

City Hall - Ottawa, Kansas - January 8, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None. Staff members present: City Manager, Lyle Dresher; Administrative Assistant, Kristy Cannon; and City Clerk, Orlin W. Smith.

#### Approval of Minutes

The minutes of the last regular meeting held December 18, 1985 and of the special meeting held December 20, 1985 were approved as written by separate actions of the Governing Body.

#### Acknowledge Receipt of Petition for Parking Lot Construction

Mayor Bemmels announced that the City was in receipt of a petition to construct an off-street parking lot to be located on Lots 2, 4, 6, 8, 10 and 12, Block 86, Original Townsite, as submitted by B & B Investments, Inc. of Kansas City, Missouri, owners of the real estate comprising the benefit district. The estimated probable cost of the acquisition of property and the construction of the parking lot is \$150,000. Mayor Bemmels then called on the City Manager to further comment on the subject.

The City Manager stated that there has been discussion from time to time concerning the development of the North American Hotel building and the possible need for off-street parking spaces. As a result of those discussions, B & B Investments, Inc. has submitted the petition requesting the acquisition of real estate and the construction of the parking lot at the above described location.

#### Resolution No. 411-86 - Advisability of Acquiring Property for and Construction of an Off-Street Parking Lot

Mayor Bemmels introduced the subject and Commissioner Lister made a motion that a resolution finding the advisability of acquiring property for and constructing an off-street parking lot consisting of at least a 3-inch asphaltic concrete or equivalent surface over a 6-inch rock base, curb and gutter, sidewalk and other appurtenances thereto, being described as Lots 2, 4, 6, 8, 10 and 12, Block 86, Original Townsite, be passed. The motion was seconded by Commissioner Thompson.

Mrs. Isabel Hernandez appeared before the City Commission objecting to the City involvement in construction of a parking lot for the North American Hotel. Mrs. Hernandez stated that the City at one time sold the North American Hotel at a big loss to a purchaser who was supposed to raze the top two stories of the hotel. Those top two stories were not razed and Mrs. Hernandez stated that the owner of the hotel then sold the property at a smart profit. She stated that the development project had been squashed at the state level because the state would not finance the redevelopment of hotel and the City is now going to pay 82% of the cost of the development of a parking lot for that property. Mrs. Hernandez stated she would appreciate having the City pay 82% of the development costs for property she is developing on Ottawa's north side.

Mr. Floyd Jacobs, 1104 N. Cedar, spoke in opposition to the purchase and development of the parking lot. Mr. Jacobs questioned how the elderly would get to and from the parking lot if the North American Hotel were used for housing for the elderly, and further that he thought the City had spent too much money already in attempting to get the hotel developed into something that was usable. Mr. Jacobs suggested that the hotel should have been torn down a number of years ago and a parking lot made on the site where it stands.

Commissioner Thompson interjected that the money lost on the North American Hotel was not from local ad valorem property taxes but was federal tax dollars, acknowledging that everyone does pay federal income tax.

Commissioner Heathman questioned whether the parking lot was to be built in 1986, stating it had been his understanding that the parking lot would not be built in 1986. The City Manager answered that it was not likely the parking lot would be constructed this year. Mr. Dresher further stated that the City had been presented with the opportunity to purchase the property and it was felt that the land had potential for parking lot purposes. The future availability of land located closer to downtown was felt to be unlikely. In addition to the parking lot being used for off-street parking to benefit the North American Hotel, the parking lot would also serve the municipal auditorium.

There being no further discussion, the motion was called and all present voted in favor of the motion.

Resolution No. 412-86 - Ordering and Directing the Acquisition of Real Estate and Construction of a Parking Lot

Commissioner McCrea made a motion that a resolution ordering and directing the acquisition of certain real estate in Block 86 of the Original Townsite and the improvement of said real estate for off-street parking facilities, and providing for the payment of costs of said improvements, and establishing a benefit district consisting of Lots 33 and 35, Block 72, Original Town, be passed. The motion was seconded by Commissioner Thompson. Commissioners Lister, Thompson, and McCrea all made similar statements to the effect that it is to the City's benefit to find a suitable use for the old North American Hotel building. Other statements alluded to the fact that the renovated hotel building when completed will not necessarily be for the elderly, but could be for a mix of ages; the renovation of the hotel would increase its valuation and the City would stand a good chance to recover all monies invested with the receipt of the first year's tax payment; and the parking lot would not only serve the hotel residents, but would satisfy an existing parking need for auditorium patrons. Upon call for the question, all present voted in favor of the motion.

Acceptance of Public Improvements

Mayor Bemmels introduced the subject of accepting the public improvements consisting of paving of streets and construction of sanitary sewer and storm drainage improvement in the vicinity of 23rd and South Cedar Streets in the City of Ottawa. Mayor Bemmels then called on the City Manager to further explain the details of the improvements.

The City Manager stated that the improvements included the extension of Cedar Street south from 23rd Street, constructed with a width of 31 feet back-to-back with 7" reinforced concrete on a 3" rock base, an 8" sanitary sewer extension and storm drainage improvements, and were constructed by the Ottawa Investment Company. The City Manager reported that the improvement had been designed and inspected by A. C. Kirkwood & Associates. On October 30, 1985 the final review and inspection of the improvements took place with representatives from A. C. Kirkwood, Ottawa Investment Company and City personnel in attendance. The City Manager stated that, subsequent to a letter received from A. C. Kirkwood & Associates recommending acceptance of the improvements, with concurrence from City Staff present at the final inspection, he was recommending the improvements be accepted at this time. The total cost of the improvements is \$149,343.41, and if accepted at this time, the City will proceed to sell bonds to pay for the construction.

Commissioner Thompson made a motion that the City accept the recommendation of satisfactory completion of the public improvements constructed by the Ottawa Investment Company as per Resolution 402-85 and as follows: +/- 282' extension of Cedar Street South of 23rd Street of a 31' back-to-back 7" reinforced concrete street with 3" rock base with an 80-foot radius cul-de-sac at the south end of Cedar and including concrete curb and gutter. An 8" sanitary sewer extension and storm drainage improvements were also included in the project. Final cost of improvements including construction financing

amounted to \$149,343.41. The motion was seconded by Commissioner McCrea, who then stated that he felt this type of construction was a step forward for the City of Ottawa, wherein the developer constructs the improvements according to City specifications and following acceptance by the City, bonds are sold to pay for the project. It was also pointed out that there were probably certain economies accomplished in such an improvement as opposed to construction of same by the City. Upon call for the question, all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, January 7, 1986, at 7:00 p.m. in City Hall. All members were present.

The minutes of the last meeting held December 3, 1985, were approved with corrections.

The Planning Commission held a Public Hearing to amend the sign regulations of the City of Ottawa Zoning Ordinance. After discussion, the Planning Commission continued the hearing to their next regular meeting.

The Planning Commission held a Public Hearing to amend the City of Ottawa Zoning Ordinance in order to provide for a 10 foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home Park) District. Herb Wittmeyer appeared before the Planning Commission and urged them to make this amendment. After discussion, the Planning Commission continued the hearing to their next regular meeting.

The Planning Commission continued a discussion of the North Ottawa Neighborhood Plan and finished their review of the "Neighborhood Revitalization" section. As this was the final section of the plan, the Planning Commission directed the Planning Consultant to prepare a public hearing draft of the entire North Ottawa Neighborhood Plan for their review at the next meeting.

The Administrative Assistant presented the Planning Commission with a letter received Monday from the County announcing a public hearing on January 16, 1986 to amend the subdivision regulations of the county. The Planning Commission directed the staff to review these regulations and provide any input necessary at this public hearing.

There being no further business, the meeting was adjourned.

Commissioner Thompson made a motion that the report of the Planning Commission be approved. The motion was seconded by Commissioner McCrea, who then questioned the content of the letter from the county concerning the public hearing to amend the county subdivision regulations. Ms. Cannon reported that the letter is a formality inasmuch as the county must periodically update its subdivision regulations. Upon call for the question, all present voted in favor of the motion.

#### Review of City Investment Schedule for the month of December 1985

The City Clerk reported that as of December 31, 1985 the City had a total of \$5,635,000 invested at an average annual interest rate of 7.91%. The City Clerk further reported that the City had reinvested \$500,000 on January 3, 1986, and those monies on which the City had been receiving interest at the rate of 7.908% were now earning at the rate of 7.833%, showing a small decline in the interest rate. The investment schedule existing as of November 30, 1985, showed an amount in excess of one million dollars in a City NOW account. Since completion of a bond issue, a much smaller amount is on deposit in the NOW account. The exact amount of the balance will be known as soon as the City has completed the year-end business.

Commissioner Thompson made a motion that the investment schedule existing as of December 31, 1985, indicating a total of \$5,635,000 invested at an average annual interest rate of 7.91% be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Report of Allocation for 1986 for Industrial Development Bonds

It was reported that the City had received an allocation for 1986 amounting to \$1,298,750 in Industrial Development Bonds. The City's allocation for 1985 was \$502,000.

#### Recess for Executive Session

At 10:12 a.m. Commissioner McCrea made a motion to convene to an executive session to discuss with the City Attorney legal matters involving both Baxter Mobile Homes, Inc. vs the City of Ottawa, and Heathman's vs the City of Ottawa, lawsuits. The executive session was to be for thirty minutes, to reconvene to its regular session at 10:42 a.m. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion except Commissioner Heathman, who abstained from voting.

At 10:42 a.m. Mayor Bemmels called the meeting to order and Commissioner Lister made a motion that the executive session continue until 11:15 a.m. The motion was seconded by Commissioner McCrea and Mayor Bemmels and Commissioners Thompson, McCrea and Lister voted in favor of the motion. No one voted opposing the motion.

At 11:15 a.m. Mayor Bemmels called the meeting to order and asked if there was any other business to come before the City Commission. There being none, the meeting was adjourned.

The entire text of the meeting, with the exception of the time spent in executive session, is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - January 22, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None. Also in attendance: Administrative Assistant, Kristy Cannon and City Clerk, Orlin W. Smith.

#### Approval of Minutes

The minutes of the last regular meeting held January 8, 1986 were approved as written.

#### Ordinance No. 2812-86 - Adoption of Uniform Building Code

The Uniform Building Code 1985 Edition, published by the International Conference of Building Officials as amended to apply to City of Ottawa was introduced. Mayor Bemmels called on the administrative assistant to comment on the subject. Ms. Cannon explained that the City adopts from time to time the latest edition of the Uniform Building Code with certain amendments unique to the City of Ottawa. She explained that the required number of copies are currently on file with the City and anyone wishing to secure a copy of the 1985 building code may do so through the City Inspector's office or arrangements will be made for purchase of the code.

Commissioner Lister made a motion that an ordinance adopting by reference the Uniform Building Code, 1985 Edition, under the authority of K.S.A. 12-3010 and providing for deletions, amendments and corrections to said Uniform Building Code, 1985 Edition, be passed. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2813-86 - Providing for Incorporation of Building Code

An ordinance providing for the incorporation of the Uniform Building Code, 1985 Edition, as amended into the Municipal Code of the City of Ottawa, Kansas, 1982, was introduced. Commissioner Thompson made a motion that an ordinance providing a certain amendment in Chapter VI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Section 6-102 of said Code, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Approval for Preapplication for Federal Assistance for Municipal Airport Improvements

A Preapplication for Federal Assistance for Municipal Airport Improvements including extension and widening of Runway 17-35, construction of a parallel taxiway and lighting improvements, and authorization for the Mayor to authorize City Manager, Lyle H. Dresher, to act as the City's agent in all matters pertaining to the preapplication request was presented for approval.

Ms. Cannon explained that the preapplication is kept before the Federal Aviation Administration in the event that funds become available and the City might be funded for additional airport improvements. The document which the Governing Body is being asked to approve this date is an update of numbers submitted in prior applications.

Commissioner Lister made a motion that the City Commission approve a Preapplication for Federal Assistance for Municipal Airport Improvements including extension and widening of Runway 17-35, construction of parallel taxiway and lighting improvements, with a total estimated cost of the improvements being \$317,966.00 of which the City would be responsible for \$31,798 if the improvement should become a reality. The motion also included authorizing the Mayor to authorize City Manager, Lyle H. Dresher, to act as the City's agent in all matters pertaining to the preapplication request. The motion was seconded by Commissioner McCrea. There being no

discussion, the question was called and all present voted in favor of the motion.

Resolution No. 413-86 - Supporting League of Kansas Municipalities Policy Statement Concerning Annexation

It was reported by Ms. Cannon that the League of Kansas Municipalities has requested that member cities pass resolutions in support of the League's policy opposing the proposed change in Kansas laws pertaining to annexation. The League's policy stipulates that the present annexation laws in Kansas have been effective for many years and are very workable for cities in planning and future development of the cities. The League opposes the proposed changes in the annexation laws.

Commissioner McCrea made a motion that a resolution reaffirming the support of the City of Ottawa for the the 1985-86 Statement of Municipal Policy of the League of Kansas Municipalities concerning annexation, be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution Congratulating Quarterback Steve Grogan and the New England Patriots

a resolution congratulating Quarterback Steve Grogan and the AFC Football Champion New England Patriots and wishing the team well in Super Bowl XX, Sunday, January 26, 1986, was read. Commissioner McCrea made a motion that the resolution as read be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Mr. Paul Archer appeared before the Commission and stated that he was currently circulating a petition to name the Ottawa High School football field after Steve Grogan. Mr. Archer then quoted the very impressive statistics concerning Mr. Grogan's career in high school and professional football.

Proclamation - Jaycee Week

Mr. Gary Bateman, Vice President of the Ottawa Jaycees, presented and read a proclamation proclaiming the week of January 19-25, 1986 as Jaycee Week. Commissioner Thompson made a motion that the mayor be authorized to sign the said proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation - Girl Scout Cookie Time

Mrs. Kathy Jordan, Girl Scout Cookie Chairperson, presented and read a proclamation proclaiming January 18 - February 2, 1986, as Girl Scout Cookie Time. Commissioner Lister made a motion that the mayor be authorized to sign the said proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Status Report of Current City Projects

The following is a list of current city projects and their status:

1. South Main Street Improvement (7th to 10th) - Street crossings at 8th, 9th and 10th nearly completed. Curb and gutter completed on east side of Main. All utility work completed. Project shut down for winter November 26, 1985. All utility work and curb and gutter (east side) completed. Improved weather in January has allowed contractor to backfill curb and gutter, grade, and pour storm sewer manholes. Minor work will continue, weather permitting.

2. E.P.A. Project - Collector System Improvements and Wastewater Treatment Plant - Construction on the holding basin is still in progress; however, remaining construction is now dependent on weather conditions. Collection System Improvements (Contract 1) is completed and processing of documentation underway.
3. Cypress/Olive Street Storm Drainage Improvements - Storm drainage work in progress on both lines A & B. Storm sewer construction has progressed in January. Work will continue, weather permitting.
4. Skunk Run Storm Drainage Improvement Phase IV - Winter weather has halted most construction at this time.
5. Skunk Run Storm Drainage Improvement Phase V - Smoky Hill, Inc. has nearly completed, except for grading and backfilling. Finish work and seeding to be completed in spring.
6. South Main Street Improvement (10th to 15th) - Geometric funding has been approved by KDOT in amount of \$230,000 in the FY 1987 funding cycle. Funds will be available July 1, 1986. Plans and specifications are prepared and awaiting approval by KDOT. Utility review to occur January 22, 1986 and some utility relocation to commence shortly.
7. Marais des Cygnes River Bridge - Proceeding.
8. South Main Street Hazard Elimination Project - Final plans and specifications have been reviewed by KDOT and a State bid letting is being scheduled.
9. Airport Runway & Taxiway - The final inspection completed and final documentation for payments underway.
10. KDOT "KLINK" and Geometric Improvement Projects on highway connecting links - Applications have been submitted and received by KDOT for the FY87 and FY88 funding years.
11. Off-Peak Industrial Electric Rate Study - Covenant Engineering has submitted proposal for staff review. Staff is presently completing tests on rate structure to ensure feasibility prior to presentation.
12. North American Hotel Grant Project. The grant agreement for this project has been approved by the Kansas Department of Economic Development. The developer is currently working on financial arrangements for the project.
13. COF Community Improvement Grant. - Work underway on the renovation of the spec building, utility crews have completed all utility improvements, and completion scheduled for mid-February or early March.
14. Skunk Run Basin Study. - Preliminary report completed and presented to the City Commission January 13, 1986. Final report now being prepared.

Approval of Contract for Purchase of Land for Municipal Parking Lot Purposes

Consideration for approval of a Contract for Purchase from Kansas Land Investments, Inc. of Lots 2, 4, 6, 8, 10, 12, 14 and 16, in Block 86, City of Ottawa, for an agreed upon price of \$59,000, and authorization for Mayor to execute said Contract, were introduced. The City Commission through public hearing authorized the purchase of the real estate at their meeting of January 8, 1986.

Commissioner Thompson made a motion that a Contract for Purchase from Kansas Land Investments, Inc. of Lots 2, 4, 6, 8, 10, 12, 14 and 16, in Block 86, City of Ottawa, for an agreed upon price of \$59,000, and authorization for Mayor to execute said Contract, be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

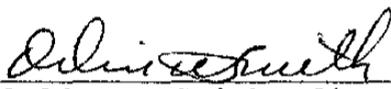
#### Notice of Special Meeting

It was announced that a special meeting will be held at 3:00 p.m. Monday, January 27, 1986 in order to conduct a Public Hearing on Special Assessments to be levied against property liable for assessment on South Cedar Street.

#### Comments of Commissioner Heathman

Commissioner Heathman commented that he felt the road to the airport probably should be resurfaced. Presently the road leading to the airport has a hard surface except for a quarter mile portion. Commissioner Heathman said he was in hopes that the City and the county might be able to work together to improve the road.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - January 27, 1986

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None. Also in attendance: City Manager, Lyle H. Dresher; City Clerk, Orlin W. Smith. The purpose of the meeting was to hold a public hearing to consider the proposed special assessments for street, sanitary sewer and storm sewer improvements in the Ottawa Investment Company Subdivision, total cost of the improvement being \$150,000.

By special agreement, the developer of the property in the 2300 block of S. Cedar constructed the street improvements and the storm sewer and sanitary sewer improvements to city specifications and the City is to purchase said improvements for a total cost of \$150,000 when general obligation bonds are sold to cover the cost of the project. The notice of the public hearing was published in the official City newspaper on January 16, 1986 and at that time all property owners were mailed notice of the hearing and notified of the amount for which their properties would be assessed. The benefit district consists of Lots 1, 2, 3 and 4, Ottawa Investment Company Subdivision of Lot 44, County Clerk's Subdivision No. 1 to the City of Ottawa, Franklin County, Kansas.

Lot 1 and the improvements thereon is assessed \$35,984.96; Lot 2 is assessed \$74,408.30; Lot 3 is assessed \$19,354.61; and Lot 4 is assessed \$20,252.13.

Mayor Bemmels announced that the owners of the property within the improvement district will have thirty days from the publication of the assessment ordinance in which to pay the assessments in full before bonds are sold for the long term financing of the project.

The owners of Lot No. 2, which has an assessment of \$74,408.30, appeared before the City Commission and stated that they were unaware that there would be special assessments made against the property at the time they made their purchase. It was reported by the City staff that the resolution ordering the improvements was filed with the Register of Deeds of Franklin County on May 9, 1985, and anyone purchasing the property after that date could have learned of the assessments if they had contacted the Franklin County Register of Deeds.

Mr. Rick Gorentz, representing the Ottawa Investment Company, stated that when Lot No. 2 was sold to the first purchasers, the value of the lot was determined by considering its value with the improvements in place and deducting therefrom the estimated special assessment. In so doing, Mr. Gorentz stated, the original purchasers were fully aware of the pending special assessment. The owners of Lot No. 2 then stated that they would probably pursue their problem with the person from whom they purchased the lot.

It was then stated by the staff that the first assessment for the improvements would probably appear on the 1986 tax statement which should be mailed from the county treasurer's office around November 1, 1986.

There being no further discussion, Commissioner Thompson made a motion that the hearing be closed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2814-86 - Levying Special Assessments

Commissioner McCrea made a motion that an ordinance apportioning and levying the special assessments to pay the cost of acquiring certain streets, sanitary sewers and storm sewers in the City of Ottawa, Franklin County, Kansas, as follows:

- (a) The improvement of Cedar Street from a new "T" intersection beginning at the South pavement line of 23rd Street, thence South 282 feet to the platted North Property line of Lot 2, Ottawa Investment Company Subdivision of Lot 44, County Clerks Subdivision No. 1.
- (b) The construction of an 8" sanitary sewer located in the platted easement along Cedar Street in the Ottawa Investment Company Subdivision.
- (c) The construction of Storm Sewer Improvements including pipes and structures necessary to the street improvement and in conjunction with the drainage channel traversing through the Ottawa Investment Company Subdivision.
- (d) Other appurtenances necessary thereto for a completed project.

be passed. The motion was seconded by Commissioner Thompson. It was again stated that the owners of property within the benefit district will have thirty days from the date of publication of the ordinance to pay the assessments in full and not incur additional interest charges imposed by the sale of the bonds. Upon call for the question, all present voted in favor of the motion.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 5, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, and Thompson, with Commissioner Lister entering the meeting during discussion on Change Order No. 1, South Main Street Improvements. Absent: None.

#### Approval of Minutes

Minutes of the last regular meeting held January 22, 1986 were approved as written, and the minutes of the special meeting held January 27, 1986 were approved as written.

#### Change Order No. 4, Contract No. 2 - Wastewater System Improvements

Change Order No. 4 on Contract No. 2 - Wastewater System Improvements in the amount of \$47,950.91 increase to the contract price was introduced. Mayor Bemmels called on the city manager to explain the details of the change order.

The city manager explained that two items had to be added to the contract for the wastewater system improvements and that both of these items were not discovered to be necessary until a certain amount of disassembly and excavation were made. One of the items was to remove and replace the bar screen basket guide rails for a total cost of \$3,333.60 and the other item was to remove 108.5 feet of existing 18" pipe and to replace with new pipe for a total cost of \$44,617.31. The total cost of the change order amounts to \$47,950.91. Commissioner McCrea made a motion that Change Order No. 4 on Contract No. 2 - Wastewater System Improvements in the amount of \$47,950.91 be approved. The motion was seconded by Commissioner Thompson. It was then pointed out that this will make the total contract price for Contract No. 2 \$1,955,572.91, and the improvements are grant eligible whereby the city will pay 25 percent and the EPA will pay 75 percent. Upon call for the question, all present voted in favor of the motion.

Change Order No. 1, Contract 1985-1 - South Main Street Improvements  
Change Order No. 1, Contract 1985-1 - South Main Street Improvements in the amount of \$1,658.52 increase in contract price was introduced. It was explained that the change order resulted from the City's request to realign a 30" storm sewer through Park Street and City Park. Commissioner Thompson made a motion that Change Order No. 1, Contract 1985-1 - South Main Street Improvements in the amount of \$1,658.52 increase in contract price be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Request for Sidewalk Sale

A letter from the Ottawa Retail Association, Rex Cummings - Chairman, was read. The retail association requested permission to use the sidewalks for merchandise displays at their sidewalk sale Saturday, March 1, 1986 from 8:00 a.m. to 5:00 p.m. Commissioner McCrea made a motion that the request be granted. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Proclamation - Black History Month

Mr. Richard Jackson, Chairman of the Black Awareness Committee, presented and read a proclamation designating the month of February 1986 as Black History Month. Mr. Jackson then commented on some of the events which will be held during February. Commissioner Lister made a motion that the mayor be authorized to sign the proclamation and the motion was seconded by Commissioner McCrea. Everyone present voted in favor of the motion.

## Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, February 4, 1986 at 7:00 p.m. in City Hall. Present: Chairman Jackson and members Underwood, Woolman, Searls, Keith, and Koch; Absent: member Hendrix.

The minutes of the last meeting held January 7, 1986 were approved as written.

The Planning Commission held Public Hearing to amend the Zoning Ordinance to rezone two tracts of land generally located at 210 West Tecumseh and 122 West Tecumseh from I-2 (Heavy Industrial) to C-2 (General Commercial). After hearing comments in favor of the rezoning from the property owners the public hearing was continued to the next regular meeting of the Planning Commission.

The Planning Commission held a Public Hearing to consider an amendment to the Wal-Mart PUD (Planned Unit Development) generally located at U.S. 59 South and Princeton Street, submitted by Wickliff & Company of Denver, Colorado. In a related matter, the Planning Commission also considered a preliminary plat submitted by Wickliff & Company for a re-plat of lots 2, 3, 4, 5, and 6 of the Wal-Mart Addition, Lot 11 County Clerk's Subdivision No. 1. After discussion of both the Preliminary PUD and the preliminary plat, the Planning Commission continued the hearing on the Planned Unit Development and continued their discussion of the Preliminary Plat to the next regular meeting of the Planning Commission.

The Planning Commission continued a Public Hearing to amend the sign regulations of the City of Ottawa Zoning Ordinance. After discussion, the Planning Commission took no action on these amendments. The Planning Commission directed the staff to prepare a draft of a new sign ordinance for their study at the next meeting.

The Planning Commission continued a Public Hearing to amend the City of Ottawa Zoning Ordinance in order to provide for a 10 foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home) District. After discussion, the Planning Commission voted 5-0-1 (abstention by Clarence Koch) to recommend approval of this amendment to the City Commission.

The Planning Commission continued a discussion of the North Ottawa Neighborhood Plan. They directed the staff to prepare maps to accompany the plan prior to calling a public hearing on the plan.

There being no further business, the meeting was adjourned.

### Review of Investment Schedule

The Schedule of Investments existing as of January 31, 1986, showing a total of \$6,335,000 invested at an average interest rate of 7.80%, was reviewed by the City Commission. It was indicated that \$1,300,000 of the City's investments had matured and been reinvested since January 31, and that the interest rate is still on the decline. It was further indicated that the interest the City receives on its investments has declined approximately 6% since early 1982. Commissioner Thompson made a motion that the schedule of investments as presented be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

### Applications for Cereal Malt Beverage License

Applications for cereal malt beverage license were submitted for Poncho's of Ottawa, 429 S. Main, June E. Mauszyck, manager, and S. Hood Enterprises Limited, d/b/a Saddleback Lounge, 111 N. Main, Stewart D. Hood, manager. Both applications were for consumption on the premises. Commissioner McCrea questioned the distance from Poncho's of Ottawa, 429 S. Main, to the Masonic Temple building. The reason for the question of distance is that a church service is held at the Masonic Temple each Sunday morning and the Municipal Code states that a cereal malt beverage license may not be issued to an

establishment located within 200 feet of an organized church building. It was decided that the request for cereal malt beverage license for Poncho's of Ottawa would be deferred until the next regular meeting. Commissioner McCrea made a motion that an application for cereal malt beverage license as submitted for S. Hood Enterprises Limited, d/b/a Saddleback Lounge, 111 N. Main, Stewart D. Hood, manager, for consumption on the premises, be approved and that the request for cereal malt beverage license as submitted by Poncho's of Ottawa be deferred until the next regular meeting. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Report on National League of Cities Congress of Cities Meeting

Mayor Bemmels announced that a written report has been drawn by the City Commission concerning their attendance at the National League of Cities Congress of Cities meeting held in December 1985. Mayor Bemmels stated that the report is quite lengthy and its copies would be available upon request from the city manager's office.

#### League of Kansas Municipalities Legislative Conference

Mayor Bemmels announced that the League of Kansas Municipalities Legislative Conference will be held February 13, 1986 from 9:00 a.m. until noon. The city manager and members of the Governing Body will be attending the conference.

#### City Manager's Comments

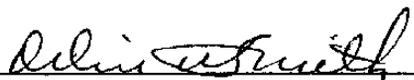
The city manager announced that a public informational meeting for South Main Street improvements from 10th to 15th will be held at City Hall on Tuesday, February 11, 1986 at 7:00 p.m.

#### Business from Guests

Mrs. Louise Hamilton, 226 S. Willow, appeared before the City Commission and complained of a neighbor's chickens jumping the fence into her yard and being attacked by her dog. Mrs. Hamilton said she had contacted the Department of Public Safety who contacted the owner of the chickens. The chickens were kept confined in a pen for a while but now the chickens are again allowed to come into her yard and she must keep her dog confined to protect the chickens. Mrs. Hamilton wanted to know if something could be done to remedy the situation. The city manager stated that there are no regulations prohibiting the types of animals that a person may keep, but that all animals must be kept confined within the owner's premises. He did not know any reason why a citation should not be issued to the owner of the chickens; however, he said he would look into the situation further.

Mrs. Karen Butts, 101 S. Elm, registered a complaint that her neighbor keeps all types of animals on the premises, including cows, horses, pigs and goats, and she has been forced to fence her property to keep the animals that frequently run at large out of her yard. The City Commission instructed the city manager to see what might be done about this situation.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 19, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held February 5, 1986 were approved as written.

#### Ordinance Governing Rear Yard Setback Requirements

As a result of a recommendation made by the Planning Commission, Commissioner Lister made a motion that an ordinance amending and modifying Ordinance No. 2713-82 in order to provide for a ten (10) foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home) District by specifically amending Article XII (Mobile Home) District, Section 7, Paragraph (3), be passed. The motion was seconded by Commissioner McCrea. Mayor Bemmels called on the city manager to explain the purpose of the proposed ordinance.

The city manager explained that with the increasing length of mobile homes being manufactured, to adhere to a 25-foot front yard setback and a 25-foot rear yard setback on lots with depths of less than 150 feet is restricting the placement thereon of mobile homes. The ordinance now under consideration would reduce from 25 feet to 10 feet the rear yard setback requirement in Mobile Home Districts for lots with depths of less than 150 feet, in order to allow placement thereon of larger mobile homes.

Commissioner McCrea then commented that allowing a mobile home to be located within ten feet of the rear property line, if the 10-foot setback also contained a 10-foot utility easement, might make working within that easement area quite difficult. A normal utility easement takes ten feet from each side of a property line, for a total of twenty feet. Commissioner McCrea expressed the fear that the outriggers on utility equipment might damage a mobile home located on the easement/setback line while work was being done within the easement area. Commissioner McCrea then suggested that consideration be given to at least a 15-foot rear yard setback under these circumstances. Commissioner McCrea added that the easement would already be crowded if it contained electric lines, water lines, and sewer lines.

