

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
January 3, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleece, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Condemnation 421 S. Mulberry**

Thereupon, the Governing Body considered a resolution to condemn 421 S. Mulberry and heard from Planning and Codes Administration Director Wynndee Lee who informed the Governing Body that the former occupant had vacated this house and is now living in safe and suitable housing. Staff had been informed that he has received assistance and expressed pleasure in his new arrangements. The resolution to condemn the structure was considered and the Governing Body agreed to place this on the Regular Meeting Agenda for January 5, 2005, and further noted that a Public Hearing has been scheduled for this same date regarding this issue.

**Special Use Permit-Swim For Life**

Thereupon, the Governing Body considered an extension for a Special Use Permit for Swim For Life located at 913 E. Wilson, owned and operated by Mark and Carolyn Retzer. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for January 5, 2005.

**Annexation-Southwest Ottawa**

Thereupon, the Governing Body reviewed an ordinance to annex certain properties and rights-of-way in the southwest area of the city. It was noted that the annexations had required a public hearing and consideration by the Franklin County Commission and the County Commission had taken action last Monday. After approval the City needs to take action to consummate this issue. The Governing Body agreed to place this item on the next Regular Meeting Agenda for January 5, 2005.

**Cereal Malt Beverage-Tornado Alley, 2040 S. Princeton**

Thereupon, the Governing Body reviewed an application for a cereal malt beverage license by Ms. Terry Frazier new owner/operator of the Ottawa Bowling Alley, a.k.a. Tornado Alley. The Governing Body agreed to place this item on the next Regular Meeting Agenda for January 5, 2005.

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### **Cedar Street Improvements**

Thereupon, the Governing Body reviewed a resolution required by the Kansas Department of Transportation to accept the Cedar Street Improvement bid and commit the City to funding its proscribed share of the road project, as well as, the waterline relocation project and agreed to place this item on the Regular Meeting Agenda for January 5, 2005.

### **Review of Minutes**

Thereupon, the Governing Body considered the minutes from the December 20, 2004 Study Session and agreed to place this item on the Regular Meeting Agenda.

### **Zoning Regulations Update**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee, Planning Commission chair Cal Lantis, and Attorney for the Planning Commission Jim Kaup. They discussed the recently completed task of updating the Zoning Regulations for the use and development of land within the City limits, as well as, unincorporated territory that may become subject to City authority when an interjurisdictional agreement is adopted between the City and County.

Mr. Kaup explained that following extensive work on the part of City Staff and the Planning Commission an updated and refined draft of the zoning document had been provided to the Governing Body for review.

It was further noted that the Planning Commission will be holding a Public Hearing to gain citizen input at its meeting January 12, 2005. It was felt that City Commission input at today's meeting would be helpful. Thereupon, the Governing Body discussed at length this document and how it will affect the way the Planning Department does business. Issues considered included how developers are receiving this proposed change, how this document will replace Special Use Permits with Conditional Use, Neighborhood Characteristics, Traditional Neighborhoods, and Smart Growth.

### **City Manager Performance Evaluation**

Thereupon, the Mayor asked that this issue be placed on the Regular Meeting Agenda for January 5, 2005.

### **Open Agenda**

Thereupon, City Clerk Scott Bird reported on the progress of the atrium improvement and City Manager Weldon Padgett reported on progress on the Airport FBO situation.

Thereupon, The Governing Body reviewed the City Manager's Management Memo and discussed what actions the City might take in response to the tsunami tragedy.

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Thereupon, the Mayor asked about the possibility of a City Commission Retreat and after some discussion it was requested that the Governing Body try to get together to discuss goals for 2005 on January 10, 2005 and devote this meeting to such.

### **Announcements**

Thereupon, the Mayor announced:

1. January 5, 2005: Regular Meeting at 7 pm
2. January 10, 2005: Work Study Session at 4 pm
3. January 17, 2005: No Work Study Session (MLK Holiday)

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

January 3, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
January 5, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette and Commissioner Fleer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. John Duran from the Faith Lutheran Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session December 13, 20; December 13 Special Call Meeting; and December 15, 2004 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation**

Thereupon, the Mayor read a proclamation declaring January 17, 2005, as Martin Luther King, Jr. Day in the City of Ottawa. Thereupon, Commissioner Jackson reminded the Governing Body that Ottawa University will recognize Martin Luther King on January 17, 2005 at their annual MLK Service Program.

**Public Hearings**

Thereupon, the Mayor opened a public hearing to consider the condemnation of an unsafe and dangerous structure located at 421 S. Mulberry.

Thereupon, the Governing Body heard from Mr. Brandon Key of 427 S. Mulberry who stated the condition of the structures at 421 S. Mulberry are very serious and dangerous.

There being no one else to speak to this issue the Mayor closed the Public Hearing.

**Resolution-Condemnation**

Thereupon, there was presented a resolution to condemn an unsafe and dangerous structure located at 421 S. Mulberry in the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to adopt the resolution.

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During discussion it was explained the purpose of this resolution is to condemn a single-family house and an accessory structure located at 421 S. Mulberry. This property has been in a state of deterioration for many years. When staff began condemnation proceedings on this property the owner still resided in the residence. However, the owner has recently and voluntarily relocated to safe and suitable housing. Staff recommended the adoption of the resolution. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1310-05.

### **Annexation-Southwestern Area**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained, in October the Governing Body had adopted a resolution authorizing the filing of a petition for the annexation of property in the Southwestern area of the city. The petition process required the Franklin County Board of County Commissioners to hold a public hearing, which was conducted on Monday, December 27, 2004. The County Commission had approved the petition and this ordinance consummates the annexation. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3493-05.

### **Special Use Permit-Swim For Life, 913 E. Wilson**

Thereupon, there was presented a resolution granting a special use permit for an indoor pool aquatic center in the R-1 Zoning District at 913 E. Wilson, owned by Mark R. and Carolyn S. Retzer, in the City of Ottawa, Kansas.

During discussion it was explained that the Planning Commission had held a Public Hearing to consider an extension of a special use permit for Swim For Life located at 913 E. Wilson, owned by the Retzer's. A number of public comments were offered at the public hearing in support of the extension. The Planning Commission recommended the continuance of the Special Use Permit with the following conditions: 1) Hours of operation: 8 am to 8 pm, Monday through Thursday (with no private parties after 10 pm); 8 am to 11 pm Friday and Saturday (with no private parties after 11 pm), and 12 noon to 8 pm on Sunday; 2) Provide to city staff within 30 days two written bids to bring parking lot up to city code for 22 parking spaces. Comply with the requirement to expand the parking lot by installing to city code to include a maximum of 22 parking spaces within 18 months. 3) The SUP will be reviewed again May 2006. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to accept the findings and conditions of the Planning Commission but to amend the term of the extension from 18 to 12 months and to require a surety bond in the amount of 125% of estimated cost to be provided to the City within 30 days, which will ensure the completion of the parking lot.

January 5, 2005

The motion was considered and upon being put, passed by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fleer nay, Commissioner Jackson aye, and Mayor Ramsey aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1311-05.

### **Resolution-Cedar Street Project-1st through 8th Street**

Thereupon, there was presented a resolution pledging City funds required for the matching of Federal Funds to be remitted to the Chief of Fiscal Services of the Department of Transportation of the State of Kansas for the construction of Cedar Street from 1st through 8th Street. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained this action is required by KDOT to accept the Cedar Street improvement bid and commit the City to fund its share of the street and waterline relocation project. The cost to the City will be \$898,000. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1312-05.

### **Cereal Malt Beverage License-Tornado Alley**

Thereupon, there was presented an application for cereal malt beverage license for Tornado Alley located at 2040 S. Princeton, in the City of Ottawa. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the application.

During discussion it was explained that an application was received from Terry Frazier, owner of Tornado Alley, formerly known as Royal Lanes located at 2040 S. Princeton, to sell Cereal Malt Beverages. Staff found no reason to deny the application. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the application duly approved.

### **City Manager Compensation & Benefit Package**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to increase the City Manager's compensation by 3 percent and his car allowance up to \$450 a month. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Reports by City Manager**

Thereupon, the City Manager called upon City Clerk Scott Bird to report upon the ice storm. Mr. Bird reported the City Public Works and Utility Crews had been out throughout the storm and had done a very good job in protecting the City. The City had experienced considerably less damage than other cities in the state and commended the crews for their efforts.

### **Announcements**

Thereupon, the Mayor announced:

1. January 10, 2005: Study Session at 3 pm (discuss 2005 Goals and Priorities)
2. January 17, 2005: No Study Session (MLK Holiday)
3. January 24, 2005: Study Session at 4 pm
4. January 19, 2005: Regular Meeting at 9:30 am

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:34 pm

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
January 10, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fler, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Request to use the Auditorium**

Thereupon, the Governing Body reviewed a request from Audrey E. S. Lintner to use the auditorium on June 11, 2005, from 7-9 pm for a fund raising concert for Bea Martin Peck Animal Shelter. Thereupon, the Governing Body considered this request and agreed by consensus to approve.

**2005 Priorities and Goals**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Staff the following projects and activities.

- Get 3-mile jurisdiction intergovernmental agreement adopted with Franklin County
- Get the bathhouse ADA work done by May and the zero depth project done after pool closes
- Coordinate with State (KDOT) and County on Davis/Montana Road improvements
- Determine best long term solution for airport operation/management
- Complete the rate study and implement fees for sewer first, then water and electric utilities
- Clean up IRS issues with Attorney, Prosecutor and Judge
- Finalize Allegiance Franchise agreement
- Assist in facilitating possible recreation center project
- Complete the City Hall entryway project
- Move PAPI lights and apron project up on FAA list to 2005 and add hangars for 2006-2007
- Update agreements with ORC and create one for Woodward Center
- Work to develop TIF areas and annexation of properties ripe for development
- Develop 2006 budget with focus on equipment replacement and road, curb, gutter & sidewalk improvements
- Develop an equipment reserve fund in other departments (Public Works)

**Other Items**

Thereupon, it was noted that Swim For Life will be placed on the Study Session Agenda for January 24, 2005.

January 10, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. January 17, 2005: No meeting. (MLK Holiday)
2. January 19, 2005: Regular Meeting at 9:30 am
3. January 19, 2005: Joint Meeting at Noon
4. January 24, 2005: Work Study Session at 4 pm
5. January 27, 2005: MLK Program at Ottawa University at 2 pm

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

January 10, 2005

**City Commission**  
**Special Call Meeting Minutes**  
Ottawa, Kansas  
January 14, 2005

The Governing Body met at 11:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Gillette and Commissioner Fleer. Commissioner Henningsen absent. A quorum was present.

Thereupon, the Mayor declared the purpose of this meeting is to consider a change to the cemetery ordinance and a Cereal Malt Beverage License.

**Municipal Code-Burial Prohibited**

Thereupon, there was presented an ordinance to amend Chapter 7, Section 7-103, "Burial prohibited on certain days; exception." Of the Municipal Code of the City of Ottawa, Kansas, to provide exceptions to be made by the City Manager. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jackson, to adopt the ordinance as presented.

During discussion it was explained the purpose of this ordinance is to create an exception in the Municipal Code to allow the City Manager, in consultation with appropriate City staff, the authority to make reasonable exceptions to the burial regulations. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3494-05.

**CMB-Alnaz 2130 Princeton**

Thereupon, the Governing Body reviewed a Cereal Malt Beverage license for Alnaz Inc. formerly Wood Oil, located at 2130 Princeton Road, in the City of Ottawa. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to accept the application as presented.

During discussion it was explained an application was received from Sameer Damani, owner of Alnaz Inc., 2130 Princeton Road to sell Cereal Malt Beverages not for consumption on the premises. Staff finds no reason to deny the application. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the application duly approved.

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 11:35 am.

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Scott D. Bird, City Clerk

January 14, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
January 24, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

**Public Comments**

None offered at this time.

**Recognitions**

Thereupon, City Manager Weldon Padgett introduced Mr. Chuck Bigham. Mr. Bigham will serve as the Information Technology Director for the City of Ottawa. Mr. Padgett explained Mr. Bigham had contracted services for the City since 2001. Thereupon, Mr. Bigham thanked the Governing Body for this opportunity and his goals included more work on the City Web Site and the Government Access Channel.

**Ottawa Municipal Airport**

Thereupon, the Governing Body heard from Mr. Lee Olmsted, Mr. Jim Grogan, and Mr. and Ms. Derek Chappell who thanked the Governing Body for revisiting the issue of adding the name of "Robertson Field" to the Ottawa Municipal Airport. A petition of support had been received asking the City Commission to revisit this issue. Thereupon, Mayor Ramsey asked the City Manager to place this item on the next study session agenda for additional discussion.

**Special Use Permit: 1213 College Street & 1102 Milner Street**

Thereupon, the Governing Body discussed with Architect Earl Devore and Planning and Codes Administration Director Wynndee Lee two special use permits for USD 290 at 1213 College Street and 1102 Milner Street. Thereupon, the Governing Body agreed by consensus to place these two requests on the Regular Meeting Agenda for February 2, 2005.

**Swim For Life**

Thereupon, the Governing Body heard from Mr. Mark Retzer, owner and operator of Swim For Life who had asked to address the Governing Body regarding a recent decision related to the amount of time being granted for him to improve the parking at his facility. Thereupon, items discussed were related to the expansion of parking at the facility and the time frame for completion. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to allow the Retzer's 18 months to complete the expansion. Thereupon, City Manager Weldon Padgett explained a new resolution would need to be brought forward to amend the expansion time to 18 months. The

January 24, 2005

motion was considered and upon being put, passed by the following vote: Commissioner Henningsen nay, Commissioner Fleer aye, Commissioner Gillette aye, Commissioner Jackson nay, and Mayor Ramsey aye. Thereupon, the Mayor declared the motion duly approved by a 3-2 vote and a new resolution will be brought forward at the next Regular City Commission Meeting on February 2, 2005.

### **Bea Martin Peck**

Thereupon, the Governing Body heard from Dr. Larry Mages and Ms. Emily Mathias, representatives of Bea Martin Peck Animal Shelter who discussed the City's funding position for the future. It was agreed the shelter needs to provide the City with a 2004 Year End Report and additional discussion needs to take place before 2006 Budget planning begins.

### **GAAP Waiver**

Thereupon, the Governing Body reviewed a resolution to request the Director of Accounts and reports to waive the statutory requirement to use GAAP based accounting for reporting fiscal year 2005. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for February 2, 2004.

### **Proclamation-Boy Scouts of America**

Thereupon, the Governing Body reviewed a proclamation to recognize February 6-12, 2005 as the 95th anniversary of the Boy Scouts of America and agreed to place this item on the next regular agenda.

### **Cereal Malt Beverage License-China Palace, 910 S Main**

Thereupon, the Governing Body reviewed an application for a CMB license for consumption on the premises. Staff finds no reason to deny this application. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fleer to approve the application as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the CMB license duly approved.

### **Letters of Support-KDOT Funds-Transportation Vehicles**

Thereupon, City Manager Weldon Padgett stated he had received request from three separate entities for letters of support in their efforts to apply for KDOT funds to help purchase transportation vehicles for various groups of people. Thereupon, the Governing Body agreed to have the City Manager draft letters under the Mayor's signature for positive support of these applications.

### **NLC Conference in D.C.**

Thereupon, the Governing Body discussed a list of topics that will be discussed with Representatives at the National League of Cities Conference in D.C. in March. Thereupon, the City Manager will compile a list of issues that will be brought back to the Governing Body before the list is mailed to Representatives.

January 24, 2005

**City Commission/ORC Meeting**

Thereupon, the Governing Body discussed a possible meeting with ORC to discuss recreation center sites. Thereupon, the City Manager was instructed to set up a joint meeting on a Monday evening.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from January 3, 10, Study Session, January 5, Regular Meeting, and January 14 Special Call Meetings and agreed to place these items on the Regular Meeting Agenda for February 2, 2005 with a change requested on the January 5 minutes.

**Leadership Class**

Thereupon, the Governing Body reviewed a request for assistance in buying and providing weather alert radios to public and private schools. No decision was made.

**Open Agenda**

Thereupon, Commissioner Fleer asked about the possibility of the City participating in working with the local National Guard to welcome home troops.

Thereupon, the Mayor announced the Governing Body would be participating in City Hall Day at the Capitol on Thursday, January 27, 2005.

**Adjournment**

There being no further business to come before the Governing Body the Mayor declared the meeting duly adjourned at 5:23 pm.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
January 31, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleece, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Mr. Stan Krysztof and Mr. Paul Snethen, representatives for "Over the Road Gang", who presented a "wish list" to the City, which included:

- Electrical facilities improvement
- Water availability
- Water drainage at the main shelter
- Lighting-Forest Park
- Lighting-5th & Main to Park St. & Main
- Cruise-night preparation
- Barricade fencing (Forest Park)
- Downtown sound system

Thereupon, Mayor Ramsey remanded these items to City Staff.

**Old West Cowboy Days**

Thereupon, representatives of the Old West Cowboy Days Mr. Ernie Rodina and Mr. Jason Camis described plans for this year's event and requested the use of City Park for the second annual Old West Cowboy Days festival. Thereupon, the City Manager asked the representatives to get back to him on permits.

**Ottawa Airport**

Thereupon, the Governing Body heard from those in support of having the name Robertson Field added to the Ottawa Airport. Thereupon, City Manager Weldon Padgett suggested the Governing Body consider establishing a small committee to review these types of request and to offer its opinion about whether a person meets certain criteria (which could be established for Governing Body review), investigate the contributions of a person, document information, and provide guidance on the entire issue. This approach can then be used for any similar request. Thereupon, the Governing Body agreed by consensus to form such a committee and bring back findings within a few weeks if possible.

**Proclamations**

Thereupon, the Governing Body reviewed a proclamation recognizing Sacred Heart School and National Catholic Schools Week and Black History Month. The Governing Body agreed to place these items on the next Regular Meeting for February 2, 2005.

January 31, 2005

### **Annexation-2601 US-59 Highway**

Thereupon, the Governing Body reviewed an ordinance to annexing land generally located at 2601 US-59 Highway requested by the owner Kent Granger. The Governing Body agreed to place this item on the next Regular Agenda for February 2, 2005.

### **Annexation-1101 E. 23rd**

Thereupon, the Governing Body reviewed an ordinance annexing land generally located at 1101 E. 23rd Street requested by the owner's Loma Vista, a new business to the Ottawa area. It was explained Loma Vista is a wholesale nursery operation. Thereupon, the Governing Body agreed to place this item on the next Regular Agenda for February 2, 2005.

### **Ordinance-Amending Chapter 14, Section 14-315 Municipal Code**

Thereupon, the Governing Body reviewed an ordinance to amend Municipal Code relating to unpaid and delinquent utility bills and the cost of collection. This amendment is specifically designed out of concern if a large utility user (such as a large commercial or industrial customer) did not pay for utilities and the effort to collect required traveling out of state to a corporate headquarters, hiring outside legal assistance, etc. Thereupon, the Governing Body agreed to place this item on the next Regular Agenda for February 2, 2005.

### **Resolution-Swim For Life**

Thereupon, the Governing Body reviewed a resolution rescinding a previous resolution and establishing the terms related to improvements to the parking for Swim For Life. This resolution will increase the period of time for the parking improvements to be completed from 12 months to 18 months. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for February 2, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from the Study Session of January 24, 2005 and agreed to place this item on the next Regular Agenda.

Thereupon, Commissioner Fleer asked what really came out of the meeting with Bea Martin Peck staff. Thereupon, Mayor Ramsey explained they were made aware funding might be cut when budget planning begins for 2006.

### **Monthly Reports-December 2004**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for the month of December 2004. Thereupon, City Manager Weldon Padgett explained staff would put together written documentation with regards to the "Court" area of the monthly report and he would ask Police Chief Dennis Butler to address any concerns in this area.

January 31, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. February 2, 2005: Commission Photos at 6:30 pm then Regular Meeting at 7 pm

Thereupon, City Manager Weldon Padgett confirmed a meeting with the Governing Body and the Ottawa Recreation Board for February 7, 2005, at 5:30 pm in the Commission Chambers. The City Manager notified the Governing Body that approximately 20 property owners in the area of the K-68 Corridor will be sent letters regarding proposed annexation.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Gillette, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
February 2, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the presentation of Colors and Pledge of Allegiance to the American flag was given by the Scouts from Troops 74 and 77. The invocation was given by Pastor Bill Burns from the Church of the Brethren.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fler, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session January 3, 10, 24; January 14 Special Call Meeting; and January 5 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation**

**Scout Week**

Thereupon, the Mayor read a proclamation declaring the week of February 6, 2005 as Scout Week in the City of Ottawa, Kansas. The proclamation was accepted by scouts from Troops 74 and 77.

**Black History Month**

Thereupon, Commissioner Jackson read a proclamation recognizing Black History Month. Mr. Joe Wakefield accepted the proclamation. Mr. Wakefield announced different events taking place in the community to celebrate Black History Month and thanked the Governing Body for the proclamation.

**National Catholic School Week**

Thereupon, Commissioner Henningsen read a proclamation declaring January 30th through February 5th as National Catholic School Week. The Principal of Sacred Heart School Ms. Diane Chapman stated the mission at Sacred Heart School is still the same as when the school first started in 1951 "helping students get to Heaven" and thanked the Governing Body for the recognition.

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**Ordinance-Annexing 2601 US-59 Highway**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas, generally located at 2601 US-59 Highway.

During discussion it was explained Mr. Kent Granger, the owner of this property had submitted a request for voluntary annexation of approximately 80 acres predominately south of I-35 and east of US-59 Highway and staff recommends approval. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adopt the ordinance as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3495-05.

**Ordinance-Annexing 1101 E. 23rd St.**

Thereupon, there was presented an ordinance to annex land to the City of Ottawa, Kansas, generally located at 1101 E. 23rd Street. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Henningsen, to adopt the ordinance as presented.

During discussion it was explained the owner of 300 acres within what is commonly referred to as Fogle Quarry plan to develop a wholesale nursery business called Loma Vista. The property owner has submitted a request for voluntary annexation and staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3496-05.

**Resolution-Special Use Permit-1213 College Street**

Thereupon, there was presented a resolution granting a special use permit for the expansion of an elementary school in an R (Single-Family) zoning district located at 1213 College Street requested by USD 290 in the City of Ottawa, Kansas. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to adopt the resolution.

During discussion it was explained the Planning Commission reviewed this request, held a public hearing and recommends approval with a vote of 4-0 with the following conditions. 1. A site plan shall be submitted for review. The site plan shall include, in addition to the typical detail, that is required, a landscape plan, traffic study, and storm water study. 2. There shall be no use of the facility later than 10 p.m. each day of the week, except for activities sponsored by USD 290. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1313-05.

**Resolution-Special Use Permit-1102 Milner Street**

Thereupon, there was presented a resolution granting a special use permit for the construction of a new elementary school in an M-H (Mobile-Home) zoning district located at 1102 Milner Street

February 2, 2005

requested by USD 290 in the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fleer, to adopt the resolution as presented.

During discussion it was explained the Planning Commission reviewed this request, held a public hearing, and with the following conditions, recommends approval with a 4-0 vote. 1. A site plan shall be provided with typical site plan detail, a landscape plan, a traffic study and a storm water study. 2. No activities except those sponsored by USD 290 shall be permitted at this location later than 10 pm. The motion was considered and upon being put all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1314-05.

#### **Resolution-Swim For Life-913 E Wilson**

Thereupon, there was presented a resolution granting a special use permit for an indoor pool aquatic center in the R-1 Zoning District at 913 E. Wilson requested by Mark R. & Carolyn S. Retzer in the City of Ottawa, Kansas, and rescinding resolution number 1311-05. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to adopt the resolution as presented.

During discussion it was explained this action is being taken to extend the time period for compliance of the requirement to expand the parking lot at this location from 12 months to 18 months. A performance bond in the amount of 125% will still be enforced, as will all other requirements as set forth in the Commission's previous action. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen nay, Commissioner Fleer aye, Commissioner Jackson nay, Commissioner Gillette aye, and Mayor Ramsey aye. Thereupon, the Mayor declared the resolution duly adopted by a 3-2 vote and the resolution was duly numbered Resolution No. 1315-05.

#### **Resolution-GAAP Fiscal Year 2005**

Thereupon, there was presented a resolution authorizing the City of Ottawa, Kansas to request the Director of Accounts and Reports to waive the statutory requirement to use GAAP based accounting for the reporting of fiscal year 2005. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jackson, to adopt the resolution as presented.

During discussion it was explained that this action is the annual waiver of requirements to use GAAP accounting for city reports. In the recent past the city has chosen instead to comply with state statutes that require cash based accounting for all funds. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1316-05.

February 2, 2005

### **Ordinance-Ottawa Municipal Code-Utility Bill**

Thereupon, there was presented an ordinance to amend Section 14-315 of the Ottawa Municipal Code, Utilities, to include a section allowing for the assessment of attorney's fees and reasonable costs associated with the collection of unpaid utility bills. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to adopt the ordinance as presented.

During discussion it was explained this action will authorize the City Manager on behalf of the City to take action for unpaid and delinquent utility bills, to include reasonable collection costs, including but not limited to attorney fees as lawful damage to be recovered as part of the collection process. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3497-05.

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from Youth Delegates Ms. Erin Rogers and Mr. Brett Staneslow who stated the Youth are currently working on fund raising, selecting activities, and a location for the upcoming camp to be held in June.

### **Reports by City Commission**

Thereupon, Commissioner Jackson thanked those who participated in the recent "City Hall Day at the Capitol" where there were over 200 City Officials present. Commissioner Jackson expressed disappointment that no local schools had participated in the "If I were Mayor" essay contest which involved 7th grade students.

### **Reports by Mayor**

Thereupon, Mayor Ramsey stated the Governing Body had annexed two large pieces of property tonight, as well as, adopting two Special Use Permits that will allow USD 290 to proceed with an expansion at Garfield School and the new elementary school on the north side of town. In addition, the Mayor thanked the area scouts for their attendance and participation.

### **Announcements**

Thereupon, the Mayor announced:

1. February 7, 2005: Study Session at 4 pm then recess and reconvene at 5:30 pm to meet with the ORC and discuss community recreational facility
2. February 14, 2005: Study Session at 4 pm
3. **February 16, 2005: Regular Meeting at 9:30 am**
4. February 21, 2005: Study Session at 4 pm

**Adjournment**

There being no further business to come before the Governing Body Commissioner Jackson made a motion, seconded by Commissioner Flear, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:27 pm.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
February 7, 2005

The Governing Body met at 4:30 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Annexation-611 N Davis Avenue**

Thereupon, the Governing Body considered an ordinance to annex property located at 611 N Davis Avenue, immediately east of the country club golf course submitted by Kansas State Bank. The Governing Body discussed this issue and agreed to place it on the Regular Meeting Agenda for February 16, 2005.

**Annexation-City Property**

Thereupon, the Governing Body reviewed an ordinance to annex approximately 160 acres belonging to the city on the east side of Montana Road, east of the airport. The Governing Body reviewed this recommendation and agreed to place it on the Regular Meeting Agenda for February 16, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from the January 31, Study Session and the Regular Minutes from February 2, 2005 and agreed to place these items on the next Regular Meeting Agenda.

**Flood Plain Management**

Thereupon, the Governing Body heard from Rhonda Montgomery, State Coordinator for the National Flood Insurance Program, Kansas Department of Agriculture Division of Water Resources, who explained her role in assisting cities with Flood Plain mitigation regulations, aid offered by her department toward the reduction of flood losses, and provided a explanation of the city's mapping initiative.

Thereupon, Planning and Codes Administration Director Wynndee Lee indicated that a new flood control ordinance would be coming to the Governing Body in the near future.

**Facility Naming Policy**

Thereupon, the Governing Body reviewed with the City Manager a draft policy on naming city facilities and asked for some changes. Specifically, on item number 4, to strike the sentence

February 7, 2005

“Minor facilities would not require dedication or approval by the City Commission and might be selected by the City Manager” and asked that the definition for facilities strike the word “major”.

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, that the policy be accepted with the suggested changes. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Henningsen aye, Commissioner Jackson aye, Commissioner Gillette aye, and Mayor Ramsey nay. Thereupon, the Mayor declared the motion duly approved with a 4-1 vote.

Thereupon, the Mayor suggested an application be received from those who wished to name the airfield after Ralph Robertson before a committee be appointed.

### **Recess and Reconvene-Commission Chambers**

Thereupon, the Mayor announced at 5:30 pm that the meeting will be continued with members of the Ottawa Recreation Commission and asked the Governing Body to join him in the Commission Chambers.

### **Proposed Recreation Building, Funding, Location**

Thereupon, the Governing Body met with members of the Ottawa Recreation Commission and ORC Director Jane Morton. Thereupon, members of the Recreation Commission expressed the desire to develop a recreation center and the matter of the location was not fixed necessarily.

The City Commission expressed concern over the Eisenhower location and asked for additional clarity. Thereupon, Commissioner Henningsen asked for additional clarification as to the number of gyms needed in light of the new schools that will be constructed with gymnasiums and how the 20-year debt could be guaranteed.

Commissioner Jackson asked the Recreation Commission for a plan of the proposed building and for potential locations.

Mayor Ramsey asked that consideration be made for the cost of operating and maintaining the facility.

The Recreation Commission added they would continue to operate the current Woodward Center.

Thereupon, it was decided that City Manager Weldon Padgett, Ottawa Recreation Director Jane Morton, and one Recreation Commission Member would find and recommend an appropriate site for the location of a recreation facility.

February 7, 2005

## **Adjournment**

Thereupon, the Mayor closed the meeting at 6:53 pm

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Scott D. Bird, City Clerk

February 7, 2005

## **STUDY SESSION MINUTES**

### **OTTAWA, KANSAS**

Minutes of

February 14, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fler, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for Public Comments.

#### **Public Comments**

None offered at this time.

#### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes for February 7, 2005, Study Session and agreed to place them on the Regular Meeting Agenda for February 16, 2005.

#### **Application to Name Robertson Field**

Thereupon, the Governing Body discussed an application submitted by Derek Chappell on behalf of his grandfather Ralph Robertson to add to the Ottawa Municipal Airport the name "Robertson Field". Thereupon, the Governing Body appointed the following committee to consider this application: Commissioner Deb Henningsen, City Manager Weldon Padgett, Franklin County Historical Society Director Deb Barker, and Ms. Barbara Netherland.

#### **Main Street Request**

Thereupon, the Governing Body reviewed a request from Mary Allison Haynie representing Ottawa Main Street to use Haley Park on Friday, May 6; Friday, June 3; and Friday, June 1, 2005 for a new series "Main Course Music." The Governing Body considered this issue and agreed by consensus to the request remanding the details back to staff.

#### **Monthly Reports-January 2005**

Thereupon, the Governing Body reviewed the monthly reports for January 2005.

#### **Municipal Court**

Thereupon, the Governing Body heard from Police Chief Dennis Butler who reported on the Municipal Court warrants and revenues and actions being taken to improve court operations and the serving of warrants.

#### **Topics to be discussed at NLC Conference**

Thereupon, the Governing Body considered issues, which they would like to discuss with Washington representatives including:

- Reduction of funds for community development block grants
- Airport

February 14, 2005

- Recreation and community center
- Gravel road improvements in industrial park

Most specifically the Governing Body agreed an expression of the City's appreciation for the recent assistance, should be taken to Washington and a token gift of the framed prints by local artist Mary Hall be presented to the local representatives.

### **Rail Trail**

Thereupon, the Governing Body heard from Andy Haney who reported that the company, which supplied the exterior lights for the new Rail Trail, had inadvertently shipped three additional lights. The Friends of the Rail Trail have agreed to purchase two of these and Mr. Haney suggested the City purchase the third one and pay for the installation of all three. The City has the funds within the budget to afford these extras and suggested these three lights be placed, one at the corner of 5th and Walnut, and two of them south of the Rail Trail Bridge Crossing over the Marais des Cygne River. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to approve Mr. Haney's request. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Announcements**

Thereupon, the Mayor announced:

1. February 16, 2005: Regular Meeting at 9:30 am
2. February 21, 2005: Work Study Session at 4 pm
3. February 28, 2005: Work Study Session at 4 pm (tentative time)
4. March 10-15: NLC meetings in Washington

Thereupon, the Mayor reminded the Governing Body of items previously placed on the Regular Meeting Agenda including:

- Annexation of property located at 611 N Davis Avenue
- Annexation of property located at 2149 Montana Road

### **Executive Session**

#### **Recess**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess into Executive Session to discuss attorney/client privilege matters, specifically, to allow the City Attorney to update the Governing Body on current and pending litigation for a period of 12 minutes and to reconvene at 4:45 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved and the meeting duly recessed into Executive Session.

February 14, 2005

**Reconvene**

Thereupon, at 4:45 pm Commissioner Gillette made a motion, seconded by Commissioner Jackson, to reconvene the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

**Recess**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to recess into Executive Session to continue discussions with the City Attorney to discuss attorney/client privilege matters for a period of 5 minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

**Reconvene**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to reconvene the meeting at 5:51 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 5:53 pm.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
February 16, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Pastor Bill Burns from the Church of the Brethren.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session January 31, February 7, and February 2 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Annexation-611 N Davis Avenue**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, located at 611 N Davis Avenue. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Jackson, to approve the ordinance as presented.

During discussion it was explained Kansas State Bank, owner of this property had submitted a request for voluntary annexation of approximately 29 acres east of the country club golf course and staff recommends approval. Thereupon, the motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Fler aye, Commissioner Jackson aye, Commissioner Gillette aye, and Mayor Ramsey abstained. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3498-05.

**Annexation-2149 Montana Road**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, located at 2149 Montana Road. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve the ordinance as presented.

February 16, 2005

During discussion it was explained staff recommends this property generally located at 2149 Montana Road, east of the airport, which belongs to the city be annexed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3499-05.

### **Reports by Mayor**

Thereupon, Mayor Ramsey stated tickets are now on sale for the Mayor's Prayer Luncheon on March 23, 2005, at the Ottawa University Student Union.

### **Announcements**

Thereupon, the Mayor announced:

1. February 16, 2005: Joint City/County/USD 290 meeting at Noon at the Franklin County Jail
2. February 21, 2005: Study Session at 4 pm
3. February 28, 2005: Study Session at 4 pm
4. March 10-15, 2005: NLC conference

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:35 am.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
February 21, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fler, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Special Use Permit-602 S Maple**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee about a Special Use Permit requested at 602 S. Maple requested by Thomas M. Jackson, M.D. and ECKAN, to allow a medical office in an R-1 (Single-Family) Zoning District located at 602 S. Maple. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for March 2, 2005.

**Special Use Permit-803 S Poplar**

Thereupon, the Governing Body reviewed a Special Use Permit request from Butch and Brenda Bazil submitted for a residential 4 unit multi-family structure in an R-2 (Two-Family) Zoning District. It was noted that the Planning Commission had recommended the approval of this request and the Governing Body agreed to place this on the Regular Meeting Agenda for March 2, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes of February 14, Study Session and the Regular Meeting of February 16, 2005 and agreed to place them on the Regular Meeting Agenda with one change.

**City Manager Update**

Thereupon, the Governing Body reviewed an update from the City Manager related to the City's activities in the area of diversity.

Thereupon, the City Manager mentioned that he has a committee recommendation to bring to the Governing Body related to the request for naming the airport facility.

Thereupon, the Mayor asked for an update on several items including the Forest Park bathhouse, airport management, cable television franchise, and atrium front doors.

February 21, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. February 28, 2005: Work Study Session at 4 pm
2. March 2, 2005: Regular Meeting at 7 pm
3. March 7, 2005: Work Study Session at 4 pm
4. March 10-15, 2005: NLC meetings in Washington

In addition, the Mayor stated the Lieutenant Governor will be in town to tour the community, Ottawa Truck and have a reception at 5:30 pm at Ottawa Country Club.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

February 21, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
February 28, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleer, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Special Use Permit-1207 S Main**

Thereupon, the Governing Body reviewed a resolution requested by Bill Crowley which will provide a Special Use Permit for the expansion of an existing commercial daycare in an R-2 (Two-Family) Zoning District located at 1207 S Main. Thereupon, the Governing Body reviewed the request and agreed to place it on the Regular Meeting Agenda for March 2, 2005.

**Zoning Ordinance**

Thereupon, the Governing Body reviewed the updated zoning regulations. It was noted that the City Planning Commission held public hearings on January 12 and January 26, 2005. The Planning Commission voted 6-0 to recommend approval of the new Zoning Regulations and the new Zoning District Map. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for March 2, 2005.

**Annexation-2178 Montana**

Thereupon, the Governing Body reviewed an ordinance, which will annex road right-of-way adjacent to 2178 Montana Road. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for March 2, 2005.

**Neighborhood Revitalization Program**

Thereupon, the Governing Body reviewed applications for inclusion in the NRA program submitted by owners of 322 S Sycamore, 227 S Oak, 934 N King, 326 S Walnut, 1024 S Walnut, 134 S Elm, 314 S Main, 320 S Main, and 229 S Main. Thereupon, the Governing Body agreed to place the applications on the next Regular Meeting Agenda for March 2, 2005.

**Review of Minutes**

Thereupon, the Governing Body agreed to place the minutes from the February 21, 2005, Work Study Session meeting on the next Regular Agenda.

**Facility Naming Advisory Committee**

Thereupon, the Governing Body agreed to accept the recommendation of the Advisory Committee, as follows:

February 28, 2005

Based on the factual information compiled and reviewed, and using the criteria within the policy, the Committee believes that there is:

“Insufficient compelling support or information to indicate that either Robertson or Snyder made a substantial enough, long lasting contribution to the facility as individuals or in partnership, to warrant adding their names to the Ottawa Municipal Airport.”

### **Franklin County Emergency Temporary Shelter Association (FRESTA)**

Thereupon, a representative with FRESTA, Ms. Caren Rugg discussed with the Governing Body a request for temporary funding for an emergency shelter. Thereupon, the Governing Body tabled this issue until after Ms. Rugg meets with the County Commission.

### **Other Items From Staff or the City Commission**

Thereupon, the Governing Body reviewed information compiled by City Manager Weldon Padgett that will be mailed to Congress before the Governing Body meets with them in March.

Thereupon, Mayor Ramsey inquired if the other Commissioners received the information from the City Manager to update them on the swimming pool grant. The commissioners responded affirmatively.

Thereupon, City Attorney Bob Bezek stated there had been a petition calling for a grand jury investigation in regards to a Franklin County Commissioner.

### **Announcements**

Thereupon, the Mayor announced:

1. March 2, 2005: Regular Meeting at 6 pm
2. March 7, 2005: Work Study Session at 4 pm
3. March 10-15, 2005: NLC meetings in Washington
4. March 14, 2005: No Study Session due to NLC Meeting
5. March 21, 2005: Work Study Session at 4 pm
6. March 23, 2005: Mayor Prayer Luncheon

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Jackson, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

February 28, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
March 2, 2005

The Governing Body met at 6 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette and Commissioner Fleer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Pastor Bill Burns from the Church of the Brethren.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the consent agenda which included the agenda approval and the minutes from Work Study Sessions February 14, 21, 2005 and February 16 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Resolution- Special Use Permit 602 S. Maple**

Thereupon, a resolution was presented to grant an amendment to a Special Use Permit to allow a medical office (General Surgeon) in an R-1 (Single-Family) Zoning District located at 602 S. Maple Street, requested by Thomas M. Jackson, MD and ECKAN, in the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution as presented.

During discussion it was explained this action, requested by Thomas M. Jackson, M.D., and ECKAN, will allow a medical office in an R-1 (Single-Family) Zoning District located at 602 S. Maple. The Planning Commission recommends approval with the following restrictions: 1) No more than ten employees on the site at one time. 2) Hours are to be from 8 am to 6 pm. 3) Occupancy shall be limited to 16. 4) No more than 16 vehicles to be parked at this location at one time. 5) Parking spaces on the north and west of building must be 9 feet wide and striped. 6) Flower boxes are to be maintained and snow, debris and general maintenance are to be in conformance with city regulations. 7) Night lights are required on the north and west sides of the building with appropriate shielding. 8) Signage shall conform to city regulations. 9) Biologically hazardous materials shall be stored inside the locked building. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Fleer aye, Commissioner Jackson abstained, Commissioner Gillette abstained, and Mayor Ramsey aye. Thereupon, the Mayor declared the resolution duly adopted by a 3-0 vote with 2 abstaining and the resolution was duly numbered Resolution No. 1317-05.

March 2, 2005

### **Resolution-Special Use Permit 1207 S Main Street**

Thereupon, a resolution was presented granting a Special Use Permit for a Commercial Daycare Center in an R-2 (Two-Family) zoning district at 1207 S. Main Street requested by Bill Crowley, in the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Fler, to adopt the resolution as presented.

Thereupon, Mr. Ron Matthews, 1203 S Main, spoke in opposition of the daycare in this area and noted homeowners in the area had filed a petition in opposition.

During discussion it was explained this resolution, requested by Mr. Bill Crowley, will allow a Special Use Permit for the expansion of a commercial daycare in an R-2 Zoning District located at 1207 S Main Street. The Planning Commission reviewed this request, held a public hearing and recommends approval by a 6-0 vote with the following conditions: 1) The parking area shall be improved to accommodate a minimum of 6 vehicles. 2) All state, county and local requirements shall be complied with. 3) Applicant shall obtain all state licenses to operate a daycare. 4) Hours of operation shall be limited from 6 am to 6 pm daily. Please note, due to the filing of a sufficient protest, approval will require a super majority. The motion was considered and upon being put, passed by the following vote: Commissioner Fler aye, Commissioner Jackson aye, Commissioner Gillette aye, Commissioner Henningsen nay, and Mayor Ramsey aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1318-05.

### **Resolution-Special Use Permit 803 S Poplar**

Thereupon, there was presented a resolution granting a Special Use Permit for the construction of a 4-unit multi-family residential structure in an R-2 (two-family) Zoning District located at 803 S Poplar, requested by Butch and Brenda Bazil, in the City of Ottawa, Kansas. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to adopt the resolution as presented.

During discussion it was explained the Planning Commission had recommended approval of this request by a 6-0 vote, with the following condition: A site plan for the proposed building must be approved. The motion was considered and upon being put, passed by the following vote: Commissioner Jackson aye, Commissioner Gillette aye, Commissioner Henningsen nay, Commissioner Fler aye, and Mayor Ramsey aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-1 vote and the resolution was duly numbered Resolution No. 1319-05.

### **Ordinance-Annexing Land 2178 Montana Road**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, located at 2178 Montana Road. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adopt the ordinance as presented.

March 2, 2005

During discussion it was explained this action will annex road right-of-way adjacent to the Municipal Airport and other city property on Montana Road and staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3500-05.

### **Ordinance-Adopting Zoning Regulation and Zoning Map**

Thereupon, there was presented and ordinance to adopt zoning regulations and a zoning map for the City of Ottawa, Kansas; repealing ordinance 2933-90, existing laws of the city and incorporating such regulations and map by reference pursuant to K.S.A. 12-741 et seq., K.S.A. 12-3009-3012 and K.S.A. 12-3301-3302. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adopt the ordinance as presented.

Thereupon, Planning and Codes Administration Director Wynndee Lee reviewed different areas of the zoning map.

During discussion it was explained the City Planning Commission held public hearings on January 12 and January 26. On February 9 the Planning Commission voted 6-0 to recommend approval of the new Zoning Regulations and the new Zoning District Map. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3501-05.

Thereupon, Commissioner Gillette expressed appreciation to the Planning Department Staff and all those involved in this major undertaking, as well as, other recent large projects they have been working on.

### **Neighborhood Revitalization Program**

Thereupon, the Governing Body reviewed applications for inclusion in the Neighborhood Revitalization Program submitted by the owners of the following properties: 322 S. Sycamore, 227 S. Oak, 934 N. King, 326 S. Walnut, 1024 S. Walnut, 134 S. Elm, 314 S. Main, 320 S. Main, and 229 S. Main. Approval is recommended. Thereupon Commissioner Henningsen made a motion, seconded by Commissioner Fler, to approve the applications as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

### **Reports by Youth Delegates**

Thereupon, Ms. Erin Rogers, Youth Delegate, stated the Youth Delegates, are currently selling bingo tickets in order to raise funding for the summer camp, and are in the planning stages of the 2005 Leadership Camp.

March 2, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. March 7, 2005: Study Session at 4 pm
2. March 14, 2005: No Study Session-NLC Meetings
3. March 10-15, 2005: NLC conference
4. March 21, 2005: Study Session at 4 pm
5. March 23, 2005: Mayor's Prayer Luncheon
6. **March 16, 2005: NEXT REGULAR MEETING at 9:30 am**

Thereupon, the Mayor announced the meeting times in April may change for reorganization of the Governing Body after the election.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 6:23 pm.

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Scott D. Bird, City Clerk

March 2, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 7, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Flee, Commissioner Henningsen, and Commissioner Gillette. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from the Study Session of February 28, 2005, and Regular Meeting March 2, 2005 and agreed to place these items on the Regular Meeting Agenda on March 16, 2005.

**Items for Discussion**

**Youth-In-Government-Funding**

Thereupon, Youth Delegate Erin Rogers discussed with the Governing Body the request of the delegates to receive all Youth In Government funds budgeted for 2005 to use towards their Leadership Camp. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to allow the budgeted funds of \$4,500 to be used for the camp with the understanding there wouldn't be any additional funding in 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the request duly approved. Thereupon, Mayor Ramsey suggested the Youth In Government Program provide detailed spending requests to the Governing Body during the 2006 Budget planning.

**ORC Lease Agreements**

Thereupon, the Governing Body reviewed with Ottawa Recreation Director Jane Morton and City Manager Weldon Padgett the agreements with ORC for the Swimming Pool and Facilities Lease and the Baseball and Softball Facility Lease. Thereupon, the Governing Body asked the City Manager to add additional language to both lease agreements, which would include the City being notified of any hazard that might affect the public. Thereupon, the Governing Body agreed to place these items on the next Regular Agenda Meeting for March 16, 2005.

**Other Items From Staff or the City Commission**

Thereupon, City Manager Weldon Padgett noted that the City of Ottawa "Annual Report" is being distributed in the Ottawa Herald today and additional copies will be distributed to the Visitor's Center, Ottawa Main Street, Library, and other locations for easy access to the public.

March 7, 2005

Thereupon, Commissioner Gillette asked that additional language be added to the recently developed policy on naming a facility in the City of Ottawa that would set a timeframe in which an applicant could reapply if their application had been denied.

Thereupon, the Governing Body agreed to have the City Manager add language that would allow the Governing Body to deny an application for a second review without substantial new information.

Thereupon, Public Works Director Andy Haney announced the contractors should begin work on Cedar Street as early as Friday.

### **Announcements**

Thereupon, the Mayor announced:

1. March 14, 2005: No Study Session due to NLC Conference
2. March 16, 2005: Regular Meeting at 9:30 am
3. March 21, 2005: Work Study Session at 4 pm
4. March 28, 2005: Work Study Session at 4 pm
5. March 10-15 NLC meetings in Washington with 3 City Commissioners attending.
6. March 23, 2005: Mayor's Prayer Luncheon and the deadline to purchase tickets is March 16th.
7. The two meeting in April will be evening meetings (7 pm) due to Arbor Day awards and reorganization of the Governing Body.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

March 7, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
March 16, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Kent Mathews from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session February 28, and March 2, 2005 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Swimming Pool/Facilities Lease Agreement**

Thereupon, there was presented a lease agreement between the City and ORC. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Jackson, to accept the agreement as presented.

During discussion it was explained the agreement between the City and ORC covers the responsibilities of each party related to operation and maintenance of the municipal swimming pool and related facilities. Basic items covered in the agreement include the training level of staff, maintenance and custodial duties, requirements for insurance, limitations on subleasing, payment for utilities, chemicals and supplies, etc. The lease automatically renews each year, but is open for amendment by either party. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly adopted.

**Baseball/Softball Facility Lease Agreement**

Thereupon, there was presented a lease agreement between the City and ORC. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to accept the agreement as presented.

During discussion it was explained the agreement between the City and ORC covers responsibilities for the management and operation of the City's baseball and softball diamonds

March 16, 2005

and associated facilities. Basic items in the agreement include operation and maintenance of the facilities, sanitation, payment for and maintenance of utilities, road and parking maintenance, as well as insurance and reporting requirements. The lease automatically renews, on an annual basis, but is open for amendment by either party. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly adopted.

### **Naming City-Owned Lands and Facilities-Modification**

Thereupon, there was presented a modification (Item number 5. Process, a) to the current policy for naming City-Owned Lands and Facilities. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fler, to accept the modification as presented.

During discussion it was explained this modification was based upon discussions at the last Study Session and this language was added to help address the potential for repeated applications for once failed attempts to name or rename a facility. The language states that if an applicant has previously been denied, reapplication of a request must first be agreed to by a majority of the City Commission based on an initial assessment that new and substantive information has been presented. The motion was considered and upon being put, passed by the following vote: Commissioner Fler aye, Commissioner Henningsen aye, Commissioner Gillette aye, Commissioner Jackson nay, and Mayor Ramsey nay. Thereupon, the Mayor declared the modification duly approved by a 3-2 vote.

### **Reports by City Commission**

Thereupon, Commissioners Henningsen, Fler, and Jackson reported on their recent trip to Washington D.C. National League of Cities Conference.

### **Reports by Mayor**

Thereupon, the Mayor announced Scott Bird had recently been awarded the Mildred Vance City Clerk/Finance Officer of the Year at the recent City Clerk Conference in Wichita.

Thereupon, City Manager Weldon Padgett and Deputy City Clerk Carolyn Snethen spoke of how easy it was to nominate Mr. Bird for this award, as he is very deserving. Thereupon, City Clerk Scott Bird thanked the Governing Body and staff for the nomination and stated he felt very honored to have received this award.

Thereupon, Public Works Director Andy Haney provided an update on the Cedar Street Improvement and asked the Governing Body to contact staff if they received telephone calls from the community.

Thereupon, Mayor Ramsey asked Police Chief Dennis Butler to speak on behalf of the current seat belt enforcement throughout the county.

March 16, 2005

Thereupon, City Manager Weldon Padgett introduced Nikki Spencer, Assistant to the City Manager, and explained Nikki would be part-time in this position until she finished school in May. Thereupon, Nikki thanked the Governing Body for the opportunity to continue working for the City and stated she was really excited about working with the Governing Body and Staff.

**Announcements**

Thereupon, the Mayor announced:

1. March 21, 2005: Study Session at 4 pm
2. March 23, 2005: Mayor's Prayer Luncheon at 11:45

**Adjournment**

There being no further business to come before the Governing Body Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 10:07 a.m.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
March 21, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fler, and Commissioner Gillette. Commissioner Henningsen was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Grand River Dam Authority**

Thereupon, Utility Director Jim Bradley and City Manager Weldon Padgett reviewed with the Governing Body the contract that has been negotiated by KMEA and that provides certain additional benefits and securities to the participant cities. An outline was provided showing the advantages to adopting the agreement and resolution. Thereupon, the Governing Body agreed to place this item on the next Regular Agenda for April 6.

**Allegiance Cable Franchise Agreement**

Thereupon, the Governing Body discussed with City Attorney Bob Bezek and City Manager Weldon Padgett an ordinance to finalize the franchise agreement with Allegiance Communications that has been negotiated over the last year. Thereupon, the Governing Body agreed to place this item on the next Regular Agenda for April 6.

**B.P.W. Proclamation**

Thereupon, the Governing Body reviewed a proclamation submitted by Julie Brayman, President Elect of B.P.W. and agreed to place it on the Regular Meeting Agenda for April 6.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from the March 7 Study Session and the Regular Meeting Minutes from March 16, 2005 and agreed to place these items on the next Regular Agenda for April 6, 2005.

**Arbor Day Activities**

Thereupon, Public Works Director Andy Haney reviewed with the Governing Body the activities that will take place on Arbor Day and during the City Commission Meeting on April 6, 2005.

**Monthly Activity and Finance Reports-February 2005**

Thereupon, the Governing Body reviewed the Monthly Activity and Finance Reports for the month of February 2005.

March 21, 2005

### **Other Items From Staff or the City Commission**

Thereupon, Commissioner Fler asked if additional patrol for speeders could be provided on side streets because of additional traffic from the Cedar Street closing. Thereupon, Public Works Director Andy Haney stated several changes have been put in place to assist with some traffic problems. Commissioner Gillette asked about increased traffic on Main Street as well. City Manager Weldon Padgett stated additional patrolling could be done and thought the ramps that were put into place were a good idea. In addition, he stated the Police Department had collected about 4 days worth of data on radar checks.

Thereupon, Commissioner Gillette explained he would not be present at the April 20th City Commission reorganization meeting and asked if he might be allowed to give some departing remarks at the end of the April 6, 2005 Regular Meeting. Thereupon, it was agreed he would be placed on the April 6 meeting agenda.

Thereupon, Commissioner Jackson reported on the League meeting held in Topeka.

### **Announcements**

Thereupon, the Mayor announced:

1. March 23, 2005: Mayor's Prayer Luncheon
2. March 28, 2005: Study Session will be canceled unless additional items are brought forward.
3. April 4, 2005: Work Study Session at 4 pm
4. April 6, 2005: Regular Meeting at 7 pm

**Note:** April 20, 2005: Regular Meeting at 7 pm (City Commission reorganization)

### **Executive Session**

#### **Recess**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to recess into Executive Session for a period of 10 minutes to discuss Personnel Matters and Property Acquisitions and to reconvene in open session at 4:40 pm in the same Work Study Session room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

#### **Reconvene**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to reconvene the meeting at 4:40 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

March 21, 2005

**Recess**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Gillette, to recess into Executive Session for a period of 5 minutes to continue discussion on Personnel Matters and Property Acquisitions and to reconvene in open session at 4:45 pm in the same Work Study Session room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

**Reconvene**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to reconvene the meeting at 4:45 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 4, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Fleer, Commissioner Gillette and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Request for Rezone-611 N Davis**

Thereupon, due to a conflict of interest the Mayor asked Mayor pro tem Jackson to chair this item. Thereupon, there was presented an ordinance for the rezoning of property at 611 N Davis, from County A-2 to C-3 (General Commercial District) for the area fronting K-68 and to C-1 (Office and Service Business District) for the north part of the property. The Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for April 6, 2005.

**Arbor Day Proclamation**

Thereupon, the Governing Body agreed by consensus to place this proclamation on the Regular Meeting agenda for April 6, 2005.

**Volunteer Week Proclamation**

Thereupon, the Governing Body agreed by consensus to place this proclamation on the Regular Meeting agenda for April 6, 2005.

**Library Week Proclamation**

Thereupon, the Governing Body agreed by consensus to place this proclamation on the Regular Meeting agenda for April 6, 2005.

**George McGovern Recognition**

Thereupon, the Governing Body agreed by consensus to place this recognition on the Regular Meeting agenda for April 6, 2005.

**Cereal Malt Beverage License**

Thereupon, the Governing Body reviewed an application from Crescent Stores Corporation, formerly Arman Enterprises, Inc., located at 216 E. 23rd Street and agreed to place the application on the next Regular Meeting agenda for April 6, 2005.

April 4, 2005

### **Replat-City's North Industrial Park**

Thereupon, it was explained the Planning Commission approved the replat of the industrial park at their last meeting and the City Commission needs to act on the dedication of rights-of-way. It was noted that this replat was motivated by the confusing nature of the original plat, as well as, the potential sale of a portion of property to the school district. The Governing Body agreed by consensus to place this item on the Regular Meeting agenda for April 6, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from March 21, 2005, Study Session and agreed to place this item on the Regular Meeting Agenda for April 6, 2005.

### **Other Items From Staff or the City Commission**

#### **Cedar Street**

Thereupon, Public Works Director Andy Haney gave a status report on the Cedar Street Project. Mr. Haney stated approximately 33 people had attended the recent meeting at Sacred Heart School and expressed concerns that City Staff and the Contractor are addressing. Additional meetings will be held throughout the project.

#### **Airport Lighting**

Thereupon, Public Works Director Andy Haney reported that Senator Pat Roberts announced the City has been awarded \$57,570 in funds from the Federal Department of Transportation to install lighting on the runway. The City will have a 5 percent match on this funding.

#### **Yard Sale**

Thereupon, City Manager Weldon Padgett stated he will be working with Planning and Codes Administration Director Wynndee Lee to provide the Commission a report on Yard Sale information since the policy was put in place last year.

### **Reports by the Mayor**

Thereupon, Mayor Ramsey asked for clarification on the following items:

- Opening and Closing of Highland Cemetery gates
- Water being turned on at the Orlis Cox ball fields
- Main Street funding \$2,500

### **Announcements**

Thereupon, the Mayor announced:

1. April 5, 2005: City Commission and Board of Education Elections
2. April 6, 2005: Regular Meeting at 7 pm
3. April 11, 2005: Work Study Session at 4 pm

April 4, 2005

**Note:** The April 20th day meeting has been rescheduled for 7 pm to make it easier for public, family and friends to attend the reorganization of the City Commission.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Fler made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
April 6, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, Commissioner Gillette, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Kent Mathews from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session March 7, 21 and March 16, 2005 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Library Week Proclamation**

Thereupon, Mayor Ramsey read a proclamation declaring the week of April 10-16, 2005, as "Ottawa Library Week". The proclamation was accepted by Ken Woods who thanked the City Commission and provided a list of activities planned for Library Week.

**B.P.W. Equal Pay Day Proclamation**

Thereupon, Commissioner Henningsen read a proclamation declaring April 19, 2005, as "Equal Pay Day". The proclamation was accepted by Julie Brayman, President elect B.P.W.

**Volunteer Week Proclamation**

Thereupon, Commissioner Gillette read a proclamation declaring April 17-23, 2005, as "Ottawa Volunteer Week". The proclamation was accepted by Jason Camis, Convention and Tourism Director.

**George McGovern Recognition**

Thereupon, Commissioner Jackson read a recognition for the honorable and devoted public servant George McGovern visiting our community. The recognition was accepted by Maurice Bryan, Provost of Ottawa University.

April 6, 2005

### **Arbor Day Proclamation**

Thereupon, Commissioner Fleer-Husted read a proclamation declaring April 29, 2005, as Arbor Day in the City of Ottawa. The proclamation was accepted by Tree Board Representative Connie Gaeddert who presented the recently received Tree City USA Award and the Tree City Growth Award. Thereupon, Mrs. Gaeddert announced the winners of the Arbor Day Poster Contest as follows:

### **Poster Contest Winners**

The Ottawa Tree Advisory Board along with City staff visited area 5<sup>th</sup> grade classrooms to promote the 2005 Tree City USA poster contest. As a result of this, seven elementary schools submitted 95 entries.

On February 16<sup>th</sup>, the Tree Board met to judge the posters. Seven schools winners were selected. School winners are as follows:

Emily Scheckel is a student Mrs. Donita Callahan at Bethel Christian Academy. She is the daughter of Bernard and Sally Scheckel.

Amanda Thompson is a student in Mrs. Diedre Altic's class at Eisenhower Elementary. She is the daughter of Scott Thompson.

Blake McCord is a student in Mrs. Cheryl Leitnaker's class at Eugene Field Elementary School. He is the son of Pam Kirkland.

Kali Hinman is a student in Mrs. Carmen Schaefer's class at Garfield School winner. She is the daughter of Daniel and Stacy Hinman.

Alyssa Sparks is a student in Mrs. Angie Bradley-Butt's class at Hawthorne Elementary. She is the daughter of Sam Sparks.

Cadence Ishmael is a student in Ms. Amy Wilson's class at Lincoln Elementary. She is the daughter of Stephen and Lori Ishmael.

Jaime Birzer is a student in Mrs. Jo Robinson's class at Sacred Heart Elementary. She is the daughter of Tony and Betty Birzer.

### **Overall City Winner:**

The City of Ottawa winner for 2005 is Kali Hinman. Kali's poster was submitted to Kansas Forest Service for judging in the Statewide Competition. For being named the City winner, a tree will be planted at Garfield Elementary School in recognition of this achievement on April 29, 2005.

April 6, 2005

### **Ordinance-Allegiance Communications**

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. 3501-05. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jackson to adopt the ordinance as presented.

During discussion it was explained Kansas State Bank (owner) has submitted a request to rezone this property located at 611 N Davis Avenue from County Zoning A-2, Transitional Agriculture, to C-3, General Commercial District. After conducting a public hearing, the Planning Commission recommended by a vote of 6-0 the rezone of this area as described in the ordinance. The motion was considered and upon being put, passed by the following vote: Commissioner Gillette aye, Commissioner Henningsen aye, Commissioner Fleer aye, Commissioner Jackson aye, and Mayor Ramsey abstained. Thereupon, the Mayor declared the ordinance duly adopted with a 4-0 vote with 1 abstention and the ordinance was duly numbered Ordinance No. 3502-05.

### **Ordinance-Franchise Allegiance Communications**

Thereupon, there was presented a non-exclusive franchise to Allegiance Communications, Inc. to operate and maintain a cable television informational and communication services system within the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Gillette to adopt the ordinance as presented.

During discussion it was explained this ordinance is the result of over a year's worth of work conducted by staff and representatives from Allegiance Communications. Every effort was made to craft language such that the terms of this agreement will be acceptable and advantageous to both the City and Allegiance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3503-05.

### **Cereal Malt Beverage Application-Crescent Stores Corporation**

Thereupon, there was presented an application for packaged sale of CMB by owners Crescent Stores Corporation, 216 E. 23rd St. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer to approve the application as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the application duly approved.

### **Final Plat Approval-Ottawa Industrial Park, 3rd Addition**

Thereupon, a final plat was presented for approval for the development of the new north side school and the anticipated dedication of Milner Street facilitated the need for a replat of Ottawa Industrial Park, 3rd Addition. Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Fleer, to approve the replat as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the plat duly approved.

April 6, 2005

**Commissioner Charles Gillette**

Thereupon, Commissioner Gillette stated this completed 11 years of service on the City Commission and 21 years total on City Boards and Commissions. He commented on the positive growth, improved City facilities, and street and sidewalk programs. He also pointed to areas of concern such as the animal shelter, the auditorium and the Historical Society. Commissioner Gillette's comments and long tenured service was met with a standing ovation.

**Announcements**

Thereupon, the Mayor announced:

1. April 11, 2005: Study Session at 4 pm (May be cancelled)
2. April 18, 2005: Study Session at 4 pm
3. April 25, 2005: Study Session at 4 pm

**NEXT REGULAR MEETING: APRIL 20, 2005 AT 7 PM**

**Adjournment**

There being no further business to come before the Governing Body Commissioner Fleer made a motion, seconded by Commissioner Gillette, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:48 pm.

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Scott D. Bird, City Clerk

## **STUDY SESSION MINUTES**

### **OTTAWA, KANSAS**

Minutes of  
April 11, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Fleer, Commissioner Gillette, and Commissioner Henningsen. Commissioner Jackson was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

#### **Public Comments**

##### **Friends of the Library**

Thereupon, Representatives from "Friends of the Library" Jody Lancaster and Jo Beaver presented a proposal to the Governing Body to paint artwork on the "Friends of the Library" building located at 209 E 2nd. The Governing Body agreed by consensus to allow the artwork with the understanding they needed to contact the Inspection Department for any permits needed.

##### **Skateboard Park Artwork**

Thereupon, Cameron Norwood, a representative of Ottawa's Promise, reviewed with the Governing Body proposed artwork and requested permission to repaint the skate park. It was explained Ottawa's Promise would coordinate youth from the High School and Middle School for this project as part of their annual National Youth Service Day. Thereupon, the Governing Body agreed by consensus to allow several pieces of the artwork proposed to be used in repainting the skate park under the supervision of Cameron Norwood and to be reviewed by the Governing Body and Staff.

##### **KMEA Board of Directors**

Thereupon, the Governing Body reviewed a KMEA Board of Directors by-law change. KMEA had recently made a change to their by-laws removing the requirement that one of the cities boards of director's appointment be the Mayor or a member of the Governing Body. Due to this change, a re-certification of all of KMEA's board members is necessary. The Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for April 20, 2005 and reappoint Jim Bradley, Directory of Utilities as Director #2 to serve a one year term and Richard Hollon, Power Plant Superintendent, be reappointed as the City's permanent alternate Director, and Commissioner Fleer be appointed a Director #1. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for April 20, 2005.

##### **Over the Road Gang Request**

Thereupon, the Governing Body reviewed the response to the request from the Over the Road Gang concerning the Ole' Marais River Run car show. Thereupon, the Governing Body asked representatives of Over the Road Gang to meet with City Manager Weldon Padgett and bring back priorities and estimated project costs.

April 11, 2005

### **Sale of Land-USD 290**

Thereupon, the Governing Body reviewed a warranty deed prepared for the sale of land in Industrial Park to the school district. It was explained previous sales have not gone through the City Commission, it was felt, however, the Governing Body should approve this particular item since it involved a public issue with another public entity. The Governing Body agreed to place this item on next Regular Meeting Agenda for April 20, 2005.

### **Annexing Land-1000 E. Logan**

Thereupon, the Governing Body reviewed an ordinance and a request for annexation received from Wesley and Cheryl Jamison for property located at 1000 E. Logan. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for April 20, 2005.

### **Annexing Land-305 N Cherry**

Thereupon, the Governing Body reviewed an ordinance and a request for annexation received from Bible Baptist Church for property located at 305 N Cherry and agreed to place this item on the next Regular Meeting Agenda for April 20, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from the March 4, 2005 Study Session and Regular Meeting Minutes from April 6, 2005 and agreed to place these items on the Regular Meeting Agenda for April 20, 2005, with one change.

### **Monthly Reports-March 2005**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for the month of March.

### **Reports by City Commission**

Thereupon, Commissioner Henningsen mentioned she was happy the interest rates on investments are going up.

Thereupon, Commissioner Gillette thanked the Governing Body for the plant and standing ovation at the Regular Meeting on April 6, 2005 and stated he was very touched by the gesture.

### **Reports by the Mayor**

Thereupon, the Mayor reminded those in attendance about the Eggs & Issues Breakfast and the County Wide spring clean up.

### **Volunteer Appreciation Ceremony**

Thereupon, the Governing Body heard from Police Chief Dennis Butler who invited the Governing Body and Staff to attend a Volunteer Appreciation Ceremony. The ceremony will be in appreciation of members of Citizen Watch and the police reserves and be held on Thursday, April 21, 2005, at 7 pm.

April 11, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. April 18, 2005: Work Study Session at 4 pm
2. April 13, 2005: Planning Commission at 7 pm
3. April 20, 2005: Regular Meeting and Reorganization of City Commission at 7 pm
4. April 20, 2005: Joint City/County/School Meeting at USD 290 District Office.

**NOTE:** The April 20th day meeting has been rescheduled for 7 pm to make it easier for public, family and friends to attend the reorganization of the City Commission.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 11, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 18, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Ramsey, Commissioner Fler, Commissioner Gillette, Commissioner Henningsen, and Commissioner Jackson. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Ordinance-Stop Signs**

Thereupon, the Governing Body reviewed an ordinance that would change municipal code and reflect new STOP signs at three different locations. The Governing Body agreed to place this item on the Regular Meeting Agenda for April 20, 2005.

**Proclamation-Fair Housing**

Thereupon, the Governing Body reviewed a proclamation recognizing Fair Housing and agreed to place this item on the Regular Meeting Agenda for April 20, 2005.

**Proclamation-Red Hat Day**

Thereupon, the Governing Body reviewed a proclamation to recognize the fellowship the Red Hat Society promotes in the community and agreed to place this item on the next Regular Meeting Agenda of April 20, 2005.

**Monthly Report Information**

Thereupon, the Governing Body reviewed monthly report information from Ottawa Chamber of Commerce and Ottawa Main Street for the month of March.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from the April 11, 2005 Study Session meeting and agreed to place this item on the Regular Meeting Agenda for April 20, 2005.

**Reorganization of City Commission**

Thereupon, Mayor Ramsey recommended Mayor pro tem Jackson be appointed as the next Mayor. The Governing Body agreed by consensus to this recommendation and placed this item on the next Regular Meeting Agenda for April 20, 2005.

Thereupon, Commissioner Fler recommended Commissioner Henningsen be appointed as Mayor pro tem. The Governing Body agreed by consensus to this recommendation and placed this item on the next Regular Meeting Agenda for April 20, 2005.

April 18, 2005

### **Boards and Commissions**

Thereupon, the Governing Body reviewed positions that are open with terms expiring in 2005. It was agreed the City will advertise for all positions open and make appointments in May. Commissioner Jackson asked if the Band Committee could be contacted to report on their activities for summer and the Governing Body agreed.

### **Manager's Memo**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett the Management Report as follows:

- At the Joint City/County/School meeting on Wednesday discuss Montana/David Road
- Chief Butler was thanked for his letter on Gun Control Legislation. Unfortunately, the Governor signed the bill into law and Chief Butler spoke to this issue.
- Transportation Bill goes into effect July 1
- It was recommended and agreed that the City not give up distance signage on I-35
- At the Joint Meeting discuss Franklin County Appraisal concerns
- Congratulations were passed onto David Dillner, the Management Intern who had recently accepted a position with the City of Winchester, Virginia.
- Website Data on Ottawa Schools
- City owned property south of 15th Street

### **Reports by City Commission**

Thereupon, Commissioner Gillette stated he would be attending his last Convention and Tourism meeting as a representative of the Governing Body as his term is expiring.

Thereupon, Commissioner Fler stated she continues to receive complaints on loud music and jake brakes in the area of 7th and Main.

### **Reports by Mayor**

Thereupon, Mayor Ramsey stated with regret today would be Commissioner Gillette's last meeting as a City Commissioner. Commissioner Gillette thanked the Mayor and Commissioners for the appreciation shown to him at the last Regular Meeting.

### **Announcements**

Thereupon, the Mayor announced:

1. April 20, 2005: Joint City/County/USD 290 Meeting at USD 290 Office at noon.
2. April 20, 2005: Regular City Commission Meeting at 7 pm (with reorganization and short reception)
3. April 25, 2005: Work Study Session at 4 pm
4. May 2, 2005: Work Study Session at 4 pm

April 18, 2005

### **Executive Session**

#### **Recess**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to recess into Executive Session to discuss a security matter for a period of 10 minutes and to reconvene in Regular Session at 4:40 pm.

#### **Reconvene**

Thereupon, Commissioner Gillette made a motion, seconded by Commissioner Jackson, to reconvene the meeting into Regular Study Session at 4:40 pm.

#### **Adjournment**

There being no further business to come before the Governing Body Commissioner Gillette made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 18, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
April 20, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Jackson, Commissioner Henningsen, and Commissioner Fleeer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Pastor Ethan Saylor from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to approve the consent agenda which included the agenda approval and the minutes from Work Study Session April 4, 2005 and April 6, 2005 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation-Red Hat Day**

Thereupon, Mayor Ramsey read a proclamation declaring April 25, 2005, as "Red Hat Day" in the City of Ottawa, Kansas. Anne Ramsey, and Delores French who are members of Red Hat Society accepted the proclamation. Mrs. Ramsey explained that the "Red Hat Society" has a lot of fun and there are 5 different chapters in our community and over 40,000 nationally.

**Proclamation-Fair Housing**

Thereupon, Mayor Ramsey read a proclamation declaring April as Fair Housing Month. Commissioner Jackson accepted the proclamation. Commissioner Jackson asked that the proclamation be hung in City Hall to allow the community the opportunity to know that City Government gives attention to this issue.

**Ordinance-Vehicular and Pedestrian Traffic**

Thereupon, there was presented an ordinance providing for the regulation of vehicular and pedestrian traffic, authorizing traffic control signs, which establish automotive right of way within the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jackson, to accept the ordinance.

April 20, 2005

During discussion it was explained this action would establish STOP signs at three intersections: 2nd and Poplar, 4th and Poplar, and 4th and Mulberry. The placement of these STOP signs will address the concern of storm drainage valleys that occur in the respective intersections and necessitate vehicles coming to a complete stop. The motion was considered and upon being put, all present voted aye. Thereupon the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3504-05.

### **Kansas Municipal Energy Agency Appointment (KMEA)**

Thereupon, the Governing Body discussed recommended appointments of Ottawa representatives to the Kansas Municipal Energy Agency (KMEA) Board of Directors resulting from a recent by-laws change. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to approve the recommended appointments.

During discussion it was explained this action appoints Ottawa's representatives to the KMEA Board. Recent changes in KMEA bylaws removes the requirement that an elected official be one of the appointed representatives. It was recommended Jim Bradley, Director of Utilities, be reappointed as Director #2 to serve a one-year term and Richard Hollon, Power Plant Superintendent, be reappointed as the City's permanent alternate Director. City Commissioner Fler indicated interest in continuing to be a representative on this Board. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Jackson aye, Commissioner Fler accepted, and Mayor Ramsey aye. Thereupon, the Mayor declared the 3 appointments duly approved.

### **Sale of City-owned Property to USD 290**

Thereupon, there was presented a warranty deed to finalize the sale of City-owned land to USD 290. It was felt the Governing Body should act on this item since it involved a highly public issue with another public entity. Thereupon, Commissioner Fler made a motion, seconded by Commissioner, to approve the warranty deed as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the City-owned land sale and purchase by USD 290 duly approved.

### **Ordinance-Annexing Land 1000 E Logan**

Thereupon, there was presented an ordinance to annex land located at 1000 E. Logan. This ordinance had been submitted by Wesley and Cheryl Jamison requesting annexation of the south 14.7 acres of their property located at 1000 E. Logan. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to approve the ordinance.

During discussion it was explained that in a previous annexation years ago, only about half of their property had been annexed, so this action will bring their entire parcel into the City limits and staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3505-05.

April 20, 2005

### **Ordinance-Annexing Land at 305 N Cherry**

Thereupon, an ordinance was presented to annex land into the City of Ottawa located at 305 N Cherry. Thereupon, Commissioner Jackson made a motion, seconded by Commissioner Henningsen, to adopt the ordinance as presented.

During discussion it was explained Bible Baptist Church owns about 4 acres and has submitted a request for voluntary annexation of the south 1.5 acres of their property located at 305 N Cherry. In a previous annexation years ago, only about 2.5 acres of their property had been annexed, so this action will bring their entire parcel into the City limits and staff recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3506-05.

### **Reports by City Commission**

Thereupon, Commissioner Henningsen thanked Mayor Ramsey for all he had accomplished as Mayor.

### **Reports by Mayor Ramsey**

Thereupon, Mayor Ramsey reflected on how busy the year had been for the Governing Body and during the year had worked on or completed the following:

#### *Annual Report Items*

- Held 26 Regular/Special Meetings, adopted 31 ordinances, 39 resolutions, and presented 21 proclamations/recognitions
- Comprehensive Plan
- Construction of 23rd & Eisenhower Waterline
- Rezoned 15th and Main which may become a Walgreen's Pharmacy
- Received two grants towards swimming pool improvements
- Received a grant to improve Davis Road from Sand Creek to the future US-59 interchange.
- Received a grant to develop a Transportation Master Plan for the City
- Adopted a Tax Increment Financing Policy to be used as an economic development tool.

In addition, Mayor Ramsey thanked Mayor pro tem Richard Jackson for attending events on his behalf during times when he was unable to attend. Mayor Ramsey thanked the rest of the Governing Body, City Manager, and Staff for their contributions during the past year.

The Mayor reviewed projects completed or currently in progress as follows:

- WWTP
- Electric Substation
- Capitol Improvement
- Cedar Street
- New doors at City Hall
- New signage at City Hall

April 20, 2005

In closing, the Mayor expressed his disappointment with the lack of recreation progress made, thanked the community for their support and welcomed the new City Commissioner Blake Jorgensen who will be sworn in as Commissioner today.

**Oath of Office-Newly Elected Officials**

Thereupon, Deputy City Clerk Carolyn Snethen swore in the newly elected officials for the Governing Body, City of Ottawa, Kansas. Officials sworn in were Deborah Henningsen, Raquel “Rocky” Fler-Husted, and Blake Jorgensen.

