

City Hall- Ottawa, Kansas - January 3, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Pro tem Gillette and Commissioners Calliham, Heathman, and Lantis, absent Mayor Fogle. Mayor Pro tem Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Paul Turner.

Approval of Minutes

The minutes of the last regular meeting which was held December 20, 1989 were approved as written.

Proclamation - Dr. Martin Luther King, Jr. Week

Mr. Richard Jackson presented the City Commission with a proclamation, proclaiming the week of January 14 thru Jan 20 1990, as Dr. Martin Luther King Jr. Week. The proclamation was read by Mayor Pro tem Gillette. Commissioner Heathman made a motion that the proclamation be approved, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Request for use of City Park by the Ottawa Community Youth Council

The City Governing Body proceeded to consider a request of the Ottawa Community Youth Council to use City Park on January 12, 1990, between the hours of 11:00 AM and 2:00 PM for the Junior Youth Olympics.

Commissioner Lantis made a motion that the Ottawa Community Youth Council be permitted to use City Park on January 12, 1990 between 11:00 AM and 2:00 PM to conduct their Junior Youth Olympics, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance Granting a Franchise to Kansas City Power and Light

The City Governing Body proceeded to consider for second reading and ordinance granting certain Franchise rights to the Kansas City Power and Light Co. Commissioner Heathman made a motion that an ordinance granting certain Franchise Rights for the sale of electricity to the Kansas City Power and Light Co., be accepted for its second reading. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion. The ordinance is as follows:

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEES, SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORK AND PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC OR OTHER ENERGY,

GRANTING TO SAID COMPANY THE RIGHT TO USE THE STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES IN CERTAIN PORTIONS OF THE CITY, PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PART THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purposes of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built, or proposed to build its transmission lines into or through the City of Ottawa, Kansas (herein called the City), and

WHEREAS, the City in 1989 annexed certain portions of Section 2, Township 17, Range 19 in the County of Franklin, State of Kansas, which is within the certificated service territory of the Company (herein called the Tracts), and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said Tracts and expand said services as necessary to serve the needs of the Tracts.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS;

SECTION ONE: In consideration of the benefits to be derived by the City and the inhabitants of the Tracts from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public, there is hereby granted to the Company and to its successors and assigns, for the term of ten (10) years from the effective date hereof (subject to termination as provided for in Section Six, below), a Franchise and authority to construct, operate and maintain in the Tracts all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the Tracts with electric or other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any or all of said purposes it is authorized to (i) construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables (ii) place poles, lamp posts, guys, and anchors for its overhead wires, cables and street lights on all streets, alleys, avenues, bridges, parks, parking and other public places

or thoroughfares in the Tracts, (iii) construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (iv) enter upon any and all of said public places within the Tracts and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of its overhead and underground facilities and plants. The legal description of the Tracts is set forth in Exhibit A. Attached hereto and made a part hereof.

SECTION TWO: Any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the governing body of said City under all necessary permits issued for the work, and shall be made and done in such manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good condition as before with all convenient speed, all at the expense of the company.

SECTION THREE: During the continuance of this Franchise, the company shall construct, maintain and operate its transmission and distribution system within the Tracts and shall furnish electric energy to the Tracts and its inhabitants in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to acts of God, fire, Strikes, civil or military authority, Orders of Court and other causes reasonably beyond the control of the company are specifically exempt from the terms of this Section.

SECTION FOUR: The Company shall, at all times, in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence of the Company, its successors and assigns.

SECTION FIVE: In consideration of the premises, the Company agrees to pay to the City of Ottawa, Kansas, and the City 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 electric energy sold by the Company to all consumers located in the Tracts during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a semiannual basis on each March 31 and September 30 for the years in which this Franchise

remains in effect, reflecting such electric energy sold to customers within the Tracts for the six months' period ending at the last meter reading preceding each February 28 and August 31, respectively. Such payments shall be rendered in cash to the City. The term "gross receipts", as used in this Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold for other use which cannot be classified as domestic, commercial, or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale.

SECTION SIX: The City of Ottawa has the right to terminate this Franchise as of the fifth or succeeding anniversary dates hereof by providing written notice of such termination to the Company at least one hundred twenty days in advance of such anniversary date.

SECTION SEVEN: This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as there in provided.

EXHIBIT A

Those certain two parcels of land in Section 2, Township 17, Range 19, Franklin County, Kansas, described as follows, to wit:

Beginning 663 feet north of the Southwest corner of the Southwest Quarter of said Section 2, thence East 1,150 feet, thence North 657 feet, thence West 1,150 feet, thence South 657 feet;

Beginning at the Southwest corner of the Southwest Quarter of said Section 2, thence East along the South line of said Southwest Quarter 340 feet to the true point of beginning, thence East along the South line of the Southwest Quarter 499.2 feet to the line of a North-South fence projected South, thence North alongside said fence line 663.02 feet, thence West and parallel to the South line of the Southwest Quarter 495.8 feet, thence South and parallel to the West line of the Southwest quarter of said Section 2, 663 feet to the true point of beginning.

Annual Operation and Maintenance Agreement for the Forest Park Swimming Pool

The City Governing Body proceeded to consider the annual operation and Maintenance Assurance Statement as provided by the Kansas Dept. of Wildlife and Parks for the Forest Park Swimming Facility.

Commissioner Lantis made a motion that the annual operation and maintenance assurance statement for the Forest Park Swimming Pool facility be approved and executed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Designation of Depositories

Commissioner Calliham made a motion that the Anchor Federal Savings and Loan, First National Bank, Franklin Savings and Loan Association, Kansas State Bank and Peoples National Bank be named as the official depositories for the City's monies for 1990. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2932-90 Subdivision Regulations

Commissioner Heathman made a motion that an ordinance by the Governing Body of the City of Ottawa Kansas adopting subdivision regulations for the City of Ottawa, setting forth rules and regulations for the division of real property, providing for the proper location and width of streets, building lines, open spaces, safety recreation facilities, utilities and drainage to provide for the avoidance of congestion of population thru requirements of minimum lot width, depth, and area, and the compatibility of design; to require and fix the extent and manner to which certain physical improvements shall be installed; and repealing all portions of the ordinance adopted by the Governing Body the on the 20th day of October, 1982, and all amendments thereto be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Ordinance No. 2933-90 Zoning Ordinance

Commissioner Lantis made a motion that an ordinance by the Governing Body of the City of Ottawa, Kansas, adopting a Zoning Ordinance for the City of Ottawa; setting forth rules and regulations controlling and restricting the use of land, location of buildings and structures: determining the area of yard surrounding them; regulating the density of development; dividing the City into Zoning Districts; and repealing all portions of Ordinance No. 2713-82, adopted by the Governing Body the 20th day of October, 1982, and all amendments thereto be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review of the Schedule of Investments

Commissioner Heathman made a motion that the schedule of investments existing as of December 31, 1989, indicating a total of \$4,900,000 invested at an average annual interest rate of 7.95 percent be approved. The motion was seconded by Commissioner

Calliham and all present voted in favor of the motion.

Planning Commission Report

Commissioner Heathman made a motion that the report of the Planning Commission Meeting of January 2, 1990, be approved and entered into the official record. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion, the Planning Commission Report is as follows:

The City Planning Commission met in regular session on Tuesday, Jan 2, 1990, at 7:00 PM in City Hall. Present: Members Reusch, Hendrix, Carey, Woolman, Reynolds and Chairman Ellena. Absent: Member Todd.

The minutes of the last meeting held December 5, 1989 were approved as written by a 6-0 vote.

There being no further business, the meeting was adjourned.

Adjournment

There being no further business to come before the City Commission 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 8, 1990

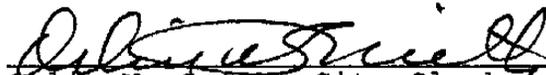
The City Governing Body met in special session at 3:00 PM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none.

The purpose of the meeting was to consider a Settle Agreement and Covenant Not to Sue, between Mr. Richard A. DeLatorre, City of Ottawa employee and the City of Ottawa, Kansas.

The Settle Agreement and Covenant Not to Sue among other things sets forth that the City of Ottawa is to pay Phelps Chartered \$6,000 for legal services in representing Mr. DeLatorre and that Mr. DeLatorre's salary is to be adjusted to \$14.00 per hour. It was discussed by the City Commission that this may not be the only way this issue might be settled, but that this method would probably cost less money than proceeding into litigation.

Commissioner Gillette made a motion that the Settlement Agreement and Covenant Not to Sue between Mr. Richard DeLatorre and the City of Ottawa be approved and that the City Manager be authorized to sign said agreement. The motion was seconded by Commissioner Heathman and all voted in favor of the motion.

The business for which this meeting having been concluded the meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall Ottawa, Kansas - January 17, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Paul Turner of the Wesleyan Church.

Approval of Minutes

The minutes of the last regular meeting which was held January 3, 1990 and the special meeting which was held January 8, 1990, were approved as written.

Final Reading of Franchise Agreement

Commissioner Heathman made a motion that a Franchise Agreement between the City of Ottawa and the Kansas City Power and Light Co. be read for the third and final time. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion. The ordinance was then read as follows:

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEEES, SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORK AND PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC OR OTHER ENERGY, GRANTING TO SAID COMPANY THE RIGHT TO USE THE STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES IN CERTAIN PORTIONS OF THE CITY, PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PART THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purposes of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built, or proposed to build its transmission lines into or through the City of Ottawa, Kansas (herein called the City), and

WHEREAS, the City in 1989 annexed certain portions of Section 2, Township 17, Range 19 in the County of Franklin, State of Kansas, which is within the certificated service territory of the Company (herein called the Tracts), and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said Tracts and expand said services as necessary to serve the needs of the Tracts.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS;

SECTION ONE: In consideration of the benefits to be derived by the City and the inhabitants of the Tracts from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public, there is hereby granted to the Company and to its successors and assigns, for the term of ten (10) years from the effective date hereof (subject to termination as provided for in Section Six, below), a Franchise and authority to construct, operate and maintain in the Tracts all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the Tracts with electric or other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any or all of said purposes it is authorized to (i) construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables (ii) place poles, lamp posts, guys, and anchors for its overhead wires, cables and street lights on all streets, alleys, avenues, bridges, parks, parking and other public places or thoroughfares in the Tracts, (iii) construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (iv) enter upon any and all of said public places within the Tracts and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of its overhead and underground facilities and plants. The legal description of the Tracts is set forth in Exhibit A. Attached hereto and made a part hereof.

SECTION TWO: Any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the governing body of said City under all necessary permits issued for the work, and shall be made and done in such manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good condition as before with all convenient speed, all at the expense of the company.

SECTION THREE: During the continuance of this Franchise, the company shall construct, maintain and operate its transmission and distribution system within the Tracts and shall furnish electric energy to the Tracts and its inhabitants in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations

as may be lawfully established from time to time in accordance with the laws of the State of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to acts of God, fire, Strikes, civil or military authority, Orders of Court and other causes reasonably beyond the control of the company are specifically exempt from the terms of this Section.

SECTION FOUR: The Company shall, at all times, in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence of the Company, its successors and assigns.

SECTION FIVE: In consideration of the premises, the Company agrees to pay to the City of Ottawa, Kansas, and the City 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 electric energy sold by the Company to all consumers located in the Tracts during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a semiannual basis on each March 31 and September 30 for the years in which this Franchise remains in effect, reflecting such electric energy sold to customers within the Tracts for the six months' period ending at the last meter reading preceding each February 28 and August 31, respectively. Such payments shall be rendered in cash to the City. The term "gross receipts", as used in this Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold for other use which cannot be classified as domestic, commercial, or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale.

SECTION SIX: The City of Ottawa has the right to terminate this Franchise as of the fifth or succeeding anniversary dates hereof by providing written notice of such termination to the Company at least one hundred twenty days in advance of such anniversary date.

SECTION SEVEN: This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as there in provided.

EXHIBIT A

Those certain two parcels of land in Section 2, Township 17, Range 19, Franklin County, Kansas, described as follows, to wit:

Beginning 663 feet north of the Southwest corner of the Southwest Quarter of said Section 2, thence East 1,150 feet, thence North 657 feet, thence West 1,150 feet, thence South 657 feet;

Beginning at the Southwest corner of the Southwest Quarter of said Section 2, thence East along the South line of said Southwest Quarter 340 feet to the true point of beginning, thence East along the South line of the Southwest Quarter 499.2 feet to the line of a North-South fence projected South, thence North alongside said fence line 663.02 feet, thence West and parallel to the South line of the Southwest Quarter 495.8 feet, thence South and parallel to the West line of the Southwest quarter of said Section 2, 663 feet to the true point of beginning.

Ordinance No. 2934-90 - Franchise Agreement

Commissioner Gillette made a motion that an ordinance granting Kansas City Power and Light Co., its grantees, successors and assigns, the non-exclusive right and franchise to construct and maintain all works and plants necessary or proper for supplying consumers with electric or other energy, granting to said company the right to use the streets, alleys and all other public places in certain portions of the City, prescribing the terms of and relating to such franchise and repealing inconsistent ordinances or parts thereof, be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Proposal for Feasibility Study for a Municipal Golf Course

The Governing Body proceeded to Consider an agreement with THK Associates, Inc., for a Golf Course Feasibility Study. The total cost of the study to be \$14,500.00 plus direct expenses. The initial payment to THK Associates, Inc. to undertake the study is \$5,075.00.

Commissioner Calliham made a motion that the City Manager be authorized to sign an agreement for professional services with THK Associates, Inc., for a Golf Course Feasibility Study. The motion was seconded by Commissioner Lantis.

Commissioner Heathman questioned as to whether the City could withdraw from the study once the agreement has been signed and work has been started. It was reported to Mr. Heathman that if the City desires, the City may stop the study after the first phase is completed.

Commissioner Lantis stated that the greater Ottawa Chamber of Commerce has agreed to pay 25% of the cost of the study not to exceed \$5,000.00 and that Ottawa - Franklin County Economic Development would probably agree to pay a like amount. Upon call for the question all present voted in favor of the motion.

Resolution No. 500-90 - Authorizing Agreement with the Kansas Municipal Energy Agency

A resolution authorizing the execution of an amended and restated agreement to create the Kansas Municipal Energy Agency was introduced it was explained that the resolution authorizes the execution of the updated agreement and the updated agreement is merely an update and streamlining of the original agreement. Commissioner Lantis made a motion that a resolution authorizing the execution of an amended and restated agreement to create the Kansas Municipal Energy Agency be approved. The restated agreement is for the purpose of correcting flaws and streamlining the original agreement. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Agreement for Planning Services with Bucher, Willis and Ratliff

The City Governing Body proceeded to consider an agreement for planning advisory services with Bucher, Willis and Ratliff. The agreement sets forth that the services of Bucher, Willis and Ratliff will not exceed \$8,000 unless specifically approved by the City Commission. The City of Ottawa paid Bucher, Willis and Ratliff \$5,775.97 in 1989 for Planning Services.

Commissioner Gillette made a motion that an agreement for planning services with the consulting firm of Bucher, Willis and Ratliff be approved and the Mayor be authorized to sign the agreement, in an amount not to exceed \$8,000.00. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman stated, the City Manager had been directed to correct the personnel situation at the Department of Public Safety, as a result two veteran employees had been terminated and that he understood there were more terminations to follow. Mr. Heathman indicated that he did not feel the right persons had been terminated whereby he made a motion that Captain Shutt and Director Herrman be removed from the Department of Public Safety, and that the City Manager be directed to take the necessary action.

The City Attorney was then requested to explain Kansas Statutes Annotated 12-1014, which deals with the City Commission interfering with the operation of employees. The City Attorney explained the statute states, that no commissioner can interfere

in employee matters except with the consent of the City Commission. Mr. Heathman stated this is what he was trying to gain at this time. Commissioner Heathman's motion died for lack of a second. Commissioner Heathman then made a motion that the City Manager hire a firm to act as City Attorney, and replace the firm of Anderson, Byrd and Richeson, the motion died for lack of a second.

City Manager's Agenda

Under the City Manager's Agenda the City Clerk presented an application for Cereal Malt Beverage License to the City Commission. The Cereal Malt Beverage License for consumption on the premise was submitted by Taco Tico Inc., 1608 South Main, Alesia Wade, Manager. Commissioner Lantis made a motion that the application be approved and license issued, the motion was seconded by Commissioner Heathman, all present voted in favor of the motion, except Commissioner Calliham who voted opposing the motion.

Public Agenda

Mr. Wayne Baylor presented the City Commission with an agreement whereby the City of Ottawa would purchase the North American Hotel from the B & B Investment for approximately one half of the listed price or approximately \$75,000.00 and B & B Investment then would donate the balance to the City of Ottawa. The City of Ottawa in turn would give the hotel to a developer who would then develop the hotel into a viable usable structure. The developer is to present a bond to the City of Ottawa whereby if they did not convert the hotel into a usable structure, the entire purchase price would be refunded to the City. The City Governing Body had discussed the details of this transaction in study session with Mr. Baylor at a prior meeting. In as much as the Governing Body had been approached by another individual for a similar transaction. It was decided that the Governing Body would not take action on the agreement at this time.

Mrs. Wanda Durbin approached the City Commission wanting to know why Mr. DeLatorre had been confined to the Department of Public Safety during his regular work hours the past week and why Mr. DeLatorre was no longer working for the City of Ottawa. The City Governing Body would make no comment concerning Mrs. Durbin's questions. Mrs. Durbin then asked the City Commission if they were at all concerned about the operation of the Department of Public Safety. Mrs. Durbin was finally answered, the City Commission is greatly concerned about the operation of the Department of Public Safety, that they have discussed it many times in Executive Session; however it was further stated the City could make no comment concerning any of Mrs. Durbin's question on personnel matters in as much as City of Ottawa employee's are entitled to total privacy concerning their employment with the City.

Adjournment

There being no further business to come before the City Commission 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 7, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Henry Roberts of the Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held January 17, 1990 were approved as written.

Proclamation - Black History Month

Mayor Fogle read and signed a proclamation, proclaiming the month of February 1990 as Black History Month.

Recapture Agreement with Laich Industries

The City Governing Body proceeded to consider a recapture agreement with Laich Industries Corp. The Agreement sets forth that the City of Ottawa will give Laich Industries Corp. a grant in the amount of \$35,000 and further sets forth conditions which must be met or the grant monies must be returned to the City of Ottawa.

Commissioner Lantis made a motion authorizing the Mayor to sign a recapture agreement with Laich Industries Corp. for local Economic Development Funds in the amount of \$35,000. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Acceptance of Sludge Dewatering Facilities and Authorization for Final Payment

The Governing Body proceeded to consider accepting the Sludge Dewatering Facilities for the sewerage disposal plant and to authorize final payment in the amount of \$5,342.00, the total project costing the City \$174,200.66.

Commissioner Lantis made a motion that the Sludge Dewatering Facilities for the Sewerage Disposal Plant be accepted from the contractor, C.A.S. Construction Inc. and to authorize the final payment for the project in the amount of \$5,342.00. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Acceptance of 21st Street Terrace

The City Governing Body proceeded to give consideration to the acceptance of East 21st Street Terrace from the developer. The

total cost of the project was \$112,223.67, with the benefit district paying \$79,934.20 and the City of Ottawa paying \$32,289.47.

Commissioner Calliham made a motion that the City accept East 21st Street Terrace from the Developer and that the City proceed to issue bonds for the total of the project. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Contract with A. C. Kirkwood Assoc. to Update a Study to Remote Control Diesel Units and Switchgear

The City Governing Body gave consideration to a contract with A. C. Kirkwood Assoc., to update a study for the remote control of diesel units and switchgear at the power plant. It was explained that the City of Ottawa had diesel units and generating units in different locations at the power plant and labor could be better utilized if the controls of all units were centralized, thus reducing the need for some manpower.

Commissioner Heathman made a motion that the City Manager be authorized to sign a contract with A. C. Kirkwood and Associates to update a study to remote control diesel units and switch gear at the power plant. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Consider recommendation of Review Committee regarding Tax Exemption Request of Laich Industries Corp.

It was reported that the review committee has recommended that the City Governing Body give further consideration to the tax exemption request of the Laich Industries Corp.

Commissioner Calliham made a motion that the recommendations of the review committee be approved and that the Governing Body proceed to give consideration to the tax exemption request of Laich Industries Corp. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Set Date for Public Hearing on Tax Exemption Request of Laich Industries Corporation

Commissioner Lantis made a motion that the Governing Body hold a public hearing on the tax exemption of the Laich Industries Corp. on February 21, 1990 at 9:35 AM. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Consider Request of Chamber of Commerce Retail Committee

The Chamber of Commerce Retail Committee had requested permission of the City Governing Body to hold a sidewalk promotion on

Saturday, February 17, 1990, from 9 AM to 5 PM.

