

City Hall- Ottawa, Kansas - January 2, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Lantis and Commissioners Gillette, Jackson, Tyson and Keim. Mayor Lantis led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Paul Turner, of the Wesleyan Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held December 18, 1991 and continued to December 23, 1991 were approved as written.

#### Public Comments

Mr. Steve Gorsline, 1609 S. Osage Drive, appeared before the City Commission concerning the feasibility of a short line railroad on the Old Santa Fe Railroad Right of Way. Mr. Gorsline gave his estimates of revenues and usage of his proposed short line railway along with statistics of other short line railways located throughout the United States.

Mr. Darrell Wadkins and Mr. Dan Burnett appeared before the City Commission raising an objection to a section of the Ordinance which adopts the Standard Traffic Ordinance for Kansas Cities. Mr. Wadkins and Mr. Burnett were concerned about Section E of the Ordinance which says "it shall be unlawful to operated a motorcycle or motor driven cycle within the City of Ottawa, Kansas without illuminated directional signal devices, front and rear." It was stated that motorcycles manufactured prior to 1973 did not have directional signals, nor would the charging system of such motorcycles support the operation of direction signals.

#### Ordinance Adopting the Uniform Standard Traffic Ordinance for Kansas Cities

Mayor Lantis introduced an ordinance providing certain deletions, additions, amendments and substitutions in Article 1, 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, additions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas 1982 and repealing Ordinance No. 2955-90. The section which states it shall be unlawful to operate a motorcycle or motor driven cycle within the City of Ottawa, Kansas, without illuminated directional signals front and rear came under discussion. The discussion related to the necessity of having all motorcycles or motor driven cycles have illuminated directional signals whether it was necessary or feasible. It was also discussed that there were probably very few motorcycles manufactured prior to 1973 on the streets today.

Chief of Police, Jeffrey D. Herrman stated that his department did not have a strong feeling one way or another as to whether the earlier model motorcycles and motor driven cycles should be required to have directional signals. The same sentiment was stated by the City Manager.

Commissioner Gillette made a motion that Section II, Subsection 13-102 E, be deleted from the adopting ordinance. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

The subject of spilling loads on highways, depositing mud and dirt on the streets of Ottawa also came under discussion. It was the consensus of the Commission that the subject of depositing mud, dirt or debris upon the streets of Ottawa was not clearly stated in the ordinance in that it was meant to relate to trucks and construction related equipment and not necessarily to all vehicles. The ordinance also sets forth that a bond can be required by the City Manager on persons operating trucks which deposit mud and dirt on the streets however it was pointed out that the bond did not clearly state its intention.

After further discussion Mayor Lantis called for a motion for passage of the ordinance there being no such motion the ordinance was declared not to have passed.

#### Ordinance No. 3014-91 - Designating Two Hour Parking Zones

Mayor Lantis introduced an ordinance providing certain amendments and additions to Article III, Chapter 13 of the Municipal Code of the City of Ottawa, Kansas 1982, relating to the control of vehicle parking within the City and providing for the incorporation of said amendments and additions into the Municipal Code of the City of Ottawa, Kansas.

Commissioner Gillette made a motion that an ordinance providing certain amendments and additions to Article III, Chapter 13 of the Municipal Code of the City of Ottawa, Kansas 1982, relating to the control of vehicle parking within the City and providing for the incorporation of said amendments and additions into the Municipal Code of the City of Ottawa, Kansas 1982 be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Resolution No. 590-91 - Authorizing an Agreement with RPI Limited Partnership No. 20

Mayor Lantis introduced a resolution authorizing an agreement with RPI Limited Partnership 21, for Courthouse Square Apartments parking. The resolution authorizes the Mayor and City Clerk to sign said agreement which will allow for a limited amount of

parking by permit and certain areas of two hour parking and in certain areas the Parking Lot at 3rd and Cedar.

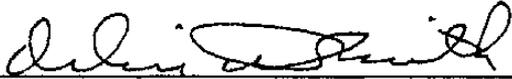
Commissioner Tyson made a motion that a resolution authorizing an agreement with RPI Limited Partnership No. 20 for Courthouse Square Apartments parking be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Tyson made a motion that the monthly report for the Ottawa Recreation Commission Board Minutes of November 20, 1991 and the Analysis of Local Sales Tax Receipts be accepted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Adjournment

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

  
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Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - January 15, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Pro tem Tyson and Commissioners Gillette, and Keim, absent Mayor Lantis and Commissioner Jackson. Mayor Pro tem Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Lucille Barb, of the Trinity United Methodist Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held January 2, 1992 were approved as written.

#### Public Comments

Mr. Leonard Larson appeared before the City Commission concerning the comments which had been made pertaining to stop signs on Cedar Street to slow down the traffic. Mr. Larson stated that he drives Cedar Street several times a day and he does not see speeding as a problem on Cedar Street, however, if there were a problem with speed of traffic on Cedar Street, Mr. Larson suggests more enforcement of speed limits by the Police Dept. Mr. Larson then stated he was more concerned with the speed of heavy trucks on Main Street, and he felt that more speed enforcement should be put on Main St. as well as Cedar Street.

Commissioner Gillette commented that he had made the statement concerning the stop signs on Cedar Street and since then he had received many telephone calls and other comments of citizens opposing such a move. Commissioner Gillette further stated that he was in agreement with Mr. Larson that the answer must be more speed controlled by the Police Dept.

Mr. Ed Clark of the Over the Road Gang requested permission for the Over the Road Gang to use Forest Park on September 19 and 20 for the annual car show he also requested that the East Shelter House be reserved on Friday, September 18 as well as September 19 and 20. The City Governing Body unanimously approved Mr. Clark's request for the use of Forest Park and the shelter house on September 18, 19 and 20 for the Over the Road Gang Car Show.

Shernice Casteel appeared before the City Commission asking for the enactment of a proclamation in honor of Dr. Martin Luther King Jr. Further Ms. Casteel invited the Governing Body and other persons to a Church Service at Bethany Baptist Church on Sunday, January 19, in honor of the birthday of Dr. Martin Luther King Jr. Mr. Jack Alexander will be a speaker at the church service.

#### Proclamation - Martin Luther King Jr. Week

Mayor Pro tem Tyson read a proclamation proclaiming the week of

January 19, 1992 as Martin Luther King Jr. week in the City of Ottawa.

Commissioner Keim made a motion that the proclamation be approved, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution - 591-92 Authorizing an Agreement with Wilson & Company

Commissioner Gillette made a motion that a resolution authorizing an agreement with Wilson and Company for Aerial Photography and Topographic Mapping of the City of Ottawa, and parts of the surrounding area be passed. The motion was seconded by Commissioner Keim.

The cost set forth in the agreement for the Photography and Topographic Mapping desired by the City of Ottawa is \$89,540.00. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3015-92 - Adoption of the 1991 Addition of the Standard Traffic Ordinance for Kansas Cities

Commissioner Gillette made a motion that an ordinance providing certain deletions, additions, amendments and substitutions in Article 1 of Chapter XIII of Municipal Code of the City of Ottawa, Kansas, 1982 relating to traffic regulations and providing for incorporations of said deletions, additions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982; and repealing Ordinance No. 2955-90 be passed. The motion was seconded by Commissioner Keim. It was discussed that the provision in the adopting ordinance as submitted to the City Commission at the previous meeting dealing with the tracking of mud on the City Streets of Ottawa had been deleted from the adopting ordinance and would be dealt with at a later time either as littering, as a building permit regulation or a traffic violation. Upon call for the question all present voted in favor of the motion.

Report by City Manager

The City Manager reported that the overlay of Wilson Street from Main to Davis Road which is a State aid project and is scheduled for fiscal year 1996 may be able to be moved forward to fiscal year 1994. The City Manager stated that he had received notification that additional federal funds are becoming available and upon written request from the City, the State would give consideration to moving the project forward. The City Manager asked for authority from the Governing Body to write a letter requesting the project be moved to fiscal year 1994.

Commissioner Gillette made a motion that the City Manager be authorized to write a letter to the Kansas Department of Transportation, requesting improvement of Wilson Street from Main Street to Davis Road be moved to fiscal year 1994. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

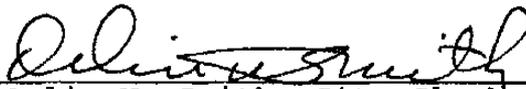
The City Manager then stated that the City should get notification from the State in May or June of this year as to whether the project will be moved to fiscal year 1994.

#### Monthly Reports and Minutes of Boards

Commissioner Keim made a motion that the Sanitary Sewer Study Inspection Progress Update for January 2, 1992, the Planning and Zoning Department Annual Report for 1991, the Fire Department monthly report for December, 1991, the Inspection Department Monthly Report for December, 1991, the Planning Commission Minutes of January 7, 1992 and the City of Ottawa Investment Schedule for December 31, 1991, indicating a total of \$6,900,000 invested at an annual interest rate of 4.71% be accepted and entered into the record. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 5, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Lantis and Commissioners Gillette, Keim, Jackson and Tyson. Mayor Lantis led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Jerry Harnden of the First United Methodist Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held January 15, 1992, were approved as written.

#### Public Comments

Mr. Joe Wakefield appeared before the City Governing Body requesting a proclamation, proclaiming the month of February 1992 as Black History Month. Mr. Wakefield further outlined the events that would take place during the month of February in the City of Ottawa commemorating this occasion.

#### Proclamation - Black History Month

Mayor Lantis read a proclamation designating the month of February as Black History month in the City of Ottawa. Commissioner Tyson moved that the Proclamation be approved, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Resolution - No. 592-92 - Adopting a Pay Plan for the Employees of the City of Ottawa

Commissioner Jackson made a motion that a resolution adopting a pay plan by setting forth the compensation for employee classification by position title, providing policy's for the administration of said pay plan and repealing all prior resolutions in conflict therewith. Commissioner Jackson further moved that a 2.76 percent cost of living pay increase following the adoption of the new pay plan be approved, the City Manager be directed to provide equivalent deferred compensation to employees who are at or above the top of the pay range and will not receive a cost of living hourly pay increase. The motion was seconded by Commissioner Tyson and all present voted in favor of the motion.

#### Resolution No. 593-92 - Joint Use of Poles

A resolution authorizing an agreement with Southwestern Bell Telephone Company for the purpose of joint use of utility poles was introduced. The pole sharing agreement formalizes the practice of joint use of poles by Southwestern Bell and the City of Ottawa.

Commissioner Gillette made a motion that a resolution authorizing an agreement with Southwestern Bell Telephone Co. for the joint use of utility poles be passed. The motion was seconded by Commissioner Tyson and all present voted in favor of the motion.

Resolution No. 594-92 - Agreement with Bucher, Willis and Ratliff

Commissioner Tyson made a motion that a resolution authorizing an agreement with Bucher, Willis and Ratliff for general planning advisory service consisting of the preparation of technical reports and the provision of advice regarding planning, zoning and subdivision matters be approved. The motion was seconded by Commissioner Keim.

Commissioner Jackson registered objections to the resolution and agreement as it is written, he would like the agreement to be more specific on the preparation of documents presented to the Planning Commission, that they are not rewrites of old and existing material. Upon call for the question all present voted in favor of the motion, except Commissioner Jackson who voted opposing the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Tyson made a motion that the City of Ottawa monthly report for December 31, 1991, Police Dept, 1991 annual report, the Ottawa Library minutes for December 1991 and the City of Ottawa financial report for October 1991 to December 1991 be approved. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Governing Body Agenda

At this time Mayor Lantis submitted his resignation from the Governing Body of the City of Ottawa as follows: I have accepted an appointment from Gov. Joan Finney to serve as director of Community Development in the Kansas Department of Commerce. I hereby resign my office of City Commissioner for the City of Ottawa, Kansas effective February 6, 1992. Please accept this as my formal resignation from the City Commission.

Commissioner Gillette then made the motion that the Governing Body reluctantly accept the resignation of Mayor Lantis from the City Commission of the City of Ottawa. The motion was reluctantly seconded by Commissioner Jackson and all present voted in favor of the motion.

Mr. Lou Atherton of the Greater Ottawa Chamber of Commerce appeared

before the City Governing Body expressing his appreciation to Mayor Lantis for the work he has done as Commissioner and Mayor while serving on the City Commission.

Mayor Pro tem Tyson presented Mayor Lantis with a plaque commemorating his service as Mayor to the City of Ottawa.

Mayor Lantis proceeded to thank the staff and the employees of the City of Ottawa for the cooperation he had received stating that one of the main changes he has seen in the City of Ottawa the past few years are changes in attitude both by employees and staff of the City but as seen in the citizens of the City as well. Commissioner Gillette stated that he wished to commend Mayor Lantis for the accomplishments during his tenure as Mayor and as a member of the City Commission. Commissioner Jackson went on record as seconding the comments of Commissioner Gillette. Commissioner Gillette then stated that those interested in serving on the City Commission should mail a request to the City Commission stating why they might like to serve on the Commission and a little background emphasizing that it did not have to be a complete resume. Commissioner Jackson going a step further stated, that the individual needs to state what he or she has to offer in the area of experience or expertise in their letter of request. The City has 30 days to make a selection, the City Commission ask if there are any letters of request to serve on the City Commission they should be addressed to the Mayor or City Commission and should be received no later than 5 PM, February 18.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - February 19, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Jerry Harnden of the First United Methodist Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held February 5, 1992 were approved as written.

#### Public Comments

Mrs. Lindquist representing, Spirit, appeared before the City Commission stating that she had been working with the homeless and mentally handicapped in the community. Mrs. Lindquist stated she had worked with several ministers in town, with the Department of Social and Rehabilitation Services and with the Franklin County Mental Health Clinic. The numbers of people that Mrs. Lindquist has been working with has increased to the point that the need to establish a center or building of some sort in Ottawa has become necessary. Mrs. Lindquist appeared before the City Commission to inform them of her presence and to ask for their support in any and all areas that are possible.

Mr. Don Leadbetter appeared before the City Commission objecting to an ordinance which is before the City Commission today which restricts department heads of the City to living within the corporate boundaries of the City. Mr. Leadbetter stated that he is currently developing a homesite within a three mile radius of the City and that the City in many ways controls his development and he did not feel that the City should restrict employees of the City from living within the County. Mr. Leadbetter stated that he had two department heads of the City which are currently looking at possible homesites in the area he is developing and with passage of the ordinance before the City Commission today, these two department heads would no longer be able to purchase homesites from him.

#### Request of the Retail Trade Committee of the Ottawa Area Chamber of Commerce

Lou Atherton appeared before the City Governing Body representing the Retail Trade Committee of the Ottawa Area Chamber of Commerce, requesting permission to hold a sidewalk promotion on the sidewalks of downtown Ottawa, February 29, 1992, from 9 AM until 5 PM.

Commissioner Gillette moved that the request of the Ottawa Area Chamber of Commerce Retail Committee to hold a sidewalk promotion

on the downtown sidewalk to the City of Ottawa, February 29, 1992, from 9 AM to 5 PM be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Ordinance Amending Chapter 2, Article 3, Section 2-303, of the Municipal Code of the City of Ottawa

An ordinance was introduced which amends the City Code regarding City officers, (1) restores the office of city engineer, (2) provides that the director of finance and city clerk offices could be held by two persons, and (3) requires City residence of all department heads. The city attorney and municipal judge are required to be residents of Franklin County, but not the city engineer which may be a representative of a consulting firm.

Commissioner Keim made a motion that an ordinance amending Chapter 2, Article 3, Section 2-303, of the Municipal Code of the City of Ottawa, Kansas, relating to City officers be passed. However the motion died for a lack of a second.

Commissioner Gillette stated he would like to see the ordinance considered again in a few weeks but that evidently the ordinance had appeared on the agenda with no knowledge of the citizens of the City of Ottawa and he felt the citizens should have an opportunity to respond. The ordinance has been discussed in study sessions of the City Commission but was not reported as such and thus became as a surprise to most people.

Commissioner Jackson commented that he was concerned that the City of Ottawa would have law firms with the expertise to serve in various capacities for the City such as general counselor, prosecutor and other areas if the firm of Anderson, Byrd and Richeson could not qualify to serve as City attorney because of the residence requirements set forth in the ordinance.

Resolution No. 595-92 - Authorizing an Agreement with the Ottawa Area Chamber of Commerce for Industrial Development Promotion

Commissioner Gillette moved that a resolution authorizing an agreement with the Ottawa Area Chamber of Commerce to retain services of the Chamber to promote industrial development, retention and expansion within the City be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 596-92 - Ratifying Execution of a Request for a Construction Project

Commissioner Keim made a motion that a resolution ratifying the execution of a request for construction project for improvement of East Wilson Street (KDOT Project No. 30U-0970-01) to the Kansas

Department of Transportation be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 597-92 - Authorizing a Supplemental Agreement with Cook, Flatt & Strobel Engineers

Commissioner Jackson made a motion that a resolution authorizing a Supplemental Agreement with Cook, Flatt & Strobel Engineers, P.A., for plans for Wilson Street, between Main and Davis Streets be passed. The motion was seconded by Commissioner Gillette.

It was discussed that there is an update needed on the plans for the improvement of East Wilson Street and the agreement will allow the engineers to complete the update of the construction plans. Upon call for the question all present voted in favor of the motion.

Resolution No. 598-92 - Authorizing an Agreement for Street Improvements

Commissioner Jackson made a motion that a resolution authorizing an agreement with Jerry D. Thompson and Connie M. Thompson for improvements within Thompsons Addition be approved. The motion was seconded by Commissioner Keim.

The resolution sets forth that the Mayor and the City Clerk are authorized and directed to execute the agreement for street improvements within the Thompson Subdivision, with the agreement stating that the Thompson's have the option to finance the improvement in accordance with KSA 12-6a04 et seq if they so desire. Upon call for the question all present voted in favor of the motion.

Resolution No. 599-92 - Authorizing Escrow Agreement

Commissioner Jackson made a motion that a resolution authorizing an escrow agreement with Fashion Inc., for an economic development project under the Kansas Small Cities Community Development Block Grant Program be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the Investment Schedule as of January 31, 1992, the Inspection Department Monthly Report for January 1992, the Planning Commission Minutes of February 4, 1992, the Sanitary Sewer Study Inspection Progress Update for February 3, 1993, the Ottawa Recreation Commission Board Minutes for December 18, 1991, the Fire Department Monthly Report for January, 1992 and the Police Department Monthly Report for January 1992 be accepted. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

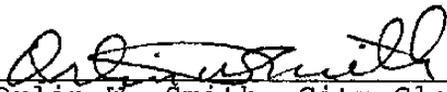
## Governing Body Agenda

Commissioner Jackson asked what progress had been made on establishing a level payment plan for utility customers and that if a time line had been established for completion of this project. The City Manager replied that the upgrading of our System 36 Computer, which was completed a week ago was a start on the project but that a time line for completion of the project had not been established.

It was announced that a candidate forum for the selection of a City Commissioner will be held at the Ottawa Middle School, February 26, 1992. The City Commissioners are currently working on the format that will be used for the forum.

## Adjournment

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

  
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Orlin W. Smith, City Clerk

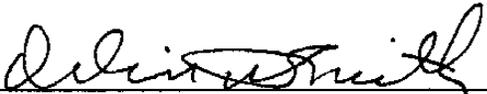
Special Meeting - February 26, 1992

The City Governing Body met in special session at 7 PM this date at the multipurpose room of the Ottawa Middle School: The purpose of the meeting was to hold public forum and present the candidates for appointment to the City Commission to fill the unexpired term of Commissioner Lantis, to the public. Present Mayor Tyson and Commissioners Jackson, Gillette and Keim. Appointee candidates present were Jim Grogan, Barbara Gibson, William Burnett, Debra Bemis, Jim Welch and Steve Gorsline. Each appointee candidate was given three minutes for a statement concerning their qualifications and reason for wanting to be appointed to the City Commission.

