

City Hall - January 2, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held December 19, 1979 were corrected as follows: the second paragraph, page 95 was changed to reflect that a tract of 55 acres or more engaged in agricultural uses cannot be unilaterally annexed by a city. The minutes as written spoke of a tract of 50 acres or more. The balance of the minutes were approved as written.

Ordinance No. 2638 - Annexation

An ordinance annexing a tract of land bounded on Cherry Street, North Street, Davis Street and Garfield Street described as the north $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25, Township 16, Range 19 containing 80 acres, more or less, was considered. The City Manager was then called upon to explain the reasons for annexation. City Manager Mills explained that it is deemed necessary to annex this tract of land inasmuch as it is three-fourths surrounded by the city and that by annexation of the tract, it would serve to square up the city boundary under the definition of the squaring of city boundaries. Further, that virtually there has been a series of public hearings concerning this annexation inasmuch as it was first considered by the Planning Commission public meetings and is now being considered by the City Commission for the second time at public meetings.

Mr. Vernon Johnson, who resides within this tract, spoke opposing the annexation, stating that he had recently talked to the County Attorney concerning the definition of a 55 acre tract and that the County Attorney had informed him that the language in the Statute on this subject could be interpreted two ways. Mr. Johnson then asked who had rendered the definition under which the city is proceeding. City Manager Mills stated that Mr. Schachter, the city's planning consultant, had stated that the opinion of the Kansas Attorney General was such that the word 'tract' as used applies to a single ownership.

Mr. Mills then addressed the subject of regulating and screening of salvage yards. Mr. Mills stated that the city ordinance dealing with the regulation of salvage yards states that all salvage yards in existence at the time of passage of said ordinance had one year to conform to the city regulation. The ordinance does not deal with areas being annexed which contained a salvage yard. Mr. Mills stated that it could also be construed that inasmuch as the ordinance allowed one year for conformance from its passage, it might also allow one year for salvage yards being annexed into the city. The area of the salvage yard is presently screened on the north by a line of trees which have not as yet obtained their growth and that this type of screening might also be achieved on the other sides of the salvage yard.

It was pointed out that the city now furnishes electrical power and water to this area but that this area is not as yet served by sanitary sewer. Another concern expressed for the total area being considered for annexation was the drainage of surface water which may pose a problem. It was felt, however, that with this area being under control of the city, a solution to the surface water drainage might be achieved.

Commissioner Nichols made a motion to pass an ordinance annexing the foregoing described area. The motion was seconded by Commissioner Marstall. Commissioner Snyder then made a motion to table any action on this annexation. This motion died for lack of a second. Upon call for the question, the vote on the original

motion resulted in Mayor Gaynor and Commissioner Nichols, Marstall and Larson voting in favor of the motion and Commissioner Snyder abstained from voting.

Ordinance No. 2639 - Annexation

An ordinance annexing a tract of land located on the south side of East 15th Street 200' in depth extending from the Birzer Addition to the Orchard Heights Addition described as follows was considered:

Commencing at a point on the north line of Sec. 12, Twp. 17S, Rng. 19E, 34 1/2 feet east of the west line of Mulberry Street, City of Ottawa, produced, thence east 1185 1/2 feet, thence south 200 feet, thence west to the east line of Birzer Addition to the City of Ottawa, Kansas, thence northeasterly along said line to place of beginning, being in the N.W. 1/4 and the N.E. 1/4 of Sec. 12, Twp. 17S, Rng. 19E, Franklin County, Kansas.

Commissioner Marstall stated that inasmuch as the fears of Mr. Dan Fogle concerning the possibility of drilling for natural gas on this property and the construction of a home on this property had been answered satisfactorily that he would make a motion as follows. Commissioner Marstall then made a motion that the area described under the heading of Ordinance No. 2639 be annexed to the city and that a copy of the minutes of the meeting of December 19, 1979 in which Mr. Fogle's fears were stated and appropriately answered be mailed to him along with an explanation of this action. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2640 - Defining City Limits

An ordinance defining the corporate boundaries of the city as of December 31, 1979 was introduced. It was explained by City Manager Mills that state law requires the passage of such an ordinance each year as this action clearly defines the boundaries of the city for taxing and city service policies. It was explained that the ordinance is of four legal pages in length and is made up entirely of meets and bounds descriptions. Commissioner Larson made a motion to withhold passage of this ordinance as he wished to read it in its entirety before its passage. It was explained that the passage of this ordinance is a technical requirement of the state and is drawn by the City Engineer. Commissioner Larson withdrew his motion. A motion for passage of said ordinance was made by Commissioner Snyder, seconded by Commissioner Larson and all present voted in favor of the motion.

Comments on Non-Directional Airport Beacon

Mr. Hank Claterbos, General Manager of the King Radio Corporation in Ottawa, reported that the non-directional beacon which had been given to the city by King Radio was now in operation. Mr. Claterbos stated that King Radio had given the city the beacon along with the necessary ground wires and that the city had made the installation, inclusive of running the power supply to the beacon. Mr. Claterbos stated that he had notified the FAA that the beacon was now operating and that it would be inspected by the FAA and included on the aerial flight maps. Mr. Claterbos also said that he had flown from Johnson County homing on the beacon and that it was working properly. The City Commission went on record as thanking Mr. Claterbos and King Radio for their donation to the airport and their efforts in this area.

Mr. Claterbos also stated that the King Radio Corporation would maintain the beacon.

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



City Clerk

City Hall - January 16, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held January 2, 1980 were approved as written.

Report of the Planning Commission

The Planning Commission held its regular meeting on January 8, 1980. Following is a report of that meeting:

"The City Planning Commission met in regular session at 7:00 p.m. on January 8, 1980. Present: Chairman Kaiser and members Gaeddert, Powell, Koch, Wellington, Spears and Thornburg. Absent: none.

The minutes of the last regular meeting held on December 4, 1979 were approved as written.

The Planning Commission decided by a 7 - 0 vote to recommend that all taxicabs operating in the City of Ottawa must be inspected annually by a state licensed and authorized agency. The Planning Commission decided by a 6 - 0 vote with one abstention to recommend that all drivers of taxicabs carry a valid Class C drivers license and must be 18 years of age or older. The Planning Commission decided by a 7 - 0 vote to recommend that all taxicabs carry the following insurance limits: \$100,000 per person per occurrence, \$300,000 per accident and \$100,000 property damage. The Planning Commission instructed the city staff to have the City Attorney draft a penalty clause to insure that these provisions are complied with.

The Planning Commission decided by a 7 - 0 vote to recommend that the city contract with the consulting firm of Bucher & Willis to provide planning advisory services for the coming year. The Planning Commission decided by a 6 - 0 vote with one abstention to instruct the city staff to begin a feasibility study on the possible annexation of an area bounded by Wilson on the north, 1/4 mile south of K-68 and then eastward to I-35.

The Planning Commission decided by a 6 - 0 vote with one abstention to call a public hearing at the February meeting to consider amendments to the zoning ordinance which would allow higher density apartment complexes for elderly persons."

It was discussed at the end of the report of the Planning Commission meeting that the subject of safety concerning taxicab service needs to be given consideration. There have been complaints of the condition of the vehicles and of the age of the drivers.

Contract - Bucher & Willis, Planning Consultants

A contract for the continuing service of Bucher & Willis, Planning Consultants, for planning services for 1980 was introduced. It was explained by David Watkins, Administrative Assistant, that the rates for planning services under the new contract have increased 10 to 15% and that the city budget for planning services has been increased from \$4,000 to \$5,000. It is hoped that the increased amount will allow for a land use study of southwest Ottawa. A motion to approve the contract with Bucher & Willis, Planning Consultants, for planning services for 1980 and to authorize the Mayor to sign said contract was made by Commissioner Larson, seconded by Commissioner Nichols and all present voted in favor of the motion.

Contract No. 5 - Electric System Improvements

It was reported by the City Manager that the consulting firm of A. C. Kirkwood & Associates has recommended the awarding of Contract No. 5, power piping, for our electric system improvements to the Gibson Hart Company in the amount of \$464,000. The bids received ranged from a low of \$464,000 to a high of \$892,524. The low bid of the Gibson Hart Company does exceed the original estimate of construction costs; however, the additional amount can be covered from the contingency allowances for the total project. The engineer's estimate for the purpose of receiving bids was \$535,000. The engineers also recommended that a Notice to Proceed be issued as of this date to allow the Gibson Hart Company to place orders for the equipment necessary to complete this contract.

Commissioner Snyder made a motion to award Contract No. 5, power piping, to the Gibson Hart Company in the amount of \$464,000, to authorize the Mayor to sign said contract and to authorize the issuance of a Notice to Proceed as of this date. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Contract No. 6 - Power Wiring

It was reported by the City Manager that the consulting firm of A. C. Kirkwood & Associates recommends the awarding of Contract No. 6, power wiring, to the Harold K. Scholz Company for a contract price of \$318,800. The high bid was \$431,900 and the engineer's estimate of \$460,000. The Governing Body questioned the time completion element of the Harold K. Scholz Company bid of 330 days. The City Manager reported that the engineers had been in contact with Mr. Scholz and Mr. Scholz gave his personal assurances that this project would proceed expeditiously. Mr. Scholz stated that he would not attempt to hold the total project up but the time frame stated in his bid was a protection for him. The engineers also recommended that a Notice to Proceed as of this date be issued to allow Mr. Scholz to place orders for the equipment necessary to complete the contract. Commissioner Larson made a motion that Contract No. 6, power wiring, be awarded to the Harold K. Scholz Company in the amount of \$318,800, that the Mayor be authorized to execute the contract and that a Notice to Proceed be issued as of this date. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Contract - Mid States Armature Works

It was reported by the City Manager that the bid received by Mid States Armature Works on December 19, 1979 for 2 500 KVA transformers in the amount of \$16,000 was not a valid bid in that the transformers bid did not meet specifications. Specifications set forth that the 2 500 KVA transformers are for indoor duty and should contain a non-flammable coolant. The transformers bid by Mid States Armature Works are cooled by a flammable oil. The consulting engineers have been in contact with Mid States Armature Works and they have resubmitted a bid for silicon cooled transformers in the amount of \$20,095. It was discussed that this procedure is a little out of the ordinary in that you would not normally allow a company to submit a bid after all other bids are known. However, as reported by the consulting engineers, the percentage markup on the new bids is the same as the percentage markup on the old bids. The consulting engineers, therefore, recommend awarding the contract for 2 500 KVA transformers to Mid States Armature Works for \$20,095.. Other discussions pointed out that Mid States Armature Works was also the low bidder for neutral reactors in the amount of \$3,000 and station batteries and charger for \$3,232 wich with the new bid for the transformers of \$20,095 would make the total contract \$26,327.

Commissioner Marstall made a motion that a contract be awarded to

Mid States Armature Works for 2 500 KVA transformers with silicon coolant in the amount of \$20,095, neutral reactors in the amount of \$3,000 and station batteries and charger in the amount of \$3,232 for a total of \$26,327 and to authorize the Mayor to sign the contract. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Comments on Proposal of Alcohol

The City Commission and the City Manager discussed briefly the city's concern for the manufacture of alcohol for fuel purposes utilizing waste heat at the electric generating plant. The City Manager and City Commission were enthused of the possibilities, that this might insure adequate fuel supplies for our power plant inasmuch as a by-product of the waste heat would be the manufacture of another fuel. The City Manager reported that the city has been in contact with the State Energy Office and are to meet with representatives of the State Energy Office concerning these possibilities within the next week.

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



City Clerk

City Clerk's note: Mid States Armature Works informed the city the afternoon of January 16, 1980 that inasmuch as their contract had not been awarded within 30 days of the bid opening that they would not participate, that they are no longer obligated to furnish the transformers, neutral reactors and batteries and charger. Mid States Armature Works thereby withdrew their bid.

City Hall - February 6, 1980

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Pro-tem Larson, and Commissioners Marstall, Snyder and Nichols. Absent: Mayor Gaynor.

Approval of Minutes

The minutes of the last regular meeting which was held January 16, 1980, were approved as written.

Public Hearing - Dangerous Structures

A Public Hearing was held to determine whether structures located at 130 N. Locust and 911 E. Wilson are dangerous and unsafe, as set forth by Resolution #242. The Assistant City Attorney, Joyce Hendrix, stated that she is proceeding under Ordinance 2566, the building code, to determine whether such structures are unsafe and dangerous. The Assistant City Attorney stated that all owners and lien holders have been served notice of this hearing, either by certified mail, or certificate of personal service. The City Inspector, James Shaw, was called upon to testify as to the condition of these structures. Mr. Shaw presented pictures of the structures which attested to their condition in a visual manner. Mr. Shaw stated that the structure, a house located at 130 N. Locust had been the victim of a fire a few months ago and that it was more than 50% destroyed. Mr. Shaw stated that the structure at 130 N. Locust has no utility service, the ceilings have fallen in and that it had not been lived in for some time prior to the fire. Mr. Shaw testified that the structure located at 911 E. Wilson is a barn which is leaning very badly and is open. Both structures are in residential areas.

Mr. Gilford Diamond, Assistant Director of Public Safety, testified that the pictures submitted by Mr. Shaw fairly represent the condition of the structure and that he had briefly viewed the structure due to its unsafeness. Mr. Diamond testified that the structure at 130 N. Locust had been on fire six to seven months ago, and that it was estimated to be 80 to 90% damaged. Mr. Diamond stated that the fire was set by small boys who had gained entrance to the structure.

Mr. Diamond then testified that the building at 911 E. Wilson is open to the public and is surrounded by trash and tall dry grass. Mr. Diamond then stated that both structures were accessible to the public and he had been inside the structure on N. Locust at the time of the fire, but he had not been in the structure on E. Wilson. He also stated the building was a fire hazard.

Mr. David Watkins, Administrative Assistant, stated that the structure at 130 N. Locust had been on fire in June or July, and that the owner had stated that he wanted to rebuild following the fire. Zoning regulations however prohibits the rebuilding of this structure because it is non-conforming and over 50% destroyed. Mr. Watkins stated that the owner had been informed of the procedure to change the city's ruling on this structure. Mr. Watkins further stated that Mr. Earl Devore, Architect, had inspected the structure on N. Locust and his determination was that it was beyond repair. The reason for the non conforming status of the structure on N. Locust is that it is located close to the structure to the south of it, and that it could only be rebuilt if the owner received a variance.

Mrs. Jim Poe, wife of the owner of the structure on N. Locust, stated that her husband was unable to attend today and she was appearing in his behalf. Mrs. Poe stated that the destruction of this structure is overemphasized by the City, that it could be rebuilt, and that the house is not accessible to the public as she had inspected it as late as this morning. Mrs. Poe said the top levels of the house have been taken off and that there is currently no cover over the bottom level, the house was originally a three story structure.

Mr. Cecil McAdoo, owner of the property at 911 E. Wilson, upon which the barn is located, stated that he was in the process of tearing it down but that with recent events and winter it will take a little more time to complete the demolition. Mr. McAdoo's home in rural Ottawa has recently burned and he has moved into the house located at 911 E. Wilson, the property upon which the barn is located.

Commissioner Snyder made a motion to take the determination of findings on these two structures under advisement until the next regular meeting of February 20, 1980. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Public Hearing - Community Development Grant

As required by federal regulations, the first Public Hearing was held on the final application for Community Development funds, in the amount of \$486,000, for 1980. Mr. David Watkins, Administrative Assistant, stated that this hearing is the first of two required hearings on the final application. The amounts and categories for which the City has been approved for final application are as follows: Housing rehabilitation, loans and grants, \$121,000, storm sewer construction, \$335,000, Administrative, \$20,000 and demolition, \$10,000, for a total of \$486,000. There was no one present to comment concerning the final application. Mr. Watkins stated that the present Community Development Grant is near completion in all areas except in the areas of housing rehabilitation and alley clean up, both are about 50% completed.

Mrs. Jim Poe stated that in the area of alley clean up that she was aware of some areas that had trash stored in the alley. Upon request of the City Commission Mrs. Poe agreed to give the locations of these alleys to the City, so that the City might follow up on this situation.

This Public Hearing was concluded with the statement that the second Public Hearing on this will be held during the regular Commission meeting of Feb. 20, 1980.

Ordinance - Taxicab Regulations

An Ordinance setting forth regulations for the operation of taxicabs in the City of Ottawa was considered. The Ordinance sets forth that all drivers henceforth must be 18 years of age or older, and hold a valid, Class C, Kansas Driver's License, that all vehicles used as taxicabs must be annually inspected by a State authorized vehicle inspection station, and that all vehicles must carry liability insurance in the amount of \$100,000 bodily injury, per person, \$300,000 bodily injury per accident, and \$50,000 property damage arising out of any one accident. Jeannies Cab service was represented by Mr. Fred Scott, and the Family Taxi service was represented by Mr. Don DeCock. Mr. Scott stated that he personally carried insurance in the limits of \$15,000, 30,000 and \$5,000, and that the increased limits of insurance as proposed would increase his annual insurance premium in an amount of approximately \$600 per year which would make it impossible for his company to continue to operate in the city. Mr. Scott stated that the day the new insurance limits go into effect his company will cease operating. Mr. DeCock has no comment on the proposed regulations. The consensus of the Governing Body was that they felt that additional regulations concerning the operation of taxicabs in the City of Ottawa are necessary but that they did not want to place an undue burden on the taxicab companies.

Mr. Snyder made a motion that action on this Ordinance be tabled until the meeting of Feb. 20, at which time action will be taken. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion, except Mayor Pro-Tem Larson who abstained from voting.

Resolution #243 - Paving - Spruce Street

A Resolution directing and ordering a Public Hearing to determine the advisability of improving Spruce Street, from the north line of Logan Street to the south line of Wilson Street, was considered. The proposed improvement is to be constructed of 6" reinforced concrete or 8" asphaltic concrete paving. The cost of the improvement would be absorbed by the benefit district and the city-at-large, with the benefit district paying \$201,986.14 and the city paying \$110,224.08, for a total of \$312,210.22. Commissioner Marstall made a motion that the Resolution be passed, calling the hearing for 9:35 a.m. March 5, 1980. The motion was seconded by Commissioner Snyder and Mayor Pro-tem Larson and Commissioners Marstall, Snyder and Nichols voted in favor of the motion with no one voting in opposition to the motion.

Report of the Planning Commission Meeting

A report of the Planning Commission meeting of Feb. 5, 1980 is as follows:

The City Planning Commission met in regular session at 7:00 p.m. on February 5, 1980. Present: Vice-chairman Gaeddert and members Powerll, Koch, Spears, Thronburg and Wellington. Absent: Chairperson Kaiser.

The minutes of the last regular meeting held on January 8, 1980 were approved as written.

The Planning Commission met with representatives of the Library Board to consider their request to analyze sites for a potential new library. The Planning Commission took this request under advisement.

The Planning Commission decided by a 6 - 0 vote to recommend the vacation of Sycamore Street from 3rd Street northward to the impoundment area.

The Planning Commission held a public hearing on proposed amendments to the Zoning Ordinance which would allow a higher density for apartments for the elderly and the handicapped. In accordance with Planning Commission bylaws, action on this matter was deferred until the March meeting.

The Planning Commission decided by a 6 - 0 vote to call for a public hearing at the March meeting to consider the rezoning of parts of Lots 3 and 5, Block 47, Original Town of the City of Ottawa.

No action was taken on this report at this time.

Request of Ottawa Retail Association

Mr. Clarence Koch, representing the Ottawa Retail Association, requested permission for the merchants of the central business district to hold a sidewalk sale February 20, 1980. Mr. Koch said that this would encompass the area on Main Street from First to Fifth Streets and that the merchants are not asking for free parking or curtailment of parking of vehicles in this area. The City Commission questioned the feasibility of having a sidewalk sale during the winter months. Mr. Koch stated that they had held a sidewalk sale in the same time period last year with great success. Commissioner Nichols made a motion to approve the request for a sidewalk sale on February 20, the motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Request of Mr. Lester Graham

Mr. Lester Graham, Vice President of Baxter Mobile Homes, and representing also Mr. Don Ledbetter of Todd Mobile Homes, asked the City Commission to give consideration to allowing the placement of mobile homes in any residential areas of the city. Mr. Graham spoke of recent court rulings by which mobile

homes could be placed in any residential areas, citing that to require mobile homes only in certain areas is discriminatory. It was also pointed out that the court rulings Mr. Graham spoke of were not in the State of Kansas, nor would they effect the State of Kansas. Mr. Graham stated that he had written to the Planning Commission concerning this issue on December 16, 1979, and that he was not pleased with the response he received from the Planning Commission. It was explained by the City staff that the consulting firm of Bucher & Willis had done a survey of the areas previously zoned for mobile homes and that it was their conclusion that we have ample areas for placement of these types of homes. No action was taken on the request of Mr. Graham.

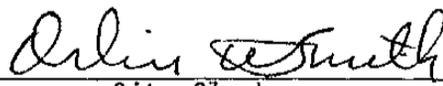
Proclamation - American Historical Month

The month of February was proclaimed "American Historical Month" in the City of Ottawa by Mayor Protem Leonard Larson, with approval by the City Commission.

Holiday Observance - George Washington's Birthday

City Manager, Robert W. Mills, requested that the city employees be allowed to forego the observance of Washington's Birthday on February 18 and to observe the day after Christmas in 1980 as a holiday in place of George Washington's Birthday. It was explained that this was done in a similar manner in 1979, and that Christmas falls on a Thursday in 1980 and by observing the day after it will give the City employees a four day weekend. A motion to approve the request was made by Commissioner Nichols, seconded by Commissioner Snyder, and all present voted in favor of the motion.

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



City Clerk

City Hall - February 20, 1980

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Pro-tem Larson and Commissioners Snyder, Marstall, and Nichols. Absent: Mayor Gaynor.

Approval of Minutes

The minutes of the last regular meeting which was held February 6, 1980 were corrected as follows: Page 7, 3rd paragraph under heading, "Public Hearing - Dangerous Structures" was changed to reflect that Mr. Diamond also stated that the building at 911 E. Wilson is a fire hazard. Page 7, 1st paragraph under heading, "Public Hearing - Dangerous Structures", the minutes were corrected to indicate that the ceilings have fallen in in the structure at 130 N. Locust. Page 8, last paragraph, the vote taken to table action on the ordinance setting forth taxicab regulations should indicate that Mayor Pro-tem Larson abstained from voting and all others present voted in favor of the motion. The balance of the minutes were approved as written.

Public Hearing - Assessments - Sewer District 158

A public hearing was held at this time to review the charges assessed against properties within Sewer District 158. Total cost of the improvement is \$34,271.62 of which \$31,605.32 is payable by the benefit district.

Mr. Jules Doty, attorney representing Wm. T. and Dorothy E. Dawson, appeared before the City Commission, submitting objections to the method of assessment. The Dawson's own two tracts of land within the benefit district and the combined cost to the Dawson's comprises about 25% of the benefit district cost. Mr. Doty stated that he did not feel that the method of establishing the special assessments was fair and equitable in that the largest tract of land owned by the Dawson's which is in the benefit district is landlocked for development purposes but is charged the largest amount in the benefit district.

The City Manager, Robert Mills, responded to Mr. Doty's comments that Kansas Statute sets forth that properties in a benefit district may be assessed by the square foot or by appraisement and that a former Governing Body had elected to assess sewers by the square foot as there seemed to be many inequities built into the appraisement method. Mr. Doty stated that he was not attempting to tell the city how to spread the special assessments but he did not feel the present assessment method properly distributed the costs of the improvement to those who benefitted most from the lateral sewer. Mr. Doty further indicated that if the city chose to proceed with the present assessment rolls on this project that he might proceed through the District Court.

Mr. Preston Thompson, owner of property within the assessment district, asked if persons presently using septic systems could be forced to connect to the new sanitary sewer. The City Manager responded that if a person using septic systems that allow raw sewage to seep to the surface of the ground is within 200' of a sanitary sewer that the city could cause the connection to the sanitary sewer to be made. It was further indicated that the city would proceed to look for present septic systems that are defective and bring necessary action to connect the sewers to the city's sanitary sewer system.

Commissioner Nichols made a motion that any action on the special assessments be tabled until the next regular meeting of March 5, 1980 to allow the Commission to study them further. The motion was seconded by Commission Marstall and all present voted in favor of the motion.

Resolution No. 244 - Condemnation - 130 N. Locust

A resolution making a finding concerning the condition of a structure located at 130 N. Locust, directing the removal of such structure and making other findings and orders pursuant to Ordinance No. 2566 of the City of Ottawa was considered. Commissioner Snyder stated that at the last regular meeting of the City Commission that the Commission heard testimony and evidence that the structure at 130 N. Locust was dangerous and unsafe. Commissioner Snyder then made a motion to pass Resolution No. 244 which makes findings that the structure located on said property is dangerous and unsafe and directs the removal of said structure by April 15, 1980. The motion was seconded by Commissioner Nichols.

Mr. Jim Poe, owner of the property above described, stated that at the hearing at the prior meeting, the staff had made untrue statements concerning his property. Mr. Poe stated that the bricks on the roof of the dwelling next to his house did not come from his house but that they had fallen from the chimney on the house from which they lay. Mr. Poe said that since the day of the fire in his house that the top two stories and the chimney had been carefully removed from the structure and that none of the debris from his house was on the neighboring property. Mr. Poe further stated that the garage on the property next to his is dangerous and unsafe and that the foundation under the house itself on the property next to his is virtually non-existent. Mr. Poe stated that the statements of Deputy Director of the Department of Public Safety, Mr. Diamond, were untrue in that his house is secured from entry by the public. Mr. David Watkins, Administrative Assistant, stated that he could have made a mistake in assuming that the bricks were from Mr. Poe's house but it would appear that they were.

Commissioner Snyder stated that the City Commission had heard estimates from professionals and that according to the evidence they had heard, the house was more than 50% destroyed. Mr. Snyder suggested that perhaps Mr. Poe could apply for a variance to the zoning regulations and proceed to rebuild his house. Mr. Snyder also suggested that if Mr. Poe received a variance that possibly he should remove the house north to increase the distance between his house and the house to the south. Mr. Poe stated that he was not aware of the possibility of receiving a variance, that he had been busy cleaning up debris and tearing off the top two stories of the house since it had burned. Mr. Poe suggested that if the city wanted the house moved that possibly the city should move its dike to allow him room to move his house.

Upon call for the question, Mayor Pro-Tem Larson and Commissioners Snyder and Marstall voted in favor of the motion and Commissioner Nichols abstained from voting, saying that she was concerned for people's rights in these matters.

Resolution No. 245 - Condemnation - 911 E. Wilson

A resolution making findings concerning the condition of a certain structure, directing the removal of such structure and making certain other findings and orders pursuant to Ordinance No. 2566, City of Ottawa, was introduced. Commissioner Marstall made a motion that Resolution No. 245 finding a structure defined as a barn located at 911 E. Wilson be found dangerous and unsafe and direct its removal by April 15, 1980. The motion was seconded by Commissioner Snyder. Mr. Marstall then stated that Mr. McAdoo, the owner of the barn at 911 E. Wilson, had contacted him this date and stated that it would be no problem for him to have the barn removed by April 15. Upon call for the question, all present voted in favor of the motion. Commissioner Nichols asked if the

staff was aware of a house in the 100 block of South Hickory which is not lived in and is in a dilapidated condition. The Administrative Assistant answered that the house was being demolished but that the person demolishing it had walked off the job. The owner, however, is trying to get someone to complete the demolition.

Questions concerning the status of a house in the 300 block of South Poplar and two houses on King Street were posed. It was explained that the house in the 300 block of South Poplar is currently being demolished and the two houses on King Street may be burned in arson and firefighting training sessions. The City Commission also directed that the staff take a look at the house next to the condemned structure at 130 N. Locust.