Commissioner Gillette made a motion that the Chamber of Commerce Retail Committee be permitted to hold a sidewalk on Saturday, February 17, 1990 from 9 AM to 5 PM on the central business district sidewalk. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Review Schedule of Investments

Commissioner Heathman made a motion that the Schedule of Investments existing as of January 31, 1990, indicating a total of \$5,700,000 invested at an average annual interest rate of 7.84 percent, be approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Report of Planning Commission

The City Planning Commission met in regular session on Tuesday, February 6, 1990 at 7:00 PM, City Hall. Present: Members Hendrix, Todd, Carey, Reynolds and Chairman Ellena. Absent: Members Reusch and Woolman.

The minutes of the last meeting held January 2, 1990 were approved as written by a 5-0 vote.

There being no further business, the meeting was adjourned.

Governing Body Agenda

Commissioner Heathman stated that in as much as a Code of Ethics for the City Commission is being discussed, he would accept a Code of Ethics provided it set forth that all City Commissioners would get information from the City Manager at the same time. A response was, this is not an item to be considered into a Code of Ethics.

Commissioner Gillette called attention to the new street signs which are appearing over town, stating he thought they were very attractive and would be very helpful to people trying to find various locations within the City.

Mayor Fogle called attention to the fact that Boy Scout Troop No. 74 is in the audience. Mr. Bob Green, leader of the troop, stated the Boy Scouts were attending to obtain their, citizenship within the community, Merit Badge.

Business From Guests

Mrs. Ann Baber appeared before the City Commission and presented the City Commission with a group of petitions. Number 1, requesting the split of the Department of Public Safety into separate Fire and Police Department. Number 2, reinstatement of

the employment of Tony DeLaTorre. Number 3, reinstatement of the employment to Bill Wright. Number 4, reinstatement of employment to Warren McGill. Mrs. Baber stated they had collected over 2600 signatures and more could be collected.

Mr. Art Seyler, 1012 N. Cedar, appeared before the City Commission addressing the controversy of the Department of Public Safety, stating that he felt the Department of Public Safety should be split into a separate Fire & Police Dept. and that they could operate on less cars and have better response to emergency situations. Mr. Seyler also stated that the City had already lost \$40,000 on the purchase and sale of the North American Hotel, and he objected to a repurchase of the hotel for any purpose.

Mr. Harlan McFadden stated he lived on the North side of Ottawa and that under the present situation at the Department of Public Safety there is no incentive for promotion. Mr. McFadden felt that the Department of Public Safety should be split into separate Police and Fire Departments, and that the heads of those departments should be hired from within the City.

Mr. Matt Whiteford appeared objecting to the dismissal of three persons from the Department of Public Safety, stating that the combined service of the three being 43 years constituted a large investment in training by the City of Ottawa. Mr. Whiteford also referred to the PERF Report on the Department of Public Safety, which commended the Detective Division for their record keeping. Mr. Whiteford cited Ordinance No. 2530, which established the Department of Public Safety, quoting from that ordinance that the Director of Public Safety should have training in both police and Fire and that Mr. Herrman by his own admission has only training in police functions.

Mr. Rick Houdashelt objected to the dismissal of the three individuals from the Department of Public Safety, saying that he had known Tony DeLaTorre for 10 years and considered him to be a fine person and police officer. Mr. Houdashelt further objected to the dismissal of all three persons from the Department of Public Safety.

Mrs. Bev O'Conner stated she had lived in Ottawa for 20 years, raised three Children and that Mr. DeLaTorre had assisted her children many times over the years, and further that she had a grown daughter working at an all night convenience store and with Mr. Bill Wright and other patrolman on duty she felt safe for the daughter both at the convenience store and in transit to and from work.

Mrs. Isabelle Hernandez appeared objecting to the termination of three Department of Public Safety Employees stating, she knew the employees that had been dismissed and considered them to be fine individuals and at present she did not know the director Mr. Herrman.

Ms. Cheryl Gremminger appeared stating that she is presently in college and plans to return to Ottawa, but she thinks it is time for the City Governing Body to settle the disputes surrounding the Department of Public Safety.

Mrs. Shirley Coffman stated she thought the City should dismiss Director Herrman and hire some one from the City for the Director's position.

Sue McFadden objected to the termination of the three individuals from the Department of Public Safety.

Mr. Willie Rodgers spoke in favor of splitting the Department of Public Safety into a separate police and fire function.

Mrs. Kelli Beets appeared before the City Commission and stated the Department of Public Safety had operated for a number of years and that there had been no problems until five years ago. Mrs. Beets stated she felt that if the department was left alone the situation would straighten out.

Commissioner Lantis stated, he felt the people before the City Commission tonight are mixing two issues, that of splitting the Department of Public Safety and that of the termination of three individuals from the Department of Public Safety. Commissioner Lantis stated as he had before that he would vote for the split of the Department of Public Safety providing certain conditions were met prior to the vote, one of the conditions the "Code of Ethics" for the City Commission. Commissioner Lantis also stated that if the three individuals that had been terminated would sign a waiver, then the City could begin to tell its side of the termination.

Commissioner Gillette stated the grievance procedure for the three individuals who had been terminated had been started and further proceedings could affect the result of the grievance procedure.

John Riddle upon having questions answered by the City Attorney pertaining to his appearance before the City Commission did appear before the City Commission, stated that he had been assured of immunity both from a Commissioner and a City Manager in the past concerning information he had given and as a result he had been threatened.

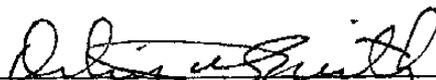
Rhonde Davis appeared before the City Commission, stating that in reference to an article which appeared in the Ottawa Herald, that if Mr. Wright had a key to a certain drawer he should be allowed to open the drawer, she then questioned the content of the drawer.

Mr. Matt Whiteford appeared again before the City Commission stating that the City had paid out \$100,000 on the Fisher Case,

\$60,000 on the Dennis Sams Case and questioned how much more the tax payers of the City of Ottawa were going to pay.

Adjournment

There being no further business to come before the City Commission 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

Note of City Clerk

In reference to the petition submitted by Mrs. Ann Baber, the City Clerk submits the following: The petition to reinstate Mr. Bill Wright contains 689 signatures, the petition to reinstate Mr. DeLaTorre contains 655 signatures, the petition to reinstate Mr. McGill contains 617 signatures and the petition to split the Department of Public Safety into a separate Fire and Police Dept. contains 617 signatures for a grand total of 2593 signatures. It was noted that there is a similarity of signatures on all four petitions. The figures quoted should allow for a small plus or minus factor for error.

City Hall Ottawa, Kansas - February 21 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners, Heathman, Gillette and Lantis, absent Commissioner Calliham. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Henry Roberts of the, Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held February 7, 1990 were approved as written.

Request of the Auditorium Authority

The Auditorium Authority submitted a request to the City Commission to use monies from the Auditorium Reserve Fund to affect some repairs and improvements at the Municipal Auditorium. The total amount of the request was \$3,751.21. The City Clerk reported the current balance in the Auditorium Reserve Fund is \$27,761.73. It was the consensus of the City Commission that most of the items the Auditorium Authority is seeking permission to pay from the reserve fund were maintenance items and not items which could be considered capitol improvement or large maintenance and repair items. Permission for the authority to expend monies from the reserve fund was denied as a result of no action for authorization.

Public Hearing - Special Assessments East 21st Street Terrace

Mayor Fogle opened the hearing to consider objections to the Special Assessments for the improvement of East 21st Street Terrace. The City Clerk reported that the total cost of East 21st Street Terrace improvement was \$112,223.67, with the benefit district paying \$79,934.20 and the City at large paying \$32,289.47. The special assessment district consisted of property owned by Country Mart, with an assessment of \$70,888.53 and Long John Silvers with a special assessment of \$9,045.67. The notice of Public Hearing was published on Feb. 9, 1990 and notices of Special Assessments were mailed to owners of property within the benefit district on the same date. As there were no further comments concerning the special assessments, Mayor Fogle declared the hearing closed.

Ordinance No. 2935-90 Levying Special Assessments

Commissioner Lantis made a motion that an Ordinance levying assessments on Lots, pieces and parcels of land in the City of Ottawa, Kansas for the purpose of paying a portion of the cost for improvements consisting of the construction of East 21st Street Terrace, from the east line of the existing pavement of Princeton

Circle Drive to the west existing pavement line of Princeton Street and further providing for the payment of said assessments and for the certification of unpaid assessments to the County Clerk of Franklin County, Kansas, be passed, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Public Hearing on Request for Tax Exemption

Mayor Fogle opened a Public Hearing to consider a request by Laich Industries Corp. for a tax exemption under economic development legislation. Being as this matter had been discussed at length at prior meetings by the City Governing Body and there was no comment from those in attendance at the meeting, the hearing was closed.

Resolution - No. 501-90 Declaring a Need and Necessity for a Property Tax Exemption

Commissioner Gillette made a motion that a resolution declaring a need and necessity to exempt from advalorem taxation all tangible personal property of certain property located in the City of Ottawa Franklin County, Kansas and allowing a payment in lieu of tax be passed. The motion was seconded by Commissioner Lantis. The personal property which is addressed by this resolution is owned by Laich Industries Corp. Upon call for the question all present voted in favor of the motion.

Ordinance No. 2936-90 Exempting Property from Advalorem Taxation

Commissioner Heathman made a motion that an ordinance exempting from Advalorem Taxation all of the appraised valuation of all tangible personal property of certain property located in the City of Ottawa, Franklin County, Kansas and allowing a payment in lieu of tax be passed, the motion was seconded by Commissioner Gillette. The property which this ordinance addresses is owned by Laich Industries Corporation. Upon call for the question all present voted in favor of the motion.

Request for use of City Park

The Governing Body proceeded to consider a request of the Ottawa Community Youth Council to use City Park on May 25, 1990. It was discussed that their might be a noise level problem, however it was decided that those details should be worked out by the City Manager.

Commissioner Lantis made a motion that the Ottawa Community Youth Council be permitted to use City Park on May 25, 1990, with the final details to be worked out by the City Manager. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman directed to the City Attorney that he wanted the office of the City Attorney to prepare itemized statements for the City each month, setting forth to whom he had talked to and the purpose of the conversations. The City Clerk however answered that the statements the City now received from the City Attorney have been revised from a prior format and are itemized. Commissioner Heathman then requested that he be given copies of the monthly statement from the office of the City Attorney.

Business from Guest's

Mr. Tony DeLaTorre appeared before the City Commission stating that he had secured a waiver from his attorney by which he could give the City Commission information concerning his dismissal from the Department of Public Safety. Mr. DeLaTorre gave a packet to Mayor Fogle and a letter to John Cole, Assistant City Attorney. Mr. DeLaTorre then stated that he would like to clarify the date of his termination, stating that in a study session as late as yesterday the date of termination was not clear. However Mr. DeLaTorre stated that he had a letter from Director Hermann stating that his termination would be January 31, 1990. Mr. DeLaTorre also said that there seemed to be some confusion as to the content of the handbook for elected city officials concerning the termination employees. He said he had researched the handbook last night and he presented the Governing Body with copies of the section from the handbook which dealt with employee terminations. In closing Mr. DeLaTorre stated that he did not receive a hearing prior to January 31, 1990, the date of his termination as set forth in the letter from Director Herrman.

Commissioner Lantis then said if there is no set agenda for the next study session which would be Feb. 26, 1990, that he would like to set that session aside to discuss the proposed split of the Department of Public Safety into separate Fire and Police Departments.

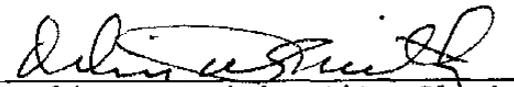
Mayor Fogle then addressed the City Manager stating that he would like an honest cost figure for the split if the Department of Public Safety were split into separate departments. Mayor Fogle said that he felt the issue had become political and that it should not be. Such items stated by Mr. Fogle in the cost for the split were the cost of a new fire truck and the cost of quarters for lady fire fighters. Mayor Fogle said he thought that this cost would be necessary regardless of whether the DPS was split into separate departments or not. The City Manager replied that these cost figures become political as there are factions that might not want to believe his figures in that the cost of the split might be indicated to be too expensive.

Mr. Bill Wright appeared before the City Commission to clarify his date of termination. Mr. Wright stated that on January 19, 1990

he received a letter from the Director of Public Safety, stating that his employment would be terminated on February 3, 1990 and the same information was included in a news release which was printed by the Ottawa Herald.

Adjournment

There being no further business to come before the City Commission 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 7, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Pro tem Gillette and Commissioners Calliham, Heathman, and Lantis, absent Mayor Fogle. Mayor Pro tem Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Calliham.

Approval of Minutes

The minutes of the last regular meeting which was held February 21, 1990 were approved as written.

Resolution No. 502-90 - Intent to Issue Industrial Revenue Bonds

The City Governing Body proceeded to consider a Resolution of Intent to issue Industrial Revenue Bonds in the amount of \$1,660,000 to redeem and refund certain Industrial Revenue Bonds for the Ottawa Retirement Village, Inc.

Commissioner Heathman made a motion that a resolution determining the intent of the City of Ottawa, Kansas to issue its Industrial Revenue Refunding Bonds in the amount of approximately \$1,660,000, to redeem and refund certain outstanding Industrial Revenue Refund Bonds of the City, which were originally issued for Ottawa Retirement Village Inc. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Request to use Hickory Street between 3rd & 4th Streets

Radio Station KOFO presented a request to the City Governing Body to use a part of Hickory Street between 3rd & 4th Streets, April 6 and 7, 1990. The reason for the request is that the local Civic Clubs may use that portion of Hickory Street to sell items for their money making projects during an event at the Auditorium sponsored by Radio Station KOFO. The area of Hickory Street which will be utilized by the Radio Station will have RV's and other spring merchandise displays.

Commissioner Calliham made a motion that Radio Station KOFO be permitted to use a portion of Hickory Street in front of the Municipal Auditorium, April 6 and 7, 1990, for concessions and for the display of spring merchandise. The motion was seconded by Commissioner Heathman. It was reported at this time, the Department of Public Safety had been contacted relative to the request and had given its approval. Upon call for the question all present voted in favor of the motion.

Resolution No. 503-90 - Honoring Public Safety Officer, Bruce A. Hanson

A resolution honoring Bruce A. Hanson, Public Safety Officer, for heroic action while in the line of duty was read by Mayor Pro tem Gillette. Anna Marie Hanson, wife of Public Safety Officer Bruce A. Hanson, was present to accept the resolution for her husband. Mrs. Hanson expressed her appreciation to the citizens of the City of Ottawa, for their prayers and help, during Officer Hanson's recovery from the gun shot wounds.

Resolution No. 504-90 - Appreciation for the Assistance Given to Officer Bruce A. Hanson by Individuals and Organizations of the Community

Mayor Pro tem Gillette read a resolution of appreciation for those who assisted Officer Bruce A. Hanson, February 26, 1990, immediately following the shoot out in which he was involved with a bank robber. Those present to receive signed originals of the resolution, were David Hood, David Sellens, Larry Wilson, Mark d'Augereau and Craig Davis, Kelly Shambaugh was not present for the presentation as she was on duty as dispatcher for the Central Dispatch system.

Request of Ottawa Jaycees

The Ottawa Jaycees requested permission to use Forest Park, April 7, 1990, for the purpose of holding the St. Jude's Bike-a-thon. The request further stated that if weather conditions were not favorable on April 7, 1990, they would like to have the park on April 14, 1990 for an alternative date.

Commissioner Lantis made a motion that the Ottawa Jaycees be granted permission to use Forest Park April 7, 1990 for the purpose of holding the St. Jude's Bike-a-thon and that if the weather conditions were not favorable on that date, they be permitted to use April 14, 1990 as the alternative date. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review of Investment Schedule

The Schedule of Investments existing as of February 28, 1990 indicated a total of \$5,700,000.00 invested at an average annual interest rate of 7.87 percent.

Commissioner Heathman made a motion that the schedule of investments existing as of February 28, 1990 as presented be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of the Planning Commission Meeting

A report of the Planning Commission Meeting, of March 6, 1990 was presented to the City Commission as follows:

The City Planning Commission met in regular session on Tuesday, March 6, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Carey, Woolman, Reynolds and Chairman Ellena.

The minutes of the last meeting held February 6, 1990 were approved as written by a 7-0 vote.

The Planning Commission approved to recommend the re-zoning of Alexander Addition from (C-2) general commercial, (R) single family, (R-2) multifamily and place within (R-S) residential suburban. This was approved by a 7-0 vote.

The Planning Commission approved by a 7-0 vote to recommend an overlay zone be established from 7th Street to 9th Street between Mulberry Street and Cherry Street.

The Planning Commission approved by a 7-0 vote to recommend an overlay zone be established from 7th Street to 9th Street between Walnut Street and the alley East of Tremont Street.

The Planning Commission called a public hearing for the 1990 update to the Capital Improvement Program, this hearing will be held at the April Meeting.

There being no further business, the meeting was adjourned.

Commissioner Lantis made a motion that the report of the Planning Commission meeting of March 6, 1990, be accepted and approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

City Manager's Agenda

The City Manager requested an executive session for ten (10) minutes to discuss personnel matters, following the conclusion of the public agenda.

Public Agenda

Ms. Bev. O'Connor appeared before the Commission and posed a series of 13 questions concerning the organization and the operation of the Department of Public Safety. Ms. O'Connor stated that she did not expect the questions to be answered at this meeting, but she was hopeful that the questions could possibly be answered thru the news media. Along with the questions presented by Ms. O'Connor was a copy of an editorial from an Olathe paper dated July 11, 1989, addressing Public Safety Departments and a summary of law suits which the City had paid and/or settled the past few years, which totaled a total pay out by the City of \$506,105.50. The questions, the editorial and the itemization of the law suits will be attached to and become a part of the original copy of these minutes.

Mr. Jim Herlein appeared before the City Commission stating that he had been a citizen of Ottawa for five (5) years and questioned the operation of the Department of Public Safety. Mr. Herlein asked who monitors the streets during fire training and several other items? Mr. Herlein stated that he had been stationed on military bases where the police duties are handled by military personnel and fire fighting duties are handled by civilian personnel. Mr. Herlein's point was that if a combined fire and police operation will not work for the federal government, why does the City Commission feel that it will work for a City like Ottawa.

Mr. Richard Oglesby appeared before the City Commission stating he had worked for the City of Ottawa some eight years, he is tired of the great debate concerning the Department of Public Safety and he wanted answers to some questions. Mr. Oglesby then polled the City Commission, asking if the Department of Public Safety were split into police and fire units separately, how would the fire department work? Would it be staffed by full time people or would it be a combination of full time people and volunteers. Commissioner Heathman stated that he wanted full time people who can work as a team. Commissioner Lantis stated, he felt it would have to be a combination of full time people and volunteers. Mr. Gillette stated, he was in favor of the Department of Public Safety and was confident that it would work. Commissioner Calliham stated that he concurred with Commissioner Gillette and he was also tired of the Public Safety Officers being put down as they were termed to be not properly trained.

Mr. David Sellens appeared before the City Commission again polling the City Commissioners asking if they had ever been firemen or a police officer. Commissioner Gillette answered the question stating, the Commissioners were not policemen or firemen that they are City Commissioners.

Executive Session

Commissioner Calliham made a motion that the City Commission recess to executive session to discuss personnel matters for a period of ten minutes, the present time being 7:36 PM. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

7:45 PM, the City Commission reconvened and the meeting was adjourned

There being no further business to come before the City Commission 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 21, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Jerry Harnden of the First United Methodist Church.

Approval of Minutes

The minutes of the last regular meeting which was held March 7, 1989 were amended to reflect that when Mr. Sellens questioned the City Commission as to whether they had been Firemen, in addition to the response of Mayor Pro tem Gillette, that this body was City Commissioners and not Firemen, that Mr. Heathman has been a police officer. The balance of the minutes were approved as written.

