



If you need this information in another format or require a reasonable accommodation to attend this meeting, contact the City's ADA Coordinator at 785-229-3635. Please provide advance notice of at least two (2) working days. TTY users please call 711.

101 S. Hickory
PO Box 60
Ottawa, KS 66067-0060
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TO: Mayor and City Commissioners
RE: Study Session Meeting **REVISED** Agenda
FROM: Richard U. Nienstedt, City Manager

A Study Session is scheduled for **October 17, 2016 at 4:00 pm** in the conference room on the first floor of City Hall, 101 S. Hickory. The following items will be presented:

I. Public Comments

II. Items to be Placed on the Regular City Commission Agenda

- a. Minutes from the September 29, 2016 Special Call Topeka Kansas Avenue Tour, the October 3, 2016 Study Session and the October 5, 2016 Regular Meeting *Pgs. 3-13*
- b. Request for Approval of Resolution Declaring it Necessary to Appropriate Private Property for the Purpose of Constructing Sidewalk Improvements on East 15th Street. Staff kindly requests action at this Meeting - Blaine Finch *Pgs. 14-15*
- c. Request for Approval of Ordinance Authorizing and Providing for the Acquisition of Land or an Interest Therein by Condemnation for the Purpose of Sidewalk Improvements on 15th Street - Blaine Finch *Pgs. 16-17*
- d. Request for Authorization for City Manager to Sign Quit Claim Deed for Property on K68 Highway - Wynndee Lee & Blaine Finch *Pgs. 18-23*
- e. Notice of Award to Wiseguys Construction, LLC - Wynndee Lee *Pg. 24*
- f. Proclamation for Breast Cancer Awareness Month *Pg. 25*
- g. Proclamation for Kansas Business Women's Week *Pg. 26*

III. Items for Presentation and Discussion

- a. Overview of Airport Master Plan Chapters 1 and 2 - Brad Waller, Alfred Benesch & Co; Michael Haeffele
- b. Update on 15th Street Stormwater - Casey Colbern, Bartlett & West; Michael Haeffele
- c. City Manager's Report
- d. Commissioner's Reports
- e. Mayor's Report

52 Tips for Successful Public Service by E.A. Mosher

#44. Pace yourself. Limit the number of meetings you attend. Set some priorities, including the need to spend time with your family. Recognize that life-and the city-is dependent on a lot of things you have little control over.

IV. Announcements

- October 17, 2016
- October 18, 2016

- October 19, 2016
- October 19, 2016
- October 24, 2016
- October 24, 2016

Special Call Commission Leadership Session, 5:00 pm, City Hall
Special Call OMA Advisory Board/Commission Mtg with John Divine,
11:30 am, Auditorium
Regular Commission Meeting, 9:30 am, City Hall
City/County/USD 290 Joint Meeting, 12:00 pm, USD 290 Admin Office
Study Session, 4:00 pm, City Hall
Special Call Commission Leadership Session, 5:00 pm, City Hall

V. Adjourn

Motion: _____

Second: _____

Time: _____

VI. Items Already Placed

**Special Call Commission Meeting
Kansas Avenue Tour
Downtown
Topeka, Kansas
Thursday, September 29, 2016—7:45 am**

The Governing Body met at 7:45 am this date with the following members present and participating to wit: Mayor Caylor, Commissioner Skidmore, and Commissioner Jorgensen. Commissioner Reed and Commissioner Graves were absent. A quorum was present.

The Governing Body traveled to Topeka, Kansas to tour their revitalized downtown and hear from speakers representing Downtown Topeka, the Topeka City Commission, and the Topeka Chamber of Commerce on how they achieved collaboration between public and private funders to accomplish their invigorated downtown, and traveled back to City Hall in early afternoon.

The meeting was adjourned.

Amy Finch, City Clerk

**Study Session Minutes
Ottawa, Kansas
Minutes of October 3, 2016**

The Governing Body met at 4:00 pm this date with the following members present and participating to wit: Mayor Caylor, Commissioner Reed, Commissioner Jorgensen, and Commissioner Skidmore. Commissioner Graves was absent. A quorum was present.

Mayor Caylor called the meeting to order.

Public Comments

The Governing Body heard from Ottawa Main Street Association Treasurer Cathy Sutton who introduced Interim Ottawa Main Street Director Lennie Giacin and announced a reception for retiring Ottawa Main Street Director Becci Shisler this evening from 5:30-6:30 pm behind My Lingerie Boutique at 216 S Main.

The Governing Body also heard from Mrs. Giacin who described her history with Ottawa Main Street Association and stated she is excited to work with everyone involved with Ottawa Main Street Association.