Ordinance No. 2641 - Taxicab Regulations

An ordinance relating to taxicabs requiring certain safety inspections, licensing, requirements for drivers of taxicabs, minimum insurance requirements for taxicabs and penalties for violations of such requirements was introduced. Mayor Pro-tem Larson called upon City Manager Mills to explain the ordinance. City Manager Mills explained that under the terms of the new ordinance, all taxicabs must be licensed by January 15 of each year, paying a licensing fee of \$10.00. At such times as the licenses are issued, the city must receive proof of safety inspection of each vehicle, along with certificates of liability insurance in such amounts as is set forth by the Kansas Corporation Commission for public carriers of passengers. At present, the insurance requirements as set forth by the Kansas Corporation Commission are \$25,000 per bodily injury per person per accident, \$50,000 bodily injury per accident and \$5,000 property damage per accident. In addition to the above, all drivers of taxicabs in the City of Ottawa must have attained the age of 18 years and held a valid Class "C" Kansas drivers license. The operators of both taxicab companies operating in the City of Ottawa were present and either made no comment or signified that they were in accord with the regulations. The City Commission indicated that they really did not feel that the insurance provisions provided for adequate liability insurance but that by being tied to the Kansas Corporation Commission insurance limits as they were being raised by the Kansas Corporation Commission, the limits in the City of Ottawa would rise also.

Commissioner Nichols made a motion to adopt the ordinance setting forth rules and regulations for operating a taxicab service in the City of Ottawa. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Public Hearing - Community Development Funds

A public hearing was held as required by HUD regulations concerning the final application for Community Development funds in the amount of \$486,000. City Manager Mills explained that this is the final hearing for said application for funds for 1980. The city's application consists of \$121,000 for housing rehabilitation, \$10,000 for demolition, \$335,000 for storm drainage construction (Skunk Run) and \$20,000 for administration. There was no one present to comment further on the proposed application. Commissioner Marstall made a motion that the hearing be closed and that the staff be instructed to prepare the final application for Community Development funds in the amount of \$486,000. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2642 - Street Vacation

An ordinance vacating a segment of Sycamore Street extending north from the north line of 3rd Street was introduced. The Administrative Assistant explained that the Planning Commission has recommended said street vacation upon the request of the property owner owning the property on the east boundary of the street. The owner of the

property wishes to develop in this area but needs the street vacated in order to comply with side yard and set back regulations. The street requested to be vacated is Sycamore Street from the north line of 3rd Street north to the north line of Lot 25, Block 78 and the north line of Lot 26, Block 77, Original Town. It was further explained that Sycamore Street extending north runs through the flood control ponding area and thus, will never be open and improved. The City of Ottawa owns the property on the west side of Sycamore Street at this location. It was recommended by the staff that if the Governing Body approved the vacation that it be conditioned upon retaining utility easements through present street right-of-way.

Commissioner Snyder made a motion to pass Ordinance No. 2642 vacating Sycamore Street from 3rd Street north to the north line of Lot 25,, Block 78 and the north line of Lot 26, Block 77, conditioned upon the owner of the lots west of said street to be vacated convey all utility easements for the tract which is now street right-of-way. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Cereal Malt Beverage License Application - The Pub

An application for license to sell cereal malt beverage for consumption on the premises as submitted by Roger Schmanke for the operation of The Pub located at 122 S. Main was considered. It was reported by the City Clerk that the appropriate licensing fee had been paid and that the office of the City Attorney and the Department of Public Safety had approved said application. Commissioner Marstall made a motion to approve the issuance of a cereal malt beverage license to Roger Schmanke for the operation of The Pub located at 122 S. Main. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion except Commissioner Snyder who voted opposing the motion.

Proclamation - Kansas Nutrition Month

A proclamation proclaiming March as Kansas Nutrition Month was approved by the City Commission and signed by Mayor Pro-tem Larson.

Mobile Home Placement

The City Commission directed that the Planning Commission pursue the possibility of opening up additional areas in the city for the placement of mobile homes on permanent foundations. It was further directed that the building code be studied to determine the feasibility of continuing with those parts of the building code that prohibit the placement of most manufactured housing in the City of Ottawa.

Agreement with Social and Rehabilitation Services

An agreement with the Kansas State Social and Rehabilitation Services wherein the city will provide work and supervision for persons receiving money for groceries from the Kansas Social and Rehabilitation Services was introduced. It was explained that able-bodied persons receiving money for groceries from Kansas Social and Rehabilitation Services are required to perform work for the money they receive. Under the terms of the agreement, the City of Ottawa would supply the necessary work and supervision for the person receiving grocery monies to comply with the regulation. Persons working for the City of Ottawa under this agreement generally perform laboring tasks such as clean-up on the levee system and brush removal. Commissioner Nichols made a motion that Mayor Pro-tem Larson be authorized to sign the agreement. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Announcement

It was announced that the City Manager, the Director of Utilities and the members of the City Commission who would be available to do so, would attend an alcohol fuels forum at Kansas State University on February 22.

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



City Clerk

City Hall March 5, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held February 20, 1980 were approved as written.

Public Hearing - Special Assessments - Sewer District 158 (Ordinance No. 2643)

The public hearing concerning the special assessments to pay the cost of the construction of Lateral Sewer 158 was continued at this time. It was stated that this lateral sewer was constructed at the request of most of the property owners within the district liable for payment. Upon call for comments from the public concerning the proposed special assessments, there were none. Commissioner Snyder made a motion that the public hearing be concluded, that an ordinance be passed adopting the special assessments to be levied against properties within the boundaries of Sewer District 158 as set forth by the City Clerk's special assessment register and to authorize the Mayor to sign the ordinance, all as set forth by Kansas Statutes Annotated. The motion was seconded by Commissioner Nichols and upon call for the question, Mayor Gaynor and Commissioners Snyder, Larson, Marstall and Nichols voted in favor of the motion, there were none opposing the motion.

Public Hearing - Improve Spruce Street

As set forth by Resolution No. 243, a public hearing was held to determine the advisability of improving Spruce Street from the north line of Logan Street to the south line of Wilson Street. It was explained that the public hearing was called as there has been numerous requests to improve this street. The street is to be constructed 31 feet wide from back of curbing to back of curbing and is to be constructed of 6" reinforced concrete or 8" thick asphaltic concrete with concrete curb and gutter. The asphaltic concrete is set forth as an alternate to the concrete pavement with determination to be made upon receipt of bids for construction. The estimated probable cost is \$312,210.22 with the benefit district being liable for \$201,986.14 and the city-at-large to be liable for \$110,224.08. It was pointed out that a petition was circulated for the improvement of this street a few years back but that the petition was too long in circulation and by the time it was returned to the city, prices had escalated beyond the stated estimated probable costs.

Mr. Larry Johnson, who stated he represented some property owners and is a member of the Board of Directors of the Ottawa Country Club Association, appeared opposing the improvement. Mr. Johnson said that he either had or could secure a petition opposing the improvement containing the signatures of owners of over 71% of the total land area. Mr. Johnson further stated that the petition the city received a few years back was for the paving of one block only as opposed to the present proposal to pave four blocks of Spruce Street. Commissioner Marstall asked Mr. Johnson if the Country Club is opposed to the paving improvement. Mr. Johnson stated that he is representing the Board of Directors and the question of the improvement has not been submitted to the entire membership for vote or consideration.

Mr. Noel Douglas stated that he had carried the petition for the 600 block of Spruce but that it was not successful because of the time lag in securing the signatures. Mr. Douglas stated that Hemlock Street is now paved and he did not see the need for paving

Spruce Street. Mr. Douglas also stated that he had dedicated 30' of street right-of-way from property he had purchased some time back for the improvement of Spruce Street but he did not feel the improvement was necessary at this time. Mr. Douglas did propose the improvement of Spruce Street with 3" of asphalt over a 10" rock base as opposed to the total depth pavements being proposed.

Mr. Harry Scott and Mr. Fred Brown, both of whom reside in the 600 block of Spruce Street, stated they would like to have the total length of Spruce Street improved at this time. Mr. Russell Wiggins, who lives at 933 Birch, stated that he owned property on Spruce and questioned why the city was requesting concrete as opposed to asphaltic concrete. It was explained to Mr. Wiggins that the city is calling for an option of asphaltic concrete and that the Governing Body will determine which material will be used upon receipt of bids for construction if this project materializes. Mr. Wiggins further stated that he thought that Birch Street carried more traffic than Spruce and that he would be more interested in seeing Birch paved at this time.

Mr. Larry Johnson again commented that he and the Country Club are not opposed to progress but that the Country Club's cost for this improvement is not in their budget at this time. Mr. Johnson also commented of the possibility of a nursing home being constructed in this area and that possibly it would be more advantageous to see if the nursing home project materializes and then determine which streets need to be paved. Mr. Johnson indicated that the Country Club might look more favorably on this improvement if the city-at-large would pay a larger portion of the cost. Mayor Gaynor then injected that we all drive on streets that other people in the community have paid for and we should not expect to break this tradition of paying for the streets in front of your property as it would not be fair to other people who have already paid for their streets.

Resolution No. 246 - Findings - Spruce Street

Commissioner Nichols made a motion that a resolution be passed finding it advisable to improve Spruce Street from Logan to Wilson. The motion was seconded by Commissioner Marstall. Mr. Johnson reiterated his prior statement, saying that the Country Club would be more favorable of the improvement if the city-at-large would pay a larger portion. Upon call for the question, Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 247 - Ordering - Spruce Street

Commissioner Marstall made a motion that a resolution be passed ordering the improvement of Spruce Street from Logan to Wilson. The motion was seconded by Commissioner Nichols and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 248 - Public Hearing - Improve Elm Street

A resolution calling for a public hearing to be held March 19, 1980 at 9:35 a.m. to determine the advisability of improve Elm Street from 8th to 9th was considered. It was explained that this resolution merely calls for a public hearing to determine the advisability of such improvement and that any comments on the improvement will be heard during the public hearing. Commissioner Snyder made a motion that a public hearing be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving Elm Street from 8th to 9th. The motion was seconded by Commissioner Larson and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 249 - Public Hearing - Improve Sycamore Street

A resolution calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving Sycamore Street from 10th to 11th was considered. A motion to pass a resolution calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving Sycamore Street from 10th to 11th was made by Commissioner Nichols. The motion was seconded by Commissioner Snyder and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 250 - Public Hearing - Improve Beech Street

A resolution calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving Beech Street from 7th Street to 7th Street Terrace was considered. Commissioner Marstall made a motion that a resolution be passed calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving Beech Street from 7th Street to 7th Street Terrace. The motion was seconded by Commissioner Nichols and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 251 - Public Hearing - Improve 7th Street Terrace

A resolution calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving 7th Street Terrace from Beech to Twyman Streets was considered. Mr. Earl Kreiger, who lives at 1115 W. 7th Street Terrace, questioned whether the improvement would be concrete or asphalt and if it would be inclusive of concrete curb and gutter. It was explained to Mr. Kreiger that the city will take bids for both concrete and asphalt, both will be inclusive of curb and gutter, and the City Commission will determine which material will be used upon receipt of bids for the improvement, if the improvement materializes.

Commissioner Snyder made a motion that a resolution be passed calling for a public hearing to be held at 9:35 a.m., March 19, 1980 to determine the advisability of improving 7th Street Terrace from Beech to Twyman Streets. The motion was seconded by Commissioner Larson and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 252 - Public Hearing - Improve Mulberry Street

A resolution calling for a public hearing to be held to determine the advisability of improving Mulberry Street from Dundee, north to the north line of the south 20' of Lot 6, Block 1, Fitts Place Addition. It was stated that this public hearing is being called as a result of a request of Gulf+Western for adequate access to their plant expansion which is presently being constructed. It was further explained that this material used for the improvement would be of greater depth and strength to accommodate the heavy trucks which would be entering the Gulf+Western plant facility. The cost of the additional material consumed in this project would not be paid by the district benefitted but would be borne by the city-at-large. Pearl Mathias, who owns property at 925 N. Mulberry, questioned the necessity of the improvement. It was explained to Mrs. Mathias that this action is calling for a public hearing at which time all comments will be heard and considered. Commissioner Marstall made a motion that a public hearing be held at 9:35 a.m. on April 2, 1980 to determine the advisability of improving Mulberry Street from Dundee north to the north line of the south 20' of Lot 6, Block 1, Fitts Place Addition. Commissioner Marstall stated that he set the time of hearing for April 2 instead of March 19 in view of the business already scheduled for March 19. The motion was seconded by Commissioner Larson and Mayor Gaynor and Commissioners Larson,

Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 253 - Public Hearing - Powhattan Street

A resolution calling for a public hearing to be held at 9:35 a.m. March 19, 1980 to determine the advisability of improving Powhattan Street from Spruce to Hemlock Streets was considered. Commissioner Marstall made a motion that a resolution be passed calling for a public hearing to be held to determine the advisability of improving Powhattan Street from Spruce to Hemlock Streets at 9:35 a.m., March 19, 1980. The motion was seconded by Commissioner Snyder and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Consideration of Condemnation

Commissioner Larson made a motion to table action on the consideration of condemning 40 acres of land adjoining Highland Cemetery on the south for future cemetery use until a later date. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Appointment - Auditorium Authority

It was announced that the Governing Body appointed Susan Sachse to the Auditorium Authority to fill the unexpired term of Steve Abrams. A motion appointing Mrs. Sachse to the Auditorium Authority was made by Commissioner Snyder, seconded by Commissioner Larson and all present voted in favor of the motion.

Agreement - Phillips Pipeline Company

The City Manager announced that the city is in receipt of an agreement with the Phillips Pipeline Company to lower high pressure gas lines to accommodate the paving of Poplar Street south of 15th Street. The terms of the contract are that the city will pay the Phillips Pipeline Company \$25,132 and only then will the Phillips Pipeline Company proceed to lower the lines. Upon completion of the project, if the cost is either greater than or less than the specified amount, the city will either pay the additional amount or receive a refund as may be determined by the final cost. Further, this contract does not specify the time in which the project is to be completed. The City Commission was not in total agreement with the terms of the contract but agreed that there was no other solution for the lowering of these lines as they are the property of the Phillips Pipeline Company. Commissioner Larson made a motion to authorize the Mayor to sign said contract at the appropriate time to allow the City Manager an opportunity to contact the Phillips Company to hopefully determine a time schedule on the completion of this project. The motion was seconded by Commissioner Nichols and upon call for the question, Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion. No one voted opposing the motion.

Report of the Planning Commission

Following is a report of the Planning Commission meeting of March 4, 1980:

"The Planning Commission approved by a 5 - 0 vote a motion that Bucher & Willis provide a cost estimate for the purchase of land in conjunction with a proposed library building. The Planning Commission approved by a 4 - 0 vote, with one abstention, that they recognize the city's Comprehensive Plan as amended by the City Commission shows an immediate need for improved library facilities.

The Planning Commission approved by a 5 - 0 vote that they concur with the City Commission that a petition drive be initiated by the Library Board to place a bond issue on the ballot to

implement the Comprehensive Plan in regard to improved library facilities.

The Planning Commission approved by a 5 - 0 vote to recommend that proposed amendments to the zoning ordinance dealing with apartments for the elderly and handicapped be adopted by the City Commission. The Planning Commission decided by a 5 - 0 vote to recommend the rezoning of Lots 1, 3 and 5, Block 47, Original Town, from F-W (Flood Way) District to I-2 (Heavy Industrial) District. The Planning Commission decided by a 5 - 0 vote to restudy the need for additional mobile home areas in the city.

The Planning Commission discussed proposed amendments to the zoning ordinance which would provide a new variance procedure and would increase the size of drug stores in C-1 (Neighborhood Commercial) Districts. They decided to study these items further at their next study session."

Mr. Glenn Williams - Comments

Mr. Glenn Williams of the Citizens Committee on Alcohol and Drug Abuse addressed the City Commission setting forth statistics substantiating the effectiveness of their organization. Mr. Williams stated that their organization had presented alcohol and drug abuse programs to many schools and organizations in this area. Further, Mr. Williams pointed out that they met with many persons for counseling purposes, both by referral and self-recognition of problems.

Mr. Williams requested that the portion of the funds derived from the surcharge on the sale of alcohol beverages in private clubs designated to be used for alcohol and drug abuse programs be awarded his organization. The City Commission agreed that they should meet with the Franklin County Commission and possibly other City Commissions in Franklin County in an effort to channel the funds of which Mr. Williams spoke into a worthwhile program.

Condemnation Discussion

Commissioner Marstall made a motion that the consideration of condemnation of the 40 acres adjoining Highland Cemetery on the south for future cemetery use be discussed at the City Commission meeting of May 21, 1980. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

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



City Clerk

City Hall - March 19, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held March 5, 1980 were approved as written.

Public Hearing - Improvement of Elm Street

The purpose of this public hearing is to determine the advisability of improving Elm Street from 8th Street to 9th Street. The resolution calling for the public hearing states that the general nature of the improvement is to be either 6" reinforced concrete pavement or Alternate No. 1 8" asphaltic concrete pavement. The estimated probable cost is \$129,489.90 with 31.34% or \$40,582.56 chargeable to the benefit district and 68.66% or \$88,907.34 chargeable to the city-at-large. There was no one present from the proposed benefit district to comment on this improvement. The Governing Body did not make a determination as to whether to order the improvement to commence at this time.

Public Hearing - Improvement of Sycamore Street

A public hearing hearing was held to determine the advisability of improving Sycamore Street from 10th Street to 11th Street. The resolution calling for a public hearing set forth that the street is to be constructed of 6" reinforced concrete or an alternate of 8" asphaltic concrete. The estimated probable cost is \$67,406.41 with 75.5% or \$50,894.59 chargeable to the benefit district and 24.5% or \$16,511.82 payable by the city-at-large. Mr. Lewis H. Wichman, 1037 S. Sycamore, appeared opposing the proposed improvement. Mr. Wichman suggested that the present pavement is adequate and that the street might be improved by placing an asphaltic overlay over the present cement street which is only 12' wide. Mr. Wichman stated that the present street was constructed by his father and others over 60 years ago and that he felt it was really adequate at this time. Mr. Junior Hazen, 1048 S. Sycamore, appeared requesting that a new street be constructed because with development in this area, it is extremely difficult to construct a private driveway to connect with the existing street.

George Ledom, City Engineer, stated that it is possible that the grade of newer permanent type pavement would not fit the contour of the existing concrete. If the street were widened over the top of the existing concrete, it very probably would crack and break over the edges of the present concrete. There was no determination made on this improvement at this time.

Public Hearing - Improvement of Beech Street

A public hearing was held at this time to determine the advisability of improving Beech Street from 7th Street to 7th Street Terrace. The resolution calling for the public hearing sets forth that the street is to be constructed of 6" reinforced concrete or an alternate of 8" asphalt. The estimated probable cost of said improvement is \$45,412.80 with 65.4% or \$29,699.28 payable by the benefit district and 34.6% or \$15,713.52 payable by the city-at-large. Mr. William Gregg, 1134 W. 7th, stated that he was opposed to the proposed improvement, that he didn't feel the pavement is needed and that the present gravel surface is satisfactory. Mr. Gregg said that he moved to this location 2½ years ago and he owns 1½ lots extending from 7th Street to 7th Street Terrace and his taxes have increased for the last two years but that he has received nothing for his increase in taxes.

(City Clerk's note: Mr. Gregg's comments are actually directed to the improvement of 7th Street Terrace which extends from Beech Street to Twyman Street. 7th Street Terrace intersects with Beech Street and persons attending the public hearing are considering them as one improvement project even though they are separated by resolution. Mr. Gregg's comments and following comments will be directed to both the improvement of Beech Street and 7th Street Terrace. The 7th Street Terrace public hearing follows the Beech Street hearing.)

Mr. William Cox, 1143 7th Street Terrace, spoke in favor of the improvement, stating that he has lived here for one year and is getting tired of the dust and dirt from the gravel surfaces. Mr. Don Denniston, 1133 7th Street Terrace, stated that he really couldn't afford the paving costs and that he favored an asphaltic overlay over the present driving surface. Mr. Denniston also stated that as far as he was concerned there were no storm drainage problems in this area. Mr. Ford Waring, 721 Beech, spoke in favor of the improvement, stating that the dust is extremely bad and that he would hope that the Beech Street improvement would proceed even if the 7th Street Terrace improvement did not. Mr. A. C. Goodman, 1125 7th Street Terrace, posed questions concerning a remonstrance against the 7th Street Terrace project if the paving were ordered to commence. Mr. Goodman's questions centered around what would constitute a valid petition in numbers of owners in land area involved. Mr. Goodman's questions seemed to be satisfactorily answered. It was explained that both the Beech Street project and the 7th Street Terrace project included the construction of the intersection at 7th Street Terrace and Beech. If both projects do proceed, the city-at-large costs will be reduced as the intersection costs will be deleted from one of the projects. There was no determination on the proposed Beech Street improvement at this time.

Public Hearing - Improvement of 7th Street Terrace

A public hearing was held at this time to determine the advisability of improving 7th Street Terrace from Beech to Twyman. The general nature of the improvement as proposed is 6" reinforced concrete or an alternate 8" asphaltic concrete. The estimated probable cost of said improvement is \$82,016.64 with 59.99% or \$49,204.20 to be paid by the benefit district and 40.01% or \$32,812.44 to be paid by the city-at-large. It was explained at this time that these improvements and the benefit district which would bear the costs of the improvements overlap and that most all comments concerning the improvement of 7th Street Terrace also involve Beech Street and were covered in the foregoing public hearing. It was agreed by the Governing Body that all comments in the foregoing public hearing which have a bearing on this improvement will be considered at such time as the determinations are made.

Mayor Gaynor stated that Twyman Street which is located at the west terminus of 7th Street Terrace has been requested to be improved by an adjacent property owner living outside the corporate limits. The property owner stated that he was willing to pay his share of the improvement of Twyman Street which would be 50% of the benefit district cost. However, he was concerned for the burden of cost on some of the property owners residing within the city.

Public Hearing - Improvement of Powhattan Street

A public hearing was held at this time to determine the advisability of improving Powhattan Street from Spruce Street to Hemlock Street. The general nature of the improvement as proposed is either 6" reinforced concrete or an alternate of 8" asphaltic

concrete. The estimated probable cost is \$40,377.42 with 39.83% or \$16,082.28 to be paid by the benefit district and 60.17% or \$24,295.14 to be paid by the city-at-large. Mr. Noel Douglas, 606 Spruce, spoke questioning the city's policy of reinforced concrete or full depth asphalt paving improvements. Mr. Douglas suggested the use of a compacted rock base with 2" to 3" of asphaltic overlay. The City Commission indicated that they are at the present time giving consideration to this type of street improvement but are in need of specifications and statistics concerning this type of street. There was no action taken on the proposed improvement at this time.

Ordinance No. 2644 - Zoning

An ordinance rezoning lots 1, 3 and 5, Block 47, Original Town, from F-W (Flood Way) District to I-2 (Heavy Industrial) District was considered. It was explained by David Watkins, Administrative Assistant, that the city had sold this tract of land to Construction Materials a few years ago for storage of lumber supplies and had neglected to rezone the property for the intended use. Mr. Watkins said he had contacted the State Water Resources Board concerning the rezoning inasmuch as it is zoned for Flood Way and that the State Water Resources Board had given approval to the change in zoning. Commissioner Snyder made a motion that lots 1, 3 and 5, Block 47, Original Town, be rezoned from F-W (Flood Way) District to I-2 (Heavy Industrial) District. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Density - Elderly and Handicapped Housing

An ordinance was introduced which would lessen the density requirements and required parking spaces for elderly and handicapped housing complexes. The Administrative Assistant explained that this was felt necessary by the Planning Commission as the present zoning regulations require the yard requirements and parking space requirements for elderly and handicapped housing the same as multi-family housing. The city's Planning Consultant recommends that these be lessened as the elderly and handicapped do not need the yard requirements for families nor the parking requirements of families.

Commissioner Snyder made a motion to table action on this proposed ordinance until the next regular meeting. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Public Hearing - Community Development Progress

The Administrative Assistant reported on the progress of the 1979 Community Development program. The city had allocated \$100,000 in CD funds for housing rehabilitation. To date, the city has spent \$51,760.90 and has completed 7 rehabilitation projects with more presently underway and 4 to take bids on in the next few days. The storm drainage study is to be completed this date with \$13,652 spent out of a total allocation of \$35,000. \$20,000 was allocated for administration of which \$6,600.12 has been spent to date. The sanitary sewer project is 95% complete with only seeding left to be accomplished. A total of \$24,208.93 has been spent out of a total allocation of \$35,000. Alley cleanup, inclusive of landscaping and tree planting, was allocated \$10,000 of which \$1,464.50 has been spent. Demolition for which \$10,000 was allocated is completed with \$9,270 spent. Sidewalk improvements in the amount of \$20,000 are to be done this spring. Eighteen blocks of overlay work has been accomplished for a total expenditure of \$152,994.43.

Total Community Development funds expended to date are \$259,950.88 or 72.2% complete. The city is presently preparing the pre-application for 1981 CD funds.

Cereal Malt Beverage License

An application for cereal malt beverage license as submitted by Bill D. Baldwin for the operation of Bill's Bar, 231 N. Main, was considered. The City Clerk reported that this application is for consumption for cereal malt beverage on the premises and that the appropriate fee has been paid along with the records check and approval by the City Attorney being attained. A motion to approve issuance of said license was made by Commissioner Marstall, seconded by Commissioner Snyder. Commissioner Snyder stated that his second to the motion was being made under protest to Kansas law which provides that all cereal malt beverage licenses must be approved by the City Commission. Upon call for the question, all present voted in favor of the motion.

Proclamation - Census Day

A proclamation proclaiming April 1, 1980 as Census Day in the City of Ottawa was approved by the City Commission and signed by Mayor Gaynor.

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



City Clerk

City Hall - April 2, 1980

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

Approval of Minutes

An addition to the minutes was made to the minutes of the last regular meeting which was held on March 19, 1980 which is as follows: David Watkins, Administrative Assistant, replied to a statement of Mr. Gregg on page 21 that taxes are for Public Safety, Public Works and other functions of city government, special assessments are for capital improvements such as street improvements. The balance of the minutes were approved as written.

Public Hearing Continued - Improvement of Elm Street

The public hearing on the proposed improvement of Elm Street from 8th to 9th Street was continued at this time. Mayor Gaynor called upon the City Manager to comment on the project and the estimated costs. The City Manager explained that the proposed improvement of Elm Street from 8th to 9th Street is of a 28' width from back of curbing to back of curbing. The improvement is to be constructed of 6" reinforced concrete or an alternate of 8" asphaltic concrete. The estimated probable cost is to be \$129,489.90 with \$88,907.34 payable by the city-at-large and \$40,582.56 payable by the benefit district. The reason for the high cost by the city-at-large is that a box culvert will have to be built under and parallel with Elm Street to contain the Skunk Run drainage. The box culvert to contain the Skunk Run drainage has an estimated probable cost of \$50,875.00. Commissioner Nichols asked if the box culvert for Skunk Run was inclusive of Skunk Run improvements between Locust and Elm Streets. The City Manager answered that this project was inclusive of only that portion of Skunk Run which crosses under and parallel with Elm Street, that the Skunk Run improvement between Locust and Elm Street would come at a later date. Mayor Gaynor asked if there had been any comment or objections received from the resolutions within the benefit district. The City Manager answered that he had had no comments but the City Clerk stated that he had received comments from property owners fronting on Locust Street from each end of the block and that they were opposed to the improvements.

Resolution No. 254 - Findings - Elm Street

Commissioner Snyder made a motion that a resolution making findings as to the advisability of improving Elm Street from 8th to 9th Street be passed. The motion was seconded by Commissioner Larson. Commissioner Snyder then spoke to the motion expressing that he was pleased that the City of Ottawa was spending some of its own money on the Skunk Run improvement as opposed to using all federal monies. Mayor Gaynor said he was concerned about spending so much money on Elm Street, a street that is used so little. He favored improving other streets as opposed to improving Elm Street. Upon call for the question, Commissioner Snyder, Nichols, Marstall and Larson voted in favor of the motion and Mayor Gaynor voted opposing the motion.

Resolution No. 255 - Ordering - Elm Street

A resolution directing and ordering the improvement of Elm Street from 8th to 9th Street was introduced. Commissioner Nichols made a motion that a resolution ordering the improvement of Elm Street from 8th to 9th Street at an estimated probable cost of \$129,489.90 be passed. The motion was seconded by Commissioner Snyder and Commissioners Nichols, Snyder, Larson and Marstall voted in favor of the motion and Mayor Gaynor voted opposing the motion.

Public Hearing Continued - Improvement of Sycamore Street

A public hearing to determine the advisability of improving Sycamore Street from 10th to 11th Street was continued. Mayor Gaynor called upon the City Manager to comment on the project. The City Manager reported that the improvement of Sycamore Street is proposed to be 31' wide from back of curbing to back of curbing and constructed of 6" concrete or an alternate of 8" asphaltic concrete. The estimated probable cost of said improvement is \$67,406.41 of which the city-at-large will pay \$16,511.82 and the benefit district will be liable for \$50,894.59. It was explained that the existing Sycamore Street from 10th to 11th is concrete pavement but it is only approximately 12' wide and has been in place for approximately 60 years. Mr. John Sheldon, 707 E. 11th, asked what the cost would be for borrowing money for this project (sale of bonds) and the cost per front foot. Mr. Sheldon was answered that General Obligation Bonds most recently have been selling at about 7% and that we estimate the cost of the improvement to be approximately \$40 per front foot on each side of the street. Mr. Sheldon asked if the benefit district would be assessed on the Sycamore frontage or in the case of corner lots, on the side street frontage. Mr. Sheldon was answered that the properties would be assessed on the Sycamore Street frontage.

Resolution No. 256 - Findings - Sycamore Street

A resolution making findings as to the advisability of improving Sycamore Street from 10th to 11th Street was introduced. Commissioner Nichols made a motion that a resolution making findings as to the advisability of improving Sycamore Street from 10th to 11th Street be passed. The motion was seconded by Commissioner Marstall and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one opposed the motion.

Resolution No. 257 - Ordering - Sycamore Street

A resolution directing and ordering the improvement of Sycamore Street from 10th to 11th Street was introduced. The estimated probable cost of said improvement is \$67,406.41. Commissioner Marstall made a motion that a resolution directing and ordering the improvement of Sycamore Street from 10th to 11th Street be passed. The motion was seconded by Commissioner Snyder and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Public Hearing Continued - Beech Street

The public hearing to make findings as to the advisability of improving Beech Street from 7th to 7th Street Terrace was continued at this time. City Manager Mills stated that the proposed improvement is to be 31' wide from back of curbing to back of curbing and is to be constructed of 6" thick concrete or 8" thick asphaltic concrete. The estimated probable cost of said improvement is \$45,412.80 with the city-at-large paying \$15,713.52 and the benefit district liable for \$29,699.28.

Diana McKenzie, who resides at 7th and Beech, stated that inasmuch as they really don't think they could afford said improvement that they are in favor of making the improvement. Mrs. McKenzie said that as a result of recent rains, they have a hole in front of their driveway which makes their driveway and garage inaccessible and that in the summer, they cannot use their porch which fronts on Beech Street because of dust. There were no further comments on this proposed improvement.

Resolution No. 258 - Findings - Beech Street

A resolution making findings as to the advisability of improving Beech Street from 7th to 7th Street Terrace was introduced. The

estimated probable cost of said improvement is \$45,412.80. Commissioner Snyder made a motion that a resolution making findings as to the advisability of improving Beech Street from 7th to 7th Street Terrace be passed. The motion was seconded by Commissioner Nichols. Upon call for the question, Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 259 - Ordering - Beech Street

A resolution directing and ordering the improvement of Beech Street from 7th Street to 7th Street Terrace was introduced. Commissioner Snyder made a motion that a resolution directing and ordering the improvement of Beech Street from 7th Street to 7th Street Terrace be passed. The motion was seconded by Commissioner Larson and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Public Hearing Continued - Improvement of 7th Street Terrace

The public hearing to make findings as to the advisability of improving 7th Street Terrace from Beech to Twyman Street was continued at this time. City Manager Mills reported that the proposed improvement is to be 31' wide from back of curbing to back of curbing and that the estimated probable cost is \$82,016.64 with the city-at-large paying \$32,812.44 and the benefit district liable for \$49,204.20. There were no further comments on this project.

Resolution No. 260 - Findings - 7th Street Terrace

A resolution making findings as to the advisability of improving 7th Street Terrace from Beech to Twyman Street was introduced. Commissioner Marstall made a motion that a resolution making findings as to the advisability of improving 7th Street Terrace from Beech to Twyman Street be passed. Commissioner Nichols seconded the motion and upon call for the question, Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Resolution No. 261 - Ordering - 7th Street Terrace

A resolution directing and ordering the improvement of 7th Street Terrace from Beech to Twyman Street was introduced. The estimated probable cost of said improvement is \$82,016.64. A motion to pass a resolution ordering the improvement of 7th Street Terrace from Beech to Twyman Street was made by Commissioner Marstall, seconded by Commissioner Nichols and upon call for the question, Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Public Hearing Continued - Powhattan Street

The public hearing to determine the advisability of improving Powhattan Street from Spruce to Hemlock was continued at this time. The City Manager outlined the project stating that the general nature of the improvement is to be constructed of 6" concrete or an alternate of 8" asphaltic concrete with a pavement width of 31' from back of curbing to back of curbing. The probable estimated cost of said improvement is \$40,377.42 with \$24,295.14 payable by the city-at-large and \$16,082.28 payable by the benefit district.

Mr. Noel Douglas appeared before the City Commission speaking neither for nor against the proposed improvement but requesting that the City Commission on its initiative order the improvement of Spruce Street from Logan to Fairway Drive. In making this request, Mr. Douglas also requested that the City Commission give

consideration to using a type of construction utilizing a deep compacted gravel base with a minimal amount of asphaltic overlay. Mr. Douglas suggested that even though the cost of such improvement might be equal to concrete or full depth asphalt that possibly competition might serve to hold the present cost of any type of pavement down. Mr. Douglas stated that he was presently paying for several hundred feet of pavement in the Country Club Heights area which he did not object to, but the improvement he proposed would serve his development plans at a lesser cost to him than improving Spruce Street from Powhattan to Wilson with full depth asphalt or concrete. Mr. Douglas' proposal was based upon the supposition that a remonstrance petition presently on file opposing the improvement of Spruce Street from Logan to Wilson is sufficient.

The City Commission indicated that if the remonstrance petition is sufficient and if Mr. Douglas wishes to carry a petition for the improvement of Spruce Street from Logan to Fairway Drive that they would entertain such petition at such time as it was circulated and found to be proper and sufficient.

Commissioner Marstall made a motion to table any action on this proposed improvement until the meeting of April 16, 1980. The motion was seconded by Commissioner Nichols and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion. No one voted opposing the motion. Commissioner Nichols stated that the improvement of Eisenhower Road from 7th Street to 19th Street had been accomplished by Franklin County with the type of pavement that Mr. Douglas was suggesting and that it seems to have held up in a very satisfactory manner.

Public Hearing - Mulberry Street

A public hearing was held as set forth by Resolution No. 252 for the purpose of determining the advisability of improving Mulberry Street from Dundee north to a point in line with the north line of the south 20' of Lot 6, Block 1, Fitts Place Addition. The proposed improvement is to be of 7" concrete pavement or an alternate of 10" of asphaltic pavement. The width of the improvement is to be 28' from back of curbing to back of curbing. The estimated probable cost is \$134,919.52 of which the city-at-large is liable for \$62,702.20 and the benefit district liable for \$72,217.32.

The City Manager explained that the improvement has been requested by Gulf & Western Company to coincide with a plant expansion which will use Mulberry Street as an entrance. The improvement as proposed is to be constructed to handle heavy truck traffic which requires an additional thickness of the paving material. The additional costs for the extra material is to be borne by the city-at-large.

Mr. Lester Graham, 1211 N. Mulberry, spoke opposing the improvement stating that he owns a 200' frontage on the east side of the street and he does not feel that he can afford the cost of the improvement. Mr. Graham stated that a few years ago when Gulf & Western first expanded in this area that they agreed not to use Mulberry as an entrance and to install and maintain a buffer zone of plantings on the west side of Mulberry Street to shield the residences on the east side of Mulberry from their manufacturing operations. Mr. Graham said that he felt that Gulf & Western is violating their agreement if they proceed and use Mulberry Street as an entrance. Further, Mr. Graham stated that the buffer zone had never been created and at the present time, welding flashes can be seen from Mr. Graham's house. Mr. Graham also stated that if Mulberry Street is paved that the Gulf & Western Company should have to pay for the additional paving costs required by their heavy truck traffic. Mr. James Seyler, 1317 N. Mulberry, stated that he was in agreement with Mr. Graham on the proposed improvement of Mulberry Street. Mr. Seyler said he owns 135' frontage on the east side of Mulberry Street and he, too, would be hard pressed to pay for his share of the improvement.

Commissioner Nichols made a motion that action on the proposed improvement of Mulbery Street be tabled until the meeting of April 16, 1980. The motion was seconded by Commissioner Larson and Mayor Gaynor and Commissioners Larson, Marstall, Nichols and Snyder voted in favor of the motion and no one voted opposing the motion.

Ordinance No. 2645 - Planning and Zoning

An ordinance lessening the density requirements, off-street parking requirements and lot area requirements for housing for the elderly and handicapped in R-2 zoning classification was considered. It was explained that the Planning Commission has held a public hearing on these proposed changes and recommend that the changes be made. At the present time, housing complexes for the elderly and the handicapped have the same yard regulations and the same requirements for off-street parking as all other housing complexes. As pointed out by the city's planning consultant, the elderly and handicapped do not need the large green space and parking spaces as growing families. Mayor Gaynor questioned what would happen to an apartment complex constructed under these regulations for the elderly and handicapped if after construction it was deemed necessary to use it for family occupancy.

Commissioner Snyder made a motion that an ordinance reducing yard regulations and parking requirements for housing complexes for the elderly and handicapped be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2646 - Northwest Kansas Municipal Energy Agency

An ordinance authorizing the city to become a member of the Northwest Kansas Municipal Energy Agency was introduced. The Northwest Kansas Municipal Energy Agency consists of a group of cities in Kansas organizing to purchase blocks of power from independent producers, hopefully at a lesser cost to supply the needs of the participating members. The members also have individual generating capacities that might be purchased by other participating members at a feasible cost. This agency, along with the Eastern Kansas Agency, has been several years in organizing and are considering a merger of the two agencies.

The City of Ottawa, upon joining, will be committing itself for a total of \$33,175 for possible merger expense and operating budget for this fiscal year. Commissioner Marstall commented that these are awkward times for those engaged in generating electrical power, many unknowns, and that he recommends the joining of the agency. Mayor Gaynor made reference to a letter of A. C. Kirkwood & Associates again stating that there are many unknowns in this area and that the Kirkwood letter did not advise the city as to whether or not to join the agency. Mayor Gaynor stated that with our present power plant expansion to be completed in the near future that he did not feel the necessity for joining such an agency.

Commissioner Snyder made a motion that an ordinance authorizing the city to become a member of the Northwest Kansas Municipal Energy Agency be passed. The motion was seconded by Commissioner Nichols. Commissioner Snyder then stated that he felt that a state-wide agency is needed through which cities could cooperate with each other in obtaining necessary electrical power. Upon call for the question, Commissioners Marstall, Nichols and Snyder voted in favor of the motion and Mayor Gaynor and Commissioner Larson voted opposing the motion.

Resolution No. 262 - Shrine Bowl Sign

A resolution designating a sign at the intersection of Interstate Highway 35 and U. S. Highway 59 as a public information sign was introduced. The sign designates that Ottawa is a participating

community in the annual All-Star Shrine Bowl. Since it is desirable to leave the sign in its present location and comply with said state regulation pertaining to highway signs, it is necessary that it be designated a public information type sign.

Commissioner Nichols made a motion that a resolution designating the All-Star Shrine Bowl sign located at the intersection of Interstate Highway 35 and U. S. Highway 59 as a public information sign be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Lease - Swimming Pool and Baseball Facilities

Agreements approving the continuation of swimming pool and baseball facilities contracts as signed the 2nd day of May, 1979 for the current year were introduced. It was explained that the terms of the agreements are the same as in years past with the exception of the policy statement which now states that those persons 12 years of age and under will pay 50¢ for admission and those over 12 years of age will pay 75¢ per admission. Commissioner Nichols made a motion that the agreement renewing the swimming pool and baseball facilities lease be approved. The motion was seconded by Commissioner Marstall.

Commissioner Snyder recommended the following amendments to the swimming pool lease agreement: paragraph 2, line 3, change "proceeds" to "profits" and line 4, change "proceeds" to "profits"; paragraph 3 starting in line 2, delete the comma and delete the statement, "including paint and repairs of the pool as funds are available from accumulated profits as provided above"; paragraph 3, line 8, delete the word "put" and substitute the word "keep"; delete that portion of paragraph 3 appearing on page 2 of the agreement beginning with "Said repairs" and ending with "hereafter"; paragraph 6, line 4, delete "waive the provisions of Paragraphs 3, 4, and 5 herein and shall". Commissioner Nichols indicated that Commissioner Snyder's amendments should be included with her motion and Commissioner Marstall agreed that his second to the motion would stand. Upon call for the question, all present voted in favor of the motion.

Parking Limit Change - Hickory Street

The Governing Body gave consideration to limiting the parking on Hickory Street from 1st to 2nd Street to two hours. At the present time, the parking is unrestricted. There have been requests from business persons who operate businesses on this street to impose this restriction as it is presently used for all-day parking. A motion to approve the request to limit parking on Hickory Street between 1st and 2nd Streets to two hours was made by Commissioner Snyder and seconded by Commissioner Larson. Commissioner Marstall commented that the north side of East 4th Street might also be considered for time restrictions in the future. Upon call for the question, all present voted in favor of the motion.

Proclamation - Cancer Control Week

Upon approval of the City Commission, Mayor Gaynor signed a proclamation proclaiming the week of April 6 through 12, 1980 as Cancer Control Week.

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


City Clerk

City Hall - April 16, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held April 2, 1980 were corrected as follows: On page 28, Commissioner Nichols' statement concerning the improvement of Eisenhower Road from 7th Street to 19th Street is amended to state that the pavement has held up in a very satisfactory manner but the base of the pavement was left to cure and compact through a full winter season prior to the asphaltic overlay.

On page 30 under the heading, "Parking Limit Change - Hickory Street", the paragraph was amended to indicate that the two-hour parking restriction will apply on the west side of Hickory Street between 1st and 2nd Streets. The balance of the minutes were approved as written.

Report of Planning Commission meeting

The following is a report of the Planning Commission meeting of April 8, 1980:

"The Planning Commission approved the minutes of the last regular meeting which was held on March 4, 1980.

The Planning Commission reorganized itself in the following manner: Elected Don Powell Chairperson by a 5 - 0 vote, elected Dottie Wellington Vice Chairperson by a 5 - 0 vote and elected Clarence Koch Secretary/Treasurer by a 5 - 0 vote.

The Planning Commission decided to take under advisement the preliminary plat of the Gleason Subdivision located between 15th and 17th Streets, Laury Addition and the H. D. Lee property.

The Planning Commission decided by a 5 - 0 vote with one abstention to recommend to the City Commission that there is not a need for additional mobile home zoning in the City of Ottawa.

The Planning Commission decided by a 5 - 1 vote to hold a public hearing at its May meeting in order to amend the zoning ordinance to permit a larger drugstore (5,000 sq. ft.) in the C-1 District.

The Planning Commission moved by unanimous vote that Feather Kaiser be acknowledged for her diligence and faithfulness in her duties as a member and Chairperson of the Ottawa Planning Commission."

Continue Public Hearing - Improvement of Powhattan Street

The public hearing to consider the improvement of Powhattan Street from Spruce to Hemlock was continued at this time. Mr. Noel Douglas, an owner of property within the benefit district, spoke to the proposal. Mr. Douglas stated that he was in favor of the improvement of Powhattan Street if it would link Logan Street to Wilson Street by the improvement of Spruce from Logan to Powhattan, and the improvement of Powhattan Street from Spruce to Hemlock, Hemlock Street being improved at the present time. Mr. Douglas was making reference to the fact that a

remonstrance petition has been filed with the city concerning the improvement of Spruce Street from Logan to Wilson. Mr. Douglas then asked of the status of the remonstrance petition on Spruce Street. It was explained to Mr. Douglas that the remonstrance petition had been found insufficient by the City Attorney and that the City Attorney had advised the City Commission that they may proceed with the improvement. Mr. Douglas stated that he had had conversation with the circulator of the petition and that the circulator felt certain that the petition was sufficient. Mr. Douglas further explained that he was aware that one of the signatures on the petition required the additional signature of a daughter, another of the signatures on the petition required the signature of the husband who was a truck driver and not at home at the time the petition was circulated and that one property which had been recognized as being under a single ownership had been split and was under two ownerships. Mr. Douglas further stated that he is the owner of a major portion of the real estate in this area and that additional special assessments for paving would be disastrous for him.

Commissioner Snyder answered Mr. Douglas that he had just the day before gone over the petition, the ownership list and the Kansas Statute giving authority for the petition. Mr. Snyder stated that his conclusion was the same as that of the City Attorney and that if the contract for purchase of the tract that had been split which Mr. Douglas referred to had been filed with the Register of Deeds that it probably would have been counted as separate ownerships, even though the original owners of the entire tract are not residents within the benefit district. However, Mr. Snyder stated that regardless of that which is set forth by state law, the City Commission does not wish to force an improvement upon these people if more than half of them are opposed to it, the petition does not indicate that more than half of the people residing within the benefit district are opposed to the improvement.

Resolution No. 263 - Findings - Powhattan Street

A resolution making findings as to the advisability of improving Powhattan Street from Spruce to Hemlock was introduced. The general nature of said improvement is proposed to be of 6" reinforced concrete or an alternate of 8" thick asphaltic concrete. The estimated probable cost of said improvement is \$40,377.42 with the benefit district liable for \$16,082.28 and the city-at-large liable for \$24,295.14.

Commissioner Snyder made a motion that a resolution making findings as to the advisability of improving Powhattan Street from Spruce Street to Hemlock Street be passed. The motion was seconded by Commissioner Nichols and Mayor Gaynor and Commissioners Nichols, Snyder, Marstall and Larson voted in favor of the motion. No one opposed the motion.

Resolution No. 264 - Ordering - Improvement of Powhattan St.

A resolution directing and ordering the improvement of Powhattan Street from the west line of Spruce Street was introduced. Commissioner Snyder made a motion that a resolution directing and ordering the improvement of Powhattan Street from Spruce to Hemlock Street be passed. The motion was seconded by Commissioner Marstall and Mayor Gaynor and Commissioners Marstall, Nichols, Larson and Snyder voted in favor of the motion. No one voted opposing the motion.

Public Hearing Continued - Improvement of Mulberry St.

The public hearing concerning the advisability of improving Mulberry Street from the north line of Dundee Street produced, thence north 967.8' more or less to the north line produced of the south 20' of Lot 6, Block 1, Fitts Place was continued. Mrs. Stanley Bross,

1321 North Mulberry, a resident within the benefit district, spoke opposing the improvement. Mrs. Bross stated that she did not feel that she could afford the pavement and faced with the possibility of dust or heavy traffic, she said she would have to settle for the dust. Mrs. Bross did object to the residence north of her that it is continually cluttered with junk consisting of old car bodies, appliances and other items. Mrs. Bross said that as a result of this that they sometimes have rats as big as cats.

Mr. Frank Roessner, 1030 N. Mulberry, requested that "no truck" signs be posted on this segment of North Mulberry. Mr. Roessner stated that with the construction of the Gulf+Western plant expansion on North Mulberry, the truck traffic may become a problem. Mr. Roessner was in favor of routing traffic to the plant by another route.

Resolution No. 265 - Findings - Improvement of Mulberry St.

A resolution making findings as to the advisability of improving Mulberry Street from the north line of Dundee Street produced, thence north 967.8' more or less to the north line produced of the south 20' of Lot 6, Block 1, Fitts Place was introduced. Commissioner Nichols made a motion that a resolution making findings as to the advisability of improving said street be passed as requested by the management of the Gulf+Western Company. The motion was seconded by Commissioner Marstall. Mayor Gaynor commented that with the present delay in construction of the proposed Gulf+Western facility that the street may not be used for its intended purpose. Mayor Gaynor was referring to the additional 1" depth of the concrete pavement. Commissioner Nichols commented that the Gulf+Western Company had not complied with their agreement in 1974 to screen the east edge of their property from the homeowners on the east side of the street. The City Manager commented that he had been in touch with Mr. Gene Harding, a senior executive in the Gulf+Western Chicago office and that construction was to resume about August 1 of this year. Mr. Harding commented that it would be convenient if the street could be completed prior to the resuming of the construction process. Upon call for the question, Mayor Gaynor and Commissioners Nichols and Marstall voted in favor of the motion and Commissioners Snyder and Larson voted opposing the motion.

Resolution - Ordering - Improvement of Mulberry Street

A resolution ordering and directing the improvement of Mulberry Street from the north line of Dundee produced, thence north 967.8 more or less to the north line produced of the south 20' of Lot 6, Block 1, Fitts Place was introduced. Commissioner Marstall made a motion that a resolution ordering and directing the improvement of the above described street be passed. The motion was seconded by Commissioner Nichols and upon call for the question, Commissioners Nichols and Marstall voted in favor of the motion and Mayor Gaynor and Commissioners Larson and Snyder voted opposing the motion.

Request of Rural Water District #4

Mr. Robert Green, attorney, appeared representing Rural Water District #4. Mr. Green stated that Rural Water District #4 had been talking to the city staff for a number of months concerning purchasing water from the city to serve an expanded facility for which the water district has received funding. Mr. Green said that Rural Water District #4 is looking to the city for a reliable source of water as opposed to relying on wells. The request of the water district was to have a 4" wholesale water meter installed in the line from the city serving the district and to pay monthly demand charges for a 2" water meter. Mr. Green stated that at the present time the water district does not use water in excess of what a 2" meter would deliver but they would like to have a 4" meter for future needs. The monthly demand charge for a 4" meter is \$188 which would add about 54¢ per month to the bills of each of the customers of Rural Water District #4. Mr. Green said that the Rural Water District had two alternative options, one would

be to use the 2" meter and the other would be to drill more wells.

Mr. Green said that he had talked with Mr. B. J. Kirkwood, whose firm had completed the rate study for the city. Mr. Kirkwood had stated that the regular wholesale water rate structure also encompassed some of those things which are encompassed in the demand charge. Therefore, Mr. Green said that he felt the city should only charge for a 2" demand if a 4" meter were installed. Upon request from Commissioner Marstall, Mr. Green stated that the present tap charge for new customers on Rural Water District #4 is \$1,000 and that they were originally \$250.00. However, at the present time, the water district is not accepting new customers until such time as the expansion is completed. Mr. Green said that he was not pressing for an answer at this time but that he would like his request to be considered.

Commissioner Snyder commented that possibly Rural Water District #4 should drill additional wells as the water plant is being built and paid for by the citizens of Ottawa to serve the citizens of Ottawa and that water is going to become a very precious commodity in the future.

Agreement - A. C. Kirkwood & Associates - Skunk Run Design

An agreement between the City of Ottawa and the engineering firm of A. C. Kirkwood & Associates for the design of storm drainage improvements was introduced. It was explained that A. C. Kirkwood & Associates have completed the Skunk Run storm drainage feasibility study and the next phase is for design and construction. The engineering firm completed the feasibility portion of the project for \$16,000 and the construction design will cost \$32,950. The money for the construction phase is to be received through the 1980 Community Development Grant. The allocation for construction in the 1980 CD grant is \$335,000 with \$32,950 to be spent for engineering.

Commissioner Marstall made a motion to authorize the Mayor to sign an agreement with A. C. Kirkwood & Associates for engineering on the Skunk Run storm drainage facility in the amount of \$32,950. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Agreement - A. C. Kirkwood & Associates - Street Improvements

An agreement authorizing the firm of A. C. Kirkwood & Associates to proceed with street improvements as follows was introduced: Spruce from Logan to Wilson; Elm from 8th to 9th; Sycamore from 10th to 11th; Beech from 7th to 7th Street Terrace; 7th Street Terrace from Beech to Twyman and Powhattan from Spruce to Hemlock. The agreement sets forth that the firm is to proceed with engineering for the above reference projects, the cost to be determined by a percentage schedule as set forth in a street improvements agreement dated July 3, 1973.

Commissioner Snyder made a motion that the agreement be approved and to authorize the Mayor to sign said agreement. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Resolution No. 266 - Community Development Block Grant Program

A resolution authorizing the City Manager to sign the final application for F.Y. 1980 Community Development Block Grant funds and all other correspondence with the Department of Housing and Urban Development was introduced. It was explained that there is a need for a designated authority to correspond with the Department of Housing and Urban Development regarding the Community Development Block Grant program. A motion for passage of said resolution was made by Commissioner Larson, seconded by Commissioner Nichols and all present voted in favor of the motion.

Agreement with ECKAN - Housing Rehabilitation

An agreement authorizing ECKAN to help the City of Ottawa in processing applications and counseling possible recipients of housing rehabilitation services was introduced. David Watkins, Administrative Assistant, explained that the city is in need of help in processing applications and counseling people on these services and that the agreement sets forth that ECKAN is to be paid an amount not to exceed \$750.00 per month for this service. ECKAN is to provide the city with regular monthly progress reports and statements setting forth salaries, expenses and other expenditures made pursuant to this agreement each month. The statement is also to contain an estimated budget for the following month.

Commissioner Nichols made a motion that the proposed agreement be approved and to authorize the Mayor to sign it. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Proposed Parking Restrictions - East 4th Street

Commissioner Nichols said that she would like for the Governing Body to consider parking restrictions on the north side of 4th Street between Main and Hickory at the next meeting. Commissioner Nichols stated that she had received many comments and complaints about allowing all day parking in this area and that the Commission should give consideration to restricting parking in this area.

Proclamation - Small Business Week

The week of May 12, 1980 was proclaimed Small Business Week by Mayor Gaynor upon approval of the City Commission.

Proclamation - Youth Temperance Education Week

The week of April 20 through 26, 1980 was proclaimed Youth Temperance Education Week by Mayor Gaynor upon approval of the City Commission.

Request of Noel Douglas

Mr. Noel Douglas stated that he appreciates that fact that the Governing Body holds public hearings on various issues that they might seek the voice of the people. Mr. Douglas then requested that a determination on whether to proceed with the improvement of Spruce Street be tabled for two weeks. Mr. Douglas was answered that a call for bidding on the proposed improvement of Spruce Street will take place in a few weeks at which time bids will be received based upon reinforced concrete pavement and an alternate of asphaltic concrete pavement. At that time another decision will have been made by the Governing Body as to whether to proceed with reinforced concrete, asphaltic concrete or to proceed at all.

Reorganization of City Commission

Upon call for the reorganization of the City Commission, Commissioner Nichols made a motion that Commissioner Larson be elected Mayor and Commissioner Marstall be elected Mayor Pro-tem for the ensuing year. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Mayor Larson then presented the gavel and sound block that Mayor Gaynor had used for the past year to Mayor Gaynor. The gavel and sound block were mounted on a walnut plaque with appropriate inscription. Mr. Gaynor stated that he was very appreciative of the cooperation of his fellow Commissioners and staff for the past year. Further, Mr. Gaynor stated that in many foreign countries such participation in government is not possible.

Request of Cecil McAdoo

Mr. Cecil McAdoo asked for an extension of time to demolish a barn on his property. The barn has been determined to be a dangerous structure and Mr. McAdoo had been given until April 15, 1980 to demolish it. Mr. McAdoo stated that the barn has been pulled down, is all on the ground and he will proceed to dismantle it. The City Commission authorized an extension to May 15, 1980 to complete the demolition. Mr. McAdoo was also advised to visit with the staff and the fire department concerning the demolition.

Other Business

Mr. Brian Olson, teacher of the 6th grade class from Garfield School which was in attendance at this meeting, conveyed a thank you to Mr. Watkins, Mr. Smith and the City Commission for assisting in scheduling the class' visit to this meeting. Mr. Olson asked what 6th graders could do to assist government. Mr. Marstall answered that if the children would refrain from littering and would ride bicycles safely, it would enhance the government and the city in which they live. Commissioner Nichols stated that she felt that the children should encourage their parents to express an interest in government.

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



City Clerk

City Hall - April 22, 1980

The City Governing Body met in special session at 1:30 p.m. this date. This meeting was called to pass a resolution authorizing the Mayor to execute an application proposal to be submitted to the U. S. Department of Energy. Present: Mayor Larson and Commissioners Gaynor, Marstall and Nichols. Absent: Commissioner Snyder.

Mayor Larson opened the meeting and explained the purpose of the meeting as stated above. Mayor Larson then called on Mr. B. J. Kirkwood of A. C. Kirkwood & Associates, Consulting Engineers, to explain the proposal.

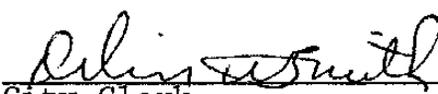
Mr. Kirkwood explained that the U. S. Department of Energy has solicited proposals of feasibility studies of processes to produce alternate fuels. The materials from which the alternate fuels will come consist of oil shale, tar sands, recovery of deep gas deposits, coal gasification and the production of ethanol from grain. The feasibility study which Ottawa is going to submit is for the production of ethanal manufactured from grain, utilizing the waste heat from the city's electric generation plant. Under public law 96-126, the federal government has \$100,000,000 from which it may offer grants for the exploration of various processes to manufacture alternate fuel sources.

There are many municipals and other electric generation plants which could utilize a system similar to that which the City of Ottawa is exploring for production of ethanal. Upon question from Mayor Larson, it was emphasized that to receive grant monies the production capabilities must be equal to 1,000,000 gallons or more per year. The application must be in the hands of the Department of Energy in Washington, D. C. no later than Friday, April 25, 1980. Arrangements have been made that the application can be in the Department of Energy offices by this date.

Resolution No. 267

Commissioner Gaynor made a motion that a resolution authorizing the Mayor to execute an application proposal to be submitted to the U. S. Department of Energy on the behalf of the City of Ottawa be passed. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion. Commissioner Nichols asked Mr. Kirkwood if the feasibility study is giving consideration to the maximum size plant the city's waste heat could utilize or are we considering something smaller. Mr. Kirkwood replied that at the present time we are considering utilization of half of the waste heat generated from the manufacture of electricity by the city's two new diesel generators presently being installed. Mr. Kirkwood stated further, however, that additional waste heat could be utilized for additional ethanal manufacture or drying of grains. The city is in a position, however, with a possible supply of steam from two boilers which are no longer used or the stag generating unit to insure a continuing manufacturing process. In addition, the city by proximity of location of the proposed plant has an adequate supply of river water which is not chlorinated and possibly some of the facilities of the old water plant which is in the process of being shut down could be utilized for ethanal production.

There being no further business, the meeting was adjourned.



City Clerk

City Hall - May 1, 1980

The City Governing Body met in special session at 2:30 p.m. this date. The purpose of this meeting was to hold a hearing to determine whether there has been a violation of ordinance by the Great Plains Tavern, 110 N. Main, concerning their cereal malt beverage license. Present for the hearing was Joyce Hendrix, City Prosecutor, and Charles Shaw and Kent Shaw, witnesses for the city. Also in attendance was Mr. Tom Gleason, Jr., representing Kevin J. Fernandez, operator of the Great Plains Tavern. Mayor Larson and Commissioners Marstall, Snyder and Nichols were present. Commissioner Gaynor was absent.

Prior to the beginning of the hearing, it was determined that the witnesses would not be sworn as there was no one present duly authorized to swear in witnesses. Mr. Gleason acknowledged that the witnesses would not be sworn in but stated that he would object to any finding being made at this hearing as a result of the witnesses not being sworn.

Ms. Hendrix first called Kent Shaw to the witness stand followed by Charles Shaw, Kent's father. The purpose of Ms. Hendrix' questions to these persons was to establish that a minor had consumed cereal malt beverage on the premises of the Great Plains Tavern, Kent Shaw, 17 years of age, being the person that had consumed cereal malt beverage at the Great Plains Tavern.

Mr. Gleason's questioning of the witnesses was to establish that Kent Shaw was not served cereal malt beverage by either Mr. Fernandez or an employee of the Great Plains Tavern. Mr. Gleason also argued that Mr. Fernandez did not permit Kent Shaw to consume cereal malt beverage in the Great Plains Tavern but that Kent Shaw did consume cereal malt beverage unknown to Mr. Fernandez. The Governing Body recessed to consider the issues.

Upon return, Mayor Larson announced that the Governing Body had decided by a 3 - 1 vote that there is a violation of Ordinance No. 2632, paragraph C, and that the license of the Great Plains Tavern would be revoked for a period of 6 months. The meeting was adjourned.

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



City Clerk

City Hall - May 7, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held April 16, 1980 were amended as follows: Under the heading, Resolution No. 265, the minutes should reflect that Mr. Larson made the statement that the Gulf+Western Company had not complied with their agreement in 1974 to screen the east edge of their property, not Mrs. Nichols as indicated by the minutes. Under the same heading on page 33, it should be noted that Commissioner Snyder voted opposing the motion, stating that his reason for such was that should the Commission find it advisable and order the improvement of Mulberry Street that a remonstrance petition would not be possible. The balance of the minutes were approved as written.

Determination of Sufficiency - Spruce Street Remonstrance Petition

Mayor Larson called upon City Attorney, John Richeson, to address this subject. Mr. Richeson stated that all steps have been taken by the City Commission to order in the improvement of Spruce Street from Logan to Wilson. Following the publication of the resolution ordering said improvement, a remonstrance petition was filed with the City Clerk. Under K.S.A. 12-6A06, the petition must meet two requirements: 1) ~~more~~ more than fifty percent of the owners residing within the benefit district must sign the petition and 2) the owners of more than 51% of the area of the benefit district must sign the petition. Mr. Richeson stated that there was no question but that owners of more than 51% of the area signed the petition. However, there was difficulty in determining what property owners were resident owners. The problem stems from determining the actual resident location of the owners, the records of the County Treasurer may show a tax statement to be sent to an address other than that of the resident owners. The city contends that to be a resident owner, the person must reside within the benefit district. Other attorneys may contend that a resident owner might be anyone who lives within the city. Mr. Richeson stated that in using his interpretation of what constitutes a resident owner, he finds the petition insufficient.

Mr. Tom Gleason, attorney representing Mr. and Mrs. Billy DeWald, stated that his count differs from that of the City Attorney. Under Kansas Statute, Mr. Gleason said a challenge to the improvement project cannot be made at this time. However, a challenge can be made when the assessments for the improvement are levied against the parties that are liable. This process could cause considerable delay in collecting the special assessments after such determination is made and could result in the city-at-large paying a much larger portion of the improvement cost. Mr. Gleason stated that his clients, the DeWald's, do not want Spruce Street open from Logan to Wilson. Mr. Gleason suggested that possibly the city and his clients might seek a declaratory judgement action which would clarify the intent of the legislation.

Commissioner Snyder made a motion that Resolutions 246 and 247 making findings as to the advisability of improving Spruce Street from Logan to Wilson and ordering the improvement of Spruce Street from Logan to Wilson respectively, be rescinded. The motion was seconded by Commissioner Gaynor. Mr. Snyder then stated that he did not feel that citizens should have to hire lawyers to fight actions of the City Commission.

Commissioner Marstall stated that it was only about a year ago that a petition had been circulated for the 600 block of Spruce Street but that it was not the policy of the city to put in one block of pavement when a total project is needed. He said that he felt to reverse the previous actions would be wrong in that money has already been spent in the engineering of the project and that a total project is needed. Commissioner Marstall was in favor of seeking a declaratory judgement and allowing a third party to make a decision. Commissioner Nichols was in agreement with Commissioner Marstall.

Commissioner Gaynor said that if the people in the benefit district want to circulate a petition that he would be in favor of honoring the petition but that the present situation is very marginal. Mr. Gleason reminded the Commission that if a declaratory judgement is sought that Mr. and Mrs. DeWald would have to pay half of the cost.

Upon call for the question, Commissioner Nichols abstained from voting, Commissioners Gaynor, Larson and Snyder voted in favor of the motion and Commissioner Marstall voted opposing the motion. The motion was declared passed.

Determination of Sufficiency - Elm Street Remonstrance Petition

It was reported by the City Attorney that all steps had been taken for the improvement of Elm Street from 8th to 9th and that a remonstrance petition had been filed with the City Clerk. The City Attorney reported that after examination, the petition was found to be sufficient. There were a total of seven resident owners possible and of the seven, four had signed the petition which constitutes more than 50%. The City Attorney further stated that it was quite obvious that the signatures of the four resident owners constitutes more than 51% of the total area.

Commissioner Marstall made a motion that Resolutions 254 and 255 making findings as to the advisability of improving Elm Street from 8th to 9th and ordering the improvement of Elm Street from 8th to 9th respectively be recinded. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Parking Restrictions - East 4th Street

It was reported that there have been numerous requests for limited parking on the north side of 4th Street between Main and Hickory. Commissioner Marstall made a motion that the westerlymost five parking spaces on the north side of 4th Street between Main and Hickory be limited to two hour parking. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

Commissioner Nichols stated that she had received a request for a two hour parking limitation on the east side of Hickory Street between 1st and 2nd in front of the Ralston Insurance Agency. Mrs. Nichols requested that this item be considered at a later date.

Resolution No. 268 - Sale of Parking Lot G

It was reported by the City Manager that the city had been contacted by Construction Materials, Inc. who wished to purchase the south 75' of Parking Lot G. The city has had this area appraised by Robert Taggart, a licensed state appraiser, and Mr. Taggart places the fair market value of this real estate at \$7,750. In addition to the \$7,750, the city has added the \$350 appraisal fee, \$200 for title insurance, \$1,550 related to moving and replacing lights and \$100 administration fee for a total sale price of \$9,950. Commissioner Snyder said that he was in favor of selling this land and that Construction Materials

had agreed to leave the parking area in front of their new structure open at night to the public for the downtown area.

Commissioner Nichols made a motion that a resolution authorizing the city to sell the south 75' of Parking Lot G and to authorize the Mayor to sign the resolution and to sign appropriate deed for \$9,950. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Appointments

As set forth by Kansas Statutes Annotated, the Governing Body proceeded to name the city official newspaper and to make appointments to Boards and Commissions. Commissioner Marstall made a motion that the Ottawa Herald be named the official city newspaper to be effective from May 1, 1980 through April 30, 1981. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Commissioner Nichols made a motion that Kathy Jordan be appointed to a 4 year term on the city Library Board. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Commissioner Nichols made a motion that Betty Slavens be appointed to a 3 year term on the Planning Commission replacing Alice Kaiser who retires after serving two 3 year terms. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Commissioner Snyder made a motion that Clarence Koch and Don Powell be reappointed to 3 year terms on the Planning Commission. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Commissioner Marstall made a motion that Marge Marstall be reappointed to a 4 year term on the Recreation Commission. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

Commissioner Marstall made a motion that Walt Butler and Archie McGehee be reappointed to 3 year terms on the Municipal Auditorium Authority. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

It was announced that an appointment to the Board of Zoning Appeals replacing Gary Jordan, whose terms have expired, will be announced at a later date.

Commissioner Nichols made a motion that Richard Lister, Earl Sommers and Pat Haas be reappointed to the Board of Plumbing Examiners for a term of one year. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Commissioner Snyder made a motion that James Grogan be reappointed to the Franklin City-County Planning Commission. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Report of the Planning Commission Meeting of May 6, 1980

The following is a report of the Planning Commission meeting which was held on May 6, 1980:

"The Planning Commission held its regular meeting on May 6, 1980. Present: Chairperson Powell and members Kaiser, Koch, Gaeddert, Spears, Thornburg and Wellington.

The minutes of the last regular meeting held on April 8, 1980 were approved as written.

The Planning Commission decided by a 7 - 0 vote to recommend that the preliminary plat of Gleason Subdivision be approved and instructed Mr. Gleason to file a final plat containing the following corrections:

1. Final plat should show a temporary cul-de-sac at the end of Elm Street.
2. Property line on Lot 13 should be changed.
3. Tract A should be connected to a larger parcel.
4. Additional information required in the subdivision regulations, but left off the preliminary plat, should be shown on the final plat.

The Planning Commission held a public hearing on the proposed rezoning of Mission Woods Subdivision from R-1 (Single Family) to PUD (Planned Unit Development) District. In accordance with Planning Commission bylaws, this matter was taken under advisement until the June meeting.

The Planning Commission held a public hearing concerning a proposed amendment to the zoning ordinance which would enlarge the minimum square footage area for a drug store located in the C-1 (Neighborhood Commercial) District from 2,500 to 5,000 sq. ft. In accordance with the Planning Commission bylaws, this matter was taken under advisement until the June meeting.

The Planning Commission adopted an amendment to their bylaws which permits action to be taken on a final plat the same night as it appears as new business on the agenda."

Commissioner Nichols made a motion that the Planning Commission report on the number of spaces for mobile homes now available in Ottawa as submitted on April 14, 1980 be accepted. The motion was seconded by Commissioner Snyder. Mr. Lester Graham addressed the City Commission objecting to the report submitted by the Planning Commission stating that there were not 700 spaces available for mobile homes in Ottawa as stated in the report. Upon call for the question, all present voted in favor of the motion.

Comments

Commissioner Nichols went on record asking the people of Ottawa to respect the various traffic signs over the city. Commissioner Nichols said that the city currently loses 4 or 5 signs a night at a cost of approximately \$50 each. Over a period of time, this adds into quite a sum of money.

Commissioner Gaynor said that he had just been approached by a resident living on South Cypress Street close to the high school and the resident had requested consideration be given to limiting parking on Cypress Street. The resident reported that the high school students are parking in front of their homes in this area causing congestion by not utilizing the parking area provided by the high school for 25¢ per year.

Mr. Wayne James, 1104 S. Walnut, requested consideration be given to improving 11th Street from the railroad tracks west to Elm. Mr. James stated that this is a low income area but that dust and speeding vehicles are quite a problem. The City Commission asked Mr. James if he would be willing to carry a petition requesting this improvement and Mr. James indicated that he would carry a petition.

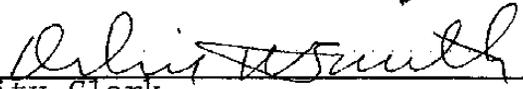
Proclamation - Beta Sigma Phi Year

Upon approval of the City Commission, Mayor Larson signed a proclamation proclaiming April 30, 1980 to April 30, 1981 as Beta Sigma Phi year.

Proclamation - Historic Preservation Week

Upon approval of the City Commission, Mayor Larson signed a proclamation proclaiming the week of May 11 through 17, 1980 as Historic Preservation Week. Mr. Ben Park stated that there is presently an exhibit on preservation on display at the library and asked that people stop by and look at it.

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



City Clerk

City Hall - May 21, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held May 7, 1980 were approved as written.

Ordinance No. 2647 - Industrial Revenue Bonds

An ordinance authorizing the issuance of \$9,500,000 in Industrial Revenue Bonds for the Our Own Hardware Company was introduced. Mr. Verlane Endorf, attorney for Dorsey, Windhorst, Hannaford, Whitney & Halladay, and Mr. David Posthumus, Operations Manager for the Our Own Hardware Company, were present representing the Our Own Hardware Company. It was explained that Mr. Norman Gaar, representing the City of Ottawa, has worked with both attorneys and the Our Own Hardware Company in drawing the proper documents to conclude this bond issue. At this time, as reported by Mr. Gaar, the bond ordinance is in proper form.

Under the terms of Kansas Statutes governing the issuance of Industrial Revenue Bonds, the land and buildings of Our Own Hardware will be owned by the city and leased to Our Own Hardware until such time as the total of the bond issue is retired and at that time, title to the land and buildings will be conveyed to the Our Own Hardware Company. Mr. Endorf explained that the bonds will be delivered in stages to meet scheduled construction needs.

Commissioner Gaynor made a motion that an ordinance authorizing the issuance of \$9,500,000 in Industrial Revenue Bonds for the Our Own Hardware Company be passed and that the Mayor be authorized to sign said ordinance. The motion was seconded by Commissioner Nichols and Mayor Larson and Commissioners Gaynor, Nichols, Marstall and Snyder voted in favor of the motion, no one voted opposing the motion.

Ordinance No. 2648 - Agreement - KCPL Company

An ordinance authorizing the Mayor to execute a Municipal Participation Agreement with the Kansas City Power & Light Company was introduced. The City of Ottawa has been under the present contract to purchase power from the Kansas City Power & Light Company since 1972. The present contract expires as of May 31, 1980 and a new contract is under negotiation. There are several new conditions set forth in the new contract for the purchase of power which are very different from the present contract. These areas are at the present time being explored and hopefully, a contract can be negotiated and approved in the next few days. Under the terms of the new contract, the city will pay \$5.41 per kilowatt per month, plus energy costs and fuel adjustment. There is, however, a request before the Federal Energy Regulatory Commission to increase this fee to \$10.63. In passage of this ordinance, the city is seeking authority for the Mayor to execute the contract when it is properly negotiated and approved. A motion to pass an ordinance authorizing the Mayor to execute a purchase agreement contract with the KCPL Company at such time as said contract is negotiated and approved was made by Commissioner Nichols. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Agreement for Counseling Services - Alcohol Abuse

An agreement with the Douglas County Concerned Citizens Committee on Alcohol Abuse for counseling services relative to alcohol abuse as introduced. The State Legislature two years ago passed a bill

levying a tax on the sale of alcohol beverages by private clubs. The monies derived from this tax are paid back to the cities or counties of origin with 1/3 going into the General Fund, 1/3 going into a Special Parks and Recreation Fund and 1/3 to go into a special fund for alcohol abuse. The city has negotiated an agreement with the Douglas County Concerned Citizen Committee on Alcoholism for the counseling of persons involved in alcohol abuse. The agreement sets forth that the city will pay from this fund to the DCCCA an amount not to exceed \$15,000 or available cash, whichever is lesser, each year for these counseling services. The DCCCA agrees to perform the counseling services and to provide the city with operational reports and financial reports each quarter.

Commissioner Snyder made a motion that the agreement to provide funding to the DCCCA as set forth above be passed. The motion was seconded by Commissioner Nichols. Commissioner Nichols then stated that in future years that the city should look to providing funding, possibly for an officer in the Department of Public Safety who might work in the area of alcohol abuse. Upon call for the question, all present voted in favor of the motion.

Letter of Intent - Industrial Revenue Bonds

A letter of intent to issue Industrial Revenue Bonds in an amount not to exceed \$3,000,000 for the construction of a new nursing home facility was considered. Mr. James Lewis, president of Crestview Nursing Home, was present. Mr. Lewis stated that under present regulations due to new requirements for the operation of nursing homes, if the manager of the present Crestview Nursing Home were to change it would have to be closed. One of the insufficiencies of the present nursing home is that the doorways are too narrow to meet present regulations and to make such a change would require a major remodeling of the building. Regulation states that operation may continue as long as ownership or manager does not change.

Mr. Lewis, in seeking a letter of intent from the Governing Body, said that he needs the letter of intent in order to apply for a Certificate of Need from the State of Kansas for the construction of a new facility. Mr. Lewis stated he presently has an option on land to construct a new facility but that if the Certificate of Need was not obtained, the option would not be exercised.

Commissioner Marstall made a motion that a letter of intent to issue \$3,000,000 in Industrial Revenue Bonds for the construction of a new nursing home facility in the community be approved and that the Mayor be authorized to sign said letter. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

A point was made at this time that the issuance of the letter of intent is not binding upon the city to issue the bond above referenced.

Ordinance No. 2649 - Utility Fees

An ordinance establishing fees for reconnect of utility service when discontinued for non-payment, for no-fund or otherwise uncollectable checks and for special collection of utility bills was introduced. The City Clerk explained that there is need for the establishment of such fees due to the frequency of the receipt of no-fund checks and collection services of the Utility Department. The ordinance sets forth that the fee for reconnect of utility service when discontinued for non-payment will be \$10 during working hours and \$15 on nights, weekends and holidays. The fee for no-fund or otherwise uncollectable checks will be \$5.00 and the fee for collection of utility services when a serviceman has been dispatched to discontinue said service for non-payment will be \$7.50.

Commissioner Snyder made a motion that the ordinance establishing the fees as set forth above be passed. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2650 - Designation of Main Trafficways

An ordinance designating Main Street from the north city limits to the south city limits, Princeton Circle Drive from 17th Street to the south city limits, Princeton Street from the south city limits to 19th Street and Princeton Terrace from 19th Street to 17th Street was introduced. The City of Ottawa has an offer of a grant in the amount of \$56,779.50 from the State of Kansas to overlay the above referenced streets excepting Main Street from the north city limits to 17th Street. The offer of the grant is conditioned upon matching funds from the city with the state paying for 50% of the overlay but not to exceed \$56,779.50. In order that the city may issue bonds to finance the city's portion of the project, the streets must be designated main trafficways by ordinance. The total estimated cost of the project is \$135,000 as the city is adding Princeton Circle Drive and Princeton Street from 19th Street to the south city limits over and above that for which application for grant was made.

Commissioner Snyder made a motion that an ordinance be passed designating Main Street from the north city limits to the south city limits, Princeton Circle Drive from 17th Street to the south city limits, Princeton Street from the south city limits to 19th Street and Princeton Terrace from 19th to 17th Street as main trafficways. The motion was seconded by Commissioner Gaynor and upon call for the question, Mayor Larson and Commissioners Snyder, Gaynor, Nichols and Marstall voted in favor of the motion. No one voted opposing the motion.

Resolution No. 269 - Directing and Ordering Street Improvements

A resolution directing and ordering the improvement of Main Street from 15th Street to the south city limits, Princeton Circle Drive from 17th Street to the south city limits, Princeton Street from the south city limits to 19th Street and Princeton Terrace from 17th to 19th Street was introduced. The purpose of this resolution is to comply with Kansas Statutes to sell bonds to finance the city's share of the improvement as referenced in Ordinance No. 2650.

Commissioner Marstall made a motion that a resolution directing and ordering the improvement of Main Street from 15th Street to the south city limits, Princeton Circle Drive from 17th to the south city limits, Princeton Street from the south city limits to 19th Street and Princeton Terrace from 17th to 19th Street be passed. The motion was seconded by Commissioner Snyder and Mayor Larson and Commissioners Marstall, Snyder, Nichols and Gaynor voted in favor of the motion. No one voted opposing the motion.

Change Order No. 2 - Paving Contract No. 5

Change Order No. 2 pertaining to Contract No. 5 for paving and storm sewers was introduced. Change Order No. 2 incorporates sidewalk construction on Elm Street between 7th and 8th Streets to compensate for the change in grade caused by the improvement of said street. The cost of the sidewalk as set forth in Change Order No. 2 is \$4,152. A motion to approve the change order was made by Commissioner Snyder, seconded by Commissioner Gaynor and all present voted in favor of the motion.

Engineering Services Agreement

A contract for an engineering services agreement with A. C. Kirkwood & Associates for the 1980 street rehabilitation program was introduced. The scope of the street rehabilitation project for 1980 is such that it is going to require more engineering work than the city is able to provide inhouse at this time. The proposed overlay for the

rehabilitation program as it moves from block to block within the city must be fully engineered if changes in grade will affect storm drainage. The city desires to have A. C. Kirkwood and Associates to perform these engineering services. Commissioner Marstall made a motion that the engineering services agreement with A. C. Kirkwood and Associates as proposed be approved and the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Resolution No. 270 - Appointment of Representatives

A resolution appointing City Manager Robert Mills and Director of Utilities Jack Davis as representatives to the Board of Directors to the Kansas Municipal Energy Agency and appointing the Mayor as alternate representative was introduced. The Kansas Municipal Energy Agency, of which the city has become a member, requires that each city appoint two representatives to the Board of Directors of the Agency. It is necessary at this time that the City of Ottawa make such appointments to comply with the bylaws of the organization.

A motion to pass a resolution naming City Manager Robert Mills and Director of Utilities Jack Davis as representative to the Board of Directors to the Kansas Municipal Energy Agency and appointing the Mayor as alternate representative was made by Commissioner Gaynor. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Submission of Request

Mr. Bob Green, attorney and Ben Park, both representing a group of interested citizens, appeared before the City Commission submitting a request for election for the restoration and remodel of the present Ottawa library facility. Along with the request, a petition was submitted also requesting that the question of restoration of the Ottawa library be placed on a ballot. Cost figures presented in the request total \$490,000. These figures as stated by Mr. Green represent an inflationary update of cost figures earlier determined by architects. The new figures were arrived at by increasing costs by 1% per month since the date of the architect's estimate. Mr. Green pointed out that many modern libraries are on multi-floor levels as opposed to the Library Board's request that a new structure be built on a single level for personnel and economic reasons.

Mr. Green further stated that in the fall primary, there may be two questions on the ballot, one to restore the old library facility and the second to construct a new library facility on a new site. Commissioner Snyder asked what would happen if both questions submitted passed. It was determined that the submission of the question and the outcome of the vote is not binding upon the City Commission, that they must still make a decision on the issue. The Commission thanked Mr. Green and Mr. Park for the request presentation and were in agreement that alternatives need to be looked at concerning the library issue.

Appointments

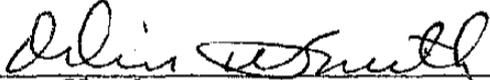
Commissioner Nichols made a motion that James R. McCrea be appointed to serve on the Board of Zoning Appeals for a 4-year term replacing Mr. Gary Jordan who retires from that position this year. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Commissioner Snyder made a motion that Mr. Don Hoglund, Mrs. Charlene Lister and Mr. Charles Anderson be appointed to the United Fund Board replacing Mr. Marvin Forker, Mrs. Marjorie Shepoiser and Mr. Ralph Loyd, all of whom retired from the United Fund Board this year. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Citizen Inquiry

Mrs. Pearl Mathias asked the City Commission if there had been a determination made on the improvement of North Mulberry Street (Mrs. Mathias owns property within the proposed benefit district). Mrs. Mathias was answered that the City Commission at their last regular meeting had taken action to stop the proposed improvement and that the improvement would not proceed unless petitioned to do so by property owners. Commissioner Snyder asked Mrs. Mathias if she might prevail on her nephew who lives on her property on North Mulberry to clean up around his residence and stop collecting junk for resale at this location. Mrs. Mathias replied that she felt her nephew was doing a service to the community in that the junk he collects and eventually sells would otherwise be all over the city.

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



City Clerk

City Hall - May 29, 1980

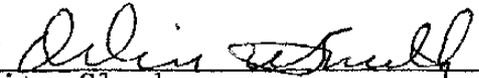
The City Governing Body met in special session at 3:00 p.m. this date. The purpose of this meeting was to officially accept a Community Development grant in the amount of \$486,000. Present: Mayor Larson and Commissioners Marstall, Nichols, Snyder and Gaynor. Absent: none.

Resolution No. 271 - Funding Agreement

Mayor Larson opened the meeting by calling upon the City Manager to explain the grant and the actions to be taken today. The City Manager explained that the city has been awarded a Community Development grant in the amount of \$486,000 by the Department of Housing and Urban Development. The city must take official action accepting the grant and authorizing a member of the staff to execute the funding agreement. The grant consists of \$335,000 for reconstruction of the Skunk Run drainage ditch, \$20,000 for administration, \$10,000 for demolition of dangerous structures and \$121,000 for rehabilitation of residences that qualify for funding.

Commissioner Snyder made a motion that the city pass a resolution formally accepting the grant and authorizing the City Manager to execute the funding agreement. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

It was reported that the city will start receiving the grant funds after July 1, 1980 and that by that date, the work authorized under the 1979 Community Development grant will be 95% complete. It was also commented that the city is allowed to move funds from one category within the grant to another in an amount not to exceed 10%. The business for which this meeting was called having been completed, the meeting was adjourned.



City Clerk

City Hall - June 4, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held May 21, 1980 were corrected as follows: On page 48 under the heading of Citizen Inquiry, the minutes were corrected to reflect that Commissioner Marstall asked the question of Mrs. Mathias as opposed to Commissioner Snyder, as stated. The balance of these minutes were approved as written.

The minutes of the special meeting which was held May 29, 1980 were approved as written.

Report of Planning Commission

"Following is a report of the Planning Commission meeting of June 3, 1980. Present: Chairman Powell and members Koch, Spears, Slavens, Thornburg and Wellington. Absent: Gaeddert.

The minutes of the last regular meeting held on May 6, 1980 were approved as written.

The Planning Commission met with Mr. Bill Knoth of Leo Eisenberg & Company, Kansas City, Missouri to discuss the proposed rezoning of Lot 11, County Clerk's Subdivision No. 1 from C-S (Highway Commercial) District to C-2 (General Commercial) District. The Planning Commission members suggested to Mr. Knoth that he consider filing a PUD application for the proposed Wal-Mart shopping center and instructed him to submit his plans to the city staff by June 16, 1980. This matter will be continued at the July Planning Commission meeting.

The Planning Commission approved by a 6 - 0 vote the final plat of Rule Subdivision with the recommendation that the developer file an affidavit with the plat that states no lots will be sold nor any building permits issued until all public improvements on the property are completed and that a deed showing the transfer of Tract A be recorded.

The Planning Commission decided by a 6 - 0 vote to recommend the preliminary Planned Unit Development plan for Mission Woods Subdivision with the requirements that the developer extend all utilities and Osage Drive to the property line and that the right-of-way of Osage Drive be increased to 70'.

The Planning Commission decided to further study a proposed amendment to the zoning ordinance which would increase the selling area of stores, except for grocery stores, located in the C-1 (Neighborhood Commercial) District from 2500 to 5000 sq. ft.

The Planning Commission met with Mrs. Gary Wadkins, 636 S. Locust, and Mr. Rick Trout, 220 W. 7th, concerning the height and site obscuring requirements of front yard fences. The Planning Commission told these individuals that they understood the problem created on corner lots but that they would have to comply with the requirements of the zoning ordinance."

Commissioner Nichols inquired of the difference between C-S (Highway Commercial) District and C-2 (General Commercial) District. It was explained that C-S District allows for those types of establishments that serve the general highway traffic, inclusive of service stations, motels and quick-shop type establishments. The C-2 District is for district shopping mall type operations.

Ordinance No. 2651 - Intangible Tax Election

An ordinance calling for an election to consider the repeal or retention of the city intangible tax was introduced. A petition calling for an election to consider the repeal or retention of the city intangible tax has been received and has been found sufficient to call such an election by the County Election Officer. As set forth by K.S.A. 79-3109, such election must be called to be held at the same time as the next primary or general election to be held in the City. Ordinance No. 2651 calls for an election to be held Tuesday, August 5, 1980 which coincides with a primary election date. It was noted that the question as stated in the ordinance makes reference to the county's ad valorem tax levy authority as opposed to the city's ad valorem tax levy authority. Commissioner Marstall stated that he had talked with the Kansas Attorney General and that the question to be proposed as stated in K.S.A. 79-3109 is in error and should refer to the city's ad valorem tax levy authority.

Commissioner Marstall made a motion that the question as stated in the proposed ordinance be changed to eliminate reference to the county's ad valorem tax levy authority and to refer to the city's ad valorem tax levy authority. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

It was reported that the city's budget for 1979 taxes to underwrite the 1980 budget estimates that the city will receive \$98,000 in intangible taxes. It was further reported that the city often-times receives intangible tax monies in excess of the estimated revenues.

Commissioner Marstall stated that if the intangible tax is repealed at this election, as stated on the ballot, the city will have authority to levy additional taxes, void of any imposed tax lid, in an amount equal to the last intangible tax receipts. Also, if the intangible tax is eliminated by election, the tax will continue in force until 1983 at which time the city will have the authority to levy for additional taxes. Commissioner Nichols commented that if the County Commissioners would put the question of a county-wide sales tax on the ballot and if it passed, the revenues lost from the intangible tax could be recouped through the county-wide sales tax, thus no additional ad valorem taxes would be necessary.

Commissioner Marstall made a motion that an ordinance calling for an election to be held on Tuesday, August 5, 1980 to consider the repeal or retention of the city's intangible tax be passed, said election to be held as set forth by K.S.A. 79-3109. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion. Commissioner Snyder requested that a letter be sent to the Franklin County Commissioners requesting that the question of a $\frac{1}{2}\%$ county-wide sales tax be voted on in the near future.

Request - Pearl Peterson

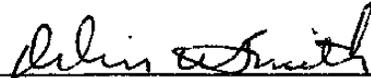
Mrs. Pearl Peterson, 1031 S. Locust, requested the city look into the improvement of Locust Street between 10th and 11th Streets. Mrs. Peterson stated that this block is not paved and that most of the residents of this block are either low income or fixed income families. Mrs. Peterson was concerned that something should be accomplished in the area of controlling the dust in this block. According to Mrs. Peterson, drainage in this area is very poor and that along with the dust problem, it creates an unhealthy situation for the residents. Mayor Larson told Mrs. Peterson that the city would look into the problem.

Request - Chad Spierman

Mr. Chad Spierman, owner of J.B.'s Big Boy Restaurant at K-68 and Main Street, asked that the city look into a cleanup in the north part of Ottawa. Mr. Spierman spoke of unsightly conditions along the highways coming into Ottawa as well as some of the properties immediately north of his restaurant. Mr. Spierman said he had contacted some of the owners of the properties just north of his restaurant concerning the improvement of Hickory Street between Logan and K-68 and the cleanup of the properties but had received no cooperation. He qualified the statement in that most all property owners are absentee.

Mr. Spierman stated that he had requested the improvement of Hickory Street from Logan to K-68 sometime ago but that no action had been taken on his request. The City Commission told Mr. Spierman they were aware of his prior request but that storm drainage requirements for this improvement are quite extensive and would be very expensive for the city. The city was not in a position to proceed with such an expenditure at that time. The City Commission informed Mr. Spierman that they would again look into this project along with the requested cleanup and see what might be accomplished.

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



City Clerk

City Hall - June 18, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held June 4, 1980 were approved as written.

Ordinance No. 2652 - Zoning

An ordinance rezoning Mission Woods Subdivision from R-1 (Single Family) to PUD (Planned Unit Development) was considered. Administrative Assistant David Watkins explained that the rezoning of Mission Woods Subdivision to PUD (Planned Unit Development) has been recommended by the Planning Commission. The rezoning is necessary at this time to allow the developer to proceed with the plot plan and a replat of the area. The plot plan and replat of the area has been basically approved by the Planning Commission subject to the following two conditions: 1) water and sewer lines must be extended to the south property line to avoid confusion on the responsibility for extension of said lines when and if the area south of Mission Woods should develop and 2) at the request of the developer, the street right-of-way is to be increased from 60' to 70' on the west side of the plat in order to save a line of hedge trees which would have to be removed if the street were paved in the middle of the 60' right-of-way.

Commissioner Gaynor asked what insurance the city would have that the paving that developers are required to install would hold up adequately and not need maintenance by the city for a reasonable period of time. City Manager Mills answered that the contractor or developer who installs a paving improvement on a street is responsible for the pavement for a period of one year. Commissioner Gaynor then made reference to the condition of the paving in Southview Addition which has been done a relatively short period of time. The paving has deteriorated, apparently caused by concrete trucks delivering to new home sites. City Manager Mills answered that the pavement in the Southview Addition is as set forth by the city's subdivision regulations but that it is substandard as compared to the city's paving specifications, this was an oversight in the subdivision regulations.

Commissioner Nichols made a motion that an ordinance rezoning Mission Woods Subdivision from R-1 (Single Family) to PUD (Planned Unit Development) be passed subject to water and sewer utilities being extended to the south property line and the street right-of-way on the west side of the tract being increased from 60' to 70'. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

Approval of Plat - Rule Subdivision

As recommended by the Planning Commission, the City Commission proceeded to take action on the approval of the plat of the Rule Subdivision. The Planning Commission has recommended the plat be approved by the City Commission subject to the conveyance of a small parcel of land on the north end of said tract to an adjoining property owner and a signed statement by which no parcels will be sold or building permit issued by the city until all improvements are in place. The Administrative Assistant reported that the signed statement concerning sale of parcels until all improvements are in place is presently on file with the city but that to date, the city has not been assured that the ownership of the parcel of land on the north end of the tract has been conveyed to an adjacent property owner.

Commissioner Marstall made a motion that the final plat of the Rule Subdivision be accepted subject to the conditions set forth above and that the Mayor be authorized to sign the final plat at such time as the conditions are met. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Change Order No. 2 - Contract No. 6

Change Order No. 2 to Contract No. 6, Paving and Storm Sewers, inclusive of the improvement of 9th Street from Main to Cedar, was considered. It was explained that 9th Street from Main to Cedar is in bad condition. With the installation of traffic signals at 9th and Main Street, the State of Kansas is requiring the north drive to the Safeway store be closed. The closure of this driveway necessitates an additional driveway be installed off of 9th Street along with the widening of the alley entrance off of 9th Street.

The improvement of 9th Street from Main to Cedar is to be included in street rehabilitation work this season and, therefore, it is deemed to be advisable to have May-Ransom-Sheetz Contractors improve this street along with the 9th and Main signalization. The additional cost in improving 9th Street as set forth by Change Order No. 2 is \$55,612.55 for a total cost of the signalization of 9th and Main and the improvement of \$83,112.55.

Commissioner Snyder made a motion that Change Order No. 2 to Contract No. 6 providing for the improvement of 9th Street from Main to Cedar be approved and that the Mayor be authorized to sign said Change Order. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Resolution No. 272 - Contract for Planning Services

A resolution authorizing the city to enter into a contract for planning and other services with the Kansas Municipal Power Agency was introduced. City Manager Mills explained that when the city joined the Kansas Municipal Power Agency that the city was aware of the possibility of a fee for planning services in an amount of approximately \$35,000. The final figures for the fee to be paid by the City of Ottawa indicates that the fee will be \$31,600. The city still has the option of relinquishing membership by March 1, 1981 in which case the city would not be liable for said payment.

Commissioner Snyder made a motion that a resolution authorizing the city to enter into a contract for planning and other services with the Kansas Municipal Power Agency and that the Mayor will be authorized to sign said resolution. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Acceptance of Industrial Avenue Improvement

The City Commission proceeded to take action on the recommendation of the City Engineer for the city to accept the pavement of Industrial Avenue. This portion of Industrial Avenue was improved at the expense of Ottawa Industrial Development, King Radio and Duke Manufacturing for the convenience of their manufacturing facilities. The City Engineer has inspected the improvement and recommends its acceptance. As in the case of other improvement projects, the pavement will be guaranteed for one year.

Commissioner Nichols made a motion that the paving improvement on Industrial Avenue be accepted by the city. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Request of Ottawa Jaycees

Rex Cummings, representing the Ottawa Jaycees, requested the use of Forest Park on July 4, 1980 for the Jaycees 11th annual Chautauqua Days celebration. Mr. Cummings stated that the Chautauqua Days

celebration would only be a one day event this year inasmuch as the 4th of July falls on a Friday. However, Steve Queen, Recreation Director, has requested the Jaycees concession stands to remain open Saturday and Sunday to serve the scheduled baseball tournaments. Mr. Cummings stated that fireworks will be displayed as usual. Mr. Cummings was asked if liability insurance was secured for this event. Mr. Cummings stated that it was.

Commissioner Nichols made a motion that the Ottawa Jaycees be permitted to use Forest Park on July 4, 1980 for their Chautauqua Days celebration and that they be permitted to continue with their concession stands through July 6 for the baseball tournaments. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

The City Manager asked Mr. Cummings if he would furnish the city with a copy of their insurance documents covering this event. Mr. Cummings indicated that they would be furnished to the city.

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



City Clerk

City Hall - July 2, 1980

The City Governing Body met in regular session at 9:30 a.m. this date. Present: Mayor Larson and Commissioners Marstall, Snyder, Nichols and Gaynor. Absent: none.

Approval of Minutes

The minutes of the last regular meeting which was held June 18, 1980 were approved as written.

Report of Planning Commission

The City Commission received a report of the Planning Commission meeting of July 1, 1980 as follows:

"The Planning Commission met in regular session at 7:00 p.m., July 1, 1980. Present: Chairman Powell and members Koch, Wellington, Gaeddert, Thornburg, Spears and Slavens. Absent: none.

The minutes of the last regular meeting held on June 3, 1980 were approved as written.

The Planning Commission approved by a 5 - 2 vote a motion that stated that they concurred with the idea of General Commercial uses being located on Lot 11, County Clerk Subdivision #1. The Planning Commission approved by a 5 - 2 vote a motion to amend the city's Comprehensive Plan to state that the city will permit only service type commercial activities or low density commercial uses in outlying areas except on Princeton Circle Drive no farther south than 23rd Street where larger General Commercial uses will be permitted when they cannot be accommodated in the Central Business District.

The Planning Commission decided by a 7 - 0 vote to recommend the denial of Leo Eisenberg's application for a C-2 (General Commercial) zoning classification on Lot 11, County Clerk Subdivision #1. The Planning Commission decided to discuss this company's application for a Planned Unit Development District.

The Planning Commission members then discussed a memorandum from Bucher & Willis which outlined 24 recommendations or considerations concerning Leo Eisenberg's application for a PUD on Lot 11. The developer agreed to consider all the changes and was instructed by the Planning Commission to conduct a traffic study of the areas encompassing the proposed development to ascertain the effects of four additional curb cuts and to determine if a traffic light will be needed at the southern entrance to the development.

The Planning Commission held a public hearing on an amendment to the zoning ordinance which would permit the sale of individual units within an apartment complex. In accordance with Planning Commission bylaws, this matter was taken under advisement until the August meeting.

The Planning Commission members met with Mike topp to discuss his plans to locate an automobile body shop in the C-3 (Retail Business) District. This use is presently not allowed in this district. He asked the Planning Commission to consider amending the zoning ordinance to permit this as an allowable use in the C-3 District. The Planning Commission took this matter under advisement.

The Planning Commission decided by a 7 - 0 vote to recommend to the City Commission the approval of the Mission Woods PUD final plat and final plan.

The Planning Commission decided by a 4 - 3 vote to limit the selling area of commercial establishments in the C-1 (Neighborhood Commercial) District to 2,500 sq. ft. with the exception of grocery stores."

There was no action taken on this report at this time.

Street Improvement Petition

The City Commission made a finding that a petition calling for the improvement of Spruce Street from Logan to Fairway Drive is sufficient to proceed with said improvement. This petition calls for the improvement of Spruce Street from Logan to Fairway Drive at a total cost of \$176,942.24, said petition was filed with the City Clerk on June 24, 1980. The City Attorney has also rendered an opinion dated June 27, 1980 by which he states that the petition is sufficient to proceed. A motion was made by Commissioner Nichols that the petition be found sufficient. The motion was seconded by Commissioner Marstall and Mayor Larson and Commissioners Marstall, Snyder, Nichols and Gaynor voted in favor of the motion and no one voted opposing the motion.

Resolution No. 273 - Findings - Spruce Street

A resolution making findings as to the advisability of improving Spruce Street from Logan to Fairway Drive was introduced. The proposed improvement is to be constructed of 6" reinforced concrete and is to be 31' wide from back of curbing to back of curbing. The estimated probable cost of said improvement is \$176,942.94 with the city-at-large to pay an amount of approximately \$65,012.82 or an amount not to exceed 36.7% of the total cost. Commissioner Snyder made a motion that a resolution making findings as to the advisability of improving Spruce Street from Logan to Fairway Drive be passed. The motion was seconded by Commissioner Gaynor and all present as stated above voted in favor of the motion.

Resolution No. 274 - Ordering - Spruce Street

A resolution directing and ordering the improvement of Spruce Street from Logan to Fairway Drive was introduced. The type of improvement and the estimated probable costs are as stated under the heading of Resolution No. 273. Commissioner Nichols made a motion that a resolution directing and ordering the improvement of Spruce Street from Logan to Fairway Drive be passed. The motion was seconded by Commissioner Snyder and all present as stated above voted in favor of the motion.

Request of the Ottawa Retail Association

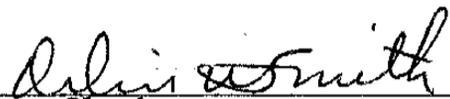
Mr. Clarence Koch, president of the Ottawa Retail Association, requested permission for the downtown merchants to hold a sidewalk sale on July 23, 1980 and to block Main Street for vehicular traffic in the 100 and 200 blocks during the sale. Commissioner Snyder asked Mr. Koch if the State Department of Transportation had given permission to close Main Street for this period of time. Mr. Koch answered that permission had not been requested as of this date. It was discussed that the city would work with the ORA in seeking permission for closure of Main Street for the sale and in the proper detouring of traffic. Commissioner Snyder made a motion that permission be granted for the sidewalk sale on July 23 and that the 100 and 200 blocks of Main Street be closed to vehicular traffic if permission is received from the Department of Transportation. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

Report of Electric Generation

It was reported by the City Manager that the city achieved a new peak electric load of 21,500 kw on July 1, 1980 at 3:35 p.m. The city has requested that appliances consuming large amounts of electricity not be run between 3:00 p.m. and 7:00 p.m. on days of over 100° temperatures. If the electric consumers will cooperate in this manner, it

is hopeful that any blackouts may be averted.

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


Delia Smith
City Clerk

City Hall - July 16, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held July 2, 1980 were approved as written.

Request of Mayor Larson

Mayor Larson went on record requesting friends, relatives and neighbors of older persons within the community to frequently check on these people during our present heat wave. Mayor Larson stated that there have been many heat related deaths as a result of the heat wave and the older people need to be checked on very closely. Mayor Larson commended ECKAN for their program of securing fans for those persons that cannot afford to buy them.

Resolution No. 275 - Authorizing Signatures of Mayor and City Clerk

A resolution authorizing the Mayor and City Clerk to execute an agreement with the Kansas Department of Transportation for the resurfacing of U.S. 59 and U.S. 50 from 15th Street to the south city limits was introduced. Commissioner Marstall made a motion that a resolution authorizing the Mayor and City Clerk to execute an agreement with the Kansas Department of Transportation for the resurfacing of U.S. 59 and U.S. 50 from 15th Street to the south city limits be passed. The motion was seconded by Commissioner Nichols. City Manager Mills explained that the city had made application to the Kansas Department of Transportation for funds for the resurfacing of this portion of U.S. 59 and U.S. 50 and that the Kansas Department of Transportation had agreed to pay half of the cost or not over \$56,779.50. It has been determined, however, that the total cost will exceed the original estimated costs and the city's share of this improvement will be \$73,220.50.

It is proposed by the City Manager that the city issue general obligation bonds for the city's share of the cost, this was made possible when the City Commission passed resolutions designating these streets as major thoroughfares. Upon call for the question, all present voted in favor of the motion.

Engineering Services Agreement-A.C. Kirkwood & Associates

An Engineering Services Agreement with A. C. Kirkwood & Associates for the design and specifications for the resurfacing of U.S. 50 and U.S. 59 from 15th Street south to the city limits was introduced. For purpose of opening the item to discussion, Commissioner Snyder made a motion that an Engineering Services Agreement with A. C. Kirkwood & Associates for the design and specifications for the resurfacing of U.S. 50 and U.S. 59 from 15th Street south to the city limits be approved and the Mayor be authorized to sign said agreement. The motion was seconded by Commissioner Gaynor. Discussions centered around the method of remuneration to A. C. Kirkwood & Associates. A. C. Kirkwood & Associates, under the terms of the agreement, are to be paid on a per diem basis and not on a percentage of the job completed. Upon call for the question, all present voted in favor of the motion.

Amendment to Engineering Services Agreement with A. C. Kirkwood & Associates

To open the subject for discussion, Commissioner Marstall made a motion that an amendment to the Engineering Services Agreement with A. C. Kirkwood & Associates for sanitary sewage improvements regarding

additional EPA requirements be approved. The motion was seconded by Commissioner Snyder. The purpose of the amendment under consideration is to comply with additional EPA requirements which set forth that a Citizen Participation Plan be initiated in connection with sanitary sewage improvements. The additional cost to the engineering firm for setting forth such a plan is \$2,200 with EPA paying 80% of the cost. Upon call for the question, all present voted in favor of the motion.

Easement - Coffey County Rural Electric Cooperative

For purpose of opening the proposed easement to discussion, Commissioner Snyder made a motion that the city issue an easement to the Coffey County Rural Electric Cooperative to place a pole and electrical equipment on city property. The motion was seconded by Commissioner Nichols. Coffey County Rural Electric Cooperative has requested an easement to set a pole and electrical equipment on property owned by the City of Ottawa at the Miller dam site for the purpose of serving cabins in and around the dam site. It was discussed that the city acquired the site and land around the Miller dam many years ago for impounding water for city use during periods of drought. The question arose as to whether the city actually owned the property or the city had obtained necessary easements to establish the dam and access. This question was directed to be researched by the staff. Upon call for the question, all present voted in favor of the motion.

Consider Recommendation of Planning Commission

The City Planning Commission at the meeting of July 2, 1980 had recommended that a request for rezoning Lot 11, County Clerk's Subdivision #1 from C-S (Highway Service) to C-2 (General Commercial) be denied. For purpose of pursuing discussion, Commissioner Nichols made a motion that the request be denied as per the recommendation of the Planning Commission. The motion was seconded by Commissioner Marstall. It was pointed out that the Planning Commission had recommended denial of the request which was to accommodate the establishment of a Wal-Mart store so that a request for a change in zoning to Planned Unit Development could be pursued. The C-2 zoning classification would have permitted the establishment of many commercial operations, some of which might not be in the best interest of the area. If the area is rezoned to Planned Unit Development, then the Planning Commission and the city will have complete control over, not only the sizes and types of structures, but the types of commercial establishments as well. Upon call for the question, all present voted in favor of the motion.

Agreement - Rural Water District #4

An agreement setting forth the conditions whereby the city will sell water to Rural Water District #4 was introduced. For purpose of pursuing discussion, Commissioner Snyder made a motion that an agreement setting forth the conditions whereby the city will sell water to Rural Water District #4 be approved. The motion was seconded by Commissioner Nichols. It was explained that at the present time Rural Water District #4 is served by wells only and that their water supply is greatly restricted by the source.

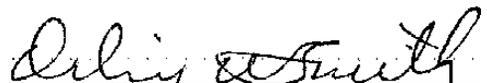
Rural Water District #4 is located southwest of Ottawa serving the Homewood and Williamsburg area. The city has sufficient capacity and adequate distribution systems to serve Rural Water District #4. Rural Water District #4 would tap into the city's lines at 23rd Street and 59 Highway. Rural Water District #4 would consume approximately 350,000 gallons per day with no guarantee of water pressure. The price for the water is set forth in a 30 year contract which is renewable in terms of 5 years with a 48 month notice required for termination of the agreement.

Commissioner Snyder pointed out that even though the city has a new water treatment plant of adequate capacity that a significant portion

of the plant would be utilized in serving Rural Water District #4. The water district will be served by a 4" meter on a 6" line and they will pay the wholesale volume charge as well as the demand charge which is in reality a capital improvement charge.

The service taps to Rural Water District #4 as set forth in the agreement will be limited to one tap per 40 acre tract for residential purposes with the exception that if a 40 acre tract has a line on two sides, two taps will be allowed and there is no limit to service taps when used for livestock purposes. The reason for the control of the number of taps as set forth in the agreement is for orderly development in the area surrounding the City of Ottawa. Upon call for the question, all present voted in favor of the motion.

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



City Clerk

City Hall - July 21, 1980

The City Governing Body met in special session for the purpose of solicitating requests for expenditure of federal revenue sharing funds in 1981. Present: Mayor Larson and members Marstall, Snyder and Nichols. Absent: Gaynor. It was explained at the outset of the meeting that if revenue sharing is renewed by Congress, the city will have approximately \$154,751 in revenue sharing funds available in 1981. Those making requests for expenditure of revenue sharing funds should bear in mind that there is no certainty of the receipt of these funds. There were approximately 25 guests present at this meeting.

The first person to appear before the City Commission requesting expenditure of funds was Steve Queen, Director of the Ottawa Recreation Commission, requesting an expenditure of \$15,000 of the fourth quarter of 1980 funds and \$35,000 of the 1981 funds for a feasibility study and acquisition of land for additional recreation facilities. The main emphasis of Mr. Queen's request was for additional softball facilities. Mr. Queen gave numerous statistics setting forth the growth of softball participation in the community in the past few years. Mr. Queen said, however, that his request was not specifically for softball facilities as other sports are also in need of a larger area. Most of the people in attendance at this hearing were in support of Mr. Queen's request. The Governing Body fielded the question, "How many of those persons present would vote for additional taxes to secure land requested and development of additional recreation facilities?" Most persons in attendance indicated that they would vote in favor of and support additional taxes for this purpose.

Mrs. Gloria Terrill, Director of the Franklin County Child Development Association (Day Care) requested \$5,000 for the purchase of equipment, material and supplies for the Day Care operations. Mrs. Terrill stated that her organization had received \$5,000 in 1977 for materials and supplies and that it had been a great help; however, at this time they are needing to make additional purchases of these items.

Mr. Myles Schachter, representing the Central Business District, Inc., requested \$10,000 to complete phases 2, 3 and 4 of the revitalization of the Central Business District. Mr. Schachter stated that the merchants and the people within the Central Business District had raised \$7,500 to date for phases 1 and 2 but additional funds are needed to complete the project.

Ron Reusch of Youth Services, Inc. (Home Base) requested \$3,130 for replacement of sidewalks around the home for boys that Youth Services, Inc., operates. The statistics concerning the number of boys served and the costs of the service were presented.

Ben Park, 1 Rockwood Drive, requested \$25,000 be paid into an Ottawa Library capital improvement fund for future improvements. Mr. Park stated that an example of neglect for lack of capital improvement funds might be the Ottawa Municipal Auditorium which has undergone extensive remodeling and refurbishing in the past few years. According to Mr. Park, if these buildings were properly maintained, the extensive remodeling and refurbishing would not be necessary.

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


City Clerk

City Hall - August 4, 1980

The City Commission met in special session at 3:00 p.m. to entertain requests for revenue sharing funds available in the last quarter of 1980 and all of 1981. Present: Mayor Larson and Commissioners Marstall, Snyder and Nichols. Absent: Commissioner Gaynor.

Walt Butler, Archie McGehee and George Jaworski were present to make a request for \$5,000 in revenue sharing monies to provide a capital improvement and maintenance fund for the Municipal Auditorium. Mr. McGehee, the Auditorium Authority Treasurer, read a prepared statement which indicated the Auditorium Authority had established a goal from its inception to set aside \$5,000 a year for maintenance and capital improvements. However, this goal has not been attained due to the fact that monies realized from a 1½ mill levy only provide enough funds to cover administrative salaries and insurance costs. Revenues derived from ticket sales, rental fees, etc., barely cover the costs of utilities and the actual cost of providing this entertainment. Consequently, the Auditorium Authority has only been able to set aside \$2,000 for maintenance purposes.

Commissioner Nichols asked Mr. McGehee if the Auditorium Authority had considered having more country shows which seem to be the highest revenue producer in the season ticket package. Mr. McGehee replied that they had 4 country shows scheduled for the upcoming season. Commissioner Snyder asked if the Auditorium Authority had considered raising the ticket price to help set aside monies for maintenance and capital improvements. Auditorium Authority Chairman Butler replied that it was the Auditorium Authority's philosophy to keep ticket prices in a price range low enough to attract the greatest number of persons in the community to auditorium sponsored events. The City Commission stated they would take this request for \$10,000 (\$5,000 per year for the last 2 years) under consideration.

Bob Pence, representing Home Base, stated that he understood that other persons associated with this facility were in attendance at the last public hearing to make a request for \$3,130 to pay for sidewalk improvements at the facility located at 4th & Cedar. He emphasized that he was supportive of the request and stated that this was the third year Home Base had made such a request to the Commission. During this time period, the cost of the improvement has increased almost \$1,000. He hoped the City Commission would seriously entertain acting favorably on this request.

Jane Kramer, president of the Franklin County Historical Society, made a request for \$8,650 to provide funds for downspouts and new guttering at the Old Depot Museum. She read an estimate provided by Ottawa Sheet Metal which stated they could do the necessary repairs for \$8,650. She also reported that approximately \$1,200 was available in donations to the museum for roof repairs. Ben Park, 1 Rockwood Drive, spoke to the City Commission and encouraged them to honor this request inasmuch as this is a highly important facility to the city and county. Ms. Kramer was asked if she had approached the County Commission for revenue sharing funds. She replied that she did not do so this year.

Ben Park, 1 Rockwood Drive, approached the City Commission and stated that he wanted to clarify a request for \$25,000 that he made at the first public hearing for a capital improvement fund for the Ottawa Library. Mr. Park read a quotation from page 389 in the ICMA green book entitled, Principles and Practice of Urban Planning, which defines capital improvements and stressed that these funds would go for land acquisition or actual structural work to the building.

