



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**  
Phone: 785-229-3600  
Fax: 785-229-3639  
www.ottawaks.gov  
www.facebook.com/ottawaks

**TO:** Mayor and City Commissioners  
**RE:** Study Session Meeting Agenda  
**FROM:** Richard U. Nienstedt, City Manager

A Study Session is scheduled for **November 7, 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 October 19, 2016 Regular Meeting, October 24, 2016 Study Session, and November 2, 2016 Regular Meeting *Pgs. 2-11*

**III. Items for Presentation and Discussion**

- a. Review of Noise Ordinance - Chief Butler / Blaine Finch *Pgs. 12*
- b. City Manager's Report  
- Canopy Update
- c. Commissioner's Reports
- d. Mayor's Report

**IV. Announcements**

- November 11, 2016 Veterans Day, City Offices CLOSED
- November 14, 2016 Study Session, 4:00 pm, City Hall
- November 16, 2016 **Regular** Commission Meeting, 9:30 am, City Hall
- November 21, 2016 Study Session, 4:00 pm, City Hall
- November 24-25, 2016 Thanksgiving Holiday, City Hall CLOSED
- December 21, 2016 City/County/USD 290 Joint Mtg with Legislators, 12:00 pm, Franklin County Annex

**V. Adjourn**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Time: \_\_\_\_\_

**VI. Items Already Placed**

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

**#46. Help develop some short-term and long-term goals and objectives for your city, and check your progress at least every six months.**

**Regular Meeting Minutes  
Commission Chambers  
101 S Hickory, Ottawa, Kansas  
Minutes of October 19, 2016**

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

Mayor Caylor called the meeting to order.

The Mayor welcomed the Chamber Audience and led the Pledge of Allegiance to the American flag. The invocation was given by Pastor Todd Miller, Cherry Street Wesleyan Church.

**Consent Agenda**

Commissioner Graves made a motion, seconded by Commissioner Reed, to approve the consent agenda, to include this regular meeting agenda, minutes from the September 29, 2016 Special Call Topeka Kansas Avenue Tour, October 3, 2016 Study Session, and October 5, 2016 Regular Meeting corrected minutes. The motion was considered and upon being put, all present voted aye. The Mayor declared the consent agenda duly approved.

**Public Comments**

Mayor Caylor stated Jerry Wallace was registered to speak under public comments. Mr. Wallace was not present in the gallery when called to speak. No public comments were offered at this time.

**Declaration**

None were given at this time.

**Proclamation—Ottawa Business Women’s Week**

Mayor pro tem Reed read a proclamation recognizing October 17-22, 2016 as Ottawa Business Women’s Week. This proclamation recognizes the achievements and contributions of working women in Ottawa. Kansas Business and Professional Women President Christina Rush accepted the proclamation and thanked the Governing Body for the recognition of working women in our community.

**Proclamation—Breast Cancer Awareness Month**

Mayor Caylor read a proclamation recognizing October 2016 as Breast Cancer Awareness month. National Breast Cancer Awareness Month is a partnership of national public service organizations, professional medical associations, and government agencies working together to promote breast cancer awareness, share information on the disease and provide greater access to screening services. Community Development Director Wynndee Lee accepted the proclamation and shared her personal breast cancer story. Mrs. Lee thanked the Governing Body for the recognition and the reminder to the community to seek out proper health care.

**Recognition of New Employee**

The Governing Body heard from Finance Director Scott Bird who introduced the following new employee:

**Clayton Broyles, Service Technician**

Clayton joined the City as Service Technician on September 26, 2016

**Ordinance—Condemnation for 15<sup>th</sup> Street Sidewalk Improvements**

The Governing body reviewed an ordinance authorizing and providing for the acquisition of land or an interest therein by condemnation for the purpose of sidewalk improvements. The property, located at 428 E. 15<sup>th</sup> Street, is in an area to be improved through design and construction of new sidewalks, grading and related improvements.

The Governing Body heard from City Attorney Blaine Finch who explained this property owner is deceased, attempts to contact known heirs were unsuccessful, and stated this condemnation does not deprive the owners or heirs of the property or the house. It was further explained the state will not allow for properties we're having difficulties with to be passed over and the City would like to proceed with the whole project. Mr. Finch also explained there are strict procedural safeguards followed to protect the owner's rights and answered questions from the Governing Body.