Minutes to Review

The Governing Body reviewed minutes from the September 12, 2016 and September 19, 2016 Study Sessions, September 12, 2016 Special Call for Leadership Session, September 21, 2016 Regular Meeting and Corrected Minutes from the September 7, 2016 Regular Meeting. The Governing Body agreed by consensus to place these items on the next Regular Meeting agenda on October 5, 2016.

Power of the Past Update

The Governing Body heard from Power of the Past President Bob Stevanus who provided an update on the 22nd Power of the Past Show held in Forest Park September 9-11, 2016 and he discussed a new program for Franklin County fifth graders to learn about farming.

Mr. Stevanus also thanked law enforcement and city staff for their support for the event and he explained the Power of the Past organization tries to donate back to the park each year and this year aluminum bleachers were donated to be used at the Forest Park ball diamonds. Mayor Caylor asked Mr. Stevanus to extend their thanks for the event.

VFW—Flag Donation Presentation

The Governing Body heard from Don Marconette and Dale Knoedler, VFW Post 5901, who presented 20 American flags for display along Main Street. Mr. Marconette and Mr. Knoedler also discussed the flags they place on veterans' headstones throughout Franklin County and the Wreaths Across Franklin County program where VFW Post 5901 and the General Edward Hand Chapter of the Daughters of the American Revolution strive to place a wreath on every Veterans' grave in Franklin County during the holiday season and encouraged citizens to donate to the program.

Over the Road Gang—Plaque Presentation

The Governing Body heard from Over the Road Gang representatives Jack Barnhart and Ralph Finch who offered the City a plaque as appreciation for support, handed out Over the Road Gang calendars, and answered questions from the Governing Body.

Resolutions—General Obligation Renewal Temporary Notes

The Governing Body heard from City Financial Advisor David Arteberry with George K. Baum who reported on the following:

- There are two outstanding temporary notes, both due November 1, 2016
- Outstanding temporary note in the amount of \$530,000 was issued for the Ottawa Municipal Airport T-hangar project
- Outstanding temporary note in the amount of \$2,000,000 was issued for the Rock Creek Business Park land acquisition and design costs for water and wastewater service

Mr. Arteberry provided the following information on the bids to purchase the temporary notes:

- Kansas State Bank currently holds the \$530,000 note and offered to buy a reissuance at a rate of 1.5% for 2-year notes
- Bids were received from Kansas State Bank and Arvest Bank to buy the \$2,000,000 note reissuance for 2-year notes
- Kansas State Bank offered a more attractive interest rate of 2% with the ability to pay the note off early
- Recommended the Governing Body accept the proposal from Kansas State Bank to buy the \$2,000,000 note reissuance

The Governing Body also heard from Bond Counsel Tyler Ellsworth with Kutak Rock LLP who asked for approval of two resolutions pertaining to each series of notes. It was agreed to place these items on the next Regular Meeting agenda.

Ordinance—Kansas City Power & Light Franchise Agreement

The Governing Body reviewed an ordinance requesting approval to grant a ten year franchise to Kansas City Power & Light Company to own and operate an electric company in certain parts of the City of Ottawa.

The Governing Body heard from Utility Director Dennis Tharp who explained it has taken some time to reach this agreement which expires in ten years and provides the City with revenues from 5% of the total gross receipts collected from the sale of electric energy used with the franchise area.

During discussion, Mr. Tharp explained the franchise agreement is confined to existing properties already being served by Kansas City Power & Light and answered questions from the Governing Body. It was agreed by consensus to place this item on the Regular Meeting agenda on October 19, 2016.

Ordinance—Penalties for Possession of Marijuana

The Governing Body heard from Police Chief Dennis Butler who requested approval of an ordinance amending Municipal Code 16-309, penalties for possession of marijuana. Chief Butler explained this update to municipal code will reflect legislative changes effective July 1, 2016 and answered questions from the Governing Body. The Governing Body agreed by consensus to place this item on the next Regular Meeting agenda.

Ordinance—Acquire Land by Condemnation for Sidewalk Improvements

The Governing Body heard from Community Development Director Wynndee Lee who requested approval of an ordinance authorizing and providing for the acquisition of land by condemnation for the purpose of sidewalk improvements in the vicinity of East 15th Street and answered questions from the Governing Body. It was agreed by consensus to place this item on the next Regular Meeting agenda.

Ordinance—Amending Zoning Regulation

The Governing Body heard from Community Development Director Wynndee Lee who requested approval of an ordinance amending Zoning Regulation, Article 24, Supplemental District Regulations for ADA.

During discussion it was explained certain language pertaining to ADA ramps on residential lots was inadvertently omitted during previous amendments to the zoning regulations and this ordinance will put the language back in the code.

Mrs. Lee stated the Planning Commission held a public hearing on September 14, 2016 with no concerns expressed from the public and staff recommends approval of the amendments. The Governing Body agreed by consensus to place this item on the next Regular Meeting agenda.

