building.

The library committee recommends that a new structure be considered to be located in the southwest corner of the city park and that the present structure be retained for another use. The library committee did not specify to what use the present facility could lend itself to.

The foregoing majority report was signed by 18 of the 20 members of the committee.

The minority report is as follows: the minority group of the library study committee stated that they believed that the present structure should not be abandoned for library use. -- It was the opinion of the minority group that if the building could be made structurally sound for another use that it could be made structurally sound for library use. This group suggested that perhaps the Library Board and City Commission would want to reevaluate its position in looking toward the goal in providing improvements within the scope of the library function to provide a collection of books and space for reading and research. This group took exception to the philosophy of the Library Board and the majority of the members of the advisory committee calling for the expansion of multi-media centers rather than a library. This minority report was signed by two members of the 20 member advisory committee.

Mr. Don J. Madtson of Santa Fe, New Mexico, formerly of Ottawa and a property owner in Ottawa, presented objection to the construction of a new library facility. Mr. Madtson stated that he had recently toured the library and was appalled at the condition of the library. Mr. Madtson stated that the library showed every indication of being dirty and ill-maintained. Mr. Madtson suggested refurbishing the present structure and holding the scope of services of the library to providing books, periodicals and research materials and a place for reading and study.

Mrs. Virginia Loyd asked if the Commission had not previously indicated that they would abide by the findings of the study committee. Mayor Gaynor indicated that this statement was true but that he could not speak for two newly elected members of the Commission. The discussion on this matter included finances which are not included in this text. The entire text of this discussion is on tape in the files of the City Clerk for one year.

#### Receive Report of the Planning Commission

Following is a report of the Planning Commission meeting held May 1, 1979:

"The Planning Commission approved the minutes of the last regular meeting held April 5, 1979 as written.

The Planning Commission met with property owners located in the area between 17th and 19th Streets to discuss alternative street layout plans for the area. Myles Schachter, the city's planning consultant, explained two alternative plans his firm had prepared for the area. Neither of the plans suggested that Maple Street be extended southwestward from 17th Street to 19th Street. This had been a concern expressed by persons in the area when the 19th Street Subdivision plat had been presented at the last regular meeting.

The Planning Commission decided by a 4 - 0 vote to approve preliminary and final plats of the 19th Street Subdivision subject to the following conditions: 1. that a legal instrument be drawn to rescind a previous easement agreement on the eastern side of Lot 7; 2. that the acceptance of the plat by the City Commission be conditioned with the rezoning of the area from R-S to R-1 and 3. that a variance be allowed to require Mr. Burroughs to only dedicate 20' right-of-way instead of the required 40' right-of-way. The Planning Commission decided by a 4 - 0 vote to recommend the rezoning of the 19th Street Subdivision from R-S (Residential Suburban) to R-1 (Single Family).

The Planning Commission decided by a 4 - 0 vote to recommend the rezoning of Lot 2, Block 2, Riverview Addition from M-H (Mobile Home District) to M-P (Mobile Home Park District). The Planning Commission held a public hearing to consider proposed amendments to the zoning ordinance dealing with non-conforming lots of record. The Planning Commission decided to defer action on these amendments until the June meeting.

The Planning Commission decided by a 4 - 0 vote to direct the staff to advertise for a June 5 public hearing to consider several amendments to the zoning ordinance, including an update of the flood plain ordinance, sign exemptions, restructuring the O-I zoning classification and accessory uses."

There was no action taken on the recommendations of the Planning Commission at this time.

#### Request for Cereal Malt Beverage License

An application for cereal malt beverage license as submitted by Juanita M. Dyer for the operation of The Pub at 122 S. Main was introduced. It was reported by the City Clerk that Ms. Dyer had met all prerequisites as set forth by Kansas Statute and city ordinance. Commissioner Snyder asked the City Clerk to state the prerequisites required by law. The prerequisites are as follows: applicant must be at least 21 years of age, a resident of the City of Ottawa and not convicted of a felony, a crime involving moral turpitude, adjudged of drunkenness, adjudged guilty on a charge of driving while intoxicated or convicted of a violation of an intoxicating liquor law within the last two years. The City Clerk further stated that as set forth by Kansas Statute if a person meets the foregoing qualifications, license shall be issued. A motion to issue said license was made by Commissioner Marstall, seconded by Commissioner Larson and all present voted in favor of the motion except Commissioner Snyder who voted opposing the motion.

#### Agreements with the Ottawa Recreation Commission for the Operation of the Swimming Pool and Cox Field Recreation Area

It was commented by the City Manager that the lease agreements for the Forest Park swimming pool operation and Cox Field baseball facilities are basically the same as last year. The only changes being that the city will pay utilities for the operation of the swimming pool in an amount not to exceed \$3000 and that any proceeds shown from the operation of the swimming pool in excess of \$2000 will be deposited with the City Treasurer. Commissioner Snyder, in speaking to the Recreation Director, Mr. Steve Queen, asked that the profit and loss statement for the swimming pool be prepared in accordance with general accepted accounting principals in the future as the present one was difficult to understand. Mr. Queen indicated that this report was prepared in this manner in following with past procedure but that he would be happy to comply with Mr. Snyder's request. A motion to approve the agreements for the operation of the Forest Park swimming pool and the Orvis Cox baseball facility with the Ottawa Recreation Commission was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Public Hearing - Community Development Block Grant

A public hearing was held on the city's Community Development Block Grant application. It was explained by Mr. David Watkins, Administrative Assistant, that the city had submitted a pre-application to the Department of Housing and Urban Development for a Community Development grant in the amount of \$500,000. The city has been approved to submit a final application for a Community Development

grant in the amount of \$360,000 categorized as follows: housing rehabilitation - \$100,000; demolition - \$10,000; sidewalk improvements - \$25,000; streets - \$125,000; sewers - \$35,000; blight removal - \$10,000; drainage engineering studies - \$35,000; and administration - \$20,000 for a total of \$360,000. There was no one present to comment on the proposed application for the Community Development grant. It was announced that the final public hearing on the proposed Community Development Block Grant application will be at 3:00 p.m. Monday, May 7, 1979.

There being no further business, the meeting was adjourned. Many discussions in this meeting were very detailed, the entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
Delia Smith  
City Clerk

City Hall - May 7, 1979

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Gaynor and Commissioners Larson, Nichols, Snyder and Marstall. Absent: none.

The purpose of this meeting was to conduct the final public hearing for a Community Development Grant and to discuss sewer and easement problems as they affect the Skyhook Corporation.

Public Hearing - Community Development Grant

Mayor Gaynor announced that this is the final of the three public hearings required for submission of a final application for a Community Development Grant. Mr. Gaynor then called upon Mr. Mills, City Manager, to outline the grant activities to date. Mr. Mills submitted that the city had originally submitted a pre-application request for Community Development funds in the amount of \$500,000. Further, Mr. Mills stated that the city had received permission to submit a final application for a grant in the amount of \$360,000. The amounts originally requested and the amounts approved for final application by the Department of Housing and Urban Development are as follows:

<u>Purpose</u>	<u>Original Grant</u>	<u>Approved</u>
Housing rehabilitation	\$ 125,000	\$ 100,000
Sidewalk renovation	100,000	25,000
Sewer main extension	35,000	35,000
Street improvements	150,000	125,000
Demolition	10,000	10,000
Engineering study - Skunk Run	50,000	35,000
Tree and junk removal	10,000	10,000
Administration	20,000	20,000
Total	\$ 500,000	\$ 360,000

Upon completion of Mr. Mill's statement, Mayor Gaynor asked if there were any comments from the floor.

Mr. Kenneth Pratt, representing the Franklin County Council on Aging, stated that he would like to add an additional request to those which had already been outlined. Mr. Pratt said that he had appeared three times before, requesting funds for a Senior Citizens Center but that to date, nothing had been done in this area. Mr. Pratt said he thought that the funds had been approved last year but that he assumed at this time they had not been. Mr. Pratt's statement concluded that from all outward appearances the Senior Citizens Center was established in its present location but that their original one year agreement had ran its term and they are unable to get a long term agreement for occupancy of their present building. There are no indications that they will have to move in the short term but that in the long term, their future at this location is very questionable.

Commissioner Snyder questioned that if funding of a Senior Citizens Center would not be achieved this year that possibly it could be considered next year or in future years. It was explained that the City of Ottawa was not funded for a Community Development Grant last year and that Senior Citizens Center applications have a very low priority in our segment of funding with the Department of Housing and Urban Development. Mr. Watkins, Administrative Assistant, explained that there are three categories of funding within the Community Development Grant program, one being for metropolitan cities of over 50,000 population, another being discretionary cities or rural type communities and the third being discretionary cities

within a metropolitan area. As heretofore explained, the City of Ottawa falls within the rural type discretionary type application and that evidently Senior Citizens Centers are not considered as important in these areas as in metropolitan areas. The basis for Mr. Watkin's comment was that it was pointed out that funds had been received for Senior Citizens Center applications in the metropolitan area discretionary cities.

At the closing of the hearing, it was pointed out that the city would proceed with the street improvements in the original amount of \$125,000 and that the additional funds to make these improvements would come from the city's 1/2¢ sales tax. A motion was made by Commissioner Nichols to approve the final application for submission to the Department of Housing and Urban Development. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

The public hearing was concluded with the feeling that the City of Ottawa would continue to pursue applying for funding for a Senior Citizens Center in future years.

#### Request of Skyhook Corporation

Mr. Barry Mandel, attorney representing Mr. Harold Sader of the Skyhook Corporation, appeared before the City Commission expressing concern over a utility easement that presently runs through their property and under a manufacturing building. Mr. Mandel made a three-fold request of the City Commission: 1) that if the sewer contained in the easement should have to be repaired that the city would pursue all possibilities of repairing the sewer without disruption of their manufacturing process or any damage to the building at all possible cost; 2) that if the sewer should have to be repaired that the city would indemnify the Skyhook Corporation for any damages to the building and 3) that the city would indemnify Skyhook Corporation for their loss of business through curtailed production.

Mayor Gaynor explained that this type of agreement is contrary to policy of the city, that property owners are prohibited from building over any easements in the city and that if the city should have to enter an easement on private property that the city would not be liable for the destruction of private property.

It was discussed that this sewer does not serve a large segment of the community beyond their property. Those being served are a restaurant, a service station, the Armory building, Celebration Hall and possibly, the Pepsi Cola bottling plant. It was brought out that if the city should have to repair this sewer that the city would attempt to keep from disturbing their building and operation but that no real guarantees could be conveyed.

Mr. Mandel then requested that the sewer easement be redefined in terms of its location, that his surveyor had difficulty in actually plotting the easement on a survey of the tract. The City Attorney asked Mr. Mandel how the easement might be better defined, but Mr. Mandel had no suggestion. Mr. Mandel asked further that the easement be rewritten such that no additional utilities would be allowed within the boundaries of the easement. The City Commission was agreeable to Mr. Mandel's request concerning the redefining of the location of the easement and limiting the use of the easement to those utilities now in existence and the City Commission directed the staff to cooperate with Mr. Mandel and his surveyor in this endeavor.

Mr. Sader then addressed the Commission stating his concerns about the location of the sewer and the possibility of the disruption of the manufacturing process and thanked the Commission for their concern and help in this matter.

This concluding the business for which this meeting had been called. the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of this meeting.

  
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City Clerk

City Hall - May 16, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Larson, Nichols, Marstall and Snyder. Absent: none.

#### Approval of Minutes

The minutes of the meeting of May 2, 1979 were corrected as follows: the third paragraph on page 26 was changed to indicate that Mr. Joe Elder asked if the Commission had not previously indicated that they would abide by the findings of the study committee. The concluding statement to the presentation of the library advisory committee should state that a packet of materials from which the advisory committee secured much of the information concerning their recommendation was left with the City Commission. The balance of the minutes were approved as written.

#### 19th Street Subdivision Plat

The City Commission gave approval to the final plat of the 19th Street Subdivision subject to the following conditions as recommended by the Planning Commission: 1) that the city relinquish the west 10' of a 20' utility easement now existing on this property, 2) that the city approve a variance on the right-of-way requirements for 19th Street from 40' to 20' and that the total of the 19th Street Subdivision be rezoned from R-S (Residential Suburban) to R-1 (Single Family). A motion to approve said plat subject to the foregoing conditions was made by Commissioner Marstall, seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Ordinance No. 2607 - Rezoning 19th Street Subdivision

An ordinance changing the zoning of the 19th Street Subdivision from R-S (Residential Suburban) to R-1 (Single Family) was introduced. A motion for passage of said ordinance was made by Commissioner Nichols, seconded by Commissioner Larson and all present voted in favor of the motion.

#### Ordinance No. 2608 - Rezoning Sunrise Mobile Home Park

An ordinance changing the zoning of Lot 2, Block 2, Riverview Addition, from M-H (Mobile Home) to M-P (Mobile Home Park District) was introduced. It was explained that this action is necessary to allow the Sunrise Mobile Home Park to conform to the zoning ordinance of the City of Ottawa. This tract of land was inadvertently zoned for M-H (Mobile Home) during the total rezoning of the city in 1976. A motion for passage of said ordinance was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Agreement with Cook, Flatt & Strobel, Consulting Engineers

The City Commission gave consideration to entering into an agreement with Cook, Flatt & Strobel, Consulting Engineers, to design the reconstruction of 7th Street from Cedar Street to the west city limits. It was explained that the total cost of this project is estimated to be \$840,000 of which the State of Kansas will pay 75% with federal funds. The project is expected to commence in April of 1981 with public hearings to start in late 1979. A motion to approve said agreement and to authorize the Mayor to sign said agreement was made by Commissioner Larson, seconded by Commissioner Snyder and all present voted in favor of the motion.

Recommendations of Consulting Engineers -  
Street Improvements

The City Manager reported that the firm of A. C. Kirkwood & Associates, Consulting Engineers, have recommended the awarding of a street improvement contract to May-Ransom-Sheetz, Contractors. The bid of May-Ransom-Sheetz was in the amount of \$248,363.88 - base bid or \$227,191.67 - alternate bid. The engineer's estimate was \$275,000 for the base bid and \$250,000 for the alternate bid. It was explained that some of the streets within the project requested alternate bids for asphaltic concrete pavement and some of the streets were for reinforced concrete only. A motion to award a contract for the street improvements on the basis of the alternate bid to May-Ransom-Sheetz was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

Mr. Marshall Allan requested that Cypress Street be improved during the summer months in which there is no school. The City Commission and the City Manager assured Mr. Allan that this possibly could be done and that they would visit with the contractor during the pre-construction conference to see if Cypress Street could not be one of the first street improved.

Grant Agreement - U.S. Environmental Protection Agency

The City Commission approved a grant agreement with the U.S. Environmental Protection Agency for a grant in the amount of \$28,950 for a wastewater facility plan for the city. It was discussed that the waste water facility plan is necessary before the city can develop the necessary plans and specifications to make improvements to our waste water treatment plant. A. C. Kirkwood & Associates are to develop the waste water facility plan for the city. It was explained by the City Manager that the Environmental Protection Agency will pay 75% of the cost and the City of Ottawa will pay 25% of the cost from the sewer service fees. A motion to accept the grant from the Environmental Protection Agency and to authorize the City Manager to sign the grant agreement and other related documents was made by Commissioner Snyder. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2609 - Municipal Auditorium Authority

An ordinance repealing Ordinance No. 2577, the previous Municipal Auditorium Authority Ordinance, and establishing a Municipal Auditorium Authority of 7 members was introduced. It was explained that the purpose of this ordinance is to increase the membership of the Auditorium Authority from 5 to 7 members at the request of Mr. John Sheldon, Chairman of the Municipal Auditorium Authority. Mr. Sheldon had explained at an earlier meeting that the Authority felt that this was necessary to allow for more indepth study of the needs of the auditorium and promoting the use of the auditorium. A motion for passage of said ordinance was made by Commissioner Larson, seconded by Commissioner Snyder and all present voted in favor of the motion.

Resolution No. 228 - Housing Authority

A resolution rescinding Resolution No. 151 which created the Housing Authority within the City of Ottawa was introduced. Discussion pointed out that the Housing Authority had been established to deal with the North American Hotel but that since the North American Hotel project had been deemed not feasible and cancelled, there was no longer a need for a Housing Authority. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Larson and all present voted in favor of the motion. Commissioner Snyder extended thank you's to the persons who had served on the

Housing Authority and stated that the city might be calling on them again in the future to work in some area.

#### Appointments to Boards and Commissions

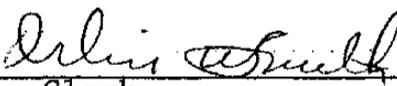
Mayor Gaynor announced that the appointments to the Boards and Commissions of the city could not be made at this time as all people concerned had not as yet been contacted. Commissioner Marstall made a motion to authorize the Mayor to make appointments to the various Boards and Commissions of the city. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Claim of Southwestern Bell Telephone Company

The City Manager explained that the city had received a bill from the Southwestern Bell Telephone Company in the amount of \$788.13 for the repair of a telephone cable which city crews had cut with an auger on November 30, 1978 while installing traffic signs. The City Manager explained that the city on numerous occasions throughout the city's signing project, to conform with regulations of the Federal Bureau of Roads, had requested the Southwestern Bell Telephone Company to furnish us with a map of their buried telephone cables within the city. Southwestern Bell on occasions had informed us that the expense to furnish a map of their underground cables to all cities in which they have such installations was cost prohibitive for them. The City Manager further stated that on numerous occasions the city had requested the Southwestern Bell Telephone Company to send someone to the City of Ottawa to pinpoint buried cable installations throughout our signing process. On most all occasions Southwestern Bell would not comply with this request. The City Manager read a letter from the City Attorney which strongly recommended that the city deny this claim.

Discussions of the City Commission indicated that the City Commission strongly felt that the city should at least have a map of the buried cable installations in the city and that they were opposed to such payment. Commissioner Larson made a motion that the city reject the claim of the Southwestern Bell Telephone Company, Commissioner Snyder seconded the motion, emphasizing the fact that the city does need a map of such installations. All present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - June 6, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Nichols, Larson, Snyder and Marstall. Absent: none.

#### Approval of Minutes

The minutes of the special meeting which was held May 7, 1979 were corrected as follows: Page 30, 1st paragraph under "Request of Skyhook Corporation", first sentence, change sewer easement to utility easement; second paragraph, change to reflect that Mayor Gaynor explained that this type of agreement is contrary to policy of the city; fourth paragraph, insert as a second sentence, "The City Attorney asked Mr. Mandel how the easement might be better defined, but Mr. Mandel had no suggestion". The balance of the minutes of May 7, 1979 were approved as written.

The minutes of the last regular meeting which was held May 16, 1979 were approved as written.

#### Resolution No. 229 - Public Hearing - Improve Industrial Ave.

It was explained that there is a need and request to improve Industrial Avenue because of the dust condition and the effect the dust condition has on one of the manufacturing processes in the Industrial Park. The King Radio manufacturing facility in the Industrial Park, due to the type of products they manufacture, has need for the improvement of Industrial Avenue because dust causes problems in their manufacturing operation. There has been an expressed concern for the improvement of Industrial Avenue from other property owners in the Industrial Park, about half of the owners wanting the improvement and half of the owners opposing the improvement. King Radio has agreed that if the total of Industrial Avenue cannot be paved that they would be willing to pave approximately 300' to 400' of this street to control their dust problem.

It was brought out that to go the public hearing route in obtaining the improvement would delay the improvement from 45 to 60 days but Mr. Hank Claterbos, representing King Radio, stated that they had lived with this problem for several years and that an additional 45 to 60 days would be acceptable. Commissioner Snyder stated that in view of King Radio's offer to improve the portion of this street that is causing their problem that he did not feel that he could support the resolution calling for a public hearing which would put an additional tax burden on the city-at-large. Commissioner Marstall asked that the resolution calling for a public hearing be supported that in the long term, the improvement of Industrial Avenue would be an asset to the city. Commissioner Nichols noted that the city-at-large would only be paying 15% of the total cost of the improvement with the benefit district or property owners within the Industrial Park paying approximately 85% of the improvement. It was also brought out that the Ottawa Industrial Development Corporation which still owns a few lots in the Industrial Park is in favor of the improvement. Commissioner Nichols made a motion that Resolution No. 229 calling for a public hearing be held June 20, 1979 to determine the advisability of improving Industrial Avenue be passed. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion except Commissioner Snyder, who stated he could not support the resolution.