Request of Ottawa University

Ottawa University submitted a request to the City Governing Body to hold a run, Saturday, May 19, 1990 at 8 AM. Commissioner Calliham made a motion that the request of Ottawa University be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Request of the Ottawa Jaycees

The Ottawa Jaycees submitted a request to the City Governing Body for permission to hold their annual Easter Egg Hunt, Saturday April 14, 1990, from 8 AM until 12 Noon. Commissioner Heathman made a motion that the request of the Ottawa Jaycees to use Forest Park be approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Ordinance No. 2937-90 - Rezoning Alexander Subdivision

An ordinance rezoning the Alexander Subdivision from R2 Multifamily, R Single Family and C2 General Commercial to RS Residential Suburban was considered. Commissioner Gillette made a motion that the Alexander Addition to the City of Ottawa, Kansas, bounded by 11th St. on the north, 15th St. on the south, Alexander St. on the east and Lincoln St. on the west, be re-zoned from C2 General Commercial, R Single Family and R2 Multifamily to RS Residential Suburban, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2938-90 - Establishing Overlay Zone

An Ordinance establishing a Prequalified Redevelopment Overlay Zone in the City of Ottawa, Kansas in compliance with Ordinance No. 2933-90 was considered by the City Governing Body.

Commissioner Lantis made a motion that an ordinance establishing a Prequalified Redevelopment Overlay Zone in the City Of Ottawa, Kansas, in accordance with Ordinance No. 2933-90. The overlay zone being bounded by 7th Street on the north, 9th St. on the south, Cherry St. on the east and Mulberry St. on the west be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance 2939-90 - Establishing Overlay Zone

An ordinance establishing a Prequalified Redevelopment Overlay Zone in the City of Ottawa, Kansas, in accordance with Ordinance No. 2933-90 was considered by the City Governing Body. Commissioner Gillette made a motion that an overlay zone establishing a Prequalified Redevelopment Overlay Zone in the City of Ottawa, Kansas in accordance with Ordinance No. 2933-90. The overlay zone being bounded by 7th St. on the north, 9th St. on the south, Walnut St. on the east, and the alley east of Tremont St. on the west be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Gillette stated that the City Governing Body has been attempting to deal with the controversy at the Department of Public Safety ever since he had been elected to the Commission and for a few years before. Mr. Gillette said the DPS is occupying the time of the City Commission to the point that the City Commission cannot get on with the business of running the City as it should be. The controversy surrounding the Department of Public Safety is as to whether the Department of Public Safety should be split into separate Police Departments and Fire Departments or left as is operating as a Department of Public Safety. Commissioner Gillette stated he did not feel at this time that the City Commission could make a decision concerning the DPS controversy as it appears, that a vote in the matter would be 2 to 3 in either direction whether to split or to remain as is, because the group whose wishes were denied would be unhappy and it would continue to be a controversial matter. Commissioner Gillette then made the motion that the City Commission direct the City Manager to place in acceptable language on the ballot for the next General Election, November 6, 1990, in the form of a binding question, shall the City of Ottawa have a Department of Public Safety or shall the City of Ottawa have a separate Police and Fire Departments? In the event the question can only be advisory in nature then the Commission shall abide by the results of the vote and structure as soon as possible the product of the majority vote. The motion was seconded by Commissioner Calliham.

Mayor Fogle then stated he did not object to having a vote on the matter but he felt that placing the issue on the ballot in November would not be soon enough to settle the issue. Commissioner Fogle then stated he had considered a poll of the

citizens of Ottawa either by an organization hired to do so, a poll by post card to the residence within the City, or an advisory election put on by the City.

Commissioner Calliham stated he was in favor of Commissioner Gillette's proposal and motion except that he would like the election sooner than November and suggested the Primary Election in August of this year.

Commissioner Lantis stated he was not necessary in favor of any type of election to decide the issue on the Department of Public Safety, that he felt in doing so the City Governing Body would be shirking their responsibilities. Mr. Lantis further stated however, for the City Commission to attempt to resolve the issue which would result in a 3 - 2 vote one way or the other would not quell the controversy.

Commissioner Heathman went on record as stating, he did not feel the City Commission should call for a vote on the issue whether it be binding or advisory, he felt it was the responsibility of the City Commission to settle the issue as that was what they were elected for. Upon call for the question Commissioners Calliham and Gillette voted in favor of the motion, Mayor Fogle and Commissioners Heathman and Lantis voted opposing the motion.

Commissioner Gillette made a motion that the City Commission direct the City Manager to prepare a ballot as soon as practical to be mailed out to all voters in the City of Ottawa, concerning the issue of the Department of Public Safety, as to whether it should be split or left intact and that the City Commission abide by the results of that election. The motion was seconded by Commissioner Lantis.

Mayor Fogle then made a motion to amend Commissioner Gillette's motion, that the language on the ballot be decided upon by the City Commission, Mayor Fogle's amendment was seconded by Commissioner Gillette.

Commissioner Lantis then offered an amendment to the motion that the City Manager get information as quickly as possible as to whether the election can be made a Binding Election and that the Governing Body proceed in the mean time as if the election would be binding. Commissioner Lantis amendment was seconded by Commissioner Calliham. The question then did arise as to whether the City Commission can make an Advisory Election binding upon the City Commission, the question is to be researched by the City Manager and the City Attorney. The question also arose as to whether this type of election can be made a binding election as to opposed to advisory. That question is also to be researched by the City Manager and City Attorney. Upon call for the question upon Commissioner Lantis amendment to the motion, Mayor Fogle and Commissioners Lantis, Gillette and Calliham voted in favor of the motion, Commissioner Heathman voted opposing the motion. Upon

call for the question upon Commissioner Fogle's amendment to the motion, Mayor Fogle and Commissioners Gillette, Lantis & Calliham voted in favor of the motion, Commissioner Heathman voted opposing the motion. Upon call for the question for the original motion as amended, Mayor Fogle and Commissioners Calliham, Gillette and Lantis voted in favor of the motion and Commissioner Heathman voted opposing the motion. The motion as amended was declared to have carried.

Mayor Fogle then called upon the citizens of Ottawa to cooperate with the 1990 Census which is now beginning, that it is very important to the City of Ottawa to have everyone counted.

Mrs. Helen Hood appeared before the City Commission and stated that she was very unhappy that the City Commission was referring the issue of the Department of Public Safety to the voters as she felt that it was an issue that should be handled by the City Commission.

Mr. Larry Fisher appeared before the City Commission, objecting to sending ballots to registered voters within the City, stating that all persons have an interest in the Department of Public Safety controversy not just the registered voters. Commissioner Lantis responded to Mr. Fischer, by stating that it was the registered voters that put the present Commission in office and that they should be the ones that would vote on the Public Safety issue further stating that anyone residing in the City may become a registered voter by filling out the papers necessary to vote. Commissioner Lantis further stated he realized he was representing the total population of the City but he felt everyone should be interested enough in the issue to register to vote.

Mrs. Janice Swallow appeared before the City Commission stating, she was disappointed that the City Commission did not act upon the Department of Public Safety Issue, she felt it was the responsibility of the City Commission to take action in the matter.

David Sellens appeared before the City Commission stating, he did not think it took a vote of the people to combine the City of Ottawa Police Department and Fire Department to a Department of Public Safety a number of years ago and he did not understand why the City Commission would desire an election at this time to split the Departments if that is deemed the proper thing to do.

Mrs. Judy Ransom appeared before the City Commission commending the City Commission in taking the first step to settle the Department of Public Safety Issue. Mrs. Ransom further recommended the City use a question and answer column concerning the Department of Public Safety similar to that which is presently being used by the School Board in their bond election.

Mr. Dick Jackson appeared before the City Commission representing

the Black Awareness Committee in the City, stating that during the month of February which is Black History Month, the Black Awareness Committee had a goal of raising \$1,000.00 for their scholarship program and that they also wish to contribute money to the new street signs being erected in the City of Ottawa. Mr. Jackson then presented Mayor Fogle with a check for \$200.00 from the Black Awareness Committee to pay a portion of the cost of the new street signs.

Adjournment

There being no further business to come before the City Commission 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 4, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Approval of Minutes

The minutes of the last regular meeting which was held March 21, 1990 were approved as written.

Presentation of Plaque to Bruce A. Hanson

Mayor Fogle presented a plaque to Officer Bruce A. Hanson, of the Department of Public Safety. The plaque was commemorating Bruce Hanson's actions on the encounter with a bank robber in February of this year. In the course of the encounter Officer Hanson was seriously wounded and the bank robber was killed. Officer Hanson gave his thanks to the City of Ottawa and to all the persons who assisted him that day. Officer Hanson then received a standing ovation.

Proclamation - Earth Week

Mayor Fogle read a proclamation designating the week of April 15 thru April 22, 1990 as Earth Week. Commissioner Heathman made a motion the proclamation be approved, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Swimming Pool Lease Agreement

Commissioner Gillette made a motion that the Mayor and City Manager be authorized to sign a Swimming Pool Lease Agreement with the Ottawa Recreation Commission for 1990, stating that the terms of the agreement are the same as they were in 1989. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Baseball and Softball Lease Agreements

Commissioner Lantis made a motion that the Mayor and City Manager be authorized to sign a Baseball and Softball Facility Lease Agreement with the Ottawa Recreation Commission for 1990, the terms of the agreement being the same as in 1989. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2940-90 - Repealing Certain Sections of the Ottawa Municipal Code Dealing with Contractors and Examinations

Commissioner Gillette made a motion that an ordinance repealing

certain sections of the Ottawa Municipal Code dealing with contractors and examinations specifically, Section 6-401, of the Municipal Code be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2941-90 - Uniform Plumbing Code of 1985

Commissioner Calliham made a motion that an ordinance incorporating by reference, The Uniform Plumbing Code 1985 Edition, and making revisions, deletions, substitutions and additional provisions be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Resolution No. 505 - 90 - Setting Fees for the Administration of the Uniform Plumbing Code

Commissioner Gillette made a motion that a resolution setting fees to be charged for the Administration of the Uniform Plumbing Code be passed. The motion was seconded by Commissioner Heathman, upon call for the question all present voted in favor of the motion.

Ordinance No. 2942 - 90 - Procedure for Mail Advisory Referendums

Commissioner Lantis made a motion that an ordinance establishing a procedure whereby the City Commission submits to the Registered Voters of Ottawa, Kansas, questions of general public concern for Public Mail Advisory Referendums be passed. The motion was seconded by Commissioner Heathman. The purpose of the ordinance is to allow qualified electors of the City to vote as to whether they wish the Department of Public Safety split into separate departments of fire and police or to leave as is, as a combined department. Upon call for the question all present voted in favor of the motion.

Resolution No. 506-90 Setting Forth Form of Ballet

Commissioner Gillette made a motion that a resolution setting forth a question to present to the electors of the City of Ottawa, Kansas, in a non binding referendum, and setting the time of referendum therein be passed. The motion was seconded by Commissioner Lantis. The ballot to be submitted is on the question of the separation of the Department of Public Safety into separate police and fire departments. Upon call for the question all present voted in favor of the motion.

Appointment of Election Officer

Commissioner Calliham made a motion that Orlin W. Smith, City Clerk, be appointed Election Officer for the Advisory Election of the Department of Public Safety. Ordinance No.2042-90 sets forth that an election officer shall be appointed. The motion was seconded by Commissioner Gillette and all present voted in favor

of the motion.

Review of the Schedule of Existing Investments

Commissioner Lantis made a motion that the schedule of investments existing as of March 31, 1990, which indicates a total of \$5,700,000 invested at an average annual interest rate of 8.03% be passed, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Planning Commission Report

A report of the Planning Commission Meeting of April 3, 1990 is as follows:

The City Planning Commission met in regular session on Tuesday, April 3, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Carey, Woolman, and Reynolds, Absent: Chairman Ellena and Member Todd.

The minutes of the last meeting held March 6, 1990 were approved as written by a 5-0 vote.

The Planning Commission opened the public hearing for the 1990 update to the Capital Improvement Program, this public hearing was continued until the next meeting.

There being no further business, the meeting was adjourned.

Commissioner Heathman made a motion that the report of the Planning Commission of April 3, 1990, be accepted and entered into the official record. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Lantis expressed his concern in the attempt of Neosho County Community College, to construct and develop a school and training facility in the City of Ottawa. Neosho County Community College has expressed a need and desire to construct a permanent facility in Franklin County and the City of Ottawa, but the City's representative to the Kansas Legislature, Betty Sue Shumway, has introduced legislation into the legislature which would prohibit a Community College from owning property outside of their home county. Commissioner Lantis in his comments expressed the need and desire of the City of Ottawa to have Neosho County Community College locate in a permanent facility in the City of Ottawa. Commissioner Lantis stated that he was originally going to ask the City Commission to authorize a letter of intent to Neosho County Community College to provide them with either of (2) sites discussed by the City Commission, one of the sites being in the new industrial park and the other site being north of the present Utility Warehouse. Mr. Lantis stated however he thought it would

be a prudent move at this time, whereby Commissioner Lantis made a motion to authorize the City Manager to work with Dr. Van Allen of Neosho County Community College, in bringing forth an arrangement that would be in compliance with the legislative intent of Representative Shumway's amendment should it become law. The motion was seconded by Commissioner Heathman. The discussion which followed the motion and the second was concerning possible locations for the Community College to locate in the City of Ottawa. Upon call for the question all present voted in favor of the motion.

City Manager's Agenda

The City Manager stated he had received a request from the East Central Kansas Regional Prevention Center to hold a "Fun Run" on April 28, 1990, starting at 7:30 AM from Kanza Park.

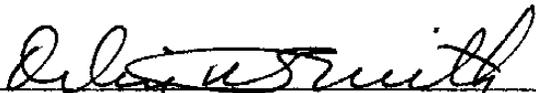
Commissioner Lantis made a motion that the East Central Kansas Regional Prevention Center be authorized to hold a "Fun Run" on April 28, 1990, starting at 7:30 AM from Kanza Park. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Public Agenda

Bev O'Conner appeared before the City Commission asking whether the questions she had submitted to the City Commission a month ago had as yet been answered. Ms. O'Conner was answered that the answers to the questions were given both to the City Commission and the news media, Monday, April 2, 1990. Ms. O'Conner then asked as to whether the answers to the questions were published in the Ottawa paper on April 3, and was answered by the City Manager, the news media has the answers to the questions and only the news media will determine as to whether they are published.

Adjournment

There being no further business to come before the City Commission 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 16, 1990

The City Governing Body met in special session at 3:00 PM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. The purpose of the Special Meeting is to receive bids for the sale of General Obligation Bonds in the amount of \$112,223.67, to pass an ordinance authorizing the issuance of General Obligation Bonds and to pass a resolution setting forth the form of the bond and authorizing delivery of the bonds. Mayor Fogle called the meeting to order at 3:00 PM and instructed the City Clerk to begin the reading of the bids for the General Obligation Bonds in the amount of \$112,223.67.

The bids are as follows: Anderson W. Chandler, Topeka Kansas, average annual interest rate 6.530755 percent, interest cost of \$48,218.88; Kansas State Bank, Ottawa Kansas, average annual interest rate 6.55 percent, interest cost of \$48,360.98; Bank IV of Wichita, Wichita, Kansas, average annual interest rate 6.6281 percent, interest cost of \$48,937.68; First Security of Kansas, Wichita, Kansas, average annual interest rate 6.643907, average annual interest cost of \$49,054.32; Zahner & Co., Kansas City, Missouri, average annual interest rate 6.7175, interest cost \$49,619.75, with a premium of \$22.00, with a net interest cost of \$49,597.75; United Missouri Bank of Kansas City, Kansas City, Missouri, average annual interest rate 6.748198 percent, interest cost of \$49,824.34.

The bid of Anderson W. Chandler, Topeka, Kansas, with an average interest rate of 6.530755, and interest cost of \$48,218.88, was determined to be the apparent low bid. Commissioner Gillette made a motion that the sale of the bonds be awarded to the lowest qualified bidder, which will be determined by checking the accuracy of the bid of Anderson W. Chandler. Should there be a problem with the accuracy of the bid, the sale would be awarded to the next lowest bidder.

Further that an ordinance authorizing the issuance and delivery of \$112,223.67. Principal amount of General Obligation Street Improvement Bonds, Series "A" 1990, of the City of Ottawa, Kansas, for the purpose of paying the cost of certain street improvements; and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion. Upon passage the ordinance became numerically numbered as Ordinance No. 2943-90.

Resolution No. 507-90 - General Obligation Bonds

Commissioner Lantis made a motion that a resolution prescribing the form and details of and authorizing the delivery of \$112,223.67 principal amount of General Obligation Street

Improvement Bonds, Series "A" 1990, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 2943-90 of the City; and making certain covenants with respect thereto, be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

The business for which this special 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 - April 18, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Earl Zimmerman, of the Faith Lutheran Church.

Approval of Minutes

The minutes of the last regular meeting which was held April 4, 1990 were approved as written.

Request for the Use of Forest Park

The City Governing Body proceeded to consider a request of the, Over the Road Gang, to use Forest Park on September 15 & 16, 1990, for their car show. Commissioner Gillette made a motion that the Over the Road Gang, be permitted to use Forest Park on September 15 & 16, 1990, for their car show, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ratification of Bylaws for the Kansas Municipal Energy Agency

Mayor Fogle reported that the Kansas Municipal Energy Agency has revised a portion of the bylaws in as much as it is sometimes difficult to have a quorum at one of the regular meetings and that the new bylaws should assist in this area. Commissioner Calliham made a motion that the City of Ottawa ratify the bylaws as adopted by the Kansas Municipal Energy Agency Board of Directors on March 28, 1990. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Recapture Agreement with Ottawa Transmission

The City Governing body proceeded to consider a Recapture Agreement with Ottawa Transmission. Ottawa Transmission received Economic Development funds in 1990 and have not achieved the employment levels as set forth in the original Economical Development Grant. As a result of not achieving the employment level as set forth in the Grant, Ottawa Transmission is to repay the City of Ottawa, the sum of \$8,000. The Recapture Agreement sets forth the method of repayment.

Commissioner Heathman made a motion to approve the Recapture Agreement with Ottawa Transmission whereby Ottawa Transmission is to repay the City of Ottawa, the sum of \$8,000.00 and to authorize the City Manager and the Mayor to sign the agreement. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Designation of the Official City Newspaper

Commissioner Gillette made a motion that the Ottawa Times be designated as the official City Newspaper for the coming year. The designation being effective May 1, 1990. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Final Statement by Mayor Fogle

Mayor Fogle addressed the City Commission and those present in the City Commission room concerning the past year during which time he has been the Mayor of the City of Ottawa. Mayor Fogle spoke to the acquisition of land for industrial park purposes, stating that had their not been a problem with interpretation of state law, the industrial park land acquisition might be completed at this time, but he is hopeful it can be completed within the next year. Speaking on other subjects the Mayor spoke of the sewer study which is presently in progress, the fact some hard fast decisions are going to have to be made concerning the sewer study and construction of additional sewers in the near future. Mayor Fogle also stated that the loosening of the Plumbing & Building Codes, additional areas being designated overlay zones and the sign and fencing regulations which have been revised in the past year, brings the City more in line with the regulations of other Cities. Speaking again to the sewer issue, Mayor Fogle stated in the last couple of years he has been made very aware that the City of Ottawa's growth is limited by the present sewer system and a way must be found to construct additional sewers in the near future and hopefully without a great increase in taxes. Mayor Fogle then thanked the City Commission, the City Staff and the Citizens of Ottawa for allowing him to serve as their Mayor for the past year.

Presentation of Plaque to the Outgoing Mayor

Mayor Pro tem Gillette then presented Mayor Fogle with a plaque commemorating his year of service as Mayor of the City of Ottawa.

Reorganization of the City Commission

Mayor Fogle called for nominations for Mayor of the City of Ottawa, he then placed in nomination the name of Charles E. Gillette. Commissioner Heathman made a motion that the nomination be closed, the motion was seconded by Commissioner Calliham. Upon call for the question, all present voted in favor of the motion, whereby the nominations were closed and Commissioner Gillette was elected to the position of Mayor.

Mayor Gillette then took the gavel and called for nominations for Mayor Pro tem. Commissioner Heathman placed the name of William C. Lantis in nomination for Mayor Pro tem. Commissioner Calliham seconded the motion asking that Mr. Lantis be elected Mayor Pro

tem by acclamation of the City Governing Body. Upon call for the question all present voted in favor of the motion.

Comments of Mayor Gillette

Mayor Gillette stated he accepted his election to the office of Mayor of the City of Ottawa with humility and pride but more so he accepts the responsibility that goes with the office. Mr. Gillette stated that his priorities have not changed dramatically since his election to the City Commission a year ago but in some cases have been redefined. The number one priority is still Economic Development in the acquirement of new industry and to assist in the improvement of existing industry within the City of Ottawa, stating that the effects of new people in the City of Ottawa in the area of economics is staggering. Mr. Gillette further stated the need for additional sewer systems to assist in Economic Development growth and that this must be dealt within the near future. Other areas Mr. Gillette spoke of is to complete the acquisition and the development of an industrial park, a squaring of the city boundaries, and to continue to combine the efforts of the City and the County for more efficiency and less duplication of equipment and effort. Mr. Gillette spoke to the regulation of transient merchants whereby they can be put more on an equal footing with existing merchants in the City who must rent or pay taxes on buildings as opposed to transient who will do business from a vacant lot.

