

City Hall - Ottawa, Kansas - January 6, 1993

The City Governing Body met in regular session at 7 PM this date: Present Mayor Tyson and Commissioners Gillette, Jackson, Cummiskey and Keim. Mayor Tyson welcomed the audience including a group of Webelos from Pack 3074. Mayor Tyson then led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Jackson.

#### Approval of Minutes

The minutes of the regular meeting which was held December 16, 1992 were approved as written.

Mr. Lou Atherton, representing the convention and tourism group of Ottawa, addressed the Commission and presented them with the new Ottawa Brochure and left about 200 copies to be distributed at City Hall. In addition, Mr. Atherton said copies would be mailed to the Dept. of Tourism, and local motels would be stocked as well.

Mayor Tyson read a proclamation declaring the week of January 17 - 23, 1993 as Martin Luther King, Jr. Week, in Ottawa, Kansas.

#### Resolution No. 691-93 - Commendation for Don Woodward

Mayor Tyson read a resolution of commendation for Don Woodward for his service to the community and its youth through his involvement and service of the Ottawa Boy's Club, Teens Inc. and other youth activities, and expressed appreciation for his lengthy and devoted service to the community and presented Mr. Woodward with a framed copy of the resolution as a memento of the City's appreciation.

#### Resolution No. 692-93 - Authorizing sales of General Obligation Bonds

Commissioner Gillette made a motion to adopt a resolution authorizing the public sales of \$506,516.00, principal amount of general obligation bonds. Commissioner Keim seconded the motion and all present voted in favor of the motion.

#### Resolution No. 693-93 - Amending Policies Concerning Employment

Commissioner Cummiskey made a motion that a resolution amending the policies concerning employment as adopted by Resolution No. 581-91, be adopted. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Resolution No. 694-93 - Adopting Housing Rehabilitation Program

Commissioner Jackson made a motion to adopt a resolution adopting the housing rehabilitation program as the procedures to be used for the CDBG Housing Grant No. 92-HR-200, in the City of Ottawa. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 695-93

Commissioner Keim made a motion to adopt a resolution authorizing the City Manager to sign a proposal from Wilson & Company for engineering services related to the improvement of Main Street between 15th and 17th Streets, and to forward the proposal to Kansas Department of Transportation for final review and approval. The motion was seconded by Commissioner Cummiskey.

City Manager, Dave Warren, commented that since this proposal was submitted for the agenda the City had received notification from the Kansas Department of Transportation for approval of the higher cost estimate, placing the project cost from \$384,000 to \$472,000. The City's portion of these increased cost will amount to approximately \$9,000.

When called for question all present voted in favor of the motion.

Resolution No. 696-93 - Memorandum of Understanding with Franklin County Conservation District

Commissioner Cummiskey made a motion to adopt a resolution authorizing a Memorandum of Understanding with the Franklin County Conservation District for the "Non-Point Source Pollution" Management Plan. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Resolution No. 697-93 - Franklin County Strategic Plan

Commissioner Keim made a motion to adopt a resolution endorsing the Franklin County Strategic Plan prepared by the Ottawa/Franklin County Economic Development, Inc. under a Kansas Strategic Planning Grant. The motion was seconded by Commissioner Gillette.

Upon a request from Commissioner Jackson, Mr. Atherton provided the Commission with final drafts of the aforementioned Strategic Plan and pointed out changes that occurred in the final version.

When called for question all present voted in favor of the motion.

698-93 - Inoperable Vehicle Nuisances

Commissioner Jackson made a motion to adopt a resolution determining the existence of inoperable vehicle nuisances at

various addresses in the City of Ottawa, by inspection report dated December 30, 1992. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

Ordinance No. 3052-93 - Cutting of Weeds and Vegetation

Commissioner Gillette made a motion to adopt 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. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3053-93 - Regulating use of Public and Private Sewer and the Discharge of Water and Wastes into Public Sewer System

Commissioner Cummiskey made a motion to adopt a resolution providing certain deletions, amendments, and substitutions in Article 1 of Chapter XIV and the addition of Article 4 to Chapter XIV of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; providing penalties for violations thereof. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Ordinance No. 3054.92 - Fair Housing Code

Commissioner Jackson made a motion to adopt an ordinance creating a Fair Housing Code for the City of Ottawa, Kansas, to be inserted and incorporated as Chapter XX of the Municipal Code of the City of Ottawa, 1982. The motion was seconded by Commissioner Cummiskey.

Commissioner Jackson commented that he believed this was being done not because the City was required to do so by another governing body, but because it is the right thing to do.

When called for question all present voted in favor of the motion.

Reports by City Manager

City Manager, Dave Warren, requested that at the Governing Body Agenda time, the Governing Body adjourn to an executive session for the purpose of discussing with the City Attorney upcoming litigation.

Commissioner Keim made a motion that the City of Ottawa Investment schedule as of November 30, 1992, City of Ottawa Monthly Report as

of November 30, 1992, City of Ottawa Analysis of Local Sales Tax Receipts as of December 31, 1992, the Ottawa Police Department Monthly Report for November 1992, the Ottawa Recreation Commission Minutes of November 11, 1992, the Ottawa Recreation Commission Minutes of November 11, 1992 and the Ottawa Library Board of Trustees Minutes of November 19, 1992 be accepted. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Governing Body Agenda

The City Commission adjourned to executive session at 7:54 PM and returned at 8:12 PM.

#### Adjournment

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



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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - January 20, 1993

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

#### Approval of Minutes

The minutes of the regular City Commission Meeting which was held January 6, 1993, were approved as written.

#### Sale of General Obligation Bonds

The Acting City Clerk proceeded to read the bids received for the sale of General Obligation Bonds, in the amount of \$506,516.00. The projects involved in the sale of Bonds are improvements in the Industrial Park Area and the Thompson Addition. The bids are as follows: Kansas State Bank of Ottawa, total interest cost, \$169,960.89, net interest cost \$169,960.89, annual average interest rate 4.971633%. Commerce Bank, total interest cost, \$167,520.09, net interest cost to maturity, \$167,520.09, annual average interest rate, 4.900236%. Country Club Bank, total interest cost, \$164,521.35, net interest cost to maturity, \$164,521.35, annual average interest rate, 4.812518%. Peoples National Bank and United Missouri Bank, total interest cost \$167,285.79, net interest cost to maturity, \$167,285.79, annual average interest rate, 4.893382%. This concluded the reading of the bids, the Governing Body then proceeded with other business while the interest calculations were being verified. The apparent low bidder was Country Club Bank of Kansas City, MO.

#### Request of the Ottawa Ministerial Association

Rev. Henry Roberts representing the Ottawa Ministerial Association addressed the Commission, asking for an affirmative vote on an ordinance amending Article XXVII, Section 4, dealing with non-conformities of the Zoning Ordinance No. 2933-90, which would allow Hope House the opportunity to apply for a Special Use Permit, for the building at 3rd and Walnut.

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

Georgia Fogle, Chairman of the Ottawa Area Chamber of Commerce Retail Committee addressed the Commission requesting the City's approval to utilize the sidewalk areas on February 27, 1993, for the February Sidewalk Sale.

Commissioner Gillette made a motion to approve the request of the Ottawa Area Chamber of Commerce to allow the use of the sidewalk areas on February 27, 1993, for the February Sidewalk Sale. The motion was seconded by Commissioner Keim and all present voted in

favor of the motion.

Ordinance No. 3056-93 - Amending Zoning Ordinance No. 2933-90

Commissioner Cummiskey made a motion to adopt an ordinance amending Article XXVII, Section 4, dealing with non-conformities of Zoning Ordinance No. 2933-90, for the City of Ottawa, Kansas by adding Paragraph 11, to allow certain limited home occupation uses and limited charitable operation uses. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Resolution No. 700-93 - Federal Aviation Administration Grant

Commissioner Keim made a motion to adopt a resolution authorizing an application for a Federal Aviation Administration grant to update the Master plan for the Ottawa Municipal Airport. The motion was seconded by Commissioner Cummiskey.

During discussion Commissioner Gillette urged the Commission to adopt this resolution siting recent improvements that have been made at the airport and by pointing out that the City would be picking up only a portion of the expenses. When called for question all present voted in favor of the motion.

Resolution No. 701-93 - Local Governments for Superfund Reform

Commissioner Jackson made a motion to adopt a resolution supporting the position of local governments for superfund reform regarding the reauthorization of the comprehensive environmental response, compensation and liability act. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion.

#### Reports by City Manager

City Manager David Warren reported on the proposed General Outline Specifications for the CDBG Housing Rehabilitation Program. He explained issues dealing with termite treatment, site cleanup, lead based paint abatement, the caulking of storm windows and fascia vents. Mr. Warren indicated that the general outline specifications would be updated and provided to the commission.

Mr. Warren requested that at the conclusion of the regular meeting business session the Commission adjourn for a 30 minute executive session, to discuss with the City Attorney pending litigation.

Mr. Warren reported for the Commission's information that the City had experienced a street light outage on the west side of Main St. between 5th and 15th St., caused by an underground dead short, and work is being conducted to alleviate the situation.

## Acceptance of General Obligation Bond Bid

The Acting City Clerk, reported to the City Commission, that the bid of Country Club Bank of Kansas City, Mo., to purchase General Obligation Bonds in the amount of \$506,516.00, for a net interest cost of \$164,521.35, with an annual average interest rate of 4.812518%, had been checked and verified as accurate.

Commissioner Cumiskey made a motion that the bid of Country Club Bank of Kansas City, Mo., to purchase City of Ottawa General Obligation Bonds, Series 1993, in the amount of \$506,516.00, with an annual average interest rate of 4.812518% be accepted by the City. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

## Ordinance No. 3055-93 - General Obligation Bonds Series 1993

Commissioner Gillette made a motion to adopt an ordinance authorizing the issuance and delivery of \$506,516.00 principal amount of general obligation bonds, series 1993, of the City of Ottawa, Kansas. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

## Resolution 699-93 - Authorizing the Delivery of General Obligation Bonds

Commissioner Keim made a motion to adopt a resolution prescribing the form and details of and authorizing the delivery of \$506,516.00 principal amount of general obligation bonds, Series 1993, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3055-93 of the City. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

## Monthly Reports and Minutes of Boards.

Commissioner Gillette made a motion to approve and accept the monthly reports and minutes of the Boards, including the Investment Schedule as of December 31, 1992, the Sanitary Sewer Inspection Update as of December 31, 1992, the Personnel Department Monthly report for December, 1992, the Police Department Monthly Report for December, 1992, the Code Enforcement Program Report as of December 31, 1992, the Inspection Department Monthly Report for December, 1992, the Planning Commission Minutes of January 5, 1993, the Director of Utilities Project Update as of January 7, 1993, the Director of Planning and Zoning Project Update as January 7, 1993 and the Ottawa Recreation Commission Minutes of December 16, 1992 and December 22, 1992. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

## Executive Session

The Commission adjourned to Executive Session at 10:25 AM and returned at 10:55 AM.

Adjournment

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

Scott D. Bird  
Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - February 3, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Gillette, Cummiskey and Keim, absent: Commissioner Jackson. Mayor Tyson 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 Keim.

#### Approval of Minutes

The minutes of the regular meeting which was January 20, 1993 were approved as written.

Thereupon, Mayor Tyson opened the meeting to public comment: Bob Green with Boy Scout Troop 74 of the Westminster Presbyterian Church addressed the Commission on behalf of seven (7) scouts of Troop 74, stating they were in attendance this evening in pursuit of their Citizenship Merit Badge.

Next to address the commission was Sue McFadden of 328 North Cherry. Mrs. McFadden expressed concern over the expense of lighting the downtown area during the Christmas season.

Commissioner Gillette explained to Mrs. McFadden that the Christmas lights were purchased through a program sponsored by the Chamber of Commerce and the property owners pay for the lighting themselves. Secondly, Mrs. McFadden expressed frustration regarding the gravel street in front of her property, and asked that the commission reconsider their policy which requires property owners to pay for the cost of the gravel to improve such a street.

City Manager David Warren explained the City's policy and the arguments on both sides of the issue. Commissioner Cummiskey requested that this issue be addressed at the next regular scheduled Commission study session.

Steve Gorsline then addressed the Commission concerning various line items within the 1993 Budget. Mr. Gorsline's concerns ranged from postage and telephone services at the police and fire station, the Capitol Improvement program which calls for satellite fire stations and the City's General Obligation Bond indebtedness. Commissioner Gillette explained to Mr. Gorsline some of the factors involved in bond indebtedness and suggested that Mr. Gorsline make an appointment with either the City Manager or the Acting City Clerk, and they would address his concerns.

#### Request from KOFO Radio

Thereupon, Mayor Tyson read a request from KOFO Radio to close the

northbound lane of Hickory Street from the corner of Third and Hickory to Lamb Roberts Funeral Home at 325 South Hickory on March 12 and 13, 1993 to hold the annual KOFO Home and Garden Show at the Municipal Aud.

Commissioner Keim made a motion to grant the request from KOFO, the motion was seconded by Commissioner Cummiskey and upon being put to the question, all present voted in favor of the motion.

#### Proclamation Declaring February as Black History Month

Thereupon, Mayor Tyson read a proclamation declaring the month of February as Black History Month in Ottawa, Kansas. Commissioner Cummiskey made a motion to adopt the proclamation, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

#### Resolution No. 702-93 - Home Investment Partnerships Housing Rehabilitation Project in the City of Ottawa

Thereupon, a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application to the Kansas Department of Commerce and Housing for a Home Investment Partnership Housing Rehabilitation Project in the City of Ottawa.

Commissioner Gillette made a motion that this resolution be adopted. The motion was seconded by Commissioner Keim. The resolution was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution No. 702-93.

#### Resolution No. 703-93 - Agreement with the State Treasurer of Kansas to Act as Paying Agent, Bond Registrar and Transfer Agent

Thereupon, a resolution was presented authorizing an agreement with the State Treasurer of Kansas to act as Paying agent, Bond Registrar and Transfer agent for the issuance of \$506,516.00 of General Obligation Bonds Series 1993.

Commissioner Cummiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Keim, and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution No. 703-93.

#### Resolution No. 704-94 - Establishing an Interest Rate on Special Assessments for the General Obligation Bond Issue, Series 1993

Thereupon, there was presented a resolution establishing an interest rate of 5% on special assessments for the General Obligation Bond Issue, Series 1993.

Commissioner Keim made a motion that the resolution be adopted. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was then duly numbered Resolution No. 704-93.

#### Reports by City Manager

City Manager David Warren reported to the Commission on the proposed Auditorium Project, stating that Mr. Shawn McGarity of the engineering firm of Finney & Turnipseed Consulting, had offered 4 or 5 alternatives for the City to consider. Mr. Warren suggested that the Commission digress a step and consider specifically the needs of the auditorium, what those needs might be in the future, and then proceed by evaluating the various alternatives.

Mayor Tyson suggested that the alternatives be presented at the next study session. Mr. Warren indicated that an outline of those alternatives should be available.

#### Monthly Reports and Minutes of Boards

Commissioner Gillette made a motion that the City of Ottawa Monthly Report as of December 31, 1992, the Analysis of Local Sales Tax Receipts through January 31, 1993, the Fire Department Monthly Report as of December, 1992, the Library Board of Trustees Minutes of December 17, 1992 and the Planning Commission Minutes of January 5, 1993, be accepted. The motion was seconded by Commissioner Cumiskey and all present voted in favor of the motion.

During the open agenda, Commissioner Gillette requested that a letter he had drafted on behalf of the Commission, to the office of the Secretary of the Federal Communication Commission, be entered into the minutes

February 3, 1993

Office of the Secretary  
of the Federal Communication Commission  
1919 M Street, Room 222  
Washington, D.C. 20554

We appreciate the opportunity to offer comments on proposed regulation rules concerning cable television.

The City of Ottawa, Kansas, population 11,000, is a CATV franchising authority in the midst of a franchise renewal.

We urge you to make the rules as simple and inexpensive as possible. The 3 year formal renewal process is too long and complicated. We suggest a 3 month process. The same process could also be used to revoke a franchise.

We favor the "benchmark" rate regulation method based on cost, services offered and competition. It could well be an average of the regional rates per channel, unless the cable company could prove higher than average cost of operation. Benchmark rates should be published periodically by an appropriate authority for easy comparison by the franchise authority. The process of challenging a higher than average rate should be simple and fast. A suggested procedure is (1) Notification by the franchise authority to the cable company of an excessive rate per channel based on a published average rate for the region. (2) The cable company would then have the choice of either lowering the rate or appearing along with the franchise authority at a hearing conducted within the affected franchise area by a Federal Communication Commission appointed hearing officer. The findings at the hearing would determine the outcome as to whether the rate is affirmed or lowered.

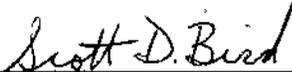
We strongly urge you to speed up and simplify rate and renewal procedures. We feel franchise authorities have been restricted in the past, and today depend more on the Federal Communication Commission to provide an equitable solution.