#### Ordinance No. 2610 - Use of Bulk Water Facility

An ordinance prohibiting the filling, flushing or dumping of chemical tanks or containers at any public water dispenser which is located in and owned by the City of Ottawa was introduced. It was explained that this ordinance is being considered for reason of the general health and welfare of the public. It has been discovered that some individuals have been filling or cleaning chemical tanks at the bulk water dispensing facility, the result of which has been possible contamination of the facility. The city has sent samples of the contaminants to a chemical laboratory for analysis but to date, we have not been informed as to what they are. The ordinance sets forth that upon convictions of violation of the ordinance, the fine will be not less than \$100 nor more than \$500. The ordinance also sets forth that each such public water facility will be posted, stating the restrictions and the maximum fine. The motion for passage of said ordinance was made by Commissioner Marstall, seconded by Commissioner Larson and all present voted in favor of the motion.

#### Ordinance Regulating Forest Park - First Reading

An ordinance creating and establishing certain openings and closings of Forest Park providing a penalty for the violation thereof and providing an effective date was introduced. Discussion brought out that consideration for closing Forest Park during early morning hours have been under consideration at the request of the Director of Public Safety for three years. The problems of vandalism and harrassment during the early morning hours have been increasing in Forest Park for some time. The City Commission pointed out that they felt that this was a drastic measure to control this situation, that the general public loses the use of the park due to the actions of a few. It is not uncommon for trash barrels to be dumped in the swimming pool, beer bottles to be broken in the swimming pool area and general vandalism on a nightly basis in Forest Park.

Mr. Al Mages appeared before the Commission stating that he felt it was wrong to make the general public pay the price for the acts committed by a few. Mr. Mages stated that he has been picking up litter around his home and other areas for many years but that there seems to be no enforcement of state law concerning littering by the law enforcement agencies. The City Commission agreed with Mr. Mages in that littering laws are very difficult to enforce. The Commission thanked Mr. Mages for his comments. At the request of the City Commission the proposed ordinance was read for the first time and was held over until the next regular meeting.

#### Report of the Planning Commission

"The following is a report of the Planning Commission held June 5, 1979. All members were present.

The Planning Commission approved the minutes of the last regular meeting held on May 1, 1979.

The Planning Commission elected the following officers for the 1979-80 year: Chairperson - Alice Kaiser; Vice-Chairperson - Keith Gaeddert; Secretary - Don Powell.

The Planning Commission approved by a 7 - 0 vote the preliminary plat of the Pine Manor Subdivision, subject to the staff's recommendations. The Planning Commission also adopted by a 7 - 0

the preliminary plat of the Mission Woods Subdivision, subject to the staff's recommendations. In addition, the Planning Commission required that the developer sign an affidavit attached to the final plat which will prohibit the selling off of lots prior to the installation of physical improvements.

The Planning Commission approved by a 7 - 0 vote a lot split proposal submitted by Mrs. Orral Staneart, 816 W. 9th. The lot split creates two new lots - 71.9' x 100' and 71.25' x 100', respectively. The Planning Commission decided by a 7 - 0 vote to honor the request of Mrs. Tom Ingram, 313 S. Cherry, to initiate a public hearing at the July meeting to consider the rezoning of Blocks 1 and 2, Cloud's Addition and Block 91, Original Town, from R-1 (Single Family) to M-H (Mobile Home District).

The Planning Commission decided by a 4 - 2 vote with one abstention to approve an amendment to the zoning ordinance dealing with non-conforming lots of record. The proposed amendment would allow a person to build up to the right-of-way on a collector or arterial street as long as buildable width of the property does not exceed 35'.

The Planning Commission held public hearings on proposed amendments to the zoning ordinance dealing with an update of the Flood Plain Ordinance, accessory uses, sign exemptions and the Office-Institutional zoning district."

#### Appointments of Boards and Commissions and Official City Newspaper

The following appointments to Boards and Commissions were announced by Mayor Gaynor: Library Board (4 years), new appointment, Mrs. Henry Parker and reappointment, Jerry Thompson; Planning Commission (3 years), new appointments, John Thornburg and Bruce Spears; Board of Zoning Appeals (3 years), reappointments Betty Anderson and Jack Patty; Auditorium Authority (3 years), appointments Steve Abrams and Dorothy Chaney and reappointment Evert Tyson; Board of Plumbing Examiners (1 year), Dick Lister, Master; Earl Sommers, Journeyman and Pat Haas, Gas Fitter.

The Ottawa Herald, being a newspaper of general circulation and satisfying the requirements of Kansas Statutes Annotated, was appointed the official city newspaper for the ensuing year.

#### Claim for Damages - Mrs. Jerry Servatius

The City Commission received a claim for damages in the amount of \$77.62 as submitted by Mrs. Jerry Servatius in conjunction with damages to her car caused by a collision with city equipment. The City Commission took no action on this claim at this time as it was deemed necessary to have more information before rendering a decision.

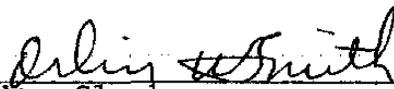
#### Final Acceptance - Lateral Sewer No. 158

The City Governing Body, after receiving recommendations from the City Manager and the consulting firm of A. C. Kirkwood & Associates, gave final acceptance to the construction of Lateral Sewer No. 158 and S.W. Main Extension No. 5, parts 1 & 2. The total cost of these sewer installations was \$83,257.75 with \$5,039.26 remaining to be paid. Commissioner Nichols made a motion to accept the sewer project from the contractor and to authorize the final payment. Motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Request of Ottawa Jaycees

The Ottawa Jaycees requested permission to use Forest Park for their annual Chatauqua Days celebration on July 4, 1979. It was the feeling of the Jaycees that the proposed closing of Forest Park from 12:00 a.m. until 5:00 a.m. did not in any way affect or curtail their operations. Commissioner Snyder made a motion to grant the request of the Jaycees. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - June 20, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Marstall, Snyder, Larson and Nichols. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held June 6, 1979 were approved as written.

#### Public Hearing - Improve Industrial Avenue

As set forth by Resolution No. 229, a public hearing was held to determine the advisability of improving Industrial Avenue from North Street to Davis Street. Mr. Bill Rees of Ottawa Millwork opened the public hearing by objecting to the proposed improvement, representing Ottawa Millwork, Armstrong Cabinet, Plattner Industries and National Insulation. Mr. Rees stated that his firm and the others for whom he was speaking objected to the improvement of this street on the basis of the economics of their business. Mr. Rees said that based upon his calculations of the cost to his industry that he could not justify this expense. According to Mr. Rees' calculations, the property owners that he represents in the Industrial Park represent more than 50% of the benefit district area.

Commissioner Marstall commented that some of the industries in the Industrial Park had expressed a desire for this pavement and that he felt that it was in the best interest of the city to pave the entire street. Commissioner Nichols stated that the improvement of this street does fit into the long range plans of the city. Mr. Rees then stated that National Insulation does not have the dust problems that King Radio has and that inasmuch as King Radio had offered to pave that portion of the street that causes their dust problems that they should be allowed to do so. Mr. Ben Nitcher of National Insulation stated that they do not have a dust problem and agreed with Mr. Rees that King Radio should be allowed to pave the portion they desire to pave.

Mr. Hank Claterbos of King Radio stated that his firm, Duke Manufacturing and Ottawa Industrial Development Corporation which still owns a few lots in the Industrial Park will pave that portion of Industrial Avenue that their lots front on if this attempt to pave the entire street is not successful. Mr. Claterbos said that this would be a little over 1/3 of Industrial Avenue.

#### Resolution No. 230 - Advisability of Improving Industrial Ave.

Commissioner Marstall made a motion that a resolution making findings as to the advisability of improving Industrial Avenue from the north line of North Street to the west line of Davis Street be passed. The motion was seconded by Commissioner Nichols and the call for the question resulted in Commissioners Snyder and Larson voting no and Commissioners Nichols and Marstall and Mayor Gaynor voting yes.

#### Resolution No. 231 - Directing and Ordering the improvement of Industrial Avenue

Commissioner Marstall made a motion that a resolution directing and ordering the improvement of Industrial Avenue from the north line of North Street to the west line of Davis Street be passed. The motion was seconded by Commissioner Larson and upon call for the question, Commissioner Snyder voted no and Commissioners Larson, Nichols and Marstall and Mayor Gaynor voted yes.

#### Ordinance - Closing Regulations - Forest Park

An ordinance creating and establishing certain opening and closing regulations for Forest Park was read for the second time and was opened for discussion. The proposed ordinance establishes a policy by which Forest Park would be closed to the public from 12:00 a.m. to 5:00 a.m. each day. Commissioner Marstall made a motion that an ordinance closing Forest Park from 12:00 a.m. to 5:00 a.m. each day be passed. The motion was seconded by Commissioner Larson. Mr. Larry Spencer, representing several persons who work the night shift at King Radio, spoke opposing the closing of Forest Park. Mr. Spencer said that many of the employees of King Radio who complete their work shift at 12:00 midnight oftentimes go to Forest Park and play tennis and other activities. Mr. Spencer said that he had not witnessed the problems and vandalism during these hours that is reported to have occurred. Mr. Spencer offered that the problems and vandalism probably occur prior to midnight. Further, he pointed out that it was his belief that the park was for the use of all persons and the majority should not be penalized for the actions of a few.

Commissioner Larson stated that it is not the desire of the Commission to close the park but only to control the vandalism and harassment of innocent persons using the park. In many cases, he stated, the city has attempted to prosecute those caught in the act of vandalism only to have insufficient witnesses to bring about convictions.

Mr. Jim Rubick asked of the curfew imposed by city ordinance. It was brought out that the city does have a curfew for those under 18 years of age but the problems in Forest Park are being caused by those over 18 years of age. The group in attendance at the meeting from King Radio assured the City Commission that the vandalism was not taking place during the proposed closing hours but that it was happening prior to 12:00 midnight and asked that the park remain open at all times. Barbara Page suggested that inasmuch as most of the vandalism occurs on Friday, Saturday and Sunday nights that possibly it would be in order to close the park from 12:00 midnight to 5:00 a.m. on Friday, Saturday and Sunday nights only.

The City Commission, feeling the strong sense of concern of these people to have the park open after 12:00 midnight, asked for their help in controlling the vandalism and harassment and gave consideration to postponing action on this ordinance until a later date. Commissioner Snyder made a motion to table action on this ordinance until the meeting of July 18, 1979. Commissioner Larson seconded the motion and all present voted in favor of the motion.

#### Claim for Damages - Mrs. Jerry Servatius

The City Commission gave consideration to claim for damages as submitted by Mrs. Jerry Servatius. Mrs. Servatius' car was damaged by city equipment as she was operating her car on Walnut Street. It was pointed out that the city was repairing pavement and operating a piece of heavy equipment with no flagman. The city equipment backed into Mrs. Servatius' car, causing the damage. Commissioner Larson made a motion that the city pay the damages as per the claim submitted. The motion was seconded by Commissioner Snyder and upon call for question, Commissioner Nichols abstained and Commissioners Marstall, Larson and Snyder and Mayor Gaynor voted opposing the motion.

#### Ordinance No. 2611 - Non-conforming Lots of Record

An ordinance amending Ordinance No. 2527 providing regulations whereby a structure may be erected on a non-conforming lot of record was introduced. It was explained by Mr. David Watkins,

Administrative Assistant, that there are several non-conforming lots of record in the city that if the regulations of the zoning ordinance were applied, they would have a minus 1' upon which to erect a building. This ordinance makes provisions by reducing front yard requirements in these cases whereby a building may be erected. Mr. Watkins pointed out that the Planning Commission has held a public hearing on the proposed amendment and recommends its adoption. Commissioner Nichols made a motion to pass said ordinance, the motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Ottawa Library

The City Commission had intended at this time to take action on the recommendations of the library ad hoc study committee but recent developments have come about concerning the legality of building a new library structure in the city park which must be studied. The most recent developments in the quest for updated library facilities brought about questions concerning the possibility of building a new library in city park. Land deeds and court actions in the late 1800's restrict the use of city park for anything besides park purposes. The existing library building was built only after the property owners immediately adjacent to the city park gave permission to build said library by quit claim deed. The deeds and court actions are such that possibly the present library facility cannot be expanded or a new library built until the owners of the property immediately adjacent to the city park give written approval.

The City Commission deferred action until July 5, 1979 upon a motion made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion except Commissioner Snyder who voted opposing the motion.

Mr. Ben Park appeared before the Commission and stated that he was not satisfied that all avenues of study on the present library building for purpose of restoration and continued use had been pursued. Mr. Park conferred that all local architects are more concerned with erecting new structures as opposed to reburishing the old. Mr. Earl Devore, architect, then stated that Mr. Park would only be satisfied when an architect committed to restoration of old buildings would study the present library facility. Mr. Park indicated that Mr. Devore was correct in this statement.

Mr. Jerry Thompson, member of the Library Board, asked that the City Commission not lose sight of the intent and purpose of the findings of the library study committee, that we might move ahead in achieving adequate library facilities. Mrs. Virginia Loyd, chairman of the library ad hoc study committee, also answered Mr. Park that Mr. Park had appeared before the study committee and much consideration was given to the possible restoration and continued use of this building but that the final vote of the library committee was to erect a new structure. Mr. Bob Pence, also a member of the Library Board, asked that the Commission continue to move ahead in securing suitable library facilities for there had been numerous studies which all indicate the need for modern facilities. Commissioner Snyder pointed out that the city at present has nine libraries.

Mayor Gaynor closed the discussion by stating that from the best information he had available to him, the people of Ottawa want the present library structure demolished if the city builds a new one. It is felt that the city does not need the additional liability of two structures.

Contract - Ace Pipe Cleaning, Inc.

City Manager Robert Mills asked that the City Commission act on a contract with Ace Pipe Cleaning, Inc., in the amount of \$14,718 for the cleaning of the digesters at the sewage disposal plant. Mr. Mills pointed out that the digesters have not been cleaned for many years and that this is necessary for continued successful operation. Commissioner Marstall made a motion that the contract be approved and to authorize the Mayor to sign said contract. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Meeting Time Established

Inasmuch as the next regular meeting date is July 4, Independence Day, Commissioner Snyder made a motion that the next regular meeting be moved to July 5, 1979 at 9:35 a.m. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

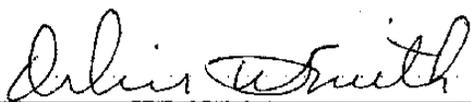
Fireworks

City Attorney, John Richeson, brought up the fact that there is confusion surrounding regulations prohibiting the sale and use of fireworks as a result of a recent legal opinion of the Kansas Attorney General. Mr. Richeson said that the regulation of the State Fire Marshall will be reworded on June 21, 1979 giving validity to local regulations concerning the sale and use of fireworks.

Power Outage

Upon request, the City Manager reported that the electric power outage the evening of June 19, 1979 was caused by a wind storm which swept through the city. Limbs fell on power lines causing reduction in the production load at the power plant causing the stag generating unit to overspeed and shut down. A diesel unit which was on line at the time attempted to pick up the load, it was consequently overloaded and it shut down. An attempt to start the diesel unit was unsuccessful because of minor damage in electrical apparatus. A second diesel unit was started only after a long delay in securing air pressure to start said unit.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting. Details of all discussions are contained in the aforementioned tape.

  
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City Clerk

City Hall - July 5, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Marstall, Snyder, Larson and Nichols. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held June 20, 1979 were approved as written.

#### Receive Report of the Planning Commission Meeting

Following is a report of the Planning Commission meeting which was held on July 3, 1979:

"The Planning Commission reviewed the final plat of the Pine Manor Subdivision located on West 15th Street. The plat, having been revised to meet all recommendations of the Planning Commission, was unanimously recommended for approval.

The Planning Commission then proceeded to review the final plat of the Mission Woods Subdivision. This plat, having been revised to meet all recommendations of the Planning Commission, was unanimously recommended for approval subject to lot depth variances being issued for Lots 8 and 13. Lots 8 and 13 will have less than 120' depths as required as is made necessary for proper development of the area.

The Planning Commission gave consideration to a petition for annexation as submitted by Mr. Brent Fogle for property located at 704 E. 15th Street. This being the first time this item has been before the Planning Commission, no action was taken. However, the Planning Commission did request that the staff investigate the possibility of securing other properties in line with this property for annexation to keep from creating a so-called "saw-tooth" city boundary.

A public hearing was held to consider the rezoning of Block 91, Original Town, and Blocks 1 and 2, Cloud's Addition, from R-1 (Single Family) to M-H (Mobile Home) District. There were several persons, property owners, present objecting to the proposed rezoning for various reasons. No action was taken on the proposed rezoning.

The Planning Commission continued public hearings on proposed amendments to the zoning ordinance, sign exemptions and the Flood Plain Ordinance. The Planning Commission recommended amending the Flood Plain Ordinance and Subdivision Regulations to bring them in conformance to present federal regulations. Sign exemptions and other items are still under consideration,

The Planning Commission directed that a public hearing be called for their next regular meeting on August 7, 1979 to discuss changes in the zoning ordinance pertaining to R-P (Community Unit Plan District) and I-P (Industrial Park District) for purpose of possible consolidation of these districts into a PUD (Planned Unit Development) District."

#### Final Plat - Pine Manor Subdivision

Upon receiving the recommendations of the Planning Commission, Commissioner Nichols made a motion that the Pine Manor Subdivision plat be approved and that the Mayor be authorized to sign said plat, conditioned upon the plat being completed insofar as developer's signature, surveyor's signature and seal being affixed thereto. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion. In short discussion preceding the motion, it was pointed out that the developer was

most anxious to get construction underway and that no building permits can be issued until the plat in question is filed with the Register of Deeds.

#### Final Plat - Mission Woods Subdivision

Upon receipt of the recommendations of the Planning Commission, Commissioner Snyder made a motion that the plat of the Mission Woods Subdivision be approved and to authorize the Mayor to sign said plat subject to the plat being signed by the developer. Commissioner Snyder further conditioned the motion that the variances recommended by the Planning Commission be approved and become a part of the plat in that these lots do not conform in total lot depth. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Resolution No. 232 - Authorize City Manager to Sign Funding Agreement

A resolution authorizing the City Manager to execute a funding agreement with the Department of Housing and Urban Development was introduced. It was explained that with the city going into a Community Development grant program that it is necessary to have a city official appointed by the City Commission authorized to sign the funding agreement and other financial papers. A motion for passage of said resolution was made by Commissioner Marstall, seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Contract - Stern Brothers and Company

An agreement between the City of Ottawa and Stern Brothers and Company, financial advisors, authorizing Stern Brothers to act as financial advisors in a \$6,600,000 electric revenue bond issue was introduced. It was explained that Stern Brothers will act as advisors in all phases of this bond issue inclusive of financial studies, market conditions and the actual issue of said bonds. Stern Brothers' fee for this service is \$45.00 per hour and not to exceed \$14,950. Commissioner Snyder made a motion to approve said agreement and to authorize the Mayor to sign said agreement. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Comments of Mayor

Mayor Gaynor, in an effort to keep the public apprised of the plans and happenings of city government, announced that the city is considering adoption of an ordinance whereby the city will have the authority to serve notice for removal of junk vehicles. There are several locations in town upon which numerous junk vehicles are stored and at the present time, the city has no authority to mandate removal. Junk vehicles will be defined as a motor vehicle without current state license tag or is inoperable insofar as missing parts or in various stages of being dismantled.

Mayor Gaynor also announced that the city is giving consideration to a burning ordinance as there have been several complaints registered about trash being burned along with garbage which gives an offensive odor.

#### Library Construction

Mr. Bob Green, attorney, appeared before the City Commission questioning authority to construct a library in the south portion of the city park. Mr. Green stated that he had a petition containing 535 signatures opposing construction of a library on this location. It was suggested by Mr. Green that public meetings be held concerning the proposed construction of a library.