Robert Mills, City Manager, made a request on behalf of the city government composed of the following items: \$19,261 for the municipal court function which would pay a stipend to the municipal court judge and would underwrite the salary of the court clerk; \$45,000 for the purchase of three new trucks for the Department of Public Works; \$10,000 to help underwrite a deficit in the Highland Cemetery operation; \$2,200 to pay the water bill for the swimming pool in Forest Park as per agreement with the Ottawa Recreation Commission; \$7,000 for the Franklin County Humane Society (\$1,000 increase over 1980); \$40,000 to help pay a portion of the cost of a new Systems 34 IBM computer which would help set up a fixed asset accounting system for the city as well as provide additional capacity for other functions of city government. This request totaled \$123,461.

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



Administrative Assistant

City Hall - August 6, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held July 16, 1980 and of the special meeting which was held July 21, 1980 were approved as written.

Ordinance No. 2653 - Bond Election - Library

Commissioner Marstall made a motion that an ordinance calling for an election to be held November 4, 1980 to issue General Obligation bonds in an amount not to exceed \$1,135,000 to construct and equip a public library building be passed. The motion was seconded by Commissioner Nichols. Commissioner Snyder opened the discussion stating that the City Commission had appointed a study committee to consider the issue of present and future library needs and that the study committee recommended the construction of a new library facility on a vote of 18 in favor and 2 opposing. Commissioner Snyder further stated that in view of the recommendations of the study committee, the recommendations of the Library Board and of other persons in the community that he felt that it was time to allow the voters to decide whether or not they wanted a new library facility. Commissioner Nichols commented that the library issue has been before the City Commission for many years and that she concurs with the statements of Commissioner Snyder. Commissioner Marstall stated that he was in concurrence with Commissioner Snyder and Commissioner Nichols. Upon call for the question, Mayor Larson and Commissioners Snyder, Nichols and Marstall voted in favor of the motion, no one voted opposing the motion.

Resolution No. 276 - Condemnation Hearing

A resolution calling for a hearing to determine whether a building located at 228 S. Cedar should be condemned and whether a building at 840 Cypress should be condemned was introduced. Commissioner Nichols made a motion that a resolution calling for a hearing to be held October 1, 1980 at 9:35 a.m. for the purpose of making determination as to whether a building located at 228 S. Cedar is dangerous and unsafe and should be condemned be passed. Motion was seconded by Commissioner Snyder. It was reported that the City Commission has a statement from the City Inspector that he has personally inspected said building and that in his opinion, it is dangerous and unsafe. Commissioner Nichols stated that she had viewed the structure in question and that it appears to be in a bad state of disrepair and that it certainly is unsightly. Dave Watkins, Administrative Assistant, stated that for the record that the building in question is a garage or outbuilding and not the dwelling house located at 228 S. Cedar. Upon call for the question, all present voted in favor of the motion.

Commissioner Marstall made a motion that a resolution be passed calling for a public hearing to be held October 1, 1980 at 9:35 a.m. to determine whether a dwelling type building located at 840 Cypress should be found dangerous and unsafe and condemned. The motion was seconded by Commissioner Snyder. It was explained that this dwelling type structure has been found unsafe both by the City Inspector and the Deputy Director of Public Safety, Mr. Gilford Diamond. The building at this time is unoccupied and it was reported that the owner is a non-resident of Kansas. Upon call for the question, all present voted in favor of the motion.

Upon completion of action on this resolution, Commissioner Marstall asked if the date of the hearings as scheduled for October 1 complies with state law. City Manager Mills answered that it does. It was also pointed out that the owners of structures under consideration for condemnation must be notified of such proposed actions by personal service if they reside in Franklin County and by registered mail if they live outside Franklin County. The foregoing actions are all contained within a single Resolution No. 276. The locations of buildings as described by street and number are also described within the resolution by legal description.

Recommendation of the Planning Commission - Selling Area of Neighborhood Businesses

Commissioner Nichols read a letter which was signed by Mayor Larson which returned to the Planning Commission for further consideration a recommendation of the planning Commission which would amend the zoning ordinance by limiting the selling area of commercial establishments in C-1 (Neighborhood Commercial) Districts to 2,500 sq. ft., excepting grocery stores. The letter set forth that the City Commission was not in agreement with such proposed amendment and wished the Planning Commission to restudy the issue and resubmit a recommendation if they desire to do so. If the Planning Commission does not resubmit an alternate recommendation, under Kansas Statutes the original recommendation will stand. Commissioner Snyder commented that the principle C-1 area in the city is located at 9th and Main which is inclusive of a large grocery store and seemingly this would be the only area affected by the proposed amendment at this time. The letter read by Commissioner Nichols set forth that the Commission is desirous of having Neighborhood Commercial Districts limit the selling area of commercial establishments to 5,000 sq. ft. on which it is implied that it would include grocery stores.

Commissioner Snyder made a motion that the recommendation of the Planning Commission be returned to the Planning Commission and that the Planning Commission consider a 5,000 sq. ft. maximum as opposed to the 2,500 sq. ft. recommended. The recommendation is to be returned in the form of the letter as ready by Commissioner Nichols. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Resolution No. 277 - License Agreement - Santa Fe

Commissioner Snyder made a motion that a resolution authorizing the Mayor and City Clerk to execute and sign a license agreement with the Atchison, Topeka and Santa Fe Railway Company to cross the existing railroad right-of-way for utility purposes be passed. The motion was seconded by Commissioner Nichols. It was explained that this agreement is to allow the city to install and utilize a flood-light on the Santa Fe bridge over the Marais des Cygnes River for purpose of maintaining a downstream flow of logs and trees in times of rising waters. When the level of the Marais des Cygnes River is rising, it is necessary to keep persons on the bridge 24 hours a day to keep logs from catching on the bridge and restricting flow and thus exerting downstream pressure on the bridge. It is dangerous to attempt this task at night without proper lighting. Upon call for the question, all present voted in favor of the motion.

Change Order - West 2nd Street

A change order reflecting the necessity to replace some existing storm sewer appurtenances along with the construction of sidewalks into the newer power plant was considered at this time. The necessity for the storm sewer replacement was discovered in the process of excavation for the construction of West 2nd Street. The old sewer pipes and manholes were discovered to be in very poor condition and should be replaced at this time. The cost for the storm sewer replacement is stated to be \$3,990, manhole replacement, \$2,041 and

sidewalk construction, \$629. It was explained that the sidewalk construction was originally a part of the contract with the B. B. Anderson Construction Company in conjunction with the construction of the new power plant building. With the consent of the B. B. Anderson Construction Company, this was removed from the building contract and will be added to the paving contract with May-Ransom-Sheetz and Company. A motion to approve the change order was made by Commissioner Snyder, seconded by Commissioner Nichols and all present voted in favor of the motion.

Request of Mr. Ben Park

Mr. Ben Park, 1 Rockwood Drive, appeared before the City Commission reading a letter dated July 31, 1980 which made reference to an earlier letter on the subject of renovation of the present library structure. The letter Mr. Park read mainly asked that if the proposal to build a new library which is to be voted on November 4, 1980 should fail that the proposal to renovate the old library structure be voted on in the April, 1981 city general election. The City Commissioners were in agreement that at this time that they could not committ themselves or any future Commission to such an agreement as requested by Mr. Park's letter. It was agreed that the solution proposed by Mr. Park might be a viable one if the new library proposal should fail.

Mrs. Betty Salsbury asked about the status of the old library building if the people of Ottawa should elect to construct a new library. The Commission stated that at this time they could not commit themselves to the future of the present library building.

Request - Mrs. Della Sandgren

Mrs. Della Sandgren who operates the Ottawa Parts House, Inc., 225 S. Walnut, requested action on a request she hade made previously. Mrs. Sandgren stated that she had submitted a letter dated June 6, 1980 requesting permission to install a door on a building which sets behind her place of business for the purpose of receiving freight during nighttime hours. The door would open directly onto the parking lot next to her place of business. Mrs. Sandgren stated that she had received a reply from the City Manager dated June 18 that the matter had been given to the City Engineer for recommendation and further, that the City Attorney would have to be advised of this matter as it does involve property owned by the city. Mrs. Sandgren indicated that she had talked to the City Attorney and that the City Attorney had no knowledge of such request as of this date.

City Manager Mills apologized for the delay and indicated to Mrs. Sandgren and the City Commission that the matter would be looked into promptly.

Mrs. Sandgren further requested that a guard rail be constructed on the south edge of this parking lot in a close proximity to this building to prohobit vehicular traffic from running into her building and damaging it. The City Commission was presented with pictures of damage which had occurred to her building by vehicular traffic. The City Commission indicated to Mrs. Sandgren that the matter would be considered in the near future.

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


City Clerk

City Hall - August 18, 1980

The City Governing Body met in special session at 3:00 p.m. this date for the purpose of holding a public hearing on the proposed 1981 city budget. Present: Mayor Larson and Commissioners Gaynor, Marstall, Snyder and Nichols. Absent: none.

It was announced that the notice of hearing for the proposed 1981 city budget was published in the Ottawa Herald on August 8, 1980. The proposed budget is in a total amount of \$9,062,900 and consists of ad valorem taxes levied in an amount equal to 42.92 mills. There have been two public hearings soliciting requests for revenue sharing funds for 1981 and the proposed expenditures for revenue sharing funds for 1981 are as follows: Public Safety, \$19,261; Public Works, \$45,000; Municipal Auditorium, \$10,000; Highland Cemetery, \$10,000; Utilities - Forest Park, \$2,200; Humane Society, \$7,000; Youth Services, Inc., \$3,130; Airport Operator, \$5,000; CBD study, \$10,000; Franklin County Child Development, \$2,500; computer and supplies, \$40,000; grant application expenses, \$3,160 and Franklin County Historical Society, \$8,000 for a total expenditure of \$165,251. The amount available for revenue sharing expenditures for 1981 is \$10,500 greater than originally announced. This has been brought about by a reduction of \$10,500 in the 1980 revenue sharing budget.

The expenditures and allocations of revenue sharing monies are dependent upon reenactment of revenue sharing legislation by the federal government and conditioned upon revenue sharing allocations being made at the present levels, if continued. Commissioner Marstall made a motion that the 1981 city budget be adopted as proposed and published. The motion was seconded by Commissioner Nichols.

Jane Byrd appeared before the Commission to thank the Commission on behalf of the Franklin County Historical Society for the monies allocated to this organization for gutter and downspout repairs to their building. Larry Powell thanked the Commission on behalf of the Greater Ottawa Chamber of Commerce for the \$10,000 allocated for further study of the Central Business District. Mr. Powell also thanked the city for their effort in the cleanup of grass and weeds throughout the Central Business District area. Mr. Ben Park appeared also to thank the City Commission for their allocations of monies to the Franklin County Historical Society and to the Central Business District.

Commissioner Marstall offered an amendment to his original motion that the revenue sharing budget be approved for 1981 along with the general over-all city budget. Commissioner Nichols seconded the amendment. Upon call for the question, all present voted in favor of the motion and the amendment.

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


City Clerk

City Hall - August 20, 1980

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

Approval of Minutes

The minutes of the special meeting which was held August 4, 1980 and the minutes of the last regular meeting held August 6, 1980 were approved as written.

Ordinance No. 2654 - Appropriating 1981 Budget

An ordinance appropriating the expenditure of all amounts set forth in the 1981 budget was introduced. Commissioner Snyder made a motion that an ordinance appropriating the budgeted expenditures in the amount of \$9,062,900 for 1981 be passed. The motion was seconded by Commissioner Nichols. Commissioner Snyder stated that his study of the budget indicated that the citizens of the community will be paying \$880,000 in ad valorem taxes to support a total budget of \$9,062,900 for 1981. The ad valorem tax portion of the revenues amount to less than 10% of the total budget. The utility operations for which no tax dollars are involved amount to 62% of the total budget. Commissioner Snyder said that he was disturbed by some of the comments he had heard concerning the city budget and operation. Many persons feel that their tax dollars are involved in the city's utility operations and that he hoped the people would realize these operations do not involve tax monies.

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

Resolution No. 278 - Position Classification and Pay Plan

A resolution repealing Resolution No. 139 and adopting a new position classification and pay plan for the city organization was introduced. Commissioner Nichols made a motion that a resolution repealing Resolution No. 139 and adopting a new position classification and pay plan for the city organization be passed. The motion was seconded by Commissioner Marstall. Commissioner Nichols commented that the city had hired a company specializing in pay plan studies to update the city's classification and pay plan. In the scope of their work, eleven other area cities were surveyed along with local businesses to determine the proper rate of compensation for city employees.

The City Commission and the staff have studied the results as submitted and feel that it is appropriate that the plan be adopted. In adopting the plan, city employees should fall in a proper pay category for the type of task performed by each. Upon call for the question, all present voted in favor of the motion.

Contract - Sidewalk Construction

Bids were opened on August 12, 1980 for the replacement and repair of sidewalks on Main Street between Logan and Wilson Streets. John Neal and Sons of Topeka, Kansas was the low bidder among 6 bidders and the city's engineering consultant's, A. C. Kirkwood & Associates, recommends the awarding of the contract to Mr. Neal.

Commissioner Marstall made a motion that a contract for sidewalk replacement and repair in the amount of \$36,126.25 be awarded to John Neal and Sons of Topeka for the replacement and repair of sidewalks on Main Street between Logan and Wilson Streets within the scope of funds available. The motion was seconded by Commissioner Snyder.

It was pointed out by the City Manager that the city has allocated only \$25,000 for this purpose but that inasmuch as the bid was on a quantity basis that the city may delete a portion of the replacement so that it would spend only \$25,000. In deleting some of the construction work, the city would replace sidewalks only as necessary and make repairs only as necessary so as not to spend over \$25,000. Commissioner Nichols asked if wheelchair ramps would be included at all intersections within the expenditure of \$25,000. The City Manager answered that wheel chair ramps at all intersections would be included in the construction. All sidewalks on the east side of Main are to be replaced and those on the west side of Main will be repaired, as necessary. Upon call for the question, all present voted in favor of the motion.

Award Contract - Storm Drainage

The City Manager reported that bids had been received for the reconstruction of the Skunk Run drainage ditch between 3rd and Poplar and 5th and Oak Streets. The Bryan Ohlmeier Construction Company of Overland Park, Kansas was the low bidder with a construction bid of \$206,192. The city has allocated \$335,000 for this project with \$32,000 for engineering which will allow further reconstruction on the drainage ditch if approved by the City Commission. The additional monies available would allow for the crossing of 5th Street which entails large concrete structures to allow proper flow of water.

Commissioner Snyder made a motion to allow the Mayor to sign a contract for the construction of drainage structures and to award said contract to the Bryan Ohlmeier Construction Company. The motion was seconded by Commissioner Marstall.

Commissioner Gaynor asked if our present pumping facilities are adequate to accommodate the additional flow of water when the Skunk Run drainage ditch is rebuilt. The City Manager answered that the storage areas for water to be pumped over the dike will be enlarged to impound larger volumes of water, thus allowing for the time necessary to pump the water over the dike. Upon call for the question, all present voted in favor of the motion.

Report of the Planning Commission meeting

Following is a report of the Planning Commission meeting of August 12, 1980 which was read at this time:

"The Planning Commission met in regular session at 7:00 p.m. on August 12, 1980. Present: Chairperson Powell and members Koch, Spears, Thornburg and Wellington. Absent: Members Slavens and Gaeddert.

The minutes of the last regular meeting held on July 1, 1980 were approved as written.

The Planning Commission decided by a 4 - 1 vote to recommend the approval of the Wal-Mart PUD preliminary plan and plat as submitted by Leo Eisenberg & Company subject to the following conditions: 1) additional 20' permanent easement along north property line of proposed development, 2) 12' temporary easement located adjacent to 20' permanent easement, 3) approval of a landscaping plan which requires shade trees to be located at 50' intervals between the southern and northern entrance, 20 trees to be located in parking area at 100' intervals, 3' berm to be located between the northern and southern entrances and to require the developer to specify the types of trees to be planted and to require a minimum size of 2½" caliber, 4) require the developer to put in the deceleration lanes serving the two most northern entrances and 5) require the developer to construct a raised median at the southern most entrance located between the one inbound lane and the two outbound lanes.

The Planning Commission decided by a 5 - 0 vote to recommend an amendment to the Zoning Ordinance which would allow the Board of Zoning Appeals to grant an exception which would allow interior side yards to be reduced to 0' if a duplex was being sold off as a condominium.

The Planning Commission decided by a 5 - 0 vote to allow for a 30' wide lot to be considered standard if a duplex was sold as two condominium units.

The Planning Commission decided by a 5 - 0 vote to call a public hearing in September to consider a new procedure for condemned abandoned buildings.

The Planning Commission decided by a 5 - 0 vote to deny a request to consider allowing automobile body repair shops and paint shops in the C-3 District."

The Governing Body voted to accept the report. No further action was taken at this time.

Cereal Malt Beverage License Application

An application as submitted by Kenton L. Cramer to sell cereal malt beverage in package lots at the Conoco Travel Shoppe, 2243 Princeton Street, was introduced. It was reported by the City Clerk that the appropriate license fee has been paid, the proper record checks have been made and that the application is in order. Commissioner Gaynor made a motion that an application for cereal malt beverage license as submitted by Kenton L. Cramer be approved. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion except Commissioner Snyder who voted opposing the motion.

Business from Guests

Sherry Welton appeared before the City Commission asking if any solution had been found pertaining to her inability to pay her utility bill on time. Ms. Welton first asked if the City Commission was aware of her problem and if it had been discussed. Commissioner Snyder answered yes. Ms. Welton then asked if a solution had been found whereby Commissioner Snyder answered no. Ms. Welton stated that she had offered to pay her utility bill in installments but had been refused and was informed that if it was not paid by the due date that her utility service would be discontinued. However, she said that she had managed to borrow the money to pay the bill from a friend. Ms. Welton further stated that a city employee had told her that some persons were given special consideration on paying their bills in installments. Inquiry into this situation brought out that when the local ECKAN office pays the maximum of \$50 on a bill that the city will allow the \$50 to be received after the due date but that the customer's portion must be paid on time.

The City Commission explained that the possibility of offering a level payment plan to utility customers is being considered along with the possibility of allowing for late payments. These payment plans are not possible at this time because of the limited capacity of our present computer system. The city is contemplating the purchase of a new system in 1981 which would allow such changes to be made. The City Commission indicated that they were very concerned with the situation of high utility bills and persons on low and fixed income's ability to pay them. The City Commission indicated that alternative methods of paying utility bills will continue to be under consideration by them.

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


City Clerk

City Hall - September 3, 1980

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

Approval of Minutes

The minutes of the special meeting which was held August 18, 1980 were corrected to reflect that Jane Kramer appeared before the Commission on the behalf of the Franklin County Historical Society, as opposed to Jane Byrd as stated in the minutes. The balance of these minutes were approved as written and the minutes of the last regular meeting which was held August 20, 1980 were approved as written.

Report of Planning Commission Meeting

A report of the Planning Commission meeting of September 2, 1980 is as follows:

"Present: Chairman Powell and members Wellington, Koch, Thornburg, and Gaeddert. Absent: Spears and Slavens.

The minutes of the last regular meeting held on August 12, 1980 were approved as written.

The Planning Commission decided by a 5 - 0 vote to recommend to the City Commission that they defer action on an amendment to the Zoning Ordinance limiting the size of retail uses in the C-1 District to 2,500 sq. ft. until the Planning Commission had additional time to study the intent and purpose of the C-1 District itself.

The Planning Commission held a public hearing on a new procedure for condemning abandoned buildings in the city. In accordance with the Planning Commission bylaws, this item was deferred until the next Planning Commission meeting in October.

The Planning Commission decided by a 5 - 0 vote to recommend the re-printing of 75 copies of the city's Zoning Ordinance and recommended that the new copies sell for \$15 each."

Commissioner Marstall made a motion that the report of the Planning Commission meeting be accepted and any actions on the report be taken at a later meeting. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Wal-Mart Planned Unit Development Ordinance No. 2655 - Zoning

Commissioner Marstall made a motion that "the preliminary plan and plat of the Wal-Mart Planned Unit Development as submitted by Leo Eisenberg & Co. be approved subject to the following conditions:

1. Additional 20' permanent easement along north property line of proposed development
2. 12' temporary easement located adjacent to 20' permanent easement
3. Approval of a landscaping plan which requires shade trees to be located at 50' intervals between the southern and northern entrance, 20 trees to be located in parking area at 100' intervals, 3' berm to be located between the northern and southern entrances and to require the developer to specify the types of trees to be planted and to require a minimum size of 2½" caliber

4. Require the developer to put in the deceleration lanes serving the two most northern entrances and as approved by the Kansas Department of Transportation
5. Require the developer to construct a raised median at the southern most entrance located between the one in-bound lane and the two outbound lanes

and pass an ordinance amending the zoning ordinance rezoning Lot 11, County Clerk's Subdivision #1 from C-S to PUD".

The motion was seconded by Commissioner Nichols. Mr. Bill Knoth, representing Leo Eisenberg & Co., questioned Item No. 4 of the motion stating that it was his understanding that the deceleration lanes would be required for the north entrance and the 3rd entrance from the north as opposed to the two most northern entrances as stated in the motion. The discussion following Mr. Knoth's question involved that the deceleration lanes must be installed as per Kansas Department of Transportation regulations and that this point can be resolved prior to the construction of the deceleration lanes. Mr. Knoth also questioned the 20 trees to be located in the parking area at 100' intervals. As explained by Mr. Knoth, the parking lot area is too large to have 20 trees at 100' intervals. It was decided that the true meaning is that the trees can be no closer together than 100' and that this point can also be resolved prior to the planting of the trees. Upon call for the question, all present voted in favor of the motion.

Resolution No. 279 - Financing Mission Woods Apartment Complex

Commissioner Marstall made a motion that a resolution requesting financing for the Mission Woods apartment complex through the Kansas Housing and Development Corporation be passed. The motion was seconded by Commissioner Nichols. It was discussed that the Department of Housing and Urban Development presently has no funds available for the financing of this type of project, funds will not be available through HUD until possibly January.

Mr. Joel Tonkin, developer, stated that it was most important to proceed with the construction of his proposed development for reason of increasing interest rates and increasing costs of construction. The resolution before the City Commission, if enacted, would permit Mr. Tonkin to request financing through the Kansas Housing and Development Corporation and allow for an early start on construction. Through questions posed by the City Commission, it was determined that the interest on the bonds issued by the Kansas Housing and Development Corporation would be interest free to the bond holders, the rents of many of the occupants of the proposed development would be federally subsidized and that the property upon which the development is to be located would continue to pay ad valorem taxes. Upon call for the question, all present voted in favor of the motion, except Commissioner Gaynor who voted opposing the motion.

Change Order - Electric System Improvements

Commissioner Nichols made a motion that Change Order #1 to Contract #5, Electric System Improvements, in the amount of \$12,673.00 be approved. The motion was seconded by Commissioner Marstall. Change Order #1 to Contract #5 allows for changes in underground piping to serve the new electric generation facility. The change order is necessitated by attempting to work around various pipe lines and conduits buried in the proximity of the new electric plant. It was explained there have been many pipe lines and electrical conduits installed in this area in the last 50 years and that no one has total knowledge of these. Upon call for the question, all present voted in favor of the motion.

Change Order #3 - Water System Improvements

Commissioner Gaynor made a motion that Change Order #3 to Contract #2, Water System Improvements, in the amount of \$14,766.16 be approved. It was explained that this change order is necessitated for the same reasons as Change Order #1, Electric System Improvements. There are many miles of pipe in this small area that from time to time must be worked around in this construction phase. Upon call for the question, all present voted in favor of the motion.

Parade Request

Commissioner Nichols made a motion to approve a request for a Homecoming parade as submitted by Ottawa University for 10:00 a.m., October 18, 1980. The parade is to proceed north on Main Street from Park Street to 1st Street and disband in the A & P parking lot at 1st and Hickory. The motion was seconded by Commissioner Marstall. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2656 - Zoning

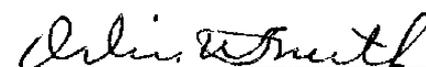
Commissioner Marstall made a motion that an ordinance amending the zoning ordinance allowing for the sale of individual duplex units be passed. The motion was seconded by Commissioner Gaynor. It was explained that by passage of this ordinance if a person desired to sell half of a duplex along with half of the land upon which it is located, by approval of the Board of Zoning Appeals and the filing of appropriate covenants, that such a sale could be consummated. Covenants, however, must set forth that should any portion of a duplex be damaged by fire, wind or other forces that the destroyed or damaged portion must be re-constructed in a nature compatible with the remaining portion. In passage of said ordinance, side yard requirements are waived for the division lot line that would pass through the center of the duplex, upon approval of the Board of Zoning Appeals. Other side yard, front yard and rear yard set back requirements must be met. The average lot width after the division of a lot containing a duplex must be at least 30'. Upon call for the question, all present voted in favor of the motion.

Commissioner Nichols went on record commending the Planning Commission for its efforts in the total planning area.

Citizen Comments

Mr. Everett Chapman appeared before the City Commission asking that the city utilize the ordinance authority it has in seeing that weeds and grass are properly cut and maintained and that snow is properly removed from all sidewalks as necessary. Mr. Chapman cited that many school children use the sidewalks in the winter and that when the snow is not removed, it poses a problem. The City Commission and the staff explained the time consuming details and problems involved in forcing property owners to cut weeds and shovel sidewalks. It was generally agreed by all that the city would make a concerted effort in this area, hopeful in improving the general appearance and livability of the community.

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


City Clerk

City Hall - September 17, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held September 3, 1980 were approved as written. Commissioner Nichols made a motion that the minutes be approved, motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Ordinance No. 2657 - Amending Electrical Code

Commissioner Snyder made a motion that ordinance requiring an external disconnect device on all new or replacement of electrical entries on buildings within the fire limits of the city be passed. The motion was seconded by Commissioner Nichols. Commissioner Snyder commented that the city had followed the policy of requiring electrical disconnect devices on commercial buildings within the fire district of the city for 15 or 16 years but it has been discovered that there is no written policy requiring such installation. All electrical contractors within the city had been following this practice for a number of years and are in accord with the practice but it has been discovered that electrical contractors residing out of the city are unaware of the practice and it has caused some problems when they have submitted a bid on a particular project which requires this device. Commissioner Nichols stated that she had done some inquiry on her own and that all of the contractors and electrical contractors that she had talked to agree that the installation of this device should become a part of the city electrical code. Commissioner Nichols further stated that on her own building, the electrical disconnect device has been installed on the outside of the building but that there is no disconnect device on the interior of the building. It was pointed out at this time that a disconnect device on the interior of the building is not necessary, that this device would allow a total disconnect of electric service within a building should there be a fire or something of that nature. Upon call for the question, all present voted in favor of the motion.

Award Contracts - Highway Improvements and Street Rehabilitation

It was reported by the City Manager that the city had received bids yesterday for the resurfacing of U.S. 50-59 from 15th Street south to the south city limits and for the street rehabilitation project for 1981. The bids for the overlay of U.S. 50-59 are as follows:

Haworth Construction Company -	\$ 87,373.80
Killough Construction Company -	88,620.75

The bids for the 1980 street rehabilitation project were:

Lawrence Asphalt	- \$218,268.75
Killough Construction Company -	206,985.79

There was a stipulation attached to the Killough contracts for both projects stating that the Killough Company would only participate if they were awarded both contracts. The City Manager stated that he had had a conversation with Mr. Killough yesterday afternoon and that the reason for the stipulation on the contracts was that the Killough asphalt plant is presently located west of Lawrence and that it would not be economically feasible to move the asphalt plant to Ottawa unless he were awarded both contracts.

Commissioner Nichols made a motion that the contracts for both projects be awarded to the Killough Construction Company for a total price of \$295,606.54. The motion was seconded by Commissioner Snyder. Commissioner Nichols remarked that in awarding both contracts to the Killough Construction Company that it will save the city over \$10,000. Upon call for the question, all present voted in favor of the motion.