Request for use of City Park

Barb Humm appeared before the City Commission requesting the use of City Park for the Annual Skunk Run Book Sale, along with other activities on June 3, 1990. Ms. Humm further asked that Main Street be closed from 5th St. to 7th St. as it has been in the past and suggested that traffic be routed to Cedar Street by way of 7th St. on the south and 4th St. on the north as opposed to using Hickory St., which has caused some congestion in the past. Ms. Humm's request was also for Ransom Memorial Hospital to hold their 2nd Annual "Skunk Run" Run on June 3, in conjunction with the Skunk Run Book Sale. Commissioner Lantis made a motion that the Skunk Run Steering Committee be permitted to use City Park on June 3, 1990 for the Annual Skunk Run Book Sale and other activities. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion. Commissioner Lantis's motion also included the closing of Main St., if authorized to do so by the State of Kansas and the routing of traffic as requested.

Commissioner Heathman made a motion that Ransom Memorial Hospital be permitted to hold their second annual "Skunk Run" Run on the streets of the City of Ottawa on June 3, 1990, in conjunction with the Skunk Run Book Sale. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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

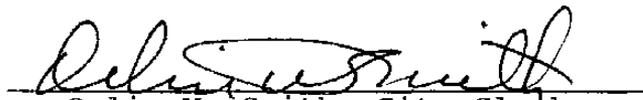
City Hall Ottawa, Kansas - April 23, 1990

The City Governing Body met in special session at 3:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. The purpose of the meeting was to consider a contract for the purchase of the North American Hotel Properties, Lots 33 & 35, Block 72 from B & B Investments Inc., and to consider a contract for the sale of the North American Hotel Properties, Lots 33 & 35, Block 72 to RPI Services Inc.

It was explained that B & B Investments Inc., had offered to sell the property to the City of Ottawa, for \$133,492, of which the City would pay \$66,746 and the balance of the transaction \$66,746 will be donated. In turn the City of Ottawa by contractual arrangement will give the property to RPI Services Inc. for development purposes. In addition to the purchase price the City is to pay real estate commissions in the amount of \$8,750. When RPI Services Inc., take ownership of the property, they are to issue the City an irrevocable letter of credit in the amount not less than \$75,496, which in the event RPI Inc., fails to complete their agreement the City may call the letter of credit. Each contract is contingent upon the other contract being approved and executed. Commissioner Fogle made a motion that the Mayor be authorized to sign a contract with B & B Investments Inc. for the purchase of Lots 33 & 35, Block 72, Original Town, according to the terms set forth in the contract. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Commissioner Lantis made a motion that the Mayor be authorized to sign a contract with RPI Services Inc., for the sale of the North American Hotel property, Lots 33 & 35, Block 72, Original Town, according to the terms set forth in the contract. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

The business for which the meeting had been call being 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 - May 2, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Greg Brown, of the Nazarene Church.

Approval of Minutes

The minutes of the regular meeting which was held April 18, 1990 and the special meetings which were held April 16, 1990 and April 23, 1990 were approved as written.

Proclamation - Kansas Extension Homemakers Week

A Proclamation proclaiming the week of May 7 -11, 1990 as Kansas Extension Homemakers Week was read by Mayor Gillette. Mrs. Gerry Abbott appeared before the City Commission siting the various projects which are accomplished by the Kansas Extension Homemakers in the Ottawa area. Mayor Gillette then signed the proclamation and presented it to Mrs. Abbott.

Resolution - Sale of Property

A Resolution which had been prepared to sell a piece of City owned property to the Ottawa Co-op was tabled at this time. It was determined after an agreement was made to sell the property to the Ottawa Cooperative Assoc. that according to Kansas Statutes bids must be taken for the sale of the property. The City Attorney stated he had prepared the necessary advertisement to appear in the local paper, and the City should be in a position to sell the property to the highest bidder by May 7, 1989. The City Attorney then suggested at the completion of this meeting that the meeting be recessed until 3:00 PM May 7, 1990.

Commissioner Fogle made a motion that action on the resolution authorizing the sale of the property be tabled, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Mayoral Appointments to Boards and Commissions

Mayor Gillette proceeded to announce his appointments to the Boards and Commission of the City. Library Board, Wayne Duderstadt and Bob Reusch for a term expiring in 1994. Planning Commission, Jay Todd, reappointed for a three (3) term, Al Zabloudil, for a term expiring in 1993. Auditorium Authority, Mark Morrisey and Dale Fox, reappointed to a term expiring in 1993. Board of Zoning Appeals, Jeff Peabody to a term expiring in

1993. Uniform Plumbing Code Board of Appeals, Charles Adamson, appointed for a term expiring in 1991. National Electric Code Board of Appeals, Mike Haggard, for a term expiring in 1991. Building Code Board of Appeals, Forrest Wayne Ledom, to a term expiring in 1991. Band Committee, Darrell McCune & Terry Schoenfeldt, to terms expiring in 1991, Carl Lammers, George Kramer and Stan DeFries reappointed to terms expiring in 1991. United Way of Franklin County, Randy Wetmore to a term expiring in 1992. KMEA Board of Directors, Charles Gillette as a member of the Governing Body, and Jack Davis at large, were appointed to terms expiring in 1991. Community Corrections Advisory Board, Cal Lantis, reappointed to a term expiring in 1992.

Commissioner Heathman made a motion that the Mayoral appointments be approved, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Approval of Investment Schedule

Commissioner Heathman made a motion the schedule of investments existing as of April 30, 1990, indicating a total of \$5,700,000 invested at an average annual interest rate of 8.099% be approved, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Report of Planning Commission

A report of the Planning Commission Meeting of May 1, 1990 is as follows:

The City Planning Commission met in regular session on Tuesday, May 1, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Todd, Carey, Reynolds. Absent: Members Hendrix, Woolman, and Chairman Ellena.

The minutes of the last meeting held April 3, 1990 were approved as written by a 4-0 vote.

The Planning Commission held a Public hearing for the 1990 update to the Capital Improvement Program, this hearing was continued until the June meeting.

There being no further business, the meeting was adjourned.

Mr. Lantis made a motion that the report of the Planning Commission Meeting of May 1, 1990 be approved and entered into the official City record, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman asked the City Attorney if there were any developments in the case of Riddle versus the City of Ottawa, which could be reported at this time. The City Attorney answered Mr. Heathman that there was nothing at this time to be reported, in that he had heard nothing from Mr. Riddle's Attorney, or from our insurance co. Commissioner Heathman then requested the City Commission be kept abreast of any development.

Public Agenda

Mr. Herbert Brooks, 518 North Mulberry appeared before the City Commission, questioning the "No Parking" signs which appear on the 500 Block of North Mulberry, stating the signs had "No Parking" with arrows pointing each way and he was wondering if the arrows meant each side of the street or just what the signs did mean. It was explained to Mr. Brooks, the arrows on the signs did not refer to parking on the opposite side of the street but they indicated there was no parking on the side of the street on which the signs are posted.

Bo Killough, Bob Wiedner, Loren Gaddis and Dick Preller appeared before the City Commission, questioning the publication of the Sewer Study which is presently being done by the City of Ottawa to serve the East K-68 corridor, the main question being was their property going to be annexed. They were answered there are no immediate plans to annex the property on the East K-68 corridor and the City does not have the authority to unilaterally annex that property, further if the property owners wish their property brought into the City they would have to request such in writing. It was further explained that if sewer lines are constructed to serve the East K-68 Corridor that in all probability the main sewer would not follow the path of East K-68 but would be constructed south of East K-68, whereby smaller lines could be ran to the south side of East K-68 as necessary. The gentlemen were assured however the City has no plans at this time to annex their properties.

Further questions were posed concerning the study which is currently being conducted for a Municipal Golf Course, they were concerned that the Municipal Golf Course might effect their properties and they were not ready to give their properties to the City of Ottawa. It was explained to the gentlemen that if a Municipal Golf Course were constructed in the area, hopefully it would be done by a private developer and if their properties were necessary for the golf course, they would have to be purchased through negotiations with the owners.

Commissioner Lantis then spoke to the persons in attendance concerning Economic Development in the City of Ottawa, emphasizing the fact that the negative attitudes of many persons within the trade area have definitely been a detriment to community

development and will continue to be so unless the negative attitudes are changed. Commissioner Lantis then gave some statistical data concerning the overall development within the City.

Meeting Recessed

Mayor Gillette recessed the meeting until 3:00 PM, May 7, 1990, at which time the City Commission will consider bids for the sale of real estate at Keokuk & Main and conduct such business that may come before the City Commission at that time.

May 7, 1990

Mayor Gillette called the meeting to order at 3:00 PM and announced that no further bids would be received for the sale of real estate at Keokuk & Main. Mayor Gillette then directed the City Clerk to read the bids received for the sale of this property. The City Clerk reported that only one bid was received. The bid received was from Ottawa Cooperative Assoc., which bid \$2,500.00 for the property to be sold.

Commissioner Heathman made a motion that the bid of Ottawa Cooperative Assoc. in the amount of \$2,500.00 be accepted, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 508-90 - Authorize the Sale of Real Estate

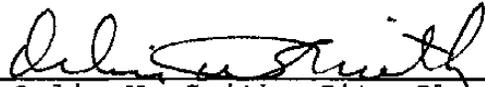
Commissioner Fogle made a motion that a Resolution authorizing the Mayor to sign a deed transferring certain property in the City of Ottawa, Franklin County, Kansas, to the Ottawa Cooperative Assoc. on the basis of their bid of \$2,500.00 be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Request of Hawthorn Elementary School Parent Teacher Assoc.

The City Governing Body received a request from the Hawthorn Elementary School Parent Teacher Assoc. to close Poplar street from 5th Street to 6th Street, May 10, 1990, from 12 Noon to 3 PM for the purpose of conducting an all school track meet. Ms. Barbara Brown was present to make the request. It was further determined that in case of rain on May 10, 1990 it was desired that Tuesday, May 15, 1990 be designated as an alternate date. Commissioner Lantis made a motion that Poplar St. from 5th Street to 6th Street be closed on Thursday May 10, 1990, from 12 Noon until 3 PM for the purpose of conducting a school track meet and that May 15, 1990 be used as an alternate date in case of rain. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the meeting with the exception of that portion of the meeting held on May 7, 1990 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 16, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Fogel, Heathman and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Mr. Richard Jackson.

Approval of Minutes

The minutes of the last regular meeting which was held May 2, 1990 were approved as written.

Presentation of Plaque to Walter Rupp

Mayor Gillette presented a plaque to Walter Rupp upon his retirement from the City, commemorating his service with the City of Ottawa.

Proclamation - Special Olympics Torch Run

A Proclamation proclaiming the week of May 30, 1990 as Special Olympics Torch Run Week, was read by Mayor Gillette, Captain Charles Bowling of the Department of Public Safety and Connie Sams, Municipal Court Clerk, were present for the reading and the signing of the proclamation. Within the Ottawa area the Ottawa Department of Public Safety and other Law Enforcement Agencies participate in the Special Olympics Torch Run.

Request of the Chamber of Commerce Retail Committee

The Chamber of Commerce Retail Committee submitted a request to the City Governing Body to have a sidewalk sale on July 14, 1990. The request also included the closing of Main Street from 1st Street to 5th Street and the closing of 4th Street from Main to Hickory, for a Street Dance on that evening. The hours of closing Main Street were from 7 AM to 5 PM with the street dance to be held the evening of July 14, 1990.

Commissioner Lantis made a motion that the request of the Chamber of Commerce Retail Committee to hold their Sidewalk Sale and to close Main Street, from 1st to 5th and to close 4th Street from Main to Hickory be granted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2944-90 - Industrial Revenue Refunding Bonds

The City Governing Body proceeded to consider an ordinance authorizing the issuance of \$1,660,000.00 in Industrial Revenue Bonds for the refunding of a current issue of Industrial Revenue

Bonds for the Ottawa Retirement Village. Ms. Dorothea Riley, Bond Attorney, for the City of Ottawa was present and explained that the purpose for the refunding is that Ottawa Retirement Village can now receive a much lower interest rate than what was available at the time the bonds were sold. The term of the bonds will not be increased, and the City will be under no financial obligation as a result of refunding the Bonds.

Commissioner Calliham made a motion that an ordinance authorizing the City of Ottawa Kansas to issue its Industrial Revenue Refunding Bonds, Series 1990, Ottawa Retirement Village Inc. Project, in the principal amount of \$1,660,000.00, for the purpose of refunding and redeeming the City's Industrial Revenue Bonds, Series A 1983, be passed. The ordinance also authorizes the execution of other documents necessary to complete the issue of the bonds. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance Dealing with Itinerant Merchants

The agenda for this meeting sets forth that the City Governing Body was to consider an Itinerant Merchants Ordinance at this time, however due to need for clarification of certain language within the ordinance dealing with the sale of farm produce, it was deemed not advisable to pass the ordinance at this time.

Commissioner Heathman made a motion that the Itinerant Merchants Ordinance be tabled until the next regular meeting of the City Governing Body. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Change Order No. 1 - Municipal Airport Project

The City Manager introduced Change Order No. 1, pertaining to Airport Improvements, AIP Project No. 3-20-0066-02. The change order increases the cost of the project in the amount of \$2,221.11 and is for the removal of an old abandon fuel tank which was not discovered until the improvement had been started. It is hoped that part of the cost of the removal of the tank can be born by the FAA but it will be dependent on the total project cost.

Mr. Heathman made a motion that Change Order No. 1 to the Airport Improvement Contract in the amount of \$2,221.11, for the removal of an abandon fuel tank be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body Agenda

Mayor Gillette commented on some of the positive things he sees happening in the community, sighting the fact that retail stores are now open for longer hours, the local banks are now open for

longer hours, a new mental health facility is in the progress of being constructed, the Neosho County Community College had expressed an interest in locating a permanent facility in the City of Ottawa, with the City Governing Body assisting in the location of such a facility and Mayor Gillette stated with the industrial park complex now on hold awaiting a court ruling, certain it will be a reality in the new future. Mayor Gillette stated the housing needs of the community are being addressed and he spoke of an awards presentation to the Fifth Graders of the City of Ottawa, who have been through a Drug Abuse Prevention Education Program.

Commissioner Fogle stated that he, the City Manager and Director Herrman had visited the Insurance Services Office in Topeka, investigating the City's current insurance rating as it relates to our Fire Department. Commissioner Fogle said he found that the rating is based 40 percent on water supply, 50 percent on equipment and personnel and 10 percent on communications. Commissioner Fogle then alluded to the fact that even if the City of Ottawa built a fire station on the north end of the City and the south end of the City, it would not necessarily improve the City's fire rating. Mr. Fogle stated that what he found out was that the fire personnel of the City of Ottawa are lacking either in training or documentation of the training they have received, and the City could pick up 6 points on its fire rating on training alone.

City Manager's Agenda

Cereal Malt Beverage license for Triple K Inc.

The City Governing Body proceeded to consider a Cereal Malt Beverage License as it pertains to a change in managers for Triple K. Inc., Casey's General Store, at 1019 West 7th St., the new manager being named as Lynn K. La Mastres. Commissioner Fogle made a motion that the application for Cereal Malt Beverage License as it pertains to a manager change at Triple K. Inc., Casey's General Store, 1019 West 7th St., be approved, the motion was approved by Commissioner Heathman and all present voted in favor of the motion.

The City Clerk reported that the ballots for the advisory election were mailed Monday, May 14, 1990, and that persons who have P.O. Box Numbers or have filed a change of address since registering to vote will not receive a mail ballot. Those persons who do not receive a mail ballot should stop by City Hall and if they are qualified electors of the City they can receive a ballot by filling out the proper affidavit.

Public Agenda

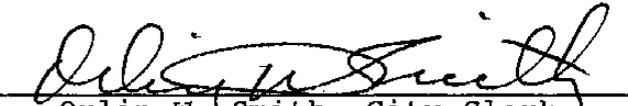
Sharon Medlen appeared before the City Commission stating she had reserved the shelter house in Forest Park some months ago, for use on September 14, but she had been recently been informed she could not have the shelter house on that date as the park had been reserved for an antique car show. Mayor Gillette instructed Ms. Medlen to meet with the City Manager to see if the problem could not be resolved.

Richard Jackson of ECKAN appeared before the City Commission requesting that the City apply for monies through the Small Cities Block Grant Program for repair and rehabilitation of rental property. Mr. Jackson said he was aware that funds were available and he was encouraging the City to make application for a portion of these funds.

At the conclusion of the Public Agenda, Mayor Gillette asked Ms. Riley if she would comment on the various methods by which the City might assist Neosho County Community College in securing facilities within the City of Ottawa. Ms. Riley stated that if the Supreme Court ruling on the home rule for Cities should be forth coming in May and that the Supreme Court ruled in favor of the Home Rule for Cities, that the City could issue bonds for Neosho County Community College and the interest & principal payments could be derived from lease payments of the school. The other options would be to create a Public Building Commission whereby the Public Building Commission could issue the bonds and retire them with lease payments from the school, another option would be through the issuance of Limited Obligation Bonds which would apply against the City's debt limit and a third option would be a Certificate of Participation. Ms. Riley explained the various options in more detail than appears in these minutes.

Adjournment

There being no further business to come before the City Commission 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 6, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Fogle, Heathman and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Larry Carrier of Ottawa Bible Church.

Approval of Minutes

The minutes of the last regular meeting which was held May 16, 1990 were approved as written.

Proclamation - Suzuki Institute Days

Mayor Gillette read a proclamation proclaiming the week of June 9 - 14 as Suzuki Institute Days in the City of Ottawa and presented the signed proclamation to Alice Joy Lewis representing the Suzuki organization. Mrs. Lewis spoke to the City Commission inviting them to a series of concerts which will be held during the week of June 9 and gave a brief history of the Suzuki organization in the City.

Ordinance No. 2945-90 - Regulation Itinerant Merchants

The City Governing Body proceeded to consider an Ordinance which would regulate and license itinerant salesman, merchants, solicitors and vendors by providing for registration at City Hall. Proof of registration to collect sales tax must be presented and the City imposes a license fee of \$25.00 to cover a fourteen (14) day period. Mayor Gillette and Commissioner Fogle spoke to the fact that they had been attempting to get a type of licensing fee feature for itinerant merchants for sometime. One of the reasons given for licensing itinerant merchants is that the business people of the City of Ottawa have overhead in the form of building rent, taxes and other items and that itinerant merchants seemingly have none of those overhead costs.

Commissioner Fogle made a motion that an Ordinance defining regulating and licensing itinerant salesman, merchants, solicitors and vendors and providing penalties for the violation thereof be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2946-90 - Establishing Separate Police and Fire Departments

An Ordinance repealing Ordinance No. 2530 and providing for separate police and fire departments for the City of Ottawa, Kansas was discussed. Through discussion of the Ordinance, it was decided that the separate police and fire departments would be operational effective on January 1, 1991 as this would allow time for reorganization and to prepare the proper budgets for the separate departments. The Ordinance as submitted to the City Commission was changed to reflect that Ordinance 2530 would be repealed effective December 31, 1990 at 12 midnight.

Commissioner Fogle made a motion that an Ordinance repealing Ordinance No. 2530 and providing for separate police and fire departments for the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner Heathman. Upon call for the question, Mayor Gillette and Commissioners Fogle, Lantis and Heathman voted in favor of the motion and Commissioner Calliham voted opposing the motion stating that even though he was opposed to separating the Department of Public Safety into separate police and fire departments, that he would cooperate fully and be as helpful as possible in making the transition.

Lease Agreement with Robert L. Dodson on Airport Property

Mr. Dodson, through his attorney, had requested an extension of his lease on the airport property for an additional term of twenty-five (25) years. However, as reported by the City Manager, that the final details of the lease had not been worked out with Mr. Dodson's attorney and that the Lease Agreement should not be acted upon at this time. The City Manager further reported that he is very hopeful that the details will be worked out where by the City Commission could approve the Lease Agreement at their next meeting which will be on June 20, 1990. Mr. Dodson did indicate that in the interim period it would be very helpful to him if he had a Letter of Intent from the City that they would act upon the Lease Agreement when all details are resolved.

Commissioner Fogle then made a motion that the mayor be authorized to sign a Letter of Intent whereby the City of Ottawa would act upon the Lease Agreement at their next regular meeting and after the details are resolved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion. Commissioner Heathman made a motion that action on the Lease Agreement be tabled until the next regular meeting of the City Commission which will be June 20, 1990. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Report of the Planning Commission Meeting of June 5, 1990

The report of the Planning Commission Meeting of June 5, 1990 is as follows:

The City Planning Commission met in regular session on Tuesday, June 5, 1990 at 7:00 PM in City Hall. Present: Members, Zabloudil, Todd, Carey, Woolman, Reynolds and Ellena. Absent: Member Reusch.

