

City Hall - Ottawa, Kansas - January 7, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson, and Commissioners Heathman, Lister, McCrea, absent Commissioner Bemmels.

#### Approval of Minutes

The minutes of the last regular meeting held December 17, 1986 and the minutes of a special meeting held December 29, 1986 were approved as written.

#### Public Hearing to Determine the Advisability of Constructing Off Street Parking Facilities

Mayor Thompson announced that a public hearing would be held at this time to determine the advisability of constructing Off Street Parking Facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34, and 36 Block 98 in the City of Ottawa, Franklin County Kansas. Mayor Thompson also announced, the City Commission had tentatively decided not to proceed with the construction of a parking lot with the benefit district as set forth in the resolution calling for the Public Hearing but instead would consider calling a public hearing for the construction of the Parking Lot with a smaller benefit district. The Benefit District as set forth in the resolution calling for the public hearing to be held this day calls for the benefit district to be all of Block 98, with the exception of the land on which the parking lot is to be located and also contained in the benefit district would be the North 225 feet of City Park or that portion upon which the City Library is located. Mayor Thompson further stated that even though the City had tentatively decided not to proceed with the construction of the parking lot the proposed benefit district, the City Commission would be open to comments and discussion on the matter.

Mr. Joe Elder, moderator of the First Baptist Church stated that the liability of the First Baptist Church for the proposed parking lot would be \$47,456.00 and the church would be hard pressed to pay such an assessment. Mr. Elder further stated that the church provided many other free services inclusive of the Franklin County Daycare operation.

Mrs. Gary Blanco, 425 North Hickory, spoke opposing the parking lot stating that the City does not need an additional parking lot or a parking lot in this area.

Mr. Don Jones, a property owner in the benefit district, questioned as to who proposed the parking lot and whether it is needed. Mr. Jones then gave statistics he had gathered during the Christmas shopping season as to the availability of parking spaces in downtown Ottawa and according to Mr. Jones' statistics the City always had empty parking spaces available to the public.

Mr. Ken Humm, 224 South Locust, stated that he felt the block would be better off without the two houses which are to be removed for the parking lot, but he felt the City was paying too much money for the property. Mr. Humm further stated that in view of past publicity it is possible that the Library might be moving in the future. Mayor Thompson stated in answer to Mr. Jones question that the parking lot was proposed by the City Commission and in answer to a question by Mr. Humm, the City of Ottawa Franklin Economic Development Committee is always on the lookout for industries that might create jobs in the city but these groups are not miracle workers.

Mr. Charles Anderson, who lived within the benefit district stated that his property was in the benefit district as set forth in the public hearing and even though his property may be removed from the benefit district, he was not in favor of the parking lot.

Mrs. Barbara Dew, Librarian reflected that the library does at times need additional parking space, but during the November, December season the usage of the library is at an annual low and parking was probably available at all times during that period for

the library.

Mrs. Dorothy Nichols spoke to the fact that she wished to commend the City Commission for considering a new parking lot, that small businesses need parking and she asked the City Commission to proceed with the acquisition and construction.

Mr. Russell Crites spoke before the City Commission stating that a project was alive for usage of his buildings on the 400 block of South Main St. but this project was contingent on additional parking being provided. Mr. Crites stated that he did not know what the status of a project might be at this time.

Mrs. Wanda Durbin spoke opposing the parking lot, stating that the City does not need additional parking or additional taxes.

Mr. Clifford Stipp spoke to a statement made earlier in the meeting by a member of the City Commission that the property is now available for purchase and may not be so in the future. Mr. Stipp assured the City Commission that he was quite certain that the property would be available for purchase in the future.

Mrs. Ambrose Hernandez stated that she felt the tax base for the City of Ottawa was too high for any new business and the City Commission should wait a couple of years before giving consideration to additional parking.

Mr. Marv Calliham spoke before the City Commission questioning as to whether the need can justify the expense and asked the City Commission to proceed cautiously in the matter.

Mr. Don Jones spoke before the Commission again asking Mayor Thompson what his personal share in the cost of the parking lot would be, and stating that if the parking lot were built with his property in the benefit district he would probably lose his property.

Mr. Ken Humm again spoke before the City Commission stating that if the City presently has \$4,200.00 in options to purchase the property that possibly the City Commission should forfeit the \$4,200.00 and stop further action on the purchase and construction. Mr. Humm further asked if the property had been appraised prior to the option being initiated, it was stated that a private individual negotiated the purchase for the property with conversations with an appraisor but the property had not been appraised. There being no further comments Commissioner McCrea made a motion that the hearing be closed, the motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Resolution - Making Finding as to the Advisability of Acquiring Real Estate for and Constructing Off Street Parking Facilities

There was no motion made concerning the resolution as presented so it died for lack of a motion. A Resolution making findings as to the advisability for acquiring property and constructing a parking lot thereon having failed the following agenda item authorizing and directing the acquisition of property for construction of a Parking Lot thereon was not considered.

Commissioner McCrea went on record thanking those people attending the meeting stating that the Commissioners can make errors in judgement and only through the voicing of opinions such as had been done here today can the Commissioners be made aware of the desires of the people.

Commissioner Heathman referring to an earlier statement of Mr. Don Jones in which eleven families depended upon Mr. Jones four buildings for income, Mr. Heathman had figured the bill to Mr. Jones for the proposed parking lot which would amount to about \$73.00 per month.

Commissioner Lister commented that it is not an easy job being a commissioner, that the City Commissioners have a responsibility to

the people of the City of Ottawa for now and in the future.

Resolution - Directing and Ordering a Public Hearing in Order to Determine the Advisability of Acquiring Real Estate for and Constructing an Off Street Parking Lot

Commissioner Lister made a motion that a resolution directing and ordering a Public Hearing to determine the advisability of acquiring real estate for the purpose of constructing off street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98, in the City of Ottawa, Franklin County Kansas, that the benefit district be all of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35, in Block 98 except the West 10 feet of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 & 25, that the estimated probable cost of said acquisition be \$134,000.00 and the cost of acquisition of the property to be split 50% to the benefit district and 50% to the City at Large. The foregoing motion died for lack of a second.

Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to determine the advisability of acquiring real estate for the purpose of construction of off street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98, in the City of Ottawa, Franklin County Kansas, that the benefit district consist of all of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35, Block 98, except the West 10 feet of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 and 25 and that the benefit district also consist of the North 225 feet of City Park upon which the City Library is located, that the estimated probable cost of said acquisition be \$134,000.00 and the cost to be born 50% by the benefit district and 50% by the City at large. the public hearing to be held Jan, 21, 1987. The motion was seconded by Commissioner Lister and upon call for the question Mayor Thompson, Commissioner Lister and Commissioner McCrea voted in favor of the motion, Commissioner Heathman voted opposing the motion. Many persons in attendance of the meeting voiced concern that the public hearing should be held of an evening to allow more parties to attend.

Resolution No. 432-87

Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to be held at 7:00 p.m. January 20, 1987 to determine the advisability of acquiring real estate for the purpose of constructing off street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36 Block 98 in the City of Ottawa, Franklin County Kansas, and that the benefit district be comprised of all of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31 and 35 except the West 10 feet of Lot 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 and 23 and that the benefit district also include the North 225 feet of City Park upon which the City Library is located, the estimated probable cost of the improvement be \$134,000.00 and the cost to be born 50% by the benefit district and 50 % by the City at large, the motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Ordinance No. 2843 - 87 - Home Occupations

An Ordinance amending the Zoning Ordinance pertaining to Home Occupations was introduced. This Ordinance sets forth the types of occupations which may be permitted in a residence, sets forth occupations which are prohibited in a residence and also allows for home occupations to be conducted in all residences as opposed to the R-2 Zoning District only as is contained in the City Zoning Ordinance. Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance No. 2713-82 specifically amending Article 3, Section 2 definitions, paragraph 35, and Article 26 with the addition of Section 7, Home Occupations setting forth regulations concerning Home Occupations be passed, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2844 - 87 - Annexation

An ordinance annexing a tract of land lying South of 23rd Street and West of and adjacent to the Atchison Topeka & Santa Fe Railroad Right of Way comprising 67 acres more or less was introduced. Commissioner Lister made a motion that an ordinance annexing a tract of land lying South of 23rd Street and West of and adjacent to the Santa Fe Railroad right of way comprising 67 acres more or less be passed, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Call for Public Hearing Before the City Planning Commission

Commissioner McCrea made a motion to call a public hearing to be conducted by the Ottawa Planning Commission at their regular meeting of February 3, 1987 for the purpose of changing zoning classification from R-S Residential Suburban to I-1 Light Industrial for a tract of land lying South of 23rd Street and West of and adjacent to the Atchison Topeka and Santa Fe Railroad right of way comprising 67 acres more or less, the motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Agreement between the City of Ottawa and the Counseling and Resource Center of Ottawa

An agreement was introduced whereby the City of Ottawa would pay the Counseling and Resource Center of Ottawa one-third of the monies deposited to the City of Ottawa Special Alcohol Programs fund pursuant to Kansas Statutes Annotated 79-41a04 and Amendments thereto on a quarterly basis. In return for these monies the Counseling and Resource Center agrees to perform services including organizing educational programs, accepting referral from the Municipal Court and the Dept. of Public Safety of the City and providing evaluation and counseling services pursuant to such referral. Commissioner McCrea made a motion that the City enter into an agreement with the Counseling and Resource Center of Ottawa whereby the City of Ottawa will pay the Counseling and Resource Center one-third of the monies deposited to the City of Ottawa Special Alcohol Programs Fund pursuant to KSA 79-41a04 and amendments thereto on a quarterly basis and that the Counseling and Resource Center is to perform certain services for the City of Ottawa as set forth in the agreement. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Agreement Between the City of Ottawa and Horizons Recovery of Ottawa

An Agreement was introduced whereby the City of Ottawa will pay Horizons Recovery of Ottawa one third of the receipts from the State of Kansas deposited to the City of Ottawa Special Alcohol Program Fund pursuant to KSA 79-41a04 and Amendments thereto on a quarterly basis and Horizons Recovery of Ottawa is to perform services for the City including organizing special educational programs excepting referrals from the Municipal Court and Dept. of Public Safety and providing evaluation counseling services pursuant to such referrals. Commissioner Lister made a motion that the City enter into an agreement with Horizons Recovery of Ottawa, whereby the City will pay Horizons Recovery of Ottawa one third of the receipts from the State of Kansas deposited to the City's Special Alcohol Program Fund pursuant to KSA 79-41a04 and Amendments thereto on a quarterly basis and Horizons Recovery of Ottawa is to perform certain services for the City as set forth in the agreement, the motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Change Order No. 1 - Department of Public Safety Remodel

Commissioner Lister made a motion that Change Order No. 1 to the Department of Public Safety remodel contract dated August 11, 1986 in the amount of \$2,633.00 be approved. The motion was seconded by Commissioner Heathman. The Change Order consists mostly of small items inclusive of electrical wiring, cabinet work, glass work, carpeting and misc. Upon call for the question, all present voted in favor of the motion.

Alternate No. 1 - Department of Public Safety Remodel

Commissioner Lister made a motion that Alternate No 1 Department of Public Safety Remodel dated January 9, 1987 in the amount of \$22,052.00 be approved. The motion was seconded by Commissioner Heathman. Commissioner Heathman questioned would Alternate No. 1 be paid out of the 1986 budget or the 1987 budget. The City Manager answered Mr. Heathman that Alternate No. 1 was included in the 1987 operating budget. Upon call for the question all present voted in favor of the motion.

Report of Planning Commission Meeting of January 6, 1987

The Planning Commission met in regular session on Tuesday, January 6, 1987 at 7:00 p.m. in City Hall. Present: Chairman Hendrix and members Ellena, Searls, Keith and Jackson. Absent: Members Woolman and Peterson.

The minutes of the last meeting held December 2, 1986 were approved as written.

The Planning Commission continued a Public Hearing to consider adding commercial printing as a permitted use in the C-2 (General Commercial) zoning district. After discussion of this item, the Planning Commission voted 4-1 to make a list of light industrial uses, including Commercial printing, permitted in the C-2 (General Commercial) as a Special Use.

The Planning Commission considered a preliminary plat of the Kraft Subdivision located outside the City limits of Ottawa. After discussion, the Planning Commission voted 5-0 to approve the preliminary plat subject to conditions.

The Planning Commission held a Public Hearing to amend the zoning ordinance to consider the following:

- (1) redefine babysitting service; day nursery, day care home, group day care home; and day care center,
- (2) to allow day care homes for more than 4 children or adults as a special uses in all R-S, R, R-1, MH, MP, O-I, C-1, and C-3 zoning districts and,
- (3) to amend the nonconforming use section of the zoning ordinance to legalize all babysitting services and day care homes which are licensed by the state and in existence on December 2, 1986.

After discussion, the Planning Commission continued this public hearing to their next meeting.

The Planning Commission discussed two proposed changes in their bylaws: (1) Rescinding the two meeting rule for all new business items and (2) Clarifying the procedure for amending the bylaws. After discussion, the Chairman directed the secretary to prepare a written two week notice of proposed change in the bylaws and to schedule consideration of same for the next Planning Commission meeting, to be held on February 3, 1987

There being no further business, the meeting was adjourned.

Ordinance No. 2845 - 87

Commissioner McCrea made a motion that an Ordinance amending and modifying Ordinance No. 2713-82, specifically appendix A to include additional uses as special uses in the C-2 (General Commercial) District be passed. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

Investment Schedule for December 1986

Commissioner McCrea made a motion that the schedule of investments existing as of December 31, 1986 indicating a total of \$4,100,000

invested at an average annual interest rate of 5.81% be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Proclamation - Dr. Martin Luther King, Jr. Week

Mr. Joe Wakefield read a proclamation which would proclaim the week of January 19-24, 1987 as Dr. Martin Luther King, Jr. Week. Commissioner Lister made a motion that the proclamation be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Mr. Richard Jackson appeared before the City Commission and presented the Commissioners with copies of the Minimum Housing Code. Mr. Jackson stated that the Fair Housing Board had been given the responsibility of updating the code some time back, which has been accomplished, and the amendments to the Minimum Housing Code have been adopted into the City of Ottawa code. The code sets forth such things as necessity for smoke alarms and gives information to both landlords and tenants. Mr. Jackson stated that the Minimum Housing Code is available at City Hall, Library, the ECKAN office, and will be sent to local real estate agents so that everyone who needs a copy will have one.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - January 20, 1987

The City Governing Body met in special session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

Mayor Thompson announced that the purpose of the meeting was to hold a public hearing to determine the advisability of acquiring real estate for the purpose of constructing off-street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98, City of Ottawa, Kansas. The benefit district for the parking lot is the west one-half of Block 98 and the north 225 feet of City Park. The estimated probable cost of the acquisition of the real estate for the parking lot is \$134,000, and the cost apportionment is 50% to the benefit district and 50% to the city-at-large. Mayor Thompson then called for comments from interested parties in the audience.

Mr. John Wassmer appeared before the City Commission, stating that several years ago he was involved in a study of developing seven parking lots for the downtown area and at that time the benefit district was to pay 100% of the cost involved. Further Mr. Wassmer stated that when the seven lot plan failed, henceforth the property owners within the benefit district who desired the parking lot were required to circulate petitions to initiate the construction and purchase of ground. Mr. Wassmer wanted to know when the rules had changed whereby a parking lot would be built at City initiative.

Mr. Don Jones stated that he had surveyed 31 churches and 24 of the churches had built their own parking lots, questioning why the City would be building a parking lot for the First Baptist Church. Mr. Jones also cited Commissioner Lister, who is a member of the First Baptist Church, and Commissioner Bemmels, who works for a Baptist affiliated university, stating there could be conflicts of interest.

Mr. Jim Bass stated that he thought it was a very poor time to consider building a parking lot, and he did not feel that the location of the parking lot would benefit the Central Business District.

Mrs. Beverly Schmidt, from the First Baptist Church, stated that she was in favor of the parking lot, as there are four churches in the area and there are times when the lot would be needed. Mrs. Schmidt stated that she was in favor of the City buying the land and constructing the parking lot with City labor.

Mr. Ken Humm voiced the opinion that the parking lot was not needed and the prices for purchase of the land were out of line.

Mr. Bill Abbott suggested that the City not buy the land for the parking lot and let the people who presently own the land clean it up, stating further that his church had built its own parking lot.

Mr. Earl Mendel stated that he thought there was no justification for the lot in view of the economic problems and unemployment and taxes are on the rise in this City.

Mrs. Cindy Blanco stated that she opposed the construction of the parking lot in that it was not needed.

Mrs. Isabel Hernandez stated that she had walked the distance from the proposed parking lot at 3rd and Cedar to the proposed lot at 5th & Hickory and the walking distance to the core of the central business district was equal.

Mrs. Jean Seaton stated she was opposed to the parking lot and asked the City to stay within its budget and spend any money possible to create jobs.

Mr. Joe Elder who had appeared at an earlier public hearing on behalf of the

First Baptist Church stated that the church was in favor of the parking lot but requested the City to find another method of funding the purchase and construction.

Mrs. Sue McFadden questioned the need for the parking lot and stated that she does her shopping in Ottawa and never has problems finding a parking space.

It was further questioned as to what development was proposed for the area if the parking lot should be constructed. Mayor Thompson stated that at an earlier date there was an indication that a business would locate in the 400 block of south Main if the parking lot were constructed and he was not sure of the status of this business at the present time.

Mr. Phil Brown who runs a parts store at 424 S. Main stated that there is always plenty of parking in his area.

Mr. Al Mages suggested that the City use the south side of the courthouse property for construction of a parking lot.

Mrs. Mary Denniston stated that she had had a business on 5th Street between Main and Hickory and there had been no problem with parking.

Mr. Marv Calliham spoke opposing the construction of the parking lot and further stated that the need must be carefully weighed against the cost. He stated that the proposed price for the parking lot was too much for space to park 55 cars, and questioned why taxes are high in Ottawa.

Mrs. Judy Ransom stated the need for long range planning in the central business district, but the worth of additional parking lots needed to be carefully evaluated. Mrs. Ransom then questioned the purchase price for the land intended for the parking lot. Mayor Thompson stated that if the purchaser is not willing to pay the price asked by the seller, you cannot buy the property.

Mr. Bill Graham stated that he thought with reference to the construction of this parking lot, that the City would be taking the risk hoping for development in the 400 block of south Main and he felt the business owners in that area should be taking the financial risk instead of the City.

Mr. Don Jones appeared before the City Commission again stating that it was his information that it was a local firm interested in locating in the 400 block of S. Main and it would not necessarily bring in new jobs to the community.

Mr. John Hook, Home Insurance agent, stated that he could see problems in parking in the 300 block of S. Main and possibly the courthouse property should be used for parking purposes.

Mr. Matt Whiteford spoke opposing the construction of the lot.

Mr. Leonard Chesbro objected to the parking lot, stating that taxes were too high in the City of Ottawa.

Mr. Jim Bass again spoke before the City Commission, stating that the money to be used for the parking lot should be used to purchase a building to entice Rigid-Form to relocate in Franklin County.

There being no further comments from the audience, Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Commissioner McCrea stated that he was happy to see so many people present expressing their concerns on the construction of the parking lot at 5th & Hickory. Commissioner McCrea stated that in view of the public hearings that have been held on the parking lots he is in agreement with the majority who have appeared before the City Commission objecting to the purchase of

the land for the parking lot at this time. The economics of the times indicate that possibly the money should be used for something else and that the City Commission should wait and see what development might occur in that block before considering the construction of a parking lot. Commissioner McCrea then made a motion that the City Commission not proceed with the acquisition of land for the construction of a parking lot at 5th & Hickory, that the money paid for the options to purchase the property be forfeited and that further consideration regarding construction of a parking lot at this location not be pursued at this time. The motion was seconded by Commissioner Heathman. Commissioner Bemmels stated that the City Commission in considering the construction of the parking lot was looking to the future, that such a parking lot might help save the 400 block of South Main; however, he stated that the City has no assurances that the construction of a parking lot would serve its intended purpose. Commissioner Heathman stated that he concurred with the remarks of Commissioner McCrea and further stated that the City should proceed with the construction of a parking lot at 3rd & Cedar. Commissioner Lister stated that the proposed construction of a parking lot at this location was for the future of the 400 block of South Main and the entire central business district, and possibly it should be considered at some time in the future. Upon call for the question, all present voted in favor of the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - January 21, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held January 7, 1987 were approved as written.

#### Authorization of Annual Payment to Ottawa/Franklin County Economic Development

Commissioner Bemmels made a motion that a payment of \$30,000 to be made in monthly installments to the Greater Ottawa Chamber of Commerce for economic development purposes as allocated in the 1987 annual City budget be approved. The motion was seconded by Commissioner McCrea. It was reported that this the same allocation of monies for 1987 as was made in 1986. Upon call for the question, all present voted in favor of the motion.

#### Authorization of Expenditure from the Risk Management Reserve Fund

It was discussed that in 1986 the City discontinued insuring City vehicles for comprehensive and collision purposes. The monies that would have been expended for this insurance coverage, have instead been set aside in a Risk Management Reserve Fund to repair or replace damaged City vehicles as necessary. State law requires that the Governing Body approve each expenditure from the Risk Management Reserve Fund. In December 1986 the City pool car was involved in a collision and determined to be a total loss. At this time, the Governing Body is to consider the replacement of the pool car with a vehicle purchase in the amount of \$11,842. It was also stated at this time that any monies received from salvage of the wrecked pool car would be placed in the Risk Management Reserve Fund. Commissioner McCrea made a motion that an expenditure of \$11,842 from the Risk Management Reserve Fund as established by Ordinance 2426-86, funds from which are to be used for the purchase of a new replacement vehicle, be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Report of Status of Various City Projects

A report of the status of the various City projects was given at this time.

#### Proclamation - Jaycee Week

Mr. Gary Batemen, representing the Ottawa Jaycee's presented and read a proclamation establishing the week of January 18-24, 1987 as Jaycee Week. Commissioner Lister moved that the proclamation be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Recognition of Robert B. Wellington

Mayor Thompson recognized Mr. Robert B. Wellington, Editor and Publisher of the Ottawa Herald for the past 30 years for his service both to the Ottawa Herald and to the City of Ottawa. Mayor Thompson stated that even though Mr. Wellington is retiring as Editor and Publisher of the Ottawa Herald, the City continue to look to him for his expertise in certain areas. Mr. Wellington commented that he felt he had been most fortunate during his years with the Ottawa Herald with the cooperation received from the City Commissions and staff of the City of Ottawa.

Mrs. Dorothy Nichols presented Mr. Wellington with a rose for his efforts in encouraging women to get involved in business and government.

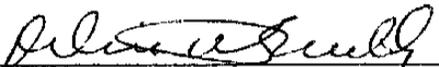
Business from Guests

Mr. Floyd Jacobs, 1104 N. Cherry, appeared before the City Commission stating that he was of the firm belief that North Cherry leading into the industrial park should be improved. Mr. Jacobs stated that the improvement would probably cause nothing but an inconvenience to him in that he lives on North Cherry, and traffic would increase. However, Mr. Jacobs stated that portions of North Cherry are dirt and gravel and very narrow and it is very difficult to navigate this area if you meet oncoming traffic. The City Manager reported that portions of North Street are scheduled to be rehabilitated in 1987 and this might help alleviate the problem.

Mrs. Wanda Durbin appeared before the City Commission and questioned why City employees are allowed to drive City cars out of town. Mrs. Durbin suggested that City employees be required to drive their own cars to training sessions and meetings, and that the City pay them mileage for doing so, thus saving on insurance costs.

Mrs. Mildred Heathman appeared before the City Commission stating that she had appeared before the City Commission at a public study session on January 5, 1987, asking the City Commission to give her husband, Commissioner Heathman some relief on a lawsuit in which Mr. Heathman has been named as sole defendant concerning an employee complaint, and further stated that to date she had received no redress from the City Commission. Further, Mrs. Heathman stated that some employees of the City who had attended driver training sessions in 1985 on off-duty hours had not been paid overtime for their attendance. Mrs. Heathman stated that originally the City Manager had told her that all employees were compensated for off-duty attendance, but later had stated that those employees attending the driver training sessions in 1986 on off-duty hours had been compensated for their attendance. The question then arose as to the effective date of the national labor relations board ruling that all employees of municipalities must be compensated for overtime. Mrs. Heathman then questioned the amount of overtime of the City Manager's secretary in 1985 and 1986. The City Manager stated that it was more economical to pay his secretary overtime for work performed than to hire an additional person. Mrs. Heathman then asked to see the job description of his secretary. The City Manager agreed to discuss this matter with Mrs. Heathman in his office. Mrs. Heathman stated that she had asked for the statements of the City Attorney for the expenses paid in the Sams and Riddle lawsuits, and she had been answered that there were no direct billings or expenses incurred by the City Attorney in this area. Mrs. Heathman stated that she had learned that the City Attorney is paid \$1,200 per year plus a monthly fee paid in the form of other compensation. X Mrs. Heathman said she had asked for the petty cash vouchers and a report of expenses on the American Express card, and she stated that she had received the expenses on the American Express card but the petty cash items were so numerous that a report of those had not been furnished to her. Mrs. Heathman stated, however, that she still intended to go through the petty cash expenditures of the City.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 4, 1987

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Heathman, and Bemmels.  
Absent: Commissioner Lister.

#### Approval of Minutes

The minutes of the special meeting held at 7:00 p.m. January 20, 1987 were approved as written. The minutes of the regular meeting held at 9:35 a.m. January 21, 1987 were corrected as follows: Page 11 next to last sentence was corrected to read that Mrs. Heathman said that Commissioner Heathman had asked for the petty cash vouchers and a report of expenses on the American Express card, and she stated that he had received the expenses on the American Express card but the petty cash items were so numerous that a report on those had not been furnished. The balance of the minutes were approved as written.

#### Recognition of Retiring City Employees

Mrs. Norene Hobbs was recognized for her 23 years of service to the City of Ottawa and was presented with a plaque commemorating her retirement from the City.

Mr. Clarence Burns was recognized for his 27 years of service to the City of Ottawa and he was also presented with a plaque commemorating his retirement from the City.

#### Annexation Ordinances

The following ordinances were passed to square up City boundaries and to bring into the City segments of U.S. and state highway rights-of-way for the purpose of clearly defining traffic control jurisdiction on these highways for the City of Ottawa Department of Public Safety.

##### Ordinance No. 2846-87 - Annexation

Commissioner McCrea made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas in conformity with the provisions of KSA 12-520(c) be passed. The land is defined as lying in the SE corner of the NE quarter of Section 14, between the Atchison, Topeka and Santa Fe Railroad right of way and US-59 and south of Interstate 35, totaling 24 acres more or less. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

##### Ordinance No. 2847-87 - Annexation

Commissioner Bemmels made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas in conformity with the provisions of KSA 12-520(c) be passed. The land is defined and commonly known as the area including the east cloverleaf portion of the Interstate 35/US-59 interchange totaling 30.46 acres more or less. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

##### Ordinance No. 2848-87 - Annexation

Commissioner McCrea made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas in conformity with the provisions of KSA 12-520(c) be passed. The land is defined as the north one-half of K-68 east of the right of way from Cottonwood Street east to the center of Davis Road and K-68 intersection, totaling 1.97 acres more or less. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Ordinance No. 2849-87 - Annexation

Commissioner Bemmels made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas in conformity with the provisions of KSA 12-520(c) be passed. The land is defined as K-68 bypass right of way from West Second Street and Beech Street intersection southwesterly to the City limits, totaling 4.64 acres more or less. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Agreement with the Franklin County Humane Society

An agreement whereby the City of Ottawa will pay the Franklin County Humane Society \$11,150 for services rendered in 1987 and whereby the City of Ottawa will make a donation to the Humane Society in the amount of \$1,737 in 1987, was considered. Commissioner McCrea made a motion that the mayor be authorized to sign an agreement between the City of Ottawa and the Franklin County Humane Society for services to be rendered in 1987 at the above stated costs. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, February 3, 1987, at 7:00 p.m. in City Hall. Present: Members Ellena, Peterson, Searls, Jackson and Chairman Hendrix. Absent: Members Keith and Woolman.

The minutes of the last meeting held January 6, 1987 were approved as written.

The Planning Commission continued a Public Hearing and voted 5-0 to recommend that the zoning ordinance be amended to: (1) redefine babysitting service; day care nursery, day care home, group day care home; and day care center; (2) to allow day care homes for more than 4 children or adults as a special use in all R-S, R, R-1, MH, MP, O-I, C-1 and C-3 zoning districts; and (3) to amend the nonconforming use section of the zoning ordinance to legalize all babysitting services and day care homes which are licensed by the state and in existence on September 2, 1987.

The Planning Commission voted 5-0 to approve the final plat of the Kraft Addition with a 15' utility easement along the west side of the property.

The Planning Commission voted 5-0 to rescind Item #8 and #12 of the Planning Commission Bylaws. Item 8 required two meetings be held before action can be taken on new business items.

The Planning Commission recommended for approval with a 5-0 the rezoning of a 110 acre tract of land south of 23rd Street from R-S (Residential Suburban) to I-1 (Light Industrial).

The Planning Commission tabled consideration of creating a new zoning district that would include commercial and industrial uses.

The Planning Commission voted 5-0 to call a public hearing for the purpose of amending the zoning ordinance to allow "Automobiles and other motor vehicles - retail" in an I-2 zoned area.

The Planning Commission voted 5-0 to appoint James Shaw secretary of the Planning Commission to replace Kristy Cannon.

There being no further business, the meeting was adjourned.

City Investment Schedule

Commissioner Bemmels made a motion that the Schedule of Investments for the City of Ottawa existing as of January 31, 1987 reflecting a total of \$4,100,000 invested at an average annual interest rate of 5.82% be approved. The motion was seconded by Commissioner McCrea and all present voted in

favor of the motion.

#### Application for Cereal Malt Beverage License

The City Governing Body proceeded to consider an application for cereal malt beverage license as submitted by the Olympic Recreation Center, Inc. doing business as Indian Lanes, at 2040 Princeton Road, for consumption on the premises, Robert Sheldon, Manager. The city clerk reported that the criteria for issue of license had been met and license fee of \$125 had been paid. Commissioner Bemmels made a motion that a cereal malt beverage license for consumption on the premises be issued to Olympic Recreation Center, Inc. doing business as Indian Lanes as above described, be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Proclamation - Black History Month

Mrs. Georgetta Bartlett appeared before the City Commission and read a proclamation proclaiming the month of February 1987 as Black History Month. A motion for approval of the proclamation was made by Commissioner McCrea. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Governing Body's Agenda

Smoking Ordinance - Mayor Thompson stated that the City has been working on a smoking ordinance for the City of Ottawa as it might pertain to governing buildings, public buildings and retail establishments. Mayor Thompson stated that the ordinance is still in draft form and he would call on Commissioner Bemmels to explain about the ordinance. Commissioner Bemmels stated that the ordinance is still in draft form and it is patterned after a smoking ordinance presently in use in the cities of Overland Park, Kansas City, MO, Topeka, and Lawrence. Commissioner Bemmels then read sections from the ordinance, describing the purpose and policy of the ordinance. It was explained that the City Commission will be considering the ordinance in a few weeks and copies of the draft ordinance may be secured from City Hall for those interested in reading it. The ordinance is so written that it will not take effect until 180 days after passage.