At the conclusion of the opening statements each commissioner asked two questions which were answered by all candidates. At the conclusion of the questions of the City Commission those in attendance were allowed to submit written questions which could be directed to particular candidates or to the entire field of candidates.

Mayor Tyson opened the meeting at 7 PM and the meeting was adjourned at approximately 8:45 PM.

The entire text of the meeting is on tape in the office of the City Clerk.

  
Orlin W. Smith, City Clerk

City Hall, Ottawa Kansas - March 2, 1992

The City Governing Body met in special session at 3 PM this date: Present Mayor Tyson and Commissioners Jackson, Gillette and Keim. The purpose of the meeting as stated in the Special Call was to select a person to serve in the capacity of City Commissioner for the unexpired term of Commissioner Lantis who resigned February 6, 1992. The City Governing Body at an earlier meeting ask persons interested in serving in the unexpired term of Commissioner Lantis to submit letters of request. After the letters of request were received a public forum was held at which time the persons wishing to fill the unexpired term of Commissioner Lantis could address the Commission and the Public explaining their views on Municipal Government and why they wish to serve in this capacity. Six candidates for the unexpired term appeared and spoke at the public forum.

After calling the meeting to order Mayor Tyson requested that each Commissioner submit their top two candidates from the group of candidates that appeared at the public forum. Commissioner Gillette submitted the names of William Burnett and James Welch. Commissioner Jackson submitted the names of James Welch and William Burnett, Commissioner Keim submitted the names of William Burnett, James Welch and a third candidate Debra Bemis, Mayor Tyson submitted the names of James Welch and William Burnett.

Commissioner Gillette made a motion that William Burnett be appointed to the office of City Commissioner to serve the unexpired term of Commissioner Lantis. The motion was seconded by Commissioner Keim, upon call for the question Commissioners Gillette and Keim voted in favor of the motion, and Commissioner Tyson and Jackson voted opposing the motion.

Commissioner Jackson made a motion that James Welch be appointed to the position of City Commissioner to serve the unexpired term of Commissioner Lantis. The motion was seconded by Mayor Tyson and upon call for the question, Mayor Tyson and Commissioner Jackson voted in favor of the motion and Commissioner Gillette and Commissioner Keim voted opposing the motion. After further discussion Commissioner Gillette made a motion that William Burnett be appointed to the position of City Commissioner to serve the unexpired term of Commissioner Lantis, the motion was seconded by Commissioner Keim and upon call for the question, Commissioners Gillette and Keim voted in favor of the motion and Mayor Tyson and Commissioner Jackson voted opposing the motion. After additional discussion Commissioner Gillette made a motion that William Burnett be appointed to the position of City Commissioner to fill the unexpired term of Commissioner Lantis, the motion was seconded by Commissioner Keim and upon call for the question Commissioners Gillette and Keim voted in favor of the motion and Mayor Tyson and Commissioner Jackson voted opposing the motion. It was then discussed and decided that the City Commissioners would consider the issue again at their regular meeting of March

4, 1992.

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

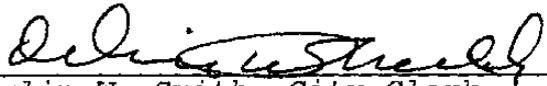
  
Orlin W. Smith, City Clerk

AFFIDAVIT

State of Kansas        )  
                          ) ss  
County of Franklin )

I Orlin W. Smith, City Clerk of the City of Ottawa, Kansas, do hereby certify that at the regular meeting of the Ottawa City Commission which was held March 4, 1992, the annual salary of the Ottawa City Manager was determined to be \$46,800.00 and the City contribution to ICMA-RC for the City Manager was determined to be \$1,950.00 per year. The effective date for the above was set at January 17, 1992.

Signed this 26th day of March, 1992.

  
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Orlin W. Smith, City Clerk

City Hall Ottawa, Kansas - March 4, 1992

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

#### Approval of Minutes

The minutes of the last regular meeting which was held February 19, 1992, were approved as written.

#### Public Comments

No member of the public appeared to address the City Commission at this time.

#### Appointment of City Commissioner

Commissioner Gillette made a motion that Mr. James Welch be appointed to the City Commission to fill the unexpired term of Commissioner Lantis who resigned the position. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion. Mr. Welch was instructed to come forward and was at this time sworn in by the City Clerk. Mr. Welch then proceeded to take his seat at the commission table.

#### Election of Mayor

Commissioner Keim made a motion that Mayor Pro tem Tyson be appointed Mayor of the City of Ottawa, with the term to expire in April of 1993. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Commissioner Gillette made a motion that Commissioner Jackson be appointed to the position of Mayor Pro tem for the City of Ottawa with the term to expire in April 1993. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Ordinance Relating to the Residency of City Officers

Commissioner Gillette made a motion that an ordinance amending Chapter 2, Article 3, Section 2-303 of the Municipal Code of the City of Ottawa, Kansas, relating to the city officers be passed. The motion died for lack of a second.

The ordinance to which Commissioner Gillette made a motion for passage set forth that City Officers consisting of the City Manager and Department Heads be required to reside in the City of Ottawa and that the City Attorney and Municipal Judge be required to reside within Franklin County and that the City Engineer have

no specific residency requirements.

Commissioner Gillette stated he felt that in as much as the City is short of housing and lots upon which to build new homes, he was not in favor of passage of an ordinance of this type at this time, however he thought the City should look to annexing additional area to provide sites for new homes.

Commissioner Keim stated that though he was a proponent of the ordinance in the beginning that he might look more favorable at the present time on requirements that City officers reside within the county.

Commissioner Welch stated that looking at the issue on a broader scale that possibly residency within the County of Franklin or within three miles of the City might be desirable.

Resolution No. 600-92 - Authorizing an Agreement with National Sign, Inc.

Commissioner Keim made a motion that a resolution authorizing an agreement with National Sign, Inc., Ottawa, Kansas, for payments in lieu of taxes as a condition precedent to the granting of tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas be passed. The motion was seconded by Commissioner Gillette.

The resolution authorizes a contract which spells out the terms of the tax incentive being offered for increased employment in keeping with City policy's and the letter of intent. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3016-92 Exempting Certain Property from Ad Valorem Taxation

Commissioner Jackson made a motion that an ordinance exempting certain property from ad valorem taxation for economic development purposes to the City of Ottawa, Franklin County, Kansas and providing for payments in lieu of payments be passed. The motion was seconded by Commissioner Keim. This ordinance puts into effect the tax abatement through a service charge in lieu of taxes that will implement the previous resolution and contract. Upon call for the question all present voted in favor of the motion.

Resolution No. 601-92 - Concurring with the Kansas Department of Transportation Proposal for Geometric Improvement

Commissioner Gillette made a motion that a resolution concurring with the Kansas Dept. of Transportation proposal for Geometric Improvement along Main Street, between 15th and 17th Street be passed, the motion was seconded by Commissioner Jackson.

The resolution concurring with the Kansas Dept. of Transportation proposal for Geometric Improvements of Main Street be 15th & 17th sets forth a revised estimated construction cost for the project and also states that the project has been tentatively selected for the State fiscal year of 1995. Upon call for the question all present voted in favor of the motion.

#### Acceptance of Reports and Minutes

Commissioner Keim made a motion that the minutes of the regular meeting of the Ottawa Library Board of Trustees of January 16, 1992, a Special Meeting of Ottawa Library Board of Trustees of January 23, 1992 and the minutes of the Recreation Commission of January 22 1992, be approved and accepted. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Reports by City Manager

The City Manager reported that he had received a report and request from RPI, concerning the letter of credit they had submitted to the City for the renovation of the North American Hotel. The letter and the documentation received from RPI indicates that RPI at this time has spent in excess of \$500,000, on the renovation of the North American Hotel, where by the City as set forth in the letter of credit may release RPI from their obligation set forth in the letter of credit.

Commissioner Gillette made a motion that the letter of credit submitted by RPI for the renovation of the North American Hotel, be released in as much as RPI has met the requirements set forth in Paragraph 7, of the letter of credit, authorizing the release.

Commissioner Gillette further moved that the City Manager be authorized to sign the release of the letter of credit. The motion was seconded by Commissioner Keim, and all present voted in favor of the motion.

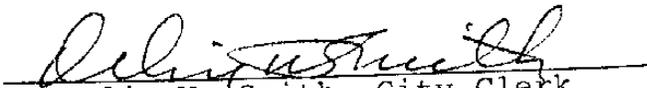
The City Manager also stated that the building in the central business district occupied by Hallmark Cards is scheduled to be inspected by structural engineers for damage caused as a result of the fire immediately south of the building. Along with inspection by structural engineers a representative of the Kansas Historical Society will be on hand for the inspection in as much as the building is included in the two hundred block of south Main which is listed in the National Historic Register. The City is also taking steps to post the building as unsafe to protect passerby from any hazard that might exist.

#### Governing Body Agenda

Commissioner Gillette reported that the Legislative Sessions of the National League of Cities which he and Commissioner Keim and Commissioner Jackson are going to attend are felt to be very important as there is much knowledge to be gained from these meetings. Commissioner Gillette named many of the numerous subject matters which will be covered in separate meetings stating that it is impossible for one commissioner to cover all of the meetings which will be conducted during the legislative conference. Commissioner Gillette also suggested that a letter be sent to Lawrence and the Lawrence Fire Dept. commending the Fire Dept. for their response and help with the fire at the Penny's store in the central business district. It was reported to Commissioner Gillette that such a letter has already been formulated.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - March 18, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Keim and Welch. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Dean Sandusky of the North Baptist Church.

#### Approval of Minutes

The minutes of a Special Meeting which was held February 26, 1992, the minutes of a Special Meeting held March 2, 1992 and the minutes of the last regular meeting which was held March 4, 1992 were approved as written.

#### Presentations and Recognitions

##### Presentation of Plaque to Eldon Rader

Mayor Tyson presented Eldon Rader a plaque commemorating his years of service with the City of Ottawa. Mr. Rader has worked for the City of Ottawa for 35 years, retiring March 13, 1992.

#### Request of KOFO Radio

Commissioner Jackson made a motion that KOFO Radio be authorized to close a portion of the northbound lane of the 300 block of South Hickory Street for their Home and Garden show at the Municipal Auditorium, March 27 and 28 1992, as per their request. The motion was seconded by Commissioner Welch.

The Home and Garden Show uses sidewalk and street parking areas for food booths and outdoor displays of lawn equipment and recreational vehicles. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 602-92 - Authorizing Agreement for Rental of Crop Land

Commissioner Gillette made a motion that a resolution authorizing an agreement with Mr. John McFarland for the rental of 20 acres of crop land adjacent to the Ottawa Municipal Airport be approved. The motion was seconded by Commissioner Keim.

The lease has been negotiated by City staff and sets forth a rental price of \$35.00 per acre. Upon call for the question all present voted in favor of the motion.

#### Request for Closure of Runway 5-23

The governing body proceeded to consider a request of Charles LeMaster, Fixed Base Operator, to close Runway 5-23 at the Ottawa

Municipal Airport. It was reported that Runway 5-23 is a grass runway which is the least used at the airport and to use the runway it crosses the hard surface runway and the taxi strip which creates a dangerous situation for landing aircraft.

Commissioner Keim made a motion that the request for the closure of Runway 5-23 at the Ottawa Municipal Airport as submitted by Charles LeMaster, Fixed Base Operator, be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Approval of Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the following reports be accepted by the Governing Body of the City of Ottawa. The Investment Schedule as of February 29, 1992, Planning Commission Minutes as of March 3, 1992, Analysis of Local Sales Tax Receipts as of March 5, 1992, Sanitary Sewer Inspection Update as of February 28, 1992, Fire Dept. Monthly Report, February, 1992, Inspection Dept. monthly report, February, 1992, Police Dept. monthly report, February, 1992 and the Ottawa Library Board Minutes, February 20, 1992. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Governing Body Agenda

It was suggested by Commissioner Gillette that the Governing Body send a letter to the District Manager of the Penney's store requesting that the Penney's Company relocate their store in the City of Ottawa. The Penney's store was demolished by fire a few weeks ago.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - April 1, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Welch, Jackson, and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Paul Turner of the Cherry Street Wesleyan Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held March 18, 1992 were approved as written.

#### Public Comments

Mr. Steve Dixon, representing Rangeline Corp., a wholly owned subsidiary of Kansas Power and Light Gas Service Co., appeared before the City Commission asking the City Commission to consider entering into a contract with Rangeline to supply natural gas for the City's power plant.

Mr. Dixon states that he appears before the City Commission today as the City Governing Body is considering entering into an agreement with Kansas Municipal Gas Agency for its future natural gas needs. Mr. Dixon states that he has attempted to get the City to entertain an agreement from Rangeline on prior occasions but the City has not done so. Mr. Dixon stated, at the present time he can offer the City natural gas competitively priced.

Mayor Tyson thanked Mr. Dixon for his presentation.

Mr. Steve Gorsline appeared before the City Commission asking why the City would not issue him a letter of support for his proposed excursion railway from the City of Ottawa south to the vicinity of Garnett.

Mr. Gorsline was informed that the City is waiting for him to present firm plans and price projections for the construction of the excursion railroad.

#### Proclamation - Earth Week

Mayor Tyson read a proclamation proclaiming the week of April 18 through April 25, 1992 as Earth Week. Commissioner Keim made a motion the proclamation be approved, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Proclamation - 125th Anniversary of Bethany Chapel Baptist Church

Mayor Tyson read a proclamation proclaiming August 25, 1992 as the 125th anniversary of the Bethany Chapel Baptist Church. Commissioner Jackson made a motion that the proclamation be approved, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Proclamation - Immunization Action Month

Mayor Tyson read a proclamation proclaiming the month of April 1992, as Immunization Action Month. Commissioner Welch made a motion that the proclamation be approved, the motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Request of the Ottawa Jaycees

Rick Walters president of the Ottawa Jaycees, submitted a request to the City Governing Body to use Forest Park on April 11, 1992, with a rain date of April 18, 1992, for the Annual Easter Egg Hunt. Mr. Walters also requested permission to use Forest Park on April 25, 1992, to hold the Annual St. Jude's Bike-a-thon from 10:00 A.M to 2:00 P. M.

Commissioner Gillette made a motion that the request of the Ottawa Jaycees be granted, the motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Request from Resident Property Owners of Thompson Subdivision for Establishment of Benefit District for Street Improvements

The Governing Body proceeded to consider a request from the resident property owners of the Thompson Subdivision for establishment of a benefit district for street improvements. If the request is approved a petition for the property owners will be prepared in accordance with the Commissions directive.

Commissioner Jackson made motion that the request from resident property owners of the Thompson Subdivision for establishment of a benefit district for street improvement be approved. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3017-92 - Residency Requirements for City Officers

The Governing Body proceeded to consider an ordinance amending Chapter 2, Article 3, Section 2-303 of the Municipal Code of the City of Ottawa Kansas, relating to City officers and residency requirements therefor.

The ordinance if passed would require all officers of the City to live in Franklin County with the City Manager being required to live in the City of Ottawa and no residency requirements specified for a City engineer.

Commissioner Keim made a motion that an ordinance amending Chapter 2, Article 3, Section 2-303, of the Municipal Code of the City of Ottawa, Kansas, relating to City officers and residency requirements therefor be passed. The motion was seconded by Commissioner Welch.

Commissioner Gillette stated that he wanted to require all City officers to reside within the City of Ottawa. Mayor Tyson commented that she shared the sentiments of Commissioner Gillette.

Commissioner Keim stated he was concerned that the residency requirements should fit all personnel of the City uniformly.

Upon call for the question Commissioner Tyson and Commissioner Gillette voted opposing the motion and Commissioners Welch, Jackson and Keim voted in favor of the motion.

Ordinance No. 3018-92 - Consenting to Affiliate Membership  
in the Kansas Municipal Gas Agency

Commissioner Keim made a motion that an ordinance consenting to affiliate membership by the City in the Kansas Municipal Gas Agency for the purpose of participating in natural gas acquisition projects of the agency; and authorizing the City to pay the necessary fees, dues or specified charges to the agency in connection with participation in the gas acquisition projects be passed. The motion was seconded by Commissioner Jackson.

It was explained by the City Manager and the Director of Utilities that the City had attempted to deal with Rangeline Corp. in the past to purchase gas; however the price had not been such that we could purchase gas from them until the City began to consider affiliating with the Kansas Municipal Gas Agency. It was recommended that the City Governing Body authorize the affiliation for participation in the Kansas Municipal Gas Agency. Upon call for the question all present voted in favor of the motion.

Resolution 603-92 - Authorizing an agreement with the  
Kansas Municipal Gas Agency

Commissioner Jackson made a motion that a resolution authorizing an agreement with the Kansas Municipal Gas Agency for natural gas purchases be passed, the motion was seconded by Commissioner Welch.

The agreement which is authorized by the resolution establishes the relationship and responsibilities between the City of Ottawa and the Kansas Municipal Gas Agency. Upon call for the question all present voted in favor of the motion.

Resolution No. 604-92 - Authorizing an agreement with RPI Limited

Commissioner Gillette made a motion that a resolution authorizing an agreement with RPI Limited Partnership #20, to continue the encroachment upon City right-of-way be passed. The motion was seconded by Commissioner Jackson.

The agreement sets forth that the old North American Hotel building which is being renovated at this time by RPI, may continue to set partially on City right-of-way. The building encroaches on the City right-of-way by a few inches on the east, south and west. Upon call for the question all present voted in favor of the motion.

Resolution No. 605-92 - Authorizing Sale of Fire Truck

Commissioner Gillette made a motion that a resolution authorizing an agreement with the City of Uniontown, Kansas to purchase from the City of Ottawa, a 1956 International Fire Truck be approved. The motion was seconded by Commissioner Keim.

The agreement sets forth that the City of Uniontown will pay the City of Ottawa, (\$5,002.00) five thousand and two dollars for the fire truck. Upon call for the question all present voted in favor of the motion.

Request to Close Runway 5-23 at Ottawa Municipal Airport

The City Manager reported that if the City wishes to close Runway 5-23 at the Ottawa Municipal Airport, a formal request will need to be made to the FAA. The City Manager further reported that there is no immediate necessity for closing Runway 5-23 if proper maintenance is made on the runway so that small planes crossing the hard surface runway would not be endangered.

Mr. Charles LeMaster, Fixed Base Operator and Airport Manager, appeared before the City Commission stating that he would prefer to have runway 5-23 closed; however if it is properly maintained it does not pose a safety hazards to landing aircraft. Mr. LeMaster reported that the runway had not been properly maintained for a number of years. Mr. LeMaster stated that at the present time the City is upgrading the area in which Runway 5-23 crosses the hard surface runway and the taxi strip and that if this area

is maintained in the future there would be no need to close Runway 5-23.

Commissioner Keim made a motion that the action of the Ottawa City Commission to close Runway 5-23, which was made at a prior meeting be rescinded. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

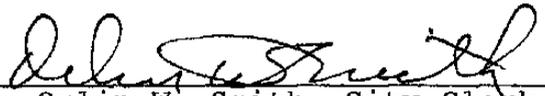
#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the City of Ottawa Monthly Report for the period ending January 31, 1992, the Ottawa Recreation Commission Board minutes, for February 19, 1992, and the Analysis of Local Sales Tax receipts as of March 25, 1992, be accepted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

The City Manager presented the Governing Body members with copies of the Water Treatment Report for 1991 as prepared by Ron Snethen the Superintendent of the Water Treatment Plant. The City Manager commented that the report is up to date and a very comprehensive report.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - April 15, 1992

The City Governing Body of the City of Ottawa, Kansas, met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Welch and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Paul Turner of the Cherry Street Wesleyan Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held April 1, 1992 were approved as written.