Proclamation—Ottawa High School Wall of Honor

The Governing Body reviewed a proclamation recognizing the following 2016 inductees to the Ottawa High School Wall of Honor: Brigadier General Glen Jamison (OHS 1918), Terry Wollen (OHS 1964), and Ron Small (OHS 1982). It was agreed to place this item on the next Regular Meeting agenda.

Proclamation—Community Planning Month

The Governing Body reviewed a proclamation recognizing October 2016 as Community Planning Month. It was agreed to place this item on the next Regular Meeting agenda.

Monthly Financial and Activity Report—August

The Governing Body reviewed the Monthly Financial and Activity reports for the month of August.

Commissioner Jorgensen inquired on the process to select a new Ottawa Municipal Auditorium (OMA) Director. City Manager Richard U. Nienstedt stated he plans to schedule a meeting with Leadership Consultant John Divine, OMA Advisory Board, and the City Commission to discuss the future direction of the OMA and expects to begin the process of advertising before 2017.

City Manager's Report

City Manager Richard U. Nienstedt reported on the following:

- Tuesday, October 11, 2016: KMEA tour of Marshall Wind Field at 10 am
- Willow Domestic Violence Center requested a member of the Governing Body read the Domestic Violence Awareness Month proclamation at the candlelight vigil on the Courthouse lawn on Wednesday, October 5, 2016 at 7 pm; Commissioner Reed will be present to read the proclamation at the candlelight vigil
- Reviewed updated project schedule for Rock Creek Business Park and answered questions from the Governing Body

Commissioner's Reports

Commissioner Reed reported on the following:

- Attended Franklin County Cancer Foundation fundraiser Tie One on for Cancer on Saturday, October 1, 2016 at Haley Park

Commissioner Jorgensen reported on the following:

- Attended Special Call trip to tour Kansas Avenue in Topeka, Kansas on September 29, 2016 and stated it may be an opportune time to consider updates to our downtown

Commissioner Skidmore reported on the following:

- Congratulated Mayor Caylor and Chamber President/CEO John Coen on being voted as Community Leaders
- Thanked Public Works Director Michael Haeffele for the appearance of the city

Mayor's Report

Mayor Caylor reported on the following:

- Was absent from the last two Study Sessions
- Thanked the Governing Body for allowing her to attend her daughter's volleyball games

Announcements

Mayor Caylor announced the following:

- October 5, 2016 Regular Commission Meeting, 7:00 pm, City Hall
- October 7, 2016 Ottawa Police Foundation Chamber Coffee, 8:00 am, NCCC
- October 10, 2016 Study Session, 4:00 pm, City Hall CANCELED
- October 8-10, 2016 League of Kansas Municipalities Annual Conference, Overland Park

Open Agenda

The Governing Body heard from Leadership Consultant John Divine who led a Leadership Awareness discussion on communication.

Adjournment

There being no further business to come before the Governing Body, Commissioner Reed made a motion, seconded by Commissioner Skidmore to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Mayor Caylor declared the meeting duly adjourned at 5:00 pm.

Amy Finch, City Clerk

**Regular Meeting Minutes
Commission Chambers
101 S Hickory, Ottawa, Kansas
Minutes of October 5, 2016**

The City Governing Body met at 7:00 pm this date, for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Caylor, Commissioner Graves, Commissioner Jorgensen, and Commissioner Skidmore. Commissioner Reed was absent. A quorum was present.

Mayor Caylor called the meeting to order and stated Commissioner Reed is at another function representing the City Commission and will join the meeting soon.

The Mayor welcomed the Chamber Audience and led the Pledge of Allegiance to the American flag. The invocation was given by Pastor Ron Galvin, Westminster Presbyterian Church.

Consent Agenda

Commissioner Graves made a motion, seconded by Commissioner Skidmore to approve the consent agenda. The consent agenda included this regular meeting agenda, minutes from the September 12, 2016 and September 19, 2016 Study Sessions, September 12, 2016 Special Call for Leadership Session, September 21, 2016 Regular Meeting and corrected minutes from the September 7, 2016 Regular Meeting. The motion was considered and upon being put, all present voted aye. The Mayor declared the consent agenda duly approved.

Public Comments

None offered at this time.

Declaration

Mayor Caylor asked the Commissioners to declare any conflict or communication they've had that might influence their ability to consider today's issues impartially. Commissioner Jorgensen announced he will abstain from discussion and voting on the resolution authorizing the issuance and delivery of \$530,000 of general obligation renewal temporary notes and the resolution authorizing the issuance and delivery of \$2,000,000 of general obligation renewal and improvement temporary notes due to his relationship with Kansas State Bank.