The minutes of the last meeting held were approved as written by a 6-0 vote.

The Planning Commission reorganized by electing member Woolman as Chairman, member Ellena as Vice-Chairman and Jim Shaw as Secretary.

The Planning Commission adopted the 1990 update to the Capital Improvement Program by a vote of 6-0.

The Planning Commission voted to continue the public hearing to rezone the Hospital grounds from R-1 (single family) to O-I (Office & Institutional) by a 6-0 vote.

The Planning Commission voted 6-0 to recommend an amendment to the Subdivision Regulations providing for filing a final plat without a preliminary plat in certain limited circumstances.

There being no further business, the meeting was adjourned.

Commissioner Lantis made a motion that the report of the Planning Commission meeting of June 5, 1990 be accepted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Approval of the City Investment Schedule

Commissioner Heathman made a motion that the Schedule of Investments existing as of May 31, 1990, indicating a total of \$5,700,000.00 invested at an average annual interest rate of 8.08%, be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Fogle spoke in objection to the actions of the Ottawa Library Board whereby the Ottawa Library Board passed a charter resolution exempting the Library from the tax lid imposed by passage of recent Kansas law.

The Library, by exempting itself from the current Kansas tax lid law, will be authorized to increase their revenues by approximately 1 mill for their 1991 budget. Commissioner Fogle stated that according to statistics which he had received, the Ottawa Library had double the per capita labor of other libraries in cities of the same approximate size of Ottawa. Commissioner Fogle also objected to the information line which is operated by the library whereby library staff will research answers to questions bordering on being trivia. In closing Commissioner Fogle stated that if no one was going to carry a petition objecting to and calling a referendum on the Ottawa Library's charter resolution, that he would do so.

Public Agenda

Mr. Warren McGill appeared before the City Commission stating that the Ordinance just passed by the City Commission, which establishes separate police and fire departments for the City, did not contain the information setting forth the duties of policeman and fireman. It was explained however, that that information will be forthcoming as it is formulated and that Ordinances could be passed in the future setting forth the required duties of these departments.

Adjournment

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 (1) year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - June 20, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Pro tem Lantis and Commissioners Calliham and Fogle, absent Mayor Gillette and Commissioner Heathman. Mayor Pro tem Lantis led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Larry Carrier of the Ottawa Bible Church.

Approval of Minutes

The minutes of the last regular meeting which was held June 6, 1990, were approved as written.

Presentation by Mr. Richard Jackson of the Chamber of Commerce Public Affairs Committee

Mr. Richard Jackson of the Ottawa Chamber of Commerce Public Affairs Committee presented the City with a framed poster entitled, Our Home Town, Mr. Jackson stated this committee had spent many hours working out the text for the poster in an attempt to come up with positive statements about the City of Ottawa, without the poster becoming a commercial for Economical Development. Mayor Pro tem Lantis accepted the framed poster from Mr. Jackson on behalf of the City of Ottawa, and thanked Mr. Jackson and his committee for their effort in the endeavor.

Request for 1 Mile Run

Mr. Kent Hodges appeared before the City Commission requesting permission for a one (1) Mile Run, June 23, 1990 at 9:00 AM. The run is to originate in Forest Park, and is to proceed to the middle of City Park. Mr. Hodges stated this run is not a competitive event, and there will be some people running as well as people walking. The proceeds from the run will go to the Special Olympics. Mr. Hodges also asked for a Dept. of Public Safety Escort to protect the runners from motor vehicles.

Commissioner Calliham made a motion that the request of Kent Hodges for a one (1) mile run to be held June 23, 1990 at 9:00 AM, be approved, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Request of Ottawa Jaycees to hold a Biathlon event

The Ottawa Jaycees submitted a request to the City Governing Body to hold a Biathlon on August 26, 1990, starting at 7:30 AM from Forest Park. The proceeds from the Biathlon are to be donated to the Multiple Sclerosis Fund. It was reported that entries are being received from the Kansas City Metropolitan area and it is expected to be a large event.

Commissioner Fogle made a motion that the Ottawa Jaycees request to hold a Biathon, starting from Forest Park, August 16, 1990 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Lease Agreement with Robert Dodson

The Governing Body proceeded to consider a lease agreement with Robert Dodson to extend a current lease at the Ottawa Municipal Airport, for an additional twenty five (25) years. The agreement had been held over from the last regular meeting for a clarification from Mr. Dodson's attorney. By extending the lease for 25 years the lease will now expire in the year 2026 with an option for an additional (25) years.

Commissioner Calliham made a motion that the Lease Agreement with Robert Dodson for the lease of a tract of the Ottawa Municipal Airport be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2497-90 - Providing for Development of Small Subdivisions

The Governing Body proceeded to consider an ordinance which will provide a more cost effective method of development. Commissioner Fogle stated, he was in favor of the amendment as it will make Ottawa more competitive with surrounding towns for subdivision and construction.

Commissioner Fogle made a motion that an ordinance amending and modifying Ordinance No. 2932 to provide more cost effective development of small subdivisions be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Ordinance No. 2948-90 - Illegal Parking Fines

An ordinance providing for the increase in illegal parking fines from one (1) dollar to three (3) dollars was considered by the City Commission. It was stated that by increasing illegal parking fines from one (1) dollar to three (3) dollars that hopefully all day parking will be discouraged on the Ottawa Main Street.

Commissioner Calliham made a motion that an ordinance increasing illegal parking fines to three (3) dollars be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 509-90 - City Representative for Environmental Protection Agency Grant

A resolution authorizing the City Manager to be the City

Representative in regards to Environmental Protection Agency Grant was considered. The City Manager reported thce City is in final discussions concerning Environmental Protection Agency funds for the City in connection with construction of Ottawa's Sewerage Disposal Plant. The City is to receive \$80,000 as reimbursement for construction expense plus another three (3) to fifteen (15) thousand depending on the allowances by the Environmental Protection Agency for completion of some items which were not included in the grant.

Commissioner Calliham made a motion that a resolution authorizing the City Manager to be the City Representative in regards to the Environmental Protection Agency Grant be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Authorize Mayor to sign Engineering Service Contract

Commissioner Fogle made a motion that the Mayor be authorized to sign an Engineering Service Contract with A. C. Kirkwood for the remote operation of generators and switch gears at the Ottawa Power Plant. The motion was seconded by Commissioner Calliham. Upon call for the question all present voted in favor or the motion.

Governing Body Agenda

Commissioner Calliham stated that he had attended a meeting in Lawrence in the past few days, and it appears that funding for the private development of the North American Hotel may become a reality in the near future. The funding is now dependent upon the refunding of Farmers Home Administration which is expected the later part of July.

Commissioner Calliham made a motion that the July 4 meeting of the City Commission be rescheduled to 7:00 PM July 5, 1990 as July 4, is Independence Day and a national holiday. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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 5, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogel and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Dean Sandusky.

Approval of Minutes

The minutes of the last regular meeting which was held June 20, 1990, were approved as written.

Authorize Mayor to Sign Letter of Authorization for GBA Sewer Study

The City of Ottawa has retained the engineering firm of George Butler Associates, Inc. (GBA), to conduct an important survey of building sewer connections. The survey is part of a comprehensive evaluation program designed to improve system operations while minimizing the costs of system repair and new construction. This survey will take place sometime during late July or early August.

Commissioner Fogle made a motion to authorize the Mayor to sign a letter of authorization for the GBA Sewer Study. The motion was seconded by Commissioner Calliham, upon call for the question all voted in favor of the motion.

Review Investment Schedule

The schedule of investments existing as of June 30, 1990 indicate a total of \$5,700,000 invested at an average annual interest rate of 8.01 % . Commissioner Calliham made a motion that the schedule of investments as of June 30, 1990, indicating a total of \$5,700,000 invested at an average annual interest rate of 8.01% be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Report of Planning Commission

A report of the Planning Commission meeting of July 3, 1990 is as follows:

The City Planning Commission met in regular session on Tuesday, July 3, 1990 at 7:00 PM at City Hall. Present: Members Reusch, Zabloudil, Todd, Reynolds, Ellena and Woolman, Absent Member Carey.

The Planning Commission voted 6-0 to rezone an area from 13th St. to 14th St. between South Main Street and South Cedar Street, from R-1 (single family) to O-I (office & Institutional), known as 13th & South Main, Ransom Memorial Hospital.

The Planning Commission approved the Final Plat for Immanuel Baptist Church by a 6-0 vote.

The Planning Commission approved the Final Plat for Martin's Addition by a 6-0 vote.

There being no other business the meeting was adjourned.

Commissioner Lantis made a motion that the report of the Planning Commission Meeting of July 3, 1990 be approved and entered into the official City record, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman questioned City Attorney Bob Bezek about the results of Bill Wright's unemployment hearing and would the City appeal the decision? Mr. Bezek stated the board had granted Mr. Wright his unemployment benefits and the City would not appeal the decision.

Commissioner Fogle again spoke in objection to the actions of the Ottawa Library Board where by the Library Board passed a Charter Resolution exempting the Library from the tax lid imposed by recent Kansas Law. Mr. Fogle said he felt the Library was over staffed and Mr. Fogle again stated he would carry a petition objecting to and calling for a referendum on the Ottawa Library's charter resolution.

Mayor Gillette stated that the Ottawa Library had three working levels and all three levels needed to be staffed.

Commissioner Heathman said that he had noticed many County Libraries rather than City Libraries on his recent trip, and asked if it would be feasible to bring the County in to help support the Library.

Commissioner Lantis stated, the loss of grant money or state aid would not compensate for the amount of money brought in by County support.

Commissioner Lantis inquired about a list of deteriorated properties that had been discussed approximately one year ago. The City Manager explained the City was acquiring easement agreements from the property owners to allow City crews to demolish the buildings.

Public Agenda

Mr. Wilfred Budgner spoke to the City Commission questioning the GBS sewer study, Mr. Budgner wanted to know specifically what they were looking for with this survey. It was explained the City was concerned with the amount of surface water that was going into

the sewer system, and how that problem could and should be dealt with.

Adjournment

There being no further business to come before the City Commission 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.

Devalen Magrath - Deputy
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - July 18, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Fogel, Heathman and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Calliham.

Approval of Minutes

The minutes of the last regular meeting which was held July 5, 1990 were approved as written.

Public Hearing on Rental Rehabilitation Programs

Mr. Richard Jackson of ECKAN presented a summary on a proposed rental rehabilitation program, in which the City would apply for a grant from HUD. The program is designed to bring substandard rental housing up to Section 8, Minimum Housing Standards and the City Code, which is more stringent than the Section 8 HUD Standards. The program is designed to rehabilitate rental housing for low income families and preserve neighborhoods. Mr. Jackson stated he would like to see the City apply for funds to rehabilitate approximately 15 units for a total grant maximum of \$127,500 or \$8,500 per three bedroom unit. Under the program the landlords that owns the housing must match the funds allocated to upgrade each house dollar per dollar, whereby with the City allowing \$8,500 per house the landlord must also spend \$8,500, which would allow for \$17,000 to be spent on a unit. The landlord must agree to keep the house up to minimum standards for a minimum of 10 years or he must return a portion of the grant money to the City, based on the years remaining in the 10 year period anytime the house would fall below minimum standards. Mr. Jackson stated there would be \$452,000 available for this purpose in the state of Kansas and he would like for the City to apply for \$127,500. Mr. Jackson went into many more details which are not disclosed in these minutes.

Mayor Gillette then declared the hearing closed.

Authorize Submission of Application for Funds under the Rental Rehabilitation Program

Commissioner Fogle made a motion that the City Commission authorize submission of an application for the 1990 Rental Rehabilitation Program. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2949-90 - Annexing Real Estate

Mayor Gillette stated that the annexation of the property owned by Immanuel Baptist Church had been discussed at length in study

session and at this time he would entertain a motion to pass an ordinance annexing the property.

Commissioner Heathman made a motion that the property owned by Immanuel Baptist Church described as "The East one-half of the West one-half of the Southeast one-quarter of the Northwest one-quarter of Section 11, Township 17, Range 19, Franklin County, Kansas" be annexed by passage of the ordinance before the City Commission at this time. The motion was seconded by Commissioner Lantis. Commissioner Fogle then questioned as to whether other properties in the area would be assessed an impact fee should they decide to receive city water from a water main which will be constructed in this area. The City Manager stated that an ordinance is being prepared which will assess an impact fee to those properties in the area which would choose at a later date to become connected to the City water supply. Upon call for the question all present voted in favor of the motion.

Acceptance of Easements and Right-of-ways as indicated on the Plat for the Immanuel Baptist Church.

Commissioner Calliham made a motion that all easements and right-of-ways on the plat for the Immanuel Baptist Church be accepted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2950-90 - Rezoning Ransom Memorial Hospital

Commissioner Lantis made a motion that an ordinance rezoning the Ransom Memorial Hospital property from R-1 single family to O-I Office and Institutional be passed. The motion was seconded by Commissioner Heathman. The legal description of the property for which the zoning is being changed is as follows; Beginning at the southeast corner of the intersection of 13th Street and South Main Street, then east 720 feet, then south 468 feet, then west 720 feet, then north 468 feet, to the point of beginning. Upon call for the question all present voted in favor of the motion.

Charter Ordinance No. 10-90 Procedure to fill Vacancy on the City Commission

This Charter Ordinance exempts the City from Kansas Statutes dealing with the appointment of the Mayor or Commissioners should a vacancy occur on the City Commission. The Ordinance sets forth that the City Commission by a majority vote shall select a person to serve on the City Commission until the next regularly scheduled City Commission election, at which time a successor shall be elected.

Commissioner Fogle made a motion that a Charter Ordinance exempting the City of Ottawa, Kansas from Kansas Statutes Annotated 14-1305, and providing substitute provisions on the same subject relating to the procedure for filling a vacancy in the

office of Mayor or Commissioner. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body Agenda

Mayor Gillette stated that in going to work this morning he had noticed on Interstate 35 that a person with a plastic bag was picking up what he assumed to be aluminum cans however on closer observation he noticed the person was not just picking up aluminum cans, he was picking up trash along the highway. Mayor Gillette wanted to go on record as thanking the person who ever it might be on behalf of both himself and the City for his efforts in trying to keep the roadways clean.

Commissioner Heathman stated that in one of the southern states he had traveled recently, he had noticed a series of plastic bags along the side of the highway which were filled with trash. As they proceeded down the road it turned out to be a group of prisoners under guard that were cleaning up trash along the highways.

In further comments, Mayor Gillette commended the Franklin County Fair and the people responsible for 125 years of continuous fair activity in Franklin County. Mayor Gillette then read a proclamation, proclaiming the week of July 16 through July 27 1990 as Fair Week in the City of Ottawa.

Commissioner Fogle in commenting on the further development of Kanza Park, stated he thought more study should be given prior to any additional development in the park, and the possibility of a lake in the center of the park should be given careful study as well as any further development in that area.

Adjournment

There being no further business to come before the City Commission 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 2, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Fogel, Heathman and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Bill Weber, of the Calvary Baptist Church.

Approval of Minutes

The minutes of the last regular meeting which was held July 18, 1990 were approved as written.

Authorizing Mayor to sign a Contract with LRM Industries for Chip and Seal projects in the amount of \$26,848.91

Commissioner Calliham made a motion to authorize the Mayor to sign a Contract with LRM Industries for chip and seal projects in the amount of \$26,848.91. The motion was seconded by Commissioner Lantis, and all present voted in favor of the motion.

Authorizing Mayor to Sign a Contract with Killough Construction for Overlay Projects in the amount of \$46,001.50

Commissioner Fogle made a motion to authorize the Mayor to sign a contract with Killough Construction for overlay projects in the amount of \$46,001.50. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review of Investment Schedule

The schedule of investments existing as of July 31, 1990 indicate a total of \$5,700,000 invested at an average annual interest rate of 7.97% . Commissioner Heathman made a motion that the schedule of investments as of July 31, 1990, indicating a total of \$5,700,000 invested at an average annual interest rate of 7.97% be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Public Agenda

Wanda Durbin, 527 S. Locust, appeared before the City Commission, asking several questions. The first question was, would Jeff Hermann continue to be Police Chief, and would his salary be cut? Commissioner Lantis replied, Mr. Hermann had been hired as a Director and he would continue to be a Director until he decided to leave or the City Manager decided he should leave.

Mrs. Durbin's 2nd question was, why had the budget increased?

Mayor Gillette explained, the General Fund, the tax supported budget, had not increased, in fact it was less than 1990. Mr. Gillette went on to explain that the non tax supported budget had increased but that was mostly due to 911, Central Dispatch.

Question #3, has any one been hired to replace the three (3) DPS persons that had been terminated, and has the number of City Employees been frozen? The City Manager was absent and these questions could not be answered by the City Commission. Mrs. Durbin then asked if there were salary increases in the budget, it was explained there was a 3 percent increase.

Question #4, why does the City Attorney have to be present at the City Commission meetings, and why doesn't the City Manager answer the questions? It was explained to Mrs. Durbin that the City Manager was not an attorney and was not qualified to answer many of the questions. There was then some discussion about the attorney's fees being too high and Mrs. Durbin did not understand why we hire Kansas City Attorneys. These questions were also explained hopefully to Mrs. Durbin's satisfaction.

Adjournment

There being no further business to come before the City Commission 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.

Devala Magrath, Deputy
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - August 15, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Don Albright of the Calvary Baptist Church.

Approval of Minutes

Commissioner Lantis corrected the minutes of the last regular meeting to reflect that the meeting was held on August 1, 1990 and not August 2, 1990 as stated in the minutes, the balance of the minutes were approved as written.

Public Hearing - Proposed 1991 City Budget

Commissioner Gillette opened the public hearing for the 1991 City Budget, which is in the amount of \$17,603,029, and levies taxes \$32,582 less than was levied for the 1990 Budget. The Mayor then called upon the City Manager for any comments he wished to make on the budget. The City Manager stated that some of the larger items contained in the 1991 Budget are a remote control unit for the Electric Plant, costing approximately \$360,000, the dredging of the settling basins for the Water Plant in the amount of approximately \$190,000, and a new electrical circuit to better serve the customers of the Electric Utility, costing from \$250,000 to \$300,000, along with a new self funding insurance plan for city employees which should save the City about \$23,300 in 1991. The City Manager further commented that the total mill levy is down 1.27 Mills partially caused by the fact that we had a larger cash carry over than anticipated in the Bond & Interest Fund and therefore that lessened the levy for that fund. The audience and the City Commission having no further comments concerning the Budget, Commissioner Calliham made a motion the Public Hearing be closed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Approval and Adoption of the 1991 City Budget

Commissioner Fogle made a motion that the proposed 1991 Budget for the City of Ottawa in the amount of \$17,603,029 be approved and adopted, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 510 - 90 - Drug Free Work Place

Mayor Gillette introduced a resolution setting forth the policy of the City of Ottawa as it pertains to the creation of a drug free work place. Mayor Gillette stated this was becoming common

place among government entities in that any entity that receives grants or matching grants from the Federal Government is required to have such a resolution in place.

Commissioner Lantis made a motion that a resolution stating the policy for the City of Ottawa, Kansas for the creation of a drug free work place and procedures implemented thereto be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Contract for the Repair of Department of Safety
Training Tower

Commissioner Heathman made a motion that the Mayor be authorized to sign a contract with Dale O'Hara Inc., for the repair of the training tower at the Department of Public Safety in the amount of \$3,184.00. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Supplemental Agreement for Slurry Seal of Runway - Ottawa
Municipal Airport

The Governing Body proceeded to consider authorizing the Mayor to sign Supplemental Agreement No. 1 with LRM Industries, Inc., for a Slurry Seal of runway at the Ottawa Municipal Airport, in the amount of \$29,466.32. It was explained that the project has been approved by the FAA and the Federal Government will pay ninety (90) percent of the cost with the City of Ottawa paying ten (10) percent of the cost. Commissioner Lantis made a motion that the Mayor be authorized to sign Supplemental Agreement No. 1, with LRM Industries Inc. for a Slurry Seal of the runway at the Ottawa Municipal Airport in a total amount of \$29,466.32. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review the City Planning Commission Report of their Regular Meeting of August 7, 1990

The City Governing Body accepted the report of the Planning Commission Meeting of August 7, 1990 as follows: The City Planning Commission Met in regular session on Tuesday, August 7, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Todd, Carey, Reynolds, and Chairman Woolman Absent: Members Ellena and Zabloudil

The minutes of the last meeting held July 3, 1990 were approved as written by a 5-0 vote.