**City Commission Reorganization**

**Mayor 2005-2006**

Thereupon, Mayor Ramsey asked for nominations for the position of Mayor for the 2005-2006 term. Thereupon, Commissioner Deborah Henningsen made a motion, seconded by Commissioner Fler, to appoint Commissioner Jackson as Mayor for 2005-2006. The motion was considered and upon being put, passed by the following vote: Commissioner Fler aye, Commissioner Jackson aye, Commissioner Jorgensen aye, Commissioner Jackson abstained, and Mayor Ramsey aye. Thereupon, Mayor Ramsey declared the appointment duly approved and announced Mayor pro tem Richard Jackson as the Mayor for the 2005-2006 term for the City of Ottawa, Kansas.

Thereupon, City Clerk Scott Bird swore in Richard Jackson the newly appointed Mayor.

**Mayor pro tem 2005-2006**

Thereupon, Mayor Jackson asked for nominations for the position of Mayor pro tem for the 2005-2006 term. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Ramsey, to appoint Commissioner Henningsen as Mayor pro tem. The motion was considered and upon being put, passed by the following vote: Commissioner Fler aye, Commissioner Jorgensen aye, Commissioner Henningsen abstained, Commissioner Ramsey aye, and Mayor Jackson aye. Thereupon, the Mayor declared the appointment duly approved and announced Commissioner Henningsen as Mayor pro tem for the 2005-2006 term.

Thereupon, City Clerk Scott Bird swore in Deborah Henningsen the newly appointed Mayor pro tem.

**Comments-Newly Appointed Mayor**

Thereupon, Mayor Jackson thanked Commissioner Ramsey for all of his hard work and positive dedication to the City Commission. Mayor Jackson presented Commissioner Ramsey a plaque for his service over the past year as Mayor.

Thereupon, Mayor Jackson stated some of his goals for his term as Mayor include:

- Review Vision Plan
- Mayor's Youth Summit
- Mayor's Roundtable meetings
- Ottawa Recreation Center
- Meet with the City boards and committees

Mayor Jackson asked the Governing Body to remember why we are here. We are here to serve the community and he asked the citizen to work with the city and make us aware of any concerns they have as we work together to find solutions.

In closing the Mayor thanked Mrs. Anne Ramsey for her support and for sharing Commissioner Ramsey with the community. Mayor Jackson thanked his family members for their support and for attending this meeting to see him sworn in as Mayor.

### **Announcements**

Thereupon, the Mayor announced:

1. April 25, 2005: Study Session at 4 pm

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:43 p.m.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
April 25, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, Mr. Bob Marsh representing the "Friends of Historic Buildings" informed the Governing Body that there are grant funds available to furnish and equip the Ottawa Civic Theater and Community Center and "Friends" would be requesting a letter of support to apply for such grants in the amount of \$200,000.

**2004 Audit**

Thereupon, the Governing Body reviewed the 2004 City Audit Report with Keith Gaeddert, of Agler and Gaeddert. Mr. Gaeddert reviewed the audit, answered questions, and complimented City Staff on a good audit.

**Conditional Use Permit-101 S Cedar**

Thereupon, the Governing Body reviewed a request for a conditional use permit from a Ronald Stauffer to construct a 4-unit multi-family residential structure in an R-2 Zoning District at 101 S. Cedar. The Planning Commission reviewed this request and recommended approval on the condition that a site plan for the proposed building is submitted and approved. After considering this issue the Governing Body agreed to place it on the Regular Meeting Agenda for May 4, 2005.

**Proclamation-Building Safety Week**

Thereupon, the Governing Body reviewed a proclamation for Building Safety Week and agreed to place this item on the Regular Meeting Agenda.

**Ordinance-Stop Sign**

Thereupon, the Governing Body reviewed an ordinance previously adopted, which had contained an error and agreed to place this item on the agenda with a correction of Oak Street rather than Poplar.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes for April 18, 2005 and agreed to place this item on the Regular Meeting Agenda.

April 25, 2005

### **Request to Block 1st Street**

Thereupon, the Governing Body heard from Scott Dawson, owner of Potter's Wheel, requesting a portion of 1st Street be blocked off for a street concert on Sunday, May 8, 2005. It was noted that the event will be a local Kansas City Contemporary Christian concert with a request to block off the area from Main to the alley and the event will run from 2-6 pm. If approved the street would be blocked off at Noon. The Governing Body considered this issue and agreed to it by consensus.

### **Monthly Report Information**

Thereupon, the Governing Body reviewed monthly reports submitted by the Ottawa Recreation Commission. The Governing Body discussed the Recreation Commission Minutes with some concern as to how some items are phrased.

### **City Manager's Memo**

Thereupon, the Governing Body reviewed the City Manager's Memo taking particular note of the City's position when compared to peer cities related to the comparative mill levies.

### **Other Items from Staff or City Commission**

Thereupon, the City Manager noted the Fire Department response time compared to a recent article in the Kansas City Star. Ottawa is in very good shape compared to other cities.

### **Announcements**

Thereupon the Mayor announced:

1. April 26, 2005: Chamber of Commerce Quarterly Image Awards Luncheon at 11:45 am.
2. May 2, 2005: Work Study Session at 4 pm.

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

April 25, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 2, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fler, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Jorgensen was absent due to a death in his family. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**2006 Budget Discussion-Meeting #1**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Finance Director Scott Bird the following budget items for 2006:

- General Obligation Debt Service
- Community Services Support
- Special Drug & Alcohol
- Economic Development
- Risk Management
- Wastewater Treatment Plant Fund

Thereupon, Chamber Director Tom Weigand reviewed the Chambers request of \$50,000 in 2006 and Main Street Director Mary Allison Hayne discussed Main Streets requests for \$30,000 for 2006 with the Governing Body.

Thereupon, it was explained Commissioner Ramsey would be providing budget information from B. Martin Peck to the Regular Meeting on May 4, 2005.

**Neighborhood Revitalization Program**

Thereupon, the Governing Body reviewed applications for inclusion in the NRA program submitted by owners of 933 Walton, 616 Burrough, 815 Cypress, 721 Olive, 725 Olive, 124 S. Maple, 121 S. Willow, 220 W 7th, and 424 S. Poplar and agreed to place these applications on the next Regular Meeting Agenda for May 4, 2005.

**Skunk Run Festival**

Thereupon, the Governing Body reviewed a request from the Skunk Run Festival Committee and agreed by consensus to approve the \$500 request for this year and will bring back their request for 2006 Budget.

May 2, 2005

### **Proclamation-Municipal Clerk Week**

Thereupon, the Governing Body reviewed a proclamation to recognize the important role played by those who work in the Municipal Clerk's Office and agreed to place this item on the next Regular Meeting Agenda for May 4, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from Study Session April 20, 2005, and agreed to place this item on the Regular Meeting Agenda with one change.

### **Letter of Support-Children's Services**

Thereupon, the Governing Body reviewed a request for a letter of support for proposed expansion of the Children's Services site of Franklin County Mental Health Clinic (FCMH) and agreed a letter of support from the Mayor would be forthcoming.

### **Tax Credit Endorsement**

Thereupon, Mr. Bob Marsh, Representative of Friends of Historical Buildings provided the Governing Body additional information towards the request for endorsement by the Governing Body for state tax credits for the Community Theatre. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for May 4, 2005. Thereupon, City Manager Weldon Padgett requested the Friends of Historical Buildings use caution in naming the facility, as it is not desirable that City ownership or funding be implied.

### **Reports by the Mayor**

Thereupon, the Mayor stated an Executive Session had been requested at the end of the meeting.

Thereupon, Mayor Jackson announced all City Commissioners would remain on their current board assignments and Commissioner Jorgensen would replace Commissioner Gillette on the Convention and Tourism Board.

Thereupon, Mayor Jackson stated the City of Ottawa does not at this time entertain the Ottawa Recreation's involvement in the Ottawa Municipal Auditorium. Further studies are needed on this issue. Thereupon, City Manager Weldon Padgett clarified that OCAC has not met with Ottawa Recreation on this issue as stated in the paper.

### **Executive Session**

#### **Recess**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to recess into Executive Session to discuss attorney client privileges for a period of 5 minutes and to reconvene in open session at 4:55 pm in the same Work Study Session room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

May 2, 2005

**Reconvene**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to reconvene the meeting at 4:55 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
May 4, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fleer. Commissioner Jorgensen was absent due to a death in his family. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Pastor Ethan Saylor from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the consent agenda which included the amended agenda which tabled Item #11 (Conditional Use Permit) and added Item #14 (ratification of a lawsuit settlement) and the minutes from Work Study Session April 11, 18, and April 20, 2005 Regular Meeting Minutes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamation-Building Safety Week**

Thereupon, Mayor Jackson read a proclamation declaring May 8-14, 2005, as Building Safety Week and the proclamation was accepted by Planning and Codes Administration Director Wynndee Lee.

**Proclamation-Municipal Clerk Week**

Thereupon, City Clerk Scott Bird read a proclamation declaring May 1-7, 2005, as Municipal Clerk Week and the proclamation was accepted by Municipal Clerk's Donna Kipper, Bonita Nicewander, and Carolyn Snethen.

**Neighborhood Revitalization Program Application**

Thereupon, the Governing Body reviewed applications for inclusion in the Neighborhood Revitalization Program submitted by the owners of the following properties: 933 Walton, 616 Burrough, 815 Cypress, 721 Olive, 725 Olive, 124 S Maple, 121 S Willow, 220 W 7th and 424 S Poplar. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the NRA applications as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

May 4, 2005

**Ordinance-Regulation of Vehicular and Pedestrian Traffic**

Thereupon, there was presented an ordinance providing for regulation of Vehicular and Pedestrian Traffic, Authorizing Traffic Control Signs, which establish right-of-way within the City of Ottawa at three intersections. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the ordinance as presented.

During discussion it was explained this action would repeal Ordinance No. 3504-05, previously submitted and adopted April 20, 2005, now corrected for placement of “Stop” signs at three intersections: 2nd and Oak, 4th and Poplar, and 4th and Mulberry. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3507-05.

**Kansas Community Service Program Act Application Endorsement**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve this item, which will provide City endorsement for an application to the Kansas Community Service Program on behalf of the Friends of Historical Buildings.

During discussion it was explained the application is related to the former Ottawa Middle School at 5th and Main and the grant is seeking financial assistance to support development of the theater and community room areas by purchasing furnishings and equipment. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the City of Ottawa’s endorsement duly approved.

**Ratification of a Lawsuit Settlement Agreement**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, that each party shall assume its own attorney’s fees and other associated costs.

During discussion it was explained a suit was previously filed in District Court contesting the City’s rezoning of 1437, 1443, and 1445 S. Main Street and 1432, 1438, 1444, and 1452 S Hickory Street from Office & Institutional and Single-Family Dwelling Districts to a C-1 Neighborhood Shopping District. A settlement has been offered whereby the plaintiffs have dismissed their lawsuit and each party shall assume its own attorney’s fees and other associated costs. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly approved.

**Reports by the Mayor**

Thereupon, Mayor Jackson recognized the Boy Scouts in the audience and inquired what merit badges attending the City Commission Meeting would bring them. The response from the scouts was Citizenship in the Community. Thereupon, the Mayor asked if any of them wanted to be involved in politics and the answer was no. The Mayor thanked the Scouts for attending.

May 4, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. May 9, 2005: Work Study Session at 4 pm (may be changed to 3:30 pm)
2. May 18, 2005: Regular Meeting at 9:30 am

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:20 pm.

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Scott D. Bird, City Clerk

May 4, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 9, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fler, Commissioner Henningsen, Commissioner Ramsey and Commissioner Jorgensen. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**2006 Budget**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body some possible options to help meet the needs of items not budgeted for in recent years. The Governing Body requested a priority list from departments, as well as, a plan to increase sales tax.

**Boards/Commissions/Committees**

Thereupon, the Governing Body reviewed 17 applications for 12 open board positions. The Governing Body's choices will be tabulated and they agreed by consensus to place this item on the next Regular Meeting Agenda for May 18, 2005 for approval.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from Study Session April 25 and May 2, 2005 and agreed to place these items on the next Regular Meeting Agenda for May 18, 2005.

**Memorandum of Understanding City and Library**

Thereupon, the Governing Body reviewed a "draft" Memorandum of Understanding between the City and Library. It was agreed that the Library Board would review this document at their next meeting and unless there were significant changes this item will be placed on the Regular Meeting Agenda for June 1.

**Monthly Reports for April**

Thereupon, the Governing Body reviewed the monthly reports for April 2005.

**Davis/Montana Road Project Update**

Thereupon, City Manager Weldon Padgett discussed the Davis/Montana Road project with regards to a meeting with KDOT and the Franklin County Commission. The County Commission has agreed to attend a meeting with the City and KDOT to come up with a different proposal for this road than KDOT had proposed.

May 9, 2005

### **Announcements**

Thereupon, the Mayor announced:

1. May 16, 2005: Work Study Session Meeting at 4 pm
2. May 18, 2005: Photo Shoot for Governing Body at 9 am

### **Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 16, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Jorgensen absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**2006 Budget Discussions**

Thereupon, the Governing Body heard from Larry Mages, Emily Mathias, and Sara Caylor, representatives of the Bea Martin Peck animal shelter, who requested \$59,000 for budget year 2006.

Thereupon, Commissioner Jorgensen arrived at 3:34 pm.

After considerable discussion the Governing Body agreed to have City Manager Weldon Padgett draft a contract between the City of Ottawa and the animal shelter. In addition, the City Manager expressed he needed additional information from the shelter regarding actual dollars spent as opposed to projected dollars.

**Resolution-Parks Department Building**

Thereupon, the Governing Body reviewed a resolution authorizing the issuance of general obligation bonds for the construction of a replacement Parks Department building. The total cost of the project including construction, engineering, debt issuance and short-term interest is not to exceed \$342,000, which is an increase in cost from previous information provided and agreed upon. Thereupon, the Governing Body agreed by consensus to bring this item back at a later date and requested a breakout of expenses from City Manager Weldon Padgett, which would show what the \$342,000 expense includes.

**Resolution-General Obligation Temporary Notes**

Thereupon, the Governing Body reviewed a resolution authorizing the sale of general obligation temporary notes with a principle amount of approximately \$627,000. This amount included the \$342,000 for the above-mentioned Park Department building and the re-issuance of \$285,000 for the 23rd Street water line.

It was explained these two issues combined together will allow a bond issue of reasonable size in the future. Thereupon, the Governing Body agreed to look at this issue at a later date due to additional information being requested on the parks department building.

May 16, 2005

### **Hall Chiropractic Center**

Thereupon, the Governing Body reviewed a request from Rory Hall (Hall Chiropractic Center) to block off 2nd Street from Main to the west side of the alley towards Hickory for a free public event celebrating the 10th anniversary of their business from 8 am -1 pm, on June 11. Thereupon, the Governing Body requested City Manager Weldon Padgett check with staff coordinating the Skunk Run Festival, Main Street, and Staff to assure there aren't any conflicts with this event. If no conflicts were found this request would be approved.

### **Chamber of Commerce Finance Report-April**

Thereupon, the Governing Body reviewed the Chamber of Commerce Finance Report for April.

### **2006 Budget Discussion Continued**

Thereupon, City Manager Weldon Padgett and City Clerk Scott Bird reviewed the following funds for the 2006 Budget Year.

- Special Park and Recreation Fund
- KMEA Power Supply Fund
- Revolving Loan Fund

### **Boards and Commissions Update**

Thereupon, the Governing Body discussed appointing Connie Thompson and Roger Bell to the Tree Board, with Wint Winters becoming a lifetime honorary member and Brenda Carlson would complete Mr. Winter's term. In addition, Terry Schonfeld and Cathy Sutton's applications were reviewed for the Band Committee. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for May 18, 2005.

### **City Manager's Memo**

Thereupon, the Governing Body reviewed the City Manager's Memo.

### **City Manager Report**

Thereupon, City Manager Weldon Padgett announced the needed "power outage" has been scheduled for 6 am, Sunday, May 22, 2005. It is anticipated the outage may last 1-2 hours and would affect areas North of the River only.

### **Announcements**

Thereupon, the Mayor announced:

1. May 18, 2005: City Commission Photo at 9 am
2. May 18, 2005: City Commission Meeting at 9:30 am
3. May 18, 2005: City/County/School Luncheon at noon (Franklin County Jail Basement)

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

May 16, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
May 18, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fler. Commissioner Jorgensen was absent due to a death in his family. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Kent Mathews from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Fler made a motion, seconded by Commissioner Henningsen, to approve the consent agenda, which included the agenda approval and the minutes from Work Study Session April 25, and May 2, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. Thereupon, no declarations were made.

**Boards/Commissions/Committees Appointments**

Thereupon, there was presented nominations for various City boards/commissions/committees. It was explained this action would appoint or reappoint citizens to available positions on the following Boards/Commissions/Committees: Planning Commission, Recreation Commission, Library Board, Tree Board and Band Committee. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve all nominations as presented (listed below). The motion was considered and upon being put, passed by the following vote: Commissioner Jorgensen aye, Commissioner Fler nay, Commissioner Ramsey aye, Commissioner Henningsen aye, and Mayor Jackson aye. Thereupon, the Mayor declared all nominations duly approved.

**Planning Commission** -- 2 Positions

Ed York (reappointment) and Aaron Heckman (new appointment)

May 18, 2005

Library Board -- 2 Positions

Jeanne Haggard (new appointment) and Debbie Larcom (new appointment)

Ottawa Recreation Commission -- 1 Position

Jason Camis (new appointment)

Band Committee -- 7 Positions

Murle Mordy, Cathy Sutton and Terry Schoenfeld (reappointment)

Miri Melton (new appointment)

Tree Board -- 3 Positions

Connie Thompson and Roger Bell (reappointment)

Brenda Carlson (new appointment)

Wint Winters as an Honorary Lifetime Member

**Resolution-Conditional Use Permit-101 S Cedar**

Thereupon, there was presented a resolution granting a conditional use permit for the construction of a 4-unit multi-family residential structure in an R-2 (two-family) zoning district located at 101 S. Cedar Street. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to adopt the resolution.

During discussion it was explained the Planning Commission held a public hearing on this item and recommended approval to the City Commission contingent on site plan approval. Thereupon, the motion was considered and upon being put, passed by the following vote: Commissioner Fler aye, Commissioner Ramsey aye, Commissioner Henningsen nay, Commissioner Jorgensen aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1319-05A.

**Resolution-General Obligation Temporary Notes, \$285,000**

Thereupon, there was presented a resolution authorizing the public sale of approximately \$285,000 principal amount of General Obligation Temporary Notes, Series 2005. Thereupon, Commission Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the resolution.

During discussion it was explained this action would authorize the public sale of \$285,000 of general obligation temporary notes, which is a re-issue from the 23rd Street water line. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1320-05.

May 18, 2005

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett stated today would be Intern David Dillner's last day with the City of Ottawa and requested permission on Mr. Dillner's behalf to allow him to say a few words. Permission was granted.

Thereupon, Intern David Dillner thanked the Governing Body for the opportunities he had while an intern for the City. Mr. Dillner expressed his appreciation for their support in the Master's Intern Program. He stated he had enjoyed working with City Manager Weldon Padgett and all the staff. In addition, he will take the valuable knowledge he had gained with him to his new job with the City of Winchester, Virginia.

### **Reports by the Mayor**

Thereupon, Mayor Jackson visited the "Image of the Community" and expressed the need for those in the community, (homeowners, as well as, commercial residents) to maintain their grass and property to improve the Image of the Community.

### **Announcements**

Thereupon, the Mayor announced:

1. May 18, 2005: City/County/School Joint Luncheon at noon. (County Jail)
2. May 18, 2005: Franklin County Administrator Open House at 2-4 pm (Franklin County Courthouse)
3. May 23, 2005: Study Session at 4 pm

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:44 am.

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Scott D. Bird, City Clerk

May 18, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
May 23, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, Commissioner Ramsey. Commissioner Fleer was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Economic Development Services-Addendum to Agreement**

Thereupon, the Governing Body reviewed an addendum to the agreement for economic development services between the City, County, and Chamber of Commerce. It was explained the addendum illustrates the desire of the respective parties to continue the Agreement under original terms until the 2006 budget process is complete and funding from each entity can be determined. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for June 1, 2005.

**Resolution-Power Purchase Agreement KMEA**

Thereupon, the Governing Body reviewed a resolution authorizing the execution of a power purchase agreement between the City and the Kansas Municipal Energy Agency (KMEA) relating to the purchase of electricity. In addition to the resolution, the Governing Body reviewed the power purchase and sale agreement between the City, Grand River Dam Authority, and KMEA. It was explained this is a 20-year agreement that will commence on or before May 1, 2006, through April 30, 2026. Thereupon, Commissioner Ramsey asked if another City defaults could it affect us. Thereupon, Utility Director Jim Bradley explained it could, but would be unlikely, and it is cause for termination of the agreement. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for June 1, 2005.

**Neighborhood Revitalization Applications**

Thereupon, the Governing Body reviewed Neighborhood Revitalization Program applications with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee. It was explained during discussion that the properties have met the requirements, and staff recommends approval.

Thereupon, Commissioner Fleer arrived at 3:40 pm.

Thereupon, the Governing Body agreed to place applications for 323 Brockport, 117-119 S Main, and 101 N. Main on the next Regular Meeting Agenda for June 1, 2005.

May 23, 2005

### **Cost Estimate-Parks Building**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Public Works Director Andy Haney cost estimates, site plan and an elevation view of the Parks maintenance building.

During discussion it was explained this building replaces the existing one and will serve as a storage, maintenance and employee training facility for the Parks Division. It will also provide a better place to conduct business with the public and vendors. Cost estimates developed in mid-2004 for the 2005 budget were based on a 4,000 square foot metal building using a \$50/foot figure. The refined cost estimates are more accurate, and are based on a 4,200 square foot building, and includes \$30,000 in stone veneer and about \$13,350 in "contingencies". The estimates include City crews doing the demolition, but do not indicate the amount the City might receive for salvage or sale of the metal siding and beams, as well as, the possible cost savings if we have City crews do portions of the project such as the office/meeting/mezzanine. The end result is a more attractive building with construction at \$63/square foot, and an annual payment that is about \$9,800 higher than originally estimated. Thereupon, the Governing Body agreed to place a resolution of authorization on the Regular Meeting Agenda for June 1, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from May 9, 16, 2005, Study Session and Regular Meeting Minutes from May 4, 2005, and agreed to place these items on the Regular Meeting Agenda with one change.

### **Hall Chiropractic Center Request**

Thereupon, City Manager Weldon Padgett reviewed the Hall Chiropractic Center request for June 11, 2005 from 8am-1pm with the Governing Body. No conflicts with the Skunk Run Festival and Ottawa Main Street will occur so the request was approved by consensus. During discussion it was decided the City will revise a current park reservation policy and have it include Haley Park. A revised policy will be brought back to the Governing Body for review.

### **Other Items from Staff or City Commission**

Thereupon, the Governing Body reviewed information provided by Ottawa Main Street Association and the Library for the month of April.

Thereupon, Commissioner Jorgensen questioned some of the financial information provided by Ottawa Main Street and City Clerk Scott Bird responded he would research the information and provide an explanation.

Thereupon, the Governing Body asked the City Manager to request minutes from Ottawa Chamber of Commerce, and Ottawa Main Street meetings like required from the Library and Ottawa Recreation Commission with their monthly reports.

May 23, 2005

Thereupon, City Manager Weldon Padgett asked Police Chief Dennis Butler to report on the recent "Cops On Top" event. Thereupon, Chief Butler announced that over \$3,000 was raised for Special Olympics, everyone had a good time, he wasn't aware of any problems (other than sunburn), and it is hoped the event will be held again next year.

Thereupon, Commissioner Jorgensen stated he had attended the training for new City Commissioners in Topeka along with Commissioner Fleer. He stated it was good training and will continue to meet with City Manager Weldon Padgett on his orientation.

Thereupon, Commissioner Fleer stated at the City Commissioner training it had been noted that Ottawa had previously experienced a problem with a lawn mower accident. In addition, Commissioner Fleer announced she had recently attended the KMEA meeting in Wichita.

Thereupon, Commissioner Ramsey stated how great Highland Cemetery was looking for the upcoming holiday and thanked staff for all their hard work.

### **Announcements**

Thereupon, the Mayor announced:

1. June 1, 2005: Work Study Session (only if necessary) at 6 or 6:30 pm ahead of Regular Meeting.
2. June 1, 2005: Regular Meeting at 7 pm

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

May 23, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
June 1, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Ramsey, Commissioner Henningsen, Commissioner Jorgensen, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by City Clerk Scott Bird.

**Consent Agenda**

Thereupon, Commissioner Fler made a motion, seconded by Commissioner Henningsen, to approve the consent agenda, which included the agenda approval and the minutes from Work Study Session May 9, 16, 2005 and Regular Meeting Minutes for May 4. Thereupon, Commissioner Ramsey noted the future meeting dates need to reflect the month of June. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. Thereupon, Commissioner Ramsey stated he would abstain on some items on today's agenda.

**Agreement-Economic Development Services**

Thereupon, there was presented an addendum to the agreement for economic development services between the City of Ottawa, Franklin County, and the Ottawa Area Chamber of Commerce. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the addendum to the agreement.

During discussion it was explained this addendum to the agreement for economic development services with the Chamber of Commerce would allow for continuance of services and payments through 2005 calendar year. In addition, it was explained that later in 2005, after the 2006 budget process for the City and County are over, an updated Agreement will be developed that reflects the 2006 calendar year funding levels. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the amended agreement duly approved.

June 1, 2005

**Bid Opening-23rd Street Water Line Temporary Note Renewal**

Thereupon, City Clerk Scott Bird presented the Bid Tab Sheet for the 23rd Street Water Line, Temporary Note Renewal as follows:

<b>Bidder</b>	<b>Net Interest</b>	<b>Net Int. Cost</b>
Kansas State Bank	2.900000%	\$6,566.07
Country Club Bank	2.907692%	\$6,583.50
Commerce Bank	3.064685%	\$6,938.96
UMB	3.401748%	\$7,702.12

Mr. Bird explained Kansas State Bank had made a mathematical error on the initial bid sheet in the Net Interest Cost area. Kansas State Bank has provided a correct bid sheet that honors the Net Interest Rate of 2.900000%. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Henningsen, to accept the low bid from Kansas State Bank, and to waive the mathematical error. The motion was considered and upon being put, passed by the following vote: Commissioner Jorgensen aye, Commissioner Fleer aye, Commissioner Ramsey abstained, Commissioner Henningsen aye, and Mayor Jackson aye. Thereupon, the Mayor declared the low bid from Kansas State Bank duly approved by a 4-0 vote with 1 abstention.

**Resolution-Issuance and Delivery of \$285,000 Principal Amount of General Obligation Temporary Notes**

Thereupon, there was presented a resolution to authorize the issuance and delivery of \$285,000 principal amount of general obligation temporary notes, series 2005. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution as presented.

During discussion it was explained this resolution authorizes the issuance of general obligation temporary notes to be used for the 23rd Street water line project and in the future this temporary financing will be combined with other projects and bonded. Thereupon, Commissioner Fleer asked if the property owners would be repaying this debt. City Clerk Scott Bird explained that impact fees have been imposed in this area for this project. The motion was considered and upon being put, passed by the following vote: Commissioner Fleer aye, Commissioner Ramsey abstained, Commissioner Henningsen aye, Commissioner Jorgensen aye, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 4-0 vote with 1 abstention and the resolution was duly numbered Resolution No. 1321-05.

**Resolution-Construct a Public Building/GOB's \$320,000**

Thereupon, there was presented a resolution to authorize the City to acquire and construct a public building and authorizing the issuance of general obligation bonds in an amount not to

exceed \$320,000. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the resolution as presented.

During discussion it was explained this resolution authorizes construction of the Parks Division Maintenance building at Forest Park as previously discussed with the Planning Commission and City Commission, and the ultimate issuance of general obligation bonds in an amount not to exceed \$320,000. The next item on tonight's agenda would authorize the temporary financing for the project so that Kansas Cash Basis Laws are satisfied and until such time as the project is bonded.

Thereupon, Brian Sharp addressed the City Commission stating he didn't see the need for this building with the current budget discussions of some entities funding being decreased. Mr. Sharp felt the money would be better spent on restrooms.

Thereupon, Commissioner Henningsen stated equipment being stored in other locations will need to be stored at this location.

Thereupon, Mayor Jackson explained studies have been done with regards to the need of this building, on the conditions of the building, and in the past City needs have been neglected in order to hold the line on the budget.

Thereupon, Commissioner Fleer asked about the age of the building. Thereupon, Public Works Director Andy Haney responded he wasn't sure but thought in the 1960's.

Thereupon, Commissioner Ramsey stated he would be voting no and isn't opposed to the building but is opposed to the cost.

Thereupon, the motion was considered and upon being put, passed by a 3-2 vote as follows: Commissioner Ramsey nay, Commissioner Henningsen aye, Commissioner Jorgensen aye, Commissioner Fleer nay, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1322-05.

#### **Resolution-Interim Financing for Parks Building**

Thereupon, there was presented a resolution authorizing the issuance and delivery of \$320,000 principal amount of General Obligation Temporary Notes, Series 2005B, for the purpose of providing interim financing for public building improvements in the City. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the resolution as presented.

During discussion it was explained this resolution authorizes the issuance of \$320,000 of General Obligation Temporary Notes to provide interim financing to fund, demolition, and construction of

June 1, 2005

the Parks Division maintenance and operation building in Forest Park. Thereupon, City Clerk Scott Bird explained the City would purchase these notes and pay interest back to itself until the temporary notes were bonded in November. The motion was considered and upon being put, passed by a 3-2 vote as follows: Commissioner Henningsen aye, Commissioner Jorgensen aye, Commissioner Fleer nay, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1323-05.

### **Resolution-Power Purchase Agreement**

Thereupon, there was presented a resolution to authorize the Power of Purchase Agreement between the City of Ottawa, Kansas and the Kansas Municipal Energy Agency (KMEA) and the Grand River Dam Authority (GRDA). Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained this power purchase agreement is for a 20-year term to buy electricity through the KMEA from GRDA. The KMEA has negotiated with GRDA on behalf of its member cities (which includes Ottawa) to purchase greater quantities of economical power and energy. The resolution will authorize the purchase of power to commence on or before May 1, 2006 through April 30, 2026. The motion was considered and upon being put all present voted aye. Thereupon, the Mayor declared the resolution was duly adopted and the resolution was duly numbered Resolution No. 1324-05.

### **Neighborhood Revitalization Program**

Thereupon, there was presented applications for three properties for participation in the City's Neighborhood Revitalization Program. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to accept the applications.

During discussion it was explained the applications were for inclusion in the Neighborhood Revitalization Program and were submitted by the property owners of 323 Brockport, 117-119 S. Main, and 101 N Main. The NRA Committee met to discuss the application and recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the 3 applications duly approved.

### **Reports By Youth Delegates**

Thereupon, Mayor Jackson explained the youth were currently holding the Leadership Camp for the 8th graders with approximately 45 participating, which is the largest group yet.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett invited discussion on improving our parks in regards to attracting families, setting priorities for spending, restrooms, parking, lighting, playground equipment and other priorities the Governing Body and users of the parks may have for improvements.

Thereupon, Mayor Jackson stated the possible need to make sales tax a priority; discuss priority needs and the cost to make it happen.

### **Reports by City Commission**

Thereupon, Commissioner Ramsey stated he preferred the City put spending into park activities that will benefit the public.

Thereupon, Commissioner Henningsen said she would be open to discussions on City parks and suggested a Park Board be looked at.

### **Reports by Mayor**

Thereupon, Mayor Jackson announced:

- KDOT presentation on US-59 Highway to be held today 2:30-3:30 pm, at the Franklin County Annex.
- A letter had been received from State Transportation regarding KLINK, Geometrical and Economic Development Fund for 2008-2009.
- League Policy Committees will be meeting if staff or the Governing Body would like to be involved the dates they are meeting is August 16, 18, 23, 25, 2005 starting at 10 am and adjourning by 2 pm.
- His comment from the May 18 Regular Meeting had been in the paper and reflected homeowners cutting weeds and the image of the community. However, the article in the paper did not reflect his comment in regards to Business Owners, which also need to give attention to their weeds.
- Congressman Ryun had recently been in town and was thanked for his previous support on funding for City of Ottawa projects
- June 6, 2005: Allies Days
- June 6, 2005: Study Session at 4 pm

June 1, 2005

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:30 pm.

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Scott D. Bird, City Clerk

June 1, 2005

**City Commission**  
**Special Call Meeting Minutes**  
Ottawa, Kansas  
June 2, 2005

The Governing Body met at 2:30 pm this date for a Special Call Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Fleer was absent. A quorum was present.

Also in attendance: Representatives from the City of Ottawa staff, Franklin County, and the Ottawa School Board in addition to members of the press.

Thereupon, it was declared the purpose of this meeting is to allow the Governing Body the opportunity to meet in Special Session with representatives from the Kansas Department of Transportation (KDOT) and George Butler and Associates related to the proposed Highway 59, between Ottawa and Lawrence.

Thereupon, Mr. Brett Mark from George Butler and Associates opened the meeting and gave a brief overview as to the expected highway relocation related to this project within Franklin County. He further explained that field checks have been completed which means that planning is 55% complete and right-of-way plans are about ready to be turned in.

Thereupon, the Governing Body and other members of the audience heard from Mr. Howard Lubliner, Road Design Leader, with KDOT who addressed questions from the audience related to this project.

A booklet was made available to the audience entitled: The Future of US-59 in Franklin County; KDOT Project No.: 59-30 K-7889-01; Kansas Department of Transportation. Information in the booklet is available from:

**Kansas Department of Transportation**  
**Transportation Information**  
**Eisenhower State Office Bldg.**  
**Topeka, KS 66603-3754**  
**Or call: 785-296-3585**

Upon completion of the question and answer period the meeting was adjourned.

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Scott D. Bird, City Clerk

June 2, 2005

## **STUDY SESSION MINUTES OTTAWA, KANSAS**

Minutes of  
June 6, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, Commissioner Fleece and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

### **Public Comments**

None offered at this time.

### **Old West Cowboy Days**

Thereupon, Mr. Ernie Rodina, a representative of "Old West Cowboy Days", discussed with the Governing Body and Staff the possibility of closing 5th Street (Main to Hickory), allowing additional cattle for the drive down Main Street, and updated everyone on activities for the event.

Thereupon, Mr. Rodina presented the Governing Body with a framed "Cowboy Days" print.

Thereupon, the Governing Body agreed by consensus to allow the closing of 5th Street (Main to Hickory) and additional head of cattle.

### **Parade Request**

Thereupon, the Governing Body reviewed a request from Sherry and Larry Wright who requested permission for a short parade on Saturday July 9, at 11 am. It was explained this parade will be in addition to a ceremony being held at the Franklin County Memorial Wall. This event is in support of troops from the local National Guard Unit. Thereupon, the Governing Body agreed by consensus to allow the parade.

### **Review of Minutes**

Thereupon, the Governing Body reviewed Study Session Minutes from May 23, and Regular Meeting Minutes of May 18 and agreed to place these items on the Regular Meeting Agenda for June 15, 2005.

### **2006 Budget Discussion-Water Fund**

Thereupon, City Manager Weldon Padgett, City Clerk Scott Bird and Utility Director Jim Bradley discussed with the Governing Body the 2006 Water Fund Budget.

### **Parks Assessment**

Thereupon, the Governing Body reviewed a "parks assessment" spreadsheet with City Manager Weldon Padgett. Thereupon, Commissioner Ramsey requested the Governing Body set-aside time to tour all the City parks and the ORC facility. Thereupon, Mayor Jackson noted the Governing Body could tour these facilities at their leisure as well. Thereupon, it was agreed this item would be brought back at a later date with information regarding priorities, estimates and cost.

June 6, 2005

Thereupon, Commissioner Henningsen expressed concern over the placement of new batting cages at Orlis Cox Field, the loss of parking spaces that resulted and the fact that the Governing Body had not approved the construction or the placement of said batting cages. She also expressed concern that the cages are to be coin operated, and if ORC would now be requesting addition parking area. Thereupon, City Manager Weldon Padgett explained ORC had paid for the batting cages, it was not a City expense and there are some areas involving ORC that aren't spelled out.

### **Executive Session**

#### **Recess**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to recess into Executive Session to discuss attorney-client privilege and requested the Police Chief be present for a period of 5 minutes and to reconvene in open session at 4:46 pm in the same Work Study Session Room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

#### **Reconvene**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to reconvene the meeting at 4:46 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

June 6, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 13, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Fleer was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Annexation and Rezone-1600 E. Logan**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee an annexation. The annexation request is for about 80 acres of property from Bluejacket Ford LLC, the developer with a contract for the land at 1600 E Logan (south of K-68 and east of where Davis Road would extend if it traveled south). It was noted the developer also wants to rezone this property from Franklin County agricultural, to Ottawa's C-1 (office and service business), C-3 (general commercial) and R-2/HO-O (residential with housing opportunity overlay). The plans discussed include commercial development on the K-68 frontage with offices behind, and single-family and duplex for the remaining 60-70 acres.

Thereupon, City Manager Weldon Padgett noted the annexation and rezone would become effective after the City Commission's adoption of the ordinances and their publication. The City will delay actual publication of the ordinance (if adopted) to allow the developer and seller time (a few days) to finalize the closing of the sale. Thereupon, the Governing Body agreed to place these two items on the next Regular Meeting Agenda for June 15, 2005.

Thereupon, City Manager Weldon Padgett explained there will be a meeting held this Tuesday evening with property owners in the Bennett Road area to discuss annexation.

**Review of Minutes**

Thereupon, the Governing Body reviewed Regular Meeting Minutes for June 1, Special Call Meeting June 2, and Study Session of June 6 and agreed to place these items on the next Regular Agenda.

**Request for Donation**

Thereupon, the Governing Body reviewed a request from Travis and Summer Marvin, Lawrence, who requested use of the Municipal Auditorium to hold a country music concert benefiting the Leukemia and Lymphoma Society of Lawrence, Kansas on Friday, July 1, 2005. Thereupon, the Governing Body requested that City Manager Weldon Padgett find out if the funds raised benefited Franklin County. If funds don't benefit Franklin County the Governing Body isn't inclined to approve the request.

June 13, 2005

### **Itinerant Merchant Regulation**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett a request from Ottawa Main Street to have the City amend itinerant merchant regulations to include commercial properties. Thereupon, the Governing Body gave the City Manager direction to continue work on this item.

### **Monthly Financial and Activity Reports for May**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for May.

Discussion included:

- OMA-Nitty Gritty Dirt Band
- The need to set up a meeting with City/USD 290/ORC and determine “who does what” and spell out what each entity is responsible for.
- Animal Control Report needs to clearly state number of animals taken to shelter that the City pays for
- Library Report-lease payment

### **Open Agenda**

Thereupon, City Manager Weldon Padgett reported:

- The Employee Picnic will be held this Friday, June 17, 2005. City volunteers and retired employees have been invited as well
- A need to have a public forum to discuss the future of the Ottawa Municipal Auditorium
- Wynndee Lee and the City Manager will be meeting at the Nazarene Church with property owners in Waring Addition to discuss the increased traffic from Sugar Creek, and the gravel road.
- Meetings are still in process with the City of Princeton on the Rural Water District contract and the Governing Body will look at this item June 20 or 27 Study Session to place on the July 6, 2005 Regular Meeting for action
- Thanked the Governing Body and Staff on behalf of the Skunk Run organizers for all their assistance and support

Thereupon, Commissioner Ramsey stated he will be attending the Small Cities Council in Estes Park and the National Small Cities Council meets on Saturday.

Thereupon, Mayor Jackson stated there is concern within the League of Kansas Municipalities with regards to relationships between small cities and legislators. Mayor Jackson feels the City of Ottawa has a very good relationship with its legislators but work is being done to build better relationships throughout the state.

June 13, 2005

Thereupon, Mayor Jackson asked that an agenda be prepared if there are items for the Joint Luncheon meeting on Wednesday.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

June 13, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
June 15, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Jorgensen, and Commissioner Fleer. Commissioner Ramsey was absent. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Kent Mathews from Westminster Presbyterian Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the consent agenda, which included the agenda approval and the minutes from Work Study Session May 23 and June 6, 2005 and Special Call Minutes from June 2, Regular Meeting Minutes for May 18, and June 1, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, Mr. Dan Oglesby, 1016 Milner, addressed the Governing Body regarding his appreciation to Fire Chief Jeff Carner, and Assistant Fire Chief Rick Oglesby for their help in having fireworks for opening night of the Babe Ruth Season. In addition, Mr. Oglesby thanked Police Chief Dennis Butler and Sergeant Bobbie Hawkins for their help in assisting all the baseball players and families out of the Orlis Cox Complex during a recent storm.

Mr. Oglesby asked the Governing Body to consider supporting the baseball team in their efforts to purchase "vest". Mr. Oglesby explained the fund raising efforts are about \$1,500 short or 50 vest at \$30 each. Thereupon, the Governing Body suggested the fund raising efforts be extended to USD 290, Convention and Tourism, and maybe the Chamber for other possibilities. The Governing Body agreed by consensus to discuss this request at the next Study Session, June 20, 2005.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Ordinance-Annexing 83.5 Acres, 1600 E Logan**

Thereupon, there was presented an ordinance to annex from Bluejacket Ford, LLC, the potential future owners of about 83.5 acres of property located at 1600 E Logan. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

June 15, 2005

During discussion it was explained the City received a request to annex from Bluejacket Ford, LLC, the potential future owners of about 83.5 acres of property located at 1600 E Logan. The developer submitted the request pending the closing of their real estate contract. It was noted the property, located south of K-68 and east of where Davis Road would extend if it traveled south, is adjacent to the City limits across K-68 to the north.

Thereupon, Commissioner Jorgensen congratulated Mr. Church and his company for developing in Ottawa as they represent growth and affordable housing. Thereupon, Mayor Jackson stated this would provide potential growth for the North Side similar to what is being experienced in the southwest area of Ottawa. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3508-05.

### **Ordinance-Rezoning 83.5 Acres, 1600 E Logan**

Thereupon, there was presented an ordinance to rezone approximately 83.5 acres of property located at 1600 E. Logan and repealing the corresponding Section of the zoning map which is part of Ordinance No. 3501-05. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the ordinance.

During discussion it was explained the developer of 1600 E Logan is seeking to rezone the property from Franklin County Agricultural. The rezone would result in about 5.6 acres of C-1 (office and service business); about 9.7 acres of C-3 (general commercial) and about 68.4 acres of R-2/HO-O (medium density residential with housing opportunity overlay). The plans that have been discussed by the developer include commercial development on the K-68 frontage with offices behind, and single family and duplex units on about 70 acres. The Planning Commission held a public hearing and recommends 5-0 to the City Commission approval of the rezone. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3509-05.

### **Reports by the Mayor**

- Commissioner Ramsey is attending meetings of the NLC Small Cities Steering Committee in Estes Park.
- Noted items in the National City Weekly Magazine and Ottawa was mention with a slogan of "Absolutely Ottawa"

### **Announcements**

Thereupon, the Mayor announced:

1. Joint USD/City/County lunch meeting at Noon today at Ottawa's City Hall

**Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:45 a.m.

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Scott D. Bird, City Clerk

June 15, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 20, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, Commissioner Fleece and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**City of Princeton Rural Water Agreement**

Thereupon, the Governing Body reviewed the City of Princeton Rural Water District and City of Ottawa agreement with City Manager Weldon Padgett and Utility Director Jim Bradley and agreed to place this item on the July 6, 2005 Regular Meeting Agenda providing that the City of Princeton had reviewed the agreement and agreed to proceed.

**Neighborhood Revitalization Applications**

Thereupon, the Governing Body reviewed Neighborhood Revitalization Program applications with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee. It was explained during discussion that the properties have met the requirements, and staff recommends approval of the applications for 628 S Locust and 501 S. Oak. Thereupon, the Governing Body agreed to place these applications on the Regular Meeting Agenda for July 6, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed Study Session minutes from June 13 and Regular Meeting Minutes from June 15, 2005 and agreed to place these items on the Regular Meeting Agenda for July 6, 2005.

**Ottawa Municipal Auditorium Request**

Thereupon, the Governing Body heard from Summer Marvin who addressed the request to use Ottawa Municipal Auditorium for a country music concert to benefit the Leukemia & Lymphoma Society. It was explained, some of the funds raised could assist someone in the City of Ottawa or Franklin County, but because of confidentiality that information could not be made public. Thereupon, the Governing Body agreed by consensus to approve this request.

**Baseball Uniform Funding**

Thereupon, the Governing Body heard from Dan Oglesby, 1016 Milner Street, who requested funding support to help with the purchase of uniforms for Ottawa's Babe Ruth and Cal Ripken League All-Star baseball teams.

June 20, 2004

During discussion concern was expressed about setting a potential precedent. Thereupon, it was decided the request would be denied with Commissioners Henningsen, Fler and Jorgensen recommending denial.

### **Open Agenda**

#### **Chamber of Commerce-May Monthly Report**

Thereupon, the Governing Body had reviewed the Chamber of Commerce monthly report for May with no discussion.

#### **OMA-Public Discussion**

Thereupon, City Manager Weldon Padgett announced an invitation to the public for discussion of Ottawa Municipal Auditorium. There was discussion regarding putting some of the history on the Government Access Channel and the possibility of taping the meeting. The City Manager explained the Governing Body would be provided information in advance with information to include when a Director was in place and when one wasn't. Thereupon, Mayor Jackson stated the discussion at the meeting would focus around the future of the building.

#### **Extraterritorial Agreement**

Thereupon, City Manager Weldon Padgett stated discussion is continuing with the county on extraterritorial boundaries.

#### **NLC Small Cities Meeting**

Thereupon, Commissioner Ramsey reported on his recent trip to Estes Park and Denver to attend the National League of Cities Small Cities Steering Committee meetings.

#### **Ottawa Main Street-Door-to-Door and Sidewalk Canopy 200 S. Main**

Thereupon, Commissioner Fler stated she had recently met with Ottawa Main Street and they would like to have the City address the door-to-door solicitation of businesses, as well as, the roof extension at the back of the businesses in the 200 block of Main.

During discussion it was explained the City is currently working on an ordinance to address door-to-door solicitation. The report from the engineer has not been completed on the roof extension but would probably be cost prohibitive. Property owners would be responsible for any repairs or removal of this.

### **Announcements**

Thereupon, Mayor Jackson announced:

1. He will be attending League Meetings on Thursday and Friday.
2. June 25-26: Old West Cowboy Days in the City of Ottawa
3. June 27: Study Session at 4 pm

June 20, 2005

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
June 27, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Fleer was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Subdivision Regulations**

Thereupon, the Governing Body discussed subdivision regulations with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee and reviewed a staff memo to adopt an ordinance and draft subdivision regulations.

Commissioner Fleer arrived at 3:10 pm

It was noted that public hearings were held on May 18th and 25th. Staff worked with consultant Jim Kaup to draft the new regulations. Following review of a draft of the new regulations by the Planning Commission, staff sent a draft to several engineering firms to receive input. The Planning Commission by a vote of 5-0 recommended the new subdivision regulations for approval by the City Commission. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for July 6, 2005.

**City and Library Memorandum of Understanding**

Thereupon, the Governing Body reviewed the City and Library Memorandum of Understanding (MOU). Items in the MOU include repayment of debt, payment of utilities, room scheduling and facility improvements and maintenance. Attachments provided to the Governing Body highlighted the schedule for reimbursement and the method used for figuring the cost of utilities. Thereupon, The Governing Body agreed to place this item on the next Regular Meeting Agenda for July 6, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed the Study Session Minutes for June 20, 2005 and agreed to place this item on the next Regular Meeting Agenda for July 6, 2005, with one noted change.

**Wastewater Fund Study and Budget Discussion**

Thereupon, City Clerk Scott Bird presented to the Governing Body historic information about the sewer fund and comparisons to peer cities, discussing the dramatic decline in fund reserves

June 27, 2005

and delays in capital projects, and recommend a rate change that will address these problems and will allow for planned capital projects in the future.

Thereupon, the Governing Body agreed by consensus to have City Manager Weldon Padgett enter the proposed increase into the budget and bring the information back at the July 11, 2005 Study Session.

### **Franklin County Historical Society Budget Request**

Thereupon, the Governing Body reviewed a 2006 Budget request from the Historical Society in the amount of \$2,500. Thereupon, the Governing Body agreed to have the City Manager prepare the budget including the \$2,500 and bring back for additional discussion at a later date.

### **USD-290 School Site Issues**

Thereupon, City Manager Weldon Padgett updated the Governing Body on the School Site issues and the City Manager stated until the City Engineer report was received there wasn't anything new to report. Thereupon, City Manager Weldon Padgett explained that once the report was received it would be brought back to the Governing Body and it was his opinion the City Engineer should assist in making the decision on this issue, as they would be more qualified to do so.

### **Open Agenda**

Thereupon, City Manager Weldon Padgett stated:

- Appreciation for the coverage the paper included on the public meeting to be held at 5:15 pm on July 6, 2005, to discuss the future of the Municipal Auditorium.
- The recent "Cowboy Day" event went well per Mr. Rodina and Mr. Padgett hasn't been made aware of any complaints.

Thereupon, Commissioner Ramsey requested an update on:

- Swimming Pool project
- Cedar Street construction
- Airport Management

Thereupon, Mayor Jackson inquired as to if everyone had received the League email alert regarding State and Local Highway Funds being in jeopardy and City Manager Weldon Padgett explained he had sent it on to the School Board and County.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
June 27, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
July 6, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Jorgensen, Commissioner Fler and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to approve the consent agenda, which included the agenda approval and the minutes from Work Study Session June 13, and 20, 2005 and Regular Meeting minutes from June 15, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Ordinance-Subdivision Regulations**

Thereupon, there was presented an ordinance adopting and incorporation by reference subdivision regulations governing the subdivision of land located within the city limits of the City of Ottawa, as recommended by the Planning Commission pursuant to applicable state statutes and repealing existing subdivision regulations. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained this action would adopt the revised subdivision regulations and repeal existing subdivision regulations. The Planning Commission, city staff, and the City's Planning consultant (Jim Kaup) spent many hours publicly discussing the revisions. The Planning Commission by a vote of 5-0 makes a recommendation to approve the new subdivision regulations. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3510-05.

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### **Rural Water Agreement-City of Princeton**

Thereupon, there was presented a rural water agreement between the City of Ottawa and the City of Princeton describing the terms by which water will be treated, delivered and sold. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the agreement as presented.

During discussion it was explained this action will approve an agreement for the sale of treated water by the City of Ottawa, to be purchased by the City of Princeton. This is a 10-year agreement with the option to extend for an additional 10 years. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly approved.

### **Neighborhood Revitalization Applications**

Thereupon, there was presented applications for two properties for participation in the City's Neighborhood Revitalization Program. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to accept the applications.

During discussion it was explained the applications were for inclusion in the Neighborhood Revitalization Program and were submitted by the owners for 628 S. Locust and 501 S. Oak. The NRA Committee met to discuss the applications and following their review recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

### **Memorandum of Understanding: City of Ottawa & Ottawa Public Library**

Thereupon, there was presented a Memorandum of Understanding between the City of Ottawa and the Ottawa Public Library describing the use of City Hall, reimbursement of funds used to purchase City Hall, and apportionment of certain costs associated with City Hall. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve the memorandum.

During discussion it was explained adoption of this item would support the Memorandum of Understanding between the City of Ottawa and the Ottawa Public Library related to the use of City Hall. Provisions address payment of utilities, repayment of debt, room usage and facility improvements and maintenance. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Jorgensen aye, Commissioner Fleer aye, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the Memorandum of Understanding duly adopted by a 4-1 vote.

### **Ordinance-Rescinding Annexation Ordinance**

Thereupon, there was presented an ordinance rescinding Ordinance No. 3508-05, which annexed approximately 83.5 acres of property into the city limits, and Ordinance No. 3509-05 which

July 6, 2005

rezoned the property (generally located at 1600 E Logan). Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained the buyer and owner of this property did not complete their transaction despite several extensions. On advice from the City's legal counsel and management it was recommended that both ordinances adopted by the City Commission be rescinded. In order to accommodate the transaction neither ordinance was to be published until or unless the sale occurred, so the ordinances never became effective. The motion was considered and upon being put, all present voted aye. Thereupon, staff was asked what happens if owners decided later they wanted to continue. Thereupon, City Manager Weldon Padgett explained they would need to start the entire process over and he had received a message from the buyers, which thanked City Staff for all of their efforts and help in trying to make this transaction happen. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3511-05.

### **Reports from Youth In Government**

Thereupon, Erin Rogers, Brianna Reed, and Cassie Hopkins reported on the recent Youth Leadership Camp and stated a survey had been done and it has been requested to open the camp to freshmen. Erin thanked the Assistant to the City Manager Nikki Spencer for coming out to the camp and sharing information as the campers really enjoy her presentation.

Thereupon, Mayor Jackson thanked the Youth for all their hard work and efforts on another successful camp.

Thereupon, Mayor Jackson asked Erin Rogers to read a letter. The letter informed Erin that she had been awarded "You Make A Difference" award for 2005 and is invited to attend a presentation of the award in Wichita later this year. Thereupon, Mayor Jackson congratulated Erin and stated she would join Sam Smith of Ottawa who was the 1st Year winner of this award.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett thanked the Governing Body for allowing the public meeting on Ottawa Municipal Auditorium and the additional time they took to attend.

Thereupon, the City Manager expressed his thanks to the Street, Parks, and Electric Divisions for their efforts during the recent storm and noted the City would pick up brush on July 18. The brush needs to be out by the street and those located in the Cedar Street construction area should contact City Hall to arrange instruction on pick-up.

Thereupon, City Manager Weldon Padgett announced information from the recent Census Data, which showed Ottawa and Manhattan tying for 13th as the fastest growing cities in the state.  
July 6, 2005

Thereupon, the City Manager introduced Zack Mohr, the new City Intern, who is in the Master Management Program at Kansas University. Mr. Mohr stated he was happy to be here and was looking forward to his growth while at the City. He is originally from Andale, Kansas.

Thereupon, City Manager Weldon Padgett asked Information Technology Director Chuck Bigham to introduce a new member of his department. Thereupon, Josh Howard with the IT Department was introduced. Thereupon, it was noted Josh had produced the video on the auditorium for the previous meeting this evening and done a great job. Josh is a recent graduate of Wesleyan University in Oklahoma and has lived in Ottawa before. Thereupon, Josh thanked the Governing Body for the opportunity to be working for the City and it is his hope to do more of the production like he had for the previous meeting on Ottawa Municipal Auditorium.

### **Reports by City Commission**

Thereupon, Commissioner Fleer asked about Senior Citizens or Handicapped citizens that can't get their brush debris to the street for city pickup. Thereupon, City Manager Weldon Padgett explained citizens need to try and get assistance from a neighbor, friends, or family and it would have to be a true hardship before the City Staff would be allowed to go on private property to remove brush. Thereupon, Mayor Jackson suggested in the event property owners couldn't do it themselves they might want to contact a service club for assistance.

### **Reports by Mayor**

Thereupon, the Mayor congratulated Erin Rodgers on being awarded the "You Make A Difference" award for 2005.

Thereupon, the Mayor stated the OMA meeting had gone well and the meeting will help the "wheels to start turning". Thereupon, Commissioner Ramsey asked if additional information could be provided to the Governing Body during the budget process. Thereupon, City Manager Weldon Padgett stated data on how "Board Authority" works in other cities would be collected and information would be brought forward.

Thereupon, Commissioner Fleer stated she had attended a ceremony in Topeka, "Operation Iraqi Freedom".

### **Announcements**

Thereupon, the Mayor announced:

1. July 11, 2005: Study Session at 4 pm

July 6, 2005

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:33 pm.

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Scott D. Bird, City Clerk

July 6, 2005

**City Commission**  
**Special Call Meeting Minutes**  
Ottawa, Kansas  
July 6, 2005

The Governing Body met at 5:15 pm this date for a Special Call Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Fler was absent. A quorum was present.

In addition, there were approximately 52 people in attendance from the community and surrounding area. Thereupon, a City Manager's Report had been distributed to those attending which included information on the following:

- Whether an advisory board was needed.
- Ways to increase public use.
- How the management and operation of the facility might be handled.
- Whether other organizations could share in the use/operation of the facility.
- A report about how other Kansas community auditoriums functioned with cities included:
  - Chanute
  - Emporia
  - Fort Scott
  - Wellington
  - Parsons
  - Independence
  - Pittsburg
  - Iola
  - Ottawa

Thereupon, City Manager Weldon Padgett declared the purpose of this meeting is to discuss matters concerning the Ottawa Municipal Auditorium.

Thereupon, there was presented a short video on the history of the Ottawa Municipal Auditorium produced by Josh Howard, City of Ottawa Media Services.

Mr. Padgett asked for suggestions on how the City could get "bang for their bucks" and if the community wants to see the auditorium continue. The Governing Body and staff need to hear the community's ideas and suggestions on how to make the auditorium work because the approximate 2 mills of tax money designated for operations at the auditorium could be used in a lot of other areas within the City.

Thereupon, Commissioner Fler arrived at 5:55 pm.

July 6, 2005

The Governing Body heard from several in attendance and will review and further discuss suggestions and ideas stated.

**Adjournment**

There being no further business to come before the Governing Body Mayor Jackson thanked those in attendance for their input and dismissed the meeting at 6:50 pm.

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Scott D. Bird, City Clerk

July 6, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 11, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, and Commissioner Ramsey. Thereupon, Commissioner Fler and Commissioner Jorgensen were absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Ordinance –Vacate Alexander Addition**

Thereupon, the Governing Body reviewed an ordinance to vacate Alexander Addition re-plat. This ordinance will vacate the 1971 Alexander Addition re-plat. A preliminary plat for Winter Farms was recently approved but won't proceed right away due to cost of installing sanitary sewer. It was explained that had the Winter Farms plat been completed, it would have vacated the existing Alexander plat. The owners plan to eventually proceed with the plat process, there is a person who would like to build now. The request from Winter Farms is to vacate the Alexander plat and would allow a single lot split to occur so the new home could be built.

Thereupon, Commissioner Fler arrived at 3:32 pm.

Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for July 20, 2005.

**Resolution-Funston Street and 8th Street**

Thereupon, there was presented a resolution accepting public improvements in the rights-of-way of Funston Street and 8th Street and blocks 3 and 4 in the Sunnyside Addition. The resolution would accept the public improvements related to sanitary sewer system and waterlines.

Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for July 20, 2005.

**Condemnation/Renovation Proceedings**

Thereupon, the Governing Body reviewed resolutions and a presentation of three unoccupied structures located at 113 S. Elm, 434 S. Sycamore, and 621 King. The resolution called for a Public Hearing to address the condemnation/renovation of the above-mentioned structures. Thereupon, the Governing Body agreed to place these resolutions on the next Regular Meeting Agenda.

July 11, 2005

### **Reappointment of Directors**

Thereupon, the Governing Body reviewed a memo and certificate calling for the re-appointment of a Director and Alternate Director to represent the City of Ottawa on the KMGGA Board of Directors. It was requested that Jim Bradley and Richard Hollon be re-appointed in the positions of Director and Alternate Director, respectively. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body agreed to place the minutes from Study Session June 27, 2005 on the Regular Meeting Agenda for July 20, 2005.

### **2006 Budget Review**

Thereupon, the Governing Body reviewed budgets for Police, Fire, Human Resources, Planning and Zoning, Public Works, and Special Funds.

### **Sewer Rate Study Budget Discussion**

Thereupon, the Governing Body continued discussion on the sewer rate study and agreed to have City Manager Weldon Padgett prepare the budget with the proposed increase and bring the information back to the July 18 Study Session with the proposed action to implement the increase at the Regular Meeting on July 20.

### **Open Agenda**

Thereupon, City Manager Weldon Padgett announced that Human Resource Director Judy Hasty had submitted her retirement for the end of the year. Thereupon, Judy stated after 25 years this decision was not made lightly and she would do what she could to help the transition go smoothly.

Thereupon, City Manager Weldon Padgett reminded the Governing Body that storm brush would be picked up starting Monday, July 18, 2005 and his staff continued to work on compiling comments to present to the Governing Body from the OMA meeting.

Thereupon, Mayor Jackson reminded the Governing Body he would be holding a Mayor's Summit tonight.

### **Adjournment**

Thereupon, there being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 11, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 18, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Jorgensen, Commissioner Fleer, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Resolution-Sewer Rate Increase**

Thereupon, the Governing Body reviewed a resolution for a sewer rate increase. During discussion it was explained this fund has not seen a rate increase since 1997 and the failure of the old plant, increased costs and extension of infrastructure in response to growth have caused the fund to take a hit in its reserve. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for July 20, 2005 and noted this item will be discussed again during the budget process in 2007 with any changes to take place in the 2008 budget year.

**Review of Minutes**

Thereupon, the Governing Body agreed to place the minutes from July 6 Special Call, July 6 Regular Meeting, and the Study Session of July 11 on the next Regular Meeting Agenda.

**Budget Review 2006**

Thereupon, the Governing Body reviewed budgets for Sewer, Information Technology, City Commission/City Manager, City Clerk/Finance, Utility Billing and Special Streets (sidewalk replacement program line item).

Thereupon, City Manager Weldon Padgett noted that staff is still compiling information from the OMA Special Call Meeting but felt there was a clear picture as to what the community wanted and that is to hire a professional Director.

**Monthly Report-June 2005**

Thereupon, the Governing Body reviewed the Monthly Reports for the month of June 2005.

**Dust Control Update**

Thereupon, Public Works Director Andy Haney stated the dust control project would start next Tuesday, (July 26) and explained some rain would be okay but if we received too much the project would be delayed.

July 18, 2005

### **Parks Storage and Maintenance Building Update**

Thereupon, Public Works Director Andy Haney explained the package is being finalized, bids would be taken August 9 and bids will be brought back to the Governing Body for action at the August 17, Regular Meeting. Park Crews are currently vacating what they can and plan to start the official demolition if approved on August 18, 2005.

### **Announcements**

Thereupon, City Manager Weldon Padgett discussed possible meeting changes for additional budget review, which included:

1. Study Session July 25 starting at 3 pm and lasting until 6 pm.
2. The time for the August 1 Study Session will begin at 3 pm
3. The Regular Meetings on August 3 and August 17 would switch meeting times and clarified the August 3rd meeting will begin at 9:30 am, and the August 17th meeting will be held at 7 pm.
4. Explained he would be out of town on August 8 and that a Study Session could be held without him if the Governing Body needed to. The Governing Body agreed not to hold a meeting on the 8th.

Thereupon Commissioner Henningsen explained she would not be able to attend the meetings on August 1st or 3rd, as she will be out of town.

Thereupon, City Manager Weldon Padgett stated he would be attending the upcoming Franklin County Home Builders Association meeting.

### **Reports by the Mayor**

Thereupon, Mayor Jackson announced the National Guard would be celebrating a 150 Year Anniversary and he plans to attend the event. The City has been asked to provide information for a time capsule.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Jorgensen made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 18, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
July 20, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Jorgensen, Commissioner Fleer and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the consent agenda, which included the agenda approval and the minutes from July 11, 27 Work Study Session, Special Call Meeting of July 6, and Regular Meeting minutes from July 6, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. Thereupon, Commissioner Jorgensen stated he would not be discussing or voting on Item No. 10 on the agenda as there is a relationship between himself and his employer on this issue.

**Ordinance-Vacating Alexander Addition**

There was presented an ordinance to approve the vacation of the 1971 re-plat of the Alexander Addition. Thereupon Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained this ordinance will create one large parcel of land that is allowed one lot split. There is a preliminary plat that has been approved for this area, the owners are unable to proceed with their plans at this time. One builder is ready for immediate construction, and the single lot split will allow for their plans to continue. The motion was considered and upon being put, passed by the following voted: Commissioner Ramsey aye, Commissioner Fleer aye, Commissioner Henningsen aye, Commissioner Jorgensen abstained, and Mayor Jackson aye. Thereupon, the Mayor declared the ordinance duly adopted by a 4-0 vote and one abstention and the ordinance was duly numbered Ordinance No. 3512-05.

July 20, 2005

**Resolution-Public Improvements Funston Street and 8th Street**

Thereupon, there was presented a resolution to accept public improvements within the Funston Street and Eight Street right-of-way and within Blocks 3 and 4 in Sunnyside Addition, Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this resolution will accept public improvements associated with sanitary sewer system. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1325-05.

**Resolution-Notice of Public Hearing 113 S Elm**

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a Public Hearing before the Governing Body, pursuant to applicable statutes, at which time owners, their agents, lien holders of record and any occupants of the structures located at the property commonly know as 113 S. Elm may appear and show cause why said structures should not be condemned and order repaired or demolished. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained this resolution calls for a Public Hearing before the Governing Body to determine if structures located at 113 S. Elm are unsafe and dangerous. It is staff's opinion the structure should not be occupied until repaired, or if no repair commences, removed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1326-05.

**Resolution-Notice of Public Hearing 434 S Sycamore**

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a Public Hearing before the Governing Body, pursuant to applicable statutes, at which time owners, their agents, lien holders of record and any occupants of the structures located at the property commonly known as 434 S Sycamore, may appear and show cause why said structures should not be condemned and order repaired or demolished. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this resolution calls for a Public Hearing before the Governing Body to determine if structures located at 434 S Sycamore are unsafe and dangerous. It is staff's opinion the structure should not be occupied until repaired, or if no repair commences, removed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1327-05.

July 20, 2005

### **Resolution-Notice of Public Hearing 621 N King**

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a Public Hearing before the Governing Body, pursuant to applicable state statutes, at which time owners, their agents, lien holders of record and any occupants of the structures located at the property commonly known as 621 N King, may appear and show cause why said structures should not be condemned and order repaired or demolished. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this resolution calls for a Public Hearing before the Governing Body to determine if structures located at 621 N King are unsafe and dangerous. It is staff's opinion the structure should not be occupied until repaired, or if no repair commences, removed. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1328-05.

### **Resolution- Adoption of Applicable Rates, Charges, Rules and Regulations of Wastewater Services, (Sewer Rates)**

Thereupon, there was presented finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations of wastewater services of the City of Ottawa, and establishing effective dates and providing for enforcement. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen to adopt the resolution.

During discussion it was explained this resolution will approve and set in place a sewer rate change for the years 2005 through 2008. There has not been a change in the City's sewer rates since 1997. Ongoing maintenance, additional growth, the failure of the former sewer plant and an expansion of infrastructure resulting from and to accommodate growth has depleted the reserves for the sewer fund, and would not allow for the proper management of the operation, thus requiring a rate change. Language has been added to the Resolution committing staff and the Governing Body to reviewing the results of the rate changes when determining future the need or level for future rate changes. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1329-05.

### **Appointments –Kansas Municipal Gas Agency, (KMGA)**

Thereupon, it was recommended Jim Bradley, Director of Utilities, be reappointed as Director, and Richard Hollon, Power Plant Superintendent be reappointed Alternate Director to the Kansas Municipal Gas Agency Board of Directors through August 2007. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve the recommendation. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the appointments to KMGA duly approved.

July 20, 2005

### **Reports by City Manager**

Thereupon, the City Manager noted the change in times for the August Regular City Commission Meeting as follows:

- August 3, 2005: Regular Meeting at 9:30 am
- August 17, 2005: Regular Meeting at 7 pm for Budget Hearing

### **Reports by Mayor**

Thereupon, Mayor Jackson stated he had held the first Mayor's Council meeting recently and 6 previous Mayor's had attended. Feedback included:

- Need to maintain infrastructure
- Pave gravel streets
- OMA-1 ½ mill for maintenance
- YMCA & Recreation Center combination
- Take a serious look at Parks and Recreation Department

### **Announcements**

Thereupon, the Mayor announced:

1. July 20, 2005: City/County School luncheon at USD 290 Administration Building at noon
2. August 3, 2005: Regular City Commission Meeting at 9:30 am
3. August 17, 2005: Regular City Commission Meeting at 7 pm for Budget Hearing

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:49 am.

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Scott D. Bird, City Clerk

July 20, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
July 25, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Jorgensen, and Commissioner Ramsey. Commissioner Fleer was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**National Guard 150th Anniversary**

Thereupon, Mayor Jackson announced he had recently attended the National Guard 150th Anniversary celebration and the City was presented with a framed print of The Battle of Prairie Dog Creek in Western Kansas, August 21, 1867 by Ralph Heinz.

**KDOT-Montana/Sandcreek Intersection Project**

Thereupon, the Governing Body reviewed a request for a construction project, which requested funds for construction of the Montana/Sandcreek intersection project. Estimated costs for the project have come in from the City Engineer/BG Consultants and was included in the information provided.

Thereupon, Commissioner Fleer arrived at 3:09 pm

Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda on August 3, 2005.

**Budget Review 2006**

Thereupon, the Governing Body reviewed budgets for Community Services Support, Airport, Library and Municipal Auditorium.

Thereupon, the Governing Body agreed by a consensus on the following funding:

- B. Martin Peck: \$30,000. City Staff continues to negotiate with B. Martin Peck on opportunities for revenue
- Chamber of Commerce: \$45,000
- Ottawa Main Street: \$27,500
- Historical Society: \$2,500

Thereupon, the Governing Body requested someone from City Band attend a meeting and explain what previous funding from the City was used for before the approval of additional funding.

July 25, 2005

Thereupon, the City Manager explained he is still working with an interested party on the Airport and the Fixed Based Operator is still being contracted with on a month-to-month basis.

Thereupon, the City Manager stated he is still working on the auditorium but it is clear from the information received that the choice would be to hire a professional director and to have the director involved in staffing needs.

### **General Fund Budget Discussion**

Thereupon, the Governing Body reviewed graphs and spreadsheets concerning the state of the General Fund at the end of 2006. The City Manager expressed his concerns in detail in his Management Report. The detail included:

- The issue
- History/background
- Revenue Reductions
- Revenue Increases
- Expenditure Increases
- Expenditure Decreases
- Non-Expenditures
- Recommendations

During discussion it was explained because the need for funds is much more pressing than anticipated even 18 months ago, a mill levy increase of 5 mill is recommended and a commitment from the Governing Body to move forward with a sales tax increase for next year. The City Manager explained without the increase services would need to be cut.

Thereupon, the Governing Body asked the City Manager to prepare information on a sales tax increase and bring it to the next Study Session on August 2, 2005.

### **Monthly Reports**

Thereupon, the Governing Body reviewed monthly reports from Ottawa Recreation Commission and Ottawa Main Street.

### **Swimming Pool Renovation and Zero Depth Entry**

Thereupon, City Manager Weldon Padgett explained that the package from HUD was supposed to have been received in March or April and was delivered today by Federal Express.

### **Brush Collection/Dust Control**

Thereupon, Public Works Director Andy Haney stated the brush collection from the recent storm was complete and dust control may start as early as tomorrow (July 26th) depending on the weather.

July 25, 2005

### **Open Agenda**

Thereupon, Mayor Jackson recommended to the Governing Body that questions on certain issues could be handled by telephone with the City Manager. The City Manager expressed his appreciation for the telephone calls and encouraged them to call or contact him.

Thereupon, Commissioner Henningsen asked for a consensus on whether to include 803 S. Poplar in the Neighborhood Revitalization Program or not. The consensus was to keep the NRA program within the established boundaries, 803 S. Poplar is not within those boundaries.

### **Announcements**

Thereupon, the Mayor announced:

- August 3, 2005: Regular Meeting time changed to 9:30 am
- August 8, 2005: No Study Session

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

July 25, 2006

## STUDY SESSION MINUTES

### OTTAWA, KANSAS

Minutes of  
August 1, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fler, and Commissioner Ramsey. Commissioner Henningsen, and Commissioner Jorgensen were absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

#### **Public Comments**

Thereupon, the Governing Body heard from Sarah Caylor who asked the Governing Body to reconsider B. Martin Peck's budget for 2006. Thereupon, Mayor Jackson stated they would note the request.

Thereupon, Dr. Larry Mages addressed the Governing Body about the future plans of the animal shelter, what the city is going to do to help, and if B. Martin took over the dog licensing would the city help train them.

Thereupon, Commissioner Jorgensen arrived at 3:06 pm.

Thereupon, City Manager Weldon Padgett responded to Dr. Mages stating the Governing Body had allowed \$30,000 into the budget for 2006 and there is anticipated revenue of \$10,000 if they take over the licensing. The City Manager explained discussions are continuing between staff and B. Martin Peck and the city would help train them and the offer to assist them has been made during those discussions.

#### **Resolution-Notice of Public Hearing, 23rd Street Sewer Line**

Thereupon, the Governing Body reviewed a resolution providing notice of a public hearing regarding the assessment of costs for the 23rd Street Sewer Line benefit district project. It was explained the improvement, originally estimated to be over \$400,000, was completed for around \$275,000 and the City is participating at 20% of the costs, with the rest apportioned to properties on a square foot basis. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for August 3, 2005.

#### **Ordinance-Annexation 1731 S Princeton, C. Richard Fogle**

Thereupon, the Governing Body reviewed an ordinance to annex property located at 1731 S. Princeton. The owner, C. Richard Fogle, has submitted a request for annexation as a result of other annexations that have "sandwiched" their property between city limit lines. The area to be annexed is 42.03 acres and will help smooth city limit lines. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for August 3, 2005.

August 1, 2005

**Ordinance-Annexation 1725 S Princeton, Frank D. Fogle, Jr. and C. Richard Fogle**

Thereupon, the Governing Body reviewed an ordinance to annex property located at 1725 S. Princeton. The owner, Frank D. Fogle, Jr. and C. Richard Fogle, have submitted a request for annexation as a result of other annexations that have “sandwiched” their property between city limit lines. The area to be annexed is 2.1 acres and will help smooth city limit lines. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for August 3, 2005.

**Ordinance-Annexation 1735 S Princeton, Richard and Sylvia Fogle**

Thereupon, the Governing Body reviewed an ordinance to annex property located at 1735 S. Princeton. The owners, Richard and Sylvia Fogle, have submitted the request for annexation. The area to be annexed is 1.7 acres and the action will help smooth city limit lines. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for August 3, 2005.

**Ordinance-Annexation 1801 S Princeton, Gary D. and Karen L. Harris**

Thereupon, the Governing Body reviewed an ordinance to annex property located at 1801 S. Princeton. The owners, Gary D. and Karen L. Harris, have submitted the request for annexation. The area to be annexed is 1.3 acres and the action will help smooth city limit lines. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for August 3, 2005.

**Annexation-1909 S Princeton**

Thereupon, Planning and Codes Administration Director Wynndee Lee explained she had received the Consent for Annexation today on Tract 6 (1909 S Princeton) and an ordinance could be prepared and added to the next agenda in addition to the above-mentioned properties with approval from the Governing Body. The Governing Body agreed by consensus to include an ordinance for this annexation on the agenda for the Regular City Commission Meeting of August 3, 2005.

**Ordinance- Rezone 930 N King, Sam and Peggy Caylor**

Thereupon, the Governing Body reviewed an ordinance to rezone property located at 930 N King from MU/CI to R-2. This rezone was requested by owners Sam and Peggy Caylor for the rezone of their property from Mixed Use Commercial Industrial (MU/CI) to Medium Density Residential (R-2). The owners would like to put a duplex on the lot, which requires the property to be rezoned and the Planning Commission recommends approval. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for August 3, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from July 18 Study Session and July 20 Regular Meeting and agreed to place these items on the Regular Meeting Agenda for August 3, 2005.

August 1, 2005

### **Old West Cowboy Days-2006 Request**

Thereupon, the Governing Body heard from Mr. Jason Camis, representing Ernie Rodina requesting certain dates to use city-owned facilities and property for Old West Cowboy Days in 2006. Mr. Camis explained this event has outgrown City Park and the event planners are requesting Forest Park for June 23, 24, 25, 2006. Thereupon, the Governing Body agreed by consensus to allow this event to take place in Forest Park, be scheduled as an annual event, and asked Mr. Camis to work with City Staff on details of the event.

### **City Band Committee**

Thereupon, the Governing Body heard from Ms. Cathy Sutton, a representative from the City Band Committee, who answered questions from the Governing Body regarding what City Band funding from the City is used for. Ms. Sutton noted the Committee meets once or twice a year usually at the beginning and end of the season. The City Band provides 6 to 7 performances during their season. Funds have been used for the following:

- Music Director
- T-shirts
- New Music
- Set-up and tear-downs
- Music Librarian (music is different at each performance)

Ms. Sutton explained in the future the committee would like to have some available funding to reward band members for all their time and effort.