The City Manager, Robert Mills, brought out the point that the city at this time cannot prove ownership of the city park property. Mr. Mills stated that the City Attorney is presently researching the city and county records to establish ownership but that the records are very vague as to the happenings during the period of time in which the city assumingly acquired the ownership of the park. Mr. Green suggested that a friendly suit might have to be brought about to clear the record as to the city's ownership of the park property.

Mr. Green questioned the validity of the majority report submitted by the library advisory committee. Mr. Green said that it was his understanding that a few of the persons that signed the majority report were not present at the meeting at which the majority report was adopted.

Commissioner Marstall asked Mr. Green for the names of the circulators of the petitions. Mr. Green agreed to furnish the names. Mayor Gaynor then stated that he did not think the city needed the names that some of those persons might prefer that their names were not given. Mr. Marstall acknowledged Mayor Gaynor's statement and rephrased his question asking for only the names of those who did not object to their names being released. Mr. Marstall stated that he felt that the circulators of the petition might have input on this subject that might be valuable to the Commission. Mr. Green agreed that this would be satisfactory.

Commissioner Larson stated that the Commission is not bound by the report of the ad hoc advisory committee, that the Commission can make its own determination. Commissioner Snyder stated that in his research of the nine libraries in operation in the City of Ottawa that \$226,000 is spent annually in the operation of these facilities. Mr. Snyder stated that he would continue his investigation into local library operations.

#### Request of Mrs. Cecelia McGehee

Mrs. Cecelia McGehee, 1147 Elm, inquired as to when the street in front of her home would be paved. Mrs. McGehee stated that she had been assured that the street in front of her home would be the first street paved under the current contract and wanted to know if her street would be the first to be paved. The City Manager and the City Commission assured Mrs. McGehee that her street was to be first and that the improvement should be accomplished in the next few weeks.

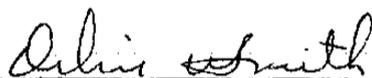
#### Request of Sheryl Barr

Mrs. Sheryl Barr, who operates Bill's Bar for the owner, Bill Adams, appeared before the Commission requesting that the ordinance prohibiting dancing in a tavern be changed to allow dancing in taverns. Mrs. Barr stated that she felt that people in a tavern drinking beer were much better off dancing than just sitting and drinking. Mrs. Barr stated that on occasion they have live bands and that it is very difficult to keep people from dancing when a live band is performing.

The City Manager stated that the present ordinance book is being recodified and that this item can be looked into and changed with the adoption of the codified ordinance book if the City Commission desires to do so. Commissioners Nichols and Snyder agreed that this item might work hand in hand with some of the problems that have been in Forest Park in recent weeks, that possibly were patrons in taverns allowed to dance

that it would give them something to do instead of going to Forest Park and causing problems there. Commissioner Snyder asked Mrs. Barr if she would be willing to carry a petition asking for this ordinance to be changed. Mrs. Barr indicated that she would be most happy to do so.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of this meeting.

  
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City Clerk

City Hall - July 18, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Snyder, Marstall and Larson. Absent: Commissioner Nichols.

#### Approval of Minutes

The minutes of the last regular meeting which was held July 5, 1979 were corrected to reflect that the number of signatures appearing on a petition protesting construction of a library in city park was 527 as opposed to 535 as reported in the minutes. The balance of the minutes were approved as written.

It was announced at this time that Commissioner Nichols is absent due to the unexpected death of her husband just a few hours before the meeting. The City Commission offered their sorrow for Mrs. Nichols' loss.

#### Meet with Our Own Hardware Company Representatives

Mr. Steve Abrams, Executive Director of the Greater Ottawa Chamber of Commerce, introduced the representatives of Our Own Hardware Company as follows: Mr. Hugh E. Byrne, president and general manager; Mr. Harold Thompson, vice-president in charge of finance; Mr. Dave Posthumus, vice-president in charge of operations and Mr. Bob Keith, managing director of Hunter, Keith Marshall and Eden Investment firm.

Mr. Hugh Byrne addressed the City Commission stating that the Our Own Hardware Company after a year and a half of searching and visiting various communities has decided to build a distribution warehouse in the Ottawa community. Mr. Byrne stated that his company had looked at sites in many states and many communities and that Ottawa had been selected for their expansion. The exact site in Ottawa has not been chosen at this time, but it will be one of two sites and a decision will be made within the next two weeks. Mr. Byrne stated that their distribution center would encompass 300,000 sq. ft. and would require an area of land consisting of 30 acres and that they would employ 50 to 60 persons, 90% of which would be from this area. An audio visual presentation was then given by the officials of Our Own Hardware Company explaining the operation of the firm.

#### Resolution No. 233 - Authorizing Execution of Agreement (Corrected Page 51)

~~Commissioner Marstall made a motion that a resolution authorizing the execution of a memorandum of agreement by and between the City of Ottawa and Our Own Hardware Company regarding the issuance of industrial development revenue bonds be passed. The motion was seconded by Commissioner Larson. Commissioner Snyder suggested that the motion be amended to include the adoption of an agreement for Municipal Services. Commissioner Marstall amended his motion as per Mr. Snyder's suggestion and the motion, as amended, was seconded by Commissioner Larson. Upon call for the question, all Commissioners voted in favor of the motion as amended.~~

Mr. Byrne thanked the City Commission and all persons involved in the site selection and their choice to locate in the Ottawa community and the City Commission went on record by thanking Mr. Byrne and Our Own Hardware Company for their choice to locate in this area.

#### Recommendations of Consulting Engineers - Cooling Tower

The City Manager reported that the consulting firm of A. C. Kirkwood & Associates has recommended the purchase of a cooling tower for the electric plant improvements from the BAC-Pritchard, Inc. Company for a bid price of \$34,842. The only other bid received was from The Marley Cooling Tower Company which consisted of a bid and two alternates. In comparing the bids and specifications, the consulting firm recommends the purchase from BAC-Pritchard, Inc., comparing that bid to The Marley Cooling Tower bid, Alternate #2, in the amount of \$55,671. The recommendations of the consulting engineer also included the statement that the BAC-Pritchard, Inc. unit must meet all specifications.

Commissioner Snyder made a motion to authorize the Mayor to execute a purchase agreement for a cooling tower with the BAC-Pritchard, Inc., Company for a total purchase price of \$34,842 and that the BAC-Pritchard unit must meet all specifications. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Approval of Structural Plans - Electric Improvements

Upon recommendation of the City Manager, the City Commission approved the structural plans for the electric system improvements. These plans and specifications are for the new building, foundations for the generating units, the improvement of Beech Street from 2nd to 4th and all other concrete work encompassed in the electric system improvements. The City Manager stated that the staff had studied the plans and specifications as they were being formulated and found them to be satisfactory. Further, the City Manager asked that the Governing Body authorize bids to be taken on these items on August 21, 1979. Commissioner Snyder asked for a re-statement of the schedule of construction. The schedule of construction is that all concrete work be completed before frost and that everything be in place and operating by mid-May of 1980. A motion to accept the plans and specifications as presented and to have a bid letting on these items on August 21, 1979 was made by Commissioner Larson. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Receive Protest Petitions - Improvement of Industrial Ave.

The City Manager requested the City Attorney to report on protest petitions received concerning the improvement of Industrial Ave. John Richeson, City Attorney, stated that petitions protesting the proposed improvement of Industrial Ave. had been filed in a timely manner with the City Clerk, within 20 days of the publication of the resolution ordering said improvement, and that in his opinion the petitions were sufficient to stop said improvement. Mr. Richeson stated that K.S.A. 12-6a06 required petitions containing the signatures of over 51% of the resident owners of property and containing the signatures of over 51% of the total area contained within the proposed benefit district. The definition of resident owners does not qualify in this case as all lands within the benefit district are owned by corporations and some are owned technically by the City of Ottawa. Mr. Richeson further said that to rule the petitions invalid on the resident ownership qualification he felt would be denying these corporations their constitutional rights to protest against the proposed improvement. The petitions do contain the signatures of over 51% of the property owners and signatures of the owners of over 51% of the total area. Mr. Richeson recommended that the City Commission find the petition valid and thus halt the proposed improvement.

Commissioner Marstall, based upon the findings and recommendations of legal counsel, made a motion that Resolution No. 231 ordering said improvements be rescinded by the passage of Resolution No. 234. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Report of City Attorney Concerning City Park

The City Attorney, John Richeson, reported that through his lengthy research of law and court cases concerning ownership of park property and the uses for which they may be put, Mr. Richeson concluded that the City of Ottawa does in fact own city park. Mr. Richeson further stated that again through research of law and court cases that the city is limited in what may be put in city park and the land area that it might occupy. His research indicated that park grounds can be used only for recreational type improvements of which a library could be considered a recreational use and that an improvement such as a building could occupy only 1/20 of the total land area of the park. This precludes the proposed construction of a library building at the south end of city park. Mr. Richeson stated that it might be possible to build a new library in the north 225' of city park on that land that is already designated for library purposes. In that event, upon the completion of construction, the old library building should be demolished.

Mr. Tim Sullivan, librarian, asked if the Library Board might meet with the City Commission in study session on Monday, July 23, to discuss this issue. Mayor Gaynor said that the City Commission would have to study the agenda for this meeting and notify the Library Board if this would be possible.

#### Further Consideration to Closing Forest Park at Night

It was reported by Mayor Gaynor that since the meeting of June 20, 1979 at which time consideration was given to establishing closing hours of Forest Park that conditions have improved. Mayor Gaynor stated that many young people were helping to keep the park clean and picking up trash and that there have not been as many happenings of vandalism and destruction as before. Mr. Francisco Mora reported that there is obscene language on some of the buildings in Forest Park and that the weekend of July 4 he was blocked into a parking space and that when he asked the driver of the vehicle blocking him in to move, he was subjected to verbal abuse. Commissioner Snyder commented that the situation in Forest Park seems to have partially abated and that the City Commission has visited with the Director of the Department of Public Safety concerning the needs for an officer in Forest Park at certain times.

Ms. Barbara Page said that she and other persons from King Radio have picked up trash and beer bottles in Forest Park on several occasions after midnight but that when they arrive at the park, it is virtually deserted. Mayor Gaynor extended a thank you to Ms. Page and the young people who are assisting in keeping Forest Park clean and in operation. Commissioner Marstall moved that the ordinance establishing closing hours for Forest Park be tabled for an indefinite period of time. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Revenue Sharing Hearing

It was announced that a special City Commission meeting will be held Monday, July 30, 1979 at 3:00 p.m. to hold a public hearing regarding the proposed use of said revenue sharing funds for 1980 in the amount of \$132,000. The City Manager stated that this hearing is necessary to comply with federal guidelines on the use

of revenue sharing funds and that the city staff will make recommendations as to the use of revenue sharing funds at that time. Commissioner Larson made a motion that a special meeting be held July 30, 1979 at 3:00 p.m. for the purpose of holding a public hearing regarding the use of revenue sharing funds. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Proclamation - Deaf Awareness Week

A proclamation proclaiming the week of July 29 through August 4, 1979 as Deaf Awareness week was read and approved by the City Commission.

#### Request of Mr. Glenn Williams - Counseling & Resource Center

Mr. Glenn Williams, representing the Counseling and Resource Center for Alcohol and Drug Abuse, appeared before the City Governing Body requesting funds for continued operation. Mr. Williams stated that the Counseling and Resource Center had been in operation in Ottawa for nine months and that it is presently funded by a state grant with matching funds from Douglas County. Mr. Williams stated that they have given several alcohol and drug abuse programs before civic groups and in the schools in the area and that they feel they are accomplishing a very worthwhile goal. The Counseling and Resource Center is going to request funds from Douglas County for continued operation next year but that the city will be receiving funds through a tax imposed on the sale of liquor from private clubs and that the Counseling and Resource Center would like to be a recipient of these funds. Through discussion, it was brought out that the Counseling and Resource Center during its nine months of operation has counseled many school children of junior high and high school age who have problems with alcohol and/or drugs.

As calculated by the Kansas League of Municipalities, it is estimated that the receipts from each club will be approximately \$8,500 per year and that the funds when returned to the city are distributed 1/3 to the city's general fund, 1/3 to a special parks and recreation fund and 1/3 to an alcohol abuse program fund. The City Commission stated that they would take Mr. William's request under consideration.

Mrs. Cecelia McGehee spoke in favor of Mr. William's proposal and stated that the Counseling and Resource Center is very active and helpful in the area of alcohol and drug abuse.

#### Request of Mr. Francisco Mora

Mr. Francisco Mora requested permission to go on properties located at 611 and 617 King to cut weeds and clean up the properties. Mr. Mora stated that the houses were not in bad condition but that he wished to clean up the properties and the sidewalks to give a better appearance to this area and to aid the walking public.

The City Attorney stated that the city cannot give permission to any private individual to go on the property owned by another for any reason whatsoever. The city can go on the property, however, to cut the weeds and assess the costs to the property owners by way of the tax rolls. Mr. Mora also stated that there were some buildings on the west side of the 600 block of King Street which are in a deteriorated condition and that they should be torn down. Mr. Mora further stated that the buildings on the properties at 611 and 617 King should be demolished but that he had contacted the owner and the owner expressed no interest at all in the buildings. The City Manager stated that under the Community Development program that these buildings could be torn down and asked Mr. Mora to leave the names and addresses of the buildings that the owners might be contacted.

Request of A. C. Goodwin

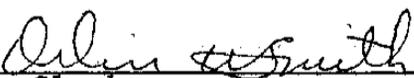
Mr. A. C. Goodwin, 1125 W. 7th Street Terrace, appeared to object to the proposed ban on burning in the city. Mr. Goodwin stated that he had burned grocery sacks and junk mail along with tree limbs for many years and that he controlled his fire and made sure it burned properly and that there had been no problems. Mr. Goodwin suggested that instead of a ban on burning that the City Commission pass an ordinance that burning must be controlled and that garbage and such items should not be burned. The City Commission thanked Mr. Goodwin for his comments.

Statement of Mrs. Sheryl Baugher

Mrs. Sheryl Baugher appeared and stated that she was in favor of the proclamation on Deaf Awareness Week. Mrs. Baugher said she had a child who is deaf and that she appreciates the concern given for deaf persons.

Mrs. Baugher presented a petition containing 236 names who are patrons of Bill's Bar who would like to have dancing allowed in taverns. Mrs. Baugher said that they are attempting to run their tavern in a forthright manner and that they felt that allowing dancing would assist them in this endeavor. Mrs. Baugher inquired as to the status of the recodification. City Manager Mills, after conferring with the City Attorney, stated that the recodification is 90% to 95% complete and should be in the hands of the City Commissioners within the week. It was pointed out, however, that it is going to take considerable time to read, correct and adopt the new code of the city and that the only way this matter could be expedited would be through a separate ordinance. Mrs. Baugher requested that a separate ordinance be adopted on this subject. Mayor Gaynor stated that this would be given consideration.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

(Correction of Page 47)

Commissioner Marstall made a motion that a resolution authorizing the execution of a Memorandum of Agreement by and between the City of Ottawa and Our Own Hardware Company regarding the issuance of Industrial Revenue Bonds be passed. The motion was seconded by Commissioner Larson. Commissioner Snyder asked the City Attorney if the agreement included an agreement for municipal services. The City Attorney answered that the agreement for municipal services was included in the total of the agreement. Upon call for the question, all Commissioners present voted in favor of the motion.

City Hall - July 30, 1979

The City Governing Body met in special session at 3:00 p.m. this date for the purpose of seeking requests from citizens and organizations concerning the expenditure of revenue sharing funds in 1980. Present: Mayor Pro-Tem Larson and Commissioners Snyder and Marstall. Absent: Mayor Gaynor and Commissioner Nichols.

The meeting was opened by a statement of the City Clerk stating that the Notice of Public Hearing as published called for an expenditure of \$133,388 in revenue sharing funds for 1980. Since the publication of the statement, the amount of revenue sharing funds available for 1980 has been recalculated to be only \$104,223 for reason of the possible termination of the revenue sharing program in late 1980.

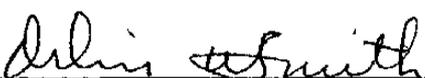
Mr. Bob Pence made the first request, requesting revenue sharing funds to replace sidewalks around the Home Base house at 403 S. Cedar. Mr. Pence stated that they had asked for funds for this purpose for 1979 but were not successful in obtaining funds at that time. The sidewalks are estimated to cost \$2,528 for the sidewalk on each side of the house and an additional \$252 if the sidewalk going from the main sidewalk to the house should have to be replaced due to a change in grade. The total request, should both sidewalks have to be replaced, is \$2,780.

Mr. Tim Sullivan, Librarian for the Ottawa Library, requested \$7,000 in revenue sharing funds since the city is not going to pay the employers share of employee benefits and payroll taxes for the library in 1980. It was pointed out that \$7,000 is the same amount that the city is giving to the library for 1979. Mr. Bob Pence, president of the Library Board, commented that the library was asking for revenue sharing funds as opposed to additional mill levy because the additional mill levy would increase local property taxes and revenue sharing funds would not. Discussion brought out that due to increased mill levy that the library will be purchasing more library materials in 1980 than in prior years.

The City of Ottawa made the following requests for revenue sharing funds as submitted by the City Clerk: Professional services by municipal court judge - \$5,700; funds to underwrite the operation of Highland Cemetery - \$10,000; repair of tennis courts in Forest Park - \$5,000; funds for utility costs at the swimming pool - \$2,000; Humane Society - \$6,000 with an additional request for \$3,000 and capital improvements inclusive of parking lot construction - \$50,000 and funds in the amount of \$30,000 for airport runway repairs. Commissioner Snyder stated that he felt that the Highland Cemetery should be brought back to a self-sustaining financial operation in future years by way of rate increases in Highland Cemetery. He also stated that he would like to see the municipal court judge paid from funds other than revenue sharing.

Commissioner Marstall made a motion that all requests for revenue sharing funds be taken under advisement. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Mayor Pro-Tem Larson asked that the record state that there were two persons present other than the Commission and staff for this hearing. This concluded the business for which the meeting was called. The meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - August 1, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Pro-Tem Larson and Commissioners Snyder and Marstall. Absent: Mayor Gaynor and Commissioner Nichols.

#### Approval of Minutes

The minutes of the last regular meeting which was held July 18, 1979 were corrected as follows: The first paragraph under the heading of Resolution No. 233 was rewritten at the bottom of page 51 in that the motion approving the passage of Resolution No. 233 was not amended. The balance of the minutes were approved as written.

#### Request of the Chamber of Commerce

Mr. Steve Abrams, Executive Director of the Greater Ottawa Chamber of Commerce, appeared before the Commission and asked permission to hold the annual Sidewalk Bazaar on August 8, 1979 and to close Main Street to vehicular traffic between 2nd Street and 4th Street from the hours of 9:00 a.m. to 5:30 p.m. Mr. Abrams explained that last year Main Street was closed between 1st Street and 5th Street but that Main Street between 4th and 5th had to be opened due to the conducting of business in that block. Further, Mr. Abrams commented that a meeting of retailers decided that it was not necessary to close Main Street between 1st and 2nd due to the nature of the businesses located in that block. Along with this request it was discussed that permission must be obtained from the Kansas Department of Transportation to close any portion of Main Street due to the fact that Main Street is a federal-state highway. It was decided that the city staff would contact the Kansas Department of Transportation to obtain such permission. Commissioner Marstall questioned the movement of vehicular traffic around the closed portion of Main Street and, in particular, big trucks. It was suggested that southbound traffic could be routed to Hickory Street and northbound traffic routed to Walnut Street and that big trucks might have to make the turn off of Main Street at the intersection of 1st and Main.

Commissioner Snyder made a motion to authorize the closing of Main Street, if permission is granted from the Kansas Department of Transportation, from 2nd Street to 4th Street on August 8, 1979 from 9:00 a.m. to 5:30 p.m. The motion was seconded by Commissioner Marstall who stated that his second was to allow the subject to move through the process. Upon call for the question, Mayor Pro-Tem Larson and Commissioner Snyder voted in favor of the motion and Commissioner Marstall voted opposing the motion.