The Planning Commission Approved a final Plat for Caylor Acres located on West 15th Street.

The Planning Commission called a public hearing to rezone the Immanuel Baptist Church property located on West 19th Street from "B-2" Service Business to "R-S" Residential Suburban.

The Planning Commission called a public hearing to re-zone tract "C" of Sonshine Acres, located on the East side of Eisenhower Road in the 1300 Block from "R-S" Residential Suburban to "R-2" Two Family.

The Planning Commission called a public hearing to re-zone 1042 West 15th from "R-1" Single Family to "R-2" Two Family.

There being no further business, the meeting was adjourned.

At the conclusion of the report the City Governing Body reflected a sentiment of dissatisfaction in as much as the Planning Commission did not consider or call a public hearing to consider a change in zoning for the south Ottawa business area. It was the consensus of the City Commission that the zoning should be changed or loosened to allow more business operations to locate in this area.

Governing Body Agenda

Commissioner Heathman made a motion that the City Commission ask the City Manager to publicly advertise according to City policy for the new position of Chief of Police, which comes into effect January 1, 1991. That the procedure, selection and salary correspond with that of the new Fire Chief. The motion was seconded by Commissioner Fogle. There was concern expressed by some members of the City Commission that if the present director of Public Safety continues after January 1, 1991 in the position of Chief of Police, at his current salary level he will be overpaid in relationship to the salary that a new Fire Chief will receive. There was also concern expressed that the motion made by Mr. Heathman was not legal in that it deviates from determining the policy of the City and interferes directly into personnel matters.

Assistant City Attorney Bob Bezek determined however that the motion would be legal in that it does not direct the City Manager to do anything but merely asks. It was also discussed that if the salary of the Police Chief were to be lowered as a result of the Director of Public Safety becoming Police Chief, then others in the department should also have their salaries adjusted as they are currently providing dual functions as opposed to a single purpose. Upon call for the question, Commissioners Heathman and Fogle voted in favor of the motion and Commissioners Lantis, Calliham and Gillette voted opposing

the motion.

City Manager's Agenda

The City Manager requested that the Governing Body call an executive session for 30 minutes to discuss land acquisition. Commissioner Lantis made a motion that the City Commission recess to Executive Session for (30) thirty minutes, the present time being 10:10 AM and to reconvene at 10:40 AM. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

The City Commission reconvened at 10:40 AM, Commissioner Lantis made a motion that the City Commission direct the City Manager and the City Attorney to proceed with condemnation proceedings on a (39) acre tract of land located in an area the City wishes to develop into an Industrial Park. The motion was seconded by Commissioner Fogle. Commissioner Fogle then stated that even though the price of the land was such that the City Commission might consider authorizing purchase, that the conditions set forth in the contract of purchase were not acceptable. Upon call for the question all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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 - September 5, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and gave the Invocation.

Approval of Minutes

The minutes of the last regular meeting which was held August 15, 1990 were approved as written.

Authorize the Mayor to Sign Statement of Participation - Phase I Cost

The City Manager presented the City Commission with a Statement of Participation in which the City would be a party to observing the proposed takeover of Kansas Gas & Electric by Kansas City Power & Light and thus be in a position to take advantage of the transmission services or other issues offered by Kansas City Power & Light to the Municipal Electric System served by Kansas Gas & Electric and Kansas City Power & Light. The Statement of Participation allows the City to participate with a group of Cities in observing the various negotiations which may take place. The total cost to the City of Ottawa will be \$4,017.63 and that figure could not be exceeded unless approved by the City of Ottawa.

Commissioner Calliham made a motion that the Mayor be authorized to sign a Statement of Participation with the Kansas Municipal Utilities Inc., and to participate in Phase I Costs in observance of the proposed take over. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Contract to Purchase Real Estate

The Governing Body proceeded to consider authorizing the Mayor to sign a contract for the purchase of property from Ada L. Coltrane, for a total cost of \$30,000. The real estate is located in the heart of the tract of land which the City is in the process of purchasing for industrial development purposes. The contract sets forth that upon signing of the contract the City will pay to Mrs. Coltrane, \$5,000 and the balance to be paid at such time as the real estate transaction is to be closed.

Commissioner Fogle made a motion that the Mayor be authorized to sign a contract for the purchase of property from Ada L. Coltrane. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2951-90 Appropriating the 1991 Budget

Commissioner Calliham made a motion that an Ordinance appropriating the amount set up in each fund in the budget for the year 1991, providing for the payment of all claims and charges against the accounts, provided for therein and approving and ratifying the payment of all claims against the accounts for the year 1991 be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Resolution No. 511-90 Authorizing Mayor to Sign FAA Grant Amendment

The City Manager presented an amendment to the FAA Grant for airport improvements. The amendment sets forth the applying of a slurry seal on the main runway at the Municipal Airport and it increases the grant amount to \$1,200,519.69. The FAA has recognized the need for the slurry seal of the airport runway, as it will prolong the life of the runway. The original grant amount was \$1,174,000.00.

Commissioner Heathman made a motion that the Mayor be authorized to sign the FAA grant amendment for the Slurry Seal of the main runway at the Ottawa Airport. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Acceptance of Haley Park

The City Governing Body proceeded to make formal acceptance of Haley Park, located at 2nd and Main. Commissioner Lantis made a motion that the City formally accept Haley Park located at 2nd & Main from the Ottawa Area Chamber of Commerce. The motion was seconded by Commissioner Heathman. The City Governing Body went on record of thanking the Haley Family for donating the land for the park and the Ottawa Area Chamber of Commerce and other persons involved in developing the park to be what it is today. Upon call for the question all present voted in favor of the motion.

Appointment of Voting Delegates for the Kansas League of Municipalities Annual Meeting

Mayor Gillette appointed Commissioner Lantis, City Manager Wetmore, and himself Mayor Gillette, as voting delegates to the Annual League of Kansas Municipalities Meeting, also appointed were Commissioner Fogle and City Clerk Orlin Smith as alternate delegates.

Commissioner Fogle made a motion that the Mayor's appointments be accepted and approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Approval of Investment Schedule

Commissioner Lantis made a motion that the Schedule of Investments existing as of August 31, 1990, which indicated a total of

\$6,600,000 invested at an average annual interest rate of 7.75 percent be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of Planning Commission

A report of the Planning Commission meeting of September 4, 1990 was entered into the record of the City as follows:

The City Planning Commission Met in regular session on Tuesday, September 4, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Zabloudil, Todd, and Chairman Woolman, Absent were members Carey, Ellena, and Reynolds.

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

The Planning Commission approved to recommend by a 4-0 vote to rezone from "B-2" Service Business to "R-S" Residential Suburban, the east one-half of the west one-half of the southeast one-quarter of the northwest one-quarter of Section 11, Township 17, Range 19, Franklin County, Kansas. This property is located on West 19th Street and is owned by the Immanuel Baptist Church.

The Planning Commission approved to recommend by a 4-0 vote to rezone from "R-S" Residential Suburban to "R-2" Two Family and Multiple Family, The southwest one-quarter of the southwest one-quarter of Section 2, Township 17, Range 19, except the east 10 rods thereof, containing after said exceptions, 17.42 acres, more or less, Franklin County, Kansas. This property is located on the East side of the 1300 Block of Eisenhower Road.

The Planning Commission approved to recommend by a 4-0 vote to rezone from "R-1" Single Family to "R-2" Multi Family. Commencing at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of Section 11, Township 17, Range 19, thence East 8 rods: thence South 20 rods: thence West 8 rods: thence North 20 rods to the place of beginning, containing 1 acre, more or less, Franklin County, Kansas. This property is located at 1042 West 15th Street.

The Planning Commission Called a Public Hearing to be held at the October meeting, for a Special Use to permit "Solid waste transfer", (collecting of Recycling Materials) to be located at 104 South Sycamore.

The Planning Commission Called a Public Hearing to be held at the October meeting, for a Special Use to permit "Salvage Yard and Recycling Materials" to be located at 200 Block of North Oak, Ottawa, Kansas.

The Planning Commission Called a Public Hearing to be held at the October meeting, for a Special Use to permit "Newspaper Printing

and Publishing" to located at 602 N. Main, Ottawa, Kansas.

There being no further business, the meeting was adjourned.

Commissioner Heathman made a motion that the report of the Planning Commission Meeting of September 4, 1990 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Manager's Agenda

The City Manager reported that the Golf Course Study has been completed and he is hopeful to schedule a meeting of the owners of the property within the proposed golf course area this month.

Adjournment

There being no further business to come before the City Commission 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 - September 11, 1990

The City Governing Body met in special session at 9:00 AM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. The purpose of the meeting was to consider a resolution fixing a time for a hearing to show cause why an unsafe structure should not be condemned and ordered repaired or demolished and to conduct other business as may come before the City Commission.

Resolution No. 512-90 - Calling a Hearing on an Unsafe Structure

The Governing Body proceeded to consider a resolution setting a time and a date for a hearing on a structure deemed to be unsafe. The structure was damaged by fire and to date has not been totally demolished and the property made clear of debris. The structure is located at 720 West 5th in the City of Ottawa.

Commissioner Fogle made a motion that a resolution fixing a time for a hearing to show cause why an unsafe structure should not be condemned and ordered repaired or demolished be passed. The resolution sets forth that the hearing is to be held at 7:00 o'clock PM, on the 7th day of November 1990. The structure is located at 720 West 5th Street, in the City of Ottawa, Kansas. The motion was seconded by Commissioner Calliham. It was discussed that it is hopeful the structure will be removed and the property made clear of debris prior to the time of the hearing. Upon call for the question all present voted in favor of the motion.

Resignation of City Manager

City Manager Randy Wetmore served notice of his resignation as City Manager of the City of Ottawa, to be effective October 11, 1990. The City Manager stated he had accepted the position of City Manager with the City of Roseburg, Oregon, effective the middle of October 1990. Commissioner Lantis made a motion that the resignation of City Manager Randy Wetmore, effective October 11, 1990, be accepted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion. The City Commission then proceeded to discuss the process by which they might proceed to hire a new City Manager and the selection of an interim City Manager to fill the position until a new City Manager is hired and reports for duty.

The City Manager was instructed to contact Mr. Virgil Basgall of Emporia to see if he might be interested in filling the interim position. It was further decided that the subject would be discussed further at the next study session, which will September 17.

Adjournment

There being no further business to come before the City Commission 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 - September 19, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Fogle and Lantis, absent Commissioner Heathman. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Wes Reynolds of the Assembly of God Church.

Approval of Minutes

The minutes of the last regular meeting which was held September 5, 1990 and the minutes of the special meeting which was held September 11, 1990 were approved as written.

Proclamation - Constitution Week

Mayor Gillette read a proclamation proclaiming the week of September 17 through 23, 1990 to be Constitution Week. The proclamation was approved by consensus of the City Governing Body.

Request for a 5K Run

The East Central Kansas Regional Prevention Center submitted a request to hold a 5K Run in and around Forest Park to be held October 20, 1990. The race will start in Forest Park, proceed north to Wilson Street, then south back to Forest Park, consisting of two laps around the course.

Commissioner Calliham made a motion that the request of the East Central Kansas Regional Prevention Center to hold a 5K Run in and around Forest Park October 20, 1990 be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Request to Hold a Christmas Parade

The Ottawa Area Chamber of Commerce Retail Committee submitted a request to the City Governing Body to hold the annual Christmas Parade, Saturday, December 1, 1990, starting at 1:00 PM. The parade will proceed from Forest Park to Main Street south on Main Street to City Park for disbanding.

Commissioner Fogle made a motion that the request by the Ottawa Chamber of Commerce to hold the annual Christmas Parade, December 1, 1990, on Ottawa's Main Street be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2952-90 Zoning

Commissioner Fogle made a motion that an ordinance re-zoning the property described as "the east 1/2 of the west 1/2 of the

southeast 1/4 of the northeast 1/4 of Section 11, Township 17, Range 19, Franklin County, Kansas" to R-S Residential Suburban District. The motion was seconded by Commissioner Calliham.

The re-zoning of this property had been discussed prior in a City Commission Study Session. Upon call for the question all present voted in favor of the motion.

Ordinance No. 2953-90 Zoning

Commissioner Lantis made a motion that an ordinance changing the zoning of a tract described as "the southwest 1/4 of the southwest 1/4 of Section 2, Township 17, Range 19 east, except the east 10 rods thereof, containing, after said exceptions, 17.42 acres, more or less, Franklin County, Kansas", also known as "Tract C, Sonshine Acres" from R-S Residential Suburban to R-2 Two-Family and Multiple-Family. The motion was seconded by Commissioner Fogle.

The re-zoning of this property had been discussed prior in a City Commission Study Session. Upon call for the question all voted in favor of the motion.

Ordinance No. 2954-90 Zoning

Commissioner Calliham made a motion that an ordinance re-zoning a tract described as "commencing at the northwest corner of the northwest 1/4 of the northwest 1/4 of Section 11, Township 17, Range 19, thence East 8 rods; thence south 20 rods; thence west 8 rods; thence north 20 rods, to the place of beginning, containing one (1) acre, more or less, Franklin County, Kansas" from R-1 Single Family to R-2 Two Family and Multiple Family, generally described as being located at 1042 West 15th Street. The motion was seconded by Commissioner Fogle.

The re-zoning of this property had been discussed prior in a City Commission Study Session. Upon call for the question all voted in favor of the motion.

Resolution No. 513-90 - Electric Rate Schedule

Commissioner Lantis 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 Electric Department of the City of Ottawa, Kansas and establish an effective date therefore and providing for the enforcement thereof and rescinding prior resolutions, be passed. The motion was seconded by Commissioner Calliham. It was discussed that the Electric Rate Schedule being considered at this time contains no changes from the prior rate resolution except for the addition of a "Large Power Special Rate Structure". The Large Power Special Rate Structure is to serve manufacturing facilities that operate twenty four (24) hours a day

seven (7) days a week and maintain a monthly energy charge usage of not less than 200,000 KWH and where the monthly billing demand in any month exceeds 200 kilowatts. Upon call for the question Mayor Gillette and Commissioners Lantis and Calliham voted in favor of the motion, Commissioner Fogle abstained from voting.

Ordinance No. 2955-90 - Standard Traffic Ordinance

Commissioner Lantis made a motion that an ordinance adopting the Standard Traffic Ordinance for Kansas Cities 1990 Addition and amendments thereto be passed. The motion was seconded by Commissioner Fogle. It was discussed that each year the City of Ottawa updates to the current addition of the Standard Traffic Ordinance for Kansas Cities, and it becomes a housekeeping item. Upon call for the question all present voted in favor of the motion.

Approval for Purchase for Clear Zone Easement

The City Governing Body proceeded to consider the purchase of a "Clear Zone Easement" for the north end of the runway at the Ottawa Municipal Airport. The Clear Zone Easement is required by the FAA and it is the responsibility of the City to secure the easement. The negotiations to purchase the easement have been completed, the cost of the easement will be \$6,000, with the FAA reimbursing the City 90 percent of the cost.

Commissioner Fogle made a motion that the purchase of a Clear Zone Easement for the Ottawa Airport from Ralph H. & Jeanette E. Van Goethem, for a total price of \$6,000 be approved, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2956-90 - Authorizing Repairs, Construction and Certain Remodel at the Department of Public Safety Building

Commissioner Lantis made a motion that an ordinance authorizing the alteration, repair, reconstruction and remodeling of an existing Fire Station and Police Station Building and the construction of a storage facility adjacent to the existing Fire Station and Police Station Building in the City of Ottawa, under the authority of KSA 12-1736 et seq not to exceed \$80,000 in total cost be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Contracts for Public Safety Building Improvement

The following contracts for repair, remodel and addition to the Department of Public Safety Bldg. were fully discussed in this session with the architect prior to the actions approving the contracts. The amounts specified as authorized in each of the actions was determined as a result of the discussion with the

architect.

Contract for remodeling of a Bathroom at the Department of Public Safety

Commissioner Calliham made a motion that the Mayor be authorized to sign a contract with LDR Const. Co. in the amount of \$5,822 for the remodeling of a bathroom at the Department of Public Safety. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Contract for Roof Repair at the Department of Public Safety

Commissioner Lantis made a motion that the Mayor be authorized to sign a contract with Rhodes Heating and Roofing in the amount of \$22,521 for the repair of the roof on the Department of Public Safety Bldg. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion. The amount specified in this contract allows for a substitute of insulation which reduces the amount by \$1,069 from the base bid of \$23,590.

Contract for Storage Building at the Department of Public Safety

Commissioner Fogle made a motion that the Mayor be authorized to sign a contract with LDR Construction in the amount of \$14,894 to construct a storage bldg. at the Department of Public Safety. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Accept Resignation of Auditorium Authority and appoint a successor

Mayor Gillette stated he had received a letter of resignation from Stan DeFries pertaining to his resignation from the Auditorium Authority. Mayor Gillette further stated that in accepting the letter of resignation from Mr. DeFries, he was appointing Joyce Stuermer as Mr. DeFries replacement to the Auditorium Authority.

Commissioner Calliham made a motion that Mr. DeFries resignation be accepted and that Joyce Stuermer be appointed as his replacement to the Auditorium Authority. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body's Agenda

Mayor Gillette stated there were a few comments he would like to make concerning the resignation of the City Manager. Mayor Gillette then continued that there is a sad situation in the City of Ottawa as we have had three City Managers driven away from the community and there is a definite need for change. Mayor Gillette further stated that the City of Ottawa seems to be the laughing

stock of all of the Cities of Kansas and that he is ashamed of what has happened. Mayor Gillette then called upon the people of Ottawa to go to the voting booth next spring and elect qualified candidates for the three vacancies which will be existing on the City Commission. In the area of the City Manager form of government Mayor Gillette stated that with a City as large as Ottawa and with a budget of some \$17,000,000, he did not feel that through the election process the City could secure a Commission or Mayor totally capable of managing a City this size. He further stated that he is a Grocery Executive and he would not feel that he was capable of managing the City.

Commissioner Lantis then spoke stating that there were a couple of issues concerning the resignation of the City Manager that he wish to clear up at this time. The first issue Commissioner Lantis stated was the fact that the City Manager was being forced to leave because he had not done his job. Commissioner Lantis said that nothing is further from the truth, that the City Manager has always responded to his questions and request and that the City Manager would disagree with certain ideas he presented and he certainly respected the City Manager's opinion on these items. The second item Commissioner Lantis spoke to, was the fact that a group was taking credit for getting rid of another City Manager. Again Commissioner Lantis stated that nothing was further from the truth but the people that supported the City Manager were the ones responsible for him leaving because they did not become vocal in their support and were complacent to let things take their course. Commissioner Lantis also called for the people of Ottawa to go to the voting booths next spring and elect qualified candidates for the City Commission.

Commissioner Fogle spoke to the resignation of the City Manager in that he did not feel that the City Manager had responded to his request for information as he should have, referring specifically to vehicle, man power and cost data from the Department of Public Works, which he said he had requested approximately one year ago and had not received to date. The City Manager did respond that the information was being compiled. Commissioner Fogle then took issue with Commissioner Gillette that he thought an elected body could operate the City in a proper manner without a City Manager, referring to the City of McPherson which is a very up and coming community and they operate without a City Manager.

Commissioner Calliham concurred with the statements of Mayor Gillette and Commissioner Lantis again calling on the electorate to elect qualified candidates.

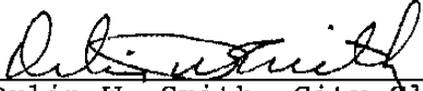
City Manager's Agenda

The City Manager reported that he had just received a contract for the sale of real estate from Robert Pickering to the City of Ottawa and that all items seem to be in order. The contract called for the payment of \$25,000 upon the execution of the

contract. Commissioner Calliham made a motion that the Mayor be authorized to sign a contract for the purchase of real estate from Mr. Robert Pickering with the payment of \$25,000 upon execution of contract contingent upon Mr. Pickering providing a proper warranty deed at the time of signing. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion. The City Manager then took issue with Mr. Fogle in that Mr. Fogle had referred to the City of McPherson as an average Kansas city. The City Manager stated that the average city in Kansas the size of McPherson and Ottawa had City Managers.

Adjournment

There being no further business to come before the City Commission 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 - October 3, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none, also present City Clerk Pete Smith and City Attorney Bob Bezek. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Clyde Greisen, of the Community Foursquare Church.

Approval of Minutes

The minutes of the last regular meeting which was held September 19, 1990 were approved as written.