#### Announcement of Date of Next City Commission Meeting

Mayor Thompson announced that inasmuch as the City Commission will be attending a legislative conference in Topeka on February 18, which is the date of the next regularly scheduled City Commission meeting, that meeting will be held on February 25, 1987, at 9:35 a.m.

#### Farewell Statement to Administrative Assistant Kristy Cannon

Commissioner McCrea stated that inasmuch as this is the last regular City Commission meeting that Ms. Cannon will be attending, he wished to commend her for the good job she has done for the City of Ottawa during her tenure here and did wish her well in her new assignment as Assistant City Manager in Emporia, Kansas.

#### Public's Agenda

Mr. William Egidy appeared before the City Commission stating that he operated a business on 23rd Street just west of Princeton Street and approximately a year ago he had been denied permission to sell used cars from this location. Mr. Egidy further stated that in December of 1986 the zoning of his location had been changed such that he should be able to sell used cars and Mr. Egidy was asking why he had been denied permission to do so. It was pointed out to Mr. Egidy that the zoning of his property had not been changed but the City Commission had taken action on an ordinance which would permit additional uses in his present zoning classification. However, the additional uses did not include the sale of motor vehicles. Mr. Egidy then wondered why he was not allowed to store items outside his building

inasmuch as a business immediately west of him was allowed to do so under a grandfather clause. Mr. Egidy stated that inasmuch as the tract upon which he operates and the tract upon which the business west of him operates is all contained in the same deed, he should be allowed to store items outside also. Mr. Egidy was informed that this was not the case, that he would also be able to store items outside but if he wished to apply for a change in zoning, he could have the owner of the tract do so. It was further explained to Mr. Egidy that in order to allow additional uses within the zoning district, a public hearing for that purpose would have to be called either by the Planning Commission or the City Commission; that a private citizen could not petition a public hearing for that purpose.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.

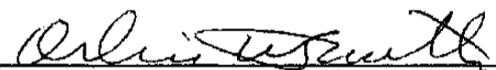
  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 16, 1987

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners Heathman, Lister and Bemmels.  
Absent: Commissioner McCrea.

The purpose of the meeting was to consider a request of the Ottawa Retail Association to hold a sidewalk sale in the central business district on February 21, 1987. Commissioner Bemmels made a motion that the request of the Ottawa Retail Association to hold a sale on the sidewalks in the central business district on February 21, 1987 between 9:00 a.m. and 5:00 p.m. be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

The purpose for which the meeting was called having been completed, the meeting was adjourned.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 25, 1987

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Lister and Bemmels.  
Absent: Commissioner Heathman.

#### Approval of Minutes

The minutes of the last regular meeting held February 4, 1987 and the minutes of the special meeting held February 16, 1987 were approved as written.

#### Ordinance - Regulating Smoking

Commissioner McCrea opened the discussion on the proposed ordinance stating that in his conversations with persons in the community, the ordinance seemed to be either popular or unpopular, depending upon whom is speaking. Commissioner McCrea further stated that he wished to study the ordinance further before considering it for passage, and then made a motion that an ordinance controlling smoking within the City of Ottawa be tabled for an indefinite period of time. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Ordinance No. 2850-87 - Babysitting and Day Care Services

It was explained that the ordinance under consideration will legalize baby-sitting as a home occupation in the City of Ottawa, either as a legal nonconforming use subject to the operation being state approved on or before September 2, 1987, or by special use permit. Commissioner Bemmels made a motion that an ordinance amending and modifying Ordinance No. 2713-82 specifically Appendix A to include day care nursery, day care home or group day care home as a special use in the R, R-S, R-1, R-2, M-H, O-I, C-1 and C-3 zoning districts; and Article 3, Rules and Definitions, Section 2, and Article 27, Nonconformities, Section 4, be passed. The motion was seconded by Commissioner Lister. Commissioner Lister commented that the ordinance now being considered, speaking to land uses within the City, and not to zoning. Upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2851-87

The ordinance now under consideration is relating to zoning of a tract of land in the southwest part of the City that was recently annexed into the City. The ordinance, if passed, would change the zoning of the tract of land from R-S (Residential Suburban) to I-1 (Light Industrial). Commissioner Lister made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the certain tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas, and repealing certain parts of the said amended zoning map of said City. The land to which the ordinance relates is to be changed from R-S (Residential Suburban) to I-1 (Light Industrial) classification. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Agreements for Termination of Signalization Agreements

Agreements were introduced to terminate agreements with the AT&SF Railroad and the Kansas Department of Transportation for signalization improvements at certain intersections within the City of Ottawa. The agreements for signalization were originally signed for the installation at automated traffic signals at certain train crossings within the City of Ottawa. However, the railroad spur for which the signals were intended is no longer used to an extent that it is deemed advisable to place signalization at these locations, and due to the reduced level of use no longer qualify for federal highway funds. The locations for the signalization were at Walnut Street intersections with Second Street, Fourth Street, Fifth Street and at

Tecumseh Street. The projects to be terminated are:  
No. 30 X-0573-01; RRP-000S(243) 2nd Street  
30 X-0570-01; RRP-000S(240) 4th Street  
30 X-0673-01; RRP-000S(346) Tecumseh Street  
30 X-0578-01; RRP-000S(248) 5th Street

all in the City of Ottawa, Franklin County, Kansas. Commissioner McCrea made a motion that a mutual termination agreement between the City of Ottawa, Atchison, Topeka & Santa Fe Railroad, and the Kansas Department of Transportation concerning signalization improvements at the intersections above numbered and described, be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Change Order for Hazardous Elimination Project at US-59 and 23rd St.

The City Manager reported that the Hazardous Elimination Project at US-59 and 23rd Street in the City of Ottawa is completed but it is necessary to act on a final change order in the amount of \$351.00 to adjust the final project quantities. Commissioner Bemmels made a motion that Change Order No. 4-F for Project 30 U-1002-01 HES000S(113) Hazardous Elimination Project at US-59 and 23rd Street in the additional amount of \$351.00 which adjusts final project quantities, be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Revision of Exhibits to the City's Agreement with Kansas Municipal Energy Agency

The Governing Body proceeded to consider acknowledgements of substitution exhibits to the power pooling contract between the Southwest Power Administration and the Kansas Municipal Energy Agency. The revision of the exhibits was necessary to reallocate hydro power due to the City of Ellis, Kansas, withdrawing from the Kansas Municipal Energy Agency. Commissioner Lister made a motion that the City acknowledge a revision of Exhibits A, B and C to the pooling contract between the Southwest Power Administration and the Kansas Municipal Energy Agency dated December 31, 1984, said revisions being necessary due to the City of Ellis no longer being a part of the hydro power pool. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Amendment to the City's Agreement for Withholding of Social Security Contributions

The City Commission proceeded to consider an amendment to the City's agreement for the withholding of Social Security contributions as it pertains to elected officials. Under the present agreement, the salaries of elected officials are not subject to Social Security withholdings. Commissioner Bemmels made a motion that the City approve a plan of coverage for the City of Ottawa agreeing to include Social Security tax deductions as imposed by the Federal Insurance Contributions Act for all employees of the City of Ottawa, including elected officials. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Report of Status of Various City Projects

The City Clerk read into the official City record the status of projects of the City as of February 1987.

#### Applications for Cereal Malt Beverage License

The Governing Body proceeded to consider applications for cereal malt beverage license as follows: Quick Corner, Inc., 402 S. Main, Robert L. Dodson, Manager, not for consumption on premises; and New York Original Delicatessen, Inc., 121 E. 2nd, Steven M. Frenano, Manager, for consumption on premises. Commissioner Lister made a motion that the applications for cereal malt beverage license be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Governing Body's Agenda

Mayor Thompson announced that prior to the expiration of his term as mayor, in approximately six weeks, he will be appointing a person to the Board of Zoning Appeals to fill an unexpired term of Mrs. Virginia Anderson, who has resigned. The normal term for the Board of Zoning Appeals is for three years; however, Mrs. Anderson's term is to expire in May of 1988 and his appointment will be for the remainder of that term. Mayor Thompson asked that anyone interested in serving on the Board of Zoning Appeals contact him.

### Public's Agenda

Mr. Brad Howard, representing the Ottawa Jaycees, asked permission to hold the St. Jude Bike-A-Thon in Forest Park on Saturday, March 28, 1987, from 7:00 a.m. to 7:00 p.m., and asked that the park be closed during this period of time. Discussion revealed that it was necessary to close the park for this event for the safety of the bicycle riders. Commissioner Bemmels made a motion that the Jaycees be permitted to use Forest Park as above requested. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

### City Manager's Agenda

The City Manager reported that the City will be unable to apply for FY 1987 Community Development Block Grant (CDBG) Community Improvement funds. The reason is that the 1984 CDBG Community Improvement Project is not completed nor will it be complete prior to March 30, which is the deadline set for completion of that project. The City Manager reported, however, that the City will be able to apply for either an economic development grant or a discretionary grant.

Mayor Thompson announced that the City had been informed that Ottawa Cable TV will increase their monthly charges for basic cable television service by sixty cents to a total monthly fee of \$12.90.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 4, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners Heathman, Bemmels and Lister. Absent: Commissioner McCrea and City Manager Dresher, who were representing the City of Ottawa at a Washington D. C. conference.

#### Approval of Minutes

The minutes of the last regular meeting held February 25, 1987 were amended to include a statement of Commissioner McCrea in which Commissioner McCrea stated, with the present campaigning for office of city commissioner there are certain statements being circulated, concerning city government that may or may not be factual. If anyone wishes a clarification on items concerning city government Commissioner McCrea urges them to call City Hall. The minutes were further amended to reflect a statement of Mayor Thompson, whereby Mayor Thompson stated, the Dept. of Public Safety has become an item of political controversy and the information being circulated concerning the Department of Public Safety is not necessarily always correct. Anyone wishing information concerning the Dept. of Public Safety, could call the Director of Public Safety Oren Skiles. The balance of the minutes was approved as written.

#### Ordinance No. 2852 - 87 - Interlocal Cooperation Agreement for Risk Management

Mayor Thompson introduced Ordinance No. 2852-87 which authorizes the City of Ottawa to enter into an Interlocal Cooperation Agreement for the establishment of the Kansas Intergovernmental Risk Management Agency. Mayor Thompson stated that he, Commissioner Lister and Commissioner Bemmels had recently attended a meeting in Topeka concerning the Kansas Intergovernmental Risk Management Agency. The purpose of the agency and the Ottawa's participation therein is to defray insurance costs for the city. The Kansas Intergovernmental Risk Management Agency will be a pooling mechanism whereby insurance claims against the City of Ottawa and other cities which are participating may be paid from the Risk Management Agency pool with coinsurance and umbrella insurance purchased by the agency. Commissioner Lister stated that the Kansas Legislature is presently looking into the possibility of the school districts and the cities of the State entering into a risk management pool. Mayor Thompson stated it was important for the City of Ottawa to pass the ordinance authorizing the City to participate in the Risk Management Agency, in that the first 18 cities entering into the agreement will automatically become members of the board of directors of the agency and it is desirable that the City of Ottawa have a seat on the board of directors. Commissioner Bemmels stated that such insuring arrangements would definitely save money for the City of Ottawa. Commissioner Bemmels made a motion that an ordinance authorizing the City of Ottawa to enter into an Interlocal Cooperation agreement for the establishment of the Kansas Intergovernmental Risk Management Agency be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Request of Radio Station KOFO

Patty Jones representing Radio Station KOFO appeared before the Commission stating that she was appearing in place of Andy Ikenwald, Sales Manager, requesting permission to hold their annual Farmfest on Third Street downtown Ottawa, between Main and Hickory Street. The Farmfest is scheduled to be held on March 14, 1987 and the street would need to be closed from 6 a.m. to 5 p. m. that day. Ms. Jones stated that Farmfest is a public service event for farm and town families and that radio station KOFO would appreciate the permission to hold the Farmfest on Third Street this date. Commissioner Lister made a motion

that Radio Station KOFO be permitted to use Third Street between Main and Hickory Street on March 14, 1987 between the hours of 6 a.m. and 5 p.m., that the street be closed for this event and that the approval be contingent upon the approval of The Department of Public Safety. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Proclamation - Developmental Disabilities Awareness Month

A proclamation was read proclaiming the month of March 1987 as Developmental Disabilities Awareness Month. Commissioner Lister made a motion that the proclamation be approved and that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation - Parmelee Products

A proclamation was read commending Parmelee Products Inc. and celebrating their 25th year of manufacturing in the City of Ottawa. Commissioner Lister made a motion that a proclamation commemorating the 25th year of manufacturing for Parmelee Products Inc. in the City of Ottawa be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Report of the Planning Commission Meeting of March 3, 1987

The City Planning Commission met in regular session on Tuesday, March 3, 1987 at 7:00 p.m. in City Hall. Present: Members Searls, Woolman, Jackson, Ellena, Keith & Peterson.

Absent: Chairman Hendrix.

The minutes of the last meeting held February 3, 1987 were approved as written.

The Planning Commission Tabled the Public Hearing to allow (Automobiles and other motor Vehicles - retail) as a conforming use to I-2 (Heavy Industrial) zoning. and called a Public Hearing to be held at the April meeting for the Re-zoning of an area from I-2 (Heavy Industrial) to C-2 (General Commercial). This area is generally located on the South side of West Wilson St., east of the Santa-Fe Railroad tracks.

The Planning Commission voted 6-0 to call a Public Hearing to be held at their April meeting to amend the Zoning regulations by adding a new E D (Economic Development) district. This District would include uses now allowed in both C-2 (General Commercial) and I-1 (Light Industrial).

The Planning Commission also called a Public Hearing to be held at their April meeting for the 1987 update of the Capital Improvement Program.

There being no further business, the meeting was adjourned.

#### Investment Schedule for February 1987

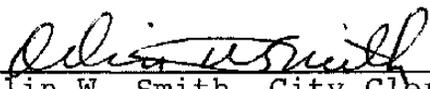
Commissioner Bemmels made a motion that the schedule of investments existing as of February 28, 1987 showing a total amount of \$5,100,000 invested at an annual average interest rate of 5.87% be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Governing Body Agenda

Mayor Thompson announced that the appointment to fill an unexpired term on the Board of Zoning Appeals will be made at the meeting of March 18, 1987. Mayor Thompson stated that he had received a call from one person who wanted to serve on the Board of Zoning Appeals, but he was unsure as to whether the city staff had received calls from interested persons.

Mayor Thompson stated that at this time he would like to offer an apology to the employees of the Dept. of Public Safety for the comments being made concerning their ability to perform their jobs. Mayor Thompson stated that the controversy surrounding the Dept. of Public Safety is a political controversy and has no reflection upon the people in that department. The Dept. of Public Safety as it is structured and operates is a policy decision of the City Commission. Commissioner Heathman stated that he was in agreement with the Mayor in as much as the people working in the Department of Public Safety are good honest hard working people and endeavoring to do their job correctly. Commissioner Heathman did state, however that these people were being mistreated. It was further stated by Commissioner Heathman that a week ago when Mayor Thompson invited the people of Ottawa to call the Department of Public Safety if they had any questions concerning the operation of the department that the Mayor was interfering with the operation of a department. Commissioner Heathman said that he was not happy with a note that was passed to the Dept. of Public Safety stating that all calls inquiring into the operation of the department should be given to Lieutenant Shutt in the absence of Dir. Skiles and wanted to know why the calls should not be given to Deputy Director Espinosa, who was in charge of the Dept. at that time. Mayor Thompson answered that at the closing of the last meeting in talking with the City Manager he realized the Director and Deputy Director Diamond were out of town attending a school, and that inasmuch Lieutenant Shutt was the training officer and has given seminars over the state on the operation of the Department of Public Safety, Mr. Shutt would be the appropriate one to answer the questions as he probably more fully understands the total operation. Commissioner Heathman further objected to the fact that the calls could not be given to Deputy Director Espinosa as he was quite certain Deputy Director Espinosa would tell the truth. Mayor Thompson then stated that Deputy Director Espinosa was involved with the operation of the total department in the absence of Director Skiles and Mr. Diamond and that Lieutenant Shutt would be the appropriate one to answer the questions. Commissioner Heathman then stated that the City of Ottawa Department of Public Safety is currently losing two good officers who have found employment elsewhere. Mayor Thompson answered that he was aware that the officers were leaving the department and he wished to congratulate them on finding better employment. Commissioner Bemmels stated that he felt it was a credit to the City of Ottawa who had trained the officers to such a degree that they may become law enforcement officers in larger cities.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 18, 1987

The City Governing Body met in regular session at 9:35 this date. Present Mayor Pro tem McCrea, Commissioners Bemmels, Lister and Heathman. Absent Mayor Thompson.

#### Approval of Minutes

Commissioner Heathman questioned the comments by Mayor Thompson that appear on page 22 of the minutes. Commissioner Heathman's question was as to whether those comments were made entirely by Mayor Thompson or if some of the comments were made by City Manager Dresher. Mr. Heathman was assured that all of the comments that appear on page 22 were made by Mayor Thompson. The minutes of the last regular meeting held March 4, 1987 were approved as written.

#### Ordinance No. 2853 - 87 - Uniform Plumbing Code

Commissioner Bemmels made a motion that an ordinance incorporating by reference the Uniform Plumbing Code 1985 edition and making revisions, deletions, substitutions and additional provisions therein be passed. The motion was seconded by Commissioner Heathman. It was discussed that Ordinance No. 2853-87 is to adopt the 1985 edition of the Uniform Plumbing Code updating the City of Ottawa from the 1979 edition. Upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2854 - 87 - Amending the Municipal Code of the City of Ottawa

Commissioner Lister made a motion that an ordinance providing for a certain amendment in Chapter 6 of the Municipal Code of the City of Ottawa Kansas 1982 specifically Section 6-202 of said code and providing for the incorporation of said amendment into the municipal code of the City of Ottawa Kansas 1982 be passed. The motion was seconded by Commissioner Heathman. It was explained that Ordinance 2854-87 provides for the Uniform Plumbing Code 1985 addition as adopted and revised by the City to be adopted into the Municipal Code of the city. Upon call for the question all present voted in favor of the motion.

#### Authorized Kansas National Guard to use Forest Park

The City Manager explained that the Ottawa Unit of the Kansas National Guard presently has verbal permission to use Forest Park in case of emergency. However, the National Guard has requested written permission to use Forest Park in case of the unavailability of their Armory facilities or during other emergencies. Commissioner Heathman made a motion that the Headquarters and the Headquarters Battery P/127 Field Artillery 35th Infantry Division, Kansas National Guard, Ottawa, Kansas be permitted to use Forest Park in the event of an emergency. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Mayoral Appointment to the Board of Zoning Appeals

Mayor Pro tem McCrea announced that Mayor Thompson has appointed Mrs. Dorothy Nichols to fill the unexpired term of Virginia Anderson on the Board of Zoning Appeals.

#### Status of City Projects for March 1987

The City Clerk read into the official City record the status of projects of the City as of March 1987.

Mayoral Announcement of the Establishment of Special Committee

Mayor Pro tem McCrea announced that at the City Commission Study Session of March 9, 1987, the City Commission agreed to establish a special committee to consist of five persons, with each commissioner naming a member of the committee to investigate alleged acts of favoritism and altering of records within the Department of Public Safety. Mayor McCrea stated that he was very confident that each commissioner could come up with an unbiased person to serve on the committee and in addition the committee will have a facilitator from the League of Kansas Municipalities, Mr. Bernie Hayen to assist the committee with their work. The paper work will also be completed by the Kansas League of Municipalities office. Mayor Pro tem McCrea stated that as soon as the committee has finished its work and the report is compiled by the League of Kansas Municipalities, it will be available to anyone wishing to see it, after it has been reviewed by the City Commission. Commissioner Heathman then submitted a statement which he requested be read into the official record of the City. The statement is as follows:

Fred Heathman Dps Proposal, 3/16/87

I propose that we table further action on establishing a panel to investigate the DPS until the April 20 study session because:

1. As was discussed on Monday, March 9, 1987 and Friday March 13, 1987, the commissioners that make the appointments to this panel should be able to receive and deal with the panels report.
2. We learned March 13, 1987 that two of the appointees cannot meet until April, Giving the panel insufficient time to properly investigate the situation before new members are installed on this commission.
3. The city manager is the executive officer of the City and directly responsible to the commission for all the departments in the city. Any investigative process could involve an investigation of the city manager. The city manager should then not be present or involved, as he already has been, in the proceedings.
4. I have received pages and pages of information as to what is going on at the DPS from DPS Officers this past week. I will give this information, with the officer's permission, to the NEW COMMISSION, IF they will agree to examine and study it in the strictest confidence of the 5 commissioners only and with NO reprimand to the officers.
5. I believe that it is possible that the NEW COMMISSION, in light of this new written information, will be able to make a decision regarding the DPS and direct the city manager to carry out their decision. I further believe it might not be necessary to have a panel when we have a new commission, thus eliminating further argument about the bias of a lay panel investigation.
6. I would not be opposed to the NEW COMMISSION directing the city manager to do the investigation of this department, as he should have done on his own months ago, pursuant to: Ks. Statue 12-1014, Paragraph 2: City Manager "shall be responsible for the discipline of all appointive officers, and may, without notice, cause the affairs of any department or the conduct of any officer of employee to be examined." But - with one stipulation, that he report his findings to

the commission, before taking any corrective action, so that the commission can be involved in making a final determination about what action need be taken.

This commission has very adamantly said NO to all my attempts over the last fifteen months to have an investigation of the DPS. Now you interpret my votes in the primary to mean you should investigate. I believe the electorate knows how to interpret the haste with which you move and that they are willing to wait one more month for action. Given the opportunity, I am confident the electorate will give us the people they want to handle this problem. By tabling this to be resolved by the NEW COMMISSION, the DPS need no longer to be a political backboard.

Mayor Pro tem McCrea commented after the reading of the statement that the statute quoted in Commissioner Heathman's statement 12-1014 refers to cities with a civil service commission and as such does not affect the City of Ottawa. Mayor Pro tem McCrea stated that this is also the opinion of the City Attorney. Commissioner Heathman then commented that he had requested an opinion from another attorney and that the other attorney stated that said statute does affect the City of Ottawa. Commissioner Heathman further stated that he feels we are getting bad information from the City Attorney.

Mrs. Mildred Heathman stated that she had made the phone call to the other attorney to which Mr. Heathman referred and in reading the heading of the statute that it definitely referred to the City of Ottawa. Mrs. Heathman further suggested that the City of Ottawa get an opinion from another attorney, to which Mayor Pro tem McCrea answered that he would go with the opinion of the City Attorney.

Commissioner Bemmels then stated that the question posed by Mr. Heathman's statement seemed to be more as to whether the City Commission should proceed with the panel to investigate the DPS or wait until a new commission takes office. Commissioner Bemmels said that a message was clearly conveyed to him at the Candidates Forum and the people of Ottawa are wanting an investigation into the Department of Public Safety.

Commissioner Lister stated that the committee which is now being formed was taken from a suggestion in the editorial column of the Ottawa Herald, and she felt it was the proper direction to go.

Mayor Pro tem McCrea then stated that he had read Supreme Court Case Law as it pertains to general statute 1949 12-1014 in which the Supreme Court had ruled that the City Manager is responsible for all business activities of the city inclusive of personnel and the City Governing Body cannot interfere in matters of personnel.

Mrs. Billie DeLaTorre appeared before the City Commission stating that she does not agree with the appointment of the panel in as much as Mayor Thompson had made a statement that these people do not want to take too much time away from their jobs. Mrs. DeLaTorre stated that if the persons appointed do not have time to do the job that possibly the new commission should look for different people.

Commissioner Bemmels stated that the City Commission had talked of setting a deadline for a report from the special committee; however, it was felt that a deadline could not be set as they are not sure how fast the panel can move and how in depth the panel may look.

Mr. Don Smith appeared before the City Commission stating that the City Commission should realize that a new commission could set aside, change or modify any decisions of this commission; therefore, he suggested not appointing a committee until the new commission takes office.

Commissioner Bemmels made a motion that a resolution establishing a special committee to study the City of Ottawa Department of Public Safety and certain problems relating thereto be passed. The motion was seconded by Commissioner Lister. Mayor Pro tem McCrea then directed the City Clerk to read the Resolution into the record.

RESOLUTION NO. 433-87

A RESOLUTION ESTABLISHING A SPECIAL COMMITTEE TO STUDY THE CITY OF OTTAWA DEPARTMENT OF PUBLIC SAFETY AND CERTAIN PROBLEMS RELATING THERETO.

WHEREAS, on this the 18th day of March 1987, the Governing Body of the City of Ottawa, Kansas, hereby establishes a Special Committee consisting of five (5) residents of the City of Ottawa; and

WHEREAS, the Governing Body of the City of Ottawa, Kansas has selected a staff member from the League of Kansas Municipalities, Topeka, Kansas, of which the City of Ottawa is a subscribing member, to serve as Special Committee Moderator; and

WHEREAS, the Special Committee Moderator shall be a non-voting member of the Special Committee and whose activities shall include, but shall not be limited to, facilitating the investigations or activities of the Special Committee; taking minutes of Committee meetings, scheduling, report preparation, and advising the Special Committee on matters of state and local law as it may pertain to Cities of the Second Class organized under the Commission-Manager form of government; and

WHEREAS, the purpose of the Special Committee is to independently investigate allegations of favoritism within the Department of Public Safety as it pertains to the employees therein; and

WHEREAS, in addition, the Special Committee shall further investigate the allegation of the changing of records within said Department; and

WHEREAS, it is the expressed concern of the Governing Body of the City of Ottawa, Kansas, that the Special Committee, to the best of its ability, thoroughly investigate the above allegations as expeditiously as practicable; and

WHEREAS, following said investigation prepare a final report to be presented to the Governing Body of the City of Ottawa, Kansas, after which said report shall be available for the public as may be requested; and

WHEREAS, it is the desire of the Governing Body of the City of Ottawa, Kansas, that the employees of the City of Ottawa as well as the citizens of Ottawa cooperate fully with the Special Committee in order that the allegations be thoroughly investigated and the issue completely and finally resolved; and

WHEREAS, that upon the submission of the final report to the Governing Body of the City of Ottawa, Kansas, the duties and responsibilities of said Special Committee and Moderator are thereby terminated; and

WHEREAS, the Governing Body of the City of Ottawa, Kansas, expresses its appreciation for the willingness of these five citizens of our community to assist in what is hoped to be the resolve of said issues.

This Resolution adopted this the 18th day of March 1987, by the Governing Body of the City of Ottawa, Kansas.

Commissioner Bemmels then stated that if Commissioner Heathman does not submit a name for the committee that he will offer an amendment to the resolution changing the membership of the committee to four. Commissioner Heathman then stated he was concerned as to whether the panel would have access to the written complaints which he has in his possession and that he felt results would be a put up deal and a whitewash.

Mr. Mike Murray appeared before the City Commission stating that Mr. Heathman's idea sounded good to him. The question was called by Commissioner Lister whereby Commissioners Lister and Bemmels, and Mayor Pro tem McCrea voted in favor of the motion and Commissioner Heathman voted opposing the motion. Mayor Pro tem McCrea then stated that at this time he would read the appointments to the special committee. The appointments are in sealed envelopes and it would not be divulged as to which commissioner appointed which person to the committee. Commissioner McCrea then asked Commissioner Heathman if he had an appointment at which time Commissioner Heathman handed Mr. McCrea an envelope. Mr. McCrea stated that he now had all five envelopes and will proceed to read the appointment. The appointments are as follows: Mr. Tom Gleason Sr., Dr. Charles Anderson, Cheryl Wieneke, Mark Sigurdson and Bob Wellington.

#### Request of Ottawa Jaycees

Mr. Gary Bateman of the Ottawa Jaycees appeared before the Ottawa City Commission to ask permission for the Ottawa Jaycees to use the southwest part of Forest Park on April 11 for an Easter Egg Hunt for the children of Ottawa. Mr Bateman stated that they would use April 18 as a rain out day if necessary and the Easter Egg Hunt would be in three groups of about twenty minutes each, and the hunt would last from 10 a.m. until 12 noon. Commissioner Bemmels motion that the request of Mr. Bateman be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Mr. Floyd Jacobs appeared before the City Commission stating that he felt the City of Ottawa has one of the best Police-Fire Departments in the State of Kansas. Mr. Jacobs stated that on a few occasions he has had to call the Police Department in emergency situations and that they have always responded very quickly. Mr. Jacobs did say, that if it had not been for the Police Department he may not be here today.

Mrs. Mildred Heathman again appeared before the City Commission asking Mayor Pro tem McCrea to check with another attorney on the duties of the City Manager. Mrs. Heathman felt that we were not getting proper information. Mrs. Heathman further asked if the County Attorney were not a higher authority then the City Attorney. Mayor Pro tem McCrea stated that he did not feel it was necessary to check with another attorney.

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

  
Orlin W. Smith, City Clerk

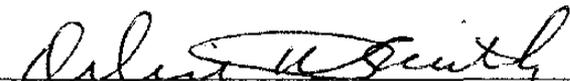
City Hall - Ottawa, Kansas - March 23, 1987

The City Governing Body met in special session at 3 p.m. this date. The purpose of the meeting is for the ratification of Resolution No. 433-87 adopted March 18, 1987 and the disclosure of the appointments to Special Committee designated therein. Present Mayor Thompson, Commissioners Heathman, McCrea, Lister and Bemmels, absent none.

Mayor Thompson opened the meeting stating that Resolution No. 433-87 adopted March 18, 1987 was read aloud at the regular City Commission meeting of March 18, 1987 and he would not call for the resolution to be read again at this time. Commissioner Bemmels made a motion that the City Commission ratify and confirm Resolution No. 433-87 adopted March 18, 1987, which establishes a special committee to study alleged acts of favoritism and record changing within the City of Ottawa Department of Public Safety. The motion was seconded by Commissioner McCrea. Mayor Thompson and Commissioners Bemmels, Lister and McCrea voted in favor of the motion; Commissioner Heathman voted opposing the motion.

Mayor Thompson then stated that at this time he would call upon members of the City Commission to announce their individual appointments to the committee authorized by Resolution No. 433-87. The appointments are as follows: Commissioner McCrea stated he was appointing Dr. Charles Anderson; Commissioner Lister stated she was appointing Mr. Robert Wellington; Mayor Thompson stated he was appointing Mr. Mark Sigurdson; Commissioner Bemmels stated he was appointing Mr. Tom Gleason Sr.; and Commissioner Heathman stated he was appointing Cheryl Wieneke. Commissioner Lister made a motion that the appointments be accepted and approved by the commission. Commissioner Bemmels seconded the motion and upon call for the question Mayor Thompson and Commissioners McCrea, Lister and Bemmels voted in favor of the motion, Commissioner Heathman voted opposing the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 1, 1987

The City Governing Body met in regular session at 9:35 a.m this date. Present Mayor Thompson, Commissioners Heathman, McCrea, Bemmels and Lister, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held March 18, 1987 were amended on page 27 to reflect that Commissioner Heathman indicated his appointment to the Public Safety Special Committee Cheryl Wieneke, resided in the City of Ottawa. The balance of the minutes were approved as written.