Sincerely,

Charles Gillette  
City Commissioner

Adjournment

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

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - February 17, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Gillette, Cumiskey, Keim and Jackson. Mayor Tyson 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. Henry Roberts, of the Westminster Presbyterian Church.

#### Approval of Minutes

The minutes of the regular meeting which was held February 3, 1993 were approved as written.

#### Public Comments

Thereupon, Mayor Tyson opened the meeting to public comment and asked that those who wished to address the Commission keep their comments to a three minute time limit.

Mr. Patrick Hoff, 835 North Mulberry, addressed the Commission requesting extensions on the deadline for condemnation at 923 and 927 North Cedar. Mr. Hoff cited improvements that have been made recently and asked for additional time to finish the projects.

Mayor Tyson invited Steve Gorsline to address the commission as he had requested, but reminded Mr. Gorsline that he is a candidate for the City Commission and that City Commission meetings are not a forum for that cause.

Mr. Gorsline suggested that the City implement a system to recapture information concerning tax abatements. Mr. Gorsline expressed concern that the industries which come to Ottawa often bring their work force with them, and therefore are not hiring from within the Ottawa/Franklin County area. Mr. Gorsline also spoke to his concern over the conflict of interest of having the local area Chamber of Commerce promoting the Ottawa Area Economic Development. Mr. Gorsline questioned the theory of using local business members to promote new business. Mr. Gorsline acknowledged the sensibility behind the theory of having present businesses attempt to attract new business, but questioned if in reality there was not a conflict given the potential for introducing unwanted competition. Mr. Gorsline went on to suggest that perhaps the City should use the \$50,000 that it allocates to the Chamber each year to establish an Economic Development Board of its own which would accept input from the Chamber of Commerce.

Ordinance No. 3057-93 - Establishing an Employee Contribution Fund

Thereupon, there was presented an ordinance establishing an Employee Contribution Fund in the City of Ottawa, Kansas and repealing Ordinance No. 2745-83.

Commissioner Keim made a motion to adopt the ordinance. The motion was seconded by Commissioner Cummiskey. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declare said ordinance duly passed and the ordinance was duly numbered Ordinance 3057-93.

Resolution No. 705-93 - Agreement with Kansas Municipal Utilities

Thereupon, there was presented a resolution authorizing an agreement with the Kansas Municipal Utilities (KMU) for the purpose of intervention in the KCPL open access transmission tariff.

Commissioner Gillette made a motion to adopt the resolution. The motion was seconded by Commissioner Cummiskey. The resolution was considered and upon being put to the question, passed by a vote of 4 yes, 0 no, and 1 abstention by Commissioner Keim.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution 705-93.

Resolution No. 706-93 - Extension of Condemnation Deadline - 923 N. Cedar

Thereupon, there was presented a resolution to extend the deadline to repair the condemned structure located at 923 N. Cedar, in the City of Ottawa, Kansas.

Commissioner Jackson made a motion to adopt the resolution. The motion was seconded by Commissioner Gillette. The resolution was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution 706-93.

Resolution No. 707-93 - Extension of Condemnation Deadline -  
927 N. Cedar

Thereupon, there was presented a resolution to extend the deadline to repair the condemned structure located at 927 N. Cedar, in the City of Ottawa, Kansas.

Commissioner Cumiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The resolution was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution 707-93.

Resolution No. 708-93 - Inoperable Vehicles

Thereupon, there was presented a resolution to determine the existence of inoperable vehicle nuisances at various addresses in the City of Ottawa, Kansas by inspection report dated February 17, 1993.

Commissioner Gillette made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The resolution was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution 708-93.

Reports by the City Manager

City Manager David Warren presented the Commission with financial reports on a revised format, explaining that the information came from the new accounting system and that this report would be presented to the commission on a monthly basis.

Mr. Warren also presented to the commission the new City of Ottawa Strategic Plan, and requested that they consider adopting it during the Governing Body Agenda.

## Monthly Reports and Minutes of Boards

Thereupon, there was presented the monthly reports of the City of Ottawa, Kansas, to include the investment schedule of January 31, 1993, the Monthly Report as of January 31, 1993, the Treasurer's Report for the quarter ending December 31, 1992, the Activity Reports from the Code Enforcement Program, the Fire Dept., the Inspection Division and the Sanitary Sewer Study update, Departmental Progress Reports from the Personnel Dept., the Planning and Zoning Dept. and the Utilities Dept. and the minutes of the Ottawa Recreation Commission Meeting of January 6, 1993 and the minutes of the Planning Commission Meeting, of February 2, 1993.

Commissioner Keim made a motion to accept the reports. The motion was seconded by Commissioner Cummiskey, and upon being put to the question, all present voted in favor of the motion.

### Open Agenda

Thereupon, the Mayor opened the meeting to the Governing Body Agenda.

Commissioner Gillette made a motion to accept the Strategic Plan as presented. The motion was seconded by Commissioner Keim. During consideration Commissioner Cummiskey commented that the Commissioners looked forward to sharing the Strategic Plan with other community groups and organizations. Upon being put to the question, all present voted in favor of the motion.

Thereupon, Commissioner Keim made a motion to authorize the application of rock aggregate to all streets and alleys within the City of Ottawa, without resident cost participation, which would be prioritized by the Public Works Department, in accordance with their maintenance schedule. The motion was seconded by Commissioner Gillette.

During consideration Commissioner Jackson expressed his personal belief that streets should be included in this program and not alleys, and that the money saved by not graveling alleys could be applied to streets. Commissioner Jackson also stated that the City should go further by formalizing a plan to be about the business of paving heretofore unpaved streets.

Commissioner Gillette pointed out that some of the expenses incurred in this program would be mitigated by lower administration costs. Upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said motion duly passed.

Adjournment

There being no further business to come before the City Commission, Commissioner Jackson made a motion that the meeting be adjourned, all present voted in favor of the motion.

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

Scott D. Bird  
Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - March 3, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7 PM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Charles Gillette, Vicki Cummiskey, Tony Keim and Richard Jackson, absent none. The Mayor called the meeting to order. A quorum was present. The Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Fred Schaeffer of the First Christian Church.

#### Approval of Minutes

The minutes of the regular meeting which was held February 17, 1993 were approved as written.

#### Public Comments

Thereupon, Mayor Tyson opened the meeting to public comment and asked that those who wished to address the Commission keep their comments to a three minute time limit.

Mr. Steve Gorsline of Box 104, Ottawa, Kansas, expressed concern over the lack of notification in the official City newspaper for the Monday study sessions. Mr. Gorsline continued by stating he had requested a schedule of Monday study sessions and as of this date had not received such.

Secondly, Mr. Gorsline expressed concern for Daryl Shutt in his position with the Police Dept. He stated that he had sent information concerning this matter to Robert Stephen's office, the FBI and the KBI. Mr. Gorsline stated that he did not feel it appropriate for Mr. Shutt to continue to hold his position.

Next to address the Commission was Nadine Gremminger of 524 South Cedar. Ms. Gremminger questioned the practice of Commissioners receiving a ring in the value of approximately \$500.00 at the end of their tenure and suggested the general public be allowed to vote on such an issue. Ms. Gremminger further suggested that a twenty dollar plaque be given to Commissioners instead.

Next to address the Commission was Jody Lawson of 310 W. 6th St. Ms. Lawson expressed concern that she had observed City employees removing snow from private parking lots, in the Ottawa area, and did not feel this an appropriate use of City funds.

Secondly, Ms. Lawson addressed the lack of adequate restroom facilities at the local parks, stating that the outhouses provided

in those areas were annoying and unsanitary. Ms. Lawson asked the Commission if permanent block structures could not be provided. In response to her concerns, Commissioner Gillette explained that the City Commission and the Ottawa Recreation Commission were indeed working on solutions to those problems. Finally, Ms. Lawson requested bathroom facilities at Kanza Park, and sited that no facility is available at that location currently.

Next to address the Commission was Tony DeLatorre of 811 North Poplar. Mr. DeLatorre stated that he did not believe the Daryl Shutt situation was a personnel matter, but rather a public concern. Mr. DeLatorre expressed his belief that there had been violations of Federal and State Laws, because City officials had known of Mr. Shutts conviction and failed to alert the State. Mr. DeLatorre stated that it was his hope that this Commission would do something concerning this issue.

Next to address the Commission was Vicki Crowley of 120 South Elm. Ms. Crowley stated that she has two children, one 15 and one 17, who have needs for additional recreational activities. She noted that Burlington has an extensive recreation facility and stated that Ottawa being 5 times the size of Burlington should be able to provide similar activities for its inhabitants.

Thereupon, the Mayor thanked the participants for their comments.

#### Public Hearings

Thereupon, Mayor Tyson opened a public hearing for the purpose of considering an application to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant funds, which are for the primary benefit of low and moderate income persons.

There being no one wishing to address this issue, the Mayor declared the hearing closed and stated that the next hearing on this issue would be during the regular Commission Meeting, March 17, 1993.

#### Resolution No. 709-93 - Escrow Swap

Thereupon, there was presented a resolution authorizing the substitution of certain escrowed securities defeasing those outstanding bonds of the City of Ottawa, Kansas, refunded by \$9,047,000 water and electric system revenue refunding bonds, series 1985, of the City.

Mr. Warren explained that the opportunity for this escrow swap was brought to the City's attention by George K. Baum & Co. and introduced to the Commission, Mr. David Perkins, of George K. Baum.

Mr. Perkins explained that when bonds are refunded the proceeds are used to purchase U.S. Government Securities which are then held in escrow to pay off the original debt. In 1985, when the City's Water & Electric bonds were refunded, U. S. Treasury Strips were used as escrow instruments. Since that time the U.S. Government has issued securities known as Refcorps, which are securities authorized through the Resolution Trust Corp., and have maturities which more closely match the maturity dates of the original bond issue. This closer match, in addition to the fact that the Refcorps sell at a higher yield rate, makes the escrow swap attractive to the City. Mr. Perkins noted that the bond document requires that if a bond swap occurs a certified public accountant must be hired to insure that the escrow amount remains sufficient.

Thereupon, Commissioner Gillette made a motion that the resolution be adopted. The motion was seconded by Commissioner Cumiskey. The resolution was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted. The resolution was duly numbered Resolution No. 709-93.

Thereupon, there was presented an agreement with George K. Baum & Co. to act as financial agent for the bond swap. Commissioner Gillette made a motion to accept the agreement and the motion was seconded by Commissioner Jackson. Upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared the agreement duly accepted.

#### Resolution No. 710-93 - Water Rate Study Agreement

Thereupon, there was presented a resolution authorizing an agreement with Black & Veatch, for the purpose of performing a water rate study, and including a financial planning model.

Thereupon, Commissioner Cumiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The motion was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, Mayor Tyson declared the resolution duly passed and it was duly numbered Resolution No. 710-93.

#### Resolution No. 711-93 - Pole Sharing Agreement

Thereupon, there was presented a resolution authorizing an agreement with Communication Services Inc. for the purpose of a joint use of poles, which establishes written procedures and assignment of rights for use of power poles in a joint manner

beneficial to both parties.

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

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered Resolution 711-93.

Adjournment

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

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - March 17, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 a.m. this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Charles Gillette, Vicki Cummiskey, Tony Keim and Richard Jackson, absent none. The Mayor called the meeting to order. A quorum was present. The Mayor led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Fred Schaeffer of the First Christian Church.

#### Approval of Minutes

The minutes of the regular meeting which was held March 3, 1993 were approved as written.

#### Public Comments

Thereupon, Mayor Tyson opened the meeting to public comment. There being no one wishing to address the Commission at this time, the Mayor declared the Public Comments closed.

#### Request from Ottawa Jaycees

Thereupon, there was presented to the Commission a request from the Ottawa Jaycees to use Forest Park on Saturday, April 3, 1993, from 8:00 a.m. to 12:00 p.m. for the annual Easter Egg Hunt.

Commissioner Cummiskey made a motion to approve the request. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

Thereupon, Mayor Tyson declared said request duly approved.

#### Public Hearings

Thereupon, Mayor Tyson opened a public hearing for the purpose of considering an application to the Kansas Department of Commerce and Housing for Small Cities Community Development Block Grant Funds, which are for the primary benefit of low and moderate income persons.

Mr. Bruce Prentice, President of the Ottawa Library Board, and Ms. Barbara Dew, Director of the Ottawa Library, addressed the Commission to support the CDBG applications for handicap access to the Library.

Next to address the Commission was Ms. Leona Jones, who questioned the time frame by which the CDBG Funds would be used and expressed

a desire for the City to direct funds towards the development of a community building.

Thereupon, there was presented a letter from a Mr. Jeff Lantis, who expressed his appreciation to the City for attempting to attain a Federal Grant, which would bring the City into compliance with ADA. Mr. Lantis continued by expressing a need for curb cuts in areas of the City, such as the Post Office, Public Library and City Hall.

There being no further comments the hearing was recessed until 3:00 p.m. Monday, April 5, 1993.

Ordinance No. 3058-93 - Zoning Regulations - Private Garages

Thereupon, there was presented an ordinance providing certain amendments and additions to the zoning regulations of the City of Ottawa, Kansas, relating to the definitions of private garages, and additional height and use regulations for accessory buildings.

Thereupon, Commissioner Keim made a motion to approve the ordinance. The motion was seconded by Commissioner Jackson. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the ordinance duly adopted. The ordinance was duly numbered Ordinance No. 3058-93.

Ordinance No. 3059-93 - Regulating Earthwork

Thereupon, there was presented an ordinance regulating earthwork within the City of Ottawa, Kansas.

Thereupon, Commissioner Cumiskey made a motion to adopt the ordinance. The motion was seconded by Commissioner Gillette. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3059-93.

Resolution No. 712-93 - Lease of Crop Land

Thereupon, there was presented a resolution authorizing an agreement with Mr. John Mc Farland for lease of twenty acres of crop land adjacent to the Ottawa Municipal Airport.

Thereupon, Commissioner Keim made a motion to adopt the resolution. The motion was seconded by Commissioner Cumiskey. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, Mayor Tyson declared the resolution duly passed and it was duly numbered Resolution No. 712-93.

#### Resolution No. 713-93 - Special Use Permit - Ceramics Shop

Thereupon, there was presented a resolution granting a special use permit for a ceramics crafts shop to be located at 602 S. Maple in the City of Ottawa, Kansas.

Thereupon, Commissioner Jackson made a motion to adopt the resolution. The motion was seconded by Commissioner Gillette. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 713-93.

#### Resolution 714-93 - Special Use Permit - Charitable Services

Thereupon, there was presented a resolution granting a special use permit for charitable services to be located at 302 S. Walnut in the City of Ottawa, Kansas.

Thereupon, Commissioner Cumiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Jackson. The ordinance was considered, and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 714-93.

#### Reports by City Manager

Thereupon, City Manager, Dave Warren, reported that the grant application submitted to the Kansas Department of Transportation for the purpose of widening US 59 between 17th and 23rd Streets had been denied. Mr. Warren suggested that the City look into other available funds for this project.

#### Monthly Financial and Activities Reports

Thereupon, Commissioner Gillette made a motion to approve the monthly financial and activities reports for the month of February. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

#### Open Agenda

Thereupon, Commissioner Jackson brought to the Commissioners attention, a packet of material which he had brought back from the

National League of Cities Conference, specifically information dealing with Cable TV.

Thereupon, Commissioner Gillette brought to the Commissions attention a citizen complaint, which had been filed through him, dealing with trash buildup in the ditches in the south Ottawa business area. Mr. Gillette requested that the City Manager look into this problem to see what could be done.

Thereupon, Mayor Tyson read a statement expressing the Commission's satisfaction with the actions of City Manager Dave Warren, Chief of Police Jeff Herrman and City Attorney Bob Bezek, concerning the investigation and disposition of the Daryl Shutt matter.

Thereupon, Commissioner Keim made a motion to approve the statement. The motion was seconded by Commissioner Jackson and all present voted in favor of the motion.

There being no further business to come before the Governing Body the meeting was recessed until 3:00 p.m. Monday, April 5, 1993. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

Scott D. Bird  
Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - April 5, 1993 as recessed from  
March 17, 1993

The City Governing Body met at the Commission Chambers in City Hall at 3:PM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Charles Gillette, Vickie Cummiskey, Tony Keim and Richard Jackson, no one was absent and a quorum was present. Mayor Tyson called the meeting to order and welcomed the Chamber Audience.

#### Public Comments

Thereupon, Mayor Tyson opened the meeting to public comment. There being no one wishing to address the Commission the Mayor declared the public comments closed.

#### Public Hearings

Thereupon, Mayor Tyson opened a public hearing for the purpose of considering an application to the Kansas Dept. of Commerce and Housing for Small Cities Community Development Block Grant Funds, which are for the primary benefit for low and moderate income persons.

Attending the meeting in the Chamber Audience was Ms. Leona Jones, Ms. Berniece Smith and Mr. Steve Gorsline. No comments were made concerning the public hearing. However the Commission was presented with two written proposals from Mr. Gorsline. One proposal suggested that the City purchase the Boys Club with the intent of establishing a Youth Center. The second proposal involved the development of a Tour Train operation from Ottawa to Princeton.

Thereupon, the public hearing was closed.

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant funds, for a community improvement project for handicapped accessibility for City Hall and the Library, and assuring the availability of non-cdbg funds and operation and maintenance costs.

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

Thereupon, the Mayor declared said resolution duly adopted and it was duly numbered Resolution No. 715-93.

Adjournment

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



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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - April 7, 1993 , 7:PM

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:PM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Charles Gillette, Vickie Cummiskey, Tony Keim and Richard Jackson, absent none. A quorum was present. Mayor Tyson 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 Gillette.

#### Approval of Minutes

The minutes of the regular meeting which was held March 17, 1993 were approved with corrections.

#### Public Comments

Thereupon, Mayor Tyson opened the meeting to public comment. Mr. Steve Gorsline of 522 South Cedar, expressed concerns about the Water Rate study, the Comprehensive Plan, and about salary expenditures at the Electric Dept.

There being no one else wishing to address the Commission, the Mayor declared the Public Comments Closed.

#### Proclamations

Thereupon, Mayor Tyson read a Proclamation declaring the week of April 19th through April 24th, 1993 as Spring Clean Up Week.

#### Request from Skunk Run Steering Committee

Thereupon, there was presented a request from the Skunk Run Steering Committee to be allowed to use City Park for Skunk Run Days to be held Saturday June 12, and Sunday June 13, 1993.

Thereupon, Commissioner Gillette made a motion to approve the request. The motion was seconded by Commissioner Jackson. The motion was considered and all present voted in favor of the motion.

#### Ordinances and Resolutions

Thereupon, there was presented an ordinance regulating the installation and maintenance of driveway access to properties abutting public streets and highways.

Thereupon, Commissioner Jackson made a motion to approve the ordinance. The motion was seconded by Commissioner Cummiskey. The

ordinance was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3060-93.

Resolution No. 716-93 - Agreement with Williams Natural Gas Company

Thereupon, there was presented a resolution ratifying the execution of an agreement with Williams Natural Gas Company for transportation of natural gas.

Thereupon, Commissioner Cumiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The resolution was considered and upon call for the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 716-93.

Resolution No. 717-93 Inoperable Vehicle Nuisances -902 Spruce

Thereupon, there was presented a resolution authorizing the abatement of certain inoperable vehicle nuisances located within the City of Ottawa, Kansas, at 902 Spruce and directing that the costs incurred therefore be charged against the lot or parcel of ground from which the nuisances are abated.

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

Thereupon, the Mayor declared the resolution duly adopted, and the resolution was duly numbered Resolution No. 717-93.

Resolution No. 718-93 - Authorizing Abatement of Inoperable Vehicle Nuisances - 736 S. Sycamore

Thereupon, there was presented a resolution authorizing the abatement of certain inoperable vehicle nuisances located within the City of Ottawa, Kansas, at 736 South Sycamore and directing that the cost incurred therefore be charged against the lot or parcel of ground from which the nuisances are abated.

Thereupon, Commissioner Keim made a motion to adopt the resolution. The motion was seconded by Commissioner Cumiskey.

During consideration Mr. Bob Black, of 736 S. Sycamore, contended

that his vehicles did have value and ask that the Commission give him more time to abate the nuisance. The Commission agreed to give Mr. Black ten (10) days. Upon being called for the question all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 718-93.

Resolution No 719-93 - Inoperable Vehicle Nuisances - 731 N. Mulberry

Thereupon, there was presented a resolution authorizing the abatement of certain inoperable vehicles nuisances located within the City of Ottawa, Kansas, at 731 North Mulberry, and directing that the cost incurred therefore be charged against the lot or parcel of ground from which the nuisances are abated.

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

Resolution No. 720-93 - Abatement of Certain Nuisances - 819 Walton

Thereupon, there was presented a resolution requiring the abatement of certain nuisances located within the City of Ottawa, Kansas, at 819 Walton, and authorizing the removal if it is not abated by the owner, and directing that the costs incurred therefore be charged against the lot or parcel of ground from which the nuisances are abated.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 720-93.

Resolution No. 721-93 - Abatement of Certain Nuisances - 831 E. 8th Street

Thereupon, there was presented a resolution requiring the abatement of certain nuisances located within the City of Ottawa, Kansas, at 831 E. 8th Street, and authorizing the removal if it is not abated by the owner, and directing that the costs incurred therefore be charged against the lot or parcel of ground from which the nuisances are abated.

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

Thereupon, the Mayor declared the said resolution duly adopted and the resolution was duly numbered, Resolution No. 721-93.

#### Resolution No. 722-93 - Municipal Pool Fees

Thereupon, there was presented a resolution approving various fees and charges for the use of the Ottawa Municipal Pool.

Thereupon, Commissioner Cummiskey made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The resolution was considered and upon being put to the question, carried by a vote of 4 to 1 as follows. Commissioner Gillette, yea, Commissioner Keim, yea, Commissioner Cummiskey, yea, Mayor Tyson, yea, Commissioner Jackson, nay,. Thereupon, Mayor Tyson declared said resolution duly adopted, and the resolution was duly numbered, Resolution No. 722-93.

#### Reports by City Manager

Thereupon, Mr. Warren presented to the Commission a letter of resignation from long time City Attorney, Mr. John Richeson, and further informed the Commission that he was appointing in Mr. Richeson stead, Mr. Bob Bezek, also of Anderson, Byrd and Richeson.

#### Governing Body Agenda

Thereupon, Commissioner Jackson reminded the community that there were several positions open on various boards and committees, and asked that anyone interested apply to City Hall by Monday, April 12, 1993. Mr. Jackson also asked that the interested party indicate which position they would be interested in.

#### Adjournment

There being no further business to come before the Governing Body, Commissioner Gillette made a motion to adjourn the meeting, all present voted in favor of the motion. Thereupon, the meeting was adjourn at 7:38 PM.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - April 21, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Joan Tyson, Commissioners Charles Gillette, Vicki Cumiskey, Tony Keim and Richard Jackson, absent none. A quorum was present. Mayor Tyson 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 Gillette.

#### Approval of Minutes

The minutes of the recessed meeting of April 5, 1993 and the regular commission meeting of April 7, 1993 were approved as written.

#### Public Comments

Beth Keim, 1245 South Main, presented a proclamation to the Commission, and asked the Commission to recognize May 4, 1993, as National Teacher Day, in the City of Ottawa.

Thereupon, Mayor Tyson read the proclamation declaring May 4, 1993, National Teacher Day, and urged all citizens to observe this day by taking time to remember and honor those individuals who help us learn.

#### Request from Ottawa University

Thereupon, there was presented a request from Ottawa University to use Forest Park facilities and City streets to conduct the Fourth Annual Ottawa Duathlon on May 9, 1993.

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

#### Ordinances and Resolutions

Ordinance No. 3061-93 - Adopting the Standard Industrial Classification Manual, 1987

Thereupon, there was presented an ordinance amending Ordinance No. 2933-90 by replacing Appendix A thereto, and adopting by reference the standard industrial classification manual, 1987 edition, published by National Technical Information Service, Springfield, Virginia.

Thereupon, Commissioner Keim made a motion to adopt the ordinance. The motion was seconded by Commissioner Gillette. The ordinance was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was numbered, Ordinance No. 3061-93.

**Resolution 723-93 - Special Use Permit - Intergenerational Day Care Services**

Thereupon, there was presented a resolution granting a special use permit for intergenerational day care services to be located at 1120 West 15th Street in the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 723-93.

**Resolution 724-93 - Improvement of City Connecting Links**

Thereupon, there was presented a resolution relating to state aid for the improvement of city connecting links on the state highway system.

Thereupon, Commissioner Gillette made a motion to adopt the resolution. The motion was seconded by Commissioner Cumiskey. The resolution was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 724-93.

**Resolution No. 725-93 - Multijurisdictional Drug Enforcement Task Force**

Thereupon, a resolution ratifying the submission of an application on behalf of the Franklin County Attorney to the Governor's Office of Drug Abuse Programs for a multijurisdictional drug enforcement task force for Anderson, Franklin and Osage Counties and the Cities of Garnett and Ottawa, Kansas.

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

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 725-93.

**Resolution No. 726-93 - Laich Industries, Large Industrial Electric Service Contract**

Thereupon, there was presented a resolution authorizing an agreement with Laich Industries, Corp. for a large industrial electric service contract.

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

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 726-93.

**Resolution No. 727-93 - KDOT - Safety Improvements**

Thereupon, there was presented a resolution authorizing an agreement with the Kansas Department of Transportation for safety improvements at railroad crossings with passive warning devices.

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

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 727-93.

**Resolution No. 728-93 - Improvement of Main Street - 15th to 17th**

Thereupon, there was presented a resolution authorizing the Mayor and City Clerk to sign a contract with Wilson & Company and the Kansas Department of Transportation for engineering services related to the improvement of Main Street between 15th and 17th Streets, and to forward the contract to the Kansas Department of Transportation for approval.

Thereupon, Commissioner Gillette made a motion to adopt the resolution. The motion was seconded by Commissioner Keim. The resolution was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 728-93.

## Reports by City Manager

Thereupon, City Manager Dave Warren presented a list of bids for the East 6th Street Improvements Project.

Thereupon, Commissioner Cummiskey made a motion to award the contract to low bidder, Killough Const. Co., and to use Payment Option No. 2 at \$37,505. The motion was seconded by Commissioner Gillette. The motion was considered and upon being put to the question, all present voted in favor of the motion.

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

Thereupon, Commissioner Jackson made a motion to accept the reports. The motion was seconded by Commissioner Keim and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Commission entertained remarks from Commissioner Gillette, as the outgoing member of the Governing Body.

Thereupon, there was presented a letter from the County Clerk, concerning the results of the General Election of April 6, 1993. The Mayor read that the following were elected, Matt M. Matthews, Vicki Cummiskey and Anthony (Tony) Keim. Vicki Cummiskey is to serve from April 1993 to April 1997, a four year term. Tony Keim is to serve from April 1993 to April 1997, a four year term. Matt Matthews is to serve from April 1993 to April 1995, a two year term.

Thereupon, the three newly elected Commissioners took the Oath of Office and signed the Loyalty Oath as prescribed by state statute.

Thereupon, the Commission entertained remarks from outgoing Mayor Tyson.

Thereupon, the Mayor opened nomination and election of Mayor. Thereupon, Commissioner Keim made a motion to nominate Commissioner Jackson to serve as Mayor from April 1993 to April 1994. The motion was seconded by Commissioner Cummiskey, and upon being put to the question passed by a vote of 4 yea and 1 abstention from Commissioner Jackson.

Thereupon, Mayor Jackson made a presentation of a plaque to outgoing Mayor Tyson, and commended her for her service to the community over the past year as Mayor.

Thereupon, Mayor Jackson opened the nomination and election for Mayor Pro tem.

Thereupon, Commissioner Tyson made motion to nominate Vicki Cumiskey to serve as Mayor Pro tem from April 1993 to April 1994. The motion was seconded by Commissioner Matthews, and upon being put to the question, passed with four yea and one abstention by Commissioner Cumiskey.

**Governing Body Agenda**

Thereupon, Mayor Jackson presented to the Commission a list of appointments to boards and commissions as follows:

	Term Expires
Library Board (4 year term)	
Alice Jo DeFries *	1997
Bruce Prentice *	1997
Planning Commission (3 year term)	
Charles Gillette	1996
Kent Kummer	1996
Recreation Commission (4 year term)	
Don Kornhaus	1997
Auditorium Authority (3 year term)	
M. E. Kirk	1996
Randall W. Rock	1996
Board of Zoning Appeals (3 year term)	
Jeff Peabody *	1996
United Way of Franklin County (2 year term)	
Shirley Long	1995
Herman Norwood	1995
KMEA Board of Directors (2 year term)	
Tony Keim (Unexpired term)	1994
Jack Davis *	1995
Uniform Plumbing Code Board of Appeals (1 year)	
Bud Elder *	1994
Mark Carey	1994
Harold Hinderliter	1994
National Electric Code Board of Appeals (1 year)	
Gregg Colbern *	1994
Brian Moore	1994
Richard Carlson	1994

**Building Code Board of Appeals (1 year)**

Butch Bazil *	1994
Jim McCrea	1994
E.V. Skidmore	1994

**Band Committee (1 year term)**

Donn Carr	1994
Geneva Knight	1994

Thereupon, Commissioner Keim made a motion to accept the appointments as presented and the motion was seconded by Commissioner Tyson.

During discussion Commissioner Matthews suggested that according to ordinance appointments are to be approved by the Governing Body, and asked that the decision be tabled until all Commissioners had an opportunity to read and analyze the letters of application. Mayor Jackson responded by explaining that it was the Commission's vote that caused the appointments to be approved or rejected.

Upon being put to the question, the appointments were approved by a vote of 4 yeas and one nay as follows: Commissioner Cummiskey yea, Commissioner Tyson yea, Commissioner Keim yea, Mayor Jackson yea, Commissioner Matthews nay.

Thereupon, the Commission entertained remarks from incoming Mayor Jackson. Mayor Jackson expressed a desire for Town Hall Meetings with a focus, and discussed such issues as economic development and job development versus economic development. Mayor Jackson also called for a Youth Summit, to be carried out with representatives from the City, the Recreation Commission and USD 290. In addition, Mayor Jackson called for the Boy's Club to be re-opened within 30 - 60 days, and if that goal is not met, for the City to begin the process of taking over and operating the Boy's Club.

Thereupon, Mayor Jackson asked if there was any other business to come before the Commission.

Thereupon, Virginia Quintana, 932 N. Cherry, asked to speak to the Commission concerning the Wilson Street project, and the fact she had been told she would lose 6 of her oak trees as a result of the project. Mrs. Quintana asked that her trees not be taken out.

There being no further business to come before the Governing Body, Commissioner Keim made a motion to adjourn the meeting. The motion was seconded by Commissioner Cummiskey and all present voted in favor of the motion. Thereupon, the meeting was adjourned and the public was invited to a reception to be held at the conclusion of the meeting.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - May 5, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Matt Matthews. Absent Commissioner Joan Tyson. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Keim.

#### Approval of Minutes

The minutes of the regular meeting of April 21, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Mr. Buddy Griffin, 626 South Main, spoke on behalf of his mother, who lives at 126 South Cedar, and brought to the Commission's attention a situation that has allowed a bar to be opened within a few feet of his mother's residence.

Mayor Jackson asked that this situation be checked out with Police Chief Herrman, and be put on the next study session agenda.

Next to address the Commission was Mr. Steve Gorsline, 522 South Cedar. Mr. Gorsline addressed concerns that the Chamber of Commerce acted as the sponsor for the last Candidate Forum. Mr. Gorsline also addressed concerns dealing with the Black & Veatch Water Study and the expected population estimates, as part of that study.

#### Ordinances and Resolutions

Ordinance No. 3062-93 - Bill No. 93-49 - Annexing Land, 1115 West Fifteenth St.

Thereupon, there was presented an ordinance annexing land, at 1115 West Fifteenth Street, to the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion to adopt the ordinance. The motion was seconded by Commissioner Keim. The ordinance was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said ordinance duly adopted, and the ordinance was duly numbered, Ordinance No. 3062-93.

Ordinance No. 3063-93 - Bill No. 93-50 - Annexing Land, 1121 East Seventh Street

Thereupon, there was presented an ordinance annexing land, at 1121 East Seventh Street, to the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3063-93.

Bill No. 93-51 - Relief from Financial Hardship due to Special Assessments

Thereupon, there was presented an ordinance providing for relief from financial hardship due to special assessments.

Thereupon, Commissioner Keim made a motion to defer this ordinance for further study. The motion was seconded by Commissioner Cumiskey and upon being put to the question, all present voted in favor of the motion.

Bill No. 93-52 - Ordinance Amending Section 204 of Article 2 of Chapter X of The Municipal Code

Thereupon, there was presented an ordinance amending Section 204 of Article 2 of Chapter X of the Municipal Code of the City of Ottawa, Kansas, 1982, pertaining to the penalties for maintaining junk vehicle nuisances within the City and providing for the incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982.

The Bill died for lack of motion.

Resolution No. 729-93 - Bill No. 93-53 - Awarding Contract for Special Improvement Project No. 9203.3

Thereupon, there was presented a resolution awarding a contract for special Improvement Project No. 9203.3.

Thereupon, Commissioner Keim made a motion to adopt the resolution. The motion was seconded by Commissioner Cumiskey. The resolution was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 729-93.

Ordinance No. 3064-93 - Bill No. 93-54 - Temporary Notes

Thereupon, there was presented an ordinance authorizing and providing for the issuance of temporary notes of the City of Ottawa, Kansas, in an amount not to exceed \$67,000.00 to pay the cost of Special Improvement Project No. 9203.3.

Thereupon, Commissioner Cummiskey made a motion to adopt the ordinance. The motion was seconded by Commissioner Keim. The ordinance was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3064-93.

Resolution No. 730-93 - Bill No. 93-55 - Agreement With Ottawa Truck Corp.

Thereupon, there was presented a resolution authorizing an agreement with Ottawa Truck Corporation releasing said corporation from the obligation to make certain payments in lieu of ad valorem taxation.

Thereupon, Commissioner Keim made a motion to adopt the resolution. The motion was seconded by Commissioner Matthews. The resolution was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 730-93.

Ordinance No. 3065-93 - Bill No. 93-56 - Repealing Section 2 of Ordinance No. 2888-88, Ottawa Truck, Payment In lieu of Tax

Thereupon, there was presented an ordinance repealing Section 2 of Ordinance No. 2888-88 requiring Ottawa Truck to make payments in lieu of certain ad valorem taxation.

Thereupon, Commissioner Keim made a motion to adopt the ordinance. The motion was seconded by Commissioner Cummiskey. The ordinance was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3065-93.

Reports by City Manager

Thereupon, Mayor Jackson recognized that the City Manager had been ill for the past several days and ask the City Clerk if there were any reports to be given to the Commission. None were forth coming.

#### Governing Body Agenda

Thereupon, Mayor Jackson announced the appointment of Bill Farrow to the Band Board. In addition Mayor Jackson stated that the City was looking for committee members for this Summer's Youth Summit and that he was looking at a tentative date during the first week in June for an Economic Development Town Hall Meeting.

#### Adjournment

There being no further business to come before the City Commission, Commissioner Cumiskey made a motion for adjournment. The motion was seconded by Commissioner Keim. Upon being called for the question, all present voted in favor of the motion. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - May 19, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Matt Matthews and Joan Tyson. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Tyson.

#### Approval of Minutes

The minutes of the regular meeting of May 5, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Ms. Jody Lawson, 310 West 6th St., addressed the Commission concerning a pot hole in the alley behind her residence, and her frustration in dealing with City employees concerning this problem.

Next to address the Commission was Mr. Gary Dodd, representing Mid-America Dairymen Cheese Store, 110 S. Main. Mr. Dodd requested permission from the City Commission to be allowed to take a vendor cart to Haley Park at 2nd and Main, starting June 1, 1993, to sell ice cream novelties. Mr. Dodd further requested that the Itinerant Salesmen's fee of \$25.00 every 14 days be waived.

There being no further comments from the public, Mayor Jackson closed that portion of the meeting.

Thereupon, there was presented a request from Mid-American Dairymen Cheese Store to operate a vending cart at Haley Park from 2:00 pm until 4:00 pm, starting June 1, 1993.

Thereupon, Commissioner Tyson made a motion that the request by Mr. Gary Dodd be approved, with the provision that upon the passage of an ordinance which would specifically address vending carts, Mr. Dodd and the Mid-American Dairymen Cheese Store comply with the provisions of such an ordinance, and with the understanding that any trash generated by this endeavor in the Haley Park area be the responsibility of the vendor. The motion was seconded by Commissioner Cummiskey. Upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the motion accepted.

## Public Hearings

Thereupon, the Mayor opened a public hearing to consider an application to the Kansas Department of Commerce and Housing for a Small Cities Community Development Block Grant for Housing.

During the hearing, Mr. Jim Shaw, Planning Director for the City of Ottawa, explained that the application would be in the amount of \$300,000 for the purpose of Housing Rehab, Demolition, and some administration. No other comments were forth coming.

Thereupon, the Mayor closed the public hearing, and announced there would be another public hearing at the regular Commission Meeting of June 2.

Thereupon, the Mayor opened a public hearing to consider an application for a Kansas Partnership Fund loan in the amount of \$1,250,000.

City Manager, Dave Warren, explained that the City would be submitting an application for a Kansas Partnership Fund loan to provide for an extension of a 18,000 feet of 12" water main and a booster station to a proposed distribution center, located approximately one mile east of I-35, and that part of this investment would be re-cooped from the sale of water. Mr. Lou Atherton of the Chamber of Commerce addressed the Commission, speaking in favor of this application and congratulated the Commission and the other entities involved, stating there had been a pat on the back from the Company for how smoothly this project has advanced. Brent Fogle, Board Member of the OFCED, spoke to encourage the Commission to make the application to the Kansas Partnership Fund.

Mayor Jackson expressed his appreciation to all entities local and state who have been involved in this project. There being no further comments the public hearing was closed.

Bill No. 93-57 - Annexing Land - 1103 West 15th St.

Thereupon, there was presented an ordinance, annexing land to the City of Ottawa, Kansas. Thereupon Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The Ordinance was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared said ordinance duly passed, and the ordinance was duly numbered Ordinance No. 3066-93.

Bill No. 93-58 - Yard Setback Requirements

Thereupon, there was presented an ordinance amending Article XXVI of the Zoning Ordinance to provide certain exceptions to the yard setback requirements.

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

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3067-93.

Bill No. 93-59 -- Federal Aid on Highway Construction

Thereupon, there was presented a resolution relating to benefits obtainable by cities under the program for federal aid on highway construction.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 731-93.

Bill No. 93-60 - Notice of Hearing - 710 South Sycamore

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; for 710 South Sycamore.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution 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. 732.93.

Bill No. 93-61 - Public Hearing at 217 S. Cedar

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; for 217 S. Cedar.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question, all present voted in favor of the motion.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 733-93.

#### Bill No. 93-62 - Investment Policy

Thereupon, there was presented a resolution finding the advisability of and adopting an investment policy for the City of Ottawa, Kansas, establishing an effective date therefore, providing for the enforcement thereof, and rescinding prior resolutions.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 734-93.

#### Bill No. 93-63 - Kansas Partnership Fund Application

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an application for Kansas Partnership Fund from the Kansas Department of Commerce & Housing in the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 735-93.

#### Monthly Financial and Activity Reports

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

Commissioner Tyson made a motion that was seconded by Commissioner Keim to accept the monthly Financial and Activity Reports. Upon being put to the question all present voted aye.

Governing Body Agenda

Thereupon, Commissioner Jackson announced the appointment of Shannon K. Droddy, to the Band Committee, and stated the City still needed one more volunteer to be appointed to the Band Committee.

Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion which was seconded Commissioner Tyson to adjourn the meeting. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - May 24, 1993

The City Governing Body met in Special Session at the Commission Chambers in City Hall at 3:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Joan Tyson. Absent Commissioner Matt Mathews. A quorum was present. Mayor Jackson called the meeting to order and declared the purpose of this meeting was to conduct a public hearing for an application to the Kansas Department of Commerce and Housing for a Small Cities Community Development Block Grant under the housing category and thereupon opened the hearing.

Ms. Wynndee Lee, Program Administrator for the City of Ottawa, explained that the grant application would be for the purpose of funding rehabilitation either for home owners or renters. Ms. Lee stated there had been considerable interest in this program, citing that approximately 78 applications had been picked up by citizens and approximately 35 had been completed and returned.

Ms. Lee stated that \$240,000 of the grant would be used for rehabilitation with \$25,600 for demolition, \$20,000 for administration and \$14,400 for inspection and work writeup completing the balance.

Ms. Lee further explained that the Commission could prioritize either homeowners or renters or could set a dollar limit on either part of the program.

There being no further comments the public hearing was continued until the next regular commission meeting scheduled for June 2, 1993.

Thereupon Commissioner Cummiskey made a motion to adjourn to Executive Session until 3:30 P.M. to consider the acquisition of real estate. The motion was seconded by Commissioner Keim and all present voted in favor of the motion.

Thereupon the Commission adjourned to Executive Session. No further action was taken upon the conclusion of the Executive Session.

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



Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - June 2, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. John Duren, of The Faith Lutheran Church.

#### Approval of Minutes

The minutes of the regular meeting of May 19, 1993, were approved with corrections and the minutes of the Special Meeting of May 24, 1993 were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

There being no one present wishing to address the Commission, Mayor Jackson closed the public comment portion of the meeting.

#### Communications

Thereupon, there was presented a request from the Ottawa Jaycees to reserve and use Forest Park on July 4, 1993, in order to conduct the Chautauqua Days Celebration.

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

Thereupon, the Mayor declared the request approved.

Thereupon, there was presented a request from the Ottawa Horseshoe Club to schedule and hold their annual Chautauqua Horseshoe Pitching Tournament on July 4, at the Forest Park Horseshoe Courts.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews to authorize the event. The request was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared the request approved.

## Public Hearings

Thereupon, Mayor Jackson opened the continued hearing from the Special Meeting of May 24, 1993, to consider an application to the Kansas Department of Commerce and Housing for a Small Cities Community Development Block Grant, under the housing category.

There being no one wishing to address the Commission concerning this issue, the hearing was closed.

## Ordinances and Resolutions

Bill No. 93-64 - An Ordinance Providing Relief from Financial Hardship Due to Special Assessments

Thereupon, there was presented an ordinance providing for relief from financial hardship, due to special assessments.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance.

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

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3068-93.

Bill No. 93-65 - Seventh Street Sewer

Thereupon, there was presented a resolution setting out the findings and determinations on the advisability of a sanitary sewer improvement in Seventh Street, from Lincoln Street east to Mason Street, in Funston Street from Seventh Street south approximately 350 feet and in Liberty Street south approximately 400 feet and further. Authorizing and ordering the construction of said improvement by the Governing Body of the City of Ottawa, Kansas, all as provided in KSA 12-6A01 etc.

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

Thereupon, the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 736-93.

Bill No. 93-66 - Authorizing Agreement with Wilson & Co.

Thereupon, there was presented a resolution authorizing the execution of an agreement for engineering services for Special

Improvement Project No. 9305.1 between the City of Ottawa, Kansas and Wilson & Company.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 737-93.

Bill No. 93-67 - A Resolution Authorizing Application for Kansas Small Cities Community Development Block Grant Funds, for Housing Rehabilitation and Demolition

Thereupon, there was present a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas to execute certain documents pertaining to an application for Kansas Small Cities Community Development Block Grant Fund, for a housing rehabilitation and demolition project in the City of Ottawa.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 738-93.

#### Reports by City Manager

City Manager Dave Warren, reported to the Commission that there would be a meeting to consider, Habitat for Humanity, on June 9, at 7 P.M. in the Commission Chambers.

Mr. Warren also brought to the Commission's attention a letter from the Director of Public Works, to property owners, regarding the mowing of right-of-ways.

#### Governing Body Agenda

Commissioner Matthews asked that some information concerning liquor by the drink be put on the agenda for the next study session. Specifically his interest included the results of the last vote concerning this issue, and when and how this issue could be brought to a vote.

Commissioner Jackson extended a request for tools and money for the Summer Youth Work Program, and brought to the Commissioner's attention that the Bicyclers Across Kansas would be in Ottawa on

June 11, 9 P.M., at the High School and had invited the community to a short ceremony.

Finally, Commissioner Jackson stated that 21 or 22 young people had signed up for the Youth Summit, which would be scheduled in the near future.

Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. The motion was seconded by Commissioner Cumiskey. All present voted in favor of the motion. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - June 16, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Joan Tyson. Absent Commissioner Matt Matthews. A quorum was present. Mayor Jackson 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 Cummiskey.

#### Approval of Minutes

The minutes of the regular meeting of June 2, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public. There being no one present wishing to address the Commission, Mayor Jackson closed the public comment portion of the meeting.

#### Presentations and Recognitions

Thereupon, the Commission recognized Jean Burgoon, Wastewater Plant Superintendent and Charles Talbott, Power Plant Maintenance Worker, for their 25 and 27 years of service to the City respectively and congratulated them upon their retirement.

#### Ordinances and Resolutions

##### Bill No. 93-68 - Annexing Land

Thereupon, there was presented an ordinance annexing land, to the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3069-93.

Bill No. 93-69 - Annexing 1124 West 15th

Thereupon, there was presented an ordinance annexing land, to the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3070-93.

Bill No. 93-70 - Water Service Agreement with North Arkansas Wholesale Co.

Thereupon, there was presented a resolution ratifying the execution of a water service agreement with North Arkansas Wholesale Co., Inc.

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

Thereupon, the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 739-93.

Bill No. 93-71 - Revenue Bond Refunding of Kansas Municipal Energy Agency

Thereupon, there was presented a resolution of the City of Ottawa, Kansas, consenting to the refunding of the Kansas Municipal Energy Agency Electric Power Supply Revenue Bonds, 1989 Series B, (Nearman Project) and confirming the obligations of the City under its Nearman power sales contract with the Kansas Municipal Energy Agency dated as of December 1, 1982, as amended.

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

Thereupon, the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 740-93.

Bill No. 93-72 - A Resolution Authorizing Temporary Notes for East 6th St.

Thereupon, there was presented a resolution authorizing the

issuance and delivery of \$66,455 principal amount of temporary notes, series 1993, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal improvements of the City; and prescribing the terms and details of said notes.

Thereupon, Commissioner Tyson made a motion to accept the bid from Peoples National Bank as low bidder for the temporary notes, at an interest cost of \$1,046.67 and an interest rate of 3.15%. The motion was seconded by Commissioner Cummiskey. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, Commissioner Jackson declared the motion duly adopted.

Thereupon, Commissioner Cummiskey made a motion to adopt Bill No. 93-72 as presented, the motion was seconded by Commissioner Tyson. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 741-93.

Bill No. 93-73 - Investment of Idle Funds

Thereupon there was presented a resolution authorizing the execution of master repurchase agreements for investment of idle funds.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to adopt the resolution. The resolution was considered and upon being put to the question all present voted in favor of the motion.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 742-93.

Bill No. 93-74 - A Resolution Extending the Term of Franchise to Operate a Cable Television System to CSI

Thereupon, there was presented a resolution finding and acknowledging that Communication Services, Inc., has met the requirements for extension of the term of the non-exclusive franchise to operate a cable television system in the City of Ottawa.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 743-93.

#### Reports by City Manager

Thereupon, City Manager, Dave Warren informed the Commission, that David Vague had signed a Deed which allowed the City to take over the building which had been previously occupied by the Boy's Club. Mr. Warren expressed that the building was in need of repairs and it was decided that the Commissioners would meet at the Boy's Club building, Monday, June 21, at 3 PM for a tour of the structure as part of the study session.

#### Monthly Financial and Activity Reports

Thereupon, there was presented the Monthly Financial & Activities reports for the month of May.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to accept the monthly financial and activity reports for the month of May. Upon being put to the question all present voted aye.

#### Governing Body Agenda

Mayor Jackson informed the Commission that Grace Albright had been appointed to the Band Committee. He reminded the Commission of the joint meeting with Franklin County at noon, and that the next regular meeting would be July 7, 1993 at 7:PM.

#### Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. The motion was seconded by Commissioner Tyson, and all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - July 7, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cumiskey, Tony Keim, Matt Matthews and Joan Tyson. A quorum was present. Mayor Jackson 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. Milan Lambertson, Retired.

#### Approval of Minutes

The minutes of the regular meeting of June 16, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public. Jan Montano, representing the Street Fest Committee for the Chamber of Commerce Retail Committee, addressed the Commission, asking that South Main Street from 2nd Street to 4th Street be closed between 5:00 a.m. and 6:00 p.m., and that 4th Street from Main east to the alley between Main and Hickory be closed between the hours of 5:00 a.m. and 10:00 p.m., July 31, 1993, for the purpose of conducting the annual street festival and sidewalk sale.

#### Request from Chamber of Commerce Retail Committee

Thereupon, Commissioner Cumiskey made a motion to approve the request of the Chamber of Commerce Retail Committee, to close South Main Street from 2nd Street to 4th Street, between 5:00 a.m. and 6:00 p.m., and 4th Street from Main Street east to the alley between Main and Hickory between the hours of 5:00 a.m. and 10:00 p.m., July 31, 1993, for the purpose of conducting the annual street festival, and sidewalk sale. The motion was seconded by Commissioner Tyson and upon being put to the question, all present voted aye.

#### Public Hearing

##### Unsafe and Dangerous Structure, 710 S. Cedar

Thereupon, Mayor Jackson opened the Public Hearing to comments. There being no one present wishing to address the Commission, Mayor Jackson closed the Public Hearing.

Unsafe and Dangerous Structure, 217 S. Cedar

Thereupon, Mayor Jackson opened the Public Hearing to comments. There being no one present wishing to address the Commission, Mayor Jackson closed the Public Hearing.

Bill No. 93-75 - Condemn Unsafe and Dangerous Structure, 710 S. Sycamore

Thereupon, there was presented a Resolution to condemn an unsafe and dangerous structure located at 710 S. Sycamore, in the City of Ottawa.

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

Thereupon the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 744-93.

Bill No. 93-76 - Condemn Unsafe and Dangerous Structure, 217 S. Cedar

Thereupon, there was presented a Resolution to condemn an unsafe and dangerous structure located at 217 S. Cedar, in the City of Ottawa.

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

Thereupon the Mayor declared said resolution duly passed, and the resolution was duly numbered, Resolution No. 745-93.

Bill No 93-77 - Regulation of Vehicular and Pedestrian Traffic

Thereupon, there was presented an Ordinance providing for the regulation of vehicular and pedestrian traffic, including vehicle parking, by the designation of various streets, alleys or portions thereof for business district, speed zones, school zones, through streets, one-way travel, traffic control device locations, restricted parking areas, and crosswalks.

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

Thereupon, the Mayor declared said ordinance duly passed, and the ordinance was duly numbered, Ordinance No. 3071-93.

Bill No. 93-78 - Additions to City Hall and Public Library

Thereupon, there was presented a Resolution authorizing the City of Ottawa, Kansas, to make certain additions to City Hall and the Public Library and authorizing the issuance of general obligation bonds of the City to pay a portion of the costs.

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

Thereupon, the Mayor declared said resolution duly adopted, and the resolution was duly numbered, Resolution No. 746-93.

Bill No. 93-79 - Engineering Service Agreement With Black & Veatch

Thereupon, there was presented a resolution authorizing an agreement with Black & Veatch for the purpose of engineering services for approximately 3 miles of twelve inch diameter water pipe and a 2.5 mgd package pumping station.

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

Thereupon, the Mayor declared said resolution duly adopted, and the resolution was duly numbered, Resolution No. 747-93.

Reports by City Manager

Thereupon, City Manager, Dave Warren, informed the Commission that W. A. Dunbar Construction Co. of Lawrence, Kansas, was the apparent low bidder. Their bid was \$50,000 below the Engineer's estimate and \$35,000 below the next high bidder.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim, to accept the bid of W. A. Dunbar Construction Co., of Lawrence, Kansas, for Main Street resurfacing (KLINK 1R Project 30 U-1430-01). Upon call for the question, all present voted aye.

Governing Body Agenda

Thereupon, Mayor Jackson, informed the Commission, the first Town

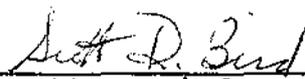
Hall Meeting was held June 24, 1993. Mayor Jackson stated he felt the meeting was well attended, there were good questions, good comments, and he felt the people have a good or better understand of Economic Development. The next meeting will be in August, and the subject will be Housing.

**Next Regular Meeting**

The next regular meeting will be July 21, 1993, at 9:30 a.m.

**Adjournment**

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment, the motion was seconded by Commissioner Matthews, and all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - July 21, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cumiskey, Tony Keim, Matt Matthews and Joan Tyson. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Father Mike Mullen, of Sacred Heart Church.

#### Approval of Minutes

The minutes of the regular meeting of July 7, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Mary Anne Whiteford, 904 Cedar, President of the Ottawa Community Area Arts Council, invited the Commission and the Public to the dedication of the downtown Mural, July 31, at 4:15 PM, with a reception to follow at 4:30 to 6:00 PM, for Jo Flager and all others who worked on the project.

There being no one else wishing to address the Commission, the public comments were closed.

#### Presentations and Recognitions

Thereupon, Mayor Jackson read a proclamation honoring Alex Wendler for participating in the Twentieth Annual All-Star Shrine Bowl football game, and proclaimed, Saturday, August 7, 1993, as Alex Wendler day, in Ottawa, Kansas.

Thereupon, the Commission recognized the retirement of Don Atchison, Power Plant Maintenance Coordinator, for his service to the City since 1963.

#### Ordinances & Resolutions

Bill No 93-80 - Acceptance of Proposal From Devore & Associates, Architects

Thereupon, there was presented a resolution authorizing the acceptance of a proposal from Devore & Associates, Architects, for architectural services for structural repair and renovation work on the Ottawa Municipal Auditorium.

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

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered, Resolution No. 748-93.

#### Bill No. 93-81 - Authorizing Reservation of Park Facilities

Thereupon, there was presented a resolution authorizing reservation of park facilities of the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 749-93.

#### Request from Ottawa Community Arts Council

Thereupon, Mary Anne Whiteford presented a request from the Ottawa Community Area Arts Council, to be allowed to use the Band Stand and the area north of the Band Stand in City Park, for the purpose of putting on a production of "Hatfull of Dreams" August 12, 13, 14 & 15. Ms. Whiteford explained that they would need some of the area for putting on the production and needed electricity provided by the Band Stand.

Thereupon, Commissioner Cummisky made a motion which was seconded by Commissioner Matthews to allow the request. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared the request approved.

#### Reports by City Manager

Thereupon, the City Manager informed the Commission that the KMEA Power Supply Bond Issue Refunding was executed at a saving of \$332,623, well above the \$250,000 which was estimated as a minimum savings. The City's share of that savings being 26.7 percent,

amounts to approximately \$88,700 in present value savings.

Mr. Warren also presented for consideration at a future study session regulations on a transportation enhancement program.

Lastly Mr. Warren presented a letter to the County Commissioners in support of the tax abatement for the Wal Mart Distribution Center. With minor corrections the letter was accepted.

#### Monthly Financial and Activities Report

Thereupon, there was presented the Monthly Financial and Activities reports for the month of June.

Thereupon, Commissioner Cummisky made a motion which was seconded by Commissioner Tyson to accept the report. Upon being called for the question, all present voted aye.

Thereupon, the Mayor declared the Monthly Financial and Activities report accepted.

#### Governing Body Agenda

Thereupon, the Mayor reminded the Commission of the Budget Study Session immediately following the regular session also of the Joint City/County Luncheon Meeting, to be held this date at Noon, and that the next regular meeting of the Ottawa City Commission will be August 4, 1993, at 7:00 PM.

#### Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion for adjournment. The motion was seconded by Commissioner Keim. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - August 4, 1993

The City Governing Body met in regular session at the Ottawa Middle School Multi-Purpose Room at 7:30 PM this date: The following members being present and participating to wit: Mayor Richard Jackson and Commissioners Matt Matthews, Vicki Cummiskey and Tony Keim. A quorum was present. Mayor Jackson called the meeting to order and led the Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Rev. Paul Winkler, of the North Baptist Church.

Commissioner Tyson arrived at 7:37 PM.

#### Approval of Minutes

The minutes of the regular meeting of July 21, 1993, were approved as written.

#### Ordinances and Resolutions

Bill No. 93-82 - Authorizing Grant Agreement No. With the State of Kansas Department of Commerce and Housing

Thereupon, there was presented a resolution authorizing Grant Agreement No. 93-PF-054 with the State of Kansas Department of Commerce and Housing for a community improvement project through the Small Cities Community Development Block Grant Program.

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

Thereupon, the Mayor declared said resolution duly passed and the resolution was duly numbered, Resolution No. 750-93.

#### Public Hearing

Thereupon, the Mayor opened the Public Hearing for the 1994 Budget. Thereupon, City Manager Dave Warren gave a synopsis of the budgeting process. Thereupon, the Mayor asked for comments from the public.

Thereupon, Mr. Orlin W. Smith, 1247 S. Elm, expressed concern regarding the reduction in the mill levy which is to be provided to the Auditorium Fund. Mr. Smith pointed out that in the middle 1970's, the community had held an election which provided for 1 1/2 mills for the Auditorium, and Mr. Smith expressed that the results of that election had not changed. Mr. Smith further questioned the need of the Contingency Reserves, as provided for in the 94 budget. He stated that for 26 years these amounts were budgeted within the various department line items.

Thereupon, the Mayor asked the City Manager to explain the Contingency Reserves and the rationale behind them. Mr. Warren explained, that there are different philosophies involved in budgeting and that the philosophy Mr. Smith expressed was different than that of his own, which calls for the budget to be set at realistic amounts for measurable targets of expenditure, and that funds that are not immediately known should be held in reserve for emergencies.

Thereupon, Mr. George Ledom, City Engineer, Retired, 212 West 7th St., stated that when he worked for the City, he worked with a line item budget, and expressed concern over the large Contingency Reserves in the current budget. Mr. Ledom also expressed concern over the amount of participation that the Department Heads had in the budgeting process, and whether or not Contingency Reserve requests were put before the City Commission.

Thereupon, Commissioner Cummiskey asked to go on record as expressing concern over the Contingency Reserves.

There being no further comments, the Mayor closed the Public Hearing.

#### Governing Body Agenda

Thereupon, Commissioner Cummiskey reported that 6 youth from the Mayor's Youth Summit and 6 adults had attended a tour of the Genesis Alternative School. This tour was part of a study to combat teenage pregnancy and teenage drug and alcohol abuse. Commissioner Cummiskey noted that during the tour they were able to witness a mock trial, visited with the person in charge of the Teenage Pregnancy Program, and felt they had brought back some ideas which would be applicable to the local needs.

Mayor Jackson announced that the Summer Youth Program would be drawing to a close on Friday, August 6, and would finale with a picnic for the youth, their parents, local sponsors and the City department heads.

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - August 9, 1993

The City Governing Body met in special session at the Commission Chambers in City Hall at 7:00 PM this date: The Mayor called the meeting to order and asked the Clerk to read the roll. The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Joan Tyson, absent Commissioner Matt Matthews. A quorum was present. Thereupon, Mayor Jackson explained that the purpose of this special meeting was to deal with the termination of City Manager, David E. Warren. Mr. Jackson explained that the Commission reached this decision after having met in Executive Session earlier in the day.

Thereupon, Commissioner Keim made a motion to terminate the employment of David E. Warren, effective immediately upon the conclusion of this Special Session. The motion was seconded by Commissioner Cummiskey. Upon being called for the question, the vote was as follows: Commissioner Keim yea, Commissioner Cummiskey yea, Commissioner Tyson yea, Mayor Jackson, yea.

Thereupon, the Mayor declared the motion adopted.

Thereupon, the Mayor read a statement from the Commissioners as follows: The City Commission has met in special session, and after much consideration and evaluation, the Commission has voted to terminate its employment relationship with City Manager, David E. Warren. This action is taken pursuant to K.S.A. 12-1011, which states in part that the City Manager shall hold his office "At the pleasure of the Board." In accordance with the contract between the City and Mr. Warren he is entitled to severance pay and other benefits.

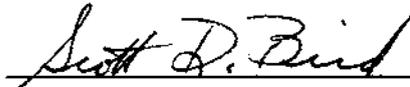
During the City's tenure with Mr. Warren, Ottawa has seen significant progress. Highlights of this include the attraction of Walmart distribution center, business attraction in general, waste water treatment programs, and housing initiatives. However, it is the feeling of this commission that the interests of the future of Ottawa would best be served with new leadership. The Commission believes that Mr. Warren's termination was caused by diminished, inaccurate, internal and external communications resulting in the lack of employee, Commission and community trust. These actions have stymied efficient and effective government.

The Commission has asked Scott Bird, and Jeff Herrman to assume the duties of acting City Manager.

A search for a new City Manager will proceed immediately.

Adjournment

There being no further business to come before the City Commission, Commissioner Tyson made a motion to adjourn the meeting. The motion was seconded by Commissioner Keim. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - August 18, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9.30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cumiskey, Tony Keim, Matt Matthews and Joan Tyson. A quorum was present. Mayor Jackson 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 Keim.

#### Approval of Minutes

The minutes of the Regular Meeting of August 4, 1993, and the Special Session of August 9, 1993, were approved as written. Thereupon, the Mayor opened the meeting to comments from the public. There being no one wishing to address the Commission, Public Comments were closed.

#### Presentations and Recognitions

Thereupon, Mayor Jackson read a Proclamation, congratulating and commending Bethany Chapel Baptist Church on its 126th Anniversary, and called upon the citizens of Ottawa to join in the celebration.

Thereupon, the Mayor read a Proclamation, honoring four citizens, Mr. Gary Rose, Mr. Wayne Kieffaber, Mr. Joseph P. Hughes and Mr. Larry Fox, for coming to the assistance of Police Officer Bobbie Hawkins on August 16, 1993.

#### Ordinances and Resolutions

Bill No. 93-83 - Rezoning Property Located at 1042 West 15th

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 the Ordinance No. 2399-90 of the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said ordinance duly passed, and the ordinance was duly numbered, Ordinance No. 3072-93.

Bill No. 93-84 - Satellite Dish Antennas

Thereupon, there was presented an ordinance concerning satellite dish antenna amending Ordinance No. 2933-90 of the zoning ordinances of the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said ordinance duly passed and the ordinance was duly numbered, Ordinance No. 3073-93.

Bill No. 93-85 - Amending Article 1 of Chapter XIII of the Municipal Code

Thereupon, there was presented an ordinance providing certain deletions, additions, amendments and substitutions in Article 1 of Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to traffic regulations, and providing for incorporation of said deletions, additions, amendments and substitutions into the Municipal Code of the City of Ottawa, 1982; and repealing Ordinance No. 3015-92.

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

Thereupon, the Mayor declared said ordinance adopted and the ordinance was duly numbered, Ordinance No. 3074-93.

Bill No. 93-86 - Rights of Victims

Thereupon, there was presented a resolution of the City of Ottawa, Kansas, concerning rights of victims of certain city ordinance violations; delineating the rights of victims and establishing procedures for assuring the rights of victims of said violations.

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

Thereupon, the Mayor declared said resolution duly adopted, and the resolution was duly numbered, Resolution No. 751-93.

Reports by City Managers

Thereupon, there was presented a Staff Advisory from Public Works Director, Andy Haney, concerning the KLINK Resurfacing project,

between 5th & 7th Streets on Main Street. Mr. Haney advised that the curb and gutter between 5th & 7th Streets in the KLINK improvement project was in need of replacement and that the estimated expense for full replacement of curb and gutter along this section would be \$8.75 a linear foot, for a total of \$16,747.50.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Matthews that the replacement of said curb and gutter be approved. The motion was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared said motion duly adopted.

#### Monthly Financial and Activities Report

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to accept the Monthly Financial and Activities Report. Upon being put to the question all present voted aye.

#### Governing Body Agenda

Thereupon, Mayor Jackson asked for input from Staff and Citizens concerning the search for a new City Manager. He further asked for patience concerning the downtown Main Street resurfacing project. Mr. Jackson then announced that the City had been notified that Allied Signal Aerospace Co., would be closing its facility in the next 6 to 9 months.

#### Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. The motion was seconded by Commissioner Tyson. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - September 1, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cumiskey, Tony Keim and Joan Tyson. Absent Commissioner Matt Matthews. A quorum was present. Mayor Jackson 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. Lucille Barb, of the Trinity United Methodist Church.

#### Approval of Minutes

The minutes of the regular meeting of August 18, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Thereupon, Mr. Orlin W. Smith, 1247 South Elm, asked the Commission to work towards approving an appropriate amount of dollars, in the revised 1994 budget, and let the mills fall where they will. Mr. Smith suggested that they look to levy the dollars that were similar for the 1993 Budget. Mr. Smith pointed out that mills are somewhat erroneous, in that their value is fluctuating. He further pointed out that the City coffers are in need of funds. Mr. Smith also asked the Commission not to release the names of candidates for the City Manager's position until the final decision had been made. Mr. Smith's concern was that some candidates might disqualify themselves rather than take a risk of their current employer knowing that they are looking for a new position.

Next to address the Commission was Mr. Charles Gillette, 1639 Willow. Mr. Gillette spoke in favor of the 15th & 17th Street projects, stating that it is his belief that these (2) two projects are essential for the economic health of the community. Mr. Gillette stated that the delay of the Wolf Creek project and the Walmart Distribution project should encourage Ottawa to promote housing development. Mr. Gillette continued by saying, that it is his belief that these projects should be developed with City at large funds. Mr. Gillette also stated that it is his belief that if names of candidates for City Manager were released that, that act would shorten the field of candidates.

Next to address the Commission was Mr. Lou Atherton, 1802 South Ash. Mr. Atherton stated that he had served as a Commissioner in the past and that he too was concerned about the thrust to maintain the Mill Levy as it was, and if the City needs the funds, then the

Mill Levy should be increased. Mr. Atherton also spoke to the issue that names of candidates for City Manager should be kept private. Mr. Atherton also endorsed the Rails-to-Trails project, the Kanza Park project, and thanked the Commission for going ahead with the 17th St. study.

There being no else wishing to address the Commission, thereupon, the Mayor closed Public Comments.

#### Communications

##### Kansas Department of Wildlife and Parks Grant Endorsement Application

Thereupon, there was presented a letter to the Kansas Department of Wildlife and Parks endorsing their grant application for improvement of the trail on the abandoned Atchison, Topeka and Santa Fe Railroad between Ottawa and Garnett.

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

##### ISTEA Grant Application

Thereupon, there was presented a recommendation to the Commission that the City of Ottawa, apply to the Kansas Dept. of Transportation for grants to improve the asphalt tract at Kanza Park.

Thereupon, Commissioner Cumiskey made a motion which was seconded by Commissioner Tyson to direct the Public Works Director to submit the ISTE A Grant Application. The motion was considered and upon being put to the question all present voted aye.

Thereupon, there was presented a recommendation to the Commission that the City of Ottawa, submit an application to the Department of Transportation for an ISTE A Grant to Improve the abandoned Railroad Right of Way within the City Limits with an asphalt surface.

Bucher, Willis and Ratliff, the City's planning consultant, estimated construction costs at \$153,980, of which the City would be responsible for \$39,431.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to authorize the Mayor and the Director of Public Works to execute the documents appropriate for making the Grant application. The motion was considered and upon being put to the question all present voted aye.

Application for KLINK Resurfacing From Main Street Bridge to 5th Street

Thereupon, there was presented a recommendation that the City of Ottawa make an application for KLINK Resurfacing from Main Street Bridge to 5th Street. The estimates for this project were developed by Cook, Flatt and Strobel at a total estimated cost for improvement of \$212,430 of which the City would be responsible for 50%.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim, to direct that the application be submitted. The motion was considered and upon being put to the question all present voted aye.

17th Street Engineering Study

Thereupon, there was presented a proposal by Mr. Gary Shofner of Cook, Flatt & Strobel, for engineering services associated with the 17th St. Improvement Study. The proposal included a surface cost of \$9,850, with a credit of \$4,500, provided Cook, Flatt & Stobel be selected to provide design and plan preparation surfaces for the project.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to authorize the engineering study. The motion was considered and upon being put to the question all present voted aye.

Reports by City Manager

Acting City Manager Jeff Herrman reported that Staff continued to work on the budget and it was expected to be delivered to the Commission by the end of the week.

Governing Body Agenda

Thereupon, Commissioner Keim made a motion that the Mayor, Mayor Pro tem and Commissioner Tyson be appointed as voting delegates for the upcoming League Meetings, to be held in the Kansas City/Overland Park area.

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

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson, that Commissioners Matthews and Keim and

Acting City Manager Scott Bird, be appointed alternate voting delegates for the upcoming League Meeting. The motion was considered and upon being put to the question all present voted aye.

Thereupon, Mayor Jackson announced that to date 21 applications for the City Manager's position had been received and that they were coming in from many parts of the country.

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Thereupon, Mayor Jackson announced there would be no Study Session next week, due to the holiday.

#### Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. The motion was seconded by Commissioner Cumiskey. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - September 15, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Matt Matthews, and Joan Tyson, absent none. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Lucille Barb, of the Trinity United Methodist Church.

#### Approval of Minutes

The minutes of the regular meeting of September 1, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Thereupon, Don Kornhaus, 522 S. Willow, & Kenneth Nichols representing the local VFW and local American Legion, brought to the Commission's attention a problem which occurs on days when the American Flags are placed downtown and at the cemeteries. Their main concern was the flag at the corner of 2nd and Main. Mr. Kornhaus said he personally witnessed a youth break the pole that supported the flag at 2nd and Main on Memorial Day and again the pole was broken and bent when the flags were displayed for Labor Day. Mr. Kornhaus asked the Commission for ideas to remedy the vandalism, but also expressed concern for the disrespect given to the American Flag.

Next to address the Commission was Mr. Merle Taylor, 725 Cypress St., Mr. Taylor asked what should be done with brush and trash if burning is banned, since the local trash haulers refuse to haul large amounts of brush. Ottawa Fire Chief Richard Towe, explained that a permit could be obtained from the Fire Dept. to burn brush and scrap lumber. Mr. Taylor further expressed concern that he would not have an area appropriate for burning such material openly.

Next to address the Commission was Sue McFadden, 328 North Cherry, who expressed concern over the burning issue, and stated that she attempted to keep her property clean and clear of trash and that eliminating burning would create an undue hardship.

There being no one else wishing to address the Commission, the public comments portion was closed.

Ordinances and Resolutions

Bill No. 93-87 - No Burning Ordinance

Thereupon, there was presented an ordinance providing a certain amendment in Chapter IX of the Municipal Code of the City of Ottawa, 1982, specifically Section 9-112 of said code, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey, to adopt the resolution. The ordinance was considered and during discussion Commissioner Keim suggested that the City control those who do use trash burners, rather than establishing a blanket policy at this time.

Commissioner Tyson asked that the City's policy not be changed at this time.

Commissioner Matthews stated that he would vote yes and cited cases where children had been hurt as a result of trash fires, and expressed concern for the danger to homes and pollution.

Commissioner Cummiskey stated that it was her belief that a ban on burning would be eventual whether it is City mandated or mandated at another level, and expressed appreciation to Chief Towe for his recommendation of this matter.

Mayor Jackson stated that there were too many questions unanswered. Such as, how many citizens actually burn and how many of those pick up and dispose of the residue, and what an additional hauling cost would do to those on fixed incomes? Mr. Jackson also cited that, some of the Cities who have banned burning have their own trash pickups.

Upon being put to the question the vote was as follows, Commissioner Keim, no, Commissioner Matthews, yes, Commissioner Tyson, no, Commissioner Cummiskey, yes, Mayor Jackson, no.

Thereupon, the Mayor declared that Bill No. 93-87 had not passed.

Bill No. 93-88 - Agreement with State of Kansas

Thereupon, there was present Bill No. 93-88, a resolution authorizing the execution of an agreement with the State of Kansas through the Dept. of Commerce and Housing.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 752-93.

Bill No. 93-89 - Execute Contracts of Water Transmission Main  
- Wal-Mart Distribution Center.

Thereupon, there was presented Bill No. 93-89 a resolution authorizing the City Manager to execute contracts that may be required for the completion of the water transmission main to serve the Wal-Mart Distribution Center.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 753-93.

Bill No. 93-90 - Procedures for Declarations of Official  
Intent

Thereupon, there was presented a Bill No. 93-90 a resolution establishing procedures for making declarations of official intent in the City of Ottawa, Kansas for the purpose of complying with certain regulations under the internal revenue code.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 754-93.

#### Reports by City Managers

Acting Co-manager Scott Bird, reported that there had been a memo distributed to the Commissioners which addressed the City Attorney situation.

#### Monthly Financial and Activities Report

Thereupon, Commissioner Cumiskey made a motion which was seconded

by Commissioner Tyson to accept the monthly financial and activities report for the month of August. Upon being put to the question all present voted aye.

#### Governing Body Agenda

Thereupon, Mayor Jackson declared that to date 56 applications for the city managers position had been received and stated that the city attorney situation needed to be dealt with in the near future.

Commissioner Matthews stated, it was his understanding that a city attorney needed to be an elector and using a law firm did not fall into that definition. Co-manager Scott Bird, explained that the City could have a city's attorney as opposed to appointing an office of city attorney. Co-manager Jeff Herrman, explained it would be the co-manager's position to hire an attorney for the city as an expert, and not have someone in the position of city attorney.

Mayor Jackson announced that the next regular scheduled meeting would be October 6, 1993 at 7 P.M. in the Ottawa Middle School Multi-Purpose room.

#### Adjournment

There being no further business to come before the Governing Body, Commissioner Tyson made a motion, which was seconded by Commissioner Keim to adjourn the meeting. Upon being put to the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - October 6, 1993

The City Governing Body met in regular session at the Ottawa Middle School Multi-purpose Room at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson and Matt Matthews. A quorum was present. Mayor Jackson 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. Fred Schaeffer, of the First Christian Church.

#### Approval of Minutes

The minutes of the regular meeting of September 15, 1993, were approved as written.

#### Presentations and Recognitions

Thereupon, Mayor Jackson read a proclamation declaring October 18 through October 22 as Operation COURAGE Week, in Ottawa, Kansas and encouraged all citizens and community leaders to support the mission carried out by the Franklin County Chapter of American Medical Assistance, Franklin County Unit of American Council Society, and the American Association of Medical Assistance, in their fight against breast cancer.

Thereupon, Mayor Jackson read a proclamation declaring November 6, 1993, as Parents University Day, in Ottawa, Kansas and urged all citizens and community leaders to support the mission carried out by the Parents University, through the promotion of children and families as a priority in the City of Ottawa, Kansas.

Thereupon, Mayor Jackson read a proclamation declaring October 10 through October 16 as Kansas Community and Education Week, in recognition and appreciation of Kansas Association Family and Community Education Members contribution to the State of Kansas. All residents were urged to take proper cognizance of enriching Kansas families through educational programs, leadership development and community services.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to general comments from the public.

Thereupon, Mr. Ray Cummiskey, President of the Ottawa Municipal Auditorium Board, spoke in favor of the proposed improvements to the Auditorium and expressed his displeasure regarding the comments in the October 5th, Ottawa Herald, made by Commissioner Matthews.

Mr. Cummiskey encouraged the Commission to continue to support the Auditorium.

#### Communications

Thereupon, there was presented a letter from Ottawa University requesting permission from the Governing Body to hold their second O.U. 5K Fleet Feet Run.

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

Thereupon, there was presented a request from the Ottawa Swim Club to use Forest Park on November 7, 1993, for a rollerblade race.

Thereupon, Commissioner Keim made a motion that the request be approved, provided the Ottawa Swim Club show proof of insurance, naming the City of Ottawa as an additionally insured party. The motion was seconded by Commissioner Tyson. The request was considered and upon being put to the question, all present voted aye.

Thereupon, there was presented a request from Ottawa University to hold their Homecoming Parade on Saturday, October 9, 1993, at 10 a.m.

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

Thereupon, there was presented a request from Ottawa High School to hold their annual Homecoming Parade and pep rally from 6 to 7 p.m., Wednesday, October 13, 1993.

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

Thereupon, there was presented a request from the Ottawa Jaycees to use Forest Park on October 23, 1993, for their St. Jude Bike-a-thon.

Thereupon, Commissioner Tyson made a motion that the request be approved conditional on presentation of liability insurance. The motion was seconded by Commissioner Keim. The request was

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

#### Public Hearings

Thereupon, Mayor Jackson opened a Public Hearing to consider the 1994 Budget. During his opening remarks, Mayor Jackson explained that the 99 page version of the budget, included 37 pages of information including personnel schedules and budget narratives for the various departments. In addition, Mayor Jackson expressed that it was his feelings that two hours at a time were ample to study the budget, but had there been a need for more time, the Commission would have gladly granted such a request, and finally that the additional information provided in the latest budget was important information that the Commission needed to analyze the various budgets adequately .

Thereupon, Mayor Jackson asked Finance Director Scott Bird, to explain the budget process. Mr. Bird explained that on August 9, the Commission had rejected the budget which had been prepared up to that time, and sent it back to the staff. He further explained that staff had worked together with the Acting City Managers to develop a budget, that the budget had been reviewed as a group and cut 7 percent, at which time it was presented for the Commission's consideration.

Thereupon, Mayor Jackson opened the meeting to comments from the public and asked that those comments be held to a five minute time limit.

Thereupon, Mr. Pete Smith spoke in favor of the proposed 1994 Budget, expressing his understanding that the City was trying to get the same dollars that they had for 1993, and that the reason the mill levy was going up was a result of the fact that the assessed valuation formula had dropped on residential property from twelve to eleven and one half percent and on commercial property from thirty to twenty five percent. Mr. Smith also asked the Commission not to borrow from the enterprise funds to support the taxing funds and to please adopt the proposed budget.

Thereupon, Mr. Wayne Sylvester addressed the Commission and asked why the 1994 Budget as published in the Notice of Public Hearing, showed an almost 30 percent increase in expenditures. Mr. Sylvester specifically asked about the Economic Development fund, the Street Rehabilitation fund, and the Equipment Reserve fund. Mr. Bird explained that it was the City's practice to appropriate funds which were expected to be available but that it had been the City's practice and tradition that not all funds appropriated would be expended.

Thereupon, Wanda Durbin spoke in opposition to the budget increase, stating she felt there were too many raises and asked if the Dept. Heads knew what was going on. Mrs. Durbin further said ,no, to the Auditorium and suggested that the budget be simplified.

Thereupon, Mr. Jim Grogan questioned the need for the number of people at City Hall, and asked the Commission to take a look at those numbers. Mr. Grogan questioned the need for a Zoning Director and the need for a Personnel Officer, and suggested the City Clerk take on the duties of the Personnel Director.

Thereupon, Mr. Dewey Cook addressed the Commission in support of the Auditorium expressing his belief that the Auditorium did indeed need a fly loft, that the old fly loft was over stressed and that the roof would be unable to continue to support the old fly loft. He reminded the Commission that voters had approved the remodel and a set mill to keep the building maintained.

Thereupon, Mr. Ray Cumiskey addressed the Commission expressing his belief that the Auditorium needed repairs and support. He further commended the Commission and Staff for the second budget process and suggested that it was time to put the Budget behind them, to approve it, and move on.

Thereupon, Mr. Lou Atherton addressed the Commission, stating that he understood Commissioner Matthews stand on "No New Taxes" however, he reminded the Commission that a mill levy was a very poor indicator. Mr. Atherton then asked to provide the Commission with a twelve year history of mill levies for City, County, School and State. Mr. Atherton stated that the City could not continue to hold the mill levy without some injection in the community and that people who invest in the community look at public services. Mr. Atherton asked the Commission to continue with the proposed budget.

Thereupon, Mr. Charles Gillette noted that the State had made a change in valuation and that the proposed budget does not show a drastic increase in dollars, and Mr. Gillette reminded it takes dollars not mills to run a budget. He expressed that the Department Heads had done well and encouraged the Commission to adopt the proposed budget.

Thereupon, Mr. Earl Devore commended the staff and reminded that many expenses were a result of mandates from Federal and State Governments. He expressed that the Auditorium was a fine facility but it had some problems that should be addressed. Finally, Mr. Devore encouraged the Commission to recognize the need for Economic Development, and stated that it is his belief that no better investment could be made than Economic Development.

Thereupon, Mr. Earl Mendell voiced protest against the budget, stating he was well aware of the need for dollars but that the Community would be faced with additional taxes concerning the proposed transfer station by the County.

Thereupon, Mr. Cal Lantis spoke in support of the budget, stating that the proposed budget did not increase spending but held it at the current level and expressed his belief that we should not be holding still, but moving forward. Mr. Lantis expressed that it was his belief that services and number of employees could not be cut without effecting services, and that he took exception to the comments made about City employees. He expressed his appreciation to those employees, and said that the raises they are to get will not keep up with the cost of living. Mr. Lantis urged the Commission to pass the proposed budget.

Thereupon, Mr. Charles Ratliff stated that he did not understand how the valuation of his house had gone up \$12,000.

Thereupon, Mayor Jackson thanked the audience for their comments and asked for comments from the Commission.

Thereupon, Commissioner Matthews commented that he had heard it mentioned several times that this budget only increased the dollars on property taxes by \$1,000, but he reminded that the 3.41 mills equated to \$100,000. He also commented on the fact that when the budget was originally distributed, it included a potential of 10.5% pay increase for some employees, and that had been scaled down to a possible 6.5%, and that he did not know many people who were eligible for 6.5%. Mr. Matthews further expressed concern over the need for a fly loft and asked whether or not the building would collapse if the fly loft was not improved, and that it was his belief that the Auditorium did need a new roof and the pump in the basement.

Thereupon, Commissioner Tyson explained that if the mill levy had been kept constant that tax revenues would have generated \$100,016 less than they did for budget year 1993. In addition Commissioner Tyson expressed her support for the Auditorium and stated there are few places in the country where auditoriums of this type are totally self sufficient. Commissioner Tyson said that it was of extreme importance that City buildings be kept in good shape.

Thereupon, Commissioner Cummiskey expressed her appreciation to those in the audience for not only attending but for expressing, their opinions. Commissioner Cummiskey directed the audiences attention to the Taxing Fund Analysis that was distributed by staff. She explained that it was this type of information that caused the Commission to reject the budget as prepared by the

previous administration, and that the Commission had worked with the City staff to overcome the City's precarious situation. Commissioner Cumiskey stated it was time to stop robbing Peter to pay Paul and that while the City was not out of the woods yet, the City's proposed budget was directed towards the long term interest of the City. Commissioner Cumiskey noted that three of the Commissioners had just returned from the Kansas League of Municipalities meeting, and that information gathered there by herself and Commissioner Tyson showed that employee salaries were right in line with other communities, and that in order to recruit and retain competent employees it is necessary for the City of Ottawa to be competitive.

Thereupon, Commissioner Keim explained that at best a budget is a prediction, and that the City operating funds could not continue in the way they had been. Commissioner Keim further expressed a need to maintain City buildings to the best of our ability. Commissioner Keim stated that he knew of several City employees who had not received a pay increase in several years, and it was his belief the City could afford to take care of those who take care of the City.

Thereupon, Co-City Manager Jeff Herrman explained that the 10.5% possible wage increase was only available to a few employees, and that in fact very few would realize such an increase. Chief Herrman explained that in his own department employees received an average of 1.39% salary increase, in the past years, and emphasized that employees did not receive an automatic across the board 4% merit raise.

Thereupon, Mayor Jackson commended the Co-City Managers and their staff for putting together the budget and expressed his satisfaction in the way the staff was conducting City business. He reiterated Commissioner Keim stance that the City was an employer and thereby had an obligation to act as a responsible employer. Mayor Jackson further explained that the time for Commissioners to question the budget is during the study sessions, and that if there had been concerns beyond that, time would have been made or could have been made to address those concerns. Mayor Jackson asked the Commission to work together in harmony with team work and if there are problems they should be addressed to fellow Commissioners. In addition, Mayor Jackson suggested that if citizens had concerns or questions, he hoped they would feel free to contact City Staff and the acting City Managers to receive responses to their concerns and questions.

Thereupon, Mayor Jackson closed the public hearing for the 1994 Budget.

Bill No. 93-95 - Approving the 1994 Budget

Thereupon, there was presented an ordinance appropriating the amounts provided in each fund in the budget for the year 1994; 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 1994.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the ordinance. The ordinance was considered and upon being put to the question passed by the following vote: Commissioner Cummiskey yea, Commissioner Tyson yea, Commissioner Keim yea, Commissioner Matthews nay, Mayor Jackson yea.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3079-93.

Bill No 93-91 - Canopies, Awnings and Marquees

Thereupon, there was presented an ordinance concerning canopies, awnings and marquees amending Ordinance No. 2933-90 of the Zoning Ordinances of the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to adopt the ordinance. The ordinance was considered and upon being put to the question, all present voted yea.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3075-93.

Bill No. 93-92 - Establishing a Water Conservation Plan

Thereupon, there was presented an ordinance establishing a water conservation plan; authorizing the declaration of a water emergency; establishing voluntary and mandatory conservation measures authorizing the issuance of administrative regulations; and prescribing certain penalties.

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

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3076-93.

Bill No. 93-93 - Temporary Notes - to Pay the Cost of Special Improvement Project No. 9305.1

Thereupon, there was presented an ordinance authorizing and providing for the issuance of temporary notes of the City of Ottawa, Kansas, in an amount not to exceed \$76,266, to pay the cost of Special Improvement Project No. 9305.1.

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

Thereupon the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3077-93.

Bill No. 93-94 - Annexing Land to the City of Ottawa, Kansas

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the ordinance. The ordinance was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3078-93.

Bill No. 93-96 - Levying Ad valorem Taxes for 1993

Thereupon, there was presented a resolution levying ad valorem taxes for 1993.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote, Commissioner Tyson yea, Commission Keim yea, Commissioner Cummiskey yea, Commissioner Matthews nay and Mayor Jackson yea.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 755-93.

Bill No. 93-97 - Establishing an Account with State Municipal Investment Pool

Thereupon, there was presented a resolution authorizing the establishment of an account in the name of the City of Ottawa,

Kansas, with the State Municipal Investment Pool for the purpose of transmitting local funds for investment by the State in the Municipal Investment Pool.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 756-93.

Bill No. 93-98 - Authorizing a "Levelized Payment Plan"

Thereupon, there was presented a resolution authorizing a "levelized payment plan" for the benefit of residential customers to budget for utility bills.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 757-93.

Bill No. 93-99 - Authorizing Certain Alterations, Repairs and Replacements and to Install Certain Equipment into Certain Public Buildings

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas, to make certain alterations, repairs and replacements and to install certain equipment into certain public buildings in the City of Ottawa, Kansas, and authorizing the issuance of general obligation bonds of the City to pay the costs thereof.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote, Commissioner Cumiskey yea, Commissioner Tyson yea, Commission Keim yea, Commissioner Matthews nay, and Mayor Jackson yea.

Thereupon the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 758-93.

Bill No. 93-100 - Amending the Policies Concerning Employment

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 which was seconded by Commissioner Cummiskey to adopt the resolution. The resolution was considered and upon being put to the question all present voted yea.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 759-93.

Bill No. 93-101 - Amending Employee Classification and Pay Plan

Thereupon, there was presented a resolution amending the City of Ottawa Employee Classification and Pay Plan by deleting Section 7, Merit Pay Increases and substituting a new Section 7, Merit Pay Increases.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote: Commissioner Keim yea, Commissioner Matthews nay, Commissioner Tyson yea, Commissioner Cummiskey yea and Mayor Jackson yea.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 760-93.

Bill No. 93-102 - Agreement for Services for a Community Improvement Project Under Kansas Small Cities Community Development Block Grant Funds for Handicapped Accessibility for the City Hall and Library

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute certain documents pertaining to an agreement for services for a community improvement project under the Kansas Small Cities Community Development Block Grant funds for handicapped accessibility for the City Hall and Library.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 761-93.

Reports by City Manager

Thereupon, there was presented a proposal for Street Rehabilitation, specifically mudjacking at the cost of \$10,800 for certain streets within the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim, directing the City Managers to execute the contract for mudjacking. The motion was considered and upon being put to the question all present voted aye.

Thereupon, there was presented a Cereal Malt Beverage License for Roe - Williams, Inc. dba Short Stop #85, 2243 Princeton, Ottawa, Kansas.

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

Adjournment

There being no further business to come before the City Commission, Commissioner Keim made a motion for adjournment. The motion was seconded by Commissioner Cumiskey. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



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Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - October 20, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Fred Schaeffer, of the First Christian Church.

#### Approval of Minutes

Thereupon, the minutes of the regular meeting of October 6, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

There being no one wishing to address the Commission, Mayor Jackson closed the public comments.

#### Presentations and Recognitions

Thereupon, the Commission recognized Brad Stevenson, Karen Hotaling, Carol Price and Jeff Carner, each for 10 years of service with the City of Ottawa, and recognized Lester Wells of the Public Works Dept. for 40 years of service with the City of Ottawa.

#### Proclamations

Thereupon, the Mayor read a proclamation declaring November 21 to November 28, 1993, as National Bible Week, and urged Ottawans to participate by reading the Bible and discovering its importance.

Thereupon, the Mayor read a proclamation declaring October 24 to October 30, 1993 as Red Ribbon Week, and encouraged citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community.

#### Ordinances and Resolutions

##### Bill No 93-103 Annexing Land Into the City of Ottawa

Thereupon, there was presented an ordinance annexing land into the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said ordinance duly adopted, and the ordinance was duly numbered, Ordinance No. 3080-93.

Bill No. 93-104 - Re-zoning an area within the City of Ottawa, Kansas

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 Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance was considered and upon being put to the question all present voted aye.

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3081-93.

Bill No. 93-105 - Regulating the Use of Public Wastewater System and Providing Penalties for Violation Thereof.

Thereupon, there was presented an ordinance providing deletions, amendments and substitutions in Article 1, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public wastewater system and providing penalties for violations thereof.

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

Bill No. 93-106 - Deletions, Amendments & Substitutions in Article 3, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas

Thereupon, there was presented an ordinance providing certain deletions, amendments and substitutions in Article 3, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public electric service and providing penalties for violations thereof. The proposed ordinance died for lack of a motion.

Bill No. 93-107 - Deletions, Amendments & Substitutions in Article 2, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of the public water system and providing penalties for violation thereof.

Thereupon, there was presented an ordinance providing certain deletions, amendments and substitutions in Article 3, Chapter 14, of the Municipal Code of the City of Ottawa, Kansas, 1982, regulating the use of public water system and providing penalties for violation thereof.

The proposed ordinance died for lack of motion.

Bill No. 93-108- An Amendment of Section 6 of Ordinance No. 3971-93 which prescribes stop sign locations within the City of Ottawa Kansas

Thereupon, there was presented an ordinance providing for the amendment of Section 6 of Ordinance No. 3071-93 which prescribes stop sign locations within the City of Ottawa, Kansas.

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

Thereupon the Mayor declared said ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3082-93.

Bill No. 93-109 - Efforts to Inform and Work with Members of our Congressional Delegation

Thereupon, there was presented a resolution dealing with unfunded mandates.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 762-93.

Bill No. 93-110 - Adopting a Capital Improvement Program

Thereupon, there was presented a resolution adopting a Capital Improvement program for the City of Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to adopt the resolution. The resolution was

considered and upon being put to the question, passed by the following vote, Commissioner Keim yea, Commissioner Tyson yea, Commissioner Cummiskey yea, Commissioner Matthews yea, Mayor Jackson nay.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution 763-93.

Bill No. 93-111 - Accepting the Dedication of Streets and Easements within Pin Oak Estates

Thereupon, there was presented a resolution accepting the dedication of streets and easements within pin oak estates subdivision in the City of Ottawa, Kansas.

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

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 764-93.

Bill No. 93-112 - A Resolution to Execute an Addendum Pertaining to an Agreement for Services for a Community Improvement Project

Thereupon, there was presented a resolution authorizing and directing the Mayor of the City of Ottawa, Kansas, to execute an addendum pertaining to an agreement for services for a community improvement project under the Kansas Small Cities Community Development Block Grant Funds for Economic Development.

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

Thereupon, Mayor Jackson declared said resolution duly adopted and the resolution was duly numbered, Resolution No. 765-93.

#### Reports by City Manager

Thereupon, there was presented the monthly financial and activities reports for the month of September.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to approve the monthly financial and activities reports and upon being put to the question, all present voted aye.

Governing Body Agenda

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Cummiskey to adjourn to Executive session to discuss personnel. The Executive session was to last for 30 minutes and at the conclusion of the Executive session the meeting was adjourned.

Adjournment

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

  
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Scott D. Bird, Acting City Clerk

City Hall - Ottawa, Kansas - November 3, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 7:00 PM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson, and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag. The Invocation was given by Sister Angie Paraman, Associate Paster of Bethany Chapel Baptist Church.

#### Approval of Minutes

The minutes of the regular meeting of October 20, 1993, were approved as written.

#### Public Comments

Thereupon, Mayor Jackson opened the meeting to comments from the public.

Thereupon, Mr. Cal Lantis, 825 West 5th, asked the Commission to consider hiring a Deputy City Inspector as early as January 1994, so that person could be trained in time for the peak season.

Thereupon, the Mayor thanked Mr. Lantis for his comments and closed the public comment portion of the meeting.

#### Request from VFW Post 5901

Thereupon, there was presented a request from VFW Post 5901 to sell Buddy Poppies in downtown Ottawa on November 6th, an annual event and tradition of the VFW on or near Veterans Day. The proceeds are to go to benefit local veterans.

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

#### Ordinances and Resolutions

Bill No. 93-113 - An Ordinance Defining Adult Entertainment and Adult Entertainment Businesses

Thereupon, there was presented an ordinance defining adult entertainment and adult entertainment businesses; providing standards for issuance of licenses, standards of conduct and operation and making it unlawful to engage in conduct defined herein without compliance with the standards established herein and

providing penalties for violation of this ordinance.

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

Thereupon, the Mayor declared said ordinance duly adopted and the ordinance was duly numbered, Ordinance No. 3080-93.

Bill No. 93-116 - Public Hearing - 228 South Cedar

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; for 228 South Cedar.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the resolution. During discussion Mr. Ed Schneeburger, representing Mr. Noel Douglas, owner of the property, requested of the Commission an extension of time on the property. The resolution was considered and upon being put to the question all present voted aye.

Bill No. 93-117 - Public Hearing - 335 S. Cedar

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; for 335 South Cedar.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. During discussion, Mr. Ed Schneeburger, representing Mr. Noel Douglas, owner of the property, requested an extension of time concerning the condemnation. The resolution was considered and upon being put to the question, all present voted aye.

Thereupon, the Mayor declared said resolution duly adopted and the resolution was duly numbered Resolution No. 767-93.

Reports by City Manager

Thereupon, there was presented a request from the Franklin County Independent Bikers to conduct their annual toy drive, on November 20, 1993.

Chief Herrman stated, that the police were prepared to assist them in their annual ride.

Thereupon, the Mayor directed that the ride should be conducted with the Police Department's assistance.

Thereupon, there was presented a letter from Mr. Leonard Chesboro, who expressed his concern that property owners were being held responsible for nuisance vehicles which were placed upon their property by renters, and asked that the nuisance ordinance be amended.

#### Introduction of New City Attorney

Thereupon, Co-City Manager Jeff Herrman formally introduced Forrest Lowry, as the City's Attorney. He stated that Mr. Lowry had taken the position effective November 1.

#### Approval of Contract

Thereupon, there was presented a proposed contract with Burns and McDonnell to complete a "Future Power Supply Study", which would provide direction regarding future power purchases, self-generation, transmission issues, distribution improvements, capital improvement programs and revenues to support this system.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cumiskey to approve the contract. Upon being put to the question the motion passed by the following vote, Commissioner Keim yea, Commissioner Matthews nay, Commissioner Tyson yea, Commissioner Cumiskey yea, and Mayor Jackson yea.

Thereupon, the Mayor declared the contract approved.

#### Public Works Building

Thereupon, there was presented a request to hire Mr. Earl Devore to develop a "Preliminary Design and Cost Estimate" for the proposed Public Works building.

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

#### Governing Body Agenda

Thereupon, Mayor Jackson presented the press with the news release concerning the annual Carol Fest, scheduled for Friday, December 17, at 6:30 P.M., at Haley Park. The Chamber of Commerce will provide hot chocolate.

Thereupon, the Mayor asked City Staff to continue to move ahead on the Boys's Club project and stated that there would be a list of needs produced in the near future, where by the community could participate in upgrading that facility.

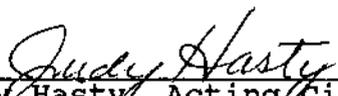
Thereupon, the Mayor and Commissioner Tyson commended the downtown district and the local residence for the improvements being made to local properties.

Thereupon, the Mayor announced that the search for a City Manager had been narrowed to 5 candidates and that they still hoped to name a new City Manager by the first of December.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adjourn to executive session for 15 minutes to discuss personnel, with no action to be taken thereafter. The motion was considered and upon being put to the question, all present voted aye.

#### Adjournment

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

  
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Judy Hasty, Acting City Clerk

City Hall - Ottawa, Kansas - November 17, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Bill Weber of the Calvary Baptist Church.

#### Approval of Minutes

The minutes of the regular meeting of November 3, 1993, were approved as written.

#### Communications

##### 1993 Christmas Parade

Thereupon, there was presented a request from the Ottawa Chamber of Commerce to conduct the 1993 Christmas Parade on December 4, 1993.

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

Thereupon, the Mayor declared the request approved.

##### Downtown Lighting Ceremony

Thereupon, there was presented a request from the Downtown Lighting Committee of the Ottawa Chamber of Commerce to conduct the Downtown Christmas Lighting Ceremony on November 26, 1993.

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

Thereupon, the Mayor declared the request duly approved.

Ordinances and Resolution

Bill No. 93-118 - Annexing Land into the City of Ottawa,  
Kansas 1323 W. 15th Street

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance to annex land at 1323 West 15th, 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. 3084-93.

Bill No. 93-119 - Annexing West 15th Street Right of Way

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the ordinance. The ordinance to annex land on the West 15th Street Right-of-Way 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. 3085-93.

Bill No. 93-120 - Certification of the City of Ottawa as Franchising Authority for CSI of Kansas, Inc.

Thereupon, there was presented an ordinance authorizing certification of the City of Ottawa, as franchising authority for CSI of Kansas, Inc., and giving the City of Ottawa authority to administer regulations with respect to basic cable service that are consistent with the regulations adopted by the Federal Communications Commission.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the ordinance. The ordinance was considered and 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. 3086-93.

Bill No. 93-121 - Dedication of Streets and Easements - County Clerks Subdivision

Thereupon, there was presented a resolution accepting the dedication of streets and easements within L.B.T.'s replat of Lot 2 of L.B.T.'s replat of Lot 47, County Clerks subdivision No. 1, Ottawa, Kansas.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to adopt the resolution. The resolution 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. 768-93.

Bill No. 93-122 - Agreement with Bucher, Willis & Ratliff

Thereupon, there was presented a resolution authorizing an agreement with Bucher, Willis & Ratliff for general planning advisory services.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim, to adopt the resolution. The resolution 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. 769-93.

Bill No. 93-123 - Agreement with Agler & Gaeddert Chartered

Thereupon, there was presented a resolution authorizing an agreement with Agler & Gaeddert Chartered for the purpose of conducting an audit of the general purpose financial statements of the City of Ottawa, Kansas and the financial statements of the Firemen's Relief Association for the year ended December 31, 1993.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution 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. 770-93.

Bill No. 93-124 - Ottawa University - CDBG - Economic Grant

Thereupon, there was presented a resolution authorizing the Mayor to sign certain documents relating to the community development block grant for economic development for Ottawa University.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. During discussion Mayor Jackson asked that the letters which had been drafted to respond to the CDBG Program monitoring visits be redrafted.

Thereupon, the resolution 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 771-93.

Bill No. 772-93 - General Obligation Bonds - \$220,000

Thereupon, there was presented a resolution authorizing the public sale of General Obligation Bonds in an aggregate principal amount of \$220,000 and the temporary notes in an aggregate principal amount of \$143,768, of the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote. Commissioner Cummiskey yea, Commissioner Keim yea, Commissioner Matthews nay, Commissioner Tyson yea and Mayor Jackson yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 772-93.

Reports by City Managers

Thereupon, there was presented and agreement with Ottawa Land Company, with a request to allow the City Manager to execute said agreement.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to direct the City Managers to execute the agreement with the Ottawa Land Company. The motion was considered and upon being put to the question all present voted aye.