It was stated that mobile homes come in various lengths, 60, 70 and 80 feet. Commissioner Thompson then asked if an 80-foot mobile home is a true eighty feet. Mr. Herb Wittmeyer replied that a 80-foot mobile home would be 80-feet including the tongue apparatus, adding that he had originally requested the change in the rear yard setback requirements. The box portion of an 80-foot mobile home would therefore not be a full 80 feet in length.

All commissioners expressed concern for allowing placement of a mobile home just ten feet from the rear property line. Upon call for the question, all present voted opposing the motion. The proposed ordinance was not approved. The matter of the proposed change in rear yard setback requirements was returned to the Planning Commission for further consideration.

## Contract for Purchase of Real Estate

Commissioner McCrea made a motion that a contract for purchase at a total price of \$59,500 from the Kansas Oil Properties, Inc. of Lots 2, 4, 6, 8, 10, 12, 14 and 16, in Block 86, City of Ottawa, be approved and authorization be given for the Mayor to execute said contract. The motion was seconded by Commissioner Thompson. The city manager explained that the City Governing Body approved a like contract for purchase from Kansas Land Investments on January 22, 1986. It was later learned that the name of the seller on that earlier contract was incorrect and should have been Kansas Oil Properties, Inc. The property is to be used for the construction of a municipal parking lot. Upon call for the question, all present voted in favor of the motion.

## Lease Agreement Between City of Ottawa and COF Training Services, Inc.

A lease agreement between the City of Ottawa and COF Training Services, Inc. for lease of the spec building in the Ottawa Industrial Park, soon to be acquired by the City from Ottawa/Franklin County Economic Development, Inc. was introduced. Mayor Bemmels called on the city manager to explain the details of the lease agreement.

The city manager explained that the completed building is being acquired with funds through the Community Development Block Grant program. The grant agreement requires that the City of Ottawa retain ownership of the building, and the term of the lease agreement extends through the year 2002. The lease agreement states that the lessee is to pay the lessor \$1,000 the first year and \$1,000 each year thereafter, with a \$500 per year escalator. The lease payment may be adjusted from year to year. In addition, the City will recapture \$139,500 of the grant funds through annual payments in the amount of \$9000 to be paid by the lessee beginning June 30, 1988 and continuing through the year 2002. Other terms of the lease agreement are that lessee is to maintain the building, including all necessary repairs and maintenance; the lessor will have the right to annually inspect the building; the lessee is to maintain adequate insurance for both liability and property damage with the lessor as a named insured, and certificate of such insurance is to be provided to lessor; and lessee is to purchase utilities from the City of Ottawa at the same rate that other customers pay. In the event that lessee should cease to operate as a facility for the benefit of developmentally handicapped adults, the building would be returned to the City.

Commissioner McCrea made a motion that a lease agreement between the City of Ottawa and COF Training Services, Inc. for lease of the spec building in the Ottawa Industrial Park, with a total recapture of \$139,500 to be paid to the City of Ottawa between June 30, 1986 and June 30, 2002, be approved and the mayor be authorized to sign said lease agreement. The motion was seconded by Commissioner Heathman, who asked if the City was acquiring a finished building and if bids had been taken for the building improvements.

The city manager answered that the City is buying a finished building from the present owner, Ottawa/Franklin County Economic Development, Inc., which organization was responsible for the construction of the building improvements. In addition to the \$400,000 in grant funds provided by the City for the property purchase, approximately \$122,000 has been contributed through the various lending institutions, in-kind contributions for utility extensions have been provided by the City and Kansas Power and Light Gas Service Company, and costs of grant administration have been borne by the City.

Mr. Dan Andrews, Director of COF Training Services, Inc., stated that COF is presently moving into the building and he did wish to extend his thanks for the cooperative effort of everyone involved to make this move possible. Upon call for the question, Mayor Bemmels and Commissioners McCrea, Lister and Heathman voted in favor of the motion. Commissioner Thompson abstained from voting.

## Cereal Malt Beverage Application

An application for license to sell cereal malt beverage as submitted by Poncho's of Ottawa, 429 S. Main, was presented. The city clerk stated that said application was for consumption on premises and names Jane E. Mauszyck as manager. He further stated that in answer to a question posed at the last regular city commission meeting, the church service held across the street from Poncho's is not being held in an organized church building; therefore, the 200-foot distance from an organized church building requirement does not apply in this instance according to the City Attorney. Commissioner Thompson made a motion that an application for license to sell cereal malt beverage for consumption on premises as submitted for Poncho's of Ottawa, 429 S. Main, Jane E. Mauszyck, Manager, be approved. The motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

## Proclamation - Teacher Day USA

A proclamation was read proclaiming March 4, 1986 as Teacher Day U.S.A. Commissioner Lister made a motion the proclamation be approved and the motion was seconded by Commissioner McCrea; all present voted in favor of the motion.

## Report of Status of Current City Projects

The following is a list of current city projects and their status:

1. South Main Street Improvement (7th to 10th) - Project shut down for winter November 26, 1985. All utility work and curb and gutter (east side) completed. Improved weather in January and February has allowed contractor to backfill curb and gutter, grade, and pour storm sewer manholes. Minor work will continue, weather permitting.
2. E.P.A. Project - Collector System Improvements and Wastewater Treatment Plant - Construction on the holding basin is still in progress; however, remaining construction is now dependent on weather conditions. Collection System Improvements (Contract 1) is completed and processing of documentation underway.
3. Cypress/Olive Street Storm Drainage Improvements - Storm sewer construction progressed in January with nearly all drainage pipe layed and awaiting completion of catch basins and street crossings. Work will continue, weather permitting.
4. Skunk Run Storm Drainage Improvement Phase IV - Winter weather has halted most construction at this time.
5. Skunk Run Storm Drainage Improvement Phase V - Smoky Hill, Inc. has nearly completed, except for grading and backfilling. Finish work and seeding to be completed in spring.
6. South Main Street Improvement (10th to 15th) - Plans and specifications in KDOT Planning Department for review with field check set for February 25, 1986. Public meeting held February 11, 1986 and acquisition of temporary construction easements underway. Utility relocations underway by all utility companies. A July bid letting is planned by KDOT.
7. Marais des Cygnes River Bridge - Proceeding apparently on schedule.
8. South Main Street Hazard Elimination Project - State bid letting is scheduled for March 18, 1986.
9. Airport Runway & Taxiway - The final inspection completed and final documentation for payments submitted to FAA.

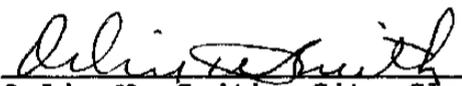
10. KDOT "KLINK" and Geometric Improvement Projects on highway connecting links - Applications have been submitted for FY87 and FY88 funding years.
11. Off-Peak Industrial Electric Rate Study - Covenant Engineering has submitted proposal for staff review. Staff is presently completing tests on rate structure to ensure feasibility prior to presentation.
12. North American Hotel Grant Project. The developer is currently working on financial arrangements for the project.
13. COF Community Improvement Grant. - Improvements to the spec building completed with final inspection scheduled. Uniform appraisal and acquisition per CDBG guidelines underway. Lease Agreement between the City and COF being negotiated. Occupancy scheduled for early March.
14. Skunk Run Basin Study. - Preliminary report completed and presented to the City Commission January 13, 1986. Draft of final report received and being reviewed by staff.

#### Governing Body Agenda

Commissioner McCrea stated that today is the beginning of the city manager's second year with the City of Ottawa, and he would like to commend the city manager for a job well done during his first year, and he looked forward to continuing that arrangement with City Manager Lyle H. Dresher.

The city manager introduced Andy Morris, a student at Ottawa University, who is presently working with the City as an administrative intern.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 5, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held February 19, 1986 were approved as written.

#### Request of Radio Station KOFO to Hold Farmfest

Radio Station KOFO submitted a request to hold a Farmfest event at the Municipal Auditorium for the purpose of displaying farm implements on March 15, 1986, from 8:00 a.m. to 5:00 p.m. Also included was a request for permission to close E. 3rd Street from the east line of Main Street to the west line of Hickory Street for the display of implements. The city manager stated that the original request was to close Hickory from 3rd south to north edge of Lamb-Roberts funeral home and to close 3rd from Hickory to Cedar. Mr. Dresher stated that he had discussed the street closings with KOFO personnel and due to traffic and other events in the area, he suggested that the request be changed as noted above. KOFO personnel agreed with his suggestion. Commissioner Thompson made a motion that radio station KOFO be permitted to hold their Farmfest on March 15, 1986 from 8:00 a.m. to 5:00 p.m., and that 3rd Street from Main to Hickory be closed for their use. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Request to Use Forest Park for Bike-A-Thon

The City Commission received a request from Mr. Walt Jamison to use Forest Park on April 5, 1986 from 8:00 a.m. to 6:00 p.m. for a Bike-A-Thon to benefit St. Jude's Research Hospital. In the event of rain on April 5, they wanted to establish a rain date of April 12, 1986. It was also recommended for safety purposes that Forest Park be closed to through traffic during the Bike-A-Thon. Mr. Walt Jamison was present to present the request. During discussion it was suggested that the access to the swimming pool parking area be left open for spectator parking. Commissioner Lister asked Mr. Jamison if any liability insurance covering this activity would protect the interest of the City. Mr. Jamison reported that there is no insurance protection; however, a disclaimer is included in the registration sheet to protect the hospital and the city in case of accident. Commissioner McCrea made a motion that Mr. Jamison be allowed to use Forest Park on April 5, 1986 for the proposed Bike-A-Thon with a rain date of April 12, 1986; and further that all roads in Forest Park be closed to through traffic except for the swimming pool parking area. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Authorize Legal Counsel for City Employees

Mayor Bemmels announced that pursuant to KSA 75-6108, authorization for legal counsel at the expense of the City and payment of actual damages proximately caused by an alleged act or omission of employees Leslie Wheat and Jack E. Davis while acting within the scope of their duties as employees of the City of Ottawa, is to be considered. The city manager stated that inasmuch as a legal action has been brought against the City of Ottawa, Leslie Wheat and Jack E. Davis, and since written request of Mr. Wheat and Mr. Davis has been received, under KSA 75-6108 the City is authorized to provide legal counsel at the expense of the City and to pay actual damages proximately caused by an alleged act or omission of these employees while acting within the scope of their duties as employees of the City. The city manager stated that at this time it is unclear whether the City has insurance coverage for the claims brought against it and its employees, inasmuch as the claims are for an alleged act of discrimination. He further stated that the City's insurance consultant is presently reviewing the policy to verify if coverage exists. Commissioner Lister made a motion that

pursuant to KSA 75-6108 the City authorize the services of legal counsel at the expense of the City and payment of actual damages proximately caused by alleged act or omission of employees Leslie Wheat and Jack E. Davis while acting within the scope of their duties as employees of the City of Ottawa, subsequent to receipt of request by Mr. Wheat and Mr. Davis, relating to all matters pending in an action in U. S. District Court entitled Lawrence T. Fisher vs The City of Ottawa, Kansas, Leslie Wheat and Jack E. Davis. The motion was seconded by Commissioner Thompson and upon call for the question, all present voted in favor of the motion.

#### Report of Planning Commission meeting

The City Planning Commission met in regular session on Tuesday, March 4 1986 at 7:00 p.m. in City Hall. Present: Chairman Jackson and members Hendrix, Underwood, Woolman, Searls, Keith Absent: member Koch.

The minutes of the last meeting held February 5, 1986 were approved as written.

The Planning Commission held a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 404 Division from I-1 (Light Industrial) to C-2 (General Commercial). After hearing comments in favor of the rezoning from the property owner the public hearing was continued to the next regular meeting of the Planning Commission.

The Planning Commission held a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 1212 East Logan from I-1 (Light Industrial) to C-2 (General Commercial). After hearing comments in favor of the rezoning from the property owner the public hearing was continued to the next regular meeting of the Planning Commission.

The Planning Commission continued a public hearing to amend the Zoning Ordinance to rezone two tracts of land generally located at 210 West Tecumseh and 122 West Tecumseh from I-2 (Heavy Industrial) to C-2 (General Commercial). After hearing comments in favor of the change, the Planning Commission recommended approval of the rezoning by a vote of 6-0.

Continue a Public Hearing to consider an amendment to the Wal-Mart PUD (Planned Unit Development) generally located at U.S. 59 South and Princeton Street, submitted by Wickliff & Company of Denver, Colorado. After discussion, the Planning Commission voted 5-1 to recommend approval of the Planned unit development with the following conditions with several conditions.

In two following related agenda items, the Planning Commission approved 6-0 a preliminary plat and with conditions a final plat for the re-plat of lots 2, 3, 4, 5, and 6 of the Wal-Mart Addition, Lot 11 County Clerk's Subdivision No. 1

The Planning Commission considered calling a Public Hearing to amend the sign ordinance of the Zoning Regulations. After discussion, the Planning Commission took no action on this item but directed the Planning Consultant to prepare a draft ordinance for their study at the next study session.

The Planning Commission reconsider a recommendation to the City Commission to amend the City of Ottawa Zoning Ordinance in order to provide for a 10 foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home) District. After discussion, the Planning Commission voted 6-0 to recommend that the Zoning Ordinance be amended to provide a 15 foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home) District

The Planning Commission discussed the application of the Zoning Ordinance to satellite dishes.

The Planning Commission voted 6-0 to call a Public Hearing to update the Capital Improvements Program for the City of Ottawa

The Planning Commission announced a Public Hearing on the North Ottawa Neighborhood Plan, scheduled for April 4, 1986 at 7:00 p.m. at City Hall

Commissioner McCrea asked if a date had been set for the public hearing to update the Capital Improvements Program. Ms. Cannon answered that the public hearing would be held at the April 1, 1986 meeting of the Planning Commission. Commissioner Lister moved that the report of the Planning Commission be accepted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Mr. Ben Park appeared before the City Commission stating that he represented both himself and the Farm Bureau Insurance Agency and wanted to state that they were in favor of the proposed rezoning of the property at 210 and 122 W. Tecumseh from I-2 (Heavy Industrial) to C-2 (General Commercial). Mayor Bemmels stated that the City Commission would take no action on the recommendation of the Planning Commission until the next regular meeting of the City Commission on March 19, 1986.

#### Review of City Investment Schedule

The City Commission reviewed the schedule of investments existing as of February 28, 1986. The report indicated a total of \$6,235,000 invested at an average interest rate of 7.67%. Commissioner Thompson made a motion that the City schedule of investments as of February 28, 1986 indicating a total of \$6,235,000 invested at an average interest rate of 7.67% be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Announcement of Special Meeting

Mayor Bemmels announced that the City Commission will meet in special session at 10:30 a.m. March 12, 1986 to receive bids for the sale of General Obligation Bonds in the amount of \$578,089.38.

#### Other Announcements

The city manager announced that he and Mayor pro tem Thompson would attend the National League of Cities Legislative Session in Washington, D.C. March 8-13.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 12, 1986

The City Governing Body met in special session at 10:30 a.m. this date.  
Present: Mayor Bemmels and Commissioners McCrea, Heathman, and Lister.  
Absent: Commissioner Thompson.

#### Receive Bids for Sale of G. O. Bonds

Mayor Bemmels announced that at this time the City would receive and consider bids for the sale of \$578,089.38 in General Obligation Bonds for Street, Storm Sewer and Sanitary Sewer Improvements, Series "A" 1986, to be dated April 1, 1986. Mayor Bemmels then directed the city clerk to proceed with the reading of the bids. The city clerk announced that there had been five bids received and proceeded to read the bids as follows: The Kansas State Bank, Ottawa, Kansas, average annual interest rate of 6.4975 percent, total interest cost to the City of \$260,993.72, deducting a premium of \$100.00 for a net interest cost to the City of \$260,893.72; George K. Baum & Co., Kansas City, MO, average annual interest rate of 6.621086 percent, net interest cost to the City of \$265,857.01; United Missouri Bank of Kansas City, MO, average annual interest rate of 6.821490 percent, total interest cost of \$274,111.97, deducting a premium of \$208.19 for a net interest cost to the City of \$273,903.78; Commerce Bank of Kansas City, MO, average annual interest rate of 6.84893 percent, net interest cost to the City of \$275,005.65; Lowell H. Listrom & Company, Inc., Kansas City, MO, average annual interest rate of 6.86641 percent, net interest cost to the City of \$275,707.52. The Kansas State Bank of Ottawa, Kansas, was the apparent low bidder and the city staff proceeded to check the accuracy of the Kansas State Bank bid as the Governing Body proceeded with other agenda items.

#### Consider Making Offer to Acquire a Building From Ottawa/Franklin County Economic Development, Inc.

Mayor Bemmels asked that Kristy Cannon, Administrative Assistant, comment on the subject. Ms. Cannon reported that the City had completed the appraisal and review process in preparation to make offer to purchase a building from the Ottawa/Franklin County Economic Development, Inc. The property is described as follows: The South 131 feet of Lot 2 lying all south of the easement line of the railroad spur in the SW/4 of Section 19, Township 16S, Range 20E, also the north 120 feet of Lot 3, all in Block A, in the Northeast Ottawa Industrial Park in the City of Ottawa, Franklin County, Kansas. Ms. Cannon stated that the appraisals and other data concerning the property indicated that just compensation for the building and the real property would be \$522,331. If the Governing Body wishes to make an offer in this amount, they should authorize the mayor to sign such a written offer. Commissioner McCrea made a motion that the mayor be authorized to sign a letter offering to purchase the building from Ottawa/Franklin County Economic Development, Inc. and a Determination of Just Compensation in the amount of \$522,331. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

#### Consider Agricultural Lease for Farm Land Adjacent to Highland Cemetery

The City Governing Body proceeded to consider entering into an agriculture lease of the City property located south of the Highland Cemetery described as: The SW/4 of the NE/4 of Section 12, Township 17, Range 19, Franklin County, Kansas, and to authorize the mayor to execute said lease on behalf of the City. Mayor Bemmels asked Ms. Cannon to report on the bids received. Ms. Cannon stated that the City had received two bids for the lease of this farm land by 5:00 p.m. March 6, 1986. One of these two bids had been withdrawn after its submission. The remaining bid is from Farris Brothers, signed by Milton Farris, for \$372 for a lease term of one year. Commissioner Lister commented that inasmuch as only one proposal for the lease of the property was received, possibly the City should reject all bids and advertise the proposed lease once again. Ms. Cannon cautioned that time was running short to get this farm land under lease. If time is taken to again advertise the land for bid, it might be even more difficult to receive a good bid. Commissioner McCrea expressed the same sentiment as Ms. Cannon,

stating that if the bid is rejected and the ground advertised again, it would be at least three weeks before the Governing Body could enter into the lease. By that time, it might be too late in the season for anyone to plant a crop. Commissioner McCrea made a motion that the City accept the bid of Farris Bros. and enter into a lease for a term extending from March 12, 1986 to February 28, 1987 with Farris Bros. stipulating an annual payment of \$372.00 be paid to the City. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

The city clerk reported that the city staff had not completed the check and verification of the bid of Kansas State Bank for the sale of the General Obligation Bonds. The mayor recessed the meeting until this verification was completed.

#### Reconvene Meeting

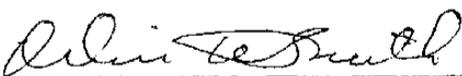
The city clerk reported that the bid of Kansas State Bank had been checked and verified. Mayor Bemmels called the meeting to order. The city clerk reported that there were possible errors in the bid of the Kansas State Bank, but that the errors did appreciably affect the bid. Upon extension of the interest rate specified in the bid from the Kansas State Bank, it was discovered that the net interest cost to the City would be \$1.31 greater than the net interest cost stated in the bid, making the net interest cost to the City \$260,895.03. Upon calculation of the average annual interest rate, it was discovered that said rate would be 6.4728 percent. With these corrections entered on the bid of Kansas State Bank, Kansas State Bank was still the low bidder for the purchase of the bonds.

Commissioner Lister made a motion the bid of the Kansas State Bank be accepted with a net interest cost to the City of \$260,895.03 and an average annual interest rate of 6.4728 percent. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Ordinance No. 2815-86 - Sale of General Obligation Bonds

Commissioner Lister made a motion that an ordinance authorizing the issuance and delivery of \$578,089.38 principal amount of General Obligation Street, Storm Sewer, and Sanitary Sewer Improvement Bonds, Series "A" 1986, of the City of Ottawa, Kansas, for the purpose of providing funds to pay the cost of certain improvements, prescribing the form and details of said bonds, and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due, be passed, and that the purchase of the bonds be awarded to the Kansas State Bank of Ottawa, Kansas, for a net interest cost to the City of \$260,895.03. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 19, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held March 5, 1986 and the minutes of the special meeting held March 12, 1986, were approved as written.

#### Presentation of Plaque to Wilmer Thompson

Mayor Bemmels presented a plaque to Mr. Wilmer Thompson, commemorating his retirement from the City of Ottawa, read a resume of Mr. Thompson's service with the City, and wished him well upon his retirement.

#### Ordinance No. 2816-86 - Zoning

Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance No. 2713-82 in order to provide for a fifteen (15) foot rear yard setback in existing platted blocks with lot depths of less than 150 feet in the M-H (Mobile Home) District by specifically amending Article XII (Mobile Home) District, Section 7, Paragraph (3), be passed. The motion was seconded by Commissioner Lister. It was explained that the length of new mobile homes makes it sometimes impossible to place a new mobile home on an existing lot with a depth of less than 150 feet and comply with the present setback requirements. Reducing the rear yard setback to 15 feet, will allow placement on these lots. On call for the question, all present voted in favor of the motion.

#### Ordinance No. 2817-86 - Zoning

Commissioner Lister made a motion that an ordinance rezoning two tracts of land generally located at 122 and 210 Tecumseh from I-2 (Heavy Industrial) to C-2 (General Commercial) as recommended by the Planning Commission, be passed. The motion was seconded by Commissioner Thompson. Commissioner McCrea spoke in favor of the passage of the ordinance, stating that inasmuch as the change had been recommended by the Planning Commission, he would be in favor of it.

Mr. John Cohen, representing the Franklin County Farm Bureau, and Mr. Ben Park both spoke in favor of the zoning change. There being no further discussion, on call for the question all present voted in favor of the motion.

#### Ordinance No. 2818-86 - Annexation

Commissioner Lister made a motion that an ordinance annexing certain county road right-of-way into the City of Ottawa as petitioned by the Board of County Commissioners, Franklin County, Kansas, generally described as 23rd Street right-of-way from the A.T.&S.F. tracks west + 2420.5 feet and from 450 east of U.S. 59 east + 755.5 feet, be passed. The motion was seconded by Commissioner McCrea. The city manager explained that the Franklin County Commission had petitioned the City of Ottawa to annex this road right-of-way because the city and the county wish to install a hard surface roadway on 23rd Street with Federal Urban Highway funds and this can only be done if the land lies within the corporate limits of a city. The annexation is being considered under KSA 12-520, which states that if a petition is submitted for annexation, a public hearing on the annexation is not necessary. On call for the question, all present voted in favor of the motion.

Resolution Requesting Certain Street Right-of-Way be Added to the Federal Aid Urban System

Commissioner McCrea made a motion that a resolution requesting the Secretary of Transportation for the State of Kansas add certain street right-of-way as described in Ordinance No. 2818-86 to the Federal Aid Urban System, be passed. The motion was seconded by Commissioner Thompson. Commissioner McCrea then stated that the county engineer and Franklin County Commissioners had already executed the resolution and it is now up to the City to complete the document. Upon call for the question, all present voted in favor of the motion.

Action to Table Certain Agenda Items

The city manager announced that the developer, Wickliff & Company of Denver, Colorado, who had requested an amendment to the Wal-Mart Planned Unit Development (PUD) and had submitted a plat for that property, has asked that action on these two items be tabled by the City Commission. The city manager stated that by tabling the items, they will remain on the agenda and will automatically be considered at the next regular meeting of the City Commission. Commissioner Lister made a motion that an ordinance amending the Wal-Mart Planned Unit Development generally located at U.S. 59 South and Princeton Street, as submitted by Wickliff & Company, Denver, Colorado, and consideration of the final plat of the replat of Lots 2, 3, 4, 5, and 6 of the Wal-Mart Addition, Lot 11, County Clerk's Subdivision No. 2, both be tabled until a later date. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Amendment No. 2 to Grant Agreement 84-C-211

It was stated that it is necessary to authorize the mayor to sign Amendment No. 2 to Grant Agreement No. 84-C-211 as approved by the Kansas Department of Economic Development. The City had previously requested an extension of time for the completion of grant programs covered by said grant agreement. Commissioner Thompson made a motion that the mayor be authorized to execute Amendment No. 2 to Grant Agreement 84-C-211 granting extension of time in which to complete CDBG programs until September 30, 1986. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request for Allocation of Electric Energy from Western Area Power Administration.

The city manager explained that for a number of years a group of cities in Kansas has been interested in receiving hydro-electric power from the Western Area Power Administration. The power will become available in 1989. The City should consider making written application for such power to be delivered through the Kansas Municipal Energy Agency. Commissioner Lister made a motion that the mayor be authorized to execute a letter of request for an allocation of energy and capacity from the Western Area Power Administration in accordance with the Post 1989 Marketing Plan for Electric Power to its proposed new customers. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request For Use of Forest Park

Mr. Gary Bateman, representing the Ottawa Jaycees, requested use of Forest Park Saturday, March 29, 1986 8:00 a.m. until 12:00 noon for the annual children's Easter Egg Hunt. Mr. Bateman stated that the Jaycees have been hosting the hunt for the past few years and it has met with great success. Commissioner McCrea asked if the Jaycees had selected an alternate date in case of rain. Mr. Bateman stated that such a date would be desirable. Commissioner McCrea made a motion that the request as stated above be granted, with April 5, 1986, being designated as an alternate date. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

## Cereal Malt Beverage License Application

An application for cereal malt beverage license as submitted by Margaret C. Hahner for the operation of The Other Place II, 1020 North Main, for consumption on the premises, was submitted for consideration. It was stated that the appropriate fees had been paid and other pre-qualifications had been met. Commissioner McCrea made a motion that the above-described application be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

## Report on Status of City Projects

The following is a list of current city projects and their status:

1. South Main Street Improvement (7th to 10th) - Improved weather has allowed for backfilling, grading, seeding, sidewalk construction and intersection improvements to proceed. Tenth Street to be opened shortly with closure and work to begin on the 9th Street intersection as soon as possible. All work will continue weather permitting.
2. E.P.A. Project - Collector System Improvements and Wastewater Treatment Plant - Construction on the holding basin is still in progress; however, remaining construction is now dependent on weather conditions.
3. Cypress/Olive Street Storm Drainage Improvements - Storm sewer construction progressing with nearly all drainage pipe layed and catch basins and street crossings completed. Work to continue, weather permitting.
4. Skunk Run Storm Drainage Improvement Phase IV - Final portions of drainage flume walls being completed. Finish grading and seeding underway in some areas.
5. Skunk Run Storm Drainage Improvement Phase V - Grading, backfilling, finish work, and seeding underway, weather permitting.
6. South Main Street Improvement (10th to 15th) - Final plan revisions completed by engineer and being forwarded to KDOT. Acquisition of temporary construction easements nearly completed. Utility relocations underway by all utility companies. A July 17, bid letting is planned by KDOT.
7. Marais des Cygnes River Bridge - Proceeding per schedule. Steel for bridge deck being installed.
8. South Main Street Hazard Elimination Project - State bid letting is scheduled for March 17, 1986.
9. KDOT "KLINK" and Geometric Improvement Projects on highway connecting links - Applications have been submitted for FY87 and FY88 funding years.
10. Off-Peak Industrial Electric Rate Study - Covenant Engineering has submitted proposal for staff review. Staff is presently completing tests on rate structure to ensure feasibility prior to presentation.
11. North American Hotel Grant Project. No progress to date by owners/developers.
12. COF Community Improvement Grant. - Improvements to the spec building completed with final inspection scheduled. Uniform appraisal and acquisition per CDBG guidelines completed, offer to purchase made and accepted by O/FCED. Request for drawdown of grant funds by the City submitted to KDED March 17, 1986. Project completion scheduled for April 7, 1986.

13. Skunk Run Basin Study. - Final report received and reviewed. Informal meeting to review report with residents adjacent to Skunk Run Basin set for March 17, 1986.

Contract for Purchase of O/FCED Facilities

The city manager explained that the agreement before the City Commission at this time is one for purchase of the spec building and land on which it is situated from the Ottawa/Franklin County Economic Development Inc. for a total price of \$522,331.00. The building and property when purchased will be leased to C.O.F. Training Services, Inc. Commissioner Lister made a motion that a purchase agreement between the City of Ottawa and Ottawa/Franklin County Economic Development Inc. for the purchase of the spec building and the land upon which it is situated for a total purchase price of \$522,331.00, be approved; and that the mayor be authorized to sign said agreement. Commissioner McCrea seconded the motion. Upon call for the question, Mayor Bemmels and Commissioners Heathman, Lister and McCrea voted in favor of the motion. Commissioner Thompson abstained from voting.

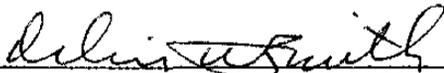
Ordinance No. 2819-86 - Access to Public Records

This ordinance sets forth the City's policy governing the Open Records Act, naming the custodians of the records and describing the various fees to be charged for copies of City records. It states that certain City records are not considered as public information and copies of those records may not be obtained. The city clerk is named as custodian of all public records maintained in the city clerk's office and all other records not otherwise provided for in the ordinance. The city manager is named as custodian of all public records kept in the city manager's office and all other public records kept in any department of the City except the records kept in the city clerk's office. The ordinance also sets forth that fees for securing copies of the records may be established by resolution. Commissioner Lister made a motion that an ordinance providing for a certain amendment in Chapter XI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically by adding a new Article 11 to said chapter of said code relating to the appointment of a records custodian; providing for the designation of additional record custodians; providing for the maintenance, preservation and protection of public records; and establishing procedures for accessing and copying public records as provided by law, be passed. The motion was seconded by Commissioner McCrea. Upon call for the question, Mayor Bemmels and Commissioners Thompson, McCrea and Lister voted in favor of the motion. Commissioner Heathman voted opposing the motion.