#### Ordinance No. 3019-92 - Curfew

Commissioner Jackson made a motion that an ordinance amending the Municipal Code of the City of Ottawa, Kansas, 1982, concerning curfew and providing for the incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982 be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Ordinance No. 3020-92 - Discharge of Firearms

Commissioner Gillette made a motion that an ordinance amending the Municipal Code of the City of Ottawa, Kansas, 1982, concerning discharge of firearms and B-B or Pellet guns and unlawful use of projectiles, and providing for incorporation of said amendments into the Municipal Code of the City of Ottawa, Kansas 1982 be passed. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Welch made a motion that the Investment Schedule as of March 31, 1992, the Inspection Dept., Monthly report as of March, 1992, the Sanitary Sewer Inspection update as of March 31, 1992, the Planning Commission minutes for April 7, 1992 and the City of Ottawa Monthly Report for the period ending February 29, 1992, be accepted. The motion was seconded by Commissioner Keim, and all present voted in favor of the motion.

#### Appointment of Governing Body Member to serve on KMEA Board of Directors

Commissioner Keim made a motion that Commissioner Gillette be reappointed to serve a two (2) year term on the KMEA Board of Directors. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion except Commissioner Gillette who abstained from voting.

There being no further business at this time the meeting was

recessed until 3 P.M. Monday, April 20, 1992.

April 20, 1992, 3:00 P.M. - Continuation of the April, 15, 1992 Meeting

Mayor Tyson called the meeting to order, Present Mayor Tyson and Commissioners Jackson, Gillette and Welch, Commissioner Keim arrived at 3:15 P.M.

Resolution 606-92 - Interlocal Agreement between Franklin County and the City of Ottawa, to Provide Emergency Communication Services

Commissioner Gillette made a motion that a resolution authorizing an agreement with Franklin County, Kansas, and the City of Ottawa, Kansas, to provide emergency communication services be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Executive Session

Commissioner Gillette made a motion the City Commission go into Executive Session for 10 minutes to discuss Attorney - Client relationship, the time 4:30 P.M. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

The allocated time for the Executive Session expired, the City Commissioner went back into regular session at 4:50 P.M.

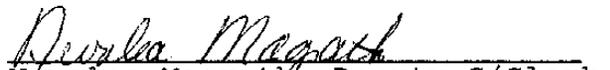
Commissioner Keim made a motion to accept a \$15,623.00, donation from the Dennis M. Billingsley Trust, for the refurbishing of the City Park Band Stand. The motion was seconded by Commissioner Welch, upon call for the question all present voted in favor of the motion.

Commissioner Jackson made a motion to authorize a contract with Loyd Builders, Inc., to act as contractors for the sum of \$15,623.00, for the proposed renovation on the City Park Band Stand. The motion was seconded by Commissioner Gillette, upon call for the question all present voted in favor of the motion.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

  
Nevalea Magrath, Deputy C/Clerk

## **City Hall- Ottawa, Kansas - May 6, 1992**

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Welch and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Lucille Barb of the Trinity United Methodist Church.

### **Approval of Minutes**

The minutes of the last regular meeting which was held April 15 and a continuation April 20, 1992, were approved as written.

### **Public Comments**

Mr. Fred Searls chairman of the Board of Directors of the Ottawa Area Chamber of Commerce and Brent Fogle President of the Ottawa Franklin County Economic Development Corp., appeared before the City Commission speaking to the dangerous and unsafe structures located in the City of Ottawa. Both the Ottawa Area Chamber of Commerce and the OFCED are recommending that action be taken to demolish the dangerous and unsafe structures and to see that junk and abandon cars are removed from the City. Both groups would like for the City Commission to establish a date by which action will be taken in this area.

Commissioner Jackson stated he felt the City Commission needed to establish a time line possibly within 30 days that some action might be seen in the removal of the dangerous and unsafe structures and the removal of junk and abandon cars.

Commissioner Gillette stated that he was in concurrence with the remarks of Commissioner Jackson.

The City Manager stated that as he had stated in the past, action on this item will be started as soon as possible.

Commissioner Jackson made a motion that a program be implemented within the next 30 days to rid the City of dangerous and unsafe structures, junk and abandoned cars. The motion died for lack of a second

### **Request from Ottawa University**

The Governing Body received a request from Ottawa University to hold their Third Annual Ottawa Biathlon, May 10, 1992, using Forest Park and the streets of the City of Ottawa, to conduct the event. The staff advisory states that the Ottawa Police and the Ottawa Fire Departments are aware of the request, and the Kansas Dept. of Transportation has granted verbal authority to close (1) one lane of south bound US59 to accommodate the event. Approval of the request is recommended.

Commissioner Welch made a motion that the request of Ottawa University to use Forest Park and City streets of Ottawa on May 10, 1992, to hold their Third Annual Ottawa Biathlon be approved the motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### **Request from Skunk Run Steering Committee**

The Skunk Run Steering Committee submitted a request to use the City Park on June 13 and 14, 1992, for Skunk Run Days and to close Main Street between 5th and 7th Street on Sunday, June 14, in conjunction with this event. The staff advisory stated, the Public Works Dept., the Utilities Dept., and the Police and Fire Depts. are appraised of the request. Approval is recommended.

Commissioner Jackson made a motion the City permit the use of City Park on June 13 and 14 and the closure of Main Street between 5 and 7th Streets on June 14, for the Skunk Run Days event. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

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

The Governing Body proceeded to hold a public hearing on the issuance of \$250,000 Industrial Revenue Bonds for COF Training Services Inc. Mr. Dan Andrews, Executive Director of COF Inc., stated that the proceeds from the bonds are to be used to enlarge their facility and provide an area that may be air conditioned for use in the summer for their assembly process which involves the mentally handicapped.

Mr. Brent Fogle, President of the Ottawa/Franklin County Economic Development Corp. spoke in support of the issuance of the bonds.

#### **Public Hearing - Consider Application for Kansas Department of Commerce for Small Cities Community Development Block Grant Funds**

Mr. Marlin Johnson of the Exchange Town Company, a not for profit corporation appeared before the City Commission asking for the City to apply for \$200,000 in Small Cities Community Block Grant Funds which are the primary benefit of low and moderate income persons. Mr. Johnson stated that the Exchange Town Company wishes to establish an Adult Care Facility in conjunction with the Ottawa Retirement Village. Mr. Johnson stated that in addition to the \$200,000 in Community Development Block Grant Funds, which is requested that \$70,000 in other funds would be necessary to make the facility become a reality. This is the first of two such hearings to consider applications for Community Development Block Grant Funds.

#### **Ordinance No 3021-92 - Zoning**

Commissioner Keim made a motion that an ordinance amending Ordinance No. 2933-90, Article XIX, relating to zoning by adding lumber-yards-retail as an additional permitted use in the I-1 light industrial district be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

**Ordinance No. 3022-92 - Zoning**

Commissioner Jackson made a motion that an ordinance amending the zoning regulations in the City of Ottawa, Kansas, Ordinance No. 2933-90 be passed. The motion was seconded by Commissioner Keim. The adoption of this ordinance brings the City of Ottawa Zoning Regulations in conformance with State law and federal regulations. Upon call for the question all present voted in favor of the motion.

**Ordinance No. 3023-92 - Zoning**

Commissioner Jackson made a motion that an ordinance amending Ordinance No. 2932-90, subdivision regulations for Ottawa, Kansas, Article XI extent and manner of constructing or installing physical improvements, Section 2 Improvement Procedures be passed. The motion was seconded by Commissioner Keim.

The passage of this ordinance will allow for the review of the construction plans after the Planning Commission has approved the final plat instead of before, as is now the case.

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

**Ordinance No. 3024-92 - Subdivision Regulations**

Commissioner Gillette made a motion that an ordinance amending Ordinance No. 2932-90, subdivision regulations of the City of Ottawa, Kansas, Article IX, preliminary plats, Section 2, Data to be shown on the preliminary plat, Subsection (i), be passed. The motion was seconded by Commissioner Jackson.

Passage of this amendment will require additional information regarding existing and proposed water and sewerage facilities on the preliminary plat. Upon call for the question all present voted in favor of the motion.

**Ordinance No. 3025-92 - Setback Regulations**

Commissioner Keim made a motion that an ordinance amending Ordinance No. 2933-90, Article XII, Mobile Home District Section 7, Subsection 3, Yard regulations, decreasing the rear yard setback requirement in certain circumstances be passed. The motion was seconded by Commissioner Welch.

The passage of the ordinance will permit an eighty (80) foot

mobile home on a 125 foot lot by reducing the rear yard set back to 10 feet, which allows for a 35 foot setback when the zoning lot fronts a major street. Upon call for the question all present voted in favor of the motion.

**Resolution No. 606-92A- Utility Easement**

Commissioner Gillette made a motion that a resolution authorizing the acceptance of a temporary and permanent easement from Country Mart Devco for the construction and maintenance of a City water main along South Highway 59 be passed. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

**Resolution No. 607-92 - Special Use Permit for Storage of Gasoline and Diesel Fuel**

Commissioner Jackson made a motion that a resolution granting a Special Use Permit, for the storage of gasoline, diesel fuel, kerosene, propane and liquid fertilizer excluding anhydrous ammonia in Block 48, City of Ottawa, Kansas be passed. The motion was seconded by Commissioner Keim.

The Co-op property Northeast of Hickory and First Streets is to become a consolidated location for dispensing bulk chemicals. Upon call for the question all present voted in favor of the motion.

**Resolution No. 608-92 - Special Use Permit - Erection of a Tower**

Commissioner Jackson made a motion that a resolution granting a Special Use Permit for the erection of a one hundred (100) foot communication tower for the purpose of mounting the broadcast antenna for KTJO-FM at Ottawa University in the City of Ottawa, Kansas, be approved. The motion was seconded by Commissioner Keim. Upon call for the question all present voted in favor of the motion.

**Resolution No. 609-92 - Approving a Project for COF Training Services**

Commissioner Gillette made a motion that a resolution approving a project for COF Training Services, Inc., a Kansas not-for-profit corporation, and determining that the City of Ottawa, Kansas, will issue its industrial revenue bonds in an amount not to exceed \$250,000 for the purpose of financing the cost of acquiring and constructing an addition to an existing building for manufacturing purposes, including real estate, buildings and improvements be passed. The motion was seconded by Commissioner Welch.

The bond issue will enable the construction of an 8,000 square foot building addition to the existing building. The facility is presently tax exempt as a non-profit charitable institution. Upon

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

**Resolution No. 610-92 - Residential Antidisplacement**

Commissioner Jackson made a motion that a resolution pledging residential antidisplacement and a relocation assistance plan as required pursuant to Section 104 (d) of the Housing and Community Development Act of 1974, as amended, in regard to a Small Cities Community Development Block Grant application be passed. The motion was seconded by Commissioner Gillette.

The readoption of the plan is required to satisfy HUD due to minor changes in references to Federal regulations. Upon call for the question all present voted in favor of the motion.

**Resolution No. 611-92 - Setting Forth Grievance Procedure for Compliance with Americans with Disabilities Act.**

Commissioner Welch made a motion that a resolution setting forth guidelines for a grievance procedure in compliance with the Americans with Disabilities Act of 1990 for the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Jackson.

The proposed grievance procedure provides a three-stage review, decision and possible appeal process to insure full consideration of alleged violations. Upon call for the question all present voted in favor of the motion.

**Resolution 612-92 - Partial Release of Easement**

Commissioner Gillette made a motion that a resolution authorizing partial release of an easement for sanitary sewer purposes in Lot 45, Willow Acres, P.E.L. First Addition to the City of Ottawa, be passed. The motion was seconded by Commissioner Keim, upon call for the question all present voted in favor of the motion.

**City Manager's Agenda**

The City Manager requested the Governing Body approve the final airport layout plan for submission to Federal Aviation Agency.

Commissioner Gillette made a motion that the final airport layout plan for the Ottawa Municipal Airport be approved. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

**Monthly Reports and Minutes of Boards**

Commissioner Keim made a motion that the Economic Development Financial Statement, March 1992, the Police Department Monthly Report, March 1992, the Fire Department Monthly Report, March, 1992, the Analysis of Local Sales Tax Receipts, April 1992, the

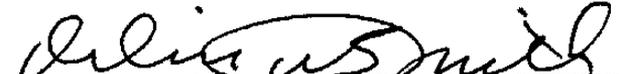
City of Ottawa Monthly Report, March 1992, the Ottawa Library Board of Trustees, March 1992 and the Ottawa Recreation Commission Minutes of March 15, 1992 be approved. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### **Appointments to Boards and Commissions**

Mayor Tyson announced appointments to Boards and Commissions as follows: Library Board, Judy Ransom, term ending 1996; Planning Commission, Raymond Carey, Jim Lancaster and Liz Reusch, terms ending 1995; Recreation Commission, Steve Anderson and Debbie Baldwin, terms ending 1996; Auditorium Authority, Dewey Cook and Joyce Stuermer, terms ending 1995 and Paul Howe, to an unexpired term ending 1994; Board of Zoning Appeals, Jess Gilmore, term ending 1995; Uniform Plumbing Code of Appeals, Jerry Servatius, Pat Haas and Bud Elder, terms ending 1993; National Electric Code Board of Appeals, Jim Bass, Gary Hogelin and Greg Colbern, terms ending 1993; Building Code Board of Appeals, Earl Devore, Jerry Thompson and Butch Bazil, terms ending 1993; Band Committee, Stan DeFries, Darrel McCune, Terry Schoenfeld, David Ludwig and Grace Albright, terms ending 1993; United Way, David Warren, Deanna Fox and Jeff Peabody, terms ending 1993; KMEA Board of Directors, Charles Gillette, term ending 1994; and the Community Corrections Board, Richard Jackson, term ending 1993.

Commissioner Keim made a motion the appointments as announced by the Mayor be approved. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

At this time the meeting was recessed until Monday, May 11, 1992, at which time the Governing Body will consider a request from Hawthorn Elementary School to hold their track meet on a City street, hold a public hearing for the issuance of industrial revenue bonds for Air Technologies, Inc., and consider a resolution authorizing the issuance of the Bonds and consider a resolution authorizing the Mayor and City Clerk to execute an agreement between the City and the Kansas Department of Transportation also to consider any other business to come before the Commission at that time.

  
Orlin W. Smith, City Clerk

**May 11, 1992, 3:00 P.M. - Continuation of the May 6, 1992 Meeting.**

Commissioner Jackson made a motion to grant the request of Hawthorne Elementary School to hold their school track meet on May 14, 1992 between the hours of 8:30 A.M. to 12:00 P.M. and to close

Poplar Street between 5th & 6th Streets during this time. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

**Public Hearing - Industrial Revenue Bonds - Air Technologies Inc.**

The Governing Body proceeded to hold a Public Hearing for the issuance of industrial revenue bonds in the amount of \$600,000 for Air Technologies Inc. Dottie Riley of Gilmore & Bell explained there would be two series of bonds, the first series is taxable and is to be used to acquire additional property, the second series is tax exempt and is to be used for expansion, purchase of equipment and remodeling. There being no further discussion, the public hearing was closed.

**Resolution No. 613-92 - Industrial Revenue Bonds - Air Technologies Inc.**

Commissioner Gillette made motion that a resolution approving a project for Air Technologies, Inc. a Kansas Corporation, for the issuance of Industrial Revenue Bonds in one or more series in an amount not to exceed \$600,000 for the purpose of financing the cost of acquiring, improving, remodeling, expanding and equipping a facility for manufacturing purposes, including real estate, building and improvements be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

**Resolution No. 614-92 - Agreement No. 31-92 - Between the Kansas Department of Transportation and the City of Ottawa**

Commissioner Welch made a motion that a resolution authorizing the Mayor and the City Clerk to execute Agreement No. 31-92 between the City and the Kansas Department of Transportation relating to State Aid for the improvement of City connecting links on the State Highway System be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

**Adjournment**

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

  
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Nevalea Magrath, Deputy C/Clerk

City Hall Ottawa, Kansas - May 20, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Welch & Gillette, absent Commissioners Jackson, and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Lucille Barb, Trinity United Methodist Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held May 6, 1992 and continued to May 11, 1992 and concluded, were approved as written.

#### Public Comments

Jimmie Tolson, 936 Hamblin, appeared before the City Commission charging that racism was alive in the City of Ottawa. Mr. Tolson cited problems he has had with his neighbors and with various City employees and that Police Chief Jeff Herrman would not permit him to file a complaint against Mr. Tolson's neighbor, Terry Thompson, for throwing horse manure on Mr. Tolson's property and for comments Mr. Thompson made to Mr. Tolson, a Black. In closing Mr. Tolson told the Commission he wanted a written statement from the Commission as to why he was not permitted to file a complaint against Terry Thompson or that Mr. Tolson would pursue the matter elsewhere.

Upon question by the City Commission the City Manager stated that he had heard the story Mr. Tolson was relating, however the story he had heard was a somewhat different version from Mr. Tolson's story.

Mr. Tolson read from a hand written report he had prepared, the City has acquired a copy of Mr. Tolson's written remarks.

Mr. Marvin Calliham appeared before the City Commission asking that the City give more details on the proposed electric rate increase. Mr. Calliham said that several citizens had ask him questions concerning the rate increase which he had not been able to answer.

#### Request for reservation for Gazebo in City Park

The Governing Body proceeded to consider a request from the National Guard Headquarters First Battalion, 127th Field Artillery to reserve the Gazebo in City Park on June 11, 1992 at 7:30 P.M., for a welcome home celebration performance by the 35th Division Band. The 35th Division Band will perform in concert on June 11, advance arrangements are required to avoid any conflicts.

Commissioner Welch made a motion that the Gazebo in City Park be reserved for the 35th Division Band for concert purposes on June 11, 1992, at 7:30 P.M. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Ordinance Amending Zoning Regulations

The Governing Body proceeded to consider an ordinance amending the Zoning Regulations of the City of Ottawa, Kansas, Ordinance No. 2933-90 as amended relating to definitions and zoning districts for recycling services.

The ordinance under consideration defined a Community Collection Center, a Processing Center and a Recycling Center and to set forth which zoning districts each of the foregoing could be located in.

Mr. John Taylor, President of Ottawa Sanitation Service, appeared before the City Commission stating that his company wished to set up a recycling center within the City of Ottawa, and that was the purpose of the Ordinance before the City Commission.

The City Commission stated that this ordinance had been discussed and considered in a regular study session and it was the consensus of the Commission that it should be returned to the Planning Commission for further study.

Commissioner Gillette made a motion that the ordinance pertaining to Recycling Centers be returned to the Planning Commission for further study and consideration, the motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Resolution No. 615-92 - Agreement for Operation of Municipal Swimming Pool

Commissioner Welch made a motion that a resolution authorizing an agreement with the Ottawa Recreation Commission for the Swimming Pool lease for 1992 be approved, the motion was seconded by Commissioner Gillette.

The lease agreement to which the resolution addressees is a four year lease for the operation of the swimming pool, however there are ways in which either party may cancel the lease. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 616-92 - Electric Utility Rates

Commissioner Gillette made a motion that a resolution finding the advisability of and ordering the adoption of applicable rates charges, rules and regulations conditions and availability of the services rendered by the Electric Dept. of the City of Ottawa, Kansas and establishing an effective date there of and providing

for the enforcement thereof and rescinding prior resolutions be passed. The motion was seconded by Commissioner Welch.

The purpose of the resolution is twofold in that it is to avoid a negative cash flow in the future and to rectify some inequities which presently exist in the rate structure. Upon call for the question all present voted in favor of the motion.

#### Resolution 617-92 - Authorizing the use of Park Grounds by the Kansas National Guard

Commissioner Gillette made a motion that a resolution authorizing an agreement with the Kansas National Guard to use real property, owned by the City of Ottawa, for military training be passed. The motion was seconded by Commissioner Welch.

The agreement sets forth that the Kansas National Guard may on occasion use park property of the City of Ottawa to conduct training exercises. The National Guard does agree that their use of the park areas will not interfere with public use of the parks. The agreement also contains an environmental impact statement whereby the use of such lands will not be detrimental to the environment. Upon call for the question all present voted in favor of the motion.