Proclamation—Ottawa High School Wall of Honor Days

Mayor Caylor read a proclamation honoring the Ottawa High School Wall of Honor 2016 inductees Brigadier General Glen Jamison (1918), Terry Wollen (1964), and Ron Small (1982). OHS Wall of Honor Coordinator Candie Campbell accepted the proclamation and thanked the Governing Body for their support of local events and programs.

Proclamation—Community Planning Month

Commissioner Skidmore read a proclamation recognizing October 2016 as Community Planning Month. Community Planning Month is an opportunity to publically recognize the dedication of Planning Commission members as well as highlight the importance of sound planning and plan implementation. Planning Commission Chairman John Boyd accepted the proclamation and thanked the Governing Body for the recognition of their efforts and for their continued support.

October 5, 2016

Unofficial until approved

Resolution—\$530,000 General Obligation Renewal Temporary Notes

Commissioner Jorgensen excused himself from the meeting at 7:11 pm.

The Governing Body reviewed a resolution authorizing the issuance and delivery of \$530,000 of General Obligation Renewal Temporary Notes. This maturing note was issued for the Ottawa Municipal Airport T-hanger project.

The Governing Body heard from City Financial Advisor David Arteberry who explained Kansas State Bank currently owns the \$530,000 temporary notes and they agreed to purchase the reissue.

Commissioner Reed arrived at 7:13 pm.

The Governing Body also heard from Bond Counsel Tyler Ellsworth who introduced himself and Mr. Arteberry and explained he assists the City with bonds and Mr. Arteberry ensures the bonds make financial sense for the City. It was further explained this resolution and the next resolution authorize debt.

Mr. Ellsworth also explained slight revisions were made to the resolutions to clean up changes and make adjustments to the series 2016-1 t-hanger notes to make interest payments payable semi-annually. Mr. Ellsworth explained city staff and the bank had input on this change.

The Governing Body heard from Mr. Arteberry who stated the following and answered questions from the Governing Body:

- \$530,000 General Obligation Renewal Temporary Note interest rate is 1.5%
- \$2,000,000 General Obligation Renewal and Improvement Temporary Note interest rate is 2% and explained the difference in the rate is due to interest on the larger note being taxable
- Based on structure of bonds these rates are in line with expectations

Mayor Caylor welcomed Commissioner Reed to the meeting. Commission Skidmore made a motion, seconded by Commissioner Reed to adopt the resolution. The motion was considered and upon being put, passed by the following vote: Commissioner Reed aye, Commissioner Skidmore aye, Commissioner Graves aye, Mayor Caylor aye, and Commissioner Jorgensen abstained. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1703-16.

Resolution--\$2,000,000 General Obligation Renewal & Improvement Temporary Notes

The Governing Body reviewed a resolution authorizing the issuance and delivery of \$2,000,000 of General Obligation Renewal and Improvement Temporary Notes. This maturing note was issued for the Rock Creek Business Park land acquisition and design costs for water and wastewater service.

The Governing Body heard from Bond Counsel Tyler Ellsworth who stated this request is similar to the resolution just considered except for the amount.

Mayor Caylor asked City Financial Advisor David Arteberry to explain the bid process. Mr. Arteberry explained the following:

- Most cost effective on \$530,000 notes to reach out to Kansas State Bank, current owner of notes, to purchase the reissuance
- The \$2,000,000 note was not held with a local institution
- \$2,000,000 note: prepared a bidding sheet and sent out to regional banks
- \$2,000,000 note: Kansas State Bank and Arvest Bank submitted bids
- \$2,000,000 note: Kansas State Bank offered a lower rate and their bid was selected based on this

Commissioner Reed made a motion, seconded by Commissioner Graves to adopt the resolution. Commissioner Skidmore stated he appreciated the bids submitted. The motion was considered and upon being put, passed by the following vote: Commissioner Graves aye, Commissioner Reed aye, Commissioner Skidmore aye, Mayor Caylor aye, and Commissioner Jorgensen abstained. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1704-16.

Commissioner Jorgensen returned to the meeting at 7:21 pm.

Ordinance—Amending Municipal Code 16-309

The Governing Body heard from Police Chief Dennis Butler who reviewed an ordinance amending Municipal Code, Penalties or Possession of Marijuana and answered questions from the Governing Body.

During discussion it was explained this ordinance amends Municipal Code 16-309, Penalties for Possession of Marijuana described in 16-307 and 16-308. HB2462 was enacted on July 1, 2016 resulting in changes to possession of marijuana penalties described in State Statute 21-5706. The first conviction of possession of marijuana changed from a Class A misdemeanor to a Class B misdemeanor; the second conviction from a DSL5 felony to a Class A misdemeanor.

Commissioner Skidmore made a motion, seconded by Commissioner Reed to adopt the ordinance. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3935-16.

Ordinance—Acquire Land by Condemnation for Sidewalk Improvements

The Governing Body heard from City Attorney Blaine Finch who requested the Governing Body move to withdraw this item from this agenda. It was further explained that before an ordinance is adopted on a condemnation, a resolution should be adopted first that allows for the legal description of the interest in the land to be condemned to be placed on file with the City Clerk and when condemning private property for a public purpose every possible constitutional safeguard should be followed to favor the property owner before their interest in their land is condemned.

Commissioner Reed made a motion, seconded by Commissioner Jorgensen to withdraw this item from the agenda. The motion was considered and upon being put, all present voted aye. The Mayor declared the motion duly approved.

Ordinance—Amending Zoning Regulation

The Governing Body heard from Community Development Director Wynndee Lee who reviewed an ordinance amending Zoning Regulation, Article 24, Supplemental District Regulations for ADA and answered questions from the Governing Body.

During discussion it was explained certain language pertaining to ADA ramps on residential lots was inadvertently omitted during previous amendments to the zoning regulations that was discovered by new Community Development staff and this ordinance puts the intended language back in the Zoning Regulations. Mrs. Lee explained there were no public comments at the September 14, 2016 Public Hearing held on this matter and staff recommends approval of the amendments. Commissioner Jorgensen made a motion, seconded by Commissioner Skidmore to adopt the ordinance. The motion was considered and upon being put, all present voted aye. The ordinance was duly adopted and the ordinance was duly numbered Ordinance No. 3936-16.

City Manager's Report

City Manager Richard U. Nienstedt reviewed a request for the City to pay \$47,939 for the City's portion of costs associated with the USD 290 New Elementary Public Improvements Package – 19th Street Alternate Turn Lane and asked the Governing Body to approve this payment. Mr. Nienstedt answered questions from the Governing Body and explained the bids came back \$10-12,000 more than expected; however, City staff identified three funds to cover the cost. Commissioner Skidmore made a motion, seconded by Commissioner Graves to approve the payment of \$47,939 for costs associated with the 19th Street Alternate Turn Lane near the new elementary school. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

Mr. Nienstedt thanked the Governing Body for the flexibility to work the school district on this project.

Commissioner's Reports

Commissioner Reed reported on the following:

- Represented the City Commission at the candlelight vigil on the Courthouse lawn for Willow Domestic Violence Center this evening at 7pm
- Congratulated Mayor Caylor and Community Service Officer Larabe Alexander for being voted favorite community leaders

Commissioner Jorgensen reported on the following:

- Thanked Commissioner Reed for representing the City at the Willow Domestic Violence Center event this evening
- Recently reminded of a domestic violence situation that resulted in the loss of someone close to him

Mayor's Report

Mayor Caylor reported on the following:

- Attended Best of Franklin County reception last week and was proud to accept award on behalf of the City for Forest Park being voted the best place to hold an event
- Thanked the Ottawa Herald for highlighting the best of Franklin County

Announcements

Mayor Caylor announced the following:

- October 7, 2016 Ottawa Police Foundation Chamber Coffee, 8:00 am, NCCC
- October 8-10, 2016 League of Kansas Municipalities Annual Conference, Overland Park
- October 10, 2016 Study Session, 4:00 pm, City Hall CANCELED
- October 17, 2016 Study Session 4:00 pm, City Hall
- October 17, 2016 Commission Leadership Session, 5:00 pm, City Hall

Adjournment

There being no further business to come before the Governing Body, Commissioner Skidmore made a motion, followed by Commissioner Jorgensen to adjourn the meeting. The motion was considered and upon being put, all present voted aye. The Mayor declared the meeting duly adjourned at 7:38 pm.

Amy Finch, City Clerk

CITY OF OTTAWA
EAST 15TH STREET
SIDWALK IMPROVEMENTS
PROJECT NO. 30TE-0413-01

RESOLUTION NO. _____

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY FOR THE PURPOSE OF CONSTRUCTING SIDEWALK IMPROVEMENTS IN THE VICINITY OF EAST 15TH STREET IN OTTAWA, AND AUTHORIZING THE CREATION AND FILING OF A DESCRIPTION OF THE LAND OR INTEREST TO BE ACQUIRED

BE IT NOW RESOLVED by the Governing Body of the City of Ottawa, Kansas, that:

1. It is hereby declared necessary to acquire private property for the use of the City of Ottawa, Kansas, for the construction of sidewalk improvements generally described as being in the vicinity of east 15th Street, including design and construction of new sidewalks, grading and related improvements, and all other work necessary and incidental thereto.

2. It is hereby authorized and directed that a description of the land or interest to be acquired be made by a licensed land surveyor or a competent professional engineer and filed with the City Clerk.

3. This Resolution shall be published one (1) time in an official City newspaper.

ADOPTED by the Governing Body this _____ day of _____, 2016.

CITY OF OTTAWA, KANSAS

Sara Caylor, Mayor

ATTEST:

Amy Finch, City Clerk

Interest to Condemn:

Terrell C. Yadrich & Patricia C. Redmon, 428 E. 15th Street and legally described as follows:

Lot 40, replat Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas.

Temporary Construction Easement granted to the City of Ottawa, Kansas, for one (1) year after completion and acceptance of construction, the right of ingress and egress over and through the easement property on the following described real property:

The North 8.00 feet of Lot 40 in a replat of Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas, containing 768 square feet including the 16 square feet of the pedestrian easement.

Permanent Pedestrian Easement granted to the City Ottawa, Kansas, its successors and assigns a perpetual easement as described:

The North 2.00 feet of the East 8.00 feet of Lot 40, in a replat of Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas, containing 16 square feet.

CITY OF OTTAWA
EAST 15TH STREET
SIDEWALK IMPROVEMENTS
PROJECT NO. 30TE-0413-01

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE
ACQUISITION OF LAND OR AN INTEREST THEREIN BY CONDEMNATION
FOR THE PURPOSE OF SIDEWALK IMPROVEMENTS
IN THE VICINITY OF EAST 15TH STREET IN OTTAWA.

WHEREAS, the Governing Body of the City of Ottawa, Kansas, has by Resolution No. 1691-16 declared the necessity to appropriate private property for the completion of sidewalk improvements generally described as being in the vicinity of east 15th Street, including design and construction of new sidewalks, grading and related improvements, and all other work necessary and incidental thereto; and has authorized a description of the land or interest to be condemned to be made by a licensed land surveyor or a competent professional engineer and filed with the City Clerk; and

WHEREAS, such survey and description has been made and filed with the City Clerk.

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

SECTION ONE. It is hereby authorized and provided that the land or interest hereinafter set forth be acquired by condemnation for the completion of sidewalk improvements generally described as being in the vicinity of east 15th Street, including design and construction of new sidewalks, grading and related improvements, and all other work necessary and incidental thereto; to wit:

Terrell C. Yadrich & Patricia C. Redmon, 428 E. 15th Street and legally described as follows:

Lot 40, replat Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas.

Temporary Construction Easement granted to the City of Ottawa, Kansas, for one (1) year after completion and acceptance of construction, the right of ingress and egress over and through the easement property on the following described real property:

The North 8.00 feet of Lot 40 in a replat of Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas, containing 768 square feet including the 16 square feet of the pedestrian easement.

Permanent Pedestrian Easement granted to the City Ottawa, Kansas, its successors and assigns a perpetual easement as described:

The North 2.00 feet of the East 8.00 feet of Lot 40, in a replat of Highland Heights Addition, in the City of Ottawa, Franklin County, Kansas, containing 16 square feet.

SECTION TWO. It is further authorized and provided that as soon as practical, after enactment of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-601, et seq., the Eminent Domain Procedure Act, to condemn all land hereinbefore described.

SECTION THREE. This Ordinance shall take effect and be in full force and effect from and after publication in an official City newspaper as provided by law.

PASSED by the Governing Body this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

Memorandum

To: Richard U. Nienstedt, City Manager
From: Wynndee Lee, Director of Planning and Codes Administration
Date: October 11, 2016
Re: Quit Claim Deed – 25' area adjacent to K-68

I would like the city commission to consider authorizing you to sign a quit claim deed for land along K-68 to the adjacent property owner to facilitate residential construction.

History:

In 2005, the City requested the State of Kansas Department of Transportation consider deeding some land along K-68 to the City of Ottawa. The land is adjacent on the north of K-68, between Birch and Spruce. The request was made to facilitate the improvement of the townhome development on Spruce, to the west of the Country Club. While the city retained the area as utility easement, the City then quit claimed the lot adjacent to the new subdivision to them. This provided land that could be setback and have the utility/pedestrian improvements in it, a real win-win for all parties. There would be no more mowing if needed along the ditch, the property back on the tax rolls, and facilitation of development needs, clearly a good situation.

Currently, John Coen, on behalf of the Peggy Coen and the Marion C. Coen and Peggy F. Coen Trust, is planning a similar development on the lot that fronts Birch Street. They would like to have the 25' tract quit claimed as well, to allow for as much room around the units as possible. This would also allow them to line up similarly to the units to the east.

A quit claim, attached, was drafted and then reviewed by the City Attorney to transfer the property, but hold it in a pedestrian and utility easement. Also attached is the documentation from KDOT in 2005 and quit claim that was filed on the tract to the east.