Request for Parade - Ottawa Retail Association

The Ottawa Retail Association submitted a request for the annual Christmas parade to be held November 29, 1980 at 10:00 a.m. Commissioner Marstall asked if the Public Safety Department had been made aware of the request. The City Manager stated that he would contact the Public Safety Department so that they would be aware of the request and make the necessary arrangements. Commissioner Nichols made a motion that the request for a parade as submitted by the Ottawa Retail Association be approved. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

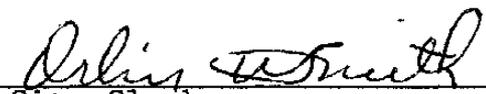
Proclamation - Constitution Week

A proclamation proclaiming the week of September 17 through 23 as Constitution Week was read by the City Clerk. Commissioner Marstall made a motion that a proclamation designating the week of September 17 through 23 as Constitution Week be approved. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Comments from the Audience

Martina Reed appeared before the City Commission voicing objection that her 12 year old son had been picked up by an officer of the Public Safety Department on August 28 for fighting. The fight occurred in the alley behind the Suffron Glass Company shortly after 3:00 p.m. after the junior high school had dismissed classes for the day. Mrs. Reed stated that she was called to go to the Public Safety Department and was informed by the officer who had picked up her son that the matter had been referred to the juvenile authorities and that she would be contacted by the juvenile officer. Ms. Reed said she was contacted on September 4 and in conversation with the juvenile officer that he had stated he did not know why the matter had been referred to him and that he really had nothing to report on the matter. Ms. Reed stated that then she returned to the Department of Public Safety and again talked to the officer who had picked up her son and that at first he would not give her any information concerning the incident stating that it was confidential. After further conversation with the officer, Ms. Reed did receive a copy of the report that was made at the time her son was picked up. Ms. Reed stated that her concern in the matter was that her son would have a mark against him in future years. The officer had told her that the record would remain active for one year and the juvenile officer had told her that the record would remain on file for two years. Ms. Reed then restated her concern that she did not feel that a fight of the nature in which her son was engaged should be enough to put a mark on her son. The City Commission informed Ms. Reed that they would investigate the matter and contact her in the near future. Ms. Reed was instructed to give her name and address to the City Manager.

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


City Clerk

City Hall - September 23, 1980

The City Governing Body met in special session at 4:00 p.m. this date. The special meeting was called to consider passage of a resolution authorizing the Mayor to execute an application proposal to be submitted to the U. S. Department of Energy on behalf of the City of Ottawa. Present: Mayor Larson and Commissioners Nichols, Marstall, Gaynor and Snyder. Absent: none.

Resolution No. 280 - Authorizing the Mayor to Sign
an Application

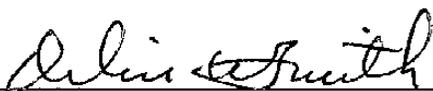
Commissioner Snyder made a motion that a resolution authorizing the Mayor of the City of Ottawa to execute an application proposal to be submitted by the city to the U. S. Department of Energy for the consideration of funding a feasibility study of an alcohol plant be passed. The motion was seconded by Commissioner Nichols.

Commissioner Marstall requested the City Clerk to read the proposed resolution. The resolution was read in its entirety by the City Clerk. Upon call for the question, all present voted in favor of the motion.

Commissioner Snyder stated that he was particularly interested in the funding of this feasibility study inasmuch as the study will reveal the potential for using waste heat for the manufacture of ethanal alcohol. Commissioner Nichols commented that she was particularly interested in the application for funding inasmuch as the City of Ottawa was in the top 19 applications that were considered a few months ago.

The City Manager then explained that the total of the request for funding as set forth in the application would be for \$156,000. The request for funding in the earlier application was for \$106,000. Upon conferring with federal officials, it was learned, however, that the City of Ottawa's prior application was not considered complete inasmuch as it did not set forth the city's ability to operate and manage such a facility. The city's present application, which is for a total of \$50,000 more than the first application, takes these various points into consideration and has necessitated the hiring of another consulting firm which was not considered in the first application.

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



City Clerk

City Hall - October 1, 1980

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

Approval of Minutes

The minutes of the last regular meeting which was held September 17, 1980, and of the special meeting which was held September 23, 1980, were approved as written.

Request of the Ottawa Recreation Commission

The Governing Body proceeded to consider a request of the Ottawa Recreation Commission. The Ottawa Recreation Commission is requesting permission to hold their Second Annual Skunk Run 10,000 Meter Race over the streets of Ottawa on Saturday, October 11, 1980. Commissioner Marstall made a motion that the request of the Ottawa Recreation Commission that they be allowed to hold their Second Annual 10,000 Meter Race on the streets of Ottawa on Saturday, October 11, 1980, be granted. The motion was seconded by Commissioner Snyder. Steve Queen, Director of the Ottawa Recreation Commission, was present at the meeting and outlined the proposed route of the race which starts in City Park, proceeds north on Main, west on Third, north on Ash, east on Fifteenth, through Rockwood Acres, and ends at City Park. The City Commission made inquiry as to whether the Department of Public Safety had approved all routes. Mr. Queen answered that the Department of Public Safety had approved the route and had agreed for certain escorts of the runners inclusive of the crossing of Main Street at Fifteenth. Mr. Queen stated that all runners should cross Fifteenth and Main approximately fifteen minutes after the race starts and the crossing should take no longer than one and one-half minutes. Mr. Queen stated that last year's race was for all persons fourteen years and under but this year, the race will be for all interested persons nineteen years and under. By allowing persons to participate up to and including nineteen years of age, it would include all high school students and some college students. Prizes consisting of track shoes, T-shirts, trophies and medals will be awarded in all categories of the race. Upon call for the question, all present voted in favor of the motion.

Public Hearing - Condemnation

As set forth by Resolution #276, a Public Hearing was held at this time to determine whether a structure located at 840 Cypress Street is dangerous and unsafe. Mrs. Wilma Abram appeared before the City Commission stating that she is the daughter of the former owner of the property, Frank Holbert. Mrs. Abram stated that she was fully aware of the condition of the structure and that she was in agreement for the structure to be demolished, but prior to its demolition, she wished to retrieve some family keepsake items from the structure and to dispose of other items of antique value. The City Commission stated that they were very happy with Mrs. Abram's decision on the structure and that they would be willing to allow Mrs. Abram until December 1, 1980, to remove the items of value from the house. Mrs. Abram was asked if she would be willing to sign a release for demolition of the structure to be on or after December 1, 1980, and Mrs. Abram stated that she would be very happy to sign the release. At the conclusion of the discussion with Mrs. Abram, it was decided that

it would be best to proceed with the hearing as scheduled to determine whether, in fact, the structure located at 840 Cypress Street was dangerous and unsafe. City Attorney John Richeson then called the City Inspector, James Shaw, to testify. Mr. Shaw stated that pictures which were taken into evidence at this hearing were in fact the pictures he had taken of the structure some three months ago, and that he had driven by the structure as late as 8:00 a.m. this date, and that the pictures truly represented the appearance of the structure today. Mr. Shaw further testified that utility service had been removed from the structure four or five years ago, that the structure is dilapidated and weatherworn, and that the structure does represent a hazard to the health and the safety of the area. Mr. Gilford Diamond of the Department of Public Safety testified that the pictures entered in evidence were truly representative of the present situation and that the structure could present a fire hazard to the area.

Resolution #281 - Condition of a Certain Structure

Commissioner Nichols made a motion that a Resolution making a finding concerning the condition of a certain structure located at 840 Cypress and directing the removal of such structure no later than December 1, 1980, with the consent of the owner, be passed. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

At the conclusion of the discussion on the dangerous structure located at 840 Cypress, attention was turned to the paving of the 800 block of Cypress. It was determined that most residents in the area would be favorable toward such improvement, but that most of the residents were on fixed income and could not afford a paving improvement. Commissioner Marstall requested that the subject of improving Cypress Street from Eighth Street to Ninth Street be brought up and discussed at a later date.

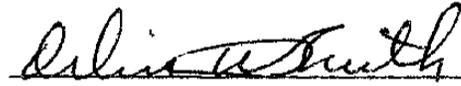
Ordinance #2658 - Temporary Notes

The City Clerk reported that it is now necessary for the city to sell temporary notes to finance the improvement of streets within the 1980 Paving Project. The streets are portions of Beech Street, Seventh Street Terrace, South Sycamore Street, Powhattan Street and Spruce Street. The total cost of the improvements as set forth by resolutions is \$412,156.21. Bids received from the local banks for placement of the notes range from 8 and 8½% to 10 and 10½%. The low bid was received from Kansas State Bank for \$200,000.00 for two years at 8% and \$212,156.21 for two years at 8½%. Commissioner Marstall made a motion that an ordinance be passed and authorizing the Mayor to sign said ordinance for the sale of temporary notes in the amount of \$412,156.21, the notes and interest rates to be: a note for \$200,000.00 at 8% for two years and a note for \$212,156.21 at 8½% for two years. Commissioner Nichols seconded the motion and all present as stated above voted in favor of the motion.

Parade Request

Mrs. Joe Whirley, representing the Ottawa Chapter of the Veterans of Foreign Wars No. 509, requested permission for the Veterans of Foreign Wars to hold a Veterans Day Parade November 11, 1980, at 6:30 p.m. The route of the parade will be from City Park to the Kansas State Bank. Commissioner Snyder made a motion that the Veterans of Foreign Wars be granted permission to hold a Veterans Day Parade at 6:30 p.m. on November 11, 1980, on the Main Street of Ottawa. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

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



City Clerk

City Clerk's note: Mrs. Wilma Abram signed a Release to demolish the structure at 840 Cypress following the foregoing commission meeting.

City Hall - October 15, 1980

The City Commission met in regular session at 9:35 a.m. this date. Present: Mayor Larson and Commissioners Nichols, Marstall and Snyder. Absent: Commissioner Gaynor.

Approval of Minutes

The minutes of the last regular meeting which was held October 1, 1980, were corrected as follows: Page 79 under the heading of 'Request of the Ottawa Recreation Commission,' the sentence that states, "Mr. Queen stated that last year's race was for all persons 14 years and under but this year's race will be for all interested persons 19 years and under" is deleted. A new sentence will be inserted stating, "Mr. Queen stated that age categories would be the same as last year except that the youngest category would be 19 years and under." The balance of the minutes were approved as written.

Public Hearing - Community Development Block Grant Funds

A Public Hearing was held at this time to seek input from interested persons or organizations concerning expenditures in the 1981 Federal Fiscal Year Community Development Block Grant for which the city is going to apply. As required by federal regulation, a history of the city's experience in the receipt and expenditure of Community Development Block Grant funds was given at this time by David Watkins, Administrative Assistant. For fiscal year 1979 the city applied for and received \$360,000.00 in Community Development funds. The budgets and expenditures for fiscal year 1979 to date are as follows:

	<u>Budget</u>	<u>Expenditures</u>
Housing Rehabilitation	\$100,000.00	\$100,393.83
Administration	20,000.00	17,110.42
Blight Removal	20,000.00	23,219.49
Engineering for Skunk Run Drainage Project	35,000.00	16,052.00
Sanitary Sewer Construction	35,000.00	25,402.99
Street Rehabilitation	125,000.00	152,994.43
Sidewalks	25,000.00	9,070.91
	<u>\$360,000.00</u>	<u>\$344,244.07</u>

To date \$344,244.07 has been spent, leaving the 1979 fiscal year 95% completed.

Fiscal year 1980 has a total allocation of \$486,000.00, of which monies have been spent to date as follows:

Housing Rehabilitation	\$121,000.00	\$ 25,170.32
Demolition	10,000.00	5,368.67
Skunk Run Drainage Improvement	335,000.00	60,219.85
Administration	20,000.00	-0-
In escrow for housing rehabilitation		30,205.03
	<u>\$486,000.00</u>	<u>\$120,963.87</u>

To date \$120,963.87 has been spent, or 24% complete for fiscal year 1980.

In the 1979 fiscal year there were 16 houses rehabilitated, 18 dilapidated structures torn down, the engineering study of the Skunk Run drainage area was completed, an 8" sewer main across 15th Street into the Pine Manor Addition was completed, North Locust Street was rehabilitated along with fourteen other blocks of pavement which consisted of 3" asphaltic overlay and the sidewalks on North Main are currently underway.

In the 1980 fiscal year to date ten houses have been rehabilitated, four are underway and bids are to be received for five more on October 29, 1980. There have been seven dangerous structures demolished and contracts will be let for the demolition of two other structures in the near future. The Skunk Run Drainage Project is presently under construction. The city has met other criteria necessary to continue with the Community Development Block Grant Program. In the area of zoning, the city has reduced the space requirements for housing for the elderly and handicapped to require only 1000 square feet of open space as compared to 2000 square feet required previously. The city has sent a letter of support for the Franklin County Rehabilitation Facility to construct a ten-unit dormitory, and the city has assisted in the establishment of an elderly and handicapped housing project by recommending financing of the project to the Kansas Housing and Development Corporation.

In fiscal year 1981, there will be \$14,810,000.00 available for small cities in the Community Development Block Grant Program. Of the \$14,810,000.00, \$10,367,000.00 will be available for Comprehensive Programs, which are similar to the programs that the city has applied for in the past, and there will be \$4,443,000.00 for Special Program Grants. The maximum that a city can apply for in a Comprehensive Program is \$800,000.00 per year or not to exceed \$2,000,000.00 in a three-year period. In the Single Purpose Program, the maximum a city can apply for is \$500,000.00 in a year or \$600,000.00 if the program is a joint program between two cities or a city and a county.

Upon the completion of this report, the Mayor called for comments from the audience, either in the area of past expenditures or suggestions for expenditures for the 1981 application. There being no one present commenting on the report or making suggestions therefor, the Public Hearing was concluded, and it was stated at that time that another Public Hearing would be held Wednesday, November 5, 1980.

Report of Planning Commission Meeting

The following is a report of the Planning Commission meeting of October 7, 1980. Present: Acting Chairperson Wellington and members Koch, Spears, Slavens and Thornburg. Absent: Powell and Gaeddert.

The minutes of the last regular meeting held on September 2, 1980, were approved as written.

The Planning Commission met with representatives of Sunflower Care Centers, Inc. of Iola, Kansas. Architect Earl Devore presented a site plan of the proposed nursing home to be located on W. 15th Street adjacent to the Pine Manor and Mission Woods apartment complexes. Following Mr. Devore's presentation, City Planner Myles Schachter submitted a memorandum to the Planning Commission which outlined nineteen deficiencies in the Sunflower Planned Unit Development (PUD) application. Mr. Devore indicated he would work with the City Planner to correct these deficiencies. In accordance with Planning Commission bylaws, this matter was taken under advisement until the November regular meeting.

The Planning Commission also deferred a petition for annexation submitted by Sunflower Care Centers, Inc. for a ten-acre site located on W. 15th Street, which would accommodate the proposed nursing home.

The Planning Commission decided by a 4 - 1 vote to recommend that retail uses in the C-1 (Neighborhood Commercial District) be limited to 5000 square feet selling area, with the exception of grocery stores. ;

The Planning Commission decided by a 5-0 vote to recommend to the City Commission that they instruct the City Attorney to prepare an ordinance which would enforce the Uniform Code on the Abatement of Dangerous Structures. The adoption of this code would provide a more orderly manner in which to condemn abandoned and unsafe structures.

The Planning Commission decided by a 5 - 0 vote to instruct the city staff to prepare a utility extension plan for the Yockey and Ottawa Country Club properties, and a tract of land south of Logan Street located between present city limits and the Durbin Industrial Park. This would be the first effort in an attempt to unilaterally annex said properties.

The City Commission accepted the report of the Planning Commission; however, no action was taken on the report at this time.

Parade Request - Ottawa High School Homecoming

Miss Shelley Burch read a letter to the City Commission requesting permission for Ottawa High School to have a homecoming parade to be held November 5, 1980 at 7:00 p.m. The parade will assemble at Park Street and proceed north on Main Street to Tecumseh Street and disband at the depot museum. Miss Burch stated that the Ottawa Department of Public Safety had been contacted relative to their parade and that the Department of Public Safety will be participating in the parade. Commissioner Marstall made a motion that the request for parade as presented by Miss Shelley Burch of Ottawa High School be granted. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

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



City Clerk

City Hall - October 31, 1980

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Larson and Commissioners Marstall, Gaynor and Nichols. Commissioner Snyder came in after the meeting had started. The purpose of this meeting was to hold a Public Hearing to gather public input concerning a proposed request for funding under the Urban Development Action Grant Act.

Mayor Larson opened the meeting by requesting that Administrative Assistant, David Watkins, give some background information concerning Urban Development Action Grants. Mr. Watkins explained that approximately \$100,000,000 per year is available to cities under 50,000 population to assist in securing facilities needed by the public. Mr. Watkins stated that the notice of the hearing had been published in the paper, soliciting input from the public. Mr. Earl Devore, Architect, then spoke to the Commission representing Mr. Jim Lewis who would be the owner of a new nursing home facility if the proper funding can be arranged to construct the facility. Mr. Lewis is the present operator of the Crestview Nursing Home, which is owned by Franklin County. The Franklin County Commissioners have agreed to close the Crestview Nursing Home facility and transfer the persons presently in the Crestview Nursing Home to the new facility when and if it is constructed and completed. Mr. Lewis has prepared a certificate of need of the nursing home facility. It has been submitted to the state for review and has been approved by the state. The total cost of the project would be \$3,000,000, \$500,000 of which hopefully can be obtained through a grant from the Urban Development Action Grant Act. The balance of the monies needed to construct a nursing home hopefully would be achieved through industrial revenue bonds. If the city were successful in getting the \$500,000 grant, the overall result would probably create lower costs to the people housed in the nursing home facility. The monies which are being sought through the Urban Development Action Grant would be used to extend sewers to the project and to construct streets within the project which would later tie with future city developments. Mr. Lewis stated that originally he had not intended to build the streets and the sewers as required by the city, but that he had found out through the Planning Commission that construction of such streets and sewers would be required under the city's subdivision regulation ordinance. The new facility would consist of 120 beds plus 12 additional beds in apartment-type complexes. The total frontage of the tract upon which the nursing home is proposed to be built is 660 feet. It was reported by Mr. Lewis that approximately 50 to 75 percent of the future use of a nursing home facility would be a subsidized usage. It was reported by Mr. Devore that more detailed information will be available at the next scheduled Public Hearing which is set for November 5, at 9:35 a.m. There being no further information or questions coming forward, the Public Hearing was declared closed.

Proclamation - UNICEF Day

A proclamation proclaiming November 2, 1980 as UNICEF Day was approved by the City Commission and signed by the Mayor.

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


City Clerk

City Hall - November 5, 1980

The City Commission met in regular session at 9:35 a.m. this date. Present: Mayor Larson and Commissioners Snyder, Gaynor, Marstall and Nichols. Absent: none.

Approval of Minutes

The minutes of the last regular meeting held October 15, 1980 and of the special meeting held October 31, 1980 were approved as written.

Presentation of Service Awards

The following employees were presented with ten-year service awards commemorating ten years of continuous service with the City of Ottawa:

James Cook, Superintendent of Water Distribution
Donald Fischer, Power Plant Operator
Mary Gilmore, Cashier
John Garcia, Maintenance Worker III
George Ledom, City Engineer
Robert Moore, Director of Public Works

As Mayor Larson presented the awards to these individuals, a brief resume' of their service with the City of Ottawa was given.

Public Hearing - Urban Development Action Grant Application

Mayor Larson directed Administrative Assistant, David Watkins, to explain the city's position in this grant application. Mr. Watkins stated that the Urban Development Action Grant in the amount of \$515,000 is being sought to assist in the establishment of a new nursing home facility in the city of Ottawa. Mr. Watkins stated that a certificate of need for such a facility had been prepared and that the certificate of need had been approved by the State of Kansas. Mr. Watkins then asked architect Earl Devore to comment on the need for the grant.

Mr. Devore stated that the purpose of the grant was to assist in the development of a new nursing home for the city of Ottawa, and that the federal government has appropriated \$100,000,000 for small cities, to be used in the form of Urban Development Action Grants. Mr. Devore stated that the developer is requesting the city to apply for \$515,000 which will be used to construct streets, sewer lines, water lines and to cover architectural and administrative costs for the new nursing home.

The total cost of the new nursing home is estimated to be \$3,000,000, and if the grant in the amount requested is received, it would cut the cost to the owner to \$2,485,000. This would represent a ratio of 1:5 and the Urban Development Action Grant guidelines specify that the ratio should at least be 1:4. Mr. Devore re-emphasized from the first Public Hearing, that the new nursing home would consist of 120 beds, with 12 apartment-type units in the initial phase of construction. The nursing home to be replaced by the new facility now consists of 50 beds. The plan for the nursing home is that it would eventually have a total of 48 apartment-type units, but the initial phase would include only 12 such units.

The nursing home site consists of ten acres located west of the Pine Manor Addition to the City of Ottawa and on West 15th Street. The site coverage is to be less than twenty percent, which more than meets the guidelines of the city's subdivision regulations. The site plan for the nursing home facility calls for a sixty foot street dedication on the west side of the tract and an additional twenty foot street dedication fronting on 15th Street. The plans are to extend sewer mains and water mains through the tract for future development on the south side of the tract. At the conclusion of Mr. Devore's remarks, it was pointed out that the application for the grant must be in by November 30, and hopefully, an answer will be received by late February of 1981.

Commissioner Snyder made a motion that the staff be directed to prepare the application for an Urban Development Action Grant in the amount of \$515,000 to assist in the development of a nursing home in the city of Ottawa. The motion was seconded by Commissioner Nichols, and all present voted in favor of the motion.

Public Hearing - Community Development Block Grant Funds

Mayor Larson requested that David Watkins, Administrative Assistant, open the Public Hearing. Mr. Watkins is in charge of the city's Community Development Block Grant Program. Mr. Watkins opened the hearing by stating that there have been no significant changes since the first Public Hearing held two weeks ago. The one exception might be that the Skunk Run Drainage Project is proceeding as scheduled. Mr. Watkins said that it would be appropriate at this time for the Governing Body to determine whether they wish to proceed for a multi-year comprehensive plan or whether they wish to make application for FY 1981 only. In discussions concerning the Skunk Run Drainage Project, it was pointed out that this will be a multi-year project and that some of the areas of improvement are going to need more repair than originally anticipated.

Mr. Watkins also pointed out that he felt that the city should continue with its demolition efforts for dangerous structures. Some of the sites on which the city has already demolished structures are currently under plans for redevelopment. Commissioner Nichols questioned whether the Skunk Run Drainage Project was to be a three or four year program. She said it was her understanding in the beginning that it was to be a three year program but from all indications, it seemed to be going to last longer. City Manager Mills answered that it would very probably be a four year program due to the deteriorated condition of some of the Skunk Run Drainage channel.

Upon call for comments or recommendations from the public, there were none coming forward. Commissioner Nichols made a motion that the staff be directed to submit application for a three year comprehensive plan for Community Development Block Grant Funds. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Resolution No. 282 - Intent to Issue Industrial Revenue Bonds

Commissioner Marstall made a motion that a Resolution setting forth the intent of the city to issue Industrial Revenue Bonds in the approximate amount of \$500,000 for Stock Yards Farmers Stores, Inc. be passed. The motion was seconded by Commissioner Nichols.

Mr. Bud Beeman, owner of Stock Yards Farmers Stores, Inc. stated that his company desires to relocate their Town & Country Supply Store from the location of 2nd and Walnut to a location in Durbin's

Commercial Park east on Highway K-68, and that he is requesting that the city issue Industrial Revenue Bonds in the amount of \$500,000 to finance the construction of new facilities. The new facilities will be a total of 31,000 square feet, with 24,000 square feet being for retail operation, 5,000 square feet for warehouse purposes and 1,000 square feet for auto repair and office spaces. It was pointed out that Mr. Beeman is not asking for a ten year tax moratorium on ad valorem taxes.

The Governing Body commented very favorably to Mr. Beeman's request that he not receive a tax moratorium on this property. It was pointed out that the tract on which Mr. Beeman wishes to relocate presently has city water and electricity, but sewer is not accessible to this tract as yet. Mr. Beeman stated that the sewage from his new site would be handled by a septic system.

The Governing Body questioned if an Urban Development Action Grant might be appropriate to get sewer to this area. The staff answered that this would be a possibility.

Upon call for the question, all present as stated above voted in favor of the motion.

Sale of Real Estate - Whiting Foods, Inc.

Commissioner Nichols made a motion that the city be authorized to sell a small portion of Parking Lot B, to Whiting Foods, Inc. The motion was seconded by Commissioner Snyder. It was discussed that this small tract of land located to the north of Parking Lot B serves no useful purpose to the city. It is really inaccessible and inappropriate for parking area, and that the land was evidently obtained when the city purchased the land upon which Parking Lot B is situated. This small piece of land evidently was attached to a tract which the city had to purchase. City Manager Mills pointed out that when the city sells property at the request of an individual, the city will pay none of the costs associated with the sale of the property. The piece of property in question has been appraised by an MAIA appraiser for a true market value of \$2,500.00. In addition to the value stated, there is an appraiser fee of \$400.00 and staff time amounting to \$100.00, plus the cost of title insurance of \$75.00 for a total price of \$3,075.00. Mr. Cox, owner of Whiting Foods, Inc. was present and stated that the price of \$3,075.00 was agreeable to him.

Upon call for the question, all present voted in favor of the motion, except Commissioner Gaynor, who abstained from voting.

Ordinance 2659 - Sewer Service Charges

Commissioner Marstall made a motion that an Ordinance repealing Ordinances 2341 and 2348 and allowing for the establishment of sewer service charges by resolution be passed. The motion was seconded by Commissioner Snyder. It was discussed that there is a need to increase the sewer service charges for the city and that by enacting the ordinance, it does give the city the authority to modify sewer service charge rates by resolution. Upon call for the question, all present voted in favor of the motion.

Resolution No. 283 - Sewer Service Charges

Commissioner Marstall made a motion that a Resolution authorizing new sewer service charges to become effective January 1, 1981, be passed. Mr. Marstall further specified that the charges be option No. 4 as set forth on a memorandum dated October 28, 1980. Option

No. 4 on the memorandum calls for a base charge of \$1.25 plus 35¢ per 100 cubic feet of water consumed with a maximum of \$4.75 for residential users. Option No. 4 further calls for commercial users to be charged a base charge of \$3.00 plus 35¢ per 100 cubic feet consumed with no maximum. The motion was seconded by Commissioner Nichols.

Discussions pointed out that the city is in need of increasing sewer service charges to maintain the basic services of the sewer system. The rates in effect at the present time were the rates established with the enactment of sewer service charges in the city of Ottawa some ten years ago. There have been no increases to date in the sewer service rates. The sewer fund receives no subsidy from federal or state government or from the general fund of the city, and has remained self-sustaining over the years.

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

Ordinance No. 2660 - Parking District

It was explained that the city had received a request from the Kansas State Bank for a time limit or control of parking around the Kansas State Bank located at Main and Tecumseh Streets. In order for the city to enforce parking regulations in this area, it is necessary to amend the Parking District Ordinance to include Main Street as far north as Tecumseh Street. Commissioner Nichols made a motion that an ordinance amending and redefining the boundaries of the parking district in the central business area be passed. The motion was seconded by Commissioner Gaynor. Upon call for the question, all present voted in favor of the motion.

Commissioner Gaynor then commented that the city might be giving some consideration to the parking situation on 5th Street between Hickory and Cedar. With the advent of the Catholic church opening their new church at this location, it was caused some parking problems on 5th Street. City Manager Mills stated that the area would bear watching in the next few weeks and that possibly the city should take some action on this problem.

Ordinance No. 2661 - Zoning

Commissioner Marstall made a motion that an ordinance limiting the selling areas of all stores except grocery stores, to 5,000 square feet in the C-1 (Neighborhood Commercial) District be passed. The motion was seconded by Commissioner Nichols.

Commissioner Snyder spoke to the motion stating that he felt limiting all stores except grocery stores in the C-1 District to 5,000 square feet was very discriminatory. Commissioner Snyder further stated that he thought the ordinance in its present form was discriminatory and that by passage of the new ordinance, it was only adding to the discrimination. Commissioner Snyder pointed out that all C-1 zoned districts in the city are presently filled and that he thought passage of such an ordinance would be to no avail. Commissioner Snyder then offered a substitute motion as follows: That the Zoning Ordinance be amended by amending specifically Article XV, Section 3, Item 11 to read, "drug store and proprietor stores," which would have the effect of striking the language under Item 11 of, "not over two thousand five hundred (2,500) square feet of selling area."

Commissioner Snyder then asked Commissioner Gaynor if he would second the substitute motion. Commissioner Gaynor seconded the substitute motion, stating that even though the C-1 District in the city is presently full, part of the buildings in the C-1 District could be demolished with new commercial buildings being erected. Upon call for the question to substitute Commissioner Snyder's motion for the original motion, all present voted in favor of the substitution.