The Governing Body also heard from Community Development Director Wynndee Lee who provided a brief overview of the 15<sup>th</sup> Street Sidewalk Improvement project and answered questions from the Governing Body. Mayor Caylor stated this is a great improvement for our community. Commissioner Jorgensen made a motion, seconded by Commissioner Graves, 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. 3937-16.

**Quit Claim Deed—25 Foot Area Adjacent to K-68 Highway**

The Governing Body heard from Community Development Director Wynndee Lee who reviewed a request authorizing City Manager Richard U. Nienstedt to sign a quit claim deed for property on K-68 Highway. Mrs. Lee explained in 2004 the City sought a quit claim deed from Kansas Department of Transportation (KDOT) for two tracts along K-68 abutting Birch Street for development purposes. She also explained the City retained both property areas as an easement for sidewalk and utilities.

The Governing Body also heard from City Attorney Blaine Finch who explained a quit claim deed claims only the interest in a property and makes no warranty on the title or condition of the title, whereas a warrant deed would make specific warranties about the condition of the title. Mr. Finch stated that the City is transferring by quit claim deed the property KDOT deeded to the City. Commissioner Graves made a motion, seconded by Commissioner Reed, to approve the request. The motion was considered and upon being put, all present voted aye. The Mayor declared the request to authorize the City Manager to sign the quit claim deed duly approved.

**Notice of Award—Wiseguys Construction LLC**

The Governing Body reviewed a request for approval of a Notice of Award to Wiseguys Construction LLC for the rehabilitation of 123 W. 4<sup>th</sup> Street conducted through a Community Development Block Grant (CDBG) Commercial Rehabilitation Grant issued to building owner Rick Deitz. Mr. Deitz is responsible for the monetary obligation with Wiseguys Construction LLC and the City has no financial interest in the project.

The Governing Body heard from Community Development Director Wynndee Lee who explained the grant is for the rehabilitation of the Old City Hall building and the grant is not funding all of the work on the building and Mr. Deitz will be responsible for the cost of the remaining work.

Mrs. Lee further explained the following and answered questions from the Governing Body:

- The project went out to bid once with no bidders and went out to bid a second time with Wiseguys Construction LLC submitting the only bid
- The state was notified there was only one bidder for the project and the state gave approval to move forward
- The bid came in higher than anticipated and the owner decided to move forward with the project without going back out for additional bids

Commissioner Reed made a motion, seconded by Commissioner Graves, to approve this request for approval of a Notice of Award to Wiseguys Construction LLC. Mayor Caylor stated this building has potential and she looks forward to the repurposed building to welcome visitors. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

**Ordinance—Kansas City Power & Light Franchise Agreement**

The Governing Body reviewed an ordinance granting Kansas City Power & Light (KCP&L) the right and franchise to construct, operate, and maintain all works and plants necessary or proper for supplying consumers with electric or other energy.

The Governing Body heard from Utility Director Dennis Tharp who explained the following and answered questions from the Governing Body:

- This ordinance allows KCP&L to operate within the city limits of Ottawa, servicing only the customers KCP&L serves currently, those that have been annexed in to the city but not deemed financially appropriate for the City to serve
- This ordinance does not allow KCP&L to infringe on the City of Ottawa’s electric customers
- The city will receive 5% of gross sales

Finance Director Scott Bird stated the City will be collecting city sales tax on the sales.

The Governing Body also heard from City Attorney Blaine Finch who stated this is another franchise agreement in a series of franchise agreements and answered questions from the Governing Body.

Mr. Finch further explained this franchise agreement is unique because typically when a franchise is granted they provide all of that utility; in this franchise agreement, City of Ottawa supplies electric to the city, KCP&L provides electric to the City of Ottawa, and KCP&L serves some customers in the City of Ottawa.

It was further explained this unique arrangement happens throughout the state and is similar to the franchise agreement terms with Kansas Gas Service. Mr. Finch stated the City is trying to get all franchise agreements down to a shorter term. Commissioner Jorgensen 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. 3938-16.