#### Request of the Library Board of Trustees

Mr. Tim Sullivan, librarian, presented the following recommendations as set forth by the Board of Trustees of the Ottawa Library: 1) that a new library facility be constructed adjacent to the present structure, 2) that upon completion of the new facility, the present structure be removed, 3) that a sum of not more than \$2,500 be set aside for use by the Library Board for preliminary architectural services to include the production of an artist's and architect's rendering of the proposed facility, 4) that the City Attorney review the proposed plan and render an opinion to its compliance with existing legal requirements and statutes and 5) that the Governing Body set October 30, 1979 as the date for a special election.

Commissioner Marstall made a motion that a special election be called for Tuesday, October 30, 1979 at which time the electorate will be asked to vote yes or no on the issuance of bonds for the construction of a new library building and demolition of the existing structure at an amount to be determined but not to exceed one

million dollars. The location for new construction shall be within the north 225' of College Park, now known as City Park which has been used for library purposes for more than 75 years. The motion was seconded by Commissioner Snyder.

Mr. Ben Park, 1 Rockwood Drive, asked if an architect had been appointed for the project. Mr. Park was answered that an architect had not been selected. Mr. Park further asked how an architect and artist rendering could be achieved without the appointment of an architect. Commissioner Marstall answered that the subject would be covered later in the meeting. Mr. Park continued by stating that as set forth by K.S.A. 12-704 that the Public Improvement Program could not be altered without public hearings and recommendations of the Planning Commission. Mr. Park pointed out that the Planning Commission and City Commission had approved a Comprehensive Plan consisting of four parts: 1) Comprehensive Plan, 2) the Zoning Ordinance, 3) the Subdivision Regulations and 4) the Public Improvement Program and that to his knowledge, the plans have not been updated and reported on for several years. Mr. Park said that according to the Public Improvement Program the site selection for a new City Hall and library complex was to be completed by 1985 with construction being undertaken in the following five years. Mr. Park stated that the city might proceed with an election to construct a new library facility but that the process would not be legal according to the Kansas Statutes unless the Public Improvement Program is updated by way of the public hearing process.

Commissioner Marstall called attention to the fact that Mr. Park had quoted the last sentence of a paragraph in K.S.A. 12-704 but that preceding the last sentence was a statement that the Planning Commission may proceed with capital improvements and alter their schedule. He also commented that it was quite obvious that it would cost more at a later date to construct a library facility. Mr. Park answered that any way you proceed we are dealing with inflated dollars.

Upon call for the question to hold an election for the purpose of determining whether a new library should or should not be constructed, all present voted in favor of the motion.

Commissioner Marstall commented that it was his understanding that the City Commission had agreed to set aside \$2,000 for use by the Library Board for preliminary architectural services to include the production of an artist's and architect's rendering of the proposed facility and not \$2,500 as requested. It was the concensus of the Governing Body that the City Commission had approved \$2,000 for the artist's and architect's rendering and \$2,500 for a special election for a total of \$4,500.

Commissioner Marstall made a motion that an amount not to exceed \$4,500 be authorized for the purpose of obtaining an architect's and artist's rendering of the proposed facility and to pay the cost of holding an election for the beforementioned purpose. The motion was seconded by Commissioner Snyder. Mr. Park then asked if an architect had been appointed and if so, who was the architect. Commissioner Marstall answered that the City Commission had authorized the Library Board to appoint an architect for this purpose but that he was not informed as yet who the architect was. Mr. Sullivan stated that an architect had not as yet been appointed as they were awaiting final approval of the City Commission. Mr. Park stated that this answered his question. Upon call for the question, all present voted in favor of the motion.

Commissioner Snyder made a motion that the City Attorney review all proposed plans and render an opinion as to compliance with existing legal requirements and statutes. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

The City Commission went on record in directing that the Library Board not proceed with any of the plans approved this date until the City Attorney's opinion has been approved. Mr. Sullivan acknowledged his understanding of the statement of the City Commission.

#### Flood Plain Regulations

An ordinance updating the present ordinance on construction in the flood plain areas was introduced. David Watkins, Administrative Assistant, explained that the updating process is necessary to continue to qualify for the federal insurance program. Mr. Watkins stated that the main difference between our present ordinance and the proposed ordinance is that under the present ordinance a single building permit encompasses both land development and construction. Under the new ordinance one permit is required for development and a second permit is required for construction. This change is necessary to comply with federal regulations.

Mr. Watkins said that a resolution should also be enacted dealing with subdivision regulations within the flood plain area. The resolution will set forth that areas in excess of 5 acres or a development of over 50 lots will require the developer or owner to submit topographical information determining the project flood level within the tract. Inasmuch as the City Commission had not had an opportunity to study this issue, action on this subject was tabled until the next regular meeting.

#### Request of the Ottawa Lions Club

The City Clerk read a letter from the Ottawa Lions Club by which permission was requested to park a trailer on the north side of 4th Street immediately east of Main Street during the week of August 20, 1979 for the purpose of collecting and storing merchandise for auction purposes. The letter further requested permission to park a flatbed truck or trailer alongside the storage trailer on Saturday, August 25, 1979 for the purpose of holding the auction. It was stated that the County Commission had granted permission to use the lawn of the courthouse during the auction.

Through ensuing discussion it was felt that the period of August 22, through August 25 would be sufficient to accomplish the intended purpose. Commissioner Snyder made a motion that the Lions Club be authorized to park a trailer on the north side of 4th Street just east of Main Street from August 22 through August 25 and to allow a flatbed truck or trailer to be parked in this area on August 25 for purpose of the auction. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion. In concluding comments it was requested that the staff contact the Lions Club and ask the Club to seek permission of the County Commission to park the vehicles on the courthouse lawn during this period of time. The City Commission felt that this would be a more satisfactory answer to the request but that if permission could not be granted that the Lions Club could park the vehicles on 4th Street.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.



City Clerk

City Hall - August 15, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Larson, Nichols, Marstall and Snyder. Absent: none.

#### Approval of Minutes

The minutes of the special meeting which was held July 30, 1979 and the minutes of the last regular meeting which was held August 1, 1979 were approved as written.

#### Hearing - Proposed 1980 Budget

This portion of the meeting was opened by Mayor Gaynor announcing that the hearing for the proposed 1980 budget was now underway and asked if there were any comments or questions from the audience. There being no questions from the audience, Mayor Gaynor asked the City Manager to give a brief explanation of the budget. The City Manager stated that this hearing was for the purpose of hearing comments and seeking approval of the proposed 1980 budget along with an amended 1979 budget. The amendments for the 1979 budget included additional expenditures in the Auditorium Fund of approximately \$16,000 and additional expenditures in the Electric Fund of \$490,000 for the purpose of underwriting bond debt covenants for the proposed sale of \$6,500,000 in electric revenue bonds.

Commissioner Snyder asked several questions concerning the proposed 1980 budget. The first question pertained to the large increase of expenditures in the SBA portion of the Public Works Department. The City Manager explained that this was caused by proposed street improvements in 1980 financed by the 1/2¢ sales tax, the purchase of three replacement vehicles for a total of \$46,500 and the shift of all commodity purchases from the Special Highway Fund to the SBA Division. Commissioner Snyder questioned the expenditure of \$240,000 for street improvements when the revenues shown from the 1/2¢ sales tax amount to only \$192,000. It was explained that \$48,000 of the \$240,000 is a carry over of cash from 1979.

Commissioner Snyder also said he was concerned that the city does not enlarge its fleet of equipment beyond the actual necessities. The City Manager explained that the staff is also concerned in this area and that each year the city makes arrangements to lease heavy equipment for snow removal purposes if necessary, to keep from enlarging the city's equipment fleet.

Commissioner Snyder questioned the increased cost of personal services in the Public Safety Department. The City Manager explained that in 1980 the city is moving all personal services for Public Safety purposes out of the Revenue Sharing Fund into the Public Safety portion of the General Fund budget. The municipal court judge will continue to be paid from Revenue Sharing on a contractual basis. The Public Safety Fund will also pay for a half-time custodian that has previously been paid from the building maintenance portion of the budget. The additional costs of personal services for Public Safety are from salary adjustments for 1980.

Commissioner Snyder then asked for an explanation of salary adjustments for the 1980 budget year. The City Manager explained that three criteria was involved in determining salary adjustments. The first being the President's guidelines of salary increases not to exceed 7%, the statistics of the Department of Labor which forecasts a 10.5% cost of living increase and the city's ability to pay. The City Manager

stated that the city cannot give a 10% to 12% increase in salaries so an alternative had to be found. The salary adjustments for 1980 are recommended to be \$900 per year increase for those persons making \$12,800 per year or less and a 7% increase for those making over \$12,800 per year. The reason for this method of adjustment is that for several years the city has given across the board percentage increases and as a result, those on the lower end of the salary scale are getting further behind with smaller increases and those on the upper end of the salary scale are getting further ahead with larger increases.

Commissioner Marstall thanked Commissioner Snyder for asking the foregoing questions concerning the budget at the hearing, Commissioner Marstall stating that the other Commissioners had covered these items at a study session on the budget. Commissioner Marstall then made a motion that the 1980 budget be approved as prepared and published according to law. Commissioner Nichols seconded the motion, stating that the total of the 1980 budget is \$8,216,637. Upon call for the question, all present voted in favor of the motion.

Commissioner Snyder made a motion that the 1979 budget as amended for the Auditorium Fund and Electric Fund be approved. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Ordinance No. 2612 - Budget Appropriation

An ordinance appropriating the amounts set up in each fund in the budget for the year 1980 providing for the payment of all claims and charges against the accounts provided for therein and approving and ratifying the payment of all claims against the accounts for the year 1980 was introduced. A motion for passage of said ordinance was made by Commissioner Nichols, seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Ordinance No. 2613 - Flood Plain Regulations

An ordinance amending the city zoning ordinance as it pertains to regulation for construction in the Flood Plain was introduced. It was explained that the principle change involved in Flood Plain regulations is that the city will have to issue two permits for construction in the Flood Plain as opposed to one permit under the present regulations. The first permit will be for land development and the second permit will be the building permit. Heretofore the city issued only a building permit for both purposes. Mr. S. G. Howell appeared asking for an interpretation of the new regulations. Mr. Howell, who is in the process of developing a mobile home park, expressed the fear that the Flood Plain regulations might curtail his development. Commissioner Marstall explained that under current regulations that a bank or savings and loan institution can loan money for construction in a Flood Plain area only if the borrower secures flood insurance. Further, in order for a person to secure flood plain insurance they must meet federal regulations and determine the proper elevation for their home. The situation Mr. Marstall outlined is to prevent flood disasters and flood disaster aid provided by the federal government on many occasions in past years.

It was further explained that in a Resolution following this Ordinance a person developing five acres or more or developing 50 building lots or more must provide accurate flood elevation data before the development is allowed to proceed. It is hopeful that with the passage of these regulations that federal assistance can be received to survey and establish the 100 year flood level in this area.

Mr. Howell acknowledged satisfaction with this explanation. Commissioner Snyder questioned a clause in the ordinance which sets forth that water and sewer lines shall be constructed to eliminate or minimize infiltration by all discharge into flood waters. It was explained that the city has very few water and sewer lines in the flood plain areas. One sewer line was discovered leaking in a flood plain area a few years ago but proper repairs were effected.

Commissioner Larson made a motion that Ordinance No. 2613 amending Ordinance No. 2527, Article VI concerning the Flood Plain District be passed. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion, except Commissioner Nichols who abstained from voting because of lack of study on the matter.

#### Planning Commission Resolution No. 5 - Subdivision Regulations

A resolution amending Resolution No. 2 adopting Subdivision Regulations as approved by the City Planning Commission was introduced. This resolution, as stated above, sets forth that subdivisions greater than 5 acres or 50 lots, whichever is lesser, shall include regulatory flood elevation data in areas zoned F-W or F-P on the zoning map. A motion to approve said resolution as passed by the Planning Commission was made by Commissioner Marstall, seconded by Commissioner Larson and all present voted in favor of the motion, except Commissioner Nichols who abstained from voting because of lack of study on the matter.

#### Agreement - General Electric - Stag Overhauling

An agreement with the General Electric Company to provide technical and supervisory services for the stag generating unit was introduced. The proposal is inclusive of an agreement by which General Electric will provide all supervisors and technical services for \$62,854 or the city may elect to contract for these services on a per diem basis with hourly rates set forth. The City Manager stated that it was his recommendation that the city sign the agreement and proceed on a per diem basis with General Electric as he felt there would be a savings involved over a flat fee.

It was explained that the stag generating unit must be overhauled every 38,000 to 40,000 hours to maintain adequate insurance coverage on it. At present, the unit has run 38,000 hours since its last major overhaul or a total of 87,000 since it was installed. The total cost of the overhauling is estimated to be approximately \$150,000.

Commissioner Nichols made a motion to approve an agreement with the General Electric Company to provide technical and supervisory services for the overhaul of the stag generating unit on a per diem basis and to authorize the Mayor to sign said agreement. The motion was seconded by Commissioner Snyder who asked if monies were budgeted for this item. Mr. Snyder was answered that the monies were budgeted for 1979. Upon call for the question, all present voted in favor of the motion.

#### Cereal Malt Beverage License - Main St. Bait & Tackle Shop

The City Governing Body considered an application for license to sell cereal malt beverage in case lots (6 pack) not for consumption on the premises as submitted by Kathryn Haslett for the operation of the Main Street Bait & Tackle Shop located at 1130 N. Main. The City Clerk reported that the appropriate fee of \$50 had been paid and that the Department of Public Safety had run

the necessary record checks and they had been approved. A motion to issue said license was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion except Commissioner Snyder who voted opposing the motion.

#### Call for Special Meeting - August 24, 1979

A special meeting was called for at 9:30 a.m. on August 24, 1979 to take action on bids received for the construction of a new electric generating building and street improvements to be financed by the Community Development program. The City Commission also agreed to take action on bids received for the construction of Dundee Street and Poplar Street if they were ready for action by this time.

#### Report of Planning Commission Meeting of August 7, 1979

Following is a report of the Planning Commission meeting of August 7, 1979:

"The Planning Commission held its regular meeting on August 7, 1979 at 7:00 p.m. Members present: Chairman Kaiser and members Koch, Thornburg, Spears, Gaeddert and Wellington. Absent: Powell. The following is a report of that meeting.

The Planning Commission approved the minutes of the last regular meeting held on July 3, 1979.

The Planning Commission continued the consideration of Mr. Brent Fogle's request for the annexation of his property at 703 E. 15th. The Planning Commission decided by a 6 - 0 vote to authorize the staff to prepare a Services Extension Plan for the area located between the east boundary of the Eagles property and the west boundary of Orchard Heights Subdivision. In a similar move, the Planning Commission voted 6 - 0 to authorize the staff to prepare a Services Extension Plan for the area located between the west boundary of Willow Acres and the east boundary of Pine Manor Subdivision.

The Planning Commission voted 6 - 0 to accept the withdrawal of a petition to rezone the Oak Park Addition from R-S/FP (Residential Suburban/Flood Plain District) to R-2/FP (Multi-Family/Flood Plain). It was decided to continue the public hearing on the rezoning of Block 2, McCulla's Addition from R (Residential) to R-2 (Multi-Family) until the next regular meeting in September. It was decided to continue the public hearing on the rezoning of the east 100' of Lots 32, 34 and 36, Block 70, Original Town, from R-2 (Multi-Family) to C-3 (Retail Business District) until the next regular meeting in September.

The Planning Commission decided to continue the public hearing on the adoption of a Planned Unit Development (PUD) District amendment until the next regular meeting in September.

The Planning Commission voted by a 3 to 2 vote with one abstention to withdraw its petition to rezone Block 91, Original Town, and Block 1 & 2, Cloud's Addition from R-1 (Single Family) to M-H (Mobile Home District).

The Planning Commission voted by a 6 - 0 vote to recommend the adoption of a sign exemption amendment to the zoning ordinance. It was decided by a 6 - 0 vote to recommend the addition of an accessory uses section to the C-1 (Neighborhood Shopping District), C-S (Highway Services District), I-1 (Light Industrial) and I-2 (Heavy Industrial) Districts. The Planning Commission voted by a 5 - 1 vote to recommend the adoption of an amendment which would limit primary uses in an Office-Institutional District to uses which meet the intent of the district."

No action was taken on this report at this time. Commissioner Marstall remarked that action can be taken on this report at the next regular meeting on September 5, 1979 at which time the City Commission will receive a report of another Planning Commission meeting.

Remarks

Commissioner Nichols commented that the City Commission is considering amending the codification of city ordinances, giving regulation to the keeping of exotic and dangerous pets. Mrs. Nichols stated that this is for the protection of the pets and the citizens of Ottawa. This action is being considered as a result of the escape of Marvin the python.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - August 24, 1979

The City Governing Body met in special session at 9:30 a.m. this date for the purpose of reviewing bids and awarding contracts for certain improvements as contained in these minutes. Present: Mayor Gaynor and Commissioners Snyder, Marstall, Nichols and Larson. Absent: none.

#### Contract #3 - Southwest Sewer Main

The first improvement for consideration was Contract #3, Southwest Sewer Main Extension #3, part #3. The engineer's estimate on this project was \$30,000. The low bidder for this project was Lister Plumbing of Ottawa with a bid of \$24,568.50 with construction to start 7 calendar days after issuance of the work order and the project to be completed 60 days after issuance of the work order. It was recommended by the Consulting Engineer's, A. C. Kirkwood & Associates, that the contract be awarded to Lister Plumbing and was further recommended by the Consulting Engineers and the City Engineer that a change order be initiated to run a sewer main 85.5' west of the proposed location of the sewer main. It was discussed that running a sewer main 85.5 west of the proposed location will serve this area as it develops without disturbing the turf once it has been restored from the placement of the sewer main. It was brought out that this sewer main is to be paid for with Community Development funds in a total amount of \$27,500 and that this amount is adequate to pay for the proposed extension.

Commissioner Nichols made a motion to award the construction contract to Lister Plumbing, to issue a change order to extend the sewer main 85.5' west and to authorize the Mayor to execute the contract. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Contract #4 - Street Improvements

The next bid for discussion was Contract #4 for street overlay purposes. The engineer's estimate on this project was \$191,000. The low bidder for this improvement was Dwight Haworth of Ottawa with a low bid of \$173,145.92 with a schedule to start construction 10 calendar days after the issuance of a work order and to complete construction 40 days after issuance of work order. This project is to be financed by Community Development funds; however, there were only funds in the amount of \$125,000 budgeted for this purpose. It was explained that an additional \$25,000 can be expended on this project from the 1/2¢ sales tax revenues and that the balance could also be paid from Community Development funds as the city is allowed to shift emphasis of the Community Development funds in an amount not to exceed 10% of the total grant, the total grant amounting to \$360,000. It was explained that the city will prepare the rock base for those streets to be improved with Community Development funds and further discussion brought out that North Locust Street is to be widened with a 5" asphaltic overlay with asphalt curbing and gutter. Locust Street is to receive the heavier overlay as it is subjected to use by heavy trucks and equipment.

Commissioner Snyder made a motion that the contract be awarded to Dwight Haworth in the amount of \$173,145.92. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Contract #6 - Paving and Storm Sewers

The engineer's estimate for this project was \$265,000. May-Ransom-Sheetz of Topeka was the low bidder with a base bid of \$248,453.47 and an alternate bid of \$222,434.65 with construction to start 10 calendar days after issuance of work order and to be completed 200 days after issuance of work order. The base and alternate bids as specified were for the base bid to be for reinforced concrete and the alternate to be for asphaltic concrete. The City Manager brought out that the City Commission might wish to consider reinforced concrete for Dundee Street as it may be subjected to heavy trucks and equipment and the asphaltic concrete could be considered for Poplar Street as that will be a normal residential street. The City Commission agreed that the reinforced concrete for Dundee Street and the asphaltic concrete for Poplar Street would be most acceptable.

Also included in this bid was \$27,500 for the installation of traffic signals at 9th and Main Streets. The City Commission gave consideration to the actual need of traffic signals at 9th and Main versus the problems that might arise from traffic signals at this location. Commissioner Larson made a motion to award the contract to May-Ransom-Sheetz to apply reinforced concrete on Dundee Street, asphaltic concrete on Poplar Street and to delete the signalization of 9th and Main. The motion died for lack of a second.

Discussion again centered around the signalization of 9th and Main Streets. \$22,000 in revenue sharing funds was budgeted for this project a year ago and Commissioner Marstall made the point that the inflationary factor had caused an increase of more than \$5,000 for this installation. The discussion centered around traffic problems that the traffic signal could cause and it was decided to attempt to hold a meeting with the owners or managers of businesses on this corner, along with traffic engineers from the Kansas Department of Transportation.

Commissioner Nichols made a motion to award a contract to May-Ransom-Sheetz for 7" reinforced concrete paving on Dundee, 8" asphaltic concrete on Poplar and to include the traffic signalization of 9th and Main with an understanding with the contractor that this might be deleted from the contract. The motion also included a statement that a meeting be scheduled with the managers or owners of businesses at this location, along with a traffic engineer from the Kansas Department of Transportation and other interested parties concerning the traffic signal installation. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Contract #4 - Electric System Improvements Structures

The engineer's estimate on this project was \$1,375,000. The low bid for the project was submitted by Garney Utilities in the amount of \$1,199,000. The City Commission, having had prior discussions with the Consulting Engineers, A. C. Kirkwood and Associates, were giving consideration to rejecting all bids and to re-advertising and accepting bids at a later date. The consensus of all parties was that the construction schedule was too short, thus increasing the amounts of the bids received. A total of 7 companies expressed interest in this project but only 2 companies submitted bids. The Consulting Engineers had estimated that the city could well afford to pay increased demand charges to Kansas City Power & Light next summer as opposed to paying the bid amounts for the construction of this facility.

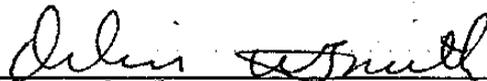
Commissioner Marstall made a motion on the advice of the Consulting Engineers to reject all bids and advertise for

new bids to be received at 10:00 a.m., September 27, 1979. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion. It was discussed that with bids received on September 27 that the City Commission would again be in a position to take action on the bids received at their regular meeting of October 3, 1979.

#### Request for Block Party

Mayor Gaynor read a letter from Carol Coatney, 1031 S. Maple requesting permission to block off the 1000 block of South Maple Street on Saturday, September 8, 1979, from 5:00 p.m. til dark for the purpose of holding a block party. The consensus of the City Commission was that they are very much in favor of the request. Commissioner Snyder made a motion that the request to block the 1000 block of South Maple Street from 5:00 p.m. til dark for the purpose of holding a block party be granted providing the street is properly barricaded and that the party be held in such a way that fire trucks or other emergency vehicles could respond in the area of the barricaded street. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

This concluding the business for which this meeting was called, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
City Clerk

City Hall - September 5, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Pro-Tem Larson and Commissioners Marstall and Nichols. Absent: Mayor Gaynor and Commissioner Snyder.

#### Approval of Minutes

The minutes of the last regular meeting which was held August 15, 1979 and the minutes of the special meeting which was held August 24, 1979 were approved as written.

#### Public Hearing - Community Development Block Grant Program

The City Manager opened the public hearing by stating that this year the pre-application for Community Development funds must be submitted by October 15, 1979 and that the city should have an answer as to whether they were successful in securing Community Development funds for 1980 by December 15, 1979. The City Manager then asked the Administrative Assistant to make summary statements concerning the progress of our present Community Development grant. The Administrative Assistant stated that all projects to be financed with Community Development funds for 1979 are about to begin and that they should be completed on schedule with the exception of sidewalk improvements which may not be completed until the spring of 1980. The Administrative Assistant further stated that under the Small Cities Community Development program, cities under 50,000, the most funds that could be allocated in a single year to any one city would be \$400,000 for a single project or \$750,000 for a comprehensive project. The funds to be allocated in Kansas for 1980 amount to \$14,030,000 of which approximately 35% are allocated for single projects and 65% for comprehensive projects. It was pointed out that projects dealing with housing rehabilitation rank quite high when a city is being considered for allocation. The Department of Housing and Urban Development leans very heavily to housing rehabilitation for low and moderate income families.

Mr. Kenneth Pratt, representing the Franklin County Council on Aging, appeared requesting funds for housing of a senior center for Ottawa. Mr. Pratt stated that this is his third appearance before the City Commission requesting funding for such a center and that he fully realizes that these funds cannot be used for new construction. Mr. Pratt stated, however, that he was in hopes of locating an older structure in the downtown area that might be rehabilitated to accommodate a senior center. During Mr. Pratt's presentation to the City Commission, Mr. Pratt came forth with several statistics concerning numbers of persons utilizing the present senior center facilities along with statistics showing ownerships of property within the community by senior citizens. Mr. Pratt asked for favorable consideration for his request.

Mr. Earl Devore, representing a steering committee for downtown redevelopment, requested Community Development funds to help finance a planning study for improvement of the Central Business District. Cost of the proposed planning was stated to be \$12,000 to \$15,000 with the first phase of the planning to cost \$5,000 to \$7,000. Mr. Devore asked for \$7,500 in Community Development funds to be matched by a like amount from the Central Business District to finance the planning study.

Karen Smith, representing ECKAN, made a request that some Community Development funds be programmed for a grant loan program to help low to moderate income families rehabilitate their houses. Ms.

Smith emphasized the fact that she felt a loan program might be more beneficial than the grant program because if the money from loans was paid back, it could be used for other loans in this area. Ms. Smith also suggested that future meetings of this type be held in the evening hours as it would give the low to moderate income families an opportunity to attend the meetings and voice their requests. Mr. Ron Reusch appeared stating that he was in support of Mr. Devore's request and that the downtown merchants are revitalized in spirit and hopefully, a revitalization program can come about.

Mr. Terry Brownell suggested that consideration be given to helping provide housing for low to moderate income families by assisting developers in such areas as paving and utilities. According to Mr. Brownell, to develop a tract inclusive of providing streets and utilities makes the cost of new homes prohibitive for low to moderate income families. Mr. Brownell spoke of a specific tract south of the Industrial Park which he would like to develop into low to moderate income housing, but that by the time streets and utilities are provided by the developer and added to the cost of a home, it becomes cost prohibitive for the low to moderate income person. Commissioner Marstall and Commissioner Nichols commented that if a workable program of private development and city government cooperation in such a venture could be worked out, it would be a first for the City of Ottawa. All parties agreed that if this were workable, a contractual agreement would be necessary.

Mr. Ben Park spoke requesting allocation of Community Development funds for 1981. Mr. Park said that funds for rehabilitation of structures on the National Historic Register were available on a 50/50 match basis. Mr. Park was speaking to the renovation of the city library building and recommending that if the city would allocate either Community Development funds or Revenue Sharing funds for the rehabilitation of the library that possibly matching funds could be secured for this purpose. It was pointed out that the maximum grant for this purpose in Kansas had been \$140,000 but there is no real limit on these funds beyond the competition from other communities. Mr. Park stated that if the city would allocate such funds that funding for historic preservation would be available in 1981.

#### Claim for Damages - John Kristoffersen

The City Manager presented a claim as submitted by Mr. John Kristoffersen in the amount of \$42.00 for damages arising from a sewer backup in the basement of Mr. Kristoffersen's home. The City Manager brought out that the damages occurred prior to the city's knowledge of any sewer blockage problem and that the city acted expeditiously when notified that the problem existed. There being no written recommendation from the City Attorney, the City Commission asked if the City Attorney had rendered a verbal opinion. The City Manager stated that in his conversations with the City Attorney, based upon the fact that the city acted promptly when notified of the problem, that the claim should be denied. Commissioner Marstall made a motion that based upon the facts and recommendation of the City Attorney that the claim be denied. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Ordinance No. 2614 - Sign Regulations

An ordinance setting forth exemptions for small signs inclusive of flags, emblems and political signs from the Zoning Ordinance was introduced. It was explained that the sign regulations as set forth by the Zoning Ordinance are ambiguous as they pertain to small signs and that this ordinance is an attempt to rectify this situation. Commissioner Nichols suggested that this ordinance

be tabled until the next regular meeting because she had not had an opportunity to study this item. Commissioner Marstall stated that he could not agree with Commissioner Nichols' suggestion inasmuch as these regulations had been studied and recommended by the Planning Commission and they were discussed in study session. Commissioner Marstall then made a motion to pass this ordinance which deals with exemptions to the sign portion of the Zoning Ordinance. Mayor Pro-Tem Larson seconded the motion and Mayor Pro-Tem Larson and Commissioner Marstall voted in favor of the motion and Commissioner Nichols voted opposing the motion.

#### Ordinance No. 2615 - Accessory Uses

An ordinance adding accessory uses to the Use sections of the Neighborhood Shopping District, Highway Services District, Light Industrial District and Heavy Industrial District was introduced. It was explained that most zoning classifications do have provisions for accessory uses but that the foregoing zoning districts have no provisions for this. An example given for the necessity of accessory uses was that several industrial establishments in the Industrial Park cater meals to employees. Under strict interpretation of the Zoning Ordinance, this is not permissible. A motion to pass said ordinance allowing accessory uses in the districts as set out above was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Ordinance No. 2616 - Use Regulations - O-I Zoning District

An ordinance amending the Use group section of the Office and Institutional District was introduced. The proposed amendment revises Item 10 of Use Regulations, limiting Item 10 to professional offices, banks and other savings and lending institutions and other office uses. It was explained that Item 10 as previously amended was too open and could possibly allow shops and stores which would not be compatible with the intended use of this district. A motion for passage of said ordinance was made by Commissioner Nichols, seconded by Commissioner Marstall and all present voted in favor of the motion.

#### Report of the Planning Commission

The following is a report of the Planning Commission meeting of September 4, 1979:

"The Planning Commission held its regular meeting on September 4, 1979 at 7:00 p.m. Members present: Chairperson Kaiser and members Koch, Powell, Spears and Wellington. Absent: Gaeddert and Thornburg. The following is a report of that meeting.

The Planning Commission approved the minutes of the last regular meeting held on August 7, 1979.

1. The Planning Commission decided by a 5 - 0 vote to recommend the annexation of the Pickering tract which is located on the northeast corner of the intersection of Davis Road and North Street.
2. The Planning Commission decided by a 5 - 0 vote to recommend the rezoning of the Pickering tract to I-1 (Light Industrial).
3. The Planning Commission decided to continue consideration of Mr. Brent Fogle's request for annexation until the next meeting in October.
4. The Planning Commission decided by a 4 - 0 vote, with one abstention, to recommend the rezoning of Block 2, McCulla's Addition, from R (Residential) to R-2 (Multi-Family).

5. The Planning Commission decided to continue the public hearings on the rezoning of the west 50' of Lots 32, 34 and 36, Block 70 and the east 100' of Lots 32, 34 and 36, Block 70, until the October meeting. The Planning Commission instructed the staff to investigate the parking situation on West 3rd Street between Walnut and Locust in conjunction with the consideration of rezoning these areas.
6. The Planning Commission decided by a 5 - 0 vote to recommend the vacation of a 30' x 52' segment of Massasoit Street located between Spruce and Hemlock, provided that the adjacent property owner provide the city with a 20' utility easement through the east side of the vacated street.
7. The Planning Commission decided by a 5 - 0 vote to recommend the annexation of Mr. Joe E. Brown's property at 1042 W. 15th, provided that he grant the city 20' of right-of-way on the north side of his property adjacent to 15th Street.
8. The Planning Commission decided to continue the public hearing on a proposed Planned Unit Development District (PUD) zoning classification and instructed the city planner to provide alternatives for mandatory open space requirements.
9. The Planning Commission decided by a 5 - 0 vote to recommend to the City Commission that they begin the unilateral annexation proceedings for an area bounded by Pine Manor and Mission Woods Subdivisions on the west, Willow Acres Subdivision on the east, 15th Street on the north and Southview Addition, Harold Bennett and Willis Nursery to the south.
10. The Planning Commission decided by a 4 - 0 vote, with one abstention, to authorize the city staff to prepare a service extension plan for an 80 acre tract bounded by Cherry Street on the west, Davis Road on the east, North Street to the north and Garfield Street to the south.
11. The Planning Commission decided by a 5 - 0 vote to authorize the city staff to advertise a notice of public hearing to consider proposed amendments to the zoning ordinance which would reduce the minimum lot width in R-1 and R-2 Districts to 50'. In addition, newly annexed land would be classified R instead of the present R-1.
12. The Planning Commission decided by a 5 - 0 vote to notify the City Commission that the '701' Comprehensive Plan would be violated if the present plans for a new library were implemented. The Planning Commission decided by a 4 - 1 vote to hold a public hearing on October 9 to consider amending the Master Plan in the event that the City Commission did not overrule their finding."

No action was taken on this report at this time.

A notice from the Planning Commission was read as follows:

"The Planning Commission has determined that the proposed plans for a new library is in conflict with the Capital Improvement Program contained in the '701' Plan. The City Commission has the prerogative to overrule this finding with a four-fifths vote of the Commission. The Planning Commission has tentatively scheduled a public hearing for October 9 in the event that the City Commission does not overrule the finding and instead requires the Planning Commission to consider amending the '701' Plan."

Ordinance No. 2617 - Standard Traffic Regulations

An ordinance providing for the adoption of the Standard Traffic Ordinance for Kansas Cities, 1979 Edition, as amended or modified,

was introduced. The City Manager explained that the City of Ottawa has always adopted the updated Standard Traffic Ordinance for Kansas Cities as published. By adopting the Standard Traffic Ordinance as updated, the City of Ottawa remains current with traffic regulations over the State of Kansas. Each time the Standard Traffic Ordinance is adopted, however, certain changes and additions must be incorporated to provide for local conditions. A motion for passage of an ordinance adopting the 1979 edition of the Standard Traffic Ordinance for Kansas Cities, as amended and modified, was made by Commissioner Marstall. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Ordinance No. 2618 - Plumbing Code Regulations

An ordinance approving the use of ABS DWV plastic pipe for drainage purposes for use in single-family, two-family and multi-family dwellings of not more than two stories and small business enterprises was introduced. It was discussed that most cities in Kansas do allow the useage of this type drainage pipe in the kinds of structures outlined above and that the passage of this ordinance would bring Ottawa into conformity with most Kansas communities. A motion for passage of said ordinance was made by Commissioner Nichols, seconded by Commissioner Marstall and all present voted in favor of the motion.

#### Waiver of Requirements - Fixed Asset Accounting

The City Commission took action on a request for waiver of the requirements of law relating to the preparation of maintenance and fixed asset records until January 2, 1982. A motion to approve the request of waiver was made by Commissioner Nichols, seconded by Commissioner Marstall and all present voted in favor of the motion.

#### Contract for Professional Services - A. C. Kirkwood & Assoc.

An engineering service contract between the City of Ottawa and A. C. Kirkwood & Associates for engineering services for sewer main extensions and street improvements to be accomplished with Community Development funds was introduced. A motion for approval of said contract and to authorize Mayor Pro-Tem Larson to sign said contract was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Parade Request

A letter from Michael J. Esser, Chairman of the Franklin County United Way Drive, requesting permission to have a parade in downtown Ottawa at 7:30 p.m., October 17, 1979, was read. The letter stated the parade would include the Ottawa band and approximately 15 antique cars to carry the recipients of the proceeds of the drive and would proceed from 7th Street north on Main to 1st Street. It was noted in the letter that the Department of Public Safety had been notified of the proposed parade and would assist in controlling traffic during the time of the parade. A motion was made by Commissioner Marstall to approve the parade as requested but that the parade would proceed from Park Street north on Main to 1st Street. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Request of Lions Club

Mayor Pro-Tem Larson stated that the Lions Club is requesting to park a semi-trailer on the northeast corner of 4th & Main on the evening of September 6 through the morning of September 8, 1979 for the purpose of holding their annual auction. A motion to grant the request was made by Commissioner Marstall, seconded by

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

Proclamation - Constitution Week

A proclamation proclaiming the week of September 17 through September 23, 1979 as Constitution Week was read and so proclaimed by the City Commission.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.



Delia Smith  
City Clerk

City Hall - September 19, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Nichols, Snyder and Marstall. Absent: Commissioner Larson.

#### Approval of Minutes

The minutes of the last regular meeting which was held September 5, 1979 were approved as written.

#### Public Hearing - Community Development Block Grant

A public hearing was held to receive suggestions from citizens concerning the expenditure of Community Development Block Grant funds in 1980. Mrs. Jane Kramer appeared before the City Commission representing the Franklin County Historical Society. Mrs. Kramer requested funds for repairs on the Depot Museum in the amount of \$142,000. Mrs. Kramer explained that the roof of the museum is in bad need of repair and replacement, gutter and downspout needs to be replaced, mortar work needs to be done on the structure and the museum needs new electrical wiring. It was reported further by Mrs. Kramer that some of the exhibit items are being ruined because of water leaks from the roof. The Depot Museum is supported only by donations and membership fees in the Franklin County Historical Society.

Commissioner Snyder questioned whether the building was worth saving. It was pointed out very quickly by Mrs. Kramer and others in the audience that the museum building is an historic structure and is worthy of repairs to sustain its use.

Mr. Willis Jordan, president of the Franklin County Council on Aging, requested that further consideration be given to providing quarters for the Franklin County Council on Aging, not only for their nutrition program but for crafts and other activities as well. Mr. Jordan stated that their present building serves the nutrition program quite well but that there is not space for their other activities.

Commissioner Snyder asked if the Franklin County Council on Aging had given consideration to the use of the basement of the Municipal Auditorium. Commissioner Snyder acknowledged that there would have to be modifications made to the basement as it would need an elevator and other facilities to serve the aged and the handicapped. Mr. Jordan stated that the present wheelchair ramp into the basement of the auditorium would not be easily negotiable for a wheelchair persons because of its length and steepness. Commissioner Snyder stated that he thought proper modifications could be made to make the basement useable for this purpose. Mr. Jordan then stated that they do not have many older persons in wheelchairs using their present facility but that there were 4 or 5 persons using walkers.

#### Consider Planning Commission's Finding - Comprehensive Plan

The City Commission opened a discussion to consider overruling the Planning Commission's finding that the construction of a new library building in 1980-81 does not conform with the adopted Comprehensive Plan. Mr. Ben Park asked for a clarification on allocation of funds for an architect's and artist's rendering of a new library building and funds for an election for bond issue for a new library building. The portion of the minutes of the meeting of August 1, 1979 were read stating that the City Commission had authorized \$2,000 for an architect's and artist's rendering of a proposed new library facility and \$2,500 for a special election for a bond issue for a new library building for a total of \$4,500. Mr. Park then asked that the opinion of

the City Attorney concerning construction of a library building in City Park be clarified. The City Manager answered stating that he did not have the opinion of the City Attorney in hand but that to the best of his knowledge, a new library facility could not be constructed in the south part of City Park but it could be constructed in the north 225' of City Park on the site of the present library. Mr. Park then pointed out that if a new library building were constructed on the north 225' of City Park and the old library demolished after construction was completed that there would not be enough available space to allow for proper setbacks from the property lines.

Mr. Park asked how construction of a new library facility in this time period would affect the capital project budget, that is, what projects will have to be delayed for financial reasons if a library is built now. Mr. Park was answered that this will not affect the capital project budget because the advent of the city's  $\frac{1}{2}\%$  sales tax has made it possible to complete more street improvements in a shorter period of time. Mr. Park pointed out that while the ad hoc library committee was active that most all persons that spoke to the committee on the library emphasized that the old library should not be torn down. In Mr. Park's final remarks he reminded the City Commission that very possibly the old library building could be restored at no cost to the city by using Community Development funds, revenue sharing funds and a 50% grant for historical preservation. Mr. Park did request the expenditure of \$200 for assessment of energy costs for the demolition of the old building and construction of a new building as opposed to the refurbishing of the present structure.

Mr. Kenneth Pratt, representing the Franklin County Council on Aging, spoke emphasizing that he felt that the present library structure would make a good building for his group as it is large enough to provide for their many activities.