Upon call for the question for passage of the substitute motion, Commissioner Marstall voted opposing the motion and Mayor Larson and Commissioners Snyder, Gaynor and Nichols voted in favor of the substitute motion.

Resolution No. 284 - Necessity for Street Improvements

Commissioner Snyder made a motion that a resolution declaring the necessity for and intention of improving Main Street, Princeton Circle Drive, Princeton Street and Princeton Terrace from 15th Street to the south city limits be passed. The motion was seconded by Commissioner Marstall.

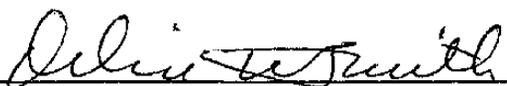
It was explained that this resolution is to clear up some technicalities in a resolution of similar nature passed a few months ago. Upon call for the question, all present as stated above voted in favor of the motion.

Resolution No. 285 - Necessity for Street Improvements

Commissioner Marstall made a motion that a resolution declaring the necessity for and intention of improving 7th Street from Cedar Street to the west city limits be passed. The motion was seconded by Commissioner Snyder.

It was explained that this resolution is necessary to clear up some technicalities in a resolution on the same subject passed in 1979. Upon call for the question, all present as stated above voted in favor of the motion.

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



City Clerk

City Hall - November 19, 1980

The City Commission met in regular session at 9:35 a.m. this date. Present: Mayor Larson and Commissioners Nichols, Gaynor, Marstall and Snyder. Absent: none.

Approval of Minutes

The minutes of the last regular meeting held November 5, 1980, were approved as written.

Memorium to Lyman A. Corlis, Jr.

Commissioner Marstall read a resolution commemorating the service of Lyman A. Corlis, Jr. to the City of Ottawa, Kansas. The resolution set forth that Lyman A. Corlis, Jr. had served on the Ottawa City Commission as Commissioner of Finance from April, 1964 to April, 1969. Mr. Corlis died November 17, 1980 at his home in Portland, Oregon. Commissioner Marstall made a motion for passage of the resolution. The motion was seconded by Commissioner Nichols, and all present voted in favor of the motion.

Resolution No. 286 - Industrial Revenue Bonds

Commissioner Marstall made a motion that a Resolution expressing the city's intent to issue Industrial Revenue Bonds in the approximate amount of \$3,000,000 for Sunflower Care Centers, Inc. be passed. The motion was seconded by Commissioner Snyder. Commissioner Gaynor opened discussion, stating that several persons had contacted him expressing a concern for the removal of the property on which Sunflower Care Centers, Inc. intends to build a nursing home facility from county ad valorem taxes. Commissioner Gaynor said that even though the city does receive a fee for public services, he felt that the county was left out; that it received no such fees and was void of any tax revenues from this property. Commissioner Gaynor reiterated proceedings from a previous meeting by which the city has assisted Sunflower Care Centers, Inc. in applying for a grant in the amount of \$515,000 for streets, sewers and utilities and that he felt that the removal of this property from ad valorem taxes for ten years would not be fair to Franklin County. It was pointed out, however, that the nursing home facility, which the Sunflower Care Centers, Inc. facility will replace, is a county-operated nursing home and that it presently does not pay taxes.

Commissioner Gaynor questioned how much county aid the new facility would receive for care of patients. It was answered that the new facility would receive no county aid but that aid probably would come through social and rehabilitation services which is financed by state government.

It was further pointed out that the nursing home located at 15th and Hickory Streets in Ottawa does pay taxes. Commissioner Marstall stated that with the new facility being constructed and under operation, the present county-operated nursing home facility will no longer be necessary and the county will be free to use it for other purposes. The only expense to the county for the operation of their present nursing home is for maintenance and modifications on the building. The home is leased to a private individual who operates it without subsidy for operational costs.

Commissioner Marstall stated that the present County Commission had asked the City Commission to work with the proposal for a new nursing home facility, and that hopefully it could become a reality. A new nursing home will add no additional load to our present school system, and fire and police protection is adequate.

Upon call for the question, Commissioners Marstall, Nichols, Snyder and Mayor Larson voted in favor of the motion; Commissioner Gaynor voted opposing the motion.

Resolution No. 287 - Electric Utility Rates

Upon request from the Mayor, City Manager Mills opened discussion on the proposed new utility rates. Mr. Mills stated that the proposed new rates, which reflect an approximate five percent increase in utility costs, have been made necessary due to the inflationary factor. A five percent increase in the rates will bring in additional revenues in an approximate amount of \$150,000 per year. Mr. Mills stated that, not only has labor increased, but many of the items we purchase for normal operation of the electric plant have increased 200 to 300 percent in cost over a period of three years. Last year the city budgeted \$160,000 to overhaul the STAG generating unit, but the actual cost when the project was completed amounted to over \$200,000.

Commissioner Nichols made a motion that a Resolution increasing electric rates an approximate five percent to become effective with all bills rendered on and after December 28, 1980, be passed. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

It was brought out after the vote was taken that the new City of Ottawa electric rates will compare very favorably with the rates of the Kansas City Power and Light Company and the Kansas Power and Light Company.

Report of Planning Commission Meeting

A report of the Planning Commission Meeting of November 11, 1980 was read by the Administrative Assistant as follows:

The Planning Commission decided by a 5-0 vote with one abstention to recognize a need for a nursing home in Ottawa and that the site of the proposed project on W. 15th Street was congruent with the Comprehensive Plan.

The Planning Commission decided by a 6-0 vote to state that they would be willing to recommend the annexation of the ten-acre site of the proposed nursing home on W. 15th Street if the Planned Unit Development (PUD) application is approved.

The Planning Commission took under advisement a request from Mr. Wes Stevenson, 1517 S. Cedar, to annex a 100' x 150' tract of land located on the west side of Davis Road north of the Santa Fe Railroad.

The Planning Commission decided by a 6-0 vote to authorize Bucher & Willis to begin updating the city's Capital Improvement Program and to update the city's Comprehensive Plan as the need arises.

The Planning Commission took under advisement a utility extension plan which detailed improvements to serve the Yockey and Country Club properties currently being considered for unilateral annexation.

The Planning Commission took under advisement a utility extension plan which detailed improvements to serve the Corcoran, Sudja, Todd, Weidner and Hunkeler properties located south of K-68 between Cherry Street and Davis Road.

The City Commission acknowledged receipt of the report of the Planning Commission.

Rescheduling of City Commission Meetings

It was reported by the City Manager that the City Commission will be out of town the first week of December attending a National League of Cities meeting and, therefore, it is necessary to reschedule their regular meetings in December. Commissioner Marstall made a motion that the regular meetings of December 3, and December 17, 1980 be rescheduled to December 10, and 24, 1980. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

Acceptance of Osage Drive

The City Manager read a report of the City Engineer and the city's consulting engineers, A. C. Kirkwood & Associates, by which it is recommended that Osage Drive located in the Pine Manor Subdivision be accepted from the contractor and developer. The street has been inspected and meets all criteria for the construction of streets in the city. It was explained that the street will carry a one year guaranty by the contractor but that after that point in time, the total maintenance and repair of the street would be the responsibility of the city. This report was also inclusive of water and sewer lines in the Pine Manor Subdivision.

Commissioner Nichols made a motion that the city accept Osage Drive and the water and sewer lines installed in the Pine Manor Subdivision subject to the guaranty by the contractor. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Report of the Ottawa Retail Association Parking Committee

Mr. Larry Powell, Director of the Ottawa Chamber of Commerce, appeared before the City Commission and reported that the Parking Committee appointed by the Ottawa Retail Association had formulated a recommendation for parking restriction in the downtown area.

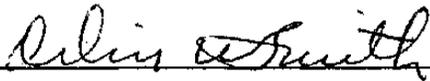
Mr. Powell stated that the Parking Committee recommends that the one-hour parking limit on Main Street be changed to a two-hour limit and that all parking lots, except Parking Lot A, be changed to unlimited parking. Further, the committee recommends that there be no changes made in the presently established loading zones. Currently, most of the parking lots are unlimited as to time restrictions. Parking Lot A and Parking Lot D are limited to two-hour parking.

Mr. Powell stated that these recommendations would come forward in written form at a later date. The City Commission was very interested in the recommendations inasmuch as parking in the downtown area has been a problem for many years.

Mr. Roger Keith

Mr. Roger Keith, County Commissioner-elect, was present at the City Commission meeting. Mr. Keith stated that he was desirous of attending a City Commission meeting and hopeful that the new County Commission and the City Commission could have a direct and cordial relationship in the future.

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



City Clerk

City Hall - December 10, 1980

The City Commission met in regular session at 9:35 a.m. this date. Present: Mayor Larson and Commissioners Marstall, Gaynor, Nichols and Snyder. Absent: none.

Approval of Minutes

The minutes of the last regular meeting held November 19, 1980, were approved as written.

Resolution No. 288 - Employment Relations Council

A Resolution authorizing the establishment of an Employment Relations Council to garner employee input and discussion on matters relating to employment concerns was introduced. Mayor Larson directed that the Resolution be read in its entirety; whereby, the City Clerk proceeded to read the Resolution, as follows:

"A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN EMPLOYMENT RELATIONS COUNCIL TO GARNER EMPLOYEE INPUT AND DISCUSSION ON MATTERS RELATING TO EMPLOYMENT CONCERNS,

WHEREAS, the Governing Body of the City of Ottawa, Kansas, is vitally concerned with maintaining harmonious and cooperative relations with its employees and

WHEREAS, good faith, free and full communication are keystones of effective employer-employee relationships and

WHEREAS, employees in all the various city operations and activities are to be encouraged to express their concerns and opinions on matters affecting their employment, and

WHEREAS, the city administration has a responsibility to consider and respond to the concerns expressed;

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

The City Commission authorizes the establishment and active maintenance of the Employment Relations Council, to be comprised of departmental employee representatives to garner and respond to employee concerns. The City Manager shall take the necessary action to establish the council.

ADOPTED by the Governing Body of the City of Ottawa, Kansas, this 10th day of December, 1980."

Upon completion of the reading of the Resolution, Commissioner Nichols made a motion that a Resolution authorizing the establishment of an Employment Relations Council to garner employee input and discussion on matters relating to employment concerns be passed. The motion was seconded by Commissioner Gaynor.

Commissioner Snyder opened the discussion on the matter stating that he was very much in favor of such organization to open the lines of communication between the city staff and the employees in the field. Commissioner Snyder stated that he felt that such an organization would enhance the relationships of the employees to the city staff and City Commission.

Commissioner Marstall spoke opposing the passage of the Resolution, stating that he felt that the meetings of the Employment Relations Council and the city staff members would be nothing more than talk sessions and eventually result in a breakdown of the city's supervisory structure. Commissioner Marstall stated that with these thoughts in mind, he would have to vote opposing the passage of the Resolution.

Commissioner Gaynor stated that he thought that the Employment Relations Council would be a better route to go than the possibility of in the future recognizing an employee bargaining unit.

Commissioner Nichols commented that this public entity, as with many public entities, is suffering a breakdown in communications with employees and, therefore, she was very much in favor of the Resolution.

Commissioner Snyder stated that he did not have a fear of a breakdown in the city supervisory structure; that such a unit would be a communication structure, and not an authority structure.

Upon call for the question, Commissioners Nichols, Snyder, Gaynor and Mayor Larson voted in favor of the motion. Commissioner Marstall voted opposing the motion.

Report of Planning Commission

A report of the Planning Commission Meeting of December 2, 1980, was read as follows:

The City Planning Commission met in regular session at 7:00 p.m. December 2, 1980. Present: Chairman Powell, Members Koch, Thornburg, Slavens, Wellington and Spears. Absent: Gaeddert.

The Planning Commission by a 4-2 vote decided to take no action upon a request of Mr. Wesley Stevenson to have the city annex a tract of land 100' x 150' located on the west side of Davis Road, north of the Atchison, Topeka and Santa Fe Railroad track. The Planning Commission explained to Mr. Stevenson that if he were willing to have a larger tract of land annexed to the city, they might look more favorably upon the request. The larger tract of land was desirous to avoid creating an island of Mr. Stevenson's property. Mr. Stevenson stated that he was not in a position to authorize the annexation of a larger tract of land as the land belonged to his mother-in-law.

The Planning Commission voted 5-0 with one abstention to recommend that the City Commission begin unilateral annexation of the Yockey and Country Club properties. Prior to the decision of the Planning Commission, the utility extension plans for this area were fully explained. However, Mr. Yockey stated that he opposed the proposed annexation.

The Planning Commission voted 6-0 to recommend that the City Commission begin the unilateral annexation of the properties south of K-68 belonging to Messrs. Corcoran, Sudja, Todd, Preller and Weidner. The utility extension plans for this area were fully explained prior to the vote. Mr. Rudy Sudja and Mr. Rudy G. Sudja expressed some opposition to the proposed annexation.

Upon completion of the reading of the Planning Commission report, Commissioner Marstall made a motion that the record show the report as received by the City Commission. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

It was decided by the City Commission that the recommendations as set forth in the Planning Commission report start receiving further consideration at the meeting of the City Commission of December 24, 1980.

Fixed-Base Operator Lease for the Airport

Commissioner Snyder made a motion that a Fixed-Base Operator Lease and Airport Services Agreement for the operation of the Ottawa Airport as proposed by Mr. Edward Beck be approved. The motion was seconded by Commissioner Marstall. Mayor Larson called upon the City Manager to comment on the subject.

The City Manager stated that the City of Ottawa had advertised in many publications over the past few months requesting proposals for a fixed-base operator lease and airport services agreement from interested individuals. It was determined that the proposal as submitted by Mr. Edward Beck was the best proposal in the interest of the city. The agreement as written will be retroactive to October 5, 1980, and be in force until October 4, 1982.

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

Resolution No. 289 - Improvement of Seventh Street

A Resolution amending Resolution No. 285 of the City of Ottawa, Kansas, relating to the declaration of the necessity for the intention to improve or re-improve Seventh Street from the west line of Cedar Street to the west city limits in the City of Ottawa, Franklin County, Kansas, by deleting Section 2 thereof, and inserting in lieu thereof a new Section 2, was introduced.

Commissioner Snyder made a motion that the Resolution as stated be passed. It was explained that Section 2 of Resolution No. 285, which calls for the improvement of Seventh Street, was in error stating the nature of the improvement and the types of materials to be used in the proposed improvement, and that by passage of this Resolution, the original resolution on this subject is corrected. The motion was seconded by Commissioner Nichols. Upon call for the question, Mayor Larson and Commissioners Nichols, Marstall, Gaynor and Snyder voted in favor of the motion, and no one voted opposing the motion.

Ordinance No. 2662 - Intangibles Tax

Commissioner Marstall made a motion that an Ordinance providing for the elimination of tax on intangible personal property in the City of Ottawa, Kansas, and providing authorization for the imposition and levy of other lawful taxes pursuant to Kansas Statutes Annotated be passed. The motion was seconded by Commissioner Nichols.

Commissioner Marstall explained that by virtue of an election held in the City of Ottawa in August, 1980, whereby the voters determined that the Intangibles Tax should be eliminated, Kansas Statutes call for the enactment of an Ordinance eliminating the Intangibles Tax.

The Kansas Statute which gives authority for the election and the passage of the Ordinance eliminating the tax further sets forth a schedule by which the tax is to be eliminated. According to the time schedule set forth in the statute, Intangible Tax shall not be levied in the year 1982 or any year thereafter.

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

Claim for Damages - H. E. Pennington

Commissioner Gaynor made a motion that a claim for damages as submitted by Mr. H. E. Pennington in the amount of \$291.45 be denied based upon the recommendation of the City Attorney. The motion was seconded by Commissioner Nichols.

It was explained that a wheel of Mr. Pennington's car had dropped into manhole as he drove over the top of the manhole. The cover of the manhole had somehow flipped up and allowed the wheel of Mr. Pennington's car to drop into the hole. The recommendation of the City Attorney stated that inasmuch as the city had no prior notice of any defects in the manhole cover and that immediately upon notification of the incident city employees inspected the manhole cover and found no apparent defect which would have been evident prior to the incident, that there is no apparent negligence on the part of the city. The City Attorney's opinion further stated that he recommended that the claim be denied.

Upon call for the question, all present voted in favor of the motion based upon the opinion and the recommendation of the City Attorney.

Cereal Malt Beverage License Applications

The following Cereal Malt Beverage License Applications for renewal for 1981 were presented for consideration. Prior to the presentation of the license applications, it was stated by the City Clerk that all appropriate fees for the licenses had been paid. Applications were received from:

- A & P Grocery, Henry Hermreck, Manager, 111 S. Hickory, package sales only
- Pence Food Centers, Wallace R. Hart. Manager, 305 N. Main, package sales only
- Pence Food Centers, Thomas O. Moats, Manager, 1428 S. Main, package sales only
- Main Street Bait & Tackle Shop, Katherine S. Benson, Manager, 1130 N. Main, package sales only
- White Grocery, Shirley L. White, Owner, 720 W. 7th, package sales only
- Working Man's Friend Oil Company, Inc., Richard Carterman, Manager, 304 Logan, package sales only
- Paxson's Super Saver, Dana W. Stephenson, Manager, 602 S. Maple, package sales only
- Saddleback Lounge, William L. Osborn, Owner, 111 N. Main, for consumption on the premises
- Pizza Hut of America, Inc., Lee Johnson, Manager, 118 W. 15th, for consumption on the premises
- Burger Bowl and Bar, Barbara J. Spears, Owner/Manager, 2040 Princeton Street, for consumption on the premises
- Hickory Inn, Billy Galutia, Owner/Manager, 120 Dundee, for consumption on the premises.

Benevolent and Protective Order of Elks, Clarence Strickland, Manager, 114½ W. Second, for consumption on the premises

Pizza Village, James Jones, Manager, 330 S. Main, for consumption on the premises.

Commissioner Marstall made a motion that the Cereal Malt Beverage License Applications as presented be approved. The motion was seconded by Commissioner Nichols and Mayor Larson, Commissioners Nichols, Marstall, Gaynor voted in favor of the motion. Commissioner Snyder voted opposing the motion.

Commissioner Snyder then reiterated his request that the Kansas Legislature enact legislation either allowing an option to the City Commission as to whether a license should be issued or to allow Cereal Malt Beverage Licenses to be issued without City Commission approval.

Mr. Larry Powell, Director of the Ottawa Chamber of Commerce, stated that he felt that the city should be more active in enforcing fire and safety regulations in the establishments that have cereal malt beverage for consumption on the premises. It was discussed that the city inspection and fire departments inspect these establishments along with all other commercial establishments.

Resolution No. 290 - Naming Representatives to the Kansas Municipal Energy Agency

Commissioner Snyder made a motion that a Resolution naming the Mayor and the Director of Utilities as the city's representatives to the Kansas Municipal Energy Agency, and that the City Manager be named as an alternate representative to the Kansas Municipal Energy Agency be passed. The motion was seconded by Commissioner Gaynor. Discussions which followed pointed out the seriousness of the business in which the Kansas Municipal Energy Agency is engaged in providing electric energy to the municipalities in Kansas that have their own generating plants.

It was decided that the City of Ottawa should name two alternate representatives instead of only one. Commissioner Snyder made a motion that his original motion be amended to include that the City Manager and the Mayor pro tem be named as alternate representatives to the Kansas Municipal Energy Agency. The motion was seconded by Commissioner Nichols.

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

Request of Mr. Larry Powell

Mr. Larry Powell, Director of the Ottawa Chamber of Commerce, presented a request from the Ottawa Retail Association concerning the parking in the downtown area. Mr. Powell read a recommendation and request of the Ottawa Retail Association which recommends that the parking on Main Street be changed to two-hour parking limits, the parking on side streets remain as is and that all parking lots have unlimited parking with the exception of Parking Lot A, which will retain its present two-hour limit. The request further recommended that all loading zones remain intact as is. The recommendation asked that this type of parking limit be started immediately as a trial period through the Christmas buying season.

The Governing Body acted in favor of the request except that it was noted that the present parking limit signs on Main Street are for one-hour parking only and it would take a change of the signs before a two-hour parking limit could be enforced.

Commissioner Nichols made a motion that all parking in the central business district be unlimited from December 10 through December 31, 1980. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

The City Commission indicated that they would give consideration to the recommendations of the Ottawa Retail Association at a later date.

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



City Clerk

City Hall - December 24, 1980

The City Commission met in regular session at 9:35 a.m. this date. Present: Mayor pro tem Marstall and Commissioners Gaynor, Nichols and Snyder. Absent: Mayor Larson.

Approval of Minutes

The minutes of the last regular meeting held December 10, 1980 were corrected to reflect that Commissioner Marstall made a motion that a Resolution naming the Mayor and Director of Utilities as the city's representatives to the Kansas Municipal Energy Agency be passed. The minutes as written indicated that Commissioner Snyder made this motion. The minutes were then approved as corrected.

Resolution No. 291 - Public Hearing - Annexation

Commissioner Snyder made a motion that a Resolution calling for a Public Hearing to be held at 9:35 a.m. March 4, 1981, to consider annexation of a tract of land located north of Highway K-68 and west of Davis Avenue consisting of approximately 82 acres, be passed. The motion was seconded by Commissioner Nichols.

It was explained to those in attendance who were interested in this subject that they were welcome to attend this public hearing and let their views be known as to their concerns for the proposed annexation. Upon call for the question, all present voted in favor of the motion.

Resolution No. 292 - Public Hearing - Annexation

Commissioner Nichols made a motion that a Resolution calling for a Public Hearing to be held at 9:35 a.m. March 4, 1981, to consider annexation of a tract of land located south of Highway K-68 and between the present east city limits and the intersection of Highway K-68 and Davis Avenue, be passed. The motion was seconded by Commissioner Snyder.

It was explained to those in attendance who were interested in this subject that they were welcome to attend this public hearing and express their views and concerns relative to the proposed annexation. Upon call for the question, all present voted in favor of the motion.

Agreement for Planning Services - Bucher & Willis

An agreement with Bucher & Willis, consulting engineers, planners and architects, for planning services and grant application preparation for the development of park and recreational areas was introduced. The agreement sets forth that the Bucher & Willis firm will provide planning services for the 15th Street Park and planning services for a proposed new park/ball diamond area north of the Santa Fe Railroad tracks in the eastern part of Ottawa, along with the preparation of a grant application for federal funding, for a maximum of \$4,700. The design work portion of the agreement is not to exceed \$3,500.

Commissioner Snyder made a motion that the agreement be approved and to authorize the Mayor pro tem to execute the agreement. The motion was seconded by Commissioner Gaynor and all present voted in favor of the motion.

Resolution No. 293 - Personnel Rules and Regulations

Commissioner Snyder made a motion that a Resolution adopting amended Personnel Rules and Regulations be approved. The motion was seconded by Commissioner Nichols.

Commissioner Snyder stated that the Personnel Rules and Regulations of the City of Ottawa need periodic updating and he was very pleased that this was coming forward at this time. All Commissioners nodded in approval of Commissioner Snyder's statement. Upon call for the question, all present voted in favor of the motion.

Acceptance of Street Resurfacing

Commissioner Nichols made a motion that the resurfacing of U.S. Highways 50 and 59 in south Ottawa be accepted from the contractor and approved for final payment as recommended by the city's consulting engineers and the city engineering staff. The motion was seconded by Commissioner Snyder.

It was reported that the original contract price for the paving improvement project was for \$88,620.75; however, the final cost was only \$84,941.91. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Applications for 1981

Applications for Cereal Malt Beverage Licenses for 1981 were approved as follows:

Ottawa Country Club Association, A. C. Crismer, Manager, E. Logan Street, for consumption on the premises

Waymire Butcher Block, Charles F. Waymire, Manager, 2008 Princeton Street, package sales only

Conoco Travel Shop, Kenton L. Kramer, Manager, 2243 Princeton Road, package sales only

Andy's Service Station, Willard Cromwell, Manager, 1115 West 7th Street, package sales only

Great Plains Tavern, Kevin J. Hernandez, Owner, 110 N. Main, for consumption on the premises

Bill's Bar, Bill D. Baldwin, Owner, 231 N. Main, for consumption on the premises

Fraternal Order of Eagles, Hayward Brill, Manager, 524 E. 15th Street, for consumption on the premises.

Commissioner Gaynor made a motion that all applications be approved for issuance of license. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion, except Commissioner Snyder who voted opposing the motion.

Resolution Authorizing Agreement with Santa Fe Railroad

A Resolution authorizing the Mayor and City Clerk to sign an agreement with the Santa Fe Railroad to cross railroad right of way with electric power lines was introduced. The City Manager recommended that action on this resolution be delayed until another meeting. The agreement, in addition to authorizing the city to cross the Santa Fe Railroad property with electric power lines, also contained some hold-harmless statements which modified prior such agreements with the Santa Fe Railroad. It was the City Manager's recommendation that the City Attorney be allowed to read and interpret the agreement prior to action by the City Commission.

Commissioner Snyder made a motion that action on the resolution be delayed until a later date. The motion was seconded by Commissioner Gaynor. All present voted in favor of the motion.

Ordinance No. 2663 - Corporate Boundaries of the City

An Ordinance redefining the corporate boundaries of the city as required by Kansas Statutes was introduced. Commissioner Snyder made a motion that an Ordinance redefining the corporate boundaries of the city be passed. The motion was seconded by Commissioner Nichols and all present voted in favor of the motion.

Ordinance No. 2664 - Ordering Street Improvements

Commissioner Snyder made a motion that an Ordinance directing and ordering the improvement of Main Street from 15th Street to the south city limits, Princeton Circle Drive from 17th Street to the south city limits, Princeton Street from the south city limits to 19th Street and Princeton Terrace from 19th Street to 17th Street, be passed. The motion was seconded by Commissioner Gaynor. Upon call for the question, Mayor pro tem Marstall and Commissioners Gaynor, Snyder and Nichols voted in favor of the motion and no one voted opposing the motion.

Ordinance No. 2665 - Ordering Street Improvements

Commissioner Nichols made a motion that an Ordinance directing and ordering the improvement of 7th Street from the west line of Cedar Street to the west city limits, be passed. The motion was seconded by Commissioner Snyder and upon call for the question, Mayor pro tem Marstall and Commissioners Nichols, Snyder, and Gaynor voted in favor of the motion and no one voted opposing the motion.

It was discussed that the improvement of 7th Street is not expected to start until 1983 as this will be a federally-funded project and the federal funds will not be available until that time.

Comments on Electric Rates

City Manager Mills reported that a recent article in the Garnett newspaper which compared the City of Garnett electric rates, City of Ottawa electric rates and other cities' electric rates was erroneous in that the rates stated for Garnett were lower than Garnett's actual rate structure and the rates stated for Ottawa were higher than the Ottawa rate structure.

It was suggested that possibly Ottawa's summer rate structure had been used in computing the cost for 750 kilowatt hours of electricity. The City Manager reported that a hypothetical bill for 750 kilowatt hours of electricity had been constructed and using the City of Ottawa's winter rates and the fuel adjustment for the month of November, the City of Ottawa's rates were some seven dollars lower than those stated in the Garnett paper.

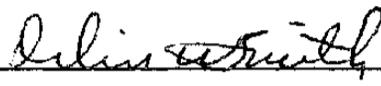
Commissioner Gaynor said that the Garnett paper had retracted the rates as given for Garnett as they were quoted too low. The City Manager further commented that on a fairly regular basis, the City of Ottawa does compare their rates with Kansas City Power and Light, the Kansas Power and Light Company, Kansas Gas and Electric Company and other municipal utilities in the area. Through such comparison, the City of Ottawa has consistently been on the low end of the rate structure.

Concluding Remarks

The City Manager went on record as wishing everyone a Merry Christmas and a Prosperous New Year on behalf of the city employees and staff. Mayor pro tem Marstall went on record as wishing everyone a Merry Christmas and a Happy New Year and stated that the past year's events in Ottawa have made Ottawa a city to be proud of. There have been no catastrophes in the past year and the

planning that has taken place in the City of Ottawa for the future will continue to make Ottawa a great place to live. Commissioner Nichols, in wishing everyone a Merry Christmas and a Happy New Year, made a motion that the meeting be adjourned. The motion was seconded by Commissioner Snyder and all present voted in favor of the motion.

The meeting was adjourned at 10:11 a.m. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



City Clerk