KANSAS QUITCLAIM DEED

On this ____ day of _____, 2016, the City of Ottawa, Kansas, a Kansas municipal corporation, ("Grantor")

QUITCLAIMS to

Marion C. and Peggy F. Coen Trust, ("Grantee"),

its interest in the following described real estate in Franklin County, Kansas:

All of Lot 45, in Block 4, Sheldon's Addition, according to the recorded plat thereof, in the City of Ottawa, Franklin County, Kansas.

EASEMENT RETAINED: Except that the City of Ottawa retains for itself an easement across the whole of the tract for the purpose of ingress and egress, constructing and maintaining a sidewalk for the use of the public, and a right of ingress and egress for maintenance of any existing public utility or under the tract.

RESTRICTIVE COVENANT: Grantees, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards, signboards, or other outdoor advertising purposes;

As a gift.

SUBJECT TO: Easements and Restrictions of Record.

Richard U. Nienstedt, City Manager

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

This instrument was acknowledged before me on this ____ day of _____, 2016, by Richard U. Nienstedt, as City Manager for the City of Ottawa, Kansas.

Notary Public
My Commission Expires:

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No 4

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

WILLIAM F. VICORY, CHIEF

May 4, 2005

Ottawa City Engineer Office
Attn: Wynndee Lee
401 Maple, P.O. Box 326
Ottawa, Kansas 66067-2347

RE: Release of Excess Highway Right of Way
Project No. 68-30 U 058-1 (6), Franklin County
C/A 889 - Tract No. 4

Dear Wynndee:

Enclosed is the recorded quitclaim deed releasing KDOT's interest located along US-68, between Birch and Spruce Street. An unforeseen circumstance occurred which delayed the process of recording this deed as we last discussed in January. Thank you for your patience with this transaction.

If you have any questions, please contact this office, (785) 296-3501.

Sincerely,

William F. Vicory, Chief
Bureau of Right of Way

Mike Stock
Mike Stock, P.E. *rc*
Engineering Assistant to the
Chief of Right of Way

WFV: MS: rc

Enclosure

c: Mike Stringer, District IV Engineer
Rex Fleming, District Area Engineer - Garnett

BUREAU OF RIGHT OF WAY
DWIGHT D. EISENHOWER STATE OFFICE BUILDING
700 S.W. HARRISON STREET, TOPEKA, KS 66603-3754
PUBLIC ACCESS AT NORTH ENTRANCE OF BUILDING
VOICE 785-296-3501 TTY 785-296-3585 FAX 785-296-0009 <http://www.ksdot.org>
Toll Free Number 1-877-461-8817

QUITCLAIM DEED

THIS DEED, Made this 14th day of January, 2005, by and between The State of Kansas, acting by and through Debra L. Miller, as Secretary of Transportation of the State of Kansas, of the first part, and the City of Ottawa of Franklin County, in the State of Kansas of the second part:

WITNESSETH, That said party of the first part, in consideration of the sum of one dollar and other valuable consideration to it duly paid, has sold, and by these presents does Remise, Release and Quitclaim unto the said parties of the second part, their heirs and assigns, forever, all that tract of parcel of land situated in the County of Franklin and State of Kansas described as follows, to-wit:

All of Lots 45 and 46, in Block 4, Sheldon's Addition, according to the recorded plat thereof, in the City of Ottawa, Franklin County, Kansas.

The above described tract contains 6650 square feet, more or less.

The above described land is subject to easement for the right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto.

RESTRICTIVE COVENANT: Grantees, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards, signboards or other outdoor advertising purposes.

The above described land will revert to the grantor if not used for public purposes.

FILED FOR RECORD
TIME 2:50 PM
Entered in Transfer Record in my office
this 29 day of April A.D. 2005
Shane P. County Clerk
Deed APR 29 2005
Book 271 Page 724
REGISTER OF DEEDS, FRANKLIN CO., KS
INSTRUMENT # 2120
1200
(Original compared with record)

together with the appurtenance and all the estate, title and interest of said party of the first part therein. TO HAVE AND TO HOLD ALL and singular the above-described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

The Secretary of the Kansas Department of Transportation

BY: Warren L. Sick
Warren L. Sick, P.E.
Assistant Secretary and State Transportation Engineer

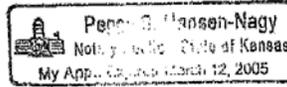
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this 25th day of January, 2005 before me, that the undersigned, a Notary Public in and for the County and State aforesaid, came Warren L. Sick, P.E., Assistant Secretary and State Transportation Engineer for the State of Kansas, who is personally known to me to be the same person who executed the foregoing instrument of writing and such person acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Peggy S. Hansen-Nagy
Notary Public

My Commission Expires:
03/12/2005
STATE OF KANSAS)



) ss:
COUNTY OF SHAWNEE)

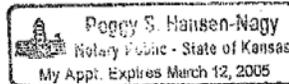
I Warren L. Sick, P.E., Assistant Secretary and State Transportation Engineer, pursuant to the authority delegated to me by the Secretary of the Kansas Department of Transportation under K.S.A. 75-5005, hereby certify that I have authority to act on behalf of the Secretary of Transportation when the Secretary is absent or unavailable, and further certify I have signed the above foregoing document in accordance with that authority.

