

City Hall - January 6, 1982

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

Approval of Minutes

The minutes of the last regular meeting held December 23, 1981, were approved as written.

Continuation of Public Hearing on the Ordinance Recodification

Commissioner Marstall opened the hearing by stating that the hearing for the recodification of the city ordinances would continue at this time and he reiterated in an earlier statement that the city has been in the process of recodifying ordinances for some ten years.

Commissioner Snyder commented that the codification contains a condensation of all ordinances of a general nature of the city that are still in force and is inclusive of all chapters.

Commissioner McCrea commented that since the last hearing, the section concerning the harboring and keeping of animals had been rewritten to reflect that animals will not be permitted to run at large in the City of Ottawa; that no person shall keep, maintain or harbor within the city any animal which creates a hazard to health of the inhabitants of the city and that dead carcasses of animals must be removed from the city within six hours after the death of the animal, and in no case shall a dead animal be left in the city long enough to create an offensive odor.

Commissioner Lister stated that the City Commission had continued to look at the prohibition on burning as stated in the recodification of the ordinances, and that this section is not intended to prohibit the burning of wood for heat or charcoal for cooking.

Commissioner McCrea commented that in the past week, he had received numerous calls concerning the prohibition on burning, with 83% of his calls being in favor of no burning, 12% wanting no change in the ordinance and 5% wanting the city to have a controlled burning ordinance.

Commissioner Marstall stated that the City Commission would continue the hearing at this time and would then continue until January 20, 1982, for possible adoption of the recodification of the ordinances.

Mr. Graydon Watkins, 921 N. Cedar, stated that a prohibition on all burning would possibly penalize senior citizens on a fixed income by making a trash pick-up service compulsory. Mr. Watkins further stated that if the present ordinance were properly enforced, there would be no burning of garbage and those types of materials to cause the offensive odors.

Mr. Rex Howard, 907 N. Cedar, commented that he did not feel the present county landfill could handle the bulk of the trash from the City of Ottawa for any length of time if the city did prohibit burning.

Mr. Graydon Watkins commented that he felt that the burning of plastic bottles would be proper as these types of products when buried will not decay.

Mayor Marstall stated that the burning of garbage and other offensive materials in the summer when windows are open creates a most unpleasant smell and that seems to be the nature of the greatest number of complaints.

Barbara Harper, 1230 S. Willow, commented that a ban on burning would work a hardship on people, and we probably would have a landfill problem. Mrs. Harper stated that she thought burning was the most obvious solution to the disposal of trash.

Commissioner Snyder stated that it is presently possible to recycle some of the trash, mainly newspapers, when possible, and the City Commission is operating on the premise that 70% of the refuse from Ottawa is being hauled to the landfill at the present time.

Mr. Frank Couch, 1815 Princeton Road, stated that he had been up and down alleys in the city and noticed numerous refrigerators and various types of trash in the alleys, and he felt that if the city were to place a ban on burning, this type of trash accumulation would multiply.

Mayor Marstall stated that there is already a problem with litter of trash just from the fact that many of the trucks that haul trash to the landfill are not properly covered.

Commissioner Snyder commented from a statement made earlier in the hearing that the City of Ottawa is not contemplating a tax for trash pickup; that the city is not interested in pursuing trash pickup in this manner and it is felt that the private trash haulers in the community would be able to do a proper job.

Mayor Marstall commented that presently there is no burning in certain areas of the city, speaking particularly of Willow Acres and Orchard Heights, and this seems to be working very satisfactorily in those areas. He also said that the city will meet with some of the trash haulers and the county engineer before the conclusion of the hearing on January 20, to discuss any problems that might be incurred in these areas of hauling and landfill capacity.

Mr. Rex Howard suggested that the city build an incinerator at the power plant utilizing the old boiler stack and dispose of the smoke and fumes through the old stack, not affecting the health and sanitation of the city.

Commissioner Lister made a motion that the hearing recess until January 20, 1982. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Review the City Investment Schedule for December 1981

Commissioner Snyder stated that he was aware the interest on monies was going down and that the recent investment schedule indicates this trend. He further stated that he felt the staff was doing a very efficient job in investing the city's monies. Commissioner McCrea made a motion that the investment schedule for December 1981 be accepted and approved. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on January 5, 1982. Present: Chairperson Wellington and Members Koch, Spears, Thornburg, Coatney and Searles. Absent: Member Jackson.

The minutes of the last regular meeting held on December 1, 1981, were approved as written.

The Planning Commission held a public hearing to consider a petition for rezoning submitted by Mr. and Mrs. Ronald W. James, asking for a rezoning of their property at 1104 S. Walnut from R (Residential) to C-2 (General Commercial). In accordance with their bylaws, the Planning Commission deferred action on this item until the February meeting.

THE CITY OF OTTAWA

CITY HALL

(913) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF DECEMBER 31, 1981

11-4	8084	WATER	100,000.00	1-7-82	PEOPLES	13.08
11-4	8085	GEN	100,000.00	1-7-82	PEOPLES	13.08
10-29	8062	R.S.	100,000.00	1-21-82	PEOPLES	13.30
10-29	8063	E B & I	100,000.00	1-21-82	PEOPLES	13.30
10-29	8064	CONST	200,000.00	1-21-82	PEOPLES	13.30
10-29	8065	GEN	200,000.00	1-21-82	PEOPLES	13.30
10-29	8066	E CONST	100,000.00	1-21-82	PEOPLES	13.30
10-22	8033	ELEC	200,000.00	1-28-82	PEOPLES	13.81
10-22	8034	GEN	200,000.00	1-28-82	PEOPLES	13.81
10-22	8035	WATER	100,000.00	1-28-82	PEOPLES	13.81
10-22	7212	W BD RES	100,000.00	1-28-82	K.S.	13.61
10-22	7213	E BD RES	100,000.00	1-28-82	K.S.	13.61
10-22	7214	SEWER	100,000.00	1-28-82	K.S.	13.61
10-22	7215	WATER	100,000.00	1-28-82	K.S.	13.61
7-23	2554638	GEN	100,000.00	1-23-82	ANCHOR	16.25
11-4	8086	GEN	300,000.00	2-4-82	PEOPLES	13.29
11-5	37391	EL EM RES	150,000.00	2-4-82	1ST	12.695
11-5	37392	EL EM RES	150,000.00	2-4-82	1ST	12.695
11-5	8097	W R.E.S.	100,000.00	2-4-82	PEOPLES	12.34
11-5	8098	ELEC	100,000.00	2-4-82	PEOPLES	12.34
11-5	8099	EL BD RES	500,000.00	2-4-82	PEOPLES	12.34
11-12	8119	WATER	200,000.00	2-18-82	PEOPLES	11.31
11-12	7244	E CONST	100,000.00	2-18-82	PEOPLES	11.35
11-23	7250	E CONST	300,000.00	2-25-81	K.S.	10.32
11-20	106346	WATER	100,000.00	5-31-82	FR SAVINGS	11.625
10-3	8181	W B RES	100,000.00	3-4-82	PEOPLES	10.77
12-3	8182	ELEC.	200,000.00	3-4-82	PEOPLES	10.77
12-28	37415	W R.E.S.	200,000.00	4-1-82	1ST	11.57
12-24	7264	W B RES	100,000.00	4-1-82	K S	11.70
12-24	7366	WATER	100,000.00	4-1-82	K S	11.70
12-24	7367	WATER	100,000.00	4-1-82	K S	11.70
12-24	7368	GEN	100,000.00	4-1-82	K S	11.70
12-24	6279	W B RES	100,000.00	4-1-82	K S	11.70
12-29	833346	GEN	200,000.00	SAVINGS	K S	5.25
12-3	7256	E CONST	400,000.00	3-4-82	K S	10.75

5,500,000.00

Mary L. Graham
MARY L. GRAHAM, TREASURER

The Planning Commission continued its review of various uses in the commercial districts. Planning Commission members completed their preliminary list and decided that they will scrutinize the list before calling for a public hearing in March.

The city manager informed the Planning Commission that the City Commissioners were desirous of having the newly-annexed area located south of K-68 studied for a possible upgrading in zoning classification. The Planning Commission members put this on the agenda for their next study session.

The Planning Commission voted 6-0 to recommend the renewal of the planning advisory services contract with Bucher & Willis for 1982. The Planning Commission members expressed their pleasure with the quality of work being performed by Myles Schachter of Bucher & Willis.

There being no further business, the meeting was adjourned.

Mayor Marstall stated that the report of the Planning Commission be noted as received and approved in the minutes of this meeting.

Cereal Malt Beverage License Application

The Governing Body proceeded to consider an application for cereal malt beverage license for Martin A. Parker for the operation of The Social Cabin located at 110 N. Main in Ottawa. The license is for consumption on the premises and the establishment is to be managed by Steven Elliott. It was reported by the city clerk that the appropriate fees have been received by his office and that the applicant has met the qualifications as set forth by Kansas Statutes and city ordinance.

Commissioner McCrea made a motion that a cereal malt beverage license be issued to Martin A. Parker for the operation of The Social Cabin located at 110 N. Main. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Acceptance of Sanitary Sewer Lateral

City Manager David Watkins stated that he had received a memorandum from George Ledom, City Engineer, recommending that the lateral sewer No. 165 be accepted by the city. The engineer stated that the lateral construction had been completed in a satisfactory manner and it is lacking only surface restoration through the property owned by the Union Gas Company. The engineer recommended that the sewer be accepted subject to the completion of surface restoration where the sewer line passes through the property of the Union Gas Company. The city manager stated that the city had an affidavit from the contractor stating that all bills had been paid.

Commissioner Snyder made a motion that the city accept Lateral Sewer No. 165 from the contractor subject to the condition that all surface restoration must be completed by June 1, 1982. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

In final comments, Mayor Marstall stated that he wanted to commend the United Way chairman, Joe May, and all of the United Way workers in achieving the United Way goal of \$45,000. Mayor Marstall stated that this is the first time in several years that the goal has been achieved and all sixteen organizations participating in the United Way program will receive the monies allocated to them through this year's campaign.

There being no further business, the meeting was adjourned. The entire text of the meeting is on file 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 - January 20, 1982

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

Approval of Minutes

The minutes of the last regular meeting held January 6, 1982, were approved as written.

Public Hearing - Recodification of City Ordinances

Mayor Marstall opened the hearing by stating that this would be the third of three public hearings concerning the recodification of city ordinances. The first hearing was held on December 23, 1981; the second hearing was held on January 6, 1982. The target date as established by the City Commission for adoption of the recodified ordinances of the city is today. This has been a ten-year process and all fifteen chapters of the city code have been rewritten and updated.

Commissioner Snyder commented that there have been several adjustments made to the recodification of the ordinances as a result of the public hearings. The compensation for city commissioners has been changed from \$100 to \$600 annually. The animal portion of the city code has been changed to allow the keeping of animals within the city if they are within an enclosed area and do not constitute a public health nuisance. Snow routes have been defined whereby cars left parked on said snow routes after an emergency has been declared, can be towed off to allow for snow removal. The portion of the city ordinances dealing with junkyards had been left out of the original recodification and has now been included in the codified ordinances.

Commissioner McCrea commented that in the event of an emergency whereby the snow route ordinance is declared to be in effect, signs will have been placed on the snow routes and a map will have been published in the newspaper to illustrate the locations of the snow routes.

Commissioner Larson commented that the municipal code has been rewritten and updated, including certain burning restrictions that appear in the new code for the first time.

Commissioner Lister stated that the new code of the city makes the placement of garbage or litter on private property a Class C misdemeanor, and is punishable by a maximum 60 day sentence in jail, by a \$250.00 fine or both.

Mayor Marstall, addressing the issue of trash burning, stated that certain areas of the community have not been able to burn for twenty years or more, and new developments starting as early as 1958 did not allow burning in the restrictive covenants of those areas. He further stated that the City Commission is trying to be responsive to the health problems concerning abusive burning.

Commissioner Lister stated that the commission is trying to be responsive to people on whom a ban on all burning might place a financial burning, and that she was in favor of burning on one or two days a week, mornings only.

Mayor Marstall stated that in 1981, the city department of public safety answered 31 fire calls resulting from the burning of trash, and of those 31, two buildings and one camper shell were involved. He further stated that he had contacted Mr. Leo Ferguson, who presently has 875 houses on his trash hauling route as well as 150 commercial establishments.

Commissioner McCrea stated that the phone calls he had received in the past two weeks seemed to be a reversal of the calls he had received in a prior period; that is, 91% of those who called him in the last two weeks favored continued burning with controls and only 9% were in favor of a total ban on burning. He stated that in order to be responsive to the majority of calls that he had received, he would favor burning two days a week from sunrise until noon, perhaps on Mondays and Thursdays for a trial period of one year.

Commissioner Larson stated that he would be in favor of banning the burning of garbage, tires, diapers, plastics and other items that create a health problem. He further stated that he felt people who are going to burn should have proper burning equipment and violators should receive a fine under the Class C misdemeanor penalty section of the ordinance.

Commissioner Snyder stated that when he was elected, he felt he had a commitment to make Ottawa a better place in which to live, and that he felt a ban on burning would make such an improvement; however, others do not agree. As a compromise, he would be willing to allow burning two days per week, on Mondays and Thursdays, mornings only. Commissioner Snyder asked, "Where is the community we used to have--where we used to be able to tell neighbors in a nice way what our problems were, and they would help us in solving those problems?"

Mayor Marstall stated that the City Commission tries to be sensitive to the people it represents, and asked what is the solution with burning on Mondays and Thursdays in the morning for the household where both the husband and wife work. He stated that possibly we should allow burning on Saturday only.

Mr. Harlan McFadden, 328 N. Cherry, asked the commission if they were going to pass an ordinance banning burning and go along with the 9% of the people who, as Commissioner McCrea stated, had favored a ban on burning. He further stated that he felt fireplaces and stoves also give off obnoxious odors.

Mrs. Sue McFadden, 328 N. Cherry, wished to know why the burning issue came up at this time to begin with. Mrs. McFadden was answered that the burning ordinance came up at this time as a result of the finalization of the recodification of the city ordinances.

Mr. Larry Powell, 626 N. Sycamore, stated that he favored a total ban on burning. Mr. Powell stated he has six persons in his family and one is a six-year-old boy who is allergic to smoke, and found the odors of burning obnoxious. He further mentioned that his home had a fireplace but he did not use it because this would make it difficult for the boy to breath.

Mrs. McFadden asked if the issue was cut and dried before it was brought to the attention of the public. She was informed that the issue was not cut and dried.

Mr. Rex Howard, 907 N. Cedar, suggested allowing spot burning--burning in different areas of the city on specified days. He further suggested that possibly the burning issue should be put on a ballot.

Mrs. Ernestine Fisher stated that she had been born and raised in Ottawa, and she wished people would stop thinking of themselves instead of their neighbors. Mrs. Fisher said if we had more cooperation between neighbors, we would not have to rely on the law to cure all problems. Mrs. Fisher stated she was against a total ban on burning.

Mr. J. W. Lewis, 1204 N. Cherry, stated that he was against the ban on burning, and he thought to allow burning in the morning hours only would cause the odor and fumes to hover near the ground.

Mayor Marstall then asked for a motion to adjourn the hearing. Commissioner Lister made a motion that the public hearing on the recodification of the city ordinances be adjourned. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2691-82 - Adoption of the Recodified City Ordinances Entitled: Municipal Code of the City of Ottawa, Kansas, 1982

Mayor Marstall opened by stating that the code as written calls for a total ban on burning in the city.

Commissioner Snyder made a motion that an ordinance adopting the codification of ordinances of the City of Ottawa, Kansas, authorized by Ordinance 2422, providing for the repeal of certain other ordinances not included therein, excepting certain ordinances from repeal and saving certain accrued rights and liabilities, be passed. The motion was seconded by Commissioner McCrea.

Commissioner Larson made a motion to amend the motion on the table by amending Chapter IX, Article 2, Section 201 to allow the burning of household trash that does not contain diapers, garbage, tires, plastics or other materials that will give off offensive or noxious fumes or odors, on Monday and Thursday mornings between the hours of sunrise and 12:00 noon in approved burning devices. Further, that the director of the department of public safety, or his designate, shall determine what will constitute an approved burning device, and that the director of the department of public safety or his designate may permit the burning of brush, tree limbs and other debris by special permission. The motion was seconded by Commissioner McCrea. Upon call for the question to the amendment to the original motion, all present voted in favor of the motion. Upon call for the question on the original motion as amended, all present voted in favor of the amended motion.

Resolution No. 318 - Parking Regulations

Commissioner Snyder made a motion that a resolution setting forth the rules and regulations with regard to parking on the streets of Ottawa, Kansas, as authorized by the Governing Body and set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto, be passed. The motion was seconded by Commissioner McCrea. The passage of this resolution was made necessary by the adoption of the new municipal code for the city, the adoption of which rescinded prior parking regulations. Upon call for the question, all present voted in favor of the motion.

Resolution No. 319 - Fees for Electrical Permits

Commissioner Lister made a motion that a resolution setting forth the fees to be charged for electrical permits as authorized by the Governing Body and as set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto, be passed. The motion was seconded by Commissioner Larson. The passage of this resolution was made necessary by the adoption of the new municipal code for the city, the adoption of which rescinded prior regulations on the subject. Upon call for the question, all present voted in favor of the motion.

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF FEBRUARY 28, 1982

10-3	8181	W B RES	100,000.00	3-4-82	PEOPLES	10.77
12-3	8182	ELEC	200,000.00	3-4-82	PEOPLES	10.77
12-3	7256	E CONST	400,000.00	3-4-82	K.S.	10.75
1-8	7272	GEN	200,000.00	3-11-82	K.S.	11.58
1-21	8285	E CONST	200,000.00	3-25-82	PEOPLES	12.42
1-21	8286	ELEC	200,000.00	3-25-82	PEOPLES	12.42
1-21	8287	E B & I	100,000.00	3-25-82	PEOPLES	12.42
1-21	8288	R.S.	100,000.00	3-25-82	PEOPLES	12.42
1-21	8289	E CONST	100,000.00	3-25-82	PEOPLES	12.42
12-28	37415	W R.E.S.	200,000.00	4-1-82	1ST	11.57
12-24	7264	W B RES	100,000.00	4-1-82	K.S.	11.70
12-24	7366	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7367	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7368	GEN	100,000.00	4-1-82	K.S.	11.70
12-24	6279	W B RES	100,000.00	4-1-82	K.S.	11.70
1-7	8254	WATER	100,000.00	4-8-82	PEOPLES	11.77
1-7	8255	GEN	100,000.00	4-8-82	PEOPLES	11.77
1-28	7278	W BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7279	E BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7280	SEWER	100,000.00	4-29-82	K.S.	12.92
1-28	7281	WATER	100,000.00	4-29-82	K.S.	12.92
1-28	8310	ELEC	200,000.00	4-29-82	PEOPLES	12.86
1-28	8311	GEN	200,000.00	4-29-82	PEOPLES	12.86
1-28	8312	WATER	100,000.00	4-29-82	PEOPLES	12.86
1-3	8321	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8322	EMP BEN	100,000.00	5-6-82	PEOPLES	14.74
1-3	8323	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8324	B & I	100,000.00	5-6-82	PEOPLES	14.54
1-3	8325	B & I	100,000.00	5-6-82	PEOPLES	14.54
2-4	37433	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	37434	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	8338	GEN	300,000.00	5-20-82	PEOPLES	13.74
2-4	8339	W R.E.S.	100,000.00	5-20-82	PEOPLES	13.74
2-4	8340	ELEC	100,000.00	5-20-82	PEOPLES	13.74
2-4	8341	E BD RES	500,000.00	5-20-82	PEOPLES	13.74
2-25	7287	E CONST	200,000.00	5-20-82	K.S.	12.31
2-25	37446	E CONST	100,000.00	5-20-82	1ST	13.08
2-18	7283	E CONST	100,000.00	5-27-82	K.S.	14.66
2-18	8372	WATER	200,000.00	5-27-82	PEOPLES	14.66
11-20	106346	WATER	100,000.00	5-31-82	FR SAVINGS	11.625
1-23	2554638	GEN	100,000.00	7-25-82	ANCHOR	13.50

Mary L. Graham
 MARY L. GRAHAM, TREASURER

Resolution No. 320 - Sanitary Sewer Connection Fees

Commissioner Snyder made a motion that a resolution establishing fees to be assessed against property for connection to the sanitary sewer system of the City of Ottawa, which has not heretofore been in a benefit district, be passed. The motion was seconded by Commissioner McCrea. The passage of this resolution is made necessary by the adoption of the new municipal code for the city, the adoption of which rescinded prior regulations on this subject. Upon call for the question, all present voted in favor of the motion.

Public Hearing - Advisability of Improving Thirteenth Street

It was stated that this public hearing to consider the improvement of Thirteenth Street from Ash Street to Olive Street is being held at the request of property owners whose property abuts this street. The total estimated probable cost of the improvement is \$59,297.45, with \$43,152.60 being borne by the property owners and \$16,144.85 to be paid by the city at large. It was discussed that should this project be approved, it might be added to one of the contracts now in force for street improvement. There was no one present to further comment on the subject.

Commissioner Lister made a motion that the public hearing be closed. The motion was seconded by Commissioner Larson, and all present voted in favor of the motion.

Resolution No. 321 - Advisability of Improving Thirteenth Street from Ash Street to Olive Street

Commissioner Larson made a motion that a resolution making findings as to the advisability of improving Thirteenth Street from Ash Street to Olive Street be passed. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated that he would be in favor of having a bid letting on this proposed improvement if it were determined to be of sufficient size to make this feasible. Upon call for the question, all present voted in favor of the motion.

Resolution No. 322 - Ordering and Directing the Improvement of Thirteenth Street from Ash Street to Olive Street

Commissioner Larson made a motion that a resolution directing and ordering the improvement of Thirteenth Street from Ash Street to Olive Street, be passed. The motion was seconded by Commissioner Lister, and upon call for the question, all present voted in favor of the motion.

Resolution No. 323 - Guidelines for the Housing Rehabilitation Program

Commissioner Lister made a motion that a resolution adopting guidelines by which the City of Ottawa will administer Community Development funds for the housing rehabilitation program, be passed. The motion was seconded by Commissioner McCrea. The resolution sets forth the ownership requirements, income requirements and other criteria which must be met for qualification in the City of Ottawa's housing rehabilitation program, resulting in expenditures from Community Development Block Grant funds. Upon call for the question, all present voted in favor of the motion.

Agreement for Planning and Advisory Services

Commissioner McCrea made a motion that the city approve an agreement with Bucher & Willis consulting engineers for planning and advisory services for 1982. The motion was seconded by Commissioner Snyder.

The Planning Commission had recommended that the agreement be approved by the City Commission in order that the Planning Commission could continue to work with Bucher & Willis consulting engineers for planning and advisory services for 1982. The maximum amount of the contract is not to exceed \$5,000. Upon call for the question, all present voted in favor of the motion.

Engineering and Design Services for Improvements to the Central Business District

Mayor Marstall stated that the city had received proposals from three engineering firms concerning the engineering and design services for the improvements to the Central Business District, and that the various proposals had been reviewed and discussed at length by the City Commission.

Commissioner Snyder stated that he was in favor of hiring the firm of Bucher & Willis for the proposed project. He further stated that all three firms which had submitted proposals were large organizations, but Bucher & Willis had a large staff of talented and versatile technical help. In some areas, the other two firms would have to subcontract for services, but Bucher & Willis would be able to handle all phases of the design in house. Commissioner Snyder said he was most impressed by the services that Bucher & Willis had performed for the city in the past, and he did not feel that the city would want to experiment with other companies.

Commissioner Larson said that he was in favor of awarding to Bucher & Willis because of their experience, reasonable charges and capability to handle the whole spectrum of improvements.

Commissioner Lister stated that she thought Bucher & Willis was the most qualified to handle the services required for the improvements in the Central Business District.

Mayor Marstall said that he felt all three engineering firms had specific areas of expertise. For instance, Cook, Flatt & Strobel is particularly strong in streets, roads and bridges; A. C. Kirkwood & Associates has done much work for the city, including the design of the new power plant, the design of the new water plant and many streets and sewers within the city; however, the firm of Bucher & Willis has worked for the city specifically in the areas of planning and design, and the city is very satisfied with their performance.

Commissioner Snyder made a motion to approve a contract for engineering and design services for improvements to the Central Business District to the firm of Bucher & Willis, engineers and consultants. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

Ordinance No. 2692-82 - Uniform Building Code

Commissioner Snyder made a motion that an ordinance adopting by reference the Uniform Building Code, 1979 edition, providing for deletions, amendments and corrections, be passed. The motion was seconded by Commissioner Lister. The passage of this

ordinance is made necessary by the adoption of the new municipal code for the city, the adoption of which rescinded prior regulations on the subject. Upon call for the question, all present voted in favor of the motion.

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

A handwritten signature in cursive script, appearing to read "Orlin W. Smith", written over a horizontal line.

Orlin W. Smith, City Clerk

City Hall - February 3, 1982

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

Approval of Minutes

The minutes of the last regular meeting held January 20, 1982, were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on February 2, 1982. Present: Chairperson Wellington and Members Koch, Thornburg, Jackson. Absent: Members Searls, Coatney and Spears.

The minutes of the last regular meeting held on January 5, 1982, were approved as written.

The Planning Commission continued the public hearing to consider a request from Mr. and Mrs. Robert W. James, to rezone a tract of land located at 11th & Walnut from R (Residential) to C-2 (General Commercial). Following a lengthy discussion of the issue, the effort to rezone the property died because of lack of a motion. The reason for the nonaction cited by the Planning Commission included the fact that it would be improper to rezone an individual lot or tract into a district incompatible with surrounding land use, and also, the issue of allowing beauty shops as a home occupation had been decided with an earlier action.

The Planning Commission decided by a 4-0 vote to approve the preliminary plat of Medical Offices, Inc. Subdivision located at 13th & Ash, subject to the following conditions: 1) That right of way for a cul-de-sac be shown in the southwest corner of Lot 5; 2) That the process to vacate 14th Street be initiated; 3) Adjacent lot lines within 200 feet be shown on the plat; and 4) Changing measurements in rods to feet.

The Planning Commission decided by a 4-0 vote to call a public hearing in March to consider changes in Articles 7 through 21 in the Zoning Ordinance. These changes would reflect the Planning Commission's review of allowable commercial uses in the various districts.

There being no further business, the meeting was adjourned.

The City Commission accepted the report of the Planning Commission meeting, and the same was taken under advisement.

Review of City Investment Schedule

The City Investment Schedule for January 1982 was reviewed by the City Commission, with a copy of said schedule being attached hereto and made a part of these minutes. Commissioner Lister made a motion that the City Investment Schedule for January 1982 be accepted. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Request for Sidewalk Sale

Pat McLoud, Chairman of the Ottawa Retail Association, presented a request of the Ottawa Retail Association to use the city sidewalks in the central business district for a sidewalk sale to be held on Saturday, February 27, 1982, between the hours of 9:00 a.m. and 5:00 p.m. Their request stated that they are not requesting at this time the blocking of Main Street for this sale. Commissioner Lister made a motion that the request of the Ottawa Retail Association to hold

THE CITY OF OTTAWA

CITY HALL

(613) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF JANUARY 31, 1982

11-4	8086	GEN	300,000.00	2-4-82	PEOPLES	13.29
11-5	37391	EL EM RES	150,000.00	2-4-82	1ST	12.695
11-5	37392	EL EM RES	150,000.00	2-4-82	1ST	12.695
11-5	8097	W-R.E.S.	100,000.00	2-4-82	PEOPLES	12.34
11-5	8098	ELEC	100,000.00	2-4-82	PEOPLES	12.34
11-5	8099	EL BD RES	500,000.00	2-4-82	PEOPLES	12.34
11-12	8119	WATER	200,000.00	2-18-82	PEOPLES	11.31
11-12	7244	E CONST	100,000.00	2-18-82	K.S.	11.35
11-23	7250	E CONST	300,000.00	2-25-81	K.S.	10.32
11-20	106346	WATER	100,000.00	5-31-82	FR SAVINGS	11.625
10-3	8181	W B RES	100,000.00	3-4-82	PEOPLES	10.77
12-3	8182	ELEC	200,000.00	3-4-82	PEOPLES	10.77
12-28	37415	W R. E. S.	200,000.00	4-1-82	1ST	11.57
12-24	7264	W B RES	100,000.00	4-1-82	K.S.	11.70
12-24	7366	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7367	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7368	GEN	100,000.00	4-1-82	K.S.	11.70
12-24	6279	W B RES	100,000.00	4-1-82	K.S.	11.70
12-3	7256	E CONST	400,000.00	3-4-82	K.S.	10.75
1-8	7272	GEN	200,000.00	3-11-82	K.S.	11.58
1-7	8254	WATER	100,000.00	4-8-82	PEOPLES	11.77
1-7	8255	GEN	100,000.00	4-8-82	PEOPLES	11.77
1-21	8285	E CONST	200,000.00	3-25-82	PEOPLES	12.42
1-21	8286	ELEC	200,000.00	3-25-82	PEOPLES	12.42
1-21	8287	E B & I	100,000.00	3-25-82	PEOPLES	12.42
1-21	8288	R.S.	100,000.00	3-25-82	PEOPLES	12.42
1-28	8289	E CONST	100,000.00	3-25-82	PEOPLES	12.42
1-28	7278	W BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7279	E BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7280	SEWER	100,000.00	4-29-82	K.S.	12.92
1-28	7281	WATER	100,000.00	4-29-82	K.S.	12.92
1-28	8310	ELEC	200,000.00	4-29-82	PEOPLES	12.86
1-28	8311	GEN	200,000.00	4-29-82	PEOPLES	12.86
1-28	8312	WATER	100,000.00	4-29-82	PEOPLES	12.86
1-23	2554638	GEN	100,000.00	7-25-82	ANCHOR	13.50

5,500,000.00

Mary L. Graham
 Mary L. Graham, Treasurer

a sale on the sidewalks in the central business district on February 27, 1982, from 9:00 a.m. to 5:00 p.m. be granted. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Announcements

Mayor Marstall announced that there will be a special meeting of the City Commission at 3:00 p.m. February 8, 1982, to take action on resolutions calling for public hearings to be held to determine the advisability of improving the sidewalks on Main Street from the south end of the Marias des Cygnes River bridge to 5th Street. The improvements are to include not only new sidewalks, but landscaping and lighting fixtures as well.

Mayor Marstall also announced that the regularly scheduled meeting of February 17, 1982, has been rescheduled for February 22, 1982, as all members of the City Commission will be in Wichita on February 17, to attend a meeting of the Kansas Municipal Energy Agency.

Request of Wal-Mart Discount City

City Manager David Watkins stated that the Wal-Mart Discount City had requested permission to erect a temporary structure in the middle of their parking lot to be utilized from March 1, 1982, through June 15, 1982, for the sale of plants and gardening items. The Uniform Building Code under which the city operates does permit the use of temporary structures when approved by the city Governing Body. The structure is to be a quonset-type building with a metal frame and plastic covering. The structure will be supported either by lug nuts or ram studs, and is to be thirty feet wide and forty-eight feet long. It was the consensus of the City Commission that the structure, if properly constructed and anchored in the middle of the Wal-Mart parking lot, should not cause a problem. Commissioner Larson made a motion that Wal-Mart Discount City be granted permission to erect the structure in their parking lot, provided it is properly anchored. The structure is to be permitted from March 1, 1982, through June 30, 1982. The motion was seconded by Commissioner McCrea, who then stated that he felt Wal-Mart should be required to obtain a building permit prior to erection of the structure, and Commissioner Larson stated that the city inspector should ensure proper erection and anchorage. Upon call for the question, all present voted in favor of the motion.

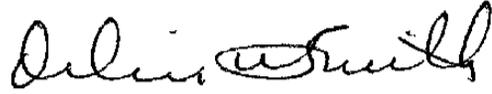
Proclamation - Vocational Education Week

Mayor Marstall called upon the city clerk to read a proclamation proclaiming the week of February 22, 1982, as Vocational Education Week. Dr. Norman Park, Director of the East Central Vocational Cooperative located in Ottawa, further commented that he thought the City of Ottawa was most fortunate to have the East Central Vocational Cooperative facility located in Ottawa, and not only was next week the Vocational Education Week, but it was also the Vocational Industrial Clubs of America Week. Dr. Park stated that he had three members of the Vocational Industrial Clubs of America with him today, Larry Sellman, John Gladman and Rob Dunlap. Commissioner Lister made a motion that the proclamation proclaiming the week of February 22, 1982, as Vocational Education Week be approved. The motion was seconded by Commissioner Larson, and upon call for the question, all present voted in favor of the motion.

Comments of Commissioner McCrea

Commissioner McCrea reported that he had received several phone calls the past two weeks, mainly concerned with the effective date of the Municipal Code of the City of Ottawa, Kansas, 1982. Most persons were interested in the effective date of the new burning ordinance contained in the recodified ordinances. Commissioner McCrea stated that presently the city is expecting to have the new code in effect on February 15, 1982.

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



Orlin W. Smith, City Clerk

City Hall - February 8, 1982

The City Governing Body met in special session at 3:00 p.m. this date. The purpose of this meeting is to enact resolutions calling for public hearings concerning the construction of sidewalks, landscaping and lighting in the central business district, and to consider enactment of a resolution to encourage application for a grant from the Kansas Energy Office to cover expenses of a study of the city's electric distribution system. Present: Mayor Marstall and Commissioners Larson, Lister, Snyder and McCrea. Absent: none.

Resolution No. 324 - Ordering a Public Hearing to Consider Central Business District Improvements

Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to determine the advisability of improving sidewalks, drainage, landscaping in parkings, street lights and street lighting systems on Main Street from the south line of the Marais des Cygnes River bridge to the existing north curb line of 5th Street on both east and west sides of said Main Street. Also, sidewalks, drainage, landscaping, the parkings, street lights and street lighting systems on 1st, 2nd, 3rd, 4th and 5th Streets from the east line of the alley between Main Street and Walnut Street to the west line of the alley between Main Street and Hickory Street, provided however, the south side of east 4th Street shall extend to Hickory Street in the City of Ottawa, Franklin County, Kansas, and with noted exceptions, be passed. The motion was seconded by Commissioner Larson.

Mayor Marstall called upon City Manager David Watkins to explain the proposed project. Mr. Watkins explained that the firm of Bucher & Willis had been contracted to design the proposed improvements in the downtown area, and the plans and specifications for the improvement have been in progress since October, 1981. This particular phase of the improvement calls for the removal and replacement of sidewalks between the Main Street bridge and 5th Street, along with the filling of coal chutes existing under the sidewalks in front of certain buildings, new lighting and wiring and appurtenances, and landscaping on the corners and in the middle of each block. The estimated probable cost of the total improvement as stated by the consulting engineers is \$450,000, with the benefit district paying \$360,000 (or 80%) and the city-at-large paying \$90,000 (or 20%). Mr. Watkins further explained that the estimated probable total cost of \$450,000 is made on the high side of the total cost. The estimate provides for lighting to be installed by a contractor, when in reality the city electric crews will install the conduit and the lighting. Based on the total estimated benefit district cost, the assessment per 25-foot store front would run about \$30.00 per month over a ten-year period after the bonds for the project are sold. The interim financing would be via the sale of temporary notes and at the completion of the project, the notes would then be converted to ten-year bonds. In other comments, Mr. Watkins indicated that the present 15' sidewalk would be replaced with 12' sidewalks, and the construction would be 3" reinforced concrete.

Upon call for the question, Mayor Marstall and Commissioners, Larson, Lister, Snyder and McCrea voted in favor of the motion. No one voted opposing the motion.

Resolution No. 325 - Ordering a Public Hearing on Sidewalk Replacement

Commissioner Snyder made a motion that a resolution directing and ordering a public hearing to determine the advisability of improving sidewalks, drainage, landscaping in parkings, street lights and street lighting systems in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Larson.

It was explained by City Manager Watkins that these sidewalks are a part of the downtown improvement, but due to their location, it was deemed advisable to remove them from the Main Street benefit district. The sidewalks involved are in front of the Adult Education Center, in front of the SRS building, in front of the automobile lot on West 4th Street, and on the south side of West 2nd Street. The estimated probable cost of the improvement is \$21,644.00, with the benefit district paying \$17,315.00 (or 80%) and the city-at-large paying \$4,329.00 (or 20%).

Commissioner Snyder commented that he did hope that the property owners within the benefit district did not remonstrate against the improvement as the city does have the option to order in the improvements on a five-year assessment. The present method of making the improvements would be a ten-year assessment. Upon call for the question, Mayor Marstall and Commissioners McCrea, Snyder, Lister and Larson voted in favor of the motion, and no one voted opposing the motion.

Resolution No. 326 - Application for Community Energy Projects Grant

Commissioner Larson made a motion that a resolution endorsing and encouraging the application for the Community Energy Projects Grant with which the City of Ottawa, Kansas, proposes to undertake a study of the city's electric distribution system, be passed. The motion was seconded by Commissioner Lister. It was explained that if the city did receive the grant in the amount of \$25,000, the money would be used to study the city's electric distribution system. The study should reveal any weak points and areas that need to be replaced, enlarged or repaired. Upon call for the question, all present voted in favor of the motion.

Comments of Mayor Marstall

Mayor Marstall announced that the next regular meeting of the City Commission would be at 3:00 p.m. February 22, 1982. The regular meeting is scheduled for February 17, 1982, but the City Commissioners will be in Wichita attending a meeting of Kansas Municipal Energy Agency.

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


Orlin W. Smith, City Clerk

City Hall - February 22, 1982

The City Governing Body met in regular session this date. Present: Mayor Marstall and Commissioners McCrea, Snyder, Lister and Larson. Absent: None. This meeting is being held in lieu of the meeting that was scheduled for February 17, 1982, as announced at the regular meeting of the City Commission on February 3, 1982. The meeting is being held in the Municipal Auditorium to accommodate the expected citizen attendance.

Approval of Minutes

The minutes of the last regular meeting held February 3, 1982, and of the special meeting held February 8, 1982, were approved as written.

Public Hearing - Proposed Sidewalk, Lighting and Landscape Improvements in the Central Business District

Mayor Marstall opened the public hearing by stating that the sidewalk improvements in the Central Business District had been split into two separate projects and this public hearing would consider the sidewalks between the south end of the Main Street bridge and Fifth Street, and the sidewalks running east and west from Main Street to the respective alleys. Mayor Marstall then relayed the sequence of events from the earliest planning stages of the proposed project to the present time, stating that this public hearing is as called for by the Resolution No. 324 of the City of Ottawa, which was duly passed and published in accordance with Kansas Statutes. Mayor Marstall then called upon the City Manager, David Watkins, to explain the project.

Mr. Watkins stated that the estimated probable cost of the sidewalk improvements inclusive of sidewalks, lighting and landscaping is \$450,000, with the property owners paying \$360,000 of the total cost, or eighty percent, and the city-at-large paying \$90,000, or twenty percent of the total cost. Mr. Watkins explained that the estimated probable cost figures are on the high side of the total cost of the project, and the figures being used included contracting the installation of the lighting fixtures and underground wiring, but the city actually intends to do this installation and wiring utilizing city work crews. The cost figure includes \$220,167 for sidewalks, \$120,000 for lighting, \$34,833 for landscaping and a contingency of \$75,000, for a total of \$450,000.

It was explained that if the city should spend the total of \$450,000 on the project, of which the benefit district would be responsible for \$360,000, the cost per front foot of the project would be \$90.00, or \$2,250.00 per 25-foot storefront, which is equal to \$29.73 per month, including an interest charge of ten percent over ten years. Mr. Watkins explained that if a resolution ordering the improvement should be passed today and duly published, then property owners would have until approximately March 16, 1982, to circulate a remonstrance petition against the project. If no petition is received, or a petition received is found insufficient, then the city will be able to enter into a contract for the engineering of the project. The present schedule calls for a review of the preliminary engineering plans on April 12, and a review of the final engineering plans on May 17, 1982. On those two dates, all interested parties may meet to discuss the project and make changes as deemed appropriate. Further scheduling calls for advertisement for bids on June 1, and receipt of bids on June 22, 1982. Other plans call for the construction of new water mains through the area, a main on each side of Main Street, and the Gas Service Company has indicated that they would look favorably upon replacement of the gas main in Main Street through the Central Business District, as the present gas main has been in place since 1887. The replacement of the water mains and the replacement of the gas mains will be at no cost to the benefit district or the city-at-large as the water department would replace the water mains and the Gas Service Company would replace the gas mains.

The plans call for narrowing the sidewalks by three feet, thus enlarging the surface of the street by three feet on each side. When this is completed, the present asphaltic overlay on Main Street will be removed and a new asphaltic overlay installed over the old street surface, including the additional three-foot area on each side of the street. The street overlay will be accomplished with sales tax monies, and it is estimated that the cost of this improvement will be \$235,000 which includes the installation of new catch basins for the storm sewer system.

Commissioner Snyder stated that he felt the present sidewalks in the Central Business District were in a hazardous condition and if the property owners did not wish to go along with this type of project, choosing to remonstrate against the project, the City Commission does have the option to order in new sidewalks on a five year bond issue and there is no provision for remonstrance against such a project under Kansas statutes.

Commissioner Larson stated that he feels the gas lines are in very dangerous condition and should be replaced in order to avoid any possible future disaster.

Commissioner Lister asked Mr. Watkins how current his interest figure was on the proposed sale of bonds. Mr. Watkins stated that he had been in contact with two bond underwriters the last few days and they both concurred that ten percent was a realistic figure for the present time.

Mr. Wendell Barker, 1035 S. Main, appeared before the commission and stated that he was the county attorney but at this time was appearing as a citizen and a tenant and county taxpayer. Mr. Barker stated that if this project was being done to increase business in the Central Business District, he did not need any additional business. Further Mr. Barker stated that he did not agree with the inclusion of the entire courthouse square for new sidewalks. Mr. Barker said that the county had been faced with petitions against additional taxes and he did not feel that it was appropriate at this time for the county to have to levy additional taxes to pay special assessments for the sidewalk improvement. Mr. Barker stated that the County Commission had not been consulted on their involvement in the project.

City Manager David Watkins explained that the benefit district cost will be the same rate for everyone and the county can levy for taxes to pay the special assessments outside of the tax lid.

Mr. Allen Loyd appeared as an interested citizen, stating he had lived in the community for twenty-two years and that he felt the project would be good for the Central business District and for the Ottawa Industrial Development Corporation, which is constantly searching for ways and means to attract industry to the community.

Mr. John Mathias, 1021 N. Sycamore, questioned the construction of the canopy on Parking Lot B. Mr. Mathias stated that he understood that some of the property owners had refused to pay the special assessment on the canopy, and the city-at-large was paying that bill. It was explained to Mr. Mathias that the special assessment appears as a lien against property within the benefit district and at no time does the city-at-large have to pay a portion that the benefit district should be paying.

Mr. Keith Gaeddert, appeared as a tenant, as the president of the Ottawa Chamber of Commerce, and past president of the Ottawa Industrial Development Corporation, and stated that on February 9, 1982, the Chamber of Commerce board of directors met and passed a resolution unanimously favoring the proposed sidewalk improvement.

Mr. Gaeddert stated that it was the feeling of the Chamber of Commerce board of directors that \$30.00 per month for the sidewalk improvement was not asking too much of the business community.

Mr. Dennis Thorp, 330 S. Main, asked how much of an inconvenience the project would cause the various merchants if they are caught with no gas or water. It was stated that it is proposed that the improvement be done a block at a time so that the entire Central Business District is not torn up and the outages for gas and water will be kept to a minimum as much as possible.

Mr. Al Mages asked if the city-at-large had been surveyed as to their feelings for the project. Mr. Mages was answered that the city-at-large had not been surveyed, but this was the opportunity for the input of all citizens concerning this project. The city manager then stated that this project was included in the six-year Capital Improvement Plan in such a way that it should not increase taxes, but maintain taxes at their present level.

Mr. Snyder stated that if the merchants will use the project and promote during the construction period, possibly it can be used as an advantage to attract customers into their stores.

Mr. Charlie Porter, Porter-Spears Insurance, asked what it takes to allow or to defeat the project. Mayor Marstall explained that after passage of the resolution ordering the project, there is a twenty day period in which a remonstrance petition can be submitted to the city. If the remonstrance petition is found to be sufficient, the project is halted.

Commissioner Snyder commented that the City Commission is trying to make a determination from this hearing as to whether the project should proceed. Mr. Tom Gleason, attorney, asked how the city arrived at the 80%-20% split for the cost of the project. It was explained to Mr. Gleason that the city had averaged the benefit district/city-at-large costs of several projects over the past few years, and from the analysis of these projects, it was determined that an 80%-20% split would be appropriate.

Mr. Marty Burik, property owner, stated that the sidewalk in front of the property he owns in the Central Business District is in good condition, but he was in favor of the project. He also stated that he was happy to learn that the debt level of the city should stay approximately the same and not affect the overall tax structure of the city.

Mr. George Sell, a property owner within the benefit district, had but one comment to make, and that was, "On with the project!"

Mr. Lloyd Davidson, 621 Maple Street, spoke in favor of the project, but stated that he thought a high priority should be given to appropriately moving people in and out of the stores while the sidewalks are under construction.

Mr. Joe Lee, a county resident and owner of property in the Central Business District, said that he was in favor of the project in that he is attempting to develop the old North American Hotel building into a business operation, and he felt the new sidewalk improvement would enhance the chances of this happening.

Mr. Leon Paine, 317 S. Maple, stated that he was in favor of the project but did not feel that it was appropriate to proceed with the project at this time due to the current recession in the economy nationwide.

Mr. Ben Park, #1 Rockwood Drive, spoke in favor of the project, reciting history from the time he came to Ottawa. Mr. Park stated that he had lived in Ottawa for about thirty years and for the last ten to fifteen years has been vitally interested in historic preservation. Mr. Park commented about the buildings in the

Central Business District that are on the National Historic Register inclusive of the county courthouse, and said he felt the project along with the proposed Victorian lighting would greatly enhance the Central Business District.

Mr. Russell Crites, in business in Ottawa since the 1930's, spoke in favor of the project, stating that he owned 150 feet of business storefront in the downtown area and was anxious to see the project proceed.

Mr. Paul Gaynor stated that he had been in business in Ottawa for 50 years, and he felt that in order to properly promote and sell the project, the city needed to be more specific in exactly what is going to be accomplished. Mr. Gaynor said he had a petition which contained more than enough names to remonstrate properly against the proposed project. Mr. Gaynor said he was expressing the sentiments of people with whom he had talked in the local restaurants, and that they were basically opposed since it was not entirely clear what was intended to be done within the project. Mr. Gaynor further stated that if the City Commission could give the merchants assurances that business would increase as a result of the project, then possibly more people would be in favor of it.

Commissioner McCrea responded to Mr. Gaynor, stating that a petition to remonstrate against the project must contain the signatures of at least 51% of the resident property owners and the signatures of owners of at least 51% of the total land area involved in the project. Commissioner McCrea further stated that he did not think anyone could give the merchants assurance that the project would increase business.

Mr. Steve Mudrick stated that he thought the people would be more comfortable with the project if the overall cost of the project could be cut. As it is presently proposed, the project will cost around \$30.00 per 25-foot storefront per month. Mr. Mudrick stated that if the cost could be cut to approximately \$20.00 per month per 25-foot storefront, people would be more comfortable with the total project.

Mr. Bud Beeman, former president of the Ottawa Retail Association, spoke in favor of the project, stating that in his years of business within the community, there has never been a unified effort to improve the Central Business District. Further, he stated that this does present the opportunity to improve the downtown of Ottawa.

Mr. Clarence Koch, property owner and businessman, spoke in favor of the project, stating that if a merchant maintained a forty percent markup on his merchandise, he would only be required to increase sales by \$3.00 per day in order to pay his special assessment on the sidewalks, lighting and landscaping. Further, Mr. Koch stated he thought what Ottawa really needed was an increase in population as the Ottawa population level has stayed at around 10,000 for the past fifty years.

Mr. Earl Devore, a tenant businessman within the Central Business District, spoke in favor of the project.

Mr. Lionel Sutton, businessman at 205 S. Main and a tenant, spoke in favor of the project, stating that he felt business should improve with the completion of the project.

Upon a call for a show of hands by the Mayor, it was reported that 37 persons in attendance favored the improvement and 20 persons in attendance did not favor the improvement.

Commissioner McCrea made a motion that the hearing be recessed until Wednesday, February 24, 1982, at 9:35 a.m., at City Hall. The motion was seconded by Commissioner Lister. Commissioners Lister, McCrea and Larson voted in favor of the motion and Mayor Marstall and Commissioner Snyder voted opposing the motion.

Public Hearing - Sidewalk Improvements

Mayor Marstall announced that due to the late hour, the second public hearing on sidewalk improvements along property adjacent to the Main Street improvement would not be held until February 24, 1982, at the City Commission room, City Hall. It was further announced by Mayor Marstall that items three and four concerning resolutions making findings as to the advisability of improving sidewalks and a resolution ordering and directing the improvement of the sidewalks would not be considered at this time as the public hearings had not been concluded.

Ordinance No. 2693-82 - Adoption of Uniform Mechanical Code

Commissioner Lister made a motion that an ordinance adopting by reference the Uniform Mechanical Code, 1979 Edition, and providing for certain deletions, amendments and corrections to said Uniform Mechanical Code, and providing for incorporation of said Uniform Mechanical Code into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Larson. Upon call for the question, all present voted in favor of the motion.

Appointments to Board of Electrical Examiners

Mayor Marstall called upon the city manager to comment on this subject. Mr. Watkins stated that the city inspector had recommended Mr. Jim Bass, master electrician, Mr. Gary Colbern, master electrician, and Mr. Bob Haas, journeyman electrician, be appointed to the Board of Electrical Examiners. Commissioner Snyder made a motion that Mr. Jim Bass, master electrician, Mr. Gary Colbern, master electrician, and Mr. Bob Haas, journeyman electrician, be appointed to the Board of Electrical Examiners. The motion was seconded by Commissioner Larson. Upon call for the question, all present voted in favor of the motion.

Parking Regulations

Mayor Marstall opened the discussion by stating that the Ottawa Retail Development Committee had requested that parking on the east and west of the east island of parking in Parking Lot B be restricted to two-hour parking. Commissioner Snyder asked of Mr. Larry Powell, Executive Director of the Ottawa Chamber of Commerce, what had changed that the request is now being made to limit this area of parking to two hours. Mr. Powell explained that there is a new business locating on the west side of the one hundred block of south Main Street, the prospective owner of which has requested additional two-hour parking adjacent to the store. Mr. Powell said that he did not think that if the parking were not changed to a two-hour limit that the business would not come to Ottawa, but in discussions in the Ottawa Retail Development Committee it was felt that this tier of two-hour parking would enhance the business in this area.

Commissioner Larson made a motion that parking on the east and west sides of the east parking island in Parking Lot B, be changed to two-hour parking. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

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



Orlin W. Smith, City Clerk

City Hall - March 3, 1982

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

Approval of Minutes

The minutes of the City Commission meetings held on February 22, 1982, and February 24, 1982, were approved by separate actions of the City Governing Body.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on March 2, 1982. Present: Chairperson Wellington and Members Koch, Thornburg, Jackson, Searls and Spears. Absent: Member Coatney.

The minutes of the last regular meeting held on February 2, 1982, were approved as written.

The Planning Commission by a 6-0 vote approved the final plat of the Medical Offices, Inc. Subdivision and recommended approval of the plat to the City Commission, subject to the condition that if access to Lot No. 5 is gained from Ash Street by way of a private road, that the plat either indicate that the private road is to be maintained to specifications as set forth by the city or that a separate instrument be prepared and filed with the Register of Deeds indicating that such private road would be maintained according to specifications as set forth by the city for reason of entrance for emergency vehicles.

The Planning Commission held a public hearing to consider amendments to the Zoning Ordinance dealing with allowable uses in various zoning districts. There was no one present to comment on the proposed amendments. The public hearing was closed. The Planning Commission proposes to take further action on the amendments at their next regular meeting.

Chairperson Wellington called on Myles Schachter to outline the various methods to initiate changes to the Zoning Ordinance.

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

Commissioner Larson made a motion that the record indicate that the report of the Planning Commission meeting was received by the City Commission. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

The City Clerk reported that Mr. Tom Gleason, attorney for Medical Offices, Inc., had agreed to prepare a separate instrument concerning the possible access to Lot 5 by a private road, and Mr. Gleason will submit this instrument to the city for approval or modification as soon as it is completed. Commissioner McCrea stated that he felt the letter should also set forth that if a private road is constructed, that the road should be constructed to city specifications.

Review of Investment Schedule

Mayor Marstall stated that the City Commissioners had each received a copy of the City Investment Schedule for February, 1982. Commissioner Snyder made a motion that the Investment Schedule be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Request to Hold Annual Skunk Run Arts Fair in City Park

It was announced that a letter had been received from Deborah Barker, representing the Ottawa Community Arts Council, requesting permission to have the annual Skunk Run Art Fair in City Park on Sunday, June 6, 1982, to be held simultaneously with the Skunk Run Book Sale. Ms. Barker's letter indicated that the city has always been of enormous help in staging the event in the past, and they would again solicit the city's cooperation and permission to hold the Skunk Run Art Fair. Commissioner Snyder made a motion that the Ottawa Community Arts Council be given permission to hold the annual Skunk Run Art Fair in City Park on June 6, 1982. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Agreement for Counseling Services

Commissioner McCrea made a motion that an agreement for counseling services for city employees between the City of Ottawa and the Counseling and Resource Center of the Douglas County Citizens Committee on Alcoholism, Inc. be approved. The motion was seconded by Commissioner Lister. It was discussed that with the initiation of this agreement, the Counseling and Resource Center of the Douglas County Citizens Committee on Alcoholism, Inc. will be available for the counseling of city employees who have problems in various areas. The program is to be conducted at no cost to the city, as the city already has a contract for other services. Upon call for the question, all present voted in favor of the motion.

Appointment to Library Board

Mayor Marstall announced that he would recommend Mr. Tom Sachse to be appointed to the City Library Board, to fill an unexpired term expiring April 30, 1982. Commissioner Larson made a motion that Mr. Tom Sachse be appointed to the City Library Board to fill an unexpired term which expires April 30, 1982. The motion was seconded by Commissioner Lister. It was discussed that Mr. Sachse has expressed a willingness to be reappointed after April to serve a full term; however, he wished to gain some experience prior to that time to determine if such an appointment would interfere with his business and profession. Upon call for the question, all present voted in favor of the motion.

Report of Attendance at National League of Cities Convention

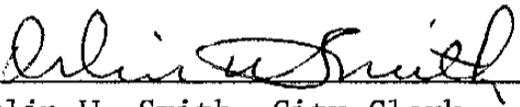
Mayor Marstall reported that Mayor pro tem Snyder and City Manager Watkins had just returned from Washington, D.C., where they represented the City of Ottawa at the National League of Cities Legislative Conference. Mayor Marstall then called upon Mr. Snyder and Mr. Watkins to report on the meeting.

Mr. Snyder reported that the National League of Cities Legislative Conference which he had attended had many city representatives present, which indicated to him a concern of the cities regarding the new federalism program. Mr. Snyder reported that he had attended addresses by Vice-President George Bush and Mr. Rick Williamson, who is Presidential Assistant for Governmental Affairs, both of whom emphasized the fact that the administration is very intent on the program in returning various activities to the municipalities. Both Vice-President Bush and Mr. Williamson did indicate, however, that they want to listen to the cities and to be responsive to their requests and needs, but there will be few special projects spared in the administration's move to cut government spending. Mr. Snyder further reported that he and Mr. Watkins visited with Congressman Larry Winn, and the report from Mr. Winn's office is that the Congress is determined to cut federal spending. Mr. Winn further conveyed to Mr. Snyder and Mr. Watkins, however, that the federal Revenue Sharing program and the Community Development Block Grant program were in good shape and would probably be continued. Mr. Snyder said he visited about the EPA grant program and the possibility of Ottawa still receiving funds for a wastewater treatment facility program, and he was told to contact the administrator, who is a former Johnson County commissioner.

Mr. Snyder stated that there will be problems in the public works sector of the federal program, and that deteriorating bridges and roads will continue to deteriorate until the problem is properly addressed.

Mr. Watkins, in his comments on the meeting, said that he would like to further amplify the statement of Commissioner Snyder, and that he felt the municipalities may have some real opportunities in the programs that are being returned from federal level to the municipalities. One problem that Mr. Watkins did cite was a recent Supreme Court decision in favor of a cable television firm versus the city of Boulder, Colorado, in which the Supreme Court ruled in favor of the cable TV company relating to franchise charges and other provisions written into their franchise to serve the city of Boulder, Colorado. Mr. Watkins related this to the possibility of the city denying a zoning request for a shopping mall whereby it might be deemed that the denial of zoning was to protect another business area. Mr. Watkins' feeling was that the city must proceed very cautiously in these areas. All in all, Mr. Watkins and Mr. Snyder stated that it was a very interesting and informative meeting.

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 - March 17, 1982

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

Approval of Minutes

The minutes of the last regular meeting held March 3, 1982, were approved as written.

Public Hearing - Sidewalk Improvements--Central Business District Satellite Project

A public hearing as set forth by Resolution No. 330 was held at this time to determine the advisability of improving sidewalks as follows: the south side of west Second Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street; the south side of east Second Street from the east line of the alley between Main Street and Hickory Street to the west curb line of Hickory Street; the north side of east Second Street from the west curb line of Hickory Street west ninety-four feet; and the south side of west Fourth Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street.

City Manager, David Watkins, was called upon to explain the scope of the project. Mr. Watkins explained that this improvement, unlike the improvement on Main Street, is for sidewalks only, and does not include lighting and landscaping but does include curb and gutter improvements. The total estimated probable cost of the improvement is \$21,644.00 with the benefit district paying \$17,315.00, or an amount not to exceed eighty percent of the total, and the city-at-large paying \$4,329.00, or an amount not to exceed twenty percent of the total. The cost of the improvement to the property owners will be about one-third of the improvement on Main Street, or it will cost approximately \$10.00 per month per each twenty-five foot frontage. The permanent financing for the project will be ten-year General Obligation Bonds.

Russ Crites inquired as to whether the sidewalk improvements would include new curb and gutter. Mr. Watkins answered Mr. Crites that new curb and gutter would be included, but it would be in a separately financed project and paid for by city sales tax monies.

There being no further questions or comments on the proposed project, Commissioner Lister made a motion that the public hearing be closed. The motion was seconded by Commissioner Larson. Mayor Marstall and Commissioners Snyder, McCrea, Lister and Larson voted in favor of the motion. No one voted opposing the motion.

Resolution No. 331 - Making Findings As To Advisability of Improving Certain Sidewalks

Commissioner Larson made a motion that a resolution making findings as to the advisability of improving sidewalks, drainage, landscaping the parkings, street lights and street lighting systems in the City of Ottawa, Franklin County, Kansas, as follows:

- A. South side of west Second Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street;
- B. South side of east Second Street from the east line of the alley between Main Street and Hickory Street to the west curb line of Hickory Street;
- C. The north side of east Second Street from the west curb line of Hickory Street west ninety-four feet; and
- D. South side of west Fourth Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street

be passed. The motion was seconded by Commissioner McCrea. Upon call for the question, Mayor Marstall and Commissioners Larson, McCrea, Snyder and Lister voted in favor of the motion. No one voted opposing the motion.

Resolution No. 332 - Directing and Ordering Improvement of Certain Sidewalks

Commissioner Larson made a motion that a resolution directing and ordering the improvement of sidewalks, drainage, landscaping the parkings, street lights and street lighting systems in the City of Ottawa, Franklin County, Kansas, as follows:

- A. The south side of west Second Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street;
- B. The south side of east Second Street from the east line of the alley between Main Street and Hickory Street to the west curb line of Hickory Street;
- C. The north side of east Second Street from the west curb line of Hickory Street west ninety-four feet; and
- D. The south side of west Fourth Street from the west line of the alley between Main Street and Walnut Street to the east curb line of Walnut Street

be passed. The motion was seconded by Commissioner Lister. Commissioner Snyder made a motion that Commissioner Larson's motion be amended to state that curbs and gutters be replaced where necessary. Commissioner Snyder's motion was seconded by Commissioner Lister. In following discussion, it was pointed out by City Manager Watkins and Mayor Marstall that the replacement of curb and gutter was to be accomplished by funding from the city sales tax and really should not be a part of the project so stated in the resolution. Commissioner Snyder withdrew his motion; however, he stated that he felt the city should make the public commitment to the effect that the curb and gutter were to be replaced by the city where necessary. Commissioner Lister then withdrew her second to Commissioner Snyder's amendment. Upon call for the question, Mayor Marstall and Commissioners McCrea, Larson, Lister and Snyder voted in favor of the motion. No one voted opposing the motion.

Commissioner McCrea then asked if the city had arrived at an estimated probable cost for the replacement of the curb and gutter and the Main Street resurfacing in the downtown area. He was answered that the city does not have a cost figure on this phase of the project as yet. Commissioner McCrea then stated, and it was the consensus of the City Commission, that an estimated probable cost of the curb and gutter replacement and Main Street resurfacing should be determined.

Commissioner Snyder then made a motion that the city hereby make commitment to the replacement of the curb and gutter and the overlay of Main Street be undertaken and financed out of city sales tax monies in conjunction with the downtown improvement project. The motion was seconded by Commissioner McCrea.

Mayor Marstall then stated that he thought Willow Street from Second to Seventh should be also be considered a prime candidate for asphaltic overlay in the 1982 construction season. Upon call for the question on Mr. Snyder's motion, all present voted in favor of the motion.

Ordinance No. 2694-82 - Speed Limits South US-59 and US-50 Highways

Mayor Marstall opened the discussion on the speed limits on US-59 and US-50 Highways as they enter the city limits from the south by

stating that late in 1981 the city had written to the Kansas Department of Transportation asking for a traffic study on this portion of US-50 and US-59 Highways, hopeful that the Kansas Department of Transportation would allow the city to reduce the speed limits in that area. It was the feeling of the city at that time that with the advent of the McDonald's restaurant coming to Ottawa, with the motel on the south edge of the city, and the increased activity around the Wal-Mart store that that section of US-50 and US-59 highways within the city would be very prone for accidents. As a result of that study, the Kansas Department of Transportation has authorized the city to lower the speed limits to a small degree in that area. On US-59 Highway from a point approximately 150 feet south of 17th Street to a point parallel with the Indian Lanes bowling alley, the city has the authority to reduce the speed limit to forty (40) miles per hour, and from the point parallel with the Indian Lanes bowling alley to the south city limits, the city has the authority to reduce the speed limit to forty-five (45) miles per hour. On US-50 Highway from a point approximately 150 feet south of 17th Street to the south city limits, the city has been given the authority to reduce the speed limit to fifty (50) miles per hour.

Commissioner McCrea made a motion that an ordinance reducing the speed limits on US-59 Highway from a point 150 feet south of 17th Street to a point parallel with the Indian Lanes bowling alley being reduced to forty miles per hour and from a point parallel with the Indian Lanes bowling alley to the south city limits being reduced to forty-five miles per hour, and reducing the speed limits on US-50 Highway from a point 150 feet south of 17th Street to the south city limits to fifty miles per hour, be passed. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

Consideration of a Private Road Agreement and Approval of a Final Plat of Medical Offices, Inc. Subdivision

Commissioner Snyder made a motion that an agreement with Medical Offices, Inc., for the construction and maintenance of a private road to serve Lot 5 of the Medical Offices, Inc. Subdivision, if such road is found to be necessary, be approved. The agreement sets forth that if such road is deemed to be necessary, the developer will improve the road to city specifications and maintain such road thereafter. It was explained that Lot 5 of Medical Offices, Inc. Subdivision does have access by way of 14th Street into a cul-de-sac, but at this time it is unknown how Lot 5 will be developed. If Lot 5 should be developed into additional office space for medical services, it is thought that access would be needed from Ash Street, and there is no dedication of street from Ash appearing on the plat. If the private road is deemed necessary to serve additional medical facilities, it is necessary that the road be constructed and maintained in a proper manner for such city service vehicles as might prove necessary. The road construction and maintenance agreement is to be filed with the Register of Deeds at such time as the plat is filed. The motion was seconded by Charlene Lister. Upon call for the question, all present voted in favor of the motion, except Commissioner Lister, who abstained from voting.

In moving into discussion on the final plan of the Medical Offices, Inc. Subdivision, it was explained by City Manager, David Watkins, that it would be advisable to include an additional 2½ feet utility easement on the west side of the platted subdivision. The plat at present shows a 7½-foot utility easement, but it is normal to require a 10-foot utility easement from each property owner.

Commissioner Snyder made a motion that the final plat of the Medical Offices, Inc. Subdivision be approved, subject to the enlargement of the utility easement on the west side of the property by 2½ feet to a total of a 10-foot utility easement, and also subject to the condition that no building permit be issued for Lot 5 until proper street access to Lot 5 is determined. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion except Commissioner Lister, who abstained from voting.

Change Order No. 2 - Contract No. 6 - Power Wiring

Change Order No. 2 to Contract No. 6 - Power Wiring - Electric System Improvements, was introduced. Item No. 1 on Change Order No. 2 was snow melting equipment in the amount of \$690. Item No. 2 was enclosure for neutral reactor in the amount of \$985. Item No. 3 was trenching and backhoe and rubble removal for street lighting in the amount of \$3,717, for a total of \$5,392 for Change Order No. 2. Commissioner Snyder made a motion that Change Order No. 2 be approved. The motion was seconded by Commissioner Lister and upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Application - Safeway Stores, Inc.

Commissioner McCrea made a motion that an application for license to sell cereal malt beverage in original and unopened containers as submitted by Safeway Stores, Inc., 901 S. Main, be approved. The motion was seconded by Commissioner Larson. It was discussed that Safeway Stores is applying for a cereal malt beverage license at the present time as a result of change in city ordinance, which redefines the distance from a church or school that a place of business which sells cereal malt beverage is located. The ordinance in its prior form required 200 feet from property line to property line, and the ordinance in its present form requires 200 feet from building to building. Upon call for the question, all present voted in favor of the motion, except Commissioner Snyder, who voted opposing the motion.

Cereal Malt Beverage License Application - Pence Food Centers, Inc.

Commissioner Lister made a motion that an application for license to sell cereal malt beverage for Pence Food Centers, Inc. located at 111 S. Hickory, be approved. The motion was seconded by Commissioner Larson. It was discussed that the Pence Food Center application in essence is a renewal license application inasmuch as the A&P food store which was previously located at this location did have a cereal malt beverage license. Upon call for the question, all present voted in favor of the motion.

Authorization to Appoint Legal Counsel

Commissioner Larson made a motion that by authority K.S.A. 75-6108(c) the city agree to appoint legal counsel to represent Oren Skiles, David Watkins and Joyce Hendrix in a lawsuit brought against the city by Dennis K. Sams. The motion was seconded by Commissioner McCrea. Mayor Marstall stated that the suit for which counsel is being appointed was filed in U. S. District Court in Topeka, and the cost of counsel for defense will be paid from the tort liability fund under the authority of K.S.A. 75-6110. Under the terms of the statute, the persons for whom counsel is to be appointed must request appointment of defense in written form within fifteen days after the filing of the suit, and those terms have been met. Upon call for the question, all present voted in favor of the motion.

Mayor Marstall then announced that there will be a special meeting of the City Commission at 3:00 p.m. on March 22, 1982. The purpose of the meeting is to consider entering into a contract for the development of the preliminary plans for the Central Business District improvement project. Mayor Marstall also reported that the city attorney had checked a remonstrance petition against the project, and found the remonstrance petition to be insufficient with less than one-half the area of the benefit district being contained in signatures of property owners in the district. According to the opinion of the city attorney, the city may at this time proceed with the project.

Commissioner Snyder then made a motion that the city find the protest petition against the proposed Central Business District improvements insufficient. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Mr. Joe Lee, Rt. 2, Ottawa, stated that he is a property owner within the Central Business District, and he is very happy to see that the project may proceed.

Proclamation - Poison Prevention Week

Upon a motion by Commissioner Larson and a second by Commissioner Snyder, the City Commission unanimously approved a proclamation designating the week of March 21-27, 1982, as Poison Prevention Week in the City of Ottawa.

Planned Purchase of Fire Truck

Mayor Marstall announced that for several weeks the city had been contemplating the purchase of a Waterchief Fire Truck manufactured by American LaFrance, with a 75-foot aerial ladder. At the present time the city is considering a 90-day option to purchase the fire truck, and in the 90-day interim the city will be looking at ways to finance the purchase. The various methods of purchase that are being considered at the present time include Revenue Sharing funds spread over a period of a few years, the issuance of no-fund warrants, and with a lease-purchase agreement at eleven percent interest per annum. It is hoped that the truck might be purchased either with Revenue Sharing funds or with Public Safety Equipment funds that in no way would increase the mill levy on the people of Ottawa. The 90-day option is a no-cost option so if the city's option was not executed at the end of the option period, the city would be out no monies. Also during the 90-day period, the American LaFrance company would be given the authority to attempt to sell the city's present snorkel fire truck. The snorkel fire truck has been a very expensive piece of equipment for the City of Ottawa as many thousands of dollars have been spent in repairs on the snorkel fire truck.

Commissioner Snyder made a motion that the city manager and the mayor be authorized to execute a 90-day option to purchase the American LaFrance Waterchief fire truck and that American LaFrance be authorized to sell the City of Ottawa's snorkel fire truck in the 90-day period of the option. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Concerns of Mrs. Martina Reed

Mrs. Martina Reed appeared before the City Commission with two concerns. Her first concern was when the people of the city could burn trash. Mrs. Reed was answered that household trash can be burned on Monday and Thursday mornings between daylight and twelve noon. Mrs. Reed's second concern was the condition of North Sycamore Street in front of her home. Mrs. Reed stated that the street was dirt street that has many chuck holes and has no ditches at the present time. Mrs. Reed stated that there are many heavy vehicles using the street and she did not feel it should be her obligation to furnish gravel for this entire street when it really was not her vehicles which were tearing up the street. It was explained to Mrs. Reed that it is the city's policy that when an unimproved street needs to be worked on, the city will grade the street into proper condition and spread rock on the street, but the property owners must pay for the rock. Mrs. Reed again stated that she did not think it was fair that the property owners should have to pay for the rock inasmuch as it is not their vehicles which are causing the problems on the street. The City Commission informed Mrs. Reed that this problem would be taken under advisement.

Mutual Recission Between the City of Ottawa and Ottawa Kiwanis Club

The city was presented with a Mutual Recission Agreement concerning the agreement between the City of Ottawa and the Ottawa Kiwanis Club for the operation of Mears Park. It was reported that the City of Ottawa is anxious to terminate the agreement between the City of Ottawa and the Ottawa Kiwanis Club, as is the Kiwanis Club for reason of imposition of liability insurance limits. Commissioner McCrea made a motion that consideration of the Mutual Recission Agreement between the City of Ottawa and the Ottawa Kiwanis Club not be acted upon until a special meeting called for Monday, March 22, 1982. Mr. Budge Reusch,

a member of the Ottawa Kiwanis Club, stated that the Kiwanis Club was very anxious to work with the city on further development of Kanza Park. Mr. McCrea's motion was seconded by Commissioner Snyder and upon call for the question, all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of the meeting is on file 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 - March 22, 1982

The City Governing Body met for a special session at 3:00 p.m. this date. Present: Mayor Marstall and Commissioners Larson, Snyder and McCrea. Absent at the beginning of the meeting: Commissioner Lister.

In opening the meeting, Mayor Marstall stated that the purpose of this meeting was to award a contract for engineering services for the Central Business District improvement program, and to consider approval of a Mutual Recission Agreement with the Ottawa Kiwanis Club with regard to their lease for the use of Mears Park. Mayor Marstall then asked City Manager, David Watkins, to comment on the agreement for engineering services with the engineering consultants, Bucher & Willis, for the design of the Central Business District improvements. Mr. Watkins stated that in January of this year, the City Commission had solicited proposals from three engineering firms, namely A. C. Kirkwood & Associates of Kansas City, Bucher & Willis Planning Consultants of Kansas City, and Cook, Flatt & Strobel Engineers of Topeka. The City Commission selected Bucher & Willis Consulting Engineers to proceed with the preliminary cost estimates so that the necessary resolutions could be drawn to proceed with the proposed improvements. Mr. Watkins then referred to the agreement for engineering services that was before the City Commission today, setting forth the scope of services that is inclusive of the preliminary cost estimates, field survey, public meetings, preliminary design, preliminary plan review meeting, contract documents and specifications, final plan review meeting, construction bid letting and printing of construction plans and specifications. Mr. Watkins stated that the preliminary cost estimates had been completed and that most of the field survey had been completed; thus, the city is now in a position for Item 3, the public meeting in which the planning consultants will meet with the coordinating committee and other interested citizens to further develop the design and specifications. Two other meetings listed in the scope of services would be the preliminary plan review and the final plan review. The agreement as it is drawn, which encompasses all phases of the project, calls for payment to Bucher & Willis an amount of \$37,000; however, Mr. Watkins explained that if all phases of the project should not be completed, the agreement is written in such a way that the payment to the engineers can be negotiated to lower the overall cost.

The City Commission questioned whether the three meetings outlined in the scope of services would be sufficient to iron out all of the possible problems in the design of the improvements. Mr. Watkins stated that if additional meetings were necessary, the additional meetings would be at an additional cost to the city of Ottawa. However, Mr. Myles Schachter, who is presently under contract through Bucher & Willis by the city to work with the city Planning Commission, could possibly attend those additional meetings at a lessor cost under that contract than under the agreement before the City Commission today. It was further questioned that Item 9 under scope of services calls for the printing of twenty sets of final plans and specifications for bidding purposes, and possibly additional sets would be necessary, so the question posed was would the city have to pay for extra sets of plans that might be necessary. Mr. Watkins answered that under Section B, special engineering services, it does set forth that printing of extra construction plans and specifications would be at an additional expense to the City of Ottawa. The City Commission then asked the cost of additional plans and specifications, and it was replied that possibly the city should investigate the cost for extra plans and specifications, if they should be deemed necessary.

Moving to Article II within the agreement, contract time, it was noted that the engineer is to have the preliminary plans and specifications prepared within ninety days following notice to proceed and that notice to proceed would start with the signing of this agreement today.

Commissioner Snyder made a motion that the agreement for engineering services for the design of the Central Business District improvements with the consulting firm of Bucher & Willis be approved. The motion was seconded by Commissioner McCrea. Mayor Marstall and Commissioners McCrea, Snyder, Lister and Larson voted in favor of the motion and no one voted opposing the motion.

Mutual Recission of Agreement

Commissioner Lister made a motion that a Mutual Recission of Agreement between the City of Ottawa and the Ottawa Kiwanis Club for the operation of Mears Park be approved. The motion was seconded by Commissioner Larson. It was explained that the Kiwanis Club now operates a Lodge and a tract of land on Pomona Lake and they have asked that the agreement between their organization and the city for the operation of Mears Park be rescinded. One of the reasons for recission of the agreement is the insurance requirements that the city must impose on Mears Park. City Manager, David Watkins, also commented that the city has received numerous complaints about Mears Park; a recently as this weekend there was an unauthorized party at the park. Upon call for the question, all present voted in favor of the motion.

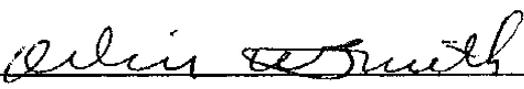
Mr. Tony Miller, 520 S. Locust, representing Boy Scout Troop #127 of the City of Ottawa, appeared before the City Commission and asked that the city not proceed hastily in disposing of Mears Park.

Mr. James Raby, 103 S. Locust, a Scout leader, appeared before the City Commission to reinforce Mr. Miller's position. Mr. Raby stated that in 1980 the Boy Scouts had a Cub Day program at Mears Park and they had 150 boys plus leadership. In 1981, the Cub Day program had 170 boys plus leaders, and in 1982, they expect to have over 200 boys and leaders for their Cub Day program. In other events, they have had a Klondike Derby and many camping activities.

Mr. Miller spoke again, stating that in the last three years the Scouts have had two Camporee's, 150 boys and leaders; two Klondike Derbys with 150 boys and leaders, and two Cub Day camps with 275 boys and leaders. Mr. Miller stated that adult training sessions have been held at the park, and the park has been used for many weekend campouts. Other activities include Court of Honors, fishing derby, picnics and nature studies. There have been Eagle Scout projects at the Mears Park through which three campsites have been developed along with nature trails, obstacle courses and many other things developed. Mr. Miller asked that the City Commission allow the Boy Scouts the time to investigate various ways of funding the insurance necessary to keep the park operating. Some of the revenue sources mentioned by Mr. Miller were the removal of the hay crop, deposit of rent for parties, possibility of oil being found on the land, and fees for group use along with private donations.

The City Commission thanked the Boy Scouts for their presentation and indicated that they were not aware of the many activities that the Boy Scouts had performed at Mears Park.

There being no further business, the meeting was adjourned. The entire text of the meeting is on file 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 - April 7, 1982

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

Approval of Minutes

The minutes of the City Commission meeting of March 17, 1982, were corrected to reflect that Commissioner Larson seconded a motion concerning the approval of the final plat of Medical Offices, Inc. Subdivision, instead of Commissioner Lister as stated in the minutes. The balance of the minutes were approved as written. The minutes of a special City Commission meeting held March 22, 1982, were approved as written.

Consider a Failure to Recommend Decision as Forwarded from the Planning Commission

Mayor Marstall opened the discussion by stating that the City Commission at this time would consider a failure to recommend decision forwarded from the Planning Commission regarding the rezoning of a tract of land located at 11th & Walnut Streets from R (Residential) to C-1 (Commercial). Mr. Marstall stated that it was his understanding that the Planning Commission failed to recommend an action on this zoning change request as a motion made concerning the requested change died in the Planning Commission proceedings for lack of a second.

Robert Pinet, attorney, asked to be heard by the City Commission on behalf of Mr. and Mrs. Robert W. James, owners of the property for which zoning change is requested. Mr. Pinet stated that the property at 1104 S. Walnut had been in commercial use for a number of years, first by the Underwood Plumbing Company, and then by the Graffam Electric Co., prior to being purchased by Mr. and Mrs. James. Mr. Pinet asked that, if the city could not consider rezoning the property, a special use permit be issued allowing Mr. and Mrs. James to operate a beauty salon on the premises. Mr. Pinet stated that the James are presently paying \$400 per month rent on their present location and they do not know how long they will be able to continue to operate at that location in view of the cost of operation. Mr. Pinet stated that there is a beauty shop operating four blocks west of the James property and there is one operating at 8th & Main, neither of which is properly zoned. Mr. Pinet stated that the Zoning Ordinance as passed by the city in 1976, and a 1980 revision, give reference to special use permits issued prior to the effective date of this Zoning Ordinance, which could continue. Mr. Pinet stated that he thought the James should be given the same consideration as the persons operating under special use permits at the present time. Mr. Pinet further spoke concerning the section of the Zoning Ordinance which authorizes the issuance of special use permits, and stated he felt that under this section of the ordinance the James could qualify for the special use permit.

Mayor Marstall called upon City Manager, David Watkins, to explain the special use permits which were issued prior to the adoption of the present Zoning Ordinance in 1976. Mr. Watkins stated that Page 108 of the existing Zoning Ordinance merely allows those special use permits which were passed prior to the adoption of this ordinance in 1976, to continue to exist. Further, that the section of the Zoning Ordinance which deals with the issuance of special use permits must be referred back to the various zoning classifications and allow those uses by special use permit, which are included in the specific zoning classifications. Mr. Watkins further stated that in consideration for a special use permit, you must go before the Board of Zoning Appeals, and they can authorize only those special uses which are set forth in the Zoning Ordinance.

Mr. Pinet stated that he did not agree with Mr. Watkins in his interpretation of the section which deals with the issuance of special use permits in that this section does not make reference to any of the special uses as set forth in the various zoning classifications. On the issue of changing the zoning, Mr. Pinet stated that his clients could exist under a C-1 zoning classification as opposed to a C-2, and they would ask that this be granted. Mr. Pinet was answered that under existing state law, it is illegal to spot zone an area, that this could be considered an infringement on the rights of others to allow a commercial use in the middle of a residential area. Mr. Pinet commented that the location in question, though it might be in a residential area, is not surrounded by dwellings--it is at the south end of Kanza Park and there are no other dwellings relatively close to it.

Mr. Marstall stated that it seemed to leave the City Commission with three options: 1) To refer the item back to the Planning Commission for further consideration; 2) To take action on the matter today; and 3) The City Commission table action on this item until its meeting of April 21, 1982. Commissioner Larson made a motion that action on this item be tabled until the meeting of April 21, 1982. The motion was seconded by Commissioner Snyder. Mr. Snyder then stated that although spot zoning is not allowed under the law, the Commission should investigate the possibility of a special use permit being issued for this tract of land. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2695-82 - Emergency Purchase of Fire Truck

Mayor Marstall called on City Manager, David Watkins, to explain the purpose of the ordinance under consideration. Mr. Watkins explained that the ordinance declaring an emergency exists and explaining the need to purchase the fire truck would allow the City of Ottawa to seek authority to issue no-fund warrants in the amount of the purchase, \$203,000. After passage and publication of the ordinance, the city manager, city attorney and city commissioners will appear before the Kansas State Board of Tax Appeals to seek the authority to issue the no-fund warrants. The city does not have funds at this time to make the purchase, but there are several options being considered by the city in order to make the purchase. One of the options is the issuance of no-fund warrants; another option is obligation of Revenue Sharing Funds over the next few years to pay for the fire truck. Another reason for seeking the authority for the no-fund warrants is that if the city should pledge Revenue Sharing Funds for the purchase and the Revenue Sharing Funds should cease to be forthcoming, then the city would still have the authority to issue the no-fund warrants to complete the purchase.

Commissioner Larson made a motion that an ordinance declaring that an emergency exists and it is necessary to purchase a new fire truck, stating the maximum amount to be expended therefor, providing that application be made to the State Board of Tax Appeals for authority to expend funds for such purpose, and to issue no-fund warrants under the provisions of K.S.A. 12-110A, and providing for the levy of taxes to pay therefor be passed. The motion was seconded by Commissioner Lister. Commissioner Larson stated that the snorkel fire truck, for which the new truck is intended as replacement, has been a worry to him ever since he has been on the City Commission. The truck has failed to operate several times and the firemen have a fear of using it, because of the danger of being in position over a fire and the equipment failing when necessary to withdraw from that position. Commissioner McCrea asked that if the city should proceed to pay for the fire truck with Revenue Sharing Funds and should decide at a later date that it does decide to issue the no-fund warrants, would the city have authority to do so at that time. The City Clerk answered that he had contacted the city's bond attorneys and the attorney stated that the authority to issue no-fund warrants would remain intact, even though the city proceeded to pay for the fire truck with Revenue Sharing Funds. Upon call for the question, all present voted in favor of the motion.

Award Contract for Construction of Utilities Warehouse Building

Mayor Marstall called on City Manager, David Watkins, to comment on this subject. City Manager Watkins stated that he was in receipt of a letter from Jerry Johnson, civil engineer with A. C. Kirkwood & Associates, stating that the city had received bids for the construction of the utilities warehouse building, and it was the determination of the consulting engineers that the bid of Loyd Builders in the amount of \$407,522.00 was the lowest responsible bid. Mr. Johnson further stated that bids had been taken on several other items in a unit price manner and Loyd Builders bid on these items was in line with their low bid for the building. The bids ranged from a low of \$407,522.00 as submitted by Loyd Builders, to a high of \$457,060 as submitted by Reardon Construction Company of Overland Park. There were nine bids received on the project, along with an alternate bid.

Commissioner Lister made a motion to award a contract for the construction of the utilities warehouse building for a bid price of \$407,522.00 along with the unit price bids to Loyd Builders. The motion was seconded by Commissioner Snyder. Commissioner Snyder then stated that he wished to comment on the necessity of the building, stating that with the state mandate on fixed asset accounting for the enterprise funds, the building is necessary to organize the utilities department's inventories and move into fixed asset accounting. Further, the building will allow for an inventory control for the utilities department, which the city has never before had. And further, that the covenants for the issue of the bonds for the new water treatment facility require that the city has a fixed asset accounting system. If the city does not move into fixed asset accounting in the near future, we will be in violation of those covenants. Commissioner McCrea commented that he was very pleased with the bids received, in that the low bidder came in some twenty percent under the engineer's estimate, stating that he felt it was a sign of the times, along with the site preparation which has been accomplished by city crews. Upon call for the question, all present voted in favor of the motion.

Baseball and Softball Facilities Lease Agreement

Commissioner McCrea made a motion that the city enter into an agreement with the Ottawa Recreation Commission for the operation of the baseball and softball facilities. The agreement is to run from April 1, 1982, until March 31, 1983. Mr. McCrea's motion was seconded by Mr. Larson. It was discussed that under the terms of the new agreement, the Ottawa Recreation Commission is to pay sixty percent of the electric power consumed at Orlis Cox Field, and to pay one hundred percent of the electric power consumed in the baseball diamonds at Forest Park. The baseball diamonds at Forest Park are to have new halide lighting fixtures installed by the city. The city is to pay for the electricity at the tennis courts and to pay one hundred percent of the water used at both facilities. It was further stated that the Ottawa Recreation Commission will be given permission to operate the concessions in Forest Park.

Commissioner Larson asked Mr. Steve Queen, who was present at the meeting, in addition to Marjory Marstall, President of the Recreation Commission, how many young people had been served by the softball program last year. Mr. Queen answered that last year the softball program had served 1,718 adults and more are expected this year. The Babe Ruth program had served 97 youths last year, and they presently have 107 youths signed up for Babe Ruth baseball this year. The Little League baseball served 200 youths last year, with more expected this year. They are adding some girls' softball teams and they expect to serve a total of 230 girls in this area.

Mrs. Marstall then expressed her appreciation on behalf of the Recreation Commission for the cooperation on the part of the city in maintaining and operating the baseball complex and the Forest Park swimming pool. Upon call for the question, all present voted in favor of the motion.

Swimming Pool Lease Agreement

Commissioner Snyder made a motion that the city enter into an agreement with the Ottawa Recreation Commission for the operation of the Forest Park Swimming Pool. The lease agreement is to run from April 1, 1982, to March 31, 1983. The motion was seconded by Commissioner McCrea. It was discussed that this year the city is going to pay for all water consumed at the swimming pool and it is the feeling of the City Commission that this is a community service that should be assumed by the city. Further, the Recreation Commission will pay all electricity consumed in the operation of the swimming pool. Upon call for the question, all present voted in favor of the motion.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on April 6, 1982. Present: Chairperson Wellington and Members Searls, Jackson, Spears, Coatney and Thornburg. Absent: Member Koch.

The minutes of the last regular meeting held on March 2, 1982, were approved as written.

The Planning Commission held a public hearing on a petition to rezone a tract of land generally located at 922 N. Main from R-1 (Residential) to C-2 (General Commercial). The Planning Commission received input from the property owner as well as adjacent property owners regarding the attempt to rezone this property. In accordance with Planning Commission bylaws, the Planning Commission took this matter under advisement until the May meeting.

The Planning Commission held a public hearing to consider the vacation of 14th Street from Ash westward to a cul-de-sac platted in the Medical Offices, Inc. Subdivision. In accordance with Planning Commission bylaws, this matter was taken under advisement until the May meeting.

The Planning Commission decided by a 6-0 vote to delete Section 3, Subsection (3) of Article XVIII of the proposed amendment to the Zoning Ordinance dealing with outdoor storage of products in the C-3 district. The Planning Commission decided by a 6-0 vote to recommend to the City Commission the adoption of the proposed amendments to the Zoning Ordinance dealing with allowable uses.

Under new business, the Planning Commission decided by a 6-0 vote to hold a public hearing in May to consider an amendment to the Zoning Ordinance dealing with the location of accessory buildings in rear yards.

The Planning Commission discussed future projects with its planning consultant, Myles Schachter. The Planning Commission decided that the next two projects it wished to pursue were the development of a procedural manual and development of land use policies to utilize as a reference for zoning, subdivision and capital improvement decisions.

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

The report of the Planning Commission was taken under advisement by the City Commission.

Approval of City Investment Schedule for March 1982

Commissioner Larson made a motion that the city's Investment Schedule as submitted by the City Treasurer for March 1982, be approved. The motion was seconded by Commissioner Snyder. Mayor Marstall remarked that the investments ranged from a low of 11.57% to a high of 14.74%, which merely indicates the time period in which the investments were made. It was further requested that the future Investment Schedules include the total of the investments along with the average interest

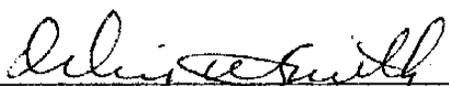
rate. It was reported that the present Investment Schedule indicates a total of \$6,300,000 invested at the end of March, 1982. Upon call for the question, all present voted in favor of the motion.

The business set forth in the agenda having been covered, Mayor Marstall announced that Mr. L. B. Paine was present and wished to make a statement to the City Commission. Prior to Mr. Paine's statement, Mr. Paine stated that following his statement he was going to ask no questions and he would answer no questions. Mr. Paine further stated that he was addressing the Commission as a whole, and not talking to any specific individual. Mr. Paine's statement is summarized as follows:

The city is getting ready to spend a half million dollars on Main Street improvements, and the money that is going to be spent is not the City Commission's money, but it is our money. Mr. Paine stated that the money could be put to better use, with that he referred to money to be spent on trees, benches and brick inlays, and made special emphasis that there is a plan to spend \$6,000 for trash cans. Mr. Paine then stated that Mayor Marstall had made the statement that if there is a reasonable number of objections, he would call the project off. He then asked Mayor Marstall if he was going to live up to his word. Mr. Paine stated that they were not going to stand by while the project proceeded; that he had a list of owners of 75% of the property on Main Street who indicated they did not want the project, and if the project did proceed, they would go to court. Mr. Paine then turned and left the City Commission chambers, and Mr. Marstall stated that Mr. Paine's initial remarks were that he would not answer any questions nor did he wish to be asked any questions.

Mr. Snyder then stated that he would like to respond to Mr. Paine's remarks for the news media. Mr. Snyder stated that he did not recall the Mayor making any statement to the effect that if there were a reasonable number of objectors, that he would call the project off. Further Mr. Snyder stated that if the Mayor did make the statement, it would be illegal--that the city is proceeding with the project according to law of the State of Kansas. Further Commissioner Snyder stated that the remonstrance petition to which Mr. Paine referred as a list of names, had been determined by the city attorney as an insufficient petition. Mr. Snyder stated that the property owners have had ample time to decide what type of trash containers they might desire in the downtown area, along with other proposed improvements. Mr. Marstall then stated that he had talked to Mr. Paine on Monday of this week and Mr. Paine had asked for permission to appear before the City Commission. Mr. Marstall stated that if it were for the purpose of discussing the proposed downtown improvements, it probably would be best for Mr. Paine to meet with the improvement committee, which is meeting at 7:00 p.m. this evening in City Hall. The committee has assigned various sub-committees, with the task of determining what, if any, types of trash containers, benches, plantings and so forth they would have in the downtown area. The project has been moving since approximately December, 1981, at which time the City Commission was asked to move ahead with the project, both in planning and finance.

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


Orlin W. Smith, City Clerk

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF MARCH 31, 1982

12-28	37415	W R.E.S.	200,000.00	4-1-82	1ST	11.57
12-24	7265	W B RES	100,000.00	4-1-82	K.S.	11.70
12-24	7266	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7267	WATER	100,000.00	4-1-82	K.S.	11.70
12-24	7268	GEN	100,000.00	4-1-82	K.S.	11.70
12-24	7269	W B RES	100,000.00	4-1-82	K.S.	11.70
1-7	8254	WATER	100,000.00	4-8-82	PEOPLES	11.77
1-7	8255	GEN	100,000.00	4-8-82	PEOPLES	11.77
1-28	7278	W BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7279	E BD RES	100,000.00	4-29-82	K.S.	12.92
1-28	7280	SEWER	100,000.00	4-29-82	K.S.	12.92
1-28	7281	WATER	100,000.00	4-29-82	K.S.	12.92
1-28	8310	ELEC	200,000.00	4-29-82	PEOPLES	12.86
1-28	8311	GEN	200,000.00	4-29-82	PEOPLES	12.86
1-28	8312	WATER	100,000.00	4-29-82	PEOPLES	12.86
1-3	8321	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8322	EMP BEN	100,000.00	5-6-82	PEOPLES	14.74
1-3	8323	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8324	B & I	100,000.00	5-6-82	PEOPLES	14.54
1-3	8325	B & I	100,000.00	5-6-82	PEOPLES	14.54
2-4	37433	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	37434	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	8338	GEN	300,000.00	5-20-82	PEOPLES	13.74
2-4	8339	W R.E.S.	100,000.00	5-20-82	PEOPLES	13.74
2-4	8340	ELEC	100,000.00	5-20-82	PEOPLES	13.74
2-4	8341	E BD RES	500,000.00	5-20-82	PEOPLES	13.74
2-25	7287	E CONST	200,000.00	5-20-82	K.S.	12.31
2-25	37446	E CONST	100,000.00	5-20-82	1ST	13.08
2-18	7283	E CONST	100,000.00	5-27-82	K.S.	14.66
2-18	8372	WATER	200,000.00	5-27-82	PEOPLES	14.66
11-20	106346	WATER	100,000.00	5-31-82	FR SAVINGS	11.625
3-4	8434	ELEC	200,000.00	6-3-82	PEOPLES	12.76
3-4	7291	E CONST	400,000.00	6-3-82	K.S.	13.04
3-5	37449	W B RES	100,000.00	6-3-82	1ST	12.85
3-11	7292	GEN	200,000.00	6-3-82	K.S.	13.17
3-25	37467	WATER	100,000.00	6-17-82	1ST	13.82
3-25	37468	GEN	100,000.00	6-17-82	1ST	13.82
3-25	37469	E B & I	100,000.00	6-17-82	1ST	13.82
3-25	8498	E CONST	200,000.00	6-24-82	PEOPLES	12.61
3-25	8499	ELEC	200,000.00	6-24-82	PEOPLES	12.61
3-25	8500	E B & I	100,000.00	6-24-82	PEOPLES	12.61
3-25	8501	R.S.	100,000.00	6-24-82	PEOPLES	12.61
3-25	8502	E CONST	100,000.00	6-24-82	PEOPLES	12.61
1-23	2554638	GEN	100,000.00	7-25-82	ANCHOR	13.50

6,300,000.00

\$13.696

862,000

Mary L. Graham
 MARY L. GRAHAM, TREASURER

City Hall - April 21, 1982

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

Approval of Minutes

The minutes of the last regular meeting which was held April 7, 1982, were approved as written.

Affirmation of a Failure-to-Recommend Decision of the Planning Commission

Mayor Marstall opened by stating that this item had been held over from the last regular City Commission meeting, and it concerns the Planning Commission's failure to recommend, either in favor of or in opposition to a zoning change request. Commissioner Snyder made a motion that the City Commission affirm a decision of the Planning Commission in that the Planning Commission did not act on a rezoning request for a tract of land located at 11th & Walnut. It had been requested that the tract of land be rezoned from R (Residential) to C-2 (General Commercial). The motion was seconded by Commissioner McCrea.

Commissioner Snyder then stated that he had researched the Zoning Ordinance to see if it would be possible to issue a Special Use Permit to allow a beauty shop on the tract of land in question, but in his opinion the Zoning Ordinance stated very clearly that a beauty shop was not a use for which a Special Use Permit could be issued in the R (Residential) zoning classification. Commissioner Snyder stated that according to the Zoning Ordinance, public buildings, telephone exchanges, electrical substations, regulator stations and other public buildings could be allowed in the "R" zoning classification, but there was no mention of regular commercial uses.

Commissioner McCrea then stated that he had come to the same conclusion as Mr. Snyder, and to rezone the tract of land to "C-2" would allow for many uses which might be deemed undesirable in a residential area.

Commissioner Lister agreed with the statements of Mr. Snyder and Mr. McCrea. Upon call for the question, all present voted in favor of the motion.

Consider a 40-Year Power Sales Agreement with Kansas Municipal Energy Agency

Mayor Marstall stated that the City Commission had before them at this time a document which if approved, would allow the city to continue with the Kansas Municipal Energy Agency through Phase III of the agency plan, and in essence it would be a 40-year agreement that the city would participate with that agency. Mayor Marstall then asked for a motion on the subject.

Commissioner Larson made a motion that the City Commission vote on the Extension and Enlargement Agreement with the Kansas Municipal Energy Agency, which would carry through Phase III and into the bond purchase period in October of this year. The motion was seconded by Commissioner Snyder.

Commissioner Larson then stated that even though the city had been an active member of the Kansas Municipal Energy Agency since its origin, at the present time, he did not feel that it was feasible for the city to continue with the Kansas Municipal Energy Agency in that further participation would make the City of Ottawa liable for a portion of the bond issue as proposed by the agency for a period

of 35 to 40 years. Further, Commissioner Larson stated that at the present time the city has been approached by other power companies whose plants are fired by coal, and it appears that the city can negotiate and enter into contracts with these firms at a lower cost for purchase of power. Therefore, Mr. Larson stated that he could not recommend that the city continue with participation in the Kansas Municipal Energy Agency.

Mayor Marstall then stated that it was approximately two years ago that the city entered the Kansas Municipal Energy Agency agreement along with 32 other cities in the hope of working together to buy power at an economically feasible cost. He then stated that at this point in time, the city has received proposals from other investor-owned utilities for purchase of power that in the short term appear to be more feasible than continuing with the energy agency. Mayor Marstall did state, however, that he hoped that the City of Ottawa did not become a captive of the investor-owned utility companies. Further, Mayor Marstall stated that the city to date has spent between \$150,000 and \$160,000 with the agency through Phase I and Phase II, and if the city should continue, it would be obligated for approximately another \$69,000 into Phase III. The municipal energy agency concept is working in 31 other states. He stated that he felt it would work in Kansas.

Commissioner Snyder then stated that he would like to amplify on Mayor Marstall's statement by stating that the Commissioners individually and as a group have spent many hours looking into the various alternatives of securing base load power for the City of Ottawa. At this time it does appear that it would be more feasible for the City of Ottawa to enter into a base power purchase contract with an investor-owned utility. Commissioner Snyder then stated that he, too, would support the defeat of the motion presently before the City Commission.

Commissioner McCrea then stated that he had been on the City Commission for one year and one of the first subjects to which he was introduced was the Kansas Municipal Energy Agency. He stated that the Commission has spent many hours, both collectively and individually, studying the KMEA proposal and he, too, felt that at this time the city must look at other sources for firm power.

Commissioner Lister stated that in her studies of the KMEA concept there seemed to be so many unknowns that she did not feel it would be wise for the city to commit itself to a 40-year agreement.

Upon call for the question, Commissioners Lister, Snyder, McCrea and Larson voted opposing the motion. Mayor Marstall voted in favor of the motion, stating that he was not voting for the city to join the Kansas Municipal Energy Agency, but voting in favor of the concept.

Ordinance No. 2696-82 - Determination Not to Enter a Power Sales and Supplemental Services Agreement with the Kansas Municipal Energy Agency

Mayor Marstall then stated that there was being considered an ordinance of the City of Ottawa, Kansas, determining not to enter into a power sales and supplemental services agreement with the Kansas Municipal Energy Agency, and requesting a termination of Power Supply Project Phase II services as of April 30, 1982.

Mayor Marstall then directed that the city clerk read the ordinance in its entirety:

WHEREAS, the City has received extensive information from the Kansas Municipal Energy Agency (the "Agency") with regard to the Power Sales Project in Phase II of the Agency, and after consideration of all of the information which has been furnished by the Agency and after conducting such independent investigations as the City has determined appropriate, the City has determined not to enter into a Power Sales and Supplemental Service Agreement with the Agency.

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

Section 1. The City hereby determines not to enter into a Power Sales and Supplemental Services Agreement with the Kansas Municipal Energy Agency and requests that all services to the City in connection with the Power Supply Project be terminated as of April 30, 1982. Nothing herein shall affect any obligation of the City to pay for Phase II services under its Installment Purchase Agreement with the Agency as provided in such Agreement, subject to the termination of such services as of April 30, 1982, and the determination of the exact amount owed by the City for services rendered to that date.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Commissioner McCrea then made a motion that an ordinance of the City of Ottawa Kansas, determining not to enter into a Power Sales and Supplemental Services Agreement with the Kansas Municipal Energy Agency and requesting a termination of Power Supply Project-Phase II Services as of April 30, 1982, be passed. The motion was seconded by Commissioner Lister.

Commissioner Snyder then stated that the funds to pay the remaining charges for the city for the Phase II portion of the Service Agreement are presently on hand and budgeted to be spent in 1982. Upon call for the question, Commissioners Snyder, McCrea, Lister, Larson and Marstall voted in favor of the motion. No one voted opposing the motion.

Resolution No. 333 - Authorizing Issuance of Temporary Notes in the Aggregate Amount of \$471,644.00

Mayor Marstall stated that the City Commission has before it at this time a resolution authorizing the issuance of temporary notes in the aggregate amount of \$471,644.00 by authority of previous resolutions. The amount set forth is inclusive of both the Main Street sidewalk rehabilitation project and of the satellite project. The satellite project is in the amount of \$21,644; the Main Street project is in the amount of \$450,000.00 for a total of \$471,644.00.

Commissioner Snyder made a motion that a resolution authorizing and directing the issuance of the Municipal Temporary Notes Series 1982A of the City of Ottawa, Kansas, in an aggregate principal amount not to exceed \$471,644.00 for the purpose of providing funds to pay the cost of the construction of certain sidewalk, parking, street lights and street lighting system improvements within the city. The motion was seconded by Commissioner McCrea.

Commissioner Snyder then stated that the resolution presently before the City Commission for consideration was prepared by bond counsel, Gaar & Bell of Kansas City, Missouri, which firm has completely examined all documents pertaining to this proposed project and everything has been found to be in accordance with Kansas Statutes Annotated, and the city can proceed at this time to secure temporary financing to pay for the improvements. Upon call for the question, Mayor Marstall and Commissioners McCrea, Larson, Lister and Snyder voted in favor of the motion. No one voted opposing the motion.

Resolution No. 334 - Temporary Notes

Commissioner Lister made a motion that a resolution authorizing and directing the issuance of Municipal Temporary Notes Series 1982A of the City of Ottawa, Kansas, in the aggregate principal amount of \$300,000.00 for the purpose of providing funds to pay the cost of construction of certain sidewalk, parking, street lights and street lighting system improvements within the city, be passed. The motion was seconded by Commissioner Larson.

It was explained that this resolution as authorized by Resolution No. 333 will provide for the financing of the first phase of the Central Business District improvements. Subsequent resolutions may be passed

authorizing issuance of temporary notes not to exceed \$471,644.00. Upon call for the question, Mayor Marstall and Commissioners Lister, Larson, Snyder and McCrea voted in favor of the motion. No one voted opposing the motion.

Request for Sidewalk Sale

Mayor Marstall stated that the City Commission had received a request for a sidewalk sale from the Gallery, 122 S. Main, to be held on Saturday, April 24, 1982, from 10:00 a.m. to 4:30 p.m. Commissioner Larson made a motion that a request from the Gallery, 122 S. Main, to hold a sidewalk sale on Saturday, April 24, 1982, from 10:00 a.m. to 4:30 p.m. be approved. The motion was seconded by Commissioner McCrea. Commissioner Snyder then stated that the next item on the agenda concerned a request for a sidewalk sale from the Woolworths Store, who would like to have a sidewalk sale to be held on Thursday, Friday and Saturday, April 22-24, 1982. Both of the requests stem from a fire in the Central Business District in which both stores received some smoke damage. Commissioner Snyder further stated that in keeping with policy of the City Commission, that the Commission not allow individual stores to have sidewalk sales, he would make a motion to amend Commissioner Larson's motion to allow all businesses located within the Central Business District to hold a sidewalk sale Friday and Saturday, April 23 and 24, 1982, during normal business hours. Commissioner Snyder's motion to amend was seconded by Commissioner McCrea. Upon call for the question to vote on the amendment, all present voted in favor of the motion. Upon call for the motion as amended, all present voted in favor of the motion.

Change Order No. 1 and Final Acceptance of Street Rehabilitation Program No. 2

Mayor Marstall called on City Manager, David Watkins, to comment on this subject. Mr. Watkins stated that the change order was brought about by a design change in the project. The design change had also occurred in an earlier contract with a different contractor. The design change entailed replacement of the base material between the new curb and the existing brick with concrete as opposed to the use of asphalt for that purpose. It was determined that the concrete base material would give a better bond to the brick and the new curb as opposed to the asphalt. The contractor on this project was L.R.M. Industries, Inc. of Lawrence, Kansas. It was further reported by Mr. Watkins that the original contract was for \$218,717.00, and with the addition of the present change order in the amount of \$12,300.81, the total contract would be \$231,018. Also, taken into account is the fact that the original bid was on a unit price basis, and there had been overruns in various areas so the final amount for the contract will be \$252,105.00. Mr. Watkins stated that the contract encompassed the asphaltic overlay of many streets in Ottawa, including 3rd from Walnut to Ash; 9th Street from Cedar to Mulberry; Ash from 8th to 10th; Maple from 2nd to 7th; 7th from Cedar to Cherry; and there were numerous additional catch basins installed under this contract. Mr. Watkins stated that along with the change order, he has a letter from Gerald C. Johnson, of A. C. Kirkwood & Associates, who recommends acceptance of the rehabilitation work accomplished under Contract No. 2 - Street Rehabilitation Program.

Commissioner McCrea made a motion that the Change Order No. 1 to Contract No. 2 - Street Rehabilitation Program in the amount of \$12,300 be approved, and that the entire project be accepted from the contractor and final payment approved. The motion was seconded by Commissioner Lister and upon call for the question, all present voted in favor of the motion.

The regular agenda of the City Commission meeting being completed, the City Commission proceeded to reorganize with the election of Mayor and Mayor pro tem.

Mayor Marstall stated that to him it had been an honor to serve as Mayor of the City of Ottawa for the past year, and that he had missed

only one meeting, and that was when he was in Wyoming reviewing the National Guard Unit from Ottawa. Mayor Marstall stated that he wished to thank his wife, who had helped him during the year, the officers and employees of Anchor Savings & Loan where he is employed, and the many dedicated individuals who have assisted him in the past year. Mr. Marstall further stated that it would not have been possible if it had not been for the four good City Commissioners serving with him.

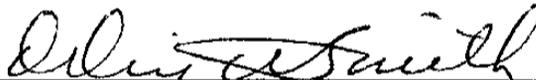
Mayor Marstall then called for a motion to elect a Mayor. Mr. Larson made a motion that Commissioner Snyder be elected Mayor. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

Mayor Snyder then presented to former Mayor Marstall a plaque containing a gavel and inscription commemorating his year as Mayor of the City of Ottawa.

Mayor Snyder then called for a motion to elect a Mayor pro tem. Commissioner McCrea made a motion that Commissioner Lister be elected Mayor pro tem for the coming year. The motion was seconded by Commissioner Larson and upon call for the question, all present voted in favor of the motion.

NOTE: It was reported that the interest rates received for the sale of the temporary notes under Resolution No. 334, is 9.6% as presented by the Kansas State Bank of Ottawa. The interest rates received for this were 10% by the Peoples National Bank of Ottawa; 9.74% for \$100,000 in temporary notes as presented by the First National Bank of Ottawa; and 9.6% as stated by the Kansas State Bank of Ottawa, with whom the notes will be placed.

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


Orlin W. Smith, City Clerk

City Hall - May 5, 1982

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

Approval of Minutes

The minutes of the last regular meeting held April 21, 1982, were corrected to reflect that Commissioner Lister's statement as it appears on Page 43 of the minutes concerning unknowns in the KMEA proposal was clarified to reflect that the unknowns to which Commissioner Lister referred were unknown facts, and did not concern unknowns in the concept of the KMEA plan. The balance of the minutes were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. May 4, 1982. Present: Chairperson Wellington and Members Koch, Spears, Jackson, Thornburg, and Searls. Absent: Member Coatney.

The minutes of the last regular meeting held on April 6, 1982, were approved as written.

The Planning Commission decided by a 6-0 vote to recommend the rezoning of a tract of land generally located at 922 N. Main from R-1 (Residential) to C-2 (General Commercial).

The Planning Commission decided by a 6-0 vote to recommend the vacation of 14th Street from Ash westward to a cul-de-sac platted in the Medical Offices, Inc. Subdivision. The Planning Commission stipulated that an easement be retained along the north twenty-five feet of the right of way to provide access to telephone, gas and water lines already in position, and a thirty foot easement running north and south to provide access to a water line that serves Eisenhower School.

The Planning Commission held a public hearing to consider an amendment to the Zoning Ordinance dealing with the location of accessory uses in residentially zoned districts. In accordance with Planning Commission bylaws, this matter was taken under advisement.

The Planning Commission decided by a 5-0 vote with one abstention to call a public hearing in June to consider an update of the city's Six-Year Capital Improvements Program.

There being no further business, the meeting was adjourned.

At the conclusion of the report, Commissioner McCrea asked if the Planning Commission's recommendation to rezone the tract of land at 922 N. Main would be explained in further detail. The City Clerk stated that the details of the Planning Commission's decision would appear in the minutes of the meeting when they have been prepared. The report was accepted by the City Commission.

Appointments to Boards and Commissions of the City

Mayor Snyder stated that he had been busy contacting people concerning appointments to the various boards and commissions of the city, and that he was ready with recommendations for some of them; however, he had not completed his contacts and some would not be made until a later date.

Mayor Snyder recommended the reappointment of Bruce Spears and John Thornburg to three year terms on the Planning Commission. Commissioner Marstall made a motion that Bruce Spears and John Thornburg be reappointed to three year terms on the City Planning Commission. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Mayor Snyder recommended that Wilfred Bugner, William Hazen and Dean Steanson be reappointed to one year terms on the Board of Plumber

Examiners. Commissioner Lister made a motion that Wilfred Bugner, William Hazen and Dean Steanson be reappointed to one year terms on the Board of Plumber Examiners. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Mayor Snyder then recommended that Jim Grogan be reappointed to a one year term on the Franklin City-County Planning Commission, and stated that Mr. Grogan had served the city in this capacity since 1978, and had represented the city very well in this position. Commissioner McCrea made a motion that Jim Grogan be reappointed to a one year term on the Franklin City-County Planning Commission. The motion was seconded by Commissioner Larson and all present voted in favor of the motion. Commissioner Marstall commented that Mr. Grogan is a former City Commissioner, a former member and chairman of the City Planning Commission and that he is very well versed in zoning matters.

Mayor Snyder then stated that appointments to the Library Board, the Auditorium Authority and the Board of Zoning Appeals would be made at a later date, and that the City of Ottawa does not make appointments this year to the Recreation Commission. Marge Marstall and John Peimann are presently in the middle of their terms on the Recreation Commission. Mayor Snyder stated that he was not prepared to make appointments to the Board of Electrical Examiners at this time.

Approval of Investment Schedule

Commissioner Lister made a motion that the city Investment Schedule for April 1982 be approved, stating that at the end of April, 1982, the city had \$5,900,000 in investments, and that the interest ranges from 11.625% to 14.74%. Commissioner Lister's motion was seconded by Commissioner Larson. Commissioner Marstall commented that the average interest rate for the city investments at the end of April was 13.367%. He further stated that a bill had been passed by the legislature and signed into law on April 12, 1982, which will affect the city's investment opportunities, but it would be best to discuss this at a later date as the bill has not yet been published. Upon call for the question, all present voted in favor of the motion.

Appointment of Official City Newspaper

Mayor Snyder made a motion that the Ottawa Herald, a daily newspaper within the City of Ottawa, be appointed the official city newspaper for 1982. The motion was seconded by Commissioner McCrea. Commissioner Marstall stated that a daily newspaper better serves the needs of the city than a weekly newspaper, being more advantageous in meeting various publication deadlines prior to public hearings and other meetings. Upon call for the question, all present voted in favor of the motion.

Mayor Snyder then called for either Commissioner Marstall or Commissioner Larson to comment on the city's appearance on May 4, 1982, before the Board of Tax Appeals. Mayor Marstall stated that he and Commissioner Larson had as well as city manager, David Watkins, director of public safety, Oren Skiles, city attorney, John Richeson, and city clerk, Pete Smith, had appeared before the Board of Tax Appeals on May 4, 1982, seeking approval to issue no-fund warrants in the amount of \$203,000 to purchase an aerial ladder fire truck. Mr. Marstall stated that the city delegation was well received by the Board of Tax Appeals, and the board seemed to take a genuine interest in the plight of the city in replacing the snorkle fire truck and taking advantage of the availability of a truck that had been used as a demonstrator, which the City of Ottawa has tested, and saving approximately \$19,000 in the purchase. Commissioner Marstall stated that the city staff testified on behalf of the city, and the Board of Tax Appeals was interested in the physical makeup of the city concerning Ottawa University, the industrial complex, and the height of buildings within the community which could utilize such a truck in the event of a fire. Commissioner Larson commented that at the conclusion of the hearing, the city delegation was able to visit with the members of the Board of Tax Appeals in an informal setting and the commissioners in attendance were able to convey the need for the fire truck to the board members.

THE CITY OF OTTAWA

CITY HALL
913/242-2190

OTTAWA, KANSAS 66067

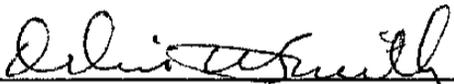
INVESTMENTS EXISTING AS OF APRIL 31, 1982

1-3	8321	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8322	EMP BEN	100,000.00	5-6-82	PEOPLES	14.74
1-3	8323	E CONST	100,000.00	5-6-82	PEOPLES	14.74
1-3	8324	B & I	100,000.00	5-6-82	PEOPLES	14.54
1-3	8325	B & I	100,000.00	5-6-82	PEOPLES	14.54
2-4	37433	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	37434	EL EM RES	150,000.00	5-20-82	1ST	13.88
2-4	8338	GEN	300,000.00	5-20-82	PEOPLES	13.74
2-4	8339	W R. E. S.	100,000.00	5-20-82	PEOPLES	13.74
2-4	8340	ELEC	100,000.00	5-20-82	PEOPLES	13.74
2-4	8341	E BD RES	500,000.00	5-20-82	PEOPLES	13.74
2-25	7287	E CONST	200,000.00	5-20-82	K.S.	12.31
2-25	37446	E CONST	100,000.00	5-20-82	1ST	13.08
2-18	7283	E CONST	100,000.00	5-27-82	K.S.	14.66
2-18	8372	WATER	200,000.00	5-27-82	PEOPLES	14.66
11-20	106346	WATER	100,000.00	5-31-82	FR SAVINGS	11.625
3-4	8434	ELEC	200,000.00	6-3-82	PEOPLES	12.76
3-4	7291	E CONST	400,000.00	6-3-82	K.S.	13.04
3-5	37449	W B RES	100,000.00	6-3-82	1ST	12.85
3-11	7292	GEN	200,000.00	6-3-82	K.S.	13.17
3-25	37467	WATER	100,000.00	6-17-82	1ST	13.82
3-25	37468	GEN	100,000.00	6-17-82	1ST	13.82
3-25	37469	E B & I	100,000.00	6-17-82	1ST	13.82
3-25	8498	E CONST	200,000.00	6-24-82	PEOPLES	12.61
3-25	8499	ELEC	200,000.00	6-24-82	PEOPLES	12.61
3-25	8500	E B & I	100,000.00	6-24-82	PEOPLES	12.61
3-25	8501	R.S.	100,000.00	6-24-82	PEOPLES	12.61
3-25	8502	E CONST	100,000.00	6-24-82	PEOPLES	12.61
4-1	7295	W B RES	100,000.00	6-24-82	PEOPLES	12.61
4-1	7296	WATER	100,000.00	7-1-82	K.S.	13.40
4-1	7297	GEN	100,000.00	7-1-82	K.S.	13.40
4-1	7298	W B RES	100,000.00	7-1-82	K.S.	13.40
4-1	37470	W R. E. S.	200,000.00	7-1-82	K.S.S	13.40
4-29	7304	W B RES	100,000.00	7-1-82	1ST	13.38
4-29	8603	GEN	100,000.00	7-15-82	K.S.	12.42
4-29	8604	WATER	100,000.00	7-15-82	PEOPLES	12.86
4-29	8605	ELEC	100,000.00	7-15-82	PEOPLES	12.86
4-29	8606	WATER	100,000.00	7-29-82	PEOPLES	13.02
4-29	8607	ELEC	100,000.00	7-29-82	PEOPLES	13.02
4-29	7305	E B RES	100,000.00	7-29-82	K.S.	12.65
4-29	7306	SEWER	100,000.00	7-29-82	K.S.	12.65
1-23	2554638	GEN	100,000.00	7-25-82	ANCHOR	13.50
	TOTAL		5,900,000.00		AVERAGE	13.367

Mary L. Graham
MARY L. GRAHAM, TREASURER

Commissioner McCrea commented that with the advent of the growing season and people cutting grass from their lawns, people should refrain from allowing the grass clippings to blow into the streets of the city. When this happens, it caused the storm drainage system to become clogged and sometimes results in flooding of low-lying areas.

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 files of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - May 10, 1982

The City Governing Body met in special session at 3:00 p.m. this date for the purpose of annexing certain lands owned by the city into the corporate limits of the city. Present: Mayor Snyder and Commissioners Marstall, McCrea and Larson. Absent: Commissioner Lister.

Mayor Snyder called the meeting to order and explained that this meeting is for the purpose of annexing certain land which is owned by the city into the corporate limits of the city for the purpose of constructing a utilities warehouse on the site.

Resolution No. 335 - Consent for Annexation

Commissioner Larson made a motion that a resolution consenting to the annexation of city-owned real property under the authority of K.S.A. 12-520 and K.S.A. 12-520a(e) be passed. The motion was seconded by Commissioner McCrea. Commissioner Marstall moved to amend the motion by stating that the resolution is designated as being Resolution No. 335. The motion to amend the motion was seconded by Commissioner McCrea. The city clerk was called upon to read the resolution as follows:

"A resolution consenting to the annexation of city-owned real property under the authority of K.S.A. 12-520 and 12-520a(e).