### **2006 Budget Discussion**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who provided further information regarding sales tax, Health Insurance data (requested by Commissioner Jorgensen) and the notice to publish the budget public hearing. Thereupon, the City Manager had provided a Management Report with the following recommendation:

With the severe financial condition that must be addressed with immediate action, and the fact that even a 5-mill increase in 2006 won't keep the city from needing a 7-mill increase again in 2008, and the fact that the city has room for at least a 4/10ths sales tax which will solve the financial problems and for which 25%-40% is generated from non-Ottawa residents, the path seems clear.

Thereupon, the Governing Body agreed by consensus to allow the City Manager to move forward towards an election to increase the sales tax using a mail in ballot.

Thereupon, the Governing Body discussed the Health Insurance information that was provided. Human Resource Director Judy Hasty explained to the Governing Body that an employee Health Insurance Committee has been formed and will be reviewing all aspects of Health Insurance and

this committee will take a look at addressing what may be tough decisions with regards to Health Insurance. Thereupon, Commissioner Ramsey requested the Governing Body have an opportunity to review this issue during the 2007 budget discussion.

**Open Agenda**

Thereupon, City Manager Weldon Padgett stated the budget hearing will reflect a 5-mill increase to the General Fund and it was agreed, as in the past, Staff will present a general overview of the budget at the Regular City Commission meeting on August 17, 2005.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Fleer made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 1, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
August 3, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Fleer and Commissioner Ramsey. Commissioner Henningsen was absent. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the consent agenda, which included the agenda approval and the minutes from July 18 Work Study Session, and Regular Meeting minutes from July 20, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Resolution-KDOT, Montana and Sandcreek Intersection**

Thereupon, there was presented a resolution that will give approval for staff to complete necessary paper work requesting funds for the construction of the Montana/Sandcreek Intersection Project. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jorgensen, to approve the resolution.

During discussion it was explained the total cost of the project is estimated at \$531,265 with Federal funding in the amount of \$500,000 being allocated for the improvements. The remaining costs are expected to be paid by Special Street Projects funds and/or other revenues of the City. Thereupon, Mayor Jackson noted that sometimes the Governing Body is questioned on spending City funds to attend conferences and this is one example where the City received substantially more funds than the cost of attending the conference and talking with Legislators. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1330-05.

August 3, 2005

**Resolution-Notice of Public Hearing 23rd Street Sewer Line**

Thereupon, there was presented a resolution setting a public hearing for August 17th at City Hall in order to consider apportionment of costs for the 23rd Street Sanitary Sewer improvements and setting the stage for formation of a benefit district. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained the benefit district is to assess such costs to the adjoining properties based upon square footage. The project provided sewer service to about 272 acres of developable property. Costs would be spread at a ration of 20% City at-large (i.e. local government) and 80% to the benefit district property owners and the final project total will be around \$272,000. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1331-05.

**Ordinance-Annexing 1731 S Princeton**

Thereupon, there was presented an ordinance to annex approximately 42.03 acres of property into the City limits of Ottawa, generally located at 1731 S Princeton. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to adopt the ordinance.

During discussion it was explained the owner, C. Richard Fogle, submitted this request for annexation as a result of other annexations that have caused this property to be located between city limit lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3513-05.

**Ordinance-Annexing 1725 S Princeton**

Thereupon, there was presented an ordinance to annex approximately 2.1 acres of property into the City limits of Ottawa, generally located at 1725 S Princeton. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to adopt the ordinance.

During discussion it was explained the owners, Frank D. Fogle, Jr. and C. Richard Fogle, submitted a request for annexation as a result of other annexations that have caused the property to be located between city limit lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3514-05.

**Ordinance-Annexing 1735 S Princeton**

Thereupon, there was presented an ordinance to annex approximately 1.7 acres of property into the City limits of Ottawa, generally located at 1735 S Princeton. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

August 3, 2005

During discussion it was explained the owners, Richard and Sylvia Fogle, submitted a request for annexation as a result of other annexations that have caused the property to be located between city limit lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3515-05.

**Ordinance-Annexing 1801 S Princeton**

Thereupon, there was presented an ordinance to annex approximately 1.3 acres of property into the City limits of Ottawa, generally located at 1801 S Princeton. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jorgensen, to adopt the ordinance.

During discussion it was explained the owners, Gary D. and Karen L. Harris, submitted a request for annexation as a result of other annexations that have caused the property to be located between city limit lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3516-05.

**Ordinance-Annexing 1909 S Princeton**

Thereupon, there was presented an ordinance to annex approximately 4.4 acres of property into the City limits of Ottawa, generally located at 1909 S Princeton. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained the owners, Brandy Communications, Inc., have submitted a request for annexation as a result of other annexations that have caused the property to be located between city limit lines. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3517-05.

**Ordinance-Rezone 930 N King**

Thereupon, there was presented and ordinance to rezone property generally located at 930 N King. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jorgensen, to adopt the ordinance.

During discussion it was explained this rezone changes the zoning from MU/CI (Mixed Used Commercial Industrial District) to R-2 (Medium Density Residential District) and owners, Sam and Peggy Caylor, have filed a request to rezone their property in order to place a duplex on the lot. The current R-2 boundary line is on the south line of the lot and an approval of the request to

rezone would move the line 75 feet to the north. The Planning Commission reviewed the request, held a public meeting at which time no public comments were made, and recommended approval by a 4-0 vote. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3518-05.

### **Reports by City Manager**

Thereupon, the City Manager reported that the Department of Revenue is working on changing the cap on sales tax for Kansas cities and adding uniformity laws. Ottawa could request a ½ cent sales tax increase.

### **Announcements**

Thereupon, the Mayor announced:

1. August 8, 2005: No Study Session
2. August 11, 2005: Quarterly Image Luncheon at the OMS Library at 11:45 am
3. August 15, 2005: Study Session at 3 pm

### **Adjournment**

There being no further business to come before the Governing Body, Commissioner Fler made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:45 am.

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Scott D. Bird, City Clerk

August 3, 2005

**City Commission**  
**Special Call Meeting Minutes**  
Ottawa, Kansas  
August 10, 2005

The Governing Body met at 9 am this date for a Special Call Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, and Commissioner Ramsey. Commissioner Jorgensen and Fler were absent. A quorum was present.

Members of the press were also present.

Thereupon, the Mayor declared the purpose of this meeting is to interview and film Youth In Government member Erin Rogers being awarded the "You Make A Difference" award.

Those doing the filming and interviewing were Ms. Carol Megrail, President, Innovative Communications, and David Peebler, Videographer. The film presentation will be used at an event in the future.

Thereupon, the filming crew conducted personal interviews.

**Adjournment**

There being no further business to come before the Governing Body the meeting was adjourned.

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Scott D. Bird, City Clerk

August 10, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
August 15, 2005

The Governing Body met at 3 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Neighborhood Revitalization Applications**

Thereupon, the Governing Body reviewed completed applications for the Neighborhood Revitalization Program for properties located at 339 S Cherry, 420 S Walnut, 831 Pecan and 835 Pecan. Thereupon, the Governing Body agreed by consensus to place these properties on the Regular Meeting Agenda for August 17, 2005.

**Resolution- KMEA**

Thereupon, the Governing Body reviewed a resolution authorizing the Kansas Municipal Energy Agency (KMEA) to purchase electrical energy for the City of Ottawa. This resolution provides KMEA the authority to purchase electrical energy for Ottawa from sources other than Kansas City Power and Light Company during times of curtailment by KCPL. In addition, the Governing Body reviewed an agreement for non-firm energy sale that was requested to satisfy the legal requirements of Westar Energy. The Governing Body agreed by consensus to place both items on the Regular Meeting Agenda for August 17, 2005.

**Ordinance-Standard Traffic Ordinance**

Thereupon, the Governing Body reviewed an ordinance to regulate traffic within the city limits of the City of Ottawa. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda.

**Ordinance-Levying Assessments- 23rd Street**

Thereupon, the Governing Body reviewed an ordinance to levy assessments to property owners affected by the 23rd Street Sewer improvement project. The ordinance outlines the amount assessed to each landowner for paying a portion of the costs of improvements related to the 23rd Street Sanitary Sewer project. The properties were assessed an amount based on square footage. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for August 17, 2005.

August 15, 2005

### **Ordinance-Increase in Tax Revenues for 2006**

Thereupon, the Governing Body reviewed an ordinance attesting to an increase in tax revenues for 2006. This ordinance calls for an increase in tax revenues for the 2006 budget year and is required by the State anytime there is an increase in tax dollars. It was explained this increase in tax revenues is necessary to fulfill the proposed 2006 budgetary requirement. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda.

### **Review of Minutes**

Thereupon, the Governing Body agreed to place the minutes from Study Session July 25, and August 1, Regular Meeting August 3, and the Special Call Minutes from August 10, 2005, on the next Regular Meeting Agenda for August 17, 2005 with one change.

### **Sunday Alcohol Sales**

Thereupon, Ms. Lynn Mitchell, Casey's General Store, reviewed with the Governing Body a request for Sunday alcohol sales. It was noted the Kansas State Legislature recently adopted a law allowing the retail sale of packaged alcohol on Sundays and giving municipalities discretion whether to allow such sales in their cities. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for August 17, 2005 to give the public an opportunity to comment on this issue with no formal action being taken at this time.

### **Bucks for Buckles Program**

Thereupon, the Governing Body heard from Ms. Sara Caylor and Ms. Lisa Dempsey, representatives of Safe Kids Kansas, who answered questions regarding the request to staff the intersection at Main and 3rd Street from 9-11:30 am, September 2, 2005. Thereupon, Chief Butler suggested volunteers wear safety vest and offered the loan of vest for this event. Thereupon, the Governing Body approved this request and asked that representatives work with staff for accommodations on blocking the intersection.

### **Monthly Financial and Activity Report-July**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for the month of July.

### **Domestic Violence Grant**

Thereupon, the Governing Body congratulated Chief Dennis Butler for his hard work and efforts and being awarded the Domestic Violence Grant. Thereupon, Chief Butler provided the Governing Body detail of the grant, shared his excitement, and thanked the Governing Body for their support.

### **Parks Maintenance/Storage Building**

Thereupon, the Governing Body heard from Public Works Director Andy Haney who addressed that the bids on this project had come in higher than anticipated. Thereupon, the Governing Body

August 15, 2005

agreed by consensus that they were not inclined to proceed with this project in light of the possibility of increasing property tax and moving forward on an election for a sales tax increase. Thereupon, the Governing Body agreed by consensus that this item will be placed on the next Regular Meeting on August 17, 2005 for formal action of approval or denial.

### **Open Agenda**

Thereupon, City Manager Weldon Padgett asked the Governing Body to let him know if they had any items of discussion for the upcoming Franklin County Summit.

Thereupon, Commissioner Ramsey asked that it be clarified the City will be proposing a ½ cent sales tax increase.

Thereupon, Commissioner Jorgensen asked for clarification with regards to a chart showing mill levy increases in peer cities. Commissioner Jorgensen inquired if these peer cities generate their own electricity with those funds going into their General Fund. Thereupon, City Manager Weldon Padgett stated he would reflect this information in the future.

Thereupon, Mayor Jackson announced the United Way “Kick Off” is to be held September 7, 2005, Noon-1 at the Ransom Memorial Hospital conference room.

Thereupon, Mayor Jackson reported a problem with weeds in the newly developed area north of the golf course.

### **Announcements**

Thereupon, the Mayor announced:

1. August 17, 2005: Regular City Commission Meeting at 7 pm

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 15, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
August 17, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Fleer, Commissioner Ramsey and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to approve the consent agenda, which included the agenda approval and the minutes from July 25, August 1, 2005, Work Study Session, Regular Meeting minutes from August 3, 2005, and Special Call Minutes from August 10, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

Thereupon, Ms. Marilyn Talbott addressed the Governing Body about comments from Mayor Jackson printed in the newspaper with regards to the Ottawa Vision and the paving of gravel streets.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Bids-parks Maintenance and Storage Building in Forest Park**

Thereupon, the Governing Body reviewed bids to accept or reject the construction of a replacement parks maintenance and storage building in Forest Park. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to reject all bids.

During discussion it was explained the bids came in higher than originally projected. In mid-2004, a complete report was provided and recommendations accepted by the City Commission to replace the existing parks building which has storm water problems and does not meet the needs of the Parks Division. Over the past year the cost for the building has increased substantially, while the City's General Fund financial condition has worsened. Based on budget discussions at previous work study sessions and with the bids being higher, rejection of all bids and a delay in this project was recommended. Thereupon, the motion was considered and upon being put, all present voted aye.

August 17, 2005

Thereupon, City Clerk Scott Bird, through the recommendation of the City Bond Attorney, requested a motion from the Governing Body to redeem the temporary notes previously issued for this project at the earliest practical date. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Henningsen, to redeem the temporary notes previously issued for this project at the earliest practical date. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the bids for construction duly rejected and granted approval for the City Clerk to redeem the temporary notes previously issued for this project at the earliest practical date.

### **Public Hearing-Proposed 2006 Budget**

Thereupon, the Mayor opened a public hearing for the proposed 2006 budget.

Thereupon, City Manager Weldon Padgett gave an overview of the budget stating positive growth the city had over the last few years even with cuts to the demand transfer funds several years ago. However, the City Manager made it clear that reserves have been used and he strongly recommended a 5-mill levy increase for the 2006 Budget with an election in March for a proposed ½ cent sales tax increase. Mr. Padgett noted that if the sales tax didn't pass an additional 7-mill levy increase would be necessary in 2007. He explained the danger of not passing the 5-mill levy increase with the anticipation that the sales tax proposal would pass.

Thereupon, the following spoke on behalf of Bea Martin Peck Animal Shelter and requested funding not be cut for the 2006 Budget:

Vicky Whitacre, 405 W 19th; Sara Caylor, 1317 Maple; Brian Daugharthy, 216 W 5th; Lori Davis, 625 N Main; Jannette Wray 2029 Ellis Road, Richmond, Kansas; Michelle Jackson, 14 Rockwood Drive; Betty Birzer, 1644 Chestnut, Brent Mathis, 9 Rockwood Drive, and Emily Mathis, 9 Rockwood Drive.

Thereupon, Ms. Pat Morgan spoke in support of the Animal Shelter and against the 5-mill increase. However, she did state she would probably vote in favor of the sales tax increase.

There being no one else to speak to this issue the Mayor closed the public hearing.

### **Adoption of 2006 Budget**

Thereupon, Commissioner Henningsen made a motion, seconded by Mayor Jackson, to adopt the budget as presented.

During discussion it was explained that following public discussions at almost a dozen work study sessions, as well as, tonight's presentation and comments during the public hearing the adoption of the 2006 budget is required.

August 17, 2005

Thereupon, Commissioner Henningsen asked if the Animal Shelter was not in favor of taking over the dog licensing program, could the City continue to license and give the shelter back the \$10,000 previously recommended to be made up by the shelter's taking on this program? Thereupon, City Manager Weldon Padgett stated it is up to the Governing Body and explained that negotiations were currently in process with the shelter on issues of concern and developing a contract. Thereupon, Commissioner Henningsen asked how giving them the \$10,000 would effect adopting the 2006 Budget. Thereupon, the City Manager stated it could be done without amending the budget and without impact to the mill levy.

Thereupon, Commissioner Ramsey stated he would recommend the budget be increased for Bea Martin Peck and retain the collecting of licensing for at least a year as he has concerns about it and would like to review it more. Commissioner Ramsey expressed a concern with increasing the mill by 5 with the school district increasing by 8. Commissioner Ramsey stated the budget is growing too fast and the only way the City can raise enough to buy the things the community needs is through sales tax, not the mill levy, and a 2% cut in spending would raise half of the proposed 5 mill increase. Thereupon, Mayor Jackson stated he doubted seriously that there could be enough cuts without effecting services in the community to make up the difference. Mayor Jackson continued by stating the city has had a lot of hits on the budget that the City hasn't had any control over and the staff has done the best they could to keep the mill levy and cost down and wasn't sure what would be proposed to cut.

Thereupon, City Clerk Scott Bird encouraged the Governing Body and community to reinvest in itself with a 5 mill increase at this time, to be offset with an increase in sales tax and that real growth is right in front of this community. Mr. Bird explained he didn't really think the community wants services cut. Mr. Bird stated staff has cut capital spending for the last three years and it will catch up with the City. His recommendation was for the approval of the proposed 5 mills.

Thereupon, Commissioner Fleer expressed concern for those who can't pay their property taxes and have shown up in the local newspaper for delinquent taxes. Thereupon, City Clerk Scott Bird stated he respected Commissioner Fleer's position on the issue. However, the General Fund has to remain healthy and the City is legally obligated to make sure that happens. Mr. Bird stated he feels the sales tax would be a wonderful addition to the community. But the City needs a band-aid to get through next year. The City needs a safety net to get through the end of next year in the event the citizens don't agree to increase sales tax. Mr. Bird reminded the Governing Body that even with an approved 5 mill increase staff would be back with the proposal of an additional 7 mill increase if the sales tax proposal didn't pass. If the sales tax was approved staff would recommend a cut in the mill levy providing the 5 mills increase had been approved for 2006.

August 17, 2005

Thereupon, Commissioner Henningsen reminded everyone that staff had requested a 2 mill increase previously and it hadn't been approved. She explained staff saw it coming and have been trying to keep the budget flat. She understands that Bea Martin Peck is in somewhat the same situation as they stated they may have to close their doors and the City could be in the same situation. Commissioner Henningsen stated she sympathized with the shelter and feels it is a good program and a service to the community. She explained it is hard trying to make these tough decisions and the Governing Body has to do the best they can. She agreed there is a need to increase the mill levy.

Thereupon, Commissioner Jorgensen congratulated the city for holding the line and as the newest member of the Governing Body he was in the position of not having served during previous budgets. However, he stated a 10 percent increase in the mills is a drastic increase with other entities increasing.

Thereupon, City Manager Weldon Padgett expressed his concerns about continuing to transfer from the electric fund to supplement the General Fund and mask the problem. Mr. Padgett stated the public and the Governing Body is aware of the problem and there are band-aids that can be put in place but if the sales tax isn't approved next year the band-aid is going to get bigger and the problem will be worse and if the sales tax fails the City is looking at another, on top of the 5 mill, a 7 mill increase for 2007.

Thereupon, City Clerk Scott Bird stated there is no way the City could have predicted, even a few months ago, gasoline being \$2.60 a gallon. Gasoline alone affects the General Fund with Police, Fire, and Public Works. Mr. Bird expressed concern over gasoline prices, as well as, cuts in other revenue streams not within our control that affect the budget and getting through the end of this year is a concern.

Thereupon, City Manager Weldon Padgett felt good about the research on the sales tax in that if it was done early enough, and it was approved, the City could collect a ½ year in revenues. He stated if it fails in March and on the ballot in November it is going to be after the budget process for 2007 and stated the timing is very critical and he hopes some of the concerns have been addressed.

Thereupon, Commissioner Henningsen, asked if it appeared the animal shelter was running short that there was some extra contingency in this fund. Thereupon, City Manager Weldon Padgett explained that the reserve amount of \$8,928 (in the Community Service Fund) is one of the things staff has tried to keep in this fund for the things the Governing Body like to do to help support local groups. Not every group fits into this area but staff has tried to keep some funding here for flexibility for the Governing Body's decisions. Thereupon, the motion was considered and upon being put was defeated by the following vote: Commissioner Henningsen aye, Commissioner Jorgensen nay, Commissioner Fleer nay, Commissioner Ramsey nay, and Mayor Jackson aye. Thereupon, the Mayor declared the motion duly defeated by a 3-2 vote.

August 17, 2005

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to increase the mill levy by no more than 2 mills over last year. Thereupon, Staff asked for clarification on the motion. Commissioner Ramsey stated 2 mills for the General fund and he wanted less than ½ of what the 5 mill increase would bring. It was clarified to be 2 mills for the general fund as the Library would be less, Bond and Interest less, with the Auditorium up slightly and the General Fund would increase 2 mill making a total mill levy increase of 2.14. Thereupon, City Manager Weldon Padgett confirmed with Commissioner Jorgensen that this was his intent on his second of the motion. Thereupon, the motion was considered and upon being put, the motion passed by the following vote: Commissioner Henningsen nay, Commissioner Jorgensen aye, Commissioner Fleer aye, Commissioner Ramsey aye, and Mayor Jackson nay. Thereupon, the Mayor declared the 2006 Budget duly adopted by a 3-2 vote.

#### **Ordinance-Attesting to an Increase in Tax Revenues for 2006**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the ordinance. It was explained that state law requires adoption of an ordinance attesting to any increase in tax revenues, regardless of whether the City's mill levy actually increases or decreases. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3520-05.

#### **Public Hearing-23rd Street Sanitary Sewer Assessments**

Thereupon, the Mayor opened a public hearing for 23rd Street Sanitary Sewer Assessments.

Thereupon, it was explained this public hearing has been scheduled to receive comments about the 23rd Street Sanitary Sewer Assessments. This project involved construction of a sewer main to serve hundreds of acres of developable property in southwest Ottawa. This project is at a 20% cost to the City and an 80% to property owners and the cost of this project came in at \$275,000 for actual cost, well under the estimated cost of \$400,000.

There being no one to speak to this issue the Mayor closed the public hearing.

#### **Ordinance-Levying Assessment to Property Owners-23rd Street Sanitary Sewer**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the ordinance to levy assessments to property owners affected by the 23rd Street Sanitary Sewer improvement project.

During discussion it was explained, following presentation and comments during the public hearing and several open meeting discussions, adoption of this ordinance will levy assessments to owners effected by the 23rd Street Sewer improvement project. It was explained the amount has been assessed to each effected landowner based on square footage. This is a benefit district project

August 17, 2005

with the city being responsible for 20% of the project costs and the property owners being assessed the remaining 80%. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3519-05.

### **Neighborhood Revitalization Applications**

Thereupon, there was presented applications for properties located at 339 S Cherry, 420 S Walnut, 831 Pecan and 835 Pecan for inclusion in the Neighborhood Revitalization Program. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Fleer, to approve the applications.

During discussion it was explained the applications were submitted by the owners of the four properties described above. The NRA Committee met previously to discuss these applications and recommends approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

### **Resolution-KMEA, Purchase Electrical Energy**

Thereupon, there was presented a resolution to authorize the execution of an agreement with Kansas Municipal Energy Agency (KMEA), to purchase electrical energy for the City of Ottawa. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this action allows the Mayor to sign the agreement providing KMEA the authority to purchase electrical energy for Ottawa from various power supply sources, which could be financially beneficial to the City of Ottawa during times of curtailment. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1332-05.

### **Ordinance-Standard Traffic Ordinance**

Thereupon, there was presented an ordinance to incorporate by reference the "2005 Standard Traffic Ordinance for Kansas Cities" developed by the League of Kansas Municipalities for regulating traffic within the City of Ottawa. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained this action adopts the 2005 Standard Traffic Ordinance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3521-05.

August 17, 2005

### **Public Input on Sunday Sales of Alcohol**

Thereupon, the Governing Body heard from Donna Adell, 601 S Burrough; Mary Lois Yates, 1446 S Eisenhower; Jerry Thompson, Co-Owner of 3 Guy's Liquor, 202 N Main; Carol Askins Beller, Brandywine, 1605 S Main, and Richard Towe, Co-Owner of 3 Guy's Liquor, 202 N Main who all spoke in opposition of Sunday Sales, or did not see any benefit to offering Sunday Sales.

Thereupon, City Manager Weldon Padgett asked the Governing Body if they would like this item brought back to a Work Study Session. They agreed by consensus to have it brought back to a future Study Session.

### **Budget Clarification**

Thereupon, Mayor Jackson asked for a clarification on the budget motion with regards to Bea Martin Peck funding.

Thereupon, City Manager Weldon Padgett stated on the motion Commissioner Ramsey made that passed by a 3-2 vote, it was his understanding that those in attendance heard the discussion and the motion was simply the mill levy would increase to the General Fund by 2 mills and the rest of the budget was adopted as presented. It was explained the motion didn't incorporate some of the discussions he thought those representing Bea Martin Peck anticipated, which would affect their funding level.

Thereupon, Mayor Jackson asked for a defined and to the point motion on this issue.

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to increase the Bea Martin Peck budget to \$40,000 and retain the right for the City to continue collecting the license on dogs for another year. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion to increase Bea Martin Peck's funding for 2006 to \$40,000 and retain the licensing of dogs for another year duly approved.

### **Reports by the Mayor**

Thereupon, the Mayor thanked City Staff for the many months put into working on the budget and thanked those attending the meeting for, taking the opportunity to come and voice their opinions and concerns. He stated too often people sit back, don't participate and then wonder why things happen to them. "The issue isn't whether you win or lose but took the opportunity to have some input and that is the way it should be when working within a democracy."

### **Announcements**

Thereupon, the Mayor announced: September 5, 2005, **no** Work Study Session as City Hall will be closed in observance of Labor Day.

August 17, 2005

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 17, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
August 22, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Sunday Liquor Sales**

Thereupon, the Governing Body discussed the public input that was gathered at the August 17, 2005, Regular Meeting on the topic of Sunday Liquor Sales. Research provided in previous meetings has shown many Kansas cities have adopted the local changes necessary to allow Sunday sales. This issue involves to a great extent, the community's preferences. Based on the input from merchants at the Regular Meeting it appeared the option to allow Sunday sales was not supported. Thereupon, the Governing Body agreed by consensus this is a "dead issue". An ordinance to allow Sunday Sales will not be entertained.

**Review of Minutes**

Thereupon, the Governing Body agreed by consensus to place the Work Study Session minutes from August 15, 2005 on the next Regular Meeting Agenda for September 7, 2005 with changes.

**KDOT Transportation Enhancement Program**

Thereupon, there was presented information concerning the application for funding assistance for a local project for the KDOT Transportation Enhancement Program.

During discussion it was explained the City had previously submitted an application for lighting the PSRT from the Old Depot Museum south to 23rd Street. It had been turned down previously but staff could easily update the application, correct any deficiencies noted from the previous application and resubmit. It was suggested the approach be made as a safety matter. Lighting the trail becomes much less expensive than if we make it more aesthetically attractive as was previously submitted and it could tie in the safety portion from 1st to 5th on Walnut with some form of street marking or signage. In addition the City could add some pedestrian/bicycle educational component along the trail. Thereupon, the Governing Body agreed by consensus to allow staff to proceed with the above-mentioned application for lighting on the PSRT.

**Sales Tax Discussion**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body direction on how the sales tax proposal would be presented, the community education, and if they wanted to

August 22, 2005

include a sun-set period. The City Manager cautioned the Governing Body on being too specific on the actual ballot language. Thereupon, the Governing Body agreed by consensus to have a sun-set period of 10 years and noted the sales tax could be re-elected to continue if that is what the community wanted.

### **Former First Ladies of Ottawa-update**

Thereupon, City Manager Weldon Padgett and Public Works Director Andy Haney updated the Governing Body on the Former First Ladies project and the artwork would soon be displayed on the East side of Main by the levy system.

The City Manager explained it would be good to have an Advisory Committee to address future items the City may inherit that might require future maintenance from City staff, such as artwork. City Manager Weldon Padgett explained he had requested an agreement from Ottawa Main Street to show who would be responsible for the above-mentioned art. Thereupon, the Governing Body agreed by consensus to have the City Manager bring back information on forming an advisory committee to address these types of issues.

### **Open Agenda**

Thereupon, the City Manager announced the YMCA meeting to be held August 29, 2005, at 5:30 pm at the Franklin County Annex and the Governing Body signed a Special Call that would cover their attendance.

Thereupon, Mayor Jackson reminded the Governing Body that League Meetings were being held this week. The Mayor stated he had application forms for any nominations to the League of Kansas Municipalities Governing Body if anyone needed one.

Thereupon, City Manager Weldon Padgett asked the Governing Body if there were items they would like to have the City display for the League meetings. The Governing Body came up with the following:

- Schools
- Wastewater Treatment Plant
- Law Enforcement Center
- Prairie Spirit Rail Trail
- Former First Ladies art work
- Work done at the depot museum

Thereupon, Mayor Jackson asked that Ms. Marilyn Talbott receive a response about the changing of policy she questioned on paving streets at the Regular Meeting of August 22, 2005. Thereupon, City Manager Weldon Padgett stated it was for full storm water, curb, and gutter to

August 22, 2005

bring those streets up to City standards, as opposed to what the City has been talking about, which was to take a gravel road and chip seal it. Thereupon, the City Manager said he would put the history of what had been done, bring the information back to the Governing Body and this information could also be use to educate the public with regards to the sales tax proposal.

**Announcements**

Thereupon the Mayor announced:

1. August 23, 2005: OU Fusion 6-8 pm

**Adjournment**

There being no further business to come before the Governing Body Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

## **STUDY SESSION MINUTES OTTAWA, KANSAS**

Minutes of  
August 29, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

### **Public Comments**

Thereupon, the Governing Body heard from Bill Gray, representing the Ottawa Herald, who requested permission to use Ottawa Municipal Auditorium October 4, 2005 for the United States Air Force Heartland of America Band and that fees be waived for use of the auditorium. Thereupon, the Governing Body agreed by consensus to this request.

### **Public Hearings-Condemnation**

Thereupon, the Governing Body reviewed resolution's for condemnation of structures located at 113 S Elm, 434 S Sycamore and 621 N King. These structures have been deteriorating for several years and it is staff's recommendation to move forward with condemnation on all three. Following the Public Hearing on September 7, 2005, the Governing Body will take action on the condemnation of the structures. Thereupon, the Governing Body agreed by consensus to place the public hearings on the Regular Meeting Agenda for September 7, 2005.

### **League of Kansas Municipalities Voting Delegates**

Thereupon, the Governing Body reviewed a letter from the League of Kansas Municipalities requesting that voting delegates be chosen to represent the City at the upcoming Conference in Wichita, October 8-11. It was explained the City has the opportunity to select three voting delegates and three alternate delegates. Thereupon, the Governing Body agreed by consensus that Mayor Jackson, Commissioner Henningsen, and City Manager Weldon Padgett would be the three voting delegates and Commissioner Jorgensen would be the alternate delegate.

### **National League of Cities Voting Delegates**

Thereupon, the Governing Body reviewed a letter from the National League of Cities requesting that a voting delegate be chosen to represent the City at the Annual Business Meeting held at Charlotte, North Carolina. It was explained the City has the opportunity to select a voting delegate and an alternate delegate. Thereupon, the Governing Body agreed by consensus that Mayor Jackson will be the voting delegate and Commissioner Fler will be the alternate.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from the August 17, 2005, Regular Meeting Minutes and the August 22, 2005, Study Session and agreed to place this item on the Regular Meeting Agenda for September 7, 2005 with a change.

August 29, 2005

### **Bea Martin Peck Animal Shelter Request**

Thereupon, the Governing Body reviewed a request from Michelle Jackson, representing the animal shelter, to use the Prairie Spirit Rail Trail and Kanza Park for a "Tails on the Trail" fundraising event to be held September 25, 2005, from 1-4 pm. The event will include a one-mile walk or two mile run on the trail. Thereupon, the Governing Body agreed by consensus to allow this event on the condition that the City Manager is able to address concerns including liability insurance, and who is responsible for cleaning up after the animals. Thereupon, the City Manager will visit with the City Attorney regarding the liability insurance requirements. Thereupon, Commissioner Ramsey stated permission for the event needs to be granted before advertising is completed and distributed.

### **City's Vision Plan**

Thereupon, the Governing Body reviewed a draft response to the City's Vision report items. The Governing Body gave the City Manager direction on updating the draft and will create a feedback list for the Governing Body in order to keep the document current. Thereupon, Mayor Jackson thanked the City Manager and staff for all the information, effort, and time put into working on the Vision Plan. Commissioner Henningsen stated she was very impressed with all that had been accomplished since the plan had been completed.

### **Open Agenda**

#### **Cedar Street Contract Amendment & Update**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Public Works Director Andy Haney an amendment to the Cedar Street Contract. It was explained that the City Commission previously executed the original Cedar Street project agreement but that document included language stating there would be an amendment when the level of funding authorized was known and the City Commission needs to authorize the Mayor to sign the Supplemental Agreement so it can be sent to KDOT. Thereupon, the Governing Body agreed by consensus to authorize the Mayor to sign the supplemental agreement which specifies that the maximum project cost for KDOT participation is \$1,400,000. This item will be placed on the next Regular Meeting on September 7, 2005.

Thereupon, Public Works Director Andy Haney updated the Governing Body on the Cedar Street construction progress. Thereupon, Mr. Haney explained that as soon as the 5th Street intersection is complete enough to open to east/west traffic for public safety purposes, the contractor will complete the necessary demolition from 7th Street to the south side of the 8th Street intersection. The only remaining underground work is the storm drainage system in the 700 block of Cedar. The contractor is still projecting the middle of October as a completion date of the project.

August 29, 2005

### **Bond Sale-Series 2005**

Thereupon, the Governing Body heard from City Clerk Scott Bird who reviewed the Series 2005 Bond Sale, which included:

<b>Project</b>	<b>Est. Cost</b>
Cedar Street, Phase 1	\$600,000.00
23rd Street Water Line	\$255,000.00
23rd Street Sewer Line	\$275,000.00
<u>Park Maintenance Shop</u>	<u>\$35,000.00</u>
<b>Total</b>	<b>\$1,165,000.00</b>

Thereupon, Commissioner Ramsey requested a breakdown of the \$35,000 spent on the Park Maintenance Shop. The Governing Body agreed by consensus to place this item on the next Regular Meeting on September 7, 2005.

### **Swimming Pool Project Update**

Thereupon, City Manager Weldon Padgett explained currently the City is working with the engineers on the design of the zero depth project and staff is reviewing what work can be done by City employees to save as much as possible and put that funding towards other items in the pool project. The City Manager stated public input is being received through the Ottawa Herald on water features and it is hoped some civic organization or the public may want to help fund some of the items. The City Manager is hoping by the end of September the design will be completed and the project can go out for bid.

### **Announcement**

Thereupon, the City Manager reminded the Governing Body that the YMCA meeting will be held tonight at 5:30 pm at the Franklin County Annex.

Thereupon, Commissioner Fleer asked about the airport papi lights. Thereupon, Public Works Director Andy Haney explained the design of the apron would be done this year and construction next year.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

August 29, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
September 7, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Fleer, Commissioner Ramsey and Commissioner Henningsen. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the consent agenda, which included the agenda approval and the minutes from August 15 and 22, 2005, Work Study Session, and Regular Meeting minutes from August 17, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Employee Introduction**

Thereupon, Police Chief Dennis Butler introduced two new Police Officers Steven Burkhart and Jeffrey Wilhelm and explained both officers were Kansas natives. Office Burkhart and Wilhelm thanked the Governing Body for the opportunity to serve in the City of Ottawa.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Paving Streets-Marilyn Talbott**

Thereupon, Mayor Jackson stated the City needed to respond to Ms. Marilyn Talbott's comments with regards to City policy on paving gravel streets. Thereupon, City Manager Weldon Padgett stated he would respond by letter to Ms. Talbott and copy the Governing Body with the letter.

**Public Hearing-Condemnation 113 S Elm**

Thereupon, Mayor Jackson explained this structure has been deteriorating for several years. It is staff's recommendation to move forward with its condemnation and after public comments have been received it is recommended that the hearing be closed and the Governing Body take action on the condemnation.

September 7, 2005

Thereupon, Mayor Jackson opened a public hearing for condemnation of unoccupied structure located at 113 S. Elm.

***Picture Presentation-Condemnation request for 113 S Elm, 434 S Sycamore, and 621 N King***

Thereupon, Planning and Codes Administration Director Wynndee Lee provided the Governing Body an updated picture presentation on the three proposed condemnations mentioned above.

There being no one to speak to this issue the Mayor closed the public hearing.

**Resolution- Condemn 113 S. Elm**

Thereupon, there was presented a resolution to condemn an unoccupied structure located at 113 S Elm.

During discussion it was explained that during the public hearing all interested parties had an opportunity to comment. No public comments were made during the public hearing and it is recommended the Governing Body adopt the resolution to condemn the structure located at 113 S Elm. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the resolution. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1333-05.

**Public Hearing-Condemnation 434 S Sycamore**

Thereupon, Mayor Jackson explained this structure has been deteriorating for several years. It is staff's recommendation to move forward with its condemnation and after public comments have been received it is recommended that the hearing be closed and the Governing Body take action on the condemnation.

Thereupon, Mayor Jackson opened a public hearing for condemnation of unoccupied structure located at 434 S Sycamore.

There being no one to speak to this issue the Mayor closed the public hearing.

**Resolution- Condemn 434 S Sycamore**

Thereupon, there was presented a resolution to condemn an unoccupied structure located at 434 S Sycamore.

During discussion it was explained during the public hearing all interested parties had an opportunity to comment. No public comments were made during the public hearing and it is recommended that the Governing Body adopt the resolution to condemn the structure located at 434 S Sycamore. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner  
September 7, 2005

Henningsen, to adopt the resolution. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1334-05.

**Public Hearing-Condemnation 621 N King**

Thereupon, Mayor Jackson explained this structure has been deteriorating for several years. It is staff's recommendation to move forward with its condemnation and after public comments have been received it is recommended that the hearing be closed and the Governing Body take action on the condemnation.

Thereupon, Mayor Jackson opened a public hearing for condemnation of an unoccupied structure located at 621 N King.

There being no one to speak to this issue the Mayor closed the public hearing.

**Resolution- Condemn 621 N King**

Thereupon, there was presented a resolution to condemn an unoccupied structure located at 621 N King.

During discussion it was explained, during the public hearing all interested parties had an opportunity to comment. No public comments were made during the public hearing and it is recommended that the Governing Body adopt the resolution to condemn the structure located at 621 N King. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the resolution.