Mr. Harold Matney, as a resident and taxpayer of this community, spoke to oppose the demolition of the library building and the construction of a new facility. Mr. Matney felt that the present library structure served an historic purpose and that those wishing to tear it down were lacking in imagination. He said that the library building is suffering from a lack of upkeep and financial interest and that a new structure is not necessarily the answer. Mr. Matney recommended that if a new library building is necessary that it might be located in one of the present vacant buildings. He said that he was not necessarily recommending a building which he owns.

Mrs. Betty Salsbury, domestic engineer, spoke opposing the demolition of the old library building. Mrs. Jane Kramer, representing the Board of Trustees of the Franklin County Historical Society, stated that the Board of Directors wished to see the library building preserved. Mr. Tim Sullivan, Director of the Ottawa Library, spoke to the fact that the library is needing enlarged, modernized facilities and that a park is not the best location for a library. Mr. Sullivan, reiterating a statement of Mr. Matney, stated that possibly the downtown area is a better placement for the library. Commissioner Snyder interjected that in keeping with the best use of city monies, the city could not own an additional building.

Commissioner Marstall made a motion that the City Commission overrule the Planning Commission's finding that the construction of a new library building in 1980-81 does not conform with the adopted Comprehensive Plan. The motion was seconded by Commissioner Snyder.

Mr. Bill Bennett stated that he thought it would be best to build a new library in a different location, that to destroy

the old building would be "adult vandalism". Commissioner Marstall said that he had read and been confronted with a mirage of material that pointed out that to refurbish the old structure would cost 60% to 70% of the cost of a new structure and that the possibility of using non-local monies was too "iffy". Upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2619 - Calling for Election

The City Commission took action on an ordinance calling for an election to be held October 30, 1979 for the purpose of issuing bonds in an amount not to exceed one million dollars for the construction of a new library building. Commissioner Snyder made a motion that an election be held October 30, 1979 for the purpose of issuing bonds in an amount not to exceed one million dollars for the construction of a new library building to be erected in the north 225' of City Park and to demolish the old library building. The motion was seconded by Commissioner Marstall. Mr. Tim Sullivan, Director of the Ottawa Library, asked if the election could be held at a later date to allow the Library Board of Directors sufficient time to present factual materials to the citizens of Ottawa concerning the adequacy of the present structure vs the services that could be derived from a new structure. Commissioner Snyder then amended his motion to call the election for November 6, 1979. The amendment to the motion was seconded by Commissioner Marstall. Upon call for the question, all present as stated above voted in favor of the amendment and the amended motion.

#### Agreement - Gaar and Bell

The City Commission took action on an agreement between the City of Ottawa and the firm of Gaar and Bell, attorneys, to represent the City of Ottawa regarding the issuance of Industrial Revenue Bonds for the Our Own Hardware Company. Our Own Hardware Company has agreed to pay the attorneys' fees to represent the City of Ottawa in this transaction. A motion to authorize the Mayor and City Clerk to sign an agreement with Gaar and Bell, attorneys, to represent the City of Ottawa regarding the issuance of Industrial Revenue Bonds for the Our Own Hardware Company was made by Commissioner Marstall. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Ordinance No. 2620 - Annexation

An ordinance annexing the west  $\frac{1}{2}$  of the south 60 acres of the SW  $\frac{1}{4}$  of Sec. 19, T16, R20E was considered. It was explained that the above described tract is being purchased by the Our Own Hardware Company for the purpose of construction of their warehouse facility. The present owner of the tract has requested this annexation to accommodate the purchasers. A motion to annex the above described tract by way of passage of Ordinance 2620 was made by Commissioner Nichols, seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Ordinance No. 2621 - Zoning

An ordinance rezoning the west  $\frac{1}{2}$  of the south 60 acres of the SW  $\frac{1}{4}$  of Sec. 19, T16, R20E from R-1 (Single Family) to I-1 (Light Industrial) was considered. The proposed zoning is as requested by the owner of said tract to accommodate the Our Own Hardware Company. A motion for passage of said ordinance was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2622 - Annexation

An ordinance annexing the following described land was considered:

"Commencing at the northwest corner of the northeast quarter (NE  $\frac{1}{4}$ ) of the northwest quarter (NW  $\frac{1}{4}$ ) of Sec. 11, Township 17, Range 19, thence east 8 rods, thence south 20 rods, thence west 8 rods, thence north 20 rods to the place of beginning, containing one (1) acre, more or less, Franklin County, Kansas."

It was explained that this annexation is being made at the request of the owner and upon the recommendations of the Planning Commission. Annexing this tract will serve to square the boundary lines of the city limits. A motion for passage of said ordinance was made by Commissioner Nichols, seconded by Commissioner Snyder and all present voted in favor of the motion.

Resolution No. 235 - Public Hearing-Annexation

A resolution calling for a public hearing to be held at 9:35 a.m., November 21, 1979 for the purpose of considering annexation for the following described tract was considered:

"Commencing 221' south of the NE corner of the NW $\frac{1}{4}$  of Sec. 11, Twp. 17S, Rng. 19E, thence south 1099 feet, thence west 902 feet, thence north 1320 feet, thence east 449 feet, thence south 239 feet, thence east 205 $\frac{1}{2}$  feet, thence north-easterly 239.1 feet to a point 244 feet west of the NE corner of the NW $\frac{1}{4}$  of said Sec. 11, thence east 123 feet, thence south 221 feet, thence east to the place of beginning, in Franklin County, Kansas."

It was explained that the foregoing tract is surrounded on three sides by the city and it is necessary to annex this tract to square the city boundary line. The owners of the property to be annexed will be notified of the hearing as well as the proper legal notices being published. A motion for passage of said resolution was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2623 - Zoning

An ordinance rezoning Block 2, McCulla's Addition from R (Residential) to R-2 (Multi-Family) was considered. The foregoing rezoning is as recommended by the Planning Commission and as requested by the property owner. A motion to pass said ordinance was made by Commissioner Nichols and seconded by Commissioner Snyder. Commissioner Marstall stated that he would vote in favor of the proposed zoning change but that he objected to zoning changes without specific reasons given by the petitioner. Commissioner Marstall stated that he was not in favor of rezoning a tract for speculative purposes. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2624 - Vacation of a Portion of Massasoit St.

An ordinance vacating a segment of Massasoit Street extending 52' east of Spruce Street was considered. It was explained that this portion of Massasoit Street as platted was to serve an interior lot but through the sale of various lots, the interior lot that this portion was to serve has been sold in small segments not needing to be served by a street. The ordinance

vacating this street does retain a necessary utility easement along the eastern end of said street. A motion for passage of said ordinance was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

Request for Parade - VFW

The Veterans of Foreign Wars submitted a request for a Veterans Day parade to be held at 7:00 p.m., November 11, 1979. The parade is to start at Park Street and proceed north on Main Street to Tecumseh Street. The request stated that the Department of Public Safety had been notified and that they approved of the parade. Commissioner Nichols made a motion that the request for parade be granted. A motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Request for Parade - Ransom Memorial Hospital Auxiliary

The Ransom Memorial Hospital Auxiliary presented a request for parade to be held October 3, 1979 at 7:00 p.m. to promote their Follies production. The proceeds of the production are to be used to purchase equipment for Ransom Memorial Hospital. The request stated that the Department of Public Safety had been notified. A motion to approve said request was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

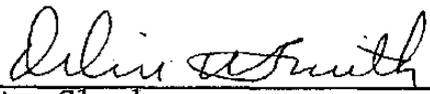
Proclamation - Follies Day

A proclamation proclaiming October 3, 1979 as Follies Day in the City of Ottawa was approved by the City Commission and signed by Mayor Gaynor.

Change Orders - Paving

Change orders deleting the paving of Beech Street from 2nd to 4th from Contract No. 2 Water Treatment Plant and adding it to Contract No. 5 Paving and Storm Sewers were presented. It was explained that under the contractual agreements the city has the authority to affect said change orders and that the change orders are being effected with the full knowledge and agreement of the contractors involved. The net result of moving the paving project from the water plant contract to the paving contract is a savings of approximately \$25,000 to the city. A motion to approve said change orders and to authorize the Mayor to sign them was made by Commissioner Snyder, seconded by Commissioner Marstall and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

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

City Hall - October 3, 1979

The City Governing Body met in regular session at 9:35 this date. Present: Mayor Gaynor and Commissioners Nichols, Snyder, Larson and Marstall. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held September 19, 1979 were corrected to reflect that the request for a parade as submitted by the V.F.W., the request for a parade as submitted by the Ransom Memorial Hospital Auxiliary and the proclamation proclaiming Follies Day on October 3, 1979 were all encompassed in a single motion made by Commissioner Nichols and seconded by Commissioner Snyder. The balance of the minutes were approved as written.

#### Ordinance No. 2625 - Repealing Bond Election

City Manager Robert Mills reported that his office had been contacted in recent days by the President of the Library Board of Trustees concerning cancellation of an election scheduled for November 6, 1979 concerning the issuance of bonds for a new library structure. Mr. Robert V. Pence, president of the Library Board of Trustees, was present and responded to the statement of Mr. Mills. Mr. Pence read a letter prepared by the Board of Trustees, the text of which is summed as follows: the letter stated that the issue of constructing a new library facility seems to have evolved from the question of building a new library facility to the issue of "save the old library building" and sentiment to save the old building is running quite high. It was stated that the Library Board of Trustees had considered several alternatives in providing an adequate structure and adequate services, such as repair the old building and can continue to operate from it, completely remodel and refurbish the old building, remodel, refurbish and add to the old building or erect a new structure. It was stated that the Board of Trustees felt that the only viable solution to the current library dilemma of providing adequate services to the community is to provide a new structure from which to operate. The conclusion of the letter requested that the scheduled election be cancelled and allow the Board of Trustees to further search for a viable answer that is acceptable to the citizens of Ottawa. This would be accomplished by talking to all persons interested in talking about library services.

Commissioner Snyder questioned who the Board of Trustees were going to talk to. Mr. Pence answered that they would talk to anyone interested in the problem. Commissioner Snyder asked if the Board of Trustees was unanimous on requesting the election being cancelled. Mr. Pence answered that they were. Commissioner Snyder further asked if the staff was in agreement. Mr. Pence answered that they were.

Commissioner Marstall asked Mr. Pence if he was aware of any reasons for saving the building beyond the historical significance of the building. Mr. Pence answered that he was not aware of anything beyond historical significance and he further stated that the State of Kansas had an allocation of \$500,000 last year for historic preservation and they are expecting \$400,000 next year for historic preservation. It was proposed by Mr. Pence that it was quite doubtful that the City of Ottawa could get the money necessary to refurbish this building from the State Historical Society based upon the allocations stated above.

Commissioner Marstall, who stated that he had made the motion to hold an election on November 6, 1979 for the purpose of issuing bonds to build a new structure and demolition of the old structure, made a motion that an ordinance be passed rescinding Ordinance No. 2619 which authorized the election. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Engineer's Recommendation - Construction - Power  
Plant Construction

Mr. Harry Bond, representing A. C. Kirkwood & Associates, read a letter from his firm recommending that a contract be awarded to the B. B. Anderson Construction Co., Inc., Topeka, Kansas, for the construction of a building to house the new electric generating facility and related concrete work. It was stated that the Kirkwood firm had investigated the firm of B. B. Anderson and found they had constructed several buildings in the State of Kansas for both the public and private enterprise and their work was found to be satisfactory. The letter recommended that the contract in the amount of \$877,777.00 be awarded to B. B. Anderson Construction Co., Inc., and that the bid of Garney Utilities of Kansas City, Missouri, along with their bid bond, be retained for the allowable 45 days. Commissioner Nichols asked about a telegram received from the B. B. Anderson Company the day of the bid letting stating that they were going to refigure their bid to make sure it was correct. Mr. Bond said that his company had been in contact with the B. B. Anderson Company and that there were no problems with the bid - it was correct.

Commissioner Larson made a motion that the bid of B. B. Anderson Company in the amount of \$877,777.00 be accepted. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion. Commissioner Snyder made a motion that the Mayor be authorized to sign a contract with the B. B. Anderson Construction Company, Inc., in the amount of \$877,777.00 for the construction of a building to house our new electric generating facility and related concrete work and to retain the bid bond of Garney Utilities for 45 days. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2626 - Industrial Revenue Bonds

An ordinance authorizing the issuance of three duplicate industrial revenue bonds in the denomination of \$5,000 each was introduced. It was explained by the City Manager that the party who had purchased these bonds upon receiving them had inadvertently destroyed the bond and retained the interest coupons. It was further explained that the party who owns the bonds has posted sufficient bond to protect the city in the event the original bonds should appear and that the total cost of all proceedings and materials pertaining to issuance of duplicate bonds is being paid by the bond owner. A motion was made by Commissioner Nichols to pass an ordinance authorizing issuance of three industrial revenue bonds in the denomination of \$5,000 each to replace the destroyed bonds. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2627 - Inoperable Vehicles

An ordinance making it unlawful to park or store inoperable vehicles on private property for more than 7 days was introduced. Commissioner Snyder asked if there had been a first reading on this ordinance. It was decided by the City Commission that there had not been a first reading but that sufficient notice

had been given through discussions at prior Commission meetings that the public should be fully aware of the impending passage of this Ordinance. A question was asked concerning the storage of antique vehicles in the process of restoration. It was explained that the Ordinance states that any vehicle in a garage or similar type enclosure is exempt from the Ordinance, further that most persons restoring antique vehicles will have them in some type of enclosure for protection from the elements. Commissioner Marstall made a motion that an ordinance making it unlawful to park or store inoperable vehicles on private property for more than 7 days be enacted. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The following is a report of the Planning Commission meeting of October 2, 1979:

"The Planning Commission held its regular meeting on October 2, 1979. Present: Chairperson Kaiser and members, Koch, Gaeddert, Spears, Wellington and Thornburg. Absent: Powell.

The Planning Commission approved the minutes of their last meeting which was held on September 4, 1979.

The following is a report of the Planning Commission meeting:

Chairperson Kaiser announced that the scheduled public hearing for October 9 has been cancelled due to the City Commission's decision to override the Planning Commission's finding of fact that the location and site of a proposed new library would be in conflict with the '701' Plan.

The Planning Commission decided by a 5 - 1 vote to recommend the rezoning of the east 100' of Lots 32, 34 and 36, Block 70, Original Town from R-2 (Multi-Family) to C-3 (Retail Business) District. The Planning Commission decided by a 6 - 0 vote to recommend the rezoning of the west 50' of Lots 32, 34 and 36, Block 70, Original Town from R-2 (Multi-Family) to C-3 (Retail Business) District.

The Planning Commission decided to continue the public hearing in November on proposed amendments which would reduce the minimum lot widths in R-1 and R-2 Districts from 60' to 50' as well as placing newly annexed areas in the R-S (Residential Suburban) zoning classification.

The Planning Commission decided by a 4 - 1 vote with one abstention to recommend to the City Commission that they begin the unilateral process to annex an area 200' deep located between the Eagles Club and Orchard Heights (Fogle's property).

The Planning Commission decided to recommend by a 6 - 0 vote the adoption of a Planned Unit Development District zoning classification with the inclusion of an amendment which would require 1,000 sq. ft. of open space per dwelling unit.

The Planning Commission decided by a 6 - 0 vote to recommend that the City Commission initiate the unilateral process to annex an 80 acre tract of land bounded by Cherry Street on the west, Davis Road on the east, Garfield Street on the south and North Street on the north."

There was no action taken on this report at this time.

#### Proclamation - Alpha Delta Kappa Week

Upon written request of Naomi Harrah, past president of the Sigma

Chapter of the Alpha Delta Kappa Sorority, Mayor Gaynor proclaimed the week of October 7 through 13 as Alpha Delta Kappa Week. A motion to authorize the Mayor to make said proclamation was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

*Delia Smith*  
City Clerk

City Hall - October 17, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Marstall, Snyder, Nichols and Larson. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held October 3, 1979 were approved as written.

#### Resolution No. 236 - Public hearing-Annexation

A resolution calling for a public hearing to be held to consider the annexation of a tract of land bounded by North Street, Davis Road, Garfield Street and Cherry Street was considered. The public hearing to consider the annexation of this 40 acre tract was recommended by the Planning Commission at their meeting of October 2, 1979. It was explained that this tract of land, under the ownership of three separate individuals, is recommended for annexation for purpose of squaring up the city boundary and to exercise zoning control. A motion to hold a public hearing at 9:35 a.m., December 19, 1979, for the purpose of annexing a tract of land bounded by North Street, Davis Road, Garfield Street and Cherry Street was made by Commissioner Nichols. The motion was seconded by Commissioner Snyder.

Mr. Vernon Johnson, owner of 30 acres of this tract, voiced objection to the proposed annexation. Mr. Johnson stated that the annexation of this total tract will not square up the city boundaries as the city has recently annexed 30 acres east of this tract which prohibits annexation of this tract from squaring up the boundaries. Mr. Johnson stated that if the city really wanted to square up its boundaries, much more land would have to be annexed, especially to the east and the south of the city. Mr. Johnson further stated that he did not feel that the city should annex this tract because the city does not serve the adjacent area within the corporate limits properly. Mr. Johnson cited dogs running loose and weeds that are not cut. Mr. Johnson's remarks were in answer to a question of Commissioner Snyder who asked why Mr. Johnson opposed annexation.

It was explained to Mr. Johnson that the passage of this resolution does not annex his land but merely calls for a public hearing to discuss the possibility of annexing this land and that his objections and reasons for opposing annexation would best be stated at the public hearing. Mr. Johnson concluded his remarks stating that he was paying for rural electric and rural water, that the rates are much higher than those charged in the city but that he still had no desire to be annexed.

Mr. Francis Gibbons, owner of a salvage yard operating in the described tract, stated that he did not wish to be annexed, mainly because salvage yards have difficulty in finding locations in which they can operate and that city regulations imposed on salvage yards are more restrictive. The City Manager stated that city regulations would require Mr. Gibbons to install a 6' sight obscuring fence around his salvage yard but that this is about the only further regulations the city imposes. Mr. Gibbons implied that a 6' sight obscuring fence around his salvage yard would be quite costly.

It was again emphasized by the City Commission that the enactment of this resolution would only cause a public hearing to be held at which time objections could be voiced. Upon call for the question, those voting in favor of the motion were Commissioner's Marstall, Nichols and Larson. Commissioner Snyder voted to oppose the motion and Mayor Gaynor abstained from voting.

Resolution No. 237 - Public Hearing-Annexation

A resolution calling for a public hearing to consider the annexation of a tract of land on the south side of East 15th Street, 200' in depth and running from the Birzer Addition to Orchard Heights Addition, was introduced. Commissioner Snyder opened the discussion asking why the city was considering a strip of land 200' in depth and not 1300' in depth as 1300' in depth would be more in line with squaring city boundaries. David Watkins, Administrative Assistant, explained that the annexations in question today are more for exercising zoning controls than for squaring city boundaries. Mr. Watkins also explained that a motion before the Planning Commission to recommend the unilateral annexation of only a portion of this area which contained three separate homesites was defeated by the Planning Commission by lack of a second and further that this strip of land is somewhat of a compromise to taking in the total area of some 1300' in depth.

Mr. Dan Fogle, owner of a portion of this tract, stated that it was his understanding that this tract was being considered for annexation to control the possibility of drilling gas wells on the eastern portion. Mr. Fogle said that he had no objection in the taking in the portion of this tract which contained the three homesites but that he did not think it would be advisable to take the total strip 200' in depth. Mr. Fogle explained that insofar as the drilling of gas wells is concerned that any person could drill a gas well 2' from the city boundary at any location around Ottawa. Mr. Fogle said that he just did not feel it was logical to annex this entire tract if the eastern portion is in the flood plain. It was explained to Mr. Fogle that passage of this resolution will only call for a public hearing on the possible annexation of this tract and does not affect an annexation this date.

Commissioner Nichols stated that inasmuch as the annexation of this tract of land has surfaced for discussion many times in the past 2 to 3 years that she moved that a resolution be passed calling for a public hearing to be held at 9:35 a.m., December 19, 1979, to consider the annexation of the tract of land on the south side of 15th Street, 200' in depth between the Birzer Addition and the Orchard Heights Addition. The motion was seconded by Commissioner Snyder. Upon call for the question, Mayor Gaynor and Commissioners Marstall, Nichols and Snyder voted in favor of the motion and Commissioner Larson voted opposing the motion. Commissioner Marstall, upon casting his vote, stated that he voted for the public hearing only.

Resolution No. 238 - Electric Rates

A resolution adjusting the rates charged for electric service in the City of Ottawa was introduced. The City Manager opened the discussion by stating that the city, in conjunction with the construction of new electric generating and distribution facilities with the assistance of the financial advisors, the consulting engineers and bond counsel, has been studying the revenues necessary to underwrite such an improvement for several years. The net result of the study is that the electric rates of the city must be increased by 10% at the present time to finance these improvements. A comparison of the proposed rate increase with the rates charged by KCP&L and Kansas Power and Light Company, in both rural and residential areas around Ottawa, indicate that the City of Ottawa will continue to sell electric energy at a lower rate than the other companies. The proposed rate increase is for an interim period of some 2 to 3 years until our new generating system is operational for a year or two and at that time, we will undergo a complete rate study and adjust rates accordingly.

Commissioner Snyder commented that through such a proposed rate study that the emphasis of the charges might change but it is

hoped that the cost to the consumer will not change appreciably. It was discussed that the City of Ottawa rates have not changed since August of 1975 and that the impact of inflation has made the proposed increase necessary. Commissioner Marstall made a motion that a resolution increasing the rate charges for electrical service by 10% be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Ordinance No. 2628 - Zoning

An ordinance rezoning the east 100' of Lots 32, 34 and 36, Block 70 from R-2 (Multi-Family) to C-3 (Retail Business) was introduced. It was discussed that in changing the zoning of these lots that the entire block fronting on the west side of Walnut Street between 2nd and 3rd will be zoned for business purposes. The intent of the owners is to convert the existing structure which consists of a doctor's office and apartments to office use. The Planning Commission has recommended such change. Commissioner Marstall made a motion to rezone the east 100' of Lots 32, 34 and 36, Block 70 from R-2 (Multi-Family) to C-3 (Retail Business) as recommended by the Planning Commission. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Ordinance No. 2629 - Zoning

An ordinance rezoning the west 50' of Lots 32, 34 and 36, Block 70, from R-2 (Multi-Family) to C-3 (Retail Business) was introduced. It was explained that this tract is immediately west of the property discussed in Ordinance 2628 and that to change the zoning in this tract would make it conform with the rest of the block. At present there is a dwelling on this tract. Commissioner Marstall made a motion to change the zoning of the west 50' of Lots 32, 34 and 36, Block 70 from R-2 (Multi-Family) to C-3 (Retail Business) as recommended by the Planning Commission. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Resolution No. 239 - Letter of Intent-Gulf Western Corporation

A resolution setting forth the intent of the City of Ottawa to issue \$1.5 million City of Ottawa Industrial Revenue Bonds for the Gulf Western Corporation was introduced. It was brought out that Gulf Western Corporation wishes to expand their present manufacturing plant facility by 38,000 sq. ft. and their office and engineering space by 7,800 sq. ft. The proposed expansion will create 60 additional jobs for the Ottawa area. Commissioner Snyder made a motion that a resolution be passed setting forth the intent of the City of Ottawa to issue \$1.5 million City of Ottawa Industrial Revenue Bonds for the Gulf Western Corporation. The motion was seconded by Commissioner Larson and upon call for the question, Mayor Gaynor and Commissioners Snyder, Larson, Marstall and Nichols voted in favor of the motion. Opposing the motion - none.

#### Resolution No. 240 - Housing Rehabilitation

A resolution establishing rules and regulations for the current Community Development housing rehabilitation program was introduced. David Watkins, Administrative Assistant, explained that it is necessary to establish the rules and regulations for administering the Community Development funds for housing rehabilitation to comply with federal regulations. Mr. Watkins said that in the future that the City of Ottawa may be working with low interest loans for some persons to rehabilitate their homes as well as the present system of direct grants for housing rehabilitation. A motion to pass a resolution establishing rules and regulations for the Community Development Housing Rehabilitation Program was made by Commissioner Snyder, seconded by Commissioner Larson and all present voted in favor of the motion.

Resolution No. 241 - City Manager to Accept Bids

A resolution authorizing the City Manager to receive, accept and award bids for the rehabilitation of housing qualifying for the Community Development grants was introduced. It was explained that the necessity for such a resolution is to authorize a person to receive, accept and award bids on an ongoing basis as the need arises. A motion for passage of said resolution was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

Engineering Services Agreement

An engineering services agreement with A. C. Kirkwood & Associates for a storm drainage study of the Skunk Run drainage basin was introduced. It was explained that the cost of this study is to be financed with Community Development funds not to exceed \$35,000. The engineers, however, have agreed to do this study for \$16,000 and it was explained that the \$19,000 not spent for the study has been used in the street rehabilitation program. A motion to approve the agreement with the consulting engineers for a storm drainage study on the Skunk Run drainage basin and to authorize the Mayor to sign said agreement was made by Commissioner Snyder, seconded by Commissioner Larson and all present voted in favor of the motion.

Engineering Services Agreement - Resident Inspection

An agreement with A. C. Kirkwood & Associates consulting engineers for the resident inspection during the construction of the new electric generating building was introduced. Under the terms of the agreement, the firm of A. C. Kirkwood & Associates is to provide an on-site engineer for the inspection of the electric generating building while under construction for a cost not to exceed \$65,000. It was explained that this is deemed necessary as the City of Ottawa does not have the staff to make such inspections. A motion to approve the agreement with A. C. Kirkwood & Associates for resident inspection of the power plant building while under construction and to authorize the Mayor to sign said agreement was made by Commissioner Nichols, seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2630 - Temporary Notes

An ordinance authorizing the issuance of temporary notes in the amount of \$225,000 to finance construction of street and storm sewer improvements for the following streets was introduced:

- Hemlock Street from Blackhawk to Wilson
- Elm Street from U.S.D. 290 Subdivision to Atchison Subdivision
- Maple Street from 11th to Gleason Addition
- Elm Street from 7th to 8th Streets
- Cypress Street from 11th to the south line of Smith Subdivision #10

It was explained that the temporary notes are necessary to finance the construction of these streets until such time as the improvements are completed and bonds can be sold. A motion for passage of said ordinance was made by Commissioner Larson and seconded by Commissioner Snyder. Upon call for the question, Mayor Gaynor and Commissioners Snyder, Larson, Nichols and Marstall voted in favor of the motion and no one opposed the motion.

Ordinance No. 2631 - Temporary Notes

An ordinance authorizing the issuance of temporary notes in the amount of \$216,000 to finance the construction of streets and storm sewers as follows was introduced:

- Dundee from Hickory to Mulberry
- Poplar from a point 374.58' south of 15th Street to the lot line produced between Lots 21 and 22, replat of Highland Heights Addition.

It was explained that it is necessary to issue temporary notes to finance these improvements until such time as the improvements are completed and bonds are sold. It was further explained that the signalization of the intersection of 9th and Main is included in the contract for improvements but that this cost is not included in the temporary notes nor will it be included in the bonds sold. A motion for passage of said ordinance was made by Commissioner Larson and seconded by Commissioner Snyder. Upon call for the question, Mayor Gaynor and Commissions Nichols, Marstall, Larson and Snyder voted in favor of the motion and no one opposed the motion.

#### Ordinance No. 2632 - Cereal Malt Beverage

An ordinance providing modifications to the cereal malt beverage regulations to allow dancing in establishments that sell cereal malt beverage was introduced. Upon request of tavern operators, the ordinance which regulates the sale of cereal malt beverages is rewritten in Ordinance No. 2632 to allow dancing in establishments that sell cereal malt beverages. It was explained that there has been much popular request to allow dancing in establishments that sell cereal malt beverages as well as a recent ruling by the Kansas Supreme Court that certain ordinances that prohibit dancing in establishments that sell cereal malt beverages were unconstitutional. A motion was made by Commissioner Nichols to approve Ordinance No. 2632 which is a modification of the ordinance which restricts dancing in establishments that sell cereal malt beverages, thus allowing dancing in such places. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Report of Community Development Block Grant Pre-Application

Mr. David Watkins, Administrative Assistant, reported that the pre-application for the Community Development Block Grant Program was submitted to the Department of Housing and Urban Development on October 15, 1979. The City of Ottawa is requesting \$750,000 in the pre-application. Mr. Watkins said that two prior public hearings have been held in compliance with regulations and that City of Ottawa has submitted requests as follows for the 1980 Block Grant program: Housing rehabilitation grants and loans - \$150,000, \$100,000 to be used for grants and \$50,000 to be used for low interest loans; Street improvements - \$175,000 with the main emphasis being on the overlay of existing streets with a few new streets to be surfaced; Skunk Run drainage improvements - \$335,000; Community center - \$60,000 for the remodel of the basement of the Municipal Auditorium to be the main focus; Demolition - \$10,000 and Administration - \$20,000 for a total of \$750,000. The City of Ottawa will expend \$75,000 for streets and CETA funding will account for an additional \$20,000 for a grand total of \$845,000.

Mr. Watkins stated that it was really doubtful that the city would receive the total of the grant pre-application but it is hoped that we receive a sizable grant.

#### Proclamation - National Business Women's Week

The week of October 21 through 27, 1979 was proclaimed as National Business Women's Week at the request of the Business and Professional Women's Club of Ottawa.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
City Clerk

City Hall - November 7, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Snyder, Marstall, Nichols and Larson. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting which was held October 17, 1979 were approved as written.

#### Presentation of Service Awards

The following named employees of the city were presented awards for 10 years continuous service with the city: Charles Bowling, Paul Boyke, Richard DeLaTorre, Robert Graham, Orville Miller and Richard Towe. The awards were presented by Mayor Gaynor.

#### Addendum to Contract with A. C. Kirkwood & Associates

Amendment No. 2 to a contract with A. C. Kirkwood & Associates dated November 15, 1978 was considered. The amendment is for the purpose of the firm of A. C. Kirkwood & Associates to prepare an EPA prevention of significant deterioration permit application for the operation of the city's two new generating units as related to the requirements of the Clean Air Act. Under the terms of the amendment, A. C. Kirkwood & Associates shall retain a consultant, satisfactory to the owner, experienced in such work. The cost of said services will be at a per diem rate of \$35 per hour not to exceed \$5,000, exclusive of out of pocket expenses. It is hoped that the preparation of the necessary documents will not entail a area-wide air sampling. If such sampling is required, it must be approved by the city as there will be additional charges for this service. It was explained that the city was unaware of the necessity of this operation to comply with the Clean Air Act until recently. Bibb and Associates of Kansas City, Missouri are to perform these services under the direction of A. C. Kirkwood & Associates.

Commissioner Snyder made a motion that Amendment No. 2 to the contract of A. C. Kirkwood & Associates dated November 15, 1978 be approved. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Agreement with the Kansas Department of Transportation

An agreement with the Kansas Department of Transportation regarding the city maintaining U.S. 50 and 59 and K-68 highways within the city limits at the rate of \$1,250 per lane mile per year was introduced. It was explained by the City Manager that prior payments received by the city from the Kansas Department of Transportation for maintenance of these highways has been at the rate of \$750 per lane mile. The Kansas Legislature in 1979 approved a measure by which the city will now be paid \$1,250 per lane mile. The State of Kansas has re-evaluated its position in determining 2 lane and 4 lane highways whereby U.S. 59 between 7th and 13th Streets and between Logan and Wilson Streets are no longer considered 4 lane highways but have been reduced to 2 lane highways for purposes of the payment for maintenance. According to the U.S. Bureau of Roads, a 4 lane highway must be at least 42' wide to qualify as 4 lanes. The areas mentioned above are only 40' wide. The City Manager stated that the city has registered protest over this change in determination of the width of these highways but that to date, no real concessions have been made by the Kansas Department of Transportation. The City Manager stated that the fact remains that the streets will still be traveled as 4 lane roads.

It was further discussed that it really would not be feasible to return these highways to the state for maintenance as they would not remove snow, keep the signs properly posted or sweep them. These costs would still be borne by the city and the total state involvement would probably be the patching of potholes.

Commissioner Nichols made a motion that the city approve the agreement with the Kansas Department of Transportation for the payment of \$1,250 per lane mile per year for the maintenance of these highways, Commissioner Nichols further stated that this motion was being made under protest. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Policy Regarding Issuance of Industrial Revenue Bonds

An updated policy concerning guidelines for the issuance of Industrial Revenue Bonds by the City of Ottawa was introduced. The updated policy encompasses the following: authority to issue Industrial Revenue Bonds, review of a Industrial Industrial Bond application, requirements for requesting Industrial Revenue Bonds, criteria for the issuance of Industrial Revenue Bonds, inclusive of financial responsibility, marketing the bonds, type of tenant, nature of improvements to be financed and nature of economic growths and benefits, and municipal service fee requirement. The municipal service fee requirement reflects the biggest change in the policy. The new municipal service fee reflects an overall lesser charge to the recipients of Industrial Revenue Bonds with the extension of city utilities, construction of any roads or the development of any drainage systems to become negotiable items under existing city policies.

Commissioner Snyder made a motion that the updated policies governing the issuance of Industrial Revenue Bonds by the City of Ottawa be adopted. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

#### Ordinance No. 2633 - Adoption of Uniform Building Code, 1979 Edition

An ordinance adopting by reference the Uniform Building Code, 1979 Edition, was introduced. As explained by the City Manager, the City of Ottawa, in an attempt to keep abreast of current building practices and the usage of new building materials, periodically adopts the updated editions of the Uniform Building Code. In addition to the adoption of the building code, the ordinance adopting it contains appendages amending the building code pertaining to situations peculiar to this area. An example given is that the building code sets forth the required depths of foundations. It is a known fact that a foundation in the northern areas of the United States must be deeper because of deeper frost lines than is required in southern areas where it might never freeze. It was explained that the inspection department, along with local architects and builders, have reviewed the code in an effort to make sure that the code is feasible in the City of Ottawa. The appendages is a direct result of the review by these persons.

Commissioner Marstall made a motion that Ordinance No. 2633 adopting the Uniform Building Code, 1979 Edition, along with the appendages, be passed. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Report of the Planning Commission

A report of the Planning Commission meeting of November 6, 1979 is as follows:

"The Planning Commission held its regular meeting on November 6, 1979. Present: Chairperson Kaiser and members Koch, Gaeddert, Spears, Wellington and Thornburg. Absent: Powell.

The Planning Commission approved the minutes of their last meeting held on October 2, 1979.

The following is a report of the Planning Commission:

The Planning Commission decided by a 6 - 0 vote to recommend that the minimum lot width in an R-1 (Single Family) District be reduced from 60' to 50'.

The Planning Commission decided by a 6 - 0 vote to recommend that the minimum lot width in an R-2 (Multi-Family) District be reduced from 60' to 50'.

The Planning Commission decided by a 6 - 0 vote to recommend that newly annexed properties be placed in the R-S (Residential Suburban) District.

The Planning Commission decided to schedule an agenda item at its December meeting dealing with the quality of taxicab service in the City of Ottawa.

Myles Schachter, the city's Planning Consultant, presented a seminar on principles and theories of planning. This presentation was given to the Planning Commission and interested citizens."

The City Commission questioned the reason that the Planning Commission was concerned with taxicab service in the City of Ottawa. David Watkins, Administrative Assistant, explained that some members of the Planning Commission had received complaints and comments concerning the safety of the vehicles which operates as taxicabs in the city. Mr. Watkins explained that Mr. Myles Schachter, the city's planning consultant, had rendered an opinion that inasmuch as the Planning Commission was concerned with the Comprehensive Plan of the city and that public transportation is a part of that Plan that the Planning Commission should be concerned with taxi service or any other form of public transportation. The City Commission expressed a concern of the taxicab service, not only concerning the safety of the vehicles but insurance and various licensing requirements as well. It was explained that the only requirement of the City of Ottawa has for the licensing of taxicabs is minimum insurance requirements which are quite low, considering the economic status of this country today. There was no further discussion or action taken concerning the report of the Planning Commission.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
City Clerk

City Hall - November 21, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Larson, Marstall, Snyder and Nichols. Absent: none.

#### Approval of Minutes

The minutes of the last regular meeting held on November 7, 1979 were corrected as follows: Under the heading, "Agreement with the Kansas Department of Transportation", the motion as made by Commissioner Nichols is amended to reflect that the protest stated in the motion is to reflect a protest against the lane miles of highways within the city being reduced whereby the State of Kansas will pay the city a lesser sum for maintenance of state highways in the city. The balance of the minutes were approved as written.

#### Public Hearing - Annexation

A public hearing was held to consider the annexation of a tract of land bounded by 15th Street on the north, Pine Manor and Mission Woods Subdivisions on the west, Southview Addition and lands owned by Harold Bennett and Willis Nursery on the south and by Willow Acres Subdivision on the east.

Mayor Gaynor called upon the Administrative Assistant to open and explain the hearing. Mr. David Watkins, Administrative Assistant, stated that the city had complied with appropriate Kansas Statutes in calling this hearing concerning the proposed annexation. Mr. Watkins stated that all property owners had been properly notified and that a utility extension and service plan for this area has been completed and was on file in the office of the City Clerk. The utility service plan sets out that sewer and water are available on the south edge of the tract, electric utility service is available and that police and fire protection are readily available upon annexation.

Mr. Dallas Turner, representing himself and Dr. Don Philgreen, appeared protesting the proposed annexation. Mr. Turner stated that he and Dr. Philgreen were opposed to the annexation but that they would not seek to cause serious problems concerning the annexation. Mr. Turner expressed that he had purchased this land to build a subterranean home and that he was desirous of remaining outside of the corporate boundaries of the city because he did not favor development of this particular area. Mr. Turner expressed concern in securing water and sewer for other areas that might develop south and west of his tract. It was explained to Mr. Turner that water and sewer are available to his tract as well as south and west of him by way of newly constructed sewer and water mains in this area and that the necessary easements to extend these utilities presently exist. Commissioner Snyder explained that the Planning Commission has authorized the permits for the construction of homes that do not necessarily adhere to the present building codes. A reference was given to the permit to build a rammed earth house a few years ago.

Dr. Philgreen appeared voicing objection to the proposed annexation stating that he had many concerns about the proposal. Dr. Philgreen was concerned about the possible loss of his lake from which he derives his water supply, the lake could be affected and destroyed by the extension of 17th Street to the west and the source of water to the lake could be affected by development, construction of streets

and construction of homes. Dr. Philgreen asked if he were to desire city water and city sewer, would he have to bring these utilities from 15th Street as 15th Street is nearly 1/4 mile north of his home. The City Manager answered that water and sewer utilities exist closer to Dr. Philgreen's home to the east and that they could be brought from this direction. The City Manager further stated, however, that if Dr. Philgreen should want to develop his tract that it would probably be best to bring the utilities from 15th Street for his development. Dr. Philgreen questioned the city's policy of sewer tap fees concerning his tract. If the policy were applied to the total of Dr. Philgreen's tract, it would cost him \$42,000. The City Manager explained that the sewer tap fees would be applied only to a reasonable building site upon which his home is located.

The subject of law concerning the city's annexation of this tract was questioned. It was explained that the city can unilaterally annex any tract which has a common boundary with the corporate limits of the city of 50% or more. The total tract being considered at this hearing has a common boundary of 90%. Concerning the question of water to the existing lake, the City Manager explained that the city would try to take the lake into consideration in the design of streets and storm sewers but that there could be no real guarantees given that the source of water to the lake would continue.