Warren L. Sick
Warren L. Sick, P.E.
Assistant Secretary and State Transportation Engineer

Signed and sworn to, before me, on the 25th day of January, 2005

Peggy S. Hansen-Nagy
Notary Public

My Commission Expires:
03/21/05



QUIT CLAIM DEED

BOOK 276 PAGE 425

City of Ottawa, a single person

QUIT CLAIMS TO:

Entered in Transfer Record in my office
this 30th day of Jan A.D. 2007
Sharon Perry County Clerk

LBRB Investment, Inc, a single person

all of his right, title, and interest to the following described REAL ESTATE in the County of Franklin

and the State of Kansas, to-wit:

All of Lot 46, in Block 4, Sheldon's Addition, according to the recorded plat thereof, in the City of Ottawa, Franklin County, Kansas.

The above described land is subject to an easement for right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto.

The above described land is also subject to pedestrian easement across the sidewalk.

RESTRICTIVE COVENANT: Grantees, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards, signboards, or other outdoor advertising purposes.

for the sum of one dollar (\$1.00) and other valuable consideration

Dated 1/16/07, 2007

W. Padgett
Weldon Padgett, City Manager
For the City of Ottawa

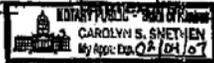
Rod Harris
Rod Harris
For LBRB Investment Inc.

STATE OF KANSAS, FRANKLIN COUNTY.

BE IT REMEMBERED, THAT ON THIS 16th DAY OF January A.D. 2007, before me, the undersigned, a notary public in and for the County and State aforesaid, came Weldon Padgett and Rod Harris, who are personally known to me to be the same persons who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

Carolyn S. Swedon
Notary Public



02/04/07

STATE OF KANSAS, FRANKLIN COUNTY, ss

This instrument was filed for record on the 30th day of January, 2007, at 2:30 O'clock P. m., and duly recorded in Book 276 of DEEDS on page 425. Fee \$ 8.00

S. A. McCay
Register of Deeds

Deputy



NOTICE OF AWARD

PROJECT: Old City Hall Rehab

GRANTEE: City of Ottawa
PROJECT NO. 15-CR-002

TO (Contractor): Wiseguys Construction, LLC

DATE OF ISSUANCE: October 19, 2016

PROJECT DESCRIPTION: Rehabilitation of 123 W. 4th, Ottawa, KS conducted through a KDOC CDBG Commercial Rehabilitation grant issued to Rick Deitz, building owner. Mr. Deitz is responsible for the monetary obligation with Wiseguys Construction. The City has no financial interest in the project.

The Grantee has considered the BID submitted by you for the work described above. The Grantee has accepted the bid the amount of \$368,280.00.

City

Contractor

Building Owner



PROCLAMATION



WHEREAS, October is recognized nationally as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the second most common form of cancer and the second leading cause of deaths among women in the United States; and

WHEREAS, Franklin County has an active Women's Cancer Support Group; and

WHEREAS, treatment for breast cancer is more likely to be successful when detected early, and the Franklin County Breast Cancer Support Group strives to raise awareness about women getting early exams.

NOW, THEREFORE, the governing body of the City of Ottawa, Kansas, does hereby proclaim October 2016 as:

BREAST CANCER AWARENESS MONTH

and urges all women and their families in Ottawa, Kansas to get the facts about breast cancer.

SIGNED this 19th day of October 2016.

Sara Caylor, Mayor



PROCLAMATION



WHEREAS, working women constitute 68 million of the nation's work force and strive to serve their communities, their states and their nation in professional, civic and cultural capacities, and;

WHEREAS, women-owned businesses account for 28 percent of all U.S. business, generating \$1.2 trillion in sales, and;

WHEREAS, the major goals of Kansas Business and Professional Women are to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems, and;

WHEREAS, since 1928, Kansas Business and Professional Women has been spotlighting the achievements and contributions of working women during Kansas Business Women's Week, and;

WHEREAS, the week of October 17-22 has been designated by the Kansas Business and Professional Women as National Business Women's Week.

NOW, THEREFORE, the Governing Body of the City of Ottawa does hereby proclaim the week of October 17-22, 2016 as:

OTTAWA BUSINESS WOMEN'S WEEK

And urges all citizens to actively support working women and the contribution they bring to our community

SIGNED this 19th day of October 2016.

Sara Caylor, Mayor