Thereupon, Mayor Jackson asked staff to clarify why the City is doing this when the property has been sold. Thereupon, Planning and Codes Administration Director Wynndee Lee explained that the actual order before the Governing Body is that the structure either be repaired or removed. In this case the new owners plan to repair. The action of the Governing Body forces them to conclude or make substantial progress within 60 days. At the end of the 60 days they could come back and request additional time if needed. Additional time is usually granted if substantial progress is being made with the right inspections and permits in place. Thereupon, Commissioner Ramsey asked if after 60 days condemnation would begin. Ms. Lee explained the actual removal process could begin if no one acts on any one of the structures and the 60 days goes by. At the conclusion of the 60 days the department will bid out removal and take action and assess the property for removal cost. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1335-05.

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**Amendment to Cedar St. Agreement**

Thereupon, there was presented an amendment to the Cedar Street Agreement. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the amendment.

During discussion it was explained the initial Cedar Street Agreement with KDOT included language stating there would be an amendment when the level of funding authorization was determined. This amendment includes the dollar amounts and adoption by the City Commission and will authorize the Mayor to sign the agreement.

Thereupon, Commissioner Fler asked what the amount was. City Clerk Scott Bird stated the total amount for this project (City total amount) is \$900,000 that includes the City's share of the construction of the street and the utility movement. Mr. Bird clarified that this is just an amendment and the amount stays the same as had previously been approved. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the amendment to the agreement duly approved.

**Resolution-Authorizing the Public Sale of Approximately \$1,165,000 Principal amount of General Obligation Bonds, Series 2005.**

Thereupon, there was presented a resolution to authorize the public sale of approximately \$1,165,000 principal amount of General Obligation Bonds, Series 2005. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained the City has several temporary note issues and these bonds will be used for payment of the projects funded by the notes. The projects include Phase I of Cedar Street (\$600,000), 23rd Street water line (\$255,000), 23rd Street sewer line (a benefit district project totaling \$275,000), and \$35,000 for cost accrued in the design and bidding for the replacement Parks Maintenance building (architectural, geotechnical, engineering, site plan work, CAD work, interest on temporary notes, etc.)

Thereupon, Commissioner Ramsey asked City Clerk Scott Bird to clarify the \$900,000 on Cedar Street Phase I mentioned previously. Mr. Bird explained \$600,000 had been borrowed on temporary notes and \$300,000 is the amount to be paid by the water fund. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1336 -05.

### **Reports by Youth Delegates**

Thereupon, Youth-In-Government delegate Erin Rogers announced that Youth-In-Government currently doesn't have a sponsor and most of their time is being spent on Youth-In-Action.

Thereupon, Mayor Jackson presented Erin Rogers the "Daily Point of Light" award. In addition, the Mayor reminded those in attendance that Erin had also recently been awarded the "You Make A Difference" award. The Mayor clarified that the "You Make A Difference award was sponsored by the Kansas Volunteer Commission not Kansas League of Municipalities. Mayor Jackson stated Erin's participation in Youth-Action-Council and Youth-In-Government meets a real need for youth in our community.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett asked City Attorney Bob Bezek be allowed to update the Governing Body on the T T & T lawsuit. Thereupon, City Attorney Bob Bezek stated the case had closed. KDOT and the City of Ottawa had been named in the suite with regards to the Bridge removal over I-35 and Highway 59. Mr. Bezek stated the plaintiffs might appeal.

Thereupon, City Manager Weldon Padgett provided the following:

- A final draft of the "Vision Report"
- Responses to the Pool Survey
- Sales Tax discussion

### **Reports by City Commission**

Thereupon, Commissioner Ramsey and Commissioner Fleer discussed the Cedar Street project with City Manager Weldon Padgett and Public Works Director Andy Haney.

### **Reports by the Mayor**

Thereupon, Mayor Jackson asked the Governing Body if they were interested in donating \$5,000 to assist the hurricane victims. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the requested amount to the hurricane victims. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

Thereupon, the Mayor announced the League Governing Body will be meeting in Ottawa tomorrow and they will tour Midwest Cabinet and American Eagle followed by a reception and dinner at Ottawa Country Club. The League Governing Body will finish up with a business meeting on Friday at City Hall.

September 7, 2005

Thereupon, Mayor Jackson stated the Mayor's Summit group had met for a second time yesterday with discussion on:

- Sales Tax
- Parks & Recreation concerns
- The negative side to keeping mill levy low and allowing County and USD 290 to benefit

Mayor Jackson stated it was a good meeting and he will be holding additional meetings and appreciates their input.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Fler made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:47 pm.

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Scott D. Bird, City Clerk

September 7, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
September 12, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Mark Moore, owner/operator of Baja Charlie's, AKA Carmen LLC. Mr. Moore requested tentative approval on a cereal malt beverage license for consumption on premises, providing that all staff requirements could be met before Saturday, September 17, 2005. Mr. Moore explained his organization had been attempting to obtain a liquor license from the State of Kansas. However, they had not been successful and were still waiting for the State to process their paperwork. In the mean time, he said he hoped to be open for business in time for the car show. It was explained that an application would have to be made and no guarantee made that staff could process the request in that timeframe and there would be certain criteria to be met. Mr. Moore stated he understood and would be willing to take that risk. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the request upon the fulfillment of all City regulations. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the request duly approved pending staff approval.

Thereupon, Tom Weigand, Executive Director of the Ottawa Area Chamber of Commerce spoke to the Governing Body noting there is a community in Louisiana, (Franklinton) with a population of approximately 5,000 people he would like to see the City adopt in an effort to help them rebuild after the hurricane. Mr. Weigand noted that the County has agreed to provide the recycle center to collect supplies to be sent to them and they are currently receiving almost nothing because of the efforts being made in the larger communities. He further stated that Wal-Mart DC had donated pallets and stretch wrap so items could be donated, palletized and shipped to Franklinton. He encouraged the Governing Body to make this known and to support this effort.

**Sales Tax Information-Charter Ordinance**

Thereupon, the Governing Body heard from City Attorney Bob Bezek related to the proposed sales tax increase and reviewed a draft Charter Ordinance with a timeline. Mr. Bezek explained that once the Charter Ordinance is adopted by the Governing Body, which requires a super majority vote, the citizens have up to 60 days to file a remonstrance petition. After 61 days, if no said petition has been filed then the Charter Ordinance becomes law.

September 12, 2005

This Charter Ordinance does not establish the sales tax it only allows for a vote for up to ½ cent tax increase. Afterwards an ordinance will be adopted that states this issue will be place before the voters of the City of Ottawa. Mr. Bezek further explained this will be a special election and the County Clerk has been made aware that this project is upcoming. It was noted the entire cost of this special election would be paid for by the City. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda scheduled for September 21, 2005.

### **Resolution-Final Plat Hickory Addition**

Thereupon, the Governing Body reviewed a staff memo and heard from Planning and Codes Administration Director Wynndee Lee related to a resolution for dedication of rights-of-way and plat for the Hickory Addition located at the 1400 Block of South Main and South Hickory Streets, (future site of the Walgreen store). Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to approve the plat. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1337-05.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the Study Session Minutes from August 29, 2005 and agreed to place this item on the next Regular Meeting Agenda with one correction.

### **Hurricane Katrina Relief Donation**

Thereupon, the Governing Body reconsidered the \$5,000 donation for victims of Hurricane Katrina and agreed to make this a \$6,000 contribution, to be split three ways, that is \$2,000 to each state that was affected. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve this donation. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Ottawa Family Housing**

Thereupon, the Governing Body reviewed a preliminary Plat submitted by the Peridian Group for a tract located at the corner of Osage Drive and 17th Street. The proposed plat is for a single lot that has been split off an unplatted tract and was presented for review with no action taken at this time.

### **Monthly Financial and Activity Reports-August**

Thereupon, the Governing Body reviewed the August, Monthly Financial and Activity Reports. It was noted that ORC had not submitted information for several months and the City representative to the ORC, Brian Sharp stated that he check on this and follow up.

September 12, 2005

**Report by City Manager**

Thereupon, the City Manager submitted to the Governing Body plans for the extension of the Forest Park Swimming Pool noting this will make the pool a much-improved facility. Thereupon, the City Manager also stated that 3rd and 5th Streets are now open crossing Cedar Streets and the letter of explanation had been sent to Ms. Marilyn Talbott who had inquired about street improvements.

**Open Agenda**

Thereupon, Commissioner Henningsen congratulated the Forest Park personnel for a wonderful job of clean up after the tractor show.

Thereupon, the Mayor thanked the City Manager's Assistant Nikki Spencer for her work during the recent League of Kansas Municipalities meeting.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Fler made a motion, seconded by Commissioner Ramsey, to adjourn. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

September 12, 2005

## **STUDY SESSION MINUTES**

### **OTTAWA, KANSAS**

Minutes of

September 19, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. Commissioner Henningsen was absent. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

#### **Public Comments**

Thereupon, the Governing Body heard from Paul Snethen and Ralph Finch, representatives of the Ole' Marais River Run, who stated the club had 1,244 car participants in this year's event. Mr. Snethen and Mr. Finch both thanked the Governing Body and City Staff for all their efforts and noted that they couldn't conduct the event without all the assistance the different City Departments provide. Thereupon, City Manager Weldon Padgett said he would like to meet with the car club representatives to see how the City might be of further help. Representatives stated they would be meeting with Public Works Director Andy Haney on October 7 to have that type of discussion.

#### **Final Plats-Sugar Creek Addn. Phase II and III**

Thereupon, the Governing Body reviewed final plats, resolutions and a staff memo for the Sugar Creek Addition Phase II and III located in the 800 Block of Pine and the South ½ of Eagle Pass court that is west of Beech St. It was explained the Planning Commission has approved the final plats and staff recommends City Commission acceptance of the final plats and dedication of rights-of-way and easements per each resolution reviewed. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for September 21, 2005.

#### **Annexation-1615 Wilson**

Thereupon the Governing Body reviewed with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee a proposed annexation at 1615 Wilson. It was noted that the owner, Marlin and Norma O'Hara, voluntarily submitted this request. Ms. Lee explained the owners and others in the area have been approached regarding the benefits of annexation, including the possibility of forming a TIF district. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for September 21, 2005.

#### **Annexation-1115 N Davis Avenue**

Thereupon, the Governing Body reviewed with City Manager Weldon Padgett and Planning and Codes Administration Director Wynndee Lee a proposed annexation at 1115 N Davis Avenue. It was noted that the owner, Marquerite Gibson, voluntarily submitted this request. Ms. Lee explained the owner had been approached regarding the benefits of annexation, including the possibility of forming a TIF district. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting agenda for September 21, 2005.

September 19, 2005

### **Condemnation Update-621 N King**

Thereupon, Planning and Codes Administration Director Wynndee Lee notified the Governing Body that the new owners of 621 N King have discovered foundation problems with the property and demolition will take place on the property at the owners expense.

### **Lease Agreement-Emergency Communications**

Thereupon, the Governing Body reviewed the lease agreement allowing placement of emergency communications antenna on City water towers. The agreement will be between the City and County for the purpose of allowing the County to place emergency communications antennas on the water towers owned by the City. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for September 20, 2005.

### **Sales Tax Charter Ordinance**

Thereupon, the Governing Body reviewed the proposed Charter Ordinance, which needs to be adopted in order to move the sales tax matter forward, and agreed to place this item on the Regular Meeting Agenda for September 20, 2005 with noted changes.

### **Proclamation-Wall of Honor Days and Breast Cancer Awareness Month**

Thereupon, the Governing Body reviewed a proclamation that had been presented by Susan Geiss of Ottawa High School, for Wall of Honor Days and the honor would be on September 29 and 30. In addition, there was presented a proclamation declaring October as Breast Cancer Awareness Month, which was requested by the Franklin County Breast Cancer Support Group. The Governing Body agreed to place both of these proclamations on the next Regular Meeting Agenda for September 21, 2005.

Thereupon, Mayor Jackson requested an additional proclamation be added for Racial Equality Day. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for September 21, 2005.

### **Franklin County's 150th Anniversary**

Thereupon, the Governing Body reviewed a request to block 4th Street between Main and Hickory for Saturday, November 5th. The request was presented by Deb Barker as part of the celebration of Franklin County's 150th Anniversary. It was explained the event will include many activities, one being the National Guard bringing vehicles in for citizens to observe. Thereupon, the Governing Body agreed by consensus to approve this request.

### **GRDA Update**

Thereupon, Utility Director Jim Bradley updated the Governing Body regarding GRDA and the City's purchased power, and transmission service with Southwest Power Pool. Mr. Bradley explained Southwest Power Pool is requesting a letter of credit in lieu of paying 1.1 million upfront to provide security for the improvements this contract will require.

September 19, 2005

### **Transportation Master Plan Update**

Thereupon, City Manager Weldon Padgett explained the Federal Government has made changes to the criteria for the Transportation Master Plan funding. Specific information has not been provided but it appears instead of 100% funding there may be an 80/20 match required. The City Manager will bring back additional information when more is known.

### **Open Agenda**

Thereupon, Mayor Jackson announced there will be a Joint Meeting September 21, 2005 at 9:30 am and asked if an agenda could be put together with Sales Tax and other issue from the county or school board.

Thereupon, Mayor Jackson noted some type of information booklet needs to be created so that City Board members understand what their responsibilities are. Thereupon, City Manager Weldon Padgett said in the past he had created such a booklet and would try to put something together. Commissioner Ramsey asked if the booklet could be broad enough to cover all the boards. The City Manager answered affirmatively. Thereupon, the Governing Body and City Manager continued discussion regarding the receiving of financial reports and minutes from the different boards and the importance of having them.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly adjourned.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
September 21, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey and Commissioner Henningsen. Commissioner Fler was absent. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Leonard Cheasbro from First Assembly of God Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve the consent agenda, which included the agenda approval and the minutes from August 29, 2005, Work Study Session. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Employee Introduction**

Thereupon, Power Plant Superintendent Richard Hollon introduced the newest employee at the Power Plant Bryan Demoret. Mr. Hollon explained Bryan was from Spring Hill and has lived in Ottawa with his wife and one child for about two years.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Resolution-Final Plat Sugar Creek Addition Phase II**

Thereupon, there was presented a resolution to accept final plat for Sugar Creek Addition Phase II. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the resolution as presented.

During discussion it was explained this is the final plat for Phase II of the Sugar Creek Addition, located in the 800 Block of Pine Street and there are 17 residential lots created with this plat. The plat has met the Planning Commission approval and staff recommends the City Commission accept the plat, and the dedication of rights-of-way and easements. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1338-05.

September 21, 2005

### **Resolution-Final Plat Sugar Creek Addition Phase III**

Thereupon, there was presented a resolution to accept final plat for Sugar Creek Addition Phase III. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve the resolution as presented.

During discussion it was explained this is the final plat for Phase III of the Sugar Creek Addition, located in south ½ of Eagle Pass Court west of Beech Street and there are 4 residential lots created with this plat. The plat has met with Planning Commission approval and staff recommends the City Commission accept the plat, and dedication of rights-of-way and easements. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1339-05.

### **Ordinance-Annexing 1615 E. Wilson**

Thereupon, there was presented an ordinance to annex approximately 24 acres of land into the City of Ottawa, Kansas, generally located at 1615 E. Wilson upon the owners request. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained the owners of the property located at 1615 E. Wilson, Marlin and Norma O'Hara have voluntarily submitted a request for annexation. The owners of this tract and others in this area have been approached regarding the benefits of annexation, including the possibility of forming a Tax Increment Financing (TIF) District. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3522-05.

### **Ordinance-Annexing 1115 N. Davis Avenue**

Thereupon, there was presented an ordinance to annex approximately 15 acres at 1115 N. Davis Avenue. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained the owner of the property located at 1115 N. Davis Avenue, Marquerite Gibson, has voluntarily submitted a request for annexation. The owner had been approached regarding the benefits of annexation, including the possibility of forming a Tax Increment Financing (TIF) District. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3523-05.

### **Emergency Communication Antennas**

Thereupon, there was presented a lease agreement for placement of Emergency Communication Antennas on City owned water towers. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the agreement.

September 21, 2005

During discussion it was explained this lease agreement between the City and County allows the County to place emergency communication antennas on City-owner water towers. The benefit for the City would be a back-up system for emergency communications should a failure in current systems occur. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly approved.

### **Charter Ordinance-Retail Sale Tax**

Thereupon, there was presented a charter ordinance providing for the creation of the ability to ask for a retail sales tax for the City of Ottawa; enacting other provisions relating to the levying and collecting of a local retailers' sales tax; and exempting the City from K.S.A. 12-187 and K.S.A. 12-189. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the charter ordinance.

During discussion it was explained this charter ordinance provides for the ability to seek voter approval for a retailers' sales tax in the amount of 0.5% (1/2-cent) which will be in addition to any retailers' sales taxes currently in effect. This ordinance must pass with a super majority vote from the Governing Body, which is at least four votes in favor. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the charter ordinance duly adopted by a super majority vote (4-0) and the charter ordinance was duly numbered Charter Ordinance No. 17-05.

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett thanked the Governing Body and City employees for their support to the recent car show which is a great community event.

Thereupon, Mr. Padgett stated representatives of the City on the ORC Board will be in attendance at the Study Session for September 26, 2005.

### **Reports by Mayor**

Thereupon, Mayor Jackson discussed the Racial Equality Proclamation and what it should mean to the community and explained "diversity" is not the same as "affirmative action". The Mayor explained he hoped diversity programs would be implemented at the middle school and high school levels.

### **Announcements**

Thereupon, the Mayor announced:

1. September 21, 2005: Joint City/County/School lunch @ noon at City Hall.

September 21, 2005

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:55 am.

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Scott D. Bird, City Clerk

September 21, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
September 26, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Ordinance-Speed Limit**

Thereupon, the Governing Body reviewed a speed limit ordinance to codify the existing 45 mph speed limits for the recently annexed areas: 23rd Street from Old 50 west to Eisenhower, and Eisenhower from 13th Street south to the City limits. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Agenda for October 5, 2005.

**Proclamation-Domestic Violence Awareness**

Thereupon, the Governing Body reviewed a proclamation submitted by Crystal Camis, Women's Transitional Care Services, to recognize October as Domestic Violence and the Governing Body agreed by consensus to place this item on the next Regular Agenda and Commissioner Fleer will read the proclamation.

**Proclamation-Fire Prevention Week**

Thereupon, the Governing Body reviewed a proclamation submitted by Fire Chief Carner to recognize Fire Prevention Week. Thereupon, the Governing Body agreed to place this on the next Regular Meeting Agenda for October 5, 2005 and Commissioner Jorgensen will read the proclamation.

**Review of Minutes**

Thereupon, the Governing Body reviewed minutes from September 12, 19, Study Session and September 7, Regular Meeting and agreed to place these items on the next Regular Meeting Agenda.

**City ORC Representatives**

Thereupon, the Governing Body heard from City ORC Board representatives Brian Sharp and Jason Camis. Some of the discussion centered on the following:

- Need for City Commission and USD 290 to coordinate
- Ottawa Recreation vs. Parks and Recreation Department
- Two board members may resign at school board meeting tonight

September 26, 2005

- Where do we go from here?
- What do we want in recreation?
- Possibly an interim Director
- What is the commitment of the City and School Board?
- Pool renovations
- Checks/balances, nepotism, cash handling policies
- Programs need to cover Youth, Adult, and Seniors
- All entities will be listening to the public
- Create vision for recreation
- ORC/City Attorney look into legal issues of recreation/parks & recreation
- Funding of parks & recreation
- YMCA
- Create committee to hire director, which would include members of the community
- Research what other cities are doing
- Accountability to board

Thereupon, at the end of the discussion Mayor Jackson asked that the ORC Board be placed on the City Commission agenda at least once a month for an update. Mayor Jackson stated that if there was anything the City could do to help to let the City Manager know and thanked Mr. Sharp, and Mr. Camis for attending.

### **Haunted Forest Request**

Thereupon, the Governing Body reviewed a request from Megan Morris, Ottawa Jaycees, who requested permission to use Forest Park on Saturday, October 29, 2005 for the Jaycee Haunted Forest. Thereupon, the Governing Body agreed by consensus to approve this request and Utility Director Jim Bradley stated he would work with the Jaycees on lights.

Thereupon, Commissioner Henningsen asked about liability insurance for this event and others like it and City Manager Weldon Padgett stated he will develop a policy and bring it back to the Governing Body. Thereupon, Fire Chief Jeff Carner requested that an inspection by the Inspection Department, as well as, the Fire Department be completed before the opening of this event. Thereupon, the Governing Body agreed to this request.

### **KDOT and Transportation**

Thereupon, the City Manager updated the Governing Body on the recent change in funding requirements for the Transportation Master Plan. It was explained the Secretary of Transportation, Deb Miller, would authorize the use of KDOT's "toll credits" towards Ottawa's match requirements to maximize the use of federal funds towards the City project and our entire \$198,400 in funding is available for the transportation master plan and the City doesn't need to come up with any matching funds.

September 26, 2005

**Open Agenda**

Thereupon, City Manager Weldon Padgett explained the City continues efforts to assure the approved funding (\$6,000) to assist Hurricane Katrina victims is correctly routed.

Thereupon, Mayor Jackson stated the League Policy Council will be meeting on Saturday, October 8, 11-1:30 pm.

Thereupon, Commissioner Ramsey noted under future meetings that the Governing Body will not be meeting on October 10, as they would be at meetings in Wichita.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
October 3, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fler, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Resolution-Mallory's Addition**

Thereupon, the Governing Body reviewed a resolution and staff memo to adopt the final plat for Mallory's Addition in the 800 and 900 block of King Street. The Planning Commission approved the plat and recommends to the City Commission approval of the dedication of easements and plat. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for October 5, 2005.

**Resolution-Ottawa Family Addition**

Thereupon, the Governing Body reviewed a resolution and staff memo to adopt the final plat for Ottawa Family Addition at 1600 Osage Drive. The Planning Commission approved the final plat and recommends City Commission approval of the dedication of rights-of-way and easements and plat. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for October 5, 2005.

**Ordinance-General Obligation Bonds**

Thereupon, the Governing Body reviewed an ordinance to authorize the issuance of General Obligation Bonds for the issuance of \$1,160,000 of GO Bonds for costs related to the following projects: 23rd Street Sewer Improvements, Cedar Street improvements and eng/architectural work for the park maintenance building and agreed to place this item on the Regular Agenda for October 5, 2005.

**Resolution-General Obligation Bonds**

Thereupon, the Governing Body reviewed a resolution for the authorization of General Obligation Bonds. The resolution prescribes the form and details to authorize the delivery of \$1,160,000 GO Bonds. Thereupon, it was noted this item works in conjunction with the above ordinance and describes the details of the bond issue. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for October 5, 2005.

October 3, 2005

### **Resolution-Unilateral Annexation**

Thereupon, the Governing Body reviewed a (draft) plan for extension of City services required when conducting a unilateral annexation, similar to the plans adopted for two previous annexations. It was explained that in this case three properties are surrounded by the City and refuse to sign Consent to Annex form. Thereupon, the Governing Body agreed to place the resolution calling for a public hearing on the next Regular Meeting for October 5, 2005 and the draft plan will be updated.

### **Economic Development Agreement**

Thereupon, the Governing Body discussed with City Manager Weldon Padgett and CEO, Ottawa Chamber of Commerce Tom Weigand the 2006 City, County and Chamber agreement for economic development services. The agreement will be updated with requested changes and Mayor Jackson asked the Chamber to include in-house recruiting calls in the progress report provided to the City.

### **Proclamations**

Thereupon, the Governing Body reviewed proclamations for Ottawa Business Women's Week and Ottawa Weatherization Day and agreed Commissioner Henningsen will present the Ottawa Business Women's Week and Mayor Jackson will present the Weatherization Day proclamation. Thereupon, the Governing Body agreed to place these items on the Regular Meeting Agenda for October 5, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from September 21, Regular Meeting and the Study Session of September 26, 2005 and agreed to place these items on the Regular Meeting Agenda for October 5, 2005 with a noted change.

### **Items for Discussion**

#### **Joint Meeting-USD 290/ORC/City**

Thereupon, the Governing Body agreed to have City Manager Weldon Padgett contact USD 290 and ORC to consider having a joint meeting with the Governing Body. Dates considered to meet were October 13, 17, and November 7, 2005. Some of the items to be discussed included recreation alternatives, potential costs, hurtles/benefits, etc. It was agreed that if the Governing Body and USD boards were available a venue would be found.

#### **Homeland Security Grant**

Thereupon, the Governing Body heard from Fire Chief Jeff Carner who requested permission to accept and move forward on the award of the federal Homeland Security grant in a total amount of \$135,000 towards a mini-pumper for the Fire Department. Federal funds will be in the amount

October 3, 2005

of \$128,250 and the City will need to match this with \$6,750. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the federal grant funds and the match from the City. It was explained that if the match comes in higher than the \$6,750 it will be brought back to the Governing Body. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the acceptance of the federal grant duly approved.

### **Fire Department Ambulance/Staff**

Thereupon, the Governing Body reviewed a proposal with Fire Chief Jeff Carner that would allow a County EMS crew (normally two people) and an additional ambulance unit to be placed at the OFD station #1 facility. Chief Carner explained there would be minimal cost to the City of Ottawa, but the benefits would be for the citizens in Ottawa and Franklin County. Chief Carner's memo stated two important benefits would be that the response times would be reduced to many parts of the city and county and this would reduce reliance on the OFD for ambulance calls, which allows the OFD to focus on fire and hazard calls. In most cases, the OFD would not have initial primary patient care, as is often the case currently. Thereupon, the Governing Body agreed by consensus to allow this change in staffing at the City Fire Department.

### **Gaynor Addition-Preliminary Plat**

Thereupon, the Governing Body reviewed with Planning and Codes Administration Director Wynndee Lee the preliminary plat for Gaynor Addition with no action taken.

### **Swimming Pool Update**

Thereupon, City Manager Weldon Padgett stated the pool projects were going out for bid and it is hoped they would come in lower than estimated. Public Works Director Andy Haney updated the Governing Body on work that had already been done in the pool area.

### **City Commission Meeting**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body the possible need to hold a regular meeting and work study session on December 5th (3:00-5:00 pm), prior to the Legislative Dinner (5:15-7:30 p.m.). Thereupon, the Governing Body agreed by consensus to meet at these times.

### **Open Agenda**

Thereupon, Commissioner Fleer reported on her recent trip to Arizona for HELO meetings.

Thereupon, Mayor Jackson expressed desire for the City to assure the community that fiscal accountability is in place and asked the City Manager to review City policy.

Thereupon, Mayor Jackson asked if the City has an Emergency Preparedness plan in place. There was additional discussion about who is in charge of the County Emergency Preparedness when the Director is not available.

October 3, 2005

Thereupon, Mayor Jackson announced that Lisa Rivers has been hired as the ECKAN Youth representative and she will be at the City Commission meeting on Wednesday for anyone wanting to sign up for the You Make A Difference Day.

**Adjournment**

There being no further business to come before the Governing Body, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 3, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
October 5, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fleeer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to approve the consent agenda, which included the agenda approval and the minutes from September 12, 19, 26, 2005, Work Study Session and from September 7, 21, 2005 Regular Meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. Thereupon, Mayor Jackson stated he would abstain on one issue.

**Proclamations**

**Domestic Violence Awareness Month**

Thereupon, Commissioner Fleeer read a proclamation declaring October as Domestic Violence Awareness Month. Thereupon, Crystal Camis, Director of the Franklin County Women's Transitional Care program, accepted the proclamation and thanked the Governing Body for making this an awareness issue for the City and County. Ms. Camis noted that Franklin County has the 4th highest incident of domestic violence in the state. Ms. Camis commended Police Chief Dennis Butler for securing a \$470,000 grant to combat this problem and introduced Detectives Tammy Mose, Franklin County Sheriff's Office, and AJ Schmidt, Ottawa Police Department, who have been assigned to the domestic violence unit as a result of this grant. Ms. Camis also noted there will also be an additional employee at the Franklin County Attorney's Office and at the Franklin County Women's Transactional Care unit as a result of this grant.

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### **Fire Prevention Week**

Thereupon, Commissioner Jorgensen read a proclamation declaring October as Fire Prevention Week in the City of Ottawa, Kansas. The proclamation was received by Fire Chief Jeff Carner who thanked the Governing Body for once again recognizing the importance of Fire Prevention Awareness in the community. Thereupon, Chief Carner noted this is the 83rd year of Fire Prevention Week. The Chief also mentioned the Fire Department has 164 fire safety programs in October creating a Fire Prevention Month in the City rather than just a Fire Prevention Week. Most of the programs will be delivered to students in the USD 290 classrooms.

### **Business Women's Week**

Thereupon, Commissioner Henningsen read a proclamation declaring October 17-21, 2005 as Ottawa Business Women's Week in the City of Ottawa, Kansas. Accepting the proclamation was Rev. Katrina Palan who stated that activities would culminate with activities on Thursday, October 20th at Courthouse Square Apartments from 11:30-1:00 and invited all to participate.

### **Weatherization Week**

Thereupon, Commissioner Ramsey read a proclamation declaring October 30, 2005, as Weatherization Week Day in the City of Ottawa, Kansas. The proclamation was received by ECKAN Weatherization Director Don Hobb who thanked the Governing Body for this action and noted that ECKAN will be providing a demonstration of proper weatherization at 745 Princeton Street, on October 28, 2005.

### **New Business**

#### **Ordinance-Regulation of Vehicular Traffic-Speed Limits**

Thereupon, there was presented an ordinance providing for the regulation of vehicular traffic by establishing speed limits. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained this ordinance establishes 45 mile per hour speed limit zones on 23rd Street from Main/Old 50 to the west City limits and on Eisenhower Avenue from 13th Street to the south City limits. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3524-05.

#### **Resolution-Dedication of Easements and Approval of Final Plat-Mallory's Addition**

Thereupon, there was presented a resolution accepting the dedication of all easements and approving the final plat within Mallory's Addition replat of a portion of Shaw and Ludington's Main Street Addition, Ottawa, Kansas. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

October 5, 2005

During discussion it was explained the Mallory's Addition is located in the 800-900 Block of King Street and this replat creates four lots and is currently zoned residential. The Planning Commission and staff recommend approval of the final plat and acceptance of the dedication of easements. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1340-05.

**Resolution-Dedication of Easements and Approval of Final Plat-Ottawa Family Housing**

Thereupon, there was presented a resolution approving the final plat and accepting the dedication of rights-of-way and easements within the Ottawa Family Housing Addition. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained the Ottawa Family Housing Addition is located at 1600 Osage Drive will be developed as a multi-family residential complex including apartments, playground and community building. The plat dedicates a small right-of-way on 17th Street and easements necessary for development. There will be 48 units in the development and the Planning Commission and staff recommend approval of the final plat and acceptance of the dedication of rights-of-way and easements. The motion was considered and upon being put passed by the following vote: Commissioner Henningsen aye, Commissioner Jorgensen aye, Commissioner Fler aye, Commissioner Ramsey aye, and Mayor Jackson abstained. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1341-05.

**Report on General Obligation Bonds**

Thereupon, City Clerk Scott Bird reported that bids for the \$1,160,000 of General Obligation Bonds had been opened with the assistance of Bond Council Dotty Riley earlier this morning at 11 am. The City Clerk duly reported the results of that issue as follows:

**CITY OF OTTAWA, KANSAS  
 APPROXIMATELY \$1,165,000 GENERAL OBLIGATION BONDS  
 SERIES 2005**

BIDDER	INTEREST COST	DISCOUNT	NET INT COST	RATE
Country Club Bank	\$230,495.43	\$6,058.00	\$236,553.43	3.531038
The Baker Group	\$238,789.29	-0-	\$238,789.29	3.560601
Commerce Bank, NA	\$232,340.13	\$6,885.15	\$239,225.27	3.570138
Banker's Bank	\$244,586.99	\$4,660.00	\$249,246.99	3.715000
Stern Brothers & Co.	\$243,786.24	\$6,448.75	\$250,234.99	3.735612
UMB, n.a.	\$243,894.82	\$6,640.50	\$250,535.32	3.740723
First St. Louis Securities, Inc.	\$248,416.99	\$8,737.50	\$257,154.49	3.842038
Gold Capital Mgmt. Inc.	\$254,250.13	\$8,725.85	\$262,975.98	3.929040
Kansas State Bank	\$267,987.77	-0-	Not Provided	3.993140

October 5, 2005

Thereupon, Mr. Bird stated the bids were very competitive and was very pleased at the number of bids. The City received a total of nine bids on this project, two of which were new bidders to City issues and two were local affiliates. The low bid was submitted by County Club Bank of Kansas City with a True Interest Cost of 3.531038. The City Clerk also noted that all bidders bid on the original amount of \$1,165,000.00 and that after adjustments the True Interest Cost would be slightly different at 3.531078 but that had no implications on the outcome of the bidding since all were on the same playing field.

During discussion it was explained the bonds are for payment of projects previously funded using temporary notes, which includes Phase I of Cedar Street (\$600,000), 23rd Street water line (\$255,000), 23rd Street sewer line (\$270,000), and for the design and bidding costs for the unconstructed Parks Maintenance building (\$35,000).

### ***Acceptance***

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to accept the low bid from County Club Bank for the \$1,160,000 in General Obligation Bonds. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly approved.

### **Ordinance-General Obligation Bonds, Series 2005-\$1,160,000**

Thereupon, there was presented an ordinance authorizing issuance and delivery of \$1,160,000 principal amount of General Obligation Bonds, Series 2005, of the City of Ottawa; and providing for the levy and collection of an annual tax for the purpose of paying principal and interest on the bonds. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that the ordinance authorizes the sale of general obligation bonds and these GO bonds are for payment of the previously described projects. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3525-05.

### **Resolution-General Obligation Bonds, Series 2005**

Thereupon, there was presented a resolution prescribing the form and details of and authorizing the delivery of \$1,160,000 principal amount of General Obligation Bonds, Series 2005, of the City of Ottawa, as authorized by Ordinance No. 3525-05. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adopt the resolution.

During discussion it was explained this resolution works in concert with the previous ordinance and outlines the terms of the General Obligation Bonds issuance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1342-05.

October 5, 2005

### **Resolution-Establishing a Public Hearing-Annexation E 23rd Street**

Thereupon, there was presented a resolution of the City of Ottawa declaring an interest in, and establishing a public hearing date for considering the annexation of land into the City, commonly described as 800-900 Blocks of E. 23rd Street. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained this resolution calls for a public hearing on the unilateral annexation of property located at 800-900 Blocks of W. 23rd Street. The public hearing has been scheduled for December 5, 2005, at 4 pm in the Study Session Chambers of City Hall. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and was duly numbered Resolution No. 1343-05.

### **Agreement-Economic Development: City/County/Chamber**

Thereupon, there was presented an agreement for economic development services between the City of Ottawa, Franklin County and Ottawa Area Chamber of Commerce. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to approve the agreement. Thereupon, it was explained the agreement between the City, County, and Chamber describes the terms under which the City and County agree to pay the Chamber for economic development services for 2006. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement duly approved.

### **Reports by Youth Delegates**

No reports by youth.

Thereupon, the Mayor introduced Ms. Lisa Rivers, new Volunteer Center Coordinator for ECKAN, Youth In Government, and Youth Action Council sponsor. Ms. Rivers stated that the application process was underway and youth interested will be attending meetings in the near future. Ms. Rivers thanked the Governing Body for allowing her the opportunity to speak to them this evening.

### **Reports by City Commission**

Thereupon, Commissioner Ramsey asked for an update on Cedar Street. Thereupon, Public Works Director Andy Haney stated progress is being made, seeding is taking place, and the contractor will have to warrant the seeding in spite of the late date. He further noted that the final lift of asphalt would be preformed at one time in order to prevent a seam down the center of the street, which will provide a better product.

### **Reports by Mayor**

Thereupon, Mayor Jackson noted that Saturday is the start of the annual League Meetings being held in Wichita this year and one of the main speakers will be former Water Commissioner Jack Alexander.

October 5, 2005

Thereupon, the Mayor read a letter from a 3rd Grade citizen stating that kids in the community need more to do especially after the closing of the bowling alley and asked the Governing Body to consider starting a bowling alley. The Mayor noted that while the City is not in the business of providing a bowling alley he commended this young person for taking the initiative to write to the Governing Body and wished adults would do like wise.

**Announcements**

Thereupon, the Mayor announced:

1. October 13, 2005: Joint City/USD 290/ORC at 6 pm City Commission Chambers

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:33 pm.

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Scott D. Bird, City Clerk

**City Commission**

Special Call Meeting

Ottawa, Kansas

October 13, 2005

The Governing Body met a 6 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. A quorum was present.

Members of USD 290 present:

Jan Collins, Marge Stevens, Jack Bushman, Mike Sipple, Susan Ward, Louis Reed, Dennis George, and Terry George

Members of Ottawa Recreation present:

Bill Wright, Brian Sharp, Jason Camis, Glenda Guge, Vicky Jahn

Members of the press were also present.

Thereupon, the Mayor called the meeting to order and declared the purpose of this Special Call joint meeting with USD 290/City/ORC is to discuss recreation alternatives.

**Issues discussed were as follows:**

City Manager Weldon Padgett brought forward ideas for possible discussion.

Mayor Jackson stated the Mayor's Task Force had discussed ideas of a Recreation Commission/City Parks combination, and Recreation Commission with Private ownership.

Commissioner Fleer asked if the City ran a Recreation Commission/City Parks combination, would the school district still provide input?

The school board asked if the City approved funding for a City Parks and Recreation, would all funding come from the City budget and should there be different charges for an event depending on if the participant lived in the city or out of town? Should there be an increase in the mill levy or should event fees be increased?

It was mentioned that between 35-40% of ORC participants come from outside the recreational district boundaries.

The City Manager stated the running of the swimming pool could be contracted out. In addition, the City or Ottawa Recreation Commission could run it and the county could be involved as well. Mr. Padgett mentioned that one possibility would be for the county could levy  $\frac{1}{4}$  percent to  $\frac{1}{2}$  percent Sales Tax towards recreation financing.

October 13, 2005

Recreation Commission Members brought forward suggestions as follows: concerts in the park, senior programs, bus trips, and other non-competitive projects. They also suggested a possible county parks and recreation department. Members agreed more checks and balances should be in place and contracts need to be reviewed before automatically renewing them every 4 years. In addition, audits on funding and cash flow need to be done monthly.