Be it resolved by the Governing Body of the City of Ottawa, Kansas:

Section 1. The following described real property being unplatted and less than twenty acres and owned by the City of Ottawa, Kansas, should be annexed and made a part of the corporate territory of the City of Ottawa, Kansas, to-wit:

The city clerk defined the real property by stating that it is a triangular piece of land bounded on the east by Beech Street, bounded on the west by Highway K-68, and extending from Second Street on the north to beyond Fourth Street produced on the south, and being in the immediate vicinity of the city's present water and electric plants.

Section 2. The Governing Body hereby consents to annexation of said real property forthwith.

Passed and adopted this 10th day of May, 1982."

Upon call for the question on the amendment, all present voted in favor of the motion. Upon call for the question on the motion as amended, all present voted in favor of the motion.

Ordinance No. 2697-82 - Annexation

Commissioner Marstall made a motion that Ordinance No. 2697-82, an ordinance annexing certain land to the City of Ottawa, Kansas, in conformity with Kansas Statutes Annotated 12-520 and 12-520a(e) be passed. The motion was seconded by Commissioner McCrea.

Mayor Snyder then commented that the lands to which the ordinance refers are those lands described under the heading of Resolution No. 335. Upon call for the question, all present voted in favor of the motion.

Mayor Snyder then stated that under the Zoning Ordinance under which the city operates, the land becomes a part of the city under zoning classification R-S (Residential Suburban), and that the City Commission will pursue as to the best way in which to deal with the zoning issue.

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


Orlin W. Smith, City Clerk

City Hall - May 19, 1982

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

It was reported by Mayor Snyder that Commissioner Larson was out of town on city utility business along with the Director of Utilities.

Approval of Minutes

The minutes of the last regular meeting held May 5, 1982, were modified as follows: It was incorrectly reported in the minutes of the last regular meeting that Mayor Snyder stated that he was not prepared to make appointments to the Board of Electrical Examiners at that time. Mayor Snyder actual statement was to the effect that the members of the Board of Electrical Examiners are in the middle of a two year term and there is no need to make appointments to that board at this time. Further, the minutes reported that Mayor Snyder made a motion for the appointment of the official city newspaper. The motion for the appointment of the official city newspaper was made by Commissioner Marstall. The balance of the minutes were approved as written.

The minutes of the special meeting held May 10, 1982, were approved as written.

Ordinance No. 2698-82 - Zoning

Commissioner McCrea made a motion that an ordinance rezoning a tract of land located at 922 N. Main from R-1 (Residential) to C-2 (General Commercial) be passed. The motion was seconded by Commissioner Lister. Commissioner Marstall commented that the Planning Commission had recommended the zoning change through their process of public hearing and study of the issue, and the merits of the change had been considered by the Planning Commission. Upon call for the question, all present voted in favor of the motion.

Ordinance - Vacating Fourteenth Street

Commissioner McCrea made a motion that an ordinance vacating a portion of Fourteenth Street lying along the north side of Block 5, Westview Subdivision, between Ash Street and Olive Street, City of Ottawa, Franklin County, Kansas, and providing for a utilities easement to be reserved in that portion of Fourteenth Street being vacated, be passed. The motion was seconded by Commissioner Marstall. It was discussed that the Planning Commission had given consideration to the vacation of Fourteenth Street as set forth, and that the Planning Commission has recommended that this portion of Fourteenth Street be vacated.

Commissioner McCrea stated that he had done some research on the subject, based on growth projections of the city, and that the city's Comprehensive Plan shows that there was an expected enrollment at Eisenhower School of 204 by 1982, when the actual enrollment for 1982 is 139. Commissioner McCrea stated that he was concerned that if Eisenhower School enrollment did grow to be possibly the largest grade school in town, there might be a need for Fourteenth Street at that time.

Mayor Snyder then stated that he was really opposed to vacating Fourteenth Street by action of the city Governing Body today.

Commissioner Marstall then offered a substitute motion that the consideration for the vacation of Fourteenth Street be tabled until the second meeting in June. This substitute motion was seconded by Commissioner Lister. Upon call for the question, all present voted to table the matter until the second meeting in June.

The City Commission then requested that this matter be referred back to the Planning Commission for further study.

Appointments to Boards and Commissions

Mayor Snyder stated that he recommended the appointment of Francis Larios to a new appointment on the Library Board, and Tom Sachse to a regular term on the Library Board, stating that Tom Sachse had been appointed previously to fill an unexpired term. Commissioner Lister made a motion to affirm the appointments of Mayor Snyder. The motion was seconded by Commissioner McCrea. All present voted in favor of the motion.

Mayor Snyder then recommended the appointment of Charles Gillette as a new appointee on the Auditorium Authority, along with the reappointments of Susan Sachse and Dorothy Chaney to the Auditorium Authority. Commissioner Lister made a motion to affirm the appointments of Mayor Snyder. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Mayor Snyder recommended the appointment of Roger Bell to the Board of Zoning Appeals, stating that another person being considered for appointment to the Board of Zoning Appeals is out of town and no contact has been made to date. Commissioner Marstall made a motion that Roger Bell be appointed to the Board of Zoning Appeals. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request of Killough, Inc.

Mayor Snyder stated that the city had received a request from Killough, Inc. to reduce the percent of retainage on the payment to the contractor on Contract No. 7 - Street and Storm Sewer Improvements, from ten percent to five percent. Mayor Snyder then asked for a motion and a second that the matter might be discussed and voted upon. Commissioner Marstall made a motion that the percent of retainage on Contract No. 7 - Street and Storm Sewer Improvements, be reduced from ten percent to five percent. The motion was seconded by Commissioner McCrea. Commissioner Marstall then stated that Contract No. 7 - Street and Storm Sewer Improvements, was started in 1981 and is being completed in 1982, and that the contract is more than eighty percent complete. The city is presently holding \$17,000.00 as a retainage on the contract, and to lower the percent of retainage by five percent would still leave the city an amount withheld of \$8,500.00. Mayor Snyder then called upon City Manager David Watkins to comment.

Mr. Watkins stated that the only remaining streets to be completed under the contract are the pavement of Spruce from Highway K-68 to Fairway Drive and a final course on Powhattan Street. Mr. Watkins also stated that as of December 17, 1981, the contractor had completed \$144,000.00 of the contract and to date the contractor has completed \$170,000.00 of the contract.

Commissioner McCrea then stated that he felt a reduction in the percent of retainage to the contractor was in order inasmuch as all work had proceeded satisfactorily and there was such a small amount remaining to be accomplished. Upon call for the question, all present voted in favor of the motion.

Resolution No. 336 - Public Hearing - Street Improvements

Commissioner Marstall made a motion that a resolution directing and ordering a public hearing be held at 9:35 a.m. June 2, 1982, to determine the advisability of improving Sycamore Street from the north line of Garfield Street to the north line of North Street in the City of Ottawa, be passed. The motion was seconded by Commissioner Lister. The estimated probable cost of the improvement for reinforced concrete is \$168,428.45, with the city-at-large paying \$55,383.05, or alternate No. 1 alphaltic concrete pavement for a total of \$132,213.05 with the city-at-large paying \$51,085.03. Upon call for the question, all present voted in favor of the motion.

Resolution No. 337 - Authorizing an Expenditure of Community Development Block Grant Program Funds

Commissioner Lister made a motion that a resolution authorizing the \$10,000 guideline established by Resolution No. 323 be excused in the instance of the Community Development Block Grant application for the premises located on the east 75 feet of Lots 31, 33 and 35, of the Original City of Ottawa, in that the block grant in this particular instance be no greater than \$10,500.00. The motion was seconded by Commissioner McCrea. It was explained that there was an additional expenditure of approximately \$500.00 needed to complete the rehabilitation of a dwelling house at this location to bring it up to minimum city code and program specifications. It was further reported that there were funds available to make the additional expenditure. Upon call for the question, all present voted in favor of the motion.

License Agreement - Atchison, Topeka & Santa Fe Railroad

Commissioner McCrea made a motion that the mayor and city clerk be authorized to sign a license agreement with the Atchison, Topeka & Santa Fe Railroad to cross the railroad right of way with a computer transmission cable. It was discussed that in the city's endeavor to establish computer capability at the Department of Public Safety and the new Utilities Warehouse, it is necessary to cross Santa Fe Railroad with computer transmission cable, and the license agreement is necessary to cross the Santa Fe Railroad with the computer cable. Upon call for the question, all present voted in favor of the motion.

Request of the VFW

A letter from Mr. Joe Wakefield, the local VFW post commander, stating that the VFW requested permission to hold a Memorial Day service at the Highland Cemetery on Memorial Day at 10:00 a.m. was read. The letter stated that the service would be completed in approximately thirty minutes, and they would attempt to keep from disrupting incoming and departing visitors to the cemetery. Commissioner Marstall made a motion that the VFW be permitted to hold a Memorial Day service at the Highland Cemetery on Memorial Day, May 31, 1982. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Petition Submitted by Richard Skoog

Mr. Richard Skoog, attorney, submitted a petition requesting further consideration be given to the necessity of trees, brick inlays and park benches in the downtown improvement district. Mr. Skoog stated that he had talked to some of the signers of the petition, and he encouraged them to appear at the Central Business District improvement planning meeting on May 25, 1982. Mr. Skoog further stated that he realized that the petition was not of legal significance, but was merely a petition of request of the people of Franklin County. The City Commission accepted the petition from Mr. Skoog, and again asked that persons interested in the downtown improvement project appear at the planning meeting on May 25, 1982.

Statement of Mr. J. W. Lewis

Mr. J. W. Lewis appeared before the Commission and stated that he was receiving an harassment from the City of Ottawa concerning the storage of some materials on his property. The City Commission was not in a position to respond appropriately to Mr. Lewis' request, but indicated that they would pursue the matter and take appropriate action if it were deemed necessary.

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


Orlin W. Smith, City Clerk

City Hall - May 26, 1982

The City Governing Body met in special session at 9:35 a.m. this date. Present: Mayor pro tem Lister and Commissioners Marstall, McCrea and Larson. Absent: Mayor Snyder.

Commissioner Lister opened the meeting by stating that this special meeting had been called to consider the passage of an ordinance authorizing the Kansas Municipal Energy Agency to expend the remaining monies authorized for Phase II in exploring alternative energy sources for the members of the Kansas Municipal Energy Agency. Mayor pro tem Lister stated that the Board of Directors of the Kansas Municipal Energy Agency had met this past week and the representatives for Ottawa were present, and they are looking into restructuring the agency to purchase power for participating cities as opposed to the prior concept of purchasing portions of generating plants for the participating cities that are members. Mayor pro tem Lister then called for a motion.

Commissioner McCrea then made a motion that an ordinance authorizing and approving an extension and enlargement of the installment purchase agreement between the Kansas Municipal Energy Agency and the City of Ottawa, and directing that the execution of such agreement on behalf of the city, and repealing Ordinance No. ~~2596~~-82 of the City of Ottawa, be passed. The motion was seconded by Commissioner Larson.

~~2696-82~~
2699-82

Commissioner Larson then stated that he had attended the KMEA Board Meeting along with Jack Davis, Director of Utilities, and that the original concept of the Kansas Municipal Energy Agency to purchase portions of power plants to serve the member cities of the agency, had not gone forward because of the huge debt that would be created in purchasing portions of power plants, and which would extend for a period of thirty-five to forty years. The Kansas Municipal Energy Agency now is wanting to explore the possibility of purchasing power for the various sections of the state for the cities within those sections over a long period of time, thus ensuring firm power for those cities for a number of years. In the case of the City of Ottawa, this city has been able to negotiate only short term contracts, and if the Kansas Municipal Energy Agency were able to negotiate power purchase contracts through which the City of Ottawa could be served, we could possibly have firm power for a period of thirty or more years. The City of Ottawa along with Baldwin and Osawatomie are in the service area of the Kansas City Board of Public Utilities and the Kansas City Power and Light Co., and the Kansas Municipal Energy Agency would be negotiating contracts with those companies. Contracts to serve cities further west in Kansas would be negotiated with other private utilities.

Commissioner Marstall then stated that he was much in favor of the Kansas Municipal Energy Agency concept in providing long term power, and he felt this was a vehicle by which the City of Ottawa might ensure power for a number of years.

Utility Director, Jack Davis, was called upon to comment. Mr. Davis stated that the city was making an attempt to secure power at the lowest possible cost over a number of years and he felt that the Kansas Municipal Energy Agency very probably would be able to complete this for us. By enacting this ordinance, the city agrees to participate in Phase III of the Kansas Municipal Energy Agency program by utilizing the remaining funds from the Phase II effort.

There being no further discussion, the question was called, and all present voted in favor of the motion.

The subject matter for which this meeting had been called being completed, the meeting was adjourned. The entire text of this 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 - June 2, 1982

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor pro tem Lister and Commissioners Marstall, Larson and McCrea. Absent: Mayor Snyder.

Approval of Minutes

The minutes of the last regular meeting held May 19, 1982, and of the special meeting held May 26, 1982, were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. June 1, 1982. Present: Chairperson Wellington and Members Koch, Spears, Thornburg, Coatney and Jackson. Absent: Member Searls.

The minutes of the last regular meeting held on May 4, 1982, were approved as written.

The Planning Commission voted unanimously to reorganize in the following manner: Chairman - Clarence Koch; Vice-Chairman - John Thornburg; Secretary-Treasurer - David Watkins.

The Planning Commission held a public hearing to consider the rezoning of Lots 29, 31, 33 and 35, Block 63 (location of Bethany Baptist Church) from I-2 (Heavy Industrial) to R-2 (Multi-family Residential). The Planning Commission gathered input from a delegation of Bethany Baptist Church members who urged the Planning Commission to strongly consider the rezoning to make their use conforming within a residential district. In accordance with Planning Commission bylaws, this matter was taken under advisement. In a related matter, the Planning Commission decided to initiate a public hearing to consider the rezoning of Lots 1 through 17 (odd numbered), Block 63 and Lots 1, 3 and part of 5, Block 76, from I-2 (Heavy Industrial) to R-2 (Multi-family Residential).

The Planning Commission gathered input on the update of the Six-Year Capital Improvements Program. Mr. M. E. Reinecke urged the Planning Commission to consider a storm drainage system for the Princeton Road area south of Wal-Mart.

The Planning Commission voted unanimously to recommend to the City Commission the adoption of a new amendment dealing with the use and location of accessory uses. This recommended amendment would ease the current restrictions on building accessory structures in the rear yard.

The Planning Commission decided by a 6-0 vote to reaffirm its previous recommendation concerning the vacation of 14th Street due to the following reasons:

1. The vacation of 14th Street is essential to the proper development of the Medical Offices Inc. Subdivision.
2. Access to the school property should be maintained on a major arterial and not a local street like 14th Street.
3. Olive Street should be maintained as a local street.

There being no further business, the meeting was adjourned.

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

Public Hearing - Improvement of Sycamore Street

Mayor pro tem Lister announced that a public hearing to determine the advisability of improving Sycamore Street from Garfield to North Street would be held at this time as set forth by Resolution No. 336. Mayor pro tem Lister then called for comments from those in attendance at this meeting.

Mr. J. W. Lewis, 1204 N. Cherry, spoke opposing the proposed improvement stating that he owned a sizable amount of land within the benefit district and that he could not afford to pay the cost of the improvement. Mr. Lewis stated that his land was basically farm land and that he had plans to develop the land; however, the present economic situation has made it impossible for him to do so. Mr. Lewis further presented a petition containing the signatures of those property owners in the benefit district who object to the improvement.

Mr. Ray Reed, a resident property owner, presented the City Commission with a petition containing the signatures of those persons in favor of the improvement. Mr. Reed emphasized that they were asking for the improvement of the 1200 block only as opposed to the improvement of Sycamore Street from Garfield to North Street. Further, Mr. Reed stated that they were requesting asphalt pavement with concrete curb and gutter.

Mrs. Mary Voelmeck, a resident property owner, spoke in favor of the improvement, stating that this was the first home that she and her husband had purchased, and they have much difficulty getting to and from their property because of the bad road condition.

Mrs. Lorraine Hendrickson spoke in favor of the improvement, stating that she had been trying for ten years to get the street improved, and she stated she was tired of the muddy road conditions.

Mrs. Myrtle Stoneking spoke, stating that she was the daughter of Mr. J. W. Lewis, and did not favor the improvement because her father could not afford its cost and the improvement would not benefit him.

Mrs. Martina Reed spoke in favor of the improvement, stating that Sycamore Street is a second access road to the Industrial Park, and the most direct access road to the Industrial Park, and carries considerable traffic for this reason.

Mr. Phillip Ruleman spoke in favor of the paving, stating that he was tired of the muddy condition of the street.

Mrs. J. W. Lewis spoke to the effect that she agreed with the comments made by her husband and her daughter.

Mr. Ray Reed asked what had become of a petition that was circulated last year for the improvement of this street. City Manager David Watkins answered Mr. Reed by stating that the petition that was circulated was asking for the improvement of Sycamore from Dundee to North, and that petition had failed. At a later date a petition had been circulated for the improvement of Dundee to Garfield Street, and that petition was successful with the street being improved at this time.

There being no further comments on the improvement, Commissioner Marstall made a motion that the hearing be adjourned. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Resolution No. 338 - Health Insurance Plan for City Employees

Commissioner Marstall made a motion that a resolution authorizing a partial self-insuring health insurance plan for city employees and their families be passed. The motion was seconded by Commissioner McCrea. City Manager David Watkins was called upon to explain the program and reasons for its institution.

City Manager Watkins stated that the reason the city has chosen a partial self-insuring health plan for the city employees and their families is that the present Blue Cross/Blue Shield plan the city has utilized was being priced out of the reach of many individuals. The premiums for the Blue Cross/Blue Shield health insurance plan have risen for the employee from approximately \$67 a month to \$95 a month and the premium for the dependent unit has risen from approximately \$105 to \$172 a month. Further, the City Manager stated that coming under the partial self-insuring health insurance plan will allow premiums for the employee of approximately \$68 and for the dependent unit the premiums will be approximately \$95 a month. The City Manager stated that many municipalities and businesses have gone under the self-insuring plan for health coverage as a result of increasing premiums for other insurance carriers. Further, the plan is written in such a manner that the employee pays the first \$100 per policy year for himself and an additional \$100 for his family. The next \$2000 is paid 20% by the employee and 80% by the city. Beyond \$2000 major medical insurance will cover all additional expenses in the policy year. The self-insuring portion of the plan has a stop loss at \$93,000 where a stop-loss carrier will pay all costs beyond that point. Upon call for the question, all present voted in favor of the motion.

Resolution No. 339 - Designating the Kansas State Bank as the Depository for the Partially Self-Insured Health Insurance Plan

Commissioner Marstall made a motion that a resolution authorizing the establishment of a checking account with the Kansas State Bank for the purpose of paying claims under the city's partially self-insured health insurance plan, and naming David Watkins and Orlin W. Smith as employer representatives for the purpose of controlling the checking account, be passed. The motion was seconded by Commissioner McCrea. It was explained that it is necessary to designate a bank in which the funds for the payment of health insurance claims will be maintained. There being no further discussion, the question was called. All present voted in favor of the motion.

Approval of Investment Schedule

Commissioner McCrea made a motion that the city's Investment Schedule for May 1982 be approved, noting that the average interest rate for the month of May was 12.78%. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2700-82 - No Fund Warrants

Commissioner McCrea made a motion that an ordinance authorizing the issuance of \$203,000 in No-Fund Warrants for the purchase of a fire truck be passed. The motion was seconded by Commissioner Larson. It was noted that the No-Fund Warrants will consist of nineteen No-Fund Warrants in the amount of \$10,000 each and one No-Fund Warrant in the amount of \$13,000 for a total of \$203,000. The notes are being purchased by the Peoples National Bank of Ottawa, at an interest rate of 9.58%. Commissioner Marstall stated that it is the intent of the City Commission that some of the notes be retired by Revenue Sharing funds, but inasmuch as the city does not know how long Revenue Sharing funds will be forthcoming, some of the notes may have to be retired from a tax levy. Upon call for the question, all present voted in favor of the motion.

Appointment to the Board of Zoning Appeals

Mayor pro tem Lister announced that Mrs. Virginia Anderson was being recommended for appointment to a three year term to the Board of Zoning Appeals, and if the appointment is approved by the City Commission, the appointments for 1982 will be completed. Commissioner Larson made a motion that Mrs. Virginia Anderson be appointed to a three year term on the Board of Zoning Appeals. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Request for Postponement of Central Business District Improvements

Mrs. Freda Hughes appeared before the City Commission representing a small group of merchants and property owners from the Central Business District. Mrs. Hughes stated that the purpose of their visit to the City Commission today was to request that the improvements for the Central Business District be postponed to a later date. Mrs. Hughes stated that it was a consensus of the merchants in attendance that the timing for the Central Business District improvements is bad inasmuch as they are currently in a depression. Mrs. Hughes stated that the City Commission at this point in time was holding the livelihood of the businesses in the Central Business District in their hands. Mrs. Hughes' request was that the improvements be postponed until such a time as the economic conditions were better.

Mr. Dennis Garmon, manager of Ottawa Tire Supply, appeared before the City Commission and stated that he wished to clarify a point that through his discussions with Commissioner Marstall on the Central Business District improvements, that he had not been told by Commissioner Marstall that if he did not like the improvements, that he should move. Mr. Garmon stated that no such comments were made by Commissioner Marstall in their discussions. Mr. Garmon was concerned about the proposed peninsulas at the end of each block on Main Street in that they might make it difficult for large truck traffic to make turns to get to his place of business. Mr. Garmon asked that pylons be put in place and trucks be allowed to attempt to make the turn to see if this would interfere with their access to his business. It was pointed out by the City Commission that it is proposed that heavy truck traffic going south turn left at First Street to Hickory and proceed on Hickory Street to Third where they could make a right turn to get to Mr. Garmon's business. It was felt that this would alleviate the problem of trucks turning off of Main Street. Further, it was pointed out that the engineers who designed the project had taken truck turns into consideration. Also, there is an effort being made at this time to curtail the heavy truck traffic on Main Street through the Central Business District. Mr. Garmon indicated that he thought this would help, but he would like to see the pylons put in place for trial turns at Third Street.

Mrs. Hughes then stated that petitions of tenants and land owners in the Central Business District objecting to the improvement had been submitted to the City Commission, and she felt that they were sufficient to indicate that the proposed improvement is not wanted at this time.

Mr. Elzie Randleas of Metro Municipal Leasing, Inc. stated that he understood the City Commission was presently considering a lease-purchase agreement for the new utilities warehouse at an interest rate of 11.39%. Mr. Randleas said that his firm was prepared to submit a proposal for a lease-purchase arrangement for the utilities warehouse at an interest rate of 10%. Mayor pro tem Lister thanked Mr. Randleas for his comments.

Mrs. Lister then asked if there were any other comments on the Central Business District project. There being none, Mrs. Lister stated that the committee on the downtown improvement project had met recently and that all pertinent questions had been addressed and as late as yesterday the City Commission had instructed the engineers to proceed to prepare the final plans and specifications. Further, she stated that the final plans and specifications must be approved by the Kansas Department of Transportation inasmuch as Main Street is a state highway.

Mr. Al Mages appeared and asked if the City Commission would consider moving their meetings to 7:30 p.m. Mr. Mages stated that he was aware of several people who would like to have attended today's meeting, but were unable to do so because of the meeting time.

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


Orlin W. Smith, City Clerk

THE CITY OF OTTAWA

CITY HALL

918/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF MAY 31, 1982

3-4	8434	ELEC	200,000.00	6-3-82	PEOPLES	12.76
3-4	7291	E CONST	400,000.00	6-3-82	K.S.	13.04
3-5	37449	W B RES	100,000.00	6-3-82	1ST	12.85
3-11	7292	GEN	200,000.00	6-3-82	K.S.	13.17
5-17	7308	CONST	100,000.00	6-16-82	K.S.	13.53
5-17	7309	CONST	100,000.00	6-16-82	K.S.	13.53
5-17	7310	CONST	100,000.00	6-16-82	K.S.	13.53
3-25	37467	WATER	100,000.00	6-17-82	1ST	13.82
3-25	37468	GEN	100,000.00	6-17-82	1ST	13.82
3-25	37469	E B & I	100,000.00	6-17-82	1ST	13.82
3-25	8498	E CONST	200,000.00	6-24-82	PEOPLES	12.61
3-25	8499	ELEC	200,000.00	6-24-82	PEOPLES	12.61
3-25	8500	E B & I	100,000.00	6-24-82	PEOPLES	12.61
3-25	8501	R.S.	100,000.00	6-24-82	PEOPLES	12.61
3-25	8502	E CONST	100,000.00	6-24-82	PEOPLES	12.61
4-1	7295	W B RES	100,000.00	7-1-82	K.S.	13.40
4-1	7296	WATER	100,000.00	7-1-82	K.S.	13.40
4-1	7297	GEN	100,000.00	7-1-82	K.S.	13.40
4-1	7298	W B RES	100,000.00	7-1-82	K.S.	13.40
4-1	37470	W R.E.S.	200,000.00	7-1-82	1ST	13.38
4-29	7304	W B RES	100,000.00	7-15-82	K.S.	12.42
4-29	8603	GEN	100,000.00	7-15-82	PEOPLES	12.86
4-29	8604	WATER	100,000.00	7-15-82	PEOPLES	12.86
5-6	8622	E CONST	100,000.00	7-15-82	PEOPLES	12.63
5-6	8623	E CONST	100,000.00	7-15-82	PEOPLES	12.63
1-23	2554638	GEN	100,000.00	7-25-82	ANCHOR	13.50
4-29	8607	ELEC	100,000.00	7-29-82	PEOPLES	13.02
4-29	7305	E B RES	100,000.00	7-29-82	K.S.	12.65
4-29	7306	SEWER	100,000.00	7-29-82	K.S.	12.65
4-29	8605	ELEC	100,000.00	7-29-82	PEOPLES	13.02
4-29	8606	WATER	100,000.00	7-29-82	PEOPLES	13.02
5-20	37481	EL EM RES	150,000.00	8-5-82	1ST	12.02
5-20	37482	EL EM RES	150,000.00	8-5-82	1ST	12.02
5-20	37483	E CONST	100,000.00	8-5-82	1ST	12.02
5-20	8654	GEN	300,000.00	8-5-82	PEOPLES	12.06
5-20	8655	W R.E.S.	100,000.00	8-5-82	PEOPLES	12.06
5-20	8656	ELEC	100,000.00	8-5-82	PEOPLES	12.06
5-20	8657	E BD RES	500,000.00	8-5-82	PEOPLES	12.06
5-20	7311	E CONST	200,000.00	8-5-82	PEOPLES	12.06
5-7	9981	AUDITORIUM	20,000.00	8-5-82	K.S.	12.10
5-31	106346	WATER	100,000.00	11-5-82	K.S.	13.03
5-27	7315	E CONST	100,000.00	11-27-82	FR SAVINGS	13.50
5-27	8668	WATER	100,000.00	8-26-82	K.S.	11.65
5-27	8668	WATER	200,000.00	8-26-82	PEOPLES	11.69
		TOTAL	5,920,000.00		AVERAGE	12.78

Mary L. Graham
MARY L. GRAHAM, TREASURER

City Hall - June 16, 1982

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor pro tem Lister and Commissioners Larson, McCrea and Marstall. Absent: Mayor Snyder.

Approval of minutes

The minutes of the last regular meeting held June 2, 1982, were approved as written.

Street Improvement - North Sycamore from Garfield to North St.

It was announced at this time that the City Commission had received petitions of remonstrance concerning the improvement of North Sycamore Street from Garfield Street to North Street since the public hearing held on June 2, 1982. Even though the petition was premature, the petition did indicate that owners of record of seventy-five to eighty percent of the total land area in the benefit district signed the petition and that five out of nine land owners signed the petition. At this point, the City Commission is considering revising the plans to improve North Sycamore Street from Garfield Street north to an easement which is located immediately north of Lot 8, Block 1, Fitts Place. This improvement would improve the street approximately one-half the distance of the originally planned street and would alleviate the immediate problems of mud and access to certain residences. It was stated, however, that no decision is being made on the proposed reduced improvement until the city's engineering consultants can determine whether the proposed shortened improvement would alleviate the present drainage problems or if it might create more drainage problems, and what might be done if additional drainage problems are created.

Commissioner Larson made a motion that a decision on the proposed improvement project be held over until the first meeting of July, on July 7, 1982. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2701-82 - Vacating Fourteenth Street

City Manager Watkins reported to the City Commission that the City Planning Commission had reaffirmed its original decision by a 6-0 vote to vacate Fourteenth Street from Ash to Olive. Mr. Watkins stated that the Planning Commission in reviewing the city's Comprehensive Plan had decided that Eisenhower School should be served by an arterial street, which is Ash, and not by a residential street, which would be Olive Street, if the street were at some later date opened. Further, it was determined that in order to properly develop the Medical Offices, Inc. Subdivision, Fourteenth Street would need to be closed.

Commissioner McCrea made a motion that an ordinance vacating Fourteenth Street from Ash Street to the easterly radius of a cul-de-sac lying east of Olive Street and setting forth certain utility easements be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Regulations for the Location of Accessory Buildings

Commissioner Larson made a motion that an ordinance amending and modifying Ordinance No. 2527 to regulate the location of accessory buildings by specifically amending Article 26, Section 1, with the addition of a new Subsection 3, be passed. The motion was seconded by Commissioner Marstall.

It was discussed that the new ordinance specifically sets forth that a garage-type structure may not be built within 25 feet of an alley and that other accessory buildings cannot be built closer than 7½ feet of the rear lot line of a property. The reason for the restriction of accessory buildings for not closer than 7½ feet to the rear lot line is to make allowance for utility easements which frequently are placed along rear lot lines. The new city subdivision regulations require 7½ feet from a property owner on a rear lot line for utility easement, and that along with 7½ feet from the adjoining property would constitute a total of a 15 foot utility easement. It was pointed out, however, that in times past, the city has required 10 foot utility easements from each property owner, thus allowing for a 20 foot utility easement along rear lot lines. The City Governing Body expressed the fear that if the city in times past has required a total of 20 feet for utility easements, possibly some utilities might be located closer to the principal structures on the house than 7½ feet, and if an accessory building were placed within 7½ feet of the rear lot line, it is possible it might be built over city utilities, whether it be gas, electric, telephone or otherwise.

Commissioner Marstall then offered a substitute motion that action on the motion on the floor not be taken until the meeting of July 7, 1982, and the possibility of changing the distance from the rear lot line on which an accessory building could be built from 7½ to 10 feet. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Proposed Lease-Purchase Financing of a New Utilities Warehouse

Commissioner Marstall made a motion that the City Commission approve a lease-purchase financing plan with the Municipal Investment Company, an affiliate of Stifel, Nicolaus & Co., Inc., for a utility warehouse building. Commissioner McCrea seconded the motion. Commissioner Marstall explained that Stifel, Nicolaus & Co. had approached the city a few weeks ago concerning the possibility of a lease-purchase financing plan for the new utility warehouse. Under the plan, the investment company of Municipal Investment Company, Inc. would finance the construction of the building and the monies not used for the construction of the building would be properly invested so that the city in the final analysis would come out ahead on monies invested versus interest charged on the lease-purchase agreement. The lease-purchase agreement would be for a term of five years, and if any time the interest rates on the city's investments decreased to a point that they were less than what we were paying on the lease-purchase plan, the city could pay off the lease-purchase plan on any anniversary date. Upon call for the question, all present voted in favor of the motion.

Lease Agreement with Option to Purchase

Commissioner Marstall made a motion that a lease agreement with option to purchase on a utility warehouse and operations building be approved. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Change Order to Contract No. 7 - Paving and Storm Sewers

Commissioner McCrea made a motion that a change order to Contract No. 7 - Paving and Storm Sewers, to provide for the paving of 13th Street from Ash to Olive, be approved. The motion was seconded by Commissioner Marstall. City Manager David Watkins explained that he had talked with the contractor for Contract No. 7, Killough, Inc., and they had agreed to improve 13th Street from Ash to Olive as an add-on to their present contract at last year's prices. Upon call for the question, all present voted in favor of the motion.

Refer to Planning Commission to Study the Incorporation of
Airport Taxiway Project in the Capital Improvements Program

It was explained that there is a need to build a taxiway at the Ottawa airport and that it should be constructed at the same time as the runway improvements are completed yet this year. As a safety factor, the taxiway is needed to return planes to the main hangar area after they have landed and likewise to allow the planes to taxi on the taxiway to the proper end of the runway prior to take off, thus possibly avoiding a collision of aircraft. It was the feeling of the City Commission that if this could be accomplished at the same time the runway improvements are being done, it would shorten the amount of time which the airport will be closed and possibly avert accidents.

Commissioner Larson made a motion that the Planning Commission be instructed to study the incorporation of the airport taxiway project into the capital improvement program to meet the timetable of the runway improvements. The motion was seconded by Commissioner McCrea. Commissioner Marstall also remarked that the Planning Commission should look into the possibility of incorporating additional T-hangers at the airport into the Capital Improvements Program. Upon call for the question, all present voted in favor of the motion.

Request of Ottawa Jaycees

Mr. Steve Dailey, representing the Ottawa Jaycees, requested permission of the City Commission for the Ottawa Jaycees to use Forest Park for their annual Chautauqua Day celebration on July 4, 1982. Mr. Dailey stated that the Ottawa Jaycees would provide proper liability insurance to the city for their celebration on that date. Commissioner Marstall made a motion to approve the request of the Ottawa Jaycees for the use of Forest Park for their Chautauqua Day celebration on July 4, 1982. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Cereal Malt Beverage License Request

The Governing Body considered a request for cereal malt beverage license as submitted by Clarence D. McIlvain for the operation of The Other Place, 1020 N. Main. It was reported that the license is for consumption on the premises and that the applicant has met the criteria for issuance of such license. Commissioner Marstall made a motion that a cereal malt beverage license be approved for Clarence D. McIlvain for the operation of The Other Place, 1020 N. Main. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

There being no further business to come before the City Governing Body, 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 - July 7, 1982

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

Approval of Minutes

The minutes of the last regular meeting held June 16, 1982, were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. July 6, 1982. Present: Chairman Koch and Members Wellington, Jackson, Thornburg and Spears. Absent: Members Coatney and Searls.

The minutes of the last regular meeting held on June 1, 1982, were approved as written.

The Planning Commission continued the public hearing to consider the rezoning of a tract of land occupied by the Bethany Baptist Church from I-2 (Heavy Industrial) to R-2 (Multi-Family Dwelling). Chairman Koch read letters from two property owners in the area being considered for rezoning, expressing objections to the proposed zoning changes. The Planning Commission then heard input from members of the Bethany Baptist Church urging the Planning Commission to approve the zoning change. The Planning Commission voted unanimously to rezone the tract of land occupied by the Bethany Baptist Church from I-2 (Heavy Industrial) to R-2 (Multi-Family Dwelling).

In a related matter, the Planning Commission held a public hearing to consider the rezoning of Lots 1 through 17 (odd numbers) Block 63 and Lots 1, 3, 5 and 7 in Block 76 from I-2 (Heavy Industrial) to R-2 (Multi-Family Dwelling). The rezoning of this tract of land, presently a parking lot for the Bethany Baptist Church, would make that parking lot a conforming use with the rest of the church property. There was no one in attendance who wished to speak to this proposed rezoning. In accordance with Planning Commission bylaws, this matter was taken under advisement.

The Planning Commission received input from representatives of the Chamber of Commerce Airport Committee relative to airport improvements being added to the update of the Capital Improvements Program. Mr. Glen Underwood stressed the importance of the need for a taxiway at the airport. After some discussion on whether or not the proposed airport improvements had been adequately studied, the Planning Commission decided by a 3-2 vote to amend the Capital Improvements Program to include airport taxiway improvements as proposed.

The Planning Commission decided by a 5-0 vote to adopt the 1982/83 updated Capital Improvements Program.

The Planning Commission reconsidered its previous recommendation to the City Commission regarding accessory use regulations. After discussion, the Planning Commission decided by a 5-0 vote to recommend to the City Commission that the amendment to the Zoning Ordinance for accessory buildings include an easement of ten feet instead of the earlier recommendation of 7½ feet.

There being no further business, the meeting was adjourned.

The report of the Planning Commission was accepted by the City Commission as presented.

Call for Public Hearing

Commissioner Marstall made a motion that a public hearing be held on July 21, 1982, at 9:35 a.m. to receive requests for Revenue Sharing funds for 1983. The requests may be in the form of written comments or oral comments, and suggestions concerning the possible uses of Federal Revenue Sharing funds for the year 1983. The City of Ottawa anticipates receiving \$150,143 in Revenue Sharing funds for 1983. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Ordinance No. 2702-82 - Amending the Accessory Use Sections of the Zoning Ordinance

Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance No. 2527 to regulate the location of accessory buildings by specifically amending Article 26, Section 1, with the addition of a new Subsection 3, be passed. The motion was seconded by Commissioner Marstall. The ordinance sets forth that no accessory building shall be erected in any required front yard or side yard and that no detached accessory building shall be erected closer than five feet to any other building. Further, the ordinance sets forth that accessory buildings may not be located closer than ten feet to the rear lot line, and that if a building on the rear of the property has a vehicular alley entrance, the sum of the width of the alley and the setback of the structure may not be less than 25 feet. The ordinance further sets forth that accessory buildings or uses with a height of more than three feet may not occupy more than thirty percent of the required rear yard area. Upon call for the question, all present voted in favor of the motion.

An ordinance setting forth the allowable uses in the various zoning districts

Mayor Snyder reported that the City Commission was not in a position to proceed with consideration of this ordinance at this time as the ordinance had not been prepared.

Resolution No. 340 - Prohibiting Parking on East Side of Oak Street from Logan to Wilson

* Commissioner Marstall made a motion that a resolution prohibiting parking on the east side of Oak Street from Logan to Wilson be passed. The motion was seconded by Commissioner McCrea. It was reported that the pastor of the Free Methodist Church, located in the 600 block of N. Oak, had contacted the Commission and asked that consideration be given to prohibiting parking on the west side of Oak Street as opposed to the east side. The church is located on the east side of the street and this would force the congregation of the church to park on the west side of the street in front of residences as opposed to parking in front of the church.

The City Commission gave consideration to the request but it was decided that to conform with the no parking on Mulberry Street, it would be best to proceed with prohibiting parking on the east side of Oak Street, and if any problems were encountered, they would be considered at a later time. Upon call for the question, all present voted in favor of the motion.

A resolution calling for a public hearing to determine the advisability of improving Sycamore Street from the north line of Garfield Street to the north line produced of Lot 8, Block 1, Fitts' Place

Commissioner Lister made a motion that a resolution directing and ordering a public hearing to determine the advisability of improving Sycamore Street from the north line of Garfield Street to the north

line produced of Lot 8, Block 1, Fitts' Place, in the City of Ottawa, be passed. The motion was seconded by Commissioner Marstall.

Mr. J. W. Lewis, who owns property within the boundaries of the proposed benefit district, submitted a petition opposing the project to the City Commission. Mr. Lewis stated that he was opposed to the improvement as the cost would be prohibitive to him and that it was not feasible to develop his land at this time, thus making the proposed improvement of no use to him.

Commissioner Marstall spoke in opposition to passage of the resolution, stating that the cost to the city would be too great in considering the number of homes the improvement would serve. The improvement will serve three homes only.

Commissioner McCrea spoke in opposition to the improvement, stating that he had observed the street in the rain, and that only three homes would benefit from the improved street. He did not feel that it was feasible to improve the street at this time, and the cost to the city could not be justified.

Commissioner Lister spoke opposing the improvement, stating that the problem will continue to exist and possibly later when more of the land is developed, the street could be improved at that time. It was remarked that the policy of the city remains the same in grading and rocking unimproved streets. If the property owners will furnish the rock, the city will haul the rock and grade the street and put it into a passable condition. Upon call for the question, all present voted opposing the motion.