The minutes of the Special Meeting which was held March 23, 1987 were approved as written.

#### Water Quality Award

Mayor Thompson read from a news release whereby the City of Ottawa received first place in a water taste test this past week at Hays, Kansas, in the Kansas section of the American Water Works Association. There were several other entries in the contest in which the City of Ottawa was awarded first place. Mayor Thompson then presented the award to Leo Logan, who is in charge of the Water Treatment Plant. The award will be displayed at the Water Treatment Plant.

#### Change Order No. 1 to Alternate No. 1 - Dept. of Public Safety Remodel

The City Manager stated Change Order No. 1 to Alternate No. 1 of the Dept. of Public Safety Remodel and payment Application No. 4 Final, has resulted in a refund to the City of \$417.13. With the approval of Change Order No. 1 and the approval of Application No. 4 Final the Dept. of Public Safety remodel is completed. Commissioner Lister made a motion that Change Order No. 1 to Alternate No. 1 Dept. of Public Safety Remodel and acceptance of Payment Application No. 4 Final encompassing a refund of \$417.13 to the City be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### 1987 Street Rehabilitation Program

Mayor Thompson stated that in 1987 the City of Ottawa will have approximately \$400,000.00 to spend on the 1987 street rehabilitation program, and the staff has prepared a list of the streets to be considered for overlay, which has been taken from the overall list submitted by the Governing Body. A subject of discussion on the 1987 street rehabilitation program is whether the City should use the street rehabilitation monies for the construction or reconstruction of sidewalks in those areas where there are no sidewalks and it is felt sidewalks are needed. Mayor Thompson stated that the City Commission had discussed the subject of sidewalk construction but was not yet in agreement as to whether sidewalk construction should be undertaken with street rehabilitation funds. Commissioner Bemmels stated there were two projects not finished last fall due to weather conditions, consisting of an overlay of West 5th Street and West 6th Street and road overlays in Forest Park and Highland Cemetery in a total amount of about \$43,000.00 for which the money had been encumbered into 1987. Commissioner Bemmels also stated there was a \$25,000.00 item for

sidewalk construction in 1986 which had not been accomplished. Commissioner Bemmels then in referring as to where the monies had been spent stated there had been some discussion as to money spent on the North part of town as opposed to the South part of town. Commissioner Bemmels commented that in 1985, 1986 and planned 1987 with the Wilson Street project in the Kansas Dept. of Transportation budget in the future that \$ 1,940,000.00 will have been spent on streets in the North side of Ottawa as opposed to \$1,680,000.00 in the South of Ottawa.

Commissioner McCrea then voiced concern as to whether street rehabilitation monies should be spent for sidewalks and invited public comment on the subject.

Commissioner Lister made a motion that the Street Rehabilitation Program for 1987 as presented be approved subject to further consideration on sidewalk improvement from this fund. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

#### Agreement between the City of Ottawa and The Ottawa Recreation Commission for the Operation and Maintenance of the Baseball Facilities at the Orlis Cox Complex

An agreement was introduced for the Ottawa Recreation Commission to operate and maintain the baseball and softball facilities in Orlis Cox Complex in Forest Park for 1987. It was explained that this agreement is the same as the agreement The City of Ottawa had with the Ottawa Recreation Commission in 1986. Commissioner Heathman made a motion that an agreement between the City of Ottawa and the Ottawa Recreation Commission for the operation and maintenance of the baseball and softball facilities in Orlis Cox Complex and Forest Park for the 1987 season be approved and the Mayor be authorized to execute the agreement on behalf of the City. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Agreement Between the City of Ottawa and the Ottawa Recreation Commission for the Operation and Maintenance of the Municipal Swimming Pool

The agreement was introduced whereby The Ottawa Recreation Commission will operate and maintain the Municipal Swimming Pool in Forest Park for 1987. It was explained that the agreement for 1987 is the same as the agreement was for 1986. Commissioner Bemmels made a motion that an agreement between The City of Ottawa and The Ottawa Recreation Commission for the operation and maintenance of the Municipal Swimming Pool in Forest Park for 1987 be approved and the Mayor be authorized to execute the agreement on behalf of the City. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Approval of Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as of March 31, 1987 indicating a total of \$5,100,000.00 invested at an annual average interest rate of 5.93% be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation Fair Housing Month

A proclamation was read proclaiming the month of April as Fair Housing Month. Commissioner Lister made a motion proclaiming the month of April be designated as Fair Housing Month, and authorizing the Mayor to sign the proclamation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation National Library Week

Mrs. Virginia Lloyd representing the Ottawa Library read a proclamation proclaiming April 5 thru April 11, 1987 as National Library Week, with the theme, Take Time to Read. Mrs. Lloyd handed out library surveys, to members of the governing body which indicate how many and what type of books they read and ask that they fill out and return the survey

form to the library. Commissioner Bemmels made a motion that a proclamation proclaiming the week of April 5 thru April 11, 1987 as National Library week be approved, the motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Proclamation Gary Hart Day

A proclamation was read proclaiming Wednesday April 1, 1987 as Gary Hart Day in the City of Ottawa. Mayor Thompson stated that as everyone is aware, former Colorado Senator Gary Hart will be in Ottawa today and tomorrow giving talks to various groups and within a short while will be announcing his candidacy for President of the United States. Commissioner McCrea made a motion that a proclamation proclaiming Wednesday April 1, 1987 as Gary Hart Day be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Heathman stated that he would like to clarify a statement made at the Candidates Forum, whereby Commissioner Heathman stated; his first priority in his statement would be to keep the good men in the Dept. of Public Safety and to improve the working relationship in keeping with city policy. Commissioner Heathman further stated that he felt it would be feasible to have two separate departments, a Police Dept. and Fire Dept. operating out of the same building, which would be similar to the operation in Chanute, Kansas or Olathe Kansas.

Commissioner Lister stated she would like to report on a meeting she attended in Osage City last evening, the meeting is an effort to set up a Regional Economic Development Group consisting of six counties. Commissioner Lister said that everyone was encouraged as there were fifty people present for the meeting.

Commissioner Bemmels commented that at the Candidates Forum last night he indicated that he felt two separate departments, the police department and fire department, could both operate out of the same building.

Commissioner McCrea spoke to the coming election stating it is extremely difficult for the candidates to compare one city with another as there are many different factors involved in comparing cities. Commissioner McCrea further stated that new commissioners coming on the governing group often are not aware of the restraints placed on cities by state law until they have been in office a few months. Commissioner McCrea then spoke commending the efficiency of the combined Fire-Police Dept. that Ottawa now has.

Commissioner Heathman then indicated that if a cross trained fire/police officer has to travel from one end of the city to the other in case of a bad fire, there might be serious consequences.

#### City Manager's Agenda

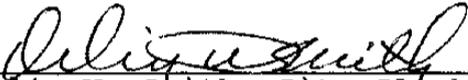
The City Manager stated that the St. Jude's bikathon which was scheduled for March 28, in Forest Park has been rescheduled to Saturday April 4 from 7 a.m. to 7 p.m. due to bad weather.

#### Public Agenda

Mr. Richard Jackson spoke before the City Commission concerning the Proclamation proclaiming April as Fair Housing Month. Mr. Jackson outlined the activities for Fair Housing Month inclusive of meetings and workshops informing both tenants and landlords of their responsibilities and their rights concerning housing.

Mr. Aaron Bein appeared before the City Commission stating that he felt some money should be spent from the Street Rehabilitation Fund to repair and upgrade East First Street. Mr. Bein stated prior to the 1951 flood he was quite certain that East First Street was paved from Main Street East, parts of East First Street at present are graveled. Mr. Bein also stated that many years ago the street was torn up to install a new sewer and the street was not put back as it should have been at that time. Mr. Bein stated he thought there were some pictures showing East First Street as paved which he would try to locate. The City Manager commented there are presently some high manholes on East First Street, resulting from the recent sewer construction. The reason the manholes were left high was to accommodate a street overlay.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 15, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Thompson, Commissioners Bemmels, Heathman, McCrea and Lister, absent none. Commissioner Elect Callaham and Commissioner Elect Fogle were also present at this meeting.

Approval of Minutes

The minutes of the last regular meeting held April 1, 1987 were approved as written.

Ordinance No. 2855-87 - Adopting the Uniform Mechanical Code

The City Manager Lyle Dresher was called upon to explain the adoption of the Mechanical Code. The City Manager explained that the adoption of the Uniform Mechanical Code 1985 Addition updates the City from the 1979 addition of the Uniform Mechanical Code. The City Manager further stated that there are very few changes in the 1985 addition of the Uniform Mechanical Code and that the amendments and corrections as set forth in the ordinance which allows the Mechanical Code to conform to the City of Ottawa are also the same as the amendments and corrections to the 1979 addition. Commissioner Lister made a motion that an ordinance adopting by reference the Uniform Mechanical Code 1985 Addition and providing certain deletions and amendments and corrections to said Uniform Mechanical Code and providing for incorporation of said Mechanical Code into the Municipal Code into the City of Ottawa Kansas 1982 be passed. The motion was seconded by Commissioner Bemmels and upon call for the question all present voted in favor of the motion.

Ordinance No. 2856-87 - Amending the Municipal Code of the City as it Pertains to License for General Contractors

Mayor Thompson explained that this ordinance will allow the Board of Contractor Examiners to approve the issuance of license to General Contractors without written examination who are other wise qualified for performance of one specific construction project within the City. Such Special Contractors License may be issued to a contractor only one time in a five year period. If the contractor wishes to continue to do construction projects in the City of Ottawa they must take the full examination before being issued a regular contractors license. Commissioner Bemmels made a motion that an ordinance providing for a certain amendment into Chapter Eleven of the Municipal Code of the City of Ottawa Kansas 1982 specifically by adding a new section 11505 A to said chapters of said code and providing for the incorporation of said amendments into the Municipal Code of the City of Ottawa, Kansas, 1982 be passed. The purpose of the ordinance being to provide for the issuance of a Special Contractors License in certain situations. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Resolution No. 434-87 - Refunding of Kansas Municipal Energy Agency Revenue Bonds

A Resolution consenting to the Refunding of Kansas Municipal Energy Agency Electric Revenue Bonds Nearman Project and confirming obligations of the City under its power sale contract with the agency dated as of December 1, 1982, was introduced. Mayor Thompson explained that the Kansas Municipal Agency has an opportunity to make an advanced

refunding of its Electric Revenue Bonds, resulting in a large savings for the City of Ottawa and other participants in the agency. Under current federal law these bonds may be subject to advanced refunding a total of two times during the life of the bonds and this is to be the first of the advanced refunding of these obligations. In view of the higher interest rates which were prevalent the time the bonds were sold as compared to the bond market today, the City of Ottawa stands to save about \$2,000.00 per month for the term of the issue. Commissioner McCrea made a motion that a resolution acknowledging an advance refunding of Kansas Municipal Energy Agency Nearman One Project Bonds be passed, the motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Approved Plans and Bid Letting for Sewer Project

The City Commission proceeded to approve the plans for the Sunnyside Sewer Project and approve the date of 10 a.m. April 28, 1987 for a bid letting. Mayor Thompson stated that the project had been petitioned by the property owners and the cost of the sewer lateral will be paid for 100 percent by the benefit district and the cost of the main sewers involved will be paid for by the City at large. Commissioner Bemmels made a motion that the plans for the Sunnyside Sewer Project and a date for a bid letting of 10 a.m. April 28, 1987 be approved. The motion was seconded by Commissioner Heathman. Commissioner Heathman questioned if the cost of the project were not to be in the neighborhood of \$25,000.00 to which Mr. Heathman was answered, that is correct, but that traditionally the City will set the estimated probable cost higher than anticipated to allow the City to conform with state law which will not allow bonds to be sold for more than the amount of the estimated probable cost as set forth in the resolutions calling for the project. Upon call for the question all present voted in favor of the motion.

#### Request for use of Forest Park

Mayor Thompson stated that the City has a request from a custom car club called the, Over The Road Gang, to use Forest Park on Sept. 12 -13, 1987, for a custom car show. Commissioner Heathman made a motion that the custom car club called the, Over The Road Gang, be permitted to use Forest Park on Sept. 12 - 13, 1987, for their custom car show. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, April 7, 1987 at 7:00 p.m. in City Hall. Present: Members Ellena, Peterson, Searls, Jackson, Keith, and chairman Hendrix. Absent: Member Woolman.

The minutes of the last meeting held March 3, 1987 were approved as written.

The Planning Commission held a Public Hearing to re-zone an area located on the South side of Wilson St., East of the Santa Fe Railway tracks to the alley West of Main St. This area is presently zoned (I-2) Heavy Industrial and (R-1) Single Family, The re-zoning would change the area to (C-2) General Commercial. The Planning Commission tabled this item until the May meeting by a vote of 6-0.

The Planning Commission held a Public Hearing to Consider adding a new "ED" Economic Development Zoning District to the City of Ottawa Zoning Regulations. The Planning Commission voted to approve this item by a vote of 5-1.

The Planning Commission held a Public Hearing for the 1987 update to the Capital Improvement Program. This Public Hearing was continued until the May Meeting.

The Planning Commission voted 6-0 to call a public hearing to change the Nonconforming section of the Zoning Ordinance to allow Residential Structures to be built back in Commercial and Industrial Zones after being destroyed by natural causes.

The Planning Commission voted to call a public hearing to change the Minimum Design Standards of the Ottawa Subdivision Regulations to allow the division of certain substandard lots.  
This vote passed 6-0.

There being no further business, the meeting was adjourned

At the conclusion of the reading of the Planning Commission report Commissioner McCrea requested that the Planning Commission define what is meant by, "destruction by natural causes", the City Manager indicated that he would get a definition from the planning commission for Mr. McCrea.

#### Report of the Status of Current City Projects

The City Clerk read a report of current City Projects at this time.

#### Proclamation Clean Up Week

A Proclamation was read Proclaimin the week of April 18 - 25 1987 as clean up week. Mr. Fred Adamson appeared before the City Commission representing the Ottawa Pride Committee, stating that there will be free dump privileges at the Franklin County Land Fill during the week and that the approaches to the City will be cleaned by 4H Clubs and other volunteers April 25 with trucks stationed in the parking lot at the Franklin County Court House to receive trash and debris from 9:30 a.m. to 2:00 p.m. on that date. Mr. Adamson further stated that those persons who have refrigerators, washers and other items they wish to discard may call 242-9145 and those items will be hauled off for them. Commissioner McCrea made a motion that the proclamation proclaiming the week of April 18 - 25, 1987 as clean up week be approved the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation Kansas Extension Homemakers Week

Mrs. Marsha Mages representing the Franklin County Extension Service appeared before the City Commission and read a proclamation designating the week of May 4 - 8, 1987 as Kansas Extension Homemakers Week. Commissioner Bemmels made a motion that the proclamation designating the week of May 4 - 8, 1987 as Kansas Extension Homemakers Week be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation American Home Week

A proclamation was read designating the week of April 26 - May 2, 1987 as American Home Week be approved. The purpose of the proclamation is to commemorate the right of citizens to own property. Commissioner Lister made a motion that a proclamation designating the week of April 26 - May 2, 1987 as American Home week be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Proclamation National Teacher Day

A proclamation was read designating May 5, 1987 as National Teacher Day. Commissioner Lister made a motion that a proclamation designating National Teacher Day as Tuesday May 5, 1987 be approved. The Motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Permission for Sidewalk Sale

Mayor Thompson stated that he had received a request from The Ottawa Retail Association to hold a sidewalk sale in the central business district on Saturday April 25, 1987, from 9 a.m. to 6 p.m. The theme of the sale is to be called, The Spring Fling. Mayor Thompson stated that in the past Main Street had been blocked for the display of new cars but the request for closure of Main Street for the display of new cars had not been made this year. Commissioner McCrea made a motion that the Ottawa Retail Association be permitted to hold a sidewalk sale on Saturday April 25, 1987, from 9 a.m. to 6 p.m. in the central business district. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

### Application for Cereal Malt Beverage License

An application for Cereal Malt Beverage License as submitted by John R. Bivens for the operation of the New Blue Room located at 231 North Main was presented. The application is for license to retail cereal malt beverages for the consumption on premise, the City Clerk stated that the appropriate fees have been paid and other pre-requisites for issue of license have been met. Commissioner Lister made a motion that an application for license to sell cereal malt beverage as submitted by John R. Bivens for the operation of the New Blue Room at 231 North Main for consumption on premise be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Final Remarks of Mayor Thompson

Mayor Thompson stated that he was going to depart from the usual types of remarks made by Mayors on their final day of serving as Mayor of the City of Ottawa, with two exceptions. One exception being that when he took office one year ago he was concerned for the high cost of insurance for the City of Ottawa but that to date the problem has not been completely rectified but the City in conjunction with other cities is working on the problem and hopeful that it will be worked out in the near future. The other item Mayor Thompson was concerned about was the loss of state and federal monies such as the Federal Revenue Sharing Program but at this point in time there seems to be no solution for the loss of the monies. Mayor Thompson spoke to the fact that the Skunk Run Storm Drainage Improvements have been completed during his term in office but those improvements were started many years ago under a different City Commission. The Mayor also spoke of the completion of the Waste Water Plant and those improvements likewise were initiated years ago. The main topic for Mayor Thompson's remarks was commending the employees in the various departments inclusive of the Water Dept., Sewer Dept., Dept. of Public Works, Dept. of Public Safety and all others that often times work long hours and go beyond their immediate responsibilities to serve the people of Ottawa. Mayor Thompson stated that he wished to commend all of the employees of the City of Ottawa for their ongoing job efforts. Other projects that Mayor Thompson spoke to were the completion of the Hazard Elimination Project at 23rd and Main St. the ongoing Street Rehabilitation Program and the completion of the new water line which will serve Rural Water Dist. 2 and the City of Princeton. In a final statement Mayor Thompson stated that he would like to charge the City Commission and the people of Ottawa to learn to love ourselves as much as those outside of Ottawa seem to love Ottawa. Mayor Thompson stated that many times he has heard citizens of Ottawa making negative statements concerning the City whereas the people he had talked to that do not live in the City of Ottawa seem to have a very high regard for the City.

### Presentation to Retiring Members of the City Commission

Mayor Thompson presented plaques to the retiring members of the City Commission. He presented a plaque to Commissioner Bemmels

commemorating his four years of service on the City Commission and to Commissioner Lister commemorating her six years on the City Commission. Commissioner Lister stated that it had been very interesting and challenging and that she had been happy to serve the people of Ottawa as a City Commission. Commissioner Bemmels stated that he moved his family to Ottawa in 1941 and that he had been very happy to serve on the City Commission the past four years.

#### Swearing in of New City Commissioners

The City Clerk proceeded to swear in the new City Commissioners for the City of Ottawa. Mr Heathman having been elected to a four year term on the City Commission, Mr. Fogle having been elected to a four year term on the City Commission and Mr. Callaham having been elected to a two year term on the City Commission. Commissioners Heathman, Fogle and Callaham assumed their position at the City Commission Table and Commissioners Bemmels and Lister stepped down. Mayor Thompson called for nominations to the office of Mayor for the coming year. Commissioner Heathman placed the name of Commissioner McCrea in nomination, the nomination was seconded by Commissioner Fogle. Commissioner Thompson placed the name of Commissioner Heathman in nomination, the nomination was seconded by Commissioner McCrea. Upon call for the vote for Mayor for the coming year Commissioner Heathman was elected by vote of 4 to 0. Commissioner Thompson, McCrea, Callaham and Fogle voting in favor of Commissioner Heathmans nomination with no one opposing the nomination. Mayor Heathman then called for the nomination for the office of Mayor Pro tem for the coming year. Commissioner Thompson placed the name of Commissioner Callaham in nomination, the motion was seconded by Commissioner McCrea and Commissioner Callaham placed the name of Commissioner McCrea in nomination. Upon call for the vote Commissioner Callaham was elected Mayor Pro tem for the coming year with Commissioners Thompson, Fogle, Heathman and McCrea voting for Commissioner Callaham and no one voting in opposition. Mayor Heathman then presented Commissioner Thompson a plaque commemorating his year as Mayor of the City of Ottawa. Commissioner Fogle then stated that in keeping with a committment during his campaign, he made a motion that the meeting of the City Commission be changed to the first and third Thursday of each month at 7 p.m. Commissioner Fogle's motion died for lack of a second.

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



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - May 8, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Heathman, Commission Fogle, McCrea and Callaham. Commissioner Thompson arrived later in the meeting.

#### Approval of Minutes

The minutes of the last regular meeting held April 8, 1987 were approved as written.

Recognition of East Central Vocational Cooperative Police-Fire Class. Mayor Heathman proceeded to recognize the East Central Vocational Cooperative Police-Fire Class, who won seven medals recently in competition in the Vocational Industrial Clubs of America's Kansas Skill Olympics. The Class is held at the Department of Public Safety, and is instructed by Public Safety Officer Cameron Henson. Officer Henson spoke to the Commission thanking the Commission for providing the instruction for the class and a place for the class to meet. Officer Henson then called upon Keith Seimears a member of the class to introduce the class. Mr. Seimears spoke before the City Commission introducing the members of the class who were present and thanking the City Commission for the opportunity to learn about law enforcement. Mr. Seimears exhibited one of the medals the class had recently won at the Vocational Industrial Clubs of America's Kansas Skill Olympics and stated that as a result of the class, some of the members may choose law enforcement or fire protection as careers. Public Safety Director Oren Skiles appeared before the City Commission also thanking the City Commission for the funding for the class and allowing the course to be held at the Public Safety Facilities. When asked by the City Commission as to whether the class would continue in future years Director Skiles replied that it would depend part upon the City Commission providing for budget authority for the class to continue.

#### Ordinance No. 2857-87 Economic Development District

An ordinance was introduced which would provide for an Economic Development District within the zoning ordinance of the City of Ottawa. Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance 2713-82 in order to provide for the further Economic Development of the City of Ottawa, specifically Appendix A, permitted used by adding a new zoning category "ED" Economic Development District and with the addition off a new article 21A "ED" Economic Development District as recommended by the Planning Commission be passed. The motion was seconded by Commissioner Fogle. The City Manager explained that the new Economic Development District would allow all uses that are presently permitted in the C2 General Commercial District and most uses now permitted in the I1 Light Industrial District. The purpose of the new zoning classifications being to promote economic development within the City. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 435-87 Designated Areas as Enterprise Zones

A resolution was introduced which designates certain areas within the City as Enterprise Zones. Commissioner McCrea made a motion that a resolution designating certain areas within the City of Ottawa as an Enterprise Zone in accordance with K.S.A. 12-17 109 et seq. and rescinding Resolution No. 363. The Motion was seconded by Commissioner Callaham. The City Manager explained

that Kansas allows a maximum of 25 percent of the area of the City to be designated as Enterprise Zones and that the area designated in the resolution, a total of 649.22 acres is 16.65 percent of the land area in the City of Ottawa. There being no further discussion on the matter the question was called and all present voted in favor of the motion.

#### Award Contract for K-68, Logan Street Overlay

The Governing Body proceeded to review the bids received April 28, 1987 for the overlay of K-68, Logan Street east to city limits. The bids received are as follows; Killough Inc., Ottawa, Kansas \$75,085.60, Venture Corp., Great Bend, Kansas, \$76,625.50, the Engineer's estimate \$111,905.00. The City Manager explained that the project is a Kansas Dept. of Trans. KLINK project and the State will allow matching funds of not over 50% for a maximum of \$100,000.00. Commissioner Callaham made a motion that a contract for the overlay of K-68, Logan St. from Oak to the east city limits be awarded to Killough Inc., Ottawa, Kansas for a total amount of \$75,085.60 and that the engineers be authorized to proceed in preparing the contract documents. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

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Bids received on April 28, 1987 for sanitary sewer improvements in the Sunnyside Addition were as follows: OSAD Const. of Merriam, Kansas \$35,276.80, Carey Mechanical of Ottawa, Kansas \$27,204.80 and Advance Concrete Inc., of Olathe, Kansas \$25,502.00. The Engineer's estimate for the project was \$32,000.00. Commissioner Fogle stated that in as much as Advance Concrete Inc., of Olathe, Kansas failed in their bid to acknowledge receipt of addendum no. 2, and it was his opinion that the bid should not have been read at the time the other bids were received. Commissioner Fogle made a motion that a contract for sewer improvements in the Sunnyside Addition of the City of Ottawa, Kansas be awarded to Carey Mechanical Ottawa, Kansas in the amount of \$27,204.80. The motion was seconded by Commissioner McCrea. It was noted at this time that two thirds of the project cost will be paid by the benefit district and one third will be paid by the City at large. Commissioner Thompson arrived in the City Commission chambers at this time. Prior to the call for question on the motion Commissioner Thompson requested the motion read, the City Clerk proceeded to do so. Upon call for the question all present voted in favor of the motion.

#### Approval of Change Order No. for South Main Project 1986-1

The City Manager explained that the purpose of the change order is to pay the contractor the cost of removing additional sidewalk within the project. It was originally intended that the city would remove these sections of sidewalk, the city crew's have not had time to do so and therefore it is being added to the project cost. Commissioner Thompson made a motion that Change Order 2-T, Project No. 59-30 K 2897-01 South Main St. 20th to 15th in the amount of \$2,352.35 additional cost be approved. The purpose of the increase is due to additional sidewalk removal not originally considered as a bid item. The motion was seconded by Commissioner McCrea, and upon call for the question all present voted in favor of the motion.

#### Right-of-way Clearance Resolution

The City Manager explained that this resolution deals with the 23 Street improvements from US 59 to US 50. The purpose of the

resolution is to certify to the Secretary of Trans. that all utilities and obstacles are removed from the right of way and that there is sufficient right of way to proceed with the project. The project is a joint State, County and City endeavor. Commissioner McCrea made a motion that a right of way clearance resolution for Project 30U-1071-01 (M-4330(001)), 23rd Street Improvements, US 59 to US 50 as required by the Secretary of Transportation be approved. The motion was seconded by Commissioner Callaham and all present voted in favor of the motion.

#### Appointment to the Board of Directors of the Kansas Municipal Energy Agency

Mayor Heathman announced that he is appointing Commissioner Fogle as the Mayor's designee, to the First Position on the Kansas Municipal Energy Agency Board of Directors.

#### Designating Official City Newspaper

Commissioner Thompson made a motion that the Ottawa Herald be appointed as the official City Newspaper for 1987. The motion was seconded by Commissioner Fogle. The City Manager stated that it is advantageous for the City to have a daily newspaper appointed as the Official City Newspaper as opposed to a weekly because of the necessity for timeliness for certain city publications. Upon call for the question all present voted in favor of the motion.

#### Consider Request for the use of City Park

The Governing Body proceeded to consider the request of the Ottawa Community Arts Council, Franklin County Historical Society and the Friends of the Library to use City Park, June 6 and 7 1987, for the annual Skunk Run Book Sale, Art Fair and White Elephant Sale. The City Manager stated that last year the City ran bus tours from the Skunk Run Book Sale, touring the various parts of the City and although there were not a lot of passengers on the tours those who did participate in the tour were pleasantly surprised in viewing the operations of the City. The City Manager questioned as to whether the City should continue this effort. It was the general consensus of the City Commission that the tours should be continued with one tour in the early afternoon and one tour in the midafternoon. Commissioner Fogle made a motion that the Ottawa Community Arts Council, Franklin County Historical Society and the Friends of the Library be permitted to use City Park, June 6 and 7, 1987 for the annual Skunk Run Book Sale, Art Fair and White Elephant Sale. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Review of City Investment Schedule

The schedule of investments of the City as of April 30, 1987 indicated a total of \$4,600,000.00 invested at an annual average interest rate of 6.4%. Commissioner McCrea made a motion that the Schedule of Investments of the City existing as of April 30, 1987 indicating a total of \$4,600,000.00 invested at an average annual interest rate of 6.4% be approved. The motion was seconded by Commissioner Callaham and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, May 5, 1987 at 7:00 p.m. in City Hall. Present: Members Ellena, Peterson, Searls, Woolman and Chairman Hendrix. Absent: Members Jackson and Keith .

The minutes of the last meeting held April 7, 1987 were

approved as written .

The Planning Commission held a Public Hearing to Amend Article XXVII, Nonconformities, Section 4, Paragraph 9 of the Ottawa Zoning Regulations. This item is to allow Residential structures that have been destroyed by natural causes, such as weather catastrophies or fires which are not intentinally set by the property owner, to be rebuilt in commercial and industrial zoned areas, this was approved by a vote of 5-0.

The Planning Commission considered rezoning an area located on the South side of West Wilson St., East of the Santa Fe. Railway Tracks. This area was approved to be rezoned from (R-1) Single Family and (I-2) Heavy Industrial to (C-2) General Commercial by a vote of 5-0.

The Planning Commission considered adding "Automobile and other motor vehicles-retail" as a conforming use to (I-2) Heavy Industrial zoning. This item was declined by a vote of 5-0.

The Planning Commission held a public hearing to amend Article VI, Minimum Design Standards, Section 3 (c) of the Ottawa Subdivision Regulations. this item is to allow lot splits for nonconforming lots with two residential structures erected before June 5, 1975 This was approved by a vote of 5-0.

The Planning Commission Continued the Public Hearing for the 1987 update to the Capital Improvement Program.

There being no further business, the meeting was adjourned

#### City Commission Agenda

Mayor Heathman announced the vacancies on the various City Commissions and Boards that need to be filled and stated that anyone interested in filling any of these positions should contact himself or the City Managers office. The positions open at this time are as follows: The Library Board , two openings, The Planning Commission, two vacancies, The Auditorium Authority, two vacancies, The Board of Zoning Appeals, one vacancies and The United Way Committee two vacancies.

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The City Manager announced that just this morning he had received communication from the insurance service office giving the new fire insurance rating for the City of Ottawa. This rating comes as a completion of water flow test through fire hydrants and an evaluation of the equipment, manpower and entire system. The Cities insurance rating has been changed from a Class 6 to a Class 5 and this will amount to some insurance premium savings for certain commercial uses and buildings, however it will not reflect as a savings on insurance premiums on residential property.

Mayor Heathman announced that there is a need for the City Commission to adjourn to executive session to discuss personal problems and so moved that the time now being 10:15, the City Commission would adjourn to executive session until 10:30. The motion was seconded by Commissioner McCrea and by unanimous accord the City Commission adjourned to executive session. The meeting was called to order by Mayor Heathman at 10:30 and Commissioner McCrea made a motion that the City Commission adjourn to executive session for fifteen minutes or until fifteen minutes until Eleven. The motion was seconded by Commissioner Callaham and by unanimous accord the City Commission moved into executive session. Mayor

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The entire text of the regular meeting of the City Commission is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - May 8, 1987

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#### Approval of Minutes

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#### Report of Planning Commission Meeting

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The minutes of the last meeting held April 7, 1987 were

approved as written .

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There being no further business, the meeting was adjourned

#### City Commission Agenda

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Heathman called the meeting to order at 10:45 a.m. whereby Commissioner McCrea made a motion that the City Commission adjourn to executive session until 11:00 a.m. the motion was seconded by Commissioner Callahan and by unanimous accord the City Commission moved into executive session. Mayor Heathman called the meeting to order at 11:00 a.m. and there being no further business Commissioner Callahan made a motion the meeting be adjourned. The motion was seconded by Commissioner McCrea and the meeting was declared adjourned.