#### Request for Engineering Study

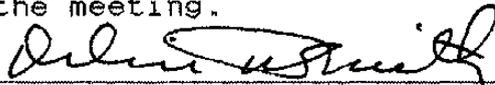
The Governing Body proceeded to consider a request from property owners to have an engineering study completed to improve a portion of East 6th Street in the (900 block). The agreement sets forth that the owners of Acres Estates Mobile Home Park will pay 1/3 of the cost of the street improvement, asks for a variance for a 24 foot wide street, asks that the improvement be of asphaltic concrete pavement and that concrete lay back curbs be installed.

Commissioner Gillette made a motion that an engineering study for the proposed improvement be authorized. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Welch made motion that the Sanitary Sewer Inspection Update for April 30, 1992, Fire Department Monthly Report for April, 1992, Inspection Department Monthly Report for April, 1992, Planning Commission Meeting Minutes for May 5, 1992, City of Ottawa Investment Schedule as of April 30, 1992, City of Ottawa Monthly Report as of April 30, 1992, and the Police Department Monthly Report for April, 1992, be accepted by the Governing Body. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

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.



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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 3, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, and Keim and Welch, absent none. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

#### Approval of Minutes

The minutes of the last regular meeting which was held May 20, 1992, were approved as written.

#### Request for use of Forest Park

The Ottawa Jaycees submitted a written request to reserve the use of Forest Park on July 4, 1992, to conduct their annual Chautauqua Days Celebration. The Staff advisory submitted by the Public Works Director and approved by the City Manager recommends that the request be approved and the details for the use of the park for their celebration be worked out by the Staff and the Ottawa Jaycees.

Commissioner Jackson made a motion that the request of the Ottawa Jaycees to use Forest Park on July 4, 1992, for their annual Chautauqua Days Celebration be approved. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Public Hearing Application for Small Cities Community Development Block Grant Funds.

The City Governing Body proceeded to hold a public hearing to consider applications for Community Development Block Grant funds, this is the second hearing concerning this subject matter.

Elaine Needham presented an application to the City Governing Body for a total of \$400,000, for funds to make the Ottawa City Hall and the Ottawa Library accessible to the handicapped by providing an elevator and stair tower on the exterior of the buildings. In the case of the City Hall the stair tower, elevator tower would also provide rest room facilities accessible and usable by the handicapped on each floor level.

The City would provide \$5,800 in matching funds for administrative costs for the grant application and administration of the grant. Their being no additional applications to be presented the public hearing was closed.

#### Ordinance No. 3026-92 - Industrial Revenue Bonds

Commissioner Gillette made a motion that an Ordinance authorizing

the City of Ottawa to issue its Industrial Revenue Bonds, Series 1992, in the aggregate principal amount of \$250,000 for the purpose of acquiring and constructing a manufacturing project; authorizing execution of a trust indenture by and between the City and the Merchants National Bank of Topeka, in the City of Topeka, Kansas, as trustee; authorizing the City to lease said project to COF Training Services, Inc., be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3027-92 - Amending Parking Regulations and Regulating Parking around the Swimming Pool in Forest Park

Commissioner Jackson made a motion that an ordinance amending Chapter XIII traffic parking rules and regulation, of the Municipal Code of the City of Ottawa, Kansas, restricting the operation of vehicles in the vicinity of Forest Park Swimming Pool be passed, the motion was seconded by Commissioner Keim.

The ordinance as written prohibits parking within 200 feet of the swimming pool in Forest Park, after 10 P.M., hoping to curtail the throwing of glass into the fenced-in swimming pool area. Upon call for the question all present voted in favor of the motion.

Resolution No 618-92 - State Aid for Highway Improvements

Commissioner Welch made a motion that a resolution relating to State Aid for the improvement of City connecting links on the State Highway system be passed. The motion was seconded by Commissioner Gillette.

The resolution provides for State payment for maintenance of Interstate 35 Highway, within the corporate limits of the City. Upon call for the question all present voted in favor of the motion.

Resolution 619-92 - Authorizing Agreement for use of the Softball Facilities

Commissioner Keim made a motion that a resolution authorizing the Mayor and City Clerk to execute an agreement with the Ottawa Recreation Commission for Baseball and Softball Facilities lease be passed, the motion was seconded by Commissioner Welch.

The proposed lease is a four year agreement that escalates the Ottawa Recreation Commission's responsibility for electric energy used in lighting the ball fields to 100 percent by the agreements end. Upon call for the question all present voted in favor of the motion.

Resolution 620-92 - Application for Kansas Small Cities

## Community Development Block Grant Funds

Commissioner Gillette made a motion that a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for a Community Improvement Project for Handicapped Accessibility for the City Hall and the Ottawa Library. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution 621-92 - An Agreement Providing for a Sewer Extension.

Commissioner Keim made a motion that a resolution authorizing an agreement with Mr. Ken Davidson, Mr. Tom Davidson and R. D. Johnson Excavating, for the purpose of providing a sewer extension, the motion was seconded by Commissioner Gillette.

The proposed sewer extension will provide sewer service to a portion of the Highland Place Subdivision of the City of Ottawa so that development may occur in that area. Upon call for the question all present voted in favor of the motion.

## Proposed Private Inflow/Infiltration Removal Program

The City Governing Body proceeded to consider a program to provide for the removal of private inflow/infiltration sources into the sanitary sewer system. The program and document reviewed is an ordinance which sets forth the need for authority for removal and procedures for removal of private inflow/infiltration sources. At this time it is necessary for the Governing Body to approve the document that it may be forwarded to the Kansas Dept. of Health and Environment for approval by the State prior to the enactment of the ordinance.

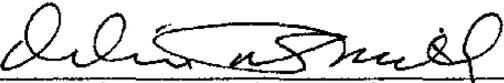
Commissioner Gillette made a motion that the City's plan and documents for removal of private inflow/infiltration sources into the Sanitary Sewer System be approved and sent to the State Department of Health and Environment for approval. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

## Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the Ottawa Area Chamber of Commerce Economic Development Financial Statement for April, 1992, the Library Board of Trustees Minutes of April 16, 1992, Analysis of Local Sales Tax Receipts for May, 1992, Sanitary Sewer Inspection Update for May 29, 1992, and the City of Ottawa Monthly Report for April 30, 1992 be accepted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Adjournment

There being no further business to come before the 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- Ottawa, Kansas - June 17, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Welch, Jackson, and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Father Mullen, of the Sacred Heart Catholic Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held June 3, 1992, were approved as written.

#### Request from the Ottawa Area Chamber of Commerce

The Ottawa Area Chamber of Commerce submitted a request to close certain portions of Main and Fourth Streets to conduct the Street Festival, July 11, 1992.

Commissioner Gillette made a motion that the request of the Ottawa Area Chamber of Commerce to close certain portions of Main and Fourth Streets to conduct the Street Festival July 11, 1992, be approved. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Public Hearing - Tax Exemption Laich Industries Corp

The City Governing Body proceeded to hold a public hearing to consider applications for a tax exemption as submitted by Laich Industries Corp., 1550 North Davis Ave., Ottawa, KS.

The application for tax exemption was approved in 1990, but due to changes in the state law, a new application is required. This application will complete a project begun in 1989. There being no additional comments, the public hearing was closed.

#### Ordinance No. 3028-92 - Disposal of Sewage

Commissioner Jackson made a motion that an ordinance declaring it unlawful within the City of Ottawa, Kansas, to dispose of sewage from a vehicle or other mobile device while engaged in a commercial business of hauling sewage or cleaning septic sewage tanks and setting penalties for the violation thereof, and incorporating this Ordinance as 14-102a of the Municipal Code of the City of Ottawa, Kansas, 1982 be passed. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Ordinance No. 3029-92 - Industrial Revenue Bonds, Air Technologies Inc.

Commissioner Welch made a motion that an Ordinance authorizing the

City of Ottawa to issue its industrial revenue bonds, Series 1992A, in the aggregate principal amount of \$405,000 and its industrial revenue bonds Series 1992B (taxable under federal law), in the aggregate principal amount of \$130,000 (Air Technologies, Inc. project) for the purposes of acquiring, improving, remodeling, expanding and equipping an industrial project; authorizing execution of a trust indenture by and between the City and Union National Bank of Wichita, in the City of Wichita, Kansas, as trustee; and authorizing the City to lease said project to Air Technologies, Inc.; approving a guaranty agreement between Keith P. Gutreuter, Sharen P. Gutreuter, and approving a official statement, be passed. The motion was seconded by Commissioner Jackson. Upon call for the question all present voted in favor of the motion.

Resolution No. 622-92 - Tax Exemption, Laich Industries

Commissioner Gillette made a motion declaring the need and necessity to exempt from advalorem taxation the building, improvements and tangible personal property associated with the expansion of the Laich Industries facility located in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Jackson. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3030-92 - Tax Exemption, Laich Industries

Commissioner Jackson made a motion that an ordinance exempting certain property of Laich Industries from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Gillette. Upon call for the question all present voted in favor of the motion.

Resolution No. 623-92 - Agreement with Rural Water District No. 1

Commissioner Keim made a motion that a resolution authorizing an agreement with Rural Water District No. 1, Franklin County, Kansas, for the purpose of amending the February, 1965 agreement, for the purchase of water with said district be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 624-92 - Street Improvement - Thompson's Addition

Commissioner Gillette made a motion that a resolution setting forth findings as to the advisability of an improvement, and authorizing and ordering the construction of said improvement consisting of concrete pavement, including curb and gutter, in Willow Lane, from the east boundary of Thompson's Addition,

westerly to, and including a concrete cul-de-sac. The improvement shall also include a rock surface on the unpaved portion of Willow Lane within Willow Acres, Ottawa, Kansas, all as provided in K.S.A. 12-6a01 et seq. pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Resolution - Establish Urban Area Boundry Lines

Commissioner Gillette made a motion that a resolution establishing the Urban Area Boundry Lines for the City of Ottawa, Kansas, to qualify for Federal Aid Fund Eligibility by the State of Kansas, be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Cross Connection Control Ordinance and Program

Commissioner Keim made a motion to approve the ordinance pertaining to Cross Connection Control, to be sent to the Kansas Dept. of Health and Environment for review. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Petition Requesting an Engineering Study

Commissioner Welch made a motion to proceed with the engineering study to include the cost estimate, for unimproved portions of Burrough Street between 6th & 7th St. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the Ottawa Fire Department Monthly Report for May, 1992, the City of Ottawa Inspection Department Monthly Report for May, 1992, the City of Ottawa Investment Schedule for May 31, 1992, the Ottawa Area Chamber of Commerce Economic Development Financial Report for May, 1992 and the Planning Commission Minutes of June 2, 1992 be accepted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Gillette stated; the City Administration is in no way in favor of having the AT & SF bridge accross the Marais des Cygnes River, and while at this time the City of Ottawa has no control over the right of way, if at some point the right of way should come under the control of the City of Ottawa, Mr. Gillette would like for this to come before the City Commission for approval before any action was taken on the right of way. Mr. Gillette also stated that he had asked for a written opinion from

the City Attorney and did expect it to be forth coming.

Adjournment

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

*Devon Megall, Deputy*  
~~Orlin W. Smith, City Clerk~~

City Hall- Ottawa, Kansas - July 1, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Welch and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Milan Lambertson.

#### Approval of Minutes

The minutes of the last regular meeting which was held June 17, 1992, were approved as written.

#### Public Comments

Mr. Steve Cowan of Havens Steel Corp. was present, however he stated he was only present to answer questions if they should arise concerning the request of his company.

#### Communications

The City Governing Body had received a letter from Mr. Steve Gorsline stating that he would appear before the City Commission at this time, requesting a letter of support for his proposed tourist Railroad line to run between the City of Ottawa and the Cities of Garnett and Iola. Mr. Gorsline however is not present at this meeting. It was a unanimous consensus of the Governing Body that Mr. Gorsline be informed the Governing Body does not at this time support his proposed tourist railway line.

#### Public Hearing

##### Ad Valorem Tax Exemption Request of the Havens Steel Company

The City Manager reported that the Administrative Review Committee had considered the request of Havens Steel Co., for an Ad valorem Tax Exemption for an addition they are building to their manufacturing facility. The cost benefit analysis prepared for the Review Committee and the Governing Body indicate that the City of Ottawa will get an \$8.00 return for every dollar of tax exemption that Havens Steel might receive. The Administrative Review Committee unanimously recommends that the Havens Steel Company be granted the Ad valorem tax exemption. There being no further comments, Mayor Tyson declared the hearing closed.

Commissioner Gillette made a motion that the Havens Steel Company, be granted the tax exemption they requested. Commissioner Gillette withdrew his motion however as the appropriate resolutions and ordinances concerning a tax exemption are to be considered later in this meeting.

Commissioner Keim made a motion that the report of the Administrative Review Committee be accepted. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Ordinance No. 3031-92 - Cross Connection within the Public Water Supply System

Commissioner Jackson made a motion that an ordinance relating to the protection of the quality of water for the citizens of Ottawa, Kansas, in compliance with K.S.A. 65-162a, ET SEQ., by adding new Article 5 to Chapter XIV of the Municipal Code of Ottawa, 1992 be passed, the motion was seconded by Commissioner Keim.

The ordinance sets forth regulations concerning the connection of the City water system to other piping that might endanger the safety of the water within the City of Ottawa. Upon call for the question all present voted in favor of the motion.

Resolution No. 626-92 - Authorizing Agreement with Havens Steel Company

Commissioner Welch made a motion that a resolution authorizing an agreement with Havens Steel Company, Ottawa, Kansas, for payments in lieu of taxation as a conditional precedent to the granting of tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3032-92 - Exempting Certain Property of the Havens Steel Company from Ad Valorem Taxation

Commissioner Gillette made a motion that an ordinance exempting certain property, Havens Steel Company, from ad taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas, and providing for payments in lieu of taxes be passed, the motion was seconded by Commissioner Jackson. Upon call for the question all present voted in favor of the motion.

The passage of this ordinance authorizes a tax exemption request to be filed before the Kansas State Board of Tax Appeals.

Ordinance No. 3033-92 - Cutting of Weeds and Vegetation

Commissioner Keim made a motion that an ordinance relating to the cutting of weeds and vegetation providing for notice and providing for the cutting by the City of Ottawa Kansas and providing for charges therefore be passed. The motion was seconded by

Commissioner Welch. The passage of this ordinance implements a new weed removal policy pursuant to State Law in Kansas which becomes effective July 1, 1992. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3034-92 Relating to Weeds and Indigenous Grasses

Commissioner Jackson made a motion that an ordinance amending Chapter X of the Municipal Code of the City of Ottawa, Kansas, repealing Article 3, Sections 10-301 through 10-309, inclusive, relating to weeds and indigenous grasses and adding to Chapter X a new Section 10-301 relating to weed removal policy and notification procedure be passed. The motion was seconded by Commissioner Gillette. This section of the Municipal Code must be amended to comply with current legislation. Upon call for the question all present voted in favor of the motion.

Resolution No. 627-92 - Sanitary Sewer Improvements - Northeast Ottawa Industrial Park, Second Addition

Commissioner Gillette made a motion that a resolution setting forth findings as to the advisability of an improvement and a resolution authorizing and ordering the construction of an improvement consisting of sanitary sewer extensions according to plans on file in the Office of the City Clerk in and adjacent to the Northeast Ottawa Industrial Park, Second Addition, Fitts Place, Bien Subdivision, and properties owned by Fish & Lee, all as provided in K.S.A. 12-6a01 et seq. pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas, the motion was seconded by Commissioner Jackson.

The construction of sanitary sewers in the Industrial Park, Second Addition and adjoining properties will be made possible through passage of the resolution and through benefit district financing. Upon call for the question all present voted in favor of the motion.

Petition for Water Main Improvements for the Northeast Ottawa Industrial Park Second Addition

Commissioner Jackson made a motion that the Mayor be authorized to sign a petition requesting water main improvements in the Northeast Ottawa Industrial Park Second Addition and Fitts Place. The City of Ottawa being the sole owner of the property within the benefit district. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 628-92 - Water Main Extension for the Northeast Ottawa Industrial Park, Second Addition

Commissioner Keim made a motion that a resolution setting forth findings as to the advisability of an improvement and a resolution authorizing and ordering the construction of an improvement consisting of a water main extension according to the plans on file in the office of the City Clerk in the Northeast Ottawa Industrial Park, Second Addition, Fitts Place, all as provided in K.S.A. 12-6a01 et seq. pursuant to findings of advisability made by the governing body of the City of Ottawa, Kansas, the motion was seconded by Commissioner Gillette. Upon call for the question all present voted in favor of the motion.

Petition for Street and Drainage Improvements - Northeast Ottawa Industrial Park, Second Addition

Commissioner Welch made a motion that the Mayor be authorized to sign a petition requesting street and storm drainage improvements in the Northeast Ottawa Industrial Park, Second Addition. The motion was seconded by Commissioner Jackson. The City of Ottawa is the sole owner of the property within the benefit district. Upon call for the question all present voted in favor of the motion.

Resolution No. 629-92 - Street and Drainage Improvements for Northeast Industrial Second Addition

Commissioner Gillette made a motion that a resolution setting forth findings as to the advisability of an improvement and a resolution authorizing and ordering the construction of an improvement consisting of street and drainage improvements according to plans on file in the office of the City Clerk in the Northeast Ottawa Industrial Park, Second Addition, all as provided in K.S.A. 12-6a01 et seq. pursuant to finding of advisability made by the Governing Body of the City of Ottawa, Kansas, the motion was seconded by Commissioner Welch. Upon call for the question all present voted in favor of the motion.

Proposed Improvement - East Sixth and Burrough Streets

The City Manager presented a proposal for street improvements for East 6th Street from Linwood to Burrough and Burrough St. from 6th Street to 7th Street. The proposal is to pay for the improvement by way of a benefit district by the properties benefited by the improvement and for the City at Large to pay for the dirt work and a surface course of approximately 2 inches of asphalt as a portion of the City's share. The City Manager proposes the City to pay for the dirt work and the surface work as an incentive to the property owners to petition for the improvement. The dirt work and the surface course would not cost the City any more money than the ongoing maintenance of the dirt street and the overlay of an

existing improved street. The City Manager requested approval for the incentive for the improvement to be offered to the people owning property within the benefit district.

Commissioner Keim made a motion that the incentive for the improvement of East 6th St. from Linwood to Burrough and from Burrough St. from 6th to 7th St., be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Capital Improvements Program 1992-93 Update

The City Manager stated that the Governing Body was in possession of the 1992-93 Update of the Capital Improvement Program and ask for comments concerning the Capital Improvement Program with an ultimate approval of the program. The City Manager stated, he did not feel that the 1992-93 Update was possibly as inclusive and comprehensive as it should be but that it was an improvement over the programs the Governing Body had received in past years.

Commissioner Jackson commented that again the construction of a new library has been slid back one additional year and that it always appears to be the number 1 priority for the following year and in this case a priority for 1993. Mr. Jackson commented this has happened for many years and it is time that the City of Ottawa became realistic with the Capital Improvement Program and not just assign dates for improvements out of convenience. Commissioner Jackson further stated that the remodel of City Hall is scheduled for 1995 in the Capital Improvement Program and he felt that it should have a priority over the City Library. Further the Capital Improvement Program set forth the meeting of the ADA requirements for the City Hall and the Library for 1993 but there was no contingency plan stated if the City should not be successful in getting grants to accomplish the ADA Improvements.

A final item that Commissioner Jackson commented on is that there is nothing in the 1992-1993 Capital Improvement Program for Cox Field and he felt there were many improvements needed in that area, as had been stated by the Ottawa Recreation Commission Board of Directors. After much discussion on priorities and the Capital Improvement Program, action on the Program was tabled until it could have further discussion in Study Session and possibly meet with the Ottawa Recreation Commission Board of Directors.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the minutes of the regular meeting of the Ottawa Library Board of Trustees for May 1992 and the Ottawa Police monthly report for May 1992 be

1992 and the Ottawa Police monthly report for May 1992 be accepted. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

Call for Executive Session

Commissioner Jackson made a motion that the City Governing Body recess to Executive Session for 15 minutes to discuss the acquisition of real estate the present time being 8:52 PM, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

At approximately 9:07 PM the City Commission reconvened in open session and the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - July 15, 1992

The City Governing Body of the City of Ottawa met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette and Welch, absent Commissioners Jackson and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Milan Lambertson.

#### Approval of Minutes

The minutes of the last regular meeting which was held July 1, 1992 were approved as written.

#### Public Comments

Steve Gorsline appeared before the City Commission indicating he had information by which the City might receive assistance in repairing the rail spur going into the Ottawa Industrial Park. The information Mr. Gorsline had, concerned the local rail finance assistance program, which was later reported no longer in effect.

#### Request of John Zaricky - Ford Dealership

Mr. John Zaricky appeared before the City Commission stating that he is seriously considering relocating his Ford dealership and would like to remain within the City limits of the City of Ottawa. Mr. Zaricky presently is considering a piece of property at Keokuk and Main Street where his truck operation is now located, however to make it a workable plan Mr. Zaricky would have to purchase land immediately west of his present truck operation. The land he is considering purchasing has a drainage ditch through it and he is requesting that the City assist in building a drainage structure whereby he could operate an automobile sales area immediately above the drainage structure. The land Mr. Zaricky is considering is currently owned by the Santa Fe Railroad and they have indicated to Mr. Zaricky that the land could be purchased. Mr. Zaricky stated however that before any real purchase plans were made or before the Ford Motor Company is approached for permission to move the dealership the issue of the storm water drainage situation needs to be addressed.

The Governing Body indicated to Mr. Zaricky that they will give consideration to his request but they need more information before considerations can be given. Mr. Zaricky indicated that he would be happy to answer any and all questions concerning his request.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the Sanitary Sewer Inspection update of June 30, 1992, the Ottawa Fire Department

monthly report of June 1992, the Planning Commission minutes of July 7, 1992, the analysis of local sales tax receipts of June 30, 1992 and the Ottawa Recreation Commission Minutes of May 20, 1992, along with the City of Ottawa Investment Schedule of June 30, 1992, which indicates a total of \$6,900,000 invested at an average annual interest rate of 3.62% be accepted. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall, Ottawa Kansas - July 30, 1992

The City Governing Body met in special session at 9:30 AM this date: Present Mayor Tyson and Commissioners Jackson and Welch. The purpose of the special meeting was to hold a Public Hearing concerning a proposed application for Community Development Block Grant Funds in the probable amount of \$300,000. Mayor Tyson opened the hearing by stating the purpose of the hearing explaining that the City is considering applying for a Community Development Block Grant in the amount of \$300,000 to be used in the area of housing to assist moderate and low income families. Possible areas for which the funds could be used include demolition, home buyers down payment, loan closing cost and housing rehabilitation. Mayor Tyson then called for comments from interested individuals.

Mr. Eric Gunther, representing the Federal Housing Association, appeared and spoke before the City Commission. Mr. Gunther was concerned not only with demolition and rehabilitation of homes, but was hopeful the City could go further and secure land for development and construction of new homes. Mr. Gunther explained, that in building a new home in an older area of town that might be in some ways blighted, the appraisal on a new home would not necessary be such that a loan for the home could be secured. For that reason Mr. Gunther asked that the City look to acquiring land or annexing land for future development.

The City Manager suggested that possibly the appraisal system should also be looked at.

Mr. Paul Bean, representing Bank IV stated that Bank IV has money available for home loans, but echoed the sentiments of Mr. Gunther that we need additional land for a new housing development in the City.

It was explained that this is the first of two required hearings the second hearing will be held August 10, 1992, by which time an application for the grant should be completed and ready for Governing Body Comment and approval. The dead line for filing the grant application is August 14, 1992.

The business for which the 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- Ottawa, Kansas - August 5, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Welch and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Fred Schaffer, of the First Christian Church.

#### Approval of Minutes

The minutes of the last regular meeting held July 15, 1992, and the Special Meeting held July 30, 1992 were approved as written.

#### Proclamation - Sherm Spears - Fraternal Order of Eagles

Commissioner Tyson read a proclamation, acknowledging that Sherm Spears a resident of Ottawa Kansas and member of Fraternal Order of Eagles #2700, has been elected as Grand Worthy President of the Grand Aerie Fraternal Order of Eagles.

#### Request from Ottawa University to Use Forest Park

Commissioner Jackson made a motion that Ottawa University's request to use Forest Park on October 17, 1992, to conduct a cross country meet be passed. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Public Hearing - Proposed 1993 Budget

Mayor Tyson Commented; the notice of hearing is attached to the agenda for reference. The amount of proposed expenditures may be decreased, but cannot be increased over the amount contained in the published notice.

Commissioner Keim complemented the City Manager for keeping the budget in line.

Commissioner Welch complemented the staff for their input and cooperation with the City Manager in preparing the budget.

Commissioner Gillette commented, it would be worthwhile to the public to attend the Budget Hearing and would invite the public to attend next year.

There being no other comments the public hearing was closed.

#### Ordinance No. 3035-92 - Zoning Ordinance - Recycling Services

Commissioner Gillette made a motion to adopt an ordinance amending Ordinance No. 2933-90, the Zoning Ordinance of the City of Ottawa, Kansas, relating to recycling service. The motion was seconded by

Commissioner Keim, and all present voted in favor of the motion.

Ordinance No. 3036-92 - Repealing Chapter XII, Public Offenses, of the Municipal Code of the City of Ottawa, Kansas

Commissioner Gillette made a motion to adopt an ordinance repealing Chapter XII, Public Offenses, of the Municipal Code of the City of Ottawa, Kansas, 1982, and all provisions contained therein, and adopting a new Chapter 38, Public Offenses, and all provisions contained therein, consisting of fourteen (14) articles dealing generally with public offenses and penalties, and providing for incorporation of said deletions, additions and amendments into the Municipal Code of the City of Ottawa, Kansas, 1982. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3037-92 - Adopting 1993 Budget

Commissioner Welch made a motion to adopt an ordinance appropriating the amounts provided in each fund in the budget for the year 1993; providing for the payment of all claims and charges against the funds provided for therein; and approving and ratifying the payment of all claims against the accounts for the year 1993. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 630-92 - Levying Ad Valorem Taxes for 1993 Budget

Commissioner Keim made a motion to adopt a resolution levying ad valorem taxes for 1992. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 631-92 - Personnel Classification and Pay Plan

Commissioner Jackson made a motion to adopt a resolution ratifying and affirming a personnel classification and pay plan, and adopting a schedule of authorized positions in the municipal service of the City of Ottawa, Kansas. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

Resolution No. 632-92 - Proposed Improvements - East 6th St. to Intersection of Lindwood Street, to and Including Intersection with Burrough St.

Commissioner Gillette made a motion to adopt a resolution setting forth findings as to the advisability of an improvement, and authorizing and ordering the construction of said improvement consisting of paving East 6th St., easterly from the existing concrete pavement of the intersection with Lindwood Street to,

and including, the intersection with Burrough St., Ottawa, Kansas, all as provided in K.S.A. 12-6a01 et seq. pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas. The motion was seconded by Commissioner Keim and upon call for the question all present voted in favor of the motion.

Resolution No. 633-92 - Appointing Designated Agent for the Kansas Public Employee Retirement System

Commissioner Welch made a motion to adopt a resolution appointing Judith Hasty as the designated agent for the City of Ottawa, Kansas, in accordance with the Kansas Public Employees Retirement Act of 1961 as set forth in K.S.A. 74-4902(6). The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 634-92 - Public Hearing - Northeast Ottawa Industrial Park Improvements

Commissioner Gillette made a motion to adopt a resolution providing for a public hearing on the advisability of an improvement consisting of the paving of Industrial Avenue in the Northeast Ottawa Industrial Park, Ottawa, Kansas, all as provided in K.S.A. 12-6a01 et seq. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

Resolution No. 635-92 - Special Improvement Project - Thompson Addition

Commissioner Keim made a motion to adopt a resolution awarding a contract for Special Improvement Project No. 92-01, Willow Lane Cul de Sac, Thompson's Addition, to Loyd Builders Inc. The motion was seconded by Commissioner Jackson. Upon call for the question all present voted in favor of the motion.

Resolution No. 636-92 - Contract for Special Improvement Project No. 9202.1 - Sanitary Sewer Extension, Industrial Park

Commissioner Gillette made a motion to adopt a resolution awarding a contract for Special Improvement Project No. 9202.1, Sanitary Sewer Extension, Industrial Park, to Herrman's Excavating in the amount of \$135,177.85. The motion was seconded by Commissioner Welch, and all present voted in favor of the motion.

Resolution No. 637-92 - Contract for Special Improvement Project No. 9202.2 - Water Main Extension Construction, Industrial Park

Commissioner Keim made a motion to adopt a resolution awarding a contract for Special Improvement Project No. 9292.2, Water Main Extension, Industrial Park, to Azteca Plumbing in the amount of

\$58,728.50. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 638-92 - Contract for Special Improvement Project No. 9202.3 - Street and Drainage Improvements, Industrial Park

Commissioner Keim made a motion to adopt a resolution awarding a contract for Special Improvement Project No. 9292.3, Street and Drainage Improvements, Industrial Park, to Killough Construction Company in the amount of \$211,641.85. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 639-92 - Agreement with Twenty-First Century Management Consultants for Kansas Municipal Energy Agency Contract and Power Supply Options Review

Commissioner Jackson made a motion to adopt a resolution authorizing an agreement with Twenty-First Century Management Consultants for the Kansas Municipal Energy Agency Contract and Power Supply Options review. The motion was seconded by Commissioner Keim, and upon call for the question all voted in favor of the motion.

Resolution No. 640-92 - TouchRead Meter - One Time Fee

Commissioner Welch made a motion to adopt a resolution authorizing a one-time fee for the use of a "TouchRead meter" for the mutual benefit of residential customers and the City Utilities Department. The motion was seconded by Commissioner Jackson upon call for the question Commissioners Welch, Jackson, Tyson and Gillette voted in favor of the motion Commissioner Keim voted against the motion.

Resolution No. 641-92 - Level Payment Plan

Commissioner Jackson made a motion to adopt a resolution authorizing a "level payment plan" for the benefit of residential customers to budget for utility bills. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 642-92 - Assessment Fee for Weed Removal

The adoption of the new weed removal and notice ordinance requires the administrative fee be reestablished.

Commissioner Jackson made a motion to adopt a resolution establishing the fee to be assessed for providing notice of violation of the weed removal, Ordinance No. 3033-92, of the City of Ottawa, Kansas. The motion was seconded by Commissioner Welch, upon call for the question all present voted in favor of the

motion.

#### Reports by City Manager

The City Manager reported there will be a housing Grant Application Public Hearing, Monday, August 10, 1992, 3 P.M., prior the study session.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion to accept the Ottawa Area Chamber of Commerce Financial Statement for June, 1992, the City of Ottawa Monthly Report for June 30, 1992, The City of Ottawa Inspection Department Report for June, 1992, the Police Department Monthly Report for June, 1992 and the Ottawa Library Board Minutes for June 18, 1992. The motion was seconded by Commissioner Welch and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Welch made a motion that effective July 1, 1992, the annual salary of the City Manager be increased to \$55,000, and the next performance review will be prior to the City Manager's employment anniversary date. The motion was seconded by Commissioner Keim, Commissioners Welch, Gillette, Tyson and Keim voted in favor of the motion, Commissioner Jackson voted against the motion.

The next regular meeting will be August 19, 1992 at 9:30 AM.

#### Adjournment

There being no further business to come before the City Commission the meeting was adjourned until 3 P.M., Monday August 10, 1992. 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.

*Scott D. Bird* Acting City Clerk  
Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - August 10, 1992

The City Governing Body met in continuing session at 3 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Welch and Keim.

Public Hearing - CDBG - Housing

Lou Atherton, Chamber of Commerce, spoke to the City Commission offering the support of the Chamber of Commerce and the OFCED in seeking a Community Development Block Grant under the Housing category for the primary benefit of low and moderate income persons.

Eric Guenther, Farmers Home Administration, recommended taking advantage of the Community Development Block Grant, Mr. Guenther stated that the FHA had written a letter in support of the City seeking this grant, and their organization could help in assisting these needs, and urged the City to proceed.

Roger Maxwell, Kansas State Bank, also urged the City of Ottawa to take advantage of the Community Development Block Grant, confirming the Kansas State Bank would also be in a position to assist with these needs.

Richard Jackson complemented Wendy Lee, Program Manager, for the great job she had done in writing this grant.

There being no further discussion the Public Hearing was closed.

Resolution No. 643-92 - Housing Rehabilitation and Demolition Project

Richard Jackson made a motion that a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Funds for a housing rehabilitation and demolition project in the City of Ottawa, Kansas, be passed. The motion was seconded by Charles Gillette.

At this time Mr. Warren explained there had been some changes made after review and comments from other agencies and possibly there could be a few more changes in order to strengthen the application before mailing, August 14. Wendy then explained the minor changes that had been made.

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

Resolution No. 644-92 - Antidisplacement and Relocation Assistance Plan

Commissioner Gillette made a motion that a resolution pledging residential antidisplacement and a relocation assistance plan required pursuant to Section 104 (d) of the Housing and Community Development Act of 1974, as amended, in regard to a Small Cities Community Development Block Grant Application be passed. The motion was seconded by Tony Keim and all present voted in favor of the motion.

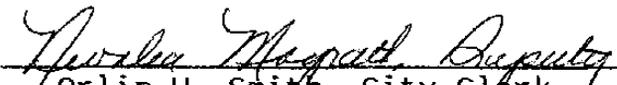
#### Governing Body Agenda

Commissioner Gillette made a motion that the City Manager be authorized to transfer money ( up to \$50,000) from the General Fund to the Auditorium Fund for expenses relating to stage grid, lighting, sound system improvements and exterior building/landscape improvements. The motion was seconded by Commissioner Welch. Upon call for the question Commissioners Gillette, Jackson, Welch and Tyson voted in favor of the motion, Commission Keim voted opposing the motion.

The next regular meeting of the City Commission will be 9:30 AM Wednesday, August 19, 1992.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall, Ottawa Kansas - August 17, 1992

The City Governing Body met in special session at 3:00 P.M., this date: Present Mayor Tyson and Commissioners Jackson, Welch, Gillette and Keim. The purpose of the special meeting is to conduct a Public Hearing on the proposed improvement of Industrial Avenue in the northeast Ottawa Industrial Park, to accept the resignation of Commissioner Welch, to appoint a Commissioner to serve the unexpired term of Commissioner Welch and to conduct any other business that may come before the Commission.

Mayor Tyson opened the meeting by opening the public hearing on the proposed improvement of Industrial Avenue in the northeast Ottawa Industrial Park as set forth by Resolution No. 634-92. The estimated probable cost of the improvement as set forth by the resolution was \$215,000, however Andy Haney, Director of Public Works, in using some recent unit price figures has re-estimated the cost for a 30 foot wide, 10 inch thick pavement, at \$121,468 and a 30 foot wide, 6 inch pavement at \$86,489. Based on the condition of the 6 inch pavement which has been in existence in the Industrial Park for a number of years it was felt 6 inch pavement would be satisfactory to carry the weight load it might be subjected to.

Owners or representative of owners of 4 out of 5 properties within the benefit district were present at the public hearing and most indicated they were not in favor of the improvement due to cost and economic conditions and the fact they did not feel the improvement would be beneficial to their industrial operations.

The City Manager spoke in terms of the City paying for part of the benefit district cost of the improvement for a release of land under current ownership which is idle and from all appearances will not be used in the future. That proposal however is open to discussion and consideration.

Representatives speaking concerning the improvement were Dan Rohr, Duke Manufacturing, Lonnie King, Fashion Inc., Jerry Coatney, National Sign Co., and John Griffin of Rome Manufacturing.

#### Resignation of Commissioner Welch

Mayor Tyson read a letter from Commissioner James Welch stating: Would you please accept my previous undated resignation from the City Commission, effective upon receipt of this correspondence. Commissioner Gillette made a motion the City Commission reluctantly accept the resignation of Mr. Welch, the motion was seconded by Commissioner Jackson and Commissioners Jackson, Keim, Gillette and Mayor Tyson voted in favor of the motion.

#### Presentation of Plaque

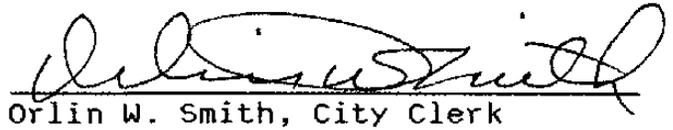
Mayor Tyson presented Commissioner Welch with a plaque commemorating his service on the City Commission.

#### Appointment of City Commissioner

Commissioner Jackson made a motion that Vickie Cumiskey be appointed to fill the unexpired term of Commissioner Welch, the motion was seconded by Commissioner Keim. Commissioner Gillette then made a motion that nominations cease and Vickie Cumiskey be appointed to the unexpired term of Commissioner Welch by acclamation, the motion was seconded by Commissioner Keim. Mayor Tyson and Commissioners Gillette, Keim and Jackson voted in favor of the motion.

#### Adjournment

The business for which the 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 - Ottawa, Kansas - August 19, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cummiskey and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Fred Schaffer, of the First Christian Church.

#### Approval of Minutes

The minutes of the last regular meeting which was held August 5, 1992 and the continuation of that meeting which was held August 10, 1992 were approved as written.

#### Oath of Office for Vickie Cummiskey

Ms. Vickie Cummiskey was given the Oath of Office for the office of City Commissioner by the City Clerk, whereby Ms. Cummiskey was seated at the Commission table.

#### Resolution No. 645-92 - Authorizing Agreement for Payment in Lieu of Taxes

Commissioner Gillette made a motion that a resolution authorizing an agreement with MacFasteners, Inc., Ottawa, Kansas, for payments in lieu of taxes as a condition precedent to the granting of tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas and rescinding Resolution No. 576-91 be passed. The motion was seconded by Commissioner Jackson. A new agreement is necessary to comply with requirements of the State Board of Tax Appeals and changes in the original agreement are necessary, upon call for the question all present voted in favor of the motion.

#### Ordinance No. 3038-92 - Exempting Property from Ad Valorem Taxation

Commissioner Keim made a motion that an ordinance exempting certain property of MacFasteners, Inc., from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin County Kansas and providing for payments in lieu of taxes and repealing Ordinance No. 3009-91, be passed. The motion was seconded by Commissioner Jackson. The tax exemption for MacFasteners needs to be re-authorized in accordance with the new revised agreement. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 646-92 - Authorizing acceptance of Temporary Construction Easements

Commissioner Jackson made a motion that a resolution authorizing the acceptance of temporary construction and utility easements necessary to complete the extension of sanitary sewers in the area south of the Northeast Industrial Park No. 2 and describe in benefit district project 9202.1, be passed. The motion was seconded by Commissioner Gillette, upon call for the question all present voted in favor of the motion.

#### Resolution No. 647-92 - Fees for Planning Advisory Services

Commissioner Gillette made a motion that a resolution increasing the maximum amount for fees payable under the current planning advisory services agreement with Bucher, Willis & Ratliff, Consulting Engineers, Planners and Architects. The motion was seconded by Commissioner Keim. The current agreement sets forth fees payable in a maximum amount of \$8,000 and the new resolution authorizes the amount of fees payable to \$12,500 maximum. Upon call for the question all present voted in favor of the motion.

#### Application for Cereal Malt Beverage License

The City Manager reported that the City was in receipt of an application for license to sell Cereal Malt Beverage License, as submitted by Midwestern Bowlers Club, 2040 Princeton Road, for consumption on premise, Gloria Pleuss, manager. Commissioner Keim made a motion that the application be approved and license issued. The motion was seconded by Commissioner Cumminskey and all present voted in favor of the motion.

#### Public Comments

Mr. Donald Howell appeared before the City Commission stating that he had rental properties in the City of Ottawa and that he recently had paid more than one minimum utility bill in a period of 30 days and he did not think that this was a fair practice on behalf of the City of Ottawa. Mr. Howell's renters had left the property without notifying him and Mr. Howell had the utilities then put in his name, a few days later the meter was read which starts a new utility billing period. From the time Mr. Howell had the utilities put in his name until the meter was read Mr. Howell must pay a minimum utility bill and from the time the meter was read until the property was rented Mr. Howell had to pay another minimum utility bill, in essence there were three utility bills rendered on the same unit within a period of 30 days. The City Commission acknowledged Mr. Howell, and stated this situation would be looked into.

#### Adjournment

There being no further business to come before the City Commission

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 2, 1992

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

#### Approval of Minutes

The minutes of the special meeting which was held August 17, 1992, and the regular meeting which was held August 19, 1992 were approved as written.

#### Resolution No. 648-92 - Directing a Four Way Stop Intersection

Commissioner Keim made a motion that a resolution ordering and directing the placement of traffic control devices at the intersection of 23rd and South Main Street, in the City of Ottawa, Kansas be adopted. The motion was seconded by Commissioner Gillette.

The Kansas Department of Transportation in response to a request of the City studied this intersection and recommends the installation of the four way stop signs for improved traffic control. Final approval for the installation of the four way stop signs however must be granted by the Kansas Department of Transportation. Upon call for the question all present voted in favor of the motion.

#### Resolution No. 649-92 - Agreement for Purchase of Street Sweeper

Commissioner Gillette made a motion that a resolution authorizing an agreement with the Elgin Sweeper Company for the purchase of an Elgin Street Sweeper be passed. The motion was seconded by Commissioner Keim. The payment for this equipment will be made in two (2) phases by means of a lease purchase agreement, \$40,000 to be paid in 1992 from budgeted funds and a principal amount of \$22,512 to be paid in 1993 from contingency funds, upon call for the question all present voted in favor of the motion.

#### Resolution No. 650-92 - Granting Special Warranty Deed to Havens Steel Company

Commissioner Cummiskey made a motion that a resolution authorizing the granting of a certain special warranty deed to Havens Steel Company for certain industrial property be passed. The motion was seconded by Commissioner Gillette.

The resolution is necessary to deed the property back to Havens Steel upon retirement of their Industrial Revenue Bond issue. Upon call for the question all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

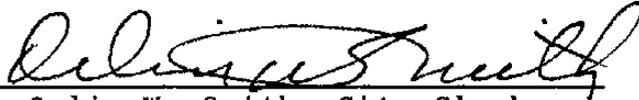
Commissioner Gillette made a motion that the monthly report of the City Clerk for July 31, 1992, the City of Ottawa, investment schedule for August 31, 1992, the Ottawa Library Board of Trustees minutes for July 16, 1992 and the Ottawa Recreation Commission Minutes for July 15, 1992 be accepted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

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

The City Governing Body unanimously approved the appointment of Tony Keim, Richard Jackson and Joan Tyson as voting delegates for the annual League of Kansas Municipalities meeting and the appointment of Charles Gillette, Vicki Cumiskey and David Warren as alternate voting delegates for the annual League of Kansas Municipalities meeting.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 16, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cummiskey and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

#### Approval of Minutes

The minutes of the last regular meeting which was held September 2, 1992 were approved as written.

#### Public Comments

Mr. Wendell Barker appeared before the City Commission raising objection to the possible enactment of a resolution by the Governing Body, which makes a finding of the existence of nuisances on certain property at 819 Walton Street, in the City of Ottawa, Mr. Barker is the owner of the property. Mr. Barker indicated that he had attempted to cooperate with the City on this matter but the City's communications to him were very vague and he asked for further clarification. Debris on the property at 819 Walton consists of concrete blocks, carpeting and other items. The City Manager indicated to Mr. Barker that if the City's communications concerning the property were vague that he would further outline what needs to be done to the property to make it acceptable under the City's ordinances, however the City Manager indicated that he would not instruct Mr. Barker as to how to make the property acceptable as the means outlined by the City Manager might be a more expensive means than something that Mr. Barker could come about. Mr. Barker indicated that there had been some clean up done on the property the past evening and asked if any of the Commissioners had viewed the property this morning. Mr. Jackson indicated that he had viewed the property this morning. Mr. Barker asked Mr. Jackson if the property were still unacceptable and Mr. Jackson indicated the property was still unacceptable. Mr. Barker then indicated he could not bring council with him to represent him this date as his council is in a wheel chair and the City Hall building is not accessible for the handicapped.

#### Presentation of Retirement Plaque to Virgil Finch

Mayor Tyson presented a plaque to Virgil Finch commemorating his service and retirement from the City of Ottawa. Mr. Finch has worked for the City of Ottawa since June 15, 1965, for a total of 27 years of service to the City.

#### Proclamation - Fall Clean-up Week

Mayor Tyson read and signed a proclamation declaring the week of October 19 through October 24, 1992, as Fall Clean-up Week for the City of Ottawa.

Proclamation - Fire Prevention Week

Mayor Tyson read and signed a proclamation declaring the week of October 4 through October 10, 1992, to be Fire Prevention Week.

Proclamation - Constitution Week

Mayor Tyson read and signed a proclamation declaring the week of September 17 through September 23, 1992 as Constitution Week in the City of Ottawa.

Ordinance No. 3039-92 - Height, Area and Use Regulations

Commissioner Keim made a motion that an ordinance amending Ordinance No. 2933-90, Article XXVI, Section 1, Subsection 14, covering additional height, area and use regulations of the zoning regulations be passed. The motion was seconded by Commissioner Gillette.

This amending ordinance provides for a limitation on required setbacks to avoid rendering a lot unusable when extra setbacks are imposed on arterial and collector streets. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3040-92 - Provision for Townhouse Subdivision Development

Commissioner Gillette made a motion that an ordinance amending Article 3 and 10 of the Zoning Ordinance of the City of Ottawa, Kansas, Ordinance No. 2933-90 as amended by the addition there to of definitions and Zoning District provision for townhouse subdivision development be passed. The motion was seconded by Commissioner Cumiskey.

This proposed amending ordinance provides definitions and regulations for townhouse subdivision development. The Zoning will expand housing construction alternatives. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3041-92 - Regulations for the Preparation of Preliminary Plats for Townhouse Subdivision Development

Commissioner Jackson made a motion that an ordinance amending Article IX, preliminary plats, of the subdivision regulations of the City of Ottawa, Kansas, Ordinance No. 2934-90, as amended by the addition of a new Section 4 relating to townhouse subdivision

regulations be passed. The motion was seconded by Commissioner Gillette.

This proposed amending ordinance provides definitions and regulations for the preparation of a preliminary plat for townhouse subdivision development. These regulations are in companion to the zoning regulations for townhouse development. Upon call for the question all present voted in favor of the motion.

Resolution No. 651-92 - Urban Functional Street  
Classification

Commissioner Cummiskey made a motion that a resolution to approve urban functional classification systems be approved. The motion was seconded by Commissioner Jackson. State records are being updated in accordance with new federal transportation funding requirements. This resolution provides an opportunity to update our recommendations to KDOT concerning local highway use, and to insure that KDOT working files are in agreement with our Comprehensive Plan. Upon call for the question all present voted in favor of the motion.

Resolution No. 652-92 - Authorizing the Issuance and  
Delivery of Temporary Notes in the Amount of \$179,000

Commissioner Gillette made a motion that a resolution authorizing the issuance and delivery of \$179,000 principal amount of temporary notes Series 1992-C, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal improvements of the City and prescribing the terms and details of said notes be passed. The motion was seconded by Commissioner Jackson.

The issuance of these temporary notes is to pay for the construction of sanitary sewer facilities in the city's industrial park and several adjoining properties. Upon call for the question all present voted in favor of the motion.

Resolution No. 653-92 - Authorizing the Issuance and  
Delivery of Temporary Notes in the Amount of \$79,000

Commissioner Jackson made a motion that a resolution authorizing the issuance and delivery of \$79,000 principal amount of temporary notes Series 1992-A, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal improvements said City; and prescribing the terms and details of said notes be passed. The motion was seconded by Commissioner Keim.

The temporary notes authorized by this resolution are to provide

funds for a water main extension through the City's industrial park. Upon call for the question all present voted in favor of the motion.

Resolution No. 654-92 - Authorizing the Issuance and Delivery of Temporary Notes in the Amount of \$279,000

Commissioner Cumiskey made a motion that a resolution authorizing the issuance and delivery of \$279,000 principal amount of temporary notes, series 1992-B, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal improvements of the City; and prescribing the terms and details of said notes be passed. The motion was seconded by Commissioner Gillette.

The temporary notes authorized by this resolution will provide funds for the street and drainage improvements within the City's industrial park. Upon call for the question all present voted in favor of the motion.

Resolution No. 655-92 - Determining the Existence of Nuisances on Private Property

Commissioner Jackson made a motion that a resolution determining the existence of a nuisance on certain property at 819 Walton Street in the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Keim.

The procedure for declaring nuisances is contained in Kansas Statutes KSA 12-1617(e). The result of this declaration will be the issuance of an abatement order.

The City Manager stated the owner of the property will be given a reasonable amount of time from delivery of the abatement order to abate the nuisance. Upon call for the question all present voted in favor of the motion.

Resolution No. 656-92 - Authorizing Agreement with Black and Veatch to Study Extension of Water and Wastewater Services.

Commissioner Gillette made a motion that a resolution authorizing an agreement with Black and Veatch to study extension of water and wastewater services be passed. The motion was seconded by Commissioner Jackson.

The engineering studies will provide alternatives for the extension of water and sewer services to areas for future development. Upon call for the question all present voted in favor of the motion.

Report by City Manager

The City Manager requested that this meeting upon its conclusion be recessed until 3:PM, September 21, 1992. The purpose for the request of the recess of the meeting is that the City Manager and the Director of Utilities are attempting to put together a small sewer benefit district which can be constructed in conjunction with the sewer improvements set forth in resolution 652-92 - Funding Resolution. If the City Manager and Director of Utilities are successful in creating the benefit district with the consent with the property owners it will be necessary for the Governing Body to act on a resolution authorizing the improvement and benefit district at the recessed meeting at 3:PM September 21, 1992.

#### Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the following be accepted by the Governing Body. The Combined Statement of Revenue Expenditures and Change of Cash Balance as of August 1992, Analysis of Local Sales Tax Receipts as of August 31, 1992, Planning Commission Minutes, as of September 1, 1992, Sanitary Sewer Inspection Update as of August 31, 1992, Planning and Zoning Dept. Report as of August 31, 1992 and the Fire Department Monthly Report as of August 1992. Commissioner Jackson's motion was seconded by Commissioner Keim and upon call for the question all present voted in favor of the motion.

Mayor Tyson announced that the regular meeting of the City Commission is recessed until 3:PM September 21, 1992.

September 21, 1992

The City Governing Body reconvened their regular meeting of September 16, 1992 at 3:PM this date.

#### Resolution No. 657-92 - Authorizing and Ordering the Construction of a Sanitary Sewer Extension

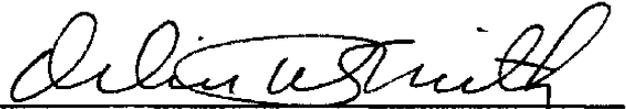
Commissioner Gillette made a motion that a resolution setting forth findings as to the advisability of an improvement, and a resolution authorizing and ordering the construction of an improvement consisting of a sanitary sewer extension according to plans on file in the office of the City Clerk on properties owned by Brady and Leach, all as provided in K.S.A. 12-6201 et seq. pursuant to findings of advisability made by the Governing Body of the City of Ottawa, Kansas. The motion was seconded by Commissioner Jackson.

This resolution creates a new improvement district south of the Bien subdivision for the extension of sanitary sewer to serve the Brady and Leach properties. Upon call for the question all

present voted in favor of the motion.

**Adjournment**

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 7, 1992

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Tyson and Commissioners Gillette, Cumiskey, Jackson, and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Willard Cooper.

#### Approval of Minutes

The minutes of the last regular meeting which was held September 16, 1992, and a continuation of that meeting which was held September 21, 1992, were approved as written.

#### Letter of Request from Radio Station KOFO

Bradley Howard, General Manager of Radio Station KOFO asked permission of the City Governing Body to set a dumpster in various parking stalls in the downtown area each Saturday, starting October 10, for ten (10) weeks for the purpose of soliciting donations for THANKS - FOR - GIVING. Someone from Radio Station KOFO would be placed inside the dumpster on a live broadcast to ask for donations for THANKS - FOR - GIVING. The donations would consist of food, money, toys and other items for needy families.

Commissioner Gillette made a motion that the request of Radio Station KOFO be granted provided they seek permission of any merchant prior to placing a dumpster in a parking stall in front of the place of business. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Letter of Request from Ottawa University

The Governing Body was in receipt of a letter of request from Brion J. Boucek, Associate Director of Development, from Ottawa University, seeking permission to hold a 5K Fleet Feet Run and a Mile Fun Run over the streets of Ottawa, October 10, 1992.

It was stated by the City Manager that the request for the Fleet Run and One Mile Fun Run had not circulated through the Department Heads of the City in as much as it had not been received in time to do so. However the City Manager assured the City Commission that there would be no problem with conducting the run as per their request.

Commissioner Keim made a motion that the Ottawa University's request for the Fleet Run and Fun Run be granted, pending approval and preparation by the Departments of the City of Ottawa. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 658-92 - Determination of Existing Nuisances

Commissioner Gillette made a motion that a resolution determining the existence of nuisances at 304 South Cherry, 618 South Sycamore and 1236 North Sycamore in the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Keim.

Commissioner Keim made a motion that Mr. Gillette's motion be amended to delete reference to 304 South Cherry, and 618 South Sycamore as set forth in Staff Advisory. The motion was seconded by Commissioner Cummiskey.

The procedure being followed under Kansas Law for abatement of nuisances requires that a determination by the City Commission that conditions warrant an order for abatement.

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

Upon call for a vote on the motion as amended all present voted in favor of the motion.

Resolution No. 659-92 - Accepting an Easement for Utility Purposes

Commissioner Keim made a motion that a resolution accepting an easement within Block 6, Riverview Addition, to the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Jackson.

The easement is provided at no cost to the City and is for sanitary sewer purposes.

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

Resolution No. 660-92 - Existence of Inoperable Vehicles

Commissioner Cummiskey made a motion that a resolution determining the existence of inoperable vehicle nuisances at various locations in the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Keim.

The resolution before the Governing Body presents 24 vehicles at 20 different properties to be considered as nuisances.

Commissioner Gillette made a motion that the resolution to which Commissioner Cummiskey's motion refers be amended by deleting the following locations of vehicle nuisances. 926 Ash, 946 Ash, 840 W. 5th, 820 E. 6th, 633 S. Cedar, 304 S. Cherry, and 811 N. Cedar. Program Manager, Wynndee Lee, had reported by way of Staff Advisory, the vehicles at the foregoing addresses had been removed since the original resolution was prepared. The motion was

seconded by Commissioner Keim.

Upon call for the question on the amendment to the motion, 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.

#### Reports by City Manager

The City Manager stated: There was a Public Hearing scheduled for 3 PM, October 12, 1992, which is the time of the regular study session of the City Commission. The Public Hearing is one of two required to make application for Community Development Block Grant Funds. Designer Products of Ottawa has requested the City to make application for Community Development Block Grant Funds for Economic Development purposes and the City Manager requested the Governing Body recess this meeting at it's conclusion to 3 PM, October 12, for purpose of the hearing.

The City Manager also reported that a public hearing as requested for Mr. Wendell Barker on property for which the City Governing Body had determined a nuisance existed upon was scheduled for October 19, 1992 and is to be held by the City Attorney, the exact time on October 19, to be determined at the convenience of both parties.

Commissioner Jackson made a motion that a public hearing for Mr. Wendell Barker on property owned by Mr. Barker, which had been determined to be a nuisance be held on October 19, 1992, by the City Manager or his designee, at a time which would be convenient to all persons. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Request of Neosho County Community College

The City Manager reported that he had been contacted by Mr. Ray Cummiskey of Neosho County Community College, requesting that the Governing Body meet with his Board of Trustees at some time in the future in purely an informational type setting. Mr. Cummiskey suggested Monday evenings might be the best time available for the trustees, as it would be difficult to get the trustees together during daytime hours. The date of the meeting was not determined and it was suggested that a meeting over dinner might be appropriate.

The City Manager reported that the Exchange Town Company Inc., portion of Ottawa Retirement Village Inc., had contacted him and they are wishing for the City Commission to issue a letter, stating: The City Commission does not have any objections to the Ottawa Exchange Town Company Inc., applying for a grant under Section 16-B2 of the Urban Mass-Transit Act 1964 as amended for

the purpose of securing a bus for transportation services to the elderly and handicapped.

Commissioner Gillette made a motion that a letter of support be issued to Exchange Town Company Inc., concerning their application for securing a bus for transportation services to the elderly and handicapped. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

The City Manager reported that he had been in conversation with Commissioner Jackson and it was very possible that the City of Ottawa with its Community Development Block Grant Funds and ECKAN, with the funds available through that entity could work in cooperation with each other and greatly enhance the City's ability to improve low income and elderly housing in the community. Commissioner Jackson in addressing the subject stated that it was possible that some of the lending institutions might also be able to assist in this endeavor. Commissioner Keim made a motion that a letter of support be issued to ECKAN supporting this endeavor. The motion was seconded by Commissioner Gillette, and all present voted in favor of the motion. ^

#### Monthly Reports and Minutes of Boards

Commissioner Keim made a motion that the City of Ottawa Investment Schedule as of September 30, 1992, the Analysis of Local Sales Tax Receipts through September 30, 1992, Planning and Zoning Department Code Enforcement Program Report as of September 30, 1992, the Planning and Zoning Inspection Monthly Report as of August, 1992, the Police Department Monthly Report for August, 1992 and the Library Board of Trustees Minutes as of August 20, 1992, be accepted. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Jackson went on record stating: With the City proceeding with the cleanup of nuisance and blighted areas and with the adoption of policy for the improvement of housing within the community, he felt the City was proceeding in the right direction. Other Commissioners indicated they were in accord with Commissioner Jackson's statement.

Commissioner Gillette made a motion that the Homecoming Parade of Ottawa High School which was held this evening be approved. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

There being no further business at this time the meeting was continued until 3 PM, October 12, 1992.

3 PM, October 12, 1992

Mayor Tyson called the meeting to order at 3 PM this date, and proceeded to call a public hearing on an economic development project under the Small Cities Community Development Block Grant Program. The City had been requested to hold such a hearing by Designer Products of Ottawa.

Vickie Burnett representing Designer Products stated: Designer Products was interested in having the City apply for Community Development Block Grant Funds in the amount of \$450,000.00, for working capital for her firm to retain a total of 33 jobs. The current employment level at Designer Products is 36 jobs, with the highest having been 120 jobs. There being no further suggestions for the use of the Community Development Block Grant Funds the hearing was adjourned and it was announced that another hearing on the subject would be held October 21, at 9:30 AM.

#### Executive Session

The City Attorney, John Richeson, requested to meet with the Governing Body in executive session for the purpose of confidential attorney-client conversations.

Commissioner Gillette made a motion the Governing Body move to executive session for ten (10) minutes to confer with legal council, the motion was seconded by Commissioner Keim and all present voted in favor of the motion. The present time being 3:08 PM, at 3:18 PM the meeting was reconvened whereby the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 21, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cumiskey and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Willard Cooper.

#### Approval of Minutes

The minutes of the last regular meeting which was held October 7, 1992 and continued into October 12, 1992, were amended as follows: The minutes as written reflect that Commissioner Jackson voted in favor of a motion by Commissioner Keim, that a letter of support be issued to ECKAN supporting an endeavor in a cooperative effort between the City of Ottawa and ECKAN for housing rehabilitation. The minutes should reflect that Commissioner Jackson abstained from voting on this motion. The balance of the minutes were approved as written.

#### Public Comments

Vickie Burnett representing Designer Products appeared before the City Commission stating that Designer Products wished to withdraw its application for Community Development Block Grant Funds. Ms. Burnett stated that upon further analysis of their current situation, Designer Products had decided that the request for the Community Development Block Grant Funds is being withdrawn as it is felt the funds would not suit their intended purpose at this time.

Gladys Roush appeared before the City Commission stating she owned the property at 1017 South Willow and that she is in the process of cleaning up the property since her daughter no longer lives at that address. Ms. Roush stated the three dog houses have been removed, the exterior doors which were stored there have been removed and she was requesting additional time to clean up the premise. Ms. Roush was informed that she will have ten (10) days from this date to complete the cleaning of the premise and she might wish to consult with the Inspection Department as her clean up process progresses.

#### Service Awards for City Employees

Mayor Tyson presented service awards for continuous employment with the City to the following employees: Service Awards for 25 years were given to William Mason, Fire Department and Dale Whiteford, Crew Chief with the Electric Distribution Division. Service Awards for 10 years were given to Charles Burns, Maintenance Crew Leader, Street Department, Dave Fitzgerald,

Public Safety Officer, Larry Matile, Heavy Equipment Officer and Richard Oglesby, Driver Engineer, Fire Department.

#### Proclamation - United Nations Day

Mayor Tyson read a proclamation declaring October 24, 1992 as United Nations Day.

#### Request of Ottawa University

Marsha Deniston, Business Manager and Steve Markley Provost of Ottawa University appeared before the Ottawa City Commission, requesting the City to issue \$300,000 in certificates of participation for Ottawa University so the University may meet their obligation for payment of a contractor for the remodel of Ward Science Hall. The debt resulting from the issuance of the Certificates of Participation would be secured by laboratory equipment and mechanical equipment and would be retired by gifts and pledges received over the next three to four years.

Commissioner Gillette made a motion that the request of Ottawa University be honored, that the City proceed to issue Certificates of Participation in the amount of \$300,000 for the University. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Request for Permission to Hold Homecoming Parade

The City Governing Body received a request from Pam Hall, a student at Ottawa University, requesting permission for a homecoming parade to be held on the Main Street of Ottawa, October 29, 7:30 PM. It is proposed the parade will start at Forest Park and proceed south on Main Street ending at Eleventh St.

Commissioner Keim made a motion that the request for the parade be granted, with the Parade beginning at Forest Park and terminating at Eleventh and Main Street. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Resolution No. 661-92 - Special Use Permit for a Processing Center

Commissioner Keim made a motion that a resolution granting a Special Use Permit for a Processing Center to be located at 226 West Wilson in the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Cummiskey. The Planning Commission has recommended the granting of a Special Use Permit to open a processing center for recyclable materials at 226 West Wilson.

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

Resolution No. 662-92 - Determining the Existence of Nuisances

Commissioner Cummiskey made a motion that a resolution determining the existence of nuisances at various addresses in the City of Ottawa, Kansas as reported in the Inspection Report dated October 20, 1992 be passed. The motion was seconded by Commissioner Gillette. The Planning and Zoning Department and Inspection Division has presented several nuisances on properties within the City which are recommended for abatement orders by the Governing Body. Upon call for the question all present voted in favor of the motion.

Resolution No. 663-92 - Existence of Inoperable Vehicles

Commissioner Jackson made a motion that a resolution determining the existence of inoperable vehicle nuisances at various addresses in the City of Ottawa, Kansas, by Inspection Report dated October 20, 1992, be passed. The motion was seconded by Commissioner Keim. This resolution presents 15 vehicles at eleven individual properties to be considered as nuisances. Upon call for the question all present voted in favor of the motion.

Resolution No. 664-92 - Authorizing Agreement for Audit of 1992 City Operation

Commissioner Keim made a motion that a resolution authorizing an agreement with Agler and Gaeddert Chartered for the purpose of conducting an audit of the General Purpose Financial Statement of the City of Ottawa, Kansas and the Financial Statement of the Fireman's Relief Association for the year ended December 31, 1992 be passed. The motion was seconded by Commissioner Cummiskey. The annual audit of the City must be performed by a certified public accountant. Upon call for the question all present voted in favor of the motion.

Resolution No. 665-92 - Agreement with Treasurer of the State of Kansas for Investment Purposes

Commissioner Gillette made a motion that a resolution authorizing an agreement with the State Treasurer of the State of Kansas for the investment of idle funds be passed, the motion was seconded by Commissioner Keim. Participation in the State's municipal investment pool can occur after first adopting two resolutions: one to authorize a participation agreement and the other to request the establishment of an account. Upon call for the question all present voted in favor of the motion.

Resolution No. 666-92 - Establish an Account with the State of Kansas for Investment Purposes

Commissioner Gillette made a motion that a resolution authorizing the establishment of an account in the name of the City of Ottawa, Kansas, with the State Municipal Investment Pool for the purpose of transmitting local funds for investment by the State in the Municipal Investment Pool be passed. The motion was seconded by Commissioner Cummiskey. Upon call for the question all present voted in favor of the motion.

Resolution No. 667-92 - Authorizing Participation in the Kansas Police & Fireman's Retirement Fund.

Commissioner Cummiskey made a motion that a resolution authorizing the Board of City Commissioners of the City of Ottawa, Kansas to participate in the KP&F in accordance with House Bill 2218, Section 29, 1985 Session Laws. The motion was seconded By Commissioner Keim. This resolution will provide for coverage for future service only for Commissioned Police and Fire Personnel from January 1, 1993 forward. Upon call for the question all present voted in favor of the motion.

Resolution No. 668-92 - Appointing a Designated Agent for KP&F

Commissioner Jackson made a motion that a resolution appointing a designated agent for the City of Ottawa, Kansas in accordance with the Kansas Police and Fireman's Act be passed. The motion was seconded by Commissioner Keim. Judith Hasty, Personnel Director, was named in the resolution as designated agent. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3042-92 - Concerning Major Street Systems

Commissioner Keim made a motion that an ordinance approving the Ottawa Planning Commission's amendment concerning major street systems, arterial and collectors, in the Ottawa Comprehensive Plan be passed. The motion was seconded by Commissioner Gillette.

The Planning Commission has recommended this amendment of the major street plan and the City's Comprehensive Plan so that it is consistent with the functional classification map for arterial and collector streets. Upon call for the question all present voted in favor of the motion.

Ordinance No. 3043-92 - Procedure for Vacating Public Right of Way

Commissioner Cummiskey made a motion that an ordinance establishing the procedures for vacating public lands and right-of-ways be passed. The motion was seconded by Commissioner Keim. The procedures set forth in the ordinance are proposed to establish uniform handling of the vacation of street and public way petitions. Upon call for the question all present voted in favor of the motion.

#### Application for Cereal Malt Beverage License

The City Manager reported that the City has application for cereal malt beverage license as submitted by Waymires Inc. for the operation of Ottawa IGA, 1428 South Main. In as much as the individual and corporation applying for the license are currently licensed at another location within the City, and that the present location was previously licensed there was no investigation done on the proposed licensee.

Commissioner Keim made a motion that the application for Cereal Malt Beverage license as submitted by Waymires Inc. for the operation of Ottawa IGA, 1428 South Main, be approved. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the Planning Commission Minutes of October 6, 1992, the Inspection Department Monthly Report of September 1992, the Ottawa Fire Department Monthly Report for September, 1992, the Ottawa Police Department Monthly Report for September, 1992, the Sanitary Sewer Inspection Update as of September 30, 1992, the Ottawa Recreation Commission Minutes of August 10, 1992, and the Ottawa Library Board of Trustees Minutes of September 17, 1992, be accepted. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

It was reported through conversation of the City Governing Body and the City Manager that the current clean up program in progress in the City of Ottawa, will be successful as much trash and debris has been hauled to the landfill by the City.

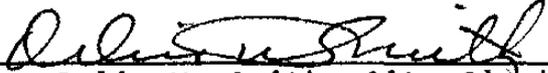
#### Carolfest 1992

Commissioner Gillette reported that the Ottawa Carolfest sponsored by the City Governing Body and the Ottawa Area Chamber of Commerce is currently scheduled to be held December 18, at 6:30 to 7:30 at Haley Park in downtown Ottawa. Commissioner Gillette then made a motion that the City Governing Body approve the holding of the Carolfest, December 18, from 6:30 to 7:30 PM in Haley Park in

downtown Ottawa. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Commissioner Gillette then chided that he expected all Commissioners to be present and participate in the Carolfest.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 4, 1992

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

#### Approval of Minutes

The minutes of the last regular meeting which was held October 21, 1992, were approved as written.

#### Public Comments

Blake Jorgensen representing the Ottawa Jaycees, appeared before the City Commission and requested permission to have the Jaycees Christmas Tree lot located in City Park. Mr. Jorgensen explained that the Court House lawn has just been re-seeded and the County Commissioners would not permit the Ottawa Jaycees to locate their Christmas Tree sales lot on the Court House lawn this year.

The City Manager stated, he was aware the request was coming and that it would be no problem for the Jaycees to locate their Christmas Tree sales lot on the southwest corner of City Park close to the Gazebo as there is an electrical hookup for this location which could be used for lights. The Director of Public Works, Andy Haney, suggested this location. Mr. Jorgensen stated, the Christmas trees would be coming in, in mid-November and they would occupy the site from two to three weeks or until the Christmas trees are sold.

Commissioner Gillette made a motion that the Ottawa Jaycees be permitted to locate their Christmas Tree sales lot in the City Park, at the location designated by the City. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Presentations and Recognitions

Police Chief Jeff Herrman and Daryl Shutt of the Ottawa Police Dept. appeared before the Ottawa City Commission, with a large sign which had been presented to them as a result of placing 1st in the Governor's Seat Belt Challenge for the State of Kansas for Cities of 10,000 to 29,000 population. The sign which they exhibited was one of five which had been received and will be placed at various locations around the City. Chief Herrman stated, the City of Ottawa was 2nd in the Governor's Seat Belt Challenge in 1991 and as a result of their placing in 1991, the entire Police Dept. was determined to be No. 1 in 1992. The Governing Body congratulated Chief Herrman and the Police Dept. for their accomplishment in this area.

#### Public Hearing

A public hearing was held on the request of Midwest Cabinet Co. for the vacation of a portion of Massasoit Street, located between Main and King Street in Ottawa, Kansas.

Midwest Cabinet Co. located at Massasoit and King Street had requested the vacation of Massasoit Street immediately north of their plant location. Midwest Cabinet Co., desires to build an additional facility on the opposite side of Massasoit Street and wished to place a cover over Massasoit Street so that their product could be moved back and forth between the locations without exposure to the elements of the weather. The Planning Commission had considered their request and voted 5 to 1 to recommend the request for the closure of Massasoit St. be denied. Some of the reasons given for denial of the request was the traffic circulation in the area will be reduced, maintenance task will require more time to work around the dead end street, the possible decrease in property values in the area, the dead end street would not allow for emergency vehicles of any type and fire protection for King Street requires access to fire hydrants on Main Street.

There being no further comments concerning the closure of Massasoit Street, Mayor Tyson declared the Public Hearing closed. Commissioner Gillette then made a motion that the request of Mid West Cabinet Co. Inc., for the vacating of a portion of Massasoit Street be denied. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

The City Manager stated, that he would again address this subject later in the meeting.

Resolution No. 669-92 - Ottawa University, Certificates of Participation

Commissioner Keim made a motion that a resolution approving the sale of Certificates of Participation in an amount not to exceed \$300,000, by the City of Ottawa, Kansas, for the purpose of financing the cost of constructing and acquiring certain equipment to be leased to Ottawa University, a Kansas not-for-profit corporation and approving an official statement to be used in conjunction with the sale of such certificates be passed. The motion was second by Commissioner Gillette.

The lease back financing through Certificates of Participation will assist Ottawa University in financing at the reduced rates of tax exempt securities until donations for the Ward Science Hall are received. Upon call for the question all present voted in favor of the motion.

Resolution No. 670-92 - Fixing a Time and Place for a Hearing on an Unsafe and Dangerous Structure

Commissioner Cummiskey made a motion that a resolution fixing the time and place and providing for notice of hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq; for 923 North Cedar be passed. The hearing set forth in the resolution is to be on the 16th day of December, 1992, at 9:30 AM in the City Hall, of the City of Ottawa, Kansas. The motion was seconded by Commissioner Keim.

A statement of findings of an unsafe and dangerous structure had been filed by the Inspection Division for a residence at the above address. This resolution commences proceedings for either repair or removal of the structure. Upon call for the question all present voted in favor of the motion.

Resolution No. 671-92 - Fixing a Time and Place for a Hearing on an Unsafe and Dangerous Structure

Commissioner Jackson made a motion that a resolution fixing a time and place and providing for a notice of hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq; for 927 North Cedar be passed. The motion was seconded by Commissioner Keim. Upon call for the question all present voted in favor of the motion.

A statement of findings of an unsafe and dangerous structure has been filed by the Inspection Division for a residence at this address. The resolution commences proceedings for either repair or removal of the structure.

Resolution No. 672-92 - Authorizing a Grant Agreement for a Housing Rehabilitation Project

Commissioner Keim made a motion that a resolution authorizing Grant No. 92-HR-200 with the State of Kansas Department of Commerce and Housing for a housing rehabilitation project through the Small Cities Community Development Block Grant Program be passed. The motion was seconded by Commissioner Gillette.

The agreement accepts the \$300,000 Grant for housing rehabilitation work for low and moderate income home owners in the City of Ottawa, Kansas. The Grant period runs from October 1, 1992 to April 1, 1994. Upon call for the question all present voted in favor of the motion.

Resolution No. 673-92 - Accept Proposal for Comprehensive Appraisal Services

Commissioner Cummiskey made a motion that a resolution authorizing acceptance of a proposal from GAB Business Services, Inc. for a comprehensive appraisal services be passed. The motion was seconded by Commissioner Gillette.

The appraisal services are proposed for fixed asset accounting and

insurance coverage. It was discussed that the City of Ottawa should pay the fee for the appraisal of the Auditorium and the Library buildings and that the Board of Trustees of the Ottawa Library and the Auditorium Board be given the opportunity to have the contents of those buildings appraised or each entity paying the cost of their respected appraisals. Upon call for the question all present voted in favor of the motion.

Commissioner Gillette then made a motion that the City of Ottawa pay the cost of the appraisal of the Auditorium and Library buildings, that the Board of Trustees of the Ottawa Library and the Auditorium Board be given the opportunity to have the contents of the buildings appraised by GAB Business Services, Inc., with the cost of the appraisal of the contents to be born by the respective entities. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Reports by City Manager

The City Manager in reporting on the cost of environmental compliance; stated it will cost the City \$11,100 to buy the material necessary to comply with cross connection controls for the water system. The \$11,100 does not include any labor costs.

In referring to the Midwest Cabinet Co. request to close a portion of Massasoit St. the City Manager reported that their purpose could be achieved in another manner which would not require the closure of Massasoit St. Midwest Cabinet Co. wishes to move raw materials or finished materials back and forth across Massasoit St. from one building to another without exposing the materials to the weather elements. This could be achieved by the construction of a canopy across the street which is allowed by the building code but would need to be approved by the City Commission by an encroachment agreement. The City Manager stated that the canopy would not have supports within the driving area of Massasoit Street and a fork truck driver moving materials would have to be on the watch for traffic, however Massasoit St. is not a heavily traveled street. The City Governing Body unanimously authorized the City Manager to proceed to discuss the possibility with the Midwest Cabinet Co. along with allowing Midwest Cabinet Co. to secure a drawing of the canopy with might be proposed.

#### Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the Personnel Dept. Monthly Report for September, 1992 and the Ottawa Recreation Commission Minutes of September 16, 1992, be accepted. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Commissioner Keim stated that within 15 days this date, TCI, the City's cable television provider is to complete certain elements of

their contract. The elements include an upgrade of the system for additional channels, an eleven channel basic service provision and a survey to determine what channels or additional channels the citizens of Ottawa would like to receive. The City Manager reported that the survey should be completed in a few days and TCI should have their report to the City Commission in a timely manner. The eleven channel basic service has been achieved and the new system to provide additional channels of service is in place and TCI will begin connecting individual house drops into the system in the next few days and that all elements should be achieved within the time prescribed.

Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 18, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cummiskey and Keim, absent none. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Lucille Barb of the Trinity United Methodist Church.

#### Approval of Minutes

The Minutes of the last regular meeting which was held November 4, 1992 were approved as written.

#### Public Comments

Rev. Lucille Barb of the Trinity United Methodist Church extended an invitation to the people of Ottawa to attend the pre Thanksgiving service to be held at Trinity United Methodist Church on the evening of November 25, 1992. Rev. Barb stated that many local pastors will be in the service as this is a Ottawa Community Church Service.

Mr. Dale Tegtmeyer appeared before the City Commission stating that he had received a letter concerning an inoperable vehicle on his property, and stated he wished to talk to someone concerning the letter he had received. Mr. Tegtmeyer was advised to contact the Inspection Dept. for further details concerning the letter he received.

#### Request from Ottawa Area Chamber of Commerce

The City Governing Body proceeded to entertain a request from the Ottawa Area Chamber of Commerce lighting committee to hold the annual "Christmas Opening" event on Friday, November 27 starting at 7 PM. It is also requested that 2nd Street be closed between Main Street and the alley between Main Street and Hickory Street, between 5:30 PM and 9 PM.

Commissioner Cummiskey made a motion that the request of the Ottawa Area Chamber of Commerce Lighting Committee be granted. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Request of the Ottawa Area Chamber of Commerce

The Governing Body entertained a written request from the Ottawa Area Chamber of Commerce Retail Committee to hold their annual Christmas Parade on December 5, starting at 1 PM. The Retail Committee also request permission to use Forest Park for holding parade units in line for the parade.

Commissioner Keim made a motion that the request of the Ottawa Area Chamber of Commerce retail committee to hold their parade on December 5, and to use Forest Park for a staging area be granted. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Public Hearing - Proposed Issuance of Certificates of Participation for Ottawa University

Mayor Tyson declared a public hearing open to discuss the issuance of Certificates of Participation in the principal amount not to exceed \$300,000 to finance the acquisition of certain equipment to be leased to and used by Ottawa, University. There being no discussion forth coming by either the audience or the City, Commissioner Mayor Tyson declared the public hearing closed.

Ordinance No. 3044-92 - Certificates of Participation

Commissioner Gillette made a motion that an ordinance approving and authorizing the execution of a base lease from Ottawa University, to the City of Ottawa, Kansas, whereby the University leases to the City, certain equipment; approving and authorizing the execution of a trust agreement between the City and the Security Bank of Kansas City, Kansas, as trustee, providing for the issuance of certain certificates of participation upon terms and conditions and for the purposes set forth therein; approving and authorizing the execution of an equipment lease purchase agreement from the City of Ottawa, Kansas, to the University whereby the City leases back to the University certain equipment to be acquired for University purposes, be passed. The motion was seconded by Commissioner Jackson.

Commissioner Jackson commented that the equipment to be purchased and pledged for the repayment of the lease is in the amount of \$339,000 and the total of the Certificates of Completion will be \$300,000.

Dottie Riley of the law firm of Gilmore and Bell stated; that Ottawa University had taken bids for the sale of the Certificates of Participation on November 17, and a low bid of 4.2477% from the Columbian Securities Co. of Wichita and Topeka was received. Upon call for the question all present voted in favor of the motion.

Resolution No. 674-92 - Special Improvement Project - Thompson Addition

Commissioner Keim made a motion that a resolution approving the Certificate of Completion of Special Improvement Project No. 92-01, determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A. 12-6a01 et. seq., and providing for a public hearing thereon be passed. The motion was seconded by Commissioner Cummiskey.

Project No. 92-01 pertains to paving improvements in the Thompson Addition to the City of Ottawa. The entire cost of the project is to be paid by the benefit district. Upon call for the question all present voted in favor of the motion.

Resolution No. 675-92 - Approving a Certificate of Completion for a Sanitary Sewer Project in Industrial Park

Commissioner Gillette made a motion that a resolution approving the Certificate of Completion of Special Improvements Project No. 9202.1, determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A 12-6a01 et. seq., and providing for a public hearing thereon be passed. The motion was seconded by Commissioner Keim. The Improvement Project 9202.1, pertains to sanitary sewers in the Industrial Park. Upon call for the question all present voted in favor of the motion.

Resolution No. 676-92 - Approving Certificate of Completion of Sewer Project Extension to the Industrial Park Sewer

Commissioner Cumiskey made a motion that a resolution approving the Certificate of Completion of Special Improvement Project No. 9202.1A, determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A. 12-6a01 et. seq., and providing for a public hearing thereon be passed. The motion was seconded by Commissioner Gillette. Project No. 9202.1A is a small extension of the Sewer Project which has just been completed in the Industrial Park. Upon call for the question all present voted in favor of the motion.

Resolution No. 677-92 - Approving the Certificate of Completion of Special Improvement Project No. 9202.2 Industrial Park

Commissioner Jackson made a motion that a resolution approving the certificate of completion of Special Improvement Project No. 9202.2 determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A. 12-6a01 et. seq., and providing for a public hearing thereon be passed. The motion was seconded by Commissioner Cumiskey. Project No. 9202.2 is a water line for the Industrial Park. Upon call for the question all present voted in favor of the motion.

Resolution No. 678-92 - Approving the Certificate of Completion of Special Improvement Project No. 9202.3

Commissioner Keim make a motion that a resolution approving the certificate of completion of Special Improvement Project No. 9202.3 determining the total cost of the improvement and directing preparation of an assessment roll as provided in K.S.A. 12-6a01 et. seq., and providing for a public hearing thereon be passed. The motion was seconded by Commissioner Jackson. Special Improvement

Project No. 9202.3 is for a paving improvement in the Industrial Park. The only work remaining in the paving improvement is seeding which will be accomplished in the spring of 1993. Upon call for the question all present voted in favor of the motion.

Resolution 679-92 - Approving a Bill of Sale

Commissioner Jackson made a motion that a resolution authorizing a bill of sale to convey the City's interest in personal property on the premises known as the Haven's Steel Company Plant, be passed. The motion was seconded by Commissioner Gillette. The transfer of real estate was accomplished earlier and a bill of sale is now required to transfer personal property financed with Industrial Revenue Bonds. Upon call for the question all present voted in favor of the motion.

Resolution 680-92 - Existence of Inoperable Vehicles

Commissioner Jackson made a motion that a resolution determining the existence of inoperable vehicle nuisances at various addresses in the City of Ottawa, Kansas, by inspection report dated November 16, 1992, be passed. The motion was seconded by Commissioner Keim. The inspection report dated November 16, 1992, identifies nine (9) inoperable vehicle at seven (7) locations. Upon call for the question all present voted in favor of the motion.

Resolution No. 681-92 - Existence of Nuisances

Commissioner Cummiskey made a motion that a resolution determining the existence of nuisances at various addresses in the City of Ottawa Kansas, as reported in inspection report dated November 16, 1992, be passed. The motion was seconded by Commissioner Gillette. The inspection report dated November 16, 1992, identifies nuisances at two different locations. Upon call for the question all present voted in favor of the motion.

Resolution No. 682-92 - Adopting a Housing Rehabilitation Program

Commissioner Keim made a motion that a resolution adopting the Housing Rehabilitation Program as the procedures to be used for the CDBG Housing Grant No. 92-HR-200 in the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Cummiskey. The rules, regulations and procedures for the award of housing rehabilitation grants to low and moderate income households are required prior to soliciting of applications for assistance. Upon call for the question all present voted in favor of the motion.

Resolution No. 683-92 - Termination of Bond of Bond Lease

Commissioner Jackson made motion that a resolution authorizing a

notice of termination of Bond Lease and Special Warranty Deed in connection with the Resolution Trust Corporation as conservator for Franklin Federal Savings Association be passed. The motion was seconded by Commissioner Gillette. The Resolution Trust Corporation conservator has provided evidence that the 1984 Bond Lease between the City of Ottawa and Franklin Savings Assoc., has been satisfied and therefore request release of title for property commonly known as One Franklin Plaza. Upon call for the question all present voted in favor of the motion.

#### Ordinance Regulating the Use of Public and Private Sewers

Commissioner Cummiskey made a motion that an ordinance providing for certain deletions, amendments and substitutions in Article 1 of Chapter XIV and the addition of Article 4 to Chapter XIV of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; providing penalties for violations thereof be passed. The motion was seconded by Commissioner Gillette. The ordinance essentially addresses the inflow infiltration and removal program as approved by the Kansas Dept. of Health and Environment.

The City Manager addressed the subject essentially stating that given the opportunity he by way of his staff could provide more accurate financial information as to the cost of removal of storm water infiltration from the sanitary sewers if he had the opportunity of additional time to do so. After considerable discussion of the ordinance and the financial aspects of the ordinance and upon call for the question all Commissioners present voted opposing the motion to pass the ordinance. It was determined that the subject would be taken up in the near future with more financial information available.

#### Ordinance No. 3045-92 - Amending Section 14-112 of the Municipal Code of the City of Ottawa 1982

Commissioner Jackson made a motion that an ordinance amending Section 14-112 of the Municipal Code of the City of Ottawa 1982, relating to utilities be passed. The motion was seconded by Commissioner Keim. It was explained that the ordinance before the City Commission at this time clarifies penalties provision of the previously enacted waste water ordinance. The violation of the previously enacted ordinance could constitute a jail sentence whereby the City would be required if necessary to provide a defense attorney. The amendment sets forth a penalty relating to monetary fine only. Upon call for the question all present voted in favor of the motion.

#### Ordinance No. 3046-92 - Inspection, Maintenance, of Backflow Prevention Devices

Commissioner Cummiskey made a motion that an ordinance concerning inspection, maintenance, and repair of backflow prevention devices, amending Section 14-509 of the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Jackson.

The proposed ordinance is to make a technical correction in the text by distinguishing between a double check valve and a dual check valve. The corrected text makes the ordinance provisions clearer. Upon call for the question all present voted in favor of the motion.

#### Reports by City Manager

The City Manager at this time presented the City Commission with a new form of Sanitary Sewer Report update. The report indicates that the City is moving ahead of schedule in the inspection and renovation of City sewers.

#### Monthly Reports and Minutes of Boards

Commissioner Jackson made a motion that the monthly report of the City Clerk as of October 31, 1992, the Investment Schedule as of October 31, 1992, the Analysis of Local Sales Tax Receipts as of October 30, 1992, the Minutes of the Planning Commission for November 3, 1992, the Monthly Report of Code Enforcement Program for October, 1992, the Monthly Report of Inspection Department for October, 1992, the Sanitary Sewer Inspection Update as of October 30, 1992, the Fire Department Monthly Report for October, 1992, the Police Department Monthly Report for October, 1992, the Minutes of the September 11, 1992, Municipal Auditorium Board, the Monthly Report of Personnel Department for October, 1992, the Library Board of Trustees Minutes of October 15, 1992 be accepted. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Governing Body Agenda

A concern was expressed by the City Commission concerning the placement of the utility boxes being placed on houses by the Ottawa Cable TV Services. Many persons are complaining that the boxes are being placed on their houses without prior contact by Ottawa Cable TV.

Commissioner Jackson made a motion that the City Manager be directed to made an official request of the Governing Body to the Ottawa Cable TV Service, that persons be contacted prior to placing the boxes on the houses. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Commissioner Keim stated that he was very pleased with the survey of service that the Police Dept. is getting ready to conduct in the

City of Ottawa. Commissioner Keim also questioned whether TCI had completed the three things necessary to receive a ten (10) year franchise for the Cable TV Service in the City of Ottawa.

Assistant City Attorney Bob Bezek requested a fifteen (15) minute Executive Session for the purpose of conferring with the City Commission on possible litigation. Commissioner Keim made a motion that the City Commission recess to executive session and reconvene in fifteen (15) minutes or at 11:11 AM. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

#### Reconvening of City Commission Meeting

Mayor Tyson called the meeting to order at 11:11 AM, there being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 2, 1992

The City Governing Body met in regular session at 7:PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cumiskey and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Leon Burley, of the St. Paul AME Church.

#### Approval of Minutes

The minutes of regular meeting which was held November 18, 1992 were approved as written.

#### Public Hearing

Proposed Assessments for Street Improvements for the Thompson's Addition

Mayor Tyson opened a public hearing to receive comments and discuss the proposed assessments for street improvements in the Thompson Addition. There was no discussion from either the City Commission or the audience, the public hearing was closed.

#### Public Hearing

Proposed Assessments for the Sanitary Sewer Extension in and Adjacent to the Northeast Ottawa Industrial Park

Mayor Tyson opened a public hearing to receive comments concerning the proposed assessments for the cost of construction of the sanitary sewer extension in and adjacent to the Northeast Ottawa Industrial Park. There were no comments or discussion from the City Commission or the audience, the public hearing was closed.

#### Public Hearing

Proposed Assessments for the Sanitary Sewer Extension, Riverview Addition

Mayor Tyson opened a public hearing to consider the proposed assessments for the cost of construction of the improvement project for the sanitary sewer extension for the Riverview Addition. There were no comments or discussion from the City Commission or the audience, the public hearing was closed.

#### Public Hearing

Proposed Assessments for the Water Main Extension in the

Northeast Ottawa Industrial Park

Mayor Tyson opened a public hearing to discuss the proposed assessments for the cost of construction of special improvements consisting of a water main extension in the Northeast Ottawa Industrial Park. There were no comments or discussion from the City Commission or the audience, the public hearing was closed.

Public Hearing

Proposed Assessments for the Street and Drainage Improvements in the Northeast Ottawa Industrial Park

Mayor Tyson opened the hearing to discuss the proposed assessments for the cost of construction of the street and drainage improvement in the Northeast Ottawa Industrial Park. There were no comments or discussion from the City Commission or the audience, the public hearing was closed.

Resolution No. 684-92 - Cost of Living Adjustment for the Employees of the City of Ottawa

Commissioner Keim made a motion that a resolution implementing the 1993 cost of living adjustment for the employees of the City of Ottawa consisting of a cost of living adjustment in the amount of 2 percent be passed. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Ordinance No. 3047-92 - Levying Assessments on Lots, Pieces and Parcels of Ground in the City of Ottawa, Kansas

Commissioner Gillette made a motion that an ordinance levying assessments on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying the cost of constructing a street improvement consisting of concrete pavement, including curb and gutter, in Willow Lane, from the east boundary of Thompson's Addition, westerly to, and including a concrete cul-de-sac. The improvement also includes a rock surface on the unpaved portion of Willow Lane, within Willow Acres, Ottawa, Kansas, designated as Special Improvement Project No. 92-01 and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq be passed. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Ordinance 3048-92 - Levying Assessments for Sanitary Sewer Improvements

Commissioner Jackson made a motion that an ordinance levying

assessments on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying a portion of the cost of constructing a sanitary sewer extension in and adjacent to the Northeast Ottawa Industrial Park, Second Addition, Fitts Place, Bien Subdivision and properties owned by Fish & Lee designated as Special Improvement Project 9202.1 and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq be passed. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3049-92 - Levying Assessments for Sanitary Sewer Improvements

Commissioner Keim made a motion that an ordinance levying assessment on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying a portion of the cost of constructing a sanitary sewer extension of the Northeast Ottawa Industrial Park, Sanitary Sewer for Lots 7 and 8, Riverview addition to the City of Ottawa, Franklin County, Kansas, except the North 335 feet of the West 172 feet thereof designated as Special Improvement Project No. 9202.1A and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq be passed. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Ordinance No. 3050-92 - Levying Assessments for the Cost of Constructing a Water Main

Commissioner Cummiskey made a motion that an ordinance levying assessments on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying a portion of the cost of constructing a water main extension in the Northeast Ottawa Industrial Park, Second Addition and Fitts Place Addition designated as Special Improvement Project No. 9202.2 and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq be passed. The motion was seconded by Commissioner Jackson and upon call for the question all present voted in favor of the motion.

Ordinance No. 3051-92 - Levying Assessments for Street and Drainage Improvements

Commissioner Gillette made a motion that an ordinance levying assessments on lots, pieces and parcels of ground in the City of Ottawa, Kansas, for the purpose of paying a portion of the cost of constructing street and drainage improvements in the Northeast

Ottawa Industrial Park, Second Addition designated as Special Improvement Project No. 9202.3 and apportioning the cost of the same upon the respective pieces of property liable for said cost, all as provided by K.S.A. 12-6a01 et seq be passed. The motion was seconded by Commissioner Keim and upon call for the question all present voted in favor of the motion.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the Ottawa Area Chamber of Commerce Statement of Receipts and Expenses for Economic Development for the Months ending September 30, 1992 and October 31, 1992, and the Ottawa Recreation Commission minutes of October 21, 1992 be accepted. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Governing Body Agenda

Commissioner Jackson reported that the City Commission had just returned from the National League of Cities Conference in New Orleans, LA and that in the near future the City Commission would be making a report on that conference.

Commissioner Gillette commented that each Commissioner attended a number of different subject matter meetings at the conference and that much useful information has been gained.

#### Adjournment

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 16, 1992

The City Governing Body met in regular session at 9:30 AM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cummiskey and Keim. Mayor Tyson led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Leon Burley, of the St. Paul AME Church.

#### Approval of Minutes

The minutes of the regular meeting which was held December 2, 1992 were approved as written.

#### Public Appearances

Delores Mumford, 1162 North Cherry, addressed the Commission concerning a culvert that had been taken out of her driveway approximately 10 years ago, and has created a low spot that collects water each time it rains. She indicated that the City should take action to correct the situation, and concluded by expressing her appreciation to the Commission for listening to her problem.

Commissioner Gillette asked that this issue be placed on the Study Session Agenda for review at the next study session.

#### Request to Suspend the Downtown Two Hour Parking Limit

Commissioner Keim made a motion to approve the request to suspend the two (2) hour parking limit in the downtown area through the Holiday Season. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Request to Close Second Street for Downtown Carolfest

Commissioner Gillette made a motion to approve the request to close Second Street between Main Street and the first alley east of Main for the Downtown Carolfest, Friday evening, December 18, 1992. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Request of Ottawa Library Board and Auditorium Board to Include Building and Contents in Insurance Value Appraisals

Commissioner Jackson made a motion to approve a request by the Ottawa Library and Auditorium Boards, that the cost of appraisal of buildings and contents of the Library and Auditorium be assumed by the City. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Resolution to Orlin W. Smith, for Service to the City of Ottawa, Kansas

Mayor Tyson read a resolution expressing gratitude and appreciation to Orlin W. (Pete) Smith, for his service to the City of Ottawa, Kansas, as Director of Finance/City Clerk and made a presentation of the framed resolution and retirement plaque as a memento of the City's appreciation.

The Commission congratulated Mr. Smith and welcomed the community to an open house to be held in his honor from 2 PM to 4 PM this date.

Public Hearing - Condemned Structure - 923 North Cedar

Mayor Tyson opened the public hearing to receive comments and discuss the proposed condemnation of a structure at 923 North Cedar. Mr. Kent Kummer of 921 North Cedar addressed the Commission in regards to the condemnation proceedings. Mr. Kummer expressed an interest in having this property condemned and referred to a petition that had been filed with the Inspection Dept., September 29, 1992, which asked the City to take prompt action on this property.

Dorothy Spring, owner of 923 North Cedar, addressed the Commission on behalf of her property, stating that she had spoken with the Inspection Dept. and they had provided her with a list of items that needed to be corrected on the property. She further indicated that they had addressed eight (8) of those items. Mrs. Spring stated they were attempting to sell this property but did not have a consummated contract at this time. During the discussion the Commission asked for Council's recommendation. Mr. Richeson indicated that even upon taking action, State law requires that an opportunity be given to the property owners which would allow them to bring the property into compliance and therefore urged the Commission to go forward with their decision.

Commissioner Gillette asked if more time could be given to the property owners for repairs if it was determined that the property was indeed repairable and that a viable work schedule had been prepared. Council indicated that this resolution could be amended to allow such an opportunity.

Commissioner Jackson inquired as to whether or not this condemnation would carry over in the case of the property having been sold. Mr. Richeson indicated that would be the case since public notice had been given on November 7 and 14 and that anyone in the process of buying this property would be subject to constructive knowledge. The public hearing was then closed.

Resolution No. 685-92 - Condemn Structure - 923 North Cedar

Commissioner Gillette moved that a resolution to condemn an unsafe and dangerous structure located at 923 North Cedar, in the City of Ottawa, Kansas be approved. Commissioner Jackson seconded the motion and all present voted in favor of the motion.

Public Hearing - Condemned Structure - 927 North Cedar

Mayor Tyson opened a public hearing to receive comments and discuss the proposed condemnation of a property at 927 North Cedar in the City of Ottawa, Kansas. During their earlier discussions both Mr. Kent Kummer and Dorothy Spring addressed these condemnation proceedings.

Resolution No. 686-92 - Condemn Structure - 927 North Cedar

Commissioner Jackson made a motion that a resolution to condemn an unsafe and dangerous structure located at 927 North Cedar, in the City of Ottawa, Kansas be adopted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 687-92 - Special Use Permit - 503 N. Cedar

Commissioner Cumiskey made a motion that a resolution granting a Special Use Permit to allow storage of non-hazardous materials, located at 503 North Cedar, in the City of Ottawa, Kansas be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 688-92 - Authorizing Agreement with Bucher, Willis and Ratliff for General Planning Advisory Services

Commissioner Keim made a motion that a resolution authorizing an agreement with Bucher, Willis and Ratliff for general planning and advisory services not to exceed \$12,000 be approved. The motion was seconded by Commissioner Cumiskey and all present voted in favor of the motion.

Resolution No. 689-92 - Nuisances at Various Addresses in the City of Ottawa

Commissioner Cumiskey made a motion that a resolution determining the existence of a nuisances at 118 South Poplar, according to the Inspection report dated December 15, be adopted. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 690-92 - Inoperable Vehicle Nuisances

Commissioner Jackson made a motion that a resolution determining the existence of inoperable vehicle nuisances at various addresses in the City of Ottawa, Kansas, by Inspection report dated December 15, 1992 be adopted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Reports by City Manager

##### Consider Applications for Cereal Malt Beverage Licenses

Commissioner Keim made a motion that applications for Cereal Malt Beverage licenses be approved. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

##### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the City Planning Commission minutes of December 1, 1992, the Sanitary Sewer Inspection Update as of November 30, 1992, the Inspection Department Monthly Report as of November, 1992, the Code Enforcement Program Report as of November 30, 1992, the Ottawa Fire Department Monthly Report as of November 30, 1992 and the Personnel Department Monthly Report as of December, 1992 be accepted. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

##### Governing Body Agenda

Commissioner Keim made a motion to direct the City Manager and the Police Department to close a portion of Main Street parking in order for Buggy Rides to be provided during the Christmas season. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Commissioner Jackson expressed his appreciation to the Commissioners for their participation in the Thanks-for-Giving project and stated the project had been able to earn about \$250.00 for the cause.

Commissioner Gillette expressed his appreciation to Commissioner Jackson for spearheading this project.

##### Adjournment

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

*Scott D. Bird Acting City Clerk*  
Orlin W. Smith, City Clerk