Ordinance No. 2703-82 - Standard Traffic Ordinance

Commissioner Marstall made a motion that an ordinance providing certain deletions, amendments and substitutions in Article 1 of Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to traffic regulation, and providing for incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Lister. It was explained that by passage of this ordinance, the City adopts the state regulations pertaining to driving while intoxicated. Upon call for the question, all present voted in favor of the motion.

City Investment Schedule

Commissioner Marstall stated that the City Investment Schedule for June 1982, indicated that the city had a total of \$6,123,000 in investments as of June 30, 1982, and that the average interest rate was 12.54 percent. Mayor Snyder commented that since the City Commission had started approving the investment schedules, the city has not been cited for a statutory violation in unauthorized investments.

Commissioner McCrea made a motion that the City Investment Schedule for June 1982, be approved. The motion was seconded by Commissioner Lister, and all present voted in favor of the motion.

Request for Sidewalk Sale

Pat McCloud, Chairman of the Ottawa Retail Association, presented the City Commission with a letter requesting permission to have a sidewalk sale in the Central Business District on August 7, 1982, from 7:00 a.m. to 5:00 p.m. Further, the letter requested that Main Street be closed from First to Fourth during the hours of the sale. It was further stated that a moonwalk will be set up for the children and the amusement will be anchored with sandbags so no damage will be done to public property. It was a concern of the City Commission, however, that the city had secured permission to close Main Street from Second to Third, and not from First to Fourth. The city staff was directed to contact the Kansas Department of Transportation to

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF JUNE 31, 1982

4-1	7295	W B RES	100,000.00	7-1-82	K.S.	13.40	3340.82
4-1	7296	WATER	100,000.00	7-1-82	K.S.	13.40	3340.82
4-1	7297	GEN	100,000.00	7-1-82	K.S.	13.40	3340.82
4-1	7298	W B RES	100,000.00	7-1-82	K.S.	13.40	3340.82
4-1	37470	W R.E.S.	200,000.00	7-1-82	IST	13.38	6671.67
6-4	7318	GEN	203,000.00	7-8-82	K.S.	12.00	
4-29	7304	W B RES	100,000.00	7-15-82	K.S.	12.42	
4-29	8603	GEN	100,000.00	7-15-82	PEOPLES	12.86	
4-29	8604	WATER	100,000.00	7-15-82	PEOPLES	12.86	
5-6	8622	E CONST	100,000.00	7-15-82	PEOPLES	12.63	
5-6	8623	E CONST	100,000.00	7-15-82	PEOPLES	12.63	
4-29	8607	ELEC	100,000.00	7-29-82	PEOPLES	13.02	
4-29	7305	E B RES	100,000.00	7-29-82	K.S.	12.65	
4-29	7306	SEWER	100,000.00	7-29-82	K.S.	12.65	
4-29	8605	ELEC	100,000.00	7-29-82	PEOPLES	13.02	
4-29	8606	WATER	100,000.00	7-29-82	PEOPLES	13.02	
5-20	37481	EL EM RES	150,000.00	8-5-82	IST	12.02	
5-20	37482	EL EM RES	150,000.00	8-5-82	IST	12.02	
5-20	37483	E CONST	100,000.00	8-5-82	IST	12.02	
5-20	8654	GEN	300,000.00	8-5-82	PEOPLES	12.06	
5-20	8655	W R.E.S.	100,000.00	8-5-82	PEOPLES	12.06	
5-20	8656	ELEC	100,000.00	8-5-82	PEOPLES	12.06	
5-20	8657	E BD RES	500,000.00	8-5-82	PEOPLES	12.06	
5-20	7311	E CONST	200,000.00	8-5-82	K.S.	12.10	
6-18	37492	E B & I	100,000.00	8-18-82	IST	12.02	
6-18	37493	GEN	100,000.00	8-18-82	IST	12.02	
6-18	37494	WATER	100,000.00	8-18-82	IST	12.02	
5-27	7315	E CONST	100,000.00	8-26-82	K.S.	11.65	
5-27	8668	WATER	200,000.00	8-26-82	PEOPLES	11.69	
6-3	8680	ELEC	200,000.00	9-2-82	PEOPLES	12.12	
6-3	37487	W BD RES	100,000.00	9-2-82	IST	12.11	
6-3	7316	E CONST	400,000.00	9-2-82	K.S.	12.21	
6-3	7317	GEN	200,000.00	9-2-82	K.S.	12.21	
6-16	7321	CONST	100,000.00	9-16-82	K.S.	12.40	
6-16	7322	CONST	100,000.00	9-16-82	K.S.	12.40	
6-16	7323	CONST	100,000.00	9-16-82	K.S.	12.40	
6-24	8719	E CONST	200,000.00	9-16-82	PEOPLES	12.74	
6-24	8720	ELEC	200,000.00	9-16-82	PEOPLES	12.74	
6-24	8721	E B & I	100,000.00	9-16-82	PEOPLES	12.74	
6-24	8722	R.S.	100,000.00	9-16-82	PEOPLES	12.74	
6-24	8723	E CONST	100,000.00	9-16-82	PEOPLES	12.74	
5-7	9981	AUDITORIUM	20,000.00	11-5-82	K.S.	13.03	
5-31	106346	WATER	100,000.00	11-27-82	FR SAVINGS	13.50	
6-25	2554638	GEN	100,000.00	12-25-82	ANCHOR	13.50	
		TOTAL	6,123,000.00		AVERAGE	12.54	

(over)

Mary L. Graham
MARY L. GRAHAM, TREASURER

see if Main Street could be closed from First to Fourth on August 7, for the sale. Commissioner Marstall made a motion that permission for the sale be granted, subject to permission being granted for the closing of Main Street from First to Fourth from the Kansas Department of Transportation. The motion was seconded by Commissioner Lister, and all present voted in favor of the motion.

Request for Block Party

Mayor Snyder reported that a request for a block party to be held in the 1000 block of South Maple had been withdrawn and no action would need to be taken on this request.

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


Orlin W. Smith, City Clerk

City Hall - July 21, 1982

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

Approval of Minutes

The minutes of the last regular meeting which was held July 7, 1982, were approved as written.

Public Hearing - Expenditure of Revenue Sharing Funds

A public hearing was held to receive suggestions concerning the expenditure of Revenue Sharing funds in 1983. As per the estimate received from the Office of Revenue Sharing in Washington, D.C., the city will receive Revenue Sharing funds in the amount of \$150,143 in the 1983 Federal fiscal year.

Mrs. Gloria Terrell, representing the Franklin County Day Care and Child Development Services Inc., appeared before the City Commission and requested \$20,000 for the Franklin County Day Care and Child Development Services Inc. for food and general operations for 1983. Mrs. Terrell stated that the present enrollment is 85 and it has seen a peak of 110 persons. Mrs. Terrell stated that their Federal funds have been cut 40-50% and the lunch program has been cut by 50%. Mrs. Terrell stated that the fees for the day care services are \$7.50 per day per child, which averages 83 cents per hour.

Mr. Walter Butler, Chairman of the Auditorium Authority, requested \$10,000 in Revenue Sharing funds for 1983, stating that the \$10,000 would be added to the funds being set back for future capital improvements and repairs on the auditorium. The auditorium presently has \$20,000 in the capital improvement and repair fund.

Mrs. Carolyn Kaiser, President of the Franklin County Historical Society, requested \$9,575 in Revenue Sharing funds for additional window repairs at the Depot Museum in 1983. Mrs. Kaiser stated that they are requesting a like amount of Revenue Sharing funds from Franklin County. Mrs. Kaiser said that the roof repairs which were started approximately two years ago are completed and that they will be paying the contractor shortly for these roof repairs.

Mrs. Mary Burch, President of the Franklin County Agricultural Society, requested \$7,855 in Revenue Sharing funds for 1983 for fence replacement and lighting of the corrals in the rodeo area. Mrs. Burch also stated that the Franklin County Agricultural Society is requesting Revenue Sharing funds from Franklin County.

Mr. Terry Drenner, President of Traveling Disabilities, Inc. requested \$5,685 in Revenue Sharing funds for 1983 for a trailer and power tools. Mr. Drenner stated that the purpose of Traveling Disabilities & Services, Inc. was to assist disabled persons in becoming mobile and assisting them in helping themselves. The purpose of the trailer and power tools would be to assist in the design and repair of wheelchairs, walkers and other type of equipment to make disabled persons more mobile.

Mr. Richard Jackson, Director of ECKAN, requested \$2,000 in 1983 Revenue Sharing funds for their transportation program. This money would be for the purchase of gas and oil.

Mr. Larry Powell, representing the Ottawa Industrial Development and the Chamber of Commerce, requested \$5,000 in 1983 Revenue Sharing funds for additional community and economic development.

Mr. David Watkins, City Manager of the City of Ottawa, requested Revenue Sharing funds on behalf of the city for a total amount of \$130,100 consisting of \$45,000 for the first year payment on the No-Fund Warrants which were used to purchase the fire truck; \$7,000 for payment to the Franklin County Humane Society; \$6,000 for payment of the airport manager; \$52,000 for equipment for the public works department consisting of two mowers, the repair of a D-6 dozer and the purchase of a pick-up truck; \$15,100 for equipment purchases for the public safety department consisting of a breathalyzer, a city pool car and a copy machine; \$5,000 for additional improvements at Kanza Park.

There being no further requests, the hearing was closed.

Ordinance No. 2704-82 - Repair of Public Library

Mr. Jerry Thompson, representing the Ottawa Library Board, appeared requesting that the city enact the ordinance authorizing the issuance of \$150,000 in General Obligation Bonds for the repair of the library. Mr. Thompson stated that the repairs to be accomplished with the \$150,000 would really not be adequate but the present facility must be maintained until other arrangements can be made for a public library. The recommendations made by the State Fire Marshall on inspection of the library a few months ago will total approximately \$90,000, but there are other improvements or repairs that must be accomplished increasing the total cost of the repairs to \$130,000. Further, Mr. Thompson stated that there are so many unknowns in going into the repair program, that there are bound to be additional repairs required whereby he felt the city must allow at least \$150,000 for the repairs. Among the improvements listed by the State Fire Marshall were smoke detectors and manual fire alarms.

Mr. C. W. Lewis questioned that if the library as originally built was a Carnegie Free Library, built with Carnegie funds, if there were now funds available for the improvement of the library. Mr. Lewis was answered that the Carnegie Free Library funds have long been depleted and any repairs accomplished on the library must be financed by the city.

Commissioner Lister made a motion that an ordinance of the City of Ottawa, Kansas, authorizing the repair and the construction of the public library owned and operated by the city and authorizing the issuance of General Obligation Bonds in the amount of \$150,000 be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2705-82 - Zoning

Commissioner Marstall made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the certain tract and area within the city and amending the amended zoning map attached to and made a part of Ordinance No. 2527 of the City of Ottawa, Kansas, and repealing certain parts of said amended zoning map of said city, by removing Lots 29, 31, 33 and 35, Block 63, City of Ottawa from district I-2 (Heavy Industrial) and placing within district R-2 (Multi-Family) be passed. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated that he was concerned that the Planning Commission be consistent in all zoning matters. Upon call for the question, all present voted in favor of the motion.

Six-Year Capital Improvements Program Update

The City Commission proceeded to consider the updated Six-Year Capital Improvements Program as prepared and submitted by the Planning Commission. Mayor Snyder stated that in reviewing the updated Capital Improvements Program, the debt and debt payment of the city remains fairly stable over the next few years. Commissioner Marstall made a motion that the updated Six-Year

Capital Improvements Program as prepared and submitted by the Planning Commission be accepted and approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Application for Cereal Malt Beverage License

The City Commission proceeded to consider an application for cereal malt beverage license as submitted by Kathryn S. Benson to move the operation of the Main Street Bait and Tackle Shop from 1130 N. Main to 1002 N. Main. It was explained that the application is for relocation of an establishment presently selling cereal malt beverage in original and unopened containers, and the applicant had met all of the conditions set forth by statute and city ordinance, and that there were no fees involved in the transfer. Commissioner Marstall made a motion that the application to sell cereal malt beverage as submitted by Kathryn S. Benson for the operation of the Main Street Bait and Tackle Shop at 1002 N. Main be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request for Two-Hour Parking Limitations on East Side of 100 Block of South Hickory

The Governing Body proceeded to consider the request of limiting parking to two hours on the east side of the 100 block of South Hickory as submitted by Mr. Neal Satterlee. After discussion of the matter, it was decided to refer the request to the Parking Committee of the Chamber of Commerce. Commissioner Marstall made a motion that the request for the two hour parking be referred to the Chamber of Commerce Parking Committee and that action be taken on the matter on August 4, 1982. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Bids for the Overlay of the City of Ottawa's Main Runway at the Municipal Airport

It was reported to the City Commission that the city had received bids for the overlay of the main runway at the Ottawa Municipal Airport and that the bids had run well in excess of the engineer's estimate and the funds available for the improvement. The Lawrence Read-Mix Company of Lawrence submitted a bid of \$187,701.89. M. W. Watson Company of Topeka submitted a bid of \$201,716.71. The engineer's estimate was \$140,134.89. The engineers had recommended that the bids be rejected and that the project be readvertised with eight to ten changes in the specifications. Commissioner McCrea made a motion that the bids be rejected and that the specifications be modified and the city readvertise for bids. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Accept Final Plans for the Central Business District Improvements

Commissioner Marstall made a motion that the city accept the final plans for the Central Business District improvements as submitted by Bucher & Willis and that the city authorize the advertisement for bids to be received August 18, 1982, at 2:00 p.m. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Mr. J. W. Lewis approached the City Commission and stated that he was being harrassed by the city concerning weed growth on his property on North Cherry. The City Commission acknowledged Mr. Lewis' complaint and stated that he should proceed as best he can to abate the weeds on his property.

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


Orlin W. Smith, City Clerk

City Hall - August 4, 1982

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

Consideration of Minutes

Mayor Snyder stated that the approval of minutes as stated in the minutes of the July 21, 1982, meeting should have stated that it was a member of the Free Methodist Church who contacted him concerning the prohibition of parking on the east side of Oak Street from Logan to Wilson, as opposed to the pastor of the church, as was stated in the minutes of the meeting of July 7, 1982. The balance of the minutes were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on August 3, 1982. Present: Chairman Koch and Members Wellington, Searls, Jackson and Thornburg. Absent: Members Coatney and Spears.

The minutes of the last regular meeting held on July 6, 1982, were approved as written.

The Planning Commission held a public hearing to consider the rezoning of Lots 19, 21, 23, 25 and 27 in Block 63, Original Town, from I-2 (Heavy Industrial) to R-2 (Multi-Family). In accordance with Planning Commission bylaws, this matter was taken under advisement until the September meeting.

The Planning Commission decided by a unanimous vote to recommend to the City Commission the rezoning of Lots 1 through 17 (odd number), Block 63, and Lots 1, 3, 5 and 7, excluding the east 100 feet of Lots 5 and 7, Block 76, from I-2 (Heavy Industrial) to R-2 (Multi-Family).

The Planning Commission decided by a unanimous vote to call a public hearing in September to consider the repeal of the Zoning Ordinance in order to incorporate the new uses chart by reference instead of publishing it in its entirety.

There being no further business, the meeting was adjourned.

At the conclusion of the report of the Planning Commission meeting, Commissioner Marstall asked if paragraphs two and three of the report concerned the rezoning of the entire block in which the Bethany Baptist Church is located. City Manager Watkins explained that the paragraphs questioned by Commissioner Marstall did concern the rezoning of the block in which the Bethany Baptist Church is located, and the reason for the two items is that in the first publication for a public hearing on the rezoning of that area, part of the area in the block was omitted from the Notice of Public Hearing and had to be renoticed for a hearing at a later date.

Mayor Snyder questioned the necessity to repeal the present Zoning ordinance in order to incorporate the new uses into the Zoning Ordinance stating that evidently the process was procedurally correct. City Manager Watkins explained that the reason for the repeal of the present Zoning Ordinance and then the incorporation of the new uses into the ordinance for readoption was to avoid having to print the entire use chart as it is very lengthy and would be difficult to read by the time it was reduced in size to be contained in a publication of the newspaper.

Commissioner Larson made a motion that the report of the Planning Commission be accepted. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Ordinance Relating to Motor Vehicle and Bicycle Restrictions
in City Parks

Mayor Snyder directed the city clerk to read the ordinance and that the ordinance be placed on first reading. Mayor Snyder stated that the reason that they were going to have the ordinance read and placed on a first reading was that the City Commission was not entirely satisfied with the ordinance as written and that it was open at this time for comments and suggestions from the public as well as the Commission. The city clerk then proceeded to read the ordinance.

"AN ORDINANCE PROVIDING CERTAIN DELETIONS, AMENDMENTS AND SUBSTITUTIONS IN SECTION 8-109 OF CHAPTER VIII OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS, 1982, RELATING TO CERTAIN RESTRICTIONS UPON USE OF CITY PARKS, AND PROVIDING FOR INCORPORATION OF SAID DELETIONS, AMENDMENTS AND SUBSTITUTIONS INTO THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS, 1982.

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

Section 1. AMENDMENTS TO SECTION 8-109 OF THE MUNICIPAL CODE. Section 8-109 of the Municipal Code of the City of Ottawa, Kansas, 1982, is hereby deleted and amended as follows:

8-109. MOTOR VEHICLE AND BICYCLE RESTRICTIONS; PENALTY.

- (a) It shall be unlawful for any person to ride any moped, motorcycle or other motor vehicle within Kanza Park, and it shall further be unlawful for any person to ride a bicycle upon pedestrian paths within Kanza Park, unless such person, upon meeting or approaching any pedestrian, shall stop such bicycle and dismount until such pedestrian has passed and such person shall not again mount such bicycle until entirely past such pedestrian.
- (b) It shall be unlawful for any person to ride a bicycle, motorcycle, moped or any motor vehicle upon paths for pedestrians within Forest Park or College Park, unless such person, upon meeting or approaching any pedestrian, shall stop such bicycle, motorcycle, moped or other such motor vehicle and dismount until such pedestrian has passed and such person shall not again mount such bicycle, motorcycle, moped or other such motor vehicle until entirely past such pedestrian.
- (c) A violation of this section is a Class C misdemeanor.

Section 2. EFFECTIVE DATE; PUBLICATION. This ordinance shall take effect amending the Municipal Code of the City of Ottawa, Kansas, 1982, on and after its publication in the official city newspaper.

Section 3. INCORPORATION IN CODE. Section 1 hereof shall be inserted and incorporated as set out above in the Municipal Code of the City of Ottawa, Kansas, 1982, after publication of this ordinance in the official city newspaper."

At the conclusion of the reading of the ordinance, Commissioner Larson commented that he had received comments to the effect that possibly the bicycles should travel in a clockwise pattern and pedestrians in a counter clockwise pattern on the exercise path at Kanza Park. Further, Mr. Larson commented that the requirement to allow bicyclists to leave the path and dismount their bicycle might be a little unreasonable for the bicyclists and ruin their exercise pattern.

Commissioner Marstall commented that the reason for the reading of the ordinance at this time with no intended action by the City Commission was that the City Commission wanted to be sure that the procedure for passage of such an ordinance was proper and that the intent of the Commission was properly stated in the content of the ordinance.

Mayor Snyder stated that he had received comments from two persons who reside on the west edge of the park and these persons recommended that bicycles go one way and pedestrians proceed the opposite direction on the exercise path. Further Mr. Snyder stated that one of the persons to whom he had spoken had originally been opposed to development of Kanza Park and had wanted a screening of trees along the west edge of the park, now was enthused about the development of the park and saw no need for the screening as they enjoyed watching persons using the exercise path. This same person also stated that they did oppose further development of the park by the addition of picnic tables and playground equipment.

Mrs. George Hughes, 1444 S. Elm, recommended that pedestrians proceed one direction on the exercise path and bicyclists proceed the other direction, and she did not feel there would be any problem. Mrs. Hughes stated that she had used the trail and it is not possible to hear a bicycle approaching from behind you, but there had been no problems when the bicycle was approaching the person on foot. Mrs. Hughes also recommended that the pedestrians proceed no more than two abreast; thus allowing room for a bicycle to pass, and further that food and drink not be allowed in the park as the park had been extremely clean to this point, and lately she had noticed some debris in the park.

Commissioner Lister endorsed the idea of having pedestrians and bicycles proceed in different directions on the path for safety reasons.

There being no further comment, discussion of this item was concluded.

Review of City Investment Schedule

Mayor Snyder introduced the subject of the approval of the Investment Schedule for July, 1982, and stated that he recognized that average interest rates were considerably lower than they had been in the past. Commissioner Larson stated that the report indicates that the city has a total of \$6,908,000 presently invested, and the average interest rate is 12.27 percent, which is lower than it has been in past months. Commissioner Marstall stated that the lower interest rate is indicative of the federal government's efforts to lower interest rates and he felt that the city staff was doing a fine job in keeping the idle funds properly invested at the highest possible rates.

Commissioner Lister made a motion that the City Investment Schedule for July, 1982, be approved. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Public Hearing - Suggestions for Use of 1983 Revenue Sharing Funds

Mayor Snyder stated that the city had held a public hearing soliciting suggestions for the expenditure of 1983 Revenue Sharing funds at the July 21, 1982, meeting, and he now asked if there were any further suggestions or requests for Revenue Sharing monies. There being no further requests or suggestions, the hearing was closed.

Resolution No. 341 - Appointing Representatives to the Kansas Municipal Energy Agency

Commissioner Lister made a motion that a resolution appointing representatives to the Kansas Municipal Energy Agency for the City of Ottawa, Kansas, be passed, and that Commissioner George Marstall and Director of Utilities of the City of Ottawa be appointed to represent the City of Ottawa in the Kansas Municipal Energy Agency; and Commissioner Larson and the city manager of the City of Ottawa be appointed to serve as alternates to represent the city in the event either Mr. Marstall or the Director of Utilities is unavailable to attend a meeting of the Kansas Municipal Energy Agency. The motion was seconded by Commissioner Larson.

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF JULY 30, 1982

5-20	37481	EL EM RES	150,000.00	8-5-82	1ST	12.02	
5-20	37482	EL EM RES	150,000.00	8-5-82	1ST	12.02	
5-20	37483	E CONST	100,000.00	8-5-82	1ST	12.02	
5-20	8654	GEN	300,000.00	8-5-82	PEOPLES	12.06	
5-20	8655	W R.E.S.	100,000.00	8-5-82	PEOPLES	12.06	
5-20	8656	ELEC	100,000.00	8-5-82	PEOPLES	12.06	
5-20	8657	E BD RES	500,000.00	8-5-82	PEOPLES	12.06	
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6-18	37494	WATER	100,000.00	8-18-82	1ST	12.02	
5-27	7315	E CONST	100,000.00	8-26-82	K.S.	11.65	
5-27	8668	WATER	200,000.00	8-26-82	PEOPLES	11.69	
6-3	8680	ELEC	200,000.00	9-2-82	PEOPLES	12.12	
6-3	37487	W BD RES	100,000.00	9-2-82	1ST	12.11	
6-3	7316	E CONST	400,000.00	9-2-82	K.S.	12.21	
6-3	7317	GEN	200,000.00	9-2-82	K.S.	12.21	
6-16	7321	CONST	100,000.00	9-16-82	K.S.	12.40	
6-16	7322	CONST	100,000.00	9-16-82	K.S.	12.40	
6-16	7323	CONST	100,000.00	9-16-82	K.S.	12.40	
6-24	8719	E CONST	200,000.00	9-16-82	PEOPLES	12.40	
6-24	8720	ELEC	200,000.00	9-16-82	PEOPLES	12.74	
6-24	8721	E B & I	100,000.00	9-16-82	PEOPLES	12.74	
6-24	8722	R.S.	100,000.00	9-16-82	PEOPLES	12.74	
6-24	8723	E CONST	100,000.00	9-16-82	PEOPLES	12.74	
7-1	37500	W B RES	100,000.00	9-30-82	1ST	13.50	
7-1	37501	GEN	100,000.00	9-30-82	1ST	13.50	
7-1	37502	WATER	100,000.00	9-30-82	1ST	13.50	
7-1	37503	W B RES	100,000.00	9-30-82	1ST	13.50	
7-1	37504	W B RES	200,000.00	9-30-82	1ST	13.50	
7-8	833347	GEN	203,000.00	SAVINGS	K.S.	5.25	
7-15	7329	W R.E.S.	100,000.00	10-14-82	K.S.	12.21	
7-15	8774	GEN	100,000.00	10-14-82	PEOPLES	12.06	
7-15	8775	WATER	100,000.00	10-14-82	PEOPLES	12.06	
7-15	8776	E CONST	100,000.00	10-14-82	PEOPLES	12.06	
7-15	8777	E CONST	100,000.00	10-14-82	PEOPLES	12.06	
7-26	833347	GEN	785,000.00	SAVINGS	K.S.	5.25	
7-29	7337	E B RES	100,000.00	10-28-82	K.S.	10.88	
7-29	7338	SEWER	100,000.00	10-28-82	K.S.	10.88	
7-29	8829	ELEC	100,000.00	10-28-82	PEOPLES	10.92	
7-29	8830	ELEC	100,000.00	10-28-82	PEOPLES	10.92	
7-29	8831	WATER	100,000.00	10-28-82	PEOPLES	10.92	
5-7	9981	AUDITORIUM	20,000.00	11-5-82	K.S.	13.03	
5-31	106346	WATER	100,000.00	11-27-82	FR SAVINGS	13.50	
6-25	2554638	GEN	100,000.00	12-25-82	ANCHOR	13.50	
TOTAL						AVERAGE	12.27

Mary L. Graham
MARY L. GRAHAM, TREASURER

Mayor Snyder stated that Commissioner Marstall had been a representative to the Kansas Municipal Energy Agency since he was elected as mayor of the city a little over a year ago, and Commissioner Larson had represented the City of Ottawa on the board of the Kansas Municipal Energy Agency during the time he was mayor of the city and the city was greatly appreciative of the services that had been rendered by both these gentlemen. On call for the question, all present voted in favor of the motion.

Report of the Greater Ottawa Chamber of Commerce Transportation Committee

Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, submitted the following report for Rick Gabrielson, Chairman of the Transportation Committee of the Chamber of Commerce.

Mr. Powell stated that the Transportation Committee of the Chamber of Commerce had been requested by the City Commission on July 21, 1982, to investigate the possible need of changing the unrestricted parking of the east side of Hickory Street between First and Second Streets to perhaps become two-hour restricted parking. The Transportation Committee at this time has completed a two-week survey of parking in the 100 block of South Hickory and recommends no change in the present parking restrictions at this time. Recommendations for change are, however, that there are presently four spaces filled in front of 125 South Hickory consistently between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and the committee felt that if the owners of these cars were contacted and the parking problem that exists at 125 S. Hickory explained to them, possibly they could move their cars to another location for all day parking. A second recommendation is that a continued analysis be kept by both the business at 125 S. Hickory and the Transportation Committee concerning the usage level of parking spaces along the east side of South Hickory. A third recommendation is that if a change in parking time is found to be needed in the future, the east side of South Hickory between First and Second become two-hour restricted parking, similar to the west side of Hickory Street between First and Second.

Other recommendations were that all parking lots be better marked to show what type of parking they may contain; that the city parking lot behind Construction Materials be either sold or more efficiently used; that the city parking lot signs be installed along Main Street to inform the public of the location of the municipal parking lots; that all parking spaces be repainted; that somewhere near the intersection of K-68 and U.S. 59 a transient parking lot be formed for those people meeting rides to work from Ottawa; that any new parking lots built downtown should be located in the 400 block of South Main, either one block east or west.

The City Commission thanked Mr. Powell for the report from the Transportation Committee, and further requested that the Transportation Committee contact the individuals presently parking in front of 125 S. Hickory and ask them to seek parking elsewhere.

Commissioner Marstall made a motion that in light of the study accomplished by the Transportation Committee of the Chamber of Commerce, the request for two-hour parking on the south side of South Hickory Street in the 100 block be denied. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

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


Orlin W. Smith, City Clerk

City Hall - August 16, 1982

The City Governing Body met in special session at 3:00 p.m. this date for the purpose of holding a public hearing on the city's 1983 Budget, to consider an agreement with the Kansas Department of Transportation and to consider passage of a resolution concerning future involvement with the Kansas Municipal Energy Agency. Present: Mayor Snyder and Commissioners Marstall, Larson and McCrea. Absent: Commissioner Lister.

Mayor Snyder opened the hearing on the city's 1983 Budget, noting that there was no one present in the audience except members of the news media. Mayor Snyder then stated that there were some comments he wished to make concerning the 1983 City Budget. His first comment was the fact that the General Fund budget for 1983 has declined by 1.8 percent over the previous year, and this does show the city's attempt to control expenditures. In order to attain the 1.8 percent decline in expenditures, the budget reflects 3½ fewer persons as well as 4 fewer summer help persons. Mayor Snyder's second comment was that the General Fund levy is up but this is only to offset the loss of the intangibles tax, which the citizens of Ottawa approved at a referendum election. The third point made by Mayor Snyder was that two other agencies are supported by the City of Ottawa budget, namely the Municipal Auditorium and the Municipal Library. The library levy is up a small amount, but this is reflective of the need for additional revenues to operate the library. The fourth item is that the bond and interest levy for 1973 is increased due to the sale of additional bonds, which commanded a higher interest rate and not necessarily due to the principle payments. Mayor Snyder's fifth point was that the grand total of the budget is misleading because the total budget also reflects utilities operations. Many cities the size of Ottawa do not have the utility operations as their cities are serviced by privately owned utilities. In 1981, the utility operations were 64 percent of the total budget and in the present year the utility operations are 66 percent of the total budget. The utility budgets reflect an increase of 10 percent, which is mostly in the electric fund. The purchase of fuel and purchased power account for the biggest increase in the utility funds.

Commissioner Marstall then commented that he thought it was important to recognize that everyone pays taxes on real estate, but the general fund receives only \$439,000 in real estate taxes to underwrite a budget of \$2,168,000. This points out that the property tax is really a small portion of the total budget. Commissioner Marstall also pointed out that we are now levying property taxes to make up for the intangibles tax, which the people of Ottawa approved by referendum.

City Manager Watkins commented that we are now in a time of decrease in revenues while operational costs are increasing. The taxes upon which the City of Ottawa must depend to pay for the various services are not keeping pace with inflation and most all cities are in the same situation with a taxing structure which is least responsive to inflation. The city manager stated that in future years the city may be faced with either cutting services or developing new sources of revenue. In further comments the city manager stated that though the town has not grown appreciably in population, the town has grown in total housing units as reflected by the 1980 census. We now have 500 more housing units than we did ten years ago. Mr. Watkins stated that even though in the last ten years the city has annexed large areas, the population of the city is getting older and more service oriented.

Mayor Snyder, who had stated in his earlier comments that all departments of the general fund had shown decreases in budget of expenditures except Public Safety, now stated that if the county-wide sales tax was not approved by the voters, the city may be faced with a cut in public safety personnel. The city manager then reflected that there are a total of 71 persons employed in the general fund, 42 of whom are employed in public safety. In a study that the city manager had done on calls for service, in 1978 the public safety department had 7,437 calls for service compared to the 8,144 calls for service they received in 1981.

There being no further discussion, Commissioner Larson made a motion that the hearing be closed and that action be taken on the budget at the regular meeting on August 18, 1982. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Agreement with Kansas Department of Transportation

Commissioner McCrea made a motion that the City Governing Body approve an agreement with the Kansas Department of Transportation for connecting link monies in the amount of \$65,400 for the resurfacing of Main Street from the south end of the Main Street bridge to Fifth Street. The motion was seconded by Commissioner Larson.

City Manager Watkins was called upon to comment concerning the subject. Mr. Watkins stated that he had called the Kansas Department of Transportation as late as last Friday to verify that monies in the amount of \$65,400 for the resurfacing of Main Street would be available. Mr. Watkins stated that he was assured by the Kansas Department of Transportation at that time the monies were available. The city manager stated that the city was quite surprised to receive the agreement for the monies inasmuch as the city had applied for matching funds for the overlay of Main Street early last spring at a time when they were told there were no monies available. The city was quite pleased to receive the agreement whereby the department of transportation would pay one-half of the cost of removing the old surface from Main Street and applying a new surface thereon.

Commissioner Marstall then asked for confirmation that the agreement meant the department of transportation would pay one-half of the cost of the work on Main Street, but that their contribution to the project would not exceed \$65,400. The city manager commented that Commissioner Marstall's statement was correct.

Mayor Snyder then stated that he noticed that the agreement whereby the city accepts the department of transportation offer makes reference to the Civil Rights Act of 1964, and questioned whether the city was in a position to qualify under this law. The city manager stated that the city does qualify under the Civil Rights Act of 1964 and all contractors who submit bids on the project must submit a statement declaring that they will adhere to the Civil Rights Act of 1964.

There being no further discussion, the question was called. All present voted in favor of the motion.

Resolution No. 341A - Authorizing Execution of Agreement

Commissioner McCrea made a motion that a resolution authorizing and directing the mayor and the city clerk to execute for and on behalf of the City of Ottawa, Kansas, an agreement between the City of Ottawa, and the Kansas Department of Transportation for resurfacing a portion of Main Street, be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

There being no further business at this time, Mayor Snyder asked for a motion that the meeting be recessed until 7:00 p.m. this date, at which time the meeting would be reconvened to consider the city's participation with the Kansas Municipal Energy Agency.

Commissioner Marstall made a motion that the meeting be recessed until 7:00 p.m. this date, at which time the City Commission would give consideration to the city's participation with the Kansas Municipal Energy Agency. The motion was seconded by Commissioner Larson and upon call for the question, all present voted in favor of the motion.

The meeting reconvened at 7:00 p.m. August 16, 1982. Present: Mayor Snyder and Commissioners Marstall, Larson and McCrea. Absent: Commissioner Lister.

Resolution No. 342 - Participation in the Kansas Municipal Energy Agency

Commissioner Marstall made a motion that the city act on a resolution indicating the city's intent to enter into a contract with the Kansas Municipal Energy Agency obligating the city to purchase 10 megawatts of electricity for a period not to exceed twenty years. The motion was seconded by Commissioner Larson. Commissioner Marstall stated that this resolution brings to a head years of study on the behalf of the City of Ottawa concerning our energy problems, and with the help of various consultants and the Kansas Municipal Energy Agency, it appears that the purchase of 10 megawatts of electricity over a long term at a rate cheaper than the City of Ottawa can produce electricity, is the best direction for the City of Ottawa to proceed. Commissioner Marstall stated, however, that we must understand this purchase, if it becomes a reality, will be from the Nearman No. 1 unit for a period of twenty years and that if for some reason the Nearman unit should go out of service, the City of Ottawa would either have to manufacture electricity on its own or it might use the Kansas Municipal Energy Agency as a power broker to purchase, hopefully, economy energy from another source.

Commissioner Larson stated that he thought the use of the Kansas Municipal Energy Agency in a cooperative effort to secure power for the City of Ottawa and other member cities would be the best solution for the City of Ottawa. Further, Commissioner Larson stated that the City of Ottawa, with representatives on the Board of Directors of the Kansas Municipal Energy Agency along with officials of other cities, will hopefully be successful in securing power from coal-fired facilities, which at the present time are the cheapest to operate.

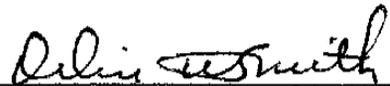
Commissioner McCrea stated that after doing some research on his own, he is convinced that this method of securing power through the Kansas Municipal Energy Agency is the best direction for the City of Ottawa to take. Commissioner McCrea stated that he was very hesitant on entering a forty year contract with the Kansas Municipal Energy Agency, and he is somewhat hesitant on the twenty year proposal, but he felt the twenty year proposal was the best for the City of Ottawa.

City Manager Watkins stated that he and Jack Davis had met with B. J. Kirkwood of A. C. Kirkwood & Associates, and all three agreed that the proposal from the Kansas Municipal Energy Agency would be the best for the city as there are really very few other options to consider.

Mayor Snyder stated that after comparing the present proposal of the Kansas Municipal Energy Agency to the prior proposal of that agency for time as well as cost of each, he felt this present proposal was in the best interest of the City of Ottawa. Upon call for the question, all present voted in favor of the motion. No one voted opposing the motion.

City Clerk's note: Complete discussion of the foregoing subject matter is on tape in the files of the city clerk and will remain so for one year from the date of the meeting.

There being no further business, the meeting was adjourned:


Orlin W. Smith, City Clerk

City Hall - August 18, 1982

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

Consideration of Minutes

Mayor Snyder made one modification to the minutes of the previous meeting. On page 73, in his report on comments regarding Kanza Park, in the last sentence of the top paragraph pertaining to the citizen that had called him, the sentence should read that this citizen did oppose further development of the Park, by the addition of picnic tables and public restrooms.

There being no further corrections or additions, the minutes were approved as modified.

Approval of the 1983 Budget

Commissioner Larson moved the adoption of the proposed 1983 budget, as presented and as printed in the media, as the official budget for 1983. Commissioner McCrea seconded the motion.

Commissioner Marstall commented that a hearing had been held on the preceding Monday and the budget had been gone into extensively at that time and several percentages pointed out, which were reported in the press, especially that portion that pertains to the \$12,000,000.00 that relates to the function of the utilities in our city. Our General Fund is one of our biggest areas of concern, not only for the 1983 budget, but for future years.

Mayor Snyder stated that one of the most important features is that the General Fund expenditures did decline. He also made note that the increase in the General Fund levy was due mainly to the vote of the taxpayers, when eliminating the intangibles tax.

City Manager Watkins explained the provisions of various funds for the benefit of the public, stating that of the 6.59% levy increase, approximately 5% is due to the intangibles tax replacement and .75% is due to the Library increasing to the limit.

Upon call for the question, Commissioners Larson, McCrea, Marstall and Mayor Snyder voted yes. Motion carried.

Appropriation of the 1983 Budget - Ordinance 2706-82

Commissioner Marstall moved the Commission act on an Ordinance appropriating the amounts set up in each fund in the budget for 1983, 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 of 1983.

Commissioner McCrea seconded the motion. The question was called for, and Commissioners McCrea, Marstall, Larson and Mayor Snyder voted favorably. Motion carried.

Ordinance 2707-82 - Rezoning

Commissioner McCrea moved approval of an Ordinance rezoning Lots 1 through 17, Block 63, and Lots 1, 3, 5 and 7, excluding the east 100 feet of Lots 5 and 7, Block 76, from I-2 (Heavy Ind.), to R-2 (Multi-Family). Commissioner Marstall seconded the motion.

Commissioner McCrea stated that this had been recommended by the Planning Commission and since it is within their jurisdiction he felt their opinion should be accepted.

The question was called for and Commissioners Marstall, McCrea, Larson and Mayor Snyder voted yes. Motion carried.

Memorandum of Understanding - HUD Fair Housing Task Force

Commissioner Marstall moved that the Mayor and other appropriate City personnel sign the Memorandum of Understanding between the City of Ottawa and U.S. Department of Housing and Urban Development, for the development of the New Horizons Assistance Program. Commissioner McCrea seconded the motion.

Mayor Snyder stated that the City is required by this agreement to establish an advisory board, fair housing task force, and this has already been done. This task force is composed of: David Watkins, Richard Jackson, David Hutfles, Eloise Andrews, Henry Roberts, Robert Dunn, Larry Powell, Russell Anderson, Frances Larios and Barbara Vogt. Mayor Snyder and Commissioner Larson expressed their appreciation to these citizens for their willingness to help and congratulated the City staff on their choice of committee people.

Upon call for the question, Commissioners Larson, Marstall, McCrea and Mayor Snyder voted yes. Motion carried.

Kanza Park

Mayor Snyder stated that at the last meeting a proposed ordinance for regulating traffic in the Parks was put on first reading and it comes forth today to see if there is any further discussion or comment.

Commissioner Larson stated he had received a number of comments, all positive, the majority of which had favored the counter-rotating techniques of bicycles and pedestrians, because it allows bicyclists and pedestrians to see each other and avoid collisions.

Mayor Snyder said he had received one letter saying it would be nice if families could all go one direction, for instance, if you have a child on a tricycle he could ride along in the same direction the parents are walking.

Commissioner McCrea said he had received comments that some individuals riding three wheeled bicycles seemed to feel they own the track on the evenings when they are riding and do not yield for the walkers. He hoped everyone would try to be considerate of others. Commissioner McCrea also suggested that profiles of bicycles with an arrow pointing one direction and profiles of walkers with an arrow pointing the opposite direction could be painted on the black-top at intervals, to eliminate the need for any signs that would take away from the beauty of the park.

Mayor Snyder commented that the most important thing really is that everyone need be courteous and thoughtful of others. He said discussion of this ordinance would be continued.

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

Mary S. Graham

City Hall - August 23, 1982

The City Governing Body met in special session for the purpose of reviewing bids received for the airport runway improvement, to review the bids received for the sale of Mears Park and to consider the award of a contract to the lowest responsible and responsive bidder for the improvements to the Central Business District. Present: Mayor Snyder and Commissioners McCrea, Larson, Lister and Marstall. Absent: None.

Review Bids for Airport Improvements

City Manager Watkins reported that the city had received bids for the second time for the airport improvements on August 17, 1982. The city received only one bid for this project, being the bid from L.R.M. Industries, Inc. of Lawrence, Kansas. The bid received was in the amount of \$184,607.27 and the engineer's estimate for the project was \$140,426.63. The city manager stated that the bid of L.R.M. Industries, Inc. was approximately \$4,000 less than the bid they had submitted at an earlier letting, with the difference being reflective of some changes which had been made in the specifications of the project. The city manager stated that the L.R.M. Industries bid was for approximately \$45,000 more than the city has available for the project even when taking into consideration the grant of the Federal Aviation Administration for the project. The city manager recommended that the bid be rejected and that the city receive bids for the project again about mid-February of 1983. Commissioner Larson made a motion that the bid of L.R.M. Industries, Inc. in the amount of \$184,607.27 be rejected. The motion was seconded by Commissioner McCrea.

Mr. Bob Lehman, representing Bucher & Willis (the consulting engineers on the airport project), suggested that the city again advertise for bids in mid-February of 1983. It is possible the project being the first project of the year for many contractors may encourage more favorable bids. Mr. Lehman also suggested that the city take alternate bids on the basis of accomplishing less work, such as overlaying only part of the runway and making only necessary repairs to the remaining portion. Mr. Lehman also stated that the FAA will not rescind the money allocated for the project if the city intends to readvertise for bids in early 1983. Upon call for the question, all present voted in favor of the motion.

Review Bids Received for the Sale of Mears Park

The city manager reported that the city received bids for the sale of Mears Park on August 16, 1982. There was a total of eight bids received, the highest of which was \$280.26 per acre or a total of \$25,000, and the lowest of which was \$45.45 per acre for the sale of a small portion of Mears Park. Commissioner McCrea stated that he was very disappointed with the bids received and proceeded to move that the city reject all bids received at the bid letting on August 16, 1982, for the sale of Mears Park and that the City Commission again consider in January 1983 the sale of the park. The motion was seconded by Commissioner Lister. The members of the City Commission commented that they had received comments from various people, some stating that they should have sold the park to the highest bidder and others commenting that the city should again take bids for the sale of the park. Commissioner Marstall reported that contrary to an advertisement which appeared in the local newspaper, there is no hay lease on the park. Further, Commissioner Marstall stated that he thought the city should give consideration to granting an easement for Steven C. and Glenda S. Hughes across a corner of the park for ingress and egress to the farm property they own in that area. On call for the question, all present voted in favor of the motion.

Award Contract for Improvements to Central Business District

The city manager reported that the city received bids for the Central Business District improvements on August 18, 1982. Of the seven bids received, the Meadows Construction Co. of Tonganoxie, Kansas, was the lowest bidder with a total bid of \$742,740.10. The city manager stated that the bids were somewhat difficult to analyze in that it is a multiphase project with many funds of the city involved as well as the Gas Service Co. for replacement of Gas Service Co. lines. In addition to the Gas Service Co., there are two separate benefit districts, a portion of the improvement for which payment will be made from sales tax and a portion to be paid by the water and the electric departments of the city. Alternates built into the bidding process included the deletion of brick crosswalks at the intersections and the deletion of reinforcing steel in the sidewalks within the benefit district. Mr. Watkins read a statement of the project consulting engineers, Bucher & Willis, stating that the consulting engineers recommended the awarding of the contract to Meadows Construction Co. The letter set forth the total base bid at \$742,740.10 and the alternate bid deleting the reinforcing steel in the sidewalks and the brick crosswalks at \$681,440.31. The report further stated that the engineers had checked with various cities that had worked with Meadows Construction Co. and in all cases the comments were favorable with regard to the quality of their work, their ability to meet the construction time schedule, the fact that they had adequate equipment to complete the projects and that there existed an acceptable working relationship between the contractor and the owner.

Commissioner Marstall made a motion that the contract for improvements to the Central Business District be awarded to Meadows Construction Co. of Tonganoxie, Kansas, for a total base bid on the city-at-large portion in the amount of \$413,376, total for Benefit District No. 1 in the amount of \$314,822.30 and total for Benefit District No. 2 in the amount of \$14,541.80. Mr. Marstall explained that his motion did not exclude the alternates of excluding the reinforcing steel in the sidewalks and the brick crosswalks at the intersections. The motion was seconded by Commissioner Larson. The engineer's estimate for the project was reported as being \$823,068.25.

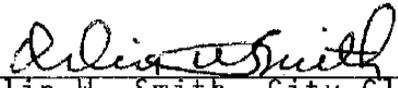
Commissioner Lister suggested that those things included in the contract which might be accomplished with city labor could be deleted from the contract and achieve a lower cost by having the city do them instead.

Commissioner McCrea expressed concern on the brick crosswalks, stating that he was concerned with the footing that might result when the brick became wet or thinly coated with ice. Further Mr. McCrea was concerned that in future years as Main Street might need additional asphaltic overlay, it would require the stripping of the asphalt and new asphalt installation to come to grade with the existing brick crosswalks.

Upon call for the question, Commissioners Marstall, Lister, Larson and McCrea voted in favor of the motion, and Mayor Snyder voted opposing the motion.

Commissioner Marstall then commented that the vote taken today by the City Commission concerning the Central Business District improvements is the result of three years of effort on the part of the City Commission, the Ottawa Retail Association, the Ottawa Chamber of Commerce and many landowners and business people who have become involved in getting the project started.

The business for which this meeting had been called 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 - September 1, 1982

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

Approval of Minutes

Commissioner Lister corrected the spelling of the word "quite" on Page 76 of the minutes of a special meeting held on August 16, 1982. The balance of those minutes were approved as written. The minutes of the regular meeting held August 18, 1982, were approved as written, and the minutes of a special meeting held August 23, 1982, were approved as written.

Resolution No. 343 - Intent to Issue Industrial Revenue Bonds

Commissioner Larson made a motion that a resolution indicating the City of Ottawa will issue Industrial Revenue Bonds in the amount of \$160,000 for the Duke Manufacturing Co. be passed. The motion was seconded by Commissioner Lister.

Mr. Bud Beeman, President of the Ottawa Industrial Development Corporation, appeared before the City Commission stating that the Ottawa Industrial Development Corporation was very pleased with the city's actions on the issue of Industrial Revenue Bonds for the Duke Manufacturing Co., and also stating that the Ottawa Industrial Development Corporation was very pleased that the Duke Manufacturing Co. business was such that they were expanding their facilities in this community.

Commissioner Marstall then stated that with the introduction of a new product line at the Duke Manufacturing site in Ottawa, the number of persons employed there has increased from 35 to 50, and they have established a second shift at the plant which now operates with two ten-hour shifts. Upon call for the question, all present voted in favor of the motion.

Resolution No. 344 - Authorizing Sale of Land

Commissioner Lister made a motion that a resolution authorizing the sale of a tract of land to Duke Manufacturing Co. to be used for plant expansion be passed. The motion was seconded by Commissioner Larson.

It was explained that this resolution satisfies a legal technicality concerning the expansion of the Duke Manufacturing facilities. The lease agreement for the prior Industrial Revenue Bond issue requires this action prior to the expansion of the facility. The sale price of the land is \$3,606.00. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2708-82 - Authorizing Acquisition of Land for Cemetery Purposes

Commissioner McCrea made a motion that an ordinance authorizing the acquisition of lands to be used as an addition to the Highland Cemetery, and authorizing the publication of a public notice of such intended action, be passed. The motion was seconded by Commissioner Lister.

It was explained that the possibility of the purchase of this land for an addition to Highland Cemetery had been initiated in 1979. The original tract consisted of 65 acres, of which the city intends to purchase 40 acres immediately south of Highland Cemetery. The land has been appraised by three city appraisers, by MAI appraisers and it has been core-drilled to make certain that rock will not interfere with burial in this area. It is intended that the land will be leased for agricultural purposes until such time as it is needed for cemetery expansion. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2709-82 - Amending Municipal Code Concerning
Connections to the City's Public Water Supply

Commissioner Lister made a motion that an ordinance amending the Municipal Code of the City of Ottawa, Kansas, 1982, with regard to making connections to or upon our potable water source, be passed. The motion was seconded by Commissioner Larson. Discussion of the subject disclosed that the city was guarding against unauthorized connections to the city's water system, such as lawn sprinkling systems, to protect the city against possible infiltration of contaminated water into the city water system. The ordinance sets forth that the city inspector will have to approve all such connections, and also provides for the passage of the resolution setting fees for such connection. Upon call for the question, all present voted in favor of the motion.

Resolution No. 345 - Setting Fee for Making Connection to City's
Public Water Supply

Commissioner Marstall made a motion that a resolution setting the fee for permit to make connection upon private or public potable water sources at \$7.50 be passed. The motion was seconded by Commissioner McCrea. The subject having discussed during the prior agenda item, there was no further discussion. On call for the question, all present voted in favor of the motion.

Review of City Investment Schedule

Commissioner Marstall made a motion that the city's Investment Schedule for August 1982 be approved. The motion was seconded by Commissioner McCrea. It was pointed out that at the end of August 1982, the city had \$6,723,000 in investments at an average interest rate of 10.92%. This was inclusive of some monies that the city has in a passbook savings account at a much lower rate than most other investments. Upon call for the question, all present voted in favor of the motion.

Appointment to Planning Commission

Commissioner McCrea made a motion that Mr. Doug Underwood be appointed to fill an unexpired term on the Planning Commission. The motion was seconded by Commissioner Lister. It was explained that the vacancy on the Planning Commission exists as a result of the resignation of Jerry Coatney from that body. The unexpired term in question expires in 1983, and a full term appointment would have to be made at that time. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2710-82 - Authorizing Acquisition of Easements

Commissioner Marstall made a motion that an ordinance authorizing and providing for the acquisition of easements for the purpose of making improvements to North Main Street, also known as U. S. Highway 59, Ottawa, Kansas, be passed. The motion was seconded by Commissioner Lister.

City Manager Watkins commented that there is a need to condemn two individual sites for the purpose of street right of way and working easements for the bridge improvement project on North Main Street. The city attorney is handling the condemnation process for the Kansas Department of Transportation, and the City of Ottawa must pass this ordinance in order for the condemnation may proceed. On call for the question, all present voted in favor of the motion.

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF AUG. 31, 1982

6-3	8680	ELEC	200,000	9-2-82	PEOPLES	12.12
6-3	37487	W BD RES	100,000	9-2-82	1ST	12.11
6-3	7316	E CONST	400,000	9-2-82	K.S.	12.21
6-3	7317	GEN	200,000	9-2-82	K.S.	12.21
6-16	7321	CONST	100,000	9-16-82	K.S.	12.40
6-16	7322	CONST	100,000	9-16-82	K.S.	12.40
6-16	7323	CONST	100,000	9-16-82	K.S.	12.40
6-24	8719	E CONST	200,000	9-16-82	PEOPLES	12.74
6-24	8720	ELEC	200,000	9-16-82	PEOPLES	12.74
6-24	8721	E B & I	100,000	9-16-82	PEOPLES	12.74
6-24	8722	R.S.	100,000	9-16-82	PEOPLES	12.74
6-24	8723	E CONST	100,000	9-16-82	PEOPLES	12.74
7-1	37500	W B RES	100,000	9-30-82	1ST	13.50
7-1	37501	GEN	100,000	9-30-82	1ST	13.50
7-1	37502	WATER	100,000	9-30-82	1ST	13.50
7-1	37503	W R.E.S.	100,000	9-30-82	1ST	13.50
7-1	37504	W B RES	200,000	9-30-82	1ST	13.50
7-15	7329	W R.E.S.	100,000	10-14-82	K.S.	12.21
7-15	8774	GEN	100,000	10-14-82	PEOPLES	12.06
7-15	8775	WATER	100,000	10-14-82	PEOPLES	12.06
7-15	8776	E CONST	100,000	10-14-82	PEOPLES	12.06
7-15	8777	E CONST	100,000	10-14-82	PEOPLES	12.06
7-26	833347	GEN	788,000	SAVINGS	PEOPLES	12.06
7-29	7337	E B RES	100,000	10-28-82	K.S.	5.25
7-29	7338	SEWER	100,000	10-28-82	K.S.	10.88
7-29	8829	ELEC	100,000	10-28-82	K.S.	10.88
7-29	8830	ELEC	100,000	10-28-82	PEOPLES	10.92
7-29	8831	WATER	100,000	10-28-82	PEOPLES	10.92
5-7	9981	AUDITORIUM	20,000	11-5-82	PEOPLES	10.92
8-3	7349	E CONST	200,000	11-03-82	K.S.	13.03
8-5	37515	EL EM RES	200,000	11-18-82	K.S.	9.75
8-5	7343	E CONST	100,000	11-18-82	1ST	10.75
8-5	7344	EL EM RES	100,000	11-18-82	K.S.	11.00
8-5	8851	ELEC	100,000	11-18-82	K.S.	11.00
8-5	8852	W R.E.S.	100,000	11-18-82	PEOPLES	10.18
8-5	8853	GEN	300,000	11-18-82	PEOPLES	10.18
8-5	8854	E BD RES	500,000	11-18-82	PEOPLES	10.18
8-26	7360	E CONST	100,000	11-26-82	PEOPLES	10.18
8-26	8904	WATER	200,000	11-26-82	PEOPLES	10.18
5-31	106346	WATER	100,000	11-27-82	PEOPLES	10.18
8-18	37521	E B & I	100,000	12-2-82	K.S.	7.54
8-18	37522	GEN	100,000	12-2-82	PEOPLES	7.51
8-18	37523	WATER	100,000	12-2-82	FR SAVINGS	13.50
6-25	2554638	GEN	100,000	12-25-82	1ST	8.60
8-31	8488	AUD..	15,000	3-1-83	1ST	8.60
					ANCHOR	13.50
					K.S.	10.123
		TOTAL	6,723,000		AVERAGE	10.92
						11.50

Mary J. Graham
 MARY J. GRAHAM, TREASURER

Resolution No. 346 - Ordering Condemnation of Certain Easements

Commissioner McCrea made a motion that a resolution ordering condemnation of certain easements to comply with the improvement of North Main Street, also known as U. S. Highway 59, Ottawa, Kansas, be passed. The motion was seconded by Commissioner Marstall. It was explained that the passage of this resolution is also necessary to begin condemnation proceedings for the acquisition of easements for the improvement of North Main Street. On call for the question, all present voted in favor of the motion.

Proposal of Cook, Flatt & Strobel Relative to Street Improvement Plan Revisions

Commissioner Larson made a motion that the proposal of Cook, Flatt & Strobel to prepare sidewalk and entrance plan revisions on Seventh Street as needed on a cost reimbursable basis be passed. The motion was seconded by Commissioner Lister.

Commissioner Lister asked if the proposal of Cook, Flatt & Strobel affected their referenced "Project B" only. The city manager answered that her statement was correct. The city manager explained that the city has obtained 23 of 31 temporary easements necessary for the project, but rather than going to condemnation proceedings for the remainder of the easements, it was deemed advisable to revise the plans to the extent that the remainder of the easements would not be needed. The project has been moved ahead in the scheduling of the Kansas Department of Transportation and at the present time the city faces a time constraint. The net effect of revising the plans will be that those persons who do not give temporary construction easements will not have their driveways graded and finished in a manner equal to those who have given temporary easements because of a lack of working space.

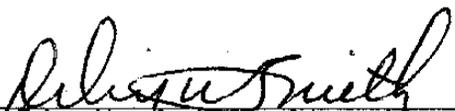
Commissioner McCrea questioned and objected to the proposal of Cook, Flatt & Strobel being on a cost reimbursable basis. Commissioner McCrea indicated that he would rather have a flat fee indicated which could not be exceeded. The city manager reported that the latest cost schedule he had from Cook, Flatt & Strobel lists a project engineer at \$45.00 per hour and an engineering technician at \$25.50 per hour. Mr. Watkins did not feel that the project or the plan revisions would entail very many hours of work. On call for the question, all present voted in favor of the motion, except Commissioner McCrea, who voted opposing the motion.

Proclamation - National Cancer Day

After the reading of a proclamation proclaiming September 8, 1982, as National Cancer Day, Commissioner Larson made a motion that the Mayor be authorized to proclaim September 8, 1982, as National Cancer Day. The motion was seconded by Commissioner Lister, and all present voted in favor of the motion.

After the completion of the agenda, Commissioner McCrea stated he would like to see some regulations pertaining to the posting of signs, mainly concerning yard sales. Commissioner McCrea stated that he had seen yard sale signs all over the city, posted on utility poles. The posting of signs on utility poles creates a hazard for our utility crews that might be climbing the poles with spikes, and if a spike should come in contact with a nail, he might slip and fall to the ground. Another regulation that Commissioner McCrea would like to see passed is to prohibit the practice of allowing a lawnmower to discharge grass into the streets as this creates problems with the city storm sewers during times when stormwater washes this grass into catch basins and other areas where the storm sewers can be plugged. Mayor Snyder commented that possibly the present ordinance on litter would cover this subject.

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


Orlin W. Smith, City Clerk

City Hall - September 13, 1982

The City Governing Body met in special session this date. The purpose of the meeting was to consider a resolution and certificate stating that the city has obtained all necessary temporary and permanent easements for the widening and reconstruction of Seventh Street from the west city limits to Cedar Street. Present: Mayor Snyder and Commissioners Marstall, Larson, McCrea and Lister. Absent: None.

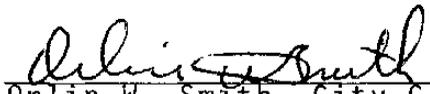
Resolution No. 347 - Right of Way for the Widening of Seventh Street

Commissioner Marstall made a motion that a resolution authorizing the mayor and the city clerk to execute a certificate stating that right of way has been obtained for Project No. 30 U 0559-01(002), along with temporary construction easements for the widening and reconstruction of Seventh Street from the west city limits to Cedar Street. The motion was seconded by Commissioner Lister. Attention was called to the last paragraph of the resolution which states that the city agrees to save the Kansas Department of Transportation and the Federal Highway Administration from any and all liability action or suit as a result of the construction commenced in reliance upon said certification. It was pointed out, however, that this type of statement is necessary for all state and federal highway projects. City Manager Watkins stated that the administrative assistant, Christine Dudgeon, and the city engineer have spent three months obtaining 31 temporary easements and 2 permanent easements for the construction. The city manager also stated that the scheduled construction for this project has been moved forward, thus making necessary the call for today's special meeting. Upon call for the question, all present voted in favor of the motion.

Citizen Request

Mrs. Deborah Duncan of Route 2, Ottawa, requested the Commission pass a resolution calling for a question ballot to be submitted at the November 2, 1982, general election. The question to be submitted would be whether to call on the President of the United States to enter into a mutual agreement with the Soviet Union to immediately halt the further testing, production and deployment of nuclear warheads, missiles and delivery systems. The resolution stated that the results of the election would not be binding but would be a voter opinion, and further, that the mayor of the city would immediately notify the President of the United States and each member of the Kansas Congressional delegation of the results of the voter opinion. Mrs. Duncan, along with Craig Miller, 511 E. 14th, Ottawa, gave much statistical information concerning the inventory, production and deployment of nuclear weapons. The City Commission indicated that they were not sure that an election was a proper place for a public opinion poll, however, they would take the matter under advisement.

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


Orlin W. Smith, City Clerk

City Hall - September 15, 1982

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

Approval of Minutes

The minutes of the last regular meeting held September 1, 1982, were approved as written.

Public Hearing - Community Development Block Grant Funds

Mayor Snyder stated that the city is preparing an application for Community Development Block Grant funds for 1982, and the purpose of this hearing is to receive suggestions concerning the proposed use of the funds. Mayor Snyder then called on city manager, David Watkins, to comment on the subject.

The city manager explained that the city is applying for Community Development Block Grant funds on a rather short notice as the preapplications for the funds are not being used this year, and the process is going directly into the application for funds. The city manager stated that there is \$17,885,000 available in Community Development Block Grant funds for cities outside of the metropolitan areas. These funds are broken down into \$3,623,000 for single purpose grants, \$11,459,500 for comprehensive grants, \$1,014,000 for previous commitments of such funds and \$1,788,500 for eminent threat. The monies allocated for eminent threat not used for this purpose will be added to the comprehensive program. The maximum amount for which a city can apply is \$1,000,000 for a comprehensive program and \$500,000 for a single purpose. The Department of Housing and Urban Development is no longer making commitments for funds beyond one year. The funds which the City of Ottawa received for the 1981 Community Development Block Grant program have been expended for the following programs to date: Housing rehabilitation - \$135,623.84 which encompasses the rehabilitation of 16 houses and 2 houses given emergency repairs; Demolition - \$13,600.00 which accomplished the demolition of 9 houses and 2 garages; Skunk Run Storm Drainage Improvement - \$295,483.73; and the Administration of the grant - \$16,020.01 which includes architectural fees and the ECKAN participation in the rehabilitation program. The city manager stated that all types of projects are eligible except for city halls and other municipal buildings. The application for the 1982 funds must be submitted to the HUD office in Kansas City, Missouri, by 4:30 p.m. October 5, 1982.

Mr. Richard Jackson, speaking as the Director of ECKAN and a citizen, suggested that more money be put into housing rehabilitation in clean-up and fix-up. Mr. Jackson was hopeful that if money were spent in certain areas, it might be an incentive for other persons within the area to also fix up their homes. Mr. Jackson also suggested that money be spent in the economic development area as that would be a benefit to all citizens. Further, Mr. Jackson suggested that the money be used to establish an Energy Management Corporation. This corporation would work with renters and owners of homes and small businesses in the areas of heating, cooling, lights and insulation. The corporation would be a profit corporation, but hopefully would create jobs and would be in the business of selling and installing insulation. Mr. Jackson said that under the present Internal Revenue Service guidelines, such a corporation probably could not operate as a nonprofit corporation.

Mr. Larry Powell, Executive Manager of the Greater Ottawa Chamber of Commerce and Secretary/Treasurer of the Ottawa Industrial Development Corporation, requested funds to be spent in defraying interest costs on a spec building built by the corporation in 1980. Mr. Powell stated that the building was built in hopes of attracting industry to the community and the present price of the building is \$186,000 plus \$36,000 in accrued interest. Mr. Powell was hopeful that Community

Development monies could be spent to defray the interest cost to make the price of the building more attractive to a prospective industry. Mr. Powell stated that some of the interest had been paid and that the loan was renewed in August at a higher interest rate.

Mr. Ben Park, #1 Rockwood Drive, spoke concerning the Skunk Run Storm Drainage improvement project. Mr. Park stated that he was hopeful that as the project proceeds through the City Park rocks may be inlaid into the concrete walls of the drainage structure to make it more aesthetically acceptable. Mayor Snyder stated that this was being considered, not only from the aesthetic standpoint, but hopefully rocks in the concrete walls of the structure would slow the velocity of the of the water moving through the park.

There being no further comments or suggestions, Commissioner Larson made a motion that the hearing close. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on September 7, 1982. Present: Chairman Koch and Members Jackson, Thornburg, Searls and Spears. Absent: Members Wellington and Underwood.

The minutes of the last regular meeting held on August 3, 1982, were approved as written.

The Planning Commission held a public hearing to consider the repeal of the city's Zoning Ordinance (Ordinance No. 2527) in order to incorporate the new uses classification form in a new ordinance. This matter was taken under advisement in accordance with Planning Commission bylaws.

The Planning Commission voted unanimously to recommend the rezoning of Lots 19, 21, 23, 25 and 27 in Block 63, Original Town, from I-2 (Heavy Industrial) to R-2 (Multi-Family).

There being no further business, the meeting was adjourned.

At the conclusion of the reading of the Planning Commission report, Commissioner McCrea asked if this was the final rezoning in the rezoning of Block 63. Mr. McCrea was answered in the affirmative. The report of the Planning Commission was accepted by the City Commission.

Ordinance No. 2711-82 - Industrial Revenue Bonds - Duke Manufacturing Company

Commissioner Larson made a motion that an ordinance authorizing the City of Ottawa, Kansas, to acquire the real property therein described and to acquire, purchase and construct certain buildings and improvements located and to be located thereon to be leased to Duke Manufacturing Co., a Missouri corporation, for industrial purposes; authorizing and directing the issuance of \$160,000 principal amount of Industrial Revenue Bonds, Series October 1, 1982 (Duke Manufacturing Co. Project), of said city for the purpose of providing funds to pay the cost of acquiring, purchasing and constructing said buildings and improvements to be leased to said company; prescribing the form and authorizing the execution of a lease by and between said city and said company; and prescribing the form and requiring the execution of a guaranty agreement by Duke Manufacturing Co., be passed. The motion was seconded by Commissioner Lister.

It was stated that the city has been working with Duke Manufacturing Co. for some time concerning the issuance of the Industrial Revenue Bonds to expand their plant and that the city was happy to see the planned expansion. Upon call for the question, all present voted in favor of the motion.

Lease Agreement with the Duke Manufacturing Co.

Commissioner Marstall made a motion that a lease agreement with the Duke Manufacturing Co. for the construction of an addition to their Ottawa manufacturing facility be approved and that the mayor and city clerk be authorized to sign said agreement to be dated October 1, 1982. The motion was seconded by Commissioner Larson. Commissioner Marstall commented that the Miami County National Bank has been appointed as trustee for the proceeds of the Industrial Revenue Bonds. Upon call for the question, all present voted in favor of the motion.

Resolution - Public Opinion Election

Mayor Snyder requested the City Commission to read the proposed resolution as follows:

A RESOLUTION ADVOCATING THE INCLUSION OF A CERTAIN QUESTION ON THE BALLOT OF THE NOVEMBER 2, 1982, GENERAL ELECTION.

WHEREAS, the City of Ottawa has been approached by a citizens' group advocating an election on November 2, 1982, to obtain public opinion on a nationwide call for a nuclear disarmament treaty between the United States and the Soviet Union to immediately halt the proliferation of nuclear weapons.

WHEREAS, the election results will not have any legally binding effect on the City of Ottawa, but will only constitute a citywide opinion poll on the subject to be forwarded to the President of the United States and each member of the Kansas Congressional delegation.

NOW, THEREFORE, BE IT RESOLVED that the following question be included on the ballot of the November 2, 1982, general election:

Shall the following be adopted? ()Yes ()No

"We the voters of Ottawa, Kansas, call on the President of the United States to enter into mutual agreement with the Soviet Union to halt immediately the further testing, production and deployment of nuclear warheads, missiles and delivery systems on both sides as an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenals."

Mrs. Deborah Duncan of Rt. 2, Ottawa, was present requesting the passage of the resolution. It was questioned, could a public opinion poll ballot be legally voted upon at a regular election in the State of Kansas? The city clerk reported that from the best information he had been able to obtain, there was a question as to the legality of putting this type of question on an election ballot. Mrs. Duncan stated that she had talked to Barkley Clark, who is a professor of law at Kansas University and on the Lawrence City Commission, and he said he felt the inclusion of this question in an election was legal.

Commissioner Larson pointed out that were such an agreement struck between the United States and Russia, there are still other nations producing atomic warheads. This could shift the balance of power of nuclear warheads to another nation. Commissioner Larson further stated that he did not feel the election process was for the purpose of conducting public opinion polls. Mr. Larson stated there must be another way that would be more appropriate.

Mrs. Duncan stated that the question is merely asking to stop the production of nuclear warheads as we presently have enough. Mr. Craig Miller, speaking to the issue, stated that the United States presently has 50% more nuclear weapons than the Soviet Union and he thought this balance of power would serve to protect the United States if further production were halted.

Mrs. Duncan pointed out that in the event of nuclear attack on Douglas County, which is a prime target, then Franklin County would be the host county for the people from Douglas County.

Mayor Snyder then called for a motion to pass the resolution. The resolution died for lack of a motion.

Resolution No. 348 - Regulating Certain City Boards

Commissioner Marstall made a motion that a resolution adopting certain rules and regulations for the operation of the Board of Electrical Examiners, Board of Plumber Examiners and Board of Contractor Examiners as authorized by the Governing Body and set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto, be passed. The motion was seconded by Commissioner McCrea. The city manager reported that the city's code sets forth the regulations of the Board of Electrical Examiners, the Board of Plumber Examiners and the Board of Contractor Examiners, but in order to pay the people who serve on these boards for time spent in conducting examinations, the fees must be set by resolution as opposed to ordinance. The boards serve not only as examiner for licensing purposes within the trades, but may also serve by interpreting code regulations and settling grievances pertaining to each respective trade. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage Application

The City Governing Body proceeded to consider an application to sell cereal malt beverage on premises for Poncho's, a restaurant at 429 S. Main, Ottawa, Kansas. The city clerk reported that the criteria for issue of license had been met in that the required record checks had been run and approved, the application had been reviewed by the city attorney and the appropriate fees for license are on file in the office of the city clerk. The application states that the manager of Poncho's is Opal J. Smith, 534 N. Sycamore, Ottawa. Commissioner McCrea made a motion that a cereal malt beverage license be issued to Poncho's, 429 S. Main, Opal J. Smith, Manager. The motion was seconded by Commissioner Larson, and all present voted in favor of the motion.

Proclamation - Constitution Week

Commissioner Marstall made a motion that the mayor be authorized to proclaim the week of September 17-23, 1982, as Constitution Week. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Proclamation - Weatherization Day

Commissioner Larson made a motion that the mayor be authorized to proclaim Saturday, September 25, 1982, as Weatherization Day in the City of Ottawa. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Request for Parade

Mrs. Jean McCloud, 623 N. Mulberry, on behalf of VFW Post No. 5901, requested permission to have a Veterans Day parade on November 11, 1982. The parade is to assemble at 6:30 p.m. in City Park and is to proceed at 7:00 north on Main Street to Tecumseh Street at which point the parade will disband. Commissioner McCrea made a motion that the request for the parade as submitted by Mrs. McCloud be approved. The motion was seconded by Commissioner Larson and all present voted in favor of the motion. The City Commission requested that Mrs. McCloud make proper arrangements with the Department of Public Safety for the parade.

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


Orlin W. Smith, City Clerk

City Hall - October 4, 1982

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Snyder and Commissioners McCrea, Larson and Marstall. Absent: Commissioner Lister.

The purpose of the special meeting was to review a proposed application for Community Development Block Grant funds, to approve the final application and to authorize the filing of the application.

Mayor Snyder called on the City Manager, David Watkins, to explain the application process and the areas for which the City of Ottawa is seeking funding.

The city manager began by explaining that this application is not a preapplication, but an application for funding in various areas sought by the City of Ottawa. The City of Ottawa is seeking a Comprehensive Program which consists of two or more activities inter related as opposed to a single purpose grant. The City of Ottawa has identified four out of ten categories of need under which they are applying. The four categories are: correcting deficiencies in public facilities, removal of slums and blighted areas, correcting health and safety hazards and energy conservation. The city wished to give emphasis and apply for funds in the area of economic development, but the application time frame was not sufficient for the city to compile a realistic application for economic development funding. The programs for which the city is applying are: storm drainage improvements in the amount of \$545,000; housing rehabilitation in the amount of \$160,000; demolition in the amount of \$15,000; purchase and installation of solar collector units in the amount of \$25,000; New Horizons Fair Housing in the amount of \$11,000 and administration expenses in the amount of \$10,000 for a total of \$766,000. It is hoped that the city will receive funds for the Skunk Run storm drainage improvements so the present project can be continued through the City Park under Main Street through the middle school practice field, then south to 7th Street, then southwest from 7th Street to Pecan Street, which is about one and one-half blocks from 7th Street. Mr. Watkins stated that hopefully the city will have a leverage for the storm drainage improvements in that it will be done in conjunction with the 7th Street improvement project, which would include the improved drainage of Skunk Run under 7th Street.

In the present application, the city has asked for funding for continued demolition of dangerous and unsafe structures. Under present state law and city ordinances, the only way that the city can seek demolition of dangerous and unsafe structures is through condemnation procedures. Often times the owners of such structures live outside of the city and are really not interested in the appearance and general welfare of the city as it is affected by such structures. The city hopes to again proceed with an alleyway cleanup as it did a few years ago. In the alley cleanup program, the city would attempt to pick up junk items that might be moved to the alleyway for those persons who cannot afford to have them otherwise removed from their property. The city crews would conduct the program with the costs of such a program being reimbursed to the city from Community Development funds. The city also hopes to continue with its housing rehabilitation program using an architect to inspect the structures that are designated for rehabilitation, to draw the specifications for the work to be done, to receive bids and let contracts for the rehabilitation program. The housing rehabilitation program would be under the health and safety category and would consist of wiring, plumbing, weatherization and energy conservation as well as structural repairs and some cosmetic work.

Under the area of energy conservation, the weatherization of homes would qualify as well as the city's intended purchase of solar collection units to install in south windows to aid in the heating of homes on winter days. If the amount the city is seeking is funded, it would consist of the purchase and installation of 50 units at a cost of \$500 each.

The New Horizons aspect of the request would consist of ECKAN continuing to coordinate the housing rehabilitation program as well as the production and introduction of an audio-visual presentation to promote fair housing in the area. This would be used at schools and other civic meetings.

The administration portion of the request would be to reimburse the city for out of pocket expenses consisting of photos, xerox copies, printing and architectural fees in conjunction with the housing rehabilitation effort.

Prior to Mr. Watkins initial remarks, he stated that the request and the figures as stated in this document are not cast in concrete as the City Commission may change figures, may delete or add items as they desire. Mr. Watkins did qualify this, however, with regard to time constraints in this area as the completed application must be in Kansas City tomorrow, October 5, 1982.

Commissioner McCrea made a motion that the application as prepared and submitted to the City Commission be approved for submission to the Department of Housing and Urban Development in Kansas City on October 5, 1982, and that the document should be hand carried if necessary to reach that office by 4:30 p.m. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

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



Orlin W. Smith, City Clerk

27 3 22
City Hall - October 6, 1982

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

Approval of Minutes

The minutes of the special meeting held September 13, 1982, and the minutes of the regular meeting held September 15, 1982, were approved as written.

Statement of Intended Use of County Sales Tax Monies

Mayor Snyder opened the discussion by asking for comments of the other commissioners concerning the proposed one-cent county-wide sales tax. Commissioner Marstall commented in favor of the proposed one-cent county-wide sales and then asked if other commissioners had comments on the subject.

Commissioner McCrea commented that he had recently had a conversation with some people from California concerning the sales tax issue, and these visitors stated that in California they presently have a six and one-half cent sales tax, with a similar property tax situation to that which exists in the state of Kansas. Commissioner McCrea further stated that if the one-cent county-wide sales tax would pass in Franklin County, he would be in favor of using the monies the city would receive from such a tax to reduce the present property tax burden that the citizens of Ottawa presently bear.

Commissioner Lister commented that with the repeal of the intangibles tax, the property tax to support the general fund had increased and she felt the sales tax, if passed, should be used to reduce the additional tax burden that had been placed on the people of Ottawa.

Commissioner Larson stated that he felt the proceeds from such a sales tax should be used to reduce the present property tax in the city. He said he felt a sales tax is fair for everyone as opposed to property tax which is paid by only a portion of the citizens. In order to avoid paying a sales tax, a person can refrain from making certain purchases. Further Commissioner Larson stated that a certain amount of sales tax revenue would be obtained from out of state people making purchases in the city as they pass through.

Commissioner Marstall then stated that he would like to comment further on the proposed sales tax, stating that he had lead the drive to repeal the intangibles tax in Franklin County three or four years ago. Those people who felt as he did viewed the tax as a third form of taxation, in that it penalized those people who invested their monies and received interest income from them, including persons with health problems or who were retired and were forced to sell their homes and other assets because when they invested their proceeds, they were penalized by an additional tax. Commissioner Marstall pointed out that when the Franklin County people voted to repeal the intangibles tax, they also approved an additional property tax to offset the reduced revenues resulting from that repeal. He further stated that he would like to see the sales tax used to reduce those additional five or six mills which were necessary to offset the loss of the intangibles tax, and to reduce the property tax further if possible.

Mayor Snyder then asked for a motion to authorize him to send a letter to the County Commission stating the city's intended use of its proceeds if the sales tax is passed and indicating support for the county in their endeavor to secure the county-wide one-cent sales tax.

Commissioner Larson made a motion that the Mayor be authorized to send a letter to the Franklin County Commission in support of the county sales tax program and stating that it is the intent of the City of Ottawa to use the monies received from such a sales tax to reduce property taxes. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Presentation of Service Awards to City Employees

Mayor Snyder presented awards to certain city employees for continuous service to the city as follows:

Eldon Rader - 25 years
Robert Crawford - 10 years
Bill Ferguson - 10 years
David Hood - 10 years
Oscar Taylor - 10 years.

As each award was presented to the individual employee, Mayor Snyder gave a brief resume' of the employee's activities with the city and offered personal thanks and congratulations.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on October 5, 1982. Present: Chairman Koch and Members Searls, Jackson, Thornburg, Wellington and Underwood. Absent: Member Spears.

The minutes of the last regular meeting held on September 7, 1982, were approved as written.

The Planning Commission decided by a 6-0 vote to recommend the repeal of the city's Zoning Ordinance, Ordinance No. 2527, and recommended the adoption of a new ordinance which would incorporate the new uses classification chart.

The Planning Commission considered a preliminary Planned Unit Development application submitted by John Howe d/b/a Cedarhouse Nursing Home for the construction of a new 120-bed nursing home to be located on West Fifteenth Street. The Planning Commission met with Tom Kellar, local administrator of the Cedarhouse Nursing Home, and reviewed the PUD application with him. The city's planning consultant, Myles Schachter, noted several deficiencies in the application, which would need correction before he could recommend even preliminary approval to the Planning Commission. The members of the Planning Commission indicated that they supported the need for a nursing home, but desired additional information before they could grant preliminary approval.

There being no further business, the meeting was adjourned.

At the conclusion of the report, Mayor Snyder directed that the report be entered into the official records of the city.

Request for Parade

Miss Debbie Dungan, Chairperson of the Ottawa High School Student Council Parade Committee, appeared before the City Commission requesting permission to have a homecoming parade in the Central Business District on Wednesday, October 27, 1982, beginning at 6:30 p.m. Miss Dungan stated that the parade would start at City Park and the parade would end at Forest Park. In addition, the parade committee would like to involve as many community organizations as possible to complement the school organizations to be involved.

Commissioner McCrea made a motion that the Ottawa High School be permitted to have a parade through the Central Business District on Wednesday, October 27, 1982, to begin at 6:30 p.m. at City Park and end at Forest Park. The motion was seconded by Commissioner Lister and all present voted in favor of the motion. Mayor Snyder then directed that the department of public safety be notified of the parade so preparations can be made.

Miss Carla Knepper of Ottawa High School requested permission to have a booth for a bake sale on the sidewalk of downtown Ottawa the evening of October 27, 1982. It was noted by the City Commission that a similar request was on the agenda from the Ottawa Retail Association on this same date for the sale of merchandise on the sidewalks in conjunction with the Hallowesta Celebration.

Mr. Larry Powell, Executive Director of the Ottawa Chamber of Commerce, then stated that if the City Commission wished to take the Ottawa Retail Association request into consideration at this time, possible both matters could be decided. The City Commission agreed to Mr. Powell's suggestion.

Mr. Powell then stated the request of the Ottawa Retail Association that the merchants and civic clubs be permitted to set up booths to sell merchandise from the sidewalks on October 27, 1982, for their third annual Hallowesta Celebration. Mr. Powell stated that the booths would be set up on the back sides of the sidewalks and there would be no request for the blocking of the streets. He further stated that Debbie Mallicot is presently receiving requests and assigning locations for booths on the downtown sidewalks to avoid conflicts in location.

Commissioner Marstall then made a motion to grant the Ottawa Retail Association permission to set up booths to sell merchandise from the sidewalks of the Central Business District on October 27, 1982, from 1:00 to 7:00 p.m. The motion was seconded by Commissioner McCrea and upon call for the question, all persons voted in favor of the motion.

Mayor Snyder then suggested that Miss Knepper from the high school contact Debbie Mallicot for permission and a location for their booth.

Resolution No. 349 - Renewal of Temporary Notes

Commissioner Marstall made a motion that a resolution authorizing the renewal of temporary notes in the amount of \$412,156.21 issued to finance Contract No. 7 - Street and Storm Sewers, be passed. The motion was seconded by Commissioner Larson. Mayor Snyder called upon the city manager to comment on this subject. The city manager stated that it is necessary for the city to renew these temporary notes for a period of one year as the project is not completed and there is a need to continue with the temporary financing. The temporary financing was originally placed for a period of two years and at this time there is a need to continue the financing for one year. The city manager further stated that it is the intent of the city to have the project completed and permanent financing in place within a period of six months. That being the case, the temporary financing would be retired and all interest charges would be stopped at that time. The city presently has a proposal from the Kansas State Bank to renew the temporary notes at an interest rate of 8.65 percent. Upon call for the question, all present voted in favor of the motion.

Agreement for Planning Services

Commissioner Larson made a motion that the the City Commission approve and enter into an agreement for planning services with Myles Schachter to run from October 1, 1982, to December 31, 1983, and the cost of such services will not exceed \$6,000 within the agreement period unless specifically approved by the City Commission. The motion was seconded by Commissioner Lister.

City Manager, David Watkins, explained that the city enters into agreements for planning services each year and that the city has worked for several years with Mr. Schachter, and his services have been most satisfactory. The city manager further stated that if the city's planning service requirements should enter into areas in which Mr. Schachter is not qualified, then Mr. Schachter has an agreement with the firm of Bucher & Willis Consulting Engineers to assist in such areas.

Commissioner Marstall commented that Mr. Schachter has served the city well for many years and the agreement with Mr. Schachter comes with the support of the Planning Commission.

Commissioner McCrea stated that he felt the agreement for planning services was a tool for the City of Ottawa to aid in building a better community. Upon call for the question, all present voted in favor of the motion.

Change Order No. 1 - Contract No. 3--Channel and Culvert Improvements

Commissioner Marstall made a motion that Change Order No. 1 on Contract No. 3--Channel and Culvert Improvements in the amount of \$3,033.05 be approved. The motion was seconded by Commissioner McCrea. Commissioner Marstall explained that the change order allows the contractor who is presently working on the Skunk Run storm drainage improvements to replace Fifth Street from Hickory to Oak with concrete pavement as opposed to the asphaltic concrete pavement. The asphaltic concrete pavement would consist of concrete curb and gutter with asphaltic pavement, and the concrete pavement would consist of concrete curb and gutter with concrete pavement. Commissioner Marstall stated he felt a better street would be constructed with the concrete pavement. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2712-82 - Zoning

Commissioner McCrea made a motion that an ordinance rezoning Lots 19, 21, 23, 25 and 27, Block 63, from I-2 (Heavy Industrial) to R-2 (Multi-Family) be passed. The motion was seconded by Commissioner Lister. It was discussed that with passage of this ordinance, the rezoning of the east half of Block 63 from I-2 (Heavy Industrial) to R-2 (Multi-Family) is completed. Upon call for the question, all present voted in favor of the motion.

Approve Award of Contract for Library Renovation.

Mayor Snyder reported that the City Commission had met with the Library Board and reviewed a bid tabulation of the bids received for the library improvements. The City Commission joins with the Library Board in their decision to enter into a contract with the low bidder, Rule & Shrum Construction Co. of Ottawa, for a total bid of \$122,984.00. Mayor Snyder then asked for a motion to that effect. Commissioner Larson made a motion that the mayor be authorized to sign a contract along with the Library Board for the improvements of the Ottawa Library with the Rule & Shrum Construction Co. in the amount of \$122,984.00. The motion was seconded by Commissioner Lister. Commissioner Larson then stated that he was very pleased that a local construction company was the successful low bidder on the project as he felt a local person would take more of a personal interest in the project. Mayor Snyder then reported that the various aspects of the renovation include the contract with Rule & Shrum Construction Co. for \$122,984.00, architectural fees in the amount of \$11,068.56, the printing of plans and specifications for \$921.96, landscaping in the amount of \$4,000.00, and a contingency in the amount of \$11,025.48, which constitutes \$150,000, the amount for which the City Commission gave their approval.

It was noted that the Library Board did not choose an option for stainless steel guttering and downspouts, which would have increased the cost of the project. Mayor Snyder commented that it was hoped the allowance for contingencies would not have to be used and further, as the ceiling of the main floor is removed for replacement that the floor joists for the second floor will be inspected at that time to determine the safety of the second floor. Commissioner Marstall stated that the building belongs to the City of Ottawa and it is believed that the Library Board has the authority to enter into contracts, but the City Commission is also signing the contractual agreement so there will be no question as to the authority for the renovation. Upon call for the question, all present voted in favor of the motion.

Award for Power Plant Expansion

Mayor Snyder presented to City Manager, David Watkins, the first place award as presented by the Kansas Consulting Engineers for the recently completed Power Plant Expansion. Mayor Snyder stated that this is the second consecutive such award that the city has received, the first being a year ago when the city received the award for the new water treatment plant. Mayor Snyder went on record as thanking the city manager and the entire staff for their involvement in the power plant expansion.

Proclamation - Business & Professional Women's Week

Mrs. Ann McLain, Route 2, Ottawa, appeared before the City Commission and requested that the City Commission proclaim the week of October 17-23, 1982, as National Business & Professional Women's Week. Mrs. McLain further invited the City Commission to Butler's Music Store on Wednesday, October 20, 1982, for coffee and cookies as provided by the Ottawa Business & Professional Women. The city clerk read the proclamation and Commissioner Larson made a motion that the mayor be authorized to proclaim the week of October 17-23, 1982, as Business & Professional Women's week. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation - Alcohol and Other Drug Abuse Awareness Month

The city clerk read a proclamation proclaiming the month of October 1982 as Alcohol and Other Drug Abuse Awareness Month. Commissioner Lister made a motion that the mayor be authorized to proclaim the month of October as Alcohol and Other Drug Abuse Awareness Month. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion. Mr. Charles Peterson, Senior Counselor for the Ottawa Alcohol and Drug Abuse Center, was present for the reading and signing of the proclamation.

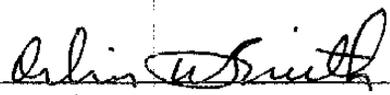
Comments of Commissioner Larson

Commissioner Larson offered a challenge to the press and the City Commission to read an article in the October issue of the Readers' Digest by John Barron, the senior editor of that publication. Mr. Barron's article pointed out the complexities of the present status between the United States and the Soviet Union. Mr. Larson's comments were aimed at the people who are presently promoting public sentiment on a nuclear arms control between the United States and the Soviet Union. The gist of Mr. Larson's comments was that we should react to such issues on a level of common sense as opposed to a level controlled by our emotions. It is very possible that the Russian government and the KGB are controlling the propaganda within the United States pushing for a nuclear arms agreement and reduction between the United States and the Soviet Union.

Comments of Commissioner Marstall

Mr. Marstall went on record by complimenting those on the city staff who were involved in getting the recent application for Community Development Block Grant funds compiled and delivered to Kansas City. He stated that he was aware that some members of the staff had worked well into the morning hours this past Sunday and other nights in compiling this request for funds. It was his hope that our request for the Community Development Block Grant funds would receive favorable review and that we would be funded for further improvements on the Skunk Run storm drainage project.

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


Orlin W. Smith, City Clerk

City Hall - October 20, 1982

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners Marstall, Lister, Larson and McCrea. Absent: None. Mayor Snyder opened the meeting by welcoming the guests and radio listeners and then explaining that the City Commissioners seemed to be having a party with coffee and cookies provided to them by members of Business & Professional Women of Ottawa, in whose honor this week was proclaimed by the city governing body. Commissioner Marstall offered congratulations to the Business & Professional Women for the designation of this week in their honor, and thanked Ann McLain for providing their cookies and coffee.

Approval of Minutes

The minutes of the special meeting held October 4, 1982, were approved as written. Mayor Snyder amended the minutes of the regular meeting held October 6, 1982, to reflect that in his comments concerning a letter to the Franklin County Commissioners concerning the question of a one-cent countywide sales tax, that the city is committed to freeze personnel positions to the level reflected in the 1983 Budget, and the city intends to maintain present levels of service without further cutbacks. The amendment was approved by the City Commission, and the balance of the minutes were approved as written.

Letter to City Boards and Commissions

Mayor Snyder stated that he had discussed with the city manager communicating the city's position on the one-cent countywide sales tax to the city boards and commissions. As a result, he had prepared a letter to be directed to members of these groups. Mayor Snyder then asked for the approval of the City Commission for the letter, which he directed the city clerk to read, as follows:

"The City Commission has unanimously endorsed the passage of a countywide one-cent sales tax on November 2, 1982, as a means of lessening the city's dependence on the property tax. The current system for collecting property tax is hampered by the state's refusal to order reassessment of properties in a continuing effort of the State Legislature to grant exemptions to special classes of property. The latter effort has the net effect of shifting more of the property tax burden to urban residential and commercial property owners.

In an effort to cope with the inequities of the property tax, the City Commission desires to shift to a more responsive, efficient and fair means of taxation--the sales tax. The one-cent countywide sales tax should provide the City of Ottawa with approximately \$350,000 during 1983, which will be used to alleviate the city's dependence on the property tax. It is difficult to estimate the exact reduction of the mill levy at this time; however, the general fund mill levy will be reduced by a minimum of 5 mills, which is equal to the amount the levy was raised to replace the intangibles tax revenue.

Besides being a fair and efficient form of taxation, the sales tax is responsive to inflation and increased demand of goods and services. Thus, it will provide a more stable source of revenue to finance future city services and provide a means whereby everyone, and not just property owners, pays his fair share of the cost of local government.

We strongly urge your support of the passage of the one-cent countywide sales tax."

Commissioner Lister made a motion that the letter to the city boards and commissions prepared by Mayor Snyder be approved. The motion was seconded by Commissioner McCrea. Commissioner Marstall commented that copies of the letter might also be sent to the Chamber of Commerce, who might then send copies of the letter on to members of the Ottawa Chamber of Commerce and the media. He further stated that the City Commission had received information from the League of Kansas Municipalities which contained 15 statements concerning the collection and use of sales tax, number of cities presently utilizing sales tax, and information that the county can transfer

sales tax revenues from the general fund to the road and bridge fund to help alleviate some of the problems in that area. He continued to say that he, being a member of Rotary, Mr. Larson, being a member of Lions, Mr. McCrea, being a member of Kiwanis, this information could legally be passed on to the respective clubs for further circulation.

Mayor Snyder commented that possibly this information should also be furnished to the Ottawa Chamber of Commerce. He also stated that this week he had received communication from the League of Kansas Municipalities stating that 19 counties are having referendums on sales tax at the November election, and 17 of those counties are trying for a one-cent sales tax. Further, he reported that 6 cities are having elections on the city sales tax and they are evenly divided between one-half and one-cent sales taxes. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2713-82 - Zoning

Commissioner McCrea made a motion that an ordinance repealing Ordinance No. 2527 (Zoning Ordinance) and adopting a revised zoning ordinance inclusive of new use classifications be passed. The motion was seconded by Commissioner Lister. The City Commission discussed that the new Zoning Ordinance contained 95 pages, 70 pages of text and 25 pages of uses, but is easier to use due to the format of the uses classification lending itself to quick reference.

Commissioner Lister spoke in support of the Planning Commission and the revised Zoning Ordinance, stating that many hours had been spent by the Planning Commission compiling the present document. Upon call for the question, all present voted in favor of the motion.

Agreement for Airport Fixed Base Operator

Commissioner Marstall made a motion that an agreement with Mr. Edward Beck, III, for a Fixed Base Operator Lease at the Ottawa Municipal Airport be approved. The motion was seconded by Commissioner Lister. It was explained that the lease being considered is for a two year period, from October 5, 1982 and ending October 4, 1984, with a 30-day cancellation clause that could be executed by either party. The lease further sets out the areas of the airport that are to be maintained by the fixed base operator and the areas to be maintained by the City of Ottawa, along with various insurance requirements to be met by the fixed base operator. It was also discussed that the city had advertised in various aircraft publications for a fixed base operator, but the city had received no serious inquiries except from Mr. Beck. On call for the question, all present voted in favor of the motion.

Airport Services Agreement

Commissioner Marstall made a motion that an agreement for airport services commencing on October 5, 1982 and ending on October 4, 1984, with Mr. Edward Beck, III, be approved. The motion was seconded by Commissioner Larson. Mr. Marstall stated that the Airport Services Agreement sets out the duties of the lessee and stipulates that the lessee shall be paid \$6,000 per year at the rate of \$500 per month for the term of the agreement. The agreement further states that certain areas of the airport must be mowed by the lessee and that the lessee must maintain mechanical and other services for airplanes. Mr. McCrea commented that the position for airport services had been advertised with little response. Mr. Marstall commented that Mr. Beck had done much in the work of promotion for the airport with the flight school and air shows he has promoted. On call for the question, all present voted in favor of the motion.

Resolution No. 350 - Highway Improvement Right-of-Way

Commissioner McCrea made a motion that a resolution authorizing the mayor and the city clerk to notify the Kansas Department of Transportation that right of way has been obtained for the U. S. Highway 59 improvements be passed. The motion was seconded by Commissioner Marstall. It was

discussed that it was important for the right of way certification to be completed at this time as it is hoped that bids can be received for the new bridge over the Santa Fe railroad tracks on U. S. 59 and the widening of the highway from the railroad bridge to Wilson Street by December 15, 1982. On call for the question, all present voted in favor of the motion.

Change Order No. 2 for Contract No. 5 - Electric System Improvements

Commissioner Larson made a motion that Change Order No. 2 for Contract No. 5 - Electric System Improvements in the amount of \$18,271.01 be approved. The motion was seconded by Commissioner Marstall. Mr. Jack Davis, Director of Utilities, was called on to comment regarding the subject.

Mr. Davis opened by stating that the electric system improvements was a very complex building project, and that piping change orders as are in Change Order No. 2 are quite common and not the exception. He said further that some decisions involving a change order were made on the spot, and others resulted from the fact that some fabrications did not fit as set forth on the blueprints. Mr. McCrea stated that some of the changes which seemed to be attributed to the architect and engineer disturbed him, and he felt the city should not have to pay for these changes. Mr. McCrea suggested that the engineer be called upon to explain why the city should have to pay for these change orders and not the manufacturer or the engineer, if the change orders are actually caused by the manufacturer or the engineer.

Mr. Davis stated that some of the change orders had already been paid by another contractor and the city would not have to pay the entire amount of \$18,271. Mr. Davis then again emphasized that this was a very complex project and he thought virtually impossible to design without the use of change orders. On call for the question, all present voted in favor of the motion except Commissioner McCrea, who voted opposing the motion.

Mr. Davis was directed by the City Commission to obtain an explanation from the engineer as to why the city should pay for change orders that were either design and manufacturing errors.

Purchase of Telephone System

Commissioner Larson made a motion to approve the purchase of telephone equipment from Centel Business Systems of Kansas City, Missouri. The motion was seconded by Commissioner Lister. Mayor Snyder explained that the city is presently paying \$16,000 per year on lease of telephone equipment from the Southwestern Bell Telephone Company, and the purchase of telephone equipment from the Centel Business Systems will cost \$39,500. The payback on such a purchase will require approximately two and one-half years. Centel Business Systems will train the city personnel for operation of the new phone system before the changeover from the Bell telephones. The Department of Public Safety will have a battery pack on its telephone system that will operate the telephones in times of power outages so their communications can be maintained. Commissioner Marstall stated that a total of fourteen city employees were involved in the process of purchasing telephones from Centel Business Systems. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage Application - B & G Tavern

The city clerk presented an application for cereal malt beverage license as submitted by Gary Abbott and Elizabeth Byrd for the operation of the B & G Tavern at 110 N. Main. The application is for consumption of cereal malt beverage on premises and the applicants have met all requirements for the issue of license. Commissioner Marstall made a motion that a license to sell cereal malt beverage for consumption on premises be issued to Gary Abbott and Elizabeth Byrd for the operation of B & G Tavern at 110 N. Main. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Review of City Investment Schedule

The City Investment Schedule for September 1982, was presented to the City Commission for review and approval. It was noted that as of the end of September, the city had \$5,935,000 invested in various securities and the average interest rate is 10.02 percent. Commissioner Lister made a motion that the City Investment Schedule for September 1982 be approved. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Announcement of Special Meeting

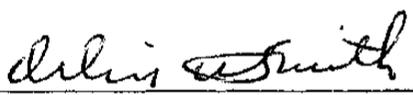
It was announced by Mayor Snyder that a special meeting has been scheduled for October 25, 1982, at 3:00 p.m. to receive bids on the sale of \$230,000 in General Obligation Bonds. The bond proceeds are to finance the purchase of additional cemetery land for Highland Cemetery and for improvements at the city library.

Request for Citizen Cooperation

Mayor Snyder asked for the cooperation of the citizens in the Central Business District during the sidewalk construction in that area. Mayor Snyder specifically asked the citizens to park in the designated areas and asked businessmen not to park on Main Street during the time of the construction in order to leave the available parking spaces for shoppers. There have been complaints received concerning businessmen abusing the available shopper parking. Mayor Snyder ended his statement by pointing out that there are many off street parking lots that businessmen and employees may utilize.

Another comment by Mayor Snyder concerned recommendations to persons who wished to burn brush and leaves this fall should call the Department of Public Safety, who will have an officer respond to their location to determine that it is allowable.

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


Orlin W. Smith, City Clerk

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF SEPT. 30, 1982

7-15	7329	W R.E.S.	100,000	10-14-82	K.S.	12.21
7-15	8774	GEN	100,000	10-14-82	PEOPLES	12.06
7-15	8775	WATER	100,000	10-14-82	PEOPLES	12.06
7-15	8776	E CONST	100,000	10-14-82	PEOPLES	12.06
7-15	8777	E CONST	100,000	10-14-82	PEOPLES	12.06
7-29	7337	E B RES	100,000	10-28-82	K.S.	10.88
7-29	7338	SEWER	100,000	10-28-82	K.S.	10.88
7-29	8829	ELEC	100,000	10-28-82	PEOPLES	10.92
7-29	8830	ELEC	100,000	10-28-82	PEOPLES	10.92
7-29	8831	WATER	100,000	10-28-82	PEOPLES	10.92
5-7	9981	AUDITORIUM	20,000	11-5-82	K.S.	13.03
8-3	7349	E CONST	200,000	11-03-82	K.S.	9.75
8-5	37515	EL EM RES	200,000	11-18-82	1ST	10.75
8-5	7343	E CONST	100,000	11-18-82	K.S.	11.00
8-5	7344	EL EM RES	100,000	11-18-82	K.S.	11.00
8-5	8851	ELEC	100,000	11-18-82	PEOPLES	10.18
8-5	8852	W R.E.S.	100,000	11-18-82	PEOPLES	10.18
8-5	8853	GEN	300,000	11-18-82	PEOPLES	10.18
8-5	8854	E BD RES	500,000	11-18-82	PEOPLES	10.18
8-26	7360	E CONST	100,000	11-26-82	K.S.	7.54
8-26	8904	WATER	200,000	11-26-82	PEOPLES	7.51
5-31	106346	WATER	100,000	11-27-82	FR SVGS	13.50
8-18	37521	E B & I	100,000	12-2-82	1ST	8.60
8-18	37522	GEN	100,000	12-2-82	1ST	8.60
8-18	37523	WATER	100,000	12-2-82	1ST	8.60
9-1	8924	GEN	300,000	12-9-82	PEOPLES	9.87
9-1	8925	GEN	300,000	12-9-82	PEOPLES	9.87
9-16	7371	CONST	100,000	12-9-82	K.S.	8.35
9-16	7372	CONST	100,000	12-9-82	K.S.	8.35
9-16	7373	CONST	100,000	12-9-82	K.S.	8.35
9-16	8996	ELEC	200,000	12-9-82	PEOPLES	8.28
9-16	8997	ELEC Const.	200,000	12-9-82	PEOPLES	8.28
9-16	8998	E B & I	100,000	12-9-82	PEOPLES	8.28
9-16	8999	R.S.	100,000	12-9-82	PEOPLES	8.28
9-16	9000	ELEC. Const.	100,000	12-9-82	PEOPLES	8.28
9-2	7363	E CONST	400,000	12-23-82	K.S.	9.02
9-2	7364	GEN	200,000	12-23-82	K.S.	9.02
9-2	37527	W BD RES	100,000	12-23-82	1ST	8.34
9-2	8931	ELEC	200,000	12-23-82	PEOPLES	9.12
6-23	2554638	GEN	100,000	12-25-82	ANCHOR	13.50
8-31	8488	AUDITORIUM	15,000	3-1-83	K.S.	10.123
		TOTAL	5,935,000		AVERAGE	10.02

Mary L. Graham
 MARY L. GRAHAM, TREASURER

City Hall - October 25, 1982

The City Governing Body met in special session at 3:00 p.m. this date. The special session was called for the purpose of receiving bids for the sale of \$230,000 in General Obligation Bonds Series A 1982. Present: Mayor Snyder and Commissioners Lister, Marstall and Larson. Absent: Commissioner McCrea.

Mayor Snyder called the meeting to order and instructed the city clerk to proceed with the reading of the bids. The bids received for the purchase of the \$230,000 in General Obligation Bonds are as follows:

FIRM	BID BOND	TOTAL INTEREST COST	PREMIUM	NET INTEREST COST	AVER. INT. RATE
Geo. K. Baum Kansas City, MO.	4600.00	144,612.50	-	144,612.50	8.383333
1st Securities Co. Wichita	4600.00	140,790.00	-	140,790.00	8.16173
Kansas State Bank Ottawa, KS	4600.00	143,275.00	110.00	143,165.00	8.299
United Securities Inc. Wichita	4600.00	143,587.50	-	143,587.50	8.32391
United Mo. Bank Kansas City	4600.00	149,612.50	34.35	149,578.15	8.671197
Stern Bros. Kansas City	4600.00	140,240.00	-	140,240.00	8.12985

All bids having been read and Stern Bros of Kansas City, Missouri, being recognized as the apparent low bidder, the meeting was recessed until the city clerk could verify the calculations of the bids.

Mayor Snyder reconvened the meeting at 3:30 p.m. All members of the commission were present, including Commissioner McCrea, who was absent for the first portion of the meeting.

The city clerk reported that the caluclations on the bid of the apparent low bidder, Stern Bros., had been checked and the net interest cost of \$140,240.00 and the average interest rate of 8.12985 were verified as being correct.

Commissioner Lister made a motion that the city accept the bid of Stern Bros. of Kansas City, Missouri, for the sale of \$230,000 Series A General Obligation Bonds for an average annual interest rate of 8.12985, and a net interest cost to the city of \$140,240.00. The motion was seconded by Commissioner Larson. Commissioner Lister commented that the city was very pleased to have received a low bid of 8.12985 from Stern Bros. and was also pleased by the response of other bidders. Commissioner Snyder stated that he personally was pleased by the closeness of the two low bidders, which indicated to him that the city had received the best possible bids.

Upon call for the question, all commissioners voted in favor of the motion. The business for which this meeting was called 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 - November 3, 1982

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

Approval of Minutes

The minutes of the last regular meeting held October 20, 1982, were approved as written. The minutes of the special meeting held October 25, 1982, were amended to reflect that the bids for the sale of bonds received that date were for \$150,000 for library improvements and \$80,000 for the purchase of additional cemetery land for a total of \$230,000. The balance of those minutes were approved as written.

Change Orders 1 and 2 - Contract No. 1 - Utilities Warehouse and Operations Building

Commissioner Larson made a motion that Change Orders 1 and 2 - Contract No. 1 - Utilities Warehouse and Operations Building in the amount of \$57,395.89 and \$5,125.20 respectively be approved. The motion was seconded by Commissioner McCrea. The contractor, Loyd Builders, Inc., was commended for the quality of the construction and the fact that the building was completed ahead of schedule. It was also noted that the amounts appearing on Change Orders 1 and 2 are not in essence change orders, but are additions of alternates to the original contract, done on the initiative of the city. Upon call for the question, all present voted in favor of the motion.

Acceptance of Utilities Warehouse Facility from the Contractor

Commissioner Marstall made a motion that the Utilities Warehouse Facility be accepted from the contractor and that final payment to the contractor be authorized. The motion was seconded by Commissioner McCrea. Commissioner Marstall stated that the city has received approval from the engineer and the architect for acceptance of the building. Commissioner McCrea remarked that on the final inspection of the warehouse facility by the contractor, the engineers, the architect and the city, very few items were reported needing correction or alteration. Upon call for the question, all present voted in favor of the motion.

Approval of City Investment Schedule for October 1982

Commissioner Marstall made a motion that the City Investment Schedule for October 1982 be approved, noting that as of October 31, 1982, the city had a total of \$5,935,000 invested at an average interest rate of 9.14%. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2714-82 - Adoption of Standard Traffic Ordinance for Kansas Cities, 1982 Edition

Commissioner Lister made a motion that an ordinance providing for certain deletions, amendments and substitutions in Articles 1, 2 and 3 of Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to traffic regulations and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, and repealing Ordinance No. 2703-82, be passed. The motion was seconded by Commissioner Larson. Commissioner Marstall stated that this is a very basic action for the City Commission inasmuch as the Standard Traffic Ordinance for Kansas Cities as published by the League of Kansas Municipalities is adopted by this city each time a new edition is published. The major changes appearing in the 1982 edition relate to driving while intoxicated. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2715-82 - Rules and Regulations Pertaining to the Electric Utility

Commissioner Marstall made a motion that an ordinance providing certain deletions, amendments and substitutions in Chapter XIV of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Sections 14-303, 14-305, 14-310 and 14-312 of said code, and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner McCrea. Commissioner Marstall particularly noted Section 14-312 which states that the city manager may promulgate such reasonable rules and regulations as may be from time to time necessary to properly conduct and

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF OCT. 31, 1982

8-3	7349	E CONST	200,000	11-03-82	K.S.	9.75
5-7	9981	AUDITORIUM	20,000	11-5-82	K.S.	13.03
8-5	37515	EL EM RES	200,000	11-18-82	1ST	10.75
8-5	7343	E CONST	100,000	11-18-82	K.S.	11.00
8-5	7344	EL EM RES	100,000	11-18-82	K.S.	11.00
8-5	8851	ELEC	100,000	11-18-82	PEOPLES	10.18
8-5	8852	W R.E.S.	100,000	11-18-82	PEOPLES	10.18
8-5	8853	GEN	300,000	11-18-82	PEOPLES	10.18
8-5	8854	E BD RES	500,000	11-18-82	PEOPLES	10.18
8-26	7360	E CONST	100,000	11-26-82	K.S.	7.54
8-26	8904	WATER	200,000	11-26-82	PEOPLES	7.51
5-31	106346	WATER	100,000	11-27-82	FR SVGS	13.50
8-18	37521	E B & I	100,000	12-2-82	1ST	8.60
8-18	37522	GEN	100,000	12-2-82	1ST	8.60
8-18	37523	WATER	100,000	12-2-82	1ST	8.60
9-1	8924	GEN	300,000	12-9-82	PEOPLES	9.87
9-1	8925	GEN	300,000	12-9-82	PEOPLES	9.87
9-16	7371	CONST	100,000	12-9-82	K.S.	8.35
9-16	7372	CONST	100,000	12-9-82	K.S.	8.35
9-16	7373	CONST	100,000	12-9-82	K.S.	8.35
9-16	8996	ELEC	200,000	12-9-82	PEOPLES	8.28
9-16	8997	E CONST	200,000	12-9-82	PEOPLES	8.28
9-16	8998	E B & I	100,000	12-9-82	PEOPLES	8.28
9-16	8999	R.S.	100,000	12-9-82	PEOPLES	8.28
9-16	9000	E CONST	100,000	12-9-82	PEOPLES	8.28
9-2	7363	E CONST	400,000	12-23-82	K.S.	9.02
9-2	7364	GEN	200,000	12-23-82	K.S.	9.02
9-2	37527	W BD RES	100,000	12-23-82	1ST	8.34
9-2	8931	ELEC	200,000	12-23-82	PEOPLES	9.12
6-23	2554638	GEN	100,000	12-25-82	ANCHOR	13.50
8-31	8488	AUDITORIUM	15,000	3-1-83	K.S.	10.123
10-14	7393	W R.E.S.	100,000	1-2-83	K.S.	7.65
10-14	9095	W BD RES	100,000	1-12-83	PEOPLES	7.51
10-14	9096	W BD RES	100,000	1-12-83	PEOPLES	7.51
10-14	9097	W R.E.S.	100,000	1-12-83	PEOPLES	7.51
10-14	9098	WATER	100,000	1-12-83	PEOPLES	7.51
10-28	7405	E B RES	100,000	1-27-83	K.S.	8.15
10-28	7406	SEWER	100,000	1-27-83	K.S.	8.15
10-28	9142	ELEC.	100,000	1-27-83	PEOPLES	8.06
10-28	9143	ELEC.	100,000	1-27-83	PEOPLES	8.06
10-28	9144	GEN.	100,000	1-27-83	PEOPLES	8.06
		TOTAL	5,935,000		AVERAGE	9.14

Mary L. Graham
 MARY L. GRAHAM, TREASURER

administer the operation of the electric utility. Commissioner Marstall stated that at first reading of this section, he really felt that this should be an action of the city governing body. However, through further analysis of the total situation, he realized that the city manager must have such authority. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2716-82 - Regulations Pertaining to the City Water Utility

Commissioner McCrea made a motion that an ordinance providing certain deletions, amendments and substitutions in Chapter XIV of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Sections 14-205, 14-208, 14-212 and 14-213 of said code, and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Lister. It was noted that the passage of this ordinance is simply a housekeeping measure in updating the city code as was the passage of Ordinance 2715-82. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2717-82 - Setting Forth Certain Business Regulations

Commissioner Lister made a motion that an ordinance providing certain deletions, amendments and substitutions in Chapter XI of the Municipal Code of the City of Ottawa, 1982, specifically Article 4 of said Chapter XI of said code, and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Larson. Commissioner Marstall stated that Sections 11-401 and 11-402 of the ordinance are incorporating certain sections that were left out of the recent recodification of the city ordinances. These sections pertain to the sale of merchandise to individual homes in the city and the sale of merchandise on the streets of the City of Ottawa. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2718-82 - Board of Contractor Examiners and Board of Plumber Examiners

Commissioner McCrea made a motion that an ordinance providing certain deletions, amendments and substitutions in Chapter XI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Sections 6-105, 6-106 and 6-204 of said chapter, and providing for incorporation of said deletions, amendments and substitutions in the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Larson. Commissioner McCrea noted that the Board of Contractor Examiners was made operational in the 1960's and it served not only to administer licensing examinations to prospective contractors, but it also served to interpret certain sections of the building code where there was a conflict between a contractor and the city inspector. The ordinance being considered gives authorization for both the Board of Contractor Examiners and the Board of Plumbing Examiners, and sets forth the duties of both boards. Upon call for the question all present voted in favor of the motion.

Resolution No. 351 - Fees for Service for the Water Utility

Commissioner Larson made a motion that a resolution setting forth the fees to be charged for the disconnection and/or reconnection of the water service due to nonpayment, for customer requested water meter readings in addition to regularly scheduled readings, for customer requested testing of water meters and for insufficient checks or other uncollectable instruments of payment as set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto be passed. The motion was seconded by Commissioner Lister. Commissioner Larson noted that the fee as set forth in the resolution for disconnection or reconnection of water service during regular hours for reasons of nonpayment of bill would be \$10.00. For reconnection of water service during other than regular business hours the fee would be \$15.00. If the customer requests a water meter reading in addition to regular reading, the fee would be \$10.00, and the fee for the test of a water meter would be \$17.50 if the water meter proves to be accurate within 3%. In the event that a water meter is correct within 3%, there would be no charge for such service. The fee for insufficient fund checks or other uncollectable instruments of payment shall be \$5.00. Upon call for the question, all present voted in favor of the motion.

Resolution No. 352 - Fees for Service for the Electric Utility

Commissioner McCrea made a motion that a resolution setting the fees to be charged for disconnection and/or reconnection of electric service due to nonpayment, for customer requested electric meter readings in addition to regularly scheduled readings, for customer requested testing of electric meters, and for insufficient fund checks or other uncollectable instruments of payment as set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto, be passed. The motion was seconded by Commissioner Larson. It was stated that the fees for reconnection and disconnection of electric service for reason of nonpayment under the terms of the resolution would be \$10.00, reconnection of electric service during other than regular business hours would be \$15.00, the fee for customer requested electric meter readings in addition to regularly scheduled meter readings shall be \$10.00, the fee for customer requested testing of electric meters would be \$17.50 if the meter tested proved to be accurate within 3%, and the fee for insufficient fund checks or other uncollectable instruments of payment shall be \$5.00. Upon call for the question, all present voted in favor of the motion.

Resolution No. 353 - Fee for Examinations

Commissioner Larson made a motion that a resolution establishing a fee of \$10.00 to be paid by applicant for examination to be given by the Board of Contractor Examiners as set forth in the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments or supplements thereto, be passed. The motion was seconded by Commissioner McCrea. Commissioner Marstall then asked Commissioner Larson if he would care to amend his motion to change the fee for examinations to \$30.00 inasmuch as the fee the city pays to the persons administering the examination also amounts to \$30.00. Commissioner Larson stated that he would amend his motion to restate the fee at \$30.00 and Commissioner McCrea seconded the amendment. Upon call for the question on the amendment to the motion, all present voted in favor of the motion. Upon call for the motion as amended, all present voted in favor of the motion.

Ordinance No. 2719-82 - Authorizing the Sale of General Obligation Bonds

Commissioner McCrea made a motion that an ordinance authorizing the sale of library improvement and cemetery bonds in the amount of \$230,000 be passed. The motion was seconded by Commissioner Marstall. The General Obligation Bonds in the amount of \$230,000 consist of \$150,000 for library improvements and \$80,000 to purchase land for cemetery use. Upon call for the question, all present voted in favor of the motion.

Business From Guests

Mr. Joe Lee, a property owner within the Central Business District, appeared before the City Commission asking that inasmuch as the downtown improvement is running behind schedule, is the construction going to proceed through the 300 block of south Main yet this fall and winter season. Mr. Lee was concerned that some of the downtown sidewalks might be torn up and inclement weather might prohibit the torn up portion being completed prior to the actual Christmas season. Mr. Lee was answered that the downtown improvement will not proceed as per schedule this fall and winter season but the water line on the east side of the 300 block of south Main would be replaced yet this year and a temporary walking surface would be installed over the water line, leaving the entire downtown area open for parking through the Christmas season. The City Commission is hopeful that construction in the downtown area can be recommenced in February or March of 1983. Mr. Lee then further stated that he was the owner of some of the buildings in front of which the sidewalk had been torn up and the water and gas lines replaced. Mr. Lee said that he realizes that the utilities have encountered problems that were not originally anticipated but Mr. Lee thought the problems were being resolved in a proper manner.

Note: Opening Comments of Mayor Snyder

In the opening of this meeting, Mayor Snyder announced that the one-cent sales tax issue in Franklin County was defeated by a total of 31 votes. He also announced that the one-cent sales tax issue as voted on by the people of the City of Ottawa was passed by 239 votes. Mayor Snyder stated that inasmuch as the voters in the city had themselves passed the countywide sales tax by a margin of 239 votes,

the people of the City of Ottawa appear to be in favor of a sales tax as opposed to ever-increasing ad valorem taxes. For this reason, Mayor Snyder said, the City Commission will be reconsidering the sales tax issue, perhaps deciding to put a one-half cent sales tax question on the city ballot in the spring of 1983. All other commissioners nodded a consensus of approval to Mayor Snyder's remarks.

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



Orlin W. Smith, City Clerk

City Hall - November 17, 1982

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

Mayor Snyder opened the meeting by commenting that the Mayor was wearing a badge designating this week as National Education Week and asked that the people of the community join with the educators during this week in celebrating National Education Week by attending the various planned events, even though there has not been a proclamation to this effect approved by the City Commission. The mayor further invited the public to the open house at the new power plant addition which is to be held at 2:00 p.m. November 21, 1982.

Approval of Minutes

The minutes were corrected on Page 108, Resolution No. 353, to the effect that Commissioner Marstall amended Commissioner Larson's motion setting the fee for examinations for contractors at \$30.00. The amendment was seconded by Commissioner McCrea and the amendment to the motion was unanimously approved prior to the vote on the motion as amended. On Page 108 under the heading of business from guests, the minutes were corrected to indicate that both water and gas lines are being installed under the sidewalk on the east side of the 300 block of south Main. The balance of the minutes were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on November 9, 1982. Present: Chairman Koch and Members Wellington, Spears, Searls, Underwood, Jackson and Thornburg.

The minutes of the last regular meeting held on October 5, 1982, were approved as written.

The Planning Commission held a public hearing to consider the rezoning of a tract of land generally located at 1000 E. Logan from R-S (Residential Suburban) to C-2 (General Commercial). Local attorney, Tom Gleason, was in attendance on behalf of the applicant, J. Todd, and encouraged the Planning Commission to strongly consider this rezoning proposal because the property had been used in a commercial fashion for quite some time. In accordance with Planning Commission bylaws, this matter was taken under advisement until the December meeting.

The Planning Commission voted unanimously to recommend to the Governing Body the preliminary approval of the Planned Unit Development plan submitted by John Howe d/b/a Cedar House Nursing Home, subject to the following conditions:

1. Future submission of topographical information following the approval of the certificate of need currently being reviewed by the Kansas Department of Health and Environment.
2. Additional landscaping along the west side of the property adjacent to the nursing home building.
3. Additional landscaping along the south side of the property adjacent to the parking lot.

The Planning Commission voted unanimously to require the developers to submit preliminary and final plats of the property and agreed to waive the sidewalk improvements called for in the Subdivision Regulations.