The entire text of the regular meeting of the City Commission is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - May 20, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and Calliham, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held May 6, 1987 were approved with the meeting date corrected from May 8, 1987 to May 6, 1987.

#### Ordinance No. 2858-87 - Zoning

An ordinance changing the zoning of a tract of land, known as 224 West Wilson, the north 105 feet of a tract lying immediately adjacent and west of 224 W. Wilson and the north 105 feet of 226 W. Wilson from I-2 (Heavy Industrial) to C-2 (General Commercial) was introduced. Commissioner McCrea made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting a certain tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas and repealing certain parts of said amended zoning map of said City, by taking certain real property from I-2 (Heavy Commercial) and placing within the C-2 (General Commercial). The property is commonly known as 224 W. Wilson, the north 105 feet of a tract lying immediately adjacent and west of 224 W. Wilson, and also the north 105 feet of 226 W. Wilson be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

#### Ordinance No. 2859-87 - Zoning

An ordinance changing the zoning of the property located at 933, 934, 935 and 936 King Street, from R-1 (Single Family) to C-2 (General Commercial) was introduced. Commissioner Thompson made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the certain tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas and repealing certain parts of said amended zoning map of said City, by taking certain real property from R-1 (Single Family Residential) District and placing within the C-2 (General Commercial) District, the property commonly known as 933, 934, 935 and 936 King Street be passed. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2860-87 - Relating to Nonconformities

An Ordinance amending and modifying Ordinance No. 2713-82 in order to permit reconstruction of a residential structure in a commercial or industrial zoning district if it was destroyed by "natural causes" by specifically amending Article XXVII (Nonconformities), Section 4, Paragraph 9 was introduced. Commissioner Calliham made a motion that an ordinance amending and modifying Ordinance No. 2713-82 in order to permit the reconstruction of nonconforming residences in a commercial or industrial zoning district if it was destroyed by "natural causes" by specifically amending Article XXVII (Nonconformities), Section 4, Paragraph 9 be passed. The

XXVII (Nonconformities), Section 4, Paragraph 9 be passed. The motion was seconded by Commissioner Fogle and upon call for the question all present voted in favor of the motion.

Resolution No. 8 of the Planning Commission - Subdivision Regulations

A resolution of the Ottawa Planning Commission amending Resolution No. 2 of the Planning Commission adopting Subdivision Regulations for the City of Ottawa was introduced. Commissioner Thompson made a motion that a resolution amending Resolution No. 8 of the City Planning Commission adopting Subdivision Regulations for the City of Ottawa, Kansas, specifically amending Article 6, Section 3-C, Subsection C, be passed. The motion was seconded by Commissioner McCrea. Resolution No. 8 deals specifically with lot area. Upon call for the question all present voted in favor of the motion.

Contract for Vocational Education between the City of Ottawa and USD 290

The contract between the City of Ottawa and Unified School District No. 290 in reference to the 1985 Interlocal Cooperative Agreement to provide for the establishment of a 1987-88 vocational class entitled Police Science and Fire Protection in cooperation with the USD 290 Vocational Education and the City of Ottawa Department of Public Safety was introduced. Commissioner McCrea made a motion that a contract between the City of Ottawa and USD 290 in reference to the 1985 Interlocal Cooperative Agreement to provide for the establishment of a 1987-88 vocational class entitled Police Science and Fire Protection in cooperation with USD 290 Vocational Education and the City of Ottawa Department of Public Safety and further establish a fee in the amount of \$10,200.00 to be paid by USD 290 and to authorize the Mayor to execute said contract be approved. The motion was seconded by Commissioner Calliham, upon call for the question all present voted in favor of the motion.

Resolution No. 436-87 - Tax Exempt Bonds

A Resolution of Intent to Issue Tax Exempt Bonds in the amount of \$800,000 for Ottawa University and to call a Public Hearing on the subject was introduced. Commissioner Thompson made a motion that a Resolution of Intent to Issue 501 (c) (3) tax exempt bonds in the amount of \$800,000 for Ottawa, University, Ottawa, Kansas and to call a public hearing on the same. The purpose of the issue is to make major improvements to the heating and cooling systems within certain campus facilities be passed. The motion was seconded by Commissioner Fogle. It was discussed that the purpose of the bond issue is to make heating and cooling improvements in certain buildings on the Ottawa University Campus as well as other weatherizing features to the building. It was explained that at the present time it is the intent to issue the bonds under the home rule of authority of the City whereby the interest on said bonds would be exempt from federal income tax but not from state income tax. The public hearing for the issue of the bond is scheduled to be held June 3, 1987 a meeting commencing at 9:35 a.m. Upon call for the question all present voted in favor of the motion.

Acknowledge Receipt of a Petition

The City Manager stated that the City is in receipt of a petition, requesting sidewalk improvement, crosswalk, street lighting and street identification markers on W. 15th Elm Streets as filed by area residents. The petition was received May 11, 1987. Commissioner Thompson made a motion that the City Manager respond to the signers of the petition, acknowledging receipt of the petition and stating that the request would be considered at a Monday study session and that an answer be given to the petitioners

in a short period of time. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Mayoral Appointments to Boards and Commissions

Mayor Heathman proceeded to announce his appointments to the Boards and Commissions of the City as follows: The Library Board: Mrs. Wanda Durbin and Marty Underwood; City Planning Commission: Jay Todd and Marvin Durbin; Auditorium Authority: Dale Fox and Art Miller; Board of Zoning Appeals: Al Zabloudil; Board of Plumbing Examiners: Wilfred Budgner and Raymond Carey; Board of Electrical Examiners: Gary Hogelin and Robert Wiggins; Board of Contractor Examiners: Earl Devore and Russ Anderson; Band Committee: Bill Butler, Carl Lammers, George Kramer, Dave Ludwick and Luther Stevens; United Way: Jack Paddy, Lyle Drescher and Tony Keim. Commissioner Thompson made a motion that the City Commission delay action on the mayoral appointments until the next regular meeting which will be June 3, 1987. The motion was seconded by Commissioner McCrea. Commissioner Calliham questioned as to why Commissioner Thompson made the motion to delay action on the mayoral appointments whereby Commissioner Thompson answered that he was not comfortable with the discussion that had been held on the appointments in that no consideration was given to the persons recommended to serve by the various boards and commissions, some people had been asked to step in to fill unexpired terms and emergencies and no consideration had been given to them, and that there had been no consideration given to those that are eligible for re-appointment. Commissioner McCrea stated that he was concerned for the continuity of the various boards and commissions particularly the Planning Commission who is preparing to select a firm to do an update on the Cities Comprehensive Plan and Commissioner McCrea stated that he thought the Planning Commission needed all continuity and experience possible to help in this process. Upon call for the question Commissioner Thompson voted in favor of the motion, Commissioner Calliham voted in favor of the motion, stating that he would not want the confirmation of appointments to drag on for several months. Commissioner Fogle voted opposing the motion, Commissioner McCrea voted in favor of the motion and Commissioner Heathman voted opposing the motion. The motion was declared to have carried.

#### Report of Status of Current City Projects

The City Clerk read a written report of the status of all current City projects.

#### Governing Body Agenda

Mayor Heathman stated that the City was in receipt of a letter dated May 11, 1987 confirming approval of the Enterprise Zones in the City which provides that businesses and industries therein may take advantage of certain tax credits. Mayor Heathman also stated that the City Commission is giving consideration to having one night City Commission meeting each month. The night meeting would be held at 7 p.m. on the first Wednesday of each month and the day meeting would be held at 9:35 a.m. on the third Wednesday of each month. The first night meeting is presently scheduled to be held at 7 p.m. July 1, 1987.

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



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - June 3, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and Calliham, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held May 20, 1987 were approved as written.

#### Public Hearing - Issuance of City Industrial Revenue Bonds

Mayor Heathman announced that at this time the City Commission would hold a public hearing regarding the proposed issuance by the City of industrial revenue bonds in a principal amount not exceed \$800,000 to finance a project for Ottawa University. The hearing follows the City Commission approval of Resolution 436-87 dated May 20, 1987, a Resolution of Intent.

Mr. George Underwood spoke to the City Commission objecting to the issuance of the industrial revenue bonds for Ottawa University. Mr. Underwood stated that he felt his rights as a Christian and Baptist were being violated as Ottawa University is teaching secular humanism and other subjects he felt were objectionable. Mr. Underwood stated, he thinks there will be some suits filed concerning the teachings of Ottawa University as a result of the classes being offered. Mr. Underwood stated further that he felt Ottawa University was a poor financial risk and expressed concern for the bickering within the administration of the university. Mr. Underwood also objected to the City Commission having secret meetings and the passage of the Resolution of Intent without notice to the public. Mr. Underwood was answered that the Resolution of Intent passed by the City Commission on May 20, 1987 was in an open public session and that such Resolution of Intent does not bind the city to issue the industrial revenue bonds nor does the result of the public hearing today. There being no further comments Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

The City Manager commented that the public hearing is required by federal law to issue bonds under 501-C3 and at present Ottawa University is working to place the bonds. The City Manager stated further that the Resolution of Intent merely states that the Governing Body will consider the issuance of the bonds.

#### Resolution No. 437-87 - Time of City Commission Meetings

A resolution establishing the time of day for City Commission meetings was introduced. Commissioner Fogle made a motion that a resolution setting the time for City Commission meetings as 7:00 p.m. on the first Wednesday of each month and 9:35 a.m. on the third Wednesday of each month be passed, the resolution to be effective July 1, 1987. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Release of Easement

The City Commission proceeded to consider the release of a twenty foot

easement lying between Lots 3 and 4 of Block B in the Industrial Park Addition to the City of Ottawa, Kansas. The request is being made on behalf of Duke Manufacturing, and has been reviewed and approved by the Director of Utilities. Commissioner Calliham made a motion that the City of Ottawa, a municipal corporation of the second class release and quit claims all of its rights titles and interest in a certain twenty foot utility easement running perpendicular to Industrial Avenue and lying between Lots 3 and 4, Block B in the northeast Ottawa Industrial Park and addition to the City of Ottawa, Kansas. The release and quit claim not to effect any other easement or property right of the City of Ottawa, Kansas, may have in and to said Lots 3 and 4, Block B. The motion was seconded by Commissioner McCrea and all present in favor of the motion.

#### Request of Ottawa Jaycees

Mr. Harold Mayes, representing the Ottawa Jaycees, appeared before the City Commission and requested permission to use Forest Park on July 4, 1987 from 7:30 a.m. to 11:00 p.m. for the annual Chautauqua Days celebration. Mr. Mayes stated that activities planned for that day will consist of concessions, kids games, fireworks display and a possible craft show. Commissioner Thompson made a motion that the Ottawa Jaycees be permitted to use Forest Park on July 4, 1987 from 7 a.m. until 11: p.m. for their annual Chautauqua Days celebration. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Request of Trinity United Methodist Church

A request of Trinity United Methodist Church to use Forest Park, south of the main shelter to hold "Worship in the Wildwood" services at 8:15 a.m. on each of the four Sundays in July and the first two Sundays in August 1987 was considered by the Governing Body. Commissioner McCrea made a motion that Trinity United Methodist Church be permitted to use Forest Park, south of the main shelter to hold "Worship in the Wildwood" services at 8:15 a.m. on each of the four Sundays in July and the first two Sundays in August 1987. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Request of Mr. John Duncan

Mr. John Duncan, operator of the Pizza Time Restaurant appeared before the City Commission asking the City Commission to consider repealing a section of the City Code to allow for the Sunday sale of cereal malt beverages on license premises where food sales constitute at least 30 percent of gross receipts. Mr. Duncan stated that state law effective July 1, 1987 will permit the sale of cereal malt beverages on Sundays in establishments in which food sales constitute at least 30 percent of gross receipts, but that the Ordinances of the Cities of Kansas must also permit said sales in order to be permissible within a city. Mr. Duncan stated he did not think there would be a large sale of cereal malt beverage on Sundays but that it would be a convenience to his customers and he felt an asset to his business. Commissioner Calliham made a motion that the City deny the request of Mr. Duncan and therefore not permit the sale of cereal malt beverage in establishments in which food sales constitute at least thirty percent of gross receipts on Sundays. The motion was seconded by Commissioner Thompson. Upon question for Mr. Duncan, Mr. Calliham stated that he was not in favor of the sale of liquor of any form and that was the reason for his motion. Upon call for the question Commissioners McCrea and Calliham voted yes and Commissioners Fogle, Thompson and Heathman voted no. The motion was declared to have not carried. Commissioner Fogle then made a motion that the City Commission consider passing an ordinance to allow for the Sunday sale of cereal malt beverages on license premises where food sales constitute at least thirty percent of gross receipts. The motion was seconded by Commissioner Thompson. Commissioners Fogle, Thompson and Heathman voted in favor of the motion, Commissioners Mc

Crea and Calliham voted opposing the motion. The motion was declared to have passed. The City Staff was then directed to prepare an ordinance allowing for the sale of cereal malt beverage on Sunday, on license premises, where food sales constitute at least thirty percent of gross receipts, for the next regular meeting.

#### Mayoral Appointments to Boards and Commissions

Mayor Heathman announced the following appointments to the Boards and Commissions of the City. To the Library Board for a four year term, Mrs. Wanda Durbin and Mr. Ron Reusch; Planning Commission for a three year term, Mr. Jay Todd, and Mrs. Joyce Hendrik; Auditorium Authority for a three year term, Mr. Dale Fox and Mr. Mark Morrisey; Board of Zoning Appeals for a three year term, Mr. Al Zabloudil; Board of Plumbing Examiners for a one year term, Wilfred Budgner, Gary Dixon and Raymond Carey; Board of Electrical Examiners for a year one term, Gary Colburn, Robert Wiggins, Jim Bass; Board of Contractor Examiners for a one year term, Earl Devore, Carl Hornbuckle and Russ Anderson; Band Committee for a one year term, Bill Butler, Carl Lammers, George Kramer, David Ludwick and Luther Stevens; United Way of Franklin County for a two year term, Jack Patty, Lyle Dresher and Tony Keim. Commissioner Fogle made a motion that the appointments as announced by the Mayor be approved, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Approval of City Investment Schedule

Commissioner Thompson made a motion that the schedule of investments of the City existing as of May 31, 1987 indicating a total of \$4,600,000.00 invested at a average annual interest rate of 6.12 percent be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, June 2, 1987 at 7:00 p.m. in City Hall. Present: Members Ellena, Peterson, Keith, Wooman and Vice-Chairman Searls,

The minutes of the last meeting held May 5, 1987 were approved as written.

The Planning Commission was to elect a Chairman, Vice-chairman and a Secretary at this meeting but voted 5-0 to wave the bylaws and A:reorganize at the July meeting .

The Planning Commission continued the Public Hearing for the 1987 update to the Capital Improvement Program.

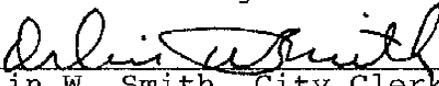
There being no further business, the meeting was adjourned.

#### Governing Body Agenda

Mayor Heathman announced that the City Commission had received a request from the Church of the Brethern to sell ice cream at the evening band concert of June 17, 1987. It was reported however that the schedule for the sale of consessions at the evening band concert for the summer of 1987 has been filled and that the Church of the Brethern or any other interested group should contact the Band Board for scheduling sale of consessions in the 1988 season. Mayor Heathman announced that there will be public hearing at 7:00 p.m. July 1, 1987 to receive public comment on the possible use of a portion of existing sales tax funds for economic development.

It was also announced that the Skunk Run Book Sale and Fair will be held on June 7, 1987 and that there will be bus tours of the City facilities leaving from City Park at 12:30 and 2:30 p.m.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - June 17, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and Calliham, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held June 3, 1987 were approved as written.

#### Honor Retiring City Employees

Mayor Heathman presented retiring employees Rollie Hashman and Bruce Flemming with plaques commemorating their retirement from the service of the City of Ottawa. Mr. Hashman has been working for the City since 1948, and Mr. Flemming has been working for the City since 1946. Mr. Hashman was present to receive his plaque however Mr. Flemming was out of town, the plaque was received by his wife Ruth Flemming.

#### Resolution No. 438-87 - Water Rates

A resolution finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations, conditions and availability of services rendered by the Water Department of the City of Ottawa, Kansas, and establishing an effective date therefor, and providing for the enforcement thereof and rescinding prior resolutions was placed under consideration. The City Manager explained, the only change in water rates contained in the resolution under consideration is the addition of an additional lower rate for large water consumers who purchase water within the large business rate structure. All other water rates remain the same as in the resolution adopted in 1984. The City Manager further stated that the additional lower rate bracket in the water large business rate does not cause the City to lose money on water as all capital costs are paid in this rate structure prior to getting into the lower rate bracket. Freone Hollinger, chairman of Rural Water Dist. No. 2 Board of Directors, questioned as to whether future rate increases were taken into consideration prior to the adoption of this new lower rate. It was reported that no consideration had been given to future rate increases and this will not affect any other rate schedule, the lower rate is not at the expense of other users. Commissioner Thompson made a motion that a resolution finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations, conditions and availability of the services rendered by the Water Department of the City of Ottawa, Kansas, and establishing an effective date therefor, and providing for the enforcement thereof and rescinding prior resolutions be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance - Sale of Cereal Malt Beverage

An ordinance amending or repealing certain provisions of Chapter III, Article IV, of the Code of the City of Ottawa, Kansas, regulating the Sunday sale and consumption of cereal malt beverages as provided for by state law was considered. The ordinance if passed would allow the sale on Sunday of cereal malt beverages for restaurant operations who derive thirty percent or more of their revenues from the sale of food. Other parts of the ordinance define a tavern type operation and define age limitations of those persons who may serve or sell cereal malt

beverage. Mr. Dan Oglesby presented the commission with petitions containing 200 signatures opposing the passage of the ordinance which would allow the sale of cereal malt beverage in restaurants on Sunday. Mr. Oglesby further said, the time was short and that more petitions were being circulated and ask to have action on the ordinance tabled. Jerry Harding, Earl Copsey, and Afton Oglesby all ministers spoke opposing the passage of the ordinance. Mr. John Duncan the operator of Pizza Time Restaurant who requested passage of the ordinance stated he did not realize the ordinance would cause such a controversy and withdrew his request for passage of the ordinance. Commissioner McCrea made a motion that action on the ordinance be tabled until the next regular meeting, July 1, 1987, the motion was seconded by Commissioner Calliham. Upon call for the question all present voted in favor of the motion.

#### Applications for Cereal Malt Beverage License

Applications for license to sell cereal malt beverage are as follows: Charles R. Wood, Wood Oil Co. Inc., 2130 Princeton Road, David H. Rohm, manager; Paxons A. F. Supersaver, 602 South Maple, Tony R. Tipton and Barbara E. Tipton, partners; and Griffins Bait and Tackle, 104 East Logan, David Wayne Griffin, owner and manager. The City Clerk reported that the appropriate fees had been paid and all qualifications for license had been met. Commissioner Fogle made a motion that license to sell cereal malt beverage in original and unopened containers not for consumption on the premise, be approved and issued to the foregoing applicants. The motion was seconded by Commissioner Thompson. Mayor Heathman and Commissioners Thompson, McCrea and Fogle voted in favor of the motion, Commissioner Calliham voted opposing the motion.

#### Report of Status of Current City Projects

A report of status of current City projects was read by the City Clerk at this time.

#### City Commission Agenda

It was reported that the next regular meeting of the City Commission would be at 7 p.m. July 1, 1987. It was also reported the City Commission had received a request from the retail committee of the Greater Ottawa Chamber of Commerce for permission to hold a sidewalk sale and close the two hundred block of South Main Street to vehicular traffic from 8 a.m. to 8 p.m. July 2, 1987. Commissioner Thompson made a motion that the request of the retail committee of the Greater Ottawa Chamber of Commerce to hold a sidewalk sale in the central business district and to close the two hundred block of South Main Street to vehicular traffic from 8 a.m. to 8 p.m. July 2, 1987 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Public Agenda

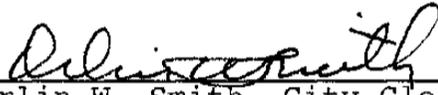
Beatrice Schmidt, 1033 Cottonwood stated she had recently moved to Ottawa and had been following the published controversy surrounding the Department of Public Safety. Ms. Schmidt stated she was concerned about the controversy wondering how it would affect the economic development in the City of Ottawa, the amount of money spent in studying the controversy and who is accountable? Ms. Schmidt then presented the commission with a list of sixteen questions she would like to have answered in writing concerning the Department of Public Safety, money spent for attorney fees and other fees in lawsuits. Commissioner Thompson stated he thought the City Commission should answer the questions and the questions should be considered at their goal setting seminar on June 20, 1987.

Mrs. Billie DeLaTorre questioned City Manager Lyle Dresher on his

interpretation of personnel rules and regulations concerning an ad that was placed in the Ottawa Herald prior to the April election, the ad being signed by several Department of Safety employees. The City Manager stated he had answered Mrs. DeLaTorre's question earlier, that he had reviewed the personnel rules and regulations and he felt the employee signatures on the ad were in keeping with those regulations. Mrs. DeLaTorre then asked the City Manager what he had done concerning some complaints given to him by her husband, a City employee Richard DeLaTorre. The City Manager stated he would not discuss the matter with Mrs. DeLaTorre nor in public and possibly she could get the answers from her husband who is a City employee.

Commissioner Calliham made a motion that the City Commission move to executive session from 10:30 a.m. to 11.30 a.m. to discuss personnel matters. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion. The City Commission reconvened their meeting at 11:37 a.m., whereby it was stated there was no public comment to be made on the executive session on employee matters.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - July 1, 1987

The City Governing Body met in regular session at 7:p.m. this date.  
Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and  
Calliham, absent none. The City Manager Lyle Dresher was out of the  
City at the time of this meeting.

#### Approval of Minutes

The minutes of the last regular meeting held June 17, 1987 were approved as written.

#### Public Hearing Regarding the Proposed use of Local Option 1/2 Cent Sales Tax Revenue

A Public Hearing was opened at this time to discuss the purposed use of a portion of the local option 1/2 cent sales tax revenue for economic development and/or for construction and reconstruction of sidewalks. Commissioner Fogle opened the hearing by stating, according to law at the time the local option 1/2 cent sales tax was voted upon by the people of Ottawa, a sales tax could not be approved for a single purpose and in reading from the ballot voted at that election there was not a single purpose stated on the ballot. The City of Ottawa has used the 1/2 cent local option sales tax revenues for street rehabilitation as a result of a resolution passed by the City Commission prior to the election on the 1/2 cent sales tax. Mr. Denzel Bryant stated, he would like to see at least a portion of the sales tax revenues used for economic development. Commissioner Fogle then stated, the streets in the City of Ottawa are in much better condition since the passage of the sales tax in 1978 and he was purposing to use twenty five percent of the sales tax revenues for economic development. Mr. Fogle further stated that the City of Hutchinson had approved a 1/2 cent sales tax to be used for economic development which brings about one million dollars a year to the city of Hutchinson. The money can be used to buy land, build and improve roads, extend utilities and even to pay moving cost for companies moving into Hutchinson. Mr. Tony Keim stated, the City Commission had made a pledge to the people of Ottawa to use the money for street rehabilitation and to do otherwise would be breaking a trust to the people of Ottawa. Mr. Keim thought the City of Ottawa should look to other measurers for economic development. Commissioner Fogle stated, the improvement of North Main Street will be delayed until next year thus possibly freeing up monies that would be for that project which could be used for economic development. Mr. Leonard Larson stated, he was on the commission at the time the sales tax was approved, he felt things had changed in the City of Ottawa and part of the money should be used for economic development. Mr. Don Jones stated, he felt part of the 1/2 cent sales tax should be used for economic developement. Mr. Rick Oglesby stated, the streets of Ottawa may be improved but there is still room for much improvement, the north side needs paving, there are presently twenty blocks of unpaved streets in North Ottawa. Mrs. Wanda Durbin stated, North Main Street needs to be improved now and the money should be used for that purpose. Kelly Morgan spoke to the need for economic development and not streets. Mr. Tony DeLaTorre stated, he lives on the north side and recognizes the need for streets but the City of Ottawa needs economic development. Donna Murray stated, the City of Ottawa needs housing development, possibly at the higher end of the housing spectrum to accomodate plant managers and executives that might move to the City of Ottawa if economic development becomes a reality. Rev. Afton Oglesby spoke to the

need for economic development in the City, as did Mr. Matt Whiteford. Mrs. Wanda Dubin stated, she recognized the need for economic development in the City of Ottawa but did not want any of the economic development money to be used for salaries. Mr. Marvin Durbin stated, he was concerned as to where the present sales tax money is going or being used for, he thought that should be straightened out and the City of Ottawa does need economic development. Commissioner McCrea stated, he had received calls from residents of the City, and the calls seem to be divided 50-50 as to whether the 1/2 cent sales tax revenues should be used for economic development. Commissioner Calliham commented, the City of Hutchinson, which Commissioner Fogle referred to, did vote on a referendum by which a 1/2 cent sales tax was to be levied for economic development. Commissioner Calliham making the point, the law has changed to where sales tax revenues can be designated for a purpose and the citizens of Hutchinson did indicate by referendum they wanted a 1/2 cent sales tax for this purpose. Commissioner Calliham further stated, he was of the opinion that twenty five percent of the sales tax revenues would be too much money taken from the sales tax revenues for economic development purposes and the City Commission needs to study the issue to develop a plan and goals for the use of such monies, if designated for such purpose. Commissioner Calliham also indicated that if monies were used for that purpose there would be no guarantee as to the outcome of the expenditures. Mr. Warren McGill stated, Mr. Calliham was elected along with the other commissioners to make decisions and not delay the decisions by prolonged studies. Commissioner McCrea made a motion that the public hearing be closed, the motion was seconded by Commissioner Thompson, upon call for the question all present voted in favor of the motion.

#### Ordinance Pertaining to the Sunday Sale and Consumption of Cereal Malt Beverage

Commissioner Calliham made a motion that an ordinance amending or repealing certain provisions of Chapter III, Article IV, of the Code of the City of Ottawa, Kansas, regulating the Sunday sale and consumption of cereal malt beverage as provided for by State Law, be brought back on the table for discussion and consideration. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

The City Clerk reported, petitions containing 319 names opposing the sale of cereal malt beverage in restaurants on Sundays had been received. Mr. Leonard Chesbro representing the Assembly of God Church stated, his church opposed the sale of cereal malt beverage on Sundays. Mr. Rick Oglesby stated, the petitions submitted were signed by people opposed to the sale of cereal malt beverage and further stated he did not feel the sale of cereal malt beverage on Sunday would have a positive affect. Mr. Bruce Beatty of the Ottawa Nazarene Church spoke in opposition of the purposal. Mr. John Duncan who made the original purposal to allow the sale of cereal malt beverage in restaurants on Sundays stated, he did not realize he was opening such a can of worms and again asked that his request be withdrawn. Commissioner Thompson made a motion that an ordinance amending or repealing certain provisions of Chapter III, Article IV, of the code of the City of Ottawa, Kansas, regulating the Sunday sale and consumption of cereal malt beverages as provided for by Kansas State Law be removed from consideration. The motion was seconded by Commissioner Calliham, upon call for the question all present voted in favor of the motion.

#### Request for use of City Park

Rev. Oglesby submitted a request from the Community Revival Church to hold an ice cream social and gospel sing in City Park at 7 p.m. Friday July 24, 1987. Commissioner Calliham made a motion that the request for the Community Revial Church be approved, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

## Consider Claim for Damages of Mr. Fred Heathman

The City Commission proceeded to consider a claim for damages of Mr. Fred Heathman in the amount of \$4,000.00 as filed with the City Clerk June 22, 1987. Mayor Heathman stated, in as much as he was the person submitting the claim against the City of Ottawa, he would turn the meeting over to Mayor Pro tem Calliham for this subject. Mr. Calliham asked for comments from other Commissioners concerning the subject, there were no comments. Commissioner Calliham then made a motion that the subject be tabled so that the City Commission could study the issue and meet with the City Attorney and the City Manager in executive session in as much as it involves a member of the City Commission and a law suit could be involved. Commissioner Calliham's motion died for lack of a second. Mr. McCrea made a motion that Mr. Heathman's claim be denied, the motion was seconded by Mr. Thompson. Commissioner McCrea stated, he did not feel the City was indebted to Mr. Heathman for some of the expenses included on the statement, the claim of damages arises out of the Riddle suit when Mr. Riddle acted upon the advise of Mr. Heathman. Mr. McCrea stated that his interpretation of State Law is such that a Commissioner cannot discuss personnel problems with City Employees, that is up to the City Manager. Mr. McCrea further stated that Mr. Heathman had not presented the City Commission with any evidence of favoritism at the Dept. of Public Safety and Mr. Heathman had stated, if the City Commission did not act he would do it on his own which he proceeded to do. Commissioner Fogle stated, he felt the City should pay Mr. Heathmans' attorney fees and he would like a break down as to what they are. Mr. Fogle stated, he was not on the City Commission at the time this issue came about but he did not feel Mr. Heathman should have to hire an attorney. Two unidentified persons in the audience spoke to the fact that Mr. Heathmans claim should be paid.

Mr. Tony DeLaTorre stated he would like to speak in as much as he was involved in the subject matter. Mr. Tony DeLaTorre stated on June 8, 1987, the Dept. of Public Safety and City Employees were informed they could go to the City Manager with issues and by pass the chain of command. Mr. DeLaTorre stated he had written a two and one half page letter to Mr. Dresher and he did receive a reply. The letter Mr. DeLaTorre wrote was taken to the City Commission, Commissioner Thompson made some bad remarks about his letter and Mr. DeLaTorre wanted an apology. Commissioner Thompson stated, after reading the letter if the contents of the letter was the same as the next to the last paragraph, the letter was a complete fabrication. The letter stated that Mr. Thompson regularly fished with a Lieutenant at the Dept. of Public Safety and that would constitute a conflict of interest. Mr. Thompson stated that particular paragraph was far from the truth, whereby Mr. DeLaTorre stated he was told by another person that Mr. Thompson fished with a Lieutenant at the Dept. of Public Safety. Mr. DeLaTorre stated, he had been accused of associating with a Commission member and he felt fair was fair. Mr. DeLaTorre then requested that everyone start working together. Mr. Calliham then stated that future remarks on this subject should pertain to the motion on the table.

Commissioner Thompson then stated, he would have a difficult time voting to pay a claim to an elected official for embarassement, mental anguish and other items, such frustrations just go with the job. Mr. Denzel Bryant stated, he felt the claim should be paid in as much as attorneys fees had been paid for other Commissioners. Mr. Thompson then stated, the City Commission had offered to pay his attorney fees several months ago but Mr. Heathman declined at that time. Mr. Marvin Durbin stated, there had been a controversy in the City of Ottawa for several months and he felt the items could be negotiated and settled. An unidentified person stated, the regulations of the City of Ottawa forbid a Commissioner interfering with the operations of departments thru talking with employees or dept. heads and they did not feel the claim should be paid for a violation of City law. Mr. Heathman indicated he would speak to that issue and was cautioned by Mr.

Thompson not to get involved in a conflict of interest situation. Mr. Heathman did state however, he did not break the law and he had been cleared by the court. Mr. Heathman further stated, he was furnished an attorney by the insurance co. and he did not interfere in any way with the operation of a dept. Mr. Heathman further stated, a man asked him for advice and he gave him advice and he would continue to speak with any citizen that might ask him to do so. Mr. Matt Whiteford spoke to the fact that Mr. Heathman do not interfere with the operation of any dept. of the City, a citizen merely asked Mr. Heathman for advice. Commissioner Calliham then stated, to clarify a point the question is the violation of a state law, the City Commission can listen to anyone at anytime but the City Commission cannot get involved in employee problems. Mrs. Betty Seymour questioned why a citizen cannot talk to a City Commissioner at any time, place of employment or otherwise, if the citizens cannot talk a City Commissioner they are not being represented. Mr. McCrea explained to Mrs. Seymour that anyone can talk to a City Commissioner but employees cannot discuss matters of employment. Mr. David Petersen appeared before the City Commission stating he thought the Commission should pay Mr. Heathman's claim, that it would be ethical to do so. Mr. Don Sellens stated, Mr. Heathman is doing his job and the City should pay the claim. Mr. Jimmy Tolson appeared before the City Commission stating that the situation at the Dept. of Public Safety is the same as it was sixteen years ago when Mr. Tolson had a problem with the Fire Dept. Mr. Tolson stated, the City Commission nor the City Manager to date have not reticified the problem. Upon call for the question on the motion of Mr. McCrea to deny the claim of Mr. Heathman, Mr. McCrea, Mr. Thompson and Mr. Calliham voted in favor of the motion, Mr. Fogle voted opposing, the motion to deny the claim being declared to have passed. Commissioner Calliham then made a motion to pay attorney fees in the amount of \$1020.00 to Mr. Heathman the motion died for lack of a second. Commissioner Fogle made a motion to pay Mr. Heathman one half of the claim or an amount not to exceed the \$2010.00, the motion was seconded by Commissioner Calliham. Commissioner Thompson then stated, last fall the City Commission agreed to pay Mr. Heathman's expenses which then amounted to less than \$1,000.00 and Mr. Heathman declined. Mr. Thompson further stated, evidently more legal work had been done since the City Commission took this action. Mr. Heathman then stated, at that time the amount of his expense was in the amount of a little over \$600.00 but that additional work was done by the attorney to research to see if the persons involved could be held liable and not the City at large, it was found out that only the City could be held responsible. Upon call for the question, on Mr. Fogle's motion to pay one half or an amount not to exceed \$2010.00 on the claim, Commissioners Fogle and Calliham voted in favor of the claim, Commissioners Thompson and McCrea voted opposing the motion, the motion was declared not to have passed. Commissioner Thompson then made a motion that the City Commission pay Mr. Heathman the amount of his expenses to the point that the City Commission has previously offered to pay which amount to a little more than \$600.00, the motion died for lack of a second.

#### Discuss City Commission Study Session Policy

Commissioner Thompson stated, he had a question as to whether the study sessions at present are productive and he felt the City Commission should discuss the situation prior to making a decision. Mayor Heathman stated, he was in favor of people being able to address the City Commission at their study sessions and he did not know how they could do it any other way. Mr. Fogle stated, the City Commission presently has one night meeting at which citizens are free to discuss most any items and he would like to see the study sessions restrict the input of citizens of the City except for business as it is to come before the City Commission on their regular agenda. Commissioner Calliham stated, in as much as the City now has two regular meeting dates where citizens can express their views, he would like to see the study sessions limited to two per month and any citizen appearing before the City Commission at a study session would have to get their

name placed on an agenda on the Friday prior to the study session on Monday. Commissioner Calliham also stated, he thought the citizens should furnish the City Commission with the subject matter on which they wish to speak so that the City Commission might be able to research and have answers to questions before the study session meetings. Mr. Marvin Durbin stated, he felt the citizens should be permitted to address the City Commission at all public meetings. Mrs. Wanda Durbin stated, the City Commission should settle the Dept. of Public Safety problem and she felt the solution would be to fire the Public Safety Director Oren Skiles. Mrs. Durbin also submitted a petition to the City Commission recommending that the City Commission not do away with study sessions and the City Commission decide the policy for conducting the study sessions. Commissioner McCrea stated that some of the study sessions are good and some are bad, but the Commission needs time to study the issues without citizen input. Mr. McCrea further stated, the Commissioners could be called and talked to in their homes and places of business at most any time. Mr. Don Jones stated he had attempted to call the City Commissioners concerning the replacement of the Administrative Assistant Kristy Cannon and those he was able to talk to cut him short on the subject matter. Mr. Tony DeLaTorre spoke in favor of the proposal by Mr. Fogle to limit citizen input at the study sessions. Mr. DeLaTorre stated he thought the City Commission should have the opportunity to discuss items without citizen input and the ideas coming out of the study session could then be discussed in public at the regular City Commission meeting. Commissioner Fogle made a motion that the City Commission continue to hold study sessions at 3 p.m. on each Monday and the first and third study sessions of each month be closed to citizen input and discussion. The study sessions other than those on the first and third Mondays would be open to citizen input. The motion was seconded by Commissioner Calliham and upon call for the question all present voted in favor of the motion.

#### Consider City Investment Schedule

Commissioner McCrea made a motion that the schedule of investment existing as of June 30, 1987 indicating a total of \$4,300,000.00 invested at an average interest rate of 6.18 percent be approved, the motion was seconded by Commissioner Fogle, and all present voted in favor of the motion.

#### Resolution No. 439-87 - Improving Blackhawk Street from Sycamore to Cherry

A resolution directing and ordering a public hearing to determine the advisability of improving Blackhawk Street from the east line of Sycamore Street to the west line of Cherry Street in the Bowles, Sheldon and Topping's Addition in the City of Ottawa, Franklin County, Kansas to be held at 9:35 a.m. July 15, 1987 was introduced. The City Clerk explained that the resolution before the City Commission at this time called for a public hearing to determine whether it is advisable to improve Blackhawk Street from Sycamore to Cherry and if the City Commission does decide to proceed with the improvement there would be a remonstrance period during which property owners within the benefit district could submit a petition objecting to the project and if the petition were deemed sufficient it would in effect stop the project. The cost of the project as set forth in the resolution calling for the improvement calls for reinforced concrete pavement for a total of \$43,726.96 with the benefit district paying \$33,315.89 and the City at large paying \$10,411.07 or for an Alternate No. 1 asphaltic pavement for a total of \$39,624.94 with the benefit district paying \$29,630.20 and the City at large paying \$9,994.74. Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to determine the advisability of improving Blackhawk St. from the east line of Sycamore St. to the west line of Cherry St. in Bowles, Sheldon and Topping's Addition, in the City of Ottawa, Franklin County, Kansas to be held at 9:35 a.m. July 15, 1987 be passed. The motion was

seconded by Commissioner Fogle and upon call for the question all present voted in favor of the motion.

#### Governing Body Agenda

Comments of Commissioner Calliham; Commissioner Calliham stated that he was a relative new comer to the City of Ottawa in as much as he had only lived here 12 years but he and his wife chose to remain in Ottawa upon his retirement and that he has been very proud of his City. Mr. Calliham stated, he thought the Dept. of Public Safety problem had gone on long enough and it needed to be resolved, he stated it was not fair to the City Employees from the City Manager to the Dept. Heads to first line supervisors and all employees for the uncertainty under which they are working in light of the current DPS problem. Commissioner Calliham further stated that in view of the changes that had been made recently by the City Manager and conversations with Public Safety Director Oren Skiles and his lieutenants, the lines of communications were opening, recognition was better, job assignments were better and he hoped the people of Ottawa would allow for the changes to proceed for the next six months in hopes the situation might be resolved. Commissioner Calliham also stated he thought the Ottawa Herald should have reported that in its surveillance of the McKenzie house there was no evidence of the McKenzie house being under surveillance by the Dept. of Public Safety. Commissioner Calliham stated he hoped the City Commission would agree to let what has started in the area of communication, recognition and job assignments to proceed for the next six months hopefully to resolve the problem. Mr. Matt Whiteford stepped forward and said there has been problems for many years in the DPS and the source of the problem always seems to involve Oren Skiles. Mr. Whiteford further stated he would be in favor of a vote of the people to see if Mr. Skiles should be retained as head of the Dept. of Public Safety.

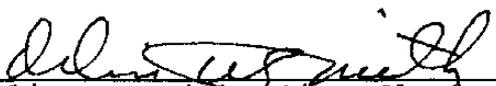
Beatrice Schmidt, appeared before the City Commission and stated that she was not satisfied with the response to some of the questions given to her by Mr. Dresher. Ms. Schmidt also asked that the Commission give further consideration to what had happened in the town of Wellington, Va. in so far as reverting a Dept. of Public Safety back to a separate Police Dept. and Fire Dept. Ms. Schmidt also asked that the City Commission get a reputable consultant to look into the problems at DPS and possibly give the commission a fresh insight into the problems or to tell the City Commission the Dept. of Public Safety is operating in a satisfactory manner. Commissioner Fogle stated, he was not satisfied with the answer the City Commission had given Ms. Schmidt concerning the percent of the total City budget spent on Public Safety. The percent was figured on the basis of the total City operating budget and not just the General Fund. The percent given in the answer was 7 1/2 percent but as a percentage of the total General Fund it is 37 percent and if the non operating costs are striken from the General Fund the total operating cost of the Dept. of Public safety would be 44 percent. Ms. Schmidt asked what percentage of increase had the City Manager been given this past year, and what his current salary was, the answer was not available at this time in the City Commission chamber.

Mr. Jimmy Tolson addressed the City Commission requesting the Ordinance within the City which sets forth the hours of burning trash be amended to set a specific hour in the morning at which trash burning could begin. The present ordinance set forth that trash may be burned from sunrise to twelve noon on Mondays and Thursdays of each week and there seems to be an area of confusion as to what constitutes sunrise particularly on a cloudy day. Mr. Tolson also asked that a statue located at 429 S. Oak be removed as he found the statue objectionable and degrading.

Mr. Merle Haas addressed the City Commission concerning doing electrical work in the City. Mr. Haas stated he is an electrician certified by the State of Kansas and as of late there has been an area

of confusion about him doing electrical work in the City of Ottawa. Mr. Haas stated a bill was passed thru the legislature in 1986 and an Attorney General's opinion had been rendered whereby it stated that Mr. Haas would not be required to pay a license fee to do electrical work within a City within the State of Kansas. Mr. Haas stated, he thought the area should be cleared up as an area of confusion such as this does not promote a good working environment in the City of Ottawa and did not promote community economic development. The City Clerk reported the problem Mr. Haas spoke of arose recently and the City has copies of both the legislation and the Attorney General's opinion. The matter has been referred to the City Attorney for an opinion and findings and should be resolved in the near future.

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

  
Orlin W. Smith, City Clerk



City Hall - Ottawa Kansas - July 15, 1987

The City Governing Body met in regular session at 9:35 a.m. this date. Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and Calliham, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held July 1, 1987 were amended as follows. A motion of Mr. Fogle which appears in the first paragraph on page 57 states: the Commission continue to hold study sessions at 3 p.m. on each Monday and the first and third study sessions of each month be closed to citizen input and the discussions were amended to read: the City Commission continue to hold study sessions at 3 p.m. on each Monday and the study sessions immediately preceding the regular City Commission meetings be closed to citizen input and discussion. Mr. Fogle made the motion that the minutes be amended as stated above, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion. The balance of the minutes were approved as written.

#### Public Hearing - Improving Blackhawk Street from Sycamore to Cherry Street.

A public hearing was held at this time to determine the advisability of improving Blackhawk Street from the east line of Sycamore Street to the west line of Cherry Street. The City Manager stated, this public hearing is a result of an unsuccessful attempt to have the street improved by the petition method. The carrier of the petition was not successful in getting a sufficient amount of signers for the improvement and requested the public hearing be held on the matter. The City can improve Blackhawk by order of the City Commission in as much as it is bound on each end by improved parallel streets, it was decided however by the City Commission to hold a public hearing on the matter.

Mr. A. U. Duvall, who lives on Blackhawk Street stated he was in favor of the improvement, but wanted the City to pay a larger share of the improvement.

Mr. Pat Carey, who lives on Blackhawk Street spoke in favor of the improvement.

Mr. Jack Michael, 834 N. Cherry stated he was in favor of the improvement, in as much as the street is carrying more traffic and dust is a problem.

Mr. Rick Oglesby stated he was in favor of the improvement but he wanted the City at Large to pay a larger share of the cost. Mr. Oglesby also stated, that possibly the City could designate a larger benefit district to share in the cost or maybe a chip and seal would be sufficient.

Mr. Stokes Crooks spoke opposing the improvement because it would raise his taxes, he has retired and cannot afford additional taxes. Mr. Crooks also stated he has rental property within the benefit district.

Mr. John Keenan spoke opposing the improvement.

Commissioner McCrea stated he had received a call from Gene Seaton and the Seatons were in favor of the improvement.

Mrs Kendry stated her mother has a home within the benefit district and the cost of the improvement would be prohibitive to her mother.

The City Manager Lyle Dresher then outlined in detail the various methods that may be used under state law to determine the advisability of improving the street.

Commissioner Fogle then spoke, the proportional share of the improvement as borne by the benefit district and City at large is in line with the City's policy on the improvement of unimproved streets.

Commissioner McCrea suggested that possibly the property owners could get together and sign a petition paving additional blocks of Blackhawk Street which might lower the cost of the improvement for all persons in the benefit district and the City at large. It was pointed out that someone within the improvement district would have to be responsible for carrying a petition to the property owners. There being no further comments Commissioner Heathman announced that the hearing would be closed.

Resolution No. 440-87 Adopting Personnel Rules and Regulations

A resolution adopting personnel rules and regulations dated August 1, 1987, for the City of Ottawa Kansas and rescinding Resolution No. 293, dated December 24, 1980 was introduced. Commissioner McCrea made a motion that a resolution adopting personnel rules and regulations dated August 1, 1987, for the City of Ottawa, Kansas and rescinding Resolution No. 293, dated December 24, 1980 be approved. The motion was seconded by Commissioner Thompson.

Mayor Heathman objected to Section 1.4e which states, the City Manager may at any time modify, revoke, suspend, terminate or change any or all of the plans, policies or procedures of the personnel rules and regulations with or without notice. Mayor Heathman stated he did not feel the City Manager should have this power, this power should rest with the City Commission.

The City Manager stated this section gave the City Manager the administrative authority to make such changes as might be necessary, a case in point being changes in the hours of work at the Dept. of Public Safety to comply with the Fair Standards Act. The City Manager stated this process could be handled without the inclusion of this paragraph but modifications would come about much slower.

Commissioner Heathman suggested that Item (e) in Section 4 of the Administration of Personnel Regulations be removed. Mayor Heathman objected to paragraph D3 Section 14.3 which states the decision of the City Manager concerning a grievance is final and subject to no further appeal. Mayor Heathman stated he felt that authority should go to the City Commission.

Commissioner McCrea disagreed with Mr. Heathman's statement, stating that State Law will not allow a City Commissioner to interfere in personnel matters. Upon call for the question Commissioners Thompson, Calliham and McCrea voted in favor of the motion, Mayor Heathman and Commissioner Fogle voted opposing the motion.

## Presentation of Play Center Funds

Mrs. Diane Korte, representing the Beta Sigma Phi Sorority presented the City Commission with a final check in the amount of \$819.17 to go toward the construction of the play center in Forest Park.

The City Manager stated last year the Beta Sigma Phi Sorority had collected and donated to the City a total of \$2030.00 towards phase one of the play center in Forest Park. The \$819.17 given to the City today will be used towards phase two of the play center which will mean more play equipment.

The City Commission thanked Mrs. Korte and the Beta Sigma Phi Sorority for their efforts and donation toward the play center.

## Report of the Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, July 7, 1987 at 7:00 p.m. in City Hall. Present: Members Peterson, Searis, Keith, Woolman, Hendrix and Todd, Absent: Member Ellena.

The minutes of the last meeting held June 2, 1987 were approved as written.

The Planning Commission reorganized at this meeting. Member Peterson was elected Chairman by a vote of 6-0, Member Hendrix was elected Vice-Chairman by a vote of 6-0 and James Shaw was re-appointed as Secretary by a vote of 6-0.

The Planning Commission adopted the Capital Improvement Program as written by a vote of 6-0.

The Planning Commission called a public hearing to amend Article XXVI, Section 2, Fences, Paragraph 2 of the Ottawa Zoning Ordinance.

There being no further business, the meeting was adjourned.

## Status of City Projects

A status of all projects in progress within the City was read by the City Clerk.

## Governing Body Agenda

Commissioner Calliham stated that some recommended changes and improvements to the operation of the D.P.S. has been implemented by the City Manager and the staff of the Dept. of Public Safety. These implementations must be given an opportunity to work and will work in a positive environment, which cannot exist if the City Commission continues to exacerbate the situation. Commissioner Calliham then made a motion that the City Commission set aside further discussion of allegations and accusations concerning the Dept. of Public Safety and its employees and a report, discussion and evaluation of the progress be made to the City Commission in January of 1988. The motion was seconded by Commissioner Thompson and upon call for the question Commissioners Thompson, Calliham and McCrea voted in favor of the motion. Commissioners Fogle and Mayor Heathman voted opposing the motion.

Mayor Heathman then made a motion that the City Commission direct the City Manager, Lyle Dresher, to ask for the resignation of Oren Skiles, Director of Public Safety within one week. The motion was seconded by Commissioner Fogle and upon call for the question

seconded by Commissioner Fogle and upon call for the question Commissioner Fogle and Mayor Heathman voted in favor of the motion. Commissioners Calliham, Thompson and McCrea voted opposing the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - August 5, 1987

The City Governing Body met in regular session at 7:00 p.m. this date Present Mayor Heathman, Commissioners Fogle, Thompson, McCrea and Calliham, absent none.

#### Approval of Minutes

The minutes of the last regular meeting held July 15, 1987 were approved as written.

Change Order No. 1, Street Improvement Project 1987-1 (K-68 Overlay)

Change Order No. 1, Street Improvement Project 1987-1 (K-68 Overlay) in the amount of minus (-) \$3,230.92 was introduced. The City Manager stated Change Order No. 1 for Street Improvement Project 1987-1 (K-68 Overlay) reflected a \$3,230.92 reduction in the contract price. The original contract price was \$75,085.60, the change order reduces the contract price to \$71,854.68.

Commissioner Calliham made a motion that Change Order No. 1 Street Improvement Project 1987-1 (K-68 Overlay) in the amount of minus (-) \$3,230.92 be approved. The motion was seconded by Commissioner Thompson. All present voted in favor of the motion.

Accept and Approve Pay Estimate No. 1 (Final) for Street Improvement Project 1987-1 (K-68 Overlay).

Commissioner Fogle made a motion that the City accept and approve Pay Estimate No. 1 (final) for Street Improvement Project 1987-1 (K-68 Overlay) in the amount of \$71,854.68. The motion was seconded by Commissioner McCrea. All Present voted in favor of the motion.

#### Report of the Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, August 4, 1987 at 7:00 p.m. in City Hall. Present: Members Ellena, Searls, Keith, Woolman, Hendrix and Chairman Petersen, Absent: Member Todd.

The minutes of the last meeting held July 7, 1987 were approved as written.

The Planning Commission held a Public Hearing to amend the Wal-Mart Planned Unit Development, this was approved by a vote of 6-0.

The Planning Commission held a Public Hearing to amend the Fence Regulations in the Ottawa Zoning Ordinance, this was approved by a vote of 6-0.

The Planning Commission called a Public Hearing by a vote of 6-0 to update the present Flood Plain Regulations, this Public Hearing is to be held at their September meeting.

The Planning Commission voted 6-0 to call a public hearing at

their September meeting for the purpose of allowing, "Pleating, Decorative and Novelty Stitching and Tucking for the trade - manufacturing," as a Special Use in the (C-3) Retail Business District.

There being no further business, the meeting was adjourned.

#### Approval of Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as of July 31, 1987, indicating a total of \$5,000,000.00 invested at an average annual interest rate of 6.25 percent be approved. The motion was seconded by Commissioner Thompson. All present voted in favor of the motion.

#### Public Agenda

Vance Robrahn, Parking Control Officer in the central business district objected to comments made by the City Commission concerning the cost of performing his duty. Mr. Robrahn stated in the past 10 months he had issued 4,792 tickets which collect \$1.00 or \$2.00 a piece and that he patrols more than 600 parking spaces daily. The statement coming from the City Commission was then clarified stating, the cost of the operation was considerably more than the actual revenues received. The cost of the operation are inclusive of the parking control officers salary, fringe benefits, cost of patrol vehicle, booking keeping time and printing of the tickets.

Mr. Jim Grogan appeared before the City Commission addressing Mr. Fogle, stating that the Straw Poll Mr. Fogle had initiated infuriated him. The Straw Poll which was initiated last week ask if the high cost of the Dept. of Public Safety should be investigated, if it would be in the best interest of the City if the Dept. of Public Safety Director Oren Skiles should resign and what avenues the City might take to avoid a twenty percent increase in water rates. Mr. Grogan stated the poll put the Chief Law Enforcement Officer of the City in a belittling position and there should be a better way to find out if he is doing his job. Mr. Grogan stated there are always those who have had a run in with the Dept. of Public Safety and they would retaliate against Mr. Skiles by answering the poll in a negative manner.

Mr. Fogle stated it is not unusual for elected officials of state and national levels to poll the constituents and he felt Mr. Skiles should resign.

Mr. Tony Keim who was defeated in the last City Commission election stated he has changed his position since his campaign and was fully in favor of what Mr. Fogle and Mr. Heathman were doing in the area of the Dept. of Public Safety.

Mr. Grogan then stated he felt both Mr. Fogle and Mr. Heathman were disenfranchising the residents who did not vote or voted for other candidates. Mr. Grogan stated he felt Mr. Heathman was polarizing the City by renewing and old rift between North Ottawa and South Ottawa.

Mr. Heathman stated there will always be a North Ottawa and a South Ottawa as long as there is a Marais Des Cygnes River running through the City.

Mr. Matt Whiteford appeared before the City Commission questioning a water rate which has recently been effected for large commercial water users whereby the lower end of the rate structure water can be bought cheaper. It was explained to Mr. Whiteford the rate would probably only affect the H. D. Lee plant as they use large

quantities of water in their jeans washing operation. The same water rate also applies to the Ottawa Country Club which Mr. Whiteford questioned, but the Country Club in past years has not used enough water to come under the new lower rate.

Mr. Al Mages appeared before the City Commission stating that a bump in the street in the vicinity of 5th and S. Cherry is sometimes causing trash haulers to loose some of their load when going down the street. Mr. Mages further stated he did not feel the City was following up in a proper manner to get people to cut their weeds and clean up their property.

Commissioner McCrea answered Mr. Mages that in getting people to cut weeds and clean up their property is a time consuming activity which requires notices to be sent to the people and giving them a time limit to clean up the property prior to making the clean up and assessing the people on their tax statements.

Mr. Bill Jung appearing before the City Commission and thanked Mr. Fogle for the Straw Poll questionnaire which had been mailed to the people of Ottawa stating that he thinks something should be done with the Dept. of Public Safety. Mr. Jung complained he had started a new business in 1981 and he had had problem with the Dept. of Public Safety concerning the operation of his business. Mr. Jung then stated he felt the City Electric Utility Rates were entirely too high, stating when he was in business his electric bills were considerably higher than comparable establishments in other cities. Mr. Jung indicated in his present residence he is sometimes paying as much as 9 1/2 cents per kilowatt hr. Mr. Jung commented recently his son had a flat tire on a pickup truck and had to leave the truck on a city street in a limited parking area as they were having trouble changing the flat tire, in the time the truck was parked on the street he received two overtime parking tickets and when he paid the tickets he paid a dollar extra and the City accepted payment.

Mr. Jimmy Tolson appeared before the City Commission questioning the integrity of one of the individuals which was on a panel investigating the Dept. of Public Safety these past few months.

Mayor Heathman stated he had heard the same rumor but had not been able to confirm it.

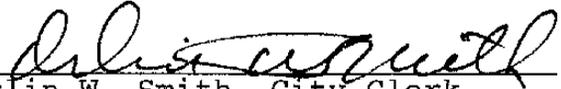
Mr. Tolson then restated some of the problems he had had in the early 1970's in his employment with the City of Ottawa, stating the controversy surrounding the Dept. of Public Safety today is a continuation and the same as the problem Mr. Tolson had in his employment in the Fire Dept.

Mr. Tony DeLaTorre of the Dept. of Public Safety appeared and ask if anyone had a right to the personnel rules and regulations of the City. Mr. DeLaTorre was answered they are public record. Mr. DeLaTorre then questioned the City Commission whether the City Commission had read them and were aware of their contents. A consensus of the City Commission indicated they were aware of the contents. Mr. DeLaTorre then asked how to grieve the grievance procedure contained in the personnel regulations whereby the City Manager instructed Mr. DeLaTorre to meet with him and he would talk to him about the grievance procedure.

Mr. Matt Whiteford again appeared before the City Commission asking the disposition of the law suit of Fisher verse The City Of Ottawa. The City Manager stated the City today through their insurance co. had appealed the decision of the Federal District Court. Mr. Whiteford then asked of the cost of the appeal whereby the City Manager indicated he did not know as it has been filed by the insurance company and the insurance company is liable

for those costs.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - August 10, 1987

The City Governing Body met in special session at 3:00 p.m. this date, present Mayor Heathman, Commissioners Fogle, Thompson, and Calliham, with Commissioner McCrea joining the meeting at 3:12 p.m.

The purpose of the meeting was, to hold a public hearing on the proposed 1988 Budget and for adoption of the 1988 Budget.

Mayor Heathman opened the meeting stating the purpose for the meeting, which was a public hearing on the proposed 1988 City Budget and the adoption of the 1988 City Budget. The City Manager then proceeded to explain to those in attendance the format of the official budget which will be filed with the County Clerk and subsequently filed with The Division of Accounts and Reports in Topeka. The cover page for the budget is the Notice of Hearing which was published in the official City newspaper. The first page being the Certificate whereby the City Commission approves the budget. The second page sets forth the statutory and charter ordinance authorities for the tax levies which go into the budget. Pages 3 thru 3c are work pages for computation of the aggregate tax levy limitation and the allocation of motor vehicle tax to the various funds. Page 4, is the statement of indebtedness which is inclusive of general obligation bonds, revenue bonds, temporary notes and no fund warrants. The balance of the budget sets forth the itemization of expenditures for the various funds of the City as required by state law.

Miss Beatrice Schmidt and Mrs. Dianna McKenzie then spoke to the City Commission expressing their concerns and suggestions concerning the budget and the operation of the City.

Miss Schmidt first raised the objection to having the Budget Hearing at 3 o'clock in the afternoon and it was her suggestion for the meeting to be held in the evening so more persons could attend and comment. Miss Schmidt further ask how she could get an itemization of personal services, commodities and contractual services from the budget, in the present format it is somewhat confusing. It was suggested by Miss Schmidt that the City establish a purchasing dept. or designate a purchasing agent for the securing of commodities, it is felt much money might be saved in this manner. Upon question from Miss Schmidt it was explained the unencumbered cash item as it appears in each fund of the Budget is unobligated cash carried forward from the prior year.

Mrs. McKenzie stated, in a visit with The Division of Accounts and Reports in Topeka, the subject of the City Manager being paid from utility funds was discussed and it was determined if 95 percent or more of the City Manager's time was spent in the utility end of the operation this would be proper. The City Manager explained, through transfers of various funds throughout City operations, his salary is ultimately paid from the utility funds. Mrs. McKenzie also stated she was aware of certain operations in the City where the City pays as much as 96 cents per roll for toilet tissue, and as much as \$4.00 per can for red rustoleum spray paint, it was suggested by Mrs. McKenzie that these items could be purchased for much less.

Miss Schmidt questioned the item of planning services as it

appears in the 1988 Budget? It was explained the money allocated for planning services is for an update of the City's Comprehensive Plan. Miss Schmidt questioned the benefits the City is receiving for the money paid to the Chamber of Commerce for Economic Development. It was explained that the benefits the City receives is difficult to measure but the Chamber of Commerce acting as a quasi agent for the City visits with industrial clients and hopefully the City at some point in time will receive benefits many folds of the money it has spent.

The salary paid to the Vocational Co-operative Teacher from the Dept. of Public Safety was questioned as to whether it was a wise investment. It was explained that Unified School District 290 pays 40 percent of the salary and some of the students going through the Vocational Co-operative course of Police and Fire Protection had chosen to pursue those occupations upon graduation from highschool.

It was questioned there was no item for janitorial service in the Dept. of Public Safety. It was explained the Commission in approximately 1981 chose to do away with the janitorial services in the Dept. of Public Safety and the officers employed in that building were performing those chores.

Commissioner Fogle stated he would prefer to have the Street Lighting and Hydrant Rental charges to the City appear in the budget in an amount equal to the actual costs and further stating that monies could be transferred from the water fund and electric fund to the general fund and then paid back to those utilites in the appropriate amounts.

Upon question from Miss Schmidt on the Tort Liability Fund, it was explained that those monies go to pay insurance premiums and claims against the City. Also upon question from Miss Schmidt it was explained that the Special Parks and Recreation Fund and the Special Alcohol Fund are mandated by the state and the monies received in those funds are tax on liquor sold by the drink in private clubs.

It was stated the Auditorium Fund is inflated from prior budgets as a result of the possibility of bingo operations within the auditorium producing additional revenues.

Mrs. McKenzie stated she thought a committee should be appointed to hear employee problems as opposed to the procedure set forth by the employee rules and regulations. It was also suggested that a program be started whereby employees might be paid a monetary fee or amount for suggestions that might be beneficial to the City particularly in the areas of cost savings.

An item omitted from the beginning of the minutes concerned a suggestion by Miss Schmidt that the City contract with The Division of Accounts and Reports in Topeka to hold a budget workshop or seminar for the interested persons in the city on how to prepare and read The Municipal Budget.

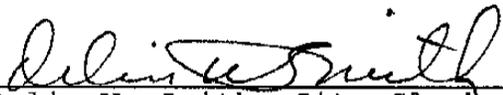
Discussion of items in the budget having ceased, Commissioner McCrea made a motion that the hearing be closed, the motion was seconded by Commissioner Calliham, all present voted in favor of the motion.

#### Approval of the 1988 Budget

Commissioner Thompson made a motion that the 1988 Budget be approved as presented. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion. Upon call for a motion by Mayor Heathman Commissioner McCrea made a motion

that the meeting be adjourned whereby the meeting was adjourned by the Mayor.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - August 19, 1987

The City Governing Body met in regular session at 9:35 a.m. this date Present Mayor Pro tem Calliham, Commissioners Fogle, McCrea and Thompson. Absent Mayor Heathman and City Clerk Orlin Smith.

Approval of Minutes

The minutes of the last regular meeting held Aug. 5, 1987 were approved as written.

Approval of Minutes - Special Meeting

The minutes of the special meeting held Aug. 10, 1987 were approved as written.

Approval of Preliminary Site Plan - Wal-Mart P.U.D.

Commissioner McCrea made a motion to approve the preliminary site plan for the Wal-Mart P.U.D. as recommended by the City Planning Commission.

The motion was seconded by Commissioner Fogle, upon call for the question all present voted in favor of the motion.

Ordinance No. 2860-87-A

Commissioner Thompson made a motion to approve an ordinance appropriating the amount set up in each fund in the budget for the year 1988; providing for the payment of all claims and charges against the accounts provided for therein; approving and ratifying the payment of all claims against the accounts for the year 1988.

The motion was seconded by Commissioner Fogle, upon call for the question all present voted in favor of the motion.

Resolution No. 441-87 - Western Area Power Administration (WAPA) Escrow Agreement and Pooling Contract

Commissioner Fogle made a motion to approve a resolution authorizing the Mayor and City Clerk to execute the WAPA pooling contract and escrow agreement as a Class B participant thereunder and approving certain other matters in connection therewith. The motion was seconded by Commissioner McCrea.

City Manager Lyle Dresher explained, The Kansas Municipal Energy Agency (KMEA) representing Kansas Electric Municipals, is negotiating a contract with the Western Area Power Administration (WAPA) to purchase hydroelectric power from Loveland - Ft. Collins Colorado in the Rocky Mountains, and its transmission to cities in Kansas.

In order to effect deliveries of hydroelectric power and energy from WAPA through transmission systems of interconnected utilities for delivery to certain participants, it is necessary to utilize certain transmission facilities owned and operated or controlled by Sunflower Electric Corporation (SEC) and Nebraska Public Power District (NPPD) and interconnections established and maintained by

SEC, NPPD and WAPA pursuant to a firm transmission service in conjunction with the Power Sales Contract, and the Pooling Contracts; to implement this administrative, coordinating and pooling process, KMEA will enter into a Pooling Contract with each of the Participants, including the City, under the terms of which certain Class A Participants will take, use and pay for the power, and Class B Participants will take the allocation of power and return it to the pool. The Class A Participants will pay the Class B Participants a 10 percent surcharge for the non use of the power. This money will be placed in escrow and managed by KMEA, cities not using the power may use the funds for studying, construction or upgrading transmission methods. This agreement will be in effect for 15 years.

A six-member Board of Directors comprising of Class B Participants, will be established to direct the use of the escrow funds being held in trust and managed by KMEA. Escrow funds not expended at the end of the 15-year contract period will be returned to the Class A Participants on a pro rate basis.

Upon call for the question all present voted in favor of the motion.

#### Resolution No. 442-87 - Water Rates

Commissioner McCrea made a motion to approve a Resolution, finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations, conditions and availability of the services rendered by the Water Department of the City of Ottawa, Kansas, and establishing an effective date therefor, and providing for the enforcement thereof and rescinding prior resolutions.

The motion was seconded by Commissioner Thompson. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 443-87 - Municipal Auditorium Rental Fee

Commissioner Thompson made a motion to approve a Resolution establishing a rental fee to be paid to the Municipal Auditorium Ottawa, Kansas, by the City of Ottawa for its use of the auditorium facility. The motion was seconded by Commissioner Fogle.

City Manager Lyle Drescher explained, for a \$2000 annual fee the City may use the auditorium up to six times a year. If the City uses the auditorium for more than the six events the City will pay the Auditorium its usual rental fee.

Upon call for the question all present voted in favor of the motion.

Engineering Services Agreement - Cook, Flatt & Strobel and the City of Ottawa

This item was tabled until the next regular meeting.

#### Ottawa Area Chamber of Commerce - Sidewalk Sale

Commissioner Thompson made a motion to approve the request of the Ottawa Area Chamber of Commerce Retail Committee to hold a Sidewalk Sale September 12, 1987, 8:00 am to 5:00 pm in conjunction with the 'ole Marais River Run to be held the same day in Forest Park. The motion was seconded by Commissioner McCrea.

It was noted this is not a total participation of the merchants. It was also noted that parking control should not be curtailed

during this period. Commissioner McCrea stated he had received several calls and it was felt traffic should be kept moving.

Upon call for the question all present voted in favor of the motion.

League of Kansas Municipalities Annual Conference -  
Voting Delegates

Commissioner McCrea made a motion to select (3) voting delegates to represent the City of Ottawa at the business and policy session of the League of Kansas Municipalities Annual City Conference, October 4-6. The voting delegates are Mayor Heathman, Commissioners Fogle and Calliham. The alternates are Commissioner Jerry Thompson, City Manager Lyle Drescher and City Clerk Orlin Smith.

The motion was seconded by Commissioner Thompson, upon call for the question all present voted in favor of the motion.

Status report of City Projects

A status of all projects in progress within the City was read by the City Clerk.

Governing Body Agenda

Mayor Pro tem Calliham read a letter to the Commissioners written by Gary Kuntz asking to use Kanza Park August 25, 1987, between the hours of 8 am and 4 pm. Ben Heinlein and Walter Ray will be taking turns going around the park in a wheelchair. Mr. Heinlein and Mr. Ray will be accepting donations in advance and during the marathon to benefit the Muscular Dystrophy Association.

Commissioner Fogle made a motion to grant the request of the Muscular Dystrophy Association. Commissioner Thompson seconded the motion, upon call for the question all present voted in favor of the motion.

Commissioner McCrea read a letter from the Ottawa Area Chamber of Commerce Board of Directors, asking the City Commission to resolve the Dept. of Safety controversy as quickly as possible.

The letter is as follows: Dear Commissioner: On behalf of the Board of Directors of the Ottawa Area Chamber of Commerce I would like to express our opinion on the current state of the community.

We are deeply concerned over the way in which certain issues have been handled. These issues, instead of being acted upon and resolved seem to have been allowed to "fester." This negatively affects the attitude of the community and its citizens.

We ask that you-the City Commission-put the best interest of Ottawa first and foremost, and we respectfully urge you to act swiftly, soundly and in a business-like manner to resolve these issues so that Ottawa can move ahead in a positive manner. The letter was signed Brent Fogle Chairman, Board of Directors, Ottawa Area Chamber of Commerce.

Commissioner Fogle moved to call a special meeting to discuss whether to perform a cost efficiency study of the Dept. of Public Safety. This meeting was not called at this time however as Commissioner Fogle desired all Commissioners to be in agreement to discuss the proposed subject matter and Mayor Heathman was not present at this meeting. This item was then put on the agenda for the Monday 3 p.m. study session. Commissioner McCrea stated the 1988 budget does include \$20,000 for the study.

Public Agenda

Robin Wright co-owner of Freda's dress shop stated she thought downtown merchants entice shoppers downtown with the sidewalk sales, and parking tickets should not be issued during the sidewalk sales.

Milan Lambertson spoke to the commission about a Crop for Hunger Walk Sunday afternoon Sept. 27, 1987. There will be approximately 75 to 100 people and they do not request police protection. The 6 kilometer walk will begin at Ottawa University, north on Cedar, cross the bridge on to Forest Park, south to Kanza Park and back to Ottawa University. Mayor Pro tem Calliham asked Mr. Lambertson to put the request in writing and it would be considered at the next regular meeting.

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

*Orlin W. Smith, City Clerk*  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - September 2, 1987

The City Governing Body met in regular session at 7:00 PM this date, present Mayor Heathman, Commissioners Fogle, Thompson, Calliham, and McCrea. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting which was held August 19, 1987, were approved as written.

#### Reading of Franchise Agreement

The public reading of a natural gas franchise agreement between the City of Ottawa and the Kansas Power & Light Gas Service Co., was not held at this time.

#### Resolution No. 444-87, Authorizing signing of agreement with Missouri Pacific Railroad Company

Commission Thompson made a motion that a resolution authorizing the execution of an agreement between the City of Ottawa and the Missouri Pacific Railroad Company providing for the reconstruction of the rail crossing on Main Street at First Street, providing for the City to pay the cost of a rubber pad crossing in the amount of \$28,750.00 to be installed by the Missouri Pacific Railroad Company be passed. The motion was seconded by Commissioner McCrea.

It was explained that by installing the rubberized crossing at this intersection that it will eliminate the roughness of this crossing. The rubber pad crossing is to be extended both east and west so that it will accommodate pedestrian traffic as well. The cost of the rubber pad crossing in the amount of \$28,750.00 will be paid for with street rehabilitation funds. Upon call for the question all present voted in favor of the motion.

#### Approval of Supplemental Engineering Agreement

A supplemental agreement revising the maximum fee for inspection services on the improvement of Main Street from 10th St. to 15th St. from \$68,047.00 to \$74,248.00 was introduced. The City Commission objected to the increase of a maximum fee from the original agreement in that it was felt that the firm of Cook, Flatt & Strobel, consulting engineers should complete the entire project for the originally agreed upon amount.

It was explained by the City Manager, however, that additional trips between Topeka and the City of Ottawa were incurred as a result of work stoppages caused by weather and trips to work with the contractor for inspection of equipment and materials. These additional trips, both for construction and inspection purposes, were beyond the control of the consulting engineers.

It was further pointed out that the K-68 overlay project cost less than original estimates in an amount that would offset the additional amount required by the consulting engineers on the Main Street project.

Commissioner McCrea motioned that Supplemental Exhibit A - Attachment 10 to the engineering services agreement between Cook, Flatt & Strobel, and the City of Ottawa, Ref: Project 59-30 K-2897-01 revising the maximum fee from \$68,047.00 to \$74,248.00 be

approved. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

#### Change Order 3-T - South Main St. Improvement

Commissioner Thompson made a motion that Change Order No. 3-T, as submitted by Kansas Department of Transportation Re: Project 59-30 K2897-01 South Main Street for an increase in cost of \$13,291.26 be approved. The motion was seconded by Commissioner Fogle.

It was explained that the cost increase for the improvement of South Main from 10th St. to 15th St. was caused by overruns in various areas of the project. Upon call for the question, all present voted in favor of the motion.

#### Ordinance - Restricting Parking on Terraces

Commissioner Fogle made a motion that consideration of an ordinance creating No Parking zones on terraces or upon sidewalks within the City of Ottawa, Kansas be tabled until the next regular meeting of September 16, 1987. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

#### Ordinance No. 2861-87 - Amending Zoning Regulations

Commissioner Calliham made a motion that an ordinance amending and modifying Ordinance No. 2713-82 specifically Article 26, Section 2, paragraph 2, in order to provide for review by the Board of Zoning Appeals when requested be passed. The motion was seconded by Commissioner Thompson.

This ordinance would permit persons wishing to install a fence with a density greater than 50% in an area that might be construed as to interfere with the sight of vehicular and other traffic to appear before the Board of Zoning Appeals for a determination on whether the fence might be installed. Upon call for the question, all present voted in favor of the motion.

#### Authorization for KDOT to proceed with a proposal for traffic sign improvements

Commissioner Fogle made a motion that the Kansas Department of Transportation be authorized to proceed with the proposal to secure resurfacing, restoration, and rehabilitation funding for City/KDOT project and highway signing on US 59/US 50 at 17th St. Under such an agreement 50/50 funding would be available for construction and construction engineering.

The motion was seconded by Commissioner Thompson. All Commissioners went on record as being in favor of the agreement, as this will allow for the signing of Main St. which is US 50/59 at 17th St. to better direct persons entering the City from the south to where they want to go. Upon call for the question, all present voted in favor of the motion.

#### Request to conduct the annual CROP Hunger Walk in the City of Ottawa

A letter from Milan Lambertson, Coordinator, seeking permission to conduct the annual CROP Hunger Walk for the afternoon of September 27, 1987, from Ottawa University to Forest Park and return by way of Kanza Park was read.

It was determined there would not be a need to coordinate the walk with the Department of Public Safety as most of the walk route has sidewalks and would not interfere with vehicular traffic.

Commissioner Thompson made a motion that the request be approved, the motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

#### Acceptance of the Capital Improvement Plan

The 1987 Capital Improvement Plan for the City of Ottawa as prepared and submitted by the Planning Commission was received by the City Commission.

Commissioner McCrea made a motion that the 1987 Capital Improvement Plan for the City of Ottawa as prepared by the Planning Commission be accepted. The motion was seconded by Commissioner Thompson.

It was discussed that the Capital Improvement Plan is a guide, and not a mandate that the Capital Improvements be accomplished in the order, nor in the year, for which they are specified. The City Commission, however, is to notify the Planning Commission when any of the specified capital improvements are undertaken.

Upon call for the question, all present voted in favor of the motion.

#### Report of Planning Commission

A report of the Planning Commission meeting of September 1, 1987, is as follows:

The City Planning Commission met in regular session on Tuesday, September 1, 1987 at 7:00 PM in City Hall. Present: Members Keith, Woolman, Hendrix, Todd. Absent: Members Ellena, Searls, and Peterson.

The minutes of the last meeting held August 4, 1987 were approved as written.

The Planning Commission held a Public Hearing to amend the Floodway and Floodplain Regulations in the Ottawa Zoning Ordinance. This was approved with a 4-0 vote.

The Planning Commission held a Public Hearing to amend the Ottawa Zoning Regulations to allow "Pleating, Decorative and Novelty Stitching and Tucking for the trade-Manufacturing" as a Special Use to (C-3) Retail Business District Zone. The Planning Commission approved with a vote of 4-0 to add this and several other uses to the (C-3) Retail Business Zone as Special Uses.

The Planning Commission also approved the Final Plan and Final Plat of the Wal-Mart Planned Unit Development, Phase II.

There being no further business, the meeting was adjourned.

#### Review of Investment Schedule

A schedule of investments existing as of August 31, 1987 in the total of \$5,000,000 invested at a average annual interest rate of 6.34%.

Commissioner Thompson made a motion that the schedule of investments existing as of August 31, 1987, be accepted and approved. The motion was seconded by Commissioner Fogle, and all present voted in favor of the motion.

#### Cereal Malt Beverage license application

An application for cereal malt beverage license as submitted by Joseph L. Salb for Danny's II service station, located at 304 Logan, for sale of cereal malt beverages in original and unopened containers was received. It was reported by the City Clerk that the prerequisites for issue of cereal malt beverage license had been met by Mr. Salb.

Commissioner Fogle made a motion that an application for cereal malt beverage license as submitted by Joseph L. Salb for Danny's II service station located at 304 Logan for sale of cereal malt beverage in original and unopened containers be approved. The motion was seconded by Commissioner Thompson. Mayor Heathman and Commissioners Thompson, Fogle, and McCrea voted in favor the motion, and Commissioner Calliham voted opposing the motion.

#### Request for Parade

A written request was received from Kenny Nichols, Commander of the Ottawa VFW, requesting permission to hold a parade on Main Street on November 7, 1987, for the Veteran's Day observance. The parade is to proceed from Forest Park to Park St. on the south side of City Park for disbanding.

Commissioner Thompson made a motion that the request for parade as submitted be approved. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

#### Proclamation - Constitution Week

A proclamation proclaiming the week of September 17-23, 1987, as constitution Week.

The motion to approve the proclamation was made by Commissioner Calliham, seconded by Commissioner McCrea, and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Fogle made a motion that the City Manager be instructed to delay the selection of a permanent Director of the Department of Public Safety until after an outside study of the Department of Public Safety can be completed. Motion was seconded by Mayor Heathman.

Mr. Fogle stated that he took issue with Commissioner Calliham concerning his statement that a Director of Public Safety should be selected prior to an investigation. Mr. Fogle further stated that at this point, the City Commission did not know whether they needed a Police Chief and Fire Chief, or a Director of Public Safety.

Commissioner Thompson posed the question as to whether the City Commissioners are capable of doing the study themselves, stating that the City Commission has never looked in depth at the operation of the Department of Public Safety, and that possibly this Commission could do so. Commissioner Fogle stated that he did not know whether the Commission was capable of doing such, and Mayor Heathman stated that he would not be in favor of the Commission making the study.

Commissioner Fogle then cited the Capital Improvements Program which calls for the construction of a South Fire Station which would entail an additional operating cost of \$265,000 per year. Commissioner Fogle felt that with the addition of the \$265,000

per year for a sub-station in the south part of Ottawa, that the operation of the Public Safety Department would be too expensive for the City.

Commissioner Thompson then stated that he did not want to give up on the matter that he would like for the City Commission to look at the matter in depth for a few days and if it were determined that they were not capable, then they might look to an outside group for such a study. Commissioner Fogle then stated that he did not feel that he had, personally, the knowledge or expertise for such a study.

Upon call for the question, Mayor Heathman and Commission Fogle voted in favor of the motion with Commissioners Thompson, Calliham, and McCrea opposing the motion.

#### Business From Guests

Mr. Jimmy Tolson asked as to whether the Commission had given any consideration to changing the hours of burning on Mondays and Thursdays from a sunrise starting point, to an hour more closely defined as daylight, or a specific time. It was indicated that the City Commission had not given further consideration to this item and they indicated that they would do so.

Mr. Tolson also questioned as to whether the person, or a person, being a City employee who was found drunk a few years ago and had consequently been taken home by the DPS and charges not filed, had been identified. The City Manager reported that the incident cited by Mr. Tolson apparently happened many years ago, and they can find no such records.

Mr. Frank Garvin appeared before the City Commission admonishing those that might be responsible for the resignation of Public Safety Director Oren Skiles. Mr. Garvin's written statement further cited the losses to the Ottawa community, as Mr. Skiles and his family move to Raton, New Mexico.

#### Executive Session

Commissioner Calliham made a motion that the City Commission recess to executive session for the purpose of discussing personnel matters at the request of the City Manager for a period of 1 hour, and to reconvene at 8:45 PM.

#### Reconvening of City Commission

Commissioner Calliham made a motion at 8:45 PM that the City Commission meeting be convened. The motion was seconded by Commissioner Thompson, and all present voted in favor of the motion.

Commissioner McCrea made a motion that the City Commission recess to executive session for the purpose of discussing personnel matters at the request of the City Manager for a period of 30 minutes and to reconvene at 9:15 PM. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

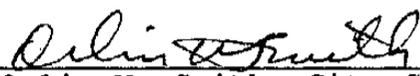
#### Reconvening of City Commission

At 9:05 PM Commissioner Thompson made a motion that the City Commission reconvene the meeting. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the City

Clerk and will remain so for one year from the date of the meeting.

Following the adjournment of the meeting, Mr. Matt Whiteford appeared before the City Commission, however, his conversation is not recorded herein, as the meeting was officially adjourned.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - September 16, 1987

The City Governing Body met in regular session at 9:35 AM this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

Approval of Minutes

The minutes of the last regular meeting held September 2, 1987, page 75, approval of Supplemental Engineering Agreement, were amended as follows. It was pointed out in the second paragraph from the bottom of the page, the K-68 Overlay Project cost less than the original estimate in an amount that would off set one half of the additional amount required by the consulting engineers on the Main Street Project. The balance of the minutes were approved as written.

Ordinance, KPL Gas Service Co. Franchise Tax

An ordinance setting forth franchise tax rates for Gas Service in the City of Ottawa was read into the record as follows:

AN ORDINANCE GRANTING TO THE KANSAS POWER AND LIGHT COMPANY, (ALSO KNOWN AS KPL GAS SERVICE), A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PART OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THERE TERMS HEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

SECTION 1: That in consideration of the benefits to be derived by the City of Ottawa, Kansas, and its inhabitants, there is hereby granted to The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of twenty (20) years from the effective date of this ordinance, to occupy and use the several streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of pipelines and other equipment necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Ottawa, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available, and to do all things necessary or proper to carry on said business in the City of Ottawa, Kansas.

SECTION 2: In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa, Kansas, agrees to accept as adequate compensation and consideration for the franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts for gas sold or transported by the Company to all consumers located in the present or future corporate boundaries of the City of Ottawa, Kansas, during the term of this franchise. Any consideration hereunder

shall be reported and paid to the City by the Company monthly for the preceding month period.

SECTION 3: That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as to not obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4: Company shall, in the doing of the work in connection with its said gas mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare, and where Company disturbs the surface of a street, alley, avenue or other public thoroughfare, it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5: It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6: That Company, its successors and assigns, in the construction, maintenance, and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage of injury to persons and property, and shall hold and save harmless the City of Ottawa, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7: Each Month the Company shall provide the City the names and addresses of those customers that it provided transportation service in the preceding month and the volumes of gas that were transported for those customers.

SECTION 8: That this ordinance shall not take effect and be in force until after the expiration of sixty (60) days, in writing; if no acceptance as herein provided has been filed, then this order shall be ipso facto, absolutely null and void.

SECTION 9: In the event that the Kansas corporation Commission takes any action which is within it's jurisdiction and authority over either of the Company or the City, and such action is ultimately upheld by a state appellate court over such action, which would preclude either the Company from recovering from its customers any cost or fee provided for herein, or would limit the power of the City to impose the 5% franchise tax established by Section 2 herein, the parties hereto agree to renegotiate this ordinance in accordance with such action.

SECTION 10: That this Ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings. Agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 11: This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 12: That any and all ordinances or parts of Ordinances in conflict with the terms hereof are hereby repealed.

At the conclusion of the reading of the proposed Gas Franchise Tax Ordinance it was discussed that the ordinance as read would impose a five percent franchise fee on all gas delivered within the City of Ottawa which would be inclusive of large industrial users. The Ordinance which is presently in force sets forth a franchise fee of one percent for large industrial users. There was concern expressed for increasing the fee for large industrial users from one percent to five percent. It was also discussed the ordinance as read and proposed includes a franchise fee for the transmission of gas owned by companies other than the Gas Service Co. delivered in the City of Ottawa. It was felt this might need further clarification. The Gas Franchise Tax Ordinance will be considered and discussed at future meetings prior to its passage.

Ordinance No. 4862-87 - No Parking on Terraces

An ordinance creating "no parking" zones on terraces or upon sidewalks within the City of Ottawa, Kansas, and providing penalties for the violations thereof and providing exceptions thereto was introduced.

Commissioner Thompson made a motion that an ordinance creating "no parking" zones on terraces or upon sidewalks within the City of Ottawa, Kansas, and providing penalties for the violations thereof and providing exceptions thereto be passed. The motion was seconded by Commissioner McCrea.

Commissioner Fogle stated, he could see some possible problems with businesses located on corners and it could create a hardship on these businesses.

Commissioner Calliham stated he did not think there would be many businesses affected but that the terrace belongs to the City and addition curb cuts could be requested. It was reported additional curb cuts should be referred to the City Engineer and in the case of curb cuts on the many State and Federal Highways they would have to be approved by the Dept. of Transportation. It was further reported the Dept. of Transportation would probably not approve any curb cuts which might be in the triangle of site at any intersection. It was further stated that in the lay back type curb that parking would still only be allowed on those areas designated for that purpose. Mr. Leonard Cheasbro, who presently parks used cars on the terrace stated that his original interpretation of the ordinance was such that it would curtail his business to a great degree however since the ordinance has been clarified it would cause him little inconvenience. Upon call for the question Commissioner McCrea, Thompson and Calliham voted in favor of the motion, Mayor Heathman and Commissioner Fogle voted opposing the motion.

Ordinance No. 2863-87 - Planning and Zoning - Wal Mart PUD

An ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas redistricting the certain tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas, and repealing certain parts of said amended zoning map of said city. Re: Wal Mart Planned Unit Development Final Plat Phase II was introduced. Mayor Heathman commented that with the event of the approval of the Wal Mart Planned Unit Development Final Plat Phase II which will allow for additional development that additional street accesses are needed for egress and ingress from the shopping area, it was discussed that the City was hopeful that an additional street access for egress and ingress will be made in the near future from Twenty Third Street.

Commissioner McCrea made a motion that an ordinance relating to and pertaining to and regulating the planning and zoning within the City of Ottawa, Kansas redistricting a certain tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of The City of Ottawa Kansas and repealing certain parts of said amended zoning map of said City reference the Wal Mart Planned Unit No. II be passed. The motion was seconded by Commissioner Fogle upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2864-87 - Open Burning

An ordinance which would modify the hours of permitted open burning within the City was introduced. Commissioner Fogle made a motion that an ordinance providing a certain amendment in Chapter 9 of the Municipal Code of the City of Ottawa, Kansas 1982, concerning the regulations of fires and flammable substances specifically Section 9-201 of said code and providing for incorporation of said amendment in the Municipal Code of the City of Ottawa, Kansas 1982, be passed. The motion was seconded by Commissioner Thompson. It was discussed by passage of this ordinance the hours of burning on Mondays and Thursdays of each week will be changed from sunrise to noon, to read that burning will be permitted between twilight and noon. Upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2865-87 - Flood Plain Regulations

An ordinance providing for the amendments to Articles V and VI of the Zoning Ordinance re: amendments to the "F-W" Flood Way District and "F-P" Flood Plain District was introduced. It was explained that the ordinance before the City Commission modifies the Flood Plain Ordinance only in areas that referred to manufactured type housing. The regulation pertaining to manufactured type housing in the prior ordinance did not allow manufactured type housing to be treated the same as stick built homes. Upon call for the question all present voted in favor of the motion.

#### Request of Grace Episcopal Church

Mayor Heathman read a request by Grace Episcopal Church, signed by David Murray to conduct a St. Francis of Assisi Service In City Park on Sunday, Oct. 4, 1987. Commissioner Calliham made a motion that the request of Grace Episcopal Church be granted, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance No. 2866-87 - Special uses for the C-3 Retail Business Zoning District

An Ordinance amending and modifying Ordinance No. 2713-82, specifically Appendix A, to include additional uses as special uses in the C-3 (Retail Business) Zoning District was introduced. Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance No. 2713-82 specifically Appendix A. to include additional uses as special uses in the C-3 (Retail Business) Zoning District be approved. The motion was seconded by Commissioner Fogle. Upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2867-87 - Agreement With Kansas Intergovernmental Risk Management Agency

An Ordinance entering into an Interlocal Cooperation Agreement to establish the Kansas Intergovernmental Risk Management Agency was introduced. Commissioner Thompson made a motion that an ordinance

authorizing the City to enter into an Interlocal Cooperation Agreement to establish the Kansas Intergovernmental Risk Management Agency and to authorize the Mayor to sign the agreement be passed. The motion was seconded by Commissioner Calliham.

Commissioner Thompson stated the Kansas Intergovernmental Risk Management Agency will allow a number of cities in the State of Kansas to pool their resources for insurance purposes and it is thought that by pooling resources there may be a savings of (20) twenty percent on insurance costs for the participating cities. Upon call for the question all present voted in favor of the motion.

#### Approval Of Amendment To the City of Ottawa Airport Improvement Program

Commissioner Fogle made a motion that an amendment to the City of Ottawa Airport Improvement Program (AIP) providing for necessary cost revisions for meeting Group 2 runway (4500' x 75") and taxiway (4500' x 30') improvements and the appurtenances thereto and to authorize the City Manager to execute said revision on behalf of the City be approved. The motion was seconded by Commissioner McCrea.

The City Manager explained, the improvements set forth in the amendment to the improvement program had been on hold for a few years waiting for funds to become available through the Federal Aviation Authority. The City's consulting engineers have been informed that funds will probably be available in the near future and it will be necessary to revise the City's plans and cost figures and submit again the application for funding. The program will lengthen the runway to 4500 feet and widen the runway to 75 feet from the present 50 feet. It will also include extending the taxiway way and certain apron improvements. Through the program if authorized the City will probably be reimbursed for the cost of additional land added to the airport a few years ago. Upon call for the question all present voted in favor of the motion.

#### Parade Request

A request by the Ottawa High School, Student Council, Parade Committee, to hold its annual Homecoming Parade Wednesday night Sept. 30, 1987, at 6: PM. was read. Commissioner Thompson made a motion that of the Ottawa High School Student Council, Parade Committee be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Report on Status of Current City Projects

A report of the status of Current City Projects was read into the record by the City Clerk. Commissioner Fogle questioned as to whether with the completion of 23rd Street from 59 Highway to Eisenhower Road if West Fifteenth Street could be made off limits for truck traffic. Mr. Fogle pointed out that the street is deteriorating badly under the truck traffic.

The City Manager reported, the posting of West Fifteenth Street prohibiting truck traffic is under consideration and probably will take place in the near future.

#### Presentation of Retirement Plaque

Mayor Heathman presented a Plaque to Richard Hughes commemorating his retirement after 22 years of service with the City of Ottawa. Mr. Hughes thanked the City Commission for the plaque.

#### Governing Body Agenda

Commissioner McCrea pointed out that Sept. 16, 1987 is the 200 hundredth anniversary of the signing of the Constitution of the United States and asked that everyone take note of this date.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas \_ October 7, 1987

The City Governing Body met in regular session at 7:00 P.M. this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

Approval of Minutes

The minutes of the last regular meeting which was held September 16, 1987 were approved as written.

Ordinance - Natural Gas Franchise

An ordinance granting to the Kansas Power and Light Company also known as KPL Gas Service, a Kansas Corporation, its successors and assigns, a natural gas franchise prescribing the terms thereof and relating thereto and repealing all ordinances or part of ordinances inconsistent with or in conflict with the terms hereof was considered for a second reading. In as much as the entire ordinance was read at the City Commission meeting of September 16, 1987 only Section 2 which had been revised was read at this time. Section 2 is as follows:

In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa Kansas, agrees to accept as adequate compensation and consideration for the franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts for gas sold or transported by the Company to all consumers located in the present of future corporate boundaries of the City of Ottawa, Kansas during the terms of this franchise. Any consideration hereunder shall be reported and paid to the City by the Company monthly for the preceding month period.

At the conclusion of the reading of the City Ordinance the City Manager reported that any additional revision to the ordinance might concern the terms contained in Section 2 which states that a one (1%) percent franchise fee will be charged on a total of the gross receipts or gas sold or transported by the company to all the industrial customers located in the present or future corporate boundaries of the City of Ottawa Kansas during the term of franchise. It is the concern of the Kansas City Power and Light-Gas Service Company that this terminology might lead to a double franchise tax on gas which might be transported by Gas Service Company but furnished by another party. The local manager of local KPL Gas Service Co. Kathy Johnson was in attendance at the meeting and she concurred with Mr. Drescher's statement.

Ordinance No 2868-87 - Keeping of Pit Bull Dogs within the City of Ottawa

Commissioner Fogle made a motion that an ordinance pertaining to the keeping of pit bull dogs within the corporate limits of the City of Ottawa and adding Chapter 3, Article 3, Section 3.329 and 330 of the Code of the City of Ottawa be approved. The motion was seconded by Commissioner Calliham. Mayor Heathman expressed a concern that the violations and penalties set forth in the

ordinance which consisted of a fine of not less than \$200.00 nor more than \$2000.00 along with possible imprisonment within the county jail for a period not to exceed 30 days might be excessive.

The City Manager stated he had received a call from a local veterinarian, the veterinarian was concerned the ordinance should not set forth a specific breed of dogs but address itself to confinement and penalties against owners for all dogs, also it was expressed the liability insurance set forth within the ordinance might be very difficult to purchase.

Lynn McMasters stated she felt the ordinance should address all big dogs, that they should be kept in cages and not on chains, Ms. McMasters stated that no one will be able to insure a pit bull dog. Upon call for the question all present voted in favor of the motion. It was then discussed that all owners of pit bull dogs who are currently registered with the City of Ottawa will be notified of the passage of the ordinance.