There was discussion about which entity should be in control and Attorney Bob Bezek stated that in 1947 a public petition formed the Recreation Commission.

ORC members asked if there could be a Parks & Recreation, and a Recreation Commission? Members discussed the possible coordinating of the auditorium, arts council, and the Carnegie Cultural Center working with ORC programs.

Thereupon, Commissioner Henningsen discussed the possibility of bringing in a YMCA.

ORC members discussed the possibilities of Putt-Putt Golf and wanted to assure current programs in place are reviewed. Members also discussed the possibility of getting the county involved with the other 3 entities. Members announced that on October 14, 2005 the position of Interim Director will be open for applications.

The City Manager suggested a list of pros and cons be created to improve the organization, how what we have can be strengthened, and how this negative can become a positive.

Mayor Jackson stated there would be more accountability if all of recreation is under City Government and decisions on funding still need to be addressed.

Commissioner Ramsey expressed concern regarding accountability and whether the ORC Board should be allowed to make these decisions.

The School Board raised the issue of low-income children and how their need to participate might be met. Members asked if the ORC Board could be increased from 5 to 7 members.

The City Manager stated that part of the recreation program should be funded by the School Board and at the next meeting the entities should look at a small group doing a study on the pros and cons of the Ottawa Recreation Commission. Mr. Padgett suggested the possibility of scheduling another meeting consisting of 2 ORC members, 2 members from USD 290, and 2 City Commission members.

October 13, 2005

During discussion it was agreed that School Board Members, the City Commission, and ORC Board be involved in the search for an Interim Director. It was decided that Jan Collins, Jason Camis, and Weldon Padgett will meet within the next month to discuss the pros and cons of the ORC in order to improve on the organization.

**Adjournment**

Thereupon, Commissioner Gene Ramsey made a motion to adjourn the meeting. There being no further business to come before the Governing Body the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 13, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
October 17, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Fleer, Commissioner Jorgensen, Commissioner Henningsen, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**County Special Use Permit**

Thereupon, the Governing Body heard from Planning Commissioner Cal Lantis who stated the City Planning Commission as reviewed a request submitted to the County Planning Commission for a Special Use Permit located on the East side of US Highway 59 and South of I-35. It was explained this is located where the fireworks stand is and the property directly north of this location is in the city limits. The application is for the operation of a used auto sales facility and a tire & tow service. Commissioner Lantis explained the request is not in compliance with the comprehensive plan (the guiding document for outside the city) and find that this proposed use would not be in conformance with the plan. The Planning Commission directed a letter recommending denial be sent to the County Planning Commission. Thereupon, the Governing Body agreed by consensus to draft a letter in support of the City Planning Commission's position on this matter.

**Ordinance-Amendment to Licensing**

Thereupon, the Governing Body reviewed an ordinance to amend the licensing of contractors in the electrical, plumbing and mechanical professions. The process of licensing has become cumbersome and confusing and staff recommended a change in the licensing ordinance to establish clearer deadlines for the renewal of licenses, eliminate the fees for renewing a delinquent license, and requiring new application and approval for those who allow their license to expire. Due to the illness of Planning and Codes Administration Director the Governing Body agreed by consensus to table this item and bring it back on the October 24, 2005 Study Session Agenda for further discussion.

**Ordinance-Annexing 1905 S Princeton**

Thereupon, the Governing Body reviewed an ordinance to annex property located east of and adjacent to 1905 S Princeton. The owners, Richard W. and Kerry E. Mendell, have submitted a request for voluntary annexation. The recent annexation of Loma Vista resulted in their land being "sandwiched" between city limit lines. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for October 19, 2005.

October 17, 2005

### **Proclamation-Disability Mentoring Day**

Thereupon, the Governing Body reviewed a proclamation for Disability Mentoring Day submitted by Nina Fisher, DMD Committee Coordinator and agreed to place this proclamation on the next Regular Meeting Agenda for October 19, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes from the October 3, Work Study Session and the minutes of October 5 Regular Meeting and agreed to place these items on the Regular Meeting Agenda for October 19, 2005.

### **Franklin County Annual Summit**

Thereupon, the Governing Body discussed the invitation for the 2nd Annual Summit of Franklin County on Tuesday, November 1, 2005, at 6:30 pm. Thereupon, Mayor Jackson stated he does plan to attend and the City Manager may attend as well.

### **Monthly Financial and Activity Report-September**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for September.

### **Open Agenda**

Thereupon, Commissioner Jorgensen stated there was good information provided at the recent League of Kansas Municipalities meetings in Wichita.

Thereupon, Commissioner Jorgensen and Commissioner Henningsen discussed the youth that had attended and the lunch they had attended with Governor Sebelius.

Thereupon, City Manager Weldon Padgett explained the service awards would be on the agenda for November 2, 2005.

Thereupon, Mayor Jackson discussed changes in the state setup and congratulated City Clerk Scott Bird on receiving his City Clerk/Finance Officer of the Year at the recent league meetings. In addition, Mayor Jackson expressed his appreciation to the speakers at the League Meeting.

Thereupon, Commissioner Ramsey discussed the continuing of meetings with USD 290, ORC, and the City. Mayor Jackson added that the City Manager and he will be meeting to put together a plus and minus list together with regards to ORC. In addition there will be upcoming public meetings as well.

October 17, 2005

Thereupon, Commissioner Henningsen stated the Youth Survey that was previously done needs to be looked at as well. Commissioner Henningsen expressed the importance to include this information as the youth really took time to provide the feedback.

Thereupon, Mayor Jackson stated he would be speaking to 3rd graders about what the City can or can't do with regards to spending citizen tax dollars.

Thereupon, Commissioner Ramsey discussed the possibility of members from the City Commission and USD 290 being on the ORC Board and City Manager Weldon Padgett stated additional information will be coming forward as it is available.

**Additional Items Discussed**

- League Meetings discussed the trends for recreation are leaning towards partnerships
- Emporia Recreation and they are currently looking into other formats for there recreation
- Ways to make additional Revenue
- Eminent Domain
- YMCA
- Chamber-Marshall Missouri trip on November 11 to look at there YMCA

Thereupon, Mayor Jackson reminded everyone the joint City/County/School meeting will be October 19, 2005 at USD 290.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 17, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
October 19, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to approve the consent agenda, which included the agenda approval and the minutes from October 3, 2005, Work Study Session and from October 5, 2005 Regular Meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**Proclamations**

Thereupon, Mayor Jackson read a proclamation declaring October 19, 2005 as Disability Mentoring Day in the City of Ottawa, Kansas and presented the proclamation to Ms. Nina Fisher. Thereupon, Ms. Fisher thanked the Governing Body for the proclamation to recognize those with disabilities.

**Employee Introductions**

Thereupon, Acting Police Chief Randy Allan introduced, Leah Thomas as a new Police Officer and Matthew Boyd as the new Animal Control Officer.

**Ordinance-Annexing Land 1905 S Princeton**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa, Kansas generally located East of and adjacent to 1905 S Princeton. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained the property owners, Richard W. and Kerry E. Mendell, had submitted a voluntary request for annexation. This parcel amounts to .27 acres, and had been left as an "island" as the land around it has recently been annexed into the City Limits. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3525-05A.

October 19, 2005

### **Report by City Manager**

Thereupon, City Manager Weldon Padgett stated that he will be meeting with Jan Collins, Jason Camis, related to the ORC issue. Mr. Padgett explained interviews for the Human Resource Director will be in the next couple of weeks. He also announced that there had been a pre-bid meeting held on the swimming pool and hoped the estimates would come in below engineering estimates.

### **Reports by the Mayor**

Thereupon, Mayor Jackson stated he thought there had been some confusion as to what had been printed in the Ottawa Herald. The ORC would not be an agenda item the Governing Body would take to today's joint meeting. The Mayor clarified the City Manager had mentioned Emporia is looking into different options for their recreation but he had not stated changes had already taken place. In addition, Mayor Jackson read a letter of appreciation for the \$2,000 the Governing Body had approved sending to Mississippi after the hurricane.

### **Announcements**

Thereupon, the Mayor announced there would be a Joint City/County/School luncheon today at the USD 290 building at noon. The Mayor stated he would not be able to attend.

Thereupon, Commissioner Henningsen congratulated City Clerk Scott Bird who received an award as "City Clerk of the Year" at the recent Kansas League of Municipalities meetings in Wichita.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:42 a.m.

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Scott D. Bird, City Clerk

October 19, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
October 24, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor pro tem Henningsen, Commissioner Fleer, Commissioner Jorgensen, and Commissioner Ramsey. Mayor Jackson was absent. A quorum was present.

Mayor pro tem Henningsen called the meeting to order and will be referred to as Mayor throughout these minutes.

**Public Comments**

None offered at this time.

**Amendment-Licensing Ordinance**

Thereupon, this item was tabled at the Study Session on October 17, 2005. Thereupon, the Governing Body reviewed additional information provided by the Director of Planning & Codes Administration Wynndee Lee. Staff is recommending a change in the licensing ordinance to establish a clear deadline for the renewal of licenses, eliminate the fees for renewing a delinquent license, and require new application and approval for those who allow their license to expire. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for November 2, 2005.

**Amendment-Comprehensive Plan Future Land Use Map**

Thereupon, the Governing Body reviewed maps, ordinances, and a staff memo regarding proposed changes to the Comprehensive Plan Future Land Use Map. It was explained that since the Comp Plan was adopted in 2004, several land use issues have come up in northeast Ottawa and staff has revised the future land use map, held a public hearing and the Planning Commission recommends approval. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for November 2, 2005.

**Rezone-1615 E. Wilson & 1115 N. Davis Avenue**

Thereupon, the Governing Body reviewed a request to rezone 1615 E. Wilson and 1115 N. Davis Avenue. It was explained 1615 E. Wilson would rezone from County A-2 (Transitional Agricultural Zoning District) to City I-1 (Light Industrial Zoning District) and 1115 N. Davis would rezone from County I-1 (Light Industrial) to City I-1 (Light Industrial). Mr. Mark Anderson, representative for the contract/purchaser Retail Distribution West, LLC, which is the distribution arm of American Eagle Outfitters, indicated the rezone would allow for expansion of America Eagle.

**Conditional Use Permit-Dengel & Sons Mortuary**

Thereupon, the Governing Body reviewed a staff memo, Planning Commission findings and an application from Craig Dengel (Dengel & Sons Mortuary), for a Conditional Use Permit for 201 S Hickory. The property, located in a C-4 Commercial Zoning District, will be used for the storage of

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mortuary equipment. The Planning Commission previously held a public hearing and approved the application on a 4-1 vote. Thereupon, Planning and Codes Administration Director Wynndee Lee explained Dengel & Sons Mortuary would no longer use the north main location currently used for storage if this request is approved. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda.

#### **Resolution-Defining Depository Institutions**

Thereupon, Commissioner Jorgensen declared a potential conflict of interest and excused himself from the room during the discussion of this issue. Thereupon, the Governing Body reviewed a resolution defining depository institutions for idle funds. This resolution defines these banks must be located within the City limits, have home banks within the State of Kansas, and also includes the State's Municipal Investment Pool. Thereupon, Commissioner Ramsey stated he would be abstaining on this issue when action is taken. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for November 2, 2005.

#### **Ordinance-Alexander's Addition Correction**

Thereupon, the Governing Body reviewed an ordinance needed to correct an error in a previous ordinance, which vacated the replat of Alexander's Addition, but due to the legal description used it also inadvertently vacated a portion of right-of-way for 15th and Lincoln Streets, which needs to remain. The Governing Body agreed to place this item on the next Regular Meeting Agenda.

#### **Resolution-ICMA Retirement**

Thereupon, the Governing Body heard from Judy Hasty, Human Resource Director, and Clint Haynes, ICMA-Retirement Corporation representative, who addressed questions and concerns on the proposed resolution. This resolution would adopt the Vantagecare Retirement Health Savings (RHA) program for the City of Ottawa, Kansas. Thereupon, the Governing Body agreed by consensus to place this resolution on the next meeting Regular Meeting Agenda for November 2, 2005.

#### **Proclamation-Children's Book Week**

Thereupon, the Governing Body agreed by consensus to place a proclamation declaring Children's Book Week for the week of November 14-20, 2005, in the City of Ottawa, Kansas on the next Regular Meeting Agenda for November 2, 2005.

#### **Proclamation-Outstanding Veteran's Business**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body a proclamation Mayor Jackson would like to have placed on the next Regular Agenda. During discussion it was decided this item would be tabled until the next Study Session to review the request and decide who would be recognized with the proclamation.

October 24, 2005

### **Review of Minutes**

Thereupon, the Governing Body reviewed minutes for October 13, Special Call, October 17, Study Session, and the Regular Meeting for October 19, 2005 and agreed to place these items on the next Regular Meeting Agenda with an addition to the Special Call Minutes.

### **Veteran's Day Celebration**

Thereupon, the Governing Body reviewed a letter of request from Veteran's day Celebration Committee, Harold Mayes, Chairperson, who requested funding in the amount of \$1,000 from the City for this year's Veteran's Day festivities. Thereupon, the Governing Body asked that Mr. Mayes attend the next Study Session to request these funds and that would provide an opportunity for the Governing Body to express the need for these types of request to come before the Commission during the budget planning.

### **Fieldstone Estates-Preliminary Plat**

Thereupon, the Governing Body discussed with Planning and Codes Administration Director Wynndee Lee a staff memo and preliminary plat for the Fieldstone Estates located South of 19th Street and East of Eisenhower Road. It was explained no action is necessary at this time.

### **Open Agenda**

Thereupon, Commissioner Ramsey asked how the sales tax information was coming along and City Manager Weldon Padgett explained the information is coming along well and a brochure is being put together. Discussion continued on the sales tax issue regarding the cost of mail-in ballots.

Thereupon, City Manager Weldon Padgett stated the bids on the swimming pool would be opened tomorrow at 2 pm and he hoped they would be below estimated cost.

Thereupon, Commissioner Jorgensen discussed with the Governing Body and staff the need for more programs and events for the youth in town and encouraged the City to make an effort to work on this issue. Discussion will continue in the future on this issue.

Thereupon, City Manager Weldon Padgett stated he had met with Jan Collins, and Jason Camis on ORC issues and information on pros/cons have been discussed so a report can be put together for the entities involved. Thereupon, Commissioner Ramsey stated he found the financial information and minutes from the ORC very good. Thereupon, Commissioner Jorgensen requested a balance sheet be included with the information in the future.

Thereupon, Harold Mayes arrived at 4:32 pm.

### **Veteran's Day Celebration-continued**

Mr. Mayes addressed questions and provided additional information to the Governing Body on the request for funding in the amount of \$1,000 for the Veteran's Day Celebration. Thereupon, the

October 24, 2005

Governing Body explained the process to request funds of this nature needs to be done during the budget process and requested Mr. Mayes pass on this information to the Veterans Day Committee. Mr. Mayes agreed to this request for future funding. Thereupon, the Governing Body agreed by consensus to approve the request of funding for \$1,000 for the Veteran's Day Celebration.

### **Executive Session-Property Acquisition**

#### **Recess**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to recess into Executive Session to discuss Property Acquisition for a period of 5 minutes and to reconvene in open session at 4:47 pm in the same Work Study Session room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

#### **Reconvene**

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to reconvene the meeting at 4:47 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

#### **Recess**

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to recess into Executive Session to discuss Property Acquisition for a period of 5 minutes and to reconvene in open session at 4:52 pm in the same Work Study Session room. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

#### **Reconvene**

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to reconvene the meeting at 4:54 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Fleer to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

October 24, 2005

**STUDY SESSION MINUTES  
OTTAWA, KANSAS**

Minutes of  
October 31, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fleer, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Neighborhood Revitalization Applications**

Thereupon, the Governing Body considered three residential applications; 749 Liberty, 629 S Hickory, and 1018 S Walnut and two commercial properties; 126 N Poplar and 227 S Main, for inclusion in the Neighborhood Revitalization program. The Governing Body heard from Planning and Codes Administration Director Wynndee Lee who indicated that each property meets the requirements, has been reviewed by the NRA Committee, and is recommended for approval. The Governing Body agreed to place this item on the Regular Meeting Agenda for November 2, 2005.

**Resolution- Intent to Offer Property Tax Exemption-American Eagle Outfitters**

Thereupon, the Governing Body considered a resolution of intent to offer a property tax exemption under the City's tax abatement policy, and to call a public hearing setting. The public hearing will be to consider a property tax exemption for Retail Distribution West, L.L.C., a wholly owned subsidiary of American Eagle Outfitters. It was noted that the exemption is an incentive offered to construct a new 540,000 square foot distribution facility and acquire and install equipment for the facility. The new facility is to be constructed south of and across the street from the current American Eagle Distribution Center (which is to remain in active use). The project is tentatively estimated to create 300 new jobs by the Year 2011 with an estimated local investment of about \$55 million. The City will conduct a cost benefit analysis as required by the State and will provide it to the City Commission prior to considering this item at the public hearing. The Governing Body considered this issue and agreed to place it on the Regular Meeting Agenda for November 2, 2005.

**Westwood Addition Phase II Final Plat**

Thereupon, the Governing Body heard from Commissioner Jorgensen who indicated that his employer is involved with this issue but his position is not involved and his employment is not affected by the success or failure of this project.

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who explained this is the final plat for Phase II and the plat will not be filed until some minor engineering items are submitted. The City anticipates these items will be addressed

October 31, 2005

and submitted to the City Commission at the meeting November 2, 2005. The Governing Body considered this issue and agreed to place this item on the November 2, 2005, Regular Meeting Agenda.

### **Swimming Pool Project Financing**

Thereupon, the Governing Body heard from City Manager Weldon Padgett who explained the City had taken bids on the ADA improvements, zero depth entry and water feature project at the Forest Park pool.

### **Swimming Pool Zero Depth Entry Bid Award**

Thereupon, the Governing Body heard from Mr. Tom Arpin of BG Consultants who explained the bid process which had been conducted Tuesday, October 25, 2005, at 2 pm, and after research of the qualifications of J & M Contracting, Inc., it was his recommendation that the City accept J & M Contracting, Inc., base bid and Alternates 1,2,3, and 4 in the amount of \$267,649. It was noted that Alternate 5 (pool painting) had been rejected and the City Staff believes they could conduct the painting of the pool facility for a more reasonable amount. Mr. Arpin noted the following:

- Base Bid: for structure deck fencing only
- Alternate 1: included pipes and pumps to facilitate the water features
- Alternate 2: included labor and material for a valve pit
- Alternate 3: for connecting drain lines
- Alternate 4: included pop jets, aqua dome, aqua bulb, aqua brella, aqua tumble buckets, aqua bow

All of Alternates 1-4 (if accepted) would cost \$42,216 and the total project cost with all alternates and the base bid totaled \$267,649, which is approximately \$6,000 under the engineers estimate.

The Governing Body considered this issue and inquired about such things as engineering fees and the low bidder's experience. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for November 2, 2005.

### **Swimming Pool Bathhouse ADA Modifications Bid Award**

Thereupon, the Governing Body heard from Mr. Jay Zimmerschied who explained the ADA modifications and bid award noting that 4 bids had been received and opened on Tuesday, October 25, 2005 at 2 pm. After review of the bids, sub-contractors list, and bonding, BG Consultants Inc. (acting on behalf of the City of Ottawa) recommended the contractors perform the work for the Ottawa Municipal Pool ADA Bath House be awarded to Loyd Builders Inc. of Ottawa in an amount of \$27,211 for base bid and Alternate #1. Mr. Zimmerschied explained that the recommendation was to accept, in addition to the base bid, the acceptance of Alternate #1 which included the purchase of two new toilets to replace the old fixtures at a cost of \$649 and raising

October 31, 2005

the overall cost of the project to \$27,211. He stated that Alternate #2 was rejected and Alternate #3 was recommend to be rejected. The Governing Body reviewed the recommendation and agreed to place this item on the Regular Meeting Agenda for November 2, 2005.

**Recognition: Ottawa Main Street**

Thereupon, the Governing Body reviewed a recognition to honor the Ottawa Main Street Association and the businesses who received awards at the Main Street Conference. The Governing Body agreed to place this item on the Regular Meeting Agenda for November 2, 2005.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from October 24, 2005, Study Session and agreed to place this item on the agenda with one correction.

**Kanza Park Luminaries**

Thereupon, the Governing Body reviewed a request from Ms. Merilee Queen to install luminaries at Kanza Park on December 10 as part of the Christmas Season activities. The Governing Body approved this item and remanded it to staff.

**O/FCED Franklin County Strategic Plan Meeting**

Thereupon, the Governing Body reviewed an invitation to attend the O/FCED Franklin County Strategic Planning Meeting on November 22, 2005, at 7 pm and agreed that a Special Call Meeting should be made in order that the Governing Body might attend this meeting.

**Open Agenda**

Thereupon, Commissioner Jorgensen inquired about a letter received from the Catholic Church. Thereupon, the City Manager noted that staff is working on a proper response.

Thereupon, Mayor Jackson stated there would be some interviews for the possible support of a YMCA.

Thereupon, City Manager Weldon Padgett noted that interviews for the Human Resource Director position would be held November 3, 2005 and will be an all day event with 8 interviewees.

Thereupon, Captain Ron Puterbaugh, from the Ottawa Police Department, noted that TV Channel 9 had conducted an interview as a result of a police pursuit, which extended into Douglas County. He responded to questions from the Governing Body regarding the incident. He further explained this was a City of Ottawa case; the Ottawa Police Department had functioned as a back up to the Franklin County Sheriff's office until such time as the Douglas County Sheriff took over and at that time Ottawa Police Department backed off until Douglas County was able to apprehend the suspect. Ottawa Police Department was then able to process the case for arrest.

October 31, 2005

Thereupon, the Mayor noted that three youths were in attendance showing interest in the Youth-In-Government and Youth Action Council positions.

**Adjournment**

There being no further business to come before the Governing Body the Mayor adjourned the meeting at 5:04 pm.

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Scott D. Bird, City Clerk

**City Commission**  
**Regular Meeting Minutes**

Ottawa, Kansas  
November 2, 2005

The Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fleer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the consent agenda, which included the agenda approval and the minutes from October 17, 24, 2005 Work Study Session, Special Call Meeting October 13, 2005, and from October 19, 2005 Regular Meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. Thereupon, Commissioner Ramsey and Commissioner Jorgensen stated they would abstain on agenda item number 11 (Depository Institutions for Idle Funds) due to potential conflict of interest.

**Proclamations**

**Children's Book Week**

Thereupon, Mayor Jackson presented a proclamation declaring November 14-20, 2005 as "Children's Book Week" to Shannon Leonard and Steve Anderson, representatives of the Ottawa Library. Mr. Anderson distributed storybooks presented by Friends of the Ottawa Library in honor of Children's Book Week 2005 in conjunction with the "Kansas Reads to Preschoolers One State, One Book Project." Ms. Leonard thanked the Governing Body for the proclamation and urged the community to join in the celebration and read the distributed storybooks to preschoolers in the next two weeks.

**Ottawa Main Street Recognition**

Thereupon, Mayor Jackson presented a recognition to Ottawa Main Street Director Mary Allison Haynie to recognize the contribution Ottawa Main Street Association and Main Street Businesses provide to our community. Ms. Haynie thanked the Governing Body for the recognition and stated 11 awards had been won and Ottawa Main Street was entering 6 years of stable membership.  
November 2, 2005

### **Resolution-Depository Institutions for Idle Funds**

Thereupon, there was presented a resolution that defined depository institutions for idle funds held by the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained the resolution detailed banks that are legally acceptable institutions for investment of the City's idle funds. Statutory requirements dictate the banks must be located within the City limits and have home banks within Kansas. Also included is the State's Municipal Investment Pool. The motion was considered and upon being put, passed by the following vote: Commissioner Henningsen aye, Commissioner Jorgensen abstained, Commissioner Fleer aye, Commissioner Ramsey abstained, and Mayor Jackson aye. Thereupon, the Mayor declared the resolution duly adopted by a 3-0 vote with 2 abstaining due to possible conflict of interest. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1344-05.

### **Ordinance-Comprehensive Plan Future Land Use Map**

Thereupon, there was presented an ordinance amending the City of Ottawa Comprehensive Plan Future Land Use Map. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey to adopt the ordinance.

During discussion it was explained since the adoption of the Comprehensive Plan in April 2004, there has been several land use issues that have come up in the northeast area of Ottawa. Amending the Future Land Use Map will help these uses to be in agreement with the Comprehensive Plan. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3526-05.

### **Ordinance-Rezone 1615 E Wilson**

Thereupon, there was presented an ordinance to rezone property located at 1615 E Wilson. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained this ordinance rezones 1615 E Wilson from County A-2 (Transitional Agricultural Zoning District) to City I-1 (Light Industrial Zoning District). The rezone would allow Retail Distribution West, LLC, which is the distribution arm of American Eagle Outfitters, to expand their distribution center. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3527-05.

**Ordinance-Rezone 1115 N Davis Avenue**

Thereupon, there was presented an ordinance to rezone properties located at 1115 N Davis Avenue. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the ordinance.

During discussion it was explained this ordinance rezones from County I-1 (Light Industrial Zoning District) to City I-1 (Light Industrial Zoning District). This property is adjacent to the previous property and applications for rezone and submitted in conjunction with this property. Both properties are necessary for the expansion of the American Eagle Distribution Center. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3528-05.

**Resolution-Intent of the City to Offer Property Tax Exemption-American Eagle Outfitters, Inc.**

Thereupon, there was presented a resolution declaring the intent of the City of Ottawa, Kansas to offer property tax exemption to Retail Distribution West, LLC, a wholly owned subsidiary of American Eagle Outfitter, Inc. as an incentive to construct a new 540,000 square foot distribution facility and acquire and install equipment for such facility within Ottawa. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained this resolution gives notice that the City intends to offer tax abatement for the construction of a new building on the property located next to American Eagle Distribution Center. This tax abatement would be 100% for 10 years. This resolution calls for a public hearing to be set. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1345-05.

**Ordinance-Amending Licensing Ordinance**

Thereupon, there was presented an ordinance to amend the current licensing ordinance. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the ordinance.

During discussion it was explained this ordinance amends the current licensing ordinance. With an increase in licensing applications, current licensing procedures have caused the process to be cumbersome. Changes include a standard due date for renewal of licenses and automatic revocation of past-due licenses and the changes will help staff with the administration of licenses. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3529-05.

November 2, 2005

**Ordinance-Vacation of the Replat-Alexander's Addition**

Thereupon, there was presented an ordinance to correct a previous ordinance related to the vacation of the replat of Alexander's Addition. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained this ordinance corrects a previously adopted ordinance that mistakenly vacated a portion of right-of-way for Lincoln and 15th Streets that needed to be retained. The mistake was part of the legal description, which has been corrected. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3530-05.

**Resolution-VantageCare Retirement Health Savings Program**

Thereupon, there was presented a resolution adopting The VantageCare Retirement Health Savings program for the City of Ottawa. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the resolution.

During discussion it was explained this resolution establishes an extra retirement savings program for interested employees. With many City employees already taking part in an ICMA retirement program, this is an added way for employees to save money for health expenses after retirement. The program is not funded by the City and is simply a voluntary offering. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1346-05.

**Neighborhood Revitalization Program-Applications**

Thereupon, there was presented applications for Neighborhood Revitalization Program. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Fleer, to approve the applications as presented.

During discussion it was explained the applications for the Neighborhood Revitalization Program have been submitted for the following projects: residential properties of 749 Liberty, 629 S. Hickory, and 1018 S. Walnut, and commercial properties at 126 N. Poplar and 227 S. Main. All properties have met the requirements and are recommended for approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

**Resolution-Conditional Use Permit-Mortuary Equipment**

Thereupon, there was presented a resolution granting a conditional use permit to store mortuary equipment at 201 S. Hickory. Thereupon, Commissioner Ramsey made a motion seconded by Commissioner Henningsen, to adopt the resolution.

November 2, 2005

During discussion it was explained the request for a conditional use permit was submitted by Craig Dengel for the storage of mortuary equipment at 201 S. Hickory. This area is a C-4 Commercial Zoning District. A public hearing was held; at which time no public comments were made. Staff found the storage would be out of public site and would not impact other businesses in the area. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1347-05.

**Resolution-Final Platt/Dedication of Rights-of-Way/Easements-Westwood Addition Phase II**

Thereupon, there was presented a resolution to approve the final plat and accepting the dedication of rights-of-way and easements within Westwood Addition Phase II Final Plat, in Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the resolution.

During discussion it was explained Westwood Addition Phase II is located at 17th and Eisenhower, north of the first phase located at 19th and Eisenhower. There is 27 lots created in this phase. The Planning Commission recommends approval of the final plat by a 6-0 vote. The resolution includes a condition of submittal of a few engineering design issues, and the final plat will not be approved until the city engineer approves the revised plans. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1348-05.

**Bid Award- J & M Contracting, Inc. – Municipal Pool Zero Depth Entry**

Thereupon, the Governing Body reviewed the notice of award bid to J & M Contracting, Inc. for the Municipal Pool Zero Depth Entry project. Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the bid as presented.

During discussion it was explained the low bid was from J & M Contracting for the Swimming Pool Zero Depth Entry renovation for a base bid of \$267,649. The bid came in within the project engineers estimates and it is the unqualified opinion of BG Consultants (acting on behalf of the City) that the City should accept J & M Contracting's base bid for the project. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the J & M Contracting's base bid for the Municipal Pool Zero Depth Entry duly accepted.

**Bid Award- Loyd Builders – Municipal Pool ADA Bath House Improvement**

Thereupon, the Governing Body reviewed the notice of award bid to Loyd Builders for Municipal Pool ADA Bath House Improvement Project. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Henningsen, to accept the bid as presented.

During discussion it was explained the low bid was awarded to Loyd Builders for the ADA Bath House Improvement project for a base bid of \$27,211. The bid came in within project engineer

November 2, 2005

Estimates. BG Consultants (acting on behalf of the City) recommended the City accept Loyd Builders base bid. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the base bid from Loyd Builders for the Municipal Pool ADA Bath House Improvement project duly accepted.

### **Reports by City Manager**

Thereupon, the City Manager clarified the last two items presented did include the base bid and alternates.

The City Manager announced on November 3rd Human Resource Director interviews will be conducted with 8 candidates and the process would start at 6:30 am and finish after 5 pm.

Thereupon, the City Manager discussed the sales tax brochure he has been working on with feedback he had been given and hoped to bring the revised brochure back to the Governing Body at the Study Session on November 7.

### **Reports by City Commission**

Thereupon, Commissioner Ramsey noted what an outstanding meeting had taken place tonight and how much positive action the Governing Body had taken including annexation, expanding industries, and swimming pool improvements.

### **Reports by Mayor**

Thereupon, Mayor Jackson stated this was the largest agenda the Governing Body had taken action on in a while.

Mayor Jackson had received a letter from a “peer city”, the City of Olathe, commending the growth our city has had. The Mayor stated he hoped the community would be positive and stay positive with our growth and changes taking place in our community.

Thereupon, Mayor Jackson stated Lisa Rivers had recently received 8 or 9 Youth In Action Council applications for interviews.

### **Announcements**

Thereupon, the Mayor announced that on November 5 Franklin County would be having a 150th Celebration from 9 am – 4 pm at the County Courthouse and the Veterans Day Parade will also take place on that morning.

### **Adjournment**

There being no further business to come before the Governing Body, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 7:32 pm.

November 2, 2005

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
November 7, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

**Public Comments**

Thereupon, the Governing Body heard from Richard Mullins, President of Power of the Past, who discussed plans for the 2006 and 2007 show. Mr. Mullins requested Forest Park for both years and noted in 2006 they would host the John Deere Show and 2007 Ottawa would host the Secondary National Show for Oliver. Mr. Mullins explained the estimates of people attending the 2007 show, motels needed, convention center to hold 600 people and 80 acres of parking. The organization is already working on the 2007 show. Mr. Mullins requested permission to use Forest Park for the 2006 and 2007 shows and the Governing Body agreed by consensus to this request.

**Annexation**

Thereupon, the Governing Body reviewed an ordinance to annex 0.2 acres of land located east of and adjacent to 2770 Interstate-35. It was explained the owners, Lamar Outdoor Advertising, had submitted the request for annexation voluntarily. This area was surrounded by the City limits with the annexation of the Granger property. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for November 16, 2005.

**Haley Park Request**

Thereupon, the Governing Body reviewed a request from Angelina Avedano, President of the Nontraditional Students Organization at Ottawa University, to use space at Haley Park during the Christmas Parade to set up a booth for fundraising. Thereupon, the Governing Body agreed by consensus to approve this request.

**Sale Tax Brochure**

Thereupon, the Governing Body discussed with City Manager Weldon Padgett who reviewed options for the election (mail-in ballot or poll), brochure, and education for the public.

**Employee Service Awards**

Thereupon, the Governing Body reviewed a list of employees who would be award for years of service at the Regular Meeting on November 16, 2005.

November 7, 2005

**Open Agenda**

Thereupon, City Manager Weldon Padgett announced a change in dates for the Goodwill “private tour” that included the Governing Body. The date has been changed to November 17 instead of November 19. A ribbon cutting is scheduled for December 2, and a Grand Opening for December 3.

Thereupon, Commissioner Jorgensen inquired about an update on recreation and the City Manager stated he has been involved in meetings and is trying to find out more information from Emporia.

Thereupon, Commissioner Ramsey asked if the City Manager would have any input in the selection of an interim director for ORC and the City Manager stated there would be an Executive Session tomorrow to go over the applications and he had heard there were 18 applicants.

Thereupon, the City Manager stated that interviews for Human Resources Director had been conducted last Thursday.

Thereupon, the Mayor noted that the Veteran’s Day Parade had considerable coverage by the Lawrence Journal World and Fox 4 TV.

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

## **STUDY SESSION MINUTES**

### **OTTAWA, KANSAS**

Minutes of

November 14, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

#### **Public Comments**

None offered at this time.

#### **Ordinance-Amendment to Municipal Code**

Thereupon, the Governing Body reviewed an ordinance amendment related to the current definition of the Business District when used in conjunction with the Standard Traffic Ordinance (STO). It was explained in the STO the business district speed limit is set at 20 mph, but the current business district description includes Cedar Street from 1st to 5th. This has been a conflict since Cedar is an arterial and has a 30 mph limit. The new business district definition does not include Cedar Street. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for November 16, 2005.

#### **2006 Cereal Malt Beverage License Applications**

Thereupon, the Governing Body reviewed applications for cereal malt beverage license for 2006. Thereupon, City Attorney Bob Bezek stated one applicant (Al-Naz, Inc.) did not meet requirements for a license at this time. Thereupon, the Governing Body agreed by consensus to place the applications on the next Regular Meeting Agenda that met the requirements.

#### **Sales Tax Update**

Thereupon, City Manager Weldon Padgett discussed with the Governing Body the timeline of the sales tax ballot issue, as well as cost estimates for the mail-in and poll ballots. In addition, the City Manager updated the Governing Body with additional information received from the County Clerk. Discussions continued with regards to brochure, education of public, mail-in or poll election, and speaking points of education. Thereupon, City Manager Weldon Padgett requested direction from the Governing Body to work towards a mail-in or poll election. The Governing Body agreed by a consensus for a mail-in ballot with Commissioner Ramsey abstaining due to a possible conflict of interest. Thereupon, the City Manager will prepare the final touches to the brochure and prepare information for a mail-in ballot as directed by the Governing Body.

#### **League of Kansas Municipalities Regional Supper**

Thereupon, City Manager Weldon Padgett announced the regional supper in our area will be November 17 from 5:30 – 7:30 pm at the Lenexa Conference Center, 11184 Lackman Road and with four commissioners attending a Special Call Meeting would be called in order for them to attend.

November 14, 2005

**Eminent Domain**

Thereupon, the Governing Body discussed the issues of eminent domain and noted it will be discussed in great detail at the LKM Regional Supper. The specific concerns have to do with the use of eminent domain when a city condemns and forces the sale/purchase of private property for an economic development public purpose that involves the subsequent sale of the condemned property to another private entity (or long term lease). The League is trying to develop alternate legislation which would continue to allow cities the ability to use eminent domain, in certain situations.

**Annexation-1600 E Logan**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who requested the annexation of 1600 E. Logan be place on the next Regular Meeting Agenda for November 16, 2005. It was explained the Governing Body had reviewed this information at a previous meeting with the closing on the property being delayed until now. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda.

**Monthly Reports Financial and Activity Reports-October**

Thereupon, the Governing Body discussed the Monthly Financial and Activity Reports for the month of October.

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor adjourned the meeting.

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Scott D. Bird, City Clerk

November 14, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
November 16, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fler. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the consent agenda. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**Ordinance-Annexing Land-2770 I-35**

Thereupon, there was presented an ordinance annexing land to the City of Ottawa generally located at 2770 I-35. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adopt the ordinance.

During discussion it was explained the owners of the parcel located at 2770 I-35, Lamar Outdoor Advertising, voluntarily submitted a request for annexation. This parcel has been surrounded by city limits from the recent annexation of the Granger property. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3531-05.

**Ordinance-Annexing Land-1600 E. Logan**

Thereupon, there was presented an ordinance to annex land to the City of Ottawa generally located at 1600 E. Logan. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained the new owners of the parcel located at 1600 E. Logan, Bluejacket Ford, LLC, have submitted a voluntary request for annexation. This annexation was November 16, 2005

considered earlier this year, however, the annexation was not completed due to a delay in the sale closing. The developers are planning a mixed residential subdivision with commercial business fronting K-68. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3532-05.

### **Ordinance-Municipal Code Amendment**

Thereupon, there was presented an ordinance amending Section 13-106 "Same-Business District Defined" of the Ottawa Municipal Code. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to adopt the ordinance.

During discussion it was explained this ordinance changes the area defined as "Business District". The area being so designated is regulated by speed limits outlined in the Standard Traffic Ordinance (at 20 mph). The previously existing description included part of Cedar Street, which is set at 30 mph. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3533-05.

### **2006 Cereal Malt Beverage Applications**

Thereupon, there was presented applications for 2006 Cereal Malt Beverage License. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fleer, to approve the applications as presented.