#### Ordinance No. 2634 - Annexation

Upon conclusion of the foregoing hearing, Commissioner Marstall made a motion that an ordinance annexing a tract of land bounded on the north by 15th Street, on the west by Pine Manor and Mission Woods Subdivisions, on the south by Southview Addition and lands owned by Harold Bennett and Willis Nursery on the east by Willow Acres Subdivision be passed. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Ordinance No. 2635 - Zoning

An ordinance amending Ordinance No. 2527 (Zoning Ordinance) by adding a Planned Unit Development (PUD) section was considered. It was explained that the Planned Unit Development section will replace the present R-P (Community Unit Plan) section. The Planned Unit Development section will allow us greater flexibility in areas so zoned by permitting residential, commercial and some industrial uses within the tract. The Planning Commission and City Commission will be able to exercise complete control over placement of structures, street design setback requirements, architecture and landscaping. Under the present zoning classifications, the only controls the city presently has is setbacks and density requirements.

It was explained that the Planned Unit Development concept is relatively new in zoning practices and has worked very satisfactorily for other communities. The Pine Manor Subdivision presently being developed is somewhat characteristic of a Planned Unit Development.

A motion for passage of an ordinance substituting a Planned Unit Development zoning classification for the present Community Unit Plan zoning classification was made by Commissioner Nichols. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

#### Ordinance No. 2636 - Zoning

Ordinance No. 2636 encompasses three sections which were handled separately as follows:

Section 1. Section 1 sets out that all newly annexed areas of the city will come into the city under the R-S (Residential Suburban) zoning district. R-S (Residential Suburban) requires larger tracts of land for building sites, recognizing that newly annexed areas

oftentimes do not have city sewer or water. If the land is void of city sewer and water, wells and septic systems are necessary, these do require larger areas. A motion for passage of Section 1 was made by Commissioner Snyder, seconded by Commissioner Larson and all present voted in favor of the motion.

Section 2. Section 2 changes the minimum lot width in the R-1 (Single Family) dwelling district from 60' to 50'. It was explained that the reason for making this change is that the original City of Ottawa and many subdivisions were platted with 25' lots and most homes in the older section of town are built on two 25' lots with a width of 50'. There are many undeveloped areas or building sites in the older section of town that have a lot width of 50' and under the present 60' regulation, these lots cannot be developed.

A motion for passage of Section 2 was made by Commissioner Snyder, seconded by Commissioner Marstall and all present voted in favor of the motion.

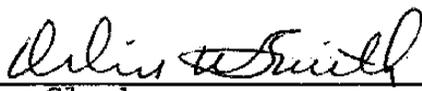
Section 3. Section 3 amends the two-family and multi-family dwelling district by allowing homes to be constructed on building sites with 50' frontages. As in the foregoing section, this creates a hardship for development of many existing tracts in the city. A motion for passage of Section 3 was made by Commissioner Marstall, seconded by Commissioner Nichols and all present voted in favor of the motion.

Section 4 and 5. Sections 4 and 5 respectively act as repealers to conflicting sections and state the effective date of this ordinance. These two sections were passed by consensus of the Governing Body.

#### Announcement

Mayor Gaynor announced that the City Commission and the City Manager would be attending the National League of Cities Conference in Las Vegas the week of November 26, 1979. The officials of 20 other Kansas cities will also be attending this conference. Commissioner Nichols will be going to the conference a day earlier as she is on the Natural Resources committee which has meetings the day before the conference begins.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
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City Clerk

City Hall - November 23, 1979

The City Governing Body met in special session at 1:00 p.m. this date for the purpose of considering an agreement for the sale of electric revenue bonds in the amount of \$6,600,000. Present: Mayor Gaynor and Commissioners Snyder, Marstall, Nichols and Larson. Absent: none.

Mayor Gaynor opened the meeting by stating that the purpose of the meeting was to consider an agreement with Stern Brothers and Company for the sale of electric revenue bonds in the amount of \$6,600,000 by the City of Ottawa. Mayor Gaynor then asked the City Manager to give further explanation of the nature of the proposed agreement. The City Manager explained that the agreement is for the sale of Industrial Revenue Bonds in the amount of \$6,600,000 to Stern Brothers and Company. The agreement, if approved and executed, waives an earlier agreement dated July 5, 1979 whereby the city engaged the services of Stern Brothers and Company for consulting services for the sale of bonds. The earlier agreement had set forth that the city was to pay Stern Brothers \$14,900.

Mr. Steve Brown of Stern Brothers and Company explained that the agreement and the sale of the bonds is contingent upon the approving opinion of bond counsel, Gaar and Bell. Bond counsel must approve the legality of the issue, the tax exempt status of the bonds and provide for the elimination of the lien created in 1966 when bonds were sold for electric improvements. The lien is to be eliminated by depositing sufficient funds with the State Treasurer to retire the 1966 issue.

Commissioner Marstall asked how soon the opinion would be rendered. Mr. Brown answered that the opinion is issued when the money involved in the sale of the bonds actually changes hands. It is hoped that the ordinance authorizing the sale can be in the hands of the city by December 5, 1979 so that it may be acted upon at that time. It is further hoped that the bonds might be sold within two weeks of the enactment of the ordinance.

Mr. Brown stated that the bonds will have a call redemption feature for all bonds maturing during and after 1988 with a premium of 2% added to the bonds for any retired in 1988. The premium reduces at 1/2 of 1% per year so that any bonds called during and after 1991 will be at par. The net interest rate is to be 7.80692%; however, the coupons have not as yet been determined, the bond ordinance, however, will contain the coupon rates. Commissioner Marstall made a motion, "I move that we as the Governing Body of Ottawa accept the proposal of Stern Brothers and Company as set forth in the preliminary new issue memorandum and the letter that accompanies it for their purchase of the \$6,600,000 in electric revenue bonds at a net effective rate of interest of 7.80692% subject to our passing of an ordinance on or about December 5, 1979 that would finalize this undertaking and to authorize the Mayor to sign said agreement." The motion was seconded by Commissioner Snyder. Those voting in favor of the motion were Mayor Gaynor and Commissioners Marstall, Snyder, Nichols and Larson. Those voting to oppose the motion: none.

#### Request of the Ottawa Retail Association

The Ottawa Retail Association submitted a written request to the City Governing Body that the parking limits in the downtown area not be enforced from December 1, 1979 through Christmas. It was discussed that the city had taken this type of action in prior years by covering the parking meters. Inasmuch as the city no longer has parking meters, this would be a simpler operation. It was further discussed that the limited time parking areas of 15 and 30 minutes denoted by the curbing having been painted blue should not be included in this request. Commissioner Nichols made a motion that the Department of Public Safety be advised not to enforce the time limits on parking in the Central

Business District area from December 1, 1979 through Christmas, exclusive of those areas that are 15 or 30 minute parking areas denoted by the curbing having been painted blue. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

This concluding the purpose for which this meeting was called, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

  
Delia Smith  
City Clerk

City Hall - December 5, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Snyder, Marstall and Nichols. Absent: Commissioner Larson.

#### Approval of Minutes

The minutes of the last regular meeting which was held November 21, 1979 and of the special meeting which was held November 23, 1979 were approved as written.

#### Report of the Planning Commission

A report of the Planning Commission meeting which was held December 4, 1979 is as follows:

"The Planning Commission held its regular meeting on December 4, 1979. Present: Chairperson Kaiser and members Koch, Spears, Wellington, Powell, Thornburg and Gaeddert.

The Planning Commission approved the minutes of their last meeting held on November 6, 1979.

The Planning Commission decided to reschedule its January regular meeting from January 1, 1980 to January 8, 1980.

The Planning Commission held a public meeting with persons interested in the safety of taxicabs and other forms of public transportation. The Planning Commission discussed licensing requirements, additional insurance requirements and annual or semi-annual safety inspections. It was decided to continue discussion on this item at the January meeting."

#### Cereal Malt Beverage License Applications

The following applications were submitted for renewal of cereal malt beverage licenses for 1980:

Highway Oil, Inc., 304 Logan Street, James R. Carterman, owner - package sales  
Andy's Service Station - 1115 West 7th, Willard Cromwell, owner & operator - package sales  
Main Street Bait & Tackle, 1130 N. Main, Katherine S. Hazlett, owner and operator - package sales.  
Pizza Hut, Inc., 118 W. 15th, Lee Johnson, manager - consumption on premises  
Benevolent & Protective Order of Elks, 114½ W. 2nd, Glen E. Lancaster, manager - consumption on premises  
Pizza Village, Inc., 303 S. Main, James M. Jones, manager - consumption on premises  
Paxson's Supersaver, Inc., 602 S. Maple, Dana W. Stephenson, manager - package sales  
Hickory Inn, 120 E. Dundee, Billie Galutia, owner and operator - consumption on premises  
Taco Tico, Inc., 1608 S. Main, Keeta Berger, manager - consumption on premises

A motion to approve the issuance of the foregoing license applications was made by Commissioner Nichols and seconded by Commissioner Marstall. All present voted in favor of the motion except Commissioner Snyder who voted opposing the motion, stating that the issue of cereal malt beverage licenses is mandated by Kansas Statutes and, therefore, was not a policy decision and he did not feel that as such should require an approval of the City Commission.

#### Ordinance No. 2637 - Issuance of Electric Revenue Bonds

An ordinance authorizing the issuance of electric revenue bonds in the amount of \$6,600,000 and setting forth various conditions under

which the bonds may be issued was introduced. Mayor Gaynor called upon the City Manager for an explanation of the necessity of this issue.

The City Manager explained that the city for some time has been studying the need of additional electric generating capacity for the city. The cost of the proposed additions has gotten considerably larger since the initial study started as has the interest rates the city must pay to borrow these monies. The City Manager said that he felt that the city had been very successful in negotiating sale of these bonds for an average annual interest rate of 7.8069% even though it had been hoped that the monies could be secured for a lesser rate. The city has been caught in the throes of a tight money policy of the federal government in an effort to control inflation. This has caused the city to pay higher interest rates than would have been necessary otherwise. The City Manager then asked Mr. Steve Brown, financial consultant representing Stern Brothers & Company, to comment on the issue.

Mr. Brown outlined the various aspects of the ordinance making emphasis on the the escrow account necessary to retire a 1966 electric revenue bond issue, the establishment of a reserve account in the amount of \$625,000 necessary to insure the repayment of these bonds and any investment restrictions of bond proceeds monies to avoid the possibility of arbitrage. Mr. Brown further presented the City Commission with a proposed escrow agreement for the escrow of funds to retire the 1966 bond issue and a proposed schedule of investment for bond proceeds which gave a possible yield if the bond proceeds are invested properly.

Commissioner Snyder made a motion that Ordinance No. 2637 authorizing the issuance of \$6,600,000 of electric revenue bonds and authorizing the Mayor and city officials to sign the documents necessary to complete the issue. The motion was seconded by Commissioner Marstall. Upon call for the question, Commissioners Marstall, Nichols, Snyder and Mayor Gaynor voted in favor of the motion and there were no votes opposing the motion.

#### Comments

The City Commission briefly discussed their attendance at the National League of Cities Conference held at Las Vegas, Nevada. Each Commissioner told of his own special interests which had been discussed at the various sessions of the conference and the fact that more emphasis is being put on small cities. The Commission was especially happy that City Manager, Robert Mills, was moderator at one of the conference sessions. Commissioner Nichols attended a special Natural Resources conference which convened ahead of the regular conference.

It was reported that there have been several complaints received concerning the parking situation around the Ottawa High School, mainly on the north side of 11th Street from Ash to Olive and on Olive and Cypress Streets between 10th and 11th. The complaints were of driveways being blocked and parking in front of mail boxes whereby the residents did not receive their mail. It was reported by the City Manager that a work order had been initiated to install signs which would not allow parking Monday through Friday from 8:00 a.m. to 4:00 p.m. on the north side of 11th Street from Ash to Olive and on Cypress and Olive Streets on the west side of Cypress and Olive Streets between 10th and 11th.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the files of the City Clerk and will remain so for one year from the date of the meeting.

City Hall - December 19, 1979

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Gaynor and Commissioners Snyder, Nichols and Marstall. Absent: Commissioner Larson.

#### Approval of Minutes

The minutes of the last regular meeting which was held December 5, 1979 were approved as written.

#### Public Hearing - Annexation

A public hearing was held to consider the annexation of a tract of land located on the south side of 15th Street, 200' in depth and running from the Birzer Addition to Orchard Heights Addition. Mayor Gaynor called upon Mr. Myles Schachter, the city's planning consultant, to explain the process of unilateral annexation. Mr. Schachter explained that the Planning Commission had initiated the process of annexation by recommending to the Governing Body that the land in question be annexed to the city. The Planning Commission's reason for annexation of this land is to square up the boundary of the city. Mr. Schachter explained that squaring up the boundary of the city does not mean to square up in a geometric sense but that the term squaring up of boundary is defined as providing adequate services and controlling development. The term also means that the services and development controls will not be an added burden to the city.

Mr. Brent Fogle, owner of a tract within the area for which annexation is being considered, stated that he had petitioned the Planning Commission in June of 1979 for annexation of the tract upon which his home is located. Mr. Fogle stated that when he discovered that the Planning Commission was not in favor of annexing only his homesite but wanted to annex this entire area, he withdrew his petition for annexation. He said that he would still like his homesite annexed but he was not in favor of annexing land belonging to Fogle Quarry Company, Inc. and land belonging to Mr. Dan Fogle, his father.

Mr. Dan Fogle, owner of property in the area for which annexation is being considered, stated that he was not in favor of annexing either his homesite or the land belonging to Fogle Quarry Company, Inc. because the Fogle Quarry Company may wish to drill for natural gas on this site in the future and that he feared a city regulation would not permit him to do so. Further, Mr. Fogle stated that there is an area upon which he might decide to demolish an existing house and build a new one but the present regulation would not allow him to do so because of the 75' setback required from high pressure gas lines.

Mr. Schachter answered the stated fears of Mr. Dan Fogle in that he would be allowed to drill for natural gas on this property by securing a special use permit from the Board of Zoning Appeals. The regulation pertaining to the drilling for natural gas has been changed to allow for drilling in all zoning districts as this is necessary under our energy shortage crises. Mr. Schachter also stated that the regulation pertaining to the 75' setback for construction from a high pressure gas main would not pertain to this property inasmuch as it would be replacing an existing structure as opposed to new development.

Prior to the comments of Mr. Brent Fogle and Mr. Dan Fogle, David Watkins, Administrative Assistant, outlined the service extension plan for this area which set forth that all utilities are available to this area. No action was taken by the Governing Body on this proposed annexation at this time.

## Public Hearing - Annexation

A public hearing was held to consider the annexation of a tract of land bounded by North Street, Davis Street, Garfield Street and Cherry Street. This area of land consists of 80 acres under three separate ownerships. David Watkins, Administrative Assistant, read the utility service extension plan for that area which pointed out that all utility services along with fire and police protection and zoning controls are readily available to this area. This area also had been recommended for annexation by the Planning Commission for the purpose of squaring up the city boundary and providing control for any future development.

Mr. Vernon Johnson, owner of 30 acres in this area, appeared protesting annexation. Mr. Johnson stated that he did not feel that this area should be annexed as the city is unable to maintain services in the area surrounding this tract and he did not feel that the city could provide proper services to the area in question. Mr. Johnson spoke of dogs running at large, weeds remaining uncut and the unmaintained status of Cherry Street which runs across the frontage of the area. Mr. Johnson challenged the Commission that Kansas Statute provides that any tract engaged in agricultural uses of 50 acres or more cannot be unilaterally annexed by a city. Mr. Myles Schachter answered the challenge by stating that an Attorney General's opinion defines a tract of land as being under a single ownership and that there are no single ownerships in this area of more than 40 acres. Mr. Schachter further stated that the section of the statute under which the city is contemplating annexation states that any area of land which has a common boundary with a city of more than 50% of the perimeter of the area may be unilaterally annexed. Mr. Johnson indicated that he may seek the advise of his own attorney on this issue.

The Governing Body took no action on this proposed annexation at this time.

### Contract No. 2 - Electrical Controls - New City Generating Facility

The Governing Body received the recommendations of A. C. Kirkwood & Associates, Consulting Engineers, concerning the awards of bids for the purchase of electrical controls for the new electrical generating facility of the city. The recommendation of A. C. Kirkwood & Associates is as follows:

1. Neutral reactors furnished by Mid-States Armature Works - \$3,000
2. Control console, relay and metering panels by Harold K. Scholz Company - \$75,450
3. Blank relay panels furnished by Harold K. Scholz Company - 2 @ \$1166.66 each for a total of \$2,333.32.
4. 2 - 500 KVA transformers furnished by Mid-States Armature Works - \$16,000
5. Station battery and charger furnished by Mid States Armature Works - \$3,232.

The consulting engineers also recommended that the purchase of the 500 KVA transformers from Mid-States Armature Works be conditioned that the transformers meet the specification requirements for indoor use. The City Manager stated that the city was well pleased that the total of these bids was \$100,015.32 as compared to the engineer's estimate of \$165,000.

Commissioner Marstall made a motion that the city award the purchase to Mid-States Armature Works for two neutral reactors - \$3,000; two 500 KVA transformers, provided that the transformers meet the specification requirements for indoor use - \$16,000; station battery and charger - \$2,232 for a total of \$22,232 and to authorize the Mayor to sign said contract. The motion continued that the

Harold K. Scholz Company be awarded the purchase of the control console, relay and metering panels for \$75,450 and the two blank relay panels for \$2,333.32 for a total contract with H. K. Scholz Company of \$77,783.32, the total of both bids being \$100,015.32. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Engineering Contract - Warehouse Building

The City Manager presented an engineering service contract with A. C. Kirkwood & Associates for the design and engineering of a new utilities service and warehouse building. It was explained that the proposed new building is to house many items of city equipment which are presently exposed to the elements at all times and to provide for a stores warehouse if the city undertakes fixed asset accounting. The feeling was expressed that keeping the many items of expensive city equipment sheltered from the elements would amount to a large savings to the city. This type of equipment is getting increasingly more expensive and the life could well be prolonged by keeping it properly housed. The engineering fee for the design of such a structure is based on a percentage of construction cost; however, it was agreed that if the city should not proceed with construction after plans and specifications were started and possibly finished that a compensation agreement should be reached with A. C. Kirkwood & Associates.

Commissioner Nichols made a motion that the engineering services agreement be approved and to authorize the Mayor sign said agreement. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

#### Resolution No. 242 - Hearing - Dangerous Structures

A resolution seeking a time and place for hearing to determine existence of dangerous and unsafe buildings was introduced. The structures to be discussed at said hearing are located on Lots 6 and 8, Block 43, Original City, commonly known as 130 N. Locust and Lots 1 and 2, Block 4, Riverview Addition, except the west 90' of Lots 2 commonly known as 911 E. Wilson. The time and place fixed for said hearing is the City Commission Room, City Hall at 9:35 a.m., February 6, 1980. A motion for passage of said resolution was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

#### Cereal Malt Beverage License Applications

The following applications for cereal malt beverage licenses for 1980 were submitted as follows:

Pence Food Centers, Inc., 1428 South Main, Thomas O. Moats, Manager  
Pence Food Centers, Inc., 305 North Main, R. Wallace Hart, Manager  
Bill's Bar, 231 N. Main, Martha Ann Hickerson, owner  
A & P Grocery, 111 South Hickory, Henry Hermreck, manager  
White's Grocery, 720 West 7th, Shirley L. White, owner  
Fraternal Order of Eagles #2700, 524 E. 15th, Hayward Brill, manager  
Saddleback Lounge, 111 North Main, William L. Osburn, owner  
Ottawa Country Club, Association, East Logan, A. C. Chrismer, manager  
The Pub, 122 S. Main, Juanita Dyer, manager  
Burger Bowl & Bar, 2040 Princeton Road, Barbara J. Spears, manager  
Great Plains Tavern, 110 N. Main, Kevin J. Fernandez, owner  
Conoco Travel Shoppe, 2243 Princeton, Randy W. Brownrigg, manager

Pamida Super Saving Center, 2008 Princeton Road, Charles  
Waymire, manager

A motion for issuance of the foregoing licenses was made by  
Commissioner Nichols, seconded by Commissioner Marstall and  
all present voted in favor of the motion except Commissioner  
Snyder who voted opposing the motion.

There being no further business, the meeting was adjourned.  
The entire text of this meeting is on tape in the files of the  
City Clerk and will remain so for one year from the date of  
the meeting.

Orlin Smith  
City Clerk