Request for Homecoming Parade

The City Governing Body proceeded to consider a request for a Homecoming Parade as submitted by the Ottawa High School. The parade is to be held at 7:00 PM, October 3, 1990. Commissioner Heathman made a motion that the request for a Homecoming Parade as submitted by the Ottawa High School, to be held at 7:00 PM, October 3, 1990, be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Proclamation - Business Women's Week

Mayor Gillette read a Proclamation, proclaiming the week of October 14 -20, 1990 as National Business Women's Week.

Approval for repairs to the Air Conditioning System at the Public Safety Building.

The City Governing Body proceeded to give consideration for repairs to the Air Conditioning System at the Public Safety Building. The repairs under the proposal are for a replacement of (2) 7,500 BTU Units with one 15,000 BTU Unit, for a price of \$11,750.00. Commissioner Calliham made a motion that the proposal for the replacement of the compressing and condensing units for the air conditioning system at the Public Safety Bldg. for a total cost of \$11,750.00 be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Engagement Letter for the Audit of the City's 1990 Records

Commissioner Fogle made a motion that an engagement letter with the firm of Agler & Gaeddert, Chartered for audit of the City's 1990 financial operation and compliance with State and Federal regulations be approved. The motion was seconded by Commissioner Calliham. The matter had been discussed earlier in study session and as stated in the letter the fee should be essentially the same as it was in 1989, which was \$20,900.00, with the exception that there may be a one time charge for a verification of the City's

Fixed Asset Accounting for the Electric Utility Dept. Upon call for the question all present voted in favor of the motion.

Review Schedule of Existing Investments

The schedule of Investments existing as of September 30, 1990, indicate a total of \$7,100,000.00 invested at an average annual interest rate of 7.61 percent. Commissioner Fogle made a motion that the Schedule of Investments existing as of September 30, 1990, indicating a total of \$7,100,000.00 invested at an average annual interest of 7.61 percent be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of Planning Commission

A report of the Planning Commission meeting of October 2, 1990 was submitted as follows: The City Planning Commission met in regular session on Tuesday, October 2, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Todd, Carey, Reynolds & Woolman. Absent: Members Ellena and Zabloudil.

The minutes of the last meeting held were approved as written by a 5-0 vote.

The Planning Commission approved to recommend a Special use permit to, Lake Region Earth Team Recycling, for a "Solid Waste Transfer Station" (collecting of Recycling Materials) to be located at 104 S. Sycamore. This was approved by a 5-0 vote.

The Planning Commission continued a Public Hearing by a vote of 4-1 to allow a Special use permit for "Salvage yard and Recycling Materials" to be located at 221 N. Oak .

The Planning Commission approved to recommend a Special use permit for 602 N. Main to allow "Newspaper Printing and Publishing". This was approved by a 5-0 vote.

The Planning Commission voted 5-0 to call a Public Hearing to consider a text amendment to the subdivision regulations of the City of Ottawa, land exempt from the platting process.

The Planning Commission voted 5-0 to call a Public Hearing to consider an amendment to the parking regulations in the "C-2" General Commercial District, permitting parking within the front yard setback.

The Planning Commission voted 5-0 to call a Public Hearing to consider an amendment to the "C-S" Highway Service district, allowing Automobile Parts & Supply Stores as a permitted use.

There being no further business, the meeting was adjourned.

Commissioner Lantis made a motion that the report of the Planning Commission be accepted and entered into the record. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Governing Body Agenda

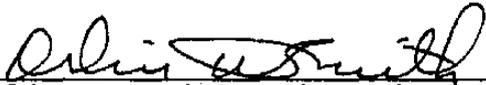
Mayor Gillette reported that he had received a letter of resignation from the Planning Commission from John Ellena. Mr. Ellena is resigning from the Planning Commission as he is moving from the City. Mayor Gillette then asked for a motion to accept the resignation, Commissioner Fogle then made a motion that the resignation of John Ellena from the Planning Commission be accepted, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion. Mayor Gillette then stated he would be making an appointment to the Planning Commission in the near future.

Mayor Gillette then stated he had received a request for a Block Party where by the residence of Elm Street between 5th & 6th would like to close the street from 4:00 PM to 7:30 PM, October 13, or a rain date of October 20, for their block party. The reason for their request to close the street is so the children in the block may ride their bikes and play in the street without having to worry about traffic. The letter was submitted by Barb Nelson, 509 South Elm. Commissioner Lantis made a motion that the request for the Block Party as submitted by Barb Nelson be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Lantis commended the Department of Public Safety STAR Team concerning an incident in which they were called into Franklin County, out of Ottawa, by the Franklin County Sheriff. Commissioner Lantis stated that he had spoken with the Sheriff and the County Attorney and the STAR Team responded and performed in a professional manner bringing to a conclusion a dangerous situation which had occurred. Commissioner Lantis further stated that in the past he has spoken in opposition to the formation and training of the Star Team but this incident had proven their ability to handle dangerous situations.

Adjournment

There being no further business to come before the City Commission 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 - October 8, 1990

The City Governing Body met in special session at 4:30 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, and Lantis, absent Commissioner Fogle. The purpose of the Special Meeting was to name an Interim City Manager, to consider an ordinance authorizing the Issuance of \$760,000 and to authorize the execution of other basic documents to issue the Certificates of Participation and to conduct other business which may come before the City Commission.

Ordinance No. 2957-90 - Authorizing Certificates of Participation

Commissioner Lantis made a motion that an ordinance approving and authorizing the execution of a base lease from the City of Ottawa, Kansas, to the Kansas State Bank of Ottawa, Kansas, whereby the City leases to said bank, as trustee, certain facilities; approving and authorizing the execution of a Trust Agreement between the City and the Kansas State Bank of Ottawa, as Trustee, providing for the issuance of certain Certificates of Participation upon terms and conditions and for the purposes set forth therein; Approving and authorizing the execution of a Lease Purchase Agreement from the Kansas State Bank, as Trustee, to the City whereby the Bank leases back to the City such facilities; Approving and authorizing the execution of a sublease of such facilities from the City to Neosho County Community College, Chanute, Kansas.

The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Appointment of Interim City Manager

Mayor Gillette stated that as a result of consideration and discussions held with the City Commission in Executive Session, he would make the following motion.

Mayor Gillette made a motion that Mr. Jack Davis, present Director of Utilities of the City of Ottawa, be appointed Interim City Manager of the City of Ottawa effective October 12, 1990 and to hold the position until such times as a full time manager can be selected and assume those duties. Mayor Gillette further stated that he would recommend that the Interim City Manager appoint a Deputy City Manager to assist him in his duties. It was further stated that Mr. Davis's salary be increased from his present level in the amount of \$500.00 per month. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Business from Guests

Mary Grimes representing the Neosho County Community College appeared before the Commission, thanking the Commission for their

assistance in helping the Neosho County Community College establish an educational facility in Ottawa. Mrs. Grimes further asked the City Commission if they would attend a Ground Breaking Ceremony as it may be scheduled in the future. Mayor Gillette assured Mrs. Grimes that he as Mayor of the City would be happy to attend the Ground Breaking Ceremony and suggested that Mrs. Grimes contact the Ottawa Chamber of Commerce to arrange the ceremonies.

Adjournment

There being no further business to come before the City Commission 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 - October 17, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Don Richardson, First Christian Church.

Approval of Minutes

The minutes of the last regular meeting which was held October 3, 1990 and the minutes of the special meeting held October 8 1990, were approved as written.

Proclamation - Medical Assistants Week

Mayor Gillette read and signed a proclamation proclaiming the week of October 14, 1990 to October 20, 1990 as Medical Assistants Week.

Proclamation - Eastern Star Week

Mayor Gillette read and signed a proclamation proclaiming the week of October 14, 1990 to October 20, 1990 as Eastern Star Week.

Request to Change Date of 5 Kilometer Run.

The East Central Kansas Regional Prevention Center requested the Governing Body to change the date of their scheduled 5 Kilometer Run, from October 20 to November 3, 1990. The reason for the change of date is that the 5 Kilometer run scheduled for October 20 would be in conflict with the Maple Leaf Festival.

Commissioner Calliham made a motion that the request of The East Central Kansas Regional Prevention Center to reschedule their 5 Kilometer Run from October 20, 1990 to November 3, 1990 be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 514-90 - Special Use Permit

The City Governing Body proceeded to consider a Resolution approving a Special Use Permit to allow a Recycling Center to locate at First and Sycamore Streets.

Commissioner Lantis made a motion that a Resolution approving a Special Use Permit to allow a Recycling Center to locate at First and Sycamore Street be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Resolution No 515-90 - Special Use Permit

The City Governing Body proceeded to consider a resolution approving a Special Use Permit for the continued operation and expansion of newspaper printing and publishing at 602 North Main.

Commissioner Fogle made a motion that a Resolution approving a Special Use Permit for the continued operation and expansion of newspaper printing and publishing at 602 North, Main be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No 516-90 - Citizen Participation Plan

A resolution setting forth a plan by which the Ottawa City Commission may keep the Citizens of Ottawa informed on local issues and receive comments and suggestions concerning local issues was considered. A plan by which citizens are kept informed and by which citizens may comment and make suggestions on local issues is required for participation in some Federal Programs. It was deemed advisable to take action on such a plan at this time.

Commissioner Fogle made a motion that a resolution setting forth a plan by which the Ottawa City Commission may keep the citizens of Ottawa informed of local issues and receive comments and suggestions concerning local issues be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Secure Services to Assist in the Search and Hiring of a New City Manager

The Governing Body proceeded to consider securing the services of V. A. Basgall to assist in the search and hiring of a new City Manager.

Commissioner Heathman stated that he was not in favor of hiring Mr. Basgall for these services, that he felt there were people in the community who were just as qualified as Mr. Basgall to assist in the search for the City Manager.

Mr. Calliham stated with the years Mr. Basgall has served as a City Manager and in public service that he was probably the most qualified person to assist in the search.

Commissioner Fogle stated that although he has some reservations about hiring Mr. Basgall, he is probably the most qualified person. Mr. Fogle did express a concern that the City Commission get copies of all applications for the City Manager position and Mr. Fogle was assured the City Commission would in fact receive a copy of all applications.

Mayor Gillette pointed out that though it is normally the responsibility of the Interim City Manager to assist in the search

for a new City Manager that it had been specifically stated at this time that it would not be the responsibility of the Interim City Manager. Mr. Gillette also stated that if the City Commission decided to hire Mr. Basgall for this project that he would be an employee of the City Commission and not an employee of the City Manager.

Mr. Heathman questioned the legality of Mr. Basgall working for the City Commission and was assured it was legal for the City Commission to have an employee for this purpose.

Commissioner Calliham made a motion that the City of Ottawa secure the services of V. A. Basgall to assist in the hiring of a new City Manager. Mr. Basgall is to receive compensation of \$35.00 per hour for all time spent devoted to the City of Ottawa, travel compensation of .26 cents per mile and be reimbursed for out of pocket expenses including meals. The motion was seconded by Commissioner Lantis and upon call for the question Commissioners Calliham, Fogle, Lantis and Mayor Gillette voted in favor of the motion, Commissioner Heathman voted opposing the motion.

Appointment to Planning Commission

Mayor Gillette announced that he was appointing Jim Lancaster to the Planning Commission to fill the unexpired term of John Ellena who resigned from that position. Mayor Fogle made a motion that the City Commission ratify the appointment. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Manager's Agenda

Interim City Manager Jack Davis commenting to Commissioner Heathman stated; that an arrangement had been worked out between Mr. Basgall and the City whereby the City Manager and his Deputy will assist Mr. Basgall in arranging for interviews for those persons that the City Commission might want to interview for the position of City Manager, thus relieving Mr. Basgall of those responsibilities which will assist in keeping Mr. Basgall's time spent working for the City to a minimum.

Adjournment

There being no further business to come before the City Commission 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 - October 29, 1990

The City Governing Body met in Special Session at 1:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, and Lantis, absent Commissioner Fogle. The purpose of this meeting is to consider a Letter of Intent to approve a contract with Resco Construction of Joplin, Missouri, for the construction of a building to be leased to Neosho County Community College and to authorize the Mayor to sign a contract document with Resco Construction for the foregoing, when all documents are prepared and approved.

Commissioner Lantis made a motion that a Letter of Intent setting forth: That it is the intention of the Ottawa City Commission to enter into a contract with Resco Construction Company of Joplin Missouri, to construct class room facilities for the City of Ottawa and Neosho County Community College, the contract sets forth an amount of \$545,000.00 for construction of the classroom facilities. The letter further states that the Letter of Intent is not binding upon the City Commission and all documents are subject to the approval of the Ottawa City Attorney prior to their execution. A motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Commissioner Calliham made a motion that Mayor Gillette be authorized to sign the contract documents with Resco Construction of Joplin, Missouri, for the construction of class room facilities for the City of Ottawa and Neosho County Community College. The contract is to be in the amount of \$545,000.00 for the construction of the class room facilities, further that all documents are subject to the approval of the Ottawa City Attorney prior to their execution. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

The business for which this meeting had been called being completed, the meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - November 7, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Fogle and Lantis, absent Commissioner Heathman. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Calliham.

Approval of Minutes

The minutes of the last regular meeting which was held October 17, 1990, and the minutes of the Special Meeting which was held October 29, 1990 were approved as written.

Resolution No. 517-90 - Temporary Notes \$80,000.00

Commissioner Fogle made a motion that a resolution authorizing the issuance and delivery of \$80,000, principal amount of temporary notes Series 1990 of the City of Ottawa, Kansas, for the purpose of temporary financing the cost of certain internal improvement of the City and prescribing the terms and details of said notes be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Addendum to Airport Services Agreement

The City Governing Body proceeded to consider an addendum to the Airport Services Agreement, whereby the City Manager must approve the rental rates for the rental of hangers at the Ottawa Municipal Airport. The addendum is required by the FAA to finalize the FAA involvement in the airport which are being concluded at this time.

Commissioner Calliham made a motion that an addendum to the Airport Services Agreement whereby the fees for the rent of hangers at the airport are approved by the City Manager. The foregoing being a requirement of the FAA. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Addendum to the Fixed Base Operators Lease for the Municipal Airport

The Governing Body proceeded to consider an addendum to the Fixed Base Operators Lease for the Municipal Airport setting forth a non discrimination policy for operation of the airport as required by the FAA.

Commissioner Lantis made a motion that an addendum to the Fixed Base Operators Lease for the Municipal Airport setting forth a non discrimination policy, as required by the FAA be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Addendum to a Lease between the City of Ottawa and Robert A. Dodson

The City Governing Body proceeded to consider an addendum to the lease between the City of Ottawa and Robert Dodson for a tract of land at the Ottawa Municipal Airport, whereby Mr. Dodson's lease payments will increase twenty five (25) dollars each five (5) years as required by the FAA.

Commissioner Fogle made a motion that an addendum to the lease between the City of Ottawa and Robert Dodson, for the lease of a tract of land at the airport, whereby Mr. Dodson's lease payment will increase twenty five (25) dollars each five (5) years as required by the FAA be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Acceptance of Water Line Bid for Water Line Construction

Commissioner Calliham made a motion that the bid of Kahle Construction in the amount of \$25,582.00 for the construction of a water line extension which will serve Immanual Baptist Church and other customers be accepted. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Contract for Water Line Construction

Commissioner Fogle made a motion that the Mayor be authorized to sign a contract with Kahle Construction in the amount of \$25,582.00 for water line construction, subject to all documents being approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Agreement with Cook, Flatt & Strobel for Engineering Services for the New Industrial Park

The Governing Body proceeded to consider an agreement with Cook, Flatt & Strobel for a survey and a topographical map of the new industrial park area. The original verbal agreement was for a survey of the property and a topographical map to be completed from a ground survey. Recent conversations with Cook, Flatt and Strobel indicated they would be willing to do an aerial survey for topographical purposes for the same agreed price and within the same time frame. An aerial topographical survey is considered to be more accurate than a ground survey.

Commissioner Lantis made a motion that the Mayor be authorized to sign an agreement with Cook, Flatt & Strobel for a ground survey of the new industrial park and for an aerial topographical survey of the area for a lump sum fee of \$10,500.00. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2958-90 - Amending the Uniform Plumbing Code

Commissioner Lantis made a motion that an ordinance deleting Section 2.1, definitions of Plumbing and Mechanical Contractors of Part II, qualification of plumbers and mechanics of Section 2, revisions to the Uniform Code of Ordinance 2941-90 and Ordinance incorporating by reference The Uniform Plumbing Code 1985 Addition and making revisions, deletions and substitutions and additional provisions therein. The motion was seconded by Commissioner Fogle. It was discussed that the ordinance defines the work that the various degrees of plumbers may perform and brings the City Code into compliance with State Code. Upon call to the question all present voted in favor of the motion.

Approval of Investment Schedule

Commissioner Lantis made a motion that the Schedule of Investments existing as of October 31, 1990 indicating a total of \$6,700,000 invested at an average annual interest rate of 7.44 percent be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Report of Planning Commission

The City Planning Commission met in regular session on Tuesday, November 6, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Zabloudil, Todd, Carey, Reynolds, Lancaster and Chairman Woolman.

The minutes of the last meeting held were approved as written by a 7-0 vote.

The Planning Commission Elected Member Reusch as Vice chairman by a 7-0 vote.

The Planning Commission approved a Special Use Permit with conditions for Salvage and Recycling to be located at 221 S. Oak. This passed by a 7-0 vote.

The Planning Commission approved to recommend by a 7-0 vote, a text amendment to the subdivision regulations exempting certain land from the platting process.

The Planning Commission approved to recommend by a 7-0 vote to amend the parking regulations in the "C-2" General Commercial District, permitting parking within the front yard setback.

The Planning Commission approved to recommend by a 7-0 vote to amend the "C-S" Highway Service District, to allow Automobile Parts & Supply Stores as a permitted use.

The Planning Commission approved the final plat for, Ottawa

Retirement Plaza Addition by a 7-0 vote.

There being no further business, the meeting was adjourned.

Commissioner Lantis made a motion the report of the Planning Commission Meeting, November 6, 1990 be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Condemnation Hearing for 720 West Fifth

Mayor Gillette opened the hearing on the proposed condemnation of a structure located at 720 West 5th Street. However it was reported the structure has been completely demolished and there is no longer a need for the hearing. There being no further comment the hearing was declared closed.

Cereal Malt Beverage License Application

The City Clerk presented an application for Cereal Malt Beverage License as submitted by the Ottawa Cooperative Association. The application for Cereal Malt Beverage by the Ottawa Cooperative Association is for sale in unopened containers. The manager and resident agents name is Adrian L. Derousseau, the place of business is 302 North Main.

Commissioner Lantis made a motion that the application for Cereal Malt Beverage License for The Ottawa Cooperative Association be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion except Commissioner Calliham who abstained from voting.

Public Agenda

Mr. Wayne Baylor appeared before the City Commission discussing the contract for the purchase of the North American Hotel by the City of Ottawa from B & B Investment and the passing of the property after purchase to RPI Services Inc. After Mr. Baylor's comments concerning the contracts the following actions were taken.

Contract with B & B Investment

Commissioner Fogle made a motion that the contract with B & B Investments Inc., dated April 23, 1990 be amended as follows. The last sentence under the heading of contingencies, stating any money paid by purchaser to seller shall promptly be returned to purchaser, be deleted. Under the heading of taxes, the date of proration be amended to read July 1, 1990. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Amendment to Real Estate Contract with B & B Investments

Commissioner Lantis made a motion that an amendment to the Real Estate Contract with B & B Investments be amended to change the closing date from October 31, 1990 to, on or before April 30, 1991 and the paragraph entitled, insurance, is deleted in its entirety and the following substituted in place thereof. In the event any improvements on said property are substantially damaged by fire, lighting or any causes could be covered by what is known as Fire and Extended Coverage Insurance, the purchaser shall have the option to proceed with this contract or cancelling this contract by written notice within ten (10) days after any destruction or damage. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Amendment to Real Estate Contract with RPI Services Inc.

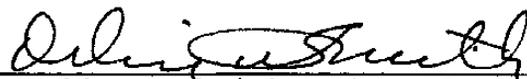
Commissioner Calliham made a motion that the contract with RPI Services Inc., which was dated April 23, 1990 be amended to reflect a closing date on this contract on or before April 30, 1991, and that paragraph ten (10) dealing with insurance be deleted and the following substituted. In the event any improvements on said property are substantially damaged by fire, lighting or causes which would be covered by what is known as Fire and Extended Coverage Insurance, RPI shall have the option to proceed with this contract or canceling this contract by written notice within ten (10) days after any destruction or damage. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Agreement for Low Rent Subsidy

Commissioner Lantis made a motion that the City of Ottawa approve an agreement by which the City will provide \$5,400 per year for a maximum of five (5) years in rental assistance for low income people, older or handicapped, which live in the North American Hotel, when the project is completed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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 - November 21, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was also given by Mayor Gillette.