The Planning Commission voted unanimously to recommend the annexation of the five acre tract which will be the site of the proposed nursing home.

The Planning Commission decided by a unanimous vote to initiate a public hearing to consider an amendment to the city's Capital Improvement Program to construct a new storm sewer network to alleviate flooding in the 900 and 1000 block of Olive and Cypress Streets.

There being no further business, the meeting was adjourned.

At the conclusion of the report from the Planning Commission, Commissioner McCrea questioned the waiving of the sidewalk requirements called for in the Subdivision

Regulations; however, it was decided that there are presently no other sidewalks in that area and that the sidewalks would serve no useful purpose.

Appointments to the Board of Contractor Examiners

Mayor Snyder stated that the City Commission had recently made the Board of Contractor Examiners an organization within the city code and that the names of Earl Devore, Russ Anderson and Mike Newmaster had been submitted for appointment to this board. Commissioner McCrea made a motion that Earl Devore, Russ Anderson and Mike Newmaster be appointed to the Board of Contractor Examiners. The motion was seconded by Commissioner Larson. It was reported that the foregoing persons had been recommended by the city inspector and that they represent different areas of expertise. It was also pointed out that the code as written does not effectively deal with older buildings in the community and it is hoped that the Board of Contractor Examiners may help to alleviate some of the problems in this area. Upon call for the question, all present voted in favor of the motion.

Appointment of Auditors for City's 1982 Financial Operations

Commissioner Marstall made a motion that the firm of Schulte, Klein, Gaeddert & Agler, Chartered, be appointed to audit the city's 1982 financial operations as per a proposal submitted by the auditing firm. The motion was seconded by Commissioner Lister. The proposal set forth that cost for the audit of the 1982 financial operations should not exceed the previous year's figures, which was approximately \$17,000, and the audit would begin as soon as possible after April 15, 1983, and the audit would be completed and delivered to the city by June 30, 1983. Commissioner McCrea stated that he could see a value in the city staying with one auditing firm; however, it was pointed out that by using a different auditing firm, new ideas might come forward which would assist the city in its financial operation. Upon call for the question, all present voted in favor of the motion.

Consider Proposal from Cook, Flatt & Strobel Consulting Engineers

Mayor Snyder stated that the City Commission has a proposal from the consulting engineering firm of Cook, Flatt & Strobel for the design of the replacement for the Skunk Run drainage structure that passes under Seventh Street and under the Santa Fe Railroad track. Mayor Snyder further stated that it is very probable that the Skunk Run drainage improvement will not dovetail with Seventh Street at the time Seventh Street is under construction and it would probably be best if the city did replace this drainage structure at the same time that Seventh Street was being reconstructed. Commissioner Larson made a motion that the city enter into an agreement with Cook, Flatt & Strobel Consulting Engineers for the replacement of the Skunk Run drainage structure as it passes under the Santa Fe Railroad track and under Seventh Street. The motion was seconded by Commissioner Lister. Commissioner Larson stated that he thought it was important that the firm of Cook, Flatt & Strobel can work with the city and with the Santa Fe Railroad for constructing this drainage structure under the track at a stated fee of \$3,450.00. Commissioner Marstall commented that with Cook, Flatt & Strobel's main offices in Topeka, Kansas, along with the main offices of the Santa Fe Railroad also located there, this could be advantageous for the city in working out an agreement with the Santa Fe Railroad for the closure of these tracks during the time of construction. Upon call for the question, all present voted in favor of the motion.

Announce Rescheduling of the December Commission Meetings

Mayor Snyder announced that it would be necessary to reschedule the regular City Commission meetings for the month of December as members of the Governing Body will be attending the National Conference of Cities meeting sponsored by the National League of Cities from November 27 through December 1, 1982. Commissioner McCrea made a motion that the regular meetings of the City Commission for December 1983 be rescheduled to December 8 and December 22, as opposed to the regular meetings scheduled for December 1 and December 15, 1982. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

Change Order No. 3 - Contract No. 7 - Paving & Storm Sewers

Mayor Snyder called on City Manager Watkins to explain the change order for Contract No. 7. The city manager stated that Contract No. 7 involves the improvement of several streets within the city, 7th Street Terrace from Beech to Twyman, Beech Street from 7th to 7th Street Terrace, Sycamore Street from 10th to 11th, Spruce Street from Logan to Fairway Drive and Powhattan Street from Spruce to Hemlock. Change Orders No. 1 and 2 to Contract No. 7, which were approved previously, were for the improvement of North Sycamore Street for approximately 400 feet to the intersection of Sycamore and Garfield and for the improvement of 13th Street from Olive to Ash. Change Order No. 3 which is before the City Commission at this time was to add an addition storm sewer section in the vicinity of 13th and Ash to avoid a possible erosion problem in the future. The other portion of Change Order No. 3 is to replace a section of pavement which buckled after the final layer of asphalt was applied. The reason for the pavement buckling is unknown, but the city inspector was on hand at the time the asphalt was put in place and it is not deemed to be a problem with the construction. Change Order No. 3 is for a total of \$1,037.81. Commissioner McCrea made a motion that Change Order No. 3 for Contract No. 7 - Paving & Storm Sewers in the amount of \$1,037.81 be approved. The motion was seconded by Commissioner Lister and on call for the question, all present voted in favor of the motion.

Acceptance of Construction Completed Under Contract No. 7 - Paving & Storm Sewers

Commissioner Marstall made a motion that Contract No. 7 - Paving & Storm Sewers be accepted and that the mayor and staff be authorized to proceed with the final payment to the contractor. The motion was seconded by Commissioner McCrea and on call for the question, all present voted in favor of the motion.

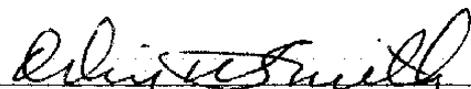
Request for Christmas Parade

City Manager Watkins read a letter from the Ottawa Retail Association by which said association requested permission to hold a Christmas Parade on Main Street in Ottawa on Saturday, December 4, 1982, beginning at 10:00 a.m. The letter stated the parade would form at Forest Park and proceed south on Main Street to City Park, at which point it will disband. Further the city manager reported that a carbon copy of the letter of request had also been sent to Oren Skiles, Director of Public Safety. Commissioner McCrea made a motion that the request for a parade as submitted by the Ottawa Retail Association for Saturday, December 4, 1982, at 10:00 a.m. be approved. The motion was seconded by Commissioner Larson and on call for the question, all present voted in favor of the motion.

Proclamation - National Bible Week

The city clerk read a proclamation proclaiming the week of November 21-28, 1982 National Bible Week. Commissioner Lister made a motion that the mayor be authorized to sign the proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

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



Orlin W. Smith, City Clerk

City Hall - November 24, 1982

The City Governing Body met in special session at 9:30 a.m. this date. The purpose of the meeting was to consider an ordinance approving a power sale contract between the Kansas Municipal Energy Agency and the City of Ottawa. Present: Mayor Snyder and Commissioners McCrea and Marstall. Absent: Commissioners Larson and Lister.

Mayor Snyder opened the meeting by stating that the purpose of the meeting was to consider an ordinance approving a power sale contract between the Kansas Municipal Energy Agency and the City of Ottawa, and further that it is necessary to consider a resolution approving a funding agreement with the Department of Housing and Urban Development, and as a last item the City Commission has an announcement to make concerning the utility department.

Ordinance No. 2720-82 - Power Sale Agreement

Commissioner Marstall made a motion that an ordinance of the City of Ottawa, Kansas, approving the Nearman Power Sales Contract between the Kansas Municipal Energy Agency and the City of Ottawa, and authorizing the mayor and city clerk to execute such contract on behalf of the City of Ottawa, be passed. The motion was seconded by Commissioner McCrea. It was explained that the contract which the ordinance authorizes is a fifteen year contract with the Kansas Municipal Energy Agency by which the City of Ottawa through the agency will purchase power from the coal-fired generating station Nearman Unit No. 1. The necessity for the meeting today is brought about because the Kansas Municipal Energy Agency hopes to sell bonds in the amount of \$16.9 million dollars before December 31, 1982. Other cities involved in the sale of power between the Kansas Municipal Energy Agency and the cities are Baldwin City, Fredonia, Mulvane, Neodesha and Winfield. On call for the question, all present voted in favor of the motion.

Resolution No. 354 - Authorizing the Execution of a Funding Agreement

Mayor Snyder stated that the city had received notice from the Department of Housing and Urban Development that the city had been awarded \$725,735.00 in the form of a Community Development Block Grant. The majority of the money which has been awarded are to be used for the Skunk Run storm drainage improvement in the amount of \$504,735. Other areas for which the city has been granted funds are for demolition of abandoned structures in the amount of \$15,000; housing rehabilitation in the amount of \$160,000; solar collection system installations in the amount of \$25,000; and the New Horizon fair housing program in the amount of \$11,000; as well as Administration in the amount of \$10,000. Commissioner McCrea made a motion that a resolution authorizing the city manager of the City of Ottawa, Kansas, to execute a funding agreement with the Department of Housing and Urban Development be passed. The motion was seconded by Commissioner Marstall. It was further remarked that the City of Ottawa is very fortunate in receiving a grant in this amount, the largest received by this city to date in the block grant program, and that the city manager and his staff are to be complimented for the last minute thorough preparation of the application for these 1982 funds. On call for the question, all present voted in favor of the motion.

Announcement of the Citizens Utility Assistance Fund

Mayor Snyder reported that the City Commission has authorized the city manager to set aside one-fourth of the monies received from a recent lawsuit in which this city and numerous other cities have been involved with the Kansas City Power and Light Company. The monies set aside are to be used for "starter money" for the Citizens Utility Assistance Fund. The city recently received monies in a net amount of \$22,982.51, after payment of attorney fees. The city manager is set out an amount of \$5,745.00, which is one-fourth of the original amount, as starter money for the Citizens Utility Assistance Fund. Further, it is hoped that civic organizations, churches and other groups within the city might contribute to this fund to help the needy in meeting their utility bills this winter. The City Governing Body has contacted various people within the community who have agreed to serve on a committee to administer this fund. The people appointed to this committee to date are: Alice Crawford, Richard Jackson, B. J. Landrum, Bruce Rhoades, Henry Roberts, Darlene Roehl and Barbara Vogt. Commissioner Marstall made a motion that 25 percent of the net refund received as a result of a recent lawsuit in which the City of Ottawa was involved, be placed in a Citizens Utility Assistance Fund, to which people can make additional contributions, and a committee be appointed to assist in the administration of the fund to benefit the truly needy. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner Marstall also went on record as stating that Commissioners Larson and Lister are out of town but have had a part in the discussions concerning the establishment of the Citizens Utility Assistance Fund, and the members of the City Commission here today have their support in taking such action. He also reported that the City of Lamar, Missouri, is paying all utility bills for its residents for the months of November and December. The City of Lamar had accumulated a \$90,000 surplus in their utility fund and is using the money for this purpose.

The business for which this meeting was called having been covered, 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 - December 8, 1982

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor pro tem Lister and Commissioners Larson, Marstall and McCrea. Absent: Mayor Snyder.

Approval of Minutes

The minutes of the last regular meeting held November 17, 1982, and of a special meeting held November 24, 1982, were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on December 7, 1982. Present: Chairman Koch and Members Jackson, Searls, Spears, Underwood and Wellington. Absent: Member Thornburg.

The minutes of the last regular meeting held on November 9, 1982, were approved as written.

The Planning Commission decided by a 6-0 vote to recommend to the City Commission the rezoning of a tract of land generally located at 1000 E. Logan from R-S (Residential-Suburban) to C-2 (General Commercial).

The Planning Commission held a public hearing on a proposed amendment to the Capital Improvements Program to provide for storm drainage improvements in the general vicinity of the 900 blocks of Olive and Cypress. Several persons from the area were in attendance to speak in favor of this project. In accordance with Planning Commission bylaws, this item was deferred until the January meeting.

There being no further business, the meeting was adjourned.

Commissioner McCrea asked if there were any persons present objecting to the storm drainage improvements. The city manager answered that there had been one couple in the 1000 block questioning as to whether their property would be assessed for the improvement. When they were assured that their property would not be reassessed for the improvement, they were in favor of the project, as were all other persons in attendance at the meeting. Mayor pro tem Lister then directed that the report of the Planning Commission meeting be accepted and entered into the official record of the city.

Consider for Approval the Preliminary Plan of a Planned Unit Development

Mayor pro tem Lister stated that the Planning Commission had unanimously recommended the approval of a preliminary plan for a Planned Unit Development as submitted by John Howe d/b/a Cedar House Nursing Home, for a proposed 120-bed nursing home to be located on West Fifteenth Street and known as Retirement Village Planned Unit Development, subject to the following conditions:

1. Future submission of topographical information following the approval of a certificate of need currently being reviewed by the Kansas Department of Health and Environment .
2. Additional landscaping along the west side of the property adjacent to the nursing home building.
3. Additional landscaping along the north side of the property adjacent to the parking lot.

Mrs. Lister then called on the city manager to outline the proposed plan. The city manager stated that the Planned Unit Development preliminary plan which is before the City Commission today consists of a 120--bed nursing home and a 24 unit apartment complex. The project is to be located on West Fifteenth Street adjacent to the Pine Manor apartment complex. Mr. Watkins stated that in addition to the 120 bed-nursing home, there are 24 units of apartments in the development which would be used by elderly persons desiring the additional services that a nursing home facility could provide. The entrance to the complex is off of West Fifteenth Street and the interior streets have a 30-foot width with ample parking provided. The 30-foot street completely encompasses the nursing home facility. The apartment complex will consist of six buildings, each

containing four units. Mr. Watkins stated that the developer chose to use the Planned Unit Development type of zoning for the property as opposed to the zoning classification under which such a unit could exist because the Planned Unit Development classification provides for certain variances from the regular zoning classification if the changes are approved by the Planning Commission. Mr. Watkins further stated that if the Governing Body approves the preliminary plan as submitted today, that allows the developer to proceed with the final plans and platting of the land. The land must be platted prior to annexation into the city as set forth by the Subdivision Regulations of the city.

Commissioner Marstall made a motion that a preliminary plan of a Planned Unit Development submitted by John Howe d/b/a Cedar House Nursing Home for a proposed 120-bed nursing home to be located on West Fifteenth Street and known as Retirement Village Planned Unit Development, be approved. Mr. Marstall further stated that his motion would include the 24-unit apartment complex and subject to the conditions which have been set forth by the Planning Commission. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated that he had had a conversation with the department of public safety and they could see no potential problems in entering the area with fire trucks if the necessity arose as the streets are wide enough and adequate sprinkler systems will be provided. Commissioner McCrea further stated that possibly the Planning Commission and the developer should be advised that parking might be limited to one side of the street within the area. Commissioner Marstall then stated that he felt certain safeguards were provided in the construction of such a complex as the materials for such a complex are closely regulated by the state. Upon call for the question, all present voted in favor of the motion.

Resolution No. 355 - Approving the Bid for the Improvement of Seventh Street

Commissioner McCrea made a motion that a resolution approving the bid received by the Kansas Department of Transportation for the improvement of Seventh Street submitted by Smoky Hill, Inc. of Salina, Kansas, in the amount of \$859,411.75 be passed. The motion was seconded by Commissioner Larson. Commissioner Larson then stated that the action of the City Commission today is merely approving action already taken by the Kansas Department of Transportation. Commissioner Marstall then stated that Mr. Larson's statement was true but the Kansas Department of Transportation cannot award the contract until it is approved by the city. The city's portion of the contract is in the amount of \$253,596.71. Mayor pro tem Lister then stated that the Federal Highway Commission has approved the 85 percent participation by the federal government. Upon call for the question, all present voted in favor of the motion.

Resolution No. 356 - Intent to Issue Industrial Revenue Bonds

Mayor pro tem Lister stated that a few months ago the City of Ottawa had issued a letter of intent to issue Industrial Revenue Bonds for a qualified purchaser of the Ottawa Industrial Development speculation building, and this resolution is intended to formalize those actions. Commissioner Marstall made a motion that a resolution of intent to issue Industrial Revenue Bonds for the Ottawa Industrial Development speculation building be passed. The motion was seconded by Commissioner McCrea. The resolution was then read by Mayor pro tem Lister. Commissioner Larson then stated, as in the case of the issuance of all Industrial Revenue Bonds, the purchaser of the building and the recipient of Industrial Revenue Bonds would be required to use the firm of Gaar & Bell as attorneys for issuance of such bonds. It was then stated by Commissioner McCrea that this resolution is not a blanket coverage to issue Industrial Revenue Bonds for just any company that might wish to purchase the building, but the company must meet the criteria set forth by the city with regard to submission of financial statements and other items in order to qualify. Upon call for the question, all present voted in favor of the motion.

Resolution No. 357 - Approving Contract for Purchase of Electric Power

Commissioner Lister stated that the City Commission took action at a special meeting on November 24, 1982, concerning entering into a contract to purchase power from the Nearman No. 1 coal fired generating station and the resolution being considered today is another step in entering into a contract to purchase the power. Commissioner McCrea then made a motion that a resolution of the City

of Ottawa, Kansas, indicating consideration of certain matters relating to the Nearman Power Sales Contract approving the final form of such contract, approving the related proposed bond resolution to be adopted by the Kansas Municipal Energy Agency, approving that portion of the related preliminary official statement concerning the city, authorizing the use of information relating to the city in a preliminary and final official statement, and authorizing city officials to execute and deliver all reasonably required documents and opinions be passed. The motion was seconded by Commissioner Larson. Mayor pro tem Lister then called upon the City Manager to read a letter received from the Kansas Municipal Energy Agency concerning the actions which the Governing Body is now considering. The letter was read by the city manager and a copy of the letter is attached to these minutes and made a part hereof.

Discussion following the reading of the letter pointed out that the Kansas City Board of Public Utilities has a total capacity of approximately 700 megawatts and that the Nearman No. 1 unit has a capacity of 235 megawatts. It was further stated that the City of Ottawa is entering into this agreement in an attempt to provide power for the city at the least possible cost. The City of Ottawa is presently paying \$4.55 per thousand cubic feet of natural gas, which translates into about 5-1/2 to 6 cents fuel cost for each kilowatt hour of electricity. It was further discussed that the City of Ottawa's agreement will be for the purchase of 10 megawatts of electricity, which will be available to the city twenty-four hours per day. It is important, therefore, that the City of Ottawa complete its new electric tie with Kansas City Power & Light Company so we will be in a position to utilize the full amount of power which we are securing through the Kansas Municipal Energy Agency and the Kansas City Board of Public Utilities. Upon call for the question, all present voted in favor of the motion.

City Clerk's note: 'All present' indicates that all City Commissioners present for the beginning of this meeting are still present at this time.

Amendment to Agreement for Design of Skunk Run Storm Drainage Improvement

Commissioner McCrea made a motion that Amendment No. 2 to the existing engineering services contract with A. C. Kirkwood & Associates for the design of the Skunk Run Storm Drainage Improvements, Phase III, be approved. The motion was seconded by Commissioner Larson. It was reported that Phase III of the Skunk Run storm drainage improvements will continue from Hickory Street in City Park, through City Park, under Main Street, through the middle school practice field, to the point where the drainage structure passes under Seventh Street and the Santa Fe railroad tracks, and will then continue from Seventh Street to approximately Eighth and Pecan Streets. It was further commented that the funding for this project comes from the city's recent award of \$725,735.00 in the form of a Community Development Block Grant. There are no local funds involved in the project except that the grant is, as always, a portion of the taxes that the citizens of Ottawa pay. The amount of the contract for the engineering services is \$34,400. The firm of A. C. Kirkwood & Associates has performed all engineering and design services on the Skunk Run drainage improvements to date, and it is felt that their wealth of accumulated information makes it most feasible to continue to utilize them for the continuation of the project. The City Commission acknowledged that this phase of the Skunk Run drainage project is going to be difficult in that they are going to have to pass under Main Street with the culvert and in some manner detour traffic around this part of the construction.

Mr. Ben Park, #1 Rockwood Drive, appeared before the City Commission requesting that consideration be given to leaving an open channel through the City Park for aesthetic purposes. Mr. Park stated that he had appeared before the Commission on prior occasions requesting aesthetic considerations be given to the Skunk Run project as it passes through City Park and this was merely a reminder that people are concerned about this area. The City Commission assured Mr. Park that considerations are being given to his request. Upon call for the question, all present voted in favor of the motion.

Amendment to Existing Contract for Design of Wastewater Treatment and Collector System Improvements

Commissioner Larson made a motion to approve Amendment No. 5 to the existing contract with A. C. Kirkwood & Associates for the design of wastewater treatment and collector improvements. Further, that upon receipt of this signed Amendment

No. 5, the engineers shall undertake design of all required facilities. The scope of the project shall be in accordance with the facility plan as approved by KDHE, and shall include wastewater treatment plant improvements, interceptor sewers, lift station improvements and replacement of force mains. The engineers shall first discuss with the owner the specific details of the desired improvements and shall then prepare all equipment and construction drawings and specifications pertaining thereto, these to be approved by the owner prior to the issuance for bidding, and shall file with the owner estimates of contract costs. The fee for the services is to be \$159,500.00 on an estimated \$2,225,000 improvement. The motion was seconded by Commissioner Marstall.

It was discussed that the city is more or less being pushed into proceeding with this project at this time in that funds that were not thought to be available for the project until a later date have suddenly become available. If the city does not proceed at this time with the project, and have the plans completed by April of 1983, the city stands to lose its 25 percent involvement in the project and have to provide 45 percent of the funds at a future date. By proceeding at this time with the project, the city may save between \$400,000 and \$500,000 of the cost, which would be passed on to its citizens. Upon call for the question, all present voted in favor of the motion.

Review of City Investment Schedule for November 1982

Commissioner McCrea made a motion that the City Investment Schedule for November 1982 be approved, stating that total city investments at the end of November 1982 were \$5,935,000 invested at an average interest rate of 8.61 percent. It was noted in the motion that the highest rate the city is receiving at this time is 13.5 percent from Anchor Savings Association and the lowest is 7.51 percent from the Peoples National Bank. The motion was seconded by Commissioner Larson. Upon call for the question, all present voted in favor of the motion.

Statement of Assurance for the Forest Park Swimming Pool

Commissioner Larson made a motion that a statement of assurance for the Forest Park Swimming Pool as requested by the Kansas State Park and Resources Authority be approved. The motion was seconded by Commissioner McCrea. Commissioner McCrea then expressed reservations on the statement of assurance, stating that even though the City of Ottawa is the responsible authority for the pool, the Ottawa Recreation Commission is the operator of the pool and should give the City of Ottawa assurance that the pool is being operated in accordance with the statement of assurances. Mayor pro tem Lister then stated that she felt the city should have legal counsel on the document and that the statement of assurance is brought about by the fact that the city received a grant from the State Park and Resources Authority in the late 1960's to construct the pool. Commissioner Marstall stated that he felt comfortable in approving the agreement inasmuch as the city enters into a contract with the Recreation Commission each year for the operation of the pool and he felt confident that the Recreation Commission would maintain the pool and operate it in a satisfactory manner during 1983. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Renewal Applications

Applications for renewal of cereal malt beverage licenses for 1983 were submitted to the City Governing Body for review as follows:

- The Hickory Inn - 120 E. Dundee - operated by Billie Galutia
- Wingert Oil Company - 2243 Princeton Road - Carolyn Richardson, Manager
- The Other Place - 120 N. Main - Karen McIlvaine, Manager
- Main Street Bait & Tackle - 1002 N. Main - Kathryn S. Benson, Operator
- Pizza Village, Inc. - 330 S. Main - James M. Jones, Manager
- The Elks Club Room - 114-1/2 W. Second - Clarence Strickland, Manager
- Taco Tico, Inc. - 1608 S. Main - Mark Meyers, Manager
- Pizza Hut, Inc. - 118 W. Fifteenth Street - Lee A. Johnson, Manager
- The Hide-A-Way - 1644 S. Main - Barbara Spears, Manager
- Fraternal Order of Eagles - 524 E. Fifteenth - Hayward Brill, Manager

The city clerk reported that the fee for the renewal licenses had been paid in each case and all applications submitted meet the criteria for issuance of license.

Commissioner Larson made a motion that all applications be approved for licensing for 1983. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Franklin County Energy Coalition

Mr. Herman VanArsdale appeared before the City Commission representing the Franklin County Energy Coalition. Mr. VanArsdale explained that the Franklin County Energy Coalition is a group which has recently been organized to deal with the energy problems faced by the people of our community. Mr. VanArsdale said that the purpose of his visit to the City Commission and a visit before the Franklin County Commission is to seek recognition of this group as a coordinating body in the distribution of funds to the needy to help pay for fuel. The purpose of the group is defined as finding those residents of our county who have energy needs, raising funds and coordinating fund raising activities to help meet these needs and determining who should be the recipients of the help. Mr. VanArsdale stated that the group does not seek to be a control body, but a coordinating body through which those organizations wishing to help in this area can work. The leaders of the group as appointed are: Kathi Shannon and Mike Cruse, Co-Chairpersons; Jerry Herndon, Treasurer; and Herman VanArsdale, Fund Raising Chairman. It was stated that the coalition met Monday, December 6, 1982, to organize and identified such needs as money for assistance in paying utility bills, food, warm clothing and emergency housing, and decided to undertake an effort to raise \$15,000 to assist those in need. The week of January 16, 1983, was set as a week for major fund raising activities. The next meeting of the coalition is scheduled to be Monday, December 20, 1982, at 7:00 p.m., and all concerned citizens were invited to attend the meeting. In closing, Mr. VanArsdale asked for recognition as a coordinating group by the City Commission. The City Commission indicated that it would give Mr. VanArsdale's request consideration in the near future, and that the energy coalition would be hearing from the city Governing Body soon.

Appointment to the Citizens Utility Assistance Fund Committee

Mayor pro tem Lister stated that she would like to appoint Mr. Paul Archer to the Committee for Citizens Utility Assistance Fund. A motion to appoint Mr. Archer to this committee was made by Commissioner Larson, seconded by Commissioner McCrea, and all presented voted in favor of the motion.

Report of National League of Cities Convention

Mayor pro tem Lister stated that the members of the Governing Body attended the National League of Cities convention in Los Angeles last week and at this time she would call on each Commissioner to make comments on the convention. Commissioner Larson stated that there were nearly 5,000 mayors, managers, commissioners and councilmen present at the National League of Cities convention, and that there were 2,400 voting delegates included in the 5,000 participants. Commissioner Larson stated that the President of the United States spoke to the group and seemed to be most receptive to the needs of cities, for the unemployed and the disadvantaged.

Commissioner McCrea stated that through one of the sessions he attended, he was amazed to learn that many cities are having a problem because of many tax exempt properties within the city for which the city must provide the necessary municipal services. Commissioner McCrea went on to say that in some of the larger cities, the owners of tax exempt property pay the city certain fees for providing municipal services. He then stated that he had been challenged by the Governing Body to bring back a memento of the convention to the city. He then unveiled a sign welcoming President Reagan to the convention, the sign being approximately three feet wide and ten feet long.

Commissioner Marstall stated that he was particularly interested in the sessions dealing with finances for cities and he found that many cities were using investment pooling as a way of gaining in the investment field, that they are negotiating audits and many other methods to make and save money for the cities. A big concern to Commissioner Marstall was that more and more tax exempt bonds are being issued by cities and various municipalities; thus driving up the interest rates that the city must pay for bond debt.

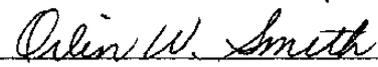
Mayor pro tem Lister's comments on the convention concerned the theme of the convention, which was "Rethinking the Federal System." She began to list the

many sessions that were available to the participants of the convention in Los Angeles.

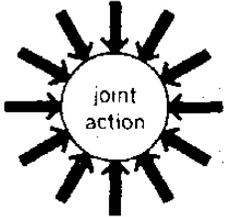
City Clerk's Comment

This City Commission meeting contained many subjects which entailed detailed explanations and discussions. 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.

There being no further business, the meeting was adjourned.



Orlin W. Smith, City Clerk



KANSAS MUNICIPAL ENERGY AGENCY

December 3, 1982

TO: All City Clerks, Mayors, KMEA Board Members and City Attorneys of the Cities of Baldwin City, Fredonia, Mulvane, Neodesha, Ottawa, Winfield

The purpose of this letter is to advise the governing bodies of the affected cities (and their staffs and advisors) of several specific aspects of the Nearman Power Project (the "Project") and their obligations with respect thereto and to request action on a related resolution.

Each of the six cities, Baldwin City, Fredonia, Mulvane, Neodesha, Ottawa, and Winfield, has passed an ordinance approving a Nearman Power Sales Contract with the Agency (the "Contract"). The Participation Power Sales Agreement with Kansas City BPU has been completed and signed by both parties. Presentations have been made to the rating agencies, and we expect to be advised on the proposed ratings to be assigned to the bonds in the next 7 to 10 days. We currently anticipate a formal sale of the bonds to finance the Nearman Project on about December 16th with delivery of and payment for the bonds during the week of December 27. Each city has now been furnished with several copies of a final Contract for execution together with a form of bond resolution and a draft of preliminary official statement including the Engineer's Report relating to the Project.

In order that you may be more fully advised in connection with your participation in the Project, the Agency would like to call to your attention to several specific matters:

1. As indicated in the Engineer's Report, sharply escalated payments by the cities to the Agency are required beginning 1986. The Engineer's Report also assumes that a number of significant rate increases will be implemented by the cities at various times during the period from 1982 to 1990.

2. Delivery of Project power and energy to the cities depends entirely on the cities' interconnection agreement directly with the area utilities. Any failure on the part of the cities to enter into such agreements or any reduction of the transmission capacity made available under such agreements will directly affect the deliverability of energy to the affected city. In this connection, it should be noted:

(a) Fredonia, as described in the draft of the preliminary official statement, appears to be unable to obtain transmission of its power and energy from the Project pursuant to its existing interconnection agreement and presently does not intend to sign any new interconnection agreement to obtain firm transmission until the expiration of its present agreement in March, 1986. Fredonia may be unable to receive any of

P.O. Box 1026

1106 East 27th Suite 4

Hays, Kansas 67601

its Nearman Project power and energy until that time, and there are no agreements for Fredonia to remarket any of its power and energy during such period. Thus, Fredonia, will be required to pay the fixed charges under the contracts for power it may not receive or market for almost 3 years.

(b) Ottawa will not be able to receive all of its Project energy on a firm basis until its interconnection is completed.

(c) While Winfield, Mulvane and Neodesha have agreed to new interconnection agreements, such agreements have not yet been executed.

(d) All of the interconnection arrangements (except Fredonia's existing agreement) are subject to yearly adjustment of available transmission capacity and to periodic rate adjustments.

3. The Contracts are take-or-pay contracts which require payment of the fixed portion of the charges thereunder regardless of whether any energy is delivered or whether Nearman Unit No. 1 is operating or operable.

4. Upon default by any of the six participating cities each of the other cities can (and will if voluntary actions do not cover the defaulting city's share) be required to step-up its Nearman entitlement by an additional 25% of its original entitlement and thereafter the required payment of fixed charges will apply to the stepped up total entitlement.

5. The Contracts require that all payments thereunder be made as operating and maintenance expenses of the electric system (combined utility system for Baldwin City) prior to payment of debt service on existing or future bonds of the city and prior to transfers to the general fund of the city.

6. The Contract will be pledged to the payment of the bonds and cannot be cancelled or changed unless and until provisions are made for payment of the bonds. The maturities of the bonds will coincide with the original 15 year term of the Contracts.

The Cities are asked to review the final draft of the Contract, the current draft of the bond resolution and the current draft of the preliminary official statement, including the Engineer's Report (with emphasis on matters relating to the specific city, transmission arrangements and Nearman Unit No. 1), and to consider the matters set out above, at the first meeting of the governing body in December. Thereupon, the enclosed resolution should be considered. Assuming agreement with the resolution, it should be adopted at the meeting.

City Clerks are then requested to furnish to:

Don Bell
Gaar & Bell
800 One Main Place
Wichita, KS 67202

copies of the following:

1. Minutes showing passage of the Ordinance approving the Contract.
2. Signed Ordinance approving the Contract (if not already

furnished).

- 3 Proof of Publication of the Ordinance.
4. Minutes showing the reading of this letter and consideration of the matters set out in this letter at the meeting at which the enclosed Resolution is adopted (such minutes should include a copy of this letter as an exhibit) and also showing adoption of the Resolution.
5. Signed Resolution.
6. Five executed copies of the Contract (one of which will be returned to the City after execution by the Agency).

Gaar & Bell will be in contact with the City Attorneys for their required opinions at a later date.

One representative of each of the six cities (who shall also be a member of the Agency Board) will serve on a committee to review the final details of the financing and to recommend a bond purchase agreement to the Agency Board. Each city should select such representative if it has not already done so, reflect such selection in its minutes and advise the undersigned of that individual's name. The city should be kept advised of the progress of the financing by that individual.

If any matter concerning the Contract or the related financing is not understood by a city or any member of the governing body, the undersigned should be contacted. Obviously, all legal questions should be discussed with your city attorney who can discuss their questions with Gaar & Bell.

Very truly yours,


Gilbert E. Hanson, Jr.
General Manager

GEH/pc

Encl.

City Hall - December 22, 1982

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

Approval of Minutes

The minutes of the last regular meeting held December 8, 1982, were corrected to reflect under the heading of Resolution No. 356 on Page 116 the statement that the City Commission had issued a letter of intent to issue Industrial Revenue Bonds for a qualified buyer of the Ottawa Industrial Development speculation building. "A few months ago" was incorrect and should read that the letter of intent to issue Industrial Revenue Bonds for a qualified buyer of the Ottawa Industrial Development speculation building was issued approximately two years ago. The balance of the minutes were approved as written.

Presentation of Plaques to Retiring City Employees

Mayor Snyder called on the Director of Public Works, Robert Moore, to present plaques of service to the persons retiring from his department. Mr. Moore gave a brief resume' of the services rendered by each of the employees retiring from his department and then presented to Robert Crawford a plaque commemorating his retirement, stating that Mr. Crawford had been with the city twelve years. Mr. Moore then presented to Mearl Snethen a plaque commemorating his retirement, stating that Mr. Snethen had been with the city since 1946, serving the city for 37 years. Mr. Jack Davis, Director of Utilities, then presented a plaque to Mr. George Louderback. Mr. Davis related a resume' of the services rendered by Mr. Louderback, who had been employed since 1952, thus completing thirty years of service upon his retirement.

The City Commission then went on record giving appreciation to these city employees for their service to the city.

Ordinance No. 2721-82 - Zoning

Mr. McCrea made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the certain tract and area within the city and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas, and repealing certain parts of said amended zoning map of the city, be passed. Specifically, the ordinance rezones a tract of land located at 1000 E. Logan from R-S (Residential Suburban) to C-2 (General Commercial). The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2722-82 - Redefining the Corporate Boundaries of the City

Commissioner Lister made a motion that an ordinance defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and repealing Ordinance No. 2688A of the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Larson. It was explained that the city must annually pass an ordinance defining the city limits of the city in compliance with state statute. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Renewals

Mayor Snyder called on the City Clerk to present the applications for cereal malt beverage license renewals for 1983. The City Clerk reported that all persons and business that have submitted application for license renewals have paid the appropriate fees and have met the prerequisites for obtaining cereal malt beverage license. The requests as presented by the City Clerk are as follows:

White Grocery, Shirley S. White, owner,
703 Ash, package sales only

Paxson's Super Saver, Dana W. Stevenson, Manager
602 S. Maple, package sales only

Pence Food Centers North, R. Wallace Hart, Manager,
305 N. Main, package sales only

Pence Food Centers South, Charles Gillette, Manager,
1428 S. Main, package sales only

Working Man's Friend Oil Inc., James R. Carterman, Manager,
304 Logan, package sales only

Safeway Stores, Inc., Paul Horner, Manager,
901 S. Main, package sales only

Andy's Service, Willard Cromwell, owner and operator,
1115 W. 7th, package sales only

Waymire's Butcher Block, Charles F. Waymire, Manager,
2008 Princeton Road, package sales only

The Saddleback Lounge, William Osborn, owner
111 N. Main, for consumption on the premises

Poncho's of Ottawa, Inc., Opal Smith, Manager,
429 S. Main, for consumption on the premises

B & G Tavern, Gary Abbott, Manager,
110 N. Main, for consumption on the premises

Ottawa Country Club, Mearl Sands, Manager,
located on E. Logan, for consumption on the premises

The Blue Room, Roger D. Bachelor, owner and manager,
231 N. Main, for consumption on the premises (this is
a relicensing of the premises; however, the manager
and the name of the establishment have been changed.)

William L. Jung, Inc., William L. Jung, owner
2040 Princeton Road, for consumption on the premises.

Commissioner Larson made a motion that all cereal malt beverage license applicagions as presented be approved. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated that he thought possibly the city should study the license fee structure for establishments that sell cereal malt beverages in that it is very possible that the services the City of Ottawa renders to the establishments far exceed in cost the fee imposed by licensing. Upon call for the question, all present voted in favor of the motion.

Amendment No. 1 to Power Purchase Agreement

Commissioner Marstall made a motion that Amendment No. 1 to the October 21, 1981, power purchase agreement between the Board of Public Utilities of Kansas City, Kansas, and the City of Ottawa, Kansas, be approved. Mr. Marstall further explained that Amendment No. 1 allows the City of Ottawa and the Kansas City Board of Public Utilities to render the power purchase agreement null and void after March 1, 1983, inasmuch as the City of Ottawa has entered into an agreement to purchase power through the Kansas Municipal Energy Agency, who in turn is purchasing power from the Kansas City Board of Public Utilities. The normal expiration date of the power purchase agreement would be October 31, 1983. Commissioner Marstall's motion was seconded by Commissioner Larson and all present voted in favor of the motion.

1982 Projects

Mayor Snyder stated that he and the City Commission had made a list of the various projects which had either been begun or completed in 1982, and at this time the City Commission would like to take time to discuss some of them. Among the items listed by the City Commission, the list totaling 24 items, the following items were mentioned by the City Commission.

1. The downtown revitalization program, which hopefully will be completed in 1983.
2. The Kansas Municipal Energy Agency long-term power purchase agreement.
3. The Kanza Park improvements.
4. The completion of the updating of the municipal code.
5. The support that the City Commission has given to the Ottawa Industrial Development corporation by passage of the resolution of intent to issue Industrial Revenue Bonds this morning.
6. A new health insurance plan for the city's employees, which has lowered the cost of health insurance considerably.
7. The energy help plan which the City Commission initiated a few weeks ago.
8. The purchase of the new aerial ladder fire truck and the disposal of the old snorkel truck.

Then Mayor Snyder went on record as commending the city staff for their endeavors in the past years in making these improvements possible.

Comments Concerning the Upcoming Election on the City Manager Form of Government

Mayor Snyder stated that he was very concerned that the petition to change the form of government in the City of Ottawa from manager-commission to mayor-commission had been sufficient and stated that in the November issue of the Government Journal, 54% of the cities in Kansas presently have the city manager form of government. In fact, the mayor-commission form of government was being used in only 16 cities in the State of Kansas, or a total of 9% of the cities. Mayor Snyder went on record as encouraging everyone to vote for the city manager form of government by saying that he could not envision the City Commission running the city in a proper manner without a city manager. Mayor Snyder further stated that if anyone has any questions concerning either of the forms of government, the City Commission would be most happy to answer those questions.

Commissioner Marstall stated that he felt the city manager form of government was a very efficient and cost saving form of government and the lines of communication in this form of government have always been open.

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


Orlin W. Smith, City Clerk