Resolution No. 414-86 - Setting Fees for Access to Public Records

This resolution as set forth by Ordinance No. 2819-86 establishes the fees to be paid by persons requesting access to public records in accordance with the Municipal Code of the City of Ottawa, Kansas, 1982, and any amendments thereto. The fees set forth in the resolution are: research time for up to one hour - no charge; a fee of \$5.00 per hour for each hour thereafter (with any fraction of an hour prorated to the nearest quarter hour); photocopying charge of fifty cents per copy. Commissioner McCrea made a motion that a resolution as above described be passed. The motion was seconded by Commissioner Thompson. Upon call for the question, Mayor Bemmels and Commissioners Thompson, McCrea and Lister voted in favor of the motion, and Commissioner Heathman voted opposing the motion.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - April 2, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None.

After calling the meeting to order, Mayor Bemmels recognized Mr. Bob Whitworth, who is the new Executive Director of the Greater Ottawa Chamber of Commerce and the Economic Development Coordinator of Ottawa/Franklin County Economic Development, Inc. Mayor Bemmels extended to Mr. Whitworth an official welcome to the City of Ottawa.

#### Approval of Minutes

The minutes of the last regular meeting held March 19, 1986 were approved as written.

#### Ordinance No. 2820-86 - Annexation

Mayor Bemmels introduced the ordinance annexing certain land owned by the City of Ottawa in conformity with the provisions of K.S.A. 12-520(b), and called on the city manager to explain the purpose of the annexation. The city manager stated that all the land being annexed is owned by the City of Ottawa and lies south of the Marais des Cygnes River and west of Highway K-68. The property being annexed consists of seven (7) tracts totalling 159.67 acres, more or less. The main reason for annexing these tracts of land owned by the City is to bring them into the city limits and into the jurisdiction of the Department of Public Safety. This will provide the City control of signing and traffic on W. Second Street and allow better control of activities that take place at the City's water intake station.

Commissioner Thompson made a motion that an ordinance annexing certain land consisting of seven (7) tracts totalling 159.67 acres, more or less, generally located west of the K-68 by-pass and south of the Marais des Cygnes River, owned by the City of Ottawa, in conformity with the provisions of K.S.A. 12-520(b). The motion was seconded by Commissioner Heathman and upon call for the question, all present voted in favor of the motion.

#### Tabling of Ordinance Amending Wal-Mart Planned Unit Development

Mayor Bemmels announced that the City had received a request from Wickliff & Company, Denver, Colorado, to table an item concerning amendment of the Wal-Mart Planned Unit Development and action on approval of the final plat of the Replat of Lots 2, 3, 4, 5 & 6, Wal-Mart Addition of Lot 11, County Clerk's Subdivision No. 2, until the meeting of May 7, 1986.

Commissioner McCrea made a motion that action on an ordinance drawn pursuant to the recommendation of the Planning Commission to amend the Wal-Mart Planned Unit Development as submitted by Wickliff & Company, Denver, Colorado, be tabled until the regular meeting of May 7, 1986. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Commissioner Thompson made a motion that consideration of a final plat of the Replat of Lots 2, 3, 4, 5 & 6, Wal-Mart Addition of Lot 11, County Clerk's Subdivision No. 2, be tabled until the regular meeting of May 7, 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Lease of Softball and Baseball Facilities

The city manager reported that the lease for the baseball/softball facilities at Orlis Cox Complex and Forest Park contained no major changes from the lease of 1985 and recommended that the City Commission approve the lease. Commissioner Lister made a motion that an agreement between the City of Ottawa and the Ottawa Recreation Commission for the operation and maintenance of the baseball and softball facilities in the Orlis Cox Complex

and Forest Park for 1986 be approved, and that the mayor be authorized to execute the agreement on behalf of the City. The motion was seconded by Commissioner McCrea. Commissioner Heathman questioned the insurance requirements set forth in the lease agreement and if the Ottawa Recreation Commission was providing its own insurance for these facilities. The city manager answered that the the Ottawa Recreation Commission is currently covered under the City's policy. Upon call for the question, all present voted in favor of the motion.

#### Swimmint Pool Lease Agreement

The city manager reported that the lease for the operation of the swimming pool for 1986 contains no major changes from the 1985 lease agreement. It was recommended that the 1986 lease for the swimming pool be approved. Commissioner McCrea made a motion that an agreement between the City of Ottawa and the Ottawa Recreation Commission for the operation and maintenance of the municipal swimming pool in Forest Park for 1986 be approved, and that the Mayor be authorized to execute the agreement on -behalf of the City. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Request for Ottawa Auto Affair and Sidewalk Sale

Mr. Larry Bailey, President of the Kansas State Bank, representing the local auto dealers, downtown merchants and others, submitted a request to conduct the 3rd Annual Auto Affair Saturday and Sunday, April 26 & 27, 1986. Request is for use of Main Street between 2nd and 4th and East 3rd, Main to alley of 100 block. Hours to be 9:00 a.m. to 7:00 p.m. on Saturday and 1:00 p.m. to 5:00 p.m. on Sunday. Also submitted by the Ottawa Retail Association, Rex Cummings, Chairman, was a request to hold a sidewalk/garage sale on the sidewalks of the Central Business District on Saturday, April 26, and on the afternoon of Sunday, April 27. Commissioner Thompson made a motion that permission be granted to hold both the Ottawa Auto Affair and the sidewalk sale on April 26 & 27, 1986, as stated above. The motion was seconded by Commissioner Heathman. It was then pointed out that the fire lanes must be kept open at all times and that the City will not provide security for new vehicles left on display overnight. The city manager said he understood the auto dealers are making their own night security provisions. Upon call for the question, all present voted in favor of the motion.

#### Request for Church Services in Forest Park

The City Governing Body received a request from from Reverend David W. Petersen, Trinity United Methodist Church, to conduct early Sunday morning church services in Forest Park during last three Sundays in June and four Sundays in July. It was stated in the request that services were held in Forest Park by Trinity last summer. Commissioner McCrea made a motion that the above described request from Reverend David W. Petersen be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Acquisition of Property for Skunk Run Impoundment Basin.

The city manager asked the City Commission for permission to proceed with acquisition of certain properties north of the Skunk Run Impoundment Basin to be used for possible future basin expansion. The city manager stated that he had been in touch with an attorney who had stated that the land could in all probability be acquired by the City at this time. The city manager further stated that it is very probable that the City will need the land in the future to increase the size of the impoundment basin for the Skunk Run drainage channel. Due to the nature of the procurement process, he preferred not to discuss price at this time but the Governing Body would be appraised of the purchase price and would have to approve same once negotiations were completed and before acquisition could actually take place. Commissioner Lister made a motion that the city manager be authorized to proceed with acquisition of certain properties north of the

Skunk Run impoundment basin to be used for possible future basin expansion. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Proclamation - Fair Housing Month

Mr. Richard Jackson, representing the Fair Housing Task Force and the Community Housing Resources Board, presented and read a proclamation designating the month of April 1986 as Fair Housing Month. Commissioner Lister made a motion that the proclamation be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Application for Cereal Malt Beverage License

An application for cereal malt beverage license as submitted by John R. Bivens for the operation of The New Blue Room, 231 North Main, for consumption on the premises. The city clerk reported that the appropriate fees had been paid but that the records check on Mr. Bivens had not yet been completed at this time. The city clerk requested that the application be approved subject to the records check being satisfactorily completed. Commissioner Lister made a motion that the application for cereal malt beverage license as submitted by John R. Bivens for the operation of The New Blue Room, 231 North Main, for consumption on the premises, be approved subject to completion of a satisfactory records check. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, April 1, 1986 at 7:00 p.m. in City Hall. Present: Chairman Jackson and members Hendrix, Underwood, Woolman, Searls, Keith, Koch. Absent: none.

The minutes of the last meeting held March 4, 1986 were approved as written.

The Planning Commission continued a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 404 Division from I-1 (Light Industrial) to C-2 (General Commercial). The Planning Commission voted 5-0 (with 1 abstention) to recommend that this rezoning be approved.

The Planning Commission continued a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 1212 East Logan from I-1 (Light Industrial) to C-2 (General Commercial). The Planning Commission voted 5-0 (with 1 abstention) to recommend that this rezoning be approved.

The Planning Commission continued a Public Hearing to consider rezoning the area outside the City Limits and within three miles of same to R-S (Residential Suburban). After discussion, the Planning Commission voted 6-0 to table this item indefinitely.

The Planning Commission voted 6-0 to call a Public Hearing to amend the sign ordinance of the Zoning Regulations in accordance with a draft sign code provided by the City's Planning Consultant.

The Planning Commission held a Public Hearing on the North Ottawa Neighborhood Plan. After receiving input from the public, the Planning Commission continued this public hearing to their next meeting.

The Planning Commission held a Public Hearing on the Capital Improvements Program for the City of Ottawa. After receiving input from the public, the Planning Commission continued this public hearing to their next meeting.

Commissioner Lister made a motion that the report of the Planning Commission meeting be accepted and approved. The motion was seconded by Commissioner

Thompson and all present voted in favor of the motion.

#### Review of City Investment Schedule

The City Commission proceeded to review the City Investment Schedule existing as of March 31, 1986, indicating a total of \$5,935,000 invested at an average annual interest rate of 7.497%. Commissioner McCrea made a motion that the schedule of investments as of March 31, 1986 be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

#### Agreement for Hazard Elimination

Mayor Bemmels called on the city manager to explain the proposed agreement. The city manager explained that the agreement had been received from the Kansas Department of Transportation for the construction to eliminate the hazard at 23rd & Princeton Street. A contract for the construction was let on March 18, 1986, for a total cost of \$88,436.25. To this amount the state has added 15% for construction engineering, inspection and other state-incurred costs for a total cost of \$101,701.69. The City of Ottawa's share of the cost of the project will amount to 10%, or \$10,170.17, which the city must pay on or before May 19, 1986. In authorizing the execution of the agreement, the City authorizes the state to let the contract for the construction and agrees to pay the City's share on or before May 19, 1986. Commissioner Thompson made a motion that the agreement to award the contract for the hazard elimination project at 23rd & Princeton Street, and acknowledging the City's share at \$10,170.17, be approved and that the mayor and city clerk be authorized to sign the agreement on behalf of the City. The motion was seconded by Commissioner McCrea. After discussion, the question was called and all present voted in favor of the motion.

#### Announcements

Mayor Bemmels announced that there is a vacancy on the Municipal Auditorium Authority and an appointment to that authority will be considered at the April 16, 1986 meeting of the City Commission. Commissioner Thompson then stated that anyone wishing to serve on the Auditorium Authority should contact any member of the City Commission or the City staff so they could be given consideration for the appointment.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - April 16, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Bemmels and Commissioners McCrea, Heathman, Lister and Thompson. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held April 2, 1986 were approved as written.

#### Ordinance No. 2821-86 - Zoning

An ordinance rezoning a tract of land generally located at 1212 E. Logan from I-1 (Light Industrial) to C-2 (General Commercial) was introduced. It was reported that by rezoning the land to C-2 (General Commercial), the land use will be compatible with the surrounding land uses and it will be in conformance with the North Ottawa Neighborhood Plan. It was further explained that the Planning Commission had held the appropriate public hearings and had recommended the change in zoning for this tract. Commissioner Thompson made a motion that an ordinance rezoning a tract of land generally located at 1212 E. Logan from I-1 (Light Industrial) to C-2 (General Commercial) be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Ordinance No. 2822-86 - Zoning

An ordinance rezoning a tract of land generally located at 404 Division from I-1 (Light Industrial) to C-2 (General Commercial) was introduced. Commissioner Lister made a motion that an ordinance rezoning a tract of land generally located at 404 Division from I-1 (Light Industrial) to C-2 (General Commercial) be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Certification of Real Property Acquisition

The city manager reported that all necessary easements had been obtained for the improvement of Main Street from 10th to 15th and in conformance with state regulations, the City must certify that the acquisition is complete in compliance with required procedures. Commissioner McCrea made a motion that the mayor be authorized to sign a Certification of Real Property Acquisition Procedure with regard to easement acquisitions for the improvement of South Main Street from 10th to 15th Street as required by the Kansas Department of Transportation. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Play Equipment Proposal by Beta Sigma Phi Sorority

Mrs. Kim Emery, representing the Omicron Chapter of the Beta Sigma Phi Sorority, appeared before the City Commission stating that said Chapter would like to start a fund drive to provide play equipment for Forest Park, City Park and Orlis Cox complex. The proposal for the fund drive included not only replacing the present play equipment in the tot lot at Forest Park, but also providing larger wooden equipment for all three locations. Mrs. Emery stated that she hoped that the sorority could interest other organizations, individuals and businesses in contributing to the fund in order to make their proposal a success. Mayor Bemmels then stated that the City is also interested and has been discussing the possibility of putting additional play equipment in Forest Park and other areas, and that the City does have some funds available for this purpose resulting from the sale of Mears Park. The city manager stated that he would be happy to meet with the representatives of the sorority to work out the details of the proposed equipment and placement of same. Commissioner Lister made a motion that the City accept the proposal of Omicron Chapter of Beta Sigma Phi Sorority and that representatives of the sorority meet with the city manager to work out the details of the plan. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Appointment to Auditorium Authority

Mayor Bemmels reported that two weeks ago he had made a statement that he would make an appointment to fill a vacancy on the Auditorium Authority this date, and he was at this time appointing Brian Larios to fill that vacancy, an unexpired term which expires May 1987. Mayor Bemmels reported that Mr. Larios had come forward after the last City Commission and volunteered to fill the vacancy.

#### Proclamation - National Extension Homemakers Week

Mrs. Marcia Mages appeared before the City Commission and read a proclamation proclaiming the week of May 4 - 10, 1986 as National Extension Homemaker's Week. Commissioner Thompson made a motion that the mayor be authorized to sign said proclamation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Proclamation - Youth Temperance Education Week

A proclamation was read proclaiming the week of April 20-26, 1986 as Youth Temperance Education Week. Commissioner Lister made a motion that the mayor be authorized to sign said proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Status Report of City Projects

A report of the status of current City projects as of April 1986 was read by the city clerk.

#### Statement of Outgoing Mayor, W. D. Bemmels

Mayor Bemmels made a statement enumerating the numerous achievements of the City the past year relating to both construction projects and other happenings in the City. Mayor Bemmels then thanked the City staff, employees and his fellow City Commissioners for their help and cooperation during the past year.

#### Presentation of Plaque

Mayor pro tem Thompson presented Mayor Bemmels with a plaque commemorating his year of service as Mayor to the City of Ottawa.

#### Reorganization of the City Commission

Mayor Bemmels called for nominations for Mayor. Commissioner Heathman offered the name of Jerry Thompson for Mayor. Commissioner Lister made a motion that nominations cease. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion, except Commissioner Thompson, who abstained from voting.

Commissioner Lister then made a motion that Jerry Thompson be elected Mayor by unanimous ballot. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion except Commissioner Thompson, who abstained from voting.

Mayor Thompson then accepted the gavel from out-going Mayor Bemmels and made a statement as to his expectations for the City of Ottawa in the coming year. Mayor Thompson then called for nominations for Mayor pro tem. Commissioner Lister made a motion that the City Commission cast a unanimous ballot for Commissioner McCrea for Mayor pro tem. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion, except Commissioner McCrea, who abstained from voting.

Mayor Thompson then stated that the City Commission will be making appointments to the various boards and authorities of the City and asked that anyone interested in serving on any of the commissions or boards contact him or any member of the City Commission or City staff.

Mayor Thompson then called on the city manager for any business he had to bring before the City Commission. The city manager stated that at this time he was seeking permission from the City Commission to retire the no-fund warrant debt on the City's American LaFrance ladder firetruck one year early. By retiring the debt early, the City would save approximately \$6,000 in interest charges.

Commissioner McCrea made a motion that the city manager be authorized to retire the debt on the American LaFrance ladder firetruck early in order to save additional interest charges. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 7, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Heathman, and Lister.  
Absent: Commissioner Bemmels.

#### Approval of Minutes

The minutes of the last regular meeting held April 16, 1986 were approved as written.

#### Request to Table Action on Proposed Zoning Change

Mr. Jeff Clayton, representing Leo Eisenburg Development Company, appeared before the City Commission and requested that the ordinance to rezone a tract of land called the Wal-Mart Planned Unit Development be tabled until the first meeting in June. Mr. Clayton stated that his company was now working with Wickliff & Co., of Denver, concerning the development of said tract, and his company wished to have additional time to study the area in question and to study the development planned for the area. Commissioner McCrea made a motion that consideration of the ordinance changing the zoning of the land referred to as the Wal-Mart Planned Unit Development be tabled until the meeting of June 4, 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Table Action on the Wal-Mart Planned Unit Development Plat

Commissioner McCrea made a motion that consideration for approval of the final plat of the replat of Lots 2, 3, 4, 5 and 6 of the Wal-Mart Addition of Lot 11, County Clerk's Subdivision No. 2, be tabled until the meeting of June 4, 1986. This motion was made as a result of action on the prior agenda item. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Resolution No. 414-86 - Intent to Issue Industrial Development Bonds

Mr. Rick Golub, with the law firm of Shook, Hardy and Bacon of Overland Park, appeared before the City Commission representing Beacon Plastics, Inc. Mr. Golub stated that he was appearing at this meeting at the request of Mr. Dave Limanni, Vice-President of Beacon Plastics, and he did apologize that Mr. Limanni was not present himself, but he had a business trip that could not be rescheduled. Mr. Golub thanked Mr. Drescher and his staff for their cooperation in preparing Beacon Plastics' request for industrial development bonds in the amount of \$1,600,000, and further stated that he was present to answer any questions that might be forthcoming concerning said request. Commissioner McCrea stated that he also wished to thank Beacon Plastics, Inc. for the thoroughness of their application for the issuance of industrial development bonds. Further, Mr. McCrea stated that Beacon Plastics, Inc. will be paying a municipal service fee in the amount of \$16,000 the first year, with an escalator built in for an ensuing fourteen year period. The municipal service fees are to be distributed to the City of Ottawa, Unified School District 290 and Franklin County proportionately.

The city manager then asked that along with consideration of the resolution of intent to issue industrial development bonds that the City Commission also approve an application to the Kansas Department of Economic Development for allocation of private activity bonds in the amount of \$1,600,000. The city manager stated that the City's historic allocation was just under \$1.3 million, which means that the state must also allocate \$300,000 of the state pool for industrial development bonds.

Commissioner McCrea moved that a Resolution of Intent to Issue Industrial Development Bonds in the amount of \$1,600,000 on behalf of Beacon Plastics, Inc. be passed and that an application to the Kansas Department of Economic Development for allocation of the state ceiling of private activity bonds for calendar year 1986 in the amount of \$1,600,000 be approved, and that the mayor be authorized to sign the application. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Public Hearing - Application for 1986 Community Development Block Grant Funds

Mr. Richard Jackson appeared before the City Commission recommending that the City apply for Community Development Block Grant (CDBG) funds for 1986 for housing rehabilitation. Mr. Jackson stated that there are many homes throughout the City that need to be rehabilitated and he would encourage the City to proceed to apply for funds for that purpose using the entire City as a target area. Mr. Jackson also recommended that the City take a more aggressive approach in encouraging persons to apply for housing rehabilitation.

The city manager stated that he was in accord with Mr. Jackson's statement and added that there would be \$12,400,000 available in CDBG funds for 1986 as opposed to a total of \$17,000,000 available in 1985. The city manager recommended that the City apply for \$100-150,000 for housing rehabilitation and to place a limit of \$10,000 on each rehabilitation project. Further, the city manager stated that in working with Farmers Home Administration, additional funds can frequently be obtained for individual projects, thus allowing the City's CDBG funds to be used for even more projects. The city manager also recommended that the entire City be included as a target area. June 2, 1986 is the application deadline for 1986 CDBG funds.

Commissioner Lister made a motion that the public hearing be closed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Authority to Award Contract for Hazard Elimination Project

The City Commission proceeded to consider a revised authority to award a contract and commitment of City funds for the Hazard Elimination Project at 23rd Street and U.S. 59. Commissioner Heathman asked if the City's participation in the project would be limited to 10% of the total project cost. The city manager answered that in the prior authority to award a contract and commit City funds, the state had failed to itemize the non-participating of the project as a total City cost. The prior agreement had called for a total City cost of \$10,170.17, and the new authorization calls for a total City cost of \$44,734.77. The city manager then explained what portions of the project are borne by the City in total.

Commissioner Lister made a motion that a revised authority to award a contract and commitment of City funds agreement between the City and the Kansas Department of Transportation for the Hazard Elimination Project at 23rd and US-59 Highway, HES-000S(113) in the amount of \$44,734.77 and to authorize the mayor to execute the agreement, be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Second Addendum to Agreement with Rural Water District No. 2

Commissioner Lister explained that the Addendum to an Agreement dated June 9, 1965 with Rural Water District No. 2 of Franklin County, Kansas, allows one water tap per 20 acres of land as opposed to the previous agreement which allowed one water tap per 40 acres of land. Under the new addendum, a maximum of six taps per section mile would be allowed. It was generally agreed that so long as Rural Water District No. 2 has the additional line capacity and the City of Ottawa has the water available, there would be no objection to allowing additional water taps for Rural Water District No. 2. The city manager pointed out that the addendum does specify that the City

Commission must approve any commercial, manufacturing or retail outlet tap for any of those operations which might be located within 1-1/2 miles of the City corporate boundaries as of a specified date. The city manager pointed out that it might be necessary for the City to occasionally amend the agreement as the City boundaries may expand from time to time. It was agreed, however, that any amendments for that purpose should be taken from time to time as deemed necessary.

Commissioner McCrea made a motion that a Second Addendum to an Agreement dated June 9, 1965 with Rural Water District No. 2, Franklin County, Kansas, be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Acceptance of a Water Utility Easement

Mayor Thompson explained that inasmuch as the City is considering extension of a water main approximately one mile south from the City's south city limits, the City must acquire the necessary easements through property where the water main will be constructed. The easement now being considered extends south from 23rd Street along the Atchison, Topeka & Santa Fe Railroad right-of-way to Interstate 35. The cost of the easement if approved today is \$400. Commissioner Lister made a motion to approve an easement for the extension of a 12" water main south of 23rd Street along the west Atchison, Topeka & Santa Fe Railroad right-of-way to the south boundary line of the Pettitt property, and further approve a water main extension approximately one mile to the point of delivery for a potable water supply to the City of Princeton. The cost of the main extension is to be borne by the City of Ottawa, subject to acquisition of appropriate and necessary easements for said 12" water main. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

The city manager then explained that it is the intent of the City of Ottawa to build a 12" main approximately one mile south of the City which would serve Rural Water District No. 2 and also serve as a delivery point to the City of Princeton for their water needs. Rural Water District No. 2 would be responsible to build a pumping station and to meter the water that they receive from the City of Ottawa at this point; and also, to allow the City of Ottawa to serve customers south of US-59 with city water. The City will require an easement west on the existing county road so the City could at some future time establish a water tower in this area.

#### Resolution No. 415-86 - Use of Recaptured Funds

Commissioner McCrea explained that the City will be receiving over a period of eleven years \$139,500 from COF Training Services, Inc. as a partial repayment for the Community Development Block Grant funds used to purchase the facility now leased by it from the City. Commissioner McCrea stated that he felt the City was in need of a vehicle by which these funds could be properly expended, and under the terms of the resolution the funds may be used for low interest loans or grants to local businesses and industry desiring to expand, renovate or otherwise improve their businesses in the City of Ottawa. Commissioner McCrea stated that he thought the City should wait a few years before attempting to use any of the funds so that a sizable amount might accumulate prior to the use of these funds. Commissioner McCrea made a motion that a resolution for use of recaptured funds in the amount of \$139,500 from COF Training Services, Inc. by the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### City Improvement Policy Manual

Commissioner Lister stated that the City Commission has spent several study sessions going through existing City policies pertaining to development and has devised an updated set of improvement policies which may be distributed to prospective developers. The improvement policy manual covers such things as water line extensions, sewer extensions, electric service, platting requirements, and special assessments for industrial developers. Once

approved, the copies of the document will be delivered to developers, realtors and placed in the Chamber of Commerce and other places within the City where they would be available to anyone wishing to undertake a development within the City. Commissioner McCrea then stated that he liked the Improvement Policy Manual very much in that it answers many questions about development responsibilities. Commissioner Lister made a motion that the Ottawa Improvement Policy Manual be approved and adopted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Designation of Official City Newspaper

Commissioner Heathman stated that he was in favor of appointing the Ottawa Herald as the official city newspaper for 1986 due to the convenience of daily publications and sometimes numerous publication requirements of various City notices. Commissioner Heathman made a motion that the Ottawa Herald be appointed the official city newspaper for the City of Ottawa for 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Request for Use of City Park

A letter from Deborah Barker, Administrator of the Ottawa Community Arts Council, requesting the use of City Park on Sunday, June 8, 1986, on behalf of the Ottawa Community Arts Council, the Franklin County Historical Society, and the Friends of the Ottawa Library, was read. The Friends of the Library will be holding their annual Skunk Run book sale. The Franklin County Historical Society plans to hold the white elephant sale, and the Ottawa Community Arts Council wishes to hold an Art Fair on that date. The Arts Council will also require the use of the Park on Saturday, June 7, to set up for their event. Commissioner McCrea made a motion that the Friends of the Library, the Franklin County Historical Society, and the Ottawa Community Arts Council be permitted to use City Park on June 8, 1986, for their annual events. Also, the Arts Council be permitted to set up their display on June 7. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Appointments to Boards and Commissions

Mayor Thompson announced that he was making the following appointments to various boards and commissions of the City of Ottawa:

Library Board, 4-year term, reappointments of Frances Larios and Tom Sachse; appointment of Sam Sheldon to fill an unexpired term

Planning Commission, 3-year term, reappointment of Fred Searls; first appointments of John Ellena and Rev. Dave Petersen

Auditorium Authority, 3-year term, reappointment of Mike Cornwell; first appointment of Stan De Fries; appointment of Dale Fox to fill an unexpired term

Board of Zoning Appeals, 3-year term, first appointment of Leonard Larson

Board of Plumber Examiners, 1-year term, reappointments of Jerry Servatius and Dean Steanson; first appointment of Gary Dixon

Board of Electrical Examiners, 1-year term, reappointments of Gary Hotelin and W. B. Gibson; first appointment of Jimmie Bass, Jr.

Board of Contractor Examiners, 1-year term, reappointments of Amos Bazil and Vincent Skidmore; first appointment of Carl Hornbuckle

Franklin City-County Planning Commission, reappointment of Mr. Jim Grogan

Band Committee, 1-year term, reappointments of George Kramer, David Ludwick and Luther Stevens; first appointments of Bill Butler and Carl E. Lammers

United Way of Franklin County, 2-year term, reappointment of Charles Anderson

Mayor Thompson then announced that he would make the following appointments to the KMEA Board of Directors, which appointments to require the confirmation of the City Commission: George L. Marstall, reappointment to a 3-year term and himself, Jerry Thompson, to a first appointment of a one-year term. Commissioner McCrea made a motion that the appointments to the KMEA Board of Directors be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Review City Investment Schedule

Commissioner McCrea made a motion that the Investment Schedule existing as of April 30, 1986 indicating a total of \$5,835,000 invested at an average interest rate of 7.15% be approved. The motion was seconded by Commissioner Heathman and upon call for the question, all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, May 6, 1986 at 7:00 p.m. in City Hall. Present: Chairman Jackson and members Hendrix, Underwood, Searls, Koch. Absent: Members Keith and Woolman.

The minutes of the last meeting held April 1, 1986 were approved as written.

The Planning Commission held a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 1019 West 7th Street from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial). After discussion, the Planning Commission continued the Public Hearing to their next regular meeting.

The Planning Commission held a Public Hearing to consider vacation of 10 (ten) feet of right of way submitted by the Faith Lutheran Church located at 316 East 12th Street. After discussion, the Planning Commission continued the Hearing to the next regular meeting.

The Planning Commission considered the request of Mr. Ben Kiefer, that the Planning Commission call a public hearing to amend the Zoning Ordinance to allow automobile and tire sales in the C-S (Highway Service) District. After discussion, the Planning Commission took no action on this item.

The Planning Commission continued a Public Hearing on the North Ottawa Neighborhood Plan. After reviewing public comments received at the last meeting, the Planning Commission continued the public hearing to their next meeting and directed the staff to revise the plan draft to reflect changes for their review at that meeting.

The Planning Commission held a Public Hearing on the Capital Improvements Program for the City of Ottawa. After reviewing a model of projected debt service for the projects included in the CIP and receiving comments from the public, the Planning Commission continued this public hearing to their next meeting.

The Planning Commission held a Public Hearing to amend the sign ordinance of the Zoning Regulations. After a brief discussion of a draft sign code, the Planning Commission continued this public hearing to their next meeting.

Commissioner McCrea made a motion that the report of the Planning Commission meeting of May 6, 1986 be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Application for Cereal Malt Beverage License

The City Governing Body considered a request for cereal malt beverage license for the Taylor Oil Co., Inc., 2305 S. Cedar, Ottawa, Kansas, Don Marconett, Manager, for sale of cereal malt beverage in original and unopened containers and not for consumption on the premises. The city clerk reported that the application had been approved by the city attorney, the necessary records checks had been completed and appropriate fees had been paid. Commissioner Lister made a motion that the application above described be approved and the license issued. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Proclamation - Preservation Week

A proclamation was read proclaiming the week of May 11-17, 1986 as Preservation Week.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 21, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Heathman, and Bemmels.  
Absent: Commissioner Lister.

#### Approval of Minutes

The minutes of the last regular meeting held May 7, 1986, were approved as written.

#### Resolution - Establishing Fees for Issuance of Building Permits

A resolution establishing and amending the fees to be charged for building permits in the City of Ottawa was introduced. It was stated that the building permit fees charged in the City of Ottawa have not been changed since 1978, and it was the general consensus that a revision of those fees is in order at this time. A schedule of the present fees and a schedule of the proposed fees was presented by Mayor Thompson. The proposed fees represented an increase over the present rates charged.

Commissioner McCrea stated that he had visited with a contractor concerning the proposed increase in the fees for building permits, and the contractor had stated that he thought there should be two classes of fees--one for residential and another for commercial. The basis for this theory is that the commercial fees are generally charged for a building that is going to be used for profit, and residential fees are charged for buildings that are going to be used as living quarters. Commissioner McCrea further stated that in the past ten years, the City of Ottawa had issued \$49 million in building permits, and the total permit fees for that issue amounted to \$51,500. He stated that he thought that the resolution should have further study before the Governing Body takes action on it.

Commissioner McCrea made a motion that the resolution establishing and revising fees for building permits for the City of Ottawa be tabled until the first meeting in June, June 4, 1986. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Exceptions to the 1984 CDBG Housing Rehabilitation Program

Commissioner McCrea stated that in the 1984 CDBG Housing Rehabilitation Program, there were three homes which were rehabilitated that exceeded the \$5,000 limit per home that had been established the City Commission. Mr. McCrea stated that the reason for this is that after the rehabilitations were undertaken, there appeared deficiencies discovered which could not be detected earlier. As a result of these deficiencies, the costs for completing rehabilitations according to the program guidelines exceeded the \$5000 per house limitation. The projects involved were identified as Projects 84-103, 84-104 and 84-109. The total of the overrun for the three projects amounted to \$3,456. Commissioner McCrea then made a motion that the City Commission approve the cost overruns for Projects 84-103, 84-104 and 84-109 in the total amount of \$3,456. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Contract Between City of Ottawa and Unified School District No. 290

Commissioner Heathman stated that a contract for interlocal cooperation between the City of Ottawa and Unified School District No. 290 which sets forth that USD-290 will pay the City \$10,044.96 for the 1986/87 school year, was before the Commission at this time. Commissioner Heathman then explained the purpose for which the contract exists. Commissioner Bemmels made a motion that a contract between the City of Ottawa and Unified School District No. 290 in reference to the 1985 Interlocal Cooperative Agreement to provide for the establishment of a 1986/87 vocational class entitled "Police Science and Fire Protection" in cooperation with the USD-290 Vocational Education and the City of Ottawa Department of Safety, and further to establish a fee in the amount of \$10,044.96 to be paid to the

City by USD-290, be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Request from Ottawa Retail Association and Ottawa North Side Business Alliance for Bridge Opening Ceremonies and a Street Dance

Mayor Thompson read a letter from the Ottawa North Side Business Alliance and the Ottawa Retail Association requesting permission to hold a street dance and a hot dog feed in the 200 block of North Main on June 6, from 8:00 p.m. until approximately midnight. The letter also made request for an automobile parade on Saturday, June 7, from the 200 block on North Main to South Park Street, all in celebration of the opening of the Main Street bridge. Items of concern surrounding the request were the fact that the bridge may not be ready for opening at that time and the subject of liability for persons being on the bridge or persons participating in the street dance. Other concerns expressed were restroom facilities and a policing of the event during the street dance.

Mr. Bob Whittworth, Executive Director of the Greater Ottawa Chamber of Commerce, was present and stated that the dance would be held from 8:00 p.m. until 11:00 p.m. as opposed to midnight as stated in the letter, and also that the hot dog feed would not be held. Further Mr. Whittworth answered that the members of the north Ottawa business community would be in supervision of the street dance, and restrooms were to be furnished by the North Dairy Queen and the Cook Service Station. On the question of liability insurance for the event, Mr. Whittworth stated that he was meeting with the dance committee at 2:00 p.m. this afternoon, and that subject would be discussed at that time. It was suggested that action on this item be tabled until a special meeting which will be held May 28, 1986. Commissioner McCrea made a motion that action on this request be tabled until the special meeting of May 28, 1986. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Status Report of Current City Projects

A report of the status of current City projects was read by the city clerk. It was remarked at the conclusion of the report that the number of currently active projects is getting smaller with many of the current projects nearing completion.

#### Request for Memorial Services in Highland Cemetery

Mr. Warren Sellens, representing the Ottawa Post of the Veterans of Foreign Wars, appeared before the City Commission and requested permission for the Veterans of Foreign Wars to hold a memorial service in Highland Cemetery on May 25, 1986. Commissioner Heathman made a motion that the Ottawa Post of the Veterans of Foreign Wars be permitted to hold a memorial service in Highland Cemetery on May 25, 1986. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

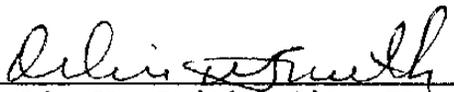
#### Request of Ottawa Jaycees

Mr. Gary Bateman, President of the Ottawa Jaycees, requested permission for the Jaycees to hold their annual Chautauqua Days Celebration in Forest Park on July 4, 1986. Mr. Bateman's written request enumerated many of the events which will take place on July 4, and stated that the Jaycees have purchased liability insurance in the amount of \$500,000. Mr. Bateman then corrected the written request, stating that the Jaycees are in the process of purchasing liability insurance for the event, but as of this date it has not been purchased. Commissioner McCrea questioned as to whether \$500,000 liability insurance was sufficient, and the city manager answered that liability insurance in excess of \$500,000 is very difficult, if not impossible, to purchase at this time. Commissioner McCrea made a motion that the request of the Ottawa Jaycees to hold their Chautauqua Days Celebration in Forest Park on July 4, be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Announcement of Special Meeting

Mayor Thompson announced that a special meeting of the City Commission would be held on Wednesday, May 28, 1986, at 9:35 a.m. to hold a public hearing on the City's application for 1986 Community Development Block Grant funds for Community Improvement. Mayor Thompson stated that at present the City is anticipating submitting an application for \$150,000 to be used for housing rehabilitation purposes.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 28, 1986

The City Governing Body met in special session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

Public Hearing - 1986 Community Development Block Grant Community Improvement Application

Mayor Thompson opened the public hearing and asked for comments from those in attendance. There being no comments from those in attendance, Mayor Thompson called on the city manager to discuss the City's proposed application. The city manager stated that the City is proposing to request 1986 Community Development Block Grant Community Improvement funds in the amount of \$100,000 for housing rehabilitation grants, and that the City is hopeful that the Farmers Home Administration might be able to set aside \$50,000 for housing rehabilitation, which would allow the City to rehabilitate 15 to 20 homes. In addition to the requested \$100,000 in CDBG funds, and the possibility of \$50,000 from the Farmers Home Administration, the City will allocate \$5,000 in in-kind services which would make a total of \$155,000 available. Under the City's program guidelines, the maximum which can be spent on any single rehabilitation is \$10,000, but with the possibility of funds available from Farmers Home Administration, it is possible that more than \$10,000 might be spent on a single rehabilitation. The question was asked if house painting would qualify for a rehabilitation grant, and it was stated that house painting alone does not qualify, but that most homes are painted and weatherized as part of the total rehabilitation. Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Community Development and Furthering Fair Housing Plan

The city manager presented the Community Development and Furthering Fair Housing Plan. The plan consists of land use goals, housing, fair housing activities, economic development goals and public facility goals. The plan was discussed in some length by the city manager. Commissioner Bemmels made a motion that the Community Development and Furthering Fair Housing Plan to be included with the City's application for 1986 Community Development Block Grant Community Improvement funds be adopted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 416-86 - Assuring Compliance with Revised Housing Rehabilitation Program Guidelines

The city manager explained that Resolution No. 416-86 is a document necessary to apply for Community Development Block Grant Community Improvement funds. The resolution sets forth that the City will comply with City of Ottawa revised housing rehabilitation guidelines in implementation of the City of Ottawa's 1986 housing rehabilitation program under the Small Cities Community Development Block Grant program. Commissioner Lister made a motion that a resolution assuring compliance with City of Ottawa revised Housing Rehabilitation Guidelines in implementation of the City of Ottawa's 1986 Housing Rehabilitation Program under the Small Cities Community Development Block Grant Program be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Authorize Mayor to Sign City of Ottawa's Application for 1986 Community Development Block Grant Community Improvement Funds

Commissioner McCrea made a motion that the mayor be authorized to sign the City of Ottawa's 1986 Community Development Block Grant Community Improvement application in the amount of \$100,000 with \$50,000 from the Farmers Home Administration and \$5,000 of in-kind services provided by the City for a total of \$155,000. The motion was seconded by Commissioner Bemmels and all present voted infavor of the motion.

Resolution No. 417-86 - Amending Resolution No. 414-86

It was explained that Resolution No. 414-86 approves a project and the issuance of \$1,600,000 in Industrial Development Bonds for Beacon Plastics, Inc. Resolution No. 417-86 amending Resolution No. 414-86 and approving the issuance of Industrial Development Bonds in an amount not to exceed \$1,600,000 for George R. Lees and Laura D. Lees, who are the owners of Lees Enterprises, Inc., which is the owner of Beacon Plastics, Inc. Mr. Richard Golub, attorney for Beacon Plastics, Inc., and Mr. David E. Limanni, Vice President and General Manager of Beacon Plastics, Inc., were present to request the passage of the resolution. Commissioner Bemmels made a motion that a resolution amending Resolution No. 414-86 concerning the intent to issue Industrial Revenue Bonds for Beacon Plastics, Inc. in the amount of \$1,600,000; to allow the issuance of Industrial Development Bonds in an amount not to exceed \$1,600,000 on behalf of George R. and Laura D. Lees, on behalf of Lees Enterprises, Inc. and Beacon Plastics, Inc.; also to allow the mayor to sign a request to the Kansas Department of Economic Development for allocation of an amount not to exceed \$1,600,000 in the issuance of Industrial Development Bonds, be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

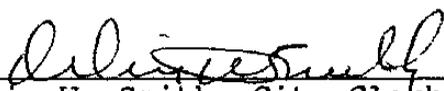
Ordinance No. 2823-86 - Sale of Cereal Malt Beverages

Ordinance No. 2823-86 amends the City's ordinance on the sale of cereal malt beverages in original and unbroken case lots to conform with state law which states that cereal malt beverages for sale not for consumption on the premises may be sold in original and unopened containers, meaning a single container of cereal malt beverage. Commissioner Lister made a motion that an ordinance amending Chapter IV of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Sections 4-301 and 4-302 of said code, regarding the sale of cereal malt beverages, be passed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Request to Conduct Main Street Bridge Dedication Ceremonies and to Have a Parade

Mr. Rex Cummings, representing the Ottawa Retail Association, requested permission to hold Main Street bridge dedication ceremonies and to have a parade on June 9, at 10:30 a.m. Mr. Cummings stated that they wished to have bridge dedication ceremonies in a close proximity to the bridge and to have a parade starting at City Park and ending at Tecumseh Street on June 9. Mr. Cummings request was set forth in a request made to the Governing Body May 19, 1986 to have a street dance and a parade. Mr. Cummings stated that it would be an open parade with antique cars, kids on bicycles and anyone who wished to participate in the parade. Commissioner Bemmels made a motion that the Ottawa Retail Association be permitted to hold bridge dedication ceremonies and to hold a parade at 10:30 a.m. on June 9, 1986, as described above. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 4, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

Mayor Thompson announced that the week of June 1-7, 1986 is Industrial Appreciation Week and that there are 28 manufacturing and distribution plants located in Franklin County. These plants employ almost 2000 people with 39% employed from the City of Ottawa, 36% employed within Franklin County, and 25% from outside of Franklin County. Mayor Thompson also announced that the Main Street Bridge dedication ceremony and parade will be held June 9 at 10:30 a.m. at the bridge. He also announced that the Skunk Run Book Sale and Arts Fair will be held June 8. Mayor Thompson requested that all persons be aware of these events and participate in them.

#### Approval of Minutes

The minutes of the last regular meeting held May 21, 1986 and the minutes of a special meeting held May 28, 1986 were approved as written.

#### Resolution No. 418-86 - Building Permit Fees

A resolution establishing building permit fees for the City of Ottawa, which had been tabled at the last regular meeting, was introduced. The resolution increases building permit fees for all types of construction. Commissioner McCrea made a motion that a resolution establishing fees for the issuance of building permits in the City of Ottawa, Kansas, as provided in Ordinance No. 2812-86 be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Resolution No. 419-86 - Improvement of South Main Street from 7th to 15th Street

Mayor Thompson explained that the resolution declaring the necessity for the improvement of Main Street from 7th to 15th Street was necessary at this time to increase the estimated probable cost of the improvement as stated in the original resolution, which did not include expenditure of those funds that will be received from the State of Kansas and the City's street improvement fund for this project. State law requires the total cost of the improvement to be set forth in the resolution, even though all costs may not be borne by the capital improvement fund. The estimated probable cost of the improvement as set forth in the current resolution is \$1,500,000, and the estimated probable cost as set forth in the original resolution was \$890,000. Commissioner Bemmels made a motion that a resolution declaring the necessity for and the intention of the governing body of the City of Ottawa, Kansas, to improve or reimprove Main Street from Seventh Street to Fifteenth Street and repealing Resolution No. 379, thereby determining that the estimated cost of such improvement is \$1,500,000, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Cooperative Work Site Agreement with SRS

The city manager explained that the City currently has a work site agreement with the State of Kansas Social and Rehabilitation Services which specifies that the City may provide employment, including necessary tools and supervision, for four clients of the Social and Rehabilitation Services at no cost to the City of Ottawa. The agreement before the City Commission today is for two years beginning May 1, 1986, and ending April 30, 1988. Commissioner Lister made a motion that the City renew the Cooperative Work Site Agreement with the State of Kansas Department of Social and Rehabilitation Services for the Community Work Experience Program. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Change Order No. 1 for Contract 4 - Channel and Culvert Improvements

The city manager stated that Change Order No. 1 for Contract 4 - Channel and Culvert Improvements is a minor adjustment to the original contract price, but inasmuch as the original contractor had taken bankruptcy during construction and the City has been dealing with the bonding company, plus the fact that the construction period had exceeded the time allocated, there were liquidated damages to be determined. It was suggested that the item be tabled until June 18, 1986 in order to let discussion take place regarding the amount for the liquidated damages. Commissioner McCrea made a motion that the consideration of Change Order No. 1 for Contract 4 - Channel and Culvert Improvements be tabled until the meeting of June 18, 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Change Order No. 1 for Contract 5 - Channel and Culvert Improvements

Commissioner Lister stated that Change Order No. 1 for Contract 5 - Channel and Culvert Improvements increases the price of the construction by \$2,892.50. The reason for the increase was the addition of storm water inlets and revision in construction of larger inlets in other areas of the project. The original contract price for the improvement was \$481,519.20. As per Pay Estimate No. 13 when the final quantities were tabulated, the contract price was reduced to \$476,566.01. With the addition of Change Order No. 1 amounting to \$2,892.50, the total contract price, including the change order, was \$479,458.51. Commissioner Lister made a motion that Change Order No. 1 for Contract 5 - Channel and Culvert Improvements in the amount of \$2,892.50 and the final pay estimate be approved, with the total construction price amounting to \$479,458.51. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Change Order No. 1 for Contract 1985-02 - Storm Drainage Improvements

Commissioner Bemmels stated that Change Order No. 1 for Contract 1985-02 - Storm Drainage Improvements reduces the total price of the contract by \$9.91. The reason for the reduction in the total contract price resulted from under runs on some of the quantities stated in the original contract. Commissioner Bemmels made a motion that Change Order No. 1 for Contract 1985-02 - Storm Drainage Improvements in the amount of (\$9.91) reducing the total contract price from \$125,229.80 to \$125,219.89 be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Authorizing Final Payment on Contract 1985-02 - Storm Drainage Improvements

Commissioner McCrea made a motion to accept the project and authorize payment of Final Estimate No. 7 on Contract 1985-02 - Storm Drainage Improvements in the amount of \$16,175.84. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Resolution No. 420-86 - Pipeline License Agreement with AT&SF

A resolution authorizing a Pipeline License Agreement between the City of Ottawa and the Atchison, Topeka & Santa Fe Railway was discussed. The easement allows the City to run a water pipeline on AT&SF property along the main AT&SF track south of the City under I-35 Highway. The purpose of the pipeline easement will allow the City to extend a main waterline south from 23rd Street approximately one mile in order to serve the City of Princeton, provide additional water service south of the City, and to eventually install a new water tower in that area. The City agrees to pay AT&SF \$400.00 for the easement being granted by the Pipeline License Agreement. Commissioner Bemmels made a motion that a resolution authorizing the Mayor to sign a Pipeline License Agreement No. 1-05761 between the City of Ottawa and the Atchison, Topeka & Santa Fe Railway Company for the purpose of installing and maintaining a 12" water main extension south of I-35 running southerly along and adjacent to the AT&SF right-of-way, with consideration

in the amount of \$400.00 being paid by the City of Ottawa. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 421-86 - Authorizing an Agreement Between the City of Ottawa and Kansas Department of Transportation

The proposed agreement is for the improvement of South Main Street from 10th Street to 15th Street, and sets forth the conditions under which the state will participate in the improvement project. The agreement obligates the City to secure all necessary easements and relocate all utilities affected by the project. Commissioner Lister made a motion that a resolution authorizing an agreement between the City of Ottawa and the Kansas Department of Transportation in reference to the South Main Street Geometric Improvements from Tenth to Fifteenth Street, Project No. 59-30 K-2897-01 relating to benefits under the Federal Aid on Highway Construction Program, and authorize the Mayor to execute the agreement, be passed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Consider a Request from the Ottawa Jaycees

The Ottawa Jaycees requested permission to hold a dance in Forest Park in conjunction with the Chautauqua Days celebration July 4, 1986 from 10:30 p.m. to 1:30 a.m. The request stated a live band would be performing and the only persons to be permitted in Forest Park during the specified hours would be persons who had paid to attend the dance. Concerns expressed by the City Commission were that those persons under 18 years of age attending the dance after 12:00 p.m. would be in violation of the City's curfew ordinance, the City's liability if someone should be injured, and the legal question regarding prohibiting entrance to Forest Park without payment of a fee. It was suggested that the staff visit further with the Ottawa Jaycees concerning the proposed dance before a decision is made by the City Commission. Commissioner Bemmels made a motion that the request from the Ottawa Jaycees for permission to hold a dance in Forest Park on July 4 be tabled until the meeting of June 18, 1986, to allow further discussion with the Jaycees before the City Commission took action on the matter. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance Concerning the Wal-Mart Planned Unit Development

The city manager stated that Leo Eisenburg and Company had contacted him prior to the meeting and requested that consideration of this item and approval of the final plat of the Wal-Mart PUD be continued until the meeting of June 18, 1986. The reason given was that they were still in negotiation with Wickliff & Company relative to the purchase of the development. Commissioner Lister made a motion that action on an ordinance concerning the zoning of the Wal-Mart Planned Unit Development be tabled until the meeting of June 18, 1986. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Final Plat of Wal-Mart PUD

Commissioner McCrea made a motion that consideration of the final plat of the Wal-Mart PUD be tabled until the regular meeting of June 18, 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Cereal Malt Beverage License Application

The City Commission received an application for cereal malt beverage license as submitted by the Taylor Oil Company, 2305 S. Cedar, Harold E. Taylor, Manager, for sale of cereal malt beverage in original and unopened containers and not for consumption on the premises. It was reported by the city clerk that the reason for the request for license was due to a change in managers of the Taylor Oil Company business. The appropriate fees for

license had been paid and the necessary record checks had been completed and approved. Commissioner Bemmels made a motion that the application for cereal malt beverage license as submitted by Taylor Oil Company, Inc., 2305 S. Cedar, Harold E. Taylor, Manager, for sale of cereal malt beverage in original and unopened containers and not for consumption on the premises be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Review of City Investment Schedule

Commissioner McCrea made a motion that the City of Ottawa schedule of investments existing as of May 31, 1986 indicated a total of \$5,335,000 invested at an average annual interest rate of 6.9263 percent, be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, June 3, 1986 at 7:00 p.m. in City Hall. Present: Chairman Jackson and members Hendrix, Woolman, Searls, Ellena and Petersen. Absent: Keith.

The minutes of the last meeting held May 6, 1986 were approved as written.

The Planning Commission continued a Public Hearing to amend the Zoning Ordinance to rezone a tract of land generally located at 1019 West 7th Street from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping). After discussion, the Planning Commission voted 4-2 to recommend that the City Commission approve this rezoning. In a related matter, the Planning Commission voted 6-0 to call a public hearing to rezone a tract of land fronting on 7th street, between the Calvary Baptist Church and the West City Limits from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping)

The Planning Commission continued a Public Hearing to consider vacation of 10 (ten) feet of right of way submitted by the Faith Lutheran Church located at 316 East 12th Street. After discussion, the Planning Commission voted 4-2 to recommend approval of the vacation and to state that the intention of approving this type of vacation was for the improvement of site layout, not to decrease setbacks on any property.

The Planning Commission heard a request, submitted by Mr. Bud Taylor, that the Zoning Ordinance be amended to allow commercial family recreation in the C-S (Highway Service) zoning district. After discussion the Planning Commission took no action, but placed this item on the agenda for discussion at their next study session.

The Planning Commission continued a Public Hearing on the North Ottawa Neighborhood Plan and reviewed a revised draft of the Plan. After discussion, the public hearing was continued to the next meeting.

The Planning Commission continued a Public Hearing to update the Capital Improvements Program for the City of Ottawa. After discussion, the Planning Commission voted 6-0 to approve an updated (1986-87) Capital Improvement Program.

The Planning Commission continued a Public Hearing to amend the sign regulations of the City of Ottawa Zoning Ordinance. After discussing staff review comments, the Planning Commission voted 6-0 to recommend that the Zoning Ordinance be amended with this revised sign ordinance.

The Planning Commission reorganized in the following manner: Chairman - Joyce Hendrix; Vice-Chairman - Fred Searls; Secretary - Kristy Cannon.

There were no comments following the reading of the report.

City Manager's Agenda

The city manager reported that the portion of the 1986 Street Rehabilitation Program dealing with the asphaltic overlay of various streets in the City is presently underway. North Street is in the process of being overlaid; a portion of east 15th is to be overlaid, along with a portion of 5th Street from Walnut to Hickory Street. The city manager also announced that a public hearing will be held at 3:00 p.m. June 12, 1986, concerning the issuance of Industrial Revenue Bonds for Beacon Plastics.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 18, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held June 4, 1986 were approved as written.

#### Request of Mr. Ben Kiefer

Mr. Ben Kiefer appeared before the City Commission and requested that the City Commission direct the Planning Commission to hold a public hearing to amend the allowable uses in the C-S (Highway Service) zoning classification to include the sale of new and used auto parts and new and used tires, tubes, and wheels. It was stated that Mr. Kiefer had requested the Planning Commission to call a public hearing for this purpose but they Planning Commission declined to do so. Mr. Kiefer stated that he has a tenant in an area zoned C-S at this time, who is in the business of selling new and used tires, tubes and wheels, but he wished to add new and used auto parts, none of which are allowed at the present time. The C-S district is mainly for restaurants, motels and service stations. Commissioner Heathman made a motion that the Planning Commission be directed to call a public hearing to consider amending the C-S (Highway Service) allowable use group to include the sale of new and used auto parts and new and used tires, tubes, wheels and hubcaps. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion, except Mayor Thompson who voted opposing the motion.

#### Ordinance Amending and Modifying Zoning Regulations

An ordinance amending the sign regulations section of the zoning ordinance was considered at this time. It was brought up that the ordinance sets forth that real estate signs must be placed half way between the front lot line and the required setback for building purposes. In the event that a building might be existing closer than the required setback, which in some cases might even require the sign to be set inside of the house. It was also discussed that the ordinance needs to make a provision for the fees for a sign permit to be set forth by resolution. Commissioner Bemmels made a motion that the ordinance be returned to the Planning Commission for a clarification for the placement of real estate signs and to be modified to allow for the establishment of sign permit fees by resolution. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance - Zoning

An ordinance rezoning a tract of land generally located at 1019 W. 7th Street from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping) was introduced. It was reported by the staff, however, that a petition protesting the change in zoning had been received in the City offices late on June 17, 1986, and there had not been sufficient time to determine its validity. It was recommended that no action be taken on this ordinance until the petition's validity could be established. Commissioner Lister made a motion that action on the ordinance be postponed until the regular meeting of July 2, 1986. The motion was seconded by Commissioner Bemmels. Commissioners Lister, Bemmels and Heathman voted in favor of the motion. Mayor Thompson and Commissioner McCrea voted opposing the motion.

#### Ordinance No. 2824-86 - Vacating a Tract of Land

An ordinance vacating the south ten feet of a portion of 12th Street lying along the north side of Block 27, University Addition No. 2, between Cedar Street and South College Street, City of Ottawa, was introduced. It was explained that the Planning Commission had recommended the vacation of this

portion of the street as this street presently has an 80-foot right of way and currently only a 60-foot right of way is required for residential streets. The purpose of the requested vacation of this portion of street right of way is for a church to enlarge an existing parking lot. The question was posed as to whether the vacation of this small tract of land would allow for a variation in the required setbacks, and it was reported that if the building were built here in the future, the building could be built closer to the street than other structures. It was further explained that the Planning Commission's policy on allowing such street vacations is for site development, and not to allow for variations in building setbacks. Commissioner Bemmels made a motion that an ordinance vacating the south ten feet of a portion of 12th Street lying along the north side of Block 27, University Addition No. 2, between Cedar Street and S. College Street, City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Heathman. Upon call for the question, Commissioners Bemmels and Heathman voted in favor of the motion and Mayor Thompson and Commissioners McCrea and Lister voted opposing the motion. The commissioners voting to oppose the motion stated that they voted no due to a technicality in Mr. Bemmels motion. Commissioner Bemmels then made a motion that an ordinance vacating the south ten feet of a portion of 12th Street lying along the north side of Block 27, University Addition No. 2, between Cedar Street and S. College Street, City of Ottawa, being described as: beginning at the intersection of the east right of way line of Cedar Street and the south right of way line of 12th Street in the City of Ottawa, Franklin, Kansas, thence east 160 feet, thence north 10 feet, thence west 160 feet, thence south 10 feet to the point of beginning, be passed. The motion was seconded by Commissioner Heathman and upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2825-86 - Seat Belt Regulations

An ordinance providing a certain addition in Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically adding Section 13-206A to said code, and providing for incorporation of said addition into the Municipal Code of the City of Ottawa, Kansas, 1982, was introduced. The ordinance as written brings the City of Ottawa into conformance with the seat belt laws of the State of Kansas. The ordinance states that Public Safety Officers may not stop drivers for violations of this particular ordinance in the absence of another violation, and that until July 1, 1987 only warning citations may be issued, and from and after July 1, 1987, persons violating the ordinance shall be fined not more than \$10 and court costs. Commissioner Lister made a motion that an ordinance providing a certain addition in Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically adding Section 13-206A to said code, and providing for incorporation of said addition into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Request of Leo Eisenberg & Co.

The City Commission at this time was to consider an ordinance amending the Wal-Mart Planned Unit Development and to consider approval of the Final Plat of the replat of Lots 2, 3, 4, 5 and 6 of the Wal-Mart Addition, Lot 11, County Clerk's Subdivision No. 2. It was reported by the staff, however, that Leo Eisenberg & Co. and Wickliff & Co. had requested that no action be taken on this matter until the meeting of September 3, 1986 as negotiations for purchase of the development between those firms are continuing. Commissioner McCrea made a motion that an ordinance to amend the Wal-Mart Planned Unit Development and the Final Plat of this tract of land be tabled until September 3, 1986. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Agreement with Cook, Flatt & Strobel, Engineers

The City Commission proceeded to consider a Supplemental Agreement between the City of Ottawa and Cook, Flatt & Strobel, Engineers P.A. for additional construction engineering services relating to the construction inspection in

the total amount not to exceed \$36,000 for the South Main Street Improvement, 7th to 10th Street, Project No. 1985-01. The original agreement fee approved August 7, 1985 was \$30,950. The reason for the request for additional fees for inspection services is that the contractor worked through a period of time this past winter when normally construction does not progress, and Cook, Flatt & Strobel was required to provide inspection services during this period of time. Commissioner Bemmels made a motion that a supplemental agreement between the City of Ottawa and Cook, Flatt & Strobel, Engineers P.A. for additional construction engineering services relating to construction inspection in the total amount not to exceed \$36,000 for the South Main Street Improvement, 7th to 10th Street, Project No. 1985-01, be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Change Order No. 2 - South Main Street Improvement 7th to 10th Street Project No. 1985-01

The City Commission proceeded to consider Change Order No. 2 in the amount of (\$1,457.19). The city manager explained that the reason for the negative figure is that quantities were over estimated on the original contract. As a result, the contract is being completed at a lesser amount than originally anticipated. Commissioner Lister made a motion that Change Order No. 2 in the amount of (\$1,457.19) for South Main Street Improvement 7th to 10th Street, Project No. 1985-01, be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Request from Ottawa Jaycees for Dance in Forest Park

It was announced that the request for a dance from the Ottawa Jaycees had been withdrawn. Therefore, there was no action taken on this item.

#### Amendment to 1986 Budget

An amendment to the 1986 Budget of the City of Ottawa was presented to the City Commission for consideration. Under the budget amendment as written, the expenditures in the No-Fund Warrant Fund will increase from \$58,500 to \$120,000, and the expenditures in the Bond and Interest Fund will increase from \$610,965 to \$725,965. The reason for the proposed increases in the 1986 budget in the No-Fund Warrant Fund is that the City retired no-fund warrants early, thus saving the City some \$6,000 in interest charges. The reason for the proposed increase in the Bond and Interest Fund is to start the retirement of General Obligation Sewer Bonds in 1986. There will be no tax rate increases as a result of the proposed budget increases. There being no further discussion, Commissioner Lister made a motion that the public hearing be closed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion. Commissioner Lister made a motion that the proposed budget amendments to the 1986 Budget of the City of Ottawa be adopted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Change Order No. 1 - Contract IV, Channel and Culvert Improvements

It was requested by the city manager that this item be tabled until the July 2, 1986 meeting. Commissioner McCrea made a motion that consideration of Change Order No. 1 - Contract IV, Channel and Culvert Improvements be tabled until July 2, 1986. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### 1986 Capital Improvements Program

The City Commission proceeded to consider adoption of the 1986 Capital Improvements Program as recommended by the City Planning Commission. Commissioner Bemmels made a motion that the 1986 Capital Improvements Program as recommended by the City Planning Commission be adopted. The motion was seconded by Commissioner Heathman. It was discussed that the City Commission had met with the Planning Commission and had been fully apprised of the requirements of the 1986 Capital Improvements Program. It

was further stated that the Capital Improvements Program is a guide and does not necessarily have to be accomplished in the year or order stated therein. The Capital Improvements Program is written for a ten year period, but it is updated and rearranged as necessary each year. Commissioner Heathman stated that he was not necessarily in agreement with all capital improvement items and schedule of construction; however, he was in agreement that such a plan is needed. Commissioner McCrea stated that he would like to see more input from the public when the Planning Commission holds its public hearings each year on the plan. Upon call for the question, all present voted in favor of the motion.

#### Report on Status of City Projects

A report of status on City projects was read by the city clerk.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 2, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held June 18, 1986 were approved as written.

#### Ordinance No. 2827-86 - Zoning

Mayor Thompson stated that at this time he would depart from the order of the printed agenda and consider Item No. 4, which is to consider an ordinance rezoning a tract of land generally located at 1019 W. 7th Street from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping). Mayor Thompson then asked for comments concerning this ordinance.

Mr. Roy Boyer, 1116 W. 7th Street, stated that he was in opposition to the change in zoning and did not wish to open this property to 29 different commercial uses. Further, Mr. Boyer stated that he wished to retain the quiet nature of the neighborhood.

Mr. Jim McKenzie, 1104 W. 7th Street, stated that he was in agreement with the comments by Mr. Boyer that the existing gasoline station was okay, but he did not wish to open the area to other possible uses.

Mr. Bill Bowers, 1200 W. 7th Street, stated that he was in opposition to the change in zoning and opening the area to other uses. He asked that the City Commission consider this issue on its own merit and not consider the proposed rezoning of another tract in the area. The City Manager stated that by rezoning the property to C-1 (Neighborhood Shopping) it would open the area to other possible uses, including fruit stands, beauty parlors, laundry and dry cleaners and restaurants.

Mr. Harold Wingert, owner of the property in question, stated that it was his intent to improve the existing service station, both in the area of service and in appearance. Upon question from Commissioner Heathman as to what other items Mr. Wingert might sell, Mr. Wingert stated that he would be selling snack items and milk, and would be making the operation a little larger.

Commissioner Lister stated that the Planning Commission had recommended the rezoning of tract based on the improvement of 7th Street and the fact that Beech Street is now carrying more traffic as a result of the detour for the Main Street bridge while it was under construction. It was further pointed out that the long range plan for development of the City calls for a shopping area in the vicinity of 15th and Eisenhower, and not at 7th and Beech.

Commissioner Bemmels made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the tract and area within the City and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas, and repealing certain parts of said amended zoning map by rezoning a tract of land generally located at 1019 W. 7th Street from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping) be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance No. 2826-86 - Sign Regulations

The City Commission proceeded to consider an ordinance amending the sign regulations, specifically Article XXII of Zoning Ordinance No. 2713-82. This ordinance had been considered by the City Governing Body at their meeting of June 18, 1986, and had been returned to the Planning Commission

for further clarification. The Planning Commission has returned the ordinance to the City Commission, recommending passage of the ordinance with clarification of the items so specified by the City Commission. Commissioner McCrea made a motion that an ordinance amending the sign regulations, specifically Article XXII of Zoning Ordinance No. 2713-82. The motion was seconded by Commissioner Bemmels. Upon call for the question, Mayor Thompson and Commissioners Heathman, McCrea and Bemmels voted in favor of the motion, with no one voting opposing the motion. Commissioner Lister had left the meeting just prior to consideration of this ordinance.

Consider Proposal for Construction Engineering Services from Cook, Flatt & Strobel

The City Manager stated that the City has scheduled to receive bids for the improvement of South Main Street from 10th to 15th Street on July 17, 1986. In conjunction therewith, the City needs an agreement with an engineering firm for inspection services during the term of the construction. Cook, Flatt & Strobel, Engineers, P.A. has submitted a proposal for inspection services for \$68,047 through the 130 days construction time. The proposal for inspection services as submitted by Cook, Flatt & Strobel must be approved by the City Commission and a final approval must be given by the Kansas Department of Transportation. Commissioner Heathman questioned if the cost of the project was to be between \$600,000 and \$700,000. Mr. Heathman was answered that that is the estimated cost of the improvement, but the exact amount will not be known until such time as bids are received.

Commissioner Bemmels made a motion that a proposal for construction engineering services from Cook, Flatt & Strobel, Engineers, P.A. in reference to the South Main Street Improvements, 10th to 15th, Project No. 59-30K-2897-01; F-067-2(52), be approved. The Cost Plus Net Fee proposal is submitted in accordance with the Federal Highway Administration (FHWA) and Kansas Department of Transportation LPA contract guidelines. City Commission approval is subject to final review and approval of the Kansas Department of Transportation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Consider Approval of Final Pay Estimate for South Main Street Improvements 7th to 10th, Project 1985-1

Commissioner McCrea made a motion that the Final Pay Estimate for South Main Street Improvements, 7th to 10th, Project 1985-1, in the amount of \$37,375.59 be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review and Approve Plans for Certain Renovations at the Department of Public Safety

The City Manager reported that the City has received plans and specifications for some renovation work at the Department of Public Safety. Included in the plans are the closing of the west bay of the fire station and incorporating that area into usable office space along with moving the lounge area for the Department of Public Safety officers to the basement of the building. The purpose of the renovation is to increase the efficiency for the public and for the officers. Many people conducting business with the Department of Public Safety are being brought to that building and are inconvenienced by going to one of the many offices in the basement. The renovation will also improve record security as is being required by the Kansas Department of Investigation.

Commissioner Heathman questioned if moving the lounge area to the basement would increase the response time to fires and other emergencies. He was answered that this is possible but it would only amount to a few seconds. Commissioner Heathman then made a motion that action on this item be tabled until the meeting of July 16, 1986. The motion died for lack of a second. The City Manager then stated that it is hoped the construction work can be completed between August and October.

Commissioner Bemmels made a motion that the plans and specifications of certain renovations to the Department of Public Safety be approved and that authorize for the architect to prepare bid documents and to proceed with the bidding procedure. Renovation is to be paid from General Revenue Sharing funds. The motion was seconded by Commissioner McCrea and Commissioners Thompson, Bemmels and McCrea voted in favor of the motion and Commissioner Heathman voted opposing the motion.

#### Consider approval of Change Order No. 1 for Contract 4 - Channel and Culvert Improvements

This item had been tabled from the meeting of June 18, 1986, and further the staff had submitted a request to table action on this matter to July 16, 1986, to provide for the execution of said change order NO. 1 by the engineer and by the bonding company. Commissioner Bemmels made a motion that action on this item be tabled until the meeting of July 16, 1986. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Request for Use of Bandstand in City Park

The City Commission proceeded to consider a request by Jack Eden for the use of the bandstand in City Park for a gospel sing by the Community Revival Center Church of Ottawa. Mr. Afton Oglesby, representing the Community Revival Center Church, was present and stated the church wished to use the bandstand for a gospel sing on Friday nights between 7:00 and 9:00 p.m. from July 11 through October 3, 1986. Commissioner McCrea made a motion that the request for the use of bandstand in City Park for a gospel sing submitted Community Revival Center Church of Ottawa, Kansas, be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Consider Purchase of Certain Parcels of Property

The City Commission proceeded to consider an authorization to purchase certain parcels of property in reference to the future expansion of the Skunk Run holding basin, described as Lots 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Block 64 in the City of Ottawa. The City Manager stated that if the lots are purchased, they may be used for the expansion of the Skunk Run storm drainage basin, which hopefully will help alleviate flooding in this area. Commissioner Bemmels made a motion that the staff be authorized to purchase the lots set forth above for the purpose of enlarging the Skunk Run storm drainage basin. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Review City Investment Schedule

Commissioner McCrea made a motion that the City Investment Schedule as of June 30, 1986 indicating a total of \$4,635,000 invested at an average annual interest rate of 6.8% be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, July 1, 1986 at 7:00 p.m. in City Hall. Present: Chairman Hendrix, and members Woolman, Petersen, Ellena, and Jackson. Absent members Keith and Searls.

The minutes of the last meeting held June 3, 1986 were approved as written.

The Planning Commission held a Public Hearing to amend the Zoning Ordinance to rezone five (5) tracts of land located on the North side of Seventh Street between the Calvary Baptist Church and the west city limits from R-1 (Single Family Residential) to C-1 (Neighborhood Shopping). After hearing several comments from neighbors in the area in opposition to the rezoning, the public hearing was continued to the next meeting.

The Planning Commission called a Public Hearing to consider amending the allowable uses in the C-S (Highway Service) zoning district.

The Planning Commission considered a request from Vivian Werntz to call a Public Hearing to allow telephone answering service in the R-1 (Single Family Residential) zoning district. After discussion, the Planning Commission voted 5-0 to table this item pending the receipt of further information.

The Planning Commission called a Public Hearing to rezone property on West 2nd Street from R-S (Residential Suburban) to F-P (Flood Plain).

The Planning Commission continued Public Hearing on the North Ottawa Neighborhood Plan and reviewed a revised draft of the Plan. After discussion, the public hearing was continued to the next meeting.

The Planning Commission reconsidered a recommendation to amend the Sign Regulations of the City of Ottawa Zoning Ordinance. After discussion, the Planning Commission voted 5-0 to recommend approval of the proposed sign regulations subject to the following:

- (1) That SECTION 5. DISTRICT REGULATIONS paragraph 1. d. Maximum Gross Area part (3) Identification Signs, be amended to read

Identifications Signs . . . . . 24 square feet  
however size may be increased  
by one (1) foot for each  
additional foot of setback up  
to a total gross area of 100  
square feet

- (2) That SECTION 5. DISTRICT REGULATIONS paragraph 1. f. Required Setback be amended to read

No sign shall be placed closer to the front property line than one-half (1/2) the distance of the required front yard, except when a non-conforming setback exists, then no sign shall be placed closer to the front property line than one-half (1/2) the distance of the existing front yard.

- (3) That SECTION 1. PURPOSE AND APPLICABILITY paragraph 2. a. Applicability (the second sentence of the paragraph) be amended to read:

All signs existing at the time of passage of these regulations may remain in use, except as otherwise provided in Section 3, paragraph 12 of these regulations.

- (4) That SECTION 3. GENERAL STANDARDS paragraph 12. Discontinuance of Nonconforming Signs (the second sentence of the paragraph) be amended to read

Signs which are dilapidated, advertise a business that is no longer available or in operation, or creates a traffic, safety, or health hazard shall be deemed illegal and shall be removed, and all temporary signs not permitted by these regulations shall be deemed illegal and shall be removed except those banners or posters attached to and flat against a building advertising a special product or sale within that building and for a period not to exceed one month.

There being no further business, the meeting was adjourned.

At the conclusion of the reading of the report of the Planning Commission meeting of July 1, 1986, it was directed that the report be entered into the official record of the City.

### Cereal Malt Beverage License Application

Commissioner Heathman made a motion that an application for cereal malt beverage license for consumption on premises as submitted by Connie I. Bivens, doing business as the New Blue Room, 231 N. Main, be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Approve Contractor's Progress Estimates for Airport Construction

The City Manager reported that the construction of runway and taxiway improvements at the Ottawa Airport have been completed and approval is needed for the final payment for both projects. Commissioner McCrea made a motion that the Contractor's Progress Estimate No. 7 (Final) dated June 18, 1986 on ADAP Project No. 5-20-0066-01 in the amount of \$9,198.00 be approved and that the City Manager be authorized to execute the DOT-FAA Final Request for Reimbursement No. 12, and Contractor's Progress Estimate No. 10 (Final) dated June 18, 1986 on AIP Project No. 3-20-0066-01 in the amount of \$17,577.01 be approved and that the City Manager be authorized to execute the DOT-FAA Final Request for Reimbursement No. 17. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

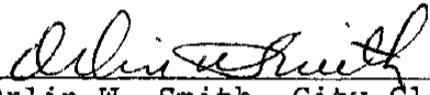
### Announcement Concerning An Appointment to Ottawa Recreation Commission

Mayor Thompson announced that anyone interested in serving on the Ottawa Recreation Commission contact himself, one of the other Commissioners or the City Staff. Mayor Thompson stated that when sufficient names have been received, he will proceed to make an appointment to fill an unexpired term on the Ottawa Recreation Commission to fill vacancy created by resignation of Robert Thompson. The appointment will expire in 1988.

### Proclamation - Selective Service Registration Awareness Month

A proclamation proclaiming the month of July 1986 as Selective Service Registration Awareness Month was read and approved by the City Commission.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 16, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held July 2, 1986, were approved as written.

#### Ordinance No. 2828-86 - Amending Ordinance No. 2713-82 Zoning

An ordinance amending the Zoning Ordinance No. 2713-82, specifically Article III, Section 2, Subsection 73, was introduced. It was explained that with the recent passage of a new sign ordinance, the new ordinance failed to delete the sign definitions contained in the existing ordinance, No. 2713-82. New sign definitions are contained in the recently passed ordinance. Commissioner McCrea made a motion that an ordinance amending the Zoning Ordinance No. 2713-82, specifically Article III, Section 2, Subsection 73, to delete sign definitions which are now included in Article XXII of said Zoning Ordinance, be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Engineering Services Agreement with Cook, Flatt & Strobel

Mayor Thompson stated that at the City Commission meeting two weeks ago, on July 2, 1986, the approved an agreement with the engineering firm of Cook, Flatt & Strobel for construction and engineering services for the South Main Street improvements as a federal-aid agreement. Mayor Thompson stated, however, that since the approval of that contract, the Kansas Department of Transportation has determined that there are not enough federal monies involved to qualify as a federal-aid project, and the agreement the City entered into two weeks ago must be nullified and a new agreement approved.

The City Manager stated that the contract is a cost plus net fee agreement and the costs remain the same as in the prior agreement. The agreement states that there is a net fee of \$7,421 and that the total fee is not to exceed \$68,047. Commissioner Bemmels made a motion that the City enter into an agreement for construction engineering services with Cook, Flatt & Strobel for South Main Street improvements 10th to 15th, Project No. 59-30K-2897-01; F-067-2(52) for a net fee of \$7,421 and not to exceed the amount of \$68,047. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Contract for Street Improvements with Kansas Department of Transportation

Mayor Thompson explained that inasmuch as the engineering agreement for the non-federal aid highway improvement had been completed, we must now consider an agreement with the consulting engineers and the Kansas Department of Transportation for a non-federal aid street improvement. Commissioner Lister made a motion that a Contract for Road Construction Engineering by Consultant (non-Federal Aid Agreement), between the City of Ottawa, Cook, Flatt & Strobel (consultant), and the Kansas Department of Transportation (Agent) in reference to So. Main Street project 59-30 K-2897-01, be approved. The motion was seconded by Commissioner Bemmels and upon call for the question, all present voted in favor of the motion.

#### Change Order No. 1 for Contract 4 - Channel and Culvert Improvements

Mayor Thompson stated that Change Order No. 1 for Contract 4 - Channel and Culvert Improvements had been tabled from prior meetings, and that it was his understanding that the change order had been approved by both the bonding company and the consulting engineers. Even though the City of Ottawa had not as yet received the executed change order No. 1, everything is in order for approval. The City Manager explained Change Order No. 1

includes a deduct of \$19,280.78 which is inclusive of liquidated damages in the amount of \$20,947.98, for a total contract payment of \$398,062.44. Based upon the change order, the final pay estimate No. 18 will be \$30,850.56. The City Manager stated that if the Governing Body wished to approve the Change Order at this time, based upon the figures as stated being correct, then the final payment could be put in line for payment in the City's July business. Commissioner McCrea made a motion that Change Order be tabled until the meeting of August 6, as he wished to go through the figures contained on the change order. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Appointment to the Ottawa Recreation Commission

Mayor Thompson stated that he had received word from several persons volunteering to serve on the Recreation Commission, and at this time he was appointing Mr. Tony Keim to fill the unexpired term on Ottawa Recreation Commission to fill vacancy created by resignation of Robert Thompson.

#### Approve Exception to 1984 CDBG Housing Rehabilitation Program Guidelines for Project No. 84-114

Mayor Thompson commented that the City Commission had put a \$5,000 ceiling on houses to be rehabilitated under the 1984 CDBG housing rehabilitation program and one of these houses had exceeded that ceiling. It was reported that there had been a fire in the house prior to rehabilitation. During the course of the rehabilitation, it was necessary to complete some additional repairs in order to comply with the City's program guidelines, causing a total rehabilitation expense of \$5,072.03. Commissioner Lister made a motion that an exception of \$72.03 be made for Project No. 84-114 in the 1984 Housing Rehabilitation Program, for a total expenditure of \$5,072.03. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Request from Ottawa Retail Association

A request from the Ottawa Retail Association was read, which asked permission to use the sidewalks in the Central Business District for the annual sidewalk sale on July 23, 1986. The Ottawa Retail Association also requested that Main Street be closed to traffic in the 200 block during the hours of the sale, 7:00 a.m. to 8:00 p.m. Commissioner Bemmels made a motion that the request of the Ottawa Retail Association be granted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Receive a Status Report of Current City Projects

A report of the status of the current city capital improvement projects was read by the City Clerk.

#### Designate City Connecting Links in State Highway System

The City Manager stated that as a result of the completion of the downtown revitalization project and the widening of Main Street in the Central Business District, the City has applied for and received a designation of additional lane miles for state highway improvements through the Central Business District area. The area heretofore has been considered for two-lane traffic and is now designated for four-lane traffic. The Kansas Department of Transportation pays the City of Ottawa \$1,250.00 per year per lane mile for maintenance of the state highway connecting links. Commissioner Bemmels made a motion that the City approve an Agreement with the Kansas Department of Transportation updating the current agreement for payment of maintenance for the state highway connecting links. The total lane miles under the new agreement amounts to 19.478. Commissioner Bemmels' motion further stated that the Mayor be authorized to execute the Connecting Links Agreement. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

## Governing Body's Agenda

Commissioner Heathman gave the City Clerk a written statement which he directed be read into the official record of the City.

"I believe the time has come for the people of this city to know that I, Fred Heathman, as an elected official of the Ottawa City Commission was threatened with recall on May 12, 1986, 2:30 p.m., because I talked with a city employee about his work related problems.

Before I was elected to this position, I was told of problems in the Department of Public Safety. Since my election, I have been made more aware of these problems. I have tried, on numerous occasions, to discuss this with my fellow commissioners - always to no avail. Last fall a dismissed employee of this department sent a certified letter to each commissioner telling of some of these problems. On December 10, 1985, I attended a "Small City Police Resource Management" workshop at the National League of Cities convention in Seattle. While there, I spoke to Mayor Dave Bemmels about the availability of this consulting service to league member cities, as well as some of the problems in our department. He indicated the commission should address the situation in the near future.

In the following months, I continued to bring up these problems in the study sessions. City manager Lyle Dresher said that we could not call in a consultant because it would 'look bad'. I was finally given authority to ask members of the DPS with problems to meet with Lyle Dresher, Oren Skiles and myself, Fred Heathman. Department of Public Safety officers were reluctant to express their problems with Mr. Skiles present, even though the city manager had said he would guarantee they would not be reprimanded.

An officer of the DPS came to me in April with the idea of putting his problems in writing. He asked to whom should a letter be sent. I suggested he send them to the city commissioners. The officer sent certified letters to each commissioner. I received mine May 6, 1986. Immediately following the commission meeting May 7, 1986, Mayor Jerry Thompson asked me to go with him to Lyle Dresher's office. Mr. Dresher was angry and said the officer could be fired for this but would not be. On May 12, 1986, I was called to come to the Monday study session one-half hour early. I arrived at city hall at 2:30 and City Manager Lyle Dresher invited me into his office. I was the only city commissioner present. We were joined shortly thereafter by John Richeson, City Attorney, John Dowell, Assistant City Attorney, Oren Skiles, Director of Public Safety, and Kristy Cannon, Assistant City Manager. I was then subject to a 'chewing out' by my subordinates. I was told by Mr. Richeson, among other things that I could be subject to recall. My 'big sin', seemingly, was speaking with a city employee. This employee, in my opinion, has a valid complaint, as do others, against a city department, which had not been dealt with properly.

My job, as I see it, is to represent the people of this city by maintaining policies that are efficient, honest and fair to its employees and citizens. I will not be intimidated by maneuvers, such as occurred May 12, in an attempt to keep me from asking questions that I feel need to be asked to accomplish this. It is also my firm belief, that if the other commissioners had joined me months ago in having a police consultant survey, any problems at the DPS would have been addressed in a more business-like manner resulting in less expense than the course we are now pursuing.

Fred Heathman, City Commissioner

At the conclusion of the reading of Mr. Heathman's statement, Mayor Thompson stated that he would like to make a couple of comments in rebuttal as follows: Mayor Thompson stated that on numerous occasions Mr. Heathman had made his concerns for the Department of Public Safety known to the City Commission and that also on numerous occasions the City Commission had told Mr. Heathman that if he could come forward with some actual facts, then the City Commission would proceed to take a look at the situation. Further, Mr. Thompson stated, that it was his feeling that the City had a very good personnel policy which addresses procedures for aggrieved employees and that to date the employee in question had not followed the procedures as set forth. Mr. Thompson stated at this time that he felt bad about the approach that Mr. Heathman had taken to this problem, but that different persons have different ways of dealing with situations.

Mr. Heathman then stated that he did not like to be threatened, whereby Mr. Thompson stated that he was not present at the meeting to which Mr. Heathman refers, but as he understood, Mr. Heathman had been made aware of certain situations which might get him in legal trouble.

In further business, Commissioner Bemmels commented that the City does have an ordinance prohibiting bicycle riding on the sidewalks in the Central Business District, and he wished that the area would be policed more closely for the riding of bicycles on the sidewalks.

Mayor Thompson commented that he and the City Manager had just appeared before the County Commission encouraging them to put a one mill levy in the county budget for Ottawa/Franklin County Economic Development. Mayor Thompson further encouraged those with an interest in the matter to contact the County Commission to let their desires be known.

Commissioner Bemmels stated that the City of Ottawa is continuing its support to the Ottawa/Franklin County Economic Development with \$30,000 budgeted for 1986 and \$30,000 plus an additional \$10,000 to be used if needed for 1987.

Commissioner Lister spoke in concurrence with Commissioner Bemmels' statement.

#### City Manager's Agenda

The City Manager stated that the City of Ottawa would receive bids for the remodel of the Department of Public Safety facility on July 28, at 3:00 p.m., and on July 18, at 10:00 a.m. the City would receive bids for the fencing of certain areas in the vicinity of the Skunk Run drainage improvement, and for the sale of the boat housed at the Department of Public Safety.

#### Move to Executive Session

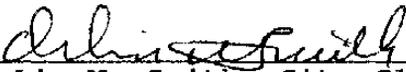
Commissioner McCrea made a motion that the City Commission move to an executive session for the purpose of discussion of personnel matters. Commissioner McCrea noted that the time is presently 10:13 a.m. and that the meeting would reconvene at 11:00 a.m. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Reconvening of Meeting

The City Commission reconvened at 11:00 a.m. and Commissioner Bemmels made a motion that the Governing Body move to an executive session for the purpose of discussion of personnel matters, noting that the present time is 11:00 a.m. and that the City Commission will reconvene at 11:30 a.m. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Reconvening of Meeting

The City Commission reconvened their meeting at 11:30 a.m. and the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 28, 1986

The City Governing Body met in special session at 3:00 p.m. this date.  
Present: Mayor Thompson and Commissioners Heathman, Lister and Bemmels.  
Absent: Commissioner McCrea.

The purpose of the meeting is to consider bids received for a remodel at the Department of Public Safety facility. Mayor Thompson opened the meeting and then stated that he would leave the meeting in that his firm was one of the bidders to be considered for award of contract for the remodel of the Public Safety facility. Mayor Thompson asked the City Manager to comment on the bids received, and then Mayor Thompson left the meeting.

The City Manager stated that the City had received and opened bids for the remodel of the Public Safety building at 1:30 p.m. this date, and then asked that the architect, Mr. Earl Devore, comment on the bids received.

Mr. Devore stated that as of one week ago, seven contractors had plans and specifications for bidding, but only two bids were received at the time of the opening. Loyd Builders, Ottawa, submitted a low bid of \$65,693 with 56 calendar days for completion; and Markowitz Construction, Emporia, submitted a bid of \$69,100 with 100 calendar days for completion. Mr. Devore stated that the bids greatly exceeded his estimate, and at this time he was not sure where the difference between the estimate and the bids might be. He asked that the City Commission authorize the City Manager, the low bidder and himself to meet and decide what might be removed from the contract and allow the City and the contractor to proceed with the remodel. Mr. Devore stated that his estimate for the project was \$50,470. If the Governing Body did authorize the architect, contractor and City Manager to meet and negotiate on various items, they should be in a position to report back to the City Commission at their study session on August 4, 1986, to explain to the City Commission what had been done. Then the City Commission at their regular meeting on August 6, 1986, could decide whether to authorize a contract proceed with the project.

The City Manager stated that the City presently has \$40,000 in Federal Revenue Sharing Funds which is earmarked for this project, and the architectural and other fees were being paid from public safety funds.

Mayor pro tem McCrea entered the meeting at this point and assumed the chairmanship of the meeting.

The City Manger stated that he was of the opinion that some things may be omitted from the contract and still meet the original goals and objectives of the proposed remodel.

Commissioner Bemmels made a motion that the City Commission authorize the City Manager, the architect, and the low bidder, Loyd Builders, Inc., to meet and review the proposed improvements to decide what might be deleted from the contract to achieve the original goals and objectives set forth for the remodel and to report back to the City Commission on August 4, 1986. The motion was seconded by Commissioner Lister.

Commissioner Heathman asked if the City Commission would be informed of the results of the negotiations prior to entering into a contract and proceeding with the project. The City Manager stated that the negotiations would be reported to the City Commission at their study session on August 4, 1986, and the City Commission could then take action as they desired on August 6, 1986. Upon call for the question, all present voted in favor of the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - August 6, 1986

The City Governing Body met in regular session at 9:35 a.m. Aug. 6, 1986. Present were Mayor Thompson, Commissioner McCrea, Commissioner Lister, Commissioner Heathman, Commissioner Bemmels and City Manager Lyle Dresher. Absent were City Clerk Orlin Smith and Administrative Assistant Kristy Cannon.

#### Approval of Minutes

The minutes of the regular meeting held July 16, 1986 and the special meeting held July 28, 1986 were approved as written.

#### Public Hearing - 1987 Budget of the City of Ottawa

Commissioner McCrea, made a motion to accept the 1987 Budget, Commissioner Bemmels seconded the motion. Commissioner Heathman called for a freeze on the budget and asked that the mill levy remain as it was in 1986.

Denzel Bryant, citizen, commented that the budget increase was too great for our size of town; there should be no Department of Public Safety improvements even though he felt the dept. was not up to standard, and that all salaries should be frozen.

George Marstall, former City Commissioner, commented, the published budget was a good budget and suggested the Commission adopt the budget as is.

City Manager Lyle Dresher commented on two problems. (1) The General Operating Expenditures have increased .44% from a total of \$3,574,857 budgeted for 1986 to \$3,590,670 proposed for 1987. The increase reflects the 3% cost of living increase in salaries for all personnel and little growth in most other expenditure categories compared with other years, while maintaining same level of funding for Street Rehabilitation using the local 1/2 cent sales tax revenue; (2) That the Tort Liability Insurance rates had greatly increased since 1985 and the proposed 4.63 mill levy rate increase for 1987 is needed to meet these higher tort liability costs.

Mayor Thompson commented the citizens of Ottawa do not want less from the City; they expect snow removal, pot holes filled etc.

Leonard Larson, former City Commissioner, commented that the insurance rates were out of hand, but that he often rides with members of The Department of Public Safety, and the City of Ottawa has a good department.

Commissioner Lister commented, with the Revenue Sharing Fund disappearing, the City has to find new ways to fund projects, even though it puts a strain on the Budget.

Mr. Al Mages, citizen, commented that expenses should be cut. If people litter, (he referred to the park) those responsible should be issued a citation and as part of the fine and be made to clean up the litter.

Isabel Hernandez, citizen, commented that the City officials were ok, she has never been refused help with a problem, but that she did have to wait her turn.

Frances Coulter, citizen, commented that her taxes were too high, she also asked to have an electric pole moved from one side of her driveway. Mayor Thompson responded by saying, he and other city personnel had been to Mrs. Coulter's property. She has evidently widened her driveway and the cost

of moving the pole would be about \$2000.00. Mayor Thompson added the City would be glad to move the pole if Mrs. Coulter would like to pay the \$2000.00. Mrs. Coulter declined.

Ellen Likes, citizen, commented her taxes were too high.

Upon Call for the question, Commissioners Bemmels, Lister, McCrea and Thompson voted in favor of the motion to approve the 1987 Budget, and Commissioner Heathman voted opposing the motion. Commissioner McCrea made a motion to close the Public Hearing on the 1987 Budget. Commissioner Lister seconded the motion, and all present voted in favor of the motion.

Ordinance No. 2829-86 - Vacating a Portion of Twelfth Street

Commissioner McCrea made a motion to approve Ordinance NO. 2829-86 vacating the south 10 feet of a portion of Twelfth Street, lying along the north side of Block 27, University Addition No. 2, between Cedar Street and South College Street, City of Ottawa, Franklin County, Kansas and repealing Ordinance No. 2824-86. Commissioner Heathman seconded the motion, and all present voted in favor of the motion.

Donation for Playground Equipment

Diane Korte of the Beta Sigma Phi, Omnuron Chapter, presented a check in the amount of \$1200.00 to the City to help provide playground equipment at Forest Park. Mrs. Korte hopes to complete the fund raising this fall.

Request from Ottawa Jaycees

Commissioner Lister made a motion to approve a request from the Ottawa Jaycees to hold a 10-K run and 2-mile fun run, Labor Day, Sept. 1, 1986. It was commented that the race would begin at 7 A. M. with the cooperation of the Department of Public Safety. All money goes to the Muscular Dystrophy Fund. Commissioner McCrea seconded the motion and all present voted in favor of the motion.

Resolution No. 423-86 - Making Findings Re Extension of Sanitary Sewer

Commission Lister, made a motion to approve Resolution No.422-86 making findings as to the advisability of extending an 8" Sanitary Sewer to be located in an alley easement in parts of Blocks 1 and 2 in the Sunnyside Addition in the City of Ottawa. Commissioner Bemmels seconded the motion and all present voted in favor of the motion.

Resolution No. 422-86 - Ordering Extension of Sanitary Sewer

Commissioner Bemmels made a motion to approve Resolution No. 423-86, directing and ordering the extension of an 8" sanitary sewer to be located in an alley easement in parts of Blocks 1 and 2 in the Sunnyside Addition in the City of Ottawa, Kansas. Residents will pay 100% of estimated cost through Special Benefit District. The only cost to the City will be approximately \$10,000 to extend the sewer to the beginning of line. Commissioner McCrea seconded the motion and all present voted in favor of the motion.

Agreement with Horizons Recovery Services

Commissioner Bemmels made a motion to accept agreement with Horizons Recovery Services, to provide services required by the Ottawa Municipal Court such as pre-sentence evaluations for DUI offenders and diversion agreement candidates. Commissioner Lister seconded the motion and all present voted in favor of the motion.

Change Order No. 1 - T - 23rd St. Intersection Improvements

Commissioner McCrea made a motion to approve Change Order No.1-T with Killough, Inc. for project No. 30U1002-01 HES 000S(113) (U.S 59 and 23rd Street intersection improvements) in the amount of \$7,235.00. Commissioner Lister seconded the motion and all present voted in favor of the motion.

Change Order No. 1 and Final Pay Estimate Contract 4 Channel and Culvert Improvements

Mayor Thompson made a motion to approve Change Order No. 1 and Pay Estimate No.18, in the amount of \$30,850.56 for Contract 4 - Channel and Culvert Improvements. Commissioner Heathman seconded the motion and all present voted in favor of the motion.

Contract with Loyd Builders for Remodeling Public Safety Facility

Commissioner McCrea made a motion to approve the contract With Loyd Builder, in the amount of \$43,641, which includes the labor, materials, subcontract work, and equipment to complete all work on the first floor, and demolition - notes 16, 17, 18 and 19 all in basement, with remainder of remodel depending on future funding. Commissioner Heathman opened the discussion by asking Mayor Thompson, if he wanted to pull his bid. Mayor Thompson replied that he did not. Commissioner Heathman also objected that the bids were opened at 1:30 p.m. July 28, and not at the 3:00 p.m. meeting as stated on the agenda. Mr. Drescher responded by saying that the agenda always read open and review bids. Earl Devore also explained why the other contractor was not given a chance to lower his bid. It is the City's policy to negotiate with the low bidder or bid the entire project again, with added expense. Commissioner Lister seconded the motion. Upon Call for the question Commissioners McCrea, Lister and Bemmels voted in favor of the motion, and Commissioner Heathman voted opposing the motion. Mayor Thompson abstained.

Authorized Participation in Municipal Insurance Pool

A motion was made by Commissioner Bemmels to authorize a \$600.00 contribution to the League of Kansas Municipalities, for development of a Municipal Insurance Pool, to stabilize the insurance premiums of the cities that join. The commission also appointed Judy Hasty, Executive Secretary as the city's representative to work on development of the pool. Commissioner Lister seconded the motion and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, August 5, 1986 at 7:00 p.m. in City Hall. Present: Chairperson Hendrix and Members Keith, Ellena, Woolman, Jackson, Searls and Petersen. Absent: None. The minutes of the last meeting held July 2, 1986 were approved as written.

The Planning Commission continued a Public Hearing to amend the Zoning Ordinance to rezone five (5) tracts of land located on the North side of Seventh street between the Calvary Baptist Church and the west city limits from R (Single Family, Residential) to C- 1 (Neighborhood Shopping). After hearing comments by persons in attendance and further discussion, the Planning Commission voted 7-0 to recommend denial of the proposed rezoning to the City Commission. See reasons attached.

The Planning Commission held a Public Hearing to consider amending the zoning ordinance to allow all uses in the C-2

(General Commercial) district in the C-S (Highway Commercial) district. After discussion and receipt of comments from persons in attendance, the Planning Commission continued the hearing to the next meeting.

Following receipt of a citizen request, the Planning Commission voted 7-0 to call a public hearing to consider allowing telephone answering service in the R\_1 (Single Family Residential) zoning district. In addition, the Planning Commissioners indicated their intention to study home occupations in all residential districts at their next study session.

The Planning Commission considered a Replat of Lot 8, Block 1, Fitts Place, submitted by Mr. and Mrs. Ambrose Hernandez. Following discussion and an amendment to include a 20' (rather than a 12') utility easement, the Planning Commission voted 7-0 in favor of approving the plat as amended.

The Planning Commission considered a Replat of the O.I.C. Subdivision in order to allow an additional entrance to the subdivision. After hearing comments by the owner and his architect, the Planning Commission voted 4-2 with one abstention to approve a change in the plat by modifying the note limiting curb cuts to allow one curb cut on Lot 1 subject to previous restrictions and to add the following note: "Lot 4 shall be permitted to have one curb cut no smaller than 20' and no larger than 30' in width onto 23rd Street (at least 180 feet centerline to centerline from Cedar Street), provided the property owner provide aggressive signing to restrict this driveway to an entrance only.

The Planning Commission held a Public Hearing to rezone property on West 2nd Street from R-S (Residential Suburban) to FTP (Flood Plain). After discussion the hearing was continued to the next meeting.

The Planning Commission continued discussion of the North Ottawa Neighborhood Plan. After discussion and receipt of final amendments, the proposed plan was approved and incorporated into the City's Comprehensive Plan by a vote of 7-0.

Leonard Larson, member of the Board of Zoning Appeals, requested the Planning Commission consider calling a public hearing to amend the Zoning Ordinance to allow for replacement of parts of non-conforming buildings. After hearing some comments, the Planning Commission took this matter under advisement for further discussion at their next study session.

There being no further business, the meeting was adjourned.

A motion was made by Commissioner Lister to accept the minutes of the Planning Commission Meeting held August 5, 1986, Commissioner McCrea seconded the motion and all present voted in favor of the motion.

#### Investment Schedule for July 1986

A motion was made by Commissioner Bemmels to approve the City Investment Schedule as of July 31, 1986, indicating a total of \$5,100,000 invested at an average interest rate of 6.64%, Commissioner Lister seconded the motion and all present voted in favor of the motion.

#### City Manager's Agenda

City Manager Drescher reported that the city had received notification of approval by the Kansas Department of Transportation for overlay and traffic marking improvements on East K-68 from Logan Street to the East city limits. This

FY87 KLINK project was approved based on an estimated cost of \$168,000, 50% (\$84,000) to be paid by KDOT, and the remaining 50% paid from the City's Street Rehabilitation Funds. Plans will be developed and construction is scheduled for early 1987.

Also approved was a FY88 KLINK Project for North Main Street, Logan to Wilson Street at an estimated project cost of \$662,000. \$100,000 to be paid by KDOT, the balance remaining paid by City-at-Large General Obligation Bonds or Street Rehabilitation Funds if available. This project includes street widening, resurfacing, milling, curb and gutter replacement, street lighting and sidewalk replacement. Engineering and design will proceed in late 1986 with funding to be available from KDOT in July 1987.

Commissioner McCrea made the motion to recess to an Executive Session to consult with City Attorney John Richeson on matters relative to the John C. Riddle, III, vs the City Commission of Ottawa, Kansas and Oren K. Skiles lawsuit. Commissioner Bemmels seconded and all present voted to approve the motion. Mayor Thompson noted the time of recess 11:42 a.m. and stated the Commission would recess for 1 hr. or until 12:42 p.m.

At 12:42 p.m. the motion to reconvene was made by Commissioner Bemmels, seconded by Commissioner McCrea and all present voted in favor of the motion. City Attorney John Richeson then explained and recommended the following options open to the Commission in answering this lawsuit.

A motion to indemnify defendant Oren K. Skiles and to pay the cost of defense, judgement and other costs relative to said lawsuit was made by Commissioner Bemmels, seconded by Commissioner McCrea. Mayor Thompson, Commissioner Bemmels, Lister and McCrea voted in favor of the motion. Commissioner Heathman voted opposing the motion.

A motion to indemnify defendant Commissioner McCrea and to pay the cost of defense, judgements and other costs relative to said lawsuit was made by Commissioner Bemmels. The motion was seconded by Commissioner Lister. Commissioners Heathman, Bemmels, Thompson and Lister voted in favor of the motion. Commissioner McCrea abstained from voting.

A motion to indemnify defendant Commissioner Thompson and to pay the cost of defense, judgements and other costs relative to said lawsuit was made by Commissioner McCrea. The motion was seconded by Commissioner Lister. Commissioners Bemmels, Heathman, Lister and McCrea voted in favor of the motion. Commissioner Thompson abstained from voting.

A motion to idemnify defendant Commissioner Bemmels and to pay the cost of defense, judgements and other costs relative to said lawsuit was made by Commissioner Lister. The motion was seconded by Commissioner McCrea. Commissioners Mc Crea, Heathman, Lister and Thompson voted in favor of the motion. Commissioner Bemmels abstained from voting.

A motion to idemnify defendant Commissioner Lister and to pay the cost of defense, judgements and other costs relative to said lawsuit was made by Commissioner Bemmels. The motion was seconded by Commissioner McCrea. Commissioners Bemmels, Heathman, McCrea and Thompson voted in favor of the motion. Commissioner Lister abstained from voting.

A motion to idemnify defendant Commissioner Heathman and to pay the cost of defense, judgements and other costs relative to said lawsuit was made by Commissioner McCrea. The motion died for lack of second.

A motion to answer on behalf of the City Commissioners,

except Commissioner Fred Heathman Jr., and on behalf of Oren K. Skiles said suit filed against the City Commission and Oren K. Skiles, and filing to cross-claim against Commissioner Fred Heathman Jr., was made by Commissioner Bemmels. The motion was seconded by Commissioner McCrea. Commissioners McCrea, Bemmels, Lister and Thompson voted in favor of the motion. Commissioner Heathman abstained from voting.

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.

*Orlin W. Smith*  
Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas August 20, 1986

The City Governing Body met in regular session at 9:35 a.m August 20, 1986. Present were Mayor Thompson, Commissioner McCrea, Commissioner Lister, Commissioner Heathman, Commissioner Bemmels, Administrative Assistant Kristy Cannon and City Manager Lyle Dresher, absent was City Clerk Orlin Smith.

#### APPROVAL OF MINUTES

The minutes of the regular meeting held August 6, 1986 were approved as written.

#### KDED BLOCK GRANT PUBLIC HEARING - COMPREHENSIVE PLAN

Mayor Thompson opened the public hearing. City Manager Lyle Dresher, explained the City would like to make application to KDED for a block grant to update the City's Comprehensive Plan. The total cost would be \$33,000, one requirement being 25% has to come from local dollars. The application has to be made by September 8, 1986. The last update for this plan was 1975.

The City is requesting \$21,000 from The Kansas Department of Economic Development Block Grant program. \$12,000 would be funded by the city which is actually 36% of the project cost.

Commissioner Heathman questioned, who would update the plan? City Manager Dresher replied that it would be done by open and selective bidding, and the city would follow KDED guidelines.

Commissioner Bemmels commented, that the cost may not be this high because the City itself has collected so much data, therefore the bids may not amount to \$33,000.00. If the bids were lower, then KDED would reduce the amount of the grant proportionally.

Commissioner McCrea commented that he did believe the Comprehensive Plan was necessary for orderly growth of the City. Commissioner Bemmels made a motion to close the hearing. Commissioner Lister seconded the motion. On call for the question all present voted in favor of the motion.

Commissioner Bemmels then made the motion to prepare and submit the application, Commissioner Lister seconded the motion and all present voted in favor of the motion.

#### RECOMMENDATION FOR DENIAL OF REZONING - 7TH STREET

A motion was made by Commissioner McCrea to accept the recommendation for denial from the Ottawa Planning Commission that five tracts of property located on West 7th Street be rezoned from R (Single Family Residential) to C-1 (Neighborhood Commercial.) Commissioner Bemmels seconded the motion.

Bill Bowers of 1200 West Seventh, commented that he was appearing in opposition to the rezoning, and that he was in favor of the motion made by Commissioner McCrea. Mr. Bowers also commented that of the 46 resident owners 43 signed the petition against the rezoning, several residents did not want to sign the petition and he was unable to contact some residents.

City Manager Dresher commented, that the City Attorney had reviewed the petition and found that the petition was

sufficient. All present voted in favor of the motion.

#### REPLAT OF LOT 8, BLOCK 1 - FITTS PLACE

Commissioner Lister made a motion to consider the approval of the Replat of Lot 8, Block 1, Fitts Place, submitted by Mr. and Mrs. Ambrose Hernandez, as recommended by the Ottawa Planning Commission. Commissioner Heathman seconded the motion and all present voted in favor of the motion.

#### REPLAT OF O.I.C. SUBDIVISION

Mayor Thompson opened the discussion by explaining this was the area around the Econo Lodge, Amoco Convenience Store and Car Wash and Wendy's. There is a severe problem getting in and out of the Amoco Service Station. The owners have asked for a replat of that area for an entrance-only driveway off 23rd Street at the East edge of their property. The driveway must be 180 feet apart, no less than 20 feet wide and no more than 30 feet wide. Owners will then put in a box culvert over the drainage ditch. Commissioner Bemmels made a motion to approve the replat of the O.I.C. Subdivision as recommended by the Planning Commission. Commissioner Lister seconded the motion and all present voted in favor of the motion.

#### ORDINANCE # 2830-86 -MAIN TRAFFICWAY DESIGNATION

City Manager Lyle Drescher explained it is necessary for the City to designate a portion of Main Street as a main trafficway in order to obtain the necessary funding for an improvement project. The designated area is North of the Marais des Cygne River north to the north City limits, specifically the south line of Junction Ave. After this trafficway is established, the Governing Body has the right to improve, reimprove, widen and enlarge the trafficway. This declaration is required for the city to issue General Obligation Bonds to finance part of the project.

The estimated cost of this project is \$662,000. The city has been granted \$100,000 from State funds and has budgeted \$150,000 from Street Rehabilitation money. The remainder will be funded by General Obligation Bonds.

The North Main project will not include widening to four lanes but will be a two lane trafficway with a left turning lane. If widened to four lanes, businesses would be too close to the street and many large trees would need to be removed. This project is scheduled to begin in 1987.

Commissioner Lister commented that in order to meet the grant requirements we have to have monies in place. The City pays for the project and we are then reimbursed by the State.

Commissioner Lister made a motion to designate portions of Main Street in the City of Ottawa as a Main Trafficway. Commissioner McCrea seconded the motion and all present voted in favor of the motion.

#### SOUTH MAIN IMPROVEMENT - 10TH - 15TH STREET

The Governing Body approved a commitment of City funds and authority to award contract agreement with the Kansas Dept. of Transportation for South Main Street improvements from 10th to 15th Street, Project 59-30 K-2897-01 [FAF-0672 (52)] in the amount of \$613,775.54 to Killough Inc. with commitment of City funds in the amount of \$389,913. The contract was awarded to Killough Inc. by the State approximately one month ago and work has begun on the project.

The project funding will include \$230,000 from the State,

\$120,000 from Street Rehabilitation Funds and \$269,513 in General Obligation Bonds.

Mayor Thompson commented that with the earlier start and less storm sewer work to be done, he hoped the job could be completed before winter.

It was also pointed out that the utility relocations were completed prior to the advertising of the bids, with the exception of making a cut across the street for a water main south of 14th street. The street lighting is to be done with the project.

Commissioner Bemmels made a motion to approve the commitment as described above and Commissioner Heathman seconded the motion. All present voted in favor of the motion.

#### ENGINEERING AGREEMENT - K 68 - COOK, FLATT & STROBEL

Commissioner McCrea made a motion to accept an Agreement for Engineering Design services between the City of Ottawa and Cook, Flatt and Strobel Engineers, for K-68, Logan Street east to the City limits (FY87 KLINK project) with a maximum, not to exceed fee of \$5,250, for design plus \$11,950 for construction phase engineering. Commissioner McCrea also commented that some of the engineering would be done by City Staff, thereby reducing the fee. Commissioner Heathman seconded the motion on call for the question all present voted in favor of the motion.

Mayor Thompson commented, the cost of the project would be \$168,000, with \$84,000 to be funded by the State and \$84,000 to be funded from the Street Repair and Rehabilitation fund. This project is scheduled for 1987.

#### CONSIDER CEREAL MALT BEVERAGE LICENSE

Commissioner Lister made a motion to approve application for cereal malt beverage license for consumption on the premises submitted by Olympic Recreation Center Inc., 2040 Princeton Road, Robert W. Sheldon Manager. Commissioner Bemmels seconded the motion, all present voted in favor of the motion.

#### RECEIVE A STATUS REPORT OF CURRENT CITY PROJECTS

A report of the status of the current City capital improvement projects was read.

#### GOVERNING BODY'S AGENDA

Commissioner Heathman inquired if the City's liability insurance was liable when Mr. Leonard Larson rode in the Department of Public Safety Cars. City Manager Dresher stated that a waiver had been signed, but that the City's liability insurance would be responsible. Mr. Larson stated that he carried his own liability.

#### PUBLIC AGENDA

Leonard Larson commented that the asphalt on Beech Street from 5th to 7th was cracking and needed to be sealed in order to save the street. It was commented that someone would take a look at the street.

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 this meeting.

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 3, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Lister and Bemmels.  
Absent: Commissioner Heathman.

#### Approval of Minutes

The minutes of the last regular meeting held August 20, 1986 were approved as written.

#### Resolution No. 424-86 - Improve North Main Street

Commissioner Bemmels made a motion that a resolution declaring the necessity and the intention of the Governing Body of the City of Ottawa, Kansas to improve or reimprove Main Street from Logan Street to Wilson Street at an estimated probable cost of \$862,500 be passed. The motion was seconded by Commissioner McCrea, who stated that the cost of the project will be borne partially by the City and partially by the state, and there will be public hearings held in the fall concerning the design of the improvement. Two designs under consideration include one as a 2-lane street and one as a 3-lane street. Comments from citizens will be invited at these public hearings. Commissioner Lister commented that this project will be a continuation of the improvement of Main Street through the City. Upon call for the question, all present voted in favor of the motion.

#### Agreement for Engineering Services with A. C. Kirkwood & Associates for Engineering Services

Commissioner McCrea made a motion that an agreement between the City of Ottawa and A. C. Kirkwood & Associates for engineering services in conjunction with the extension of an 8" sanitary sewer to be located in an alley easement in parts of Blocks 1 and 2 in the Sunnyside Addition to the City of Ottawa, Franklin County, Kansas, be approved. The motion was seconded by Commissioner Bemmels. The area in which the sewer is to be constructed is platted and the compensation for the engineering services is agreed to be \$7,300, with \$2,850 chargeable to the laterals and \$4,450 chargeable to the main sewer. If the property data is available, the total cost of the engineering services can be reduced by \$1,275. The agreement also sets forth the fee for inspection services; however, if the City's engineer is available for inspection during construction, it would not be necessary to utilize the A. C. Kirkwood firm for this purpose. The sewer project has been requested by the property owners in the benefit district. Upon call for the question, all present voted in favor of the motion.

#### Easement from Buildex, Inc. to Construct a Waterline Upon Buildex Property.

The city manager stated that the City has an easement from Buildex, Inc. south of Ottawa to construct a waterline through the Buildex property parallel with the Atchison, Topeka and Santa Fe Railroad, and an additional easement from Buildex, Inc. to construct a water main along the south edge of the Buildex property going east. The purpose of the easement is to connect with Rural Water District No. 2 so that Rural Water District No. 2 can transmit water to the City of Princeton. The only compensation to Buildex for the easements is that they are granted the right to connect to the waterline in the future if it should become necessary. Commissioner Lister made a motion that a 20-foot water main easement from Buildex, Inc. to the City of Ottawa providing for the extension of the City's water systems south of I-35 to the Rural Water District No. 2 pump station and for the future extension east to US-59 be accepted. The motion was seconded by Commissioner Bemmels and upon call for the question, all present voted in favor of the motion.

## Agreement with Rural Water District No. 2

Commissioner Bemmels made a motion that an agreement between the City of Ottawa, Rural Water District No. 2 and the City of Princeton regarding the sale of water by the City of Ottawa to the City of Princeton be approved. The motion was seconded by Commissioner McCrea. It was discussed that the City has ample water treating capacity to sell water to the City of Princeton, inasmuch as the City's water plant will process 5.5 million gallons per day and Princeton's demand on the system will be approximately 750,000 gallons per month. Commissioner Lister stated that the agreement between the City of Ottawa and the City of Princeton is in line with the guidelines set forth by the State Water Commission.

Mr. Russell Crites stated that he wished to complement the City on the foresight in water planning and that they City is taking the right steps in sharing its excess capacity with those who are short on water. Mr. Crites did express a concern that the waterline to be installed would be large enough to serve other communities if they should want the same consideration as afforded to the City of Princeton. Upon call for the question, all present voted in favor of the motion.

## Acceptance of an Improved Portion of Cedar Street from the Developer

Mayor Thompson stated that the City had a letter from the City Engineer recommending the acceptance of a 31-foot wide section of Cedar Street lying south of 15th Street. The letter from the engineer states that he had inspected the job and found the workmanship and materials to be satisfactory and that he recommended acceptance of the project providing that the contractor submit an affidavit that all liens against the project had been paid and that some portions of the project be reseeded as soon as practical to do so. Commissioner Lister made a motion that the City Commission accept the recommendation of the City Engineer and that the City accept the 31-foot wide and 184 feet in length portion of Cedar Street beginning 553' south of 15th Street recently improved in conjunction with the Cedar Square complex. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

## Ordinance - Zoning

The City Manager reported that the ordinance before the City Commission concerning an amendment to the Wal-Mart Planned Unit Development has been tabled since June 18, 1986 and the City staff has contacted Wickliff & Co. of Denver, the developers, who has reported that it is no longer feasible for them to continue with the development. Based on his conversation with Wickliff & Co., the City Manager recommended that the ordinance for rezoning the property be denied.

Commissioner Lister made a motion that the recommendation of the Planning Commission to amend the Wal-Mart Planned Unit Development as submitted by Wickliff & Co., Denver, Colorado, be denied and the matter returned to the Planning Commission for further consideration. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

## Denial of Final Plat of Replat of Lots 2, 3, 4, 5 and 6, Wal-Mart Addition

In conjunction with the prior item, Commissioner Lister made a motion that the final plat of the replat of Lots 2, 3, 4, 5 and 6 of the Wal-Mart Addition, Lot 11, County Clerk's Subdivision No. 2, be rejected and returned to the Planning Commission for further consideration. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

## Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, September 2, 1986 at 7:00 p.m. in City Hall. Present: Chairman Hendrix, and members Woolman, Petersen, Searls, and Jackson. Absent members Keith and Ellena.

The minutes of the last meeting held August 5, 1986 were approved with corrections.

The Planning Commission held a public hearing to consider allowing telephone answering services in the R-1 (Single Family Residential) district. After discussion the Planning Commission continued the hearing to the next meeting.

The Planning Commission continued a public hearing to consider allowing all C-2 (General Commercial) uses in the C-S (Highway Service Commercial District). After discussion and receiving comments from the public, the Planning Commission continued the hearing to the next meeting.

The Planning Commission continued a Public Hearing to rezone property on West 2nd street from R-S (Residential Suburban) to F-P/R-S (Flood Plain/Residential Suburban). After discussion, the Planning Commission voted unanimously to recommend that the City Commission approve this rezoning.

By a unanimous vote, the Planning Commission called a public hearing to consider amending the zoning ordinance to allow for the replacement of parts of nonconforming buildings.

The Planning Commission discussed the Home Occupation regulations of the Zoning Ordinance and agreed to continue this discussion at their next study session.

There being no further business, the meeting was adjourned.

Commissioner Bemmels made a motion that the report of the Planning Commission be accepted. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

### Approval of Investment Schedule

The City's Investment Schedule as of August 31, 1986 reported a balance of \$4,800,000 invested at an average interest rate of 6.58 percent. Commissioner Lister made a motion that the City's Investment Schedule as above described for August 31, 1986 be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Governing Body's Agenda

Mayor Thompson announced that the City is in the process of designing and accepting a Logo for the City, which could be used on uniforms, vehicles and letterhead. The City has hired a consultant to assist the City in this area. Mayor Thompson stated that he would like to have input from the general public for ideas for a City Logo, whether it be a rough sketch or a written idea.

Mayor Thompson then announced that Mr. Brian Larios, a recent appointee to the Auditorium Authority, was moving to Kansas City and had resigned his position. Mayor Thompson appointed Mr. Mark Morrissey to fill that unexpired term created by the resignation of Mr. Larios.

Commissioner Lister commented that the barricades are down at 23rd & Princeton Street, and with the completion of the left turn lanes in that area, it is hoped traffic congestion there will be alleviated.

Public's Agenda

Mr. Denzel Bryant appeared before the City Commission questioning the recent lawsuit against the City of Ottawa and the fact that attorneys had been named to represent the Mayor and all commissioners except Commissioner Heathman. The entire text of Mr. Bryant's comments and the comments of the City Commission are on tape and will remain so in the office of the City Clerk until such time as the suit is settled. A transcript of the conversation could be made if deemed necessary.

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, or until such time as the suit above mentioned is settled, whichever is longer.



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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 17, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Lister and Bemmels.  
Absent: Commissioner Heathman.

#### Approval of Minutes

The minutes of the last regular meeting held September 3, 1986 were approved as written.

#### Ordinance No. 2831-86 - Zoning

An ordinance was introduced which would change the zoning of seven tracts of land owned by the City of Ottawa located on West Second Street from R-S (Residential Suburban) to R-S/FP (Residential Suburban/Flood Plain). It was stated that the City had recently annexed these seven tracts in order to allow full municipal control over the land and roads located in and along said tracts. Per the City Zoning Ordinance, annexed land is automatically zoned R-S. Since these tracts are also in the flood plain, this action was necessary to designate appropriate zoning for these tracts. The Planning Commission at their last meeting completed the public hearing process and recommended that the zoning be changed. Commissioner Bemmels made a motion that an ordinance changing the zoning classification of certain tracts of land owned by the City of Ottawa, Kansas, generally located on West Second Street, by removing from R-S (Residential Suburban) and placing within the R-S/FP (Residential Suburban/Flood Plain) zoning district as recommended by the Planning Commission be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Ordinance No. 2832-86 - Appropriating the 1987 Budget

An ordinance appropriating the amount set up in each fund in the budget of the City of Ottawa for the year 1987 was introduced. It was discussed that the City of Ottawa has traditionally once each year passed an ordinance appropriating the entire budget for the following year. This procedure makes it unnecessary for the Governing Body to approve each expenditure by the City. Commissioner Lister made a motion that an ordinance appropriating the amounts set up in each fund in the Budget of the City of Ottawa for the year 1987, providing for the payment of all claims and charges against the accounts provided for therein, and approving and ratifying the payment of all claims against the accounts for the year 1987 be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance No. 2833-86 - Adopting 1986 Edition of the Standard Traffic Ordinance for Kansas Cities

An ordinance adopting the 1986 Edition of the Standard Traffic Ordinance for Kansas Cities with amendments was introduced. The purpose for the adoption of these regulations is to keep the traffic rules and regulations of the City of Ottawa in conformity with state law. Commissioner McCrea made a motion that an ordinance adopting by reference the Standard Traffic Ordinance for Kansas Cities, 1986 Edition, and providing for the incorporation of said ordinance into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Agreement Between City of Ottawa and Cook, Flatt & Strobel, Engineers

An agreement between the City of Ottawa and Cook, Flatt & Strobel for the design engineering and plan preparation for the FY 1988 KLINK project for North Main Street from Logan Street to Wilson Street was introduced. It was stated that at this time the preliminary engineering would be the only thing authorized to be accomplished by Cook, Flatt & Strobel inasmuch as the City wishes to have public hearings in order to receive input from residents along Main Street concerning the project design. Commissioner Bemmels made

a motion that an agreement between the City of Ottawa and Cook, Flatt & Strobel for the design engineering and plan preparation for the FY 1988 KLINK project for North Main Street from Logan Street to Wilson Street be approved. The motion was seconded by Commissioner Lister. The charges for the engineering services are on a sliding scale i.e. a \$500,000 total project would result in an engineering fee of 6.75%, upward to a total project cost of \$800,000, in which case the engineering fee would be 6%. Upon call for the question, all present voted in favor of the motion.

Easement and Agreement between the City of Ottawa, Kansas State Bank, and the Junius M. Penney Revocable Trust

An Easement and Agreement between the City of Ottawa, Kansas State Bank, and the Junius M. Penney Revocable Trust to provide access to the Kansas State Bank drive-thru during the period of construction on South Main Street through the Penney property was introduced. It was explained that the agreement to allow the patrons of the Kansas State Bank to enter the drive-thru via the Penney property would be similar to an agreement between the City and Franklin Savings to accommodate residents immediately south of Franklin Savings. Commissioner McCrea made a motion that an Easement and Agreement between the City of Ottawa, Kansas State Bank, and the Junius M. Penney Revocable Trust to provide access to the Kansas State Bank drive-thru during the period of construction on South Main Street through the Penney property be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Request for Veteran's Day Activities

Sgt. Kenneth Nichols appeared before the City Commission, representing Ottawa Memorial Post No. 5901 of the VFW and the First Battalion of the 127th Field Artillery National Guard, asking permission to hold Veteran's Day activities on November 8, 1986. The proposed activities include a Veteran's Day parade, a static display of National Guard equipment on a downtown street, and possibly a 10-K run. Sgt. Nichols also requested that inasmuch as November is the 350th anniversary of the National Guard, and November will be proclaimed as National Guard month, the week preceding November 8, be proclaimed National Guard Week by the City Commission. Sgt. Nichols stated that the preparations for the 10-K run had not been completed and route determined so the Governing Body suggested that Sgt. Nichols come back to the City Commission when arrangements have been made. Also, inasmuch as a proclamation proclaiming the week prior to November 8 as National Guard Week had not been prepared, again it was suggested that Sgt. Nichols come back before the City Commission when such a proclamation has been drafted. Commissioner Lister made a motion that the Ottawa Memorial Post No. 5901 of the VFW and the First Battalion of the 127th Field Artillery National Guard be permitted to hold a parade on Ottawa's Main Street on November 8, and that the National Guard be permitted to station a static display of National Guard equipment on Third Street between Main and Hickory on that day. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Application for Authorization to Issue No Fund Warrants

An application to go before the State Board of Tax Appeals to issue no fund warrants in the amount of \$48,000 for the tort liability fund was introduced. The city manager explained that liability insurance premiums have increased in the past three to four years to the point that the City will be in a deficit position in the tort liability fund at the end of 1986 after all claims are settled and insurance premiums are paid, unless the City receives additional funds to offset the deficit. The application to go before the Board of Tax Appeals seeks authorization to issue no fund warrants in the amount of \$48,000. The tort liability fund presently has a projected deficit of \$44,127, and the additional monies which the City is requesting would be to cover any additional insurance premiums as a result of insurance audits. It was explained that if the City should receive approval to issue no fund warrants in the amount of \$48,000, the City does not have to issue the total amount, but may issue no fund warrants in an

amount sufficient to cover the deficit so long as the deficit is less than \$48,000. Commissioner Bemmels made a motion that an application to go before the State Board of Tax Appeals for approval to issue no fund warrants in the amount of \$48,000 to cover expenditures in the tort liability fund be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Agreement to Assist in the Development of a Community Logo

An agreement with Harper & Associates to assist the City in developing a community logo was presented. The agreement calls for a payment in the amount of \$500 and additional services over the \$500 will be charged at the rate of \$45 per hour. The agreement calls for design and final production of an acceptable visual logo and includes photo master transfers of the final logo in a size used on envelopes and letterhead, and two additional sizes. Commissioner Lister made a motion that the City enter into an agreement with Harper & Associates, Inc. to assist in the development of a community logo for a fee not to exceed \$500. The motion was seconded by Commissioner McCrea. Commissioner Bemmels made a motion that Commissioner Lister's motion be amended to state that additional professional services not exceed \$150 above the \$500 contract amount. The amended motion was seconded by Commissioner McCrea. Upon call for the question on the amendment to the motion, all present voted in favor of the amendment. Upon call for the question on the original motion as amended, all present voted in favor of the amended motion.

Mr. Ben Park spoke on the subject of Harper & Associates assisting the City in developing a community logo, stating that Harper & Associates was very capable and with their assistance, the City would be successful in achieving an appropriate logo.

#### Receive Additional Funds for Phase I of Playcenter in Forest Park

Diane Korte presented the City of Ottawa with checks totaling \$830 to be used for the construction of Phase I of the Playcenter in Forest Park. To date, including the \$830 presented this date, Diane Korte and Kim Emery have presented the City with donations totaling \$2,030 for the Playcenter. Mayor Thompson stated that the play equipment for Phase I has been received and the ground work and installation are presently underway. Mayor Thompson stated that additional funds that may be solicited for this purpose might be used for Phase II of the Playcenter.

#### Letter of Intent for Participation in a Federal Hydro-Power Allocation

The City Commission proceeded to consider a letter of intent for the City's participation in an allocation of federal hydropower from the Western Area Power Administration (WAPA). The city manager stated that the Kansas Municipal Energy Agency is in need of the letters of intent for participation so that agency may proceed with the plans and the application for the power. Commissioner Bemmels made a motion that a letter of intent to the Kansas Municipal Energy Agency setting forth the City's intentions for participation in an allocation of federal hydropower from the Western Area Power Administration be approved and that the mayor be authorized to sign the letter. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Status Report of Current City Projects

A report of the status of current city projects was read and accepted by the City Commission.

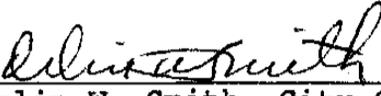
#### Proclamation - Constitution Week

A proclamation proclaiming the week of September 17-23, 1986 as Constitution Week was read. Commissioner Lister made a motion that the proclamation be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request for Homecoming Parade

A request permission to hold a homecoming parade was submitted by Erin Jordan, Homecoming Parade Chairman for Ottawa High School, was read. The parade is to be held at 7:00 p.m. Wednesday, October 1, 1986, to proceed on Main Street from Park Street north to Tecumseh Street. Commissioner McCrea made a motion that the request for the homecoming parade as submitted by Ottawa High School be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 1, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None. The City Manager, Lyle H. Drescher, and Administrative Assistant, Kristy Cannon, were not present at this meeting.

#### Approval of Minutes

The minutes of the last regular meeting held September 17, 1986 were approved as written.

#### Request for Secondary Road Urban System Designation

The City Governing Body proceeded to consider a request of the City of Ottawa that a portion of 23rd Street between US-50 Spur and Eisenhower Road be placed under the Federal Aid Secondary Urban System designation. The request is being made to the Kansas Department of Transportation so that this portion of 23rd Street would be eligible for federal highway improvement funding. Commissioner Lister made a motion that a request to the Kansas Department of Transportation for Secondary Urban System designation and/or functional classification for 23rd Street from the west line of US-50 Spur west to the west City limits. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Ordinance No. 2834-86 - Uniform Housing Code

The City Commission considered an ordinance adopting by reference the Uniform Housing Code, 1985 Edition. Ottawapresently operates under the 1979 Edition. It was discussed that the code should be adopted with a few minor amendments as they pertain to the City's building code. Commissioner McCrea made a motion that an ordinance adopting by reference the Uniform Housing Code, 1985 Edition, under the authority of K.S.A. 12-3010 and providing for deletions, amendments and corrections to said Code be passed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Ordinance No. 2835-86 - Incorporating Uniform Housing Code into Municipal Code

Commissioner Bemmels made a motion that an ordinance providing for certain deletions, amendments and substitutions in Article 1, Chapter 6 of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to the Uniform Housing Code and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2836-86 - SE Sewer Main Part 2

An ordinance providing for the construction of a main sewer in the City of Ottawa, Kansas to be designated the SE Sewer Main Part 2 of said City, fixing and describing the route and location of the said main sewer and providing for the payment of the cost thereof, was introduced. Mayor Thompson stated that originally the City had intended to construct this portion of main sewer and pay for the construction from the existing sewer fund. However, the expenses of the sewer fund in 1986 had exceeded the original estimate and at this time it was felt necessary to give the City the authority to issue General Obligation bonds for the construction. Commissioner McCrea made a motion that an ordinance providing for the construction of a main sewer of the City of Ottawa, Kansas, to be known and designated as SE Sewer Part 2 of said City, fixing and describing the route and location of the said main sewer the same being approximately 145 foot in length, and providing for the payment of the cost thereof, estimated to be \$13,955, be passed. The motion was seconded by Commissioner Bemmels and upon call for the question, all present voted in favor of the motion.

## Change Order No. 2 - US-59 and 23rd Street Hazard Elimination Project

A change order to allow three additional working days for the hazard elimination project at 23rd Street and US-59 Highway was considered. The reason for the additional three days is that extra work was necessary as a result of a change in the storm sewer design. There was no change in the project cost. Commissioner Lister made a motion that Change Order No. 2-F DOT Form 226 on the US-59 and 23rd Street Hazard Elimination Project 30U-1002-01HES000S(113) allowing three additional working days for the construction to complete added storm sewer work be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

## Proclamation - Clean Up Week

Mrs. Lela Mae Santarpia, representing the Ottawa PRIDE Committee, appeared before the City Commission requesting that a proclamation be approved for the week of October 18-25, 1986, for cleanup work in the City. Mrs. Santarpia then read the proclamation. It was mentioned that the Franklin County Landfill will be waiving the normal dumping fee during this week. Commissioner Lister made a motion that the proclamation as read be signed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

## Approval of City Investment Schedule

The schedule of investments for the City of Ottawa as of September 30, 1986, indicating a total of \$5,000,000 invested at an average interest rate of 6.21%. Commissioner McCrea made a motion that the schedule of investments existing as of September 30, 1986 be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

## City Commission's Agenda

Mayor Thompson announced there would be no Governing Body study session held October 6, 1986 as the City Commission will be attending the annual League of Kansas Municipalities conference in Wichita.

It was announced that the new Play Center at Forest Park is now completed and ready for use.

Mayor Thompson also announced that Nancy Harper of Harper Associates was present and would provide an update on City logo development to the City Commission and other interested persons at the conclusion of the City Commission meeting.

## Public's Agenda

Mr. Denzel Bryant appeared before the City Commission asking why the city attorney was permitted to live outside of the city's corporate limits when the school district administrative staff must now live in the city. Mayor Thompson stated that he was not sure why the city attorney lived outside the City of Ottawa. Mr. Bryant also asked if the public was allowed to vote on passage of resolutions during City Commission meetings. Mr. Bryant was answered that the public is not allowed to vote on resolutions in accordance with Kansas laws. Mr. Bryant then questioned why Mr. George Marstall, a former city commissioner, made a motion and was allowed to vote on a resolution at the last meeting of the City Commission. The City Clerk answered that he was not aware of Mr. Marstall's presence at the last City Commission meeting but if Mr. Marstall did vote on passage of a resolution, his vote did not count, and the vote would not be entered into the official record of the City.

Mr. Jimmy Tolson, 936 Hamblin Street, appeared before the City Commission speaking in support of Commissioner Fred Heathman, who has expressed concern and wishes to effect changes in the organization and the operation of the Department of Public Safety. Mr. Tolson read a lengthy letter to the City Commission and excerpts from articles in the Ottawa Herald of many years ago concerning employment and discrimination charges brought against the City by himself. The entire text of Mr. Tolson's remarks are on tape in the office of the City Clerk.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 15, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor Thompson and Commissioners McCrea, Heathman, and Lister.  
Absent: Commissioner Bemmels.

#### Approval of Minutes

The minutes of the last regular meeting held October 1, 1986 were approved as written.

#### Agreement with Kansas Department of Transportation

An agreement was introduced whereby the City will enter into an agreement with the Kansas Department of Transportation for the improvements on 23rd Street between Highways US-50 and US-59. The agreement sets out the requirements of the City, and sets forth the amount of funding which may be expected from the Kansas Department of Transportation, equal to 75% or not to exceed \$53,000 for said improvements. Commissioner McCrea made a motion that a resolution authorizing the mayor and city clerk to execute an agreement with the Kansas Department of Transportation for the improvements on 23rd Street between US-50 and US-59 Highways, Project No. 30U1071-01 be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Status Report of Current City Projects

The city clerk read a report of the status of all projects currently underway in the City of Ottawa.

#### Report of Planning Commission Meeting

The city clerk read a report of the Planning Commission meeting of October 7, 1986 as follows:

The City Planning Commission met in regular session on Tuesday, October 7, 1986 at 7:00 p.m. in City Hall. Present: Chairman Hendrix, and members Woolman, Searls, Jackson, Keith and Ellena. Absent: Member Petersen.

The minutes of the last meeting held September 2, 1986 were approved as written.

The Planning commission held a Public Hearing to amend the zoning ordinance to rezone a tract of land generally located at 1905 Princeton Road from R-S (Residential Suburban) to R-2 (Multi Family Residential). After hearing comments from the public the Planning Commission continued the public hearing to their next meeting.

The Planning Commission held a public hearing to allow for the replacement of parts of nonconforming buildings. After discussion, the public hearing was continued to the next Planning Commission meeting.

The Planning Commission continued a public hearing to consider allowing all C-2 (General Commercial) uses in the C-S (Highway Service Commercial District). After hearing comments from the public and after discussion, the Planning Commission voted 6-0 to recommend that the zoning ordinance be amended in the following manner:

Amend Appendix A with the addition of: "tire sales & service, miniature golf, golf driving ranges, batting cages, tennis clubs, ice and roller skating rinks, bowling alleys, athletic clubs and gyms," permitted uses in the C-S, C-2 and I-2 districts.

Amend Article XVII, C-S district, Section 4, with the addition of the following: "p.3. There shall be no outdoor storage of any material, merchandise or vehicles in the C-S zoning district."

The Planning Commission continued a public hearing to consider allowing telephone answering services as a home occupation in the R-1 (Single Family Residential) district. After receiving comments from the public and discussion of this item, the Planning Commission voted 6-0 to recommend that the zoning ordinance be amended to allow this use as a home occupation.

By a 6-0 vote, the Planning Commission approved (subject to conditions) a Preliminary Plat of Mohr Estates located outside the city limits on State Highway 59.

The Planning Commission voted 6-0 to recommend denial of the Wal Mart/Wickliff Planned Unit Development.

The Planning Commission called a hearing to amend the Home Occupation regulations of the zoning ordinance.

The Planning Commission also called a public hearing to consider amending the nonconforming uses section of the zoning ordinance to allow for the expansion of non-conforming churches.

There being no further business, the meeting was adjourned.

At the conclusion of the report, Commissioner Lister made a motion that the report of the Planning Commission meeting be accepted as read. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Letter to Western Area Power Administration

The City Commission took action on a letter to the Western Area Power Administration (WAPA) whereby the City assigns its WAPA allocation to the proposed Kansas Municipal Energy Agency Hydropool, makes a declaration as to whether the City will be an "A" or "B" pool participant (A meaning a city will use its pool allocation and B meaning a city which will not take or use its allocation), and to enter into a contract with the Kansas Municipal Energy Agency to participate in the proposed hydropool. It was explained that the letter is not binding upon the City of Ottawa, but does indicate the City of Ottawa's intentions. Commissioner Lister made a motion authorizing the mayor to sign the letter to the Western Area Power Administration. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Proclamation - National Business Women's Week

Mrs. Kay Jones presented a proclamation to the City Commission on behalf of the Business and Professional Women's Association requesting that the week of October 19-25, 1986 be designated as National Business Women's Week. Mrs. Jones then read the proclamation. Commissioner Lister made a motion that Mayor Thompson be authorized to sign the proclamation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Governing Body Agenda

Mayor Thompson announced that the City had received the 1986 Kansas Consulting Engineer's award for projects completed by cities over 10,000 population. This was presented to the city at the League of Kansas Municipalities Conference in Wichita on October 6, 1986. The project for which the award was made is the Skunk Run Storm Drainage Improvement.

#### City Manager's Agenda

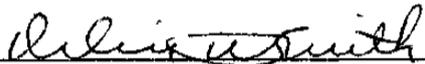
The city manager announced that there will be a dedication of the new play center in Forest Park on Monday, October 20, 1986 at 3:00 p.m. Members of the Beta Sigma Phi sorority are to be on hand for the dedication, since they were largely responsible for contributing the donated funds to complete the project.

Public's Agenda

Mr. Richard Jackson, a member of the City's Community Housing Resources Board (CHRB), appeared before the City Commission asking for direction from the City as to a project for the housing board. Mr. Jackson stated that CHRB had accomplished many positive things in the past but for the last two years has been somewhat inactive. Mr. Jackson further suggested that if there is nothing for the City housing board to do, possibly it should be disbanded. Mr. Jackson also invited a member or members of the City Governing Body to attend a statewide housing conference in Topeka November 12-14, with the fee for one Commissioner being paid by the board.

Prior to adjournment, Mayor Thompson announced that Nancy Harper, Harper Associates, Lawrence, Kansas, would meet with the Governing Body in an informal setting immediately following this meeting to further discuss the development of a logo for the City of Ottawa. All interested persons were invited to attend.

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

  
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Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 3, 1986

The City Governing Body met in special session at 3:00 p .m. this date. Present: Mayor Thompson and Commissioners Heathman, and Lister. Absent: Commissioners Bemmels and McCrea.

The purpose of the special meeting was to receive bids for the sale of general obligation bonds in the amount of \$736,344; to award the sale the general obligation bonds; to pass an ordinance authorizing the issuance of general obligation bonds; and to consider an application to the Kansas Board of Tax Appeals to issue no fund warrants in the amount of \$10,000. Mayor Thompson called the meeting to order at 3:00 p.m. and instructed the city clerk to proceed with the opening and the reading of the bids for the sale of general obligation bonds in the amount of \$736,344. The bids were opened and read as follows: Commerce Bank, Kansas City, MO, average interest rate of 5.711576, net interest cost of \$271,376.61; United Missouri Bank, Kansas City, MO, average interest rate of 5.739303, interest cost of \$272,793.92, with a premium of \$99.89 for a net interest cost of \$272,694.03; Stern Brothers, Kansas City, MO, average interest rate of 5.79592, net interest cost of \$275,384.11; George K. Baum, Kansas City, MO, average interest rate of 5.8059, net interest cost \$275,860.48; B. C. Christopher Security Co., Kansas City, MO, average interest rate 5.92761, net interest cost of \$281,641.46; Bank IV, Wichita, Kansas, average interest rate of 5.583315, net interest cost of \$265,282.52. At the conclusion of the reading of the bids, Mayor Thompson recessed the meeting while the accuracy of the bids was checked.

Upon reconvening the meeting, the city clerk reported that the bid of Bank IV, Wichita, KS, which was the apparent low bid, did not conform to the specifications set forth in the invitation to bid and could therefore not be accepted. The next low bidder was Commerce Bank of Kansas City, MO, with an average interest rate of 5.711576 and a net interest cost of \$271,376.61. Commissioner Lister made a motion that the bid for the sale of general obligation bonds in the amount of \$736,344 be awarded to the Commerce Bank of Kansas City, MO, at an average interest rate of 5.711576 percent and a net interest cost of \$271,376.61. The motion was seconded by Commissioner Heathman and Mayor Thompson and Commissioners Heathman and Lister voted in favor of the motion.

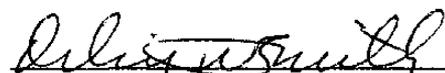
#### Ordinance No. 2837-86 - Awarding Sale of General Obligation Bonds

Commissioner Lister made a motion that an ordinance authorizing the sale of general obligation bonds in the amount of \$736,344 be awarded to the Commerce Bank of Kansas City, MO, at an average interest rate of 5.711576 percent and a net interest cost of \$271,376.61 be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Authorize Application for No Fund Warrants

It was reported by Mayor Thompson that the City of Ottawa had received authorization to issue no fund warrants from the Board of Tax Appeals in the amount of \$31,503. The City's original application to the Board of Tax Appeals had sought permission to issue no fund warrants in the amount of \$48,000, but the Board of Tax Appeals had authorized the issuance of only \$31,503. Since the authorization to issue no fund warrants had been received, the City has received bills for additional insurance premiums in the amount of \$7,425 and does not have the funds to pay the premiums and therefore must again submit an application to the Board of Tax Appeals to issue no fund warrants in the amount of \$10,000. Commissioner Lister made a motion that an application to the Board of Tax Appeals of the State of Kansas to issue no fund warrants in the amount of \$10,000 for the tort liability fund be approved. The motion was seconded by Commissioner Heathman and Mayor Thompson and Commissioners Heathman and Lister voted in favor of the motion.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 5, 1986

The City Governing Body met in regular session at 9:35 a.m. this date.  
Present: Mayor pro tem McCrea and Commissioners Lister and Bemmels.  
Absent: Mayor Thompson and Commissioner Heathman.

#### Approval of Minutes

The minutes of the last regular meeting held October 15, 1986 were approved as written.

#### Ordinance No. 2838-86 - Amending the City Zoning Ordinance

Commissioner Bemmels made a motion that an ordinance amending the Appendix A of the Zoning Ordinance to permit tire sales and service, miniature golf, golf driving ranges, tennis clubs, ice and roller skating rinks, bowling alleys, athletic clubs and amending the Zoning Ordinance to prohibit outdoor storage of any material, merchandise or vehicles in the C-S (Highway Service) District be passed. The motion was seconded by Commissioner Lister.

Mr. Bill Egidy who operates the Sand Creek Tire Service at US-59 and 23rd Street stated that last spring he and the owner, Mr. Ben Kiefer, had asked to establish a used car lot at the location, and wished to know why since the land was changed to service commercial, a used car lot could not be established there. It was explained to Mr. Egidy that that area has been in the highway service commercial district for a number of years and nothing has changed in that respect.

There being no further discussion, the question was called and all present voted in favor of the motion.

#### Ordinance No. 2839-86 - Amending City Zoning Ordinance

Commissioner Lister made a motion that an ordinance amending the Zoning Ordinance to permit telephone answering services in the R-1 (Single Family Residential) District be passed. The motion was seconded by Commissioner Bemmels. It was announced at this point that both this ordinance and the prior ordinance had been recommended for passage by the Planning Commission, which had held public hearings on the subject. There being no further discussion, the question was called and all present voted in favor of the motion.

#### Denial of the Wal-Mart Planned Unit Development (PUD)

Commissioner Bemmels made a motion that the Wal-Mart Planned Unit Development (PUD) as submitted by Wickliff and Company, Denver, Colorado, and the final plat of the replat of Lots 2, 3, 4, 5 and 6 of the Wal-Mart Addition, Lot 2, County Clerk's Subdivision be denied as recommended by the City Planning Commission. The motion was seconded by Commissioner Lister. It was discussed that the Wal-Mart PUD had been on hold for a number of months and inasmuch as there was no further activity in that area, the Planning Commission recommended denial. Upon call for the question, all present voted in favor of the motion.

#### Resolution No. 425-86 - Supporting the Policy Statement on Annexation

Commissioner Lister made a motion that a resolution supporting the Policy Statement on Annexation adopted by the League of Kansas Municipalities on October 7, 1986, and urging Kansas legislature not to enact any legislation further restricting the authority of cities to annex territory pursuant to KSA 12-519 et seq. be passed. The motion was seconded by Commissioner Bemmels and upon call for the question, all present voted in favor of the motion.

Resolution No. 426-86 - Risk Management Reserve Fund

Commissioner Bemmels made a motion that a resolution establishing a Risk Management Reserve Fund be approved. The motion was seconded by Commissioner Lister. The city manager explained that the City had cancelled its collision and comprehensive insurance on all City vehicles and had subsequently received a refund from the insurance company of approximately \$20,000. By passage of this resolution, it will allow the City to put the refund monies into a Risk Management Reserve Fund for payment of property damage and comprehensive damage sustained by City vehicles. It is further hoped that the City will be able to put an amount equal to insurance premiums in the Risk Management Reserve Fund in the next year or two to build a balance of approximately \$50,000. The past few years the claims paid for property damage and comprehensive damage to City vehicles has equalled about \$5,000. Upon call for the question, all present voted in favor of the motion.

Resolution Relating to State Aid for Improvement of City Connecting Links

The city manager explained that the resolution authorizes the mayor and the city clerk to sign an agreement with the Kansas Department of Transportation for the improvement on highway K-68 from the east City limits to approximately Logan Street. The project has been approved by the state for the fiscal year 1987 KLINK funding and one-half the cost of the improvement is to be paid by the City and one-half paid by the state. The state's limit is not to exceed \$100,000. The estimated total cost of the improvement, however, is \$168,000 which would involve \$84,000 City monies and \$84,000 in state monies. The City's portion of the project is to be paid from City sales tax. Commissioner Lister made a motion that a resolution relating to state aid for the improvement of City Connecting Links on the State Highway System, with reference to KDOT KLINK Project 30 U-1084-01 east K-68 overlay project be passed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Engagement Letter with Gaeddert & Agler, Chartered

The city manager explained that the City needs to enter into an engagement agreement for the audit of the 1986 operations of the City. Gaeddert & Agler, Chartered have audited the City's records for many years, and have submitted an engagement letter for this purpose. The fee is to be the same as it has been in the past few years--\$22,000. Commissioner Bemmels made a motion that an engagement letter between the City of Ottawa and Gaeddert & Agler, Chartered for the audit of the City funds for the year ending December 31, 1986 be approved. The fee is to be the same as last year--\$22,000. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Resolution No. 427-86 - Calling Public Hearing to Discuss the Construction of a Parking Lot

City Manager stated that the resolution before the Governing Body at this time is to call a public hearing to be held at 9:35 a.m. November 19, 1986 to determine the advisability of constructing a parking lot in the vicinity of 5th and Hickory Streets. The estimated cost of the improvement is \$210,000, with the benefit district paying 15% of the cost and the City-at-large paying 85% of the cost. Commissioner Lister made a motion that a resolution directing and ordering a public hearing to determine the advisability of constructing off-street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36 in Block 98, City of Ottawa, be passed. The motion was seconded by Commissioner Bemmels and upon call for the question, Mayor pro tem McCrea and Commissioners Bemmels and Lister voted in favor of the motion.

## Report of Planning Commission Meeting

A report of the Planning Commission meeting of November 4, 1986 is as follows:

The City Planning Commission met in regular session on Tuesday, November 5, 1986 at 7:00 p.m. in City Hall. Present: Chairman Hendrix, and members Ellena, Woolman, Peterson, Searls, Jackson, and Keith. Absent: None.

The minutes of the last meeting held October 7, 1986 were approved as written.

The Planning Commission continued a Public Hearing to amend the zoning ordinance to rezone a tract of land generally located at 1905 Princeton Road from R-S (Residential Suburban) to R-2 (Multi Family Residential). After hearing comments from the public the Planning Commission voted 7-0 to recommend that this rezoning request be denied.

The Planning Commission held a public hearing to consider amending the home occupation regulations of the zoning ordinance. The Planning Commission received many comments from members of the audience. In accordance with Planning Commission bylaws, the hearing was continued to the next meeting.

The Planning Commission approved, with conditions, a final plat of Mohr Estates located outside the city limits on State Highway 59.

The Planning Commission also held a public hearing to consider amending the nonconforming uses section of the zoning ordinance to allow for the expansion of non-conforming churches. After receiving comments from the audience and discussing this proposed amendment, the Planning Commission continued the hearing to their next meeting.

The Planning Commission continued a Public Hearing to allow for the replacement of parts of non-conforming buildings. After discussion, the Planning Commission recommended by a vote of 7-0 that Article 27, Section 3 of the zoning ordinance be amended by adding the following paragraph 5:

5. Notwithstanding the above, any part of a nonconforming structure that is less than fifty percent (50%) in square footage of an entire principal building OR all of a nonconforming accessory building, may be rebuilt provided the rebuilt component of building is no more nonconforming than the original structure. Such rebuilding shall only be permitted within one (1) year of the removal of the nonconforming original component or building.

There being no further business, the meeting was adjourned.

Commissioner Lister made a motion that the report of the Planning Commission meeting of November 4, 1986 be accepted and approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Investment Schedule for October 1986

Commissioner Bemmels made a motion that the schedule of investments existing as of October 31, 1986 indicating a total of \$5,000,000 invested at an average annual interest rate of 5.94% be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

### Request for Parade

The Ottawa Retail Association submitted a request for a Christmas Parade to be held on Main Street in Ottawa on Saturday, December 6, 1986. The parade is to start from Forest Park at 1:00 p.m. and to disband at City Park. Commissioner Lister made a motion that a request for a parade by the Ottawa Retail Association as described above be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Cereal Malt Beverage License Applications

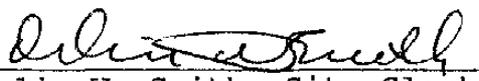
An application to sell cereal malt beverage in original and unopened containers not for consumption on the premises as submitted by Safeway Stores was considered. The reasons for the license application being submitted at this time is that Safeway Stores Corporation has been reformed into another corporation necessitating the need for a new license. The manager of the store, Larry D. DeMeets, is the same as past applications. Commissioner Bemmels made a motion that a license application by Safeway Stores, 901 S. Main, Larry DeMeets, Manager, to sell cereal malt beverage in original and unopened containers not for consumption on the premises be approved. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

An application to sell cereal malt beverage in original and unopened containers not for consumption on premises as submitted by Paxsons AF Super, 602 S. Maple, was considered. The reason for the application at this time is that the ownership of the store has been changed, necessitating the need for a new license. The manager of the store remains the same as on past applications. Commissioner Lister made a motion that an application for license to sell cereal malt beverage in original and unopened containers not for consumption on premises as submitted by Paxsons AF Super, 602 S. Maple, Dana W. Stephenson, Manager, be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

### Proclamation - National Diabetes Month

A proclamation proclaiming the month of November 1986 as National Diabetes Month was read. Commissioner Lister made a motion that the proclamation be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

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.

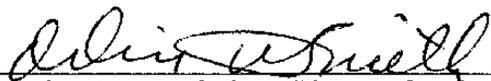
  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 10, 1986

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, and Bemmels. Commissioner Lister entered the meeting during discussion of the subject matter.

The purpose of the meeting was to consider calling a public hearing before the City Planning Commission to consider allowing a commercial printing business in the C-2 Zoning District. Commissioner Bemmels made a motion that a public hearing be called before the City Planning Commission at their next regular meeting on Tuesday, December 2, 1986, at 7:00 p.m. to consider amending the Zoning Ordinance of the City of Ottawa to allow commercial printing in the C-2 (General Commercial) Zoning District classification. The motion was seconded by Commissioner Heathman. It was explained that commercial printing is presently allowed in the I-1 and I-2 zoning districts. The City Commission had received a communication from Mr. and Mrs. Calvin McAlexander requesting the public hearing as they wish to locate a commercial printing business in a building located in a C-2 zoned district. Commissioner Bemmels questioned as to whether the public hearing and zoning change could be accelerated in any way. It was discussed that normally under the Planning Commission bylaws a public hearing may be held at one meeting but the Planning Commission will not make a decision until the following meeting to allow them time to completely study the issue. The Planning Commission can, however, waive its bylaws and make a recommendation following the public hearing but it is not customary to do so. Mr. McAlexander asked if he could start remodeling the building and placing his equipment in the building. He was answered that it would be strictly at his own risk in the event the zoning change did not become a reality. Mr. McAlexander was further instructed that possibly he should discuss this aspect of his request with the city inspector. Upon call for the question, all present voted in favor of the motion.

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

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 19, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the special meeting held November 3, 1986, the minutes of the regular meeting held November 5, 1986, and the minutes of the special meeting held November 10, 1986 were approved as written.

#### Public Hearing to Determine Advisability of Constructing a Parking Lot

Mayor Thompson opened the discussion by stating that a public hearing would be held at this time to determine the advisability of constructing a parking lot at 5th & Hickory Streets. The total cost of the parking lot is estimated to be \$210,000 and the benefit district is comprised of approximately one-half block fronting on Main Street from 5th Street northward one-half block. The cost of the parking lot as set forth in the resolution calling the public hearing is to be split 15% chargeable to the benefit district and 85% chargeable to the city-at-large. The benefit district is comprised of Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35, Block 98, except the west 10 feet of Lot 25, all in the City of Ottawa, Kansas.

Dr. Charles Anderson appeared before the City Commission stating that he is the owner of the home which will be immediately north of the proposed parking lot and though he was not overly enthusiastic about the parking lot, was concerned for the protection of his privacy. Dr. Anderson stated that he did not want his property used as ingress and egress to the parking lot and that he has trees and shrubbery along the edge of his lot which he would like to see protected, particularly during the demolition period. Further, Dr. Anderson stated that he had been informed that the City intends to landscape and plant a screening between his property and the parking lot which would be satisfactory if it served its intended purpose.

Mrs. Wanda Durbin spoke opposing the parking lot, questioning as to why the lot was needed. Further, Mrs. Durbin stated that it was her feeling that taxes in the City of Ottawa are high enough without an added tax burden for the construction of the lot. Commissioner Thompson answered Mrs. Durbin that presently on Main Street between 4th and 5th Streets there are a number of vacant business buildings, and it is hoped the construction of the parking lot might encourage someone to revitalize these buildings and put them back in use. It is the feeling of the City Commission that if something is not done in this area, this block might further deteriorate. Speaking to the issue of taxes, Mayor Thompson stated that the construction of this parking lot should add about one mill to the tax bill of the citizens of Ottawa. Mrs. Durbin further stated that she did not think it was fair to the citizens of Ottawa that they should bear 85% of the cost of the parking lot as the other parking lots in the city were paid for at the rate of 50% by benefit district and 50% by city-at-large. She further stated she did not feel the parking lot was necessary.

Mr. Russell Crites spoke before the City Commission stating that he represented the owners of property of one-half of the benefit district, or a 150-foot frontage on Main Street. Mr. Crites stated that he did not feel that any tenants for those buildings would be forthcoming without a parking lot. Mr. Crites further stated that the parking lot would serve not only those potential businesses but church, library and post office patrons as well. Mr. Crites asked that the City Commission give consideration to having the city-at-large pay 95% of the cost of the lot with the benefit district paying 5%.

Mr. Joel Cutting appeared before the City Commission stating that he presently owns an empty building in the central business district and the taxes and special assessments for sidewalk improvements and parking lots

costs him \$100 per month. Mr. Cutting stated that he thought the City should have a firm commitment for revitalization and use of some of the buildings prior to giving consideration to constructing a parking lot.

Mr. Paul Gaynor addressed the issue, stating he had had several calls concerning the building of the parking lot and the persons he had talked to were concerned that the city-at-large would be paying 85% of the cost as opposed to 50% of the cost as has been the previous policy. Mr. Gaynor further stated that many businesses in town had furnished their own parking lots with no assistance from the City.

Commissioner Heathman stated the City might be getting the cart before the horse in that there should be commitments for the use of the empty buildings prior to construction of a parking lot. Mr. Heathman further stated that he was opposed to the city-at-large paying 85% of the cost when other parking lots had cost the city-at-large only 50%.

Commissioner Bemmels stated that he was concerned for the downtown area, but he was also concerned that we might be getting the cart before the horse in building a parking lot prior to having a commitment for tenancy in the buildings. He said he had not made up his mind as to how he would vote on the issue, and he realized he would have to do so in a very few moments.

Commissioner Lister said this is not an easy decision as other parking lots have been constructed with only 50% of the cost being borne by the city-at-large. She stated she was not in favor of raising taxes.

Commissioner McCrea commented that he had given much thought to the parking lot question and he also was concerned that the city would be paying 85% of the cost, realizing that there are other persons that might use the parking lot aside from serving the businesses only. Commissioner McCrea stated that there are four churches in the area, along with the library and a savings and loan institution which might also use the parking lot. He was also concerned that have bond issues on the improvement of Main Street which will be raising the taxes in future years. With that in mind Commissioner McCrea said he felt he would have to vote opposing the construction of the parking lot.

Joel Cutting spoke again, asking for an explanation of the cost of the parking lot. Mr. Cutting was answered that the \$210,000 estimated probable cost for the parking lot includes the purchase of the real estate, demolition, construction and landscaping.

Mr. Gaynor again spoke to the commission, stating that he was in favor of parking lots in the downtown area but he objected to the 85% city-at-large cost.

Commissioner Lister commented that the property on which the parking lot would be constructed is presently available and it has not been available in past years and may not be again be available in future years.

Commissioner Bemmels commented that negotiations for the property started in September 1985.

Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Resolution Making Findings as to the Advisability of Constructing an Off-Street Parking Lot

Commissioner Lister made a motion that a resolution making findings as to the advisability of acquiring real estate for and constructing off-street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98, in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Bemmels. Upon call for the question Mayor Thompson and Commissioner Lister voted in favor of the

motion. Commissioners Heathman, Bemmels and McCrea voted opposing the motion.

Commissioner McCrea questioned whether the city should at this time pursue the issue of the parking lot further with 50% of the cost being paid by the city-at-large and 50% of the cost being paid by the benefit district. The city manager explained that the options to purchase the land run only until November 28, and the land purchase is to be closed by December 31, 1986 for capital gains purposes. Further, in order to consider the issue further, the owners of the property should be contacted to see if they would extend their options. With the time required to call a public hearing and do the necessary paperwork to purchase the lots, a decision could not be made until after the beginning of 1987. Commissioner McCrea made a motion that the City Commission continue to pursue the parking lot project with 50% of the cost payable by the city-at-large and 50% of the cost payable by the benefit district. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Commissioner Heathman asked if consideration could be given to enlarging the benefit district. It was agreed that as the subject is opened for discussion in the future, such consideration can be given.

#### Public Hearing - Amend 1986 Revenue Sharing Budget

The city manager explained that it is necessary to amend the 1986 revenue sharing budget to allow for a larger budget of expenditures. Amending the budget to allow for additional expenditures through the public hearing process is as set forth by Kansas budget law. The 1986 budget as drawn in 1985 authorized expenditures in the amount of \$161,860 and the proposed amendment of expenditures is for \$177,193. City Manager stated that the reason that the budget must be amended at this time is that when the budget was drawn over a year ago, the City took a conservative stance not knowing how long revenue sharing funds would continue to be available from the federal government. In taking the conservative stance, the City did not allow for enough cash carryover and accrued interest which would become available in 1986. Commissioner Heathman questioned why certain line items that appear in the 1984 and 1985 budgets do not appear in the 1986 budget, for instance funding of the library, the historical society and others. The City Manager explained that as far back as 1984 when it became evident that revenue sharing may not continue, the various agencies were contacted and informed that the City would have to lower or maybe discontinue the allocation to the various agencies. Therefore, these agencies were fully aware that they would not appear in future budgets. Commissioner Heathman also questioned why Public Safety had not appeared in the 1984 and 1985 budgets and now appears in the 1986 budget for a total of \$49,416. The City Manager answered that for many years the City of Ottawa has used the revenue sharing budget for special projects and funding of various agencies. The \$49,416 is for the renovation and remodel of the Public Safety Department building. Mayor Thompson stated that in the area of capital improvements and special projects there is an expenditure in the 1986 budget for \$114,143 which was used to retire the debt on the City's newest fire truck. When it was realized a year ago that revenue sharing might not be continued, it was decided by the City Commission to retire the debt on the fire truck a year early and thereby save \$5,000-\$6,000 in interest charges. Commissioner Heathman questioned if the contract for the renovation of the Public Safety Department was \$43,641 and if there were to be change orders in the area of \$2,000, why the public safety line item was \$6,000 in excess of the total of the two prior figures. The city clerk answered that he drew the amended budget and it was recognized that the expenditure for public safety is in excess of the amount necessary for the renovation because when budgeting for improvement projects, it has been found necessary to budget amounts in excess of the estimated costs. Further discussion pointed out that there is a change order on the public safety project in the amount of \$2,000-\$2,100, which will have to be added to the original project cost of \$43,641. Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Commissioner Lister made a motion that the 1986 revenue sharing budget be amended to reflect expenditures in the amount of \$177,193. The motion was seconded by Commissioner Heathman and upon call for the question, all present voted in favor of the motion.

#### Ordinance No. 2840-86 - Nonconforming Uses

An ordinance amending the City's Zoning Ordinance and setting forth regulations under which nonconforming structures may be replaced, repaired, or partially replaced, was introduced. The ordinance sets forth that any part of a nonconforming structure that is less than 50% in square footage of an entire principal building or all of a nonconforming accessory building may be rebuilt providing the rebuilt component or the building is no more nonconforming than the original structure. The rebuilding of nonconforming structures under these conditions is restricted to one year from the removal of the original nonconforming component or building. Commissioner McCrea made a motion that an ordinance amending the Zoning Ordinance specifically Article XXVII, Section 3 Nonconforming Structures, with the addition of a new paragraph 5, in order to permit the reconstruction of nonconforming components of buildings, as recommended by the Planning Commission be passed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

#### Resolution No. 428-86 - Relating to the State Aid for Improvement of Highway Connecting Links

A resolution was introduced authorizing the mayor and city clerk to sign an agreement with the Kansas Department of Transportation for the improvement of North Main Street from Logan Street to Wilson Street. The agreement sets forth the condition and the funding arrangements under which Main Street is to be improved. Commissioner Bemmels made a motion that a resolution relating to state aid for the improvement of City connecting links on the state highway system, specifically improvements to North Main Street (US-59) from Logan Street to Wilson Street, Project No. 30U-1097-01, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

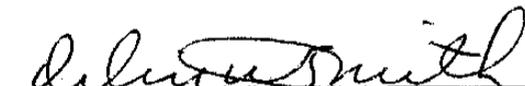
#### Report of Status of Current City Projects

The city clerk read a report of the status of various City projects.

#### Governing Body's Agenda

Mayor Thompson announced that inasmuch as the City Commission would be attending the National League of Cities convention in the first week of December, the regularly scheduled meeting of December 3, 1986 would be held December 10, 1986. The regular meeting scheduled for December 17 will be held as scheduled, and an additional meeting might be held in December if necessary to wrap up the City business for the year 1986.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 10, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held November 19, 1986, were approved as written.

#### Recognizing Employees for Years of Service

Mayor Thompson proceeded to recognize City employees who had completed ten, twenty-five and forty years of service, stating that the awards made available through the Kansas League of Municipalities had been presented to the persons being honored at the annual City banquet in November, and the employee completing forty years of service had also been honored at the League of Kansas Municipalities annual meeting in Wichita in October. Employees completing ten years of service were David Brooks, Carl Elder, Vance Robrahn, and Larry Fisher. Employees completing twenty-five years of service were Gilford Diamond, Velorus Rhoades, and Fred Espinosa. The City's one employee who completed forty years of service was Bruce Fleming.

#### Ordinance No. 2841-86 - Defining City Boundaries

An ordinance defining the corporate boundaries of the City as of December 1986 was considered. Commissioner Lister made a motion that an ordinance defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and repealing Ordinance No. 2811-85 of the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Consider Recommendation of Planning Commission

The City Governing Body proceeded to consider the recommendation of the Planning Commission for denial of a request to rezone a tract of land generally located at 1905 Princeton Road, from R-S (Residential Suburban) to R-2 (Multi Family Dwelling). Commissioner Bemmels made a motion that the City Governing Body approve a recommendation of the Planning Commission and deny a request to rezone a tract of land generally located at 1905 Princeton Road, from R-S (Residential Suburban) to R-2 (Multi Family Dwelling). The motion was seconded by Commissioner Heathman. Commissioner McCrea stated that the Planning Commission had held the appropriate public hearings and given considerable study to the issue and he was in accord with the Planning Commission's recommendation for denial. Commissioner Bemmels stated that if the request had been approved, it would amount to spot zoning. Upon call for the question, all present voted in favor of the motion, except Commissioner Lister who abstained from voting.

#### Resolution No. 429-86 - Calling Public Hearing

Mayor Thompson explained that the City Commission is considering taking action on a resolution calling a public hearing to consider constructing a parking lot at 5th & Hickory Streets. The resolution calling the public hearing sets forth that the benefit district is all property in Block 98, except those lots to be used for parking lot purposes, and the north 225 feet of City Park. Also, the resolution sets forth that the division of costs for the construction of the parking lot is 50% to the benefit district and 50% to the City-at-large.

Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to determine the advisability of acquiring real estate for the construction of off-street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98 in the City of Ottawa, Franklin County, Kansas; that the benefit district consists of all

of Block 98 except those lots on which the parking lot is to be constructed and the north 225 feet of City Park, the distribution of costs for the construction of the parking lot to be borne 50% by the benefit district and 50% by the City-at-large. The motion was seconded by Commissioner Heathman. Commissioner Bemmels stated that he understood the City Commission must make a decision today to whether to have the distribution of costs be 50% benefit district and 50% City-at-large as that distribution of costs cannot be changed during or after the public hearing.

Mr. Russell Crites, owner of property within the benefit district, questioned if the lot had to have a two-hour time limit as he felt it would be more beneficial if it did not have the two-hour time limit. He was answered that the City Commission may at any time determine what time limitations might be imposed on the parking lot.

Mr. Charles Anderson, who owns property within the benefit district, spoke to the City Commission, stating that he was representing Margaret Prunty, who lives immediately north of him, and Mr. and Mrs. Gary Brooks, who live across the street from him. Mr. Anderson stated that he felt the block was degenerating as a result of the two properties immediately south of him upon which the parking lot is proposed to be constructed, but the value to his property for residential purposes would be very slight. Mr. Anderson asked if the Baptist Church was to be included in the benefit district and he was instructed that it was included. Mr. Anderson said he opposed the benefit district assignment and opposed the percentage of the distribution of cost.

Mr. Don Jones, who owns two properties in Block 98, spoke opposing the parking lot by stating that his properties have a total of 18 spaces behind them for people who might use businesses located on his lot, and that the lot would be of no value to him.

Mrs. Wanda Durbin questioned why the library might be included in the benefit district. She was answered that it was the feeling of the City Commission that the library would also receive benefit from the parking lot. Mrs. Durbin then questioned if the library is included within the benefit district, would the City be paying more than 50% of the cost as a result of special assessments levied against the property on which the library is located. Mrs. Durbin was answered that she was correct that the City would be paying more than 50%.

Mr. Noel Douglas spoke in favor of the project, stating that he has paid special assessments for public improvements in the City of Ottawa for many years and he felt the parking lot would be an asset to the area and the community.

Commissioner McCrea said he felt the benefit district as presently defined is proper and the division of costs is proper inasmuch as other parking lots in the City have been built with 50% of the cost being paid by the benefit district and 50% of the cost being paid by the City-at-large.

Commissioner Bemmels stated that at the last Commission meeting he had voted opposing the resolution to build the parking lot with the benefit district paying 15% and the City paying 85%. He has since changed his position as he realizes the benefit of and the need for the parking lot.

Commissioner Heathman stated that he definitely would like to see a 50-50 cost sharing between the City and the benefit district, and that the benefit district should be as set forth today.

Mayor Thompson stated that he recognized there are presently many vacant buildings in the block, that the parking lot would be an investment in the future in hopes that the buildings could then be occupied and help to revitalize the downtown area.

Mr. Charles Anderson then stated that he did not think it was proper that two residential properties would have to participate in paying for the cost of the lot.

Upon call for the question, Commissioners Heathman, Lister and McCrea voted in favor of the motion and Mayor Thompson and Commissioner Bemmels voted opposing the motion.

#### Resolution No. 430-86 - Authorizing Issuance of Temporary Notes

Commissioner Bemmels made a motion that a resolution authorizing and directing the issuance of a temporary note of the City of Ottawa, Kansas, in the principal amount of \$38,000 for the purpose of providing funds to pay the cost of sewer improvements in the Sunnyside Addition of the City of Ottawa, be passed. The motion was seconded by Commissioner Lister. Upon call for the question, all present voted in favor of the motion.

#### Resolution No. 431-86 - Authorizing Issuance of Temporary Notes

Commissioner McCrea made a motion that a resolution authorizing the issuance of temporary notes of the City of Ottawa, Kansas, in the aggregate principal amount not exceeding \$150,000 for the purpose of providing funds to pay the cost of certain off-street parking improvements be passed. The motion was seconded by Commissioner Bemmels. It was discussed that this issue of temporary notes is to pay the cost of acquiring land and constructing a parking lot at 3rd and Cedar Street. At this time, the City of Ottawa will issue a temporary note in the amount of \$60,000 to pay cost of expenses incurred to date, and the balance of the notes will be issued at a later date. Upon call for the question, all present voted in favor of the motion.

#### Change Order for South Main Improvements

The City Manager explained that Change Order No. 1-T for the South Main Improvements between 10th Street and 15th Street encompassed excavation for sewer work that was not included in the original bid. The additional cost on Change Order No. 1-T is \$14,920. Commissioner Bemmels made a motion that Change Order No. 1-T for Kansas Department of Transportation project No. 59-30K 2897-01 for the South Main Street Improvements 1986-1 between 10th and 15th Street on South Main Street in the amount of \$14,920 be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

#### Change Order for 23rd and Princeton Street Improvements

The City Manager stated that even though the contract for the Hazard Elimination Project at 23rd and Princeton Street had been completed, there was some additional work which was done that was not included in the original contract. Change Order No. 3-F in the amount of \$415.05 is for this additional work. Commissioner Lister made a motion that Change Order No. 3-F for Kansas Department of Transportation project No. 30U 1002-01 HES 000S(113) 23rd Street and US-59 Improvements in the amount of \$415.05 be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, December 2, 1986 at 7:00 p.m. in City Hall. Present: Members Ellena, Woolman, Peterson, Searls, and Jackson. Absent: Chairman Hendrix and member Keith. In the absence of the Chairman, Vice Chairman Searls presided.

The minutes of the last meeting held November 4, 1986 were approved as written.

The Planning Commission continued a public hearing to consider amending the home occupation regulations of the zoning ordinance. After discussion, the Planning Commission voted 5-0 to approve the draft home occupation regulation with modifications. In a related matter, the Planning Commission voted 5-0 to call a public hearing to amend the zoning ordinance to do consider the following:

(1) redefine babysitting service; day nursery, day care home, group day care home; and day care center,

(2) to allow day care homes for more than 4 children or adults as a special uses in all R-S, R, R-1, MH, MP, O-1, C-1, and C-3 zoning districts and,

(3) to amend the nonconforming use section of the zoning ordinance to legalize all babysitting services and day care homes which are licensed by the state and in existence on December 2, 1986.

The Planning Commission continued a public hearing to consider amending the nonconforming uses section of the zoning ordinance to allow for the expansion of non-conforming churches. After discussion, the Planning Commission voted 5-0 to recommend that the City Commission approve this change.

The Planning Commission held a Public Hearing to consider adding commercial printing as permitted use in the C-2 (General Commercial) zoning district. After discussion of this item, the planning commission continued the public hearing to their next meeting.

The Planning Commission voted 5-0 to recommend that the City Commission approve an agreement for Planning Services with Foresight Solutions for the 1987 fiscal year. They recommended that the total amount paid to Foresight should not exceed \$7000.

There being no further business, the meeting was adjourned.

Commissioner Lister made a motion that the report of the Planning Commission be accepted and entered into the official City record. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

#### Approval of Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as of November 30, 1986 with a total of \$4,100,000 invested at an average interest rate of 5.79% be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

#### Cereal Malt Beverage License Applications for 1987

The City Governing Body proceeded to consider applications for cereal malt beverage license for 1987 as follows:

##### Original and Unopened Containers

Safeway Stores, 901 S. Main, Larry Dametz, Manager  
Andy's Service Station, 1115 W. 7th, Willard Cromwell, Partner and Manager  
Pence Food Centers, Inc., 1428 S. Main, Charles E. Gillette, Manager  
Pence Food Centers, Inc., 305 N. Main, Timothy E. Van Leiden, Manager  
Casey's General Store, 1002 N. Main, Romona A. Carner, Manager  
National Marketing Co. of Kansas Inc., 1621 S. Main, Mary Tice, Manager  
Workingman's Friend Oil, Inc., 304 Logan St., Dennis M. Eads, Manager  
Taylor Oil Inc., 2305 S. Cedar, Harold D. Taylor, Manager  
All Services, Inc., 216 E. 23rd St., Frances Kolody, Manager

##### For Consumption on Premises

Hickory Inn Tavern, 120 E. Dundee, Billie Galutia, Owner  
Olympic Rec Center, Inc., d/b/a Indian Lanes, 2040 Princeton Road, Kenneth Akin, Manager  
Benevolent Protective Order of Elks, 114-1/2 W. 2nd St., Clarence Strickland, Manager  
Taco Tico, 1608 S. Main, Michelle L. Hester, Manager  
Pizza Hut of America, Inc., 118 W. 15th St., Lee Johnson, Manager

Commissioner Lister made a motion that the applications for cereal malt beverage license as submitted for 1987 be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Proclamation - Suspension of Parking Regulations

Mayor Thompson read and approved a proclamation whereby the time limit on parking regulations in the central business district, both on-street and off-street, are suspended between December 10, 1986 and January 2, 1987.

Proclamation - Kansas Clicks Month

A proclamation was read proclaiming November 26-December 26, 1986 as Kansas Clicks Month urging all citizens to use the seatbelts in their vehicles during this period of time.

Change Order No. 5 - Wastewater System Improvements - Contract 2

Change Order No. 5 to Contract 2 - Wastewater System Improvements, in the amount of \$4,324.85 was presented. The changes set forth in the change order are a result of a punch list in the final approval of the contract and for repair of other equipment. With the addition of Change Order No. 5, the total contract price for Contract 2 - Wastewater System Improvements is \$1,959,897.76. Commissioner Lister made a motion that Change Order No. 5 to Contract 2 - Wastewater System Improvements in the additional amount of \$4,324.85 be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Amendment No. 8 to Engineering Services Contract - Sewerage System Improvements

Amendment No. 8 to the Engineering Services Contract for Sewerage System Improvements dated March 21, 1978 with A. C. Kirkwood & Associates was considered by the City Commission. Amendment No. 8 allows additional compensation to A. C. Kirkwood & Associates for additional services due to the extended length of the construction period. Commissioner Bemmels made a motion that Amendment No. 8 to the Engineering Services Contract for Sewerage System Improvements increasing the amount of general service fees by \$21,700 and adding nineteen months of general engineering services; increasing the maximum number of months for resident engineering services to 32 months; and adding a Paragraph J to Section 8 of said agreement calling for the project performance services in the amount of \$5,200 be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 17, 1986

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

#### Approval of Minutes

The minutes of the last regular meeting held November 19, 1986 were corrected as follows: A motion for passage of Resolution No. 429-86 as it appears on Pages 98 and 99 was corrected to read, "Commissioner McCrea made a motion that a resolution directing and ordering a public hearing to be held January 7, 1986 to determine the advisability of acquiring real estate for the construction of off-street parking facilities and appurtenances thereto to be located on Lots 26, 28, 30, 32, 34 and 36, Block 98 in the City of Ottawa, Franklin County, Kansas; that the benefit district consist of all of Block 98 and the north 25 feet of City Park excepting those lots on which the parking lot is to be constructed; the distribution of costs for the construction of the parking lot is to be borne 50% by the benefit district and 50% by the City-at-large. The motion was seconded by Commissioner Heathman." The balance of the minutes was approved as written.

#### Ordinance No. 2842-86 - Amending Zoning Ordinance

Commissioner Lister made a motion that an ordinance amending the zoning ordinance, specifically Article 27, Section 4, Paragraph (9) thereof, to allow any structure which is devoted to a nonconforming residential or church use and which is located in a residential business or industrial district to be remodeled, extended, expanded or enlarged provided that after any such remodeling, extension, expansion or enlargement, such shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work, or accommodate any different uses not permitted in that zoning district. The motion was seconded by Commissioner Bemmels. It was discussed that the purpose of this ordinance is basically to allow churches to remodel and expand as a nonconforming use in areas where churches are not permitted by the zoning ordinance.

Jerry Harding, pastor of the Bible Baptist Church, stated that he thought probably his church would be the only one affected by passage of the ordinance and he could see it as being beneficial to the church he serves. Upon call for the question, all present voted in favor of the motion.

#### Ordinance - Amending Home Occupation Section of the Zoning Ordinance

An ordinance amending and modifying Ordinance No. 2713-82, specifically amending Article 3, Section 2 (Definitions), Paragraph 35, and Article 26, with the addition of Section 7 (Home Occupations), setting forth regulations concerning home occupations was introduced. It was discussed that this ordinance increases the various occupations which may be allowed in homes in residential areas and also sets forth certain occupations that cannot be allowed in a residence. The ordinance also broadens the zoning districts in which home occupations are allowed.

Mary Baugher appeared before the City Commission stating that she had also appeared before the Planning Commission and expressed the concern that there are several small businesses which currently exist in commercially zoned districts that might be moved into residences if they should experience financial hardship should this ordinance be passed. Mrs. Baugher was concerned that businesses might be moving out of the commercial areas and into the residential areas.

Commissioner McCrea made a motion that an ordinance amending and modifying Ordinance No. 2713-82, specifically amending Article 3, Section 2 (Definitions), Paragraph 35, and Article 26, with the addition of Section 7 (Home Occupations), setting forth regulations concerning home occupations be passed. The motion was seconded by Commissioner Heathman. Commissioner Bemmels expressed a concern that the possibility of businesses moving from

the business district into residences had not been considered in the discussions that the City Commission had concerning the ordinance. Commissioner Bemmels then amended the motion by moving that the ordinance be considered for passage at the next regular meeting of the Governing Body on January 7, 1987. The amendment was seconded by Commissioner Heathman and upon call for the question on the amendment, all present voted in favor of the motion. By approval of the amendment, the original motion was considered nullified and was not called for question.

Agreement for Planning and Advisory Services with Foresight Solutions, Inc.

An agreement for planning and advisory services for 1987 between the City of Ottawa and Foresight Solutions, Inc. was introduced. The approval of the agreement had been recommended by the Planning Commission. Kristy Cannon, Administrative Assistant, stated that the agreement calls for planning and advisory services for the City for 1987 for the total cost not to exceed \$7,000 unless specifically approved by the City Commission. The agreement the City has with Foresight Solutions, Inc. for 1986 calls for a maximum fee of \$7,000, and the City has spent \$6,100 on the contract in 1986. Commissioner Bemmels made a motion that an agreement with Foresight Solutions, Inc. for planning and advisory services for 1987 as recommended by the City Planning Commission be approved and that the maximum fee unless otherwise approved by the City Governing Body not exceed \$7,000. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Status of Current City Projects

A report of the status of current City projects was given at this time.

Application for Cereal Malt Beverage License for 1987

The following firms or individuals have submitted applications for cereal malt beverage license for 1987. The appropriate fees had been paid and other criteria had been met and were being presented to the Governing Body for approval or disapproval.

Original and Unopened Containers

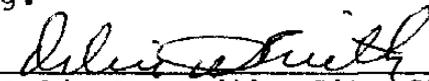
Casey's General Store, 1019 W. 7th, Patricia A. Crump, Manager  
Waymire Price Chopper, 2008 Princeton Road, Kathleen M. Waymire, Manager  
S. Conoco Travel Shop, I-35 and US-59 Highway, Elaine Norris, Manager  
Paxson's AF Super, 602 S. Maple, Dana W. Stephenson, Manager

For Consumption on Premises

Ottawa Country Club, East Logan Street, Walter C. Artinger, Manager  
Pizza Village, Inc., 330 S. Main, Dennis E. Tharp, Manager  
The Hide-A-Way, 1644 S. Main, Barbara Spears, Owner and Manager  
Fraternal Order of Eagles #2700, 524 E. 15th, Roger Millbern, Manager  
Pizza Time, 2304 Princeton Road, John Duncan, Owner and Manager  
Saddleback Lounge, 111 N. Main, Stuart D. Hood, Manager and Agent  
The New Blue Room, 231 N. Main, Connie Bivens, Owner and Manager  
Poncho's of Ottawa, 429 S. Main, Jane E. Mauszycki, Manager  
C. J.'s Play House, 1020 N. Main, Carolyn E. Lucas, Manager

Commissioner Lister made a motion that the applications to sell cereal malt beverage as submitted be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

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.

  
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 29, 1986

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Thompson and Commissioners McCrea, Heathman, Lister and Bemmels. Absent: None.

The purpose of the special meeting was to consider an Airport Services Agreement and a Fixed Base Operator's Lease between the City of Ottawa and Dodson Aero Service, Inc. for operations at the Ottawa Municipal Airport. The meeting was also called to consider any other topic that might be necessary as year end business.

#### Airport Services Agreement and Fixed Base Operator's Lease

The City Manager reported that everything was in order for the City Commission to approve the Fixed Base Operator's Lease and the Airport Services Agreement, except that he had been in recent contact with the insurance agent for Dodson Aero Service, Inc., and it is not possible at this time for Mr. Dodson to secure \$500,000 product liability coverage. Mr. Dodson can, however, secure \$250,000 product liability coverage at the present time and secure \$500,000 product liability in the near future.

Commissioner Heathman questioned Paragraph 4(g) of the Fixed Base Operator's Lease which states that the City will pay the sum of \$150.00 per month toward utilities for the airport, and after the first year, the City will then pay an amount not to exceed 50% of the utilities. Mr. Heathman questioned whether this was in the prior contract the City had with Paul Martin. It was explained that this paragraph was in the former contract with Mr. Martin, and after the first year of operation, the cost to the City for utilities was reduced substantially.

Commissioner Lister made a motion that the Airport Services Agreement between the City of Ottawa and Dodson Aero Service, Inc. be approved. The motion was seconded by Commissioner McCrea. After further discussion about the product liability insurance coverage, Commissioner Lister amended the motion that the Airport Services Agreement be approved subject to Dodson Aero Service, Inc. securing product liability coverage in the amount of \$500,000 within thirty days. The amendment was seconded by Commissioner McCrea. Upon call for the question concerning the amendment to the motion, all present voted in favor of the motion. Upon call for the motion as amended, all present voted in favor of the motion as amended.

Commissioner Bemmels made a motion that the Fixed Base Operator's Lease between the City of Ottawa and Dodson Aero Service, Inc. be approved subject to Dodson Aero Service, Inc. securing product liability coverage in the amount of \$500,000 within thirty days. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

The business for which the meeting was called having been completed, the meeting was adjourned.

  
Orlin W. Smith, City Clerk