During discussion it was explained the applications are for 2006 Cereal Malt Beverage License and have been received and reviewed by Police, Fire and the City Attorney. All but one (Alnaz, Inc.) application met the approval of the City Attorney and all listed below are recommended for approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

#### **CEREAL MALT BEVERAGE LICENSE LIST 2006**

The following applications are for license for retail cereal malt beverages for the year 2006.

Original and unopened containers. Not for consumption on the premises.

Taylor Oil, Inc. d/b/a Amoco, 2305 S. Cedar

Casey's General Stores, Inc., Store #2361, 1002 North Main Street

Casey's General Stores, Inc., Store #2362, 1019 West 7th Street

Wal-Mart Stores, Inc. 702 S. W. 8th St., Bentonville, AR. 72716-8013 (2101 Princeton Road)

C & Z Inc., d/b/a Total Stop N Save, 1621 South Main

C & J Management, d/b/a Country Mart, 2138 Princeton Circle Drive

B & K Ventures LLC, d/b/a First Stop #4 (2518 E. Logan)

Gasmart USA , 2243 Princeton

Gas 'N Shop (334 N. Main)

Damani, Inc., d/b/a Logan Street 66, 304 E. Logan

Crescent Stores Corp., d/b/a CSC #3, 216 E. 23rd

November 16, 2005

The following applications are for license for retail cereal malt beverages, for consumption on the premise:

Bishop's Brew, 120 East Dundee

Pizza Hut of America, Inc., Law Dept./Licensing, 14841 Dallas Pkwy., Dallas, TX 75240

Pizza Village, Inc., 330 South Main

Jane Mauszycki, d/b/a Poncho's of Ottawa, 429 South Main

Ping Enterprise, LLC., d/b/a China Palace, 910 S. Main

### **Reports by City Manager**

Thereupon, City Manager Weldon Padgett stated that each year the City recognizes employees who have achieved certain milestone tenures in public service, such as 10, 15, 20 years, etc. It was explained each applicable Department Director will provide a little information about each employee and the City is pleased to recognize the following employees for their years of dedication and effort to making our community of Ottawa such a great place to live:

#### **10 Years**

Kathy Simmons, Donna Kipper, Mike Hatheway, Chris Campbell, Chuck Johnson, Chad Bentley, Bonita Nicewander, Adam Weingartner, and Debbie Badders.

#### **15 Years**

Keith McAdoo, Dan Mietchen, Steve Morton, Tony Reed, Troy Gavel, and Tim Matthias

#### **20 Years**

Charlie King, Perry Jordan, Judi Becker and Mark d'Augereau

#### **25 Years**

Andy Stauffer, Dale Howard, Ricky Lines and Judy Hasty

Thereupon, Mayor Jackson congratulated the City employees and their commitment to their years of service to the City and the Community. The Mayor stated he knew to many times employees only hear the negative but their service is appreciated.

### **Announcements**

Thereupon, the Mayor announced:

1. November 16, 2005: Joint City//County/School luncheon at noon at the County
2. November 17, 2005: LKM Regional Supper in Lenexa

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:50 am.

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Scott D. Bird, City Clerk  
November 16, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
November 21, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fleer, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Ordinance-Zoning Amendment**

Thereupon, the Governing Body reviewed a proposed ordinance to amend the Zoning Ordinance. It was explained this amendment addresses approved surface materials for parking area, with some new alternatives to concrete and asphalt. A public hearing was held with no comments received and the Planning Commission recommended the amendment by a 7-0 vote. Thereupon, the Governing Body requested clarification on the surfacing language in the ordinance. Thereupon, Planning and Codes Administration Director Wynndee Lee stated she will research the language and bring this item back to the Governing Body.

**Rezone-2101 S. Main**

Thereupon, the Governing Body reviewed a request to rezone property located at 2101 S. Main from C-3 (General Commercial Zoning District) to MU/CI (Mixed Use Commercial Industrial Zoning District). The owners, David and Polly Johnson, submitted the request to expand the mini storage units and allow for a security guard on site. A public hearing was held with no comments received and the Planning Commission recommended the approval of the request by a 7-0 vote. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting for December 5, 2005.

**Review of Minutes**

Thereupon, the Governing Body agreed by consensus to place the minutes from Study Session meetings of October 31, November 7, 14, 2005 and Regular Meeting Minutes of November 2, 16, 2005. Thereupon, the Governing Body agreed by consensus to place these minutes on the next Regular Meeting Agenda on December 5, 2005.

Thereupon, Commissioner Ramsey asked for an update on the steps in front of Sacred Heart Church. City Manager Weldon Padgett stated KDOT has been contacted and the City is waiting on a response. In addition, Public Works Director Andy Haney explained, on a different issue, there will be steps (south & east) on the northwest corner at the intersection of 5th and Cedar.

November 21, 2005

### **Legislative Dinner-December 5, 2005**

Thereupon, Commissioner Jorgensen asked for clarification on what the objectives are for the Legislative Dinner and how those dinners are handled. Thereupon, Mayor Jackson explained representatives from the three entities are invited and it is an opportunity to communicate City concerns to State Representatives and receive feedback on issues of local and state concern.

Thereupon, the City Manager noted the Legislative Dinner is scheduled for 5:30 pm on December 5, 2005 and in preparation, asked for discussion items for an agenda. Thereupon, the following items were discussed as possible agenda items: Eminent domain, franchise authority, streamline sales tax, concealed carry, banking and investment with City idle funds, KPERS and KP&F.

### **Crist Auto-Parking Requirement**

Thereupon, the Governing reviewed a letter from Wes Jamison, Crist Auto, who requested that in order to release the surety bond required in-lieu of paving the parking at his site on East Logan. The required parking was to be completed within a year, but Mr. Jamison is planning on moving his business to a different location (Underwood's) and does not want to have to pave a site he is leaving. Thereupon, the City Manager explained he felt more comfortable having the City Commission aware of this publicly and believe this is acceptable on the condition that the vehicles are removed from the premises within 30 day. Thereupon, the Governing Body agreed by consensus to allow this request.

### **Open Agenda**

Thereupon, City Manager Weldon Padgett expressed frustration with the recent comments printed in the Ottawa Herald with regards to the City Planning Department being difficult to work with. The City Manager will bring back information to the Study Session on November 28, 2005 and invite the respective Chairman of O/FEC, Chamber of Commerce and the Chamber Director to attend so that there might be a better understanding of the process and efforts by City Staff when working with the public and developers.

Thereupon, the City Manager discussed with the Governing Body the sales tax brochure and speaking points for educating others. Discussion continued on how the brochure distribution would be handled for residents, businesses, civic clubs, etc.

Thereupon, Commissioner Jorgensen requested an update on ORC issues. Thereupon, City Manager Weldon Padgett explained the interview pool had been narrowed at this time to 7 or 9 and it was hoped to narrow it down to as few as 4 to interview. The City Manager addressed the possibility of a third alternative that may also be discussed.

November 21, 2005

Thereupon, Commissioner Jorgensen stated he had an inquiry from a citizen about the Merry Christmas banner that hangs over the street. Thereupon, Utility Director Jim Bradley explained that all the decorations would be hung by the end of day on Wednesday.

Thereupon, Commissioner Fleer asked for an update on Cedar Street. Thereupon, Public Works Director Andy Haney explained today was day 170 out of 190 for the work to be completed. If no weather issues arise it is hoped the project will be completed by Thanksgiving.

Thereupon, Mayor Jackson announced a letter of thanks had been received from the Franklin County Commissioners expressing appreciation to the City for their gift of the County Seal. In addition, the Mayor shared a "Dedication of Ownership" to the City thanking them for their contribution of \$2,500 and in-kind service towards the Former First Ladies of Ottawa Sculpture.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
November 28, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Zoning Ordinance Amendment**

Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who clarified concerns on the proposed zoning ordinance amendment dealing with surface material for parking area previously discussed at the November 21, 2005, Work Study Session. Ms. Lee explained it has been recommended this item be returned to the Planning Commission for further discussion. The Planning Commission will meet in Study Session November 30 and return the item to the City Commission for action.

**Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from the November 21, 2005, Study Session and agreed to place this item on the Regular Meeting Agenda for December 5, 2005.

**Development Concerns**

Thereupon, the Governing Body heard from City Manager Weldon Padgett, and Planning and Codes Administration Director Wynndee Lee who reviewed material for clarification of issues surrounding development concerns over the past year. The City Manager stated that in the future he would respond quickly to future criticism in the press and bring information for clarification to the Governing Body when needed.

**Monthly Reports-Main Street and Bea Martin Peck**

Thereupon, the Governing Body reviewed the monthly reports from Ottawa Main Street and Bea Martin Peck. The Governing Body expressed concerns with the Main Street financial reports. Thereupon, Commissioner Fler explained Ottawa Main Street is currently working with Greenfield & Davidson, Chartered and the financial reports will be changing in format, as well as, additional information being provided and have asked the Governing Body's patience during this transition.

Thereupon, Commissioner Ramsey stated he has requested staff from Bea Martin Peck to work with the Planning and Codes Department to assure areas of concern are addressed on the current building site. Planning and Codes Administration Director Wynndee Lee responded that the department has met with the Bea Martin Peck staff.

November 28, 2005

**Announcements**

Thereupon, the Mayor briefly discussed the Legislative Dinner that will be held December 5. Discussion continued as to the possible meeting times for the Study Session, Regular Meeting, and the Legislative Dinner on the 5th.

**Adjournment**

There being no further business to come before the Governing Body it was moved and seconded to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

November 28, 2005

**LEGISLATIVE DINNER MINUTES**  
**OTTAWA, KANSAS**  
December 5, 2005

The Governing Body met at 5:30 pm this date with the following members present and participating to wit, in addition to everyone else.

**State Senators**

Derek Schmidt  
Pat Apple

**State Legislators**

Bill Feuerborn  
Tom Holland  
Bill Otto

**City of Ottawa**

Richard Jackson – Mayor  
Deb Henningsen – Mayor Pro-Tem  
Gene Ramsey - Commission  
Rocky Fleer-Husted - Commission  
Blake Jorgensen - Commission  
Weldon Padgett – City Manager  
Nikki Spencer – Asst. to City Manager  
Scott Bird – City Clerk  
Carolyn Snethen – Deputy City Clerk  
Chuck Bigham-IT Director

**Franklin County**

Don Stottlemire – Chair  
Ed Taylor - Commission  
Don Hay - Commission  
Roy Dunn - Commission  
Don Waymire - Commission  
Jay Newton, Jr. – Interim Administrator  
Shari Perry – County Clerk

**USD 290**

Marge Stevens - President  
Susan Ward - Vice Pres.  
Jeanette Lowry - Member  
Louis Reed – Member  
Jack Bushman - Member  
Mike Sipple - Member  
Jan Collins - Superintendent

**Media**

Chris Bales – KOFO  
Jeanny Sharp – Ottawa Herald  
Cleon Rickle-Ottawa Herald

**Other Attendees**

Tom Weigand – President/CEO, Ottawa Area Chamber of Commerce  
Bob Bezek – Legal Counsel for City and USD 290

Dinner was served at approximately 5:30 p.m. and the Governing Body enjoyed the services of Culinary Pleasures Family Catering from Ottawa, Kansas and conversation with those present.

Thereupon, at approximately 6:40 p.m. the Mayor opened the meeting and asked the participants to introduce themselves and recognized the Honorable State Senators Derek Schmidt and Pat Apple and the Honorable State Legislators Bill Feuerborn, Tom Holland and Bill Otto.

- The City discussed issues with the State Representatives including eminent domain, franchise authority, concealed carry, banking and investment of City idle funds.
- The School District discussed school finance and the State Board of Education.
- The County discussed managing drug abuse and jail/prison overcrowding, road and bridge, growth management, changes in Medicare for ambulance service patients, haul roads related to the Kansas Department of Transportation and Community College out-of-district tuition.

December 5, 2005

- Additional items discussed included discriminatory remarks recently made by a KU professor and a request to the Legislators to help Ottawa with Southwestern Bell regarding the connection this City has through an old style Emerson switch which is outdated and has needed to be improved for some time.

Thereupon at 7:42 the Mayor thanked all the participants and adjourned the meeting.

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Scott D. Bird, City Clerk

December 5, 2005

**City Commission**  
**Special Call Meeting Minutes**  
Ottawa, Kansas  
December 5, 2005

The Governing Body met at 4 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jackson, Commissioner Jorgensen, Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fleer. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor noted a change of venue because of the Legislative Dinner planned later this evening. Thereupon, the Mayor led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the consent agenda. The consent agenda included agenda approval and minutes from October 31, November 7, November 14, November 21, November 28, 2005 Study Sessions and Regular Meeting Minutes from November 2, and November 16, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

**New Business**

**Public Hearing-Unilateral Annexation**

Thereupon, the Mayor opened a public hearing to consider a unilateral annexation in the City of Ottawa on three properties commonly known as 808, 903 and 925 East 23<sup>rd</sup> Street and generally described as the 800-900 Blocks of East 23<sup>rd</sup> Street.

During discussion it was explained this public hearing had been scheduled to receive comments about the annexation of three properties totaling about 49.7 acres. A report on the plan for the extension of municipal services to the respective property has been prepared and following public comments, the staff recommends the hearing be closed and an ordinance to annex be acted upon.

December 5, 2005

Thereupon, Mr. Jim Sands, 6415 Zarda, Shawnee, Kansas asked for clarification and what the City's immediate plans are for this area. Thereupon, Planning and Codes Administration Director, Wynndee Lee, explained the report on the extension of services noting there were four primary goals (1) growth to the existing boundaries of the City; (2) allow the City to resolve utility service issues; (3) clarify jurisdictional boundary lines and; (4) make the City limit boundaries harmonious.

It was noted these properties are currently islands and have been annexed around over the last few years. It makes sense to annex this property into the City. Mr. Sand's asked if he would be allowed to discharge firearms on his property or if that would be prohibited under City Code. Thereupon, the City Manager stated he would be willing to meet with Mr. Sand's and the Police Chief to discuss this issue, but was unable to comment one way or the other at this point in time. In addition, Mr. Sand's asked about the possibility of receiving water service noting that water is currently hauled. It was explained water service would be extended and the cost would be the responsibility of the property owner.

There being no further questions or comments regarding this issue the Mayor closed the public hearing at 4:05 p.m.

### **Ordinance-Unilateral Annexation**

Thereupon, there was presented an ordinance to annex land in the City of Ottawa commonly known as 808, 903 and 925 East 23<sup>rd</sup> Street and generally described as 800-900 Blocks of East 23<sup>rd</sup> Street. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained that as provided by K.S.A. 12-520 a report had been created on the plan for extension of municipal services notice and had been provided at a public hearing held for unilateral annexation of the property. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3534-05.

### **Ordinance-Rezone 2101 S. Main**

Thereupon, there was presented an ordinance to rezone an area within the City of Ottawa and repealing the corresponding section of the zoning map, which is a part of Ordinance No. 3501-05 of the City of Ottawa, Kansas. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Fler, to adopt the ordinance.

During discussion it was explained the request to rezone the area commonly known as 2101 S. Main from C-3 (General Commercial Zoning District) to MU/CI (Mixed Use Commercial Industrial District) was submitted by owners David and Polly Johnson. The change in zoning will allow the expansion of the business (mini storage units) and will allow for a security guard on site. The

December 5, 2005

motion was considered and upon being put, all present voted aye. Thereupon the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3535-05.

### **Resolution-Sales Tax Proposition**

Thereupon, there was presented a resolution to submit to the qualified electors in Ottawa the proposition of levying a half-cent retailer's sales tax for a period of ten years for the limited purpose of property tax relief and support of the general fund operations and capital needs. Thereupon, Commissioner Henningsen made a motion, seconded by Commissioner Jorgensen, to adopt the resolution.

During discussion it was explained this resolution establishes the authority to hold an election for the express purpose of a half-cent sales tax. The resolution prescribes the election to be by mail ballot due on or before March 7, 2006 and contains the ballot language for the election. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No.1349-05.

### **Ordinance-Vacating that Portion of Cedar Street North of Dundee**

Thereupon, there was presented an Ordinance that vacates a portion of Cedar Street right-of-way north of Dundee Street. Thereupon, Commissioner Fler made a motion, seconded by Commissioner Henningsen, to adopt the ordinance.

During discussion it was explained this ordinance vacates a portion of Cedar Street located north of Dundee Street. Kalmar Industries requested to be allowed to expand their associates parking in preparation for a possible facility expansion. The only property owner affected is Kalmar Industries. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3536-05.

### **Reports by Youth Delegates**

Thereupon, Cameron Norwood explained the Youth-in-Government program currently has about five participants, as there are a lot of school conflicts.

### **Reports by Mayor**

Thereupon, Mayor Jackson suggested to the City Manager that a dialogue needs to begin regarding the City Manager's evaluation. The City Manager indicated he would email evaluation forms used for City Employees to the Governing Body if they wished and suggested the evaluation be in late March after the sales tax election.

December 5, 2005

Thereupon, the Governing Body asked Mr. Brian Sharp of the Ottawa Recreation Commission to report on the search for a new Director. Mr. Sharp noted they had twenty applicants and has narrowed the field to seven and are now moving towards interviews with the top candidates. A time frame has not been set, but the board hopes to complete this process sometime around the first of the year.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn. The motion was considered upon and being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 4:29 p.m. and invited the Governing Body to join him at 5:30 pm for the Legislative Dinner in the Commission Chambers.

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Scott D. Bird, City Clerk

December 5, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
December 5, 2005

The Governing Body met at 3:30 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Ordinance-Vacation of Cedar Street**

Thereupon, there was presented an ordinance to vacate a short dead end section of Cedar Street north of Dundee Street and retain a utility easement. Kalmar Industries (Ottawa Truck) would like to expand their associates parking and preparation for a possible expansion and the only property owner affected would be Kalmar Industry. Thereupon, the Governing Body heard from Planning and Codes Administration Director Wynndee Lee who explained this property had never been used as a street and could very easily be vacated.

Blake Jorgensen arrived at 3:33 pm.

Thereupon, the Governing Body agreed by consensus to place this item on the Special Call Meeting Agenda scheduled for December 5<sup>th</sup> at 4 p.m. (today).

**Resolution-Half Cent Sales Tax Proposition**

Thereupon, there was presented a resolution to submit the proposition of levying a half-cent retailer's sales tax. The Governing Body reviewed this resolution with the City Manager noted that the City Bond Council had been involved in drafting this resolution and the resolution prescribes the mail ballot election to be conducted on March 7, 2006 or on another date mutually agreed to by the Governing Body and the County Clerk. The exact wording of the ballot in question is included in the resolution. The Governing Body agreed by consensus to place this item on today's Special Call Meeting at 4 pm.

**Ordinance-Annexation 800-900 Blocks of E. 23rd Street**

Thereupon, the Governing Body reviewed a recommendation to annex three adjacent properties located in the 800 and 900 block Blocks of E. 23<sup>rd</sup> Street (commonly known as 808, 903 and 925 E. 23<sup>rd</sup> St.), containing about 49.7 acres. This is a unilateral annexation and requires a public hearing. The public hearing is scheduled for 4 p.m. today. Thereupon, the Governing Body agreed to place this item on the Special Call Meeting for December 5, 2005 (today) starting at 4 pm.

December 5, 2005

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes for November 28, 2005 and agreed to place this item on the Special Call Meeting agenda for December 5, 2005.

### **Request to Use Ottawa Municipal Auditorium**

Thereupon, the Governing Body reviewed a letter from Darlene Armstrong, President of Franklin County Cancer Foundation, requesting usage of the auditorium on January 22, 2006 (2-6 pm) for a fund raising concert. Thereupon, the Governing Body agreed by consensus to waive the \$250 rental fee for this request.

### **City Hall Day at the Capital**

Thereupon, the City Manager asked who would be attending the City Hall Day at the Capital scheduled for January 26, 2006. Thereupon, Commissioners Henningsen, Jorgensen and Mayor Jackson stated they would be attending. Commissioner Ramsey is undecided and Commissioner Fler said she would not be able to attend.

### **Open Agenda**

Thereupon, the City Manager stated he would be attending a meeting this Saturday at 10 a.m. at the Country Club, to discuss the future of the Country Club and asked if any of the Governing Body members would be attending. Thereupon, Commissioners Jorgensen and Ramsey showed interest in attending.

Thereupon, the City Manager reminded the Governing Body that December 26<sup>th</sup> and January 2<sup>nd</sup> are holidays and there is not a scheduled Study Session prior to the Regular Meeting on January 4, 2006. The City Manager stated if needed a Study Session may need to be held prior to the Regular Meeting on January 4.

Thereupon, the City Manager announced thirty applications for Director of Human Resource has been reviewed. Some applicants were very qualified both in education and experience. The City Manager noted eight applicants went through an intense interview process, which included line level employees, department heads, the City Attorney and himself. Upon the conclusion of the interview process the City Manager said he was pleased to announce that Melissa Fairbanks, the Human Resources Director from the City of Hutchison, Kansas had been selected to replace Judy Hasty. Melissa's start date is scheduled for January 9, 2006. Mr. Padgett thanked the Ottawa Herald for holding off on a recent interview they conducted with Mrs. Fairbanks until after today's announcement. The City Manager reminded the Governing Body of retirement celebrations for Judy Hasty scheduled on the 15<sup>th</sup> and 16<sup>th</sup> of this month.

December 5, 2005

**Adjournment**

There being no further business to come before the Governing Body, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 3:51 p.m.

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Scott D. Bird, City Clerk

December 5, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
December 12, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen and Commissioner Ramsey. A quorum was present.

The Mayor called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Public Hearing-American Eagle Outfitters**

Thereupon, the Governing Body reviewed a notice for a public hearing concerning the American Eagle Outfitters 10 year property tax exemption. A public hearing is scheduled for December 21, 2005, at 9:30 am. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for December 21, 2005.

**Resolution-Authorize Contract-American Eagle Outfitters**

Thereupon, the Governing Body reviewed a resolution to authorize the City to enter into a contract with Retail Distribution West, a wholly owned subsidiary of American Eagle Outfitters, in order to grant a property tax exemption for the new distribution facility and associated equipment. It was explained this tax exemption was requested by American Eagle Outfitters in order to build a separate 540,000 square foot facility as an expansion of current distribution center operations on adjacent property. Thereupon, the Governing Body agreed to place this item on the next Regular Meeting Agenda for December 21, 2005.

**Ordinance-American Eagle Outfitters**

Thereupon, the Governing Body reviewed an ordinance exempting the above-mentioned project from ad valorem taxes for a period of 10 years, beginning in January 2007 and ending in December of 2016. It is necessary for the contract mentioned above to be signed before this ordinance is adopted. Thereupon, the Governing Body agreed to place this ordinance on the Regular Meeting Agenda for January 4, 2005.

**Purchase Agreement-Two Lots West Side of Hickory Street**

Thereupon, City Attorney Bob Bezek discussed with the Governing Body the need for the City to pursue the purchase of the two lots on the west side of Hickory Street, south of 1st Street adjacent to the City-owned parking lot across from City Hall. It was explained the City has an agreement for the purchase within the financial authority discussed. For both the sellers benefit and to help the City during this difficult financial period, the agreement involves payments in 2006 and 2007 of \$6,000, with final payment of the remaining \$53,000 in 2008. This would allow the City over the next three years (pending approval by the Governing Body, design and identification of funding

December 12, 2005

source) to improve the lots to address the parking needs being experienced in the area. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to approve the agreement. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the agreement to purchase the two lots duly approved.

### **Request From KOFO**

Thereupon, the Governing Body reviewed a request from Kathy Niehoff, KOFO Home and Garden Expo representative, who requested the City block off a portion of Hickory Street in front of Ottawa Municipal Auditorium for the Home and Garden Show taking place March 3rd and 4th. Thereupon, the Governing Body requested that the City Manager visit with other businesses in the area and if they agree this isn't a problem for them this request is approved.

### **Monthly Financial and Activity Reports**

Thereupon, the Governing Body reviewed the Monthly Financial and Activity Reports for the month of November.

### **City Response to Snow Storm**

Thereupon, City Manager Weldon Padgett thanked all the work crews who helped clear snow during the recent snowstorm. The City Manager stated the crews had done an excellent job of getting things cleared. Commissioner Ramsey and Public Works Director Andy Haney noted they had received complementary telephone calls on snow removal.

### **Open Agenda**

Thereupon, Mayor Jackson, and Commissioners Jorgensen and Fler, who recently attended the National League of Cities conference in Charlotte, North Carolina, reported on meetings they had attended.

Thereupon, the Governing Body briefly discussed forms and educating the public on the upcoming sales tax election.

Thereupon, the City Manager stated Commissioner Ramsey and himself had attended a recent meeting at the Country Club on the future of the Country Club. The Country Club is looking for ideas and suggestions to remain open. There will be another meeting in January.

### **Announcements**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk  
December 12, 2005

**STUDY SESSION MINUTES**  
**OTTAWA, KANSAS**  
Minutes of  
December 19, 2005

The Governing Body met at 4 pm this date with the following members present and participating to wit: Mayor Jackson, Commissioner Henningsen, Commissioner Fler, Commissioner Jorgensen, and Commissioner Ramsey. A quorum was present.

Mayor Jackson called the meeting to order and asked for public comments.

**Public Comments**

None offered at this time.

**Cereal Malt Beverage-Al-Naz, Inc.**

Thereupon, the Governing Body reviewed an application for a CMB license for Al-Naz, Inc., which was previously denied by the City Attorney due to a state document that the applicant had not filed. It was noted the proper document has now been filed and the City Attorney, Fire and Police Departments find no reason not to grant the license. Thereupon, the Governing Body agreed by consensus to place this item on the Regular Meeting Agenda for December 21, 2005.

**Youth-In-Government Appointments**

Thereupon, the Governing Body discussed the three Ottawa High School students that have been selected for appointment to the Youth-In-Government who will be sworn in at the Regular Meeting on December 21, 2005. The three students are Angie Jamison (grade 12), Sara Humm (grade 11), and Steven Staneslow (grade 9). Thereupon, the Governing Body agreed to place this item on the Regular Agenda.

**Resolution-Public Hearing for Condemnation 308 S Mulberry**

Thereupon, the Governing Body reviewed a resolution to place a public hearing for condemnation of a structure located at 308 S. Mulberry which was damaged by a fire in August 2005. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting for December 21, 2005.

**Resolution-City Limits**

Thereupon, the Governing Body reviewed a resolution describing the legal city limits, which is required to be updated yearly if additional property is annexed (or de-annex) into the city limits. It was noted that in 2005, 24 tracts were annexed and a total of 811.47 acres. Thereupon, the Governing Body agreed to place this item on the Regular Meeting Agenda for December 21, 2005.

**Ordinance-Surface Materials for Parking**

Thereupon, the Governing Body reviewed an Ordinance that amends Article XXII, Section 22-305, regarding allowable surface materials for parking areas. The proposed ordinance would provide

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five types of surfacing options on parking areas and the Planning Commission recommends approval by a 4-0 vote. Thereupon, the Governing Body agreed by consensus to place this item on the next Regular Meeting Agenda for December 21, 2005.

### **Ordinance-Sign Regulations**

Thereupon, the Governing Body reviewed an ordinance amending Article XXVII, Section 27-602, Sign Regulations, concerning the number of signs allowed for a corner lot for home occupations. This amendment allows only one sign per zoning lot, with exceptions for lots with frontage to multiple public streets. Thereupon, Planning and Codes Administration Director Wynndee Lee noted that this action would clean up the existing ordinance. The Governing Body agreed to place this item on the Regular Meeting Agenda for December 21, 2005.

### **Ordinance-Rezone 1600 E Logan**

Thereupon, the Governing Body reviewed an ordinance to rezone 1600 E Logan from County A to C-1 (Office and Service Business District), C-3 (General Commercial District) and R-2/HO-O (Residential with Housing Opportunity Overlay District). A public hearing was held and staff findings were attached for the Governing Body. The proposed rezone of the property is consistent with the surrounding commercial properties. The Governing Body agreed by consensus to hold this request and place this item on the Regular Meeting Agenda for January 4, 2006.

### **Neighborhood Revitalization Program Applications**

Thereupon, the Governing Body reviewed applications for the Neighborhood Revitalization Act (NRA) for properties located at 825 E Wilson and 1004-1006 N Cherry. It was explained both properties are located outside the current boundaries of the NRA. The NRA Committee, due to their unique conditions, recommends both for inclusion. Thereupon, the Governing Body agreed to place these applications on the Regular Meeting Agenda for December 21, 2005.

### **Review of Minutes**

Thereupon, the Governing Body reviewed the minutes from Study Sessions December 5, 12, 2005 and for December 5, Special Call and Legislative Dinner Meetings and agreed to place these items on the next Regular Meeting Agenda with one change.

### **Items for Discussion**

#### **Sales Tax Election**

Thereupon, the Governing Body reviewed a list of civic organizations and their regular meeting times to set up informational presentations about the sales tax election. Thereupon, the Governing Body continued discussion on the sales tax presentations and education and agreed to have two public forums to be held on February 13, 2006. The first will be at Noon and the other one at 6:30 pm in the City Commission Chambers.

December 19, 2005

**Tree Board Vacancy**

Thereupon, the Governing Body discuss a vacancy on the Tree Board and staff asked for direction on how to advertise the vacancy. Thereupon, the Governing Body agreed to advertise as they do for other vacancies.

**Open Agenda**

**Additional Items-Monthly Reports**

Thereupon, the Governing Body reviewed additional items that had been submitted for monthly reports for the month of November.

**Interlocal Agreement**

The City Manager noted a date has been set (January 12) for City and County Commissions and respective Planning Commissions to discuss the interlocal agreement.

**League of Kansas Municipalities**

Thereupon, Mayor Jackson discussed items reported at the recent League meetings he had attended.

**FBI Academy**

Thereupon, City Manager Weldon Padgett requested that the Governing Body hear a brief report from Police Chief Dennis Butler who had recently returned from the FBI Academy. Thereupon, Chief Butler thanked the Governing Body and City Manager Weldon Padgett for the opportunity to attend the academy. Chief Butler noted the academy has been in place for 70 years and a lot of great training and knowledge comes out of the time spent at the academy and with other law enforcement officers from the United States, as well as, from other countries. In addition, Chief Butler stated there was a lot of interest in the domestic violence grant the City of Ottawa had recently been awarded.

**Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Henningsen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned.

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Scott D. Bird, City Clerk

December 19, 2005

**City Commission**  
**Regular Meeting Minutes**  
Ottawa, Kansas  
December 21, 2005

The Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Commissioner Ramsey, Commissioner Henningsen, and Commissioner Fler. Mayor Jackson and Commissioner Jorgensen were absent. A quorum was present.

The Mayor pro tem called the meeting to order and welcomed the Chamber Audience. Thereupon, the Mayor pro tem led the Pledge of Allegiance to the American flag and the invocation was given by Rev. Katrina Palan, from First Christian Church.

**Consent Agenda**

Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fler, to approve the consent agenda. The consent agenda included agenda approval and minutes from December 5, 12, 2005 Study Sessions and Special Call Regular Meeting and Legislative Dinner Meeting Minutes from December 5, 2005. The motion was considered and upon being put, all present voted aye. Thereupon, Mayor pro tem Henningsen declared the Consent Agenda duly approved.

**Regular Agenda**

Thereupon, Mayor pro tem Henningsen made a presentation to the Director of Human Resource Judy Hasty. It was noted Ms. Hasty is retiring after 25 years of service with the City of Ottawa.

**Public Comments**

None offered at this time.

**City Commission Declarations**

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

Thereupon, Commissioner Jorgensen arrived at 9:34 am.

Thereupon, Deputy City Clerk Carolyn Snethen noted that due to Mayor Jackson being absent Mayor pro tem Henningsen will be referred to as Mayor for the rest of the meeting.

**Public Hearing-American Eagle Outfitters**

Thereupon, it was announced that a public hearing will be opened for consideration of a tax exemption for Retail Distribution West, L.L.C. a wholly owned subsidiary of American Eagle Outfitters.

During discussion it was explained the public hearing has been scheduled to receive comments about a tax abatement for American Eagle Outfitters, Inc., on a 540,000 square foot facility and December 21, 2005

eligible tangible property for expansion of its existing operations. The City Manager and staff made a short presentation of the application and process related to the project and tax abatement. Following public comment, it was recommended that the hearing be closed and the Resolution be acted upon.

Thereupon, at 9:35 am Mayor Henningsen opened the public hearing.

Thereupon, Mark Anderson, a representative of Retail Distribution West, L.L.C, spoke about the positive impact American Eagle Outfitters has had on the City with regards to jobs, utilities, supplies, and dollars spent in our community.

Thereupon, City Manager Weldon Padgett stated this will be a great community benefit as this is a huge project and a good employer that we would like to see grow in our community. Mr. Padgett explained the resolution before the Governing Body, will allow staff to move forward in the process for the tax abatement. Under the current City policy the applicant is eligible for 100% tax abatement for 10 years.

Thereupon, Commissioner Fleer asked if USD 290 had approved this request. Thereupon, City Clerk Scott Bird stated USD 290 and the Franklin County Commissioners had been notified of the public hearing being held today.

There being no further questions or comments regarding this issue the Mayor closed the public hearing at 9:41 am.

#### **Resolution-Authorize Contract With American Eagle**

Thereupon, there was presented a resolution authorizing the City of Ottawa to create and enter into a contract with Retail Distribution West, L.L.C., a wholly owned subsidiary of American Eagle Outfitters, Inc., for the purpose of granting a property tax exemption pursuant to Article 11, Section 13, of the constitution of the State of Kansas and the tax exemption policy of the City of Ottawa. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to approve the resolution.

During discussion it was explained this resolution authorizes the City Manager to develop an agreement describing the terms and conditions under which American Eagle Outfitters Inc., would be provided a property tax exemption for a new facility and eligible tangible property. A public hearing has been held and a cost benefit analysis has been completed. Once the agreement has been finalized it will be brought to the City Commission, along with an Ordinance, to formalize the tax abatement. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1350-05.

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### **Youth-In-Government Appointments**

Thereupon, the Governing Body made the following appointments to the Youth-In-Government Council. Angie Jamison (Gr. 12), Sara Humm (Gr. 11) and Steven Staneslow (Gr. 9) Thereupon, City Clerk Scott Bird administered the Oath of Office.

### **Cereal Malt Beverage License-Al-Naz, Inc.**

Thereupon, there was presented an application to approve the cereal malt beverage license application for Al-Naz, Inc. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Jorgensen, to approve the application.

During discussion it was explained Al-Naz, Inc. had previously been denied approval from the City Attorney on the basis that the company had not filed the proper state documentation. It was explained this issue has now been addressed, the City Attorney, Police and Fire Departments see no reason to deny the application as presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the application duly approved.

### **Resolution-Setting Public Hearing-Condemnation 308 S Mulberry**

Thereupon, there was presented a resolution fixing the time and place and providing for notice of a hearing before the Governing Body of the City of Ottawa, Kansas, pursuant to K.S.A. 12-1750, et seq.; at which time the owners, their agents, lien holders of record and any occupants of the structures located on Lot 8, Block 89, Original Town (also known as 308 S. Mulberry) may appear and show cause why the structures should not be condemned and order repaired or demolished. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to approve the resolution.

During discussion it was explained this resolution sets a public hearing for condemnation of a structure that was damaged by fire in August, and following several inspections by City staff is deemed to present a threat to the public's health, safety and welfare. It was noted the owners are aware that the hearing is being set. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1351-05.

### **Resolution-Defining and Declaring Territorial Limits and Boundaries**

Thereupon, there was presented a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 1307-04. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Fleer, to approve the resolution.

During discussion it was explained at the conclusion of any year in which the boundaries of the City changes, a resolution must be passed defining the city limits. In 2005, more than 800 acres were annexed into the city. The motion was considered and upon being put, all present voted

December 21, 2005

aye. Thereupon, the Mayor declare the resolution duly adopted and the resolution was duly numbered Resolution No. 1352-05.

### **Ordinance-Parking Surfacing Material**

Thereupon, there was presented an ordinance amending Article XXII, Section 22-305, Off Street Parking and Loading Regulations, of the Zoning Ordinance No. 3501-05, for the City of Ottawa, Kansas. Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained this ordinance outlines the approved surfacing materials for parking areas. There are four options for the minimum surfacing standards for parking areas, as well as, a fifth option that allows for engineer design and acceptance by the City Engineer for unusual cases. The Planning Commission has reviewed the Ordinance and by a 4-0 vote recommended approval. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3537-05.

### **Ordinance-Zoning Ordinance/Sign Regulations**

Thereupon, there was presented an ordinance amending Article XXVII of the Zoning Ordinance No. 3501-05 for the City of Ottawa, Kansas specifically Section 27-602, Letter A, of the sign regulations. Thereupon, Commissioner Fleer made a motion, seconded by Commissioner Ramsey, to adopt the ordinance.

During discussion it was explained this ordinance amends the sign regulations within the zoning regulations. Currently, one sign per zoning lot is permitted, however, if a zoning lot has frontage on two or more public streets, additional signage may be permitted. This amendment limits home occupations to one sign, regardless of street frontage. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3538-05.

### **Neighborhood Revitalization Program**

Thereupon, there was presented applications for the Neighborhood Revitalization Program. Thereupon, Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to approve the applications.

During discussion it was explained the applications for the Neighborhood Revitalization Program have been submitted for the following projects: residential properties of 1004-1006 N. Cherry and 825 E. Wilson. The NRA Review Committee recommends approval of both applications. The rebates for property tax are provided under this program as an encouragement for people to invest in certain areas of the community. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the applications duly approved.

December 21, 2005

### **Reports by Youth Delegates**

Thereupon, the Governing Body heard from the three newly appointed Youth-In-Government members who stated why they wanted to be in the program and what their future goals are.

### **Reports by Mayor**

Thereupon, Mayor Henningsen wished everyone a safe and happy holiday.

### **Announcements**

Thereupon, the Mayor announced:

1. December 26th and January 2nd: No Study Sessions
2. January 4, 2006: Study Session depending on the items may be at 6 or 6:30 pm
3. January 9, 2006: Study Session at 4 pm

### **Adjournment**

There being no further business to come before the Governing Body Commissioner Ramsey made a motion, seconded by Commissioner Jorgensen, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 9:56 am.

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Scott D. Bird, City Clerk

December 21, 2005