Approval of Minutes

The minutes of the last regular meeting which was held November 7, 1990 were approved as written.

Public Hearing on Amendment to the 1990 Budget

The Governing Body proceeded to hold a public hearing on an amendment for the 1990 Budget for the Central Dispatch Fund, making a budget allocation for Central Dispatch in the amount of \$288,948.00. It was explained that at the time the budget for 1990 was drawn, there was no budget consideration made for the Central Dispatch Fund because it was not known whether Central Dispatch would become a reality and the amount necessary to operate the Central Dispatch System was unknown. There were no comments from the audience or the City Commission concerning the proposed budget amendment. Commissioner Gillette then closed the public hearing.

Commissioner Heathman made a motion that an amendment to the 1990 budget in the amount of \$288,948.00, for the operation of the Central Dispatch System be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2959-90 - Amending Subdivision Regulations

Commissioner Fogle made a motion that an ordinance amending the text of the subdivision regulations of the City of Ottawa, Kansas, Ordinance No. 2932-90 as amended, exempting certain lands from the platting process be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Ordinance No. 2960-90 - Permitting Auto Parts & Supply Stores in the C-S Highway Service District

The Governing Body proceeded to consider an ordinance amending Appendix A of the Zoning Ordinance to the City of Ottawa, Kansas, Ordinance No. 2933-90 as amended, permitting auto parts and supply stores in the C-S Highway Service District.

There was concern expressed by the City Commission that the C-S Highway Service District needs to be studied and possibly have an over all change in the uses allowed in the C-S Highway Service

District. The Highway Service District is designed to protect the intersection areas with major highways. There was also concern expressed concerning the protection of the Central Business District by allowing certain uses outside of the Central Business District. Commissioner Calliham made a motion that action on this ordinance be postponed until the City Commission can have a discussion with the Planning Commission. The motion was seconded by Commissioner Lantis. Upon call for the question, Commissioner Calliham voted in favor of the motion and Mayor Gillette, Commissioners Fogle, Lantis, and Heathman voted opposing the motion.

Commissioner Fogle made a motion that an ordinance amending Appendix A of the Zoning Ordinance of the City of Ottawa, Kansas, Ordinance No. 2933-90 as amended, permitting auto parts and supply stores in the C-S Highway Service District be passed, the motion was seconded by Commissioner Lantis. Mayor Gillette, Commissioner Fogle and Heathman voted in favor of the motion, Commissioners Calliham and Lantis voted opposing the motion.

Ordinance Permitting Parking in the Front Yard C-2 General Commercial District

The Governing Body proceeded to consider an ordinance amending the text of the Zoning Ordinance of the City of Ottawa, Kansas, Ordinance No. 2933-90 as amended, permitting parking in the front yard in the C-2 General Commercial District.

There was considerable concern expressed concerning allowing parking in the front yard of the C-2 General Commercial District, and it was felt that additional study and explanation of this ordinance should be conducted. Commissioner Fogle made a motion that consideration of this ordinance be tabled until the next regular meeting. The motion was seconded by Commissioner Lantis, upon call for the question all present voted in favor of the motion.

Resolution 518-90 - Special Use Permit for a Salvage Yard

The Governing Body proceeded to consider a resolution approving a Special Use Permit request for a salvage yard on Lots 15, 17, 19, 21 and 23, Block 26, Original Town, commonly known as 221 North Oak. The City Attorney reported, even though the Planning Commission had recommended the issuance of the Special Use Permit, subject to conditions set forth in the permit, the application for the permit was not properly signed by the individual owning the property. The City Attorney recommended, if the Governing Body approved the Resolution it should be approved subject to the application for the permit being properly signed by the property owner. The City Clerk reported that a sufficient Remonstrance Petition has been received objecting to the issuance of the Special Use Permit and to pass the resolution would require a 4/5

Commissioner Fogle made a motion that a resolution approving a Special Use Permit request for a Salvage Yard on Lot 15, 17, 19, 21 and 23 Block 26, Original Town, commonly known as 221 South Oak, be approved contingent upon the owner of the property signing the request within 30 days. The motion was seconded by Commissioner Heathman, upon call for the question Mayor Gillette and Commissioners Calliham, Fogle and Heathman voted in favor of the motion and Commissioner Lantis voted opposing the motion.

City Commission Agenda

Mayor Gillette opened the City Commission Agenda by giving an update on the hiring of City Personnel. Mayor Gillette reported that Richard Towe had been appointed to the position of Fire Chief, which is well within the time frame for the hiring of a Fire Chief to direct the new department.

The City Commission is starting the process of interviewing candidates for the position of City Manager. The Mayor then called on Interim City Manager Jack Davis to report on the hiring of a new Director of Utilities. Mr. Davis reported the City has received 19 applications for the position of Director of Utilities and that he is presently in the process of reviewing the applications for the purpose of conducting interviews. Mayor Gillette then further reported that the separation of the Police and Fire Department from the Department of Public Safety is on schedule and the separate departments should become operational on January 1, 1991. Mayor Gillette then stated, the City Commission has been invited to ride in the Christmas Parade on December 1, and further invited the Commissioners to ride with him in that parade.

Commissioner Heathman suggested with the separation of the Police and Fire Departments that possibly the Police Department should move to the basement of City Hall and the Inspection Department could then move to the basement of the Fire Station. Commissioner Heathman felt this might resolve any differences that might come about as to their existence in the same building and the maintenance of the building. Commissioner Gillette stated these items had been covered when it was decided to split the Police Dept. from the Fire Dept. and the contract had been let for a remodel of the Public Safety Bldg., to allow both departments to remain in the same building.

Commissioner Fogle stated, it might be possible for the new Director of Utilities to be located in the Utility Warehouse, and thus free some additional space in the City Hall Bldg. Interim City Manager Jack Davis reported this had been considered when the Utilities Warehouse was build but at the last moment it was decided to leave the Director of Utilities Office at City Hall.

City Manager's Agenda

The City Clerk reported that a depository needed to be designated for funds for the Rental Housing Rehabilitation Project. Mr. Richard Jackson had checked with the Kansas State Bank and they are willing to serve as the depository for these funds, even though there will not at any one time be a large sum of money in this fund.

Commissioner Lantis made a motion that the Kansas State Bank be designated as the Depository for the Rental Housing Rehabilitation Fund. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Interim City Manager Jack Davis reported, it would be necessary to close Second Street from Main to Hickory from 5 to 8 PM, December 19th, for the Christmas Carol Sing, that is to be held at that location. Commissioner Fogle made a motion that Second Street be closed from Main to Hickory from 5 to 8 PM, December 19, 1990, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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 Clerk's Note: The conditions set forth on Resolution No. 518-90 that the application be signed by the proper individual prior to Resolution No. 518-90 becoming effective was met on November 27, 1990, when the application was received properly signed at City Hall.

City Hall- Ottawa, Kansas - December 5, 1990

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman and Lantis, absent Commissioner Fogle. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Henry Roberts.

Approval of Minutes

The minutes of the last regular meeting were amended to reflect that upon Commissioner Calliham's motion, that action on an ordinance which would allow Ottawa Parts and Supply Stores to locate in the C-S Highway Service District, be postponed until the next City Commission Meeting, that Commissioner Lantis voted in favor of the motion along with Commissioner Calliham and that Mayor Gillette and Commissioners Fogle and Heathman voted opposing the motion. The balance of the minutes were approved as written.

An Ordinance Permitting Parking in the Front Yard of the C-2 General Commercial District

The Governing Body proceeded to consider an ordinance amending the Zoning Ordinance of the City of Ottawa. Ordinance No. 2933-90 as amended, permitting parking in the front yard in the C-2 General Commercial District.

There was much discussion concerning this ordinance which would allow parking in the front yard of the C-2 General Commercial District. The ordinance before the City Commission at this time would allow such parking with a five (5) feet landscape buffer between the front property line and the area in which parking would be allowed. The Ordinance does not define the amount of lay back curb which might be used as a driveway entrance. During the course of discussion there were feelings expressed that parking should not be allowed at all in the front yard of a C-2 General Commercial District and that if parking were allowed in the front yard of a C-2 General Commercial District, the landscape buffer zone should be increased from five (5) feet to ten (10) feet. The tract of land which this ordinance would immediately apply is located in an area in which parking is allowed in the front yard area as a result as being grandfathered in, due to prior use.

Commissioner Calliham made a motion that an ordinance, amending the zoning ordinance of the City of Ottawa, Ordinance No. 2933-90 as amended, permitting parking in the front yard of the C-2 General Commercial District, be passed. The motion was seconded by Commissioner Heathman and upon call for the question Mayor Gillette and Commissioner Calliham voted in favor of the motion, and Commissioners Heathman and Lantis voted opposing the motion. It was then declared that the ordinance did not pass.

Mayor Gillette then directed that the ordinance be returned to the City Planning Commission for further consideration and that considerations be given to a ten (10) foot landscape buffer with curbing, to be required along the front property line and that the width of a driveway entrance be defined.

Change Order No. 1, Final Airport Construction (electrical)

Commissioner Lantis made a motion that Change Order No. 1 (final) which increases the contract amount for the electrical portion of the Airport Construction, from \$45,320.45 to \$45,672.25, amounting to a total of \$351.80, be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Change Order No. 2 Final Airport Construction

Commissioner Heathman made a motion that Change Order No. 2 (final) which decreases the amount of the contract for airport construction, from \$1,130,257.05 to \$1,112,126.01 for a reduction of \$18,131.04 be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Review Schedule of Investments

Commissioner Heathman made a motion that the Schedule of Investments existing as of November 30, 1990 indicating a total of \$6,300,000.00 at an average annual interest rate of 7.33 percent be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of Planning Commission Meeting

The report of the Planning Commission Meeting of December 5, 1990 is as follows:

The City Planning Commission Met in regular session on Tuesday, December 4, 1990 at 7:00 P.M. in City Hall. Present: Members Reusch, Reynolds, Todd, Zabloudil and Lancaster, Absent Members Carey and Woolman.

The minutes of the last meeting held November 6, 1990 were approved as written by a 5-0 vote.

There being no further business, the meeting was adjourned.

Commissioner Heathman made a motion that the report of the Planning Commission Meeting be entered into the official City record. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

Cereal Malt Beverage License Applications for 1991

The following applications for Cereal Malt Beverage License for 1991 were submitted: Charles R. Wood Oil Co., 2130 Princeton Road, Betty Hill, Manager, package sales only, Waymire Price Chopper, 2008 Princeton Road, Mary B. Montis, Manager, package sales only, Taylor Oil Co. Inc., 2305 S. Cedar, Harold Taylor, Manager, package sales only, Food Barn Stores, Inc., 901 South Main, Carl Hinson, Manager, package sales only, S & S Foods, Inc., DBA Country Mart, 2138 Princeton Circle, Steven W. Silverman, Manager, package sales only, Triple K, Ltd., dba Casey's General Store, 1019 West 7th St., Lynn LaMaster, Manager, package sales only, Triple K, Ltd., dba Casey's General Store, 1002 North Main, Ramona A. Carner, Manager, package sales only and Pizza Hut of America, Inc., 118 West 15th Street, Oram Keith McDaniel, Manager, for consumption on the premise.

Commissioner Lantis made a motion that the applications for Cereal Malt Beverage License for 1991 as presented be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion, except Commissioner Calliham who voted opposing the motion.

Governing Body Agenda

Mayor Gillette opened the Governing Body Agenda by stating he thought it was time the City should be looking to the purchase of a new fire truck. The City presently has a 1957 International Fire Truck, a 1968 Howe Fire Truck, a 1971 American LaFrance Fire Truck and a 1984 American LaFrance Ladder Truck, pointing out that the City's fleet of pumper trucks is getting quite old, the Mayor suggested the City of Ottawa ask for proposals for the purchase of a new fire truck. Mayor Gillette pointed out the City's present Bond Debt Mill Levy is 9.9 Mills, which is lower than it has been for a number of years, hitting a high a few years ago of approximately 14 Mills. There was concern expressed among the City Commission as to whether the Commission should be looking to the purchase of a fire truck at this time and also to the method of funding for the purchase of a fire truck.

Mayor Gillette then made a motion that the City Manager be directed to proceed to get proposals for a pumper fire truck. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

City Manager's Agenda

The City Governing Body was presented with a plat of the Ottawa Retirement Plaza Addition to the City, that they might approve the easements and the street dedications indicated on the plat.

Commissioner Calliham made a motion that the plat of the Ottawa

Retirement Plaza Addition be accepted and that the easements and street dedications be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Public Agenda

Richard Jackson appeared before the City Commission to make public announcement that the City and his organization are now taking application for Rental Rehabilitation Funds. The first round of applications will be accepted until December 21.

Adjournment

There being no further business to come before the City Commission 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 - December 17, 1990

The City Governing Body met in special session at 3:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. The purpose of the meeting is to act on a resolution calling for a Public Hearing to consider condemnation of a structure which had been damaged by fire and to conduct other business as may come before the City Commission.

Resolution No. 519-90 Setting a Time and Date For a Hearing

Commissioner Fogle made a motion that a resolution calling for a hearing by which the owners of a residence at 1116 South Hickory, may show cause as to why the structure should not be condemned and repaired or demolished be passed. The property is described as Lots 14 and 16 in Block 17, University Addition No. 2 in the City of Ottawa, Kansas; the address of the structure is 1116 South Hickory. The resolution sets forth that a hearing be held at 7 PM on the 6th day of February, 1991. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Authorize an Agreement for the Employment of a New City Manager

Mayor Gillette announced that David E. Warren, former City Manager of Kent, Ohio has been selected by the City Commission to become the City Manager of the City of Ottawa, effective January 16, 1991.

Commissioner Calliham made a motion that the City Governing Body be authorized to enter into an employment agreement with Mr. David E. Warren, for the position of City Manager in the City of Ottawa and that the City Commission be authorized to sign said agreement. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission 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 - December 19, 1990

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. Mayor Gillette led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Henry Roberts of the Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held December 5, 1990 were approved as written.

Presentation of Service Awards

Mayor Gillette proceeded to present Service Awards to the following employees: For twenty five years of service, Gary Burns, employed, December 16, 1964, Virgil Finch, employed, June 15, 1965 and Roger Welton employed, July 26, 1965. For ten years of service, Steve DeLaTorre, employed January 7, 1980, Judy Hasty, employed, September 29, 1980, John Heckert employed, August 1, 1980, Dale Howard employed, March 24, 1980, Glen Jones employed April 7, 1980, Larry Klingele employed, October 29, 1979, Vern Langdon employed, August 11, 1980, Ricky Lines employed, October 1, 1980, Steve Rybolt employed, March 29 1980 and Andy Stauffer employed, January 2, 1980.

Agreement for Planning Services

The City Clerk presented an agreement for Planning Advisory Services for 1991 to the City Commission. The agreement with Bucher, Willis & Ratliff sets forth a maximum fee of \$8,000 and it was pointed out that the hourly rate set forth in the agreement are the same as the agreement for 1990.

Commissioner Heathman made a motion that an agreement with Bucher, Willis and Ratliff for Planning and Advisory Services for 1991 in an amount not to exceed \$8,000 be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Application for Cereal Malt Beverage License for 1991

The following applications for Cereal Malt Beverage for 1991 were submitted at this time to the Governing Body for consideration: Wolken Oil Co. Inc., 216 East 23rd St., Charles R. Gilkey, Manager, original and unopened containers only, South Conoco Travel Shop, I-35 & 59 Highway, James A. Allen, owner and manager, original and unopened containers only, Ray's IGA, 1428 South Main, Robert J. Floersch, Manager, original and unopened containers only, Wolken Oil Co., 401 South Main, Tracey A. Kloog, Manager, original and unopened containers only, Poncho's of Ottawa, 429

South Main, Jane Mauszycki, Manager, for consumption on the premise, Pizza Time, 2304 Princeton Rd., John Duncan, Owner and Manager, for consumption on the premise, Pizza Village Inc., 330 S. Main, Dennis F. Tharp, Manager, for consumption on the premise, New York Original Delicatessen Inc., 125 East Second St., Stephen Franano, Manager, for consumption on premise, Olympic Recreation, dba Indian Lanes, 2040 Princeton Road, Barbara Wolken, Manager, for consumption on premise, Hickory Inn Tavern, 120 E. Dundee, Billie Galutia, Owner and Manager, for consumption on premise, Ottawa Country Club Inc., 1001 East Logan, Steve Hardesty, Manager, for consumption on the premise, Ottawa Cooperative Assoc., 302 North Main, Adrian L. Derousseau, Manager, original and unopened containers only.

Commissioner Fogle made a motion that the applications for Cereal Malt Beverage License for 1991, as presented be approved. The motion was seconded by Commissioner Heathman and Mayor Gillette and Commissioners Heathman, Fogle and Lantis voted in favor of the motion, Commissioner Calliham voted opposing the motion.

Resolution No. 520-90 Redefining City Limits

Commissioner Lantis made a motion that a resolution defining and declaring the territorial limits and boundaries to the City of Ottawa and rescinding Resolution No. 499-89 be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Governing Body Agenda

Mayor Gillette announced there will be a special meeting of the City Commission at 4 PM, December 27, for the purpose of conducting the year end business of the City and any other business that may come before the City Commission.

Mayor Gillette also reported that he had contacted Mr. Tom Gleason and appointed him to head a committee to review the cable television service of the City of Ottawa and to report their findings to the City Commission at a later date.

City Manager's Agenda

The City Clerk reported that it was necessary at this time for the City Commission to take action on an ordinance addressing the sight triangle at intersections. The ordinance on the sight triangle at intersections had been inadvertently admitted from the adoption of the Standard Traffic Ordinance a few months ago.

Ordinance No. 2961-90 - Sight Triangle at intersections.

~~Commissioner Fogle made a motion that an ordinance amending Ordinance No. 2918-89, amending Section 126 of the 1990 Ottawa~~

Standard Traffic Ordinance and defining obstruction within said section, addressing specifically the sight triangle be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

The City Clerk then read a letter from Lewis J. Atherton of the Ottawa Area Chamber of Commerce, extending a sincere appreciation to the City Commission, City Manager and the Department Heads for making the Christmas Lighting Ceremony a success. The City Clerk then stated he had received a bill from Riling, Burkhead, Fairchild and Nitcher, for legal services on behalf of Mr. Fred Heathman City Commissioner. It was reported that Mr. Fred Heathman had a deposition taken pertaining to litigation in which the City is involved and that Mr. Heathman though being called as an individual was called because he was a City Commissioner. The City Clerk reported that it had been recommended by the City Attorney that the City pay this bill in the amount of \$382.50. There was no action by the City Commission taken on this item as this is informational only.

Public Agenda

Mr. Tom Pattan Director of operations of Jefferson Bus Lines approached the City Commission, that they are in need of a location for a bus terminal effective January 1, of this year. Mr. Pattan reported that their present agent is retiring from this position and does not wish to renew his lease on the building in which the bus terminal is now located and that the company would appreciate any help it might receive in securing a terminal for its bus service. The City Commission directed Mr. Patton that he might contact the area Chamber of Commerce, they might be of service and also that his public report before the City Commission might gain the attention of someone who would have such a place.

Adjournment

There being no further business to come before the City Commission 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 - December 27, 1990

The City Governing Body met in special session at 4:00 PM this date: Present Mayor Gillette and Commissioners Calliham, Heathman, Fogle and Lantis, absent none. The purpose of the meeting was to conduct any year end business for the City.

Ordinance No. 2962-90 - Amending the Municipal Code of the City of Ottawa by Deleting Reference to the Department of Public Safety and Establishing the Police Department and Fire Department and Eliminating the Department of Engineering.

It was discussed, by separating the Department of Public Safety into a separate Police Department and a separate Fire Department, it is necessary at this time to delete reference to the Public Safety Department in the Municipal Code and to establish the Fire Department and the Police Department and to eliminate the Department of Engineering.

Commissioner Lantis made a motion that an ordinance repealing certain sections and amending certain sections of the Municipal Code of the City of Ottawa, Kansas, 1982, conforming said code to the elimination of the Department of Public Safety and Department of Engineering be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Cereal Malt Beverage License Applications

The City Clerk presented an application for Cereal Malt Beverage License for 1991, for the National Marketing Company Inc., of Kansas, 1621 South Main, Mary Tice, Manager, for original and unopened containers, not for consumption on the premise.

Commissioner Fogle made a motion that the application for Cereal Malt Beverage License as presented be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion except Commissioner Calliham who voted opposing the motion.

There being no further business to come before the City Commission the meeting was adjourned.


Orlin W. Smith, City Clerk