Thereupon, Co-manager Herrman informed the Commission that the Police Dept. would be contacting the "Host" of the upcoming Christmas parade to discourage them from allowing candy to be thrown from floats due to safety concerns. Mr. Herrman further stated that there would be additional police personnel on the

streets during the parade. However, he pointed out that participants could have walkers that would be allowed to dispense candy during the parade.

Thereupon, Co-manager Bird brought to the Commission's attention a recently received insurance refund from KMU Safety Group, in the amount of \$4951.00.

#### Monthly Financial and Activities Reports

Thereupon, there was presented the monthly Financial and Activities Report for the month of October.

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

#### Governing Body Agenda

Thereupon, Commissioner Cummiskey congratulated the Mayor for a successful ECKAN dinner, and for the recognition he had received that evening.

Thereupon, the Mayor thanked the Commissioners and the City Staff for their attendance.

Thereupon, the Mayor asked for Citizens to contribute to the renovation of the old Boys Club building by contributing materials, money and/or time. The Mayor further pointed out that the City was allocating \$50,000 for that project, but went on to say that if the community would get involved with strong contributions a \$50,000 renovation could become a \$100,000 renovation.

Thereupon, the Mayor announced the Mayor's Annual Carol Fest, to be held at Haley Park on December 17, at 7 P.M.

#### Next Regular Meeting

Thereupon, the Mayor announced that the next regular meeting would be on December 1, 1993 at 7 P.M., and that since both he and Commissioner Cummiskey would be out of town at the National League Conference, Commissioner Keim would be presiding.

#### Executive Session

Thereupon, Commissioner Tyson made a motion to adjourn to Executive Session to discuss personnel for 15 minutes, the motion was seconded by Commissioner Keim, upon being put to the question, all present voted aye.

Thereupon, at the conclusion of the executive session the Commission met in open session with Todd Cruthird and Bill Servren of TCI of Kansas Inc.

Adjournment

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

A handwritten signature in cursive script, reading "Scott D. Bird", is written over a solid horizontal line.

Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - November 19, 1993

The City Governing Body met in Special Session to discuss personnel at 5 P.M. this date. The following members being present and participating, to wit: Commissioner Matthews present, Commissioner Tyson present, Mayor Jackson present, Commissioner Cummiskey absent, Commissioner Keim absent.

Thereupon, the Mayor recognized Commissioner Tyson who made a motion to recess to Executive Session to discuss personnel and that the meeting resume in Open Session at 3 P.M. Monday, November 22, 1993, at the Commission Chambers, at City Hall, 4th & Walnut. The motion was seconded by Commissioner Matthews and upon being put to the question all present voted aye.

#### Reconvene Meeting

The meeting was reconvened at 3 P.M., November 22, 1993, the following members being present and participating, Commissioner Matthews present, Commissioner Tyson present, Commissioner Keim present, Mayor Jackson present, Commissioner Cummiskey absent.

Thereupon Commissioner Tyson made a motion which was seconded by Commissioner Keim to recess to Executive Session, to discuss personnel, and to reconvene in five minutes.

The meeting reconvened at 3:05 P.M., upon which time Commissioner Tyson made a motion to adjourn the Special Call Meeting. The motion was seconded by Commissioner Matthews and upon being put to the question all present voted aye.

The entire text of the Open 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

City Hall - Ottawa, Kansas - November 29, 1993

The City Governing Body met in Special Session at the Commission Chambers, City Hall, at 3: P.M. this date. The following members being present and participating to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim, Joan Tyson and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and welcomed the Chamber Audience.

Ordinances and Resolutions

Bill No. 93-126 - Franklin County Humane Society - Replacing Boiler

Thereupon, there was presented a resolution authorizing the city to make funds available to the Franklin County Humane Society for the purpose of replacing the boiler at the facility located at 230 West 19th.

Thereupon, Commissioner Keim made a motion, which was seconded by Commissioner Tyson to adopt the resolution. The resolution 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. 773-93.

Bill No 93-127 - Agreement with the State of Kansas

Thereupon, there was presented a resolution authorizing the Mayor and the City Clerk to execute an agreement with the State of Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution 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. 774-93.

Bill No. 93-128 - Right of Way Clearance - KDOT Project

Thereupon, there was present a resolution certifying that right-of-way clearance has been obtained and appropriate utilities adjustments have been completed adjacent to KDOT Project No. 30 U-0970-01, confirming that City matching funds will be available and

authorizing the Kansas Secretary of Transportation to proceed in accordance with the previously executed agreement.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution 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. 775-93.

#### Bill No. 93-129 - Release Easement

Thereupon, there was presented a resolution authorizing the City Manager and City Clerk to execute and place on record a release of a certain easement conveyance with respect to certain described real estate in order to correct the title records thereto.

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

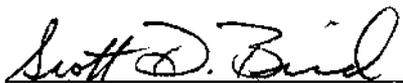
Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 776-93.

#### Governing Body Agenda

Thereupon, Commissioner Tyson made a motion to recess to Executive Session for 15 minutes to discuss personnel. The motion was seconded by Commissioner Keim and upon being put to the question, all present voted aye.

Thereupon, the Commission reconvened, at which time Commissioner Tyson made a motion to adjourn the meeting. The motion was seconded by Commissioner Keim. The motion was considered and upon being put to the question, all present voted aye.

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

  
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Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - December 13, 1993

The City Governing Body met in Special Session at 5:00 p.m. this date to discuss the appointment of a new City Manager. The following members being present and participating: Commissioner Matthews, Commissioner Tyson, Commissioner Cummiskey, Commissioner Keim, and Mayor Jackson. A quorum was present. The Mayor called the meeting to order and welcomed the Chamber Audience.

Thereupon, Commissioner Tyson made a motion to accept Scott Lambers as City Manager for the City of Ottawa effective January 1994. The motion was seconded by Commissioner Cummiskey. The motion was considered and upon being put to the question passed by the following vote: Commissioner Tyson aye, Commissioner Cummiskey aye, Commissioner Keim aye, Commissioner Matthews aye, Mayor Jackson aye.

Thereupon, the Mayor declared the motion duly adopted and that Mr. Scott Lambers of Chowchilla, California was thereby appointed as City Manager for the City of Ottawa, Kansas.

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

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

City Hall - Ottawa, Kansas - December 15, 1993

The City Governing Body met in regular session at the Commission Chambers in City Hall at 9:30 AM this date: The following members being present and participating, to wit: Mayor Richard Jackson, Commissioners Vicki Cummiskey, Tony Keim and Matt Matthews. A quorum was present. Mayor Jackson called the meeting to order and led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Keim. Commissioner Joan Tyson arrived at 9:33 AM.

#### Approval of Minutes

Thereupon the minutes of the regular meeting of November 17, 1993, the special meeting of November 19, 1993 and the special meeting of November 29, 1993, were approved as written.

#### Communications

Thereupon, there was presented a letter from the Franklin County Historical Society, requesting a donation of used bricks to the Historical Society by the City. This issue was tabled for a future session.

#### Public Hearings

##### Condemnation of 228 South Cedar

Thereupon, the Mayor opened a hearing to consider the condemnation of 228 S. Cedar. Thereupon, Mary Ann Whiteford, representing the Fr. Co. Arts Council, stated that the owner of the afore mentioned property had indicated an interest in donating the property to the Fr. County Arts Council, and asked if the Commission would consider postponing the condemnation.

Thereupon, Mr. Ed Sneeburger, Attorney at Law, representing Mr. Douglas asked the Commission to consider postponing the condemnation and questioned whether or not in fact the property was dangerous.

There being no further comments the Mayor closed the Public Hearing on 228 South Cedar.

##### Condemnation of 335 South Cedar

Thereupon, the Mayor opened a public hearing to consider the condemnation of 335 S. Cedar.

Thereupon, Mr. Ed Sneeburger, Attorney at Law, Representing Mr.

Douglas questioned the staff's report as to the fitness of the structure and presented the Commission several pictures as evidence that the property was in better shape than staff suggested.

There being no further comments the Mayor closed the Public Hearing on 335 South Cedar.

#### Bids - General Obligation Bonds Series 1993 A

Thereupon, there was presented bids for the General Obligation Bond Series 1993-A, and the temporary notes series 1993-A. The results of which are as follows: First Securities of Kansas, total interest cost of \$57,721.87, at an average annual interest rate of 4.162635%, Commerce Bank of Kansas City, total interest cost \$60,506.25, at an average annual interest rate of 4.363431%, Kansas State Bank of Ottawa, total interest cost \$62,400 at an annual interest rate of 4.5%, Piper Jaffray Inc., total interest cost \$62,450, at an annual interest rate of 4.503606%, Mr. Andrew Chandler, total interest cost \$57,939.58, at an average annual interest rate of 4.17833%.

Bids on the notes were as follows: Peoples National Bank of Ottawa, submitted a bid of \$4,643.70, at an average annual interest rate of 3.23%, First National Bank of Ottawa, submitted a bid of \$4241.16, at an average annual interest rate of 2.95%, Commerce Bank of Kansas City, submitted a bid of \$5,750.72, at an average annual interest rate of 4%, Kansas State Bank of Ottawa, submitted a bid of an average annual interest rate of 3%, and a \$10.00 Premium.

Thereupon, Dottie Riley of Gilmore and Bell, Bond Counsel for the City of Ottawa and City Clerk, Scott Bird, excused themselves from the meeting to confirm the bids.

#### Ordinances and Resolutions

##### Bill No. 93-133 - Condemnation of 228 South Cedar

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 228 S. Cedar in the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution 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. 779-93.

Bill No. 93-134 - Condemnation of 335 South Cedar

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 335 South Cedar in the City of Ottawa, Kansas.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution 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. 780-93.

Bill No. 93-134 - Amending Housing Rehabilitation Program Procedures

Thereupon, there was presented a resolution amending the Housing Rehabilitation Program as the procedures to be used for the CDBG Housing Grant No. 92-HR-200 in the City of Ottawa, Kansas.

Thereupon, Commissioner Keim made a motion that the resolution be adopted with an amendment in Section 13, part B that would change the wording from 10 days to 5 days, the motion was seconded by Commissioner Cummiskey. The resolution 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. 781-93.

Bill No. 93-136 - Defining and Declaring the Territorial Limits of the City of Ottawa

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 520-90.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution 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. 782-93.

Bill No. 93-137 - Sale of Certificates of Participation

Thereupon, there was presented a resolution authorizing the offering for sale of certificates of participation in an approximate amount of \$420,000 by the City of Ottawa, Kansas, for

the purpose of financing the cost of acquiring and installing certain equipment to be leased to Ottawa University, a Kansas not-for-profit corporation, and authorizing a public hearing to be held on such matter.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote; Commissioner Matthews yea, Commissioner Keim nay, Commissioner Tyson yea, Commissioner Cummiskey yea, Mayor Jackson yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 783-93.

#### Bill No. 93-138 - Cost of Living Adjustment

Thereupon, there was presented a resolution implementing the 1994 cost of living adjustment for employees of the City of Ottawa.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adopt the resolution. The resolution 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. 784-93.

#### Reports by City Manager

##### Cereal Malt Beverage License

Thereupon, there was presented the following applications for license of retail cereal malt beverage:

Food Barn Stores, Inc., dba as Food Barn Store #4614, 901 South Main; K.E.S. Enterprises Inc., 216 E. 23rd Street; National Marketing Co. of Kansas, Inc., 1621 South Main; Ottawa Cooperative Assn., 302 N Main; Roe-Williams dba Short Stop # 85, 2243 Princeton; S & S Foods, Inc. dba Country Mart, 2138 Princeton Circle Drive; Tananna Oil Corp., dba Miller Mart, 304 E. Logan; Taylor Oil Inc., 2305 S. Cedar; Triple K, Ltd. dba Casey's General Store, 1002 North Main St.; Triple K, Ltd. dba Casey's General Store, 1019 W. 7th St.; Waymire Price Chopper, dba Waymire Foods, 2008 Princeton Road; C. R. Wood Oil Co. Inc., 2130 Princeton Road; Hickory Inn Tavern, 120 E. Dundee; Midwestern Bowlers Club, dba Heartland Lanes, 2040 Princeton; Ottawa Country Club, 1001 E. Logan; Pizza Hut of America, Inc., 118 W. 15th St.; Pizza Time, 2232 S. King St.; Pizza Village Inc., 330 S. Main; Poncho's of Ottawa, 429 S. Main.

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

#### Bid Results - General Obligation Bonds Series 1993 A 107

Thereupon, the City Clerk reported that the low bid received on the temporary note issue had been submitted by First National Bank of Ottawa, at \$4,241.16, at an average annual interest rate of 2.95%, and the low bid on the General Obligation Bond Series 1993-A, had been received from First Securities of Kansas, at a total interest cost of \$57,721.87, with an average annual interest rate of 4.162635%.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Keim to accept the low bid. Upon being put to the question all present voted aye.

#### Ordinances and Resolutions

##### Bill No. 93-130 - Authorizing the Issuance of General Obligation Bonds

Thereupon, there was presented an ordinance authorizing the issuance and delivery of \$220,000 principal amount of general obligation bonds, series 1993-A, of the City of Ottawa, Kansas, for the purpose of paying the cost of the cost of certain improvements; providing for the levy of collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto.

Thereupon, Commissioner Tyson made a motion which was seconded by Commissioner Cummiskey to adopt the ordinance. The ordinance was considered and upon being put to the question, passed by the following vote; Commissioner Tyson yea, Commissioner Cummiskey yea, Commissioner Keim nay, Commissioner Matthews nay, Mayor Jackson yea.

Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered, Ordinance 3087-93.

##### Bill No. 93-131 - Authorizing the Issuance of General Obligation Bonds

Thereupon, there was presented a resolution authorizing the issuance and delivery of \$143,768 principal amount of temporary notes, series 1993-A, of the City of Ottawa, Kansas, for the purpose of temporarily financing the costs of certain internal

improvements of the City; and prescribing the terms and details of said notes.

Thereupon, Commissioner Keim made a motion, which was seconded by Commission Matthews to adopt the resolution. The resolution 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. 777-93.

#### Bill No. 93-132 - Authorizing the Delivery of General Obligation Bonds

Thereupon, there was presented a resolution prescribing the form and details of and authorizing the delivery of \$220,000 principal amount of general obligation bonds, series 1993-A, of the City of Ottawa, Kansas, previously authorized by Ordinance No. 3087-93, of the City; and making certain covenants with respect thereto.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Tyson to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote; Commissioner Tyson yea, Commissioner Cummiskey yea, Commissioner Keim nay, Commissioner Matthews nay, Mayor Jackson yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered, Resolution No. 778-93.

#### Monthly Financial and Activities Report

Thereupon, there was presented the monthly financial and activities reports for the month of November.

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

Thereupon, the Mayor reminded the Commission that there would be a joint City\County Meeting at 12 PM, this date at the Franklin County Sheriff's office.

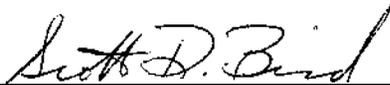
The Mayor also asked for volunteer help for the Boy's Club Project and announced that Allen Loyd had volunteered to be Project Manager for the renovation.

Mayor Jackson then presented turkeys and hams to the Commissioners and thanked them for their support in the ,Thanks For Giving

project, which had been held, Saturday, December 11.

The next regular meeting is scheduled for January 5, 1994, at 7 PM.

There being no other business to come before the Commission, Commissioner Tyson made a motion which was seconded by Commissioner Keim to adjourn the meeting. Upon being called for the question, all present voted aye. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

  
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Scott D. Bird, City Clerk

City Hall - Ottawa, Kansas - Special Call - Dec. 20, 1993

The City Governing Body met in a Special Call Session, at 4 PM this date, at the Study Session Chambers at City Hall, 4th & Walnut, Ottawa, Kansas. The following members being present and participating; Mayor Jackson, Commissioners, Cummiskey, Keim, Matthews and Tyson.

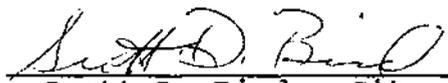
Thereupon the Mayor called the meeting to order and declared that the topic of this special meeting was to discuss a contract with the Kansas Municipal Energy Agency and asked the Clerk to read a proposed resolution.

Thereupon, there was presented a resolution of the City of Ottawa, Kansas, continuing the Kansas Municipal Energy Agency, as the City's agent and representative for purposes of negotiating with Southwestern Power Administration, concerning the City's entitlement to an allocation of Hydro Electric Power and Energy, continuing the City's designation as a Class A Participant in the Hydropower Pool and approving the execution of a Hydropower Pooling Contract.

Thereupon, Commissioner Cummiskey made a motion which was seconded by Commissioner Matthews to adopt the resolution. The resolution was considered and upon being put to the question passed by the following vote; Commissioner Cummiskey yea, Commissioner Tyson yea, Commissioner Keim abstained, Commissioner Matthews yea, Mayor Jackson yea.

Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 785-93.

Thereupon, Commissioner Keim made a motion to adjourn the meeting, the motion was seconded by Commissioner Tyson and upon being put to the question all present voted aye.

  
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Scott D. Bird, City Clerk