Ordinance No. 2869-87 - Licensing for Sale of Cereal Malt Beverages

Commissioner Thompson made a motion that an ordinance amending Chapter 4 of the Municipal Code of the City of Ottawa, Kansas 1982 specifically Sections 4.303 and 4.304 of said code and providing for the incorporation of said amendment into the Municipal Code of The City of Ottawa, Kansas 1982 be passed. The motion was seconded by Commissioner Calliham. Ordinance No. 2869-87 brings the City Code into conformance with state law regarding the application and licensing of individuals and establishments to sell cereal malt beverage. Upon call for the question all present voted in favor of the motion.

Resolution No. 445-87 - Public Hearing on Unsafe Structure

A resolution fixing a time and place for a public hearing to be held by the Governing Body pursuant to K.S.A. 12-1752 relating to the removal of an unsafe structure located at 418 East Logan in the City of Ottawa was introduced.

The City Manager explained that the structure located at 418 E. Logan had been damaged over 75 percent by a recent fire and the resolution before the City Commission at this time is to call a public hearing for condemnation of the structure. The City presently holds in escrow the sum of money paid by the insurance company as a result of that fire and the monies held in escrow can be used for proceedings and demolition of the structure if the owner does not accomplish repair or demolition himself.

Under City Ordinance the City at this time must pass a resolution fixing a time for a public hearing for the owner to show cause why the unsafe structure should not be condemned and/or repaired or demolished. To date the City has spent approximately \$75.00 compiling an ownership list for the structure and if the owner should demolish the structure prior to the public hearing the balance of any proceeds held in escrow by the City will be refunded to the owners. The resolution calls for a public hearing to be held at 9:35 AM on November 18, 1987.

Commissioner Calliham made a motion that a resolution fixing a time and place for a public hearing to be held by the Governing Body pursuant to K.S.A. 12-1752 relating to the removal of an unsafe structure located at 418 E. Logan St. in the City of Ottawa be passed and the time of public hearing be 9:35 AM November 18, 1987. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

## Ordinance - Parking Rules and Regulations

Commissioner McCrea made a motion that the ordinance pertaining to parking rules and regulations in the City be postponed until the next regular meeting of the City Commission which will be at 9:35 AM October 21, 1987. The motion was seconded by Commissioner Fogle. Commissioner McCrea stated the reason for his motion was the City Commission had just received a copy of the proposed ordinance and he wished to study the ordinance before taking action on it. Upon call for the question all present voted in favor of the motion.

### Acceptance of Main Street Improvement

A notice of acceptance issued by the Kansas Department of Transportation referencing the .573 miles of street improvements on US59, 10th to 15th, in the City of Ottawa, project no. 59-30K 2897-01 was introduced. The project as set forth in the notice of acceptance is the improvement of South Main Street from 10th to 15th St. Commissioner McCrea made a motion that the notice of acceptance issued by the Ks. Dept. of Trans. Referencing the .573 miles of street improvements on US 59, 10th to 15th, in the City of Ottawa, project no. 59-30K 2897-01 be approved. The motion was seconded by Commissioner Thompson and upon call for the question all present voted in favor of the motion.

### Acceptance of Street Improvements East Logan Street

A notice of acceptance issued by the Kansas Department of Transportation referencing the 1.04 miles of street improvements on K-68, Logan St. to East City limits, in the City of Ottawa, Project No. 30 U 1084-01 was introduced. This project is the overlay of East Logan Street which was accomplished this past summer. Commissioner Calliham made a motion that the notice of acceptance issued by the Kansas Dept. of Transportation referencing the 1.04 miles of street improvements on K-68, Logan St. to East City Limits, in the City of Ottawa, Project No 30 U 1084-01 be approved. The motion was seconded by Commissioner Thompson and upon call for the question all present voted in favor of the motion.

### Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, October 6, 1987 at 7:00 P.M. in City Hall. Present: Members Keith, Hendrix, Todd and Chairman Petersen, Absent: Members Woolman, Searls and Ellena.

The minutes of the last meeting held September 1, 1987 were approved as written by a 4-0 vote.

The Planning Commission reviewed the Consultant's Proposals for the 1987 update to the Comprehensive Plan for the City of Ottawa.

Member Hendrix made a motion to recommend the Company of "Calcara, Diffendack, Foss, & Manlove Inc". Second was by Member Todd and passed by a vote of 4-0.

There being no further business, the meeting was adjourned.

### Selection of Planning Consultants

The City Commission proceeded to review and accept recommendations of the planning commission concerning a planning consultant for the purpose of updating the City's Comprehensive Plan and further authorized the staff to prepare contract documents therefor.

The City Manager stated the City Planning Commission interviewed 3 different firms in the process of selecting a planning consultant for the purpose of updating the City's Comprehensive Plan. The Planning Commission appointed a subcommittee for this purpose, consisting of Chairman Petersen and Members Hendrix and Ellena, the City Director of Planning Jim Shaw and the City Manager also participated in the interviews. The companies interviewed were Wilson and Co., Burns and McDonald, Calcara, Diffenbach, Foss and Manlove Inc. A report given to the City Commission outlines what the interview subcommittee and the City Planning Commission felt were the strong points and possibly the weak points of the various firms. The Planning Commission recommended the selection of Calcara, Diffenbach, Foss and Manlove Inc. to assist the city in updating the City's Comprehensive Plan.

The City Manager stated the proposed fee for the plan as submitted by Calcara, Diffenbach, Foss and Manlove Inc. was a little higher than the proposed budget for the project, but it was felt an agreement could be reached to bring the proposal in line with the city budget.

Commission Thompson made a motion to approve the recommendation of the Planning Commission that the City enter into an agreement with Calcara, Diffenbach, Foss and Manlove to assist the City of Ottawa in updating the comprehensive plan and to authorize the staff to prepare contract documents therefor. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Thorough further discussion it was indicated that the firm selected should be able to proceed with the comprehensive plan update in late October or early November and hopefully to spread the cost over a two year budget period with the City.

#### Approval of Investment Schedule

Commissioner McCrea made a motion that the City's Schedule of Investment existing as of September 30, 1987 indicating the City had \$5,200,000.00 invested at an average annual interest rate of 6.54 percent be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Fogle stated during the recent League of Kansas Municipalities Conference in Overland Park, he talked to several Chief of Police, Mayors and Commissioners from various towns and due to his conversations with these people, possibly the proposed study by an outside consulting firm of the Dept. of Public Safety would be a waste of time and money. Mr. Fogle stated according to the conversations he had with these people at the conference a consulting firm will mainly address the concerns of the people interviewed, and thus not necessary coming up with the type of report the City of Ottawa desires. It was then suggested the City Commission should continue looking at the study which has been offered by the City Manager but has not been looked to in depth. Commissioner Fogle stated he felt it was a slanted report and would not serve a useful purpose. Commissioner Fogle also stated the crime rate and clearance statistics as reported by the Dept. of Public Safety list a 91 to 97 percent clearance of crimes. Commissioner Fogle stated he felt a lot of these crimes were self clearing such as traffic violations but the more serious crimes he did not feel had that large of clearance rate. Commissioner Fogle then made a motion that the City Manager be directed that any press releases from the Dept. of Public Safety giving crime statistics and clearance rate of crimes not only give the overall clearance rate but the clearance rate of part one crimes. The

motion was seconded by Mayor Heathman.

Commissioner Thompson stated he felt the City Commission should give a more in-depth look at the report on the DPS system as submitted by the City Manager, as this report had not been discussed at all.

Commissioner Fogle also expressed a concern that the City of Ottawa has too many vehicles in The Dept. of Public Safety stating the Ottawa Dept. of Public Safety currently runs a total of nine cars and many police departments of cities in similar size to Ottawa operate on three to five police cars. Commissioner Fogle stated he felt this mode of operation made the Dept. of Public Safety too costly to operate in its present form.

Mr. Richard DeLaTorre then stated this is what he had been trying to tell the Commission for some time.

Commissioner Calliham then stated the Ottawa Dept. of Public Safety is probably the most professional and effective of any town he was aware of. Commissioner Calliham stated he realized the operation of the department cost a little more but he felt the money spent was well worth it. Upon call for the question Mayor Heathman, Commissioners Fogle and Calliham voted in favor of the motion Commissioners McCrea and Thompson voted opposing the motion.

Commissioner Fogle made a motion that the City Manager be directed not to fill the next five vacancies that might occur in the Dept. of Public Safety except for a specialty such as Dog Catcher. The motion was seconded by Commissioner Heathman.

The City Manager raised the question as to the authority of the City Commission to restrict the hiring of personnel as set forth in the salary schedules for the current and adopted budget year inclusive of 1988. The City Manager volunteered to check to see if the City Commission has the authority to do so and Mr. Fogle stated he would check on the commissions authority also. Mr. Fogle then withdrew his motion as did Mayor Heathman withdraw his second to the motion.

#### City Manager's Agenda

The City Manager reported the Auditorium Authority plans to hold a parade of 50 and 60 vintage model cars which are owned and driven by the over the road gang prior to the Kingston Trio concert at the auditorium on October 16. It is planned the parade will originate from the Auditorium to Wal Mart in Ottawa and back possibly two times prior to the concert. The parade is scheduled from 6 to 7 PM. The City Manager stated there will be no need for protection or escort for the parade.

The City Manager further reported in the area of hazard elimination the City plans to install a metal guard on the south side of West 2nd Street on the east side of the dike this will help protect the people in the bleachers that might be watching softball games on the south side of 2nd Street. The project is planned to be completed this winter.

It was reported by the City Manager the City is having a problem with children entering a storm sewer on West 15th St. in the vicinity of the Ottawa Retirement Village. The City Manager stated this creates a hazard not only to the kids playing in the sewer but to anyone walking at night who might step into the manhole left open by the kids. The manhole cover was spot welded in place recently but the weld had been broken and the manhole cover removed. The City Manager is asking for help from any

citizen which might see kids playing around the storm sewer and if they will report such to City Hall possibly the City will be able to effectively stop the problem.

The Cypress Olive Street Project is nearing completion after nearly two years.

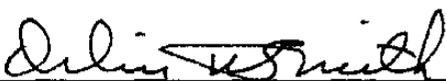
#### Public Agenda

Mr. Matt Whiteford appeared before the City Commission stating he did not feel the people of Ottawa were upset about the cost of operating the Dept. of Public Safety but he felt the people of Ottawa had a right to expect the most for the dollars they were paying in taxes. Mr. Whiteford then asked the Commission if they felt the current Deputy Directors were incapable of performing in the areas they are presently serving. Mayor Heathman stated he felt they were capable, Commissioner Fogle stated he felt they were capable, Commissioner McCrea stated he felt they were very capable, Commissioner Thompson stated he had no idea as he was not that involved in the operation of the dept. and Commissioner Calliham stated he could not answer the question as he had been on the commission only a short time. Mr. Whiteford asked if and when a study of the Dept. of Public Safety is completed if the Commissioners would seriously consider the results of the study. Mayor Heathman answered that he would, Commissioner Fogle answered yes, Commissioner McCrea answered yes, Commissioner Thompson answered yes and Commissioner Calliham answered yes. Mr. Whiteford then asked the commission if and when a study of the Dept. of Public Safety is performed if the Commissioners were sure the recommendations would be to hire a new director. Commissioner Heathman stated he did think one of the recommendations would be to hire a new director, Commissioner Fogle stated he did not know if they needed a new director of Public Safety or a Fire Chief and Police Chief. Commissioner McCrea stated he did not know. Commissioner Thompson stated he did not think we were asking that question. Commissioner Calliham stated he thought it was a moot question as the decision has been made to hire a new director. Mr. Whiteford then stated that in as much as no one appears to be dissatisfied with the performance of the Deputy Directors he did not think it would be fair to the people of this community to pay the salary of a new director until this issue is settled. Mr. Whiteford further stated he did not think it would be fair to the individual who might be hired as a director until the issue is settled.

Mr. Tony DeLaTorre appeared before the City Commission stating he was chairman of the Concerned Citizens for the Ottawa Recreation Commission and expressed concern for the need of a guard rail or a protective device on the east side of the dike on Second Street to protect the public from the possibility of a car coming off the road on the dike. Mr. DeLaTorre stated the City Manager had already addressed the issue and the solution stated by the City Manager should be satisfactory. Mr. DeLaTorre then apologized for his remarks made earlier in the meeting.

Mrs. Carol Dobbs appeared before the City Commission to express concern for the ordinance passed earlier in the evening on the subject of confinement and other restrictions of Pit Bull Dogs. Mrs. Dobbs stated she had no problem complying with most of the restrictions of the ordinance except the requirement of liability insurance on the dogs. Mrs. Dobbs stated she was not a home owner, she was a renter and had renters insurance and renters insurance would not cover dogs. Mrs. Dodds further stated her investigation had revealed it is going to be almost impossible to get liability insurance on her pit bull dogs, and asked the commission give her the consideration to the issue.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - October 21, 1987

The City Governing Body met in regular session at 9:35 AM this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

#### Approval of Minutes

The minutes of the last regular meeting which was held October 7, 1987 were amended as follows, page 91 the fifth paragraph from the top of the page Commissioner Fogle's motion was amended to read: Commissioner Fogle made a motion that the City Manager not fill the next five vacancies that might occur in the Dept. of Public Safety except for a specialty such as dog catcher and that the savings realized from not filling the positions be used to reduce the transfers from the Water and Electric Fund. The motion was then seconded by Commissioner Heathman. The balance of the minutes were approved as written.

#### Ordinance No. 2870-87 - Natural Gas Franchise

An ordinance granting to the Kansas Power and Light also known as KPL Gas Service, a Kansas Corporation, its successors and assigns, a natural gas franchise prescribing the terms thereof and relating thereto and repealing all ordinances or part of ordinances in consistence with or in conflict with the terms hereof was read for a third time by reading only Section 2 of said ordinance, the text of Section 2 having been rewritten since a prior reading. The text of section 2 is as follows:

Section 2: In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa, Kansas, agrees to accept as adequate compensation and consideration for the franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts received by the Company for gas sold by the Company to all domestic and commercial consumers located in the present of future corporate boundaries of the City of Ottawa, Kansas, and one percent (1%) of the total of the gross receipts received by the Company for gas sold by the Company to all industrial customers located in the present of future corporate boundaries of the City of Ottawa, Kansas, and five percent (5%) of the total gross transportation receipts received by the Company for providing customers within the city transportation services, during the terms of this franchise, provided, however, that in the event the City enacts an ordinance requiring gas marketers or gas brokers who sell and transport gas through Company's distribution facilities within the City to pay a franchise fee based upon the total of gross receipts received by that gas marketer or gas broker from their customers, and if the gas marketer or gas broker has included in its charges to their customers the transportation charges charged by Company, the City agrees that the Company shall not be required to pay a franchise fee on the gross transportation receipts earned by the Company for providing transportation service in that instance. Any consideration hereunder shall be reported and paid to the City by the Company monthly for the preceding month

period. Industrial consumers shall be considered as those customers with special contracts providing for stand-by fuel and interruption of service at any time that demands of domestic consumers may so require.

At the conclusion of the reading of Section 2, the ordinance was declared to have been read and it was explained the reason Section 2 had been rewritten was to insure the City of Ottawa would not collect a five percent (5%) franchise tax for transmission of natural gas sold by another company and also a five percent (5%) on the sale of the same gas to the consumer. Commissioner Calliham made a motion that an ordinance granting to the Kansas Power and Light Co. also known as KPL Gas Service, a Kansas Corporation, its successors and assigns, a natural gas franchise prescribing the terms thereof and relating thereto and repealing all ordinances or parts of ordinances in consistence with or in conflict with the terms hereof be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Ordinance No. 2871-87 - Truck Routes

Commissioner Fogle made a motion that an ordinance providing for a certain amendment in Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, concerning the regulation of traffic parking rules and regulation, specially section 13-203 of said code and providing for the incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982 be passed. The motion was seconded by Commissioner Calliham.

It was explained that Ordinance 2871-87 delete Fifteenth St. from Main St. west from the truck route section of the City Code and add Twenty Third St. as a truck route and a portion of North St. as a truck route. Upon call for the question all present voted in favor of the motion.

#### Change Order No. 1-Final for Sunnyside Sewer Improvement Project

The City Manager explained that Change Order No. 1-Final for the Sunnyside Sewer Improvements Project reduces the total amount of the project in the amount \$1,007.70 with a final contract amount being \$26,197.10.

Commissioner Thompson made a motion that Change Order No. 1-Final for Sanitary Sewer Improvements, Contract No. 1, Sunnyside Addition in the amount of minus \$1007.70 thus reducing the final contract amount to \$26,197.10 from the original contract in the amount of \$27,204.80 be approved, and that the project be accepted as completed from the contractor. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of them motion.

#### Consider a Joint Application Between the City of Ottawa and Franklin County for Funds to Establish a Drug Abuse Program

Lieutenant Daryl Shutt of the City Dept. of Public Safety presented an application to the City Commission, whereby the City Commission and the Board of County Commissioners would apply for a grant which would allow Franklin County and The City of Ottawa to spend \$128,518.00 in the next eighteen months to intensify the local effort of apprehending, prosecuting and the detention of drug offenders, specifically targeted to those dealing drugs to our youth. Under the terms of the grant agreement Franklin County and the City of Ottawa would contribute \$16,064.75 each to the total expenditure.

Commissioner Thompson made a motion that the joint application of

Franklin County and the City of Ottawa for funds directed toward apprehending those dealing drugs to our youth be approved and that the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Agreement for Design and Engineering Services for Main St.

The City Manager stated that the agreement for engineering and design services is for the overlay of Main Street from Fifteenth St. south to the city limits. The agreement is between the City Of Ottawa and the Engineering Firm of Cook, Flatt and Strobel, in the amount of \$8,150 for design and not to exceed \$7,450 for construction engineering. The overall project will be similar in nature to the recent overlay of Highway K-68.

Commissioner McCrea made a motion that an agreement for design and engineering services for the U.S. 59 Klink (FY89) Resurfacing Project, for Main Street from Fifteenth St. south to the south city limits between The City and Cook, Flatt and Strobel Engineers in the amount of \$8,150 for design and not to exceed \$7,450 for construction engineering as approved and that the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Thompson. Upon call for the question Mayor Heathman, Thompson, Calliham and McCrea voted in favor of the motion, with Commissioner Fogle voting opposing the motion.

Commissioner Fogle then asked Commissioner Thompson that in as much as Commissioner Thompson's brother in law is a vice president with the firm of Cook, Flatt and Strobel if Commissioner Thompson thought there was any conflict of interest in his vote.

Commissioner Thompson stated he did not believe that a conflict of interest was involved.

#### Request for Spooks Parade

A request from Rex Cummins, parade chairman, for a "Spooks Parade" Saturday October 31, 1987 at 3:00 PM was considered by the City Commission. The parade route is up Main St. from 5th Street to 2nd St.

Commissioner Calliham made a motion that a request from the Ottawa Jaycees to have a "Spooks Parade" October 31, 1987 at 3:00 PM to proceed north on Main St. to Fifth St. to City Park be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Application for License to Sell Cereal Malt Beverage

An application for license to sell cereal malt beverage at retail as submitted by the Ottawa IGA, Inc.. d/b/a/ Rays IGA, 1428 S. Main Robert J. Floesch, Manager was considered. It was reported by the City Clerk that the appropriate fees had been paid and the conditions for issue of license had been met.

Commissioner Fogle made a motion that an application for license to sell cereal malt beverage at retail as submitted by the Ottawa IGA, Inc.. d/b/a/ Rays IGA, 1428 S. Main, Robert J. Floersch, Manager be approved. The motion was seconded by Commissioner Thompson, upon call for the question Mayor Heathman and Commissioners Thompson, McCrea and Fogle voted in favor of the motion and Commissioner Calliham voted opposing the motion.

#### Ordinance No. 2872-87 - No Parking Zones

An ordinance amending the 1982 Municipal Code the City of Ottawa

by creating Code Section 13-302-a, creating "No Parking" Zones on terraces or upon sidewalks within the City of Ottawa, providing penalties for the violation thereof and providing exceptions thereto and repealing Ordinance No. 2862-87 was introduced.

The City Manager explained that Ordinance No. 2872-87 was almost identical to Ordinance No. 2862-87 which is being repealed except that the new ordinance provides for the incorporation of the ordinance into the 1982 Municipal Code.

Commissioner Thompson made a motion that an Ordinance amending the 1982 Municipal of Ottawa by creating code Section 13-302a, creating "No Parking" Zones on terraces or upon sidewalks within the City of Ottawa, providing for penalties for the violation thereof and providing exceptions thereto and repealing Ordinance No 2862-87 be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

#### Status Report of Current City Projects

A report of the status of Current City Projects was read into the record by the City Clerk.

#### Agreement for Planning Services

An agreement for Planning Services between the City of Ottawa and Calcara, Duffendack, Foss & Manlove, Inc., Architects and Planners, for the update of the City's Comprehensive Plan was introduced.

The City Manager stated, the total compensation for the services of Architects and Planners is \$36,190.00 which is planned to be spent out of the City's budget over a period of two years. The agreement is as recommended by the City Planning Commission.

Commissioner McCrea made a motion that an agreement for planning services between the City of Ottawa and Calcara, Duffendack, Foss & Manlove, Inc. Architects and Planners, for the update of the City's Comprehensive Plan in the amount of \$36,190.00 be approved. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

#### Governing Body Agenda

Mayor Heathman gave the City Clerk a sealed envelope, stating the contents of the envelope was to be read into the official record of the City. The contents of the envelope is as follows:

Dear Commissioners: Thank you for the opportunity to let my feelings be known about the demotion of Lt. De La Torre. I feel that you as commissioners need to take the initiative to do something about the City Manager you have hired and his personal vendetta against Lt. De La Torre. If people were offended by Lt. De La Torre's use of Jesus our Jewish, Moslem and other religions offended by your statements of Jesus as Lord. It is not theological but what does Mr. Dresher have against Lt. De La Torre?

Signed: Mike Murray 1038 S. Maple, Ottawa, Kansas.

At the conclusion of the letter Mayor Heathman stated in as much as the City Commission cannot be involved in personnel matters of the City and that the Commission does hire and can fire a city manager, Mayor Heathman made a motion that the City Commission ask for the resignation of the City Manager Lyle Dresher.

A discussion which followed Mayor Heathmans motion questioned the

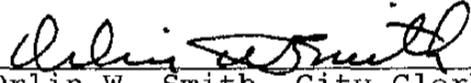
authority of a Mayor chairing a meeting to make a motion, however Mayor Heathman's motion was left stand. The motion was seconded by Commissioner Fogle and upon call for the question Mayor Heathman and Commissioner Fogle voted in favor of the motion, and Commissioners Calliham, Thompson and McCrea voted opposing the motion.

#### Public's Agenda

Mrs. Wanda Durbin appeared before the City Commission stating she had some questions for the City Commission as posed by Donna Murray as Mrs. Donna Murray could not attend the meeting today. The first question, If Lieutenant Daryl Shutt had applied for the position of Director of Public Safety, and if so are other applicants being considered? Commissioner McCrea answered Mrs. Durbin that he as a City Commissioner had no idea as to whether Mr. Shutt had applied or whether other applicants are being considered as it is a matter handled by the City Manager. The City Manager stated that no consideration has been given as yet in as much as the applications do not close until October 30, 1987.

Another question as submitted by Mrs. Murray was, has the office of the Clerk of The Municipal Court been moved out of the Department of Public Safety? Commissioner Thompson then referred this question to the City Manager. The City Manager stated the office for the Clerk of Municipal Court has not been moved out of the Department of Public Safety as there are no other spaces available in City buildings.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - November 4, 1987

The City Governing Body met in regular session at 7:00 PM this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

#### Approval of Minutes

The minutes of the last regular meeting which was held October 21, 1987 were approved as written.

#### Court Bond - Fisher v. City of Ottawa

The City Commission proceeded to consider the authorization of the Mayor to execute on behalf of the City an application of Court Bond in reference to the Republic Insurance Company (and the City) appeal of the Fisher v. The City of Ottawa case. Mayor Heathman opened the discussion of the subject matter by asking the Assistant City Attorney Mr. Bob Bezek, that in as much as he represents the City of Ottawa whom does he consider to be his client? Mr. Bezek answered, through discussions with John Richeson it has been pointed out that the City Attorney works directly for the City Manager. Mayor Heathman then asked if the City Manager should present something to the City Attorney the City Attorney did not feel was in the best interest of the City of Ottawa would he follow through with it? Mr. Bezek answered, if something was recognized not to be in the best interest of The City of Ottawa the attorney would recommend as such, but that the City Attorney does not have the authority to over rule the City Manager in such cases. It was pointed out through the discussions even though the City Attorney works directly for the City Manager the City Attorney represents the City of Ottawa. Commissioner Heathman then asked if due to the lateness in posting the bonds in question, would the City be charged double? Mr. Heathman was answered the City will not be charged double and the insurance company is posting the bond in the amount of approximately \$180,000.00.

Commissioner Thompson made a motion to approve and to authorize the Mayor to execute on behalf of the City an Application of Court Bond in reference to the Republic Insurance Company ( and the City) appeal of the Fisher v. City of Ottawa case. The motion was seconded by Commissioner Calliham.

Commissioner McCrea then stated, the insurance company is putting up the bond which actually consists of two bonds one for the damages assessed by the court and the other for attorney fees and the bonds are not costing the City any money. Upon call for the question all present voted in favor of the motion.

#### Letter from Ottawa Concerned Citizens

Mrs. Donna Murray gave Mayor Heathman a sealed letter requesting that the letter be read into the minutes of this meeting. Mayor Heathman directed that the letter be read into the minutes and the text of the letter is as follows:

To: Ottawa Commission

November 4, 1987

Before you Indemnify the City Manager we, the Concerned Citizens of Ottawa would like you to know how the City Manager handled the last matter of this type.

On August 25, 1987 Services Division Commander Lt. Daryl W. Shutt said a few bad four letter words to a shift of men at the Dept. of Public Safety, at that time an employee filed a grievance against Daryl Shutt regarding his conduct and language.

After filing this with the City Manager the employee was told by Lyle that he had no grievance and the matter was dropped by the City Manager.

First of all the City Manager didn't follow his own rules, the employee wasn't allowed a grievance board hearing as stated in the City Rule Book. Second, how can he treat DeLaTorre that way when Lt. Shutt admitted what he said was true but the City Manager didn't do anything to him. How can you let one man get by with so much.

We the Citizens of Ottawa would encourage you to not indemnify Lyle Dresher when his actions are outrage and not equable.

We encourage you to check into this grievance and review the matter of Lt. Shutt compared to Lt. DeLaTorre.

If the grievance responses from Lt. Shutt, Director Skiles and Manager Dresher can't be found in City Hall files, we can provide you with a copy.

Ottawa Concerned Citizens

Request for Indemnification as Submitted by the City Manager  
Lyle H. Dresher

The City Governing Body proceeded to consider a request by Lyle H. Dresher to provide for his defense in accordance with KSA 75-6108(e) and KSA 75-6116 ref. to the civil action brought against the undersigned by Richard A. DeLaTorre and further to indemnify and hold harmless from any and all liability for actual and punitive damages arising out of the action brought therefrom.

Mayor Heathman called upon Bob Bezek Assistant City Attorney to explain the request of Mr. Dresher.

Mr. Bezek explained, under Kansas Law KSA75-6108 (e) and KSA 75-6116, a City must indemnify an employee of that City when court action is brought against the employee arising out of performance of the employees job. The law states the employee must make written request for indemnification within 15 days of the action and if the City should choose not to indemnify the employee, the City must reimburse the employee for his cost in defending the action.

Commissioner McCrea made a motion that the City of Ottawa approve the written request of Lyle H. Dresher and provide at the cost of the City or its insurance carrier a complete defense covering attorney fees, costs and expenses as are necessarily incurred in defending an action commenced in the United States District Court for the District of Kansas for Richard A. DeLaTorre in case No. 87-2515-S, the motion was seconded by Commissioner Calliham.

In discussion Mr. Duane Hall appeared before the City Commission stating that the letter submitted by Mrs. Donna Murray, stating the letter was on behalf of The Concerned Citizens did not reflect his feelings on this matter, that he is a concerned citizen of the City of Ottawa and he did not agree the letter reflected the feeling of all the Citizens of Ottawa.

Mrs. Sue Olmsted appeared before the City Commission stating she is representing a number of people and Mrs. Olmsted urged the City Commission to indemnify Mr. Dresher as requested. Mrs. Olmsted further stated it was felt that Mr. Dresher has carried out every aspect of his job in a most responsible manner, and should be properly indemnified and defended.

Upon call for the question Mayor Heathman, Commissioners Thompson, Fogle, McCrea and Calliham voted in favor of the motion, no one voted opposing the motion.

Commissioner McCrea made a motion that the City of Ottawa indemnify and hold harmless Lyle H. Dresher from any and all liability for actual and punitive damages arising out of an action brought by Richard A. DeLaTorre in the United States District Court for the District of Kansas Case No. 87-2515-S. The motion was seconded by Commissioner Thompson. Upon call for the question Mayor Heathman, Commissioners Thompson, Calliham, Fogle and McCrea voted in favor of the motion and no one voted opposing the motion.

#### Approve the Selection of a Consulting Firm

Commissioner Thompson made a motion that the City Manager be authorized to enter into an agreement with the Police Executive Research Forum in the amount of \$ 19,913.00 to study the cost effectiveness and the efficiencies of the Ottawa Department of Public Safety. The motion was seconded by Commissioner McCrea.

The City Manager then stated that proposals for such studies were mailed to thirteen firms which were eventually narrowed to three firms which were interviewed this past Monday. The City Manager further stated that he was very anxious for the study to proceed in that he felt the City was contracting with a reputable firm for the project. Upon call for the question all present voted in favor of the motion.

#### Request for Permission for a Christmas Parade

Commissioner Calliham made a motion that a request of the Chamber of Commerce to hold the annual Christmas parade on Saturday Dec. 5, at 1 PM. The motion was seconded by Commissioner McCrea. Upon call for the question all present voted in favor of the motion.

#### Approval of Investment Schedule

Commissioner Fogle made a motion that the schedule of investments existing as of Oct. 31, 1987 indicating a total of \$5,200,000.00 invested at an annual average interest rate 6.98% be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Calliham stated it should be noted that the PRIDE Cleanup Week for the City of Ottawa is scheduled for the Week of October 31-November 7, 1987, and that the PRIDE COMMITTEE has indicated that everything is going well.

#### City Manager Agenda

The City Manager reported that the equalized assessed valuation for the City of Ottawa has shown an increase in the amount of \$216,070.00 since the budget for the City has been drawn for 1988, and the net result has been a decrease in the mill levy against the property within the City of 53.77 mills to 53.29 mills.

#### Public Agenda

Ms. Gloria Hornung appeared before the City Commission stating she was representing about 50 persons, some of which are present tonight and they were speaking in support of Commissioners Thompson and McCrea. Ms. Hornung stated the group of people she represented considered the petition for recall of Commissioner Thompson and McCrea unjust both to the two Commissioners and to the people of Ottawa. Ms. Hornung called upon the City Commission and the people of Ottawa to start working together to resolve the differences that now exist.

Mr. Jim Grogan appeared before the City Commission stating he echoed the sentiments of Ms. Hornung and called upon the Members of the City Commission to start working together and called upon the positive thinking people of the City to speak out and let their wishes and desires be known.