### **City Manager's Report**

City Manager Richard U. Nienstedt reported on the following:

- October 19, 2016 City/County/USD 290 Joint Meeting, 12:00 pm, USD 290 Admin Offices
- Saturday, October 22, 2016 Neal Diamond Tribute Concert, 7 pm, Ottawa Municipal Auditorium

Mr. Nienstedt invited Human Resources Director Michelle Stegman to provide details on the Neal Diamond Tribute Concert. Ms. Stegman provided the following:

- Neal Diamond Tribute Concert will be held Saturday at Ottawa Municipal Auditorium (OMA) at 7 pm
- Tickets are \$16.50 and can be purchased at City Hall, online at Ticketfly, or the night of the show at OMA
- Keith Allan from Branson, MO will be performing
- Keith Allan has been here previously for the Willie Nelson show

### **Commissioner's Reports**

None

### **Mayor's Report**

None

### **Announcements**

Mayor Caylor announced the following:

- October 19, 2016 City/County/USD 290 Joint Meeting, 12:00 pm, USD 290 Admin Offices
- October 24, 2016 Study Session, 4:00 pm, City Hall
- October 24, 2016 Special Call Leadership Session, 5:00 pm, City Hall
- October 31, 2016 Study Session CANCELED. The Commission asks you to be safe.

City Manager Richard U. Nienstedt announced the groundbreaking at Ottawa High School this evening at 6 pm at Ottawa High School. Mayor Caylor invited all citizens to come celebrate the changes to the high school.

October 19, 2016

Unofficial until approved

**Adjournment**

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

---

Amy Finch, City Clerk

**Study Session Minutes  
Ottawa, Kansas  
Minutes of October 24, 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, Commissioner Skidmore, and Commissioner Graves. 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 announced Interim Ottawa Main Street Director Lennie Giacin was hired as Interim Ottawa Main Street Director for a period of 6 months. Mrs. Sutton explained the period of 6 months will be used to determine Ms. Giacin's fit with the Ottawa Main Street Association Board and measure her progress to determine if a full-time Ottawa Main Street Director position will be extended.

**Minutes to Review**

The Governing Body reviewed minutes from the October 3, 2016 and October 17, 2016 Special Call Leadership Sessions, October 8, 2016 Special Call LKM Annual Conference, October 17, 2016 Study Session, and October 18, 2016 Special Call Joint Commission and Ottawa Municipal Auditorium Advisory Board Meeting. Commissioner Graves requested a change on packet page 3. It was agreed by consensus to place these items with a change on the next Regular Meeting Agenda on November 2, 2016.

**Proclamation—2016 Ottawa Arrows AAA American Legion Baseball Team**

The Governing Body reviewed a proclamation recognizing the 2016 Ottawa Arrows AAA American Legion Baseball Team and agreed by consensus to place this item on the next Regular Meeting agenda.

**Monthly Financial and Activity Report—September**

The Governing Body reviewed the September Monthly Financial and Activity reports with City Staff.

**Review—Contractor Licensing**

The Governing Body heard from Community Development Director Wynndee Lee who reviewed Ordinance No. 3834-12 defining the licensing and fee procedures for general, specialty, and trade contractors and answered questions from the Governing Body.

**Update—League of Kansas Municipalities Annual Conference**

Commissioner Graves, Commissioner Jorgensen, and Commissioner Skidmore reported on sessions attended at a recent League of Kansas Municipalities (LKM) Annual Conference.

**City Manager's Report**

City Manager Richard U. Nienstedt provided an update on the Rock Creek Business Park and stated design is approximately 30% complete.

### **Commissioner's Reports**

Commissioner Graves reported she received compliments at the LKM Conference regarding projects and advancements in Ottawa.

### **Mayor's Report**

Mayor Caylor reported she visited the Neal Diamond Tribute Concert Saturday, October 22, 2016 at Ottawa Municipal Auditorium (OMA) and thanked Human Resource Director Michelle Stegman for her part in putting on the event.

### **Announcements**

Mayor Caylor announced the following:

- October 31, 2016 Study Session, 4:00 pm, City Hall CANCELED
- Encouraged everyone to be safe and watch for children
- November 2, 2016 Regular Commission Meeting, 7:00 Pm, City Hall
- November 7, 2016 Study Session, 4:00 pm, City Hall
- November 14, 2016 Study Session, 4:00 pm, City Hall

### **Adjournment**

There being no further business to come before the Governing Body, Commissioner Jorgensen made a motion, seconded by Commissioner Graves, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Mayor Caylor declared the meeting duly adjourned at 5:06 pm.

---

Amy Finch, City Clerk

**Regular Meeting Minutes  
Commission Chambers  
101 S Hickory, Ottawa, Kansas  
Minutes of November 2, 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 Reed, Commissioner Graves, Commissioner Jorgensen, and Commissioner Skidmore. A quorum was present.

Mayor Caylor called the meeting to order.

The Mayor welcomed the Chamber Audience and led the Pledge of Allegiance to the American flag. The invocation was given by Sheriