

STUDY SESSION MINUTES

4:00 P.M.

January 6, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jeff Herrman, Richard Towe, Jim Bradley, Jim Shaw, Andy Haney and Barb Nelson. Absent: Commissioner Jackson. Guests: Raquel Flier

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed the Work Study Session Minutes of December 16, 1996.

Thereupon, Mayor Ramsey asked that Item #4 - Request to Construct a Gazebo at Forest Park, be changed to include the verbiage that the concept of a gazebo at Forest Park had been tentatively approved with the condition that Mr. Scoville develop the design and possible placement for consideration at a later date.

Commissioner Cummiskey suggested that Item #12 - Ottawa Recreation Fee Schedule, include that the Commission had asked Fire Chief Richard Towe to determine the capacity of the Don Woodward Center facility.

Thereupon, the Commission accepted the minutes as amended.

2. **Review of January 15, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the City Commission Agenda of December 18, 1996, noting that changes and additions would be made.

3. **Martin Luther King, Jr. Proclamation.** Thereupon, the Commission reviewed a proclamation to declare January 19, 1997 as Dr. Martin Luther King, Jr. Day in the City of Ottawa, Kansas.

The Commission agreed to place this item on the January 15, 1997 City Commission agenda..

4. **Bicycle Traffic at OHS.** Thereupon, the Commission reviewed correspondence from Dr. Harvey Ludwick, Superintendent of USD 290, who requested that a bicycle lane be designated on the north side of Eleventh Street between Ash and Olive Streets, approximately 6' from the curb.

Andy Haney, Director of Public Works, responded to this request, suggesting instead that parking be eliminated on the south side of Eleventh Street and that the bicycle path be made 8 ft. wide on the south side instead of the north side. The City Manager explained that this would be more conducive to traffic flow and would inhibit random bicycle crossings of Eleventh Street throughout this two block area.

Bicycle Traffic at OHS - Continued:

Mayor Ramsey suggested that the bicycle lane be extended to Pine Street given the location of the Middle School bicycle racks, which are behind the ECVC building.

Mr. Haney noted that paint would be used to create this lane. He stated that it would not adhere well to the road surface during this time of colder temperatures, but could be used temporarily until another coat of paint could be added.

It was further explained that this would be an interim solution and at the time of the completion of the new Middle School, the situation would be reevaluated.

5. **Cereal Malt Beverage Licenses.** Thereupon, the Commission reviewed a cereal malt beverage license application submitted by Sen Qina Fu, owner of the Taste of China restaurant.

The Commission agreed to place this item on the January 15, 1997 City Commission Agenda.

6. **Trash Burning.** Thereupon, the City Manager reviewed a list of items suggested to be considered by the Commission by the local area waste haulers. This list included:

1. Container Size
2. Permits
3. Liability Insurance - The City Manager recommended \$1,000,000.
4. Equipment Standards
5. Brush and Leaf Disposal
6. Community Clean-up
7. Senior Citizen Rate
8. County Solid Waste Plan

As a general note, the haulers indicated that they would not have a problem with picking up residential waste on US-59, that they had not experienced any problems with hazardous waste materials and that they would definitely prefer curbside pick-up and not have to pick-up in the alleys. It was also their impression that the number of people who currently burn their garbage is a small number of customers compared to the City as a whole.

During discussion, Commissioner Cumiskey asked if the senior citizen rate would be available for households where a senior was residing. The City Manager responded that the details had not been completely worked out. However, the Commission was in agreement that a senior rate seemed to be a much better solution than alternative week pickups.

The Commission also discussed the possibility of removing brush and leaves from the solid waste stream, noting that this item would need to be worked out in the future.

Trash Burning - Continued:

Commissioner Tyson asked about the possible cost of permits. The City Manager suggested that this be a nominal \$5 or \$10 fee. It was pointed out that currently taxi services are charged \$10 for their annual license.

Thereupon, the City Manager suggested that this item be brought back for further discussion with the intention of placing it on a regular Commission agenda sometime in March.

7. **State Legislative Program.** Thereupon, the Commission reviewed a draft 1997 State Legislative Program. The Program included the following items:

League of Kansas Municipalities 1997 Statement of Municipal Policy.

New State Highway Program

Juvenile Crime - Expansion of Municipal Authority

Criminal Justice Information System.

Electric Retail Wheeling - (The Commission requested that it should be noted that Ottawa has its own electric and could be drastically affected by this proposed legislation.

Concealed Weapons - (The Commission discussed the possibility of supporting this issue to be remanded to the voters. Mayor Ramsey suggested that the Commission oppose this issue, but if it is to be approved, that it go before the voters.)

State Property Tax Levy for Education

Wastewater Discharge Quality Standards

State Revenue to Cities

Designation of the Prairie Spirit Rail Trail as a State Park - (Commissioner Matthews suggested that the Commission encourage the completion of the entire trail to extend to Iola.)

8. **Managing Diversity.** The Mayor suggested that this item be deferred until the Work Study Session of January 13, 1997, recognizing that this issue had been brought to the Commission by Commissioner Jackson and that he had been unable to attend this Work Study Session due to illness.

9. **Open Agenda.** Thereupon, Mayor Ramsey announced that there will be a Legislative Coffee at Peoples Bank at 10:00 a.m. on Saturday, January 11, 1997.

Thereupon, Commissioner Cummiskey noted that it was time to do the City Manager's evaluation. The City Manager suggested that time be set aside at the next two Work Study Sessions and that forms would be provided to the Commission at a later date.

10. **Announcements:** Thereupon, the Mayor announced that there will be a Work Study Session on January 13, 1997 at 4:00 p.m., regular City Commission meeting on January 15, 1997 at 9:30 a.m., a Joint City/County meeting on January 15, 1997 at 11:45 a.m. in the upstairs conference room at City Hall, a Work Study Session on January 20, 1997 at 3:00 p.m. and a Work Study Session on January 27, 1997 at 3:00 p.m. and a regular City Commission meeting on February 5, 1997 at 7:00 p.m.

11. **Executive Session.** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, that the Commission recess into executive session to discuss Attorney/Client Privilege, the Riddle/Wilson Lawsuit for a period not to exceed 7 minutes, and that the Commission reconvene in open session at 5:15 p.m. in the same Work Study Session room.

The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting recessed.

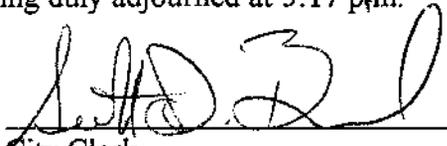
12. **Reconvene.** Thereupon, at 5:15 p.m., Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to reconvene the meeting.

The motion was considered and upon being put to the question, all present voted aye.

13. **Indemnification.** Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to indemnify Fire Chief Richard Towe and City Manager Scott Lambers for any claims made against them in the Riddle/Wilson vs. the Board of City Commissioners, Case #96-4217DES.

The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the motion duly accepted.

14. **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:17 p.m.



City Clerk

STUDY SESSION MINUTES

4:00 P.M.

January 13, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, Jackson and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jeff Herrman, Richard Towe, Jim Bradley, Jim Shaw, Andy Haney and Barb Nelson. Guests: Raquel Fleer

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session Minutes of January 6, 1997.

Thereupon, the Commission accepted the minutes as presented.

2. **Review of January 15, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the City Commission Agenda of January 15, 1997, noting that changes and additions would be made.

3. **ORC Report.** Thereupon, the Commission reviewed a report from ORC Director Wayne Burns outlining upcoming events for the summer of 1997. Mr. Burns explained that he was requesting the use of Haley Park and Second Street, east of Main to Hickory for a Summer Fest which would include outdoor hoop games, water wars, human checkers, bingo games, entertainment, karaoke, roller blade demonstrations, free-style bike demos, the worlds largest musical chairs contest, food and drinks, a teen car show and car stereo contest, hayrack rides and limo rides.

The Commission reviewed this request and agreed by consensus.

4. **Boy Scout Proclamation.** Thereupon, the Commission reviewed a proclamation declaring February 2 through February 8, 1997 as Boy Scout Week in the City of Ottawa.

The Commission agreed by consensus to place this item on the January 15, 1997 City Commission Agenda.

5. **City Contracts.** Thereupon, the Commission reviewed a list of contractual obligations as prepared by City Clerk Scott Bird. The Commission discussed these issues and agreed that items such as the elevator maintenance contract for the new City Hall building and the HVAC contract for the new City Hall building should be reviewed and put out for bid. The City Manager explained that staff was preparing an RFP for the elevator contract and would do likewise for the HVAC.

6. **KDOT Agreement.** Thereupon, there was presented a proposed agreement from the State of Kansas for the City's acquisition of property belonging to the State located on 17th Street. The City Manager explained that the State had made part of this contract an agreement to remove truck traffic from US-59 and reroute that traffic through an alternate route, thereby eliminating truck traffic in the downtown area. However, the City Manager explained that the City would stand the possibility of losing not only the portion of connecting links money involved, but would also lose the potential of future grant funds from the State which would allow for the resurfacing. The downtown resurfacing was used as an example. He also noted that the cost of bridge maintenance on the Main Street bridge would become the City's sole responsibility.

Commissioner Cummiskey asked if the State had provided any maintenance costs regarding this issue.

Commissioner Matthews asked if maintenance costs would go down if the truck traffic were eliminated from Main street.

Mayor Ramsey expressed that he did not believe that the trade-off was justified at this time.

7. **Valuing and Managing Diversity.** Thereupon, the Commission reviewed a Diversity Policy as proposed by Commissioner Jackson.

To create a City workforce that reflects the face of the community it serves, to honor and respect the differences and abilities of all our employees and citizens, and to create a work environment where all City employees have the opportunity to achieve their optimum potential.

COMMITMENTS AND VALUES

- We will honor and respect the diverse backgrounds and cultures of our citizens and employees.
- We will recognize the unique contributions and wide range of knowledge our diverse citizens bring to the community and workplace.
- We will promote diversity in the City's workforce, boards, commissions, councils and neighborhood organizations.
- We believe diversity is the cornerstone of workplace equity and community strength.
- We believe a community that values diversity enables employees and citizens to live and work together in an environment of mutual respect and understanding.
- We believe a government that honors and respects diversity will approach tough issues from a variety of viewpoints.

Valuing and Managing Diversity.

- We believe that no one person or entity has cornered the market on truth and understanding, and that by working together, we are stronger than working apart.
- We believe every employee can make a difference, regardless of race, ethnicity, gender, age, sexual orientation or disability.
- We believe valuing and managing diversity is a key to the success or failure of government, business and educational institutions.
- We believe diversity is a standard of good business practice and equitable government policy.
- We believe diversity is a looking glass into the future.

The Commission agreed by consensus to place this item on the January 15, 1997 City Commission agenda.

8. **Open Agenda.** Thereupon, Mr. Bob Marsh representing New Life for Our Old School addressed the Commission and requested permission to address the Joint Commissions regarding a proposal to save the north building of the old Ottawa Middle School. The Commission agreed by consensus to allow the group; headed by Bob Marsh, Louise Dietz, and Jeanette Lowry; to address the Joint Commission, but suggested that they address the school board since the property belongs to USD 290. Mr. Marsh explained that they would be addressing the school board at their regular meeting on this date. Thereupon the Commission agreed to allow the group to address the Joint Commissions on January 15, 1997 at 11:45 a.m.

9. **Announcements:** Thereupon, the Mayor announced a City Commission meeting scheduled for January 15, 1997 at 9:30 a.m., a Joint City/County meeting on January 15, 1997 at 11:45 a.m. a Work Study Session on January 20, 1997 at 3:00 p.m., a Work Study Session on January 27, 1997 at 3:00 p.m. and a regular City Commission meeting scheduled for February 5, 1997 at 7:00 p.m.

10. **Adjournment:** There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:57 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of January 15, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey welcomed the Chamber Audience and led the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to approve the agenda as presented. The motion was considered and upon call for the question all present voted aye.

Approval of Minutes

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the minutes of December 18, 1996 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of December 18, 1996 approved as written.

Presentations and Recognitions

Thereupon, the Mayor read a Proclamation in Honor of Dr. Martin Luther King, Jr., recognizing the accomplishments of Dr. King, and encouraged all citizens to pledge to live the dream to work to make Ottawa a heavenly place and to use the time to reaffirm the American ideals of freedom, justice and opportunity for all.

Boy Scout Week

Thereupon, the Mayor read a proclamation declaring February 2 through February 8, 1997 as Boy Scout Week in the City of Ottawa Kansas.

Recognition of Delbert Eichinger

Thereupon, there was presented by the Mayor and Director of Utilities, Jim Bradley, a Plaque recognizing the achievements of Water Dist. Superintendent Delbert Eichinger, for his service to the City from 1978 through 1996. The Commission thanked Mr. Eichinger for his dedicated service and congratulated him on his recent retirement.

New Business

Cereal Malt Beverage License

Thereupon, there was presented a request for Cereal Malt Beverage License for the Taste of China, located at 210 South Main.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson to approve the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

State Legislative Program

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Jackson to approve the following State Legislative Program:

League of Kansas Municipalities 1997 Statement of Municipal Policy.

COMMENT: The City of Ottawa supports the items contained in the League of Kansas Municipalities 1997 Statement of Municipal Policy unless otherwise indicated in the City's State Legislative Program.

POSITION:
Support.

ISSUE:

New State Highway Program

COMMENT:
City representatives have made numerous appearances before the interim Committee of Transportation to express the City's support for a new highway program and for the program to contain funding for the widening of US-59 between Ottawa and Lawrence to four lanes.

POSITION:
Support.

ISSUE:
Juvenile Crime - Expansion of Municipal Authority

COMMENT:
The City of Ottawa believes that minor infractions by juveniles would be more expeditiously handled at the municipal level.

POSITION: Support.

ISSUE:
Criminal Justice Information System.

COMMENT:
State and local officials need immediate access to criminal history records of individuals throughout the state.

POSITION:
Support.

ISSUE:
Electric Retail Wheeling

COMMENT:
This complex issue requires considerably more research on its impact on the residents of the State of Kansas prior to any legislative action being taken. The citizens of the City of Ottawa would be directly and immediately affected by any legislation authorizing retail wheeling in that electricity for City residents is provided by the City.

POSITION:
No Legislative action at this time.

ISSUE:
Concealed Weapons

COMMENT:
The City recognizes the public safety concerns of its citizens as violent crimes become more commonplace. However, enactment of a concealed weapons law would place more weapons on the street and increase the chances for more violent events.

POSITION: Oppose.

ISSUE:
State Property Tax Levy for Education

COMMENT:
The City supports the gradual phase-out of the state property tax levy for

education. The City does **not** support increasing existing taxes or creating new taxes to offset this loss of revenue.

POSITION:

Support for current phase-out.

ISSUE:

Wastewater Discharge Quality Standards

COMMENT:

The State's arbitrary designation of the Marais des Cygnes river as a "contact" water-way has resulted in wastewater discharge standards being imposed on the City that will require millions of dollars to be spent in order to achieve compliance. The State has yet to justify its designation of the Marais des Cygnes river as a "contact" water-way nor has it documented whether the City's compliance with the discharge standards will have any effect of the quality of the water in the Marais des Cygnes river. Moreover, the City's permit to discharge is only for five years and there is nothing to protect the City from the State changing the discharge standards to even more stringent levels and requiring additional millions of dollars to be spent as part of the next permit approval process five years in the future.

POSITION:

Require the State to justify its designations of water-ways throughout the State and to demonstrate the impact of such discharge standards on the water-way.

ISSUE:

State Revenue to Cities

COMMENT:

Some tax dollars that are collected at the local level are remitted to the State and returned to the local units to finance various local projects and activities. The State has made a commitment to local units of government for the disbursements of these funds and these monies should not be held hostage or diverted for other state purposes. Moreover, the State should require of itself that whenever a **State** tax reduction is made that the loss of revenue be identified in terms of **State** programs being reduced in funding or eliminated.

POSITION:

Support current levels of transfers to local units.

ISSUE:

Designation of the Prairie Spirit Rail Trail as a State Park

COMMENT:

In order to ensure the proper level of development and maintenance of the Prairie Spirit Rail Trail the State Legislature should designate the Prairie Spirit Rail Trail as a State park so in order to be eligible to compete for funds that are

available for all of the State's parks. The City also supports the completion of the final phase of the Trail.

POSITION: Support.

These items will be presented to the League of Municipalities and the City's local Legislators in Topeka on February 15 and 16. During discussion it was pointed out by Commissioner Jackson that these are some of the same items which other Cities will be taking action on and bringing to the attention of their legislators in the near future. The Mayor also noted that the City was supporting the completion of the Prairie Spirit Trail. Commissioner Cummiskey stated that the majority of Commissioners agreed to oppose the concealed weapons issue. She also pointed to the wastewater discharge issue as being very important to the City of Ottawa. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the 1997 State Legislative Program duly approved.

Statement of Vision and Commitment Valuing and Managing Diversity

Thereupon, there was presented a statement of Vision and Commitment Valuing and Managing Diversity for the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adopt this policy. During discussion it was noted that this policy would be on file at City Hall, and Commissioner Jackson asked if it could be published in the newspaper. Commissioner Cummiskey reiterated that she would like to see the employees work on a similar document and hope to see that in the near future. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the City of Ottawa Vision and Commitment Valuing and Managing Diversity Policy duly adopted.

Monthly Financial and Activity Reports for November

Thereupon, there was presented the Monthly Financial and Activity Reports, for the Month of November 1996.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to accept the report. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Report for November 1996, duly approved.

Governing Body Agenda

Thereupon, Commission Cummiskey recognized Commissioner Jackson and thanked him for formulating and carrying the King Event for the last several years, noting that he was very involved in this event and also in the making available of scholarships for Ottawa area students. Commissioner Jackson thanked Commissioner Cummiskey for her recognition and thanked the Commission for its supportive position. He noted that 15 winners of the Martin Luther King Essays would be recognized at Sunday's event, which is to be held at the Ottawa University Chapel at 2 p.m. He also stated that the featured speaker would be Wayne Franklin, Secretary of Resources for the State of Kansas, and Pastor/Founder of St. Paul Church of Christ, Topeka.

Announcements

Thereupon, the Mayor announced that there will be a Joint City/County meeting at 11:45 a.m. this date in the upstairs conference room at City Hall. He announced there will not be a Work Study Session on January 20, however there will Work Study Sessions on January 27, February 3, February 10, and February 17, at 3 p.m. He announced the next regular meeting is scheduled for February 5, 1997 at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

January 27, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, Jackson and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Richard Towe, Karen Chase for Jeff Herrman, Jim Bradley, Jim Shaw, Andy Haney and Barb Nelson. Absent: Jeff Herrman, and Judy Hasty. Guests: Raquel Fler

The Mayor called the meeting to order at approximately 3:00 p.m.

1. Review of February 5, 1997 City Commission Agenda. Thereupon, the Commission reviewed the City Commission Agenda of January 15, 1997, noting that changes and additions would be made.

2. Audit Survey. Thereupon, the Commission reviewed a survey conducted by the Finance staff regarding costs for audits in cities of comparable size, specifically the Tier One and Tier Two Cities. It was noted that a cost per \$1,000 budget figure had been calculated and that Ottawa came out a little above the median of this comparison.

Commissioner Cummiskey asked if firms providing services to these communities were local firms to those communities. The City Manager responded that this survey did not include that information but could be ascertained.

3. 17th Street Project. Thereupon, there was presented an Ordinance and a Resolution prepared by Bond Attorney Dottie Riley, which would designate 17th Street as a main trafficway and authorized the sale of City General Obligation Bonds in an amount not to exceed \$1,500,000 in accordance with the main trafficway statutes.

The Commission discussed this issue and agreed by consensus to place the items on the February 5, 1997 City Commission Agenda.

4. Amendment to Article XXVI, Section II of the Zoning Ordinance. Thereupon, the City Commission heard from Planning Director Jim Shaw who reviewed a proposed Zoning Ordinance for fences.

The Governing Body agreed by consensus to place this item on the February 5, 1997 City Commission agenda.

5. Amendment to Article XXVII of the Zoning Ordinance - Sign Regulations.

Thereupon, the Commission heard from Planning Director Jim Shaw regarding a proposed Zoning Ordinance to change the sign regulations to allow banners, pennants and streamers as temporary signs.

The Commission discussed this issue and asked that the word "private" utility pole be included in Section 7f. It was further discussed as to the definition of temporary and the impact of allowing temporary signage.

It was agreed to place this item on the February 5, 1997 City Commission agenda with the intent to remand it back to the Planning Commission in order to better define "temporary".

6. Amendment to Article XIII of the Zoning Ordinance - Mobile Home Park.

Thereupon, the Commission heard from Mr. Shaw regarding an amendment to the Zoning Ordinance to change the MP - Mobile Home Park District to accommodate today's style and size of pre-manufactured homes.

During discussion and in response to questions from the Commission, Mr. Shaw explained that sidewalks would be required not less than 30 inches wide on both sides of any public or private road right-of-way and would be constructed of concrete, brick pavers or other approved surfaces. It was also pointed out that storm shelters would be required.

Commissioner Cummiskey inquired as to the business which had been negotiating for sometime with the City and asked whether or not they anticipated these requirements. The City Manager replied in the affirmative, stating that problems were not envisioned, but the City would work with this group given that negotiations had been initiated prior to the adoption of these rules.

Thereupon, the Commission agreed to place this item on the agenda for February 5, 1997.

7. Amendment to Article XXV of the Zoning Ordinance - Figuring Motel Units.

Thereupon, the Commission heard from Mr. Shaw regarding an amendment to the Zoning Ordinance to change buildings and uses affected. It was explained that the adoption of this amendment would allow more flexibility for the total amount of motel rooms allowed and that currently, City ordinances limit the total number of units in any one motel. It was explained that this amendment would also require a 25% green space landscape area.

The City Commission considered this issue and agreed to place it on the February 5, 1997 City Commission agenda.

8. **Special Use Permit - Daycare at 823 S. Cedar.** Thereupon, the Commission considered a recommendation from the Ottawa Planning Commission to approve a special use permit for daycare at 823 S. Cedar. It was noted that the Planning Commission recommended this approval by a 3-2 vote. During discussion it was explained that parking, loading and unloading would be conducted off of the alley-way. It was further explained that some neighbors of the area had attended the public hearing conducted by the Planning Commission in protest of this item.

The City Manager noted that two of the members of the Planning Commission had been unable to attend this meeting and that given the 3-2 vote, recommended this item be placed on the February 5, 1997 City Commission agenda, but that it be returned to the Planning Commission for further consideration. The Commission agreed with this recommendation.

9. **1996 National Electric Code.** Thereupon, the Commission heard a recommendation from Planning Director Jim Shaw to adopt the 1996 National Electric Code in lieu of the currently use 1987 edition.

The Commission agreed to place this item on the February 5, 1997 City Commission agenda.

10. **Water Quality Standards and Use Designation Analysis.** Thereupon, the Commission heard a recommendation to approved expenditures up to \$3,000 in Wastewater Contingency monies to finance the City of Ottawa's share of a League of Kansas Municipalities multi-city effort to conduct a Water Quality Standards and Use Designation Analysis.

The City Manager explained that this analysis would be expected to cost approximately \$15,000 and would be spread among eight cities which have expressed interest in participating. He explained that the City's Wastewater Plant discharge permit would be coming due soon and carried implications of a potential 8 million dollar improvement to the plant.

The Commission agreed by consensus to approve this recommendation.

11. **Ottawa City Dump.** Thereupon, the Commission reviewed documents pertaining to the City's old dump site area in the location of West Second Street. Specifically, the City reviewed a letter from Mr. Bob Medina, Environmental Technician for the Bureau of Environmental Landfill Remediation section with the Department of Health and Environment of the State of Kansas. The letter explained that the landfill unit of the Bureau of Environmental Remediation has a program established to help repair dump sites and that the State had inspected the old Ottawa City dump, noting some deficiencies.

The City Manager explained that the City had been placed on the top of the Department of Health and Environment's list of eligible sites for repair and that there would be funding available. However, an amount of funding is not known at this time.

During discussion it was suggested that Ottawa check with other cities who have worked with this entity to determine possible problems and possible opportunities.

Commissioner Cummiskey suggested that any cleanup that might be deemed necessary should not be put off. Mr. Haney explained that the old City dump was legally operated and legally shut down and anything in that dump was done so in keeping with the appropriate guidelines of the times.

12. **Use of Former Library by Ottawa A.C.T.** Thereupon, the City Manager explained that this item had been requested to be pulled from the agenda.

The Commission agreed to pull this item from the agenda.

13. **Gang Information Letter.** Thereupon, the Commission reviewed a draft letter from the Ottawa Police Department to be sent to the parents of local youths who have been identified or will be identified as being participants in a street gang. They further reviewed a definition of street gang as follows:

DEFINITION OF STREET GANGS

STREET GANG - An ongoing organization, association or group of three (3) or more persons, whether formal or informal, which meet the following criteria:

Has a common name or identifying signs, colors, or symbols and has members who, individually or collectively, engage in, or have engaged, in criminal activity.

Gang Information Letter - Continued.

GANG MEMBER IDENTIFICATION CRITERIA

1. When an individual admits membership to a gang and displays a knowledge of gang activities consistent with such members.
2. When a reliable informant identifies an individual as a gang member.
3. When an informant of previously untested reliability identifies an individual as a gang member and it is corroborated by independent information.
4. When an individual resides in or frequents a particular gang's area and assumes their style or dress, use of jewelry, symbols, or tattoos.
5. When an individual, who has not been previously identified as a gang member, has been arrested several times in the company of identified gang members for offenses which are consistent with gang activity.
6. When there are strong indications that an individual has a close relationship with a gang, but does not exactly fit the above criteria, he shall be identified as a gang associate.

Ottawa Police Department

It was explained that the intent of this letter would be to help parents better become aware of their child's activity in the event that they are participating in gang related events.

Thereupon, the Commission agreed by consensus to approve the use of the letter.

14. **Franklin County Juvenile Crime Task Force.** Thereupon, Commissioner Jackson explained that the Franklin County Juvenile Crime Task Force would be anticipating the formation of a task force of approximately 11 members, with one of the Commissioners to provide the setting as the chair of this task force. He further explained that one of the first acts would be to perform a needs assessment survey to determine the needs of local youth and that the emphasis would be placed on locals.

15. **Open Agenda.** Thereupon, Commissioner Cummiskey noted that they were still waiting to hear from the County regarding the County-wide library tax issue.

Thereupon, the Mayor announced that March 26, 1997 would be the date established for the Mayor's Prayer Breakfast which would be held at Ottawa University. He further announced that the Commission would be meeting on February 12, 1997 with local legislators for a luncheon meeting.

16. **Announcements:** Thereupon, the Mayor announced there will be a Work Study Session on February 3, 1997 at 4:00 p.m., that there will be a City Commission meeting scheduled for February 5, 1997 at 7:00 p.m., that there will not be a Work Study Session on February 10, 1997, that there will be a Work Study Session on February 17, 1997 at 3:00 p.m., there will be a City Commission meeting on February 19, 1997 at 9:30 a.m.; and there will be a Joint City/County meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail.

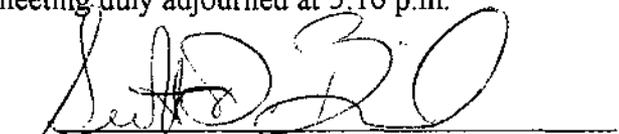
17. **Executive Session:** Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews to recess into Executive Session under non-elected personnel to discuss the City Manager's evaluation for a period of approximately 20 minutes and that the City Commission would reconvene in open session at 5:00 p.m. in the Work Study Session room. This motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting recessed to Executive Session.

18. **Reconvene:** Thereupon, at 5:00 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews to reconvene the regular Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

19. **Executive Session:** Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson to recess into Executive Session to discuss the City Manager's evaluation for a period of approximately 15 minutes and that the City Commission would reconvene in open session at 5:15 p.m. in the Work Study Session room. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting recessed to Executive Session.

20. **Reconvene:** Thereupon, at 5:15 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews to reconvene the regular Work Study Session. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

21. **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:16 p.m.


City Clerk

MEMORANDUM

February 17, 1997

TO: City Commission
SUBJECT: Report by City Manager

There will be a Special City Commission Study Session on **Wednesday, February 19, 1997 at 9:15 a.m.** in the Work Study Session conference room on the first floor at City Hall, 101 S. Hickory. The following items will be presented at the study session.

1. **Public Works Purchase of Tractor and Mower.**

Comments: A memo from Public Works Director Andy Haney is attached.

Recommendation: Approval.

2. **Cereal Malt Beverage License.**

Comments: An application has been submitted from the owner of the Windmill Cafe to retail cereal malt beverages for consumption on the premises located at 1010 N. Main.

Recommendation: Approval.

II. **Open Agenda:**

III. **Announcements:**

1. There will be a City Commission meeting on February 19, 1997 at 9:30 a.m.
2. There will be a Joint City/County meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail.
3. There will be a Work Study Session on February 24, 1997 at 3:00 p.m.
4. There will be a Work Study Session on March 3, 1997 at 3:00 p.m.
5. There will be a City Commission meeting on March 5, 1997 at 7:00 p.m.
6. There will not be a Work Study Session on March 10, 1997.

IV. **Executive Session: None.**

Respectfully submitted,


Scott Lambers
City Manager

STAFF ADVISORY

SUBJECT: Public Works Purchase of Tractor and Mower

The 1997 Budget allocated \$35,000 for replacement of a tractor and mower. Letters requesting competitive quotes were mailed to vendors January 10, 1997, with responses required by January 31, 1997. Net prices quoted include trade-in allowances for a used tractor and mower. Net prices are summarized below, with lowest priced alternatives shown in **bold-faced** type:

<u>QUOTE FROM</u>		<u>TRACTOR</u>	<u>DAYS</u>	<u>MOWER</u>	<u>DAYS</u>
Deems Farm Equipment (Deere/Rhino)	Lawrence	\$ 32,086	150	\$ 8,355	60-90
McConnell Machinery (MF/Bush Hog)	Ottawa	25,000	30	9,500	45
McConnell Machinery (Case)		30,100	150		
Olathe Ford Tractor (Ford/Bush Hog)	Olathe	30,123	?	9,255	?
Martin Tractor (Ford/Rhino)	Topeka	28,610	120	8,259	45
Martin Tractor (Ford)		31,089	120		
Underwood Equipment (Deere)	Ottawa		no quote		
DeBaun International (Case)	Osage City		no quote		

Recommendations: that the used equipment be traded to achieve the best net price:

- a. that the Rhino FL15M mower (with optional CV driveline) be purchased from Martin Tractor for \$8,259.00; and
- b. the Massey Ferguson 399 tractor be purchased from McConnell Machinery for \$25,000.00.

The budget allocation is \$35,000. The total cost should this recommendation be accepted is \$33,259.

Respectfully submitted,


Andy Haney
Public Works Director

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Yasut. 010
010

(Individual)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Ottawa, Franklin COUNTY, KANSAS, Jan 22, 1997

TO THE GOVERNING BODY OF THE CITY OF Ottawa, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF Franklin COUNTY, KANSAS.

I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages; for the purpose of securing such license, I make the following statements under oath:

- 1. (a) Name of proposed licensee Emma Jean Evans
- (b) Age 55
- (c) Place and date of birth Pomona, KS
5-20-1941
- (d) Residence address 709 E 5th
Ottawa, KS 66067
- (e) I have been a resident of the State of Kansas 22 years.
I have been a resident of the City of Ottawa
Franklin County
17 years.

- 2. The premises for which the license is desired are located at 1010 N Main
Windmill Cafe
- (a) The legal description of said property is Copy Attached
- (b) The street number is 1010 N Main
Ottawa, KS 66067
- (c) The building to be used is Restaurant
- (d) The business will be conducted under the following name: Windmill Cafe

- 3. The name and address of the owner or owners of the premises upon which the proposed business will be located is 709 E 5th
Ottawa, KS 66067
- 4. I am a citizen of the United States. Yes () No ()
- (a) My citizenship arises, by birth () Naturalization ()
- (b) My place of naturalization and the date thereof is as follows: _____
- 5. I have (), have not () been convicted of a felony within two years immediately preceding the date of this application.
- 6. I have (), have not () been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.
- 7. I have (), have not () been adjudged guilty of drunkenness within two years immediately preceding the date of this application.
- 8. I have (), have not () been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.
- 9. I have (), have not () been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.
- 10. My place of business will be conducted by a manager or agent—Yes () No ()
- (a) If the answer above is yes, the name, age, and residence of manager or agent is _____

Said manager or agent does (), does not (), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows:

- 11. I have () have not () been a resident of this State for at least one year immediately preceding making this application.
- 12. My spouse would (), would not (), be eligible to receive a retailer's license. Divorced
- (a) If the answer is would not, explain what the fact or facts are that would cause your spouse to be ineligible.
- 13. This application is for a license to retail cereal malt beverages for consumption on the premises () For a license to retail cereal malt beverages in original and unopened containers and not for consumption on the premises ()

A license fee of \$ 125.00 is enclosed herewith.

Entered in Transfer Record in my office
this 11 day of July A.D. 1991

James C. Dunn County Clerk

239 - 395

FILED FOR
RECORD

2:30 P.M.

JUL 11 1991

Deeds 239 Page 395
SHERLIE A. CAPPER
Register of Deeds, Franklin County, Kan.
ES

SHERIFF'S DEED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, James C. Dunn, on the 22nd day of May, 1991, obtained judgment from the District Court of the State of Kansas, in and for the County of Franklin, for the trial of causes arising under the laws of said State against The Other Place, Inc., defendants, for foreclosure of its mortgage, with interest in accordance with said judgment until paid, taxes and costs, in which suit James C. Dunn was the plaintiff.

By decree of said Court, the following described real estate situated in Franklin County, Kansas, to-wit:

Commencing at a point in the center line of Main Street 290 feet North of the S.E. corner of the N.E.1/4 of Sec. 26, Twp. 16, Rng. 19, thence West 198 feet, thence South 60 feet, thence East 198 feet, thence North 60 feet, place of beginning, in the City of Ottawa, Franklin County, Kansas; and Commencing at a point in the center of Main Street 130 feet North of the S.E. corner of the N.E.1/4 of Sec. 26, Twp. 16, Rng. 19, thence West 198 feet, thence North 100 feet, thence East 198 feet, thence South 100 feet to the place of beginning, except the East 30 feet for Main Street, all in the City of Ottawa, Franklin County, Kansas,

was charged with the payment of debt and costs.

AND WHEREAS, the sheriff of said County then advertised the said real estate for sale, by causing a notice that he would on the 2nd day of July, 1991, at 10:00 a.m. of said day at the West door of the Courthouse at Ottawa, Franklin County, Kansas, offer at public sale and auction, and sell the said real estate to the highest bidder, for cash in hand at the time of sale, to be published three consecutive weeks, once each week, prior to the time of said sale, in The Ottawa Herald, a newspaper printed and published in said County of Franklin, and of general circulation therein, and which said newspaper had been published in the said county during a period of one year prior to the first publication of said notice of sale.

AND WHEREAS, on the 2nd day of July, 1991, at 10:00 a.m. at the Courthouse aforesaid, the said Sheriff did offer for sale and sell the real estate hereinafter described to James C. Dunn at and for the cash price and sum as follows: \$86,760.80, being the highest and best bid made therefor, and being the best price said Sheriff could obtain therefor.

AND WHEREAS, the said Sheriff duly made return to said Court with his proceedings thereunder duly certified and endorsed thereon; and the said Court on the 3rd day of July, 1991, after having carefully examined the said proceedings of said Sheriff, and having found the said proceedings to be regular and in conformity with law and equity, confirmed the said sale; the Court further directed that the Court's Clerk make an entry upon the journal, that the Court finds that the sale has in all respects been made in conformity to law.

**OTTAWA CITY COMMISSION
REGULAR MEETING AGENDA
CITY HALL, 101 S. HICKORY
February 19, 1997
9:30 a.m.**

If you require an accommodation for this public meeting, please contact Barb Nelson, Administrative Secretary, at 229-3637. Please give advance notice of at least two (2) working days. (Kansas Relay Service - 1-800-766-3777)

1. Call to Order Mayor Ramsey

2. Roll Call City Clerk

____ Mayor Ramsey
Commissioners _____ Jackson _____ Mayor pro-tem Cummiskey
_____ Tyson _____ Matthews

3. Welcome Mayor Ramsey

4. Pledge of Allegiance Mayor Ramsey

5. Invocation -

6. Agenda Approval

7. Minutes of previous meeting: February 5, 1997 Regular City Commission.

8. Public Comments: Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission, may do so when called upon by the Mayor. Comments regarding personnel matters and matters pending in court or with other outside tribunals are not permitted. Please notify the City Clerk before the meeting, if you wish to speak. Speakers will be limited to three minutes. Any presentation is for information purposes only. No action will be taken.

9. Response to Public Comments: None

10. Presentations and Recognitions: None

11. Communications: None

12. Public Hearings: None

New Business

13. **Cereal Malt Beverage License.**

Comments: An application has been submitted from the owner of the Windmill Cafe to retail cereal malt beverages for consumption on the premises located at 1010 N. Main.

Motion - GR _____ VC _____ RJ _____ JT _____ MM _____
Second - GR _____ VC _____ RJ _____ JT _____ MM _____
Vote - GR _____ VC _____ RJ _____ JT _____ MM _____
Discussion _____

14. **Tractor and Mower Purchase for Public Works Department.**

Comments: The 1997 Budget allocated \$35,000 for replacement of a tractor and mower. Letters requesting competitive quotes were mailed to vendors January 10, 1997, with responses required by January 31, 1997. Net prices quoted include trade-in allowances for a used tractor and mower. McConnel Machinery, Ottawa, had the lowest quote of \$25,000 for the tractor and Martin Tractor, Topeka, had the lowest quote of \$8,259 for the mower. Therefore, the total cost for the machinery will be \$33,259 from the General Fund, Line Item 0142-710.

Motion - GR _____ VC _____ RJ _____ JT _____ MM _____
Second - GR _____ VC _____ RJ _____ JT _____ MM _____
Vote - GR _____ VC _____ RJ _____ JT _____ MM _____
Discussion _____

15. Deferred Business; None

16. Reports by City Manager

17. Governing Body Agenda

18. Announcements:

1. There will be a Joint City/County meeting at 11:45 a.m. today, February 19, 1997, at the Franklin County Jail.
2. There will be a Work Study Session on February 24, 1997 at 3:00 p.m.
3. There will be a Work Study Session on March 3, 1997 at 3:00 p.m.

NEXT REGULAR MEETING: March 5, 1997 at 7:00 p.m.

19. **Adjournment**

STUDY SESSION MINUTES

4:00 P.M.

February 3, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Bill Mason for Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty and Andy Haney Absent: Commissioner Jackson, Richard Towe and Barb Nelson. Guests: Raquel Fleer

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed the Work Study Session minutes of January 13 and January 27, 1997. Thereupon, the Mayor suggested that under the Open Agenda, Item #15, on the January 27, 1997 minutes, that the first item read, regarding the County-wide library tax issue.

Thereupon, the minutes were accepted as corrected.

2. **Review of February 5, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for February 5, 1997, noting that items would be added during this meeting.

3. **Fire Extinguisher Service Contract.** Thereupon, the Commission reviewed a budget memo from Fire Chief Richard Towe which explained that the Fire Department had received two bids for the servicing of City owned fire extinguishers for the year 1997. He explained that the low bid had been submitted once again by EKAN and recommended that EKAN be awarded the contract given the low bid and the past experience with them.

The City Manager explained that this was a budgeted line item and did not necessarily require action.

4. **Digger Derrick Truck for Electric Distribution.** Thereupon, the Commission reviewed a memo from Utility Director Jim Bradley noting that the Electric Department had received bids which were opened Friday, January 31, 1997, on a Digger Derrick Truck. Mr. Bradley explained that the low bid had been received from Altec for \$100,511, including taxes, and recommended purchase from Altec. The other bid had been received from Teco in an amount of \$106,898 and a no bid was received from Combatel.

The City Manager recommended that due to the size of this purchase, to placed this item on the agenda for informational purposes. The Commission agreed by consensus to place this item on the agenda.

9. **Black History Month Proclamation.** Thereupon, the Commission reviewed a proclamation declaring February as Black History Month in the City of Ottawa. It was noted that Commissioner Jackson was reviewing this proclamation before the meeting on February 5, 1997.

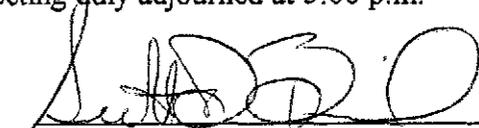
10. **Open Agenda.** Thereupon, Commissioner Matthews asked if TCI, the local cable provider, could not run an ad much like they did in Topeka, to explain the double billing situation and to provide an example of their new bill so that the citizens could better understand what they would be receiving in the future and why they had received a double bill in error. Commissioner Cummiskey suggested that the City once again attempt to obtain a character generator from TCI as was agreed upon by TCI representative Mr. Rick Comfort at the time of the last franchise negotiations.

Thereupon, Commissioner Matthews asked if the Commission could not expedite the Exotic Animal Ordinance given the recent concern over this issue, specifically a reported cougar.

Thereupon, Commissioner Cummiskey stated that she would be unable to attend the Joint City/County Commission meeting on the 19th of February. Thereupon, the City Manager noted that the major issue would be the Neighborhood Revitalization Act.

11. **Announcements:** Thereupon, the Mayor announced there will be a City Commission meeting February 5, 1997 at 7:00 p.m., there will not be a Work Study Session on February 10, 1997, there will be a Work Study Session on February 17, 1997 at 3:00 p.m., there will be a City Commission meeting on February 19, 1997 at 9:30 a.m.; and there will be a Joint City/County meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail.

12. **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:06 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of February 5, 1997

Roll Call

The City Governing Body met in regular session at 7 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey welcomed the Chamber Audience and led the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leon Blurley of the St. Paul AME Church.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to approve the agenda as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to approve the minutes of January 15, 1997 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of January 15, 1997 approved as written.

Black History Month

Thereupon, the Mayor read a Proclamation declaring February as Black History Month, in the City of Ottawa, Kansas, and urged the citizens of Ottawa to recognize the accomplishments of African American Inventors.

held a Public Hearing to consider today's style and size of pre-manufactured homes. The Planning Commission recommended to the City Commission by a vote of 4-0, the adoption of this ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3211-97.

Buildings and Uses Affected

Thereupon, there was presented an ordinance amending Article XXV, "Buildings and Uses Affected", Ordinance NO 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed this amendment and held a public hearing to consider the flexibility allowed by this proposed ordinance for the amount of motel rooms allowed in a given area. It was noted that this change would require a minimum of 25 % green space for motels. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3212-97.

Special Use Permit, 823 South Cedar

Thereupon, there was presented a resolution granting a special use permit for a daycare at 823 S. Cedar requested by Patricia Matile in the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to remand this issue back to the Planning Commission for further consideration. During discussion it was explained that the Planning Commission had reviewed the Special Use Application and held a public hearing to consider the request. The Planning Commission recommended to the City Commission by a vote of 3-2 the approval of the Special Use Permit with conditions attached. It was further explained that because of the 3-2 vote and because 2 members of the Planning Commission had been absent during the discussion on this issue, the Commission believed it appropriate to remand it back to the Planning Commission for further consideration. During discussion Commissioner Jackson suggested that the City Commission impress upon the members of the Planning Commission the

17th Street, GO Bonds

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas to construct certain main trafficway improvements on Seventeenth Street and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

Thereupon, Commission Jackson made a motion, seconded by Commission Matthews to adopt the resolution. During discussion it was explained that this resolution would allow the City to sell 1.5 million dollars in General Obligation Bonds of the City of Ottawa, to pay the costs of making improvements to the 17th Street Project, and that this project would extend from Main Street west to Eisenhower St. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 938-97.

Annexation, 17th Street

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas (1000 Block of W. 17th.)

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was explained that the land in question is owned by the City of Ottawa, as part of the 17th Street Right-of Way and that annexation of the property located in the area generally located in the 1100 Block of West 17th Street, Franklin County, Kansas, should be annexed into the City limits. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3215-97.

17th Street Annexation

Thereupon, there was presented an ordinance annexing land to the City of Ottawa Kansas (1100 Block of West 17th.)

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that the land in question is owned by the City of Ottawa, as part of the 17th Street Right-of-Way and that annexation of the property located in the area generally located in the 1100 Block of West 17th Street, Franklin

Monthly Financial And Activity Reports

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cumiskey to accept the Monthly Financial and Activity Reports for the month of December. During discussion Commissioner Jackson questioned the amount of Municipal Court delinquencies, noting that they had stayed static over the last 2 months.

Thereupon, City Attorney Forrest Lowrey, noted that the City was attempting to keep warrants active but that many of these delinquencies resulted from violators having left the state. Commissioner Jackson asked that the unpaid court costs be published once again.

Thereupon, Commissioner Tyson asked if we had considered using the set off Program for collection of these old debts. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for the month of December duly approved.

Governing Body Agenda

Thereupon, the Mayor recognized Mr. Robert Green in the Audience, who was in attendance with several members of Boy Scout Troop 74. Mr. Green noted that these Scouts were working on their Citizenship in the Community Merit Badge, which is a requirement for the rank of Eagle and thanked the Commission for recognizing them and their efforts.

Thereupon, Commissioner Matthews stated that he was happy to see that the Sales Tax Revenues for 1996 had been above estimated revenues.

Thereupon, Commissioner Jackson noted that during Black History Month, there would be an Honor's Dinner on the 17th and a Soul Food Dinner at the First Baptist Church on the 22nd, he further explained that this Sunday an Issues Forum would be hosted and Judy Hasty of the City Human Resources Dept. would be in attendance to explain the job application process for the City. He further noted that it was hoped the School District and County would also be involved. Mayor Ramsey said he would like to take the opportunity to explain that the City had been involved in the Rails to Trails Issue and recognized that there had been talk of a one year moratorium on this issue at the State level. He asked citizens interested in the project to respond to their legislators, noting that if a moratorium were placed on Rails to Trails, between Ottawa and Richmond, that the funding could be lost indefinitely.

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of February 5, 1997

Roll Call

The City Governing Body met in regular session at 7 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cumiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey welcomed the Chamber Audience and led the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leon Blurley of the St. Paul AME Church.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to approve the agenda as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cumiskey, to approve the minutes of January 15, 1997 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of January 15, 1997 approved as written.

Black History Month

Thereupon, the Mayor read a Proclamation declaring February as Black History Month, in the City of Ottawa, Kansas, and urged the citizens of Ottawa to recognize the accomplishments of African American Inventors.

New Business
Additional Height Area & Use Regulations

Thereupon, there was presented an ordinance amending Article XXVI, "Additional Height Area & Use Regulations", Section 2 of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed this amendment and held a public hearing to consider a change in Height Area and Use Regulations regarding fences. This change which would allow fences four feet in height the same set back as that required for buildings. The Planning Commission recommended this amendment to the City Commission by a vote of 4-0. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3209-97.

Signs

Thereupon, there was presented an ordinance amending Article XXII "Signs", of Ordinance No 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed and held a public hearing on this issue to change the sign regulations, which would allow more flexibility for advertising specials. The Planning Commission recommended this amendment by a vote of 4-0. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the Ordinance was duly numbered Ordinance No. 3210-97.

Mobile Home Park

Thereupon, there was presented an ordinance amending Article XIII, "MP" Mobile Home Park District of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed this proposed change and

held a Public Hearing to consider today's style and size of pre-manufactured homes. The Planning Commission recommended to the City Commission by a vote of 4-0, the adoption of this ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3211-97.

Buildings and Uses Affected

Thereupon, there was presented an ordinance amending Article XXV, "Buildings and Uses Affected", Ordinance NO 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed this amendment and held a public hearing to consider the flexibility allowed by this proposed ordinance for the amount of motel rooms allowed in a given area. It was noted that this change would require a minimum of 25 % green space for motels. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3212-97.

Special Use Permit, 823 South Cedar

Thereupon, there was presented a resolution granting a special use permit for a daycare at 823 S. Cedar requested by Patricia Matile in the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to remand this issue back to the Planning Commission for further consideration. During discussion it was explained that the Planning Commission had reviewed the Special Use Application and held a public hearing to consider the request. The Planning Commission recommended to the City Commission by a vote of 3-2 the approval of the Special Use Permit with conditions attached. It was further explained that because of the 3-2 vote and because 2 members of the Planning Commission had been absent during the discussion on this issue, the Commission believed it appropriate to remand it back to the Planning Commission for further consideration. During discussion Commissioner Jackson suggested that the City Commission impress upon the members of the Planning Commission the

need to attend and consider these items. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared Bill No.97-5 remanded back to the Planning Commission.

National Electric Code 1996

Thereupon, there was presented an ordinance adopting by reference the National Electric Code, 1996 Edition, under the authority of K.S.A. 12-300 and providing for deletions, amendments and corrections to said National Electric Code 1996 Edition, and repealing Ordinance 2928-89, and Ordinance 2873-87 and amending Chapter VI of the Municipal code of the City of Ottawa, Kansas, 1982, specifically section 6-303, 6-304, 6-305, 6-306, 6-309(F), 6-401, 6-402, and 6-403 of said code.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that the City of Ottawa is currently using the National Electric Code of 1987, to enforce electric standards in the City of Ottawa. It was further explained that Staff had reviewed the 1996 Electric Code and recommended its adoption. The motion was considered and upon being put to the question, all present voted aye.

Thereupon the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3213-97.

17th Street-Main Trafficway

Thereupon, there was presented an ordinance designating a portion of Seventeenth Street within the City of Ottawa, Kansas, as a main trafficway, pursuant to K.S.A. 12-685.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cumiskey to adopt the ordinance. During discussion it was explained that this was the next step in the 17th Street Project and would allow the City to prepare itself to sell bonds in the amount of 1.5 million dollars on this proposed project. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3214-97.

17th Street, GO Bonds

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas to construct certain main trafficway improvements on Seventeenth Street and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

Thereupon, Commission Jackson made a motion, seconded by Commission Matthews to adopt the resolution. During discussion it was explained that this resolution would allow the City to sell 1.5 million dollars in General Obligation Bonds of the City of Ottawa, to pay the costs of making improvements to the 17th Street Project, and that this project would extend from Main Street west to Eisenhower St. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 938-97.

Annexation, 17th Street

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas (1000 Block of W. 17th.)

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was explained that the land in question is owned by the City of Ottawa, as part of the 17th Street Right-of-Way and that annexation of the property located in the area generally located in the 1100 Block of West 17th Street, Franklin County, Kansas, should be annexed into the City limits. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3215-97.

17th Street Annexation

Thereupon, there was presented an ordinance annexing land to the City of Ottawa Kansas (1100 Block of West 17th.)

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that the land in question is owned by the City of Ottawa, as part of the 17th Street Right-of-Way and that annexation of the property located in the area generally located in the 1100 Block of West 17th Street, Franklin

County, should be annexed into the City limits. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3216-97.

17th Street Annexation

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas (1200 Block of W 17th.)

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that the land in question is owned by the City of Ottawa, as part of the 17th Street Right-of Way and that annexation of the property located in the area generally located in the 1200 Block of West 17th Street, Franklin County, Kansas, should be annexed into the City limits. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3217-97.

Purchase of Digger Derrick Truck

Thereupon, there was presented a recommendation from the Director of Utilities Jim Bradley, that a Digger Derrick Truck be purchased in the amount of \$100,511 including tax, from Altec.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Tyson to approve the recommendation. During discussion it was explained that the 1997 Budget contained \$145,000 for the purchase of a Digger Derrick Truck and a chipper. The Director of Utilities had sent bid forms to Altec, Teco and Combatel, and had received and opened bids on Friday January 24, 1997. It was noted that Combatel had submitted a no bid, Teco submitted a bid of \$106,898, and Altec had submitted a bid of \$95,816, which did not include taxes. The bids had been reviewed to insure that specifications had been met and Altec had been determined to meet all specifications. It was further noted that funds for this purchase would be made from the 1997 Budget Line Item 3704-712. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the recommendation to purchase a Digger Derrick Truck from Altec in the amount of \$100,511 duly approved.

Monthly Financial And Activity Reports

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey to accept the Monthly Financial and Activity Reports for the month of December. During discussion Commissioner Jackson questioned the amount of Municipal Court delinquencies, noting that they had stayed static over the last 2 months.

Thereupon, City Attorney Forrest Lowrey, noted that the City was attempting to keep warrants active but that many of these delinquencies resulted from violators having left the state. Commissioner Jackson asked that the unpaid court costs be published once again.

Thereupon, Commissioner Tyson asked if we had considered using the set off Program for collection of these old debts. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for the month of December duly approved.

Governing Body Agenda

Thereupon, the Mayor recognized Mr. Robert Green in the Audience, who was in attendance with several members of Boy Scout Troop 74. Mr. Green noted that these Scouts were working on their Citizenship in the Community Merit Badge, which is a requirement for the rank of Eagle and thanked the Commission for recognizing them and their efforts.

Thereupon, Commissioner Matthews stated that he was happy to see that the Sales Tax Revenues for 1996 had been above estimated revenues.

Thereupon, Commissioner Jackson noted that during Black History Month, there would be an Honor's Dinner on the 17th and a Soul Food Dinner at the First Baptist Church on the 22nd, he further explained that this Sunday an Issues Forum would be hosted and Judy Hasty of the City Human Resources Dept. would be in attendance to explain the job application process for the City. He further noted that it was hoped the School District and County would also be involved. Mayor Ramsey said he would like to take the opportunity to explain that the City had been involved in the Rails to Trails Issue and recognized that there had been talk of a one year moratorium on this issue at the State level. He asked citizens interested in the project to respond to their legislators, noting that if a moratorium were placed on Rails to Trails, between Ottawa and Richmond, that the funding could be lost indefinitely.

Thereupon, Commissioner Cummiskey noted that a meeting was being conducted at this same time at the Chamber of Commerce and was sure the Chamber would welcome any additional leadership that could be mustered.

Announcements

Thereupon, the Mayor announced that there will not be a Work Study Session on February 10, there will be a Work Study Session on February 17, at 3 p.m., there will be a Joint City County Meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail, and that the next regular meeting is scheduled for February 19, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

SPECIAL STUDY SESSION MINUTES

9:15 A.M.

February 19, 1997

The City Governing Body met at 9:15 a.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, and Jackson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Jim Bradley, Richard Towe, Jeff Herrman, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney Absent: Commissioners Matthews, and Tyson. Guests: Joan Atteberry. Media: Shawn Stires, Bill Tellier.

The Mayor called the meeting to order at 9:15 a.m.

1. **Purchase of Tractor and Mower for Public Works Department.** Thereupon, there was presented a request from Public Works Director Andy Haney to purchase a tractor and mower noting that the low bid for the mower had come from McConnell Machinery of Ottawa in the amount of \$25,000 and that the low bid for the tractor had been obtained from Martin Tractor of Topeka in the amount of \$8,259.

The Commission considered the request to purchase these two pieces of equipment, noting that they would be purchased from the General Fund, more specifically, Line Item 0142-710 and that the total cost of \$33,259 was below the \$35,000 budget line.

The Commission considered this item and agreed to proceed with the purchase.

2. **Cereal Malt Beverage License.** Thereupon, there was presented an application from the owner of Windmill Cafe to retail cereal malt beverages for consumption on the premises located at 1010 N. Main. It was noted that this application was in order and that it had been researched and approved by the Fire Department, Police Department and City Attorney.

The Commission agreed to place this item on the regular City Commission agenda for February 19, 1997.

3. **Open Agenda.** Thereupon, Mayor Ramsey noted his displeasure with the Ottawa Herald's report of the items which would be discussed at the Study Session and the regular meeting this date.

Thereupon, Commissioner Jackson noted that City Manager Scott Lambers had been in contact with the Justice Department on the needs assessment and that the City would be participating with the City of Lawrence regarding this matter. Thereupon, Commissioner Cummiskey expressed her appreciation for the ability of the City to be on the first round of this issue.

4. **Announcements:** Thereupon, the Mayor announced there will be a City Commission meeting on February 19, 1997 at 9:30 a.m., there will be a Joint City/County meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail, there will be a Work Study Session on February 24, 1997 at 3:00 p.m., there will be a Work Study Session on March 3, 1997 at 3:00 p.m., there will be a City Commission meeting on March 5, 1997 at 7:00 p.m. and that there will not be a Work Study Session on February 10, 1997.

5. **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:25 a.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of February 19, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews absent. A quorum was present.

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber Audience.

Thereupon, led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the agenda as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to approve the minutes of February 5, 1997 as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of February 5, 1997 approved as written.

Public Comments

Thereupon, the Mayor opened the Public Comments section of the Meeting. Thereupon, Ted Fogle of 1521 South Main, Ottawa, spoke to the Commission noting that he had recently re-opened Ottawa Ready Mix and had done so just outside of the City Limits, unaware that the City practiced a 5 percent purchase preference for vendors inside the City. He noted that he did a lot of business in and outside of Ottawa and paid taxes in Ottawa. He further noted that his competitors live outside the community; however, their business is located

inside the community. Commissioner Cumiskey suggested that the Commission would have questions regarding this issue at a future study session. City Manager Scott Lambers noted that the Commission had discussed this matter and decided that businesses domiciled within the City Limits were to be given a 5 percent vendor preference. It was further suggested that Mr. Fogle could request annexation.

Thereupon, Mr. Fogle stated that he would not resist such an attempt; however, he would expect the City to provide sewer and that he had looked into this possibility in the location in question approximately two years ago and found the cost to be approximately \$200,000. Therefore, prohibitive for him to bare the sole cost. Mr. Fogle asked if he could address the Rails to Trails issue, noting that he is in favor of the trail, but against the possibility of his property and his equipment being vandalized because of the users of the trail crossing the back part of his property. Mr. Fogle suggested that the Rails to Trails issue should have been rezoned by the State.

Thereupon, Mayor Ramsey noted that he did not believe that there is a zoning issue and the City Manager confirmed that the property is still considered a railroad right of way. Mr. Fogle thanked the Commission for the opportunity to address them.

New Business **Cereal Malt Beverage License Application**

Thereupon, there was presented an application for Cereal Malt Beverages for consumption on the premise, located at 1010 North Main , also known as the Wind Mill Cafe.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to approve the application. The motion was considered and upon being put to the question, all present voted aye.

Purchase of Tractor and Mower

Thereupon, there was presented a recommendation from Public Works Director Andy Haney, that the City Purchase a tractor in the amount of \$25,000 from low bidder McConnell Machinery of Ottawa, and that the City further purchase a mower in the amount of \$8,259 from low bidder Martin Tractor of Topeka, noting that the total cost would be \$33,259, below the \$35,000 budgeted in the 1997 Budget. It was further noted that the cost would be allocated to line item 0142-710.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the recommendation. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the recommendation duly approved.

Governing Body Agenda

Thereupon, Commissioner Jackson noted that the City Manager had made contact with the State Justice Dept., concerning "State Needs Assessment" for this summer and that the City would be cooperating with the City of Lawrence regarding this project.

Thereupon, Mayor Ramsey noted that he and Commissioner Cummiskey had been in Topeka on Monday the 17th to speak to the Rails to Trails issue and again encouraged local citizens to contact their Legislators regarding this issue.

Announcements

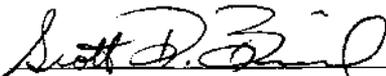
Thereupon, the Mayor announced that there will be a Joint City County Meeting on February 19, 1997 at 11:45 a.m. at the Franklin County Jail, that there will be a Work Study Session on February 24, 1997 at 3:00 p.m., that there will be a Work Study Session on March 3rd at 3:00 p.m., and that the next regular meeting is scheduled for March 5, 1997 at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

February 24, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Forrest Lowry; City Staff: Scott Bird, Richard Towe (arrived at 3:50 p.m.), Jeff Herrman, Jim Bradley, Jim Shaw, and Andy Haney Absent: Judy Hasty, Barb Nelson. Guests: Raquel Fleer. Media: Bill Grey, Bill Tellier, and Brad Howard (arrived at 4:00 p.m.)

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of February 3, 1997 and the Special Work Study Session of February 19, 1997.

2. **Review of March 5, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for March 5, 1997, noting that items would be added during this meeting.

Thereupon, Mayor Ramsey noted that the Commission would need to respond to Mr. Ted Fogle who had spoke at the February 19, 1997 City Commission meeting.

3. **KOFO.** Thereupon, the Commission reviewed a request from KOFO, General Manager Brad Howard, to conduct the annual KOFO Home and Garden Expo. at the Municipal Auditorium on March 7 and 8, 1997. In addition, he requested the use of some of the parking stalls in front of the Auditorium. The City Manager suggested that the Fire Chief be involved in determining which stalls would be available given the need for emergency vehicle accessibility.

Thereupon, the Commission agreed by consensus to approve the request.

4. **Sale of Tobacco Products.** Thereupon, City Attorney Forrest Lowry presented a draft ordinance which would allow the City to prosecute tobacco sale violators in Municipal Court. Mr. Lowry explained that this ordinance mirrored the state statutes regarding this issue, but would give the City authority to enforce violations.

The Commission suggested that the ordinance specifically establish a fee of \$25 to license vendors for tobacco sales and that the language in Section 12 state that "a fine of up to \$1,000 per day be included"

Thereupon, the Commission agreed by consensus to place this item on the March 5, 1997 City Commission agenda.

5. **Pawnbrokers Ordinance.** Thereupon, the Commission reviewed with Mr. Lowry an ordinance providing for the licensure and regulation of pawn brokers and dealers of precious metals. Mr. Lowry explained that this ordinance, again mirrored the state regulations for these issues noting that the City currently sold licenses and enforced in keeping with State law. However, this ordinance would allow enforcement at the local Municipal Court level.

The Mayor asked if the local pawn dealers should not have some input on this item and asked that this item be deferred.

The Commission agreed to place this item on the March 5, 1997 City Commission agenda in a split decision.

6. **Alcohol Concentration for Anyone Less than 21 Years of Age.** Thereupon, the Commission reviewed an ordinance with Mr. Lowry which would prohibit anyone less than 21 years of age from driving a vehicle within the corporate limits of the City who has a breath or blood alcohol concentration of .02 or greater and providing for penalties. Again, Mr. Lowry explained that this was a codification of state law and would allow the Municipal Court to enforce any violations. The City Manager explained that the .02, while being very strict, would allow for very minor amounts of alcohol to be in the system which could result from such things as medication, mouthwash or cooking wines.

The Commission agreed unanimously to place this item on the City Commission agenda for March 5, 1997.

7. **Discussion of Rails-to-Trails.** Thereupon, the Commission heard from Mr. Dennis Garrett, City Engineer, an explanation of the next phase of rails-to-trails. Mr. Garrett provided engineering drawings which illustrated possible placement of rest areas and rail head areas. He also illustrated possible improvements to the railroad bridge which crosses Main Street. Mr. Ed Alvis of the Kansas Department of Wildlife and Parks explained the Department was currently attempting to attain right-of-way to the railbank north of the current end of the trail which would allow the trail to extend as far North as K-68, noting that this would bring the trail past the Depot museum. Mr. Alvis also noted that the State was asking the City to take on routine maintenance only, and that the State Wildlife and Parks would assume major maintenance. He further explained that the asphalt portion of the trail within the City limits would be the City's responsibility. It was noted that utilization of the trail within the City limits would be free to anyone; however, usage outside of the City limits will require payment of a users fee.

Some discussion included the type of improvement on the railroad bridge which has been proposed to be restructured in wood over the current superstructure. Other possibilities noted were the use of metal or the use of wooden hand rails with an asphalt base. Mr. Alvis explained that they would anticipate bidding both the wood and asphalt options. However, it was the position of the Wildlife and Parks Department to retain the wood look since it is what had been used elsewhere on the trail. Mr. Alvis expressed his appreciation for support of the trail by the Commissioners, stating that their input had been greatly appreciated throughout the recent hearings.

8. **Announcements.** Thereupon, the Mayor announced there will be a Work Study Session on March 3, 1997 at 3:00 p.m. a Regular City Commission meeting for March 5, 1997 at 7:00 p.m., and that the Work Study Session for March 10, 1997 had been canceled.

9. **Executive Session.** Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to recess into Executive Session under non-elected personnel to discuss the City Manager's evaluation for a period of 45 minutes and that the City Commission would reconvene in Open Session at 5:00 p.m. in the same Work Study Session room.

The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting recessed.

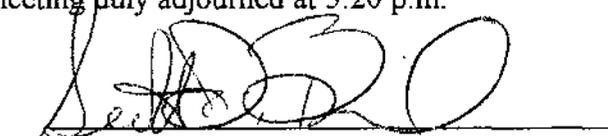
10. **Reconvene.** Thereupon, at 5:00 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews, to reconvene the meeting.

11. **Executive Session.** Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to recess into Executive Session under non-elected personnel to discuss the City Manager's evaluation for a period of 15 minutes and that the City Commission would reconvene in Open Session at 5:15 p.m. in the same Work Study Session room.

The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting recessed.

12. **Reconvene.** Thereupon, at 5:15 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews, to reconvene the meeting.

13 **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:20 p.m.


City Clerk

STUDY SESSION MINUTES

3:00 P.M.

March 3, 1997

The City Governing Body met in Work Study Session at 3:02 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey (arrived at 3:10 p.m.), Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fleer and Pat O'Neill. Media: Bill Grey, Bill Tellier, and Michelle Treaduex.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of February 24, 1997. There being no corrections or additions, the Commission accepted the minutes as presented.

2. **Review of March 5, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for March 5, 1997, noting that items would be added during this meeting.

3. **17th Street Bids.** Thereupon, the Commission heard from Mr. Daryl Davis of Cook, Flatt and Strobel, who explained that the City had received bids and that the engineers suggested accepting the lowest bid by Meadows Construction of Tonganoxie, Kansas, with a bid of \$1,116,654.10. It was noted that a local bidder, Killough Construction, had a bid that was approximately \$42,000 higher, which would be within 5%. However, after some discussion, the Commission decided that they would move ahead with the engineer's recommendation to accept the low bid.

Thereupon, the Commission agreed by consensus to place this item on the March 5, 1997 City Commission Agenda.

4. **Proposed League of Kansas Municipalities Bylaws.** Thereupon, Commissioner Jackson explained that this proposal had been put forth in order to help expand the size of the Board for the League of Kansas Municipalities.

After some discussion, the Commission decided that they would place this item on the March 5, 1997 City Commission agenda.

5. Amendments to Zoning Ordinance - Sign Regulations. Thereupon, the Commission heard from Mr. Jim Shaw, Director of Planning and Zoning, regarding a proposed amendment to the Zoning Ordinance dealing with sign regulations. It was noted that the Planning Commission had reviewed this amendment, held a public hearing and recommended to the City Commission the approval by a vote of 6-0. It was noted by Mr. Shaw that by approving this amendment, businesses with frontage on the interstate highway would be allowed to erect signage visible from the interstate.

The Commission agreed by consensus to place this item on the March 5, 1997 City Commission agenda.

6. Amendment to R-3 Multi Family Dwelling District. Thereupon, the Commission heard from Mr. Jim Shaw, who explained that the City of Ottawa's Planning Commission reviewed this amendment to the Zoning Ordinance, held a public hearing and further recommended to the City Commission the approval of the amendment to Article XA, Section 11 of the Zoning Ordinance, to change the townhome definition to allow two units on a property. Mr. Shaw noted that some areas would not permit the current definition due to lot size and that this had been a request which the Planning Commission felt reasonable.

The Commission agreed to place this item on the City Commission agenda for March 5, 1997.

7. Amendment to Zoning Ordinances - Rules and Definitions. Thereupon, the Commission heard from Mr. Shaw, who reviewed a proposed amendment recommended by the Planning Commission to amend Article 3, Section 2 of the Zoning Ordinance, which would change certain definitions to clear-up any confusing language or unnecessary duplicative language.

Thereupon, the Commission agreed to place this item on the March 5, 1997 City Commission agenda.

8. Waring Addition. Thereupon, the City Commission discussed with Mr. Shaw a recommendation of the Planning Commission who reviewed the final plat for the Waring Addition and approved it by a vote of 6-0. Mr. Shaw noted that the Planning Commission recommended to the City Commission the approval of the resolution to accept the easements for the Waring Addition. The City Engineer has also approved this plat and plans.

Thereupon, the Commission agreed to place this item on the March 5, 1997 City Commission agenda.

9. **Insurance Requirements for Taxi Services.** Thereupon, the Commission reviewed the insurance requirements for taxis within the City of Ottawa. It was explained by City Manager Scott Lambers that the current code required \$350,000 worth of insurance by reference to the public motor carriers requirements by the State of Kansas. He noted that staff had researched other cities and found that their requirements were not as restrictive, and therefore, recommended requirements not to be less than the amounts contained in the State Statute 40-3107, which are \$25,000 for injury to or death of one person, and not less than \$50,000 for injury or death in any one accident, and not less than \$10,000 for any damage to property in any one accident.

The Commission agreed to place this item on the March 5, 1997 City Commission agenda.

10. **Official City Newspaper.** Thereupon, the City Commission reviewed a letter from Bill Gray, of the Ottawa Times, who had requested the City use the Ottawa Times as its official City newspaper. The City Manager and City Clerk both recommended that the City stay with the Ottawa Herald, a daily publication of approximately 3,000 local subscribers. Mr. Gray noted that his paper would be willing to publish legal notices in both the Ottawa Times and the Shopper. Mr. Lambers explained that the Shopper did not qualify as a legal publication and could only be used as a convenience item to its public given the State law that requires an official City paper be a paid subscription publication.

The Commission discussed this issue at some length and decided to defer any decision until October, noting that it would be preferable to run such a designation from calendar year to calendar year.

11. **Addendum to City Manager's Contract.** Thereupon, the City Commission reviewed an addendum to the City Manager's contract which would provide for a 3% pay increase to his base salary from \$66,612 to \$68,610, a \$50 pay period increase in employer paid deferred comp and that the addendum would become effective as of February 1, 1997 to January 31, 1998.

The Commission agreed to place this item on the March 5, 1997 City Commission agenda.

12. **Announcements.** Thereupon, the Mayor announced that there would be a City Commission meeting on March 5, 1997 at 7:00 p.m., there would not be a Work Study Session on March 10, 1997, there will be a Work Study Session on March 17, 1997 at 3:00 p.m., there will be a City Commission meeting on March 19, 1997 at 9:30 a.m. and that there will be a Joint City/County meeting on March 19, 1997 at 11:45 a.m. at City Hall in the upstairs conference room.

13. **Executive Session.** Thereupon, Commissioner Jackson made a motion to recess into Executive Session to discuss personnel for a period of 30 minutes, and that the names of the personnel could not be mentioned to protect their privacy and that the Commission reconvene in open session at 5:30 p.m. in the same Work Study Session room. Thereupon, Commissioner Cummiskey asked that this motion not go forward until she had an opportunity to visit with the City Manager regarding information which had come to her attention which might complicate this particular session. The motion died for a lack of second.

Thereupon, the Mayor excused the City Manager, the City Attorney and Commissioner Cummiskey to discuss the issue.

Thereupon, at approximately 4:20 p.m., the City Manager requested that the Executive Session be deferred until a future date, suggesting the March 17, 1997 Work Study Session.

The Commission agreed by consensus.

14 **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting/duly adjourned at 4:30 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of March 5, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cumiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber Audience and the KOFO listening audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leon Burley.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to approve the agenda as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Jackson, to approve the minutes of February 19, 1997 as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of February 19, 1997, approved as written.

Public Comments

Thereupon, the Mayor read the following statement: Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission, may do so when called upon by the Mayor. Comments regarding personnel matters and matters pending in court or with other outside tribunals are not permitted. Please notify the City Clerk before the meeting, if you wish to speak. Speakers will be limited to

three minutes. Any presentation is for information purposes only. No action will be taken at this meeting.

Thereupon, the Mayor called upon Raquel Fleer, 1016 North Poplar. Ms. Fleer asked the question; Should we be concerned? Ms. Fleer referenced rumors of misuse of City property in regard to the arrest of Ottawa's Environmental Coordinator, while driving a City vehicle. She asked why this should happen if policies are in place and where the supervision is? She noted that she did not condemn the individual, but expressed that this was one of the reasons she is running for Commission,

Next to address the Commission was Mr. Ted Fogle of 1521 Maple. Mr. Fogle expressed concerns he had regarding storm water run off which runs across his property, noting that the situation had become worse since the properties along Elm Street that abuts the back of his property had been improved. He suggested that the engineering on 17th Street should be watched very closely so as to prevent any further problems of this sort.

Response to Public Comments

Thereupon, the Mayor read the following response to Mr. Fogle's appearance at the previous Commission Meeting. City Manager Scott Lambers advised Mr. Fogle that the local vendor preference policy only applied to those businesses located within the City limits and that such policies have been previously challenged and defended through legal rulings. The City can not arbitrarily select vendors to be eligible for the preference policy whose businesses are located outside the City limits.

New Business Sale of Tobacco

Thereupon, there was presented an ordinance prohibiting the sale of tobacco products to minors, providing for fines and other penalties for the sale of tobacco products to minors, and providing for the licensing of the retail sellers of tobacco products, along with fees for such licensing.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that this ordinance which conforms to State law, will allow the City to prosecute tobacco sale violations in Municipal Court. It was further explained that the licensing fee for this would be \$25.00 annually. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3218-97

Regulation of Pawnbrokers

Thereupon, there was presented an ordinance providing for the licensure and regulation of pawnbrokers and dealers in precious metals, authorizing the establishment of fees for such licensure, and providing for the suspension or revocation of licenses.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that the City currently regulates Pawnbrokers and dealers of Precious Metals for the State, but that this ordinance would establish regulation and penalty provisions for violations which could be enforced at the local level. It was further explained that the current \$25.00 a year fee for these activities would be continued under this ordinance.

The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the Ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3219-97.

Underage Drinking/Driving

Thereupon, there was presented an ordinance prohibiting anyone less than twenty one years (21) years of age from driving a vehicle within the corporate limits of the City of Ottawa, Kansas, who has a breath or blood alcohol concentration of .02 or greater, and providing for penalties.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3220-97.

Sign Regulations

Thereupon, there was presented an ordinance amending Article XXII, Sign Regulations, of Ordinance No. 2933-90 the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed and held a Public Hearing concerning this issue and recommended to the City Commission the approval of this amendment by a vote of 6-0.

Thereupon, City Manager Scott Lambers explained that businesses locating along the inter-state would desire to have advertising which would be visible from I-35 and current sign regulations would not permit such advertisement. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3221-97.

Town Homes

Thereupon, there was presented an ordinance amending Article X-A, Section 11, Townhomes, "R-3" Multiple-Family Dwelling District of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During Discussion it was explained that the Planning Commission had reviewed and held a Public Hearing concerning this issue, and recommended to the City Commission the approval of the amendment to change Townhome regulations in the "R-3" Multiple-Family Dwelling District by a vote of 6-0.

During discussion, City Manager Scott Lambers explained that this amendment recognized that some lot set backs would inhibit three unit development in certain areas. But that this would allow a minimum of two unit development for Townhomes in "R-3" Multiple-Family Dwelling Districts. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3222-97.

Zoning Ordinance Definitions

Thereupon, there was presented an ordinance amending Article III, rules and definitions of Ordinance No. 2933-90 the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed and held a Public Hearing regarding this issue, and recommended to the City Commission the approval of the amendment to Article III, Section 2, of the Zoning Ordinance to change certain definitions within the ordinance for better clarification of confusing language or unnecessary and duplicated language. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3223-97.

Waring Addition

Thereupon, there was presented a resolution accepting the easements within the Waring Addition, Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 939-97.

Insurance Requirement Taxi

Thereupon, there was presented an ordinance amending Article 11, Section 306 of the Municipal Code of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to adopt the ordinance. During discussion it was explained that if approved, the insurance requirements for taxi cab service owner/operators would not be less than the amounts required in K.S.A. 40-3107, that is \$25,000 per injury, to or death of one person, and not less than \$50,000 for injury, to or death in any one accident, and not less than \$10,000 for damages to property in any one accident. The motion was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3224-97.

17th Street

Thereupon, there was submitted the low bid by Meadows Construction of Tonganoxie, Kansas, for the improvement of 17th Street, between Eisenhower and Main in the amount of \$1,116,654.10. The engineering firm for the project, Cook, Flatt and Strobel, recommended that the low bid for the project be accepted.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to accept the low bid by Meadows Construction of Tonganoxie, Kansas, in the amount of \$1,116,654.10. During discussion Commissioner Matthews expressed his appreciation that this item was moving forward and his regret that the bid was going out of town; however, he stated that \$42,000 was a considerable amount of money. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the motion duly adopted.

City Manager Addendum

Thereupon, there was presented Addendum No. 1 for 1997 to the City Manager's contract. The Mayor read the following addendum into the record: A 3 percent increase in base salary from \$ 66,612 to \$68,610, a \$50 per pay period increase in employer paid deferred comp, and that the terms and conditions of the City Manager's contract and any addendum thereto, shall be in effect from February 1, 1997 to January 31, 1998.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson, to approve the Addendum to the City Manager's contract. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Addendum duly approved.

League Bylaws

Thereupon, there was presented a proposed amendment to the League of Kansas Municipalities Bylaws.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to approve the amendment. During discussion it was explained that the League of Kansas Municipalities was requesting its member cities to vote on a proposed Bylaws Amendment, which would allow under certain circumstances past Presidents of the League of Kansas

Municipalities to serve in an ex officio capacity on the Governing Body of the League. At the March 3, 1997 Work Study Session the amendment was discussed, subsequently Commissioner Jackson had researched and determined that it was the intent of the proposed amendment that the ex officio members would be voting members of the League Governing Body.

Thereupon, Commissioner Cummiskey asked if ex officio did not in fact mean non voting members. Commissioner Jackson explained that in this case the League was designating the ex officio member as a voting member.

Thereupon, Commissioner Cummiskey asked exactly what ex officio meant in this capacity. City Manager Scott Lambers, said there appeared to be no difference in a regular member and an ex officio member the way the League was handling this situation. The motion was considered and upon being put to the question, all present voted nay.

Thereupon, the Mayor declared the proposed amendment duly rejected.

Governing Body Agenda

Thereupon, the Mayor recognized Vern Larson, Provost for Ottawa University and three visitors from Russia who are in attendance at the meeting. Mr. Larson addressed the Commission and thanked them for their hospitality noting that these gentlemen were from Voronezh Russia. He introduced Dr. Valeryi Voronin, Dr. Vlidimir Tonkikh and Dr. Bair Shagdaron. Dr. Tonkikh addressed the Commission and thanked them for the invitation to the City, expressing his gratitude to the University and to the community. Dr. Tonkikh recognized Kansas as the Heart of America, noting that "we feel our hearts will stay with you and your hospitality".

Thereupon, Commissioner Jackson presented the visitors each with a lapel pin with the City of Ottawa Logo.

Announcements

Thereupon, the Mayor announced that there will not be a Work Study Session on March 10, due to the Commissioners attendance of the National League of Cities Meeting in Washington D C. The Mayor further noted that during their visit they would be meeting with Senators Roberts and Brownback. He further announced that there will be a Work Study Session on March 17, 1997 at 3:00 p.m., that there will a Joint City/County meeting on March 19, 1997 at 11:45 a.m. at City Hall in the upstairs conference room, that there will be a Mayor's Prayer Breakfast, March 26, 1997 at 6:45 a.m. at Ottawa

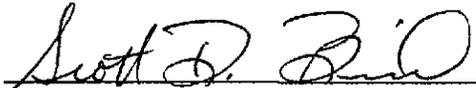
University Student Union, and the next regular meeting will be March 19, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

March 17, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Matthews, and Tyson; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Charlie Bowling for Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fler and Blaine Finch. Media: Bill Grey, Bill Tellier, and Michelle Treaduex. Absent: Jeff Herrman.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of March 3, 1997. Mayor Ramsey suggested a correction on the closing.

Thereupon, the Commission agreed to accept the minutes as corrected.

2. **Review of March 19, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for March 19, 1997, noting that items would be added during this meeting.

3. **Car Stereo Contest.** Thereupon, the Commission reviewed a request from Shawn Markley, owner of S & K Stereo, to use a portion of Forest Park on Sunday, July 27, 1997 for a car stereo contest. It was noted that this was the second year for this request and that last year's contest had posed no problems.

Thereupon, the Commission agreed by consensus to approve this request..

4. **Franklin County Fliers Club.** Thereupon, there was presented a letter from Mr. Jim Jones, President of the Franklin County Fliers Club, whereby Mr. Jones requested that the club be allowed to mow a square of grass at City owned property in the Industrial Park area, approximately 150' long X 50' wide for a radio controlled airplane runway.

The Commission considered the request and agreed by consensus to approve said request.

5. ORC Request - Reservation of Shelter House at Forest Park. Thereupon, the Commission considered a request from Mr. Wayne Burns, Director of the Ottawa Recreation Commission, to use the Main Shelter House in Forest Park this Summer, Monday through Friday from 1:00 p.m. to 5:00 p.m. to be used for a Summer Playground Program in conjunction with the Summer Lunch Program. Mr. Burns noted that both of these programs are non-revenue generating programs and offer the youth of Ottawa a nutritional meal and an opportunity to participate in a structured play environment. Following lunch, along with leaders, the children would walk to Forest Park and use the Shelter House as a home base for the Summer Playground Program. He noted that the program would consist of supervised recreational activities such as games, sports, arts and crafts and that refreshments would be served daily.

The Commission considered this request and agreed by consensus to approve the request to use the main shelter for Monday's - Thursdays. However, it was agreed that the program would use another shelter within the park on Friday's.

Mr. Burns thanked the Commission for their consideration.

6. VFW Request - Placing Flags Downtown. Thereupon, the Commission considered a request from Mr. George Papps, Post Commander of the VFW Post #5901. Mr. Papps requested that the City assume the duties of placing of American flags on Main Street for holidays such as Memorial Day, 4th of July, Labor Day, Flag Day and Veterans Day. Mr. Papps noted that due to declining membership and the aging of the membership of the VFW, that this activity had become increasingly difficult for the Post.

The Commission considered this request and agreed by consensus to assume the responsibilities to place flags downtown; however, the VFW would be asked to continue to store and maintain the flags.

7. Agape' Christian Concerts at City Park. Thereupon, the Commission considered a request from Rev. John Sproule. Rev. Sproule requested that the dates of May 23, June 6, June 13, June 20, June 27 and July 11, 1997 be reserved at the gazebo in the downtown City Park for concerts targeting youth to be conducted from 7:00 p.m. to 8:30 p.m. on the aforementioned dates. It was noted that the main purpose of these concerts would be to give teenagers something to do on Friday nights. He further requested that the Agape' Christian Center be allowed to sell pop, food, T-shirts and music to help cover the expenses in bringing the bands to the concert.

Thereupon, the Commission considered the request and agreed by consensus to approve it, contingent upon the dates not posing any conflicts for prior reservations.

8. Snow Removal Procedures. Thereupon, the Commission considered a report from Public Works Director Andy Haney which outlined the City's procedure for snow removal in the City of Ottawa. Mr. Haney outlined the priorities, noting that Priority I thru V are completed somewhat simultaneously due to equipment availability/full use of personnel resources. The listed priorities are intended to be general guidance for allocating limited resources.

<u>PRIORITY</u>	<u>DESCRIPTION</u>
I	state and federal highways
II	Central Business District (haul)
III	arterial streets hospital access collector streets schools access commercial/industrial access
IV	salt/sand - thoroughfares and at STOP signs
V	sidewalks @ City properties (parks/parking lots)
VI	local/residential streets not already cleared
VII	airport runways/taxiways/ramps (normally contracted) haul piles from private commercial lots

Mr. Haney further explained that if City crews run upon private parking lots which have bladed snow into a pile, they often remove said piles. The Commission agreed that this practice of removing snow from individual merchant and small commercial lots would be struck from the policy.

9. Replacement of Lawn Mower for Public Works Department. Thereupon, the Commission reviewed a request by Public Works Director Andy Haney to purchase two lawn mowers for the Parks Division. Mr. Haney noted that the 1997 Budget included more than enough money to purchase one lawn mower, but that the City had collected \$2,500 in insurance proceeds due to a fire which destroyed one of the lawn mowers last summer. He requested that the difference between the amount budgeted for the lawn mower in the Parks Department and the amount of cost for two units instead of one, be charged to 0117-925 which is the Contingency Line Item for the General Fund.

The Commission considered this request and agreed by consensus to place it on the March 19, 1997 City Commission agenda.

10. **Police Department Copy Fees.** Thereupon, the Commission considered a request from Police Chief Jeff Herrman to increase the fees charged to people who request police reports, noting that currently a four page report would be charged at \$2.00 and then \$.50 for every page thereafter. The Chief requested that the Police Department increase the fees for a four page report to a \$5.00 charge and \$1.00 for every page thereafter, noting that this required time of his personnel to first research these reports and then reproduce them for the public.

The Commission agreed to place this item on the March 19, 1997 City Commission agenda noting that a resolution should be drafted to reflect the change.

11. **Appointment of City Officers.** Thereupon, the Commission discussed possible change in the way City officers are appointed, noting that the City Manager has authority to appoint the officers with the exception of the City Engineer and the City Attorney who have contractual arrangements with the City.

The Commission agreed by consensus to retain the current system.

12. **1998 Capital Improvements Project Calendar.** Thereupon, the Commission reviewed the 1998 Capital Improvement Program Calendar noting that the process for 1998 would begin on this date, March 17, 1997 and final adoption would be scheduled for September 17, 1997.

13. **Open Agenda.** Thereupon, the Commission discussed their activities at the recent National League of Cities meetings in Washington, D.C. Issues discussed were Juvenile Crime, Historical Preservation, Asbestos Removal, Economic Development, Federal Street and Highway Funds among others.

14. **Demolition.** Thereupon, the City Manager requested to add an item to the agenda. Thereupon, Wynndee Lee, Grant Administrator, noted that a house located at 825 Cypress needed to be demolished. She further noted that the City has funds in the Demolition Grant and asked for permission to proceed.

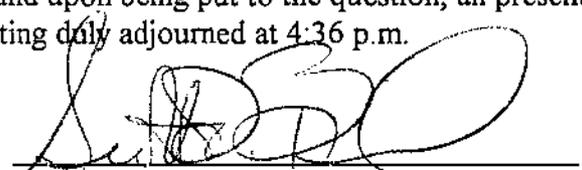
The Commission agreed to place this item on the March 19, 1997 City Commission agenda and asked for a resolution to that effect.

15. **Announcements.** Thereupon, the Mayor announced that there would be a City Commission meeting on March 19, 1997 at 9:30 a.m., there will be a Joint City/County meeting on March 19, 1997 at 11:45 a.m. in the upstairs conference room at City Hall; there will be a Work Study Session on March 24, 1997; there will be a Mayor's Prayer Breakfast on March 26, 1997 at 6:45 a.m. at the Ottawa University Student Union and that there will be a Work Study Session on March 31, 1997 at 4:00 p.m.

16. **Executive Session.** Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Jackson to recess into Executive Session to discuss personnel for a period of 20 minutes. He noted that the names of the personnel could not be mentioned to protect their privacy and further noted that the Commission would reconvene in open session at 4:35 p.m. in the same Work Study Session room. Thereupon, the motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the Commission recessed into Executive Session.

17. **Reconvene.** Thereupon, at 4:35 p.m., Commissioner Jackson made a motion, seconded by Commissioner Matthews to reconvene the meeting. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

18 **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:36 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of March 19, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Commissioner Jackson.

Agenda Approval

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to approve the agenda as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, City Clerk Scott Bird asked that the approval of minutes be deferred, since the distribution of said minutes had not been made.

Response to Public Comments

Thereupon, the Mayor read the following response to comments made by Raquel Fler, who addressed the City Commission at the previous meeting in regards to an alleged DUI incident involving a City employee. Section 9.3 of the City's Personnel Rules & Regulations provides authority to discipline City employees who violate traffic laws. However, as it has been stated previously, disclosure of disciplinary action involving City employees is not permitted.

New Business

Purchase of Lawn Mowers Public Works Dept.

Thereupon, the Commission considered a request from Public Works Diector Andy Haney to authorize the purchase of two 72" Excel model 3200 lawn mowers and one 6" John Deer replacement mowing deck. The total purchase price for these items will be approximately \$21,517. Of this amount, \$15,000 will

come from Cemetery line item 0140-710, and the remainder would be charged to the General Fund Contingency Fund line item in the amount of \$ 6,517.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to approve the request. The motion was considered and upon being put to the question, passed by the following vote. Commissioner Matthews aye, Commissioner Tyson aye, Commissioner Jackson aye, Commissioner Cummiskey aye, Mayor Ramsey nay.

Thereupon, the Mayor declared the motion duly passed.

Police Record Fees

Thereupon, there was presented a resolution establishing fees to be paid by persons requesting access to public records from the Police Dept.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was pointed out that this resolution would increase fees for copying of official Police Documents. The fees would increase from \$2.00 for a 4 page report and .50 cents for each additional page, to \$5.00 for the first 4 page report and \$1.00 for each additional page.

Thereupon, Commissioner Cummiskey asked for Staff Comments.

Thereupon, the City Manager explained that this issue had not been addressed since 1981 and that these fees would be consistent with other local agencies. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Resolution duly adopted and the resolution was duly numbered Resolution No. 940-97.

Condemnation 825 South Cypress

Thereupon, there was presented a resolution to determine an immediate hazard as a result of an unsafe and dangerous structure located at 825 Cypress in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that the City Building Inspector and Fire Chief had determined that the structure at 825 South Cypress was an immediate hazard and should be razed. The property owner is aware of the pending demolition which would be funded by the City's Grant Demolition Program. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 941-97.

Capital Improvement Program

Thereupon, there was presented the 1998 Capital Improvement Program Calendar.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to approve the CIP Calendar. During discussion it was explained that the first action had taken place on March 17th, that was the City's review at Work Study Session of the Calendar, and that the first public hearing would be scheduled for April 9, with the Planning Commission.

Mayor Ramsey noted that several opportunities would be presented to the public for their input and encouraged the Public to do so. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the 1998 CIP Calendar duly adopted

Monthly Financial and Activity Reports

Thereupon, there was presented the Monthly Financial and Activity Reports for the month of January 1997.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the reports. During discussion the Mayor noted that the January Sales Tax Receipts had been very strong, he also asked for an explanation of the increase in sludge water reused at the Water Treatment Plant. The City Manager indicated that the Director of Utilities was attending a Utility Conference and that he would have an answer for the Commission at the next meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for the month of January 1997, approved as presented.

Governing Body Agenda

Thereupon, The Mayor read a thank you, from Sandy King of Ottawa University, who expressed the University's appreciation for the consideration given the visitors from Russia, who had attended the last Governing Body Meeting.

Thereupon, Commissioner Matthews suggested that Ottawa Herald Editor, John Montgomery had been incorrect in his statement in a recent editorial, stating that all 5 Commissioners had attended the Washington DC National League of Cities

Meeting each year. Commissioner Matthews noted that only he and Commissioner Jackson had attended in the previous year.

Thereupon, Commissioner Ramsey noted that there would be a Candidate Forum on March 25, in the OHS Cyclone Room, and that the City Election would be April 1, 1997.

Executive Session

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to recess into Executive Session to discuss personnel for a period of 10 minutes, and that the names of the personnel could not be released to protect their privacy, and asked that the City reconvene in open session at 10 a.m. in the City Commission Chambers at City Hall. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly recessed.

Thereupon, the Commission recessed to the Work Study Session Chambers.

Thereupon, at 10:03 a.m. the Commission returned from the Work Study Session Chambers and Commissioner Jackson made a motion, seconded by Commissioner Cummiskey to reconvene. The motion was considered and upon being put to the question, all present voted aye.

Resignation of Forrest Lowry

Thereupon, Commissioner Tyson made a motion, to accept the resignation from City Attorney Forrest Lowry and to cancel the contract the City had with Mr. Lowry. The motion was seconded by Commissioner Jackson.

Thereupon, the Mayor stated that in accepting this resignation he wished to express his thanks to Mr. Lowry and wish him well. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resignation of Forrest Lowry duly approved.

Appointment of City Attorney

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Jackson, to adopt the resolution, authorizing the City Manager to execute a contract for Municipal Legal Services.

Designation of City Attorney and Assistant City Attorney and Establishing Fees for Services

During discussion Commissioner Jackson asked to have the resolution read. The Mayor read the resolution as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MUNICIPAL LEGAL SERVICES, DESIGNATION OF CITY ATTORNEY AND ASSISTANT CITY ATTORNEY AND ESTABLISHING FEES FOR SERVICES THEREOF.

WHEREAS, the City Commission has the authority to contract for legal services and designate the City Attorney and Assistant City Attorney; and

WHEREAS, the City Commission has the authority to establish fees for such services; and

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Ottawa that Mr. Bob Bezek be designated as City Attorney and that Joyce Fackler Hendrix be designated as Assistant City Attorney; and

BE IT FURTHER RESOLVED, that the City shall pay for such services a rate of \$65.00 per hour; and

BE IT FURTHER RESOLVED, that this resolution may be amended upon mutual agreement of both parties; and

BE IT FURTHER RESOLVED, that this resolution may be terminated at any time by the City Commission, and

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to execute a contract on behalf of the City Commission with Mr. Bezek and Ms. Fackler Hendrix containing the provisions aforementioned in this resolution.

Adopted by the City Commission of the City of Ottawa on the 19th day of March, 1997.

Thereupon the Mayor declared the Resolution duly adopted and the resolution was duly numbered Resolution No. 942-97.

Announcements

Thereupon, the Mayor announced the Joint City County Meeting at 11:45 a.m. this date in the upstairs conference room at City Hall. He further announced a Work Study Session on March 24, 1997 at 4:00 p.m. He announced the Mayor's prayer Breakfast on Wednesday, March 26, 1997 at 6:45 a.m. at the Ottawa University Student Union, and a Work Study Session on March 31, 1997 at 4:00

p.m. The Mayor announced the next regular meeting to be April 2, 1997, at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

March 24, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, and Matthews; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Nevalea Magrath for Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Flear, Jeanette Lowry and Blaine Finch. Media: Bill Grey, Bill Tellier, and Brad Howard. Absent: Commissioner Tyson and Scott Bird.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the Work Study Session minutes of March 17, 1997.

2. Review of March 19, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for March 19, 1997, noting that items would be added during this meeting.

3. Ottawa Community Arts Council Request. Thereupon, the Commission reviewed a request from Jeanette Lowry and the Ottawa Community Arts Council, to use the old library building for a silent auction and annual banquet celebrating the Arts Council's twentieth anniversary. Ms. Lowry noted that the banquet would be held on April 27, 1997, however, the Council would need access to the building no later than April 10, 1997 to clean and arrange the art work for public display.

Thereupon, the Commission agreed by consensus to approve this request..

4. KMEA Board of Director's Appointment. Thereupon, there was presented a letter from KMEA, requesting that the City Commission appoint someone to serve on the KMEA Board of Director's for a two year term.

Thereupon, City Manager Scott Lambers noted that Utilities Director Jim Bradley was currently serving on the KMEA Board and recommended that Mr. Bradley continue for another two year term.

Thereupon, the Commission considered the request and agreed by consensus to place this item on the April 2, 1997 City Commission agenda.

5. **Spring Clean-up.** Thereupon, the Commission considered a request from the Ottawa PRIDE Committee to have the City of Ottawa help fund this year's spring clean-up.

The City Manager noted that the City had helped with the funding of this project in the past and that he did not envision any difficulty with their request.

The Commission agreed by consensus to approve this request.

6. **Amendment of Article XXVII, Section 4, of the Zoning Ordinance - Nonconformities.** Thereupon, Planning Director Jim Shaw explained the proposed amendment and that the Planning Commission recommended to the City Commission by a vote of 7-0 to approve the amendment as written and discussed.

Thereupon, the City Commission agreed to place this item on the April 2, 1997 City Commission agenda.

7. **1997 Weed Enforcement Policy Ordinance.** Thereupon, Planning Director Jim Shaw explained that this ordinance is required by state statute and is one that the City Commission passes each year.

Thereupon, the City Commission agreed by consensus to place this item on the April 2, 1997 City Commission agenda.

8. **Special Use Permit - Daycare at 823 S. Cedar.** Thereupon, Planning Director Jim Shaw explained that this item had been submitted to the City Commission in November, 1996 and had been referred back to the Planning Commission due to a 3-2 vote. Returning the item back to the Planning Commission would allow all the Planning Commission members to have the opportunity to vote.

Mr. Shaw noted that one reason the Planning Commission voted against the special use permit was because of space limitations in the alley-way for vehicular traffic.

Thereupon, the City Commission agreed by consensus to place this item on the April 2, 1997 City Commission agenda with the option to approve or to deny.

9. **Neighborhood Revitalization Act.** Thereupon, Mayor Ramsey noted that the two resolutions pertaining to this item had been discussed at the Joint City/County meeting on March 19, 1997.

Thereupon, the City Commission agreed by consensus to place this item on the April 2, 1997 City Commission agenda.

10. **1997 Concrete Quotations.** Thereupon, the City Manager noted that City staff has recommended the purchase of concrete from Penney's for 1997. He also noted that this would be on an annual basis.

Thereupon, the City Commission agreed by consensus to accept the staff recommendation.

11. **Open Agenda.** Thereupon, the Mayor announced that he had been notified that payment for in lieu of taxes from Duke Manufacturing had been received.

Thereupon, the Mayor also commented that despite the criticism that had been received by the Commission's trip to Washington, he felt the visit with Senator Pat Roberts and other officials had been very beneficial to the City of Ottawa regarding the stringent requirements being placed on cities to improve their wastewater treatment plants. Thereupon, the City Manager and City Commission discussed the KDHE and EPA rulings and how they could affect the City of Ottawa.

12. **Announcements.** Thereupon, the Mayor announced that the Mayor's Prayer Breakfast will be Wednesday, March 26, 1997 at 6:45 a.m. at the Ottawa University Student Union, there will be a Work Study Session on March 31, 1997 at 4:00 p.m., there will be a flag dedication of the two new flag poles and flags by the Boy Scouts at 6:30 p.m. on April 2, 1997 prior to the 7:00 p.m. City Commission meeting, there will be a Work Study Session on April 7, 1997 at 4:00 p.m., there will be a Work Study Session on April 14, 1997 at 4:00 p.m. There will not be a Joint City/County meeting on April 16, 1997 however, there will be a City Commission meeting on April 16, 1997 at 7:00 p.m.

The Mayor also announced that there will be a candidates forum on March 25, 1997 at Ottawa High School. He encouraged everyone to vote in the election on April 1, 1997.

13. **Executive Session.** Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to recess into Executive Session to discuss attorney/client privilege to discuss pending litigation for a period of 20 minutes and further noted that the Commission would reconvene in open session at 4:50 p.m. in the same Work Study Session room. Thereupon, the motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the Commission recessed into Executive Session.

14. **Reconvene.** Thereupon, at 4:50 p.m., a motion was made and seconded to reconvene the meeting. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

15 **Adjournment:** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:51 p.m.



City Clerk

STUDY SESSION MINUTES

4:00 P.M.

March 31, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, Tyson and Matthews; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Charlie Bowling for Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fleer, Ed Treadwell, Jack Maxwell, Dale Fox, Ken Humm, and Barb Humm. Media: Bill Tellier, and Michelle Tredeaux.

1. **Review of April 2, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for April 2, 1997, noting that items would be added during this meeting.

2. **USD #290 Appeal.** Thereupon, Mr. Jack Maxwell representing the USD #290 School Board addressed the Commission expressing his appreciation to the City for their efforts concerning the proposed Middle School to be located at 13th and Ash. Mr. Maxwell's request involved a proposed deferment of a traffic study so the School Board could proceed with the bid process and preliminary construction stages of the facility. Mr. Maxwell noted that it was his understanding that a traffic study could not be completed until fall, which would be disastrous for the timetable of this project.

Thereupon, City Manager Scott Lambers noted that staff would not object to this request and further noted that staff had requested bids from engineering firms, familiar to City staff, which would be forwarded to the School Board regarding the proposed traffic study. The City Manager suggested that the School Board could use these bids as a benchmark and would probably want to take their own bids.

Thereupon, the Commission agreed by consensus to approve this request.

3. **Request from Mr. Ken Humm - Variance to Itinerant License.** Thereupon, the Commission reviewed a letter from Mr. Ken Humm in which Mr. Humm requested a variance to the current Itinerant Sales License. Mr. Humm explained that it was his intention, upon approval, to install a small food and drink concession stand for the north end of the Country Mart parking lot with tentative plans to open April 1, 1997 through October 31, 1997.

The Commission discussed this issue and agreed to consider an ordinance to amend the current Itinerant License Application to be considered at the April 14, 1997 Work Study Session

Mr. Humm thanked the Commission for their consideration.

4. **Cancer Awareness Month.** Thereupon, the Commission reviewed a request from Kathy Niehoff, President of Franklin County American Cancer Society, to declare April as Cancer Awareness Month in the City of Ottawa and to tie ribbons around trees on Main Street to raise awareness during the month of April.

The Commission agreed by consensus to place this item on the April 2, 1997 City Commission agenda.

5. **Renita Ubel Day.** Thereupon, the Commission reviewed a letter from Emporia State University requesting that the Commission recognize Renita Ubel as a 1997 Kansas Master Teacher, a program sponsored by Emporia State.

The Commission agreed by consensus to place a proclamation on the April 2, 1997 City Commission agenda.

6. **National Library Week.** Thereupon, the Commission considered a request to declare April 13, 1997 through April 19, 1997 as National Library Week in the City of Ottawa.

The City Commission agreed by consensus to place a proclamation on the April 2, 1997 City Commission agenda.

7. **PHASE Organization.** Thereupon, the Commission considered a request from PHASE, which is promoting health and sexuality education throughout the community and schools, to tie white, red and purple ribbons to the street posts downtown to remind the public that PHASE is working to raise the awareness of teen pregnancy, drug and alcohol abuse, and domestic violence.

The Commission agreed by consensus to allow PHASE to proceed with their promotion.

8. **Property Insurance Renewal.** Thereupon, the Commission heard from Mr. Ed Treadwell of Thomas McGee and Sons, consultant for the City on insurance matters, regarding quotes which had been received from EMC, Employer's Mutual and Titan Insurance Company. Mr. Treadwell reviewed the bids for property insurance, noting that there were some differences and that both EMC and TITAN have pluses and minuses. He further explained that both companies specialize in public entities and either of them would serve the City well. He concluded with no specific recommendation.

City Manager Scott Lambers noted that the City would be asking for a one year contract due to favorable market conditions. He further noted that the City had received favorable dividends from EMC over the last several years and pointed out that TITAN is being represented by a local insurance agent. He noted that the City has had no problems with EMC and that rates have declined over the years the City has been with them.

Thereupon, the Mayor suggested that the City approve and accept the bid from TITAN.

Thereupon, the Commission agreed by consensus to place this item on the April 2, 1997 City Commission agenda.

9. **Open Agenda.** Thereupon, the Mayor reminded the Commission of the flag pole dedication at 6:30 p.m. Wednesday night prior to the City Commission meeting.

Thereupon, the Mayor thanked Scott Lambers, Barb Nelson and Ken Hennessey for their work on the Mayor's Prayer Breakfast.

Thereupon, the Mayor announced that the effort to place the Rails-to-Trails issue in the State Department of Parks, is probably dead for this year at the Legislative level.

Thereupon, City Librarian Barbara Dew noted that the Library has moved out of the old Library building entirely. However, the Friends organization is still moving some shelving around and that the Historical Society still has some shelving stored on the upper level of the building. Ms. Dew also noted that the books that were in the book drop several weeks ago when someone placed a dead skunk in the drop, had been given to Jack and Nedra Porter to place in a treatment box to remove the odor. Ms. Dew informed the Commission that the Porters saved the Library at least \$150 to clean the books.

10. **Announcements.** Thereupon, the Mayor announced that there would be a City Commission meeting on April 2, 1997 at 7:00 p.m. with the flag pole dedication beginning at 6:30 p.m., there will be a Work Study Session on April 7, 1997 at 4:00 p.m., there will be a Work Study Session on April 14, 1997 at 4:00 p.m. There will not be a Joint City/County meeting on April 16, 1997, however, there will be a City Commission meeting on April 16, 1997 at 7:00 p.m.

11. **Adjournment:** There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:43 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of April 2, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews absent. A quorum was present.

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Henry Roberts.

Agenda Approval

Thereupon, Commissioner Jackson made a motion, to approve the agenda, with the deletion of Item No. 19. The motion was seconded by Commissioner Cummiskey and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the agenda approved with corrections.

Approval of Minutes

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to approve the minutes of the previous meetings of March 5, 1997 and March 19, 1997. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of March 5, and March 19, 1997, approved as presented.

**Presentations & Recognitions
Cancer Awareness Month**

Thereupon, the Mayor read a Proclamations declaring the month of April, 1997 as Cancer Awareness Month in the City of Ottawa, Kansas.

Thereupon, Kathy Neihoff, President of the Board, for the local American Cancer Society, thanked the Commission for the Proclamation and expressed her hopefulness that it would help raise local awareness.

Renita Ubel Day

Thereupon, the Mayor read a proclamation declaring April 9, 1997 as Renita Ubel Day, recognizing her efforts as a Elementary Teacher at Eugene Field Elementary School and her recognition as a 1997 Kansas Master Teacher, as presented by Emporia State University.

Thereupon, Commissioner Cummiskey expressed her personal appreciation to Ms. Ubel, noting that her son Brian had been one of Ms. Ubel's students.

National Library Week

Thereupon, the Mayor read a proclamation declaring the Week of April 13, 1997, as National Library Week in the City of Ottawa, Kansas.

Thereupon, Shernice Casteel, representing the Board of Trustees for the Ottawa Library, thanked the City Commission for the reading and proclamation, and expressed her desire that all citizens utilize and be served by the local library.

New Business

Appointment to KMEA Board of Directors

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Cummiskey, to appoint Mr. James Bradley, Director of Utilities, to serve a two year term on the Board of Directors for the Kansas Municipal Energy Agency. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the appointment duly approved.

Acceptance of Insurance Bid

Thereupon, Commissioner Cummiskey, made a motion, seconded by Commissioner Tyson to accept the low bid submitted for property and casualty insurance from Titan Insurance at an estimated cost of \$104,324, for a 1 year contract.

The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Motion duly approved.

Zoning Ordinance, Nonconformities

Thereupon, there was presented an ordinance to amend Article XXVII, Section 4, Nonconformities of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion it was explained that the City of Ottawa Planning Commission had reviewed this amendment and held a public hearing concerning it. The Planning Commission recommended to the City Commission the approval of the amendment by a vote of 7-0. It was noted that there are buildings in residential areas that are used as legal nonconforming uses and that by allowing this amendment, business signs for these situations, would be reviewed on a case by case basis, under the nonconforming use. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3225-97.

Cutting of Weeds and Vegetation

Thereupon, there was presented an ordinance relating to the cutting of weeds and vegetation, providing for cutting by the City of Ottawa, and providing for charges therefor.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to adopt the ordinance. During discussion it was explained that Kansas statutes require the City to pass a weed ordinance annually when the option of providing a single notice to cut weeds to a property owner is selected as an enforcement policy. It was further noted that the publication of this ordinance would provide notice to the property owner, occupant, or agent in charge of said property about the City's weed policy. The enforcement policy would allow the owner to receive a letter ordering abatement within 10 days. If there is an occupant, they will receive a copy of the letter as well. If the property is not mowed within the given time frame, the ordinance provides for the City of Ottawa or its contractor to abate the nuisance and to recover the cost from the property owner. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3226-97.

Interlocal Agreement, Neighborhood Revitalization Act

Thereupon, there was presented an Interlocal Agreement between the City, County, and USD 290, for a local Neighborhood Revitalization Act program..

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson, to approve the agreement. During Discussion it was explained that this action would authorize the Mayor to sign an Interlocal Agreement with Franklin County and USD 290 officials and enter into a local Neighborhood Revitalization Program.

The Mayor explained that maps of the proposed program area were available and encouraged citizens to review the program. Commissioner Cummiskey expressed her appreciation for the work done by City Staff, particularly Program Manager Wynndee Lee.

Thereupon, Commissioner Jackson noted that this project had been in the works for approximately two years and at the time the Commission under took this program there were only two cities in the State, Atchison and Topeka, who were participating in this program. He further noted that there are approximately ten cities now who have implemented similar programs. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Interlocal Agreement between the City, County and School District, for local Neighborhood Revitalization Act Program duly approved.

Neighborhood Revitalization Plan Resolution

Thereupon, there was presented a resolution to adopt a Neighborhood Revitalization Plan for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the resolution. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 943-97.

Announcements

Thereupon, the Mayor thanked the participants at the Flag Pole Dedication Ceremony which preceded the meeting. He expressed particular appreciation to the Barefoot Philharmonic for the music they provided both before and during the ceremony, and to the local Boy Scouts who participated from Troops 74, 77 and 118.

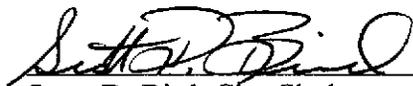
Thereupon, the Mayor announced a Work Study Session scheduled for April 7, 1997 at 4 p.m.; a Work Study Session scheduled for April 14, 1997 at 4:00 p.m.; he announced that there will not be a Joint City/County meeting on April 16, 1997; that there will be a Work Study Session on April 21, at 4 p.m.; and that the next regular meeting will be April 16, 1997 at 7 p.m., noting that the newly elected Commissioners would be sworn into office during that meeting.

Adjournment

There being no further business to come before the Commission, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

April 7, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cummiskey, Jackson, Tyson, Matthews and Commissioner Elect Blaine Finch; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Barbara Dew and Raquel Fler, Media: Bill Tellier, Bill Gray and Michelle Tredeaux.

1. Review of March 24, 1997 and March 31, 1997 Work Study Sessions.

Thereupon, the Commission reviewed the regular Work Study Session minutes of March 24, 1997 and March 31, 1997.

There being no corrections or additions, the Commission accepted the minutes as presented.

2. Review of April 16, 1997 City Commission Agenda.

Thereupon, the Commission reviewed the tentative agenda for April 16, 1997, noting that items would be added during this meeting.

3. Rezone at 614 - 634 S. Main.

Thereupon, the Commission reviewed a Planning Commission recommendation to accept an ordinance to rezone 614 - 634 S. Main from I-1 (Light Industrial) to C-2 (General Commercial Zoning District). The Planning Commission recommended to the City Commission the approval of the rezone by a vote of 7-0. The City Manager noted that rezoning Main Street from Light Industrial to General Commercial was appropriate and a direction that the City hoped to continue.

Thereupon, the Commission approved this item to be placed on the April 16, 1997 City Commission agenda.

4. Mental Health Clinic.

Thereupon, the Commission reviewed a proposed ordinance to amend Appendix A of the Zoning Ordinance.

Thereupon, the City Manager explained that the Planning Commission had reviewed this ordinance and held a public hearing. He further explained that the Planning Commission recommended to the City Commission the approval of the amendment to Appendix A of the Zoning Ordinance to allow mental health clinics as a permitted use in O-I, C-2, C-3 and ED zones by a vote of 7-0. The City Manager explained that this was an addition to the current code.

The City Commission agreed to place this item on the April 16, 1997 City Commission agenda.

5. Rezone at 204 E. 15th. Thereupon, the Commission considered a recommendation from the Planning Commission to approve a rezone of an area at 204 E. 15th from O-I (Office and Institutional) to C-2 (General Commercial) by a vote of 7-0. This being the Mental Health Clinic located at that address. The City Manager noted that this had been brought forth at the owner's request.

Thereupon, the Commission agreed to place this item on the April 16, 1997 City Commission agenda.

6. Condemnation of Commercial Property. Thereupon, the Commission considered a public hearing to review a condemnation of a commercial structure at 110 W. 4th. The Commission reviewed a memo from Program Manager Wynndee Lee in addition to other supporting documents.

The Commission agreed to place this item on the April 16, 1997 City Commission agenda.

7. Condemnation of Residential Property. Thereupon, the Commission reviewed a memo and supporting documentation from Program Manager Wynndee Lee requesting that a public hearing be held to consider the condemnation of a single family structure at 904 S. Walnut.

The Governing Body considered this request and agreed to place this item on the April 16, 1997 City Commission agenda.

Thereupon, Commissioner Matthews noted that he would like to see the condemnations moved upon faster. Thereupon, the City Manager reminded the Commission that it was his intention to do so, but that these condemnations also impacted the budget and were budget driven.

8. Redesign of I-35 Between Eisenhower Road and US-59. Thereupon, the City Manager reviewed a proposed redesign of Interstate 35 between Eisenhower Road and US Highway 59 noting that KDOT had suggested that the bridge that carries US-50 traffic over I-35 be removed noting that the off ramp for 50 Highway would conflict with the on ramp of US-59. KDOT further recommended that the interchange at 59 Highway be changed to a diamond exchange rather than a cloverleaf; that the US-50 Business interchange be eliminated; that the US-50 Business be dead ended North of I-35 at a cul-de-sac; and that US Highway 50 be eliminated from the State Highway System, meaning that the maintenance will revert to the City or County as appropriate. There was also some discussion regarding the tunnel which would serve the proposed rail/trail, noting that the tunnel across I-35 would be approximately 500 feet long. There were concerns expressed about public safety regarding this issue.

The Commission discussed this item as an informational item only.

9. **Reorganization of City Commission.** Thereupon, Mayor Ramsey asked for discussion concerning the reorganization of the Commission, noting that the Commission would have a new City Commissioner sworn in at the April 16, 1997 City Commission meeting. The Mayor suggested that reorganization occur at the first meeting in May which would allow the new Commission to discuss the reorganization at the following Work Study Session.

Commissioners Tyson and Cummiskey noted that the swearing in and the reorganization usually occurs at the same meeting.

Commissioner Matthews stated that he would like to discuss the reorganization at the April 21, 1997 Work Study Session.

Commissioner Cummiskey asked what the rationale for the change was. Mayor Ramsey noted that there would be a new City Commissioner on board as of the 16th of April.

Commissioner Tyson noted that normally the Mayor pro tem assumes the position the position of Mayor and then a new Mayor pro tem is selected from the one who receives the most votes

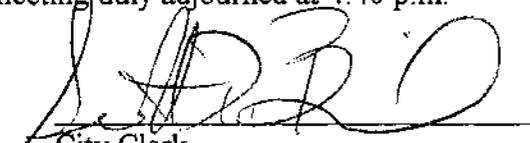
Commissioner Cummiskey stated that she did not see a need for change.

Thereupon, the Mayor stated that the reorganization would occur on April 16, 1997.

10. **Announcements.** Thereupon, the Mayor announced that there would be a Work Study Session on April 14, 1997 at 4:00 p.m., there will not be a Joint City/County meeting on April 16, 1997, there will be a City Commission meeting on April 16, 1997 at 7:00 p.m., there will be a Work Study Session on April 21, 1997 at 4:00 p.m., there will be a Work Study Session on April 28, 1997 at 4:00 p.m., and there will be a City Commission meeting on May 7, 1997 at 7:00 p.m.

11. **Open Agenda.** Thereupon, the Mayor asked all the Commissioners if they had any thing to report. All the Commissioners responded that they did not have any thing to report on.

12. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Jackson, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:40 p.m.


City Clerk

STUDY SESSION MINUTES

4:00 P.M.

April 14, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Ramsey, Commissioners Cumiskey, Jackson, Tyson, Matthews and Commissioner Elect Blaine Finch; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Ron Puterbaugh for Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Barbara Dew, Joan Atterbury and Raquel Flear, Media: Bill Tellier, Bill Gray and Michelle Tredeaux. Absent: Jeff Herrman

1. Review of April 7, 1997 Work Study Sessions. Thereupon, the Commission reviewed the regular Work Study Session minutes of April 7, 1997.

There being no corrections or additions, the Commission accepted the minutes as presented.

2. Review of April 16, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for April 16, 1997, noting that items would be added during this meeting.

3. A Request for Use of City Property for Soccer Camp. Thereupon, the Commission reviewed a request from Mr. Glen Cahill to use the soccer fields on the north end of town in the Industrial Park area to host an international soccer camp scheduled for August 11 - 16, 1997. It was noted that the participants would be insured and that all participants would sign a waiver of release before being allowed to participate.

Thereupon, the Commission approved this item by consensus.

4. Request for Playday at Hawthorne Elementary School. Thereupon, the Commission reviewed a letter of request from Mr. Darwin Alexander, Principal of Hawthorne Elementary School, to barricade one block of Poplar Street in order to conduct the Hawthorne playday on May 23, 1997.

City staff having no objections regarding this request, the Commission agreed to allow the closure of the 500 block of Poplar Street on May 23, 1997.

5. Itinerant Merchants. Thereupon, the Commission further reviewed a request from Mr. Ken Humm to be allowed to place a shaved ice house in the Country Mart parking lot. The Commission had asked that an ordinance be brought back before them which would provide for a 90 day permit for itinerant merchants.

Thereupon, City Manager Scott Lambers and City Attorney Bob Bezek reviewed the proposed ordinance, noting that changes had been made to provide for a 90 day permit and that a further change had been made to extend the 14 day permit for \$25 to a 30 day permit for the same fee.

Thereupon, the Commission agreed to place this item on the April 16, 1997 City Commission agenda.

6. Agreement for Planning Advisory Services. Thereupon, the Commission reviewed an agreement with Bucher, Willis & Ratliff for Planning Services to include the following scope of services for development of a corridor plan for Kansas Highway 68. The responsibilities will include the review of the existing land use reports and maps, describe in narrative form the existing land use patterns, develop a future land use plan, develop a traffic access plan, and summarize traffic and future use issues in summary letter to the City.

The Commission reviewed this agreement and agreed to place this item on the April 16, 1997 City Commission agenda.

7. 1997 Municipal Code. Thereupon, the Commission reviewed a memo from City Clerk Scott Bird along with two ordinances to approve the 1997 Municipal Code.

The Commission agreed to place these items on the April 16, 1997 City Commission agenda.

8. Reorganization of City Commission. Thereupon, the Commission discussed the plans for reorganization.

Commissioner Jackson suggested that the Commission spend some time once the new Commissioner is on board and asked them to do some soul searching and put their differences behind them. He asked the Commission to do the right thing for the community.

Thereupon, the Commission discussed this issue with Commissioners Tyson and Cumiskey urging that the reorganization go forward as previously discussed and Commissioner Matthews urging that the reorganization wait until Mr. Finch comes on board.

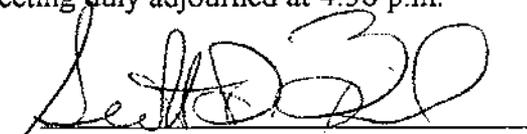
Commissioner Tyson left the meeting at 4:31 p.m.

9. Open Agenda. Thereupon, Commissioner Jackson handed out and reviewed copies of HB 2506 dealing with Youth Authority.

10. Announcements. Thereupon, the Mayor announced that there would not be a JointCity/County meeting on April 16, 1997, there will be a City Commission meeting on April 16, 1997 at 7:00 p.m., there will be a Work Study Session on April 21, 1997 at 4:00 p.m., there will be a Work Study Session on April 28, 1997 at 4:00 p.m., and there will be a City Commission meeting on May 7, 1997 at 7:00 p.m.

11. Open Agenda. Thereupon, the Mayor asked all the Commissioners if they had any thing to report. All the Commissioners responded that they did not have any thing to report on.

12. Adjournment. There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Cumiskey, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:38 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of April 16, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Stanley Smith

Remarks by Commissioner Jackson

Thereupon, the Commission entertained remarks by outgoing City Commissioner Richard Jackson. Commissioner Jackson addressed the Commission, first giving honor to God, and recognizing the following accomplishments during his tenure on the Commission; the hiring of the current City Manager, recognizing him as one of the best in the State; the Boys Club and the volunteer effort to make it a useable for youth; the Summer Youth employment program, and the co-operative effort with ECKAN which had helped to attract a \$20,000 grant to this program, noting that it was a model for others in the State. He also recognized the mentoring program, housing, 17th Street, the Franklin Savings Bldg., Nuisance Ordinances, the first Youth Summit, the Strategic Plan, Town Hall Meetings and the general growth of the City. He thanked God for allowing him to become the first Black Mayor in the City of Ottawa and thanked many friends and family for standing beside him and encouraging him to pursue the City Commission as a goal. He especially thanked former Mayor Charles Gillette, who had encouraged him to continue to run, and he thanked the Commission and the Community for their support and recognized the City Staff for their hard work.

Thereupon, Mayor Ramsey presented Commissioner Jackson with a plaque recognizing his six years as City Commissioner in the City of Ottawa.

Remarks by Mayor Ramsey

Thereupon, the Commission entertained remarks by Outgoing Mayor Ramsey. The Mayor thanked the City Commission, the City Manager and the City Staff.

He recognized the growth that the Community is experiencing, both residential and retail. He cited the Rock Street Improvement Program, the 13th Street, 17th Street, the Cutting Subdivision, the Prairie Spirit Trail, the move of City Hall and Library, the new Burger King, coming to the aid of USD 290 in their time of need, the Youth Crime Seminar and the EPA Award given to the Wastewater System, the extraordinary snow storm removal process, and the Neighborhood Revitalization Act, all as items which had been active during his tenure as Mayor. He stated that he was proud to have had the opportunity to represent the City at various functions and was looking forward to two more years on the Commission, and hoped to accomplish much more before his two years were over.

Reorganization

Thereupon, Mayor Ramsey called upon the City Clerk to report the election results.

Thereupon, the City Clerk reported that Franklin County Clerk Shari Perry, had certified the following results from the election dated April 1, 1997. Blaine Finch, 1341 votes, Vicki N. Cummiskey, 986 votes, and Joan S. Tyson, 919 votes.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey to accept the County Clerk's report. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor invited the three candidates to come forward and the Oath of Office was administered by the City Clerk.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews to take a fifteen minute recess to allow the Chamber Audience to congratulate the Commissioners.

Reconvene

Thereupon, Commission Finch made a motion, seconded by Commissioner Matthews, to reconvene the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, Mayor Ramsey called for nominations for the position of Mayor for the next year.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to nominate Commissioner Cummiskey to the position of Mayor. The motion was considered and upon being put, passed by the following vote.

Commissioner Tyson aye, Commissioner Finch aye, Commissioner Matthews aye, Commissioner Cummiskey abstained, Mayor Ramsey aye.

Thereupon, the Mayor congratulated Commissioner Cummiskey and the Gavel was duly passed.

Thereupon, the Oath of Office was administered by the City Clerk.

Thereupon, Mayor Cummiskey presented Mayor Ramsey with a plaque recognizing his tenure as Mayor.

Thereupon, Mayor Cummiskey asked for nominations for the position of Mayor Pro tem for the next year.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to nominated Commissioner Finch, to the position of Mayor Pro tem for the next year. The motion was considered and upon being put, passed by the following vote. Commissioner Matthews aye, Commissioner Tyson aye, Commissioner Ramsey aye, Commissioner Finch abstained and Mayor Cummiskey aye.

Thereupon, the Mayor declared Commissioner Finch Mayor Pro tem.

Thereupon, the Commission congratulated Commissioner Finch.

Agenda Approval

Thereupon, the Mayor asked that the Agenda be approved, with an amendment to provide for remarks by the new Mayor.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to approve the Agenda with changes. Upon being put, all present voted aye.

Thereupon, the Mayor declared the Agenda duly approved.

Remarks by Incoming Mayor Cummiskey

Thereupon, Mayor Cummiskey again thanked outgoing Mayor Ramsey and offered her congratulations to Commissioners Tyson and Finch. She thanked Commissioner Jackson for his remarks and acknowledged the other candidates who had participated in the recent election. She encouraged them and others in the community to become involved, noting that there were Board Positions to be filled. She thanked her family and friends and others who had mentored her, acknowledging the Commission, her work place, family and friends, she

thanked God for the opportunity to serve and noted that the Commission has a diversity of age and mind set. She acknowledged the City Staff and encouraged the Commission to continue to move forward. She thanked the City Commission for electing her to the position of Mayor.

Thereupon, the Commission entertained remarks from Commissioner Finch. Commissioner Finch reminded the Commission that they have been entrusted with a power and appealed to the better Angels to guide them. He assured the Commission and the Citizens that darkness would not prevail.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to approve the minutes of the April 2, 1997 regular Commissioner Meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of April 2, 1997, duly approved.

Public Comments

Thereupon, the Clerk read a letter from former Commissioner and Mayor Cal Lantis into the record:

Dear Mayor Ramsey and Commissioners:

I would like to have appeared during the public comments section this evening, however another commitment will not allow me to appear.

I am deeply concerned over the controversy being created by the reorganization of the City Commission, specifically who should be Mayor and Mayor Pro tem.

The tradition has been for the current Mayor Pro tem to be nominated and elected to the position of Mayor by acclamation. The candidate receiving the most votes in the City General Election would be Mayor Pro tem in the first year of his, or her, term and Mayor in the second year, and the second place candidate received the same honor in the second and third year of their term. I know there have been exceptions, but most years have been handled this way. I believe the tradition should become policy.

Tonight should be a night of celebration, for the family and friends of the new Mayor, and even more, for those who have come to honor the service of Richard Jackson to his community.

I hope the Commission will, for the benefit of the community, start the new term with a spirit of co-operation.

Sincerely,

Cal Lantis, Former City Commissioner & Mayor, 416 Pine, Ottawa, Ks.

There being no further comments the Mayor closed the Public Comments portion of the meeting.

New Business

Rezone 1614 - 1634 S. Main

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings and requested this rezone after holding a public hearing. The Planning Commission recommended to the City Commission the approval of the rezone of an area at 1614 - 1634 South Main from I-1 (Light Industrial) to C-2 (General Commercial) by a vote of 7-0. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly approved, and the ordinance was duly numbered Ordinance No. 3227-97.

Amendment to Appendix A of Ordinance No. 2933-90

Thereupon, there was presented an ordinance amending Appendix A of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that the City Planning Commission had reviewed Staff findings and requested this amendment after holding a public hearing. The Planning Commission recommended to the City Commission the approval of the amendment to Appendix A of the Zoning Ordinance, to allow Mental Health Clinics as a permitted use in O-I (Office and Institutional), C-2, C-3, and ED zones by a vote of 7-0.

The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3228-97.

Rezone of 204 E. 15th

Thereupon, there was presented an ordinance re-zoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adopt the ordinance. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3229-97.

Condemnation, 110 West 4th

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750 et seq, at which time the owners, their agents, lien holders of record, and any occupants of the structure located on the west one half of Lots 2, 4 and 6, Block 97 in the City of Ottawa, Franklin County, Kansas, also known as 110 West 4th, may appear and show cause why said structures should not be condemned and order repaired or demolished.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that this structure is in a state of disrepair and is unoccupied. The structure has been vacant and deteriorating for some time. It has been vandalized with broken windows, etc. On several occasions, City staff has requested the owner to keep the structure closed. Staff has requested action be taken to repair or remove the structure, and at the time of inspection, this structure was again open. K.S.A. 12-1750 requires that a resolution be published twice and that property owners, agents, lien holders of record, and occupants be served a copy of the resolution. The statute also requires that at least thirty (30) days shall elapse from the second publication and the date of the hearing. The hearing for this issue had been scheduled for June 4, 1997 at 7:00 p.m. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 944-97.

Itinerant Sale Ordinance

Thereupon, there was presented an Ordinance Modifying Section 11-402A1 of the Solicitors, Peddlers, Itinerant Merchants Ordinance in the Ottawa Municipal Code.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During Discussion it was explained that this ordinance would both allow seasonal operations of merchants, and would provide for a 30 day Itinerant License as opposed to the current 14 day license.

The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3230-97.

Condemnation-904 South Walnut

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A 12-1750 et seq. ; at which time the owners, their agents, lien holders of record and any occupants of the structure located on lots 2, 4, and 6, Block 2, University Addition to the City of Ottawa, Franklin County, Kansas, also known as 904 S. Walnut, may appear and show cause why said structures should not be condemned and ordered demolished.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that the structure is in a state of disrepair and unoccupied, and that neighbors have submitted a petition regarding this issue. Due to lack of water, gas and sanitary fixtures the former occupants were ordered to vacate. Owners were requested to schedule an inspection and indicate to staff their intent, which they have failed to do. K.S.A. 12-1750 requires that the resolution be published twice and the property owner, agents lien holders of record, and occupants be served a copy of the resolution. The statute also requires that at least thirty (30) days shall elapse from the second publication and the date of the hearing. The hearing, for this case had been scheduled for June 4, 1997 at 7:00 p.m. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 945-97.

Codification

Thereupon, there was presented an ordinance authorizing and providing for the codification of the general ordinance of the City of Ottawa, Kansas, and the publication of such codification and loose leaf book form.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was noted that Karen Chase and other members of the City Staff had put in considerable time regarding the new codification. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3231-97.

Codification

Thereupon, there was presented an ordinance adopting the codification of the City of Ottawa, and providing for the repeal of certain other ordinances, excepting certain ordinances from appeal and saving certain accrued rights and liabilities.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson, to adopt the ordinance. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered, Ordinance No. 3232-97.

Planning Agreement With Bucher, Willis and Ratliff, K-68 Corridor

Thereupon, there was presented an Acceptance of Agreement for Planning Advisory Services with Bucher, Willis & Ratliff, to provide a land use study for the K-68 Corridor for the City's East City limits to I-35 for a fee of \$3,900,

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to approve the agreement. During discussion it was noted that the City budget for 1997 had included Moines for an unspecified planning study, with the K-68 corridor study being the priority. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agreement with Bucher, Willis and Ratliff duly approved.

Monthly Financial and Activity Reports

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch to accept the Monthly Financial and Activity Reports for the Month of February 1997. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the monthly financial and activity reports duly accepted.

Announcements

Thereupon, the Mayor announced that there will be a Work Study Session on April 21, 1997 at 4 p.m.; a Work Study Session on April 28, 1997 at 4:00 p.m.; and a Work Study Session on May 5, 1997 at 4 p.m. The next regular meeting of the City Commission is May 7, 1997 at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

April 21, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Commissioners Finch, Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fleer, Media: Bill Tellier, and Michelle Tredeaux.

1. **Review of the April 14, 1997 Work Study Session.** It was noted that the minutes of April 14, 1997 would be prepared before the next meeting.
2. **Review of the April 16, 1997 City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for May 7, 1997 noting that items would be added during this meeting.
3. **Rezone - 711 Garfield.** Thereupon, the Commission heard from Planning Director Jim Shaw and the City Manager regarding a proposed rezone of an area generally located at 711 Garfield from I-2 (Heavy Industrial) to M-P (Manufactured Home Park). It was noted that the City of Ottawa's Planning Commission had reviewed the request for this rezone and had held a public hearing. The Planning Commission recommended to the City Commission the approval of the rezone by a vote of 4-3.

Thereupon, Commissioner Matthews asked what the feelings of the Chamber were regarding this issue. The City Manager noted that the Chamber was about divided in the same proportion as the Planning Commission vote. Commissioner Ramsey noted that some concerns had been expressed regarding truck traffic and concerns for complaints regarding this traffic and the dust that it may cause. Mr. Shaw noted that the only people within the 200 foot area of notification who spoke at the public hearing were satisfied that their problem of stormwater run-off would in fact be helped by the improvements regarding this project.

Thereupon, the Commission agreed to place this item on the City Commission agenda for May 7, 1997.

4. **Request from Ottawa University.** Thereupon, the Commission reviewed a letter from Hal Germer, President of Ottawa University, requesting a lease of the upstairs of the old Ottawa Library building. In his letter, Mr. Germer noted that the University would be willing to make a four to five year commitment and would assume responsibilities of improvements that might be needed to provide satisfactory office space.

The Commission agreed to consider this request along with other requests which they have received.

5. **Custodial Agreements with Local Banks.** Thereupon, the Commission heard from City Attorney Bob Bezek regarding the custodial agreements with local banks. Mr. Bezek suggested that the language be changed in the City's Investment Policy to secure City investments at 102% of market or par value.

The Commission expressed their appreciation to Mr. Bezek and Mr. Chuck Nichols, City Treasurer, for bringing this issue to their attention and agreed to consider a resolution effecting this change at a future City Commission meeting.

6. **Open Agenda.** Thereupon, it was noted that Commissioners Ramsey, Finch and Tyson would be attending a 9:30 a.m. meeting on Wednesday with the Secretary of the Kansas Department of Transportation regarding the Interchange at Highway 50. It was noted that the City Manager would also attend.

Thereupon, Mayor Cumiskey noted that she would be attending a fly-in at Ottawa High School that day.

Thereupon, the Mayor asked for a list of Board and Commission openings noting that the Commission would be soliciting for interested people to fill these positions. It was noted that the Auditorium issue needed to be discussed before those positions are filled.

Thereupon, Commissioner Matthews asked where the trash ordinance was and asked for it to come back to the Commission. He also asked for information from the City Manager and Public Works Director Andy Haney on Main Street truck traffic.

7. **Announcements.** Thereupon, the Mayor announced that there will be a Work Study Session on April 28, 1997 at 4:00 p.m., a regular City Commission meeting on May 7, 1997 at 7:00 p.m., a Work Study Session on May 12, 1997 at 4:00 p.m., a Work Study Session on May 19, 1997 at 4:00 p.m. a regular City Commission meeting on May 21, 1997 at 9:30 a.m.; a Joint City/County meeting on May 21, 1997 at 11:45 a.m. The Mayor also noted that there will not be a Work Study Session on May 26, 1997.

8. **Executive Session.** Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to recess into Executive Session to discuss personnel and to reconvene in the same Work Study Session room at 4:45 p.m.. Thereupon, the motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed into Executive Session.

9. **Reconvene.** Thereupon, at 4:45 p.m., Commissioner Ramsey made a motion, seconded by Commissioner Finch to reconvene the meeting. The motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

10. **Executive Session.** Thereupon, Commissioner Matthews made a motion seconded by Commissioner Ramsey to recess into executive session to discuss personnel and reconvene in the same Work Study Session room at 5:05 p.m. Thereupon, the motion was considered and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed into Executive Session.

11. **Reconvene.** Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to reconvene the meeting. Thereupon, the Mayor declared the meeting duly reconvened.

12. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:07 p.m.



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

April 28, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Commissioners Finch, Tyson, Matthews and Ramsey; City Manager Scott Lambers; Assistant City Attorney, Joyce Hendrix; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Betsy Walker (B, Martin Peck Animal Shelter), Media: Bill Tellier, Bill Gray and Michelle Tredeaux.

1. Review of April 14, 1997 and April 21, 1997 Work Study Sessions. Thereupon, the Commission reviewed the regular Work Study Session minutes of April 14, 1997 and April 21, 1997 Work Study Sessions.

Thereupon, the Commission accepted the minutes as written.

2. Review of May 7, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for May 7, 1997, noting that items would be added during this meeting.

3. Boards and Commissions. Thereupon, the Mayor thanked Jim Shaw for getting information to the Commission regarding needed appointments for 1997 and 1998.

The City Manager suggested that the Auditorium appointments be deferred until a new ordinance concerning the auditorium could be adopted. He also noted that new appointments may want to run concurrent with the 1998 Budget. He further noted that ads would be placed in the local papers to request applicants to open positions.

4. Request from Ransom Memorial Hospital. Thereupon, there was presented a letter from Hospital Administrator Bob Bregant, requesting a change to allow a handicap parking space at the corner of Hickory and 13th Streets. It was noted that staff had no problem with this request, however, Public Works Director Andy Haney requested that his department be allowed to mark the lot to make sure that it conforms with regulations.

5. Regional Meetings - League of Kansas Municipalities. Thereupon, the Commission reviewed and discussed a proposal from Chris McKenzie, Executive Director of the League of Kansas Municipalities to hold regional suppers instead of regional meetings.

6. **Nominations to the League of Kansas Municipalities Governing Body.**

Thereupon, Commissioner Ramsey submitted his name to the Commission for consideration to be nominated to the Governing Body of the League of Kansas Municipalities.

The Commission agreed by consensus to this request.

7. **Fund Raiser Request from B. Martin Peck Animal Shelter.** Thereupon, the Commission reviewed a letter from Betsy C. Walker, member of the Board of Director's of the B. Martin Peck Animal Shelter. Ms. Walker, who was in attendance, requested that the shelter and its volunteers be given permission to conduct a fund-raiser on Saturday, May 3 and May 10, 1997 on the corners of 2nd and Main and 15th and Main to solicit donations for the animal shelter.

The Commission agreed by consensus to allow this request.

8. **Acceptance of Property and Ratifying City Manager's Act in Acquiring Real Estate.** Thereupon, the Commission reviewed a resolution to ratify the City Manager's act in acquiring property for a City park on the north side of town.

The Commission agreed to place this item on the May 7, 1997 City Commission agenda.

9. **Open Agenda.**

Capital Improvement Items - Thereupon, Commissioner Matthews asked if the tennis courts at Forest Park had been included in the Capital Improvement Program. The City Manager noted that the ORC had made a request last year and again this year to have those tennis courts improved and that the 1998 request would be coming before the Commission.

Commissioner Matthews also asked about the needed improvements to the swimming pool and the bathroom facilities at Forest Park.

Work Study Session Time Change - Thereupon, Commissioner Finch asked if the time for study sessions could be changed to evening hours. Commissioner Matthews said that he would support such a request. Commissioner Tyson stated that she would not be interested in changing the time noting that the County Commission had tried night meetings with little or no positive results. During discussion, it was decided that one time a month would be tried and that a study session would be held from 6:00 p.m. to 7:00 p.m. on the first Wednesday of every month immediately preceding the regular City Commission meeting.

The Commission agreed by consensus to adopt this new scheme and also to eliminate the Monday study session prior to the first Wednesday of every month and to leave the other study session meetings on Monday afternoons.

Meeting with KDOT - Thereupon, Commissioner Ramsey reported that he, Commissioner Tyson and Commissioner Finch had met with the Secretary of the Kansas Department of Transportation who had agreed to hold public hearings on the Highway 50 Interchange with I-35 noting that he believed that they had helped the situation somewhat. He also noted that the rails-to-trails tunnel has been moved so that the 500' tunnel underneath I-35 could be eliminated.

Strategic Plan - Thereupon, Mayor Cummiskey noted that the Strategic Plan was coming up and asked if the Commissioners could get together for a three hour retreat goal setting session. The Commission agreed to set a date for sometime in June.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:48 p.m.


City Clerk

STUDY SESSION MINUTES

4:00 P.M.

May 5, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Commissioners Finch, Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Bill Mason for Richard Towe, Karen Chase for Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fleer, Ray Shumate; Media: Valerie Wolf, Bill Gray and Michelle Tredeaux.

1. Review of April 14, 1997 and April 21, 1997 Work Study Sessions.

Thereupon, the Commission reviewed the regular Work Study Session minutes of April 14, 1997 and April 21, 1997 Work Study Sessions.

Thereupon, the Commission accepted the minutes as written.

2. Review of May 7, 1997 City Commission Agenda.

Thereupon, the Commission reviewed the tentative agenda for May 7, 1997, noting that items would be added during this meeting.

3. Boards and Commissions.

Thereupon, the Mayor thanked Jim Shaw for getting information to the Commission regarding needed appointments for 1997 and 1998.

The City Manager suggested that the Auditorium appointments be deferred until a new ordinance concerning the auditorium could be adopted. He also noted that new appointments may want to run concurrent with the 1998 Budget. He further noted that ads would be placed in the local papers to request applicants to open positions.

4. Request from Ransom Memorial Hospital.

Thereupon, there was presented a letter from Hospital Administrator Bob Bregant, requesting a change to allow a handicap parking space at the corner of Hickory and 13th Streets. It was noted that staff had no problem with this request, however, Public Works Director Andy Haney requested that his department be allowed to mark the lot to make sure that it conforms with regulations.

5. Regional Meetings - League of Kansas Municipalities.

Thereupon, the Commission reviewed and discussed a proposal from Chris McKenzie, Executive Director of the League of Kansas Municipalities to hold regional suppers instead of regional meetings.

6. **Nominations to the League of Kansas Municipalities Governing Body.**

Thereupon, Commissioner Ramsey submitted his name to the Commission for consideration to be nominated to the Governing Body of the League of Kansas Municipalities.

The Commission agreed by consensus to this request.

7. **Fund Raiser Request from B. Martin Peck Animal Shelter.** Thereupon, the Commission reviewed a letter from Betsy C. Walker, member of the Board of Director's of the B. Martin Peck Animal Shelter. Ms. Walker, who was in attendance, requested that the shelter and its volunteers be given permission to conduct a fund-raiser on Saturday, May 3 and May 10, 1997 on the corners of 2nd and Main and 15th and Main to solicit donations for the animal shelter.

The Commission agreed by consensus to allow this request.

8. **Acceptance of Property and Ratifying City Manager's Act in Acquiring Real Estate.** Thereupon, the Commission reviewed a resolution to ratify the City Manager's act in acquiring property for a City park on the north side of town.

The Commission agreed to place this item on the May 7, 1997 City Commission agenda.

9. **Open Agenda.**

Capital Improvement Items - Thereupon, Commissioner Matthews asked if the tennis courts at Forest Park had been included in the Capital Improvement Program. The City Manager noted that the ORC had made a request last year and again this year to have those tennis courts improved and that the 1998 request would be coming before the Commission.

Commissioner Matthews also asked about the needed improvements to the swimming pool and the bathroom facilities at Forest Park.

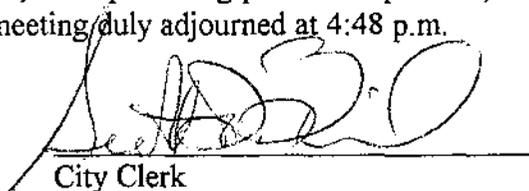
Work Study Session Time Change - Thereupon, Commissioner Finch asked if the time for study sessions could be changed to evening hours. Commissioner Matthews said that he would support such a request. Commissioner Tyson stated that she would not be interested in changing the time noting that the County Commission had tried night meetings with little or no positive results. During discussion, it was decided that one time a month would be tried and that a study session would be held from 6:00 p.m. to 7:00 p.m. on the first Wednesday of every month immediately preceding the regular City Commission meeting.

The Commission agreed by consensus to adopt this new scheme and also to eliminate the Monday study session prior to the first Wednesday of every month and to leave the other study session meetings on Monday afternoons.

Meeting with KDOT - Thereupon, Commissioner Ramsey reported that he, Commissioner Tyson met with the Secretary of the Kansas Department of Transportation who had agreed to hold public hearings on the Highway 50 Interchange with I-35 noting that he believed that they had helped the situation somewhat. He also noted that the rails-to-trails tunnel has been moved so that the 500' tunnel underneath I-35 could be eliminated.

Strategic Plan - Thereupon, Mayor Cummiskey noted that the Strategic Plan was coming up and asked if the Commissioners could get together for a three hour retreat goal setting session. The Commission agreed to set a date for sometime in June.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put to the question, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:48 p.m.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of May 7, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson, present and Commissioner Ramsey present; Commissioner Matthews absent. A quorum was present.

Thereupon, the Mayor called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to approve the agenda as presented. Upon being put, all present voted aye.

Approval of Minutes

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey to approve the Minutes of April 16, 1997 as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of April 16, 1997 duly approved.

Response to Public Comments

Thereupon, it was noted that a letter to the City Commission from Cal Lantis had been read into the minutes and that Staff had no response to said letter.

Proclamation and Recognitions

Thereupon, the Mayor read a Proclamation declaring May 8, 1997 as Community Action Day, and encouraged all citizens to visit the ECKAN office at the corner of 6th and Maple.

Communications

Thereupon, City Clerk Scott Bird, informed the Commission that Betsy Walker, Board Member of the Bea Martin Peck Animal Shelter, had contacted the City and informed that the Fund Raiser the Animal Shelter had conducted on Saturday, the 3rd of May had been so successful that they would not need to conduct a similar endeavor on the 10th as earlier planned.

New Business - Rezone of 711 Garfield

Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa, Kansas, and repealing the corresponding section of the Zoning Map, which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. During discussion it was explained that the Planning Commission had reviewed Staff findings and requested a rezone after holding a public hearing. The Planning Commission recommended to the City Commission the approval of the rezone of an area at 711 Garfield, from I-2 (Heavy Industrial) to M-P (Manufacture Home Park) by a vote of 4-3. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3233-97.

Ratifying City Manager's Act in Acquiring Property

Thereupon, there was presented a resolution accepting property and ratifying the City Manager's acts in acquiring property.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch to adopt the resolution. During discussion it was explained that this resolution would ratify actions by the City Manager in acquiring property on the North side of Ottawa for park use. The cost of property is \$20,000 and will be paid from the proceeds of the sale of the former ORC building. It was explained by Public Works Director Andy Haney, that the property was generally located with Spruce St. to the east, Cherry St. to the west, Powhattan to the South and is generally north west of the Country Club.

The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 946-97.

Waterplant Study

Thereupon, there was presented a request from Utility Director James Bradley, to contract with Black and Veatch, to conduct a Water Plant Futures Need Study, in the amount of \$19,400, which will be charged to line 3001-568 of the Water Fund.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to approve the recommendation. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly adopted.

Monthly Financial and Activity Reports

Thereupon, there was presented the monthly financial and activity reports for the month of March 1997.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to approve the Monthly Financial and Activity Reports for the Month of March 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the reports duly approved.

Governing Body Agenda

Thereupon, Commissioner Ramsey commended Commissioner Finch for recommending the evening Study Session, stating that he believed it was worth a try, and noted that the first evening Study Session would be conducted from 6 to 7 p.m. on Wednesday, June 4, immediately preceding City Commission Meeting. Commissioner Finch thanked the City Commission for moving in such a direction.

Announcements

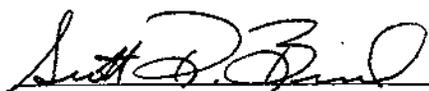
Thereupon, the Mayor announced the following schedule, a Work Study Session on May 12, 1997 at 4 p.m.; a Work Study Session on May 19, 1997 at 3:00 p.m., and a Joint City/County Meeting on May 21, 1997 at 11:45 a.m. at the Franklin County Jail, but there will not be a Work Study Session on May 26, 1997. There will be a Work Study Session on June 2, 1997, at 4 p.m. to conduct Strategic Planning and Goal setting; Work Study Session on June 4, 1997, at 6 p.m.; and a City Commission Meeting on June 4, 1997 at 7:00 p.m. It was noted that the next regular meeting of the City Commission is scheduled for May 21, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

May 12, 1997

The City Governing Body met in Work Study Session at 4:05 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Commissioners Finch, Tyson, and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson and Andy Haney. Guests: Raquel Fleer. Media: Bill Gray, Bill Tellier and Scott Welgos. Absent: Commissioner Matthews

1. Review of Work Study Session Minutes for April 28, 1997 and May 5, 1997.

Thereupon, the Commission reviewed the work study session minutes.

Commissioner Ramsey noted that Mr. Finch had not attended the visit with the Kansas Department of Transportation and asked that his name be removed from the minutes thereof.

Thereupon, the minutes were accepted as amended.

2. Municipal Auditorium. Thereupon, the Commission reviewed a memo from City Clerk Scott Bird referencing an analysis from Dick Smith, Director of the Municipal Auditorium, and noting that Mr. Smith anticipated a \$6,500 reduction in net revenues due to the elimination of Bingo at the Auditorium.

The Commission agreed to watch this situation and transfer funds to make up the shortfall if necessary.

3. Capital Improvement Program. Thereupon, the Commission reviewed the tentative CIP for 1998 noting that public hearings had been scheduled for May 21, 1997 and June 2, 1997.

Commissioner Ramsey stated that he believed that the City Hall Library building should be considered during the Capital Improvement Program for long-term planning, noting that the facility might not be adequate for both entities indefinitely.

Commissioner Cumiskey inquired if a Police facility had been anticipated. Thereupon, the City Manager noted that he believed the Public Works facility was of a higher priority.

Commissioner Tyson asked if the improvement at the Sewer Plant had been included. The City Manager responded that the situation was, as of yet, unresolved and therefore not included in the Capital Improvement Program. He further noted that other items which could be considered by the Commission included a storm water utility.

4. **1998 Operational Budget Calendar.** Thereupon, the Commission reviewed the proposed 1998 Operational Budget Calendar and agreed by consensus to place this item on the May 21, 1997 City Commission agenda.

5. **Calendar of Meeting Dates.** Thereupon, the Commission reviewed a calendar of meeting dates throughout the rest of 1997

6. **Request from the Ottawa Horseshoe Club.** Thereupon, the Commission reviewed a letter from the Ottawa Horseshoe Club, requesting permission to use the horseshoe courts and nearby parking in Forest Park for tournaments scheduled May 4, July 4, August 10 and October 6, 1997.

The Commission agreed by consensus to this request.

7. **Clean Air Standards.** Thereupon, the Commission reviewed a request from the Citizens for a Sound Economy asking that the Commission support an effort to express concern to elected officials and voice concerns for proposed standards which seem to be excessive and which would cause undo hardship, both on the City and its citizens.

The Commission agreed by consensus to authorize the City Manager to respond.

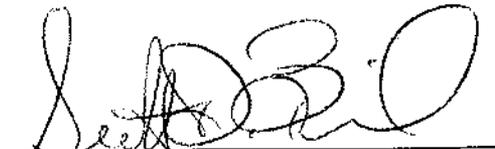
8. **TCI Rates.** Thereupon, the Commission reviewed a letter from Mr. Drew Fleming informing the Governing Body of the new rate structure for the cable television franchise in Ottawa.

Open Agenda:

Storm Damage: Thereupon, Commissioner Ramsey inquired of the damage caused by the recent thunderstorm. Director of Utilities, Jim Bradley explained that the Kansas City Power & Light tie line had been lost two times, but no other problems had been experienced as a result

Announcements: There will be a Work Study Session on May 19, 1997 at 3:00 p.m., there will be a City Commission meeting on May 21, 1997 at 9:30 a.m., there will be a Joint City/County meeting on May 21, 1997 at 11:45 a.m. at the Franklin County Jail. There will not be a Work Study Session on May 26, 1997. There will be a special Work Study Session on June 2, 1997 at 4:00 p.m. in Conference Room A at Ottawa University for Strategic Planning and goal setting. There will be a Work Study Session on June 4, 1997 at 6:00 p.m. and a regular City Commission meeting on June 4, 1997 at 7:00 p.m.

Adjournment. There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:50 p.m.



City Clerk

STUDY SESSION MINUTES

3:00 P.M.

May 19, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor pro tem Finch, Commissioners Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Andy Haney, Jeff Herrman, Jim Bradley, Jim Shaw, Jeff Carner, Judy Hasty, Barb Nelson, Dick Smith, Charlie Bowling and Sarah Plinsky. Guests: Raquel Fler, Barbara Dew. Media: Bill Gray, Bill Tellier and Scott Welgos. Absent: Mayor Cummiskey.

1. Neosho County Community College Request. Thereupon, the Commission reviewed a request from Neosho County Community College to be given a break on utilities given their recent hardship.

The City Manager outlined a possible solution to allow them to defer payments on the electric utility until such a time that their current lease had expired and then the payment on the deferred electric charges and 5% interest upon that amount would become due, which would be close to an equal amount of their current lease payments.

The Commission discussed this issue and agreed that they were opposed to giving a utility break to one non-profit organization, realizing that a precedence would be set, and fearing that other non-profits would come forward wanting similar breaks. Additionally, the Commissioners believe that there was insufficient information at this time with regard to the financial condition of the Ottawa Branch campus of the Neosho Community College. The City Manager advised the City Commission that the current fiscal year would expire June 30, 1997 and that the preliminary financial status would probably be available for review in September or October.

2. Review of Work Study Session Addendum. Thereupon, the Commission reviewed an addendum to the work study session memorandum that is a recommendation from City staff that the Commission authorize the City Manager to execute a construction contract with Killough Construction for the construction of all rock street projects with the amount of construction costs not to exceed \$744,862.76.

They further reviewed a recommendation by Cecil Kingsley, Project Engineer of BG Consultants, Inc., who concurred with staff recommendation and noted that this was a very good opportunity to pursue this project. The Commission reviewed a memorandum from Andy Haney, Director of Public Works, who anticipated the total cost of the project at \$892,661.76. Commissioner Ramsey noted that he would rather see all of these projects done in asphalt rather than some in concrete and some in asphalt. However, the Commission agreed to place this item on the May 21, 1997 City Commission agenda.

3. Trash Burning Ban. Thereupon, there was presented an ordinance for discussion to amend Ordinance No. 3208-96 and delete Section 2 of said ordinance, effectively prohibiting any burning of trash or debris within the City limits, except by special permit from the Fire Department.

The Commission discussed this issue and agreed to put an effective date on said ordinance of August 1, 1997.

The Commission agreed to place this item, with the August 1 effective date, on the May 21, 1997 City Commission agenda.

4. Recognition of Nevalea Magrath. Thereupon, the Commission reviewed a memo from City Clerk Scott Bird requesting that Deputy City Clerk Nevalea Magrath be recognized for her professional development, having attained the credentials of Certified Municipal Clerk.

The Commissioners agreed to place this item on the May 21, 1997 City Commission agenda.

5. Reservation of City Park - Skunk Run Days. Thereupon, there was presented a letter from the Skunk Run Day Steering Committee along with a memo from Public Works Director Andy Haney with a recommendation to approve the reservation of City Park for Skunk Run Days scheduled to be held on the 6th through the 8th of June, 1997.

The Commission agreed by consensus to approve the recommendation.

6. Chautauqa Days. Thereupon, Harold Maes representing the Ottawa Jaycees spoke to the Commission regarding the Jaycees intentions to use Forest Park for the Chautauqa Days celebration on the 4th of July. Mr. Maes noted that they would be asking for a \$3 donation from attendants, and that some type of badge or identification would be provided to those attending which could be used throughout the weekend celebration for admittance to the park. He further noted that the evening concert would require a \$20 admittance fee.

The Commission agreed by consensus to approve this request.

Mayor Cummiskey arrived at the meeting at 3:40 p.m.

7. Boards and Commission. Thereupon, the Commission discussed the applications received for various appointments to the various boards and commissions. After discussion, the Commission agreed that they would appoint Dave Rossman and Rod Harris to the Planning Commission and would concur with the Library Board's recommendation of Mark Doty and Ken Woods to the Library Board.

The Commission agreed to place the appointments for the Planning Commission and Library Board on the May 21, 1997 for final action.

8. **Strategic Plan.** Thereupon, the Commission reviewed the Strategic Plan as it had been presented in 1992 and revised by City staff.

The Commission agreed by consensus to scrap the current Strategic Plan and to create one which is more concise and succinct and which can be reviewed on an annual basis.

Thereupon, Mayor Cummiskey stated that she would provide cards to each Commissioner and asked that they place their top priorities for the Strategic Plan on the cards, and that they then be forwarded to the consultant who will be facilitating the Strategic Plan discussions. Mayor Cummiskey further stated that she would also provide stamped self-addressed envelopes to the consultant.

9. **Open Agenda:**

Auditorium Board: Thereupon, Mayor Cummiskey noted that Caria Bienhoff had resigned from the Ottawa Municipal Auditorium Board and suggested that the Commission do a better of orienting new board members. She asked the City Manager to draft a general policy for the Boards regarding attendance.

Introduction of Administrative Intern: Thereupon, Human Resource Director Judy Hasty introduced Sarah Plinsky as the Administrative Intern to the City Manager.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:43 p.m.


City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of May 21, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was presented by former Commissioner Richard Jackson.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews to approve the Minutes of May 7, 1997 as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of May 7, 1997, approved as written.

Presentations and Recognitions

Thereupon, the Mayor read a Proclamation declaring June 1, 1997, as Rev. Stanley A. Smith Day, in the City of Ottawa, Kansas, and encouraged all citizens to participate in Rev. Smith's last service, scheduled for 12 p.m., June 1, 1997, at the Bethany Chapel Baptist Church. Accepting the proclamation was former Commissioner Richard Jackson. He stated that it was his hope that the congregation could surprise Rev. Smith, and recognize him for his spiritual guidance since 1988, noting that he would be truly

missed by the members of Bethany Chapel Baptist Church and the Ottawa Community.

Recognition of Nevalea Magrath

Thereupon, the Mayor called upon the City Clerk to recognize Deputy City Clerk\Office Manager Nevalea Magrath, for her accomplishments in having attained the designation of Certified Municipal Clerk.

Public Hearings

Thereupon, the Mayor opened the Public Hearing to consider the 1998 Capital Improvement Program.

Thereupon, Mr. Fred Searls noted that the south side Fire Station had been discussed in years past as a needed Public Improvement, and asked the Commission to consider that the need is even greater given the development on 23rd St. There being no other comments regarding this issue the Mayor closed the Public Hearing.

New Business - 1998 Operational Budget Calendar

Thereupon, there was presented an 1998 Operational Budget Calendar.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the Calendar. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the 1998 Operational Budget Calendar duly approved.

Burning Ordinance

Thereupon, there was presented an ordinance providing a certain amendment in Chapter 9, of the Municipal Code of the City of Ottawa, Kansas 1997, amending Ordinance No. 2978-91, specifically Section 9-105 of said Code, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas 1997.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that this ordinance amendment would result in establishing a ban on the burning of trash within the City limits and would require the approval by the Fire Chief for any legal burning. The ordinance would become effective August 1, 1997, and a violation of this ordinance would be a Class C

Misdemeanor which could result in a fine not to exceed \$500 and a jail sentence not to exceed 30 days. During discussion Mr. Charlie Ratliff expressed his opposition to this ordinance, noting that citizens used to be able to burn any day of the week, and now are restricted to two mornings only. It was further discussed that this item could possibly be tabled until the next Commission meeting due to concerns expressed by citizens, especially the \$500 fee.

Thereupon, Fire Chief Richard Towe, explained that while the \$500 is in place the current fine is usually no more than \$35.00. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3234-97.

Authorization for Killough Construction - Rock Street Improvements

Thereupon, there was presented a recommendation to authorize the City Manager to execute a construction contract with the Killough Construction, for the Rock Street Improvement Program.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews, to approve the recommendation. During discussion it was explained that the authorization would initiate the City's Rock Street Improvement Program and that the construction contract would not exceed \$744,862.76. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the authorization for the City Manager to execute a construction contract with Killough Construction duly approved.

Appointments to Planning Commission

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to re-appoint David Rossman and appoint Rod Harris, each to serve a 3 year term on the Planning Commission. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the appointments of David Rossman and Rod Harris to the Planning Commission duly approved.

Appointments to Library Board

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to appoint Mark Doty and Ken Woods each to serve 4 year terms on

the Library Board. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the appointments of Mark Doty and Ken Woods to the Library Board duly approved.

Governing Body Agenda

Thereupon, Commissioner Ramsey asked that letters of thanks be sent to the out going board members. Mayor Cummiskey noted that the letters would be generated as early as possible.

Announcements

Thereupon, the Mayor announced the following: Joint City/County Meeting scheduled this date at 11:45 a.m. at the Franklin County Jail, there will not be a Work Study Session on May 26, 1997; there will be a Work Study Session on June 2, 1997, at 4 p.m. in Conference Room A at Ottawa University, to discuss Strategic Planning and Goal setting; that there will be a Work Study Session on June 4, 1997, at 6 p.m.; and that the next regular meeting of the City Commission is June 4, 1997 at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

6:00 P.M.

June 4, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Andy Haney, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson, and Sarah Plinsky. Guests: Raquel Fler, Tony DeLaTorre, Ronnie Small, Mr. and Mrs. Glen Sauer. Media: Bill Tellier, Scott Welgos and Jamie James.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed the Work Study Session minutes of May 12, 1997 and May 19, 1997.

The Commission accepted the minutes as presented.

2. Review of June 4, 1997 City Commission Agenda. Thereupon, the Commission reviewed the agenda for the June 4, 1997 regular City Commission meeting scheduled to begin at 7:00 p.m. The Commission noted that certain items had already been included in anticipation of being added during this meeting.

3. Request from Franklin County Agricultural Society. Thereupon, the City Manager noted that a request from the Franklin County Agricultural Society to have a beer garden at the Franklin County Fairgrounds during the Franklin County Fair, had been withdrawn prior to the meeting.

4. Rezone of 135 W. Tecumseh. Thereupon, the Commission reviewed a recommendation from the Planning Commission to approve the rezone of an area located generally at 135 W. Tecumseh from I-2 (Heavy Industrial) to C-2 (General Commercial) by a vote of 6-0.

The Commissioners agreed to place this item on the June 4, 1997 City Commission agenda.

5. Annexation of Sunflower Care Center, Inc. Thereupon, the Commission reviewed a request for annexation by Sunflower Care Center, Inc. Mr. James R. Lewis, Owner and President, 1600 Osage Drive, Ottawa, Kansas.

The Commission considered this request and agreed to place this item on the June 4, 1997 City Commission agenda.

6. **GO Debt Financing.** Thereupon, the Commission reviewed a memo from City Clerk Scott Bird to pass a resolution to authorize the sale of \$525,000 of GO Bonds to pay-off the temporary notes for the 13th Street Project and to further authorize the sale of temporary notes to fund the approximate \$900,000 for the Rock Street Improvement Project and \$1.5 million for the 17th Street Project plus \$175 for pre-funded interest on the notes.

The Commission considered this item and agreed to place it on the June 4, 1997 City Commission agenda.

7. **Open Agenda.**

911: Thereupon, Commissioner Matthews asked if someone was following up on the 911 question asked on who should be involved in sharing of the cost. The Mayor reminded the Commission that the County had requested their staff to follow-up on this item; however, she agreed with Commissioner Matthews that this item needed to be followed-up on.

Delinquent Accounts: Commissioner Ramsey asked about the delinquent accounts for the court system. City Attorney Bob Bezek stated that he would follow-up on this item.

Strategic Plan: Mayor Cummiskey noted that the Strategic Plan had included retail wheeling as its top concern, noting that some of the customer based had already been contacted by potential wheelers. The City Manager noted that the report prepared by the Hugo Wall Center would be available in the near future.

8. **Public Comments:** Thereupon, Rocky Fler inquired as to the process of receiving a building permit, noting that she had been told by interested citizens that it was very difficult to receive a building permit.

Thereupon, Mr. Tony DeLaTorre raised concerns about recent lawsuits noting that he believed the City had not been properly represented, at recent hearings. City Attorney Bob Bezek noted that he had attended hearings and that the City had been represented by legal staff. The City Manager reminded Mr. DeLaTorre that these matters have a court ordered confidentiality and that it is his opinion that they should not be discussed for fear of breaching that court order.

Thereupon, Mayor Cummiskey noted that local citizens and Commissioner's had met with the Kansas Department of Transportation in open meeting to discuss the Highway 50 issue noting that this issue had not been decided as yet.

9. Adjournment. There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 6:39 p.m.


City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of June 4, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was presented by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch to approve the Minutes of May 21, 1997 as written. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of May 21, 1997, approved as written.

Public Comments

Thereupon, the Mayor called upon the Chamber Audience for those who were interested in addressing the Commission this meeting.

Thereupon, Mr. Ron Small addressed the Commission asking why the Commission would not comment on personnel matters when the newspaper had reported that Reno County had disclosed employee discipline.

Thereupon, the City Manager explained that the City cannot legally speak to personnel issues.

Thereupon, Mr. Small asked what action had been taken against the employee who had been cited for driving a City owned vehicle under the influence. Mr. Small expressed his displeasure in that he had contacted various members of the Commission and did not feel they were responding to his question, with the exception of Mr. Finch.

Thereupon, Commissioner Matthews expressed again that it was not responsible for the Commission or the Staff to respond to questions dealing with personnel.

Next to address the Commission was Mr. Tony DeLaTorre of 811 North Poplar. Mr. DeLaTorre presented the Commission with a letter which he read to the Commission. Mr. DeLaTorre expressed his frustration in having brought numerous issues of public concerns to the Commission, and City Management and noted that he felt his voice fell on deaf ears. He challenged the Commission to manage the City on behalf of the citizens.

Next to address the Commission was Racquel Fler. Miss Fler stated that during recent years there have been recent businesses who have tried to move to the community and due to road blocks placed as a result of the City Zoning Policy and Building Permit Policy, they did not feel they could move to town and therefore took their business elsewhere.

Next to address the Commission was Mr. Greg Hernandez, 204 South Elm. Mr. Hernandez stated he did not feel that Mr. Hermann's letter of apology was an apology and also addressed the question of the employee who was cited DUI in a City Vehicle, stating that this type of action is deplorable.

Public Hearings

Thereupon, the Mayor opened the Public Hearing to consider the condemnation of a single family structure located at 904 Walnut.

First to address the Commission regarding this issue was Jose Jave the owner of the property. Mr. Jave noted that he was trying to make repairs, has taken out a building permit and purchased materials to make said repairs. He stated he had cleaned up the yard and realized that the property needed repair. The City Manager noted that Mr. Jave would have 30 days to show progress and if progress were in fact shown that the City Staff would work with him and they would bring this issue back at the first study session in July. Mr. Jave noted that he had just purchased this property approximately 3 months ago.

Next to speak to this issue was Rachel Cortez, 840 Pecan. Ms. Cortez stated that she had lived across the easement five and one half years from 904 Walnut, she stated that the trash, garbage and cars were terrible, she also noted that Wynndee Lee had suggested after numerous complaints to the City that a petition be drawn up by the neighborhood and asked that this property be condemned. Ms. Cortez stated that the Jave's had lived at this property last summer in spite of his claim that he had only purchased the property three months ago. She stated that the wash had been done in the yard and that running water was not hooked up and that they hauled water to the property, she did acknowledge that the yard had been cleaned up; however, she stated the porch and trailer were full of trash.

Next to address the Commission was Donna Sauer, 218 West 9th, Ms. Sauer noted that there is a window still out of the house and that they want something done about this property.

Next to address the Commission was Mr. Dean Sauer, 218 West 9th, Mr. Sauer asked how many times they must wait before action is taken on this property. He noted that they had started complaining four to five years ago.

Thereupon, the City Attorney explained that State Law provides notice to the property owners and takes great strides to protect property rights and that the City must allow a period of time to the property owner to show that a good faith effort is taking place. The City Manager explained that this is the last level before condemnation would take place; however a public hearing must take place and time must be given the property owners. He did note that if appropriate action is not taken by the property owner, as soon as the Commission authorized demolition, bids would be taken and demolition would occur, it was expressed that this is the top level of seriousness regarding an issue of this nature.

Next to address the Commission was Raquel Fler. Ms. Fler noted that she was aware of this property for some time, noting that it had been in poor shape since 1992.

There being no further comments regarding this issue the Mayor closed the Public Hearing.

Public Hearing - 110 West 4th Street

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a commercial structure located at 110 West 4th.

Thereupon, the City Manager noted that the City had notified the owner of this situation and that the City had been treated with disdain. There being no one wishing to address this situation, the Mayor closed the public hearing.

Capital Improvement Program

Thereupon, the Mayor opened a Public Hearing to consider the 1998 Capital Improvement Program.

Thereupon, Mr. Jim Grogan spoke to the issue of storm water run off. He presented the Commission with a map noting that there were three 90 degree turns at 8th Street between Oak and Poplar. Mr. Grogan stated that he had seen water flowing out of this control basin rather than into, as much as four foot high. He stated that across this intersection there had been as much as 18 inches of running water. He asked the Commission to consider storm water run off as part of the Capital Improvement Program in general, and to consider this problem in particular.

Next to address the Commission was Mr. Bob Reusch, 633 North Hemlock, representing the Ottawa Library. Mr. Reusch noted that he was seeking funds to fully automate the Library. He stated that the Library has a fund now, but is requesting any and all help that they can receive.

Thereupon, Commissioner Ramsey noted that he had received a call from Mr. Darrell McCune, who had asked that the Tennis Courts at Forrest Park be improved.

Thereupon, the Mayor requested that the City Clerk read the following letters into the record:

City Manager, Ottawa KS, 5\20\97. Sir, We read in the Ottawa Herald that the City of Ottawa is compiling projects for their Capital Improvement Program and might establish a program for sidewalk replacement. The City of Iola, KS has a program where the home owner and City split the cost of materials and the City provides the labor. If this is the type of program you are thinking about, we would be interested. We live on the SW corner of 6th and Poplar, across from Hawthorne School. One of our sidewalks goes from the alley to Poplar St. and consists of bricks and broken cement. In addition, our corner is not handicap accessible. If a sidewalk replacement program is established please let us know. Thank you in advance. David and Denise Saubers, 604 South Poplar.

Vicki Cummiskey, Mayor, City of Ottawa, Dear Mayor Cummiskey: I want to take this opportunity to make a couple of comments regarding the City Capital Improvement Program.

1. I hope that the city will give some thought to keeping the mill levy as stable as possible in the CIP. That is if the mill levy level is 14 mills one year it should not be 18 the next year. Keeping it steady would reduce the financial impact on the taxpayers. Also, you should give some consideration to not adding large projects until bigger projects have been paid for. You may be able to take a number of smaller ones and put them together and complete them in a shorter period of time.

2. I hope you give strong consideration to adding a sidewalk program for replacement of deteriorating sidewalks. This could be modeled after the paving of dirt road streets program, with the City picking up a percentage and the property owners picking up a certain percentage. If a number of sidewalks could be packaged together the City and property owners could realize a savings in the cost to have the sidewalks repaired. I feel sidewalk repair is extremely important for two reasons: (a) from a liability standpoint, and (b) from an economic development standpoint and quality of life, it makes no sense to have emphasis in place on cleaning up the neighborhoods and making the community look nice if we have sidewalks cracking, chipping, or non existent.

I hope you will give these comments some consideration. I know you have a difficult job ahead of you in trying to determine what the City can or cannot afford. Thank you, Richard Jackson.

There being no further comments, the Mayor closed the Public Hearing.

New Business
Rezone-135 West Tecumseh

Thereupon, there was presented an ordinance rezoning an area within the City of Ottawa, Kansas and repealing the corresponding section of the zoning map which is a part of Ordinance No. 2933-90 of the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. During discussion it was explained that this request had been made by the Franklin County Historical Society as the applicant feels that the Zoning Classification would better suit the current and future usage of the Old Depot Museum. It was further noted that the City of Ottawa Planning Commission reviewed the staff findings

regarding this request and held a public hearing to consider it. The Planning Commission recommended to the City Commission the approval of the rezone of an area at 135 W. Tecumseh, from I-2 (Heavy Industrial) to C-2 (General Commercial) by a vote of 6-0. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3235-97.

Annexation 1600 Osage Drive

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that this annexation to the City of Ottawa was requested by the property owner, that it was generally located in an area of 1600 Osage Drive. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3236-97.

Sale of Bonds and Temporary Notes

Thereupon, there was presented a resolution authorizing the public sale of approximately \$525,000 principal amount of General Obligation Bonds, Series 1997 and approximately \$2,575,000 principal amount of temporary notes, series 1997, of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that this resolution would authorize the sale of \$525,000 of G. O. Bonds to pay off the temporary notes for the 13th Street project, and further authorizes the sale of temporary notes to fund the approximately \$900,000 of the Rock Street Improvement and the \$1,500,000 for the 17th Street Project, plus \$175,000 for pre-funded interest on the temporary notes. It was further noted that bids would be opened at 10 a.m., during the regular City Commission Meeting of July 16, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 947-97.

Monthly Financial and Activity Reports

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to approve the Monthly Financial and Activity Reports for the month of April, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity reports for the month of April, 1997, approved as presented.

Governing Body Agenda

Thereupon, the Mayor announced that she would be providing the Commission with a list of Board and Commission appointments at the next study session.

Thereupon, Commissioner Ramsey noted that there had been a meeting to consider the Highway 50 issue, that is the possible elimination of the I-35 exit ramp at Highway 50 and the possible demolition of the Highway 50 overpass on the south end of town. He noted that the Kansas Dept. of Transportation had made a good presentation and would be coming back with a proposed plan.

Thereupon, Commissioner Ramsey also stated that he would like to comment towards the City not being friendly regarding its building codes and enforcement. He noted that Burger King had recently opened on the south side of town, that there had been a ribbon cutting for Maytag, that the Lumber Company was expanding its business and that two new restaurants were about to open downtown. He stated that he believed that the community is growing and that the codes are in place for a reason.

Announcements

Thereupon, the Mayor announced the following: a Work Study Session June 19, 1997, at 4 p.m. a Work Study Session on June 16, at 3 p.m.; a Joint City County Meeting on June 18, at 11:45 a.m. at City Hall, in the upstairs Conference Room, a Work Study Session on June 23, at 3 p.m., a Work Study Session on June 30, at 3 p.m. Mayor Cummiskey further announced that the next regular meeting of the City Commission is June 18, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

June 9, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Tyson, and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Andy Haney, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson, and Sarah Plinsky. Guests: Raquel Fleer, Barbara Blaue, Teri Schaffer, Linda Knight, Tony DeLaTorre. Media: Bill Tellier and Jamie James. Absent: Commissioner Matthews.

The Mayor called the meeting to order at approximately 4:02 p.m.

1. Review of June 18, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for June 18, 1997 noting that changes would occur.

2. Board and Commission Appointments. Thereupon, the Commission reviewed Mayor Cummiskey's recommendations for appointments to the various Boards and Commissions. The following is a list of appointments made by the Mayor

Ottawa Recreation Commission	-	Kent Ramsey
Auditorium Authority	-	Charles Scoville
		Kelly Hawkins (reappointment)
		Scott Wasser (reappointment)
		Dewey Cook (unexpired term)
United Way of Franklin County	-	Wayne Duderstadt
		Richard Jackson
Band Committee	-	Bill Farrow (reappointment)
		Cathy Sutton (reappointment)
		Shannon Droddy (reappointment)
		Cynthia Harness (reappointment)
		Terry Schoenfeld (reappointment)
Uniform Building Code Board	-	James Sullivan (reappointment)
		Joe Soper (reappointment)
		Cal Lantis (reappointment)
		Jerry Thompson
		Steve Bryan
Uniform Plumbing Code Board	-	Raymond Carey (reappointment)
		Lynn Hiatt (reappointment)
		Ray Steanson (reappointment)

Board and Commission Appointments-Continued:

National Electric Code Board - Gary Hogelin
Brian Moore
Gregg Colburn

Thereupon, Mayor Cummiskey suggested that the Band Committee appointments be made for a tenure of two years rather than nominating on an annual basis.

This Commission agreed to place this item on the June 18, 1997 City Commission agenda.

3. Highway 50 Support Request. Thereupon, the Commission reviewed a letter from Mr. Joe McLiney, Kansas State Bank Board of Directors, who requested that the City take a position in support of keeping the Highway 50 entrance and exit onto I-35 and that the bridge over I-35 remain in place.

The Commission discussed this item, with the exception of Commissioner Ramsey who abstained from discussion. The Commission agreed to continue to participate in discussions regarding this issue with the Kansas Department of Transportation.

4. Economic Lifelines. Thereupon, the Commission reviewed a letter from Patrick J. Hurley who is requesting that the local Chamber of Commerce and the City participate in a group of cities to support a state-wide highway coalition whose goal is to make a new comprehensive transportation program a top priority.

The Commissioners agreed to participate, but suggested that this item be brought to the next Chamber O/FCED meeting to ask that they also participate.

5. 13th Street Improvements. Thereupon, the Commission reviewed a letter from Mr. Earl Devore requesting that the City give consideration to paving approximately 140 feet of gravel surface in the 200 block of West 13th. Mr. Devore noted that the street serves as the entrance to the Kanza Park public parking lot and to his office building. Public Works Director Andy Haney suggested that this could be accomplished as an improvement district with Mr. Devore sharing in the cost. Other discussion ensued regarding the improvements at the park and the various options which might be a part of the improvement, such as resurfacing the current walking track, with possibly a plan to enlarge the trail and possibly make it accessible from the Prairie Spirit Trail.

It was decided that the City Manager and Mr. Haney would continue to discuss this issue with Mr. Devore and bring back information regarding the cost and possibilities for this issue.

6. Used City Equipment. Thereupon, the Commission reviewed a recommendation from the City Clerk to dispose of used office equipment left over from the purchase of the Franklin Savings Building.

The Commission directed Mr. Bird to negotiate with one of the bidders, Mr. Buddy Griffin, and set a date for an auction. It was also suggested that other equipment throughout the City which may need of disposal be included in this sale.

7. CIP Review. Thereupon, the Commission discussed the 1998 Capital Improvements Program. Thereupon, Commissioner Ramsey stated that he believed the Public Works facility should not exceed \$750,000 dollars. Thereupon, Public Works Director Andy Haney stated that the facility itself could be phased in, but listed the following prices:

Maintenance Shop (not equipped)	\$238,500
Heated Barn	360,000
Cover (not enclosed)	90,000
Site Work (some could be done by Public Works crews)	295,000

Mr. Haney also noted that a sewage pump and force main would need to be part of the project. Mr. Haney further stated that he believed that the project itself could be done for possibly \$1.25 million, noting that the equipment and furniture had not been included in these estimates.

Mr. Ramsey reiterated that he was not interested in spending \$1.5 million dollars on this project.

City Manager Scott Lambers noted that perhaps the facility could be phased in and built for expansion capabilities.

Mr. Haney suggested that he could look at the proposals with Earl Devore and see where it could be cut and come back to the Commission.

Commissioner Tyson asked if the Public Works Director had looked at the possibility of contracting out mechanic work. Mr. Haney responded in the affirmative, but noted that he could not return equipment to the street as responsive as with his own people and that there are few shops in town who could take care of some of the equipment that the City has.

Thereupon, Commissioner Ramsey asked if there was any way to redo the tennis courts in the 1998 CIP. Mr. Haney suggested that they consider carefully before they place tennis courts again at Forest Park or spend any money on the current courts noting that this property was susceptible to water.

The Commission discussed various other locations including: tennis courts at Kanza Park or expansion at the Woodward Center. Commissioner Ramsey noted that they needed at least four courts in order to accommodate most tournaments.

CIP Review - Continued:

Thereupon, the Mayor asked about the possibility of a southside fire station. City Manager Scott Lambers noted that he and the Fire Chief were discussing possibilities and would be bringing a short-term solution to the Commission at the next meeting.

Mayor Cummiskey asked about the possibility of sidewalks. Mr. Haney responded that sidewalks would cost approximately \$3 per square foot. However, the possibility of a Benefit District Project was discussed.

8. **Open Agenda:**

17th Street: Thereupon, Commissioner Ramsey asked why 17th Street had been torn-up noting that the Franklin County fair would be interrupted. Mr. Haney noted that the pavement work would not happen until August and that the fair would not be disrupted and that the contractors were aware of and preparing to accommodate the fair.

Congratulations to Wynndee Lee: Thereupon, the Mayor extended congratulations to Wynndee Lee for recently accomplishing her graduation from the MPA Program at KU and also for the recent birth of her second child.

9. **Announcements:** Thereupon, the Mayor made the following announcements. There will be a work study session on June 16, 1997 at 3:00 p.m., a City Commission meeting on June 18, 1997 at 9:30 a.m., a Joint City/County meeting on June 18, 1997 at 11:45 a.m. and a work study session on June 23, 1997 at 3:00 p.m. noting that the Auditorium Board would be present. There will also be a work study session on June 30, 1997 at 3:00 p.m. and a work study session on July 2, 1997 with the regular City Commission meeting immediately following at 7:00 p.m.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:23 p.m.


City Clerk

STUDY SESSION MINUTES

4:00 P.M.

June 16, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Andy Haney, Jeff Herrman, Jim Bradley, Jim Shaw, Judy Hasty, Barb Nelson, and Sarah Plinsky. Guests: Raquel Fleer, Tony DeLaTorre, Jeanette Lowry, Kathy Norton. Media: Bill Tellier and Jamie James, Bill Grey.

The Mayor called the meeting to order at approximately 4:00 p.m.

1. Review of the June 4, 1997 and June 9, 1997 Work Study Session Minutes.

Thereupon, the Commission reviewed the work study session minutes of June 4, 1997 and June 9, 1997. There being no corrections, the Commission accepted the work study session minutes as presented.

2. Review of June 18, 1997 City Commission Agenda.

Thereupon, the Commission reviewed the tentative agenda for June 18, 1997. They noted that changes would be made at this work study session.

3. Request from Underwood Supply.

Thereupon, the Commission reviewed a letter from Lynn Underwood of Underwood Supply and a memo from Public Works Director Andy Haney. The request dealt with the possibility of utilizing property owned by the City located between Hickory Street and Cedar Street and to the North of Pontiac Street. Mr. Underwood suggested that his company would keep the lot mowed for the ability to store large plastic pipe, fiberglass, septic tanks and other plumbing supplies in that area. Mr. Haney recommended that the request be denied since the area in question is part of the levee system and must be maintained in accordance with policy established by the Corp of Engineers.

The Commission agreed with Mr. Haney's recommendation and denied the request.

4. **Request from the Community Arts Council.** Thereupon, there was presented a letter from Jeanette Lowry, President of the Community Arts Council. Ms. Lowry requested permission to use the Carnegie building on behalf of the Arts Council for the children's Summer Art Camp scheduled for July 21 - 25, 1997. She noted that the camp would be conducted by Mr. Kevin Honeycutt. The Arts Council was looking for approval to have access to all three floors of the building, if possible, as early as two weeks before the camp to get materials ready for the program.

The Commission discussed this issue and agreed that the basement was still not available since the Friends of the Library were still occupying that space, but agreed to make the first two floors available to the Community Arts Council for this program.

Ms. Lowry, who was in attendance, thanked the Commission for their consideration.

5. **Sale of Power Marketing Agency (SWAPA).** Thereupon, the Commission reviewed a memo from Louie Stroup, Jr., Executive Director, Kansas Municipal Utilities, Inc. Mr. Stroup outlined an action request noting that Kansas Congressman Todd Tiahart, along with Ed Royce from California had introduced a bill, HR 1577, to sell three federal power marketing agencies, two of which provide hydro power and/or benefits to many Kansas cities, of which Ottawa is one. Mr. Stroup noted that KMU had discussed its opposition about selling the Federal Power Marketing Agency's with the Kansas Congressman, but had never made much headway. Mr. Stroup asked the Kansas Representatives of these Kansas communities to respond to Representative Tiahart as soon as possible by letter or fax from the Mayor opposing the part of HR 1577 which would sell the PMA's.

The Commission discussed this issue at length and directed that a letter be drafted to express concern for this issue and asked Mr. Bradley, Director of Utilities, to provide further information to the Commission.

6. **WAPA Contract Extensions.** Thereupon, the Commission reviewed a memo from Mr. Jim Bradley, Director of Utilities. Mr. Bradley had attached a KMEA memorandum, resolution and Amendment #1 to Hydro Power Pooling Contract, noting that the City of Ottawa is a Class B City in regard to the Western Area Power Administration Hydro Power. Mr. Bradley noted that a Class B City does not receive power directly from WAPA due to transmission charges which would eliminate the advantage. However, he did note that Ottawa's entitlement to WAPA Power goes to cities in western Kansas and that the Class B cities are paid for their entitlement. These payments go into a money pool which can be used for various purposes. Mr. Bradley noted that the City of Ottawa had recently benefited from this pool having been paid for a portion of a retail wheeling study. Mr. Bradley stated that it is important that the City continue to extend this contract for the benefit of western cities and for the continued availability of B City funds.

The Commission discussed this issue and agreed to place it on the June 18, 1997 City Commission agenda.

7. Prairie Spirit Trail Contract. Thereupon, the Commission reviewed with the City Manager a proposed contract from the State of Kansas Department of Wildlife and Parks in regards to the maintenance and upkeep of the proposed Kansas Prairie Spirit Rail Trail. The Commission and the City Manager both pointed to items in the agreement which were not acceptable, such as the extensive maintenance which the State expects the City to bear, specifically Section 5 of the proposed agreement which states that Ottawa shall, during the term of this agreement be responsible for maintenance of all improvements made within Ottawa city limits according to the construction plans, including but not limited to the following: asphalt surfacing and/or gravel surfacing to the extent actually laid down and in place for the trail; shoulders and ditches within Rail Trail right-of-way; drainage structures; vegetation; gates, fences and billboards; bicycle racks; picnic shelters; kiosks; signage and all other appurtenances shown on the construction plans. In addition, Ottawa shall during the term of this agreement, be responsible for law enforcement, noxious weed control, mowing, trash control and any activities normally performed in the management of a public facility. The Commission was in agreement that this section and other sections of the agreement were too extensive and therefore not acceptable.

The City Manager said he would continue to negotiate with the State and bring information back to the Commission.

8. Capital Improvement Program. Thereupon, the Commission reviewed the 1998 Capital Improvement Program. Thereupon, the Commission reviewed and amended CIP dated this date. The City Manager noted changes on page 6, specifically the reduction of the public works facility from \$1.5 million to \$1 million. However, Commissioners Ramsey and Matthews responded that this amount was still not acceptable and that they would not agree to an amount greater than \$750,000. Commissioner Finch stated he did not believe there was a need for office space in that building, but recognized the need to take care of the people who worked for the City and the equipment. Mr. Haney defended the office space as a need for the shop mechanic and supervisors in the public works department.

The Commission also wanted to change the public park improvement program from the year 2000 to financing in 1999.

It was also discussed that the City/County/State Arterial Street Program from the year 2001 to the year 2000. The City Manager reviewed a proposal to coordinate with Franklin County to add on to the building which houses the Franklin County Ambulance Service and include space for one fire truck and firefighters to man said truck in that facility. This would serve as an Ottawa Fire Substation in the south part of town. Mr. Lambers noted that Mr. Earl Devore had been working on the plans for this project and had estimated the total project cost at \$200,000, with the City sharing in this cost. Mr. Lambers stated that this was probably an interim solution and that sometime in the future the City would need to look for other possibilities for a south substation, perhaps on the other side of I-35, but that this would serve as a viable interim solution.

CIP Review - Continued:

Other items discussed during the Capital Improvement Program discussion. Thereupon, Commissioner Ramsey expressed his desire that monies be set aside annually for maintenance on the former City Library building. The City Manager noted that the 1998 Budget would set aside monies for an analysis on the possible needs and uses of this building. Commissioner Ramsey further noted that Mr. Hal Germer of Ottawa University was still interested in using the facility for office space for Ottawa University. Commissioner Ramsey further stated that he believed the City needed to do something regarding the possible uses of this building. Mr. Lambers noted that the upkeep and maintenance on this building had serious budget implications, but if the Commission was interested, he would post a notice in the paper and notify others who had shown interest in the building. Mayor Cumiskey suggested that the Commission ask those who are interested what they might bring to the table, such as a lease arrangement.

Thereupon, Jeanette Lowry, from the audience, made a pitch for the building to be used by the Community Arts Council.

Thereupon, Commissioner Ramsey asked about a signage program. Mr. Lambers noted that this could be handled through the Operating Budget on an ongoing basis.

There being no further comments regarding the CIP, the Mayor closed the CIP discussion.

9. **Public Comments:** Thereupon, Mr. Tony DeLaTorre addressed the Commission stating that he had brought a copy of the court order which he had referred to at last weeks meeting to Commissioner Finch. He stated that he had spoke to some of the kids who had been involved in a recent fight at Forest Park. He further encouraged the Commission to establish a Gang Awareness Unit within the Police Department, stating that it was his belief that there was a great need. Mr. DeLaTorre said that he believed there were problems on the street and that the Police Department needed to be trained to respond to these problems. Thereupon, Mayor Cumiskey asked if our officers are being trained in gang awareness. Police Chief Jeff Herrman responded in the affirmative, noting that all officers have training in gang awareness and that it would be self-defeating to train one or only a few officers in gang control. Mr. Herrman noted that the incident which Mr. DeLaTorre referred to, had been responded to by the Police Department and at that point discussion was not appropriate.

10. Open Agenda:

Tobacco Ordinance: Thereupon, Commissioner Ramsey stated he would like to revisit the tobacco ordinance and asked if the City staff had had a chance to review the current ordinance which is to become effective July 1, 1997. The City Manager stated that the City Attorney's office had reviewed the ordinance and that it was consistent with the State law. Thereupon, City Attorney Bob Bezek noted that he believed that the City was consistent and that in fact he would be the one who had to deal with any issues which arise from this ordinance. The City Manager noted that he could understand that there was some misinterpretation regarding the tobacco ordinance in the way some local vendors were reading it. He suggested that the ordinance be clarified by amending it.

Trip to Independence. Thereupon, Mayor Cummiskey asked for a report from the Commissioners regarding their trip to Independence, Kansas on Friday, June 13, 1997.

Correspondence from Mr. Brian Capello. Thereupon, Commissioner Matthews asked if the City was going to respond to Mr. Brian Capello's letter dated May 2, 1997 which outlined concerns regarding the gathering of youth in Haley Park.

11. Announcements: Thereupon, the Mayor referred the Commission to the announcement schedule on the Work Study Session memo.

12. Adjournment. There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:35 p.m.


City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of June 18, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present, Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson to approve the Minutes of June 4, 1997 as written. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of June 4, 1997, approved as written.

Public Comments

Thereupon, Mr. Joe Blake, 234 South Locust, addressed the Commission complaining that he had been cited for holding an inoperable vehicle. He noted that it drives, he drives it daily and with the exception that the alternator had recently gone out, that it is operable. City Manager Scott Lambers responded that according to state law, a vehicle that does not have headlights is not operable on the state highways and therefore is considered inoperable. He suggested to Mr. Blake that he repair the headlights and at that point in time it would be legal. Mr. Blake asked if this type of letter was sent to all people who had similar problems. Mr. Lambers responded that in

the affirmative, when a complaint is filed. In this case a complaint had been filed.

Response to Public Comments

Thereupon, the City Clerk read the following responses to Public Comments which had been brought to the Commission at the meeting of June 4, 1997.

Mr. Ronnie Small addressed the City Commission regarding the DUI incident involving Mr. Dale Howard. Staff Response: None.

Mr. Tony DeLa Torre read written comments to the City Commission regarding personnel and litigation matters. Staff Response, None.

Mr. Rocky Fler read a prepared statement regarding City practices concerning zoning and building permit procedures. Staff Response: The comments were non-specific to the point that no comments can be made to directly address the concerns she raised. Mayor Cummiskey indicated that she planned to meet with Ms. Fler after the meeting to discuss her concerns further. The City Manager has directed the Planning Director to contact the Mayor to see if any additional specificity was obtained by her in her meeting with Ms. Fler. Finally, it is recognized that the rezoning for the building permit process is lengthy, at times unwieldy and frustrating for many citizens who do not encounter this process on a regular basis. The City staff is currently reviewing its planning procedures to see if improvements can be made to expedite various aspects of the process. However, it must be clearly understood that many of the regulations and time-lines are established by State law and are not subject to be deviated from by the City.

Mr. Greg Hernandez addressed the City Commission regarding a previous incident involving Chief Herrman and the Dale Howard incident. Mr. Hernandez also inquired as to whether or not policies were in place that would result in discipline city employees for driving vehicles while under the influence of alcohol. Staff Response: The City manager advised Mr. Hernandez at the meeting that the City's Personnel Rules provide authority to discipline City employees for any violation of any traffic infraction including driving under the influence of alcohol.

New Business KMEA Amendment No. 1

Thereupon, there was presented a resolution of the City of Ottawa, Kansas, authorizing and directing the execution of an amendment No. 1 to the Hydro Power Pooling Contract (LAO Power Project) between the Kansas Municipal Energy Agency and the City.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that the City of Ottawa is a Class B City regarding the Western Area Power Administration, and as a Class B City does not receive power directly from WAPA due to extensive transmission charges which would be necessary to get the energy to Ottawa. However, the entitlement as a Class B City would allow the City to have money placed in a pool which can be utilized by the City for various reasons. This city of Ottawa recently benefited from the pool being paid back for their portion of the Retail Wheeling Study. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 948-97.

Governing Body Agenda

Thereupon, the Mayor read her appointments to the following boards:

Auditorium Authority: Charles Scoville, Kelly Hawkins (reappointed) Scott Wasser (reappointed) and Dewey Cook (unexpired term).

Ottawa Recreation Commission: Kent Ramsey.

United Way of Franklin County: Wayne Duderstadt and Richard Jackson.

Band Committee: (all members reappointed) Bill Farrow, Cathy Sutton, Shannon Droddy, Cynthia Harness and Terry Schoenfeld.

Uniform Bldg. Code/Uniform Fire Code Board of Appeals: James Sullivan (reappointed), Joe Soper (reappointed), Cal Lantis (reappointed), Jerry Thompson and Steve Bryan.

Uniform Plumbing Code Board of Appeals: Raymond Carey (reappointed) Lynn Hiatt (reappointed) and Ray Steanson (reappointed).

National Electric Code Board of Appeals: Gary Hogelin, Brian Moore and Gregg Colburn.

Thereupon, the Mayor stated that she had received a letter from TCI, noting that KSWB in Kansas City had filed for a Must Carry, which means that the local cable provider would be carrying this station which carries the Royals Games as of June 25, with no rate change included.

Thereupon, the Mayor also commented about the community and how lovely it looked especially in the downtown area, and stated that she had received compliments regarding the looks of the community.

Announcements

Thereupon, the Mayor announced the following: there will be a Joint City County Meeting on June 18, at 11:45 a.m. at City Hall, in the City Commission Chambers a Work Study Session on June 23, at 3 p.m., a Work Study Session on June 30, at 3 p.m., and a Work Study Session on July 2, 1997 at 6:00 p.m. The next regular meeting of the City Commission is July 2, 1997 at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

June 23, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Tyson, Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Richard Towe, Dick Smith, Jeff Herrman, Jim Bradley, Jim Shaw, Barb Nelson, and Sarah Plinsky. Guests: Raquel Flear, Barbara Dew. Media: Bill Tellier and Jamie James. Absent: Andy Haney, Judy Hasty

The Mayor called the meeting to order at approximately 3:00 p.m.

1. Review of the June 16, 1997 Work Study Session Minutes. Thereupon, the Commission reviewed the work study session minutes of June 16, 1997. There being no corrections, the Commission accepted the work study session minutes as presented.

2. Review of July 2, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for July 2, 1997. They noted that changes would be made at this work study session.

3. Municipal Auditorium Board. Thereupon, the Commission noted that OMA Board members had been unable to attend this meeting and suggested that a joint meeting between the OMA Board and the City Commission be scheduled for the July 2, 1997 work study session at 6:00 p.m., prior to the regular meeting of the City Commission on July 2, 1997.

The Commission agreed to this suggestion by consensus and asked Mr. Dick Smith to take this suggestion back to his board.

4. Utilization of Carnegie Building - Former Library . Thereupon, the Commission reviewed a draft copy of a public notice requesting communication from any interested parties who would like consideration for the possible use of the Carnegie building which housed the Ottawa Library.

5. Dedication of Right-of-Way and Easements - 1220 Logan. Thereupon, Planning Director Jim Shaw reviewed with the Commission a dedication of right-of-way and easement in an area generally located at 1220 E. Logan. Mr. Shaw noted that this was the new Social Security building next to the Gas Service Company building and that the structure is now under construction.

The Commission discussed this issue and agreed to place it on the July 2, 1997 City Commission agenda.

6. Special Use Permit. Thereupon, the Commission reviewed a request for a Special Use Permit by ECKAN for a preschool/daycare to be located at 225 E. 2nd. The Planning Commission recommended to the City Commission, by a vote of 5-0 with one abstention, the approval of this permit.

The Commission agreed to place this item on the July 2, 1997 City Commission agenda..

7. 1998 Operating Budget. Thereupon, the City Manager opened a discussion requesting input from the City Commission for items which should be included in the 1998 Operating Budget.

Thereupon, Commissioner Ramsey noted his interest in improving signage, especially to locate the City Hall/Library, Ottawa University, schools and parks within the City. Mayor Cummiskey noted that entrance signs to the City would be very beneficial.

Commissioner Ramsey also asked for an engineering study of the Carnegie building to determine what needs the facility might have. He further suggested that the City hold the line as much as possible on the mill levy. The City Manager noted that the assessed valuation is estimated to increase as much as 4 million dollars.

There being no further comments, the Mayor opened a discussion on the Strategic Plan.

Thereupon, Commissioner Matthews again noted the truck traffic on Main Street and asked for numbers on the loss of connecting link money and any other state monies which would be lost in this endeavor. The City Manager noted that at least one mill of Operating Budget would need to be increased to offset the loss in connecting link money. He also noted that the State had agreed to upgrade the Main Street bridge, but after 50 years, it would become the City's responsibility to maintain. Commissioner Finch asked about the current condition of Main Street and what would need to be done in the near future and how that would play into plans to remove truck traffic. Commissioner Ramsey noted his concern about US-59 and asked for a five year plan for the 17th Street area. He further noted that the stormwater problem in the Princeton area is a concern as is the need to keep up on the Highway 50 situation.

It was further suggested that a valid survey needed to be conducted on quality of life issues. The Commission suggested that the City copy surveys which have been conducted by other cities recently. It was further suggested that a survey also be designed to target Ottawa youth. Commissioner Ramsey noted that needs such as the tennis courts and the swimming pool were upcoming. The City Manager stated that the CIP included plans for \$150,000 in park and recreation improvements, but reminded the Commission that \$150,000 would not go very far for such improvements.

8. **Discussion of Reserve Police Officers.** Thereupon, the Commission called upon Police Chief Jeff Herrman to discuss policies established by his department concerning reserve police officers. Chief Herrman explained that the reserve officers in the go through the same training as regular officers, up to and except for Police Academy training. Up until then, he explained, field training is offered to all officers in their program. He further noted that reserves act with and ride with a regular officer at all times and that the department works with the reserves to set their hours unless a situation arises in which they are needed, in which case they are called in. He added that they are all volunteer and go through the same background check that any other officer would go through.

Commissioner Finch asked how, if they are functioning in a ride-along status, can they be of assistance. The Chief explained that they function monitoring prisoners at the station while the regular officer sees to any paperwork and details which need to be taken care of. He noted that this releases the officers back to the street quicker. He also explained that when they are on the street, they serve as a backup officer, thereby relieving the need to call in a backup officer in certain situations. He further explained that it gives the City one more officer on the street during times when one more officer can be greatly effective.

Commissioner Ramsey asked if they are qualified to carry firearms. Chief Herrman answered in the affirmative, noting that they go through the same firearm training as many other officers.

Commissioner Matthews asked if they purchased their own guns or if guns are provided to them. Chief Herrman responded that the reserve officers buy and take care of their own guns.

Commissioner Ramsey asked who provided the uniform. Chief Herrman noted that the department provides the uniform; however, it is usually a used uniform, noting that they have a hand-in program for officers who have left and in some cases, officers who have changed sizes, but that these uniforms are provided out of the departments supply.

9. **Open Agenda:**

Thank You Notes. Thereupon, the Mayor noted that the Commission had received several thank you notes from participants of the quilt show for being allowed to use the Carnegie building and a thank you from Rev. Stanley Smith for the proclamation which the Mayor had read at a previous meeting.

Leadership 1998. Thereupon, Commissioner Ramsey noted that he would like the Commission to sponsor Commissioner Finch to Leadership 1998.

The Commission agreed by consensus. Commissioner Finch abstained.

Storage Building - 2nd Street. Commissioner Tyson asked about the need for paint on the old storage building on 2nd Street.

10. **Executive Session:** Thereupon, Commissioner Finch made a motion seconded by Commissioner Matthews that the Commission recess into executive session to discuss pending litigation for 20 minutes and to reconvene in the same room at 5:00 p.m.

The motion was considered and upon being put to the question, all present voted aye

11. **Reconvene:** Thereupon, Commissioner Ramsey made a motion seconded by Commissioner Finch to reconvene the session.

The motion was considered and upon being put to the question, all present voted aye. Thereupon, at 5:00 p.m. the Commission reconvened.

12. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

6:00 P.M.

July 2, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Andy Haney, Judy Hasty, Jeff Carner for Richard Towe, Dick Smith, Ron Puterbaugh for Jeff Herrman, Jim Bradley, Jim Shaw, Barb Nelson, and Sarah Plinsky. Guests: Richard Jackson, Tony DeLaTorre, Raquel Fleeer, Kelly Hawkins, Scott Wasser, Charles Scoville and Gwenn McCurdy. Media: Bill Tellier and Jamie James. Absent: Richard Towe and Jeff Herrman

The Mayor called the meeting to order at approximately 6:00 p.m.

1. Review of July 2, 1997 City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for July 2, 1997. The City Manager noted that no additions were anticipated.

2. 911 Discussion. Thereupon, City Manager Scott Lambers reviewed with the Commission a recent meeting between he, Police Chief Jeff Herrman, Fire Chief Richard Towe and representatives of the County Emergency Preparedness. Mr. Lambers noted that the 911 Dispatch had hired a clerk dispatch position as an unauthorized position during 1997 and were proposing two more dispatch positions for 1998. In addition to that, they were proposing as much as \$10.25 an hour for starting pay of dispatchers. Mr. Lambers stated he had suggested that the County phase in such changes, suggesting that one new position be funded for 1998 and the other be funded in 1999 and that the market adjustments to wages also be phased in. Mr. Lambers noted that double digit pay increases are not the norm in the public sector.

Commissioner Ramsey agreed that this was too much of an increase for one year.

Commissioner Matthews asked how many dispatchers the County currently employed. The City Manager responded that there were nine, including the clerk dispatch position.

Mayor Cummiskey asked if the City were paying for the unfunded position at the present time. The City Manager responded in the affirmative, noting that the costs would be coming from another line item.

911 Discussion - Continued:

Commissioner Ramsey asked where the telephone fees for 911 were going. The City Manager explained that these fees must go into equipment and that it is proposed that new equipment be purchased for the current 911 facility and that the old equipment be moved to the ambulance center to serve as a backup system in the event that the 911 center would be destroyed by disaster.

Commissioner Matthews inquired about the possibility of other entities paying for their share of the 911 expenses. The City Manager explained that the County plans to meet with the other entities, that is cities and townships, regarding this issue.

Mayor Cumiskey asked if it would be appropriate for the City to have a representative attend this meeting. The City Manager noted that it should be an open meeting.

At 6:15 p.m. Commissioner Tyson arrived.

Commissioner Ramsey stated that the County's proposal was not acceptable to him and while he understood the need for a cooperative effort, there was also a need for realism.

Commissioner Finch echoed Commissioner Ramsey's thoughts.

Commissioner Matthews reiterated that he was interested in knowing what the other entities were willing to do regarding this issue. The City Manager stated that it was his belief that the other entities should fund one full-time dispatcher since they would have to do that if they were running their own dispatch. This would amount to approximately \$30,000 in wages and benefits.

The City Commission agreed to further consider this item at their meeting scheduled for July 14, 1997 and at the Joint City/County meeting scheduled for July 16, 1997.

3. **Municipal Auditorium Board.** Thereupon, the Commission invited members of the Auditorium Board to the table to discuss the structure and the workings of the Auditorium Board and its relationship with the City.

Mr. Scott Wasser, Chairperson for the Auditorium Board, stated that they would like a clearer understanding on their own policy-making abilities and that the Auditorium Board had gone through the current ordinance, noting in some cases it was vague and in other cases it was conflicting. He further stated that the Auditorium Board believed they needed to demonstrate to the City that they are capable of handling the task of making policy and carrying out policy for the Auditorium, but he also believed that the Auditorium Board was on the right track to develop the autonomy they were looking for.

Municipal Auditorium Board - Continued:

Ms. Kelly Hawkins of the Auditorium Board, noted that there was an unclear line as to whose responsibility the Director of the Auditorium fell under. Ms. Hawkins suggested that the Board have input on the Director's evaluation. City Manager Scott Lambers expressed concern with such a system, noting that under a City Manager form of government, it is highly unusual for an outside entity to have input on a City employee's evaluation. He pointed out that the Governing Body is a policy making body as is the Auditorium Board Authority, and that evaluations are an administrative function.

Mr. Charles Scoville of the Auditorium Board asked why the Auditorium Authority should exist if in fact, they have no input on such matters, especially the principal employee.

Ms. Hawkins stated that she believed that City Hall kept the Auditorium Board at arms length, noting that the Auditorium Board had held fund raisers and then were told they would not be able to spend the money in a current year. Ms. Hawkins suggested that a liaison be utilized to communicate between the City and the Auditorium Authority.

Mr. Wasser stated that the Auditorium Authority sees the Director at performances, daily interaction and interacting with other entities in and around the community, and that no one else has the access to observe his duties such as they do. Mr. Wasser also noted that the Auditorium Board was striving to lay ground work which would make them more effective i.e., a completed mission statement for the Auditorium, a mission statement for the Auditorium, which is underway, and a set of by-laws for the Auditorium Board. Mr. Wasser stated that by doing so, it was their desire to evaluate how well they are doing, but that they also need support from the community

Mr. Scoville asked if the Auditorium Authority was able to prove itself, then the City Commission could see some latitude and allow the Commission to increase their operating budget. Thereupon, the City Manager introduced a proposed budget which would also propose as much as a 4 mill levy, reserving 1 of those mills for capital items. Mr. Lambers noted that the proposed budget would provide that ad valorem taxes cover both personal services and commodities and that programming revenues then could be focused on programming costs. He further stated that he was sympathetic to the rental rate dilemma and proposed as part of this budget, a reduction in rental rate to one half of the current rates. Mr. Lambers noted that he was presenting this as a draft only, recognizing that neither the Board nor the Director had had an opportunity to review this proposal.

The Auditorium Board and the Commission agreed that the budget needed to be reviewed and discussion brought back.

4. **Announcements.** Thereupon, the Mayor announced the following meetings: There will be a City Commission meeting immediately following the July 2, 1997 Work Study Session at 7:00 p.m., there will be a Work Study Session on July 7, 1997 at 4:00 p.m., there will be a Work Study Session on July 14, 1997 at 3:00 p.m., there will be a City Commission meeting on July 16, 1997 at 9:30 a.m., there will be a Joint City/County meeting on July 16, 1997 at 11:45 a.m.

5. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of July 2, 1997

Roll Call

The City Governing Body met in regular session at 7.00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the Minutes of June 18, 1997 as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of June 18, 1997, approved as written.

Public Comments

Thereupon, the Mayor asked for comments from the Chamber Audience. Thereupon, Mr. Tony DeLaTorre, 811 North Poplar, asked to re-address the gang situation in the City, noting that he had talked to the young man who had been assaulted recently. Mr. DeLaTorre stated that his concern is, that people get involved, so that further actions are not taken as a result of this incident. He stated that other threats had been made because of the previous incident. Mr. DeLaTorre reiterated that he believed the Police Dept. needed a Youth Intervention Officer, who could intervene when threats are made and before further actions were taken by opposing gangs.

Next to address the Commission was Ms. Raquel Fler, 1016 North Poplar. Ms. Fler noted that she had visited with the family of the injured boy as well and read a hand out to the Commission. Ms. Fler questioned what process the Police Dept. used to track 911 calls and if discrimination was taking place in response to minority calls. There being no further comments to come before the Commission, the Mayor closed the Public Comments.

Budget Hearing

Thereupon, the Mayor opened a hearing to consider the 1998 Budget.

Thereupon, City Manager Scott Lambers, stated that this public hearing is not statutorally required, but is provided for an opportunity to the public to be involved in the 1998 Budget Process. There being no further comments the Mayor closed the public hearing.

New Business

Dedication of Rights of Ways - 1120 E. Logan

Thereupon, there was presented a resolution accepting the dedication of rights-of ways and easements at 1220 E. Logan Street in the City of Ottawa, Ks.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the resolution. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 949-97.

Special Use Permit - 225 E Second

Thereupon, there was presented a resolution granting a special use permit for a pre-school/daycare at 225 E. 2nd, requested by ECKAN in the City of Ottawa, Kansas.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that the Planning Commission reviewed this Special Use Permit request for a pre-school/daycare to be located at 225 E. 2nd and recommended to the City Commission by a vote of 5-0, with one abstention the approval of said permit. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 950-97.

Governing Body Agenda

Thereupon, the Mayor asked if there had been any response from the State regarding the Rails to Trails issue. The City Manager responded in the negative, noting that he had tried to contact the State but had been unsuccessful. However, Mr. Lambers explained that this process had no bearing on the project timeline and wanted to clarify that the project was not being held up by the City. The Mayor thanked the City Manager for this information.

Thereupon, the Mayor asked if Itinerant Vendors on private parking lots must obtain a City license, the City Manager responded in the affirmative.

Announcements

Thereupon, the Mayor announced a Work Study Session scheduled for July 7, 1997 at 4 p.m., noting that this will be a KDOT Presentation concerning the Highway 50 - I-35 Interchange and that the County Commission would be joining the City Commission during this meeting. The Mayor further announced there will be a Work Study Session on July 14, at 4 p.m., a Joint City County Meeting on July 16, 1997 at 11:45 a.m., at the Franklin County Jail, a Work Study Session on July 21, at 3 p.m., that would consider the Budget and another Budget Study Session at 3 p.m. on July 28, 1997. The next regular meeting of the City Commission is scheduled July 16, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

July 7, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

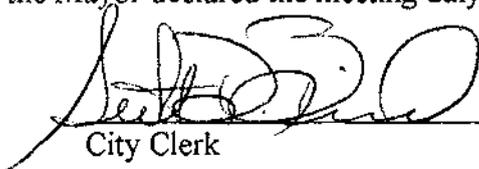
The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews and Ramsey; City Manager Scott Lambers; City Staff: Andy Haney, Jim Shaw, and Sarah Plinsky. Guests: Representatives from KDOT, landowners and business owners affected by proposed changes, Raquel Fleer. Media: Bill Tellier, Bill Gray, Jamie James and representative of the Lawrence Journal World. Absent: City Attorney, Bob Bezek; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jeff Herrman, Jim Bradley and Barb Nelson.

The Mayor called the meeting to order at approximately 4:00 p.m.

1. **KDOT Proposed Changes to Highway 50.** Representatives from KDOT attended this Work Study Session to present proposed changes to Business District Highway 50. Five alternative plans were presented to the City Commission for their consideration.

Thereupon, the City Commission discussed the alternatives with the representatives and other interested parties attending the study session and instructed the City Manager to place this item on a future work study session for further study.

2. **Adjournment.** There being no further business to come before the Commission, a motion was made and seconded to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

3:00 P.M.

July 14, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Tyson and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Wynndee Lee, Andy Haney, Judy Hasty, Richard Towe, Dick Smith, Jeff Herrman, Jim Bradley, Jim Shaw, Barb Nelson and Sarah Plinsky. Media: Bill Tellier, and Bill Gray and Scott Welgas. Absent: Commissioner Matthews.

1. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for July 16, 1997, noting that changes would occur.

2. Request for Sidewalk Sale. Thereupon, there was presented a request from the Chamber of Commerce for the Summer Sidewalk Sale scheduled for July 27, 1997 from 7:00 a.m. to 5:00 p.m.

Thereupon, the Commission approved this request by consensus.

3. Request from Harshaw Research. Thereupon, there was presented a letter from Mr. Bob Harshaw, President of Harshaw Research, seeking approval for the use of Haley Park during the Sidewalk Sale, for the presentation of a new product called Saceasi, a Hackey-Sack type product.

Thereupon, the Commission approved this request for the day of the Sidewalk Sale.

4. Request from Ben Thompson - Eagle Scout. Thereupon, there was presented a letter from Mr. Ben Thompson, Scout Troop 77, to request tentative site approval for a proposed RC Car Track. Public Works Director Andy Haney suggested the East end of Cox Field as a site noting that the applicant was requesting water and lights to be available at this location.

It was further noted that Mr. Thompson needed further approval through the Scout's, but needed tentative site approval from the City.

Thereupon, the Commission agreed by consensus to give site approval, but requested a more detailed plan before further consideration.

5. Appointment of Jim Bradley to KMGA. Thereupon, the Commission discussed the appointment of Utility Director Jim Bradley to serve on the Board of Directors to the Kansas Municipal Gas Agency.

This issue was considered and the Commission agreed to place the item on the City Commission agenda for July 16, 1997.

6. Bond Sale. Thereupon, the Commission reviewed documents relating to the sale of \$525,000 of ten year bonds to replace temporary financing for the 13th Street Project and \$2,575,000 of temporary notes to finance the construction of the 17th Street and Rock Street Projects.

Thereupon, the Commission agreed by consensus to place these items on the City Commission agenda for July 16, 1997.

7. Cherrywood Mobile Home. Thereupon, the Commission reviewed a resolution setting forth findings to the advisability of an improvement and ordering construction of a storm drainage system improvement adjacent to Garfield and North Cherry Streets.

Public Works Director Andy Haney noted that this project would be an improvement to the Cherrywood Mobile Home Park and would solely benefit this property. The estimated probable cost of the improvement was established at \$54,000.

The Commission agreed by consensus to place this item on the agenda for July 16, 1997.

8. OMA Charter Ordinance. Thereupon, there was presented a Charter Ordinance exempting the City of Ottawa from Kansas Statutes Annotated 79-1952.

Thereupon, the Commission reviewed a proposed charter ordinance which would allow the Municipal Auditorium to levy up to 3 mills for an Operating Budget and 1 mill for Capital Improvements.

During discussion, Commissioner Ramsey stated that he would not support such an increase, but agreed with Commissioner Finch that an increase of 2 mills for Operating and 1 mill for Capital would be acceptable.

The Commission agreed to place this item with changes on the July 16, 1997 City Commission agenda.

9. Condemnation - 110 W. 4th. Thereupon, there was presented a memo from Program Manager Wynndee Lee who recommended that a resolution be adopted to condemn an unsafe and dangerous structure located at 110 W. 4th.

The Commission agreed to place this item on the July 16, 1997 City Commission agenda.

10. **Condemnation - 904 S. Walnut.** Thereupon, the Commission reviewed a memo from Program Manager Wynndee Lee who noted that the owners of 904 S. Walnut had made improvements such that the City Inspector could grant an Occupancy Permit. Therefore, Ms. Lee recommended that the condemnation action be denied.

The Commission agreed to place this item on the agenda for the July 16, 1997 City Commission meeting.

11. **Utilization of the Carnegie Building.** Thereupon, the Commission opened discussion of the proposed utilization of the Carnegie Building and reviewed various proposals from the Ottawa Community Arts Council, Friends of the Ottawa Library, Ottawa Quilter's Guild and from Amanda Lash.

City Manager Scott Lambers noted that O.U. was looking elsewhere to satisfy their need or space.

During discussion, it was pointed out that the Ottawa Arts Council would like to utilize the entire building in cooperation and partnership with the Suzuki Strings organization and proposed to hold various classes, both promoting art and stringed instruments.

Jeanette Lowry, representing the Arts Council, further suggested that the Friends association be allowed to use the basement, but only for parameter shelving of their books, noting that the middle areas of each room would be needed for classroom areas.

Mr. Rick Olmstead, representing the Friends, stated that he did not believe this area would be sufficient for their needs.

Ms. Lowry noted that the Arts Council was prepared to pay utilities for the building, but would expect each entity who used the building to participate in some way. She further noted that the Quilter's Guild could continue to store their quilt racks and display quilts, but again, would be expected to participate in payment of utilities on the building as would the Friends, Suzuki Strings and any other group wishing to use the building. She stated that it was her hope that the Arts Council could be given the responsibility of managing the utilization of the space in the Carnegie building, including the payment of utilities and interior needs.

It was recommended that this item be brought back at the next Work Study Session.

12. **Proposed Alternative for US-50 and I-35.** Thereupon, the City Manager noted that it was his recommendation that the only acceptable option would be to replace US-50 bridge at the I-35 intersection noting that it was in the best interest of Ottawan's to retain this bridge.

Mayor Cummiskey asked if this would dilute the US-59 effort.

Commissioner Ramsey stated that he agreed with the recommendation and wanted to persuade the County Commission to work with the City on this option at the next Joint City/County meeting.

The Commission agreed to this proposal and asked staff to contact the County to have this item placed on the agenda for the Joint City/County meeting of July 16, 1997.

13. **Announcements.** Thereupon, the Mayor announced the City Commission scheduled on July 16, 1997 at 9:30 a.m. and the Joint City/County meeting at 11:45 a.m. on July 16, 1997. There will also be a Work Study Session on July 21, 1997 at 3:00 p.m.; a Work Study Session on July 28, 1997 at 3:00 p.m.; a Work Study Session on August 4, 1997 at 3:00 p.m.; and a Work Study Session on August 6, 1997 at 6:00 p.m.

14. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.


City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of July 16, 1997

Roll Call The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to approve the agenda with the addition of Item 19 A, that is, an acceptance of Cereal Malt Beverage License Application for Stop and Save, located at 1621 South Main; and with the deferment of Items 14, 15 and 16, dealing with the sale of notes and bonds until after 10 o'clock when the bids for said bonds were scheduled to be opened. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved with amendments.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the Minutes of July 2, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of July 2, 1997, approved as presented.

Public Comments

Thereupon, Mr. Wilfred Bugner, 701 East 3rd., spoke to the Commission regarding property he and his wife own in the area generally located along Esterbrook. Mr. Bugner noted that he had purchased this property in 1961 and had sold part of said property back in 1965. However he had retained a strip of land which he believed allowed access to the property. He noted

that he had been told by one of the City Dept. Heads that the property he had retained, and was trying to sell, was land locked. He stated he had tried to meet with both the City Attorney and City Manager on this issue and while the City Attorney had responded, he was not satisfied with the response. He asked why citizens could not meet with City Officials. The Mayor thanked Mr. Bugner for his comments and stated that he deserved an answer to his questions and that the City would respond or would invite him back to a Study Session to discuss the issue further.

Response to Public Comments

Thereupon, the Mayor read the following comments: Mr. Tony DeLaTorre addressed the commission regarding the creation of a Youth Services Officer within the Police Department.

Staff Response: The City Commission may wish to consider this as part of the development of the 1998 Budget.

Public Hearing

Thereupon, the Mayor opened a public hearing to consider the 1998 Operating Budget. There being no one wishing to speak to this issue, the Mayor closed the Public Hearing.

New Business

Thereupon, there was presented a recommendation to appoint Mr. Jim Bradley, Director of Public Utilities, to the Kansas Municipal Gas Agency Board of Directors.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey to approve the appointment. During discussion it was pointed out that this item was had been discussed at the July 14th Work Study Session and that Mr. Bradley would be appointed to serve two years on the KMGGA Board of Directors. It was further noted by Commissioner Ramsey that this is a re-appointment and that Mr. Bradley is currently serving in this capacity. The motion was considered and upon being put,, all present voted aye.

Thereupon, the Mayor declared the appointment of Mr. Jim Bradley Director of Utilities, to the Kansas Municipal Gas Agency Board of Directors duly approved.

Auditorium Mill Levy

Thereupon, there was presented an ordinance exempting the City of Ottawa, Kansas, from Kansas statutes annotated 70-1952, and providing substitute provision on the same subject relating to the limitation of the annual tax levy.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adopt the ordinance. During discussion it was explained that this Charter Ordinance would provide authorization for the City Commission to increase the mill levy authority to finance the operations and maintenance of the Auditorium from 1.5 mills to 3 mills with 2 mills being designated specifically for operational expenditures and 1 mill designated for capital improvements. It was further expressed that the actual mill levy amounts for the Auditorium would be established on an annual basis. The motion was considered and upon being put, all present voted aye.

Thereupon, the mayor declared the ordinance duly adopted and the Charter Ordinance was duly numbered, Charter Ordinance No. 13-97.

Condemnation 110 W 4th

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 110 W. 4th, in the City of Ottawa, Kansas. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adopt the resolution. During discussion it was explained that City Staff was recommending that the resolution be approved since no change in the condition of the bldg. from the onset of the condemnation proceedings had occurred. The City Manager noted that cost would be recovered as a lien on the property. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 951-97.

Condemnation 904 S. Walnut

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 904 S. Walnut, in the City of Ottawa, Kansas.

Thereupon, Commissioner Ramsey made a motion to deny this resolution. The motion was seconded by Commissioner Finch. During discussion it was explained that City Staff had recommended that the resolution be de-

nied since the structure had been brought into compliance with the minimum building code, and had been deemed fit for human occupation.

Thereupon, Ms. Donna Sauer, 218 West 9th, expressed frustration with this issue and asked how long it was going to take for the property to be cleaned up, noting that one window was still boarded up.

Thereupon, Ms. Teresa Santio, 904 S. Walnut, on behalf of the owner Jose Jave, noted that they had been doing work on the property, and had spent over \$1,000 for materials. She explained that they have purchased a new hot water tank, have the water and sewer working, and would continue to work on the property, as money is available.

Thereupon, Commissioner Matthews asked if the trash and debris that was on the property had been there before they had moved in. Ms. Santio responded affirmatively and that they had removed over 100 bags of trash in order to move in. Commissioner Tyson asked if Ms. Santio was one of the property owners. Ms. Santio responded negatively, stating that Jose Jave is the owner of the property. The motion was considered and upon being put, all present voted aye to deny the resolution.

Thereupon, the Mayor declared the resolution duly defeated.

Storm Drainage - Cherrywood Mobile Home Park

Thereupon, there was presented a resolution setting forth findings as to the advisability of an improvement and ordering the construction of said permanent storm drainage system improvement adjacent to Garfield and North Cherry Streets, 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.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that the proposed resolution would initiate improvement making further development of the Cherrywoods Manufactured Home Park possible. Completion of this storm drainage project is necessary for the grading of the property. It was explained that the property owner was the only one benefiting from this project and therefore, would be assuming all responsibilities for the improvement. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 952-97.

Cereal Malt Beverage License - Stop & Save

Thereupon, there was presented a request for a Cereal Malt Beverage License, for the property located at 1621 South Main, known as Stop & Save.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to approve the application. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the application duly approved.

Recess

Thereupon the Mayor noted that the Governing Body had a few moments before the next action item.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey to take a one minute recess to allow the Bond Attorney to prepare for the bid openings. The motion was considered and upon being put, all present voted aye.

Therefore, the Mayor declared the meeting duly recessed.

Reconvene

Thereupon, at 10 a.m. Commissioner Ramsey made a motion, seconded by Commissioner Finch to reconvene the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly reconvened.

Bid Opening

Thereupon, the Mayor called upon the City Clerk to open and read the results of the bid openings for the sale of \$525,000 in General Obligation Bonds, and \$2,575,000 in G.O. Notes, for the 17th Street and Rock Street improvement projects.

\$525,000 General Obligation Bonds: R S State Bank, total interest cost \$147,500, average interest cost 147,500, net interest rate 5.0%. Commerce

Bank, total interest cost \$138,845.83, average interest cost \$138,875.83, net interest rate 4.706638%. United Missouri Bank, total interest cost \$138,367.50, average interest cost \$138,367.50, net interest rate 4.690424%. Country Club Bank, total interest cost \$135,720.83, no average interest cost, net interest rate 4.600706%. Midwest Bank, total interest cost \$136,007.50, no average interest cost, net interest rate 4.61042%.

\$2,575,000 General Obligation Temporary Notes: Kansas State Bank, total interest cost \$244,625, no discount, no average interest cost, net interest rate 4.75%. Country Club Bank, total interest cost \$218,875, discount \$6,180, average interest cost \$225,055, net interest rate 4.37%. Midwest Bank, total interest cost \$218,875, discount \$6,437.50, average interest cost \$225,312.05, net interest rate 4.375%. United Missouri Bank, total interest cost 216,300, discount \$4,120, average interest cost \$220,420, net interest rate 4.28%. Commerce Bank, total interest cost \$206,000, discount \$4,145.75, average interest cost \$210,145.75, net interest rate 4.0805%. Upon the conclusion of the reading of the bids the Mayor asked for a motion on the acceptance of the low bid for the notes.

Thereupon, Commissioner Matthews made a motion seconded by Commissioner Finch, to accept the low bid from Commerce Bank, 1000 Walnut Street of Kansas City Mo., at an average interest cost of \$210,145.75 and a net interest rate of 4.0805%. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the bid from Commerce Bank, \$2,575,000 of General Obligation Temporary Notes Series 1997 duly accepted.

Bond Bid

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews, to accept the bid from County Club Bank, with a total interest cost of \$135,720.83, and a net interest rate of 4.600706. The motion was considered and upon being put, all present voted aye.

Thereupon the Mayor declared the bid on \$525,000 General Obligation Bonds Series 1997 from County Club Bank, at an interest rate of 4.600706% duly approved.

Bond Ordinance, 13th Street

Thereupon, there was presented an ordinance authorizing the issuance and delivery of \$525,000 principal amount of General Obligation Bonds, Series 1997, of the City of Ottawa, Kansas: providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on

the bonds as they become due; and making certain covenants with respect thereto.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adopt the ordinance. During discussion it was explained that this ordinance will authorize the \$525,000 General Obligation Bonds to provide the long term financing for the 13th Street Project. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3237-97.

Bond Resolution, 13th St.

Thereupon, there was presented a resolution prescribing the form and details of and authorizing the delivery of \$525,000 principal amount of General Obligation Bonds, Series 1997, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3237-97 of the City; and making certain covenants with respect thereto.

During discussion it was explained that this resolution further authorized the \$525,000 in G.O. Bonds for the long term financing of the 13th Street Project. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 949-97.

Temporary Notes - 17th St. & Rock Street Program

Thereupon, there was presented a resolution authorizing the issuance and delivery of \$2,575,000 General Obligation Temporary Notes, Series 1997, of the City of Ottawa, Kansas, and prescribing the terms and details of the notes.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adopt the resolution. During discussion it was explained that this issue established short term financing of \$1.5 million dollars for the 17th St. Project and \$800,000 for the Rock Street Project, as well as \$275,00 of pre funded interest. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 950-97.

Monthly Financial and Activity Reports for the Month of May

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adopt the Monthly Financial and Activity Reports for the Month of May 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial & Activity Reports for the Month of May 1997, duly approved.

Announcements

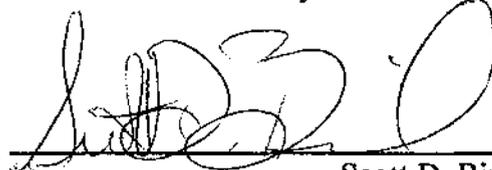
Thereupon, the Mayor made the following announcements: There will be a Budget Work Study Session July 21, 1997 at 3 p.m., a Budget Work Study Session July 28, 1997 at 3 p.m., a Budget Work Study Session August 4, 1997, at 3 p.m. There will be a Work Study Session August 6, 1997 at 6 p.m., a Work Study Session on August 11, 1997 at 3 p.m. and a Work Study Session August 18, 1997, at 4 p.m. The next regular meeting of the City Commission is scheduled for August 20, 1997 at 9:30 a.m., and there will be a Joint City/County meeting on August 20, 1997 at 11:45 a.m. at City Hall in the upstairs conference room.

Adjournment

There being no further business to come before the Commission, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

July 21, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Attorney, Bob Bezek; City Staff: Scott Bird, Wynndee Lee, Andy Haney, Judy Hasty, Richard Towe, Dick Smith, Jeff Herrman, Jim Bradley, Jim Shaw, and Sarah Plinsky.

Guests: Wayne Burns, Barbara Dew, Rick Olmstead and other representatives of the Friends of the Library, Jeanette Lowry and other representatives of the Community Arts Council. Media: Bill Tellier, Bill Gray and Scott Welgas. Absent: Barb Nelson.

1. Review of July 2, 1997 and July 7, 1997 Work Study Session Minutes.

Thereupon, the Commission reviewed and accepted the minutes of July 2, 1997 and July 7, 1997.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for August 6, 1997, noting that changes would occur.

3. Public Hearing Notification. Thereupon, the Commission heard from City Manager Scott Lambers regarding correspondence from City Attorney Bob Bezek and Attorney Ronald Schneider, representing unnamed clients, regarding the need for a public hearing concerning the proposed demolition of the former Ottawa Middle School building. Mr. Lambers recommended that the City Commission provide notice by establishing the meeting of September 3, 1997 at 7:00 p.m. as a public hearing date and time for discussion of the proposed demolition of the building located at 5th and Main, formerly known as the Ottawa Middle School. It was further recommended that the proponents and opponents of the issue be given a maximum of 45 minutes each to present their positions to the City Commission with both the proponents and the opponents being required to have their presentations conform to State law.

The City Manager further recommended that 15 minutes of the proponent time period be dedicated to the applicant in this matter, i.e., USD 290, and that upon conclusion of the comments being received by the City Commission, the public hearing be continued to the meeting of September 17, 1997 at 9:30 a.m. and at that meeting, both proponents and opponents of the issue of demolition be given 15 minutes to present rebuttal and closing comments in accordance with State law. Again, the applicant, USD 290, should be given 15 minutes of the time period allocated for the proponents of the issuance of a demolition permit.

Upon conclusion by the comments being received by the City Commission, the public hearing will be closed and the matter will be considered for discussion and action by the City Commission.

4. Carnegie Building Discussion. Thereupon, the City Commission heard from Jeanette Lowry representing the Community Arts Council. Ms. Lowry noted that she believed the Arts Council could pay for utilities for the entire building at the onset of their being allowed to use the Carnegie building.

Mr. Bob Reusch, representing the Friends of the Library, stated that he would like to see the building shared.

Thereupon, Mr. Rick Olmstead, representing the Friends of the Library, noted that they would like to share the building and would be able to pay something towards the utilities.

Commissioner Finch asked if it was the Arts Council position that the entire basement would be needed for the Arts Council and Suzuki programs. Ms. Lowry responded that the Arts Council was prepared to allow the Friends to stay in the basement, providing they restrict their books to perimeter shelving, noting that the Suzuki groups and ceramic classes would be utilizing the center of these rooms. Mr. Olmstead noted that this would not leave enough room for sorting and storing books. Ms. Lowry noted that, if in fact, the Friends were only willing to apply \$1,000 towards the utilities and retain the entire basement floor, that the Arts Council would consider taking the other two floors, but would only be able to match the \$1,000 toward utilities.

Commissioner Matthews stated that he would like to see the Friends continue to use the basement of the Carnegie building, but that he would expect more than one sale per year.

Ms. Lowry suggested that the Commission visit the current Art Council facilities.

Commissioner Ramsey stated that he was in agreement with Commissioner Matthews and suggested that the Arts Council and the Friends of the Library set down at a table together and work out an agreement, but that he was adamant that the entire utilities be paid for by the users of the facility.

The City Manager noted that it would be possible to bring this issue back before the Commission on August 18, 1997, noting that any proposals would need to be turned into him by August 10, 1997.

5. Surface Water Quality Issues. Thereupon, the City Manager reviewed a report from the League of Kansas Municipalities regarding Kansas Surface Water Quality Standards. It was noted that a coalition of League members had agreed that it would be necessary to continue to retain the consultant of this report, Mr. John Hall, to represent the League's interest before the Water Quality Standards Commission. Mr. Lambers noted that through these efforts, the coalition had raised serious challenges to water quality issues posed by the Kansas Department of Health and Environment, and further stated that an additional \$3,000 spent by the City would be very well spent regarding this issue.

The Commission agreed by consensus to proceed and retain Mr. John Hall and to pay it's share of retaining the consultant.

6. **Discussion of CIP.** Thereupon, the Commission heard from Public Works Director Andy Haney regarding the proposed Public Works building. Mr. Haney noted that he had worked with Mr. Earl Devore, Architect, to eliminate parts of the inside of the proposed building and to estimate that his people could do part of the site work to reduce the costs of the building to approximately \$750,000.00 as directed by the Commission.

The City Manager did note that this did not include equipment and that a total cost after the inclusion of equipment, would be approximately \$800,000. He noted that this project would be scheduled for 1998 in the CIP, to be financed in 1999.

The City Governing Body discussed this issue and agreed to the \$750,000.00 project cost.

7. **Overview of 1998 Budget.** Thereupon, the City Manager provided the Commission an overview of the proposed 1998 Operating Budget, noting various changes to the budget and its format.

8. **Open Agenda.** Thereupon, Commissioner Matthews asked if other entities were being approached regarding the 911 issue stating that they were not paying their fair share.

9. **Announcements.** Thereupon, the Mayor announced a Work Study Session scheduled for 3:00 p.m. on July 28, 1997, a Work Study Session scheduled for 3:00 p.m. on August 4, 1997, a Work Study Session scheduled for 6:00 p.m. on August 6, 1997; a City Commission Meeting on August 6, 1997 at 7:00 p.m. and a Work Study Session scheduled for August 11, 1997 at 3:00 p.m.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Finch to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

3:00 P.M.

August 4, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Dick Smith, Jeff Carner for Richard Towe, Jeff Herrman, Andy Haney, Jim Bradley, Jim Shaw, and Barb Nelson. Guests: Barbara Dew and Raquel Fleer. Absent: Bob Bezek, Richard Towe, and Sarah Plinsky. Guests: Keith Gaeddert, Scott Wasser, Emily, Matthias, Raquel Fleer, Barbara Dew, Virginia Lancaster; Media: Valerie Wolf, and Scott Welgos.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the minutes of July 28, 1997.

Mayor Cummiskey asked that the minutes be amended to reflect her request for a report from City Hall and Library personnel regarding the use of the new building.

Thereupon, the Commission accepted the Work Study Session minutes of July 28, 1997 as amended.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for the regular meeting scheduled for August 6, 1997, noting that some changes would occur.

3. Request for Reconsideration of Public Hearing Date OMS. Thereupon, the Commission reviewed a letter from Mr. Ron Schneider and a response to that letter from the City Manager. In Mr. Schneider's letter, he requested that additional time be granted before the City consider a demolition permit to raze the former Ottawa Middle School building.

During discussion, the Commissioner's voiced disapproval of the tone of Mr. Schneider's letter; however, they agreed to consider moving the dates of the public hearing to the two meetings in October, which will be October 1, 1997 and October 15, 1997.

The City Manager also pointed out that the City Attorney, in order to avoid any conflict of interest, would be representing the City during the public hearings and that the school district will be on their own for representation during those meetings.

4. 1996 Audit. Thereupon, Mr. Keith Gaeddert of Agler & Gaeddert, reviewed the 1996 Audit with the Commission, noting that the audit was, in fact, a clean audit with no qualifications and that the City's cash position was stronger than the year before. Mr. Gaeddert did note one recommendation regarding internal control, that is, the need for a backup person at Municipal Court, noting that some deposits are held far too long before they are made.

The Mayor thanked Mr. Gaeddert for his time, noting that this was the best audit she had seen in her five years as a Commissioner. Mr. Gaeddert concurred.

5. 1998 Budget Review - Animal Shelter. Thereupon, Ms. Emily Matthias representing the B. Martin Peck Animal Shelter reviewed the budget for the Animal Shelter with the Commission, noting that they had asked the City for an additional \$5,000 over the previous year. Ms. Matthias also explained that it cost the animal shelter an average of \$35 per animal for each animal brought into the shelter. She noted that they had requested the County Commission to raise their level of support from \$8,000 to \$20,860, which would be in keeping with the County's 1996 level of usage. However, she stated that the Commission had not responded, except to say that they would look at the request.

Commissioner Matthews noted once again, the City is picking up more than their share and suggested that the Commission press this issue to the County during the next Joint City/County meeting.

Ms. Matthias also explained, in response to the City Manager's questions, that animals the Humane Society staff believe are adoptable may be spayed or neutered and will not be destroyed after an investiture. She explained that according to State law, they must hold a stray for a minimum of three days, but they usually hold animals for five to six days. She further explained that the shelter has developed a foster home network, even outside of the community, and strive to place animals in these foster homes rather than destroy them. She noted that a typical stay for these types of animals would be between two and eight weeks. If an animal is destroyed it is done with an injection, and then the animal is incinerated.

The Commission thanked Ms. Matthias for her time.

6. 1998 Budget Review - Ottawa Library. Thereupon, the Commission heard from Barbara Dew and Virginia Lancaster, representing the Ottawa Library, who reviewed the proposed Library Budget for 1998, noting that certain items are still somewhat uncertain. They pointed specifically at utility costs in the new building.

It was noted that the county libraries had met regarding the possibility of a County-wide mill levy. Commissioner Matthews noted that he was not optimistic that this would materialize. Ms. Dew explained that if they go to a County-wide levy, they would lose some of their grant monies, and quite frankly, were better off now. Commissioner Matthews noted that 30% of the use of the City Library occurred by people outside the city limits.

It was also mentioned that the Library would like to continue to build towards their automation. Thereupon, they requested an additional .25 mill for the 1998 Budget year.

The Commission agreed to consider their request and thanked the representatives for their time.

7. 1998 Budget Review - Ottawa Municipal Auditorium. Thereupon, the Commission heard from Mr. Dick Smith and Mr. Scott Wasser, representing the Auditorium Board, who reviewed the 1998 proposed budget for the Ottawa Municipal Auditorium. In addition, they also distributed a list of proposed capital needs and requested additional funding be granted for the 1998 Budget for those capital needs. The Commission reviewed the list and Mr. Lambers noted that a proposed contract with Huxtable, for ongoing maintenance on the boiler system, would not be a capital item, and should be embodied in the operation cost. Other items included: refinishing of the stage floor, spotlights, and others. The Commission asked that the Auditorium Board prioritize their needs and return the list to the Commission.

Thereupon, Mr. Wasser also asked to address the Commission regarding quality of life issues. He stated that quality of life issues were very important to the community, but that some duplication of efforts were being made. He suggested some type of summit be held with providers of quality of life and that coordination of these efforts be made so the community could get the most out of their quality of life dollars. Mr. Lambers suggested that this type of activity should occur, but someone should be in charge to coordinate such an effort. He noted that many of the quality of life providers would not fall under the purview of the City.

The Commission thanked Mr. Wasser for his input.

8. Public Comments. No public comments were brought forth.

9. **Open Agenda.** Thereupon, Commissioner Ramsey reminded the Commission that the Kansas Department of Transportation, would be having a highway meeting in Chanute on August 21, 1997.

Thereupon, Commissioner Finch gave a report regarding the meeting between the County Commission and representatives of surrounding cities within the County. He noted that it predominately dealt with County road issues. However, he did speak to the 911 issue, explaining the City's position. He noted that the response from the other cities was that they did not want to pay any more taxes, and suggested to the County that their proposal for a County dispatch be persued.

Mayor Cummiskey asked if the close of budget was too close to follow-up on this issue. The City Manager agreed that it was too close, and that if anything were done it would have to be deferred until 1999.

Thereupon, Commissioner Ramsey asked if the person in charge of parking meters could be used in another capacity, such as an additional court clerk, or as the requested backup person at 911. The City Manager stated that it was too premature to respond to such a request, but suggested that if such a action were necessary, his recommendation would be to advertise for a new position rather than try to assimilate an existing person.

Thereupon, Mayor Cummiskey asked if the Strategic Plan could be cleaned-up and given to the Commission as a draft.

Thereupon, Commissioner Ramsey asked if there was anything new on the rails-to-trails issue. The City Manager responded that he had sent his revisions to the State; however, he noted that the project would proceed, and in all likelihood would be built this year.

Thereupon, Mayor Cummiskey asked if someone from Mr. Bezek's firm would be representing 290 at the OMS public hearing. Thereupon, the City Manager responded negatively.

10. **Announcements.** Thereupon, the Mayor announced a Work Study Session scheduled for 6:00 p.m. on August 6, 1997; a City Commission Meeting on August 6, 1997 at 7:00 p.m. and a Work Study Session scheduled for August 11, 1997 at 3:00 p.m.

11. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.


City Clerk

STUDY SESSION MINUTES

6:00 P.M.

August 6, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jeff Herrman, Andy Haney, Jim Bradley, Jim Shaw, Sarah Plinsky and Barb Nelson. Guests: Carolyn Retzer, Joe Blake, Jim Grogan, Lou Atherton and John Montgomery. Media: Scott Welgos.

1. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for the regular meeting scheduled for August 6, 1997, noting that some changes would occur.

2. **Good Sam Clean-up Day.** Thereupon, the Commission reviewed a proclamation declaring August 30, 1997 as Good Sam Clean-up Day.

Thereupon, the Commission agreed to place this item on the agenda for the August 6, 1997 regular City Commission meeting.

3. **Chamber Signage.** Thereupon, the Commission heard a report from Mr. John Montgomery, representing a Chamber of Commerce sub-committee in charge of a proposition to increase the signage in Ottawa. Mr. Montgomery reviewed with the Commission, possible alternatives for welcome signs at the Ottawa entrance areas. Mr. Montgomery stated that it was the Committee's recommendation to place two signs as early as possible; one at the US-59 South side entrance, South of the Woods Mini-Mart area, and one on the East entrance along the K-68 corridor. He presented several pictures of signs from other communities, stating that the estimated cost for any one entrance sign would be between \$5,000 and \$6,000 and that the Committee was recommending something made from wood, along with some type of stone posts. Mr. Montgomery stated that it was the Committee's intention to obtain approximately half of the price of the signs through private sources, but was asking the City to match these efforts. It was noted that the 1998 Budget had allowed \$5,000 for such signage. It was further noted that Sandcreek Nursery had offered to provide landscaping and upkeep on the sign to be located at the North end of town and possibly a similar agreement could be worked out on other signs. Mr. Montgomery stated that it was their hopes to have signs up at all entrances to the City.

4. Public Comments.

Comments by Ms. Carolyn Retzer: Thereupon, Ms. Carolyn S. Retzer, 1135 N. Sycamore, spoke to the sign issue, stating that she believed spending thousands of dollars on signs was unnecessary and asked if the Commission would involve the Arts Council, stating that she believed it would be less expensive. She also offered suggestions, such as utilizing the OU Art Department and other community groups.

Ms. Retzer also addressed the issue of the B. Martin Peck Animal Shelter, noting that she had seen in the paper that the City's appropriations were to be increased for the next year's budget. Ms. Retzer noted that she had been a volunteer there for a short period of time and stated that she did not believe tax savings was going on at the shelter. She also complained that she had tried to adopt an animal and was denied adoption since she did not have a fenced in yard. She expressed concern that the shelter was accepting animals from out-of-county and from the American Kennel Club, noting that animals from the American Kennel Club are later adopted out at no cost to the Kennel Club. She suggested that the animal shelter adjust their hours to be more convenient to the public.

Thereupon, the Mayor asked if these concerns had been brought to the operators of the shelter. Ms. Retzer responded affirmatively. The Commission thanked Ms. Retzer for her comments.

Comments by Mr. Joe Blake: Thereupon, Mr. Joe Blake of 234 S. Locust, addressed the Commission expressing concerns that the City had chosen to use a collection agency to collect unpaid court fines. Mr. Blake asked if these people could not be sent to jail instead of being harassed by a collection agency.

Commissioner Matthews asked Mr. Blake what the City should do when someone leaves town. Chief Herrman explained that Municipal Ordinances are not expedited out-of-state and that when violators leave the state, it leaves the City with uncollected court cost.

The City Manager explained that staff does not have the ability or manpower to collect these unpaid fines and that if someone is in fact out-of-state, the City has no recourse. This is an effort that provides no risk to the City and is a day-to-day contract. Mr. Lambers also explained that the City would be sending only its longest and largest fines to the collection agency.

The Commission thanked Mr. Blake for his comments.

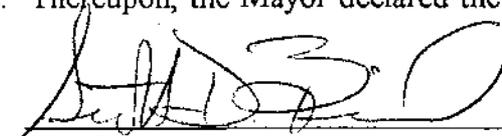
Public Comments - Continued:

Comments by Mr. Jim Grogan: Thereupon, Mr. Jim Grogan addressed the Commission, stating that after his comments to them at an earlier meeting regarding stormwater drainage, he had been confronted by other citizens who had similar problems. Mr. Grogan stated that he did not realize how pervasive the problem was. He further encouraged the Commission to take a close look at this problem.

He also asked about what the results of the City's sewer tests. Mr. Jim Bradley noted that the tests were ongoing, but would be glad to share information with Mr. Grogan if he was interested in the results.

Mayor Cumiskey responded that the Commission is looking at stormwater drainage and searching for ways to fund its refurbishment.

5. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch to adjourn the Work Study Session and move into the Commission chambers for the regular City Commission meeting. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of August 6, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the regular City Commission Meeting Minutes of July 16, 1997, and the Special Call Meeting Minutes of July 21, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of July 16, 1997, and July 21, 1997 duly approved as presented.

Public Comments

No one from the public requested to speak at this meeting.

Response to Public Comments

Thereupon, the Mayor read the response to public comments made at the meeting of July 16, made by Mr. Willford Bugner.

Staff Response: The City Commission took the statement under advisement and instructed the City Manager to prepare a response to be provide to the City Commission within thirty (30) days of the July 16th meeting.

Thereupon, Mr. Lambers explained that the response had been finalized and would be presented to the Commission for their approval by August 8th, and that it would be scheduled for consideration at a future meeting, tentatively August 18.

Presentations and Recognitions

Thereupon, the Mayor read a proclamation declaring August 30, 1997 as Good Sam Cleanup Day.

New Business

Central Business District for Residential Dwellings

Thereupon, there was presented a resolution creating a revitalization program for residential dwellings in the Central Business District of the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adopt the resolution. During discussion it was explained that this resolution would establish as City policy, a more aggressive effort to stimulate residential redevelopment in the City's Central Business District, by waiving all fees related to the issuance of building permits and directing any board or Commission having jurisdiction to issue a variance, exception or waiver for any regulation. The City Manager explained that this was a pro-active attempt to work with this unique situation on a case by case basis. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 953-97.

Cutting of Weeds and Vegetation

Thereupon, there was presented an ordinance relating to the cutting of weeds and vegetation, providing for notice, and providing for cutting by the City of Ottawa, Kansas, and providing for charges therefore, and repealing Section 2 or Ordinance 3226-97.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the ordinance. During discussion it was explained that due to a change in state law, it was necessary for the City to repeal the sunset clause in the City's current weed ordinance. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3238-97.

Acceptance of Utility Mutual Aid Program

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch to adopt a Mutual Aid Program which would formalize the City's participation with other Electric Utilities in Kansas and Oklahoma. The City Manager explained that this would coordinate staffing and equipment for member cities in times of disaster. He further explained that this would not be a gift. Any time spent by one utility for another city must be paid for. There are no fees attached to membership. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the acceptance of a Utility Mutual Aid Program duly approved.

Acceptance of Health & Dental Plan

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to accept the 1997 - 1998 Health and Dental Plan to retain the City's current provider Kansas City Life, and that current premium levels for both City and employees and remain unchanged. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the acceptance of the 1997- 1998 Health and Dental Plan duly approved.

Acceptance of 1998 Capital Improvement Plan

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews to accept the 1998 CIP for budgetary purposes. During discussion it was explained that the 1998 CIP had been reviewed by Staff and Commission at previous work study sessions, and that Staff recommended the 1998 CIP be adopted for budgetary purposes, and further be formally adopted as part of the City budget process, during the

1998 Budget. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the 1998 CIP approved for budgetary purposes.

Acceptance of 1996 Audit

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to accept the findings of the 1996 Audit as presented by Agler & Gaeddert Chartered. During discussion it was explained that the 1996 Audit had been reviewed at the August 4, Work Study Session. Thereupon, the Mayor commended the City Manager, the City Clerk/Finance Director, the City Treasurer and Staff for their hard work in presenting a financial situation allowed for such a fine audit. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the 1996 Audit duly approved.

Announcements

Thereupon, the Mayor made the following announcements: There will be a Work Study Session on August 11, 1997 at 3 p.m. and a Work Study Session August 18, 1997, at 3 p.m., a Joint City/County meeting on August 20, 1997 at 11:45 a.m. at City Hall in the upstairs conference room, and there will be a Work Study Session on August 25, 1997 at 3: p.m. The next regular meeting of the City Commission is scheduled for August 20, 1997 at 9:30 a.m.

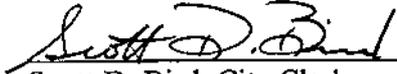
Thereupon, the City Manager announced that the City Commission would be meeting with representatives of the Kansas Dept. of Transportation on September 15, and that the County Commission would be represented during those meetings.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

August 11, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jeff Herrman, Andy Haney, Jim Bradley, Jim Shaw, Sarah Plinsky and Barb Nelson. Guests: Barbara Dew, Murray McGee, Lou Atherton. Media: Scott Welgos, Bill Gray and Bill Tellier.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the Work Study Session Minutes of August 4, 1997.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for the regular meeting scheduled for August 20, 1997, noting that some changes would occur.

3. Neighborhood Revitalization. Thereupon, the Commission discussed the necessity to designate a representative to serve on the review committee with representatives from the County and School District.

Thereupon, Commissioner Finch stated that he would like to be considered for the appointment. During discussion, it was suggested by the City Manager both a representative and an alternate representative be designated.

Thereupon, the Commission agreed by consensus to appoint Commissioner Finch as the designated representative and Commissioner Ramsey as the alternate representative.

4. Condemnation of 811 S. Oak. Thereupon, the Commission reviewed a recommendation from Program Manager Wynndee Lee to proceed with the condemnation of a structure located at 811 S. Oak

The Commission agreed to place this item on the City Commission agenda for August 20, 1997 and set a public hearing for November 5, 1997.

5. Condemnation of 731 N. Mulberry. Thereupon, the Commission reviewed a recommendation from Program Manager Wynndee Lee to proceed with the condemnation of a structure located at 731 N. Mulberry.

The Commission agreed to place this item on the City Commission agenda for August 20, 1997 and set a public hearing for November 5, 1997.

6. Uniform Plumbing Code. Thereupon, the Commission heard a recommendation from Planning Director Jim Shaw to adopt the 1994 Uniform Plumbing Code. Mr. Shaw noted that the City is currently using the Uniform Plumbing Code of 1985

The Commission agreed to place this item on the August 20, 1997 City Commission agenda.

7. Work Zone Speed Limits. Thereupon, the Commission considered a recommendation from Public Works Director Andy Haney proposing an ordinance for the establishment of speed limit work zones. Mr. Haney recommended that the City authorize a 20 m.p.h. speed limit in work zones and provide for extraordinary penalties related to speeding within work zones.

The Commission discussed this issue, offering several suggestions on what fines might be imposed, up to and doubling the normal fee.

The City Manager stated that he would bring this item back to the Commission.

8. Purchase of Computer for Mayor/City Commissioners Office. Thereupon, the Commission discussed a recommendation from Commissioner Finch to place a computer in one of the empty offices to be utilized by the Commissioner's themselves.

Commissioners Tyson and Ramsey both spoke in opposition. Commissioners Finch, Matthews and Mayor Cumiskey supported the idea. Thereupon, the Commission directed the staff to purchase and place a computer in one of the offices designated for Commission use.

9. 1998 Budget Review. Thereupon, the Commission reviewed the miscellaneous fund budgets with the City Manager. In addition, they heard from Tourism Director Murray McGee who was asking that the City not cut his appropriation from \$17,000 to \$14,000. It was noted that the County had raised their contribution from \$12,000 to \$14,000.

Thereupon, Commissioner Matthews suggested that the Commission authorize an increase from the proposed \$14,000 as previously discussed by the Commission to \$15,200 thereby eliminating any loss of revenue from the two supporting entities. The Commission agreed to this suggestion.

The Commission spent approximately one hour discussing the Miscellaneous Fund budgets.

10. Public Comments. There was no one who wished to speak to the Commission at this meeting.

11. Open Agenda.

City Signage: Thereupon, Commissioner Ramsey stated that regarding the signage issue which had been discussed at the previous Work Study Session, he hoped that money would be made available for a sign within the City limits as well as signs at the entrances.

Thereupon, City Manager Scott Lambers explained that it was his intent that the \$5,000 set aside for signage purposes be used for internal signage and that if the Commission wishes to consider the Chambers request, an additional \$2,500 be placed in the signage line item.

Rails-to-Trails: Thereupon, Commissioner Ramsey asked about the Rails-to-Trails issue.

Thereupon, City Manager Scott Lambers explained that he had spoke to the Attorney for the Wildlife and Parks Department, noting that the Kansas Department of Transportation was putting pressure on Wildlife and Parks to push for an agreement from the City. The City Manager explained that he had communicated to them that the City is under no obligation to sign such an agreement.

League of Kansas Municipalities Conference: Thereupon, the Mayor asked the City Manager to have Barb Nelson, Administrative Secretary, register the City Commission for the upcoming League of Kansas Municipalities Conference in October.

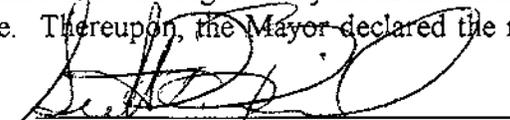
Wheat Bowl Invitation: The Mayor passed around an invitation from Ellinwood, Kansas to the Wheat Bowl.

Department of Transportation Meeting: The Mayor confirmed that the Commission would be meeting with the Secretary of Transportation at 10:30 a.m. on September 15, 1997.

City Auction Results: Thereupon, the Mayor called upon City Clerk Scott Bird to provide the results of the recently held auction of used City equipment. Thereupon, Mr. Bird explained that the gross receipts for the auction were \$21,561.50. After expenses and commission was paid to the auctioneer, the City's share was \$18,825.27. After all other expenses; overtime, manpower, and rented equipment, the City realized approximately \$17,300.

The Mayor and City Manager expressed their appreciation to Mr. Bird and City staff for this effort.

12. Adjournment. There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session and move into the Commission chambers for the regular City Commission meeting. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

3:00 P.M.

August 18, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Attorney Bob Bezek; City Staff: Scott Bird, Judy Hasty, Richard Towe, Jeff Herrman, Andy Haney, Jim Bradley, Dick Smith, Jim Shaw, Sarah Plinsky and Barb Nelson. Guests: Paula Reeve, Bob Dunn, Mr. and Mrs. Wilfred Bugner, Margie Engelkemier, Barbara Dew, Lou Atherton and John Montgomery. Media: Scott Welgos, Bill Gray and Bill Tellier.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted, with changes, the Work Study Session Minutes of August 6, 1997 and August 11, 1997.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for the regular meeting scheduled for August 20, 1997, noting that some changes would be made during this meeting.

3. Tree City USA. Thereupon, the Commission heard from Mr. Bob Dunn of the Chamber of Commerce Public Affairs Committee and Ms. Margie Engelkemier, Public Relations Specialist for KPL. Mr. Dunn and Ms. Engelkemier requested that the City apply to become a Tree City USA, noting that certain parameters would have to be met, specifically the care and upkeep of trees within the City and on City rights-of-way as well as establishing a tree ordinance that would help direct the preservation and care of trees.

The City Manager suggested that in order to participate in this endeavor, in his opinion, an additional \$10,000 would need to be budgeted for the creation and development of a nursery program and ongoing care for City trees. The City Manager stated that if the City planned to have a program, it should dedicate the level of true commitment to the program.

The Commission thanked Mr. Dunn and Ms. Engelkemier for their suggestion.

4. ORC Request to Close Forest Park. Thereupon, the Commission heard from Ms. Paula Reeve, representing the Ottawa Recreation Commission. Ms. Reeve stated that ORC would like to close Forest Park on Saturday, October 25, 1997 and Sunday, October 26, 1997 from 5:00 p.m. to 11:00 p.m. in order to sponsor a "Haunted Forest Tour" through the park and a jack-o'-lantern patch in the swimming pool area.

The Commission asked what fees would be charged for such an activity. Ms. Reeves stated that the Recreation Commission planned on charging \$1 per child and \$2 for adults.

Thereupon, the Mayor asked if Mr. Burns of the Recreation Commission could put together a map of his intentions for the activities. The City Manager was directed to follow-up on this idea.

5. Ottawa Middle School Proposed Demolition. Thereupon, the Commission discussed possible times and dates for a public hearing to be held concerning the proposed demolition of the old Ottawa Middle School. It was decided that the meeting of September 17, 1997 would be moved to 7:00 p.m. in order to accommodate both major interests.

6. COF Grant. Thereupon, there was presented a request from Mr. Dan Andrews, Director of COF, requesting a letter of support from the City for COF Training in applying for a Grant of \$79,000 to assist in financing a capital improvement project.

The Commission discussed this issue and agreed to authorize the Mayor to sign such a letter of support.

7. Bugner Property Update. Thereupon, the Commission heard from Mr. and Mrs. Wilfred Bugner. Mr. Bugner expressed his dissatisfaction with the City Attorney's response to the Bugner's question regarding an alleged intersection adjacent to property owned by the Bugner's, generally located at Burrough and Estabrook Streets.

In his response, the City Attorney stated that he saw no clear intent to reserve the intersection of Burrough and Estabrook Streets.

Mayor Cummiskey suggested to Mr. and Mrs. Bugner that they work with the Planning Commission to request a variance, which would be a preliminary solution to their request.

Mr. Bugner encouraged the Commission to vote that there was in fact an intersection in accordance with information he provided suggesting that if the Commission did not agree with his position, he would have to seek other legal remedies.

8. **1998 Budget Review.** Thereupon, the Commission heard from City Clerk Scott Bird who requested that \$5,000 be placed back into his original request for the 1998 Budget for upgrades to the Finance Departments Computer Systems.

The Commission agreed to consider this request.

Thereupon, Commissioner Ramsey asked if the \$10,000 additional which had been requested by the Library were not used, if it would be carried over to the next year. Ms. Barbara Dew responded affirmatively. Thereupon, Ms. Dew noted that the Library is to the point of needing to make a decision, in that they have examined automated systems and are looking to review at least one more, but they are close to making a decision.

9. **Public Comments.** There was no one who wished to speak to the Commission at this meeting.

10. **Open Agenda.**

TCI: Thereupon, Mayor Cumiskey asked if the City would place a request to TCI to provide a character generator so the Government Channel could be implemented.

Juvenile Justice Discussion: Thereupon, the Mayor reminded the Commission that they would be meeting at 3:30 p.m. at the County Courthouse Commission Chambers on Monday, August 25, 1997 for a juvenile justice discussion and would not be meeting during the regular work study session time on that date.

Retail Wheeling: Thereupon, the Mayor read a letter of response from Mr. Sam Brownback, regarding his position on retail wheeling.

Rails-to-Trails: Thereupon, the Commission asked for a report from the City Manager regarding the rails-to-trails issue.

Thereupon, the City Manager explained that he had only recently been advised that KDOT was regarding an agreement with the City of Ottawa as necessary before the project would proceed. Therefore, he drafted a letter of response and the Mayor had reviewed said letter. Mr. Lambers explained that he had expressed his astonishment and stated his belief that this was a heavy-handed effort to force an agreement. He stated that the City would not negotiate until this matter was resolved. He further stated that the letter would be copied to Secretary Carlson and the Governor.

Leadership Summit: Thereupon, Commissioner Ramsey noted that he had attended a recent leadership summit at Colorado Springs.

11. Adjournment. There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session and move into the Commission chambers for the regular City Commission meeting. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of August 20, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to approve the Special Meeting of July 31, 1997, and the Regular Commission Meeting Minutes of August 6, 1997, as written. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of July 31, 1997, and August 6, 1997 duly approved.

Public Comments

Thereupon, Mr. Wilfred Bugner, 701 East 3rd, again asked the commission to agree that an intersection existed relating to his property, and asked that they not ignore this issue and force him to seek legal remedies. The Commission thanked Mr. Bugner for this comments.

Next to address the Commission was Merle Taylor Sr., 725 Cypress. Mr. Taylor stated that he had noticed in the paper where the City planned to increase fines for speeding infractions in construction zones. He asked if the same could not be done for the cross walk at Eugene Field Grade School. Mr. Taylor noted that as the Crossing Guard he has drivers go through the cross walk on 7th Street when he has children on the cross walk. The City Attorney stated he would have to visit this issue, but suspected it was controlled by State Law. He did; however, state that it was a policy of the prosecutor not to allow any plea bargaining for such violations. The Mayor asked if this issue could be returned in the near future.

New Business
Condemnation, 811 South Oak

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq; at which time the owners, their agents, lien holders of record and any occupants of the structure located on Lots 9 and 11, Block 4, Hamblin-College Addition, in the City of Ottawa, Franklin County, Kansas, also known as 811 S. Oak, may appear and show cause why said structure should not be condemned and ordered repaired or demolished.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that this action was necessary for the City Commission, pursuant to state law, to set a public hearing to consider a condemnation of a single family structure located at the afore mentioned address, and that a public hearing would be scheduled by the adoption of this resolution for October 1, 1997 at 7 p.m The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 954-97.

Condemnation, 731 North Mulberry

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa Kansas, pursuant to K.S.A. 12-1750, et seq; at which time the owners, their agents, lien holders of record and any occupants of the structure located on Lots 5 and 7, Block 17, Bowles, Sheldon & Toppings Addition, in the City of Ottawa, Franklin County, Kansas, also known as

731 North Mulberry, may appear and show cause why said structures should not be condemned and ordered repaired or demolished. Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey to adopt the resolution. During discussion it was explained that this action was necessary for the Governing Body, pursuant to state law, to set a public hearing to consider a condemnation of a single family structure at the afore mentioned address scheduled for October 1, 1997, at 7 p.m. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 955-97.

Uniform Plumbing Code 1994

Thereupon, There was presented an ordinance incorporating by reference the Uniform Plumbing Code, 1994 Edition, under the authority of K.S.A. 12-300 and making revisions, elections, substitutions and additional provisions therein, and repealing Ordinance 2941-90.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the City of Ottawa was operating under the 1985 Uniform Building Code, and Staff had recommended the update to the 1994 Uniform Plumbing code. The motion was considered and upon being put, all present voted aye. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the Ordinance was duly numbered, Ordinance No. 3229-97.

Construction Zone Speed Limits

Thereupon, there was presented an ordinance providing for the regulation of vehicular and pedestrian traffic by establishing speed limits.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adopt the ordinance. During discussion it was explained that this item had been discussed at the August 11, 1997 Work Study Session, and Staff recommended this provision to the current traffic ordinance, which would establish speed limits and penalties in work zones. It was further explained by Staff that this would double the fine for infractions within work zones. The motion was considered and upon being put, all present voted aye.

Neighborhood Revitalization Review Committee

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson to appoint Commissioner Finch as the City's representative to the Neighborhood Revitalization Review Committee and that Commissioner Ramsey serve as an alternate to this position. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared Commissioner Finch the City's representative and Commissioner Ramsey the alternative representative to the Neighborhood Revitalization Review Committee.

CMB-Soo Garden Chinese Restaurant

Thereupon, there was presented an application for Cereal Malt Beverage License for consumption on the premise, located at 210 South Main, also known as Soo Garden Chinese Restaurant.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews to approve the application. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Monthly Financial and Activity Reports, June 1997

Thereupon, there was presented the Monthly Financial and Activity Reports for the month of June 1997.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adopt the reports. The motion was considered and upon being put, all present voted aye.

Reports by City Manager

Thereupon, the City Manager reported that he had received a call from Mr. Ron Schneider, representing the opponents to the demolition of the old Ottawa Middle School. The City Manager stated that Mr. Schneider had conveyed his objections to the alternate date for the scheduled public hearings to consider said demolition, and suggested October 8th as a special meeting date for such a hearing.

Thereupon, Commissioner Ramsey noted that he had discussed this issue with a school board member and that October 8th seemed to be agreeable.

Thereupon, the Mayor asked the City Manager to confirm the dates with both parties and suggested that the public hearing be held in a larger venue perhaps the Franklin County Annex facility.

Thereupon, the City Attorney reminded the City Commission that they would be acting as a quasi judicial body and would be looking only at legal precedent and should expect both the proponent group and the opponent group to present only legal facts that can be contemplated in this case. The City Attorney further suggested that a meeting be held with the major parties to explain the procedures which will be followed during this case.

Announcements

Thereupon, the Mayor announced, a Joint City/County meeting August 20, 1997 at 11:45 a.m. in the City Commission room at City Hall. She further announced there would not be a Work Study Session on August 25, but that the City Commission would be attending a Juvenile Justice Meeting instead, there will not be a Work Study Session on September 1, 1997, that there will be a Work Study Session on September 3, at 6 p.m., that there will be a Work Study Session on September 8, 1997 at 3 p.m. The Mayor announced the next regular meeting of the City Commission is scheduled for September 3, 1997 at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

6:00 P.M.

September 3, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Attorney Bob Bezek; City Staff: Scott Bird, Richard Towe, Ron Puterbaugh for Jeff Herrman, Andy Haney, Jim Bradley, Jim Shaw, Sarah Plinsky and Barb Nelson. Guests: Barbara Dew, Representatives from the Kansas Department of Wildlife and Parks (KDWP), Representatives of Friends of the Library, and Representatives of the Community Arts Council. Media: Scott Welgos, Bill Gray and Bill Tellier. Absent: Judy Hasty and Jeff Herrman

1. Review of City Commission Agenda. Thereupon, the Commission reviewed and accepted the tentative agenda for the regular meeting to be held this date.

2. Prairie Spirit Rail Trail. Thereupon, the Commission discussed a request from the City Manager to affirm an executed agreement with the Kansas Department of Wildlife and Parks in order to proceed with the Prairie Spirit Rail Trail. The Mayor recognized representatives from the KDWP in the audience and asked the City Manager to provide a synopsis of the situation.

The City Manager reminded the Commission that throughout this process, no deadline on a Maintenance Agreement for the portion of the trail that would reside in the City had been expressed until most recently when he became aware in a letter dated June 30, 1997, from Mr. Rob Maines to Susan Wetstein of the Prairie Spirit Express, that this would be a requirement. Furthermore, the deadline had been set for last Friday. Therefore, he had executed the agreement and attached a letter of protest for such a heavy-handed requirement. He explained to the Commission that they could take one of three actions: 1) Affirm his action; 2) Disavow the action; or 3) Affirm any part of the action.

Thereupon, the Mayor asked for comments from representatives of KDWP. Thereupon, Mr. Clint Riley, Attorney for KDWP, addressed the Commission and offered an apology for the poor communication and confrontational relationship which resulted. Mr. Riley explained that one of the requirements from Kansas Department of Transportation (KDOT), was that there should be approved contracts in place before the project would continue. He noted that the resources (KDOT) was concerned with was the ISTEA Grants of the City and the KDWP. He noted that KDOT would be funding the line share of this project and as such would not allow bids to be opened without a contract between the City and KDWP.

Utilization of Carnegie Building - Continued:

Thereupon, Ms. Alice Joy Lewis, representing the Suzuki's expressed her appreciation, noting that she believed there would be a very comfortable fit between the Suzuki's and the Arts Council.

Thereupon, Mr. Rick Olmstead, representing the Friends of the Library, noted that the book sale is a large part of the Friends' existence and a large part of the community, and that they were looking for a long-term home. He stated that the basement of the Carnegie Building would suit their needs. Mr. Ramsey noted that the Friends had been given the use of the basement free of charge until this time, but no promises had been made for long-term commitment.

Thereupon, Commissioner Finch reminded the Commission that Commissioner Tyson had suggested the use of the facility at Second Street. Thereupon, the City Manager noted that the City itself had a need for part of the facility; however, the storefront could possibly be utilized by the Friends.

Thereupon, Mr. Ron Heise, representing the Friends, stated that he believed that this could be a possibility solution. Thereupon, Ms. Lowry noted that the Suzuki family's had offered to help with any move that the Friends would need to make.

Thereupon, the Mayor asked that this be placed on a future agenda for final action.

4. **Special Use Permit - Taxi Dispatch Center.** Thereupon, the Commission heard from Planning Director Jim Shaw regarding a proposed Special Use Permit for a taxi dispatch center at 1115 W. 7th. Mr. Shaw noted that the Planning Commission had recommended to the City Commission the approval of this permit by a vote of 6-0.

The Commission agreed to place this item on the agenda.

5. **Zoning Ordinance Change - Nonconformites in Residential Areas.** The Commission agreed to place this item on the agenda for September 3, 1997.

6. **Zoning Ordinance Amendment - Manufactured Home Park.** Thereupon, the Commission heard from Mr. Jim Shaw who recommended through the Planning Commission's vote of 5-0, with one abstention, the approval of an amendment that would allow for alternative foundations in manufactured homes.

The Commission agreed to place this item on the September 3, 1997 City Commission agenda.

7. **Public Comments.** There was no one who wished to speak to the Commission at this meeting.

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of September 3, 1997

Roll Call

The City Governing Body met in regular session at 7.00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present. Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Thereupon, the Mayor called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to approve the Minutes of August 20, 1997 as written. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of August 20, 1997, approved as written.

Public Comments

There being no one to speak to the Commission during open comments the Mayor responded to comments made at the previous meeting.

Mr. Wilfred Bugner read a prepared statement that was distributed to the City Commission regarding the issue of the right-of-way on Estabrook.

Staff response: The City Attorney has previously prepared a memo regarding all the issue raised by Mr. Bugner and this matter was discussed at length at the

August 18, 1997 Work Study Session. It is the staff's position that this matter has been fully addressed.

Mr. Merle Taylor addressed the City Commission concerning the possibility of having the City establish higher fines for speeding in school zones, particularly the school zone on 7th Street where he serves as crossing guard.

Staff Response: The City Commission requested the City Attorney to review the options available to the City Commission and to report back at a future Work Study Session.

Public Hearing

Thereupon, the Mayor opened a hearing to consider the 1998 Budget.

Thereupon, Mr. Mark Reitzer of 1135 North Sycamore, asked the Commission to consider installing traffic control at the intersection of Wilson and North Main, stating that he believed the line of site was poor at best.

Thereupon, the City Manager stated that Staff concurred with a need for traffic control at this intersection and that Staff has contacted the State and is waiting for response regarding this issue.

Thereupon, Mr. Reitzer also expressed concerns regarding the \$30,000 allocation to the animal shelter, stating that this was a large increase from the City and also noted that the County had increased their appropriation to the Animal Shelter. He asked if due diligence had been used to insure that these funds are being utilized as wisely as possible, and finally, he would rather see such increases go to the Public Works Dept. or to the Police Dept.

There being no one else to speak to this issue the Mayor closed the Public Hearing for the 1998 budget.

New Business

Taxi Service Dispatch Center

Thereupon, there was presented a resolution granting a Special Use Permit for a Taxi Service Dispatch Center at 1115 W. 7th Street, requested by Norman Jacobs, in the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch to adopt the resolution. During discussion it was explained that the City Planning Commission had reviewed the special use permit requested by Mr. Jacobs to allow a taxi dispatch center at 1115 W. 7th St. The Planning Commission recommended

to the City Commission the approval of said permit by a vote of 6-0. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 956-97.

Nonconforming Uses, Residential

Thereupon, there was presented an ordinance amending Article XXVII, Section 4, Number 11, Nonconformities, of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adopt the ordinance. During discussion it was explained that the Planning Commission reviewed this amendment and held a public hearing. The Planning Commission recommended to the City Commission the approval of the amendment to Article XXVII, Section 4, Number 11, of the Zoning Ordinance, Nonconformities by a vote 6-0.

Thereupon, the City Manager explained that this ordinance would provide corrective language that would allow nonconforming structures located in all residential zoning districts as opposed to only R-1 and R-2, but only by Special Use permits, in accordance with Section 11, Article XXVII of the Zoning Ordinance. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3241-97.

Mobile Home Foundations

Thereupon, there was presented an ordinance amending Article XIII, Section 3, Number 2, M-P (Manufactured Home Park District), of Ordinance No. 2933-90, the Zoning Ordinance for the City of Ottawa, Kansas.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that the City Planning Commission had reviewed this amendment and held a public hearing regarding this issue. The Planning Commission recommended to the City Commission the approval of this amendment to Article XXIII, Section 3, Number 2 of the Zoning Ordinance, (Manufactured Home Park District) by a vote of 5-0 with 1 abstention. This amendment will allow for an alternative for the foundation portion of a manufactured home, only if the alternative method was designed by a professional State of Kansas Licensed Engineer and approved by the City Inspector. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3242-97.

Affirmation of Prairie Spirit Rail Trail

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to affirm the City Manager's actions in the execution of a Maintenance Agreement for the Prairie Spirit Rail Trail, to include additional documentation, specifically Exhibit C. During discussion it was explained that the Kansas Dept. of Wildlife and Parks had required the City Manager to execute a Maintenance Agreement for the Prairie Spirit Rail Trail and given him a deadline of Friday, August 22, 1997, in order for the project to go to bid. The City Manager had executed the contract and filed a formal protest with the Kansas Department of Wildlife & Parks. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Governing Body Agenda

Thereupon, Commissioner Ramsey asked if one of the representatives from the Kansas Dept. of Wildlife and Parks might provide a time table to the Commission as to possible completion dates.

Thereupon, Mr. Mike Wilson, Chief Engineer with the Kansas Dept. of Wildlife and Parks stated he would be sending out acceptances of the bids and action would begin within the next two to three weeks. He further stated that he expected ground to begin being turned sometime in October.

Thereupon, the Commission thanked Mr. Wilson for his comments.

Thereupon, Commissioner Ramsey noted that the Commission would be meeting with Kansas Dept. of Transportation Secretary Carlson, on September 15.

Announcements

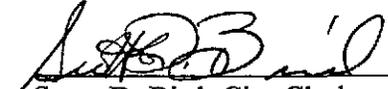
Thereupon, the Mayor announced a Work Study Session scheduled for September 8, 1997 at 3 p.m., there will not be a Work Study Session for September 15, there will be a Joint City/County Meeting on September 17 at 12 noon, at the Franklin County Jail, a Work Study Session on September 22, at 4 p.m. The next regular meeting of the City Commission is scheduled for September 17, 1997 at 9:30 a.m.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

September 8, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Attorney Bob Bezek; City Staff: Scott Bird, Richard Towe, Ron Puterbaugh for Jeff Herrman, Andy Haney, Jim Bradley, Judy Hasty, Jim Shaw, Sarah Plinsky and Barb Nelson. Guests: Barbara Dew, Representatives of Friends of the Library, and Representatives of the Community Arts Council. Media: Scott Welgos, Rick Anderson, Bill Gray and Bill Tellier. Absent: Jeff Herrman

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the Work Study Session Minutes of August 18, 1997.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for September 17, 1997 noting that changes would occur.

3. Use of Carnegie Building. Thereupon, the Commission reviewed two requests from the Ottawa Community Arts Council to utilize the Carnegie building for a production of A.C.T. Ottawa scheduled for October 24 - 26, 1997 and for the Christmas Arts and Crafts Fair scheduled for December 6, 1997.

Thereupon, discussion ensued whereby the Commission directed the City Manager to draft a lease contract with the Community Arts Council for use of the Carnegie building, noting that the Commission expected utilities to be paid for by the Community Arts Council, as well as, general upkeep of the facility.

4. Voting Delegates for the League of Kansas Municipalities. Thereupon, it was explained that the City would be allowed a total of three votes at the upcoming League of Kansas Municipalities Annual Conference in Topeka and that the City should have at least one voting delegate to cast those votes or as many as three delegates and three alternative delegates.

Thereupon, the Mayor asked Commissioners Joan Tyson and Blaine Finch to serve as voting delegates. Thereupon the Commission agreed by consensus that Commissioners Tyson, Finch and Mayor Cummiskey should served as voting delegates, with Commissioners Matthews and Ramsey and City Manager Scott Lambers as alternates.

1998 Budget Review - Continued:

Thereupon, Commissioner Ramsey asked if the Budget would include adding two full-time positions. The City Manager responded in the affirmative. Commissioner Tyson stated that she believed they needed an increase, but suggested it be scaled down. She also asked what could be cut in order to accomplish such an increase. The City Manager asked what the start date for any such adjustment would be suggesting that it take place at mid-year, noting that any increase would be tempered but would also be doubled upon the next budget year.

Thereupon, Commissioner Finch suggested that the Parking Control Officer be eliminated which would save approximately \$20,000. Commissioner Matthews concurred, stating he believed the law should remain the same, and that the police officers could respond to calls from the downtown merchants in regards to this issue. Lt. Puterbaugh explained that this person also performs work for the Court Clerk. Commissioner Matthews asked if anyone else could perform those duties. The City Manager explained that there was no one else. Commissioner Finch suggested that a half-time court clerk position be added instead.

Thereupon, Commissioner Matthews was asked to propose his list of cuts. Commissioner Matthews suggested the elimination of the following list:

Meter Control Officer	\$20,000
Library Automation	10,000
Planning Computers	7,000
Public Works Pick-up	20,000
Public Works Pick-up	18,000
Administration Computer	5,000

Thereupon, Mayor Cummiskey suggested that one of the computers from the Finance Department be utilized for the Commission computer and allow the Finance Department to purchase a new computer. The Mayor asked if the Contingency Reserves could be utilized to help fund the increase in question. Thereupon, the City Manager explained that the Contingency Reserve is in place for emergency needs. A 10% reserve is there for a cash flow reserve and a 15% reserve is in place for emergency's and he did not feel comfortable lowering the reserves much lower than they are. Commissioner Matthews suggested that \$20,000 for one of the Public Works trucks be taken from Contingency Reserve.

Thereupon, Commissioner Ramsey asked if the \$18,000 scheduled for rails-to-trails would be necessary for 1998. The City Manager stated that probably only 2/3 of that amount would be needed. Mayor Cummiskey asked the other Commissioners if they would be willing to spend \$20,000 of Contingency Funds for one of the pick-up trucks.

1998 Budget Review - Continued:

Ms. Hasty explained that the employer's also have a part in this program in which they pay half of the wages, and also make a commitment to mentor youths, helping them to develop job skills for the future. Ms. Hasty also noted that the City had hired a full-time employee who had worked for the City in the first season of the Summer Youth Program. Commissioner Matthews stated that he believed that the City could still participate by helping find employment for these youth and working with local employers without participating in wages. The City Manager reiterated that it was uncertain if the program was scaled down, if the State would expect a dollar for dollar match. Mayor Cummiskey suggested that the program be reduced by \$17,000. Commissioner Finch stated that he could agree to that and suggested that the City make a target group of the fourteen to fifteen year olds. Again, concern was expressed regarding the possible loss of grant funds. Commissioner Ramsey suggested that the program be cut by \$15,000 which would leave \$17,900 in the program for 1998. The Commission agreed by consensus to this suggestion and reiterated that the City should target fourteen and fifteen year old youth.

Thereupon, Commissioner Matthews noted that he believed that he had lost his cause regarding his suggestion to privatize the parks department, but asked if any of the cemeteries could be mowed by private sources. The City Manager agreed that this could be researched.

Thereupon, Commissioner Finch noted that he was not opposed to the Auditorium increase, but was in favor of cutting the \$10,000 to the Library, noting that they were enjoying a more convenient and comfortable location, and that perhaps funds should be utilized in other areas. Mayor Cummiskey noted that there appeared to be three Commissioners who were in favor of cutting the \$10,000 from the Library and four Commissioners who were willing to leave the Auditorium allocation alone. The City Manager summarized that the anticipated cost savings would add up to approximately \$66,000, again noting that the savings for the loss of the parking control officer would be approximately \$7,000.

Thereupon, Commissioner Matthews stated that he would like to make the increase market adjustment to the Police Department effective January 1, 1998. After reviewing the City Manager's memo on the cost of such an arrangement, the Commission agreed by consensus to make a 4.5% on January 1, 1998 in addition to the 2.5% COLA, which all employees will receive, and then another 4.5% market adjustment on July 1, 1998. The Mayor reiterated her position that all departments need to be studied in the near future, suggesting a phase-in of those departments. The Commission agreed by consensus to the phased in 4.5% January 1, 1998, 4.5% on July 1, 1998 approach with Commissioner Ramsey again expressing his belief that it was too much, too fast.

Thereupon, Commissioner Matthews asked if it would be possible to move the meeting of the 17th to a 7:00 p.m. meeting rather than at 9:30 a.m. The Commission discussed this, but agreed that there were too many conflicts and to leave the meeting at it's regularly scheduled 9:30 a.m. starting time.

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of September 17, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present, Commissioner Ramsey present, and Commissioner Matthews absent. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag.

Thereupon, the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to approve the agenda as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to approve the Commission Meeting Minutes of September 3, 1997, as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of September 3, 1997, duly approved.

Response to Public Comments

Thereupon, the Mayor reminded the Commission that as part of the Public Hearing for the 1998 Budget, Mr. Mark Retzer expressed concern about the lack of traffic signals at US 59 and Wilson Street.

Thereupon, the Mayor read the Staff Response: City Manager Scott Lambers advised Mr. Retzer at the meeting that staff had a similar concern about the intersection, as well as others, and had contacted the State Highway Dept. regarding these issues.

Presentations and Recognitions

Thereupon, the Mayor read a proclamation designating September as Leukemia Awareness Month in the City of Ottawa, Kansas, and encouraged citizens of the community to be aware of the mission of the Leukemia Society; that is, to cure Leukemia and its related cancers and improve the quality of life of patients and their families.

New Business 1998 Budget

Thereupon, There was presented an ordinance appropriating the amounts provided in each fund in the Budget for the year 1998: 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 1998; and establishing the amount of ad valorem tax to be levied in 1998 for the City of Ottawa, Kansas.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that the proposed 1998 Budget had been discussed at prior work study sessions, and is presented by Staff, with the amendments as directed by the Governing Body. The adoption of the ordinance establishes appropriation amounts and mill levy amounts for the respective funds for the Budget of 1998.

Thereupon, Commissioner Ramsey noted that he was pleased that Staff had brought the mill levy below last year's. He stated he would vote yes, but would like to consider at a future work study session, finding more money for the Summer Youth Program.

Thereupon, Commissioner Finch expressed that he wished that tax relief had been greater but was pleased with the commitment to the Police Dept. and this budget.

Thereupon, Mayor Cummiskey stated that she was in agreement that moneys for the Summer Youth Program should be found and was concerned with that last minute cut.

Thereupon, Commissioner Ramsey expressed concern that the grant for this project would be lost as a result of the cut.

Thereupon, Commissioner Tyson expressed concern that several of the cuts would have long term affects.

Thereupon, the motion was considered and upon being put, all present vote aye.

Thereupon, the Mayor declared the budget ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3243-97.

Standard Traffic Ordinance

Thereupon, there was presented an ordinance regulating traffic within the corporate limits of the City of Ottawa; incorporating by reference limits of the City of Ottawa the "Standard Traffic Ordinance for Kansas Cities," edition of 1997, with certain omissions, changes and additions; prescribing additional regulations; providing certain penalties and repealing ordinance numbered 3180-96.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the ordinance. During discussion it was explained that this ordinance is a housekeeping measure, adopting the 1997 Edition of the Standard Traffic Ordinance as prepared by the League of Municipalities, and that it replaces the 1995 Edition which is currently in use by the Police Dept. It was further explained by City Staff that this update is a routine update provided by the Kansas League of Municipalities to include any changes in State Law which have been made to traffic control over the last two years. Commissioner Finch expressed concern that this issue had not been brought before the Commission at a work study session, and made a motion to table the issue. Upon being called for the question to table, Commissioner Tyson voted no, Commissioner Ramsey voted no, Commissioner Finch voted yes, and Mayor Cummiskey voted no. Upon being called for the question, to adopt the ordinance, Commissioner Finch abstained, Commissioner Tyson voted no, Commissioner Ramsey voted yes, and Mayor Cummiskey voted yes.

Thereupon, the Mayor declared a majority of a quorum and the ordinance was adopted.

Thereupon, the ordinance was duly numbered ordinance No. 3244-97.

Governing Body Agenda

Thereupon, it was explained that nomination of voting and alternate delegates for the League of Kansas Municipalities Annual conference had been discussed at prior work study session, that the Commission had agreed to nominate Commissioners Tyson and Finch and Mayor Cummiskey as voting delegates and Commissioners Matthews and Ramsey along with City Manager Scott Lambers as alternate delegates.

Thereupon, Commissioner Finch made a motion, seconded Commissioner Ramsey, to confirm these nominations. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared Commissioner Tyson, Finch and Mayor Cummiskey as voting delegates, and Commissioners Matthews and Ramsey along with City Manager Scott Lambers as alternate delegates to the League of Kansas Municipalities Annual Conference in Topeka, scheduled for October 12-14, 1997.

Announcements

Thereupon, the Mayor made the following announcements: there will be a Joint City/County meeting on September 17, 1997 at 12:00 noon, that there will be a Special City Commission meeting scheduled for October 8, 1997 at 7:00 p.m. in the conference room at the Franklin County Annex, that there will be a Work Study Session on October 1, 1997 at 6:00 p.m. and the next regular City Commission Meeting scheduled for October 1, 1997, at 7:00 p.m. The Mayor questioned whether or not there would be a work study session on September 22, 1997, and suggested that there should be a work study session scheduled for this date. Commissioner Ramsey noted that the Master Calendar stated that there would be a work study session on September 22, and not on September 29. The Mayor asked City Staff to confirm this and report to the press clarification on these dates. The Mayor also announced a teleconference regarding Juvenile Justice which is to be held in the Commission Chambers at noon September 18, and invited interested parties to attend.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

6:00 P.M.

October 1, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Jeff Carner for Richard Towe, Jeff Herrman, Andy Haney, Jim Bradley, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson, and Bob Bezek. Guests: Representatives of Friends of the Library, Representatives of the Former Middle School, Barbara Dew. Media: Scott Welgos and Bill Tellier. Absent: Richard Towe.

1. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for October 1, 1997 noting that additions would be made.

2. **Homecoming Parade.** Thereupon, the Commission considered a request from Ottawa High School to be allowed to hold their annual Homecoming Parade on Wednesday, October 8, 1997 at 6:00 p.m.

The Commission agreed to place this item on the October 1, 1997 City Commission agenda.

3. **Veterans Day Parade.** Thereupon, the Commission considered a request from the Franklin County Veterans Memorial Committee to hold the annual Veterans Day Parade on Saturday, November 8, 1997 at 1:30 p.m..

Thereupon the Commission agreed to place this item on the regular agenda for October 1, 1997.

Thereupon, the City Manager stated that the Veteran's group would also be asking to be allowed to stand at an intersection to solicit donations for the Veterans' Memorial.

4. **Christmas Parade.** Thereupon, the Commission reviewed a request from Diane Yeamans, Chairperson of the Chamber of Commerce Christmas Committee, to conduct the annual Christmas Parade on Saturday, December 6, 1997 at 1:00 p.m.

Thereupon, the Commission agreed to place this item on the agenda for October 1, 1997.

5. Ottawa High School Wall of Honor Proclamation. Thereupon, the Commission reviewed a proclamation submitted by the Renaissance Organization at Ottawa High School to proclaim October 9 and 10th, 1997 as Ottawa High School Wall of Honor Days to honor past graduates of Ottawa High School

The Commission agreed to place this item on the regular agenda for October 1, 1997.

6. McGruff/DARE Camp Proclamation. Thereupon, the Commission considered a proclamation to recognize area businesses who have given more than \$500 to support the 1997 DARE Camp. It was explained that plaques would be given to those businesses in recognition of their donations.

The Commission agreed to place this item on the October 1, 1997 City Commission agenda.

7. Crime Prevention Month Proclamation. Thereupon, the Commission considered a proclamation from the Ottawa Police Department declaring October as Crime Prevention Month in the City of Ottawa.

The Commission agreed to place this item on the regular agenda for October 1, 1997.

8. Memorial Request. Thereupon, the Commission heard from ORC Director Wayne Burns request the acceptance of a \$3,500 donation towards a scoreboard which would display a plaque in memory of, noting that the donor had requested to remain anonymous at this time.

The Commission agreed to this request

9. Lease Agreements for the Carnegie Building and Friends of the Library. Thereupon, the Commission discussed these items and invited representatives of the Arts Council to discuss the tentative agreements.

Thereupon, Alice Joy Lewis questioned the term of the contract, noting that they would prefer a 20 to 25 year lease. She stated that she had concerns as to whether or not grant funds would be available if a five year lease was the extent of their contract.

The City Manager noted that they wanted to provide a reasonable length of time to place some urgency on the necessity to make improvements. He did say that it could be written into the contract that an automatic renewal be made possible.

Thereupon, Commissioner Ramsey stated that he believed 25 years was too long. Commissioner Tyson concurred.

Commissioner Matthews arrived at 6:26 p.m.

Lease Agreements - Continued:

Thereupon, Jeanette Lowry, representing the Arts Council, asked about the escape clause. Thereupon, City Attorney Bob Bezek stated that he had drafted this contract not knowing exactly what either the Arts Council or the Commission desired. Thereupon, the City Manager suggested that the agreement allow the lessors an escape clause within one year and set out parameters for notice to both parties in the case of a breach of contract.

Thereupon, the Mayor asked the City Manager and the City Attorney to fine tune these terms.

Thereupon, Jeanette Lowry asked about inside repairs, specifically plumbing and electric. Thereupon, the City Manager responded that these repairs would be the responsibility of the Arts Council and Suzuki.

Thereupon, Alice Joy Lewis suggested that improvements on the interior would not be worthwhile if the exterior is not taking care of, specifically the roof. Thereupon, Jeanette Lowry suggested that grant may be available to fix the roof.

Thereupon, the issue of rent was questioned. It was agreed that this item would be brought back to the Commission on October 6, 1997 for further discussion at the meeting on October 27, 1997.

10. Demolition Permit Hearing - Former Ottawa Middle School Building.

Thereupon, the Mayor invited City Attorney Bob Bezek to join the Commission and explain the procedure for the upcoming hearing.

Thereupon, Mr. Bezek explained that this would be a Hearing, not a Public Hearing. He suggested the Commission strive to get good information. The decision should be based on facts and the burden of *proof* is on the school district, noting that the threshold would be *feasible* and prudent. He explained that he had defined those terms as an aside in his memorandum. He further explained that this would be an Evidentiary Hearing, which is based on fact. He explained to the Commission that they do not have to listen to opinions, that it is up to the school district to make its case and up to the Friends of Historic Buildings to present and make their case. He reminded the Commission that they would be acting as fact-finders and that the only issue is , in fact, the issuance of a demolition permit for the former Ottawa Middle School facilities. It has nothing to do with the future use of the ground and that a demolition permit can not be conditioned on future use. He noted that he had asked both parties to present documents ahead of time. He further noted that he had recommended that each side have 45 minutes, comparing this to the Kansas Supreme Court, which only allows 30 minutes. He recommended that the Commission ask questions throughout the presentations and that a decision not be made until all evidence is heard. He asked the Commission that once the decision had been made, to let him know in writing.

11. Adjournment. There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session and moved into the Commission chambers for the regular City Commission meeting. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

4:00 P.M.

October 6, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson, and Bob Bezek. Guests: Representatives of the Former Middle School, Barbara Dew. Media: Scott Welgos, Bill Tellier and Bill Gray. Absent: Andy Haney, Jim Bradley and Barb Nelson, .

1. **Review of Work Study Session Minutes.** Thereupon, the City Commission reviewed and accepted the Work Study Session Minutes of September 29, 1997.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for October 15, 1997, noting that additions would be made.

3. **Village West Townhomes - Acceptance of Streets.** Thereupon, the City Manager noted that the final punch list regarding this project had been completed and that acceptance of streets and utilities in the Village West Townhome area could be executed.

Thereupon, the Commission agreed to place this item on the October 15, 1997 City Commission agenda.

4. **FBD Consultants.** Thereupon, the Commission reviewed an agreement for the 1998 Plan Year for the City's Cafeteria Plan and heard from Human Resource Director/Risk Manager Judy Hasty who advised the acceptance of this agreement.

Thereupon the Commission agreed to place this item on the regular agenda for October 15, 1997.

5. **Repeal of Cigarette Ordinance.** Thereupon, the Commission reviewed a letter from City Attorney Bob Bezek, who suggested that certain parts of the City's Cigarette Ordinance could be repealed if the Commission intended on mirroring State law. Those areas dealt with vending machines, as well as, Section 10 of the Ordinance which relates to assisted sales.

Thereupon, Commissioner Matthews inquired specifically as to the necessity of vendor assisted sales. The City Manager noted that Section 10, which addressed this would be eliminated.

6. **Franklin County Ambulance Proposal.** Thereupon, the Commission reviewed a proposal from Franklin County to participate in the expansion of the Ambulance Center, allowing the City partial use of the building which would provide housing for two firefighters and one truck and creating an Ottawa South Sub-station for the Ottawa Fire Department. The City Manager noted that the County had moved on this project quicker than anticipated and that in order to fund this joint effort, the City would expend Contingency Funds in 1997 and 1998 and plan for the final payment in 1999.

The Commission agreed to this plan by consensus.

7. **Government Access Television.** Thereupon, the Commission reviewed with City Clerk Scott Bird a proposed Government Access Television Policy which would allow the City control over the Government Access Station.

The Mayor suggested that American Cable Vision be contacted in the Kansas City area since they had had dealings of this nature and that future franchise agreements provide that the cable provider conduct training for the use of this facility.

8. **Habitat for Humanity.** Thereupon, the Commission reviewed a letter from Rev. Kent Melcher, Board Member of Habitat for Humanity. In his letter, Rev. Melcher asked the City to waive or refund fees for demolition permit for a structure located at 730 Cypress which would be the next site for their project.

The Commission agreed to this request by consensus.

9. **Discussion of Lease Agreements with the Friends of the Library and the Arts Council.** Thereupon, the Commission agreed to charge \$1 per year for use of the facility providing that they pay utilities and upkeep the interior of the building.

10. **Discussion of the League of Kansas Municipalities Statement of Policy.** Thereupon, the Commission discussed the upcoming League meetings and the Statement of Policy. The City Manager noted that electric retail wheeling would definitely be at the top of City staff's priority list.

11. **Public Comments:** There being no one to speak the Mayor closed the public comments section.

12. Open Agenda:

Middle School Discussion. Thereupon, Commissioner Finch expressed his dissatisfaction that the Commission had received a fax addressed to them which they had not received until the issue had become known through the local press, and that the City Manager had responded to said fax from Mr. Ron Schneider, Attorney for the Friends of the Former Middle School, before the Commission had an opportunity to review its contents.

The City Manager noted that Mr. Schneider's request was that the City Attorney be removed from the Middle School issue, due to what he considered a potential conflict of interest. The City Manager further noted that he believed this to be an administrative decision and that if in fact there was a conflict of interest, the City Attorney has an obligation to remove himself, and Mr. Bezek had removed himself from representing the School Board in this issue. Therefore, as an administrative decision, the City Manager chose to respond to Mr. Schneider's request. He further stated that he believed that this was a tactic used by Mr. Schneider which was inappropriate. The City Manager accepted the responsibility for not making sure that the mail had been received by the Commissioner's.

Commissioner Finch stated again that he wanted the opportunity to respond to his own mail.

Commissioner Matthews stated that he concurred with Commissioner Finch; however, given Mr. Schneider's tactics, would have told him in much stronger language, a similar response to that which the City Manager used.

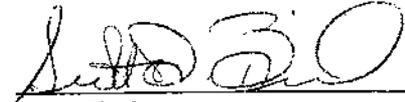
Kansas Department of Transportation. Thereupon, the Mayor announced that she had talked with representatives of the Kansas Department of Transportation who would like to come back and meet with the joint Commission meetings at a future date. The Mayor offered the dates of October 23, 28, 29 and 30. The Commission decided that the 23rd and 30th would not be acceptable and posed some conflicts. Therefore, the Mayor asked the City Manager to firm up the date of October 28, 1997 or October 29, 1997 with the County Commission and KDOT.

Rock Street Improvements Update. Thereupon, the Mayor asked for an update from Public Works Director Andy Haney concerning the Rock Street Improvement Program.

Designation of Official City Paper. Thereupon, the Mayor noted that she had received a letter from the *Ottawa Times* and would like to discuss the official City paper again on a future date.

Thereupon, the City Manager suggested the October 27, 1997 Work Study Session.

13. Adjournment. There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Special Session
City Commission
October 8, 1997**

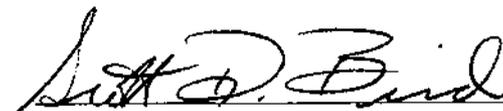
Roll Call

The City Governing Body met in special session on October 8, 1997, at 7:00 p.m., the following members being present and participating, to wit: Mayor Cumiskey, present; Commissioner Finch, present; Commissioner Tyson, present; Commissioner Matthews, present; Commissioner Ramsey, present. A quorum was present. The Mayor called the meeting to order and declared the reason for this meeting was to conduct a hearing regarding a request by U.S.D. 290 for the issuance of a demolition permit for the former Middle School building, located at Fifth and Main.

The entire transcript of the meeting, attached hereto, and made a part hereof, becomes permanent record of the City of Ottawa, Kansas.

Adjournment

At 10:00 P.M., it was moved and seconded to adjourn the meeting to October 15th, at 7:00 p.m., at a location to be named later. The motion was considered and, upon being put, all present voted aye. The Mayor declared the meeting duly adjourned until October 15th at 7:00 P.M.



Scott D. Bird, City Clerk

Special Session
Franklin County Annex Building
October 8, 1997
7:00 P.M.

Mayor Cummiskey: I call the Commission to order. It's a Special Call meeting, and would ask the Clerk to call the roll.

City Clerk: Mayor Cummiskey, present; Commissioner Finch, present; Commissioner Tyson, present; Commissioner Matthews, present; Commissioner Ramsey, present.

Mayor Cummiskey: I would like to welcome all of you present for this Special Call Meeting of the Ottawa City Commission. It is an evidentiary hearing regarding the request from U.S.D. 290 for the City of Ottawa to issue a demolition permit for the Middle School at 5th and Main Street. This is a special meeting and, I would like to ask, in a moment, the City Attorney, Bob Bezek, to outline the procedures that the City Commission has agreed to operate under this evening; and, there will be an opportunity for public comment and, we'll ask, when that time comes, that you keep your comments to three (3) minutes or under. And, we've also outlined some specifics for those comments. For this evening's course of events and the demolition proposal and burden of proof on the School District and some of those items, I'd ask for a brief overview from City Attorney, Bob Bezek.

City Attorney: Thank you Mayor. Can you hear? Is this loud enough? O.K. This is a hearing pursuant to a Kansas Statute dealing with the Historical Preservation Act. The sole issue before the Commission tonight is whether the District can show that there is no feasible or prudent alternative to the proposed demolition of the Middle School. Bear in mind that the burden of proof is on the School District at all times. The burden of proof is by a preponderance of evidence that is sometimes described as 50% + 1. The format is that the School District will go first. It has forty five minutes in which to make its presentation. It can split its presentation as it sees fit. After the School District makes its presentation, those members of the public that wish to speak in favor of the School District's position will have three minutes. All statements have to be made from the podium. After that, Mr. Schneider, I believe, on behalf of the Save Our Schools Organization, will be speaking on behalf of the Save Our Schools Organization. He, too, will have forty five minutes to respond. If Mr. Sheldon, on behalf of the School District, wishes to reserve some time, he will have the opportunity to close. At the end of the Save Our Schools Presentation, those people in the public that wish to speak on behalf of this position, I'm informed that that is Friends of the Historical Buildings Organization, will then have the opportunity to speak. Bear in mind that

the sole issue is the feasibility and prudence of the School Board's request for a demolition permit. Those particular terms are not defined in the Statute. They have been commonly defined as feasible, as capable, of being accomplished or brought about, possible. Prudence is defined as wise in handling practical matters, exercising good judgment and common sense, careful in regard to one's own interest and providence. Bear in mind that this is an evidentiary hearing, not a public hearing, so the sole issue is as I've outlined to you, and that will be what the comments should be about. I would also point out that the future use of the land is not at issue. The sole issue is the demolition permit. Does that outline the acts enough?

Mayor Cummiskey: Perhaps a bit more on public comments in terms of the evidentiary piece.

City Attorney: Oh, yes.

Mayor Cummiskey: I've asked him to outline a bit more for the public comments section on the requirements that the comments be evidentiary in terms of what the City Commission can listen to and address.

City Attorney: Yes, the point being is that this is a quasi-judicial matter, and this is not necessarily a public hearing; therefore, if you will, mere opinion is not what the commission is seeking. Opinion based on fact, opinion with a substantial basis or basis in expertise is what the commission is looking for, so a thousand people saying demolish or a thousand people saying not demolish is not the type of evidence that the Commission is looking for. They are looking for evidence as to feasible and prudent alternatives. That is the point of the issue.

Mayor Cummiskey: And perhaps a sentence or two more why we're here tonight based on the SHPO, the State Historic Preservation Officer's... exam.....

City Attorney: Right, as the School District requested a building permit, pardon me, a demolition permit, the City then transferred that request to the State Historical Office that issued a letter denying the demolition permit requiring a hearing before the City. So, we are here pursuant to a Kansas Statute for a limited purpose. That's it.

Mayor Cummiskey: Alright. As fact finders in this matter, it's the pleasure of this City Commission to listen to all relevant testimony during these public hearings and examine all relevant factors, and we proceed with the procedural rules as the City Attorney has outlined starting first with Mr. Sam Sheldon, President of the School Board of U.S.D. 290 and representing the School Board this evening. Please know, too, that these presentations, the School Board's piece is timed at forty five minutes, and that time can be divided, if you would let us know at this time how you wish to use your time so we can time you appropriately.

Mr. Sheldon: Our intention is to use as much time as we need in the initial presentation. I'm gonna estimate thirty to thirty-five minutes and, then, we would reserve the balance of that time for a final presentation after Mr. Schneider has made his presentation.

Mayor Cummiskey: Very fine. Then I would ask the City Clerk, then, to time this portion of the presentation and note at the end of the presentation how much more U.S.D. 290's time remains.

Voice from aud: Mayor, may I ask you to remind the audience that there also will be a hearing next week. Some people might not be aware of that.

Mayor Cummiskey: Certainly. Thank you. Thank you for that. There will also be a second public hearing next week, 9:30 a.m., in the City Commission chambers at City Hall. Alright, we'll begin then....

Mr. Sheldon: Mayor, Commissioners, Mr. Schneider, members of the audience, I am Sam Sheldon, President of the Ottawa School Board. The last time I made a presentation to the Ottawa City Commission, I was sixteen years old. I appeared on behalf of a newly formed organization that was trying to establish a telephone support line for teens. I was asking the City Commission, at the time, to provide some funding. We didn't get it, but the Mayor did tell me during the meeting that I did a very nice job. I was pleased with the praise and so I answered, "Thank you Uncle John". My objective tonight is to get less praise and a more favorable result. Perhaps as much as anyone here tonight, I believe I have a keen awareness and appreciation of this community's history and heritage. My children are the fifth generation of Sheldons to reside in Ottawa. My family has a long history in Franklin County of civic participation and service. My great grandfather, H. F. Sheldon, whose Washburn house, with its red brick and round turret, is a fixture in the 700 block of Cedar Street, served as County Clerk, Mayor, and State Senator. My great uncle served as State Senator. My grandfather served on the City Council. The clock on top of the Courthouse is a memorial to my great, great uncle and my dad's namesake. My uncle served as Mayor of this very Commission. And, now I have the honor to serve as School Board President. So it is, with some irony and pain, that I come to you tonight seeking a permit to demolish that venerable structure we now know as the old Middle School. There is even additional irony because two and a-half years ago I led the force, indeed, I was for the most part, the force that sought to promote the renovation of the old Middle School, in lieu of constructing a new Middle School. The 1995 bond issue for a new school was defeated by a margin of 2 to 1. If you had told me then that I would be here some two years later arguing for a permit to demolish the old Middle School, I would have said "You're nuts". The irony is compounded even more by the fact that when the

School Board took the vote to demolish on June 23rd of this year, I voted against the motion. My express desire was to give the preservationists until August 31 to come up with a detailed proposal for renovation, which I expected to include cost estimates and funding mechanisms. Then, in July, I was elected School Board President, and I inherited a responsibility to held execute the board's decision. In my personal capacity, I can say to you, in all sincerity, I would be thrilled if a feasible and prudent alternative were to be placed on the table here this evening. But, frankly, I don't think it's possible. If I'd had to vote on a demolition motion last week, I would have voted in favor of it. The reason is because, to date, and it's even well after my proposed deadline of August 31, I have yet to hear a concrete, detailed proposal that shows renovation of the old Middle School is feasible and prudent; and, furthermore, I have yet to hear any indication that a concrete, detailed proposal will be put on the table tonight. As School Board President, my purpose here is to do two things: to set forth and explain the sequence of events that led to the Board's decision to demolish the old Middle School, and second, to show there is no feasible and prudent alternative to demolition. Let me start by taking you back to the Spring of 1995. I believed then that it would be feasible and cost effective to renovate the old Middle School. This belief was based on a structural report made in April 1994 by Dick Finney, a structural engineer. A copy is included as exhibit A in the District's binder of exhibits. This 1994 report identified several structural problems, but concluded that renovation would be feasible. It, then, set forth two recommendations with cost estimates, one for minor repairs necessary for short term occupation of the building for two to four years. These short term repairs were estimated to cost \$103,000, and that's indicated on page A-13 of the exhibit. A second recommendation for major repairs necessary for long term use of 40 more years was included on page A-12. These long term repairs were estimated to cost \$2,134,400. Based on this report and its cost estimates for long term repair, I, then, estimated that renovation of the old Middle School could be accomplished for a little more than half the cost of new construction for about \$5,500,000. In the April election, the first bond issue for a new Middle School was defeated, and I was elected to the School Board. Soon after that, the board hired the Ottawa construction firm of Loyd Builders to prepare a detailed cost estimate for renovation. Why Loyd Builders? They were chosen for two reasons. The first, they are a general contractor in this local community, and they have a reputation of excellence and reliability. Second, Loyd Builders had just recently completed two renovations projects at Ottawa University, and both sides of the renovation issue felt that they would be a reliable authority for creating a cost estimate. The expense, by the way, to the district for this estimate was approximately \$10,000. In October of 1995, Loyd Builders submitted their report, and a copy is included as exhibit B in the District's binder of documents. And I'd like to start off by referencing

page B-1 of exhibit B, and it says as a guide for preparing this estimate, we have used costs from past renovating projects and bids we solicited for this project. So they used their experience on renovation, as well as actual bids that they obtained in preparing this cost estimate. The Loyd Builders' report estimated the cost of renovation at \$5.6 million dollars, and that's noted on page B-4. But their figure, and this is important, was based on the problems and repairs identified by Dick Finney's first structural report, the 1994 report. It did not incorporate any of the additional structural repairs identified as necessary by the later structural reports. After this, and over my opposition, a majority of the School Board determined, for various reasons, that a new Middle School still made sense to them. As we moved into the Spring semester of 1996, the Board had yet to propose a new bond issue. It, therefore, appeared quite certain to me that we would be occupying an unrenovated Middle School for the 1996-97 academic year. The major repairs had not been done, and because of the extensive cost, could not be done without a bond issue for renovation. Dick Finney's 1994 structural report said that the minor repairs would make the old Middle School safe for two to four years of occupancy. Those repairs were done in the Summer of 1994. By 1996, it had been almost two years since the minor repairs were completed, and I realized that our two year window of safety was, thus, about to expire. About the same time, Mr. Finney was doing some structural work on Jeanette Lowry's home. Jeanette encouraged me to raise the question of safety. I, therefore, sent a letter in February 1996 to the then Superintendent, Don Duncan. A copy of this letter is included as exhibit D in the District's binder of documents. My letter asked Mr. Duncan if it was his position or belief that the Middle School was safe for occupation for the next year. If not, or if he could not answer definitively, I asked him to bring recommendations to the Board on what steps the District needed to take to answer the safety question. It was this letter that initiated the process which all later structural reports. The impetus thus came not from those seeking to justify a new Middle School, but from Jeanette Lowry and myself, the two persons who, up to that point, had worked hardest to save the old Middle School building. At the Board's first meeting in March of 1996, and in response to my letter, Don Duncan indicated that he thought the Middle School was safe, but acknowledged he was not a structural expert. So, he recommended that we obtain a new structural engineer's report. In due course, Dick Finney was hired to provide a new structural report. A visual inspection in April 1996 led to the report included as exhibit E in the District's binder of documents. This document reported substantial deterioration of the building on page E-2. And Mr. Finney recommended a more thorough invasive inspection process that would require removal of bricks from the outer wall so that the interior of the walls could be inspected. And, that's noted on pages E-3 and E-4. This was done and led to the May 7, 1996 report, a copy of which is included as exhibit F. It was this report, the May

7, 1996 report, which forced the district to shut down the old Middle School immediately. You can read the detailed analysis of this findings for yourselves. I don't pretend to understand all of it. What was most important to me and other members of the board were the clearly stated conclusions. For example, at page F-6 the last two sentences said "This means that these walls are very vulnerable to very high winds and can have a sudden catastrophic failure. There are no other mechanisms in these two building units to resist high lateral loads except a very small cementitious strength of the OM." At page F-10, he made an even more dramatic statement. In the first paragraph "Based on our review of the 1994 report, our inspection and photographs of March 28, 1996, our latest inspection of May 1, 1996, and photographs and our experience with more than 5,300 other buildings, many with some of the same types of problems, we recommend that these two units, 17U being the South building and 27U being the North building, be closed as soon as possible. If I had a student attending this Middle School, I would withdraw that student at once." In essence, Dick Finney concluded that both buildings were completely unsafe. And, then, at a special school board meeting on May 8, 1996, which was attended by several hundred patrons, he orally indicated that the cost of renovation would now far exceed the cost of new construction. It was not long after Finney's last structural report that the State Fire Marshall inspected the building. This occurred on May 15th, 1996. The District, thereafter, received an order for the State Fire Marshall, a copy of which is included as exhibit G. On page G-1, the second paragraph of the letter, the State Fire Marshall notes for the Fire Protection Specialist, "We cannot predict the precise moment the building may fail structurally, but we can evaluate this risk to the building occupants based on the building's current condition. There is no present justification to do anything less than the attached order." And, then, on page G-2, we have the order itself. Item one - Effective immediately, the referenced school building may not be occupied by students or teaching staff. And under item three - Any future use of Ottawa Middle School complex will only be permitted after the dangerous conditions which may lead to structural failure portions of the building are abated, repaired or replaced as determined a structural engineer licensed in Kansas.

Because the public wanted confirmation of Mr. Finney's 1996 conclusions, the school board determined to obtain a second opinion at an anticipated cost of about \$10,000. I was asked to make a recommendation about who should do it. The idea was to avoid, as far as possible, any suggestion that the second engineer was anti-renovation. During the debate over the prior bond issue, I had consulted with an architect who had significant renovation experience, Vance Kelley in Lawrence. I, now, asked him to recommend a structural engineering firm that viewed renovation favorably. We came up with a list of three firms that we were fairly confident did not have any bias against renovation. I also met with Bob Marsh, a retired

architect, who has been prominent in the current preservation effort. I had a meeting with Mr. Marsh on May 15th, 1996. He had worked in Wichita, before retirement, and was not overly familiar with structural engineers in Topeka or Kansas City. I showed him a list of three firms, as well as some others not on my short list, and he indicated that he did not know much about them and had no basis for objecting to or approving any of them. Based on the first architect's recommendation, I felt fairly confident that the list of three firms did not have any bias against renovation. I carried the three recommendations to Don Duncan, then Superintendent, whom, I believe, contacted the firms and obtained price quotes. From this list, Don recommended that the board hire Kerr, Conrad, Graham Associates, which was based out of Overland Park. The board did so. It was interesting to me, at least, to note that the list that I prepared of acceptable structural engineers included Mr. McMican, who may be an expert for Mr. Schneider tonight. He was not ultimately hired by the District, but he is now working for Mr. Schneider's group. The Kerr firm proceeded to conduct an invasive inspection and presented its report dated July 3, 1996. A copy of that report is included as exhibit H. The Kerr report concurred with the Finney report, as set forth at pages H-5 and H-6. The Kerr report concluded that both the 1917, or South building, and the 1927, or North building, are structurally unsafe. The 1917 building was determined to be completely unsalvageable with demolition being inevitable. The 1927 building, although not at risk for a catastrophic collapse, was in danger of the outer masonry walls falling off. The 1927 building could be repaired, but it would require removing and replacing all the outer brick walls. The total cost of repair and renovation would, according to the Kerr firm, exceed the cost of new construction for a new school. The Finney and Kerr reports forced me to abandon my hope for renovating the old Middle School. Although my support for renovation was based, in part, on the historical and architectural value of the old Middle School, the linchpin of my support was the cost effectiveness of renovation relative to new construction. At this point in 1996 based on the structural report, no one on the Board could conceive of any result other than demolition of the old building. The Board had rough estimates that the demolition would cost about \$250,000. If, as the Board believed, renovation was out of the question, it would have been a disservice to leave a deteriorating building in the heart of the community. We knew that our capital outlay fund would be tapped out because of the expenses associated with the interim Middle School facilities. We knew, also, that the next bond issue would likely be the only one the voters would support for quite some time. That left only one way to have the monies necessary for demolition - include them in the bond issue. That was how the Board came to propose the specific bond resolution, a copy of which is included as exhibit I. And as I've highlighted, the resolution itself asks, "Shall the following be adopted?". Shall U.S.D. 290 issue bonds in an amount not exceeding \$11,675,000 for the purpose

of providing funds to pay the cost of demolishing the existing Middle School and constructing a new building for use as Ottawa Middle School? In the bond election held on November 5, 1996, the voters passed the bond issue resolution with roughly 60% in favor and 40% against. Just before the November 5th election on October 24, 1996, a newspaper story appeared indicating that a Minnesota developer named MetroPlain might have some interest in renovating the old Middle School. For the Board of Education, including myself, this article created some concern about the upcoming bond election, in that the public might equate MetroPlain's interest with the idea that the old Middle School could still be renovated cost effectively for use as a middle school. This led me to write a letter to the editor which appeared in *The Ottawa Herald* on November 2. This letter is included as exhibit J. The last paragraph in my letter said this: "If, after making a detailed study of the 1996 structural report, a developer comes before the Board and makes a serious proposal, then I will gladly and eagerly listen. I think the Board has an obligation to listen. Nonetheless, unless and until such a proposal is made, the 1996 structural reports force me to believe that demolition is inevitable. This, in effect, this letter was the first public invitation for anyone, including MetroPlain, to make a proposal to the Board. After the election, MetroPlains continued to be discussed in newspaper stories and editorials. The Board, however, did not have any direct contact from MetroPlain. On December 1, 1996, I had a telephone conversation with Jeanette Lowry who, according to the newspaper accounts, had direct contact with MetroPlain. I explained to her that more than anyone else on the Board, I was sympathetic to the idea of renovation. I, then, outlined the minimum requirements I would need to see in order to give a proposal serious consideration. These included a formal written proposal with specifics about purpose, price, plan and time line. Regarding the last point, I was worried, knowing what I knew was in the structural report, I was worried that if a developer ended up with the building and then decided it couldn't be renovated this would leave the building in private hands as a deteriorating eyesore in the middle of the community. In *The Ottawa Herald* on December 18, 1996, John Montgomery wrote an editorial criticizing the Board, and especially me, for not giving due consideration to MetroPlains interest in saving the old Middle School. The truth was and is that we didn't have any proposal to consider. I hadn't heard anything in response to my December 1 conversation with Jeanette. I still didn't even know the address or telephone number of anyone at MetroPlain so I could write them directly. So I wrote an open letter to MetroPlain and had it published in the newspaper. A copy of my letter is included as exhibit K. In my open letter, I set forth the same minimum requirements that I had given by telephone to Jeanette on December 1. To restate, I needed to see a formal written proposal with specifics about purpose, scope, plan and time line. This open letter appeared in *The Ottawa Herald* on December 20, 1996. In the last

sentence, it not only mentioned MetroPlain, but anyone else interested in making a proposal. These requirements for consideration of a proposal were, thereafter, repeated by me several times in board meetings. Yet, never did we get a proposal from MetroPlain, nor did we get a proposal from anyone else, with one exception. The day after the election, on November 6, Bob Dodson sent us a written offer for the purchase of the building, as is. And a copy of that, of this offer is included as exhibit L. It offered \$150,000 for the site and the building, as is. The offer did not explain what Mr. Dodson planned to do with the building, whether he would demolish it or keep it and let it deteriorate, or renovate it. In any event, the Board believed that this price was well below market value, even when the cost of demolition was subtracted out to arrive at a net value for the sight. The offer also left us little time to make inquiry or evaluate it, for its final sentence said that the offer would remain open only for twenty days. No one on the Board was eager to jump at this offer. No action was ever taken. No Board member made any motion to accept the offer. So, the offer terminated pursuant to its own terms without any formal action by the Board. It was only later that I learned what Mr. Dodson's purpose for the building was. An article appeared in *The Ottawa Herald* on July 9, 1997, and a copy of that article is included as exhibit M. In the article, Mr. Dodson is quoted as saying that he would have used the building for storage. I inferred from this that major renovation was not really contemplated by him. Indeed, Mr. Dodson said that he might have torn one building down if he had been able to acquire them. Curiously, in the article, Mr. Dodson also said that his original offer was still open and didn't have an expiration date. But, if one looks at exhibit L, you can clearly see the twenty day deadline in the last sentence.

Even if the Board wanted to sell the property to some third party, there would be several significant impediments to that approach. For example, the sight is subject to restrictive covenants. Exhibit N is a copy of the original deed from the City of Ottawa to the Ottawa School Board. And I have highlighted the language that puts in place a restrictive covenant. The sight is to be, let's see, as a sight for public school buildings and for public school grounds in said City, and for no other use or purpose. In addition, the City owned this property before the school did, and it was platted on the City's original plat of the Park. So to change that use to schools, they had to get the permission of all the surrounding land owners. And so, the next document, Exhibit O, is a copy of the deed from all the surrounding land owners to the School Board, and it contains similar restrictive language. "To have and to hold the same, being the Rupp Property, for school house grounds, school purposes and privileges forever." So it appears that there is a restrictive covenant on this property that would restrict its use for anything other than school use. In some instances, it is possible to acquire a quitclaim deed from all concerned parties, but that would be extremely difficult in this case, because you'd not only have to get

all the surrounding landowners to consent to a change in use, arguably, through the City, all the citizens of the community would have a right to object to the change in use. And, therefore, one person out there, who would object to the sale of the building, could, perhaps, stop it, get an injunction, shut any sale or alternative use down. And, so, that's a major impediment to sale to some third party for use other than as a school sight. Now, let me return to the sequence of events.

At the regular Board meeting on January 13, 1997, Louise Dietz appeared on behalf of the community initiated development group seeking consideration of renovation as an alternative to demolition. She asked the Board, at that time, for a ninety day delay so that a survey could be done and proposals could be explored and developed. Members of the Board indicated that they would begin demolition for the next ninety days because it would necessarily take that long for a special district committee to identify items to salvage. And that step had to precede the demolition bidding process. I reiterated my view about what needed to be in any proposal to receive serious consideration; specific plans and uses, cost estimates, and mechanisms for funding. To date, the Board has never received any specific proposal, in writing or otherwise. After this January 13 meeting, the Superintendent, Dr. Ludwick, began to outline the issues related to a possible disposition of the old Middle School. At the regular Board meeting on January 27, 1997, Dr. Ludwick presented a detailed paper regarding these issues, especially the problems related to disposing of the sight with the building undemolished. Among other things, he identified the following problems: the restrictive covenants, which I've already mentioned, asbestos liability continuing with the District, even if the property is sold or otherwise disposed of, the potential value of the property, such that, it should not be given away because the District has too many other capital improvement needs for which we lacked and still lack funds, and four, whether failure to demolish would jeopardize the bond issue, the construction of the new Middle School and /or the tax free status of the bond. By this time, that is by January 23rd, 1997, Dr. Ludwick had already requested a legal opinion on some of these issues. The opinion letter of the Board Attorney was presented to the Board at the regular meeting held on February 24th, 1997, and a copy of this letter is included as Exhibit P. He identified several concerns if we would abandon one of the purposes for the bonds that might create the possibility that an elector in the District could challenge the bond issue, perhaps stop the construction of the new Middle School. There would, also, be potential adverse tax consequences if we took the money that was targeted for demolition and set it aside. There might be potential problems with that. Early payment of the segregated funds would have been difficult, if not impossible according to Mr. Bezek, prior to the call date (and I think the call date is 10 years down the road). He, he mentions that he consulted with Mrs. Riley, which is the District's Bond Council, concerning this

matter to obtain some of that information. He said, if we did abandon the purpose of demolition, that it is probable that future bond issuances by the District would be viewed as riskier. This is the last paragraph, next to the last paragraph, on page P-2. "And as such, the District would pay a premium in future bond issuances for the unique treatment of the current bond issuance." And you, as City Commissioners involved from time to time in bond issues, I probably don't need to remind you what the grading of your bonds can do to the cost of your financing. The risk is deemed to be higher, the cost to the City and to the voters of the City increases dramatically.

For a couple of months after that letter was presented to the Board, little came up at Board meetings regarding the renovation question. Then, at the regular Board meeting on May 12th, 1997, the Board was addressed by Charles Gillette expressing his desire to save the old Middle School building, if possible. At the same meeting on May 12th, Jeanette Lowry also addressed the Board, reporting on the results of the renovation survey. And these were later published in the newspaper. The results did appear to show public support for trying to preserve the old Middle School, and even showed general support for spending tax dollars on it. But, there was also a glaring gap in the survey. I know from the structural reports and the Loyd Builders estimate that any preservation of the building would be a multi-million dollar deal. I was consulted beforehand by Jeanette about what ought to be in the survey. I repeatedly stressed to her that it should inquire about how much money people were willing to spend in tax dollars. Without this question, I told her, I would not be able to give much weight to the survey. The survey, however, did not do as I suggested. It did not pose any questions about amounts of tax dollars, thus I did not, and I do not, consider the survey very important. However, it was *Ottawa Herald* editor John Montgomery, a person very sympathetic to efforts to preserve the building, who raised questions about the survey's procedures. He pointed out in an editorial appearing May 19th, 1997, the potential bias that might have occurred because preservationists helped with making the survey's phone calls. Still, to this point in time, the Board had received no specific renovation proposal from anyone. The Board decided to proceed with taking bids on demolition. At the regular Board meeting on May 26th, 1997, the Board was addressed by retired architect, Bob Marsh, regarding saving the old Middle School. Still, the Board had received no specific renovation proposal. At the regular Board meeting on June 9th, 1997, the Board was addressed by Louise Dietz and Jeanette Lowry regarding saving the old Middle School building. It was now 150 days after the January meeting, at which a 90 day delay had been requested. Jeanette did present the Board with a letter from MetroPlain expressing some general interest in the old Middle School, but the letter contained nothing specific. It had been more than seven months since October of 1996, when MetroPlains had first been mentioned as having an interest in

the old Middle School. Yet, by June of 1997, seven months later, this Board still had received no concrete proposal from anyone, MetroPlains or otherwise. It was anticipated that demolition bids would be received by the time of the June 23rd meeting, and the Board would be in a position to take action, if it so determined. At the regular Board meeting on June 23rd, the Board was addressed by Freone Hollinger, Charles Gillette and Jeanette Lowry, all seeking a delay in demolition to allow more time to explore possibilities to save the old Middle School. During the business portion of the meeting, a motion was made to demolish. I expressed opposition to the motion and suggested the preservationists be allowed an additional two months, until August 31, to present a specific proposal. I, then, said if a viable proposal is not presented by August 31, then, even I, will vote for demolition. The Board passed the motion to demolish by a vote of 4 to 2. Some argued that the vote should have been delayed until Jeanette and Cal Lantis had taken their seats on the Board, that may or may not be so, but it wouldn't have changed the result. All four who voted to demolish were still on the Board after July 1.

In summary, here's how things stood on June 23 when the Board voted to demolish. The cost figures we had clearly indicated that neither we, nor anyone else, could cost effectively renovate the building. The restrictive covenant and bond issue concerns indicated that sale of the building probably would not be feasible. This explains why the Board was not overly aggressive in exploring options. It seemed that sale would be an exercise in futility, that there simply weren't any options. Mr. Dodson's offer was made before we were fully aware of the possible problems associated with sale. Even not knowing that, we had very little time in which to evaluate Mr. Dodson's offer, only twenty days. We could not justify selling the building for so little when we believed the value was much greater. We were not told how his offer served any public interest because he did not indicate what use he would make of it at that time. Regarding the only renovation possibility we were aware of that was arguably viable, MetroPlains, we waited for a proposal. It's now been nine months since my December 20th letter to the editor. It's been eleven months since MetroPlains interest was first reported in the newspaper. We never got a proposal from them; we still haven't. That concludes our initial presentation. I would like to reserve the balance of my time, of the District's time, until later tonight. Thank you.

Mayor Cummiskey: Thank you. And Mr. City Clerk, for the record, what is the balance of that time, for later this evening.

City Clerk: Balance of the time is eleven minutes and 15 seconds.

Mayor Cummiskey: Thank you very much. At this time, we will hear from members of the

public, and, what we would ask you to do, is those who are in favor, we want to get this right, of the demolition permit being granted to U.S.D. 290, how this was structured, we would ask that you come up to the podium, sign in, both your name and your address, state your name and your address, and then we will certainly listen to the relevant information that you wish to relate to us. So, we would ask any person....

Voice from aud: Mayor Cummiskey, when do those who wish to speak against, from the public, against the demolition?

Mayor Cummiskey: That will be after the presentation by the Friends of Historical Buildings. And we will hear from all those persons at that time. Alright? So any person from the public who wishes to speak in favor of the granting of the demolition permit....

City Attorney: I see none and none contacted me.

Mayor Cummiskey: Hearing none and seeing no one at the podium, we will move right along to the presentation for the Friends of the Historical Building. And, who would like to speak first?

Ronald Schneider: I'm going to try to speak without holding this. Can people hear me? Can you hear me now? Hello...is that O.K.? O.K. Thank you.
My name is Ronald Schneider. I'm an attorney from Lawrence, Kansas. I've been retained by a group of individuals in Ottawa commonly and preferably referred to as Friends of Historical Buildings. This group is composed of a number of individuals in your city, and if you, Mayor and other members of the Commission, would be kind enough to listen to our opposition here tonight, I think, under the law, you are bound to find that this building permit should not...building demolition, excuse me, permit should not be granted. The public should also know that Mr. Sheldon and I have had an opportunity to consult with one another, to explore various approaches to this hearing, specifically on procedural matters, and to exchange, exchange documents in advance. The public should also know that the majority, if not all, of the documents that I'm going to be referring to tonight, were supplied to you either today or at a previous time. And Mr. Sheldon has them, and he's given me, also, most, if not everything, that he has referred to tonight.
I would like to start, first, with the discussion of the law. We are here tonight, as Mr. Bezek has pointed out, as a result of Kansas State Statute. This is not Federal Government law. This is not Ottawa law. This is the State of Kansas. This is...these are laws, statutes enacted by the State Legislator..Legislators, excuse me, to protect historic property. Now, in Kansas, our Preservation Act, and that's what it's commonly referred to as, The Kansas Preservation Act, our Act provides a protection of properties

located within what we call the environs of property on the State or National Register. The old Middle School is not on the State or National Register, but the Carnegie Library is. And, as everyone knows, the Middle School is within 500 feet, which is the definition of physical environ, and therefore, any activity within the environs of historic property, in this case the Carnegie Library, has to be reviewed by whom you refer to as the State Historic Preservation Officer, and we commonly use the phrase SHPO, because that's so hard to say. The SHPO then, under the law, has to determine whether or not this proposed activity, be it demolition, be it building, be renovation, anything that requires substantial conduct activity or action, should be approved. If the SHPO finds that the proposed project will affect the property, then the City Commission or the Governor, in some situations, must determine that there are no feasible and prudent alternatives. As you know, on July 7 you received a letter from the SHPO where Dr. Powers said as a guide to determine if proposed projects encroach upon, damage or destroy historic property or their environs, standards should be used, and used nationwide, and provide for consistency in staff reviews. These guidelines do not recommend undertakings that result in the loss of a historic structure. Furthermore, they recommend preserving the relationship between a historic building, or buildings, and landscape features within a historic property's boundaries. The demolition of the old Middle School building is contrary to these guidelines and should be re-evaluated. He concluded by stating, "The Statute states that the project cannot proceed until the local governing body has determined based on the consideration of all relevant factors that there is no feasible and prudent alternative to the proposal, and that the project includes all possible planning to minimize harm to the historic property and its environs." You, of course, have a copy of that letter, and that does accurately state the Statute. I will be referring to that Statute throughout. It will probably start to sound like a broken record. But, it's important that you remember that you have to consider all relevant factors. Not some relevant factors, not the ones you like, not the ones you don't like. And, then, after considering them, you have to conclude that there is no feasible and prudent alternative to the proposal. Now, I think Mr. Bezek property stated what feasible and prudent mean. Frankly, when it comes to preservation and renovation of an old building, anything is feasible. If you want to spend the money, you can save and preserve just about anything. In this test, to me, the key issue, when you look at this Statute, is, is it prudent? Now, is it prudent when you consider all factors? Economics are one of them. It is not the only consideration. If economics were the only consideration for everything a municipality did, we would not have swimming pools, we would not have schools, we would not have a lot of things. So I emphasize don't only look at economics. I am not suggesting you should not consider economics, however. Now, Mr. Sheldon has

addressed this Commission and throughout his presentation I consistently referred, I heard reference to the question of " where are these proposals?" Where are these solutions? The irony in those statements, in my opinion, is that Mr. Sheldon and the School Board have shirked their responsibility. They've expected everyone else to do the homework. They've expected everyone else to look for alternatives, and I think, if you look at the law, and if you look at their public duty, they have the obligation to search out alternatives, to search out solutions, and to look for a reasonable and prudent alternative to demolition. Frankly, they didn't do it, even though they said they wanted to.

Probably, the most important case in the State of Kansas dealing with this is the building in Lawrence, Kansas, often referred to as the Old English Lutheran Building. The case was referred to as *The City of Lawrence vs. Allen* or Allen 1. I was involved on that case. It went to the Court of Appeals twice. And, in that case, it's interesting also to note as a side comment, the engineer who said that building was ready to fall down is Finney and Turnipseed. And, if you look at that building today, it's one of the greatest examples of preservation in this region. Now, in Allen 1, the Court states, and if you would at page..oh..I don't know if you have the case, I will read specifically what it says on page seven. It says the pertinent rulings of Allen 1, and this is in Allen 2, excuse me, are the proponent of a project has the burden to prove that no acceptable alternative exists. The proponent is the School District. They have the burden to show that nothing exists. They cannot simply say "We haven't looked, we don't know," and therefore, it doesn't exist. I assure you that many cities, when they are in this position, they send out solicitations. They sent out notices to the numerous companies throughout the United States that participate in this type of project. I was involved in a matter in the City of Wichita, Kansas. That city, before they proceeded, sent out over a hundred notices to various developers throughout the United States. And, I think, as the evidence proceeds tonight, you'll see that even in the short period of time where there were no formal solicitations, there are developers interested and capable of doing this project. Number 2. A potential alternative is not a relevant factor unless it is supported by evidence to indicate it is both feasible and prudent. Unless differ with Mr. Sheldon here, Mr. Sheldon seems to suggest that we have to have detailed plans, comprehensive analysis and all types of financial considerations. I don't believe that's the case under the law in Kansas. There has to be a consideration of evidence and a consideration of the options that are available to determine if it's feasible and prudent. You don't have to have presented to you the plans, the dollars and the check written. Number 3. The proponent does not have to refute a potential alternative until it is proven to be a relevant factor. Mr. Sheldon has made reference to that. If someone simply comes up here and says "Boy, I think this would be a wonderful place for a nursing home," and says nothing further, I think

that's not a relevant factor. But, if someone comes up here and tells you why they think a nursing home is important, if there's a shortage, how that facility can be used, then, that becomes a relevant factor. At the outset of this entire controversy, we have a basis for criticism for making the conclusion that renovation is not feasible. And, at the outset, that report is flawed. Now, it's the engineering report by Finney and Turnipseed, and later followed up by the other engineer, that has led everyone to believe we've got nothing but a disaster ready to happen. There have been exclamations. There have been all types of statements made in this town over the past number of years of the catastrophe to that building. In 1994, interestingly enough, Finney and Turnipseed make a conclusion, and Mr. Sheldon properly expressed what that conclusion is. For about \$100,000, the School District could protect the building for two to four years, and then, for anywhere from \$1.6 million to \$2 million, protect and preserve that building for an extremely long period of time. The report says we have concluded in this estimate a very liberal, that a lot of money, more than necessary (and I'm saying that), a very liberal contingency factor to ensure that there will be sufficient funds to do this repair work if these buildings are to be repaired for a long term future use--forty years or more. This was done in April 21, 1994. Those repairs, I am told, were done. I have not seen documentation of that, but I assume they were done. Then, two years later, everything that Finney and Turnipseed says gets thrown out the window. I suggest to you as a City Commission, if this report is so darn important, you have to question the credibility of these people who make the report; either they were grossly in error the first time, or the second time, their considerations were so different from the first one, they failed to give this community an adequate explanation. And now, this community has gone ahead and been forced to choose between a new school or an old school.

Someone tell me how much time is left. My watch actually died.

City Clerk: Just over thirty three minutes.

Ronald Schneider: Is left? That's what is used?

City Clerk: That's what's left.

Wendell Barker: Where do these limits come from?
(Audience)

Ronald Schneider: They've been imposed in advance, and we knew about them.

Wendell Barker: I understand that.Where do they come from?

Mayor Cummiskey: Sir, this is the time for the Friends of Historic Buildings. There'll be public comment opportunity later, and he's being timed and needs to use that time.

Wendell Barker: I just.....I only get three minutes.
Mayor Cummiskey: Please proceed.

Ronald Schneider: Thank you. He also states in this report, and if we're going to believe that Mr. Finney and Mr. Turnipseed's firm is adequate, and I should also point out that on the first report a fellow by the name of Shawn McGrearity, a design engineer, signing this. I don't actually know who conducted the report. It's signed by Richard Finney and Shawn McGrearity. While these existing building units may have....units have many problems, as outlined in this report, we did not see a significant amount of differential foundation movement. We did see some areas that, apparently, have had some movement shortly after that area was constructed; but there was very little or no long term foundation movement. Mr. Washburn, the architect for the 1927 building, was from Ottawa and has an excellent reputation with the present day building construction people. The buildings put out by this firm, Washburn and Son, have stood the test of time and survived. The primary problems with most of his buildings has been lack of maintenance or poorly conceived maintenance. Mr. Finney and Turnipseed's office essentially says, if you got problems here, it's cause the School Board hasn't maintained it properly; but, under any circumstance, the problems are not serious and they're not structural. Yet, we get to 1996 and, as Mr. Sheldon has outlined how that came about, they are called upon to look at this again. And, if this is not an alarming statement, and if it's not going to scare the dickens out of a School Board member, I don't know what would. "If I had a student attending this Middle School, I would withdraw that student at once." For gosh sakes, and I told this to Mr. Sheldon, if the School District had done anything but that, I believe they would have been remiss. They were scared to death. So, you know the inconvenience, the trauma and the discomfort that your students have been put through, the chaos that these reports have created.

We next have another report that comes forward from Kerr and Conrad. Mr. Kerr and Conrad's reports refers to both buildings, 1917 building, which is the South building, and the 1927 building, which is the North building, relying a great deal, frankly, upon the evaluations made by Finney and Turnipseed. He states in his conclusion on page 5, "Because there is a significant possibility of a localized catastrophic failure, and because the cost of structural renovation and associated architectural mechanical and electrical rework, it is believed that demolition of the 1917 building is inevitable." I believe those statements are totally inappropriate. He gives you no figures. He makes a conclusion on behalf of your community and the School Board that it is inevitable that you have to demolish this building, and that it's not feasible. And the localized catastrophic failure, Finney and Turnipseed has referred to a wall falling down if we have some big winds. That's been a year and a half ago. Maybe we should wait

outside tonight. There's a big storm. If it doesn't fall down, we win; if it falls down they win. The point is these catastrophes have not happened, and it is my expectation, based upon the report from our engineer, which I will share with you, it will not happen at all.

Now, in the report also by Kerr and Conrad on the Northern building, he states, " The danger in the 1927 building is not collapse of the floor and roof structure, but it's failure of the brick veneer, due to inadequate attachment to the brick backup." We will show you with a report prepared by Don McMican that such an analysis is totally flawed.

You have the report before you from Don McMican that's dated October, 1997. This is a twenty page report. For me to review it in detail would be a dis-service to the public who is here to speak, and a dis-service to you. I would like to summarize it and tell you what Don McMican tells me, and what I conclude from reading the same thing. First of all, the mortar on the building is in excellent shape. Contrary to the evaluations made by the other engineers, it is not deteriorating. There are areas that may require tuck pointing, but it is not the entire building; and the tuck pointing, in fact, is primarily and exclusively a question, right now, of cosmetics, except in some limited areas. Now the original design of this building, if you can envision two bricks on top of each other when the mortar goes in-between 'em, it was originally designed that the mortar was recessed for aesthetic purposes. That was intentional. However, over time, water tends to get inside that crack and cause expansion. So the thing that happened here is that the School District, at one time, chose, appropriately so, to put mortar to fill in the cracks to prevent water from coming in. It was not a structural decision. It was something for maintenance and aesthetics, as well.

The headers that are constantly referred to in the other engineering reports are not in the condition they claim to be. The lintels in the 1917 building should, in fact, be replaced, and some in the other building should, in fact, be replaced.

To cut to the chase, right now Mr. McMican's report is ironically very similar to the first report by Finney and Turnipseed when it comes to monetary needs. He believed that a hundred thousand dollars would currently make that building, on the exterior, entirely safe and anyone could walk around it and not have a brick fall on their head. For two hundred and fifty thousand dollars, the cost of demolition, we could replace the lintels on the upper side, do more than just safety issues and start getting it in excellent shape. For the price of nine hundred thousand dollars, Mr. McMican, the engineer, has concluded that the entire building's exterior structure can be made safe, sound and, more than that, a gem, when it comes to architectural restoration.

Mr. McMican's background is extensive. He's been working as an engineer for twenty one years. Some of his projects include the Plaza Laundries, Stillwell and Banker building, Battle of Lexington State Historic site,

National Frontier Trails, Baker University projects Parmenter Hall, Mabee Hall and the recent reconstruction of the English Chapel. He's active in professional societies. He lectures throughout the region. He writes articles. He has been active, specifically, in masonry issues and restoration. I suggest to you that his skills and experience in this area are second to none. I won't go any further. You have his vita and his experiences. There have been some interesting articles written over the years, and I've had the benefit of reading some of them. And, I'd like to read to you some of those comments that have been written. The first one is titled *The North American Hotel Times Ten*. It was something that was published in the Ottawa newspaper here, and it states "Members of the School Board acknowledge that the old Middle School would have to be razed. The Board even obtained an estimate of the cost from a demolition firm, the McPherson Company of Topeka, such estimate being approximately \$250,000. Then, at the Board meeting held May 23, 1994, Board member, Rex Cummings, again acknowledged the necessity of razing the current building if a new Middle School were constructed. Now the School Board tells us that the old Middle School building need not be demolished. After all, if a new Middle School is built, why the sudden change? I suggest it's a simple adjustment in marketing strategy. The Board realizes that many people in this community do not want to, and will not, abandon this venerable structure to destruction. So now the Board has reversed its position and suggests that it could be used for several purposes by the community. The Board suggested that it could be used for several purposes by the community. Where does that leave us? With an empty building?" Then the author continues. "If the Board's non-demolition approach is implemented, we will have in the year 2000 another monument to decay for the downtown area. The abandoned Middle School will become another North American Hotel, only ten times bigger. And I seriously doubt that anyone will try to convert it into apartments for the elderly. It will be a massive tribute to decay in the heart of our community. It will be a nightmare on Main Street." I suggest that it will be a gem on Main Street. That is my comment. The other comments are by Sam Sheldon.

Also, Mr. Sheldon wrote in the newspaper the following: *What Price Culture, History and Architecture?* "Although people have different tastes, I believe the current Middle School is an architecturally beautiful building. As I have written before, the Middle School forms an important anchor, along with the Ottawa Library building, that links the downtown area to the City's southern commercial corridor. It, also, helps to maintain the historical integrity of the downtown area, which, in turn, supports the downtown's economic viability. What is the cultural and economic cost to the City if it abandons the current Middle School building? That is one of the questions which each voter must resolve for himself or herself before casting a vote on the school bond proposal. It deserves some thought."

That's commentary by Sam Sheldon - *What Price Culture, History and Architecture?*

How much more time do I have?

City Clerk: Just short of twenty two minutes, sir.

Ronald Schneider: Thank you. And, the third statement from Mr. Sheldon, which was also printed in the newspaper, *Are New Buildings Really Lower Maintenance?* He states "New construction, however, is not necessarily more maintenance free. We have several local examples to illustrate this. First, consider the original high school building located at Eleventh and Ash. It is less than thirty years old, and it has already had severe structural problems and major repairs. Second, consider the new high school gymnasium added in 1991. It already has a water leak in its roof. Third, consider the new classroom space added to the high school building. Several cracks have occurred in both interior and exterior walls, some caused by ground swelling and others caused by thermal movement. Fourth, and finally, if you want to observe as good an analogy as we have in this community for the Middle School building situation, and, for the difference between old and new, go downtown to the old County Courthouse and look at that venerable Washburn structure. The modern court building has already required major foundation repairs in less than twenty years." I could go on with this letter, but Mr. Sheldon concludes, "Wonderful results can be achieved through renovation." He also says, "It does not seem to matter that there are many examples of successful renovations of old public buildings: the Topeka High School, of course, and North Kansas City High School, in Chanute, they took a dilapidated old railroad depot and converted it into a modern library. And we have an excellent local example as well. Ottawa University recently completed a thorough renovation of its Ward Science Hall. A short stroll on the University's campus will allow you to see, first hand, what can be done with an old building." Mr. Sheldon has identified, in general, what can be done. Again, where was the School Board in pursuing reasonable and feasible and prudent alternatives. There is one item that I failed to mention. Mr. Sheldon points out that a particular construction firm was hired for the purpose of looking at the report prepared by Finney and Turnipseed. For the price of \$10,000, they prepared a cost estimate for their project. Now they were selected specifically because they have long term experience in preservation. Ten thousand dollars for a cost estimate is a heck of a lot of money. That recognizes that they spent a heck of a lot of time in looking at this building. They simply did not sit down and look at pieces of paper without looking at the building in determining what needed to be done. They have experience, they have skills and they have expertise in addition to Finney and Turnipseed. They concluded for under \$6,000,000, very close to the figures that our engineer computed, this building could be renovated and

restored into excellent condition. So, I'm suggesting to you that, even though, we later hear that they relied on Finney and Turnipseed evaluations, they are not experts without qualifications on their own. They are not without the ability to look at a building and say "Wait a minute, folks. Your engineer was grossly wrong, and our report is going to include prices more than twice your expectation".

Time is running out and, in order for me to give other people appropriate presentation for Friends of Historical Buildings, there are a couple of items I would like to quickly talk about. First of all is the title question. We are told that one of the reasons the School District does not want to sell this building, give it away, or transfer it for a certain price, is because, in fact, it's worth so much darn money. Well, I can assure you, as a lawyer who deals with a lot of title issues, if you don't have clear title to a piece of property, you're not going to sell it to anyone. Then that property becomes of questionable value. Sam and I have talked briefly about the meaning of these documents, these deeds, that were transferred in the 1800's, and we have some significant disagreement on what are the legal implications of these documents. We do agree that there is a question as to who owns the property, or under what conditions are they owned. I am of the opinion that there may be, actually, a reverter clause, of sorts, which means the property has reverted back to the City of Ottawa. You, as City Commissioners, in my opinion, may have a legitimate argument this date that you own that building and that land. Once that building ceased to be used as a school building and school grounds over one and a half years ago, it had a significant length of time that has transpired that gives, in my opinion, a strong argument that, that property has reverted. Now, Mr. Sheldon has referred to a restrictive covenant. There may, in fact, be in the alternative a restrictive covenant that cannot make that property be used for anything but a school building or school grounds. If that's the case, then the court has to resolve how title can be cleared and quieted.

In summary, there are alternatives, and there are many methods legally that can clear this up. But, right now, to talk about market value of that property, in my opinion, is actually not a relevant consideration. It's speculative on what that's worth because we don't know what the title is. It is not speculative to realize that it is feasible, that it can be corrected to the benefit of this community in large. When you find yourself in an interesting position because the City may, in fact, have a claim here, but you've got a School District, and a School District whose councilled by your same attorney. And that is one of the reasons I have such strong objection to Council continuing to serve as advisor to you. I've not brought those issues up merely to cause insignificant concern. I've brought those issues up because I think they are serious problems during this entire process.

Next, I would like you to hear presentations. Those presentations will include specific, reasonable and feasible and prudent alternatives available

to you. The first one will be presented by Doug Loyd and Bob Marsh. They have drawings that have already been demonstrated or given to the City in small form. They will be presenting to you a concept which is a civic center. This coincides very directly with the type of facility that the YMCA of the Greater Kansas City Area has expressed an interest in. By showing you these particular drawings, Bob and Doug will explain to you how the "Y", or any other similar organizations can use this facility and renovate it.

After that, we will be presenting representatives from MetroPlain, who are here to discuss this matter. Then, thirdly, I will discuss briefly the offer by Mr. Dodson, which remains on the table.

Then, I am told, that there may be other representatives from interested developers from the general Metropolitan area. Thank you.

Mayor Cummiskey: Thank you. Mr. City Clerk, while they're assembling the charts, how much time remains here?

City Clerk: Fourteen minutes and fourteen seconds, Madam Mayor.

Mayor Cummiskey: Thank you. Who's speaking on behalf of the civic center?

Voice: I'll start.

Mayor Cummiskey: Very good.

Ronald Schneider: Actually, they are members of the Friends of Historic Buildings. They developed the concept.

Mayor Cummiskey: O.K.

Douglas Loyd: My name is Douglas Loyd, and I'm a licensed architect in the State of Kansas, and I'm a graduate of Ottawa Public Schools, and I, also, graduated from the School of Architectural Design at K-State. And I'm also a member of the Franklin County Historical Society, one of the trustees there. And my experience is, I've worked on probably 25 to 30 different schools over my career, mostly those were done in New Hampshire, but I've also worked on some here in Kansas. And I imagine about a third of those were dealing with historic preservation. And last winter I was asked to be on a committee that was to look at salvage. This was after the demolition of the bond issue was drawn, and they were just looking at what they could salvage out of the building, and that was probably the first time I'd been in that building for probably twenty five years. And, when I, walking around I just noticed that this building is actually quite well built and is probably is better than many buildings I had worked on, and since that time, I've been through this building about six

times, and it always strikes me that this building should not be torn down. And the only reason it's still standing is because of its proximity to the Carnegie Library, and actually, the only other building in that area would be the Franklin County Court House, and this building is probably built better than either of those two buildings, in that it has concrete floors and concrete beams and masonry walls. Now, the two buildings across the street that I was referring to, have wood structures, which probably, if you're gonna look at what a reason a building would be destroyed would be because of fire, and both of those are very susceptible to that. And the other alternative, or the reason a building would be destroyed is because of improper maintenance. And, I think that, as Mr. McMican's report would show, that there are alternatives to the taking down of all the exterior walls, and he's given us a couple of examples. One is the typical brick. This was one that was sawn out of the wall. And, one of the reports was saying that the mortar was not bonding to the brick properly, and yet, you can see, this is one that was already laying on the ground. We couldn't hardly bust one out of the wall, and I don't think a single has fallen out since that tore bricks out...sawed them out of the wall. And yet, here's one that shows a fully bonded brick. And the other exhibit I'd like to show is a tie system that was never explained...when they were saying that the walls should be taken down and rebuilt, that this is a system where you drill a pilot hole and, with a hammer drill, you can drill, more or less it's a...it twists itself in, but it's a way to anchor the entire wall from the inside. And, then, there would be some plastering done after this, this new tie is inserted. And this is just a fraction, I mean. a very minor fraction of the cost of rebuilding walls. I was also wanting to show over here how we felt that this project could be used for...by the community. This is something that would possibly be supported by taxation or grants and...there's a variety of ways to do that. Now, I think our committee, though, has been kinda under a difficult position that we're trying to solicit people to come forward, yet, we're not the owners of the building. It's sorta hard for us to negotiate that. And, so this is all very speculative, or how we anticipate it could be used. And, areas in green (referring to building prints), are what I, we consider public space. There is a meeting area underneath the gymnasium. This is the...this is the North building, the 1927 edition, and this is the South building, which was built in 1917. And, there's two gymnasiums, one on the lower level the 1917 building, and on the second floor of the 1927 edition. And, there's been a lot of people say how they felt like the community could use those. I mean, the athletic programs in town need those sorts of spaces. And another space that is very adaptable to community use is the auditorium. There's a wonderful little auditorium there, seats probably about 200...or about 525 or so people, and with a balcony. And there's also the meeting space, and I imagine that everybody's gone down Main Street and seen how that's been used. There's been square dancing and all kinds of activities that's happened there

in the past. And, so that leaves areas, areas of blue is what we think to be used for either classroom space, for office areas, meeting space. There's really just a lot of opportunity here.

And then there's also locker rooms and toilets, toilet areas, and, those are areas that will probably most likely will be the most expensive thing about the renovation, will be upgrading mechanical and electrical and, so...

And then there's also, I showing a sight plan here, showing the area for parking, how parking could be added on the...on Fifth Street, and additional parking. And then there's also, I think, another interesting aspect is how the new Rails and Trails proposal could very easily be adapted to be, you know, this could be a jump off point, as well as the Depot Museum, as being another place. So I think that this, also, could be a place for that type of activity. And, I'd also like to turn this over to my colleague Bob Marsh.

Ron Schneider: Excuse me...How much more time is left?

City Clerk: Six minutes and eighteen seconds.

Ron Schneider: Mayor, we're running out of time, obviously. And I'd ask Mr. Sheldon if he had any objection that we have a little more time. And, he said he had no objection, but, obviously, it's a decision that you have to grant. So, I'm asking if we can have ten or fifteen more minutes, because there are a number of relevant issues that need to be developed today.

Mayor Cummiskey: Commissioners, are you fine with that?

Response: Yes.

Mayor Cummiskey: Very good.

Ron Schneider: Thank you, I appreciate it.

Mayor Cummiskey: Mr. Sheldon.

Mr. Sheldon: The only requirement that I have, I don't think I'll need that much extra time, but I would like to have the same benefit, if I do need it.

Mayor Cummiskey: Commissioners, are you agreeable to that, as well, if time is needed?

Wendell Barker: Objection.

(Audience)

Mr. Sheldon: Thank you.

Mayor Cummiskey: We're going to proceed with this portion of the public comment portion....

We need to grant a specific allotment of time, and so you have six minutes remaining. Why don't we say, at this point in time, an additional ten.

Bob Marsh:

My name is Bob Marsh. I'm an architect, engineer. Next year will be fifty years since I decided that's what I wanted to do. I have both an engineering degree and architectural degree. I practiced engineering for, probably, the first six or eight years of that. The rest of it has been architecture, working with engineers. A number of years ago, I became very interested in historic preservation. I like the older buildings; I like the quality of work; I like to see how people built things. I began to be involved with that, and, as I got more into it, I saw a value to the community, as far as to save these buildings. And as people have said, I think they typically are better built. There was more money went into them, relatively. For many reasons I felt that. I moved to Ottawa three years ago. We had planned it for two or three years before that. It's my wife's home. I've known the community for the last thirty eight or thirty nine years from being up here. I felt like the Middle School and the High School was worth spending some time on. I felt that it wasn't for a business, but for a community use.

Initially, I felt like that the school was the thing to fight for. And, when the School Board looked at it and decided it wasn't their use, then, I began to look at the community use. I've been asked tonight to present a couple of concepts of what a community use could be. I have found that in communities it takes a whole community to find an adaptive use, asking for specific things is projects that evolve, so what I'm talking about is a concept. It needs to be worked through a community to see if it's feasible, to see if it meets the needs of what the people feel. For what Doug had presented, I have a concept "A", where the community is going to use all the space. The community center, which essentially is the green space, the gymnasium, the space under the North building gym, the meeting room in the middle, and that gymnasium under is about 35,000 square feet, approximately a third of the 102,000 square feet in the total project. The blue portion of classrooms, offices, meeting, I think a share of the corridors, etc., is about 47,00 square feet. And the theater portion, the brown portion, is about 10,000 square feet. I think I added some of the blue for offices, and things like that. But try to divide the project up like that. I, also, assume that if you are looking for, and I use a budget figure of \$6,500,000 for renovation, that, if you looked at \$3,000,000 from sales tax, \$2,000,000 from property tax, and \$1,500,000 from grants and gifts, that that's the way you could look at funding such a project. If it's a public project, and the public wants to support it, that is a possibility of funding such a project. I looked a little bit at sales tax. Right now, we're 1 1/2%, one and a half cents per dollar, essentially, evenly divided, a half a cent to the hospital, to the County, and to the City. That sales tax for the hospital generates approximately \$90,000 a month, or a million something a year.

And, if we assume that we were only going to pay renovation costs of the \$3,000,000 with sales tax, and we're going to borrow it, in about three years, we could pay for that. If we were only going to put half of that in our renovation and the other half for operating costs, we could repay that \$3,000,000 in about seven years.

One of the things about an existing building, that you don't have to do it all at once. I am not sure that we would need to borrow the money, that, if we phase the way the money came, and the way that we developed things, that we wouldn't be into the loan costs. And, so, those numbers could easily change.

Property tax. Franklin County is about \$120,000,000 in evaluation, and, from that, about two mills would collect about \$240,000 a year. We could repay the \$2,000,000 at 7% in about thirteen years. If we went to three mills and collect about \$360,000, we could repay the \$2,000,000 at 7% in about seven years. Looking at assessed value that's sort of related, a \$70,000 home, one mill would be about \$8.00 a year, two mills about \$16.00, and three about \$24.00. There's, also, the room tax. If we are developing this for conventions, meetings, trade shows, all of those things that we talk about bringing to the City in a small size, then a portion of that room tax could, perhaps, be allocated to the renovation of the portions that they might use, or, perhaps, the operation.

And then, gifts and grants. I think that, as we looked around, there are many grants available for community use. Community development block grants, or State housing programs, or State youth programs. There's a Historic Federal Preservation Tax Credit of 20%, a significant amount for a private partner, not for the non-profits, but for a private partner. There's a Kansas Heritage Trust Fund that can go to properties that are on the National Historic Register. I think that's a thing any, any group that took over the building would probably work to place it on the National Register, and I believe that it's one of those that is eligible. I think the State Historical Society has told that. There's energy programs for new windows. There's arts programs. And, then there's private individuals and foundations, and I think that's especially for the theater. That's the type of facility that you can get volunteers, you can get gifts. It's even the kind where people come forward to really help. I was gonna suggest that for, and I had ten thousand feet at 640,000, you could probably have your name on it for half that. So that might be a start. A challenge.

I had concept "B", then, which was sort of backing off of that, and, it was saying that a portion of it was going to be elderly apartments. And that was the approach that we were using with MetroPlain back when we thought that only the North building was the one we would try to save, and that the South building was really not up to it, which I've changed my mind on that, but that MetroPlains was gonna be a partner in putting twenty seven units of elderly housing in the blue portion of the North building. And, then, the gymnasium and the space under and the meeting room was

gonna be the community. That would take us down to about \$4,500,000, and essentially, we would be \$3,000,000 from sales tax and \$1,500,000 from grants and gifts. That's just concept. I don't know, once you got into it, you might find those proportions would change. You might find that the cost would be less. You might find that phasing the construction, we could reduce that. It's one of those things that a community really has to study to find the right solution. Thank you.

Mayor Cummiskey: Thank you.

Larry Olsen: My name is Larry Olsen with MetroPlains Development out of St. Paul, Minnesota. Our company has been in the multi-family real estate business for seventeen years. Over that time, we have developed approximately fifty different housing developments. About half of those have been historic rehabilitation into housing of structures such as the Middle School. Each of those structures has had its own particular problems, and we have overcome them. I guess how we originally came to Ottawa was back in about 1989 when we looked at the North American Hotel. And, we worked with the City, at that time, over a period of about two--three and a half years, to turn that into Courthouse Square Apartments, which is twenty six seniors apartments. Altogether in Kansas, we have done five historic rehabilitations into housing, I think all into seniors housing. In that....we worked with communities that wanted to do something with a historic structure, as partners, or as the same team. We did not formal proposals. We did not buy the building in the beginning. What we did was enter into a development agreement with the community. There's some other buildings that we've done outside of Kansas that, I think, have some interesting parallels to this school. In 1995, we completed a conversion of the elementary school in Canton Falls, Minnesota, into thirty two housing units. How that started out was the school had a new bond issue, and they thought to prepare for it, they were gonna find out what community uses there were for the building. They went through approximately eighteen months of working with community groups and hiring architects and, also, a development consultant to look at what's feasible. We answer requests for proposals and worked under aagreement for several years. What we ultimately ended up doing, was converting the school to a seniors housing, and the community had no senior center, so we took our common areas and created a senior center for the community. That took several years, in itself, to put together and put the seniors together. That is operated by a non-profit. That was set up specifically for the renovation of the school. Those parts that weren't appropriated for housing are currently still owned by the school. They are used for a variety of community uses and non-profit uses. That process also took about four years to put together. In 1995, we also completed the historic renovation of the old Main building in Canton, South Dakota. This

was originally the main building of the Augustana Academy Campus. Augustana moved to several communities before ending up in Sioux Falls, South, Dakota, early in the 1900's. And that building, what we had to do was completely redo all the interior structural from the footings on up through the fifth floor through the roof, one of the extensive structural rebuildings we've done. In 1983, we completed Academy Park. This was a Catholic grade school that one noon, fire broke out, and school never reconvened. By the time that we saw the building, there had been no roof on it for over five years. Again, that needed to be restructured completely from the ground up. We did this in a variety of ways, which I'll get to. I'd like to step back and talk a little bit about what our involvement has been in Ottawa with the Middle School. In the summer of 1996, we noticed that it had been vacated, and we made some inquiries with Superintendent Ludwick to find out what was going on. We, later, toured the building with one of the structural engineers that the School District used to get an idea of what his thoughts were.

At that time, it seemed more appropriate to explore the North building, and we worked with the Friends of Historical Buildings to say what portion should housing be. So, at no point did we have a proposal to buy the building. At no point were we going to turn it exclusively into housing. Housing was an option around your other community activities.

Like to step in a little bit and talk about funding mechanisms. How do we put these together? We've done twenty five buildings, as I said. Each one is different. But, maybe some examples would help everybody understand what the community's involvement are and how these work financially. Courthouse Square Apartments was funded through the Farmers Home Administration, now called Rural Development. This is a Federal funding program. They provide a first mortgage on the building and rental assistance to the seniors in the building. We also applied for and got an affordable housing grant. We used the Historic Tax Credits that were previously mentioned, along with Housing Tax Credits, which are administered by the State. Those provide the equity from a limited partner to make it feasible. Another example would be a building just completed in May. This is the Stillwell Hotel in Pittsburg, Kansas. This was a very creative attempt because this was, also, in very bad shape. It also had a Finney and Turnipseed report on it that looked hopeless. We worked through the problems, you know, bore the expense and solved the structural problems to the satisfaction of the City Code Officials. The funding for that encompassed a local non-profit that was very active, in fact, had acquired the building. They have provided well over \$100,000 in various sorts of contributions from interested local citizens. In this case, five banks did a first mortgage on the building, all participating. We used the home program through Kansas Department of Commerce and Housing. We used CDBG funds through the small cities program, also administered by the Kansas Department of Commerce and Housing, and again, tax

credits. I think the Kansas State Historical Society provided about \$60,000, and also the Affordable Housing Program through the Federal Home Loan Bank was used. It total, probably, eight or nine different sources of funding. So each development is quite different, and, in this case, we've been working with the Friends of Historical Buildings to find out what portion of the building could be used as housing. And, from our experience with Courthouse Square Apartments, we know there's market need here. We have been full, and that has run very well for us over the last five years. Anyway, so.....That's it? (Time was called) Thank you.

Mayor Cummiskey: Thank you. Mr. Schneider, did you have one final piece? Was it the Dodson offer that you needed to comment on?

Ronald Schneider: Yes, please.

Mayor Cummiskey: How long might you anticipate needing for that?

Ronald Schneider: Just a couple of minutes, ma'am.

Mayor Cummiskey: Commissioners, are you all right with that? Mr. Sheldon, knowing that such time would be added should need be? O.K. Complete.

Ronald Schneider: Everyone before me, I think, has presented what's relevant and seeking alternatives and feasible and prudent alternatives. In particular, there is the third item which the Mayor, you have made reference to, and that's the offer by Robert Dodson, Vice President of Dodson International Parts. Mr. Dodson, in fact, did write a letter to the School District, and Mr. Sheldon has relayed that letter to you. Mr. Dodson has also talked with me and authorized me to state, unequivocally, that that \$150,000 offer stands. His intention is to use the building for compatible purposes with its current location. He has no intention, whatsoever, to do any demolition. He knows that there has to be renovation, preservation and structural...Not structural, excuse me. There has to be questions addressed to the outside as has been explained by Mr. McMican. Mr. Dodson assures me that he intends to do that. He intends, in essence, to preserve and conserve the building. That offer stands. That is just about all I had to say, except, Mattie Perry and Don Waymire have a presentation. If you'd like them to save it to their personal time, I'd be happy to. If you want it now, that's fine. We're talking about five minutes maximum.

Mayor Cummiskey: (Commissioners) We have one for personal time and one for now. Commissioner's Tyson and Finch?

Ronald Schneider: We'll save it for personal time to avoid any controversy. That's fine.

Mayor Cummiskey:
Ronald Schneider:

Alright. Alright. Thank you.

One last reference. In your package you have information from Spring Hill Civic Center. I would encourage you to look at that. It's a classic example of something very close to us which has accomplished enormous things through creativity and effort, and with resources, in my opinion, far less than this community has. Thank you.

Mayor Cummiskey:

Thank you. Here's what I would like to propose, Commissioners, before we hear public comment from the Friends of Historical Buildings group. I would like to propose that, while the presentations from both groups are still fresh, we allow Commissioners an opportunity to ask some questions, at this time. Then take, perhaps a, no longer than a ten minute break, and then come back for the public comments. Very good.

Any questions for either party or any individual who has presented yet at this time? I wanted to ask, we, and I need to let the public know, we have established, the City Commission has established a public file that contains any letters and information that we've received on the subject, that file is open for any of you to look at, but it's, also, a resource for us. And, I would like to ask if, perhaps, copies of these drawings could be added to the file, as well as, perhaps, some of the other remarks made tonight, particularly Mr. Marsh, the concept "A" "B", those kinds of things. Doug Loyd, you mentioned that we'd need to upgrade mechanical and something else when you were showing....

Douglas Loyd:

All mechanical, electrical and plumbing systems need to be...

Mayor Cummiskey:

Thank you.

Mr. Sheldon, any comment on the title question? I'm asking just as a...we heard from Mr. Schneider that there's a, he believes that there may be a reverter clause, and said that you were in disagreement in terms of.....

Mr. Sheldon:

Is there any objection to me sitting down as I respond to questions, in case I need to refer to documents? We looked at, in fact, my recollection from law school was that there would be an automatic reverter in that instance, and I raised that question with the Board Attorney back in January or February, and he knew the law a little better than I did, even though I'm suppose to have some expertise in real estate. And there is an obscure 1881 case, and I can't sight the name off the top, but I've got it somewhere in my files, that basically says, unlike most other states, Kansas does not have an implied, automatic reverter. Because it's an old case, it might still be an open question, but, I think Mr. Schneider and I would both agree there's a cloud on the title. There is a possibility it could be removed, but I'm not, it's not clear to me what the likelihood of that is. Mr. Schneider, is that a fair characterization of that?

Ronald Schneider: Yes.

Mayor Cummiskey: Thank you both.

Commissioner Finch: After the flapjack tests were done by Kerr, Conrad, Graham Associates, why were those bricks not replaced on the building, that were taken out for the flapjack tests, why were they not replaced as they had been on earlier?

Mr. Sheldon: Well, I think at that point the Board believed that demolition was inevitable, and probably, I don't think question ever actually came up at a Board meeting. I would assume that it never crossed anyone's mind because, why spend money to replace them if demolition seemed inevitable. And it did seem inevitable to the Board based on the structural reports it had in hand all the way through June 23. In fact, we didn't have this new structural report. That was delivered to me at 3:00 p.m. today, so the Board wouldn't have had the benefit of anything in that. I haven't reviewed it, yet. I'll make comments on that on my own time. Haven't had a chance to review it in detail, I should say.

Mayor Cummiskey: I, also, received Mr. McMican's report this evening, and certainly want to review this carefully, but in any case, his report was a visual observation. And it says that the nickel testing and calculations will be on the scope of this study.

Ronald Schneider: Visual observations, in the sense that, he's been on sight for a number of hours and number of times. They were actually testing the materials. He did not take any lab tests. He examined properties. He, also, went into the structure, the component, the wall itself, from the interior, on a number of locations. Bob and Doug were there, and, if you have any deep questions about the details of that, but most of us would call testing of the building. So it wasn't just walking around.

Comm. Matthews: It also states that in item number 8, that it should be noted that the report is based on visual observations, and there is no claim either stating....at all conditions were observed. What exactly does that mean? And that's under disclaimers.

Ronald Schneider: I saw that, as well. I think he is saying, in order to give you a 100%, conclusive report, additional time is needed. He stands behind everything that is said in this report, and for purposes of this hearing, it's far more probably true than not true. In other words, when you look at the burden of proof here, it's more probable than not. And, if you're talking about percentages, we're talking about eighty plus percentage, I will ask Mr. McMican to qualify that, cause I don't want to speak on his behalf

improperly. So, I'll have response to that specific question to both of you in writing come next Wednesday, if that satisfies you. O.K. Thank you.

Mayor Cummiskey: Thank you.

Comm. Tyson: We were given an exterior figure of \$900,000

Ronald Schneider: Yes, Commissioner.

Comm. Tyson: But, that does not include a number of items, so give the list of them, major items.

Ronald Schneider: Commissioner, what that includes is preservation, renovation, and aesthetic considerations for everything on the exterior. We're talking about that the end of \$900,000 to having a superbly restored exterior building. The interior, of course, is dependent on particular projects that is chosen. That's why Mr. McMican didn't discuss those options.

Mayor Cummiskey: And, and also, you have the construction phase services and preparing documents, what percent increase might be anticipated for that?

Ronald Schneider: I don't know. And I can ask as address that, as well. We're talking about exterior here, since that is the primary concern. The fundamental conclusion is that the walls are not collapsing or falling apart.

Comm. Tyson: This included ADA compliance, elevator, windows, doors.....?

Ronald Schneider: Sure, sure. That's for anything that the interior plan or project would include. Let me have the engineer, architect address this.

Doug Loyd: When I talked about the \$6,500,000, that included that the \$900,000 that was in Mr. McMican's report was for the masonry, anchoring and corrections. So, in mine, that was an estimate with heating, air conditioning, electrical, finishes, ADA, exit improvements and some design plans.

Comm Tyson: And your \$6,000,000 would cover...

Doug Loyd: \$6,500,000. That was our, that's the conceptual estimate at this time.

Mayor Cummiskey: Commissioner Ramsey, did you have something?

Comm Ramsey: Your, a lot of your presentation was based on Finney and Turnipseed's report was flawed, and this one's accurate. Is that correct?

Ronald Schneider: That's correct.

Comm. Ramsey: Well, he also states here that this report does not express any implied or warranty on the structure. That's what Mr. McMican says.

Ronald Schneider: Sure.

Comm. Ramsey: You stand by that, then?

Ronald Schneider: That's what he wrote. Maybe I didn't understand your question.

Comm. Ramsey: Well...this is a disclaimer that he has made.

Ronald Schneider: What's your question, I'm sorry sir?

Comm. Ramsey: I mean, he is implying no warranty on the building.

Ronald Schneider: I think he's been advised by, by careful council, other than me...

Comm. Ramsey: Well, that's, that would be my question. They're architects and engineers, are they qualifying that this, that their opinion is accurate and correct?

Ronald Schneider: I can assure you, first of all, I think....

Comm. Ramsey: A liability standpoint, that's what I'm...

Ronald Schneider: From the liability standpoint?

Comm. Ramsey: Right, for the building.

Ronald Schneider: I don't understand that question, but I can assure you, in the presentation tonight, we have, if not a specific oath of obligation, to be honest and truthful. We're not presenting anything that we think is misleading. So...

Comm. Ramsey: So, you're saying that Finney and Turnipseed was misleading.

Ronald Schneider: We think that they made a gross mistake.

Comm. Ramsey: I'm just trying to clarify that....it's YOUR opinion that they're misleading.

Ronald Schneider: That they're misleading. But, you should also read the report.

Comm. Ramsey: I have read the report.

Ronald Schneider: O.K. Mr. McMican also identifies, probably if you go to the report and compare "A" to "A", and "B" to "B", there's probably more areas of agreement than disagreement. The essential question is, what is the solution for this perceived masonry problem? And, I think McMican and the others disagree, significantly. I'm not suggesting, by misleading, that there was an intentional or devious act. And, if that's what you understood me to say, I apologize. That is not it. I think there was no bad motive here. There was not bad faith. People make mistakes in our profession, and, probably, they will continue to make mistakes in our profession. But, please don't perceive that statement as saying it was deceitful. It was just a mistake.

Mayor Cummiskey: In the McMican report, however, he does say that without physical testing it's difficult to be subjective.....I think that's fair for the mortar.

Ronald Schneider: And...I can respond to that. Those are his words. I did not draft them, so I don't want to speak on his behalf.

Mayor Cummiskey: Looking at the alternative tendered, in the School District's exhibit, I know you included the initial letter from Dodson.....and, then, the newspaper article about youth. Was there ever any interaction between any representative of the School District and Dodson?

Mr. Sheldon: Not beyond the correspondence, and the correspondence clearly indicated that it would only be open for twenty days, and, and the first indication of any use was what we saw in the newspaper in July, which was after the Board had already voted to demolish.

Mayor Cummiskey: And, what about, what about since then? There have been subsequent newspaper articles that the Friends group was working, and that Dodson's offer was still there, and such.

Mr. Sheldon: Do you want me to get into a couple of my rebuttal exhibits, which would address that question?

Mayor Cummiskey: Perhaps, why don't we wait, because you may want to do that more fully with other things that come up. So, I can certainly wait for an answer.

Mr. Sheldon: I can probably do it in very short order, and then, and then show you the documents during my time.

Mayor Cummiskey: Alright.

Mr. Sheldon: But, basically, we're going to suggest that, that....Mr. Schneider's right. If

the restrictive covenant is a problem, the market value of the land is pretty low...but, nobody else can use it, but us. Now, if the restrictive covenant can be overcome, then the market value is whatever the market value would be without the restrictive covenant. And, we estimate that the market value of the sight vacant, is approx...I think we have approximately \$850,000. And, if we did subtract the cost of demolition from that, roughly \$250,000, that leaves us to a net value for the sight as approximately \$600,000. And, for us to sell that to Mr. Dodson for \$150,000 would create a significant windfall for him, and significant cash detriment to us when we have significant capital needs, which I will outline during our response, either tonight or on October 15th. Is that sufficient for now?

Mayor Cummiskey: Yes. Thank you.

Comm. Ramsey: I want to ask MetroPlains one question. I know that you worked on the North American. That was a great project. I think that's great for the City. Are you in position, and that isn't part of the issue tonight, but, just while you're here, are you in a position to make a financial commitment to this building?

Larry Olsen: What we would be in a position to do if the community, whether that be the School District or the City or a combination, is interested in giving us development rates under development agreement, for a portion. We will work with the community and apply to the financing, similar to what we talked to...about...with the other two examples, and we would be...probably be approximately a nine month process. And, normally, and I'll say in every case I gave you, the community donated the building to the project. We did not make a financial offer to the School District. What we do is we spend that kind of money making the project feasible.

Mayor Cummiskey: What, what was the City's portion in the Courthouse Square, and maybe that's not a....I was just, I was just trying to think. I know you've mentioned the grants, and such.

Larry Olsen: The City worked with us in three ways. One is they sold the building to us for a \$1.00 when we were ready and had all our funding in place. I believe that is had been back for back taxes. I, I don't remember. Secondly, they helped us solve a parking problem, cause we need parking. I don't think that this is an issue with all the land that is at the Middle School. And, third is, they worked in concert with us to attract some financing. They attended some meetings and showed the community support behind the renovation.

Mayor Cummiskey: And that was unsubstantial, I guess. Alright, Commissioners do you have

any questions at this time, any other questions at this time?

Comm. Finch: I have one.

Mayor Cummiskey: Commissioner Finch.

Comm. Finch: Mr. Sheldon, aside from the efforts that you've given us as exhibits in the newspaper, what specific efforts were made by the Board in soliciting other options for use of the building?

Mr. Sheldon: Well, I think I basically outlined what we did. If the implication of that is that we should have made more effort, again, based on the information we had, the reports indicated that demolition...that, that renovation of those buildings, at least on the South building, that demolition was inevitable. And that on the North building, that renovation and dealing with the structural problems, would exceed the cost of new construction. Now, from my standpoint as a school then, the question became pretty simple, in terms of do you spend more money for, a perhaps, inferior side, or do you go with a bond issue for a new Middle School. And, I don't think Mr. Schneider, or anybody else in the preservation group, is suggesting the contrary on that. But, once, once the bond issue was passed and we had that building sitting with the restricted covenants that we knew about, and with the structural reports we had in hand, I'll be honest, it never crossed my mind that renovation would be feasible. And, frankly, I'll address...actually, it's gonna end up in your hands, apparently, on the prudence question because the School District doesn't have authority to spend taxpayers dollars from the School District for non-school use. And so, if any of these taxes are going to be imposed, there are going to be imposed by your body, and I will leave it up to you and your deliberation to determine whether that's a prudent thing to do or not.

Comm. Finch: And I can assure you we will deliberate.

Mayor Cummiskey: Alright, any other questions at this time? Why don't we take then, a ten minute recess and regroup in this room at nine eleven.

City Attorney: Those that wish to speak during the public comments, why don't you come up to this place, and we'll get a list going.

Mayor Cummiskey: Thank you.

Mayor Cummiskey: Alright, we have seven persons who've indicated they wish to address the Commission this evening. And, let me reiterate our protocol. You'll come to the podium, sign in, put your name and address, state your name and address for us and for the group at large, and we're listening to all relevant testimony on the demolition permit. Our first person who would like to address the Commission the evening is Wendell Barker. Would you please come to the podium?

Wendell Barker: I'm Wendell Barker, 427 South Sycamore. I want to address, first, the procedure here. We have a group in favor of demolition, which has been given unlimited time, essentially, and another group of citizens, laudable though they may be, and intentions, laudable though they may be, have also been given unlimited time, and I'm getting three minutes. I don't have time to present evidence in light of the time limitation. If I stutter, it would be a violation of the Americans with Disabilities Act, but, my daughter went to the Middle School. It wasn't a fit school, and we needed a new Middle School. Having said that, I voted for the new bold issue, and, frankly, I think there's middle ground here that hasn't been considered. You know, you have a businessman, Bob Dodson, who offered a hundred and fifty grand for the Middle School, and the question you're faced with is whether it's economically feasible to avoid demolition of the Middle School, the whole thing, not just one part. He's claiming he can do it. Maybe he can, maybe he can't. I admit I've been employed by the guy in the past as his attorney. I've received no money from him in the last year. He didn't ask me to speak on this issue. He'd probably be appalled at what I'm saying. But, you know, if you have a businessman to make an economic decision, which is essentially what you're being asked to make, why not let the man do it? Sell it to him for \$150,000, and if it doesn't junk out, it doesn't junk out. If it does, it does. He makes a profit. What's wrong with that? There's nothin' wrong with that. Now, I've also heard some propositions that you sell it to another group and, if they want to come up with \$150,000, fine. But, the North American Hotel, you asked about what the City gave 'em. I'll tell you what they gave 'em. There weren't just four considerations. There were five. You have a tall building there with wood fire escape, which doesn't meet the fire code. You have old people fillin' it, and you have fire trucks that won't reach the top floor. Think about it.

City Clerk: Time, Madam Mayor.

Mayor Cummiskey: Thank you, sir. Our next person is Mattie Perry. We have you two signed up as separate entities here. Yeah, you have three minutes and he has three minutes.

Mattie Perry: Oh, well I think we can take care of it in less than three minutes.

Mayor Cummiskey: Very good.

Mattie Perry: I'm Mattie Perry and my address is 4381 Nebraska Terrace.

Mayor Cummiskey: And please sign in there, as well. And, we'll start the time after you get signed in, ma'am.

Don Waymire: And, I am Don Waymire, and we are co-chairman of the Friends of Historical Buildings.

Mattie Perry: Sometime ago, one School Board member was quoted as saying, "Don't refer to this group (and the group being Friends of Historic Buildings), don't refer to this group wanting to save these buildings as the community, because they are only about fifteen people." So we decided we needed to find out just how many people really supported this effort, and we wanted to show the School Board, as well as the City Commission, so they could be better prepared to make their decision, as to how the community felt. To accomplish this, we decided to circulate a petition, asking the Commission not to issue a demolition permit until all possible alternative uses were exhausted. So, we are presenting these petitions to you, not as a legal referendum petition, only an effort to show you the support for saving these buildings. We were asked by the School Board to present a definite plan and cost for these buildings, but we're just lay people, and the same as the governing bodies in the County. So, the big difference is that we did not have the resources of tax money to hire engineers, architects and legal council. It's almost impossible to interest anyone in buying or leasing a building if you don't own it and you haven't listed it.

Don Waymire: So, how many is fifteen people? Well, it seems that fifteen is actually one thousand nine hundred and five people. And how many is one thousand nine hundred and five? As a comparison, that is more than the one thousand three hundred and forty one, the nine hundred and eighty six, or the nine hundred and nineteen votes received by the three City Commissioners in the April 1997 election. It is also more than the one thousand two hundred and fifteen, one thousand one hundred and twenty one, or nine hundred and forty three votes received by the three School Board members in that same election.

Mayor Cummiskey: Folks, if you'll please refrain from clapping so we can hear the comments within the prescribed time.

Don Waymire: As further show of support, one of the top vote getters in the 1995 School

Board election was elected on the platform of remodeling the old building. A survey by Ottawa University showed strong support for saving these buildings and a willingness to pay for it. The last show of support was at the April election when the candidate that ran on the platform of saving these old buildings received the most votes. We feel that the City Commissioners have been responsive....

City Clerk: Three minutes, Madam Mayor.

Mayor Cummiskey: Thank you. We'll continue.....

Don Waymire: We feel the City Commissioners have been responsive to the will of the people. We also have a good feeling that you will give consideration to the response on these petitions. Thank you.

Mayor Cummiskey: Thank you. Alright, the two of you took just over three minutes, it looks like. Thank you. Next, we have Vincent Gauthier? And, please, if I brutalized your name, correct me.

Vincent Gauthier: Good Evening. My name is Vincent Gauthier. I am with Cohen Esrey Housing Partners in Kansas City. My firm's concern is whether or not these buildings can be feasibly, prudently and profitably rehabilitated, specifically for apartments. If you've never heard of Cohen Esrey Housing Partners, it's because, until this time, we've only been involved with new construction of affordable housing and apartments. I was recently brought in to take care of historic preservation. And I say recently, I mean very recently. I unloaded our moving van last evening. This is my first venture into historic preservation in Kansas. However, I've been involved in historic preservation for over fifteen years. I've served as an architect for the State Historic Preservation Office in Illinois. I've been the preservation planner for Knoxville, Tennessee, Nachez, Mississippi and Quincy, Illinois. I've been involved in buildings very similar to this, rehabilitating them for apartments. And these are wonderful buildings. Thanks to a friend of mine, I was informed about this property yesterday, due to a newspaper article in Topeka, from Topeka. Our concern is going to be whether or not we could get the simple title to this building. We're not interested in local tax issues. There are a number of issues that we believe that these projects can be done properly with Historic Preservation Tax Credits and Affordable Housing Tax Credits. In respect to the gentleman from MetroPlains, it would be, probably, a very similar development. All I, solely, ask you is to please give our firm, Cohen Esrey Housing Partners, an appropriate amount of time to pursue our plans for this development. Thank you.

Mayor Cummiskey: Our next person is Jeanette Lowry.

Jeanette Lowry:

I will sign in. My name is Jeanette Lowry. I live at 318 South Locust, a Washburn building. I wish I had more than three minutes to respond since my name is used repeatedly tonight by friend, Sam Sheldon. But, if I need more time, I can do that in a letter, so, I'm really not concerned. One thing I want to point out is Mr. Finney's reports did not, he did not do lab tests either. He did a visual report and an invasive procedure, the same thing that Mr. McMican did. It's also interesting at the time that MetroPlains first showed interest, Bob Marsh contacted MetroPlains and asked them would they be able to come to town, and they come to Kansas on quite regular frequency, and they said "Yes, we would like to look at this building. We are willing to hire Mr. Kerr (the gentlemen on the second engineering report) and have him go through the Middle School building with us. Dr. Ludwick was informed of that and was very gracious to allow us to tour the building. That was on a Wednesday, and it was on the following Monday that we met. Dr. Ludwick, though, did not have time to meet with us. When we met with that structural engineer and went through the building, Mr. Kerr, the MetroPlains people asked a very...an excellent question, I thought. They asked Mr. Kerr, "Is there another way of correcting the structural problems, the so called structural problems without taking the bricks off one by one, the three layers?" Mr. Kerr sat there and said, "Yes. In the last ten years there's been a great deal of development in structural repair of this type is by using the structural anchor. This is done with the buildings involved with the City." And, yet, there was no mention of that in Mr. Kerr's second opinion report. How interesting that he could conveniently forget that.

One of the reasons that we never...never formally asked MetroPlains to come and do a proposal, you may be interested, all along I have received a fair amount of hostility from my School Board regarding this issue. I think, long ago, they made up their mind to demolish the old school building. And, in view of that hostility, I thought it would be embarrassing to have MetroPlains fly all the way down here to spend time on a proposal, and then, not to have any...any real honest interest in it. True, a request came from Sam Sheldon. But, Sam is only one member of the Board, and, as you well know, to make a decision, it takes a majority. And, and I appreciated Sam's interest. What we had hoped as the group here in town....

City Clerk:

Time.

Jeanette Lowry:

Could I use the rest of the time that Mattie and Don didn't use?

Voice:

Fine with me.

Mayor Cummiskey:

Uh, tell you what. Why don't we get through the other public comments,

and, then, make a determination...

Jeanette Lowry: O.K. And I, also, have two letters to read from other people, as well, so I don't know how to sign them in, or if that can be public comment, as well. So, if you want to take those at the end....

Mayor Cummiskey: Well, we'll decide that in just a bit.
Uh, Nadine Gremminger.

Nadine Gremminger: I'm kinda nervous. But, is it correct...do you want me to sign in?

Mayor Cummiskey: And your address, too.

Nadine Gremminger: My name is Nadine Gremminger. I live at 839 Estabrook.
Is is right, did I understand it right, that you can't use the school property for anything other than a school?

Mayor Cummiskey: That's in question.

Nadine Gremminger: Well, if you're gonna tear down the old school building, are you gonna build another school? And, you know, we've already got our Middle School started, so we don't need another one. And, also, there's a...now wait a minute...you know, if it is just for a school building, I think you could get around because you managed to get around the Rails to Trails. It's not gonna revert back to the farmers...I think you can do away with that because there's nobody around now that owned a property, probably. And, so, I think it could be gotten around, if you really wanted to. And, I guess, I really think that when you ask somebody to come to do a...check and see how...if it's feasible to renovate something. So you should have somebody from the other side there to talk to because...I really think that Mr. Sheldon talked to...he conveyed the idea that we want you to look at it, but we really don't want a positive answer on this. We want you to come back with a negative one. And, uh, because it was never...you should have somebody there from the other side so we could have...and maybe they should have known which side you were working on. That's all I have to say.

Mayor Cummiskey: Alright. Thank you.
We have Kathy Burgoon.

Kathy Burgoon: I just have a question. I'm curious why can't hold next week's meeting up here in the evening so that , maybe, all of us can attend? Isn't the City Hall a small room, and it's during the day where people might be working?

Mayor Cummiskey: That it is.

Kathy Burgoon: Can we change it? Is there a way we could change this meeting next week so that all of us could attend?

Mayor Cummiskey: It has been publicly noticed and scheduled for, for that time. (Some discussion now took place among Commission.) Where'd he go? Are you all right with that for an evening meeting if.....

Mr. Sheldon: Definitely, I have no problem with that. I'd have to check my calendar.I certainly like to have Dr. Ludwick here, also.

Dr. Ludwick: As far as we know, our schedule would accommodate that.

Mayor Cummiskey: Mr. Schneider, the question has been posed, the request has been made to move the next public hearing, which would be a week from today, to a week from tonight. Would you be in favor, and able to, accomodate that meeting time?

Ronald Schneider: You talking about the fifteenth? We see no problem.

City Clerk: Madam Mayor?

Mayor Cummiskey: Sir.

City Clerk: The availability of this room is not known at this time.

Mayor Cummiskey: And we need to check with the County Commission about that, do we not? Alright, what we will do, then, is have staff check with the County Commission and announce that formally tomorrow. Those in the media and the City Manager's office will call both parties. Is that all right, Commissioners? (They agreed)
We will hope, then, to move the next public hearing, if this facility is available for a nighttime meeting, 7:00 p.m., again, here.
What we've determined to do, that's the last person who's indicated they wish to speak before the Commission, we need to keep with the three minute time period as an equitable situation for all persons, and you'd have another opportunity to speak next week, should you choose to. And the letters, like the other letters we've received, will be put into the public file. Alright, is there anybody else who wishes to address the Commission from the public, this evening? Seeing no one, we certainly thank you for your interest and, oh, sorry, I'm sorry. I forgot about the response here. The School District has some time. We have a question, first.

Jeanette Lowry: I didn't check if people who are in the audience could read their own letters.

Mayor Cummiskey: That would be fine, as well.

Jeanette Lowry: Is a representative here from the Ottawa Suzuki Strings that could read your letter from your director, Alice Joy Lewis, or is Medora Hoge here? Thank you. Medora had to leave.

Mayor Cummiskey: Well, we can certainly here those persons next week.
Candy, would you sign in on behalf of. and put her name as well?
I think, as a matter of precedent for next week, however, we need letters. Those will be put in the public file, and if a person wishes to address the Commission, they need to be present.

Cynthia Wasser: My name is Cynthia Hoge Wasser, more commonly known as Candy. My address is 432 S. Elm, and I am speaking on behalf of Medora Hoge. Dear Mrs. Cummiskey. On behalf of ACT, Act Ottawa, I would like to express our interest in the auditorium of the South building of the former Ottawa Middle School. At the present time, ACT Ottawa has no permanent home, and finding a location for productions has been difficult. I am familiar with the Middle School auditorium and find the stage size and number of seats would be ideal for our needs. It is our hope that the building will be saved, and that renovation of the auditorium would be a possibility. To that end, we would gladly offer our services in any way to aid in the restoration of the auditorium. I sincerely hope that you and the Commissioners will seriously consider our needs. The auditorium would amply serve ACT Ottawa, as well as many other groups. Sincerely,
Medora Davison Hoge, Director of ACT Ottawa.

Mayor Cummiskey: Thank you. There was another individual?

Aaron Bien: Madam Mayor? Madam Mayor, my name is Aaron Bien, and I'm, also, Station Commander at the Armory. And, you'd made a comment about if this meeting room could be reserved for next week. Well, if not, you know, I'd like to pose the Armory as a sight. O.K.?

Mayor Cummiskey: Thank you very much. Thank you.
Sir, come forward.

Lyle Turner: I'm Lyle Turner, I'm at 3371 Ohio Road. I'd like to vouch for Don McMican, even though he doesn't need it. I worked for Baker University. In the past two years, I worked with Don McMican on several projects, and as stated earlier, I find his information, his knowledge, second to none-unequaled. And, another short comment, I'd like to say that, that one of the engineering groups that gave you an opinion, told him that Parmenter Hall on Baker University needed to be tore down. Don was instrumental in the bringing it back, and I guarantee you, it'll be there sound

a hundred years from today. So, I just wanted to make those comments. Would like to make one more comment, in respect to the Commission. I am sorry this podium does not face your whole audience, including yourself, cause these are your constituents, and I think all the people that talk here should be talking to those people. Thank you.

Mayor Cummiskey: Thank you. Well, we've had some good ideas from our constituents, this evening, and so, if we're here next week, we can podium a little bit to the side, so we can all see one another. Thank you.
Anybody else this evening before we return to the remaining time for the School District? Very good. We can hear from the School District at this time.

Mr. Sheldon: Thank you Madam Mayor. I'd like to verify time with Scott. I think we concurred that twenty three minutes and fifteen seconds.

City Clerk: Yes, sir.

Mr. Sheldon: Hopefully, I won't take that long. My response probably will be a little more disjointed than my first presentation because I'm having to respond to new information. Mr. Schneider talked about relevant factors and, I would point out that, that, I believe, the case law says that a factor or an option or a consideration is relevant, only if sufficient information is provided to evaluate feasibility and prudence. And, prudence is not defined in either of the two cases that address as this statute, and, if we fall back on dictionary definition, such as the *American Heritage Dictionary*, you get something like whether the decision is reasonable or commonsense, which ends up making it fairly subjective for you all. But, but you do need sufficient information to evaluate proposals. Some of the proposals tonight do have considerable information. Some have practically none.
It's always nice to have your writings thrown back at you, two years later. I would stand by everything that I wrote and the three articles that Mr. Schneider read from. I would point out that those articles were written based on the first Finney report which did suggest that renovation of the old Middle School could be done for about five, five and a half million dollars, and when I compared that with the cost of new construction at ten million, that seemed to me, economically, a good decision. But, once we later had the, the other structural reports, then, based on those reports, the economics completely reversed. And, that's why I switched positions. I know Mr. Schneider didn't intend to omit it, but in one of my favorite articles *The North American Hotel Times Ten*, there was some language that, that he, I think, unintentionally didn't read to you. And I'll read a little bit of that.

"If the current Middle School structure," this again is an article I wrote for *The Herald* in the spring of 1995, "If the current Middle School structure is

not torn down as part of the building plan, no organization in town will have sufficient financial resources to maintain the building's functionality, let alone comply with the *American's with Disabilities Act*. The City has no need for this building. The School District will not have the funds to maintain the old Middle School building, and no other group or organization has the necessary funds." And, although I wrote that two and a half years ago before I knew what was going to be in the structural reports, and I think that's still a fairly accurate statement of the situation today.

I'd like to draw your attention to Exhibit "C" in the District's binder of documents. What we've prepared here is a derivation of what an estimate of what the renovation costs for the, for non-school use of the old Middle School would be, and it's derived from the Loyd Builders report, which is Exhibit "B". I've tried to subtract out the things that I thought applied only to schools, cabinetry, lockers, auditorium seating; but, I believe in Mr. Marsh's and Mr. Loyd's proposal you would still include auditorium use and seating, so maybe that should be added back in. And I definitely thought we should subtract the media center, which was included in the Loyd Builders' plan at five hundred thousand dollars. And, bottom line, you can read that for yourself, and you could come up with a lot of different numbers using inflation factors and contingency factors, anywhere from five to six million dollars for renovation based on the Loyd Builders report. Keep in mind, of course, that the Loyd Builders report only addressed the structural problems identified in the first Finney report. Does not address any of the later structural problems identified by the second Finney report, the Kerr Conrad Graham Associates report or even Mr. McMican's report.

I wouldn't quibble too much with the number that Mr. Marsh and Mr. Loyd have put on the table. It might be a little high. I was thinking in terms of six to eight million dollars, and they said six point five million dollars, and I think that's a, a, ...I respect that as a good faith number. I think it might be slightly higher depending on which structural report ended up being the accurate one. It still seems that with that cost at six point five million, it's still prohibitive and burdensome, maybe, somewhat so, as to be imprudent. From a feasibility standpoint, it is highly doubtful that the community, right now or in the foreseeable future, would be willing to raise taxes to pay for a multi-million dollar renovation project. If such a project was to be conducted, it would have to be done with, I think, some form of support, tax support or private dollars from one of the major institutions in town, we have presented to you....we have presented to you three exhibits, Exhibit "O", let's see, I'm sorry, that's a "Q", Exhibits "Q" "R" and "S". We inquired of the Franklin County Commissioners, the City Commission, Ottawa University and Ransom Memorial Hospital, whether they would have any interest in acquiring the building. And, all four of those...you have three of 'um, you have the letter which came from you, City of

Ottawa Exhibit "Q", Exhibit "R" is from Franklin County, Exhibit "S" was the letter from Ransom Memorial Hospital. I believe the letter from Ottawa University came so late that we could not include it as a specific exhibit, but it was enclosed with your packet. And, they all indicated that, at this time, they have no interest in the building.

Mr. Loyd and Mr. Marsh have done something that hasn't happened prior to tonight. They've placed a real plan with real numbers and, at least, some suggestions as to funding mechanisms. I don't quibble much with the number on cost. I've already said that. I highly question whether the voters of this community would support a six point five million dollar project. The School District is not in a position to provide any tax dollars for this, because it would be non-school use. And, frankly, we have other significant capital needs, whether that's media centers at the elementary schools completing the electrical upgrades, providing technology in the classroom, and just doing the maintenance on the other buildings we still have, and are using.

Any of the taxes that would be, and I've said this before, any of the taxes that would be necessary for this project, I believe, would come under the jurisdiction of the City Commission, and I will leave it to you to determine whether it would be prudent to consider that a viable source of funding. Regarding MetroPlains, I, I don't believe, did we have a cost estimate on your proposal? O.K. You'd have to do your nine months of analysis to determine what the cost would be..... You have identified funding mechanisms and I'm not in a position tonight to respond to whether those are feasible, but we will try to obtain information on that and present it at the October 15th meeting. I would point out that in terms of concrete proposals, we still don't have anything written on the table from MetroPlains.

The Dodson proposal, I will take that at face value that, that is still a serious proposal. A technicality that, under Kansas Law, an offer or contract for real estate has to be in writing to be enforceable. So, as a technical matter, we do not have an offer on the table from Mr. Dodson, but I will accept that, that is something that he would follow through on with the board.

Regarding the specifics of that, I've mentioned the, the estimate of value. I'd like to draw your attention to that, for just one moment, if I can find it. Exhibit "T". We did a calculation of the square footage based on plat maps, the City map of Ottawa, and the size is 310 feet by 755 feet, which gives us total square footage of 234,050 square feet, and I think that, that actually, I checked your plan that I received from Mr. Schneider, and I think the same numbers are used, the footprint of the entire side. Then, we estimated that about twenty percent of that total square footage would be considered waste because it sits over Skunk Run, could still be used for parking space, but would not likely be capable of having a building structure on. So we took that twenty percent and valued that at \$2.00 per

square foot to arrive at a figure of \$93,620. The balance of the square footage we valued at \$4.00 per square foot to arrive at a figure for that amount of almost \$750,000. So, the total estimated value of the vacant land that we present to you is \$842,580.

I'd like to turn it over just for a minute to Cal Lantis of the School Board, just to give you a tiny bit of background on where those square footage values per square footage come from.

Cal Lantis:

Nothing like being unprepared to make a comment tonight. Basically, we tried, we contacted three commercial appraisers to try to get them to do an appraisal. They were booked and did not have enough time, so we looked at previous sales, land that is available for sale, took in the factor that the traffic counts were a little lower on 59, but it is on a Federal highway. It is next to a commercial district. It does have infrastructure already in place, and tried to come up with a fair value. The per square foot value is actually less than what it would be in the South business district. But, I think that \$4.00 a square foot is a good estimate of the value of that land for commercial purposes, not for single family housing or not even for multi-family housing, but for commercial purposes. That would be a good estimate of the value of that land.

Mayor Cummiskey:

When you look at previous sales close by, did you include the bank close by, the Commercial Federal and that bank conversion, is that applicable?

Cal Lantis:

No, because that was an RTC conversion. See, the only conversions down, the only sales of any property anywhere near the size have been your purchase of City Hall and the RTC conversion of Commercial Federal. So, we had to look at the South, at the South quarter. We had no option on that. The smaller buildings, if you did that, it would increase the value of it, I believe, when you start looking at twenty five foot lots by a hundred thirty five feet deep, and the sale price is low.

Mr. Sheldon:

Thank you, Cal.

We, then, go to Exhibit "U", which is just a simple calculation of taking the estimated value of the vacant land and subtracting the cost of demolition, to arrive at a net value for the vacant land of six hundred four thousand eight hundred and eighty dollars, and uh, based on that, consideration of the Dodson proposal would require the District to take a four hundred and fifty thousand dollar loss, assuming we could overcome the restrictive covenant aspects, and make the sale, in which case the land would have that full value. And, and this District is sorely in need of money. I noticed there were some teachers tonight. I think they'd probably agree with that. And, certainly, we've tried to improve our maintenance needs, maintenance...application of maintenance. And, uh, the...I mentioned the other things that we're still looking at in terms of capital improvements.

We really need media centers for the elementary schools. We need to continue the electrical upgrade so we can have the air conditioning next year, and, also, the additional computer technology. Then, once you have that capability, you need to buy the computer technology and put it in place. And, all those things are needs that are very high on our list. And, it would be imprudent, we believe on our part, to either give away the building or to sell it for significantly less than fair market value. I haven't had a chance to review the petition that was submitted. Was that submitted into the file?

Mayor Cummiskey: It's here. We haven't looked at it, ourselves.

Mr. Sheldon: The only comment I'll make about the petition is that I think it suffers from the same problem that, perhaps, the survey did, which is, it's an easy thing to ask "Is there support for keeping that building?" without asking what the cost of that is. And, six point five million dollars, I would suggest, would be imprudent to spend on that building. Again, that's gonna be up to you, as a Commission, to determine whether those tax sources would be available, at least for the civic center approach.

The Cohen and Esrey proposal is not one that I can comment on, because there's really nothing specific on the table. I think what I would encourage their representative to do is between now and the next meeting, perhaps, come up with some specifics in the same manner that the civic center approach has done. Some general idea of cost, and some general idea of funding mechanisms. But, absent that, it's not a concrete proposal. It's a...you can't...your not even in a position to evaluate whether that's feasible and prudent without that sort of information.

Coming, now, to the McMican structural engineer's report, I haven't had time to read the whole thing. Even if I read it, I might not understand it, all the details of it. What I generally do with these, these reports is what I did with the Finney report and the Kerr Conrad Graham report. I turn to the conclusion pages and find out what is in there, and the general conclusions. With some legal background, what caught my eye, in particular, was the same thing that caught a couple of the Commissioners eye, which were the disclaimers and qualifications on the final page. And, uh, as some of you pointed out, the disclaimers are very broad. In fact, so broad that I would suggest that this report would have no liability aspect. You can make an oral present...or oral representation of what the liability might be, but under Kansas law, I believe, it's, it's the written document that controls over what we call Parol evidence, that's the *Parol Evidence Rule*. What this report says is that it does not express or imply any warranty of the structure. There is no claim, either stated or implied, that all conditions were observed. Physical testing and calculations were beyond the scope of this study. A more complete historic preservation study should be performed

to develop a more comprehensive long range plan before making the final selection as to which repair recommendation would be implemented. There is a lot of skepticism about what would happen to that building just standing there. Is it gonna fall down? Is it gonna stay up? We've got two structural engineers reports that say it could be subject to catastrophic collapse. We've got one, now, that says it might not be. I went on a trip this past weekend and flew on an airplane. I don't know what the chances are of that, of that building falling down, frankly. I'm not enough of an expert to evaluate those reports. It raises serious questions in my mind. I asked myself when I was jogging tonight, "if there is a one in ten chance that the plane would crash, would I have gotten on it this week? If there were a one in a hundred chance that the plane would crash, would I have gotten on it this week? If there were a one in a thousand chance, would I have gotten on it?" Catastrophic collapse, you know, it may or may not happen. Collapse has occurred in the past in this community. Remember, you know where Haley Park is? That was a catastrophic collapse of the building. That used to be a roller rink, and other commercial frontage. The bottom line is I don't think it's prudent to make any use of these buildings based on the structural reports that are on the table, at least, not without spending the kind of money that those structural reports suggest need to be spent.

I think with that, I'll conclude our presentation this evening, and we look forward to hearing from the Commission and addressing the Commissioners on the October 15th meeting. And, thank you for your consideration.

Mayor Cummiskey: Thank you. Thank you all very much for coming. Thanks for your interest, and look in tomorrow's media, or the next days media, for the formal notification that we'll hope to be back here next Wednesday at 7:00 p.m., and, if not, the Armory, I suppose. Thank you. Good Night.

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of October 15, 1997

Roll Call

The City Governing Body met at 7:00 p.m. this date in the meeting room of the Franklin County Annex building. The following members being present and participating to wit: Mayor Cummiskey, present; Commissioner Finch, present; Commissioner Tyson, present; Commissioner Matthews, present; Commissioner Ramsey, present. A quorum was present.

The Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The invocation was given by Reverend Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the agenda, as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agenda duly approved.

**Approval of
Minutes**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to approve the minutes of October 1, 1997, as written. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the minutes duly approved.

**Response to
Public Comments**

Thereupon, the Mayor read a response to Louise Dietz of 410 South Elm, who had read a prepared statement to the City Commission, voicing her disapproval of the potential issuance of a demolition permit for the former Middle School. The response reads as follows: This matter has been discussed at the Special City Commission Meeting on October 8, 1997.

**Presentations and
Recognitions**

Thereupon, the Mayor read a Proclamation declaring October 19-25 as National Businesswomen's Week.

**New Business
Village West
Town Homes
Acceptance**

Thereupon, there was presented a resolution accepting the streets and utilities constructed within the Village West Town Homes Edition, City of Ottawa, Kansas. Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adopt the resolution. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution 962-97.

**Sale of Tobacco
Products Amended**

Thereupon, there was presented an ordinance prohibiting the sale of tobacco products to minors, providing for fines and other penalties for the sale of tobacco products to minors, and providing for the licensing of retail sellers of tobacco products, along with fees for such licensing. Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to adopt the ordinance.

During discussion, it was explained that this ordinance would remove the vendor assisted requirement in the current ordinance. The motion was considered, and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance 3248-97.

**Service Agreement
with the Fringe
Benefit Design**

Thereupon, there was presented a proposal to authorize the renewal of a Service Agreement with Fringe Benefit Design for the 1998 plan year. Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews, to approve the Service Agreement.

During discussion, it was explained that this Service Agreement provided for administration of City employees fringe benefits. Administrative fees are to remain the same as previous years.

The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly approved.

Announcements

There being no further business to come before the Commission, the Mayor announced that there would be a public hearing with the Kansas Department of Transportation concerning the US50 bridge on Wednesday, October 29, at 7:00 p.m. at this location, that is, in the Franklin County Annex meeting room, 15th and Main.

Mayor Cumiskey further announced a Work Study Session on October 20; a Work Study Session on October 27, at 4:00 p.m.; a Work Study Session on November 3; a Work Study Session on November 5, at 6:00 p.m.; a Work Study Session on November 10, at 4:00 p.m.; a Work Study Session on November 17, at 4:00 p.m., a City Commission meeting on November 19, at 9:30 a.m.. There will be a joint City-County meeting on November 19, at 12 noon. The next regular meeting is scheduled for November 5, 1997, at 7:00 p.m.

Adjournment

There being no further business to come before the Commission, during the Regular Meeting, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to adjourn. The motion was considered, and upon

being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned



Scott D. Bird, City Clerk

Special Session
Franklin County Annex Building
October 15, 1997
7:15 P.M.

Mayor Cummiskey: We will move on, opening the Special Meeting of the Ottawa City Commission. And, we'll have the Call to Order and the Roll Call for this meeting.

City Clerk: Mayor Cummiskey, present; Commissioner Finch, present; Commissioner Tyson, present; Commissioner Matthews, present; Commissioner Ramsey, present.

Mayor Cummiskey: Those of you who have an agenda, I can see that this is the second evidentiary hearing regarding the request by U.S.D. 290 School District, of Ottawa, for the City of Ottawa to issue a demolition permit for the Middle School at Fifth and Main Street. It's a continuation of that October 8th hearing, and upon the evidentiary hearing being closed, the City Commission may discuss and/or take action regarding this matter. I think what I would do before we begin and go over the ground rules, is have the City Attorney, Bob Bezek,.....some of you may have heard this before, but for those of you who haven't, and to establish those ground rules and to provide some background, I would ask the City Attorney to do that again, at this time.

City Attorney: Thank you, Mayor. This is a hearing pursuant to a statute, the sole issue before the hearing, is the feasibility and prudence of alternatives to the project that is being proposed by the School District. That project is the demolition of the Middle School. The burden of proof, at all times is on the School District. That burden is by a preponderance of evidence. Since the burden is on the School District, the School District has the benefit of both opening and closing the evidentiary hearing and this portion of the hearing, which is the rebuttal portion of the hearing. Neither feasibility or prudence are defined by Kansas Statute. This particular Kansas Statute, there are a couple of common, ordinary definitions that I have recommended to the Commission. The Commission is free to use any well accepted definition that they choose. The Commission, in this instance, is acting in a quasi-judicial capacity that is different than their normal legislative capacity. I have, also, instructed the Commission by letter, tonight, that, upon the close of this hearing when they deliberate on what they have received, their deliberations must be in public, that it cannot be in executive session. A couple of other points that I would like to raise. The Commission has the opportunity, but is not required, to ask questions of any person present. It is my understanding that the Mayor wishes to allow public comment at

tonight's meeting. And, it is also my understanding that that public comment will be limited to three minutes. Exactly how the Mayor chooses to accept that, by that I mean in what order, I'm not very clear on.

Mayor Cummiskey: We had just initially discussed, perhaps, hearing public comment at this time, and it would be for three minutes, as we did last time, followed by fifteen minute presentations for Friends of Historical Buildings, wrapped up by a presentation, also fifteen minutes, from U.S.D. 290. So, if that's fitting with the wishes of the Commissioners, then we will hear comments from the public for three minutes, at this time. We would ask you, we've moved the podium, so that all persons may better see and hear those who wish to address us, and if you would come to the podium, sign in, state your name and address, know that the City Clerk will be timing this with a stop watch.

O.K. We have a list of seven persons. Know that you still will have an opportunity to sign in should the discussion, as the public comment goes on, we will give you an opportunity, during this time.

What you probably heard the City Manager say, the City Clerk will let those of you at the mike know when you have one minute remaining, so that you'll know that, that you have one minute remaining, and you can wrap up your remarks.

The first person who has indicated an interest to speak to the Commission tonight is Max Attebery. And, you know what? If you could line up here, on this wall, so we can keep things moving, that would be great. We have Max Attebery, Kent Granger, Vincent Gauthier, Pete Smith, Jeanette Lowry, Candy Wasser, and Cliff Cohn.

Max Attebery: Madam Mayor, my name is Max Attebery. I live at 746 South Cherry Street. I appreciate you allowing me to speak, tonight. I'm here to represent a part of the community that you haven't heard from, yet, in these hearings. It was rather apparent last hearing that nobody was in support of the School Board's position, other than the School Board. I think it's important that everybody understands and remembers that this issue was voted on in a City wide ballot, District wide ballot, and it was passed as one question.....to build a new Middle School and to demolish the old Middle School. I think, if we don't allow demolition permit, if we invalidate one part of the question, then we invalidate the entire question. And that raises another question, what happens to the new Middle School? What we've had here is a comedy of errors. People rushed to judgment. People did things in knee-jerk reactions, is what I like to refer to them as. And it didn't do anybody any good, but cause problems. Now, it's up to this body to take the time to deliberate and decide what has to happen. The voters approved this issue, and I don't see any way, other than go back to the voters to change it. Thank you.

Mayor Cummiskey:
Kent Granger:

Thank you.

Madam Mayor, members of the Commission, my name is Kent Granger. I live in Kansas City, grew up in Ottawa, attended school at the facility in question, and still own property and pay taxes to the City and County and School District.

I'm here to speak, briefly, in favor of retaining the structure, denying the permit for demolition. I'm sorry to be a johnny-come-lately to these proceedings. I do have a strong and definite interest in the issue. I had a call yesterday, which brought this particular proceeding to my attention. I searched to my thoughts as to how I might be able to be of some benefit and help to the community, generally, and particularly, to the City Commission on this issue. I immediately thought of a long time friend and client of mine, name of Cliff Cohn. Mr. Cohn, would you stand, please? Mr. Cohn is President of the Yarco Companies, which owns, operates or manages some two hundred million dollars of real estate in five or six states. I've known Mr. Cohn for many, many years. Unfortunately, on this short notice, he's not prepared to give you a detailed presentation as to what can be done with this facility. But, I am authorized to tell you that, based on my own experience in real estate, from what I know about the community, its needs for affordable housing for the elderly, Mr. Cohn's company, Yarco Companies, would be an excellent company to come in here to study this matter...(City Clerk: One Minute)...and to make every effort to find a feasible and prudent alternative to demolishing the facility. Since time is limited, I would, also, say that, from what I understand and know through my law practice of issues of environment, the City should be very cautious in denying...uh, in granting the permit of demolition because of many latent, potential environmental substances, not just asbestos, which is only the tip of the iceberg, but, lead based paint and other matters that would have to be disposed either in the City or in the County landfill, and that can be a frightening subject. But, more importantly and positively, in my humble opinion, there are reasonable and prudent...(City Clerk: Time)...alternative uses. Thank you.

Mayor Cummiskey: Mr. Gauthier, will you introduce yourself to the group and to us?

Mr. Gauthier:

Sure. My name is Vincent Gauthier. I'm with Cohen Esrey Housing Partners. I'm fairly new to the Company, so I'm not sure there's any relation to this Mr. Cohn. I see a nod...No. O.K.
My purpose is to discuss what we at Cohen Esrey Housing Partners could do to this building. We would look at it, primarily as affordable housing apartments. There is a possibility of using part of the building for civic uses. I've been in contact with the Y.M.C.A. of Greater Kansas City. And, last meeting, there were, obviously, some local folks who also express some interest.

I just took a tour of the building this afternoon, and, from my experience in historic preservation, I will tell you, that is a solid building...two buildings. I think that Cohen Esrey, basically, has five major concerns. First of all, is there a market for this type of apartment in Ottawa? Second, is the cost of rehabilitation, including any possible structural issues, and was just mentioned, environmental issues? Third, has to do with what the State Historic Preservation Office can do for us with regard to National Register nomination. I have been in contact with those folks, as well, and they've given me every indication that this building is eligible for the National Register. And, I've spoken to some folks, locally, who indicate that they've actually proceeded on the nomination. That's great.

Fourth, is whether or not we can get our appropriate funding. Our funding would basically come from three sources. It would come from Affordable Housing Tax Credits, Historic Preservation Tax Credits, both of these are Federal programs, as well as conventional lending. I'm sure this is pretty much what anybody doing these projects would do.

And, then, fifth is a time line. Well, excuse me, let me take that....fifth is the issue of whether or not we can get fee simple title to this property, and, if so,.....(City Clerk: One Minute)....if appropriate, what would be a mutually agreed upon fair market value for the sight.

That brings me to the time line. In order to do this project properly, it will take several months. Again, you've heard that from several folks, but, that's just the way it is. These things do not happen overnight. All I'm asking you, now that you know that we've been interested for all of eight and a half days, is to give us a little bit of time to pursue this project, to see whether or not there is a market, as well as address the other concerns. Thank you.

Mayor Cummiskey: Thank you. Mr. Pete Smith.

Mr. Smith: I'll try to talk so long as my, excuse me, my voice might hold. Pete Smith, 1247 Elm. I came across very strongly for the construction of a new Middle School. Believe me, I come across equally strong for the demolition of the structures that set downtown today. I firmly believe that property should not be sold or given away, and should be retained for perpetuity for educational uses without the use...without the buildings. I think the buildings should be demolished. They have been sitting there for an excess of fifty years. They have served their useful life. I think it's time that we move ahead, clear the land and prepare it for a future educational use.

There seems to be many plans about what might be done with those buildings. I'm certainly not up to speed on what they are. But by the same token, so many times we go into something of that nature, in good faith, and it ends up, at least partially, on the tax rolls. We don't need that on the tax rolls. We have all we can stand on the tax rolls. If we want to pay

more taxes, let's give the kids more educational opportunities. They are available. It just costs money. I think it behooves these people, this group, School Board, to proceed with the demolition of those buildings so this community can move forward in education in a timely and organized manner. I thank you very much.

Mayor Cummiskey: Thank you.

Jeanette Lowry: Were we suppose to of signed in tonight?

Mayor Cummiskey: Yes, that would be good. That's what we've requested.

Jeanette Lowry: Being a detailed person, I'll do that.

Jeanette Lowry, 318 South Locust. The biggest concern that I have regarding the old Middle School buildings, and one of the primary reasons I ran for School Board, is that, since our coming to town six years ago, I don't think the public has ever had the opportunity to really voice an opinion on the old Middle School. In fact, two and a half years ago when we had the School Board candidate forums, candidates were, were...questions were not allowed to be asked regarding the old Middle School. So right there was a clear indication to me that this was...we were to keep a muzzle on what candidates really thought about the old Middle School. So, I carefully watched this. I lost that election by thirty eight votes. I came back and Sam Sheldon, himself, told me, "Jeanette, how you do on this election in '97 will be a good indicator of how the public feels about this." I redoubled my efforts to make sure that it was clear that I wanted the public to have a voice in this, however that would be possible. And, I was fortunate enough to be the top vote getter. That seemed to have been forgotten as an indication of what the community wanted, and, fortunately, our group reorganized and tried ever harder, and I think you can see lots of alternatives are coming forth. All we have ever wanted is just, let the public let the opportunity be there for open discussion of possibilities. And, that is just so important to let the democratic process go its full extent.

I might also mention, I had a different recollection...(City Clerk: One Minute)...on the survey. I remember giving Sam Sheldon a copy of the survey, if he thought the questions were good and appropriately worded. O.U. students developed the questions. They took it to their professors, and they thought it was a good wording. And Sam, too, as I remember, said he didn't have a problem with the wording of the questions. Originally, O.U. students were to have conducted the majority of that survey, but college students are very busy. And they were not able to complete that part of the task, so it fell to our committee to do that. Any of you that have ever had public surveys done know that if you do it...have it done by an organization, it's quite costly. Our group is just made up of

citizens, so we felt we had no choice to do it but ourselves. So, the survey, I think, was helpful in saying that there was public interest in it. And, I really, really think....(City Clerk: Time)....there are alternatives to demolition, prudent and feasible ones.

Mayor Cummiskey: Thank you very much. She has the sign up sheet. The next person who has signed this list, but is signing it up there as two addresses is Candy Wasser.

Candy Wasser: I'm Candy Wasser. I live at 432 South Elm. Mayor Cummiskey, Commissioners and fellow citizens. It's an interesting contradiction of human soul that it dreams and desires of the new an exciting, while clinging to the familiarity of the old and routine. Sometimes, life provides difficult situations to find compromise in these opposing perspectives. Sometimes, the compromise becomes a matter of dollars and sense (s.e.n.s.e.). The old Middle School buildings at fifth and main offer a potential to satisfy all of this. I believe that our community has been called to thoughtfully consider the legacy within these venerable buildings. They offer a substantial asset, structurally, with foundations firm, and alternative methods to reinforce weak areas. Texture, color and carved ornamentation reflect aesthetic assets. Every space available can be utilized, noting the various uses that have been suggested, from the gymnasium to classrooms, large and small, add function to the valuable assets in this Southern anchor of historic, downtown Ottawa. They offer a glimpse into past aspirations, shared desires of the present, and dreams of future identities. Their history is our history. The legacy they represent and preserve is the inherited wisdom passed from one generation to the next. Individuals must determine their personal vision within a community, and the community must determine the shared vision of itself. Each will choose by its action, or inaction, the definition of its legacy. What is Ottawa, Kansas? What ideas and ideals of its attitudes and its activities shall it pass on to its future as inherited wisdom?(City Clerk: One Minute)....The legitimacy of saving these buildings now, seems to be shared by, at least, one thousand nine hundred and five folks who call Ottawa home. Time can reveal the possibilities and best options for new use. Eighty five peoples, who attended the first town meeting of the Friends of Historical Buildings, identified more than twenty ideas, many of them addressing both current and future needs of U.S.D. 290. With little alternative, some of these citizens voted for construction of a new Middle School and, now, with backs against a brick wall, many more are speaking from their souls to claim an ideal from a conflict. Margaret Meade once spoke of the power of the few concerned citizens to change their community. "Indeed", she said, "it is the only thing that ever has." Deny a demolition permit, today, and provide an unprecedented opportunity to bring a shared vision of a whole community to Ottawa and

Franklin County, Kansas. (City Clerk: Time)... As Secretary of the Friends of Historical Society Buildings, I've taken the liberty of listing the suggested uses that came from that first town meeting, as well as the time line of the activity of our group.

Mayor Cummiskey: Do you have five copies, Candy? Very good, thank you.
Thank you very much. We'll add this to the public file, as well.
Our next person is Mr. Cliff Cohn.

Mr. Cohn: Thank you Madam Mayor. My name is Cliff Cohn. I'm from Kansas City, and that's a hard act to follow. I, too, would encourage the citizens of Ottawa and the City Fathers to think twice before you give away one of your treasured, old assets. My company is involved in the housing business. We do lots of housing for the elderly. I am pleased to be the housing consultant for the Kansas City/St. Joseph diocese. And, we develop, hold and manage and operate, probably, the largest group of elderly, subsidized housing in our community for, and on behalf of, Catholic charities.

I can share with you one..one example of reuse of a parish school that we did about four years ago. It's an Augustine church. The parish school was closed and out of service for a number of years. We've taken that property and, it now houses elderly, subsidized families. It's a delightful piece of real estate. It has all of the old world charm. It has Spanish tile roofs. It has copper down spouts. It has stone lintels. And, when I drove by the building today...the buildings today, due to the subject of this evening's conversation, I noticed some of the lovely brickwork and some of the stone lintels, fully aware that there is some physical issues, fully aware that there is some environmental issues. All of these issues were present at St. Augustine. We are able to get the better of all of those items, and we, probably, have one of the most unique and exciting apartment developments for elderly that's available in the Southeast part of Kansas City. Our vision of the property is not too much different than the gentleman from Cohen Esrey talked about.....(City Clerk: One Minute)..... and we would look at a blend of using a...appealing to those people that are at a medium family income at 50%, 60%, 80%, and some market rate units to compliment a full breadth of the community. It appears as though there would, probably, be somewhere in the neighborhood of a hundred to a hundred and twenty units that would be available with lots of community space and lots of activity space for the residents in the building.
Thank you for this opportunity to share my thoughts.

Mayor Cummiskey: Thank you, sir.
If any other persons wish to address the Commission, now would be a good time to line up there.

Mildred Cook:

Mayor and City Commission, I'm Mildred Cook, and I've lived here in Ottawa since 1958. I ran a business here. Well, I'm not prepared for this, but I could not sit here any longer. We have a big sign out East of town that says "This is Historic Ottawa," and, I don't understand, Princess Diane was buried from the Westminster Abby, and it's twelve hundred years old. And everybody keeps talkin' about this building being so old. I just was back East, and there are houses and buildings that were built in the fifteen and sixteen hundreds that are being used. Now, I don't know, but years ago, somebody came into my beauty shop, and they wanted to build a new library because they had termites in the window sills. And, I said, "My house had termites in it, and I got an exterminator." And, I said, "Where's the maintenance fund?" "Well, we don't have one." Well, why hasn't this high school and junior high been taken care of? Anybody that owns a piece of property knows you have to spend money on it. And, I talked to one of the school board members with the idea that he was for preserving the schools in the neighborhoods, which I think's important. And, maybe I'm ignorant, I went to an eighth grade country school, but, to me, it's the community that counts. A new building does not guarantee good education. If it did, I don't have any because we didn't have electricity, running water, or anything else.

And, as far as taxes is concerned,(City Clerk: One Minute).....my taxes have gone up for the last five years, and I can't tell you one thing I have that I didn't have five years ago.

And, I'll tell you right now, a building does not insure education. Thank you.

Mr. Nicholson:

Good evening, Commission. My name is Harvey Nickolson. I don't live here in Ottawa. I took a job a couple of months ago at a school district about a hundred miles from here, and I've come back to voice my opinion on this. And, I'd like to see the demolition stopped. I'd like to see somebody get the Commission to do a better job with the land. We talk about destroying the land and making it for educational purposes. Well, maybe that's what the School District should have done to begin with. But, they didn't. When I voted two year...or a year ago for that thing, I was involved in a lot of things like Veteran's Memorial, and a few other things, I wasn't able to do more research. But, I remember, a couple of years ago, when you rebuilt the Memorial Auditorium, which is now Ottawa Municipal Auditorium, that auditorium is dedicated for First World War veterans. Forty six men who lost their lives in this County, and we almost tore it down. And, there's forty eight men that I've researched who graduated from that school. Some of 'em died in P.O.W. camps. Some of 'em died in airplanes. Bodies will never be found. They graduated, walked down those hallways. Maybe I'm here, tonight, to represent them, just being a veteran. Because I think we need to save it. The purpose, the reason why we need to save it is, we've got a tremendous downtown area.

And, I'm proud of Ottawa. When I drive through other cities, I'm proud to come back home, and I can see a city that still does some stuff to their city. We got a downtown area that's dying. We need to revive it. We need to get people to come downtown to shop. We need to, maybe, donate money to the Veteran's Memorial, so we can go down....more people will come down and see the Veteran's Memorial.

Ottawa's a great town. I went to college here. I'm still fond of Ottawa University. I'm fond of people in Ottawa. It's still my home. But, today, it bothers me to realize that we have deceived, in some ways, trying to get a better building for our students. There's no doubt about it. The only reason I voted, a couple of years ago, I would have voted twelve million dollars to do a new school, but I really didn't.....I voted because they were gonna destroy the old school. They didn't take any consideration for it.....(City Clerk: One Minute).....My last deal, I'm gonna be working the next two years on an old school they're gonna put five and a half million dollars in. It was built the same time. I'm proud of that school. It didn't have marble floors, it has wooden floors. We're gonna have to tear up floors, we're gonna have to live under a lot of adverse conditions for the next year and a half. But, I took that job on to do it. If I didn't have to drive back home every weekend to help on this Memorial project, I'll be glad to come back and help on it, and figuring out some way of gettin' this school saved and workin' with the Commission or the City to get something done.

I appreciate your time, and Ottawa's a great town. Just be proud of it.

Jeff McAdoo:

I'm Jeff McAdoo, 313 South Maple.

Three quick things to say. One thing is remember, measure twice before you cut once. The second thing is, yeah, it would cause problems to try to change the bond issue, but I gotta believe that if we can impeach a President, couldn't we change a bond issue? There's gotta be a way it can be done. And the third thing, isn't this a great town, all these people out here so interested in this? It's a great place to live. Let's keep it that way. Thank you.

Mayor Cummiskey:

Anyone else who wishes to address the Commission during the public comment section, this evening? Alright, seeing no one else, thank you all for your public comments, and we'll move to our two (2) fifteen minute segments, the first coming from the Friends of Historical Buildings.

Ron Schneider:

Thank you Mayor Cummiskey. Can you hear me? Is this O.K.?

Mayor Cummiskey:

Certainly.

Ron Schneider:

Thank you Mayor Cummiskey and members of the Commission. Before I

start my presentation, I would like to present to you additional documents that I will be referring to tonight, and some documents that should have been presented last week.

The first one is a letter from ... (uncertain name) ... from the Johnson County Human Services and Aging. I regret I only have one copy of that.

The second document is a ... explanation of the Yarco Companies, I only have one copy of that. Everything else, I have copies in fives, so all of you can have references. Mr. Sheldon asked where his copies are. I'll make sure he has them before the evening's over.

Thank you for the opportunity to respond to last week's discussion and dialogue. At the outset, I want to do what I said last time: repeat what the law is, almost sounding like a broken record, but it's imperative that we all recognize the law. Today, the City Commission must examine and determine whether "based on the consideration of all relevant factors that there is no feasible and prudent alternative to the proposal, and that the program includes all possible planning to minimize harm to such historic property resulting from such use." That is a quote from the Statute which is applicable here. Subsequently, the Court of Appeals in a case involving property in Lawrence, Kansas, summarize the pertinent rulings of its decision. It stated "One, the proponent of a project has the burden to prove no acceptable alternative exists. Two, a potential alternative is not a relevant factor, unless it is supported by evidence to indicate it is both feasible and prudent, and Three, the proponent does not have to refute a potential alternative unless it is proven a relevant factor."

Now, what's quite amazing to me is that the community understands this law, and I trust that the City Commission understands this law. The community has been, prior to the public meetings, to at least three public forums concerning their concerns about these particular buildings. The community is well versed. You're in a unique situation where you have a public response which is overwhelming. That response is based, not only on law, but also public opinion, political sentiment and social concerns. What is beneficial is that what the public wants you to do, not only politically, is also consistent what you should do legally.

We, at these meetings, have discussed the alternatives available. The public wants you, my clients, who are Friends of Historical Buildings, who have managed to get nearly two thousand signatures on a petition, which I am told is unprecedented in Ottawa, Kansas, they want you to follow the law. They don't want you to break the law. They don't want you to deviate from the law. They don't want you to waffle. They want you to do what you must do, follow the law. That's fortunate, they're not asking you to violate the law, simply because they have emotional or political agendas. Now, in our presentation last week in evaluating the facts of this matter, it's become obvious to me and, I think, to a number of people in this community, that the School Board has simply failed to look for alternatives. I think Mr. Sheldon acknowledged last week that, at a certain

point, when the School Board had received communications from professional engineers, that there were no alternatives in that professional engineer's opinion, other than demolition. They simply did not seek alternatives. That's unfortunate. It's not only unfortunate, but it's part of the reason we're here, because if appropriate work would have gone forward, I believe the information and the interested parties who have presented, and continue to come forward to present feasible and prudent alternatives, would continue to grow, and we would have had, probably, resolution of this before. However, I'm not suggesting, and I think it's terribly non-productive to condemn or unfairly criticize the School Board. The School Board may not have understood their obligations. The School Board may not have known what the law required of them to do in this situation. However, the School Board's not in the business of renovation or development. They were put in a terrible predicament. Their in the business of educating your children. They need to do that. They need to focus on that. I think, under the law, they have not met their burden, but it has not been as a result of mischievous or, what I consider, intentional misconduct.

Now, we're faced with the fact that the School Board should realize and can acknowledge that there are feasible and prudent alternatives to demolition. You've been presented with a series of alternatives that are, clearly, feasible and prudent. I would go one further; they're more than feasible and prudent. They're desirable, they're great. They present a wonderful opportunity to this community. We often hear of the saying, "it's a win, win situation". This is a win, win, win situation. I believe the community can come out ahead, the School Board can come out ahead, and the City Commission can come out ahead. Let me explain, if I may. First of all, you've got a preservation landmark that's sitting in the middle of the City. When you drive through this community, there is no way to miss that. The only way you'll miss it is if there's a black hole. And, that would result in demolition. It would be a shameful decision, in my opinion. The alternatives that have been presented serve the community needs in a number of ways. They include housing, community centers, forms of community centers such as the Y.M.C.A., serving the Suzuki Strings, performing arts...the list is almost endless. You've got an opportunity facing you that many communities throughout the midwest, let alone the country, would die for. It's right in your lap. The thing is only to do what is reasonable, what is feasible and what is prudent. But, again, I emphasize it goes beyond that. It's going to give you a great opportunity. It's not the least of the win, win situations, or the win, win, win situations, is the way the School Board will be affected. I believe, from the presentations that you've heard and will continue to hear in the future if this demolition is not approved, a number of options and alternatives that will represent a substantial acquisition price that the School Board will be paid. That money can used in a manner that is beneficial to the students. It will

get off the back of the School Board a problem they have right now. And, that's simply a fact, and they've acknowledged it, that they've got a building and the land that there is no use for, at this time. It has been acknowledged that the School Board has no particular plan for that site. The building, clearly, is not in need by the School Board, but it is in need and is desired to be used by a number of other people. May I confer my time I have, how much left?

City Clerk: Just under eight minutes.

Ron Schneider: Thank you.

I'd like to review the options. MetroPlains has come forward and suggested to a number of ways that they wanted to develop this project. MetroPlains is not a stranger to this community. They are not a stranger to the project that is facing you. They have the wherewithal, the history and the skill to do it well, and to do it for the benefit of the community. There has been some criticism of MetroPlains, in the past, because, apparently, the way their past project in this community was developed. They acquired the building under a different scenario. I don't know the details of that, but I suggest to you that the acquisition of this property would include an acquisition price.

Another big name in this project is Y.M.C.A. That name is like Mother, Apple Pie, and what else. You couldn't have a better potential interested party, other than the Y.M.C.A., to achieve the goals that have been expressed by this community, for a community service center, an activity center and a type of program that addresses the needs of all types of community members. I have given you a letter that further explains the Y.M.C.A.'s goals. I've also given you a letter from MetroPlains that was addressed to me, and asked to be shared with you today. I've also provided you a packet of MetroPlains information.

The other party, Mr. Dodson, is a local individual, and his option...or, excuse me...his offer is still valid. He is willing to buy this property for one hundred and fifty thousand dollars, preserve it and use it for compatible use downtown.

Fourth party that have come forward is Cohen and Esrey. They've explained, in general, their proposed use; their intention to acquire it for a recognized fair market, negotiated price.

Then, tonight, we have, yet, another substantial party. We're talking about parties who have experience, knowledge and the wherewithal, financially and professionally, to do these right. And that final party is Yarco Companies.

Commissioners and Mayor, given time, this board and this school can leave a lasting legacy for the community. That legacy will give the community something it can be proud of, something the community has clearly stated it

wants. This community deserves it, and I believe the constituency here, your constituency, has demanded it.

In closing, I'd like to address some of the concerns that were raised last week by some of the Board members, and specifically you, Commissioner Ramsey, concerning questions or statements made by the engineer, Don McMican. Mr. McMican has given me a letter. I have shared it with you. And by addressing this "Commissioner Ramsey", I don't want anyone to perceive that I'm presenting it in a confrontational or adversarial reason. I'm presenting it out of respect for your inquiries, cause I believe they're legitimate. If you have that question, no doubt other people have similar questions. Mr. McMican writes, "This letter is written in response to inquiries concerning my previous report submitted at the October 8, 1997, Commission hearing. The disclaimer at the end of my report is standard language used in the profession on such documents. For this particular report, I was retained to perform specific and limited professional services. My report was not prepared for any construction project, or for anything beyond the scope of the intended purpose. I stand behind my report, and assert that the statements and contents are accurate and consistent with standards established in my profession. My report and analysis focus primarily on exterior masonry concerns, identified in previous engineering reports. I've concluded that the mortar is generally acceptable, and that some of the window lintels do, in fact, require attention. My opinions concerning corrective repair differ with the previous reports. Previous engineers have, in my opinion, proposed responses to some conditions which can be corrected with much less expense while solving the same concerns. I have spent, collectively, about a day in the buildings. My opinions are formulated by my experience with historical buildings, and my visual inspection of the previously opened areas examined by Kerr Conrad and Graham Engineers. In addition, interior portions of the building were exposed at my request, which I further examined to better understand the window lintel construction. In summary, many of my findings are consistent with the previous engineering reports. My suggested responses and corrective actions are different. Clearly, for additional issues concerning interior load capacity, other tests will be required. It is my professional opinion that a limited renovation cost of one hundred thousand dollars will provide necessary repairs to adequately stabilize the critical exterior masonry, thus eliminating any danger to persons around the buildings. It is also my professional opinion that a total renovation cost of nine hundred thousand dollars would provide necessary repairs to stabilize all required masonry and lintel conditions for both buildings, resulting in a quality exterior for both buildings. I hope that this letter addresses the questions presented at your last meeting, and further clarifies my report." I also advised the Commission and the Mayor that Mr. McMican is here, if you have any questions of him. Don, are you present? Don is right here, if you have any questions.

With that, I'd like to close, and please, if you have any questions of Don McMican, he can explain it far better than I can read it. The sum of it is, I believe, under the law, you have an obligation, here, to deny the permit. The applicant has not met the burden of proof to show you that there are no feasible and prudent alternatives. Even one alternative is all that is necessary. But the School has not done that. Thank you.

Mayor Cummiskey: Thank you very much. Alright, Mr. Sheldon, are you ready for your fifteen minute allotment? Thank you.

Mr. Sheldon: Thank you, Mayor. Commissioners. At this time, I would like to turn the floor over to Board member, Cal Lantis, so that he can present some information and comments on behalf of the Board.

Cal Lantis: Mayor Cummiskey and Commissioners, thank you. There are several points that I would like to address this evening, and I will be referring to exhibits in the black binder, presented to you last week. Number one, the Board considered feasible and prudent alternative uses for the building by the District as allowed by law. The Board received estimates on renovation, and there was considerable debate about the best use of the building. And you can refer to Exhibits "A", "B", "C" and "D". This is an important issue. I would like to share with you a copy of Chapter two of the *Kansas Association of School Board's Orientation Handbook*, provided to new Board members. It should be behind my remarks in the packet that Scott handed out. It defines....that Scott hasn't handed out, yet. It defines the duties and responsibilities of School Boards...of the School Board, and references Kansas law dealing with Boards. There is no authority...there is no authority for economic development. There is no authority for community development. There is no authority for community development or housing activities. Unlike other government agencies, Boards of Education do not have home rule. We can't raise sales tax or property taxes for non-school use. This Board can only do what statutes permit. We can teach the children, but we can't remodel a school. We can't remodel a building for non-school use. The School Board's powers and duties are very limited, and so are the options that we could consider for the building. Next, we had a series of inspections reports that led to the closing of the Fifth and Main building, and those would be Exhibits "E", "F", "G", and "H". Faced with these disclosures, the Board decided to proceed with demolition. These discussions took place over a three month period. They were not official until published in the official newspaper of the District on September 26, 1996, and October 3, 1996, a five month interval from the closing of the school. And, that notification is Exhibit "I". During this time, no requests, offers or proposals for alternative uses came forward. Finally, less than three weeks before the election, *The Ottawa Herald*

reported that MetroPlains, a developer, had, and I quote, "preliminary interest in the buildings". The School Board received no proposal from MetroPlains at that time. The election was November 5, 1997. The question is in the legal notice and, again, that's Exhibit "I". It says to pay the cost of demolishing the existing Middle School. Voters of the District were asked to decide this issue. And I have enclosed a map of the District. You will see that it encompasses Ottawa and quite a bit of the rural area surrounding Ottawa.

Let's address two issues, for a second. The reason for including demolition was, simply, that the District resources were depleted. We were the owners of a condemned building that needed to be removed. Establishing temporary facilities for the Middle School and its students had drained our reserves.

"B". There's been a suggestion that the voters did not understand the issue. Yet, it was clearly stated in the language on the ballot, Exhibit "I", and, in the previously mentioned MetroPlains article. In that article, Superintendent Dr. Harvey Ludwick stated, "The School District has made it very clear that, upon approval of the bond issue, the funds would be in place to demolish the building, and that's what they're going to do." The vote was taken. It was thirty one hundred and two, yes; two thousand forty two, no; or three to two, or sixty percent to forty percent. Most political observers would consider this a mandate.

My third thing that I would like to talk to you about is: Three, the bonds were sold to pay for the cost associated with demolition. Exhibit "P" indicates that not demolishing the building may place the entire bond issue in jeopardy, and may make future bond issues riskier, creating higher interest for the District and patrons.

Number four, the District may not be able to sell the property, and that would be Exhibit "O", the deed. And Sam's going to address this issue in more detail, in just a moment.

Finally, none of the proposals presented have suggested a prudent, feasible alternative for the School District, under its narrow authority. We can't put children in the building, Exhibit "G", we can't sell the building, Exhibit "N". We didn't budget funds to maintain the building because the voters had told us to demolish it. We may not even be able to maintain liability insurance, if the permit isn't issued, and that would be Exhibit "X". And I don't think that was mentioned last week, but you need to look at Exhibit "X" from our insurance carrier.

In closing, the District did what it thought was prudent, and State Statutes governing Boards of Education gave us no other choice. Thank you for your time this evening, and I'll relinquish the mike to Sam.

Mr. Sheldon:

Thank you, Cal. There appeared to be some question last meeting about the effect of the restrictive covenant. And, this is an important matter because it impacts directly on the feasibility of any proposals for

non-school use, which, I believe, embraces all the proposals presented at the hearing last week and tonight.

Now, I've obtained copies of the 1890 case I mentioned last week, *Curtis vs. Board of Education of Topeka*. Although more than one hundred years old, this case appears to be right on point and controlling authority. I took the time, today, to re-read it very carefully. And, I've read it twice before, once back in January, and once, quickly, to check the legal rules, a couple of weeks ago. But, it struck me because, when I read it again today, in detail, I had forgotten how closely the facts in this case mirrored our own. If you refer to page 140 at the opinion, I have highlighted the deed language. This was a transfer from a private individual to a School District, and it had restrictive language that said the land conveyed could be used for the erection of a school house thereon, and for no other purposes. There was no express language in this conveyance, in this deed, that gave right expressed a right of reversion, language that would indicate that the land would revert to the original owner, the grantor, in case the use...the use was changed from an authorized of school house. The School District, in that case, proceeded to construct a school building. That occurred in 1867. That's noted on pages 140 and 141. Then, in 1882, the building, not the site, but the building was sold, and the person who bought the building came in and actually removed it from the site. That meant that at that point, the site was no longer being used as a school. The District still owned land, and they sat on it for a couple of years. And, then in 1884, they decided that they wanted to proceed with building a new school on that site. But, at that point, a lawsuit got filed against the School District. The heirs of the original grantor came in and said, "Well, once you had the school removed, you were no longer using the land for an authorized purpose." And, therefore, if reverted, they claimed, to the original grantor or his heirs, since the grantor had died. The court held, and I think this was one of the questions that came up last week, the court held, expressly held in this case, that there was no implied reversion. In other words, the land does not automatically revert to the original owner in case the use is other than school. And that's a similar situation we have here. I think Mr. Schneider suggested last week that because the site was no longer being used for school purposes, that is was now the City's, because the City was the original granting agent, the original grantor. But this case clearly says that it does not belong to you. It belongs to the School District.

But that's not all that the court said. One page 143, the court went on to note that there is still this restrictive language. And they held that it operated as a restrictive covenant. I'm not gonna read this whole thing to you. Obviously, you're gonna have it, and have an opportunity to review it. So, what I would like to draw your attention to is the last page of the opinion, page 144, for the final conclusions of the court are made. And the court, the Kansas Supreme Court, says, "We think the property in

controversy belongs to the School District of the City of Topeka, to be used for school purposes, only. If it should ever be used for any other purpose, then any person injured thereby, would have his action for damages or his action to enjoin the parties from so using it."

Non-use is not a violation of the covenant. But, any use, other than school use, is a violation of the covenant.

We have no further documents or information to present. I would like to point out one line from the *Alan Two Case*, which if you have your binder there, it is included as Exhibit "AA". And, I'd like to draw your attention to page 95. I've highlighted the language. In that portion of the opinion, the court summarizes the pertinent rulings of the earlier *Alan case*, *Alan One*. In the last full paragraph on page 95, Ruling two, which is summarized, says, "that a potential alternative is not a relevant factor, unless it is supported by evidence to indicate it is both feasible and prudent." And, without concrete information as to cost and funding, I would submit that an alternative cannot be even considered as a factor...is not relevant without that evidence.

Finally, we submit that we have presented sufficient documents and information to testify granting the permit. And we do thank you for your consideration of this matter.

Mayor Cummiskey: Commissioners, do you have any questions of any of the persons who have spoken tonight? Then, we'll go back into a regular discussion meeting, alright? Then, let's....I'll entertain a motion to recess this portion of the meeting.

Comm. Finch: So moved.

Comm. Matthews: Second.

Mayor Cummiskey: Moved and seconded. All in favor signify by saying aye.

Commissioners: Aye.

Mayor Cummiskey: This meeting is closed. And, the public hearing is closed. Why don't we take a ten minute recess, and then, we'll come back here for Commission discussion and/or questions. So, we'll reconvene here at about 8:23.

Mayor Cummiskey: Alright, we'll call the meeting. Alright, we need a motion to go back into session.

Comm. Matthews: Madam Mayor.

Mayor Cummiskey: Commissioner Matthews.

Comm. Matthews: I make the motion that we come out of recess.

Mayor Cummiskey: Is there a second to the motion?

Comm. Finch: Second.

Mayor Cummiskey: It's been moved and seconded. All in favor signify by saying aye.

Commissioners: Aye.

Mayor Cummiskey: We are back in session...for the public hearing. At this time, give the Commissioners an opportunity to pose questions to any of the parties who have spoken this evening. Commissioner Ramsey?

Comm. Ramsey: I might just ask one question of Mr. Schneider, as he represents the Friends. There's some great proposals come forward tonight, and I think that's outstanding. But, is there anyone here that, on any of these proposals that have come forward, either this last week or tonight, is there anybody that....how would they....how are you gonna finance these proposals? Is there a financing procedure here tonight? Someone's?

Ron Schneider: Yes, Commissioner, the documents I gave you, specifically from the Y.M.C.A., I've outlined how they would go about funding. That's based upon previous projects that they've done. The outline, also, in letter form from MetroPlains provides that. I cannot speak on behalf of Cohen and Esrey, but it's my understanding, their financing, if they choose to do this, is in place. And, by in place, I mean they have the funds to borrow against immediately. I should....I should check that out with Mr. Gauthier to make sure I'm not inaccurate.

Mr. Gauthier: We dealt with.....such as G.E. Capital; Heartland Group,a finance group, plus we've used Preservation Act.....

Comm. Ramsey: If you can get clear title to the building, is that correct?

Mr. Gauthier: Absolutely.

Comm. Ramsey: And, how do you address that, Mr. Schneider?

Ron Schneider: The question on clear title?

Comm. Ramsey: Yes.

Ron Schneider: Thank you. I'm happy I have an opportunity to respond. It's very difficult for a lawyer to sit quiet when the other lawyer makes a legal argument that you disagree with.

First of all, this is, in fact, an 1890 case. I suggest to this body that there is substantial, maybe not what lawyers like to say, that is exactly on point, in the sense that we have a School District and a title problem. But, I can assure this court, and I've been involved in litigation dealing with questions of restrictive covenants and title. The general law in the State of Kansas, which recognizes the general law throughout the United States, first of all, there's a rule against perpetuities. You can't limit property forever.

Second of all, restrictive covenants have become outdated or failed to serve the public interest or public purpose, are set aside. I don't have to remind this body of the terrible covenants that have restricted use of property based on race, religion and creed. Just because you have a restrictive covenant doesn't mean you can't get it off.

And third of all, Mr. Sheldon, when he read this quote from the Supreme Court of Kansas in 1890, stopped in the middle of the sentence. The remainder of the sentence says, "and possibly circumstances might occur or be brought into existence under which the courts would hold that the title to the property had been forfeited, but no such case is presented in the present action." I suggest that if there is a title problem, and I think there is a title problem, that it can easily be corrected through quiet title action or appropriate legal action. Thank you.

Comm. Ramsey: Thank you. Did you want to respond, Sam?

Mr. Sheldon: As Ron would say, absolutely. Rule against perpetuity doesn't apply to charitable grants, which this would be. It's a far stretch to equate the racial discrimination restrictive covenants with a restrictive covenant that restricts the use of the site for schools. And, then finally, a quiet title action would be possible, but all it takes is one affected person which, arguably, would be anybody in the City whose, maybe, disgruntled that demolition isn't occurring, to come in an object and exert his or her right for the protection of that covenant.

Mayor Cummiskey: All the more reason for the clearing up of the title.

Mr. Sheldon: Well, the quiet title action that would seek to clear the title would be subject to any interested party coming in and laying a claim; that if the court recognizes, which I believe they would under this case, would then prevent any use other than school use. So, the quiet title action in that instance would not be successful.

Mayor Cummiskey: Any other questions by the Commission this evening? All right.

We have the opportunity, this evening, to discuss this issue further, in addition to, if you don't want to pose any more question. We, also, have the opportunity to put an action in the form of a motion.

Comm. Finch: Madam Mayor?

Mayor Cummiskey: Commissioner Finch.

Comm. Finch: In that case, I would move that the City Commission deny the approval of the demolition permit for Unified School District 290, pursuant to Kansas Statute 75-2724.

Comm. Matthews: Second.

Mayor Cummiskey: It's been moved and seconded. Any discussion on this item.

Comm. Matthews: Madam Mayor, I'd just like to say that I believe, over the course of these last two meetings, that I have seen a feasible and prudent alternative.

Comm. Finch: Madam Mayor?

Mayor Cummiskey: Commissioner Finch.

Comm. Finch: You know, I think this is a complex issue, and I'm glad it came before this body because that's what you, the citizens, pay us to do; make complex decisions. There are a lot of different factor here, and even though they're complex factors,....I guess I misspoke....it is a simple decision with complex factors. Quite simply, we've been charged with finding out if there are prudent and feasible alternatives. As we've heard many times, feasible can be whatever you make it. Anything's feasible, if you're willing to spend enough money or put in enough effort or enough time. The question is prudence. Based.....I'm telling you what I'm making my decision for making this motion upon....based on the fact that it is the School Board's admission that demolition was considered the only alternative by Sam Sheldon, at last week's meeting, and that few alternatives were then sought out; and, due to the fact that we have been presented with many interests at the previous meeting and at this meeting, from the Y.M.C.A., from the Yarco Company, from Cohen Esrey, from MetroPlains, and even from Bob Dodson. I think that it would be folly for this Board to step up here, tonight, and say that we will grant a demolition permit when there is so much interest and so little investigation into that interest.

Mayor Cummiskey: Thank you. Any other comments from Commissioners? Commissioner Tyson.

Comm. Tyson: I was just going to say I have some different things about feasible and prudent here thatI looked a lot of other things about that. And, it's true, you can change things the way you want them to. That's all I have to say.

Mayor Cummiskey: I believe, too, that we have seen a number of possibilities, a number of alternatives that are, certainly, feasible. The prudent portion of that is still to be culled through, but I believe that, with the burden of proof upon the School District, to say that there is no feasible and prudent alternative, that I cannot go along with that. And, also, the other piece of this is that the project, which is demolition in this case, includes all possible planning to minimize the harm to the historic property and its environs. That's the other piece of this, which is why I must go along with the motion and call for the question.

Comm. Matthews: Question.

City Clerk: How do you vote, Commissioner Finch?

Comm. Finch: Yes, on the motion to deny the demolition permit.

City Clerk: Commissioner Tyson?

Comm. Tyson: No.

City Clerk: Commissioner Matthews?

Comm. Matthews: Yes.

City Clerk: Commissioner Ramsey?

Comm. Ramsey: Yes.

City Clerk: Mayor Cummiskey?

Mayor Cummiskey: Yes. Please take note that the vote is four to one.
Sir?

Mr. Granger: The question, having been decided, before we adjourn, Mr. Cohn, on behalf of Yarco Companies and I, personally, will each donate a thousand dollars to the School Board for the purpose...specific purpose...of protecting the exterior facade from the exposure that's been made due to the removal of the bricks. And we would invite others to contribute to a similar fund.

Mayor Cummiskey: Thank you, sir.

That ends the business before us this evening. Any further comments from the Commissioners? Certainly.

Comm. Ramsey: I've got to admit that I'm a reluctant "yes" on this. But, there's one word that, I think, was left out of reasonable and prudent. Practical. And, I hope that, as this building, if something does happen to this building...I think it's up to the School District to determine that, not us...but, I hope it is a practical solution. I've been told, as a Commission, why a lot of people in this room, and I will have to...and may I'm wrong, maybe I'm reading 'em wrong...that they don't want tax money spent on this building. And, I'm just hoping that the people that are looking at it will look at it from a practical standpoint. I'm a businessman, that's all I'm coming from.

Mayor Cummiskey: I've heard those comments, as well. Alright, any other comments Commissioners wish to make this evening?
We thank you all for being here, for following the issue, and we'll look at the next step. Thank you all very much. Is there a motion to adjourn?

(Moved and seconded to adjourn, all signified by saying aye.)

**Special Session
City Commission
October 15, 1997**

Minutes of the Special Meeting continued from October 8 to October 15, 1997.

Roll Call

The City Governing Body met in Special Session at 7:15 p.m., this date at the Franklin County Annex Building. The following members being present and participating, to wit: Mayor Cumiskey, present; Commissioner Finch, present; Commissioner Tyson, present; Commissioner Matthews, present; Commissioner Ramsey, present. A quorum was present.

The Mayor announced the purpose of this meeting is the continuance of an evidentiary hearing regarding a request by U.S.D. 290, for the City of Ottawa to issue a demolition permit for the former Ottawa Middle School, located at 5th and Main Street.

The entire text of the meeting, attached hereto, and made a part hereof, becomes permanent record of the City of Ottawa, Kansas.

Adjournment

It was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

October 27, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Richard Towe, Ron Puterbaugh for Jeff Herrman, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson, Jim Bradley, Andy Haney and Bob Bezek. Guests: Representatives of Friends of Historic Buildings, Barbara Dew, Jeff Mourning, Mike Skidmore, Earl Devore, Jerry Thompson, Kathy Jordan, Murray McGee, Mr. and Mrs. Wilfred Bugner, Brian Unruh, Lou Atherton, Bryce Young, Alice Joy Lewis, Jeanette Lowry and Todd Franz. Media: Scott Welgos and Bill Gray. Absent: Jeff Herrman.

1. Review of Work Study Session Minutes. Thereupon, the City Commission reviewed and accepted the Work Study Session Minutes of October 1 and October 6, 1997 with corrections.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for November 5, 1997, noting that additions would be made.

3. Designation of Official City Newspaper. Thereupon, the Commission discussed the designation of the official City newspaper, hearing from representatives of both the Ottawa Herald and the Ottawa Times.

Thereupon, the Commission agreed to designate the Ottawa Times as the official newspaper starting in January, 1998 for one year, with Commissioner Matthews dissenting.

4. Franklin County Convention and Tourism. Thereupon, the Commission heard from Mr. Murray McGee, Franklin County Convention and Tourism Director, who made a request to the Commission to use Forest Park on October 2 - 4, 1998 for the Kansas Sampler Festival. Mr. McGee noted that this festival had been held at Innman, Kansas, since its inception, that the festival had attracted as many as 8,000 people, and had outgrown this location. He stated that the City of Ottawa was among the seven finalists being considered to host the 1998 and 1999 events.

Thereupon, the Commission agreed to place this item on the regular agenda for November 5, 1997.

5. **Planned and Approved Industrial Building.** Thereupon, Mr. Lou Atherton, Mr. Earl Devore, Mr. Jerry Thompson, Mr. Mike Skidmore, Mr. Jeff Mourning representing the Chamber of Commerce, presented to the Commission a proposal that the City Commission consider participating in a State Department of Commerce program, to facilitate industrial development. Mr. Atherton explained that the program requires a local jurisdiction to complete preliminary site requirements for a speculative industrial project, in order for said project to be advertised as part of the State's database. The area proposed would be in the Ottawa new Industrial Park area. Mr. Atherton explained that they proposed a spec building which would be greater than or equal to 50,000 square feet, that the O/FCED would pay for architectural and engineering fees, and ask the City to pay for EPA and drainage costs associated with the design and preparation for such a building. He explained that this endeavor would save approximately 90 days in the construction of a building once an industry has chosen to locate in the City.

The City Manager recommended the project, and if successful, continue with a second project. He stated that a signed contract would be necessary before construction could begin.

Thereupon, the Commission agreed by consensus to proceed with this item.

6. **Lease Agreements with the Community Arts Council and Friends of the Library.** Thereupon, the Commission discussed with representatives of the Arts Council and Suzuki Strings Organization, a proposed lease agreement for the Carnegie Building, that is, the former Ottawa Library. The Arts Council explained that they had concern over the term of the contract asking for an automatic extension of 15 years after the initial 5 year period. They further questioned a requirement that they carry insurance on the facility. It was explained that any contract with the Arts Council would exclude all other parties and that it should be remembered that it is a public building. The Arts Council was further reminded that the \$1 a year rent, was an extremely good offer, and finally, that such rent agreements usually carry a requirement that the lessee provide insurance coverage.

Thereupon, the Commission addressed a lease agreement with the Friends of the Library for part of the facility located at 209 E. 2nd.

7. **Finding of Facts - Demolition Permit - OMS.** Thereupon, the Commission reviewed a Finding of Facts with the City Attorney regarding the decision of the City Commission to deny the request for a demolition permit for the former Middle School.

The Commission directed the City Attorney to make certain changes and to bring this issue back to the November 5, 1997 Work Study Session, and the November 19, 1997 City Commission meeting.

8. **Public Comments:** Thereupon, the Commission heard from Mr. Wilfred Bugner, 839 Estabrook, who once again asked the Commission to agree that an intersection existed at the corner of Third and Estabrook.

9. **Open Agenda:**

Car Stereo (Noise) Ordinance. Thereupon, Commissioner Finch asked about a car stereo (noise) ordinance.

Kansas Department of Transportation Meeting. Thereupon, Commissioner Finch reminded the Commission that representatives from KDOT would be in Ottawa, Wednesday night, for a meeting on the US-50 Bridge.

Thereupon, Mayor Cummiskey stated that she had received a letter from Mr. MacDonald, Attorney for property owners in the Business 50 area, who had requested a date change regarding this meeting. However, she noted that KDOT and other parties involved wanted to leave the date as scheduled.

Former Middle School. Thereupon, Commissioner Finch asked the City Attorney, Mr. Bob Bezek, if he would be representing USD 290 in any way regarding the Ottawa Middle School issue.

Mr. Bezek responded that he would not be representing them regarding this issue and further stated that if the school board has a closed session regarding this issue, he would excuse himself.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

6:00 P.M.

November 5, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson, Jim Bradley, Andy Haney and Bob Bezek. Guests: Representatives of the Franklin County Veterans Memorial. Media: Scott Welgos, Bill Tellier and Bill Gray. Absent: Commissioner Matthews.

1. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for November 5, 1997.

2. Request from the Franklin County Veterans Memorial Committee. Thereupon, the Commission reviewed a request from the Franklin County Veterans Memorial Committee to use the Ottawa Municipal Auditorium for a country music show to benefit the Veterans Memorial on December 19, 1997 at 7:00 p.m., and to waive the fees for such usage.

The Commission agreed by consensus to place this item on the November 5, 1997 regular City Commission meeting .

3. Request from the Friends of the Ottawa Library. Thereupon, there was presented a request from the Friends of the Ottawa Library to hold a book sale in the basement of the Carnegie building on Saturday, December 6, 1997 between 10:00 a.m. and 3:00 p.m. City Manager Scott Lambers noted that staff had no problems with this request.

Thereupon, the Commission agreed to place this item on the regular agenda for November 5, 1997.

4. Downtown Lighting Ceremony. Thereupon, there was presented a request from Mr. Lou Atherton, representing the Ottawa Chamber of Commerce to hold the annual downtown Christmas lighting ceremony on Friday, November 28, 1997 at Haley Park, beginning at 7:00 p.m. In addition, Mr. Atherton requested that Second Street, between Main and East to the alley, be closed to traffic between the hours of 6:00 p.m. and 8:30 p.m. or whenever the event ends, and further that the City Utility Department be available to turn the electrical switch on that lights the Mayor's Christmas tree at 7:30 p.m..

City Manager Scott Lambers noted that staff had no objections to this request.

The Commission agreed by consensus to place this item on the regular City Commission agenda for November 5, 1997.

5. City of Ottawa Summer Youth Program. Thereupon, the Commission reviewed a letter from the State of Kansas Department of Human Resources regarding funds for the Summer Youth Program. In the letter, Ms. Jill Crumpacker, Director of the Division of Employment and Training, noted that the City had pledged certain funds to be available for local match of an NIYEA Grant between the City of Ottawa and the Kansas Department of Human Resources. Ms. Crumpacker noted that the City of Ottawa's willingness to support the project with the local matching funds had been a significant factor in determining the award of the grant and that payment of the grant funds would be contingent upon adherence to the terms of the proposal.

The Commission discussed the issue noting that action had previously been taken to reduce the amount of funding by \$15,000.

The Commission agreed to place this item on the agenda for the regular City Commission meeting later in the evening and suggested that the funds be returned to the Summer Youth Program in order to comply with the earlier agreement, dated August 11, 1997.

6. 1998 Audit RFP. Thereupon, the Commission reviewed a request for proposal for the 1998 Audit.

Thereupon, Commissioner Ramsey noted that whoever the audit was awarded to, should receive a multi-year contract rather than reviewing this issue on an annual basis.

Thereupon, the City Manager stated that if the award was made to a new auditing firm, he would be reluctant to extend that agreement over a multi-year contract.

The Commission agreed by consensus to direct City staff to proceed. Commissioner Ramsey dissented.

7. Open Agenda:

Landlord Report Status. Thereupon, Commissioner Finch asked about the status of the landlord report.

City Manager Scott Lambers noted that this would be brought to the Commission in the near future.

Open Agenda - Continued:

Tree City USA. Thereupon, the Mayor noted that Commissioner Ramsey had attended an item at the League of Kansas Municipalities meetings regarding Tree City USA and suggested that Ottawa participate in Tree City USA. She asked Commissioner Ramsey if would be willing to be appointed to a committee regarding this issue. Commissioner Ramsey consented. Thereupon, City Manager Scott Lambers suggested the City be more aggressive on their tree planting policy, and perhaps set some property aside to start its own nursery for this endeavor.

Thereupon, Mayor Cummiskey suggested that a committee be selected with Commissioner Ramsey, Bob Dunn and perhaps Margie Englekemeir as appointments to the committee..

Schedule for Chamber Legislative Coffee. Thereupon, Commissioner Ramsey noted that the Chamber had set its schedule for the Legislative Coffees for the upcoming year.

Retail Wheeling. Thereupon, the Mayor asked for an update regarding retail wheeling. Thereupon, Utility Director Jim Bradley stated that the recent hearings did not bring any significant changes from what the Commission was already aware of. He stated that it looked like the final bill would include an opt-in clause for municipalities.

City Manager Evaluation. Thereupon, Mayor Cummiskey announced that it was time to perform an evaluation on the City Manager and asked that the forms be made available so that the Commission could begin this process on December 15, 1997.

8. **Announcements.** Thereupon, the Mayor announced the City Commission meeting after the Work Study Session at 7:00 p.m. There will also be Work Study Sessions on November 10, 1997 at 4:00 p.m., November 17, 1997 at 4:00 p.m. and a regular City Commission meeting on November 19, 1997 at 9:30 a.m. with a Joint City/County meeting following at 12:00 p.m.

9. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch to adjourn the Work Study Session. The motion was considered, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of November 5, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Tyson present, and Commissioner Ramsey present, Commissioner Matthews absent. A quorum was present.

Thereupon, Mayor Cummiskey called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to approve the agenda adding item 17a, that is, the return of \$15,000 to the Summer Youth Program for Budget Year 1998. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved, with an addendum.

Approval of Minutes

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to approve the minutes of October 8 and October 15 Special Meetings and the Regular meeting of Oct. 15, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of the Special Meetings of October 8, and 15 and the Regular Meeting Minutes of October 15, 1997 duly approved.

Veteran's Memorial Request

Thereupon, there was presented a request from the Franklin County Veterans Memorial Committee to use the Ottawa Municipal Auditorium for

a local Country Musical, to benefit the Veterans Memorial, scheduled for December 19, 1997 at 7:00 p.m.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey to grant the request and to waive the fees for the use of the Municipal Auditorium for December 19, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

Request from the Friends of the Ottawa Library

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch to grant a request from the Friends of the Ottawa Library to hold a book sale in the basement of the Carnegie Building, Saturday, December 6, 1997 between 10:00 a.m. and 3:00 p.m. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

Downtown Christmas Lighting Ceremony

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson to approve a request from the Chamber of Commerce to close Second Street from Main Street, east to the alley, in order to conduct the Downtown Christmas Lighting Ceremony, Friday, November 28, 1997, at Haley Park, from 6:00 p.m. to 8:30 p.m. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

Public Hearings

Golden State Porcelain

Thereupon, the Mayor opened a Public Hearing to consider a tax exemption for Golden State Porcelain, (GSP) also known as Heartland China.

Thereupon, Mr. Trey Humphrey, Attorney for GSP, explained that this request was to exempt approximately \$179,000 in equipment, purchased by Heartland China and put in place effective January 1, 1997. He further noted that the equipment would increase the hiring in the Ottawa Area to a total of 68 employees, and anticipated an increase of 33 as a result of this action. Mr.

Humprey stated that he understood the City's policy but request on behalf of his client, the City Commission consider a 100 percent tax abatement for ten years.

Thereupon, Mr. Lou Atherton representing the Ottawa Chamber of Commerce and Ottawa Franklin County Economic Development, spoke in favor of the tax abatement, noting that when businesses come in and then enlarge their business, it is a true testimony of their commitment to the community. There being no one else to speak to this issue the Mayor closed the Public Hearing.

Public Hearing - Ottawa Truck

Thereupon, the Mayor opened a Public Hearing to consider a Tax Exemption for Ottawa Truck.

Thereupon, Mr. Tom Leitnaker, representing Ottawa Truck, answered questions posed by the Commission, and thanked the Commission for their consideration.

Thereupon, Mr. Lou Atherton expressed his support on behalf of OFCED and the Ottawa Chamber of Commerce. There being no one else to speak to this issue the Mayor closed the public hearing.

New Business Official City Newspaper

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to designate the Ottawa Times as the Official City Newspaper, for calendar year 1998. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly adopted.

Thereupon, the Mayor reminded the Commission that they would review this action in October of 1998.

Kansas Sampler Festival

Thereupon, the Commission considered a request from Tourism Director Murray McGee, to close Forrest Park in the event that Ottawa was granted the Kansas Sampler Festival for the first weekend in October 1998 and 1999. Mr. McGee noted that the main requirements had been met by Ottawa; that

Ottawa is currently one of seven candidates being considered; and that the Board would be meeting on Monday, the week following to narrow the list to two candidates.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to approve the request. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the request duly approved.

1998 Budget Change

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch to move \$15,000 from General Fund Contingency to the Summer Youth Activity, for Budget Year 1998. During discussion it was explained that the City, during last minute Budget cuts, had reduced the Summer Youth Activity by \$15,000, but had been notified by the State of Kansas that the agreement for a grant which was awarded to the City for the Summer Youth Program in August of 1997, would be violated if the City withdrew a portion of the funds identified as local matching funds. The Commissioners agreed that they were pleased to restore these funds in lite of this successful project. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion to return \$15,000 to the Summer Youth Project duly approved.

Monthly Financial and Activity Reports

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to approve the Monthly Financial and Activity Reports for the month of August, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for August 1997, duly approved.

Governing Body Agenda

Thereupon, Commissioner Ramsey asked if the Monthly Financial and Activity Reports could be forwarded more expeditiously. The City Manager explained that Staff would be catching up in the near future.

Thereupon, the Mayor asked for a report on the Rails to Trails Issue from the City Manager.

Thereupon, City Manager Scott Lambers explained that he and the Mayor of Garnett had appeared at a Sub-committee Meeting in Washington DC, to respond to a bill which had been proposed by Congressman Ryan. Mr. Lambers stated that Mr. Ryan believed that his bill would not harm the Ottawa Project and other projects already underway, and that his concerns were property rights. Mr. Lambers stated that in his opinion Mr. Ryan's belief was wrong; that if this bill became law it would be detrimental to the project running through Ottawa. He further stated that he did not see a position of compromise. The Mayor noted that this bill had originally started as a compensation argument and had evolved away from compensation to its present state. The Mayor thanked the City Manager for his update.

Thereupon, Commissioner Ramsey asked Mr. Humphrey, representing Golden State Porcelain, aka Heartland China, for clarification on their requested tax abatement, noting that Staff had suggested a 50 percent abatement and Mr. Humphrey had stated 100 percent.

Thereupon, Mr. Humphrey noted that City policy guidelines would allow 50, 75, or 100 percent but that it was in the Commission's hands and obviously Golden State Porcelain would prefer a 100 percent abatement.

Thereupon, the Mayor asked the City Commission for its support in the Tree City USA endeavor and asked Commissioner Ramsey to participate in a committee regarding this issue. She further stated that Mr. Bob Dunn, who brought this to project to the Commission's attention, would be asked to participate as well.

Announcements

Thereupon, the Mayor announced that Work Study Sessions were scheduled for November 10 and November 17, and that the next regular meeting was scheduled for November 19, 1997.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

The 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, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

November 10, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Judy Hasty, Jim Shaw, Sarah Plinsky, Barb Nelson, Jim Bradley, Andy Haney and Bob Bezek. Guests: John Whitwell, Sue Kessinger, and Barbara Dew. Media: Scott Welgos, Bill Tellier and Bill Gray. Absent: Commissioner Matthews.

1. Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the Work Study Session minutes of October 27, 1997 as presented.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for November 19, 1997 noting that changes would be made.

3. City Hall/Library Elevator. Thereupon, the Commission heard a report from City Clerk Scott Bird regarding the status of the elevator which serves the City Hall/Library building. It was explained that Otis Elevator Co., the City's maintenance provider for the elevator, had shut the elevator down after detecting a leak in the hydraulic cylinder. Mr. Bird stated that bids had been received from three companies; Otis, Montgomery and Dover, and recommended Otis who submitted the low bid in an amount of \$13,543.00, plus estimated clean-up costs to be incurred at approximately \$2,300. Mr. John Whitwell, representing Otis Elevator and Ms. Sue Kessinger, representing Dover Elevator, Co., responded to questions from the Commission.

The Commission agreed with the recommendation made by Mr. Bird and asked that this item be placed on a future agenda.

4. Christmas Holiday. Thereupon, at the request of Commissioner Ramsey, the Commission discussed the possibility of allowing City staff an extra day of paid holiday for Friday, December 26, 1997.

The Commission agreed to allow City employees one day off with pay for this year only and to possibly revisit this issue in the future.

5. **Neighborhood Revitalization Program.** Thereupon, the Commission heard from Program Manager Wynndee Lee and Administrative Intern Sarah Plinsky regarding applications for the Neighborhood Revitalization Program for buildings located at 113 N. Oak, 847 Olive, 635 N. Cleveland and 221 S. Main.

The Commission agreed by consensus to place this item on the regular City Commission agenda for November 19, 1997.

6. **Finding of Facts.** Thereupon, the Commission discussed with City Attorney Bob Bezek, a draft of the finding of facts for the decision regarding the request for a demolition permit for the former USD 290 Middle School Building. The Commission provided feedback to the City Attorney and asked that corrections be made to this document.

7. **Announcements.** Thereupon, the Mayor announced a Work Study Session on November 17, 1997 at 4:00, a City Commission meeting on November 19, 1997 at 9:30 a.m. with a Joint City/County meeting following at 12:00 p.m., and a Work Study Session on November 24, 1997 at 4:00 p.m.

8. **Executive Session.** Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to recess to Executive Session under Attorney/Client Privilege, to discuss pending litigation for a period of 10 minutes and reconvene in open session at 5:10 p.m. in the same Work Study Session room.

The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

9. **Reconvene.** Thereupon, at 5:10 p.m., Commissioner Finch made a motion, seconded by Commissioner Ramsey, to reconvene into open session.

The motion was considered, and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly reconvened.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to adjourn the Work Study Session. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

4:00 P.M.

November 17, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Judy Hasty, Jim Shaw, Sarah Plinsky, Jim Bradley, Andy Haney and Bob Bezek. Guests: Jim Grogan, Don Waymire and Mark Morrissey. Media: Scott Welgos, Bill Tellier and Bill Gray. Absent: City Manager Scott Lambers and, Barb Nelson.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of November 5, 1997 as presented.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for November 19, 1997 noting that changes would be made.

3. **Purchase of Street Sweeper.** Thereupon, the Commission heard from Public Works Director Andy Haney and Finance Director Scott Bird regarding the proposed purchase of an Elgin Pelican P Street Sweeper. It was noted that bids had been taken on both the street sweeper and for lease arrangements regarding this equipment. Mr. Haney stated that the low bid had been presented from Key Equipment Company at a price of \$80,742 after the trade-in of the City's current sweeper.

Mr. Bird presented a spreadsheet that summarized bids from three banks and Elgin and recommended the City approve a 48 month lease purchase arrangement with Peoples National Bank of Ottawa at a rate of 5.45% with monthly payments of \$1,875.94, making the total cost of the unit, including finance charges, just over \$90,000.

The Commission agreed to place this item on the November 19, 1997 City Commission agenda.

4. **National Education Week.** Thereupon, there was presented a proclamation from Peggy Cohen, Lincoln School, regarding National Education Week.

The Commission agreed to place this item on the November 19, 1997 City Commission agenda, contingent upon a representative being available to accept the proclamation.

5. **American Cancer Society.** Thereupon, there was presented a proclamation from the Cancer Society, declaring November 20, 1997 as the American Cancer Society's Great American Smokeout Day.

The Commission agreed to place this item on the November 19, 1997 City Commission agenda, contingent upon a representative being available to accept the proclamation.

6. Petition for No Parking Signs on Cypress Street. Thereupon, the Commission reviewed a petition signed by residents of the 1000 block of Cypress Street. The petition represented 12 out of 14 homes in said block, with 21 signatures.

The petition asked that "no parking" signs be placed on the east side of Cypress Street to eliminate high school students from parking in this residential neighborhood.

The Commission discussed this issue with Public Works Director Andy Haney and Police Chief Jeff Herrman and directed Mr. Haney to draft an ordinance for traffic control in this area, to be placed on the City Commission agenda for November 19, 1997.

7. Greenview Estates Project. Thereupon, the Commission discussed a proposal from developers of the Greenview Estates sub-division, requesting the Commission consider utilizing Improvement District financing for the infrastructure of this project. It was noted that the City-at-large would not be obligated to insure the bond payments.

The Commission expressed concerns over selling bonds regarding this issue and asked for additional information. It was noted that Bond Counsel Dottie Riley and City Attorney Bob Bezek would make a more detailed presentation regarding this item at the next Work Study Session.

8. Wastewater Ordinance Change. Thereupon, the Commission reviewed a change to the Wastewater Ordinance that would eliminate double billing on residential accounts, specifically apartment units.

The Commission asked Mark Morrissey, representing the Local Landlords Association, if this would meet with their approval. Mr. Morrissey expressed that while it did so, he also asked that water and electric connection fees also be reduced, citing lower connection fees for other utilities, such as KPL, Kansas City Power & Light and Burlington.

The Commission agreed to go forward with the Wastewater Ordinance change, but asked for further information regarding connection fees in the area.

9. Discussion of US-50. Thereupon, the Commission discussed the offer tendered by the Kansas Department of Transportation (KDOT), to construct a frontage road between US-50 and Eisenhower Road, noting that they concurred with the City Manager's assessment that this would be of little benefit to the community.

Commissioner Ramsey suggested that they continue to push to receive a truck route designation on Eisenhower Road.

The Commission agreed with this position and agreed to bring this issue to the Joint City/County Commission meeting scheduled for November 19, 1997.

5
11/17/1997

10. **Public Comments.** Thereupon, the Commission heard from Ms. Rocky Fler of 1016 N. Poplar, regarding sewer backup at her residence during today's morning hours. Ms. Fler stated that she believed this had been caused by the copious amounts of water which had been used on the Industrial Park fire located at Laich Industries.

Director of Utilities Jim Bradley stated that he did not believe the storm sewers which would be draining fire fighting efforts, would be backing-up into the sanitary sewer, especially given the distance of her residence from the fire. He also noted that he had not had any other complaints regarding this issue in that area, but would pursue an answer for her.

11. **Open Agenda.**

Order of agenda. Thereupon, the Commission asked that the "Order Of The Commission" be placed on the agenda for November 19, 1997.

Request for Lights at 15th and Eisenhower. Thereupon, the Commission asked about the possibility of placing lights at the corner of 15th and Eisenhower. Thereupon, Planning Director Jim Shaw reminded the Commission that the School District is to perform a traffic study in this area.

Noise Ordinance. Thereupon, Commissioner Finch asked about a noise ordinance. Thereupon, Administrative Intern Sarah Plinsky noted that this issue is being prepared for discussion in the near future.

Visit from Congressman Ryun. Thereupon, Mayor Cummiskey announced that Congressman Ryun's office had been in contact and had asked for a private meeting between Congressman Ryun, the City Manager and the Mayor after this public meeting in Garnett.

Commissioner Matthews expressed concern, stating firmly that he believed this should be an open meeting and that the press should be involved. The Commissioners echoed Commissioner Matthew's concerns.

12. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Matthews to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.


City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of November 19, 1997

Roll Call

The City Governing Body met in regular session at 9:30 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch absent, Commissioner Tyson present, and Commissioner Ramsey present, Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Cummiskey called the meeting to order and welcomed the Chamber Audience.

Thereupon, the Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to approve the agenda as presented.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Ramsey a motion, seconded by Commissioner Matthews, to approve the minutes of November 5, 1997 as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of November 5, 1997 approved as written.

Public Comments

Thereupon, Mr. Murray McGee representing the Franklin County Tourism, presented the Commission with the Chamber's annual contribution for the downtown Christmas Lights, in an amount of \$1,000.00. The Commission thanked Mr. McGee for this contribution.

Thereupon, Mr. Lou Atherton, representing the Ottawa Chamber of Commerce stated that they were delighted to help defray the cost of the downtown Christmas lighting, and asked the Commission to further consider

a change to more colors in the downtown lighting scheme. He noted that a committee was being formed to pursue this project and the building owners would be asked to share in the cost of repair and replacement of the old strands.

Presentations and Recognitions

Thereupon, the Commission recognized the following City Employees for ten years of service, and presented them with Service Awards; Randy Allen, Police Sergeant; Karen Chase, Office Manager Police Dept.; Dave Piotrowsky, Deputy City Inspector; Reggie Silvey, Equipment Operator Public Works Dept.; Eric Soper, Water Distribution Superintendent; Dana Stephenson, Utility Warehouse Manager.

Thereupon, the Commission recognized the following City Employees for twenty five years of service, and presented them with Service Awards; Bill Ferguson, Electric Distribution Crew Chief; David Hood, Fire Captain; Merle H. Taylor Jr., Police Sergeant.

Proclamations

American Education Week

Thereupon, the Mayor read a proclamation declaring November 16-22, 1997 as American Education Week, in the City of Ottawa, Kansas. Accepting the proclamation was Mrs. Peggy Coen, Elementary Teacher at Lincoln Elementary School, who stated that the School District's Motto was to teach the children to think and dream. She presented the Commission with tulip bulbs and asked them to help dreams grow. The Commission thanked Mrs. Coen.

Great American Smokeout

Thereupon, the Mayor read a proclamation declaring November 20, 1997 as the American Cancer Society's Great American Smoke Out. Accepting the Proclamation was Mr. Mike Pruner of Franklin County Health Dept., Ms. Carolyn Newmaster, USD 290, and Ms. Cindy Smith, Ransom Memorial Hosp.

New Business

Economic Development, Golden State Porcelain

Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for Economic Development Purposes in the City of Ottawa, Franklin County, Kansas.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to adopt the ordinance. During discussion it was explained that the Administrative Review Committee met on August 6, 1997, to review the application from Golden State Porcelain and found it to be substantially complete. However, additional cost benefit information was requested and received. A recommendation was forwarded to the Governing Body and a public hearing was held on November 5, 1997, in accordance with State Law. No objections were expressed during the hearing. This proposed ordinance would authorize a 75 percent tax abatement on equipment purchased by Golden State Porcelain, which is anticipated to create 33 additional jobs. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3249-97.

Agreement With Golden State Porcelain

Thereupon, there was presented a resolution authorizing an agreement with Golden State Porcelain, Inc., Ottawa, Kansas, granting a tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that this resolution would allow the Mayor and the City Clerk to execute an agreement with Golden State Porcelain, to proceed with the afore-mentioned tax abatement. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly number Resolution No. 963-97.

Economic Development Tax Abatement Ottawa Truck

Thereupon, there was presented an ordinance exempting certain property from ad valorem taxation for Economic Development purposes in the City of Ottawa, Franklin County, Kansas.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adopt the ordinance. During discussion it was explained that Ottawa Truck asked to be exempt from ad valorem taxes, related to an addition to their manufacturing facility located at 415 East Dundee, and personal property associated therewith. The Administrative Review Committee met on August 6, 1997, to review the application and

found it to be complete. The recommendation was forwarded to the Governing Body and a public hearing was held on November 5, 1997. In accordance with Statute, the County Commission and the USD 290 School Board were notified of the meeting. No objections were expressed during the hearing. However, final approval must be made by the State Board of Tax Appeals. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3250-97.

Agreement With Ottawa Truck

Thereupon, there was presented a resolution authorizing an agreement with Ottawa Truck, Inc., Ottawa, Kansas, granting a tax exemption pursuant to Article 11, Section 13 of the Constitution of the State of Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that this resolution would allow the Mayor and City Clerk to execute an agreement with Ottawa Truck for tax abatement purposes. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 964-97.

Acceptance of Neighborhood Revitalization Program Applications

Thereupon, there was proposed that properties at 221 S. Main, 113 N. Oak, 847 Olive and 635 N. Cleveland, having met the established requirements for approval to participate in the City's Neighborhood Revitalization Program, (NRA) be approved by the Commission for final action.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews, to approve these properties for the Neighborhood Revitalization Program. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Acceptance of Proposal to Purchase Street Sweeper and Lease Purchase Agreement.

Thereupon, there was presented a proposal to purchase a street sweeper from Key Equipment Company and a lease purchase arrangement for said sweeper with Peoples National Bank of Ottawa.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson to approve the proposals. During discussion it was explained that the Public Works Dept. had solicited proposals from various manufactures and vendors for street sweepers. At the same time the Finance Department had taken bids for a lease purchase arrangement concerning this equipment. Key Equipment submitted a proposal for an Elgin Pelican P sweeper to replace the City's current Elgin sweeper at a price of \$80,742 plus trade in. The lease purchase arrangement would be at 5.45 % for 48 months at a monthly cost of \$1,875.94, with low bidder, Peoples National Bank. It was noted that these costs would be incurred by the Street Rehab. Fund, more specifically Line Item 2840-710. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the proposals duly approved.

Sewer Rate Amendment

Thereupon, there was presented an ordinance amending certain sections of Chapter 14 of the Municipal Code of the City of Ottawa, Kansas, 1997, relating to sewer connections and use, and providing for sewer user charges, and incorporating said amendments into said Municipal Code.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews to adopt the ordinance. During discussion it was explained that this change would eliminate double billing to residential sewer customers. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3251-97.

No Parking Signs, 1000 Block of Cypress

Thereupon, there was presented an ordinance providing for the regulation of vehicular and pedestrian traffic, including designation of parking restrictions within the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch to adopt the ordinance. During discussion it was explained that this proposed ordinance would authorize parking restrictions requested by the majority of residents in the 1000 block of Cypress Street. The parking restriction previously was posted on the west side of the block, but not the east side. Those restrictions listed on 11th and Olive Street have previously been posted at the request of residents, but were not

included in the Municipal Code. This ordinance would correct that situation. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3252-97.

Findings-of-Fact Regarding Request of Issuance of Demolition Permit for former USD Middle School

The City Manager suggested this item be brought back to the November 24th Study Session and further suggested the possibility of a Special Meeting to be called for December 8 to further consider this item, noting that it needed to be resolved.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews to table this item until the next meeting. Noting that final review would be necessary as changes had been made to this document. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared this item tabled until the next meeting.

Monthly Financial and Activity Reports for the Month of September

Thereupon, there was presented the monthly Financial and Activity Reports for the month of September 1997.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to accept the Monthly Financial and Activity Reports for the month of September, 1997. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for September 1997, approved as presented.

Governing Body Agenda

Thereupon, the Mayor requested an update on the fire at Laich Industries from Fire Chief Richard Towe.

Thereupon, Chief Towe noted that the fire had been extinguished at approximately 2:50 p.m. on the 18th and stated that he was pleased that the building had not been damaged by fire. The only damage incurred was as a result of fire fighting efforts to extinguish the fire, which had been

contained to the companies product. He stated that a lot of the product had been lost; however, a substantial amount had been saved. He reiterated that early reports that the building had been gutted were incorrect and in fact he believed the jobs had been saved.

Thereupon, Commissioner Matthews asked for a status report regarding the proposed meeting with Congressman Ryan.

Thereupon, the Mayor stated that an offer had been extended to the Commission to attend the Public Meeting in Garnett, but that Congressman Ryan still intended to meet privately with the City Manager and Mayor.

Thereupon, Commissioner Matthews expressed his disagreement with a private meeting, stating that he believed the press should be involved as should the other members of the Commission. Commissioner Matthews thoughts concerning this issue were echoed around the Commission.

Thereupon, the Mayor suggested the Congressman be asked to walk the Ottawa portion of the trail and open the meeting to the public.

Thereupon, the City Manager suggested that the meeting be open but that the dialog be between the City Commission and Congressman Ryan and his staff. The Commission was in general agreement with this suggestion.

Thereupon, the Mayor suggested this item be added to the joint City\County Meeting at noon this date

Thereupon, the Mayor noted that she had received a petition from Mr. Charles Scoville, asking that truck traffic be removed from the downtown area, and would copy the petition to the Commission, as well as, the County Commission.

Announcements

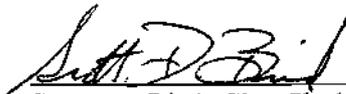
Thereupon, the Mayor reminded the Commission of the Joint City\County Meeting at noon. She also stated that there would be a Work Study Session November 24, 1997, at 4 p.m., that there would not be a Study Session on December 1 and again a cancellation of the regular City Commission Meeting on December 3. The Mayor further announced a Work Study Session on December 8, at 4 p.m., a Work Study Session on December 15, at 4 p.m., a Work Study Session on December 22, at 4 p.m. and a Work Study Session at 6 p.m. on December 17, immediately preceding the next regular scheduled meeting of December 17, 1997, at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

The 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, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

November 24, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Richard Towe, Jeff Herrman, Barb Nelson, Jim Shaw, Sarah Plinsky, Jim Bradley, Andy Haney, Wynndee Lee and Bob Bezek. Guests: Mr. and Mrs. Wilfred Bugner, Don Waymire, Raquel Fleer. Media: Scott Welgos and Bill Tellier. Absent: Mayor Cummiskey and Judy Hasty.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of November 10, 1997 and November 17, 1997, as presented.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for December 17, 1997, noting that additions would be made.

3. **Bugner Land Dispute.** Thereupon, the Commission heard from Mr. Wilfred Bugner regarding his request that an intersection be declared at 3rd & Estabrook. Thereupon, Mayor pro tem Finch stated that the Commission had a recommendation from legal counsel and that Mr. Bugner had been given his options as to how to clarify the situation.

Mayor pro tem Finch thanked Mr. Bugner for his patience in this matter.

4. **Greenview Estates Project.** Thereupon, the City Manager explained that he wanted to bring this issue back at the December 8, 1997 Work Study Session and that Dottie Riley, Bond Counsel would be in attendance.

5. **Condemnations of 811 S. Oak and 731 N. Mulberry.** Thereupon, the Commission heard from Program Manager Wynndee Lee regarding the proposed condemnation of 811 S. Oak and 731 N. Mulberry. Ms. Lee noted that no improvement to these properties had been made since the public hearings and recommended that the Commission proceed with the condemnations.

The Commission agreed to place these items on the regular City Commission agenda for December 17, 1997.

6. **Finding-of-Facts.** Thereupon, the Commission reviewed with City Attorney Bob Bezek changes and corrections made to the finding-of-facts document regarding the decision concerning the former Middle School building.

The Commission agreed that they could be satisfied with the document as amended.

7. **Noise Ordinance.** Thereupon, the Commission reviewed several ordinances from various communities dealing with excessive noise.

The Commission asked the City Attorney to draft an ordinance to be brought back to them in the future.

8. **Public Comments.** There were no public comments at this meeting.

9. **Open Agenda.**

Planning Commission Resignation. Thereupon, Commissioner Ramsey asked about the resignation from the Planning Commission by Mr. Wayne Sylvester.

Thereupon, Planning Director Jim Shaw stated that Mr. Dave Rossman, serving as Vice-chair, would chair the meetings and that recommendations for a replacement would be forthcoming.

City Commission Salaries. Thereupon, Commissioner Matthews asked for information dealing with the City Commission compensation, how they compared to other cities similar in size, and when the last pay increase for the Commission had been granted.

The City Manager stated that information would be coming back to the Commission.

Rail Trail. Thereupon, Commissioner Ramsey asked about the results of Congressman Ryun's visit.

The City Manager stated that he would be drafting a letter for the Mayor's signature to thank the Congressman and to ask for protection within the proposed Bill.

Thereupon, Commissioner Tyson stated that she had attended the Garnett meeting where many of the same concerns had been expressed.

Laich Fire. Thereupon, Fire Chief Richard Towe reported that Laich Industries was back in operation, after the clean-up of last week's fire.

Open Agenda - Continued.

55 11/24/1997

Traffic Light - Wilson and Main. Thereupon, Commissioner Finch stated that he had received concerns from citizens and a request for traffic control at the corner of Wilson and Main. The City Manager stated that the City has asked KDOT to look at this intersection.

Thereupon, Public Works Director Andy Haney noted that traffic counts conducted by KDOT have not indicated a need for such control at that intersection. However, it is the staff's position that if signalization were located at that corner, the intersection would be used such to justify signalization.

US-50 Highway. Thereupon, Commissioner Ramsey asked about the status of the US-50 bridge situation.

Thereupon, City Manager Scott Lambers stated that a letter would be drafted for the Mayor's signature.

National League of Cities. It was explained that Mayor Cummiskey and Commissioner Tyson would be attending the National League of Cities meeting in December.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Matthews made a motion, seconded by Commissioner Ramsey to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

STUDY SESSION MINUTES

4:00 P.M.

December 8, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cumiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Barb Nelson, Jim Shaw, Sarah Plinsky, Jim Bradley, Andy Haney, Ron Puterbaugh for Jeff Herrman and Bob Bezek. Guests: Raquel Fler and Shawn Markley, and representatives of the Friends of the Save the Middle School Group. Media: Bill Gray, Bill Tellier and representative from KOFO. Absent: Richard Towe, Jeff Herrman and Judy Hasty.

1. Review of Work Study Session Minutes. Thereupon, the Commission reviewed and accepted the Work Study Session minutes of November 24, 1997 as presented.

2. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for December 17, 1997, noting that additions would be made.

3. Planning Commission Resignation. Thereupon, the Commission acknowledged the receipt of a letter from Wayne Sylvester announcing his resignation from the Planning Commission.

The Commission agreed to bring this item back in the near future and requested that the position be advertised this week to request applicants to submit in writing their interest in this position.

4. Improvement District Financing - Greenview Estates Project. Thereupon, the Commission reviewed with City Manager Scott Lambers, the proposed development of Greenview Estates. Thereupon, the City Manager explained that the City had been approached regarding a proposed development of approximately 30 acres of a residential sub-division located north of the Ottawa Country Club, and that the proposed lots would be above average to large. The proposal included the possibility of a strip mall at the corner of Wilson and Davis. However, the City Manager noted that for this discussion, of Improvement District financing, he would call upon Bond Counsel Dottie Riley, to explain. He asked that the discussion be conducted without consideration of this specific project, but rather in a more macro prospective, looking to the future of future development needs.

Greenview Estates Project - Continued.

Thereupon, Ms. Dottie Riley, Bond Counsel for the City of Ottawa, explained that Improvement District financing is one of the most common types of financing used by Municipalities in the State of Kansas, emphasizing that it is very common. She noted that there are few problems with Improvement District financing; however, some problems have occurred in the past and the City should strive to develop some type of policy which would avoid problems in the future. She noted that Improvement District financing could be conducted for virtually any infrastructure needs, but it must be a municipal improvement, and must confer a specific benefit on the property in question. The benefit must be greater than or equal to the value of the property.

Ms. Riley also stated that Improvement District financing could be conducted in response to a petition or could be ordered in. She stated that once the City has agreed to conduct Improvement District financing, temporary notes can be issued and then issue bonds to pay for those notes. It was noted that assessments must equal the bond payments, and if the specials were not paid for, the City would be responsible to step in and make those payments. She emphasized that the bond payments are first paid from the assessments, but are in fact backed by the City. She explained that this is a vehicle which should stimulate local development and explained a theory that the availability of Benefit District financing attributed to the Johnson County area development, noting that this type of financing is not available in Missouri, and therefore, Johnson County, Kansas was able to attract development, where Jackson County, Missouri could not. She pointed out one of the disadvantages of entering into this transaction, would be that it would become part of the City's General Obligation Debt, and that the ratio of debt to assessed valuation would be a factor. She noted that the City's debt load was very favorable at this time, but as the ratio becomes unbalanced, the greater the cost of borrowing will be and investors look at a high ratio as a greater risk factor. She noted that throughout the State of Kansas, some cities have developed policy's dealing with this type of development, but not all cities have such a policy. She explained that some cities require the developer to submit financial information, some cities require a letter of credit, or guarantee of assessments which can be released at some trigger date. She explained that some cities only issue temporary notes, which are to be paid off by the developer. She explained that cities which understood that this type of financing could impact the city has a better track record with the Improvement District financing.

Thereupon, the City Manager explained that the City, with such a policy, would be looking at new growth, not developing the older parts of town. He explained his intention would be that planning, engineering and legal costs should be bore by the developer, and that the City policy should state that. Improvement costs, such as construction and land acquisition could be handled by the City, to be paid back by the Improvement District.

Greenview Estates Project - Continued.

Thereupon, Mayor Cummiskey asked if it would be prudent to have an independent appraiser.

The City Manager explained that such a move would help the City to defend itself in litigation.

Thereupon, the Mayor asked when the City should say it had too much debt.

The City Manager explained that the policy would reserve absolute rights to refuse any developments in their policy and that a ratio of debt limit would be calculated.

Thereupon, the Mayor asked for any success stories or horror stories.

Thereupon, Ms. Riley explained that she was only aware of a couple of problem cases. One involving Johnson County which had speculated to provide for sewer improvements. She noted that the property did not develop as quickly as anticipated, and therefore, litigation occurred. She noted that this type of situation has not happened often. She explained that there is a 90 day statute of limitations, and that arguably, this type of development is a win-win situation for both the City and the developer. She warned the Commission not to get too far ahead of the game in any development, explaining that sometimes these types of developments are phased in and that the developer should be able to give the City a reasonable time-line as to the pace of the project.

The City Manager explained that the City would expect, as part of their policy, a letter of credit for two years of assessments, and that the letter of credit could be released at some future date.

Thereupon, Commissioner Ramsey stated that he was not comfortable with this.

Commissioner Ramsey's concerns were echoed around the Commission table.

Thereupon, the City Manager stated that he would tell the developer to move ahead at his own cost and would allow him to come back to the Commission at some future date.

The Mayor noted that she believed the Commission was expressing a desire for a lot of safeguards. The City Manager noted that he could not provide those safeguards in the time frame provided by the developer.

5. Strategic Plan. Thereupon, the Mayor noted that the Commission was almost out of time and would like to bring the Strategic Plan back to a future meeting where it could be discussed as the sole issue.

The City Manager agreed to bring the Strategic Plan back to the Commission on January 5, 1998.

6. **Public Comments.** Thereupon, the Commission heard from Mr. Shawn Markley of S & K Car Stereo who spoke against the car stereo ordinance, at least as he understood it, explaining that he believed that punishment of confiscation to severe. Mr. Markley stated that there are no other groups, such as motorcycle riders or truck drivers, being punished so severely.

The Commission thanked Mr. Markley for his comments and noted that this issue would be returned to the Commission on December 15, 1997.

7. **Executive Session.** Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to recess into Executive Session under Attorney/Client Privilege for a period of 10 minutes, to discuss the Southwestern Bell Franchise agreement.

The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor duly recessed at 5:00 p.m.

8. **Reconvene.** Thereupon, at 5:10 p.m., Commissioner Ramsey made a motion, seconded by Commissioner Finch to reconvene the meeting.

9. **City Manager's Evaluation.** Thereupon, the Mayor asked the Commission for the City Manager evaluations to be returned to her as early as possible, noting that his evaluation was due.

10. **Adjournment.** There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Finch, to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Special Meeting
Ottawa, Kansas
City Commission**

Minutes of November 21, 1997

Roll Call

The City Governing Body met in Special Session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Cumiskey present, Commissioner Finch present, Commissioner Tyson present. - Commissioner Ramsey present, and Commissioner Matthews present. A quorum was present.

Rails to Trails

Thereupon, the Mayor called the meeting to order and stated the purpose of this meeting was to meet with Congressman Jim Ryun to discuss the Rails Trails issue and the Bill related to that issue which the Congressman had introduced. The Mayor thanked Congressman Ryun for taking time in his busy schedule to visit with the Commission regarding this issue.

Thereupon, Congressman Ryun thanked the Commission for the invitation and expressed his regret for the miscommunication regarding the mix up about whether or not this meeting would be an open meeting. He stated that he wanted to make it clear that he liked the idea of trails which are accessible to the public; that he has used trails to walk and run on, and was a supporter of trails.

Thereupon, the Mayor asked, how the Prairie Spirit Trail, which runs through Ottawa, would be protected as a result of the proposed bill.

Thereupon, Mr. Ryun explained that his intent was to try and protect how trails are developed. His bill only deals with land held by private individuals. He stated that what he is saying is that owners should be protected regarding these issues.

Thereupon, Commissioner Ramsey asked what would happen if the Railroads chose to return. Mr. Paul Webster, of Mr. Ryun's Staff, explained, there are two issues; first, the Rail Banking Issue and second, the Reactivation Issue. Mr. Webster further explained, when there is received a request for an old rail to be converted to a trail, there is no discretion given to the Surface Transportation Board, and there is no process for the conversion back. He noted, that when this issue was addressed some short line railroads opposed the trails because of the inability to easily convert back to rail.

Thereupon, Mr. Ryun introduced his Staff members, Mr. Dan Snyder and Mr. Paul Webster.

Thereupon, Commissioner Matthews asked why the City had not been advised before the Bill went forward. Congressman Ryun explained that he and his Staff had tried to discuss the issue with as many groups as possible and had not received any negative feedback prior to the introduction of the Bill.

Thereupon, the Mayor reminded that, this issue had a history prior to the introduction of his Bill.

Thereupon, Mr. Webster explained, the Bill did not effect the City's rights to buy or condemn property. Mr. Ryun explained, as this Bill is written currently, it provides the State the options to accept matters as they are, or to control the issue.

Thereupon, Commissioner Finch noted that compensation is already available under the Tucker Act, and the Supreme Court had found the 1983 Act Constitutional.

Thereupon, Congressman Ryun noted that as this provision had been enacted, 60,000 landowners have yet to be compensated. Mr. Ryun explained that individuals have used the process available to attempt to receive compensation and found the process very expensive, given the fact that they must go through Washington.

Commissioner Finch asked, " why then create 50 different systems."

Congressman Ryun and his staff explained, the intent of the bill is to put this issue back to a local level.

Thereupon, Mayor Cummiskey stated that this Commission did not have a problem with equitable means of compensation; however, it did want to protect the local trail.

Thereupon, Congressman Ryun stated that it is important to him as well, but not at the expense of someone else.

Thereupon, Commissioner Ramsey asked if his Bill had been pulled. Congressman Ryun explained, that apparently had been misreported in fact, the Bill had been postponed. He stated he had the votes to ram it through; however, he wanted to explain his bill more thoroughly. Therefore, the bill had been postponed until January.

Thereupon, Commissioner Ramsey asked if there were something in the Bill that would stop construction on this trail.

Thereupon, Mr. Snyder reminded the Commission that the trail had already been designated and there is nothing in the Bill that is retrospective.

Thereupon, Mayor Cummiskey asked for a specific provision to exempt current trails or trails under construction.

Thereupon, Commissioner Tyson asked if the whole point to Congressman Ryun's Bill was compensation. The Congressman explained, " that is a part of it."

Thereupon, Commissioner Tyson asked about returning the trail back to rail in the future.

Thereupon, the Congressman stressed that this is not a national security issue, that " if we were concerned about national security regarding this issue, then the rail bank would be set aside and the trails would not be allowed."

Thereupon, the Mayor noted the time for discussion was running short, and that Congressman Ryun wanted to see the trail.

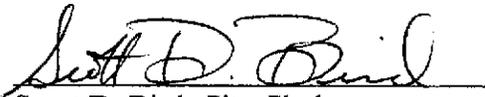
Thereupon, the Commission along with Congressman Ryun moved the meeting to portions of the proposed trail and discussed the opportunities and concerns regarding the trail.

Adjournment

Thereupon, at 10:30 a.m. this date, it was moved, seconded and carried to adjourn the meeting. Whereupon, the Commission thanked Congressman Ryun for his time and bid him goodbye.

There being no further business to come before the Commission, the Mayor declared the meeting duly adjourned.

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


Scott D. Bird, City Clerk

**Special Meeting
Ottawa, Kansas
City Commission**

Minutes of December 8, 1997

Roll Call

The City Governing Body met in special session at 3:30 p.m. this date. The following members being present and participating, to wit: Mayor Cumiskey present; Commissioners Finch, Tyson, Matthews and Ramsey present. A quorum was present.

The Mayor called the meeting to order and stated the reason for the meeting was to consider an "Order of the Commission", regarding the hearing held by the City Commission on October 8 and October 15, concerning the request for a demolition permit of the old Ottawa Middle School. City Attorney Bob Bezek handed out a final draft version with changes requested by the Commission, and explained those changes.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Matthews, to accept the Order. The motion was considered. Upon being put, all present voted aye. Thereupon, the Mayor declared the Order duly accepted, and was executed by the Commissioners.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn. The motion was considered and, upon being put, all present voted aye. Thereupon the Mayor declared the meeting duly adjourned.


Scott D. Bird, City Clerk

STUDY SESSION MINUTES

4:00 P.M.

December 15, 1997

The City Governing Body met in Work Study Session at 4:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Barb Nelson, Judy Hasty, Jim Shaw, Sarah Plinsky, Richard Towe, Jim Bradley, Andy Haney, Jeff Herrman and Bob Bezek. Guests: Vicki Whitacre and Glenna Whitacre. Media: Bill Gray, Bill Tellier and Scott Welgos.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of December 8, 1997 as presented.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for December 17, 1997, noting that additions would be made.

3. **CMB Licenses.** Thereupon, the Commission reviewed a list of annual renewals for Cereal Malt Beverage License. The City Manager noted that staff had contacted the various entities and should have a complete list by the December 17, 1997 City Commission meeting.

City Clerk Scott Bird noted that one application for a new license had been received, but that it was in the administrative process.

The Commission agreed to place this item on the agenda for December 17, 1997.

4. **Approval of Personnel Rules and Regulations.** Thereupon, the Commission reviewed a resolution to adopt the Personnel Rules and Regulations as previously presented by City staff.

The Commission agreed to place this item on the December 17, 1997 City Commission agenda.

5. **Implementation of Wage Adjustments for 1998.** Thereupon, the Commission reviewed the resolution authorizing wage adjustments for the 1998 Budget year.

Thereupon, Commissioner Tyson asked why two adjustments of 4.5% in January and July were made.

The City Manager explained that the Governing Body had approved a phase-in plan which would allow the commissioned officers on the police department to receive a 4.5% increase in January and also July. As a result, two pay schedules are being approved at one time.

Implementation of Wage Adjustments for 1998 - Continued.

Thereupon, Mayor Cummiskey noted that when the budget had been approved, the Commission had talked about studying all salary categories.

The City Manager stated that information would be brought to them during the 1999 Budget process.

Thereupon, Commissioner Ramsey asked why a mid-point was included in the ranges.

The City Manager explained that usually when the City advertises for employment, a mid-point is shown and that a starting salary of any position would not be above the mid-point of a given range.

The Commission agreed to place this item on the December 17, 1997 City Commission agenda.

6. **Acceptance of Sanitary Sewer on E. K-68 Highway.** Thereupon, the Commission reviewed a recommendation to accept the sanitary sewer improvements on E. K-68 Highway for the new Social Security building.

The Commission agreed to place this item on the December 17, 1997 City Commission agenda.

7. **Resolution to update City Legal Limits - Legal Description to Incorporate New Annexed Areas in the City.** The Mayor noted that this is an annual event.

The Commission agreed to place this item on the December 17, 1997 City Commission agenda.

8. **Excessive Electronic Device Noise Ordinance.** Thereupon, the Commission heard from Ms. Vicki Whitacre of 405 W. 19th Street, who spoke against this item. She noted that the City has laws to control disturbing the peace, and that this would be a redundant regulation. She explained that she believed this ordinance was harassment of Ottawa youth, that they are considered second class citizens, and are not old enough to speak for themselves. She expressed her belief that the fines and enforcement was too severe, noting that some of these people have as much as \$2,000 invested in their equipment. She stated that she believed 50 to 100 feet left an element of doubt, and questioned how enforcement of confiscation could be carried out when some cars come equipped with stereo equipment which could exceed the guidelines. She noted that youth in the Ottawa community have not been allowed to congregate any place after certain periods of time, and believed that this type of behavior by young people was a fad, which will eventually run its course.

Thereupon, Commissioner Finch stated that he gets up to three or four drive-bys a night, which would certainly be considered as excessive noise. He further noted that he had been asked by members of the public who have small children who are awakened at night by passing motorists with stereos which are too loud.

Excessive Electronic Device Noise Ordinance - Continued.

Commissioner Matthews explained that the maximum fine would be gained through a progressive enforcement and that it would not be expected to be enforced to its maximum upon a first offense.

City Attorney Bob Bezek explained that this ordinance was designed with great specificity in that it was an attempt to alter behavior, and further, would allow police officers to specifically enforce violations.

Police Chief Jeff Herrman explained that disturbing the peace could not be enforced without a complaint. This ordinance eliminates that obstacle.

Thereupon, Commissioner Ramsey expressed his opposition to singling out a specific element of the community.

Thereupon, Mayor Cumiskey concurred with Commissioner Ramsey, stating that she believed there was a need for a noise ordinance, but that this ordinance was too specific.

Commissioner Finch stated that this is a specific problem and should be handled with a specific solution.

The Mayor stated she believed that it needed to be folded into a more comprehensive noise ordinance.

Thereupon, Commissioner Tyson noted that she would not vote yes for this ordinance.

The City Manager agreed to bring this issue back to the Commission by the January 12, 1998 Work Study Session.

9. **City Commission Pay Adjustment.** Thereupon, the Commission reviewed a survey of Tier One and Tier Two Cities which analyzed remuneration for City Commission or City Council Members.

Thereupon, Commissioner Matthews proposed that the City Commission pay be increased to \$3,000 per year and asked that this item be placed on the December 17, 1997 City Commission agenda.

Thereupon, Commissioner Ramsey stated that he believed that an increased was justified, but \$3,600 was too high.

Commissioner Finch stated that he believed when the work load was taken into account, \$3,600 was not unreasonable.

City Commission Pay Adjustment - Continued.

Commissioner Tyson stated that she would be agreeable to \$1,000 per year, but would not be willing to go up to \$3,600.

Commissioner Ramsey stated that he would accept up to \$1,200 per year.

Thereupon, the Mayor noted that the Commission had once again been put into a position of "catching up", something that had been let go for up to fifteen years and asked that this issue be brought back in January. She asked for public comment regarding this issue.

Thereupon, the City Manager stated that he would bring this issue back at the January 7, 1997 Work Study Session.

10. **Public Comments.** Thereupon, City Clerk Scott Bird conveyed a verbal thank you from residents in the 1000 block of Cypress for the no parking regulations which had been recently implemented.

11. **Open Agenda.**

Commission Terms of Office. Thereupon, Commissioner Ramsey stated that he would like to look at a way to change the way that Commissioners are elected so all elected would serve four year terms.

City Manager's Evaluation. Thereupon, the Mayor asked for the City Manager evaluations to be returned to her by the Commissioners.

12. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.


City Clerk

STUDY SESSION MINUTES

6:00 P.M.

December 17, 1997

The City Governing Body met in Work Study Session at 6:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Judy Hasty, Jim Shaw, Sarah Plinsky, Jeff Carner for Richard Towe, Jim Bradley, Andy Haney, Jeff Herrman, Dick Smith and Bob Bezek. Absent: Barb Nelson and Richard Towe. Guests: Kelly Hawkins, Scott Wasser, Gwynn McCurdy, Charles Scoville, Jeanette Lowry, Alice Jo DeFries, Raquel Fleer and Curtis Hildebrandt. Media: Scott Welgos, Bill Tellier.

1. Review of City Commission Agenda. Thereupon, the Commission reviewed the tentative agenda for December 17, 1997, noting that additions would be made.

2. Auditor's RFP. Thereupon, the Commission reviewed a memo from City Clerk Scott Bird and copies of proposals from auditing firms who expressed interest in providing auditing services to the City for the 1997 Audit. Those firms replying were Bogner & Long of Lawrence, Kansas with a bid of \$16,250; Schehrer, Bennett & Lowenthal of Lawrence bidding \$18,800; Agler & Gaeddert of Ottawa with a bid of \$22,000 and Peat Marwick, Kansas City, Missouri with a bid of \$24,000.

Commissioner Ramsey stated that after reviewing the bids and proposals, he wanted to stay with the local firm of Agler and Gaeddert.

Commissioner Finch stated that having come this far he believed the Commission should interview at least some of the other bidders.

Mayor Cummiskey stated that she would like to interview and noted that she had not had ample opportunity to review the proposals having received them the night before.

Commissioner Matthews and Commissioner Tyson both concurred with Commissioner Ramsey stating that they wished to stay with Agler and Gaeddert and saw no need to conduct interviews.

The Commission agreed to bring this issue back to the Work Study Session on December 22, 1997.

3. **Southwestern Bell Extension Agreement.** Thereupon, the Commission reviewed the City's Franchise Agreement with Southwestern Bell and a proposed extension agreement for a 90 day extension which would allow negotiations to continue with Southwestern Bell and representatives of the City.

The Commission agreed to place this item on the December 17, 1997 City Commission agenda.

4. **Ottawa Municipal Auditorium.** Thereupon, the Commission heard from OMA Board President Scott Wasser and reviewed a letter dated November 11, 1997 from Mr. Wasser. The Board expressed their frustration that the City Commission had reportedly waived the \$100 rental fee normally charged for the use of the Ottawa Municipal Auditorium. Mr. Wasser and other members of the OMA Board expressed their concern that their authority had been usurped noting the Board's surprise that they are asked to be revenue minded, and then not included in such discussions.

Auditorium Director Dick Smith noted that he had spoke with the group in question and explained to them that the Auditorium would not be usable for free; however, they might inquire of the City as to one of the City's prepaid uses. This information apparently had not been conveyed to the City Commission upon the groups approach.

It was further explained that the City paid \$2,000 per year to the Auditorium for ten uses of the Auditorium. These uses included three to four DARE/McGruff Camp meetings, in addition to various other meetings.

Mr. Wasser explained that there are costs to the City and the Auditorium dealing with heat, lighting, overtime and as ASCAP fees that is rights to use certain meetings.

The Commission agreed that in the future, these types of freebies allowed by the Governing Body, would be charged against the City's ten uses and any use greater than ten in one year would be compensated to the Auditorium.

5. **Lease Agreements for Carnegie Building and Former Warehouse on Second Street.** Thereupon, the Commission reviewed lease agreements for the Carnegie Building with the Franklin County Arts Council and the warehouse building with the Friends of the Library.

6. **Announcements.** Thereupon, the Mayor announced that there would be a Work Study Session on December 22, 1997 to start at 3:00 p.m. and that items on that agenda would be the 97 Audit, Animal Ordinance and the City Manager's evaluation, noting that an Executive Session would occur. She further announced that there would not be a Work Study Session on December 29, 1997, there will be a Work Study Session on January 5, 1998 at 3:00 p.m. to discuss the Strategic Plan, there will be a Work Study Session on January 7, 1998 at 6:00 p.m. and there will be a City Commission meeting on January 7, 1998 at 7:00 p.m.

7. Public Comments. No comments from the public.

8. Open Agenda. Nothing to discuss.

9. Adjournment. There being no further business to come before the Commission, Commissioner Ramsey made a motion, seconded by Commissioner Ramsey, to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of December 17, 1997

Roll Call

The City Governing Body met in regular session at 7:00 p.m. this date. The following members being present and participating, to wit: Mayor Cummiskey present, Commissioner Finch present, Commissioner Matthews present, Commissioner Ramsey present, Commissioner Tyson absent. A quorum was present.

Thereupon, the Mayor called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Leroy Rayson.

Agenda Approval

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Matthews, to approve the agenda as revised and presented. Thereupon, Commissioner Tyson arrived. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the agenda duly approved.

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the minutes of the Regular Meeting of November 19, 1997, the Special City Commission Meeting of November 21, 1997, and the Special City Commission Meeting of December 8, 1997, as presented. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the minutes of November 19, November 21 and December 8, 1997, duly approved.

Public Comments

Thereupon, Mayor Cummiskey noted that Mr. Murray McGee, Franklin County Convention and Tourism Director, and Mr. Lou Atherton, of the Ottawa Area Chamber of Commerce, spoke to the Commission at a previous meeting and presented to the Commission, a check in the amount of \$1,000 for the Downtown Christmas Lighting effort. The Mayor again thanked Mr.

McGee for the donation and responded to Mr. Atherton's concern for colored lighting, noting that this change was being affected.

Public Hearings - 1008 N. Hickory

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a single family structure at 1008 North Hickory. Thereupon, the City Manager explained that these public hearings were merely the first step in the condemnation process and that no action would be taken on any of the properties being considered, but they would be brought back in the near future for further action.

Thereupon, Mr. Curtis Hildebrandt spoke on behalf of the property at 1008 North Hickory, stating that he had purchased this property from Mr. John Wilson, with a balance left owed on the property. However, he had discovered a Federal Tax Lien on the property and had been unsuccessful in his attempts to remove the lien. Mr. Hildebrandt stated that he had visited with Ms. Wynndee Lee, Program Manager, and had attempted to make some of the repairs she suggested.

Thereupon, the City Manager stated that staff anticipated this item to come back to the Commission by January 12, and suggested Mr. Hildebrandt pursue his interest in the property during the interim. There being no one else wishing to speak to this issue, the Mayor closed the Public Hearing.

128 N. Locust

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a Single-Family Structure at 128 N. Locust.

Thereupon, Mr. Bob Black, 736 S. Sycamore, stated that he is the current owner of 128 N. Locust, noting that, in his opinion, this is one of the most historic homes in the City of Ottawa. He stated that this home had been one of the City's first hospitals, and had been owned by Ms. Etta Semple. He expressed his concern that such a historic structure would be considered for condemnation. He stated that he had a prospective buyer who was willing to make this building into a duplex unit. He said he would rather see the structure restored as a single family structure, but hoped the City would work with the prospective buyer.

Thereupon, the City Manager suggested that the buyer work with the Inspection Department.

Thereupon, Ms. Bonnie Smith of 124 N. Locust, stated that she lived next door to the property in question; that it was an eye sore; that people used

the yard for trash; and she believed it to be a fire hazard. She noted that Mr. Black would not sell the property to her because she wanted to tear the house down.

Thereupon, Mr. Clyde Potter, 634 S. Poplar, stated that he had done a lot of research regarding this property, and asked that the City leave the house as an historic asset.

There being no one else wishing to speak to this issue, the Mayor closed the public hearing.

843 S. Cherry

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a Single-Family Structure located at 843 S. Cherry.

Thereupon, Mr. Jackson Robinson, 6845 Vails, Kansas City, Mo., stated that he is the current owner of 843 S. Cherry. He stated that he had been unable to find anyone to work on the property, and that both he and his son have been unable. He stated that he still wished to remodel the home and bring it into compliance, but asked the Commission to provide time for him to do so.

Thereupon, the City Manager explained that no action would be taken at this meeting, and suggested that Mr. Robinson speak with the Inspection Dept. to prepare a specific list and time table as to the needs of this property. There being no one else to speak to this issue, the Mayor closed the public hearing.

227 S. Oak

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a Single-Family Structure at 227 S. Oak. There being no one to speak to this issue, the Mayor closed the public hearing.

124 Maple

Thereupon, the Mayor opened a Public Hearing to consider the condemnation of a Single-Family Structure at 124 S. Maple.

There being no one to speak to this issue, the Mayor closed the public hearing.

US Department of Justice Grant

Thereupon, the Mayor opened a Public Hearing to consider the proposed use of \$11,756 of Grant Funds awarded to the Ottawa Police Department, by the

United States Dept. of Justice.

Thereupon, Police Chief Jeff Herrman explained that the purpose of this Public Hearing was to receive Public Input as to how funds from the Dept. of Justice Police Grant could be used; however, it was anticipated that these funds might be used to improve the Police Department's antiquated computer system, and to move from the current Zenix System to a more favorable operating platform.

Thereupon, City Clerk Scott Bird explained that the Dept. of Justice had contacted the City during the summer and asked them to make application for this grant. He explained that it would be matched by \$1,306 from the City's Equipment Reserve Fund. There being no else to speak to this issue, the Mayor closed the public hearing.

New Business

Condemnation, 811 S. Oak

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 811 S. Oak in the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that Program Manager Wynndee Lee, had previously reported to the Commission that the structure located at 811 S. Oak Street is in a state of deterioration and disrepair. The structure was ordered by City staff to be vacated due to the deteriorating and hazardous conditions. It was further explained that the City has received complaints regarding the condition of this property and has communicated these concerns to the owners or agents over the last 6 months, with little or no results. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 965-97.

Condemnation of 731 North Mulberry

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 731 N. Mulberry in the City of Ottawa, Kansas.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson, to adopt the resolution. During discussion it was explained that Program Manager Wynndee Lee had previously reported to the Commission that the structure located at 731 N. Mulberry Street is in a

state of deterioration and disrepair. It was further noted that the structure had been vandalized with broken windows, etc., as well as being the victim of an arson fire some years ago. It was further explained that City Staff had communicated concerns to the owners and/or agents over the last few years with little result.

The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 966-97.

Cereal Malt Beverage License

Thereupon, there was presented a list of applications for Cereal Malt Beverage License in the City of Ottawa, Kansas.

CEREAL MALT BEVERAGE - NOT FOR CONSUMPTION ON PREMISE:

Ottawa Foods, dba Apple Mart, 901 South Main
Ottawa Cooperative Assn., 302 North Main
Kayo Oil Co. dba Conoco, 2243 Princeton
S & S Foods, Inc., dba Country Mart, 2138 Princeton Circle DR.
C & Z dba Stop-N-Save, 1621 S. Main,
Tananna Corp., dba Miller Mart, 304 E. Logan
Taylor Oil Inc., 2305 S. Cedar
Triple K, Ltd., dba Casey's General Store, 1002 North Main
Triple K, Ltd., dba Casey's General Store, 1019 W. 7th St.
C. R. Wood Oil Co., Inc., 2130 Princeton Road
Wal-Mart, 702 S. W. 8th St., 2101 Princeton Road
Wolken Oil, dba, Ottawa Wolken Truck, 216 E. 23rd St.

CEREAL MALT BEVERAGE - FOR CONSUMPTION ON THE PREMISE

Bishop's Brew, 120 E. Dundee
Ottawa Antique Mall & Restaurant, 202 Walnut
Pizza Hut of America, Inc., 118 West 15th
Pizza Village Inc., 330 South Main
Poncho's of Ottawa, 429 South Main
Shooter's of Ottawa, L.L.C., 128 S. Main (for the remainder of 1997 and all of 1998.)

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to approve the applications. During discussion it was explained that the applications were renewal licenses which had been checked by the Ottawa Fire Dept., the Ottawa Police Dept., and the City Attorney. It was further noted that two new applications had been received, both from Shooters of

Ottawa, 128 South Main. One for the remainder of 1997. And one for the 1998 calendar year. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the applications duly approved.

1998 Cost of Living Adjustment

Thereupon, there was presented a resolution implementing the 1998 cost of living adjustment (COLA) for all employees of the City of Ottawa, Kansas and a 9.0% phased in market adjustment for commissioned officers of the Ottawa Police Dept.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to adopt the resolution. During discussion it was explained that part of the 1998 Budget discussions had included the appropriation of a 2.5% cost of living adjustment for all City employees effective January 1, 1998. It was further explained that the proposed resolution would also provide a 4.5% market adjustment for commissioned officers of the Ottawa Police Department effective January 1, 1998, and another 4.5% market adjustment for commissioned officers of the Ottawa Police Dept. effective July 1, 1998. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 967-97.

Acceptance of Sanitary Sewer, K-68 Highway, East Logan

Thereupon, there was presented a resolution accepting the sanitary sewer designed and installed by Hawkeye Agri Sales Corp. as part of the City sanitary sewer, located on East K-68 Highway, (E Logan).

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Ramsey, to adopt the resolution. During discussion it was explained that the sanitary sewer on East K-68 Highway, for the Social Security Building had been constructed according to plan and approved by the City Engineer. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No 968-97.

Territorial Limits-City Boundaries

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 936-96.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Ramsey to adopt the resolution. During discussion it was explained that this is an annual update to the City Limits legal description, which is required by State law. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution 969-97.

Employment Policies

Thereupon, there was present a resolution approving policies concerning employment by the City of Ottawa, Kansas, effective January 1, 1998, and rescinding Resolution No. 581-91, dated November 29, 1991, and amendments thereto.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Finch to adopt the resolution. During discussion it was explained that City Staff had reviewed extensively the City Personnel Rules and Regulations. It was further explained that the City Commission had reviewed the new City Personnel Rules and Regulations at its previous Work Study Session. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 970-97.

Southwestern Bell Franchise

Thereupon, there was presented an acceptance of Extension Agreement between the City of Ottawa, Kansas and Southwestern Bell Telephone Co.

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Tyson to adopt and approve the extension. During discussion it was explained that this extension would allow a ninety day period in order for the City and Southwestern Bell to renegotiate a new Franchise Agreement.

Thereupon, the Mayor recognized Mr. Mike Scott and Mr. Ed Simms of Southwestern Bell Co., in the Chamber Audience. She asked if this was

agreeable with Southwestern Bell. They responded affirmatively. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Extension Agreement between the City of Ottawa and Southwestern Bell Telephone Co. duly approved.

Franchise Sub-Committee

Thereupon, Commissioner Finch made a motion, seconded by Commissioner Ramsey, to establish a Sub-Committee, to be made up of, the City Manager, the Mayor and the City Attorney, to negotiate with Southwestern Bell and any other Franchise opportunities which will arise in the near future. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the motion duly approved.

Acceptance of Lease with the Community Arts Council and Suzuki Strings

Thereupon, there was presented a Lease Agreement for the Carnegie Building between the City of Ottawa, and the Ottawa Community Arts Council and Suzuki Strings Inc.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Matthews, to approve the Lease Agreement, with the names to be corrected appropriately. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Lease duly approved.

Lease Agreement with Friends of the Library

Thereupon, there was presented a lease agreement for the warehouse building located at 209 E. 2nd, between the City of Ottawa, Kansas and the Friends of the Ottawa Library.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Finch, to approve the agreement. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Lease Agreement duly approved.

Monthly Financial and Activity Reports for the Month of October

Thereupon, there was presented the Monthly Financial and Activity Reports for the month of October 1997.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Finch, to approve the report. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for the Month of October 1997, duly approved.

Announcements

Thereupon, the Mayor announced there will be a Work Study Session on December 22, 1997; that there will not be a Work Study Session on December 29, 1997; there will be a Work Study Session on January 5, 1998, at 3 p.m. to discuss the Strategic Plan; there will be a Work Study Session on January 7, 1998 at 6 p.m.; and that the next regular meeting is scheduled for January 7, 1998 at 7 p.m.

Adjournment

There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn the meeting. The motion was considered and upon being put, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

**Regular Meeting
Ottawa, Kansas
City Commission**

Minutes of December 18, 1997

Roll Call

The City Governing Body met in regular session at 9:30 a.m. this date. The following members being present and participating, to wit: Mayor Gene Ramsey present, Commissioner Cummiskey present, Commissioner Jackson present, Commissioner Tyson, present, and Commissioner Matthews present. A quorum was present.

Thereupon, Mayor Ramsey welcomed the Chamber Audience and led the Pledge of Allegiance to the American Flag. The Invocation was given by Mayor Ramsey.

Agenda Approval

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cummiskey, to approve the agenda as presented. .

Approval of Minutes

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Cummiskey, to approve the minutes of December 4, 1996 as written. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the minutes of December 4, 1996 approved as written.

Public Comments

Thereupon, the Mayor read the following introduction: Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon by the Mayor. Comments regarding personnel matters and matters pending in Court or with other tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers will be limited to three minutes. Any presentations are for informational purposes only, no action to be taken.

There being no one wishing to address the Commission, the Mayor read the following response to previous public comments regarding Mr. Tony DeLaTorre's address to the Commission, regarding diversity training and hiring practices. Personnel matters are not subject to public disclosure. The League of Kansas Municipalities was contacted by the City to present a seminar on workplace diversity and sexual harassment to City employees in 1995. At this seminar the City Manager advised the employees of his zero tolerance for any type of discrimination or harassment.

Fixed Disciplinary measures do not exist in the City's Personnel Management Rules & Regulations and are inappropriate to be contained in such a document.

No changes have been made to the City's hiring procedures because no inappropriate actions have occurred to warrant changes.

The City Attorney has forwarded the language on the City Commission agenda regarding the public comments section to the League of Kansas Municipalities and the Attorney General's office and neither entity expressed any problems with the language contained therein.

Thereupon, the Mayor read a memo from City Attorney Forrest Lowrey, who had contacted Don Moler of the League of Municipalities and John Cassidy of the Attorney General's office. In his memo Mr. Lowrey explained that Mr. Moler stated that the language contained in the City Commission Agenda, did not infringe upon anyone's constitutional rights. Furthermore, Mr. Lowrey went on to explain, Mr. Cassidy had expressed his opinion that the Kansas Open Meetings Act does not mandate that, anyone be allowed to address the Commission. Therefore, the Commission's action to allow persons to address them is broader than some.

New Business

Natural Gas Franchise Declared Non Existent

Thereupon, there was presented a resolution declaring the non-existence of a natural gas franchise within the City limits of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Tyson to adopt the resolution. During discussion it was explained that this proposed resolution would declare that the City of Ottawa does not have a natural gas franchise agreement due to the failure to respond in the affirmative by Kansas Power & Light within the time-frame specified in the previously adopted ordinance. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 935-96.

City Limits Resolution

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 880-95.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Matthews, to adopt the resolution. During discussion it was explained that before the last day of December in any year in which any territory has been added to or excluded from any city, the Governing Body of such city shall declare by resolution the entire boundary of the city.

The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the resolution was duly numbered, Resolution No. 936-96.

Veterans Day Holiday Rescinded

Thereupon, there was presented a resolution amending the policies concerning employment as adopted by Resolution No. 581-91, dated November 20, 1991, of the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson, to adopt the resolution. During discussion it was explained that this resolution would amend the City's Personnel Rules and Regulations by exchanging the observance of Veterans Day as a City Holiday to a floating holiday for all eligible employees.

Thereupon, the City Manager explained that this would allow City Hall to be open one more day a year (Veterans Day), and instead allow City Employees to observe a day off for that time. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered, Resolution No. 937-96.

Uniform Building Code

Thereupon, there was presented an ordinance adopting by reference the Uniform Building Code, Volumes 1, 2, and 3, 1994 Edition, under the authority of K.S.A. 12-3010 and providing for deletions, amendments and corrections to said Uniform Building Code, 1994 Edition, and repealing Ordinance 2812-86 and 3059-93 and amending Ordinance 3060-93.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that the City is currently using the Uniform Building Code of 1985, to enforce construction standards within the City. During the past year Staff and members of the Uniform Building Code Board of Appeals have reviewed the 1994 UBC and propose it's adoption. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted, and the ordinance was duly numbered Ordinance No. 3206-96.

1992 Council of American Building Officials Code

Thereupon, there was presented an ordinance adopting by reference the CABO One and Two Family Dwelling, 1992 Edition, under the authority of K.S.A. 12-3010 and providing for deletions, amendments and corrections to said dwelling code, 1992 Edition, and any amendments thereto.

Thereupon, Commissioner Cummiskey made a motion, seconded by Commissioner Tyson to adopt the ordinance. During discussion it was explained that after reviewing the Codes adopted and in use by the City, the City Inspection Staff believed there a need to adopt the Council of American Building Officials Family Dwelling Code, 1992 Edition. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance 3207-96.

Fire Code

Thereupon, there was presented an ordinance providing a certain amendment in Chapter IX of the Municipal Code of the City of Ottawa, Kansas, 1982, amending Ordinance No. 2978-91 specifically Section 9-105, of said code, and providing for incorporation of said Amendment into the Municipal Code of the City of Ottawa, Kansas, 1982.

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Matthews, to adopt the ordinance. During discussion it was explained that adopting this ordinance allowed the adoption of the 1994 Fire Code and would enable it to work in conjunction with the newly accepted Uniform Building Code. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3208-96.

Cereal Malt Beverage License Applications

Thereupon, there was presented several Cereal Malt Beverage License Applications as follow: The following applications are for license for retail cereal malt beverages. Original and unopened containers and not for consumption on the premises:

Ottawa Foods, dba Apple Mart, 901 South Main
National Marketing Co. of Kansas, Inc., 1621 South Main
Ottawa Cooperative Assn., 302 North Main
Conoco, 2243 Princeton
S & S Foods, Inc., dba Country Mart, 2138 Princeton Circle Drive
Tananna Corp., dba Miller Mart, 304 E. Logan
Taylor Oil Inc., 2305 S. Cedar
Triple K, Ltd., dba Casey's General Store, 1002 North Main
Triple K, Ltd., dba Casey's General Store, 1019 W. 7th St.
C. R. Wood Oil Co., Inc., 2130 Princeton Road
Wal-Mart, 702 S. W. 8th St., Bentonville Ark.
Wolken Oil, dba, Ottawa Wolken Truck, 216 E. 23rd St.

The following applications are for license for retail cereal malt beverages, for consumption on the premise:

Bishop's Brew, 120 E. Dundee
Ottawa Antique Mall & Restaurant, 202 Walnut
Pizza Hut of America, Inc., 118 W. 15th St.
Pizza Village Inc., 330 South Main
Pizza Time, 133 S. Main
Poncho's of Ottawa, 419 South Main

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Cumiskey to approve the applications as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Cereal Malt Applications duly approved.

Bucher, Willis & Ratliff Contract, Planning Services

Thereupon, there was presented a recommendation to accept a three year contract with Bucher, Willis & Ratliff, for Planning Services.

Thereupon, Commissioner Tyson made a motion, seconded by Commissioner Jackson to approve the recommendation. During discussion it was explained that Bucher, Willis, and Ratliff had submitted costs per hour for the assigned planner which are significantly lower than the other proposals submitted. It was also explained that the firm has contracted with the City for many years and therefore there will be no gap in services due to becoming familiar with City regulations. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the three year contract with Bucher, Willis & Ratliff for Planning Services duly approved.

Police Car Lease

Thereupon, there was presented a recommendation to accept the low bid from Kansas State Bank for a Lease of Purchase arrangement for six Police Cruisers.

Thereupon, Commissioner Cumiskey made a motion, seconded by Commissioner Tyson to approve the recommendation. During comments it was explained that bids had been opened at 1:30 p.m., Monday, December 16, regarding this project, and that Kansas State Bank had submitted the low bid as reported to the Commission at the work study session. It was noted the total interest cost would be \$10,060.92, and would be payable from Fund 5300-721. The motion was considered and upon being put to the question, passed by the following vote, Commissioner Cumiskey aye, Commission Matthews aye, Commissioner Tyson aye, Commissioner Jackson aye, and Mayor Ramsey abstained, due to a possible conflict of interest.

Thereupon, the Mayor declared the bids by Kansas State Bank duly approved.

Monthly Financial and Activity Reports for October

Thereupon, there was presented the Monthly Financial and Activity Reports, for October 1996.

Thereupon, Commissioner Matthews made a motion, seconded by Commissioner Tyson to approve the reports as presented. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activity Reports for October 1996, approved as presented.

Governing Body Agenda

Thereupon, Commission Jackson commented on the opinion expressed by the Legal Staffs of the Attorney General and the League of Municipalities, noting that the City's policy on public comments were much more lenient than some cities. He also explained that some cities require written comments weeks in advance before the public is allowed to speak in open session.

Thereupon, Commissioner Cummiskey reminded the Commission and the audience that the City of Ottawa has made it a practice to have public comments on the agenda at every meeting.

Thereupon, Mayor Ramsey thanked Commissioner Jackson and the City Staff for the hard work on the Juvenile Crime Commission, which had been held on the 14th of December..

Announcements

Thereupon, the Mayor announced there will be a Joint City/County meeting on December 18, 1996 at the former City Hall, 123 W. 4th, at 11:45 a.m. There will not be a Work Study Session on December 23, or December 30, 1996. There will not be a City Commission meeting on January 1, 1997, there will be a Work Study Session on January 6, 1997 at 4:00 p.m. and there will be a Joint City/County meeting on January 15, 1997 at 11:45 a.m. at City Hall, 101 S. Hickory. The next regular meeting will be January 15, 1997 at 9:30 a.m.

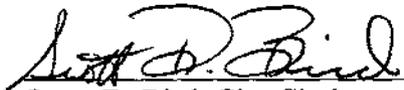
Adjournment

There being no further business to come before the Commission, Commissioner Cummiskey made a motion, seconded by Commissioner

Jackson, to adjourn the meeting. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the meeting duly adjourned.

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



Scott D. Bird, City Clerk

STUDY SESSION MINUTES

3:00 P.M.

December 22, 1997

The City Governing Body met in Work Study Session at 3:00 p.m. this date in the Work Study Session Chambers at City Hall, 101 S. Hickory.

The following members of the City Commission and City staff were present: Mayor Cummiskey, Mayor pro tem Finch, Commissioners Matthews, Tyson and Ramsey; City Manager Scott Lambers; City Staff: Scott Bird, Barb Nelson, Judy Hasty, Jim Shaw, Sarah Plinsky, Jeff Carner for Richard Towe, Jim Bradley, Andy Haney, Jeff Herrman and Bob Bezek. Absent: Richard Towe. Media: Valerie Wolf and Scott Welgos.

1. **Review of Work Study Session Minutes.** Thereupon, the Commission reviewed and accepted the Work Study Session minutes of December 15, 1997 as presented.

2. **Review of City Commission Agenda.** Thereupon, the Commission reviewed the tentative agenda for January 7, 1998, noting that additions would be made.

3. **Martin Luther King Proclamation.** Thereupon, the Commission reviewed a proclamation to declare January 19, 1998 as Martin Luther King Day in the City of Ottawa Kansas.

The Commission agreed to place this item on the agenda for January 7, 1998.

4. **City Auditor RFP.** Thereupon, the Commission reviewed the RFP's for City Auditor and agreed to remain with Agler & Gaeddert, Chartered of Ottawa for the 1998 Audit, and if agreeable with Agler & Gaeddert, for the 1999 Audit.

5. **Legislative Program.** Thereupon, the Commission reviewed a tentative Legislative Program with City Manager Scott Lambers. The items included on the program are Transportation/Highway 59, Utilities/Electric Retail wheeling, Public Safety/Drivers License Suspension Hearings, and Administration/Set-off Program.

The Commission agreed that the draft of the Legislative Program would be discussed further.

6. **1998 State League Legislative Conference.** Thereupon, the Commission discussed meeting with the Legislators on January 22, 1998, to have lunch with Senator Tyson, Representative Feurborn and Representative Tanner.

7. **Habitat for Humanity.** Thereupon, the Commission discussed with Charlene Lister, a proposal to waive building fees and water tap fees in the amount of approximately \$200 each, for a residential project to be constructed by Habitat for Humanity at 726 Cypress.

The Commission agreed to waive these fees and to waive fees for one residence per year for Habitat for Humanity.

8. **Regulation of Animals.** Thereupon, the Commission reviewed two ordinances. One designed to control large exotic animals, which would be designed to be enforced by the animal control officer. The second ordinance would be controlled by the Planning and Inspection Department.

City Manager Scott Lambers suggested that these ordinances be remanded to the Planning Commission and that a public hearing be held regarding animal control.

Chief Herrman noted that he would like to see more specific control regarding wolves and hybrid wolf dog mix, noting that there are more animals of this type moving into the community.

9. **Public Comments.** Thereupon, the Mayor asked if there were any public comments.

Thereupon, Mr. Thomas Markus of 224 W. 7th, asked the Commission when the stereo ordinance would be discussed again. Thereupon, the Mayor noted that this issue would be on the Work Study Session agenda for January 12, 1998 at 3:00 p.m.

10. **Open Agenda.**

Auditorium Director. Thereupon, Commissioner Finch recommended that Auditorium Director Dick Smith, be directed to attend all Work Study Session meetings to avoid communication conflicts such as the concern expressed by the Auditorium Board regarding the Commissions action of waiving fees for the war memorial group. The Commission agreed with this suggestion.

Thereupon, Commissioner Ramsey noted that the war memorial committee had made over \$2,000 during last weekends show at the Auditorium.

11. **Announcements.** Thereupon, the Mayor announced that there will not be a Work Study Session on December 29, 1997; there will be a Work Study Session on January 5, 1998 at 3:00 p.m. to discuss the Strategic Plan; there will be a Work Study Session on January 7, 1998 at 6:00 p.m.; and there will be a City Commission meeting on January 7, 1998 at 7:00 p.m.

Thereupon, the Mayor asked if the Commission desired to retain the 6:00 p.m. Work Study Sessions preceding the 7:00 p.m. City Commission meeting. The Commission agreed by consensus to retain these meetings, but also expressed a desire to also have a Monday Work Study Session during those same weeks.

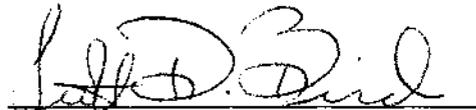
12. **Executive Session.** Thereupon, Commissioner Finch made a motion to recess into Executive Session to discuss the City Manager's evaluation for a period of one hour and to reconvene in open session at 5:00 p.m. in the same room. The motion was seconded by Commissioner Matthews. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor announced that the Commission was recessed into Executive Session and that no discussion or announcements regarding the City Manager's evaluation would be made after the session.

13. **Reconvene.** Thereupon, at 5:00 p.m., Commissioner Ramsey made a motion, seconded by Commissioner Finch, to reconvene in open session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

14. **Discussion.** Thereupon, Commissioner Ramsey expressed a desire for more time and asked that at least 30 minutes be used during the meeting of January 5, 1998 to continue the discussion regarding the City Manager's evaluation.

The Commission agreed by consensus.

15. **Adjournment.** There being no further business to come before the Commission, Commissioner Finch made a motion, seconded by Commissioner Matthews, to adjourn the Work Study Session. The motion was considered, and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.



City Clerk