Mr. Wilbur Wheaton of Ottawa University spoke before the City Commission asking that the differences between the members of the City Commission and the people of Ottawa be resolved. Mr. Wheaton stated that the differences as they exist today is hurting Ottawa University as well as other businesses and industries within the City.

Mrs. Donna Murray appeared before the City Commission stating that she represented the Concerned Citizens of Ottawa further stating that the "lower class" citizens of the City are tired of being pushed down and out and they want to be heard. Mrs. Murray stated that some of these people not able to find employment in the City of Ottawa have been forced to leave the City and work elsewhere Mrs. Murray further stated she was happy to see the City Commission agree on a consulting firm to study the Dept. of Public Safety as this is what they have been wanting for several months. Mrs. Murray stated that the "higher classed" citizens of Ottawa have always been able to get what they want and that it is time for this to come to an end.

Floyd Jacobs appeared before the City Commission stating he did not belong to the Country Club in reference to a remark made by Mrs. Murray but that he was very happy with Ottawa, he has worked here for 55 years and he feels Ottawa is showing many signs of growth indicating the Industrial Park and several new businesses that have located in Ottawa.

Mr. Jim Herlein appeared before the City Commission stating he thought Mr. DeLaTorre got a raw deal, Mr. Herlein questioned the authority of one person to demote and ruin a person's life. Mr. Herlein questioned as to whether one man can do this.

Commissioner Calliham answered that the actions of the City Manager were not only within his right to do so but he also had the authority, further that the City Commissioners are not to interfere in the personnel matters of the City.

Commissioner Heathman then commented that with a vote of the majority of the City Commission the rights and authority of the City Manager can be curtailed.

Commissioner Thompson then stated that a majority of the Commission has approved the City Managers action in this area.

Mr. Duane Hall appeared before the City Commission stating that whether Tony DeLaTorre got a raw deal or not will be addressed later as a result of a suit filed by Mr. DeLaTorre. Mr. Hall then stated that he thought two Commissioners were getting a raw deal as a result of the recall petitions, that Oren Skiles got a raw deal, and the City Manager is getting a raw deal.

Mr. Russell Crites appeared before the City Commission reminding everyone of the number of good things that have happened in the City of Ottawa in the past few years and called upon the City Commission and the Citizens of Ottawa to start acting in a positive manner to resolve their differences. Mr. Crites stated in the many meetings he has gone to over the years, Ottawa has been noted for its progressive ways and getting things done, of late Mr. Crites reports however that the only thing he hears at these meetings is what has happened to the City of Ottawa and we seem to be the laughing stock all over the state.

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

A complete and concise record of the statements of all individuals in this meeting is contained in the foregoing referenced tape.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - November 18, 1987

The City Governing Body met in regular session at 9:35 AM this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

#### Approval of Minutes

The minutes of the last regular meeting which was held November 4, 1987 were approved as written.

#### Request of The Over The Road Gang

Mr. Dannie Burnett, president of Over the Road Gang appeared before the City Commission and donated to the City a check in the amount of \$300.00 to help in the replacement of the oak trees which are presently being removed from Forest Park due to disease. Mr. Burnett stated the \$300.00 was a part of the proceeds from their car show held in Forest Park this year. Mr. Burnett then proceeded to request permission to reserve Forest Park on Sept. 17-18, 1988 for the Second Annual Old Marais River Run Car Show and Art Fair. Mr. Burnett stated the first car show was such a tremendous success that it was felt they would need the entire park area for the show in 1988. It was discussed by the City Commission, the park might need to be closed and reserved the night of Sept. 16 to allow the Over The Road Gang to prepare for the show.

Commissioner Calliham made a motion that the request of Dannie Burnett of The Over the Road Gang to reserve Forest Park on September 17-18 1988 for the Second Annual Old Marais River Run Car Show and Art Fair be approved. The motion was seconded by Commissioner Thompson and all voted in favor of the motion.

Mr. Thompson then offered a thank you to Mr. Burnett for the donation for tree replacement and it was directed that the City Manager write a letter of thanks and appreciation to The Over the Road Gang.

#### Public Hearing - Unsafe Structure

A public hearing was held at this time pursuant to K.S.A. 12-1752 relating to the removal of an unsafe structure located at 418 E. Logan. The public hearing was duly called by the Governing Body October 7, 1987.

Commissioner Thompson stated, the structure located at 418 E. Logan had been severely damaged by fire and at the present time the City is holding 10% of the insurance proceeds from the fire to insure the proper demolition or reconstruction of the structure. The City Manager submitted photos of the structure taken November 17, 1987 stating, the photos indicate there has been no further action taken on the demolition and clean up of the area since November 9, 1987. There being no further discussion Commissioner McCrea made a motion the hearing be closed, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Resolution 446-87 - Findings Relative to Public Hearing

Commissioner Thompson made a motion that a resolution making findings pursuant to K.S.A. 12-1753, that a certain structure in

the City of Ottawa, Kansas is dangerous or unsafe and that the structure be removed and the premise be made safe and secure before the first day of January 1988. The structure located at 418 E. Logan St. on property described as the west 50 feet of the east one hundred feet of lots 2,4,6 and 8 in block 10 in the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner McCrea. All present voted in favor of the motion.

Ordinance No. 2873-87 - Municipal Electric Code

An ordinance providing for certain amendments to Chapter VI Article 3 and 4, of the Municipal Code of the City of Ottawa, Kansas, concerning electrical wiring code regulations and examinations and providing for incorporation of said amendments into the Municipal Code of the City of Ottawa, Kansas 1982 was introduced. It was reported that the ordinance before the City Commission at this time has been recommended by the Board of Electrical Examiners for the City, it changes insurance and examination requirements to be licensed as an electrician in the City of Ottawa. The electrical examinations will no longer be given by The Board of Electrical Examiners but a person applying for a license as an electrician in the City of Ottawa must have a certificate of qualification which is issued after passing the State of Kansas electricians examine, also the requirements for bond for an electrician in the City of Ottawa will be increased from \$2000.00 to \$5000.00, there shall also be a requirement that electricians must carry \$100,000.00 liability insurance and \$50,000.00 property damage insurance. It was also stated that the electrical examinations as given by the State which are now required are given at several locations through out the State of Kansas.

Mr. Glenn Bigelow spoke on the issue of the required bonds during the public agenda portion of the meeting.

Commissioner McCrea made a motion that an ordinance providing a certain amendment in Chapter VI of the Municipal Code of The City of Ottawa, Kansas, 1982 specifically Section 6-304, 6-305, 6-306, 6-309 (f) and 6-401 of said code and providing for the incorporation of said amendments into the Municipal Code of the City of Ottawa, Kansas 1982 be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2874-87 - Adoption of Uniform Plumbing Code

An ordinance incorporating by reference the Uniform Plumbing Code 1985 edition and making revisions, deletions, substitutions and additional provisions therein was introduced. Commissioner Fogle made a motion that an ordinance incorporating by reference the Uniform Plumbing Code 1985 Addition and making revisions, deletions, substitutions and additional provisions therein be passed. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

Commissioner Fogle then stated, he would like to compliment the Inspection Dept. and the Plumbing Code committee in the work they have put in on the new Plumbing Code as this makes Ottawa more in line with the Plumbing Code of other cities.

Ordinance No. 2875-87 - Adopting the Plumbing Code Into the Municipal Code

Commissioner Calliham made a motion that an Ordinance providing for certain deletions, amendments and substitutions in Article 2 of Chapter VI of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to the Uniform Plumbing Code, and providing for incorporation of said deletions, amendments and substitutions into

the Municipal Code of the City of Ottawa, Kansas, 1982 be passed. The motion was seconded by Commissioner Fogle. Upon call for the question all present voted in favor of the motion. It was explained that passage of the foregoing ordinance is necessary to incorporate the Uniform Plumbing Code as adopted and amended into the Municipal Code of the City.

Ordinance No. 2876-87 - Adopting the Uniform Mechanical Code 1985 Edition.

An ordinance adopting by reference the Uniform Mechanical Code 1985 edition, providing certain deletions, amendments and corrections to said Uniform Mechanical Code and providing for incorporation of said Uniform Mechanical Code into the Municipal Code of the City of Ottawa, Kansas 1982 was introduced.

Commissioner Fogle made a motion that an ordinance adopting by reference the Uniform Mechanical Code 1985 edition and providing for certain deletions, amendments and corrections to said Uniform Mechanical Code and providing for incorporation of said Uniform Mechanical Code into the Municipal Code of the City of Ottawa, Kansas 1982 be passed. The motion was seconded by Commissioner Calliham.

Commissioner McCrea commented that by adoption of the 1985 Mechanical Code, it will allow for the usage of different materials in the mechanical phases of construction. Upon call for the question all present voted in favor of the motion.

Approval of Engagement Letter for the Accounting Firm of Agler & Gaeddert - Audit - 1987 Operation

An engagement letter from the accounting firm of Agler & Gaeddert, Chartered, to provide the examination of the financial statements of the City of Ottawa for the year ended December 31, 1987 was introduced.

The City Manager stated the engagement letter sets forth the fee for the examination of the 1987 records should not exceed the fee charged for the examination of the 1986 records, contingent upon the City's records being in the same normal auditing conditions as in past years. The fee for the audit of the 1986 records was \$22,000.00 plus approximately \$400.00 for out of pocket expenses.

Commissioner McCrea made a motion that the City accept the engagement letter from the accounting firm of Agler & Gaeddert, Chartered to provide the examination of the financial statements of the City of Ottawa, Kansas for the year ending December 31, 1987. The motion was seconded by Commissioner Thompson all present voted in favor of the motion.

Resolution NO. 447-87 - Kansas Intergovernmental Risk Management Agency

A resolution of commitment by the City of Ottawa to become a contributing member of the Kansas Intergovernmental Risk Management Agency was introduced.

The City Manager stated the proposed fees for the City of Ottawa to become a participating member in the Kansas Intergovernmental Risk Management Agency known as (KIRMA) are to be in the sum of not more \$176,904.00 for the risk coverage protection and risk management services provided to the City of Ottawa for the year 1988. The City Manager stated that the exact fee will not be known until late December 1987 when it is known by the agency exactly how many cities are going to participate. It is indicated at present that thirty one cities may participate in the Risk

Management Agency.

Commissioner Calliham stated that it appears the City might save sixty to eighty five thousand dollars per year for insurance coverages.

Commissioner McCrea made a motion that a resolution of commitment by the City of Ottawa to become a contributing member of the Kansas Intergovernmental Risk Management Agency be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

#### Status Report of City Projects - November 1987

A report of the status of city project for November 1987, was read by the City Clerk.

#### Proclamation - American Education Week

Mrs. Mary D. Hornbuckle appeared before the City Commission to ask that a proclamation be signed, designating the week of November 15-21, 1987 as American Education Week.

Commissioner Calliham made a motion that the proclamation be approved and that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Agreement for a study of the Department of Public Safety

An agreement between the City of Ottawa, Kansas and the Police Executive Research Forum, Washington, D.C. for an efficiency and effectiveness study of the Dept. of Public Safety for a lump sum cost not to exceed \$19,913.00 was introduced.

Commissioner Thompson made a motion that the Mayor be authorized to sign an agreement between the City of Ottawa, Kansas and the Police Executive Research Forum, Washington, D. C. for an efficiency and effectiveness study of the Dept. of Public Safety for a lump sum cost of the study not to exceed \$19,913.00. The motion was seconded by Commissioner Calliham.

Commissioner Thompson commented that the study should take approximately one hundred twenty days with personnel from the Police Executive Research Forum, to be on site for approximately two and one half weeks. Upon call for the question all present voted in favor of the motion.

#### Ordinance No. 2877-87 - Amending Ordinance No. 2836-86

An ordinance providing for certain changes in Ordinance No. 2836-86 October 1, 1986, providing for the construction of a main sewer in the City of Ottawa Kansas to be designated in the "S.E. Main Sewer - Part 2" of said City: Fixing and describing the route and location of said main sewer; and providing for the payment of the cost thereof was introduced. Commissioner Calliham made a motion that an ordinance providing for certain changes in Ordinance No. 2836-86 October 1, 1986 providing for the construction of a main sewer of the City of Ottawa, Kansas to be designated as the "S.E. Main Sewer - Part 2" of said City: Fixing and describing the route and location of said main sewer; and providing for the payment of the cost thereof be passed. The motion was seconded by Commissioner McCrea. Ordinance No. 2877-87 in amending Ordinance No. 2836-86 amends the estimated probable cost of the main sewer project from \$13,955.00 to \$18,000.00. Upon call for the question all present voted in favor of the motion.

Mr. Glen Bigelow spoke on the issue of method of payment for sewer mains during the public agenda portion of the meeting.

#### Governing Body Agenda

Commissioner Fogle commented that the October print out of the City Budget indicates that only \$123,000.00 has been spent out of the Street Rehabilitation Fund, which had a total budget of \$504,000.00. Commissioner Fogle questioned as to whether additional monies would be spent this year or if the monies would be carried into 1988. The City Manager answered Mr. Fogle, that the cost of all of the projects out of the Street Rehabilitation Fund in 1987 have not as yet been paid, but any monies left in the Street Rehabilitation Fund would remain there for use in 1988.

Mayor Heathman stated he had noticed a window out of the top floor of the North American Hotel and that the hotel is infested with pigeons, he wondered if the City could do something in the area of cleaning up this site. The City Manager stated that to date various people have looked at the structure in hopes of rehabilitating it to some proper use, but at this time it does not seem feasible to do so. It was discussed the City might proceed with condemnation on the structure as being a dangerous structure or it is possible the City might condemn the structure for municipal purposes. It was pointed out however that if the City should condemn the structure for municipal purposes, the owners would have to be compensated for the building. It was discussed the building is becoming a dangerous structure in as much as windows are falling out and it is possible that a cap stone could fall from the top of the building. Some windows have been boarded up by the Ottawa Lumber Co. and others will be boarded in the future as the glass falls from them. Ending discussions on the subject of the North American Hotel pointed out, the City should be looking for someone to develop the building or possible proceed with condemnation.

#### City Manager's Agenda

The City Manager reported he had attended the ECKAN annual dinner, Tuesday evening and that the City was presented with a plaque commending the City for its help in housing rehabilitation and energy assistance in the City of Ottawa.

#### Public Agenda

Mr. Glen Bigelow appeared before the City Commission stating that in setting through the City Commission meeting that no had a chance to talk to the issues and they were not discussed by the City Commission. Mr. Bigelow stated that many issues had been acted upon by the City Commission that he had not idea what was going on. Mr. Bigelow also questioned why the Surety Bond on plumbers should be increased to \$5,000.00 from \$2,000.00. Mr. Bigelow was answered that the \$2,000 figure was set a number of years ago and in checking with insurance agents a \$5000 bond would cost the same as a \$2000 bond. Mr. Bigelow also question why the City was paying for a main sewer extension as he thought the Sewer Fund was to pay for such things. It was explained to Mr. Bigelow that the Sewer Fund as established a number of years ago was to pay for the operations and maintenance of the system and not for new extensions and other capital improvements.

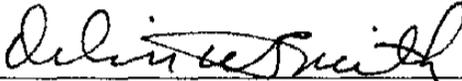
Mr. Russell Crites appeared before the City Commission complementing the Commission on maintaining order during the meeting and further asked why a block of Fifth Street had not been given an overlay of asphaltic concrete. It was explained to Mr. Crites that the block of Fifth Street which has not been

overlaid with concrete is because the brick surface in that block was in good condition even though it might be a little rough. It was pointed out that some new curbs had been installed in the block which had not been overlaid and the curbs height was such that it would accommodate an asphaltic overlay in the future. Mr. Crites also mentioned the possibility of an incubator program whereby a developer might be interested in the development of the North American Hotel.

The City Manager indicated that he had some knowledge of the incubator program and would further investigate the possibilities.

Commissioner McCrea then commented that he was in agreement with Mr. Bigelow's statements, that the City Commission needs to offer more discussion on the items that come before at Public Commission Meetings.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - December 2, 1987

The City Governing Body met in regular session at 7:00 P.M. this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

#### Approval of Minutes

The minutes of the last regular meeting which was November 18, 1987 held were approved as written.

#### Resolution No. 448-87 Statement of Policy for Tax Exemptions

A resolution adopting a Statement of Policy for Procedures for Tax Exemptions and Incentives for Economic Development for the City of Ottawa, Kansas was considered.

The City Manager explained, the City of Ottawa with the adoption of appropriate policy is now authorized by constitutional amendment to grant tax exemptions for certain economic development purposes. Tax exemptions can be granted for a period not to exceed ten years when appropriate policy is adopted by the City. The City policy as being considered for adoption would allow an abatement for a period not to exceed ten years for certain economic development purposes. The tax base as established on the property prior to the acquisition and use for economic development would not be abated so that other taxing entity within the City would not suffer a loss of tax revenue. The additional tax created by additional development to the property could be abated.

Commissioner Thompson made a motion that a resolution adopting a Statement of Policy and Procedures for Tax Exemptions and Incentives for Economic Development for the City of Ottawa, Kansas be passed, the motion was seconded by Commissioner Calliham. There being no discussion the question was called and all present voted in favor of the motion.

#### Agreement for Inspection of Bridges

An agreement between the City of Ottawa and Cook, Flatt & Strobel, Engineers, for the City's biennial Bridge Inspection update as required by the Federal Highway Administration was considered by the City Commission.

The City Manager explained, all bridges on Federal Aid Urban Routes within a City Limit must be inspected every two years, so that the City may continue to receive federal highway funding. The firm of Cook, Flatt & Strobel has done the City's biennial bridge inspection for a number of years and has purposed at this time that the agreement between the City of Ottawa and the firm of Cook, Flatt & Strobel Engineers for a fee in the amount of \$350.00 be approved.

Commissioner Calliham made a motion that a letter of agreement between the City of Ottawa and Cook, Flatt & Strobel Engineers for the City's biennial Bridge Inspection update as required by the Federal Highway Administration for a fee in the amount of \$350.00 be approved, the motion was seconded by Commissioner McCrea. There being no discussion the question was called and all present voted in favor of the motion.

## Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, December 1, 1987 at 7:00 P.M. in City Hall. Present: Members Keith, Hendrix, Woolman, Todd, Searls and Ellena, Absent: Chairman Petersen.

The minutes of the last meeting held November 3, 1987 were approved as written by a 6-0 vote.

The Planning Commission Held a Public Hearing to allow "Automobile Wash Services" as a permitted use in (C-S) Highway Service Zoning District, This was approved by a vote of 6-0.

The Planning Commission approved a lot split of lot #12, County Clerks Subdivision #1, located at 2230 Princeton Circle Drive. This was approved by a vote of 6-0.

There being no further business, the meeting was adjourned.

### Application for Cereal Malt Beverage License

The following applications for license to sell cereal malt beverage for 1988 were submitted to the City Commission for approval. Triple K. Limited dba Casey's General Store, 1002 North Main, Ramona A. Conner, Manager, package sales only. Triple K. Limited dba Casey's General Store, 1019 W. Seventh, Patricia A. Crump, Manager, package sales only. James L. Allen dba South Conoco Travel Shoppe, Elaine Morris, manager, I 35 & 59 Highway, package sales only. National Marketing Co., Mary Tice, Manager, 1621 S. Main, package sales only. Taylor Oil Inc., Harold Taylor, Manager, 2305 S. Cedar, package sales only. Waymire Price Chopper, Larry W. Waymire, Manager, 2008 Princeton Road, package sales only. Billie Galutia dba as Hickory Inn Tavern, 120 E. Dundee, for consumption on premise. Pizza Hut of America Inc., Lee Johnson, Manager, 118 W. 15th, for consumption on premise. B.P.O. Elks #803, Clarence Strickland, Manager, 114 1/2 W. Second, for consumption on premise. Taco Tico Inc. Terri L. Woodbury, Manager, 1608 S. Main, for consumption on premise.

Commissioner Thompson made a motion that the applications for Cereal Malt Beverage License as presented be approved. The motion was seconded by Commissioner Fogle, all present voted in favor of the motion except Commissioner Calliham who abstained from voting.

### Approval of Investment Schedule

The schedule of investments for the City as existing November 30, 1987 was submitted to the City Commission for approval.

Commissioner McCrea made a motion that the schedule of investments existing as of November 30, 1987 indicating a total of \$4,800,000.00 invested at an annual interest rate of 7.1373 percent be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

### Governing Body Agenda

Commissioner McCrea commented that the Christmas lights and decorations in the downtown area, around City Hall and the Court House were very nice this year and he wished to compliment all persons involved in getting the decorations in place.

### City Manager's Agenda

The City Manager reported that the Utility Assistance Program for the winter of 1987 is under way, and those persons receiving SSI assistance may qualify to have one half of their electric paid during the four winter months. The City Manager also stated that the Dept. of Public Safety study will get started Wed. December 16, with persons from the Police Research Forum being in town and working with the City on December 16, 17 and 18.

#### Public Agenda

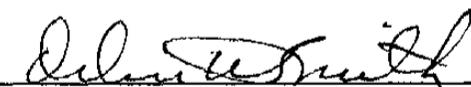
Mrs. Carol Dobbs appeared before the City Commission requesting further consideration be given to the requirement of providing \$50,000.00 liability insurance on Pit Bull Dogs. Mrs. Dobbs stated, they had complied with the ordinance procuring the insurance, only to have their insurance cancelled two weeks later when the insurance co. was informed that the Dobbs had Pit Bull Dogs. Mrs. Dobbs stated that she did not object to any other portion of the ordinance but that it seems impossible to get the required liability insurance. Mrs. Dodds purposed that if the City would do away with the insurance requirement that a requirement be put in the ordinance to inspect the pens each year when the dogs are licensed.

Mr. Fogle stated that he might favor a change in the insurance requirement as set forth in the ordinance by requiring a better type of fencing used to confine the dogs.

The City Commission agreed to give further consideration to the insurance requirement of the ordinance at their study session on Monday, December 7, 1987.

Mr. Russell Crites appeared before the City Commission stating that he had a copy of the minutes of the City Commission meeting of Coffeyville, Kansas of September 28, 1987. Mr. Crites stated that the first two items on the agenda for the City Commission of Coffeyville was the invocation and a Pledge of Allegiance to the Flag of the United States. It was Mr. Crites suggestion that the City Commission give consideration to having an invocation and Pledge of Allegiance at the start of each meeting. Mr. Crites stated he had been in touch with the Ottawa Ministerial Alliance and was assured a minister could be provided for each City Commission meeting for the invocation.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - December 16, 1987

The City Governing Body met in regular session at 9:35 AM this date Present Mayor Pro tem Calliham, Commissioners, McCrea, and Thompson, absent Mayor Heathman and Commissioner Fogle.

#### Approval of Minutes

The minutes of the last regular meeting which was held December 2, 1987 were approved as written.

#### Presentation of Employee Service Awards

Mayor Pro tem Calliham presented Jean Blecha, City Treasurer; Connie Sams, Dispatcher DPS; Mr. Bill Wright, Sgt. DPS; Randy Hughes, Electric Distribution Dept., with ten year service awards commemorating their completion of ten years of service with the City of Ottawa. The recipients of the awards were all congratulated by Mayor Pro tem Calliham and Commissioners McCrea and Thompson.

#### Ordinance No 2879-87 Defining Territorial Limits

An ordinance defining and declaring the territorial limits and boundaries of the City of Ottawa Kansas and repealing Ordinance No. 2841-86 of the City of Ottawa Kansas was introduced. It was explained by the City Manager, according to Kansas Statutes each year all Cities within the State of Kansas must pass ordinances updating their territorial limits and boundaries. The City Manager further explained that the City of Ottawa has taken in some small tracts of land this past year consisting mainly of highway right of way. Commissioner Thompson made a motion that an Ordinance defining and declaring territorial limits and boundaries to the City of Ottawa Kansas and repealing Ordinance No. 2841-86 of the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

#### Agreement between the City of Ottawa, and the Franklin County Humane Society

An agreement whereby the City of Ottawa, provides for a contractual payment to the Franklin County Humane Society in the amount of \$14,750 per year for the animal shelter and related services provided for by the society was introduced.

Commissioner Thompson commented that the City of Ottawa has had such an agreement with the Franklin County Humane Society for the past three or four years and the City of Ottawa has encouraged the Humane Society to negotiate like agreements with other Cities within Franklin County.

Commissioner McCrea made a motion that an agreement providing for a contractual payment by the City of Ottawa of \$14,750 for the animal shelter and related services provided for by the Franklin County Humane Society be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Resolution No. 449-87 - Temporary Notes

A Resolution authorizing the issuance of temporary notes in the

amount of \$41,500 to the Kansas State Bank at an annual rate of interest of 7% was introduced. It was explained that the temporary notes are for a term not to exceed six months and are to finance the Sunny Side Addition Sewer Construction until such times as General Obligation Bonds can be issued.

Commissioner Thompson made a motion that a Resolution authorizing the issuance of temporary notes in the amount of \$41,500 to the Kansas State Bank at an annual interest rate of 7% be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Resolution No. 450-87 - Temporary Notes

A Resolution authorizing the issuance of temporary notes in the amount of \$75,000 to the Kansas State Bank at an annual interest rate of 7.5% was introduced. It was explained that the temporary notes are for a term of twelve months and are to finance parking lot construction at Third and Cedar Streets.

Commissioner McCrea made a motion that a Resolution authorizing the issuance of temporary notes in the amount of \$75,000 to the Kansas State Bank at an annual interest rate of 7.5% be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Modification to the City of Ottawa Policy Concerning the Participation in the International City Management Retirement Corporation

The City Manager explained that the policy before the City Commission at this time is to authorize the City to contribute \$260.00 per year for regular full time employees classified as supervisors and dept. heads and \$156.00 per year for all other regular full time employees to the ICMA Retirement Corp., providing the employee contributes a minimum of \$10.00 per pay period.

Commissioner Thompson stated that the City presently has about 40 employees participating by making contributions to the ICMA Retirement Corporation and it is hopeful that by the City contributing on behalf of all employees that the younger employees of the City might be encouraged to participate.

Commissioner Thompson made a motion that a modification to the City of Ottawa's participation in the International City Management Association Retirement Corporation Deferred Compensation Plan, Chapter II, Article 2-206, Code of the City of Ottawa, Kansas, by providing for an employer contribution for any qualified participating employee be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Applications for Cereal Malt Beverage License

The following application for License to sell Cereal Malt Beverage for 1988 were presented by the City Clerk. Ottawa IGA, Inc. dba Ray's IGA, Robert J. Floersch, Manager, 1428 South Main, not for consumption on premise. Pence Food Center Inc. North Ottawa Division, 305 North Main, Timothy Van Leiden, Manager, not for consumption on premise. Willard M. Cromwell, dba Andy's Service Station, 1115 West 7th, not for consumption on premise. Charles R. Wood Oil Co. Inc. 2130 Princeton Road, David Rohm, Manager, not for consumption on premise. Quick Corner Inc., 402 S. Main, Robert L. Dodson, Manager, not for consumption on the premise. Safeway Stores Inc. 902 South Main, Larry Dametz, Manager, not for consumption on premise. Pizza Village Inc., 330 South Main,

Dennis E Tharp, Manager, for consumption on premise. Barbara Spears dba The Hide-A-Way, 1644 South Main, for consumption on premise. Ottawa Country Club, East Logan Street, Walter C. Artinger, Manager, for consumption on premise. Olympic Rec. Center, Inc. dba Indian Lanes, 2040 Princeton Road, Robert Sheldon, Manager, for consumption on premise. Fraternal Order of Eagles, 524 E. 15th Street, Daniel J. Cochran, Manager, for consumption on premise. John Duncan dba Pizza Time, 2304 Princeton Road, for consumption on premise.

Commissioner McCrea made a motion that the application for Cereal Malt Beverage License as received and presented be approved. The motion was seconded by Commissioner Thompson, with Commissioners Thompson and McCrea voting in favor of the motion and Commissioner Calliham abstaining.

#### Report of City Projects

A report of the status of City Projects was read by the City Clerk at this time.

#### Governing Body Agenda

Commissioner Thompson reported that due to the efforts and suggestion of Mr. Russell Crites, in January the City Commission meeting would start with an Invocation and a Pledge of Allegiance to the United States Flag. Commissioner Thompson also commented that he hoped 1988 would bring a new sense of cooperation to the City of Ottawa. Commissioner Thompson urged everyone to attend the Chamber of Commerce Banquet January 16, 1988 as presidential candidate Mr. Gary Hart will be the guest speaker.

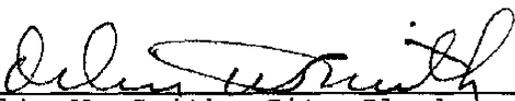
#### City Manager's Agenda

The City Manager reported that the Police Executive and Research Forum which was to start a study on the Dept. of Public Safety this week had not as yet arrived due to weather conditions and if the study did not start this week it would probably not start until after the first of the year.

#### Public Agenda

Mr. Russell Crites appeared before the City Commission and stated that on behalf of the Citizens of Ottawa he would like to compliment the City Commission for their decision to start the meetings with an Invocation and Pledge of Allegiance to the United States Flag.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - December 30, 1987

The City Governing Body met in special session at 4:30 P.M. this date Present Mayor Heathman and Commissioners Fogle, McCrea, Calliham and Thompson, absent none.

The purpose of the special meeting is to consider cereal malt beverage license applications as received to date and to consider consent to ingress-egress easement by City of Ottawa on the Wal-Mart property easement effecting the Schoney's, Inc. property.

#### Cereal Malt Beverage License Applications

The City Clerk submitted cereal malt beverage license applications for 1988 as follows: Carolyn Roy dba C J's Playhouse, 231 North Main, for consumption on premise. New York Original Delicatessen Inc., 125 E. Second, Stephen Franano Manager, for consumption on premise. E. J. Leonard Inc. dba Ed's Food Market, 305 North Main, Joseph Suther, Asst. Manager, not for consumption on premise. Joseph L. Saub, dba Danny's II, 304 E. Logan, not for consumption on premise. All Services Inc., dba Rentmasters, 216 E. 23, Frances Kolody Manager, not for consumption on premise.

Commissioner Thompson made a motion that the applications for Cereal Malt Beverage License for 1988 as presented be approved, the motion was seconded by Commissioner Fogle. Mayor Heathman, Commissioners Thompson, Fogle and McCrea voted in favor of the motion, Commissioner Calliham abstained.

#### Consent to Ingress-Egress Easement

Mr. Bob Bezek Jr. Assistant City Attorney presented the City Commission with a consent to ingress-egress easement by the City of Ottawa in reference to the Wal-Mart property easement affecting the Schoney's Inc. property. Mr. Bezek stated that in as much as Schoney's is locating in an area that needs a consent for ingress-egress over property owned by the City of Ottawa and leased to Wal-Mart by way of an Industrial Revenue Bond Issue, the ingress-egress over the leased property must be approved by the City of Ottawa. Wal-Mart at this time has approved the ingress-egress and is now awaiting approval by the City of Ottawa. Commissioner Thompson made a motion that a consent to ingress-egress easement by the City of Ottawa Kansas, re: Wal-Mart Property easement affecting the Schoney's Inc. property be approved. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

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

  
Orlin W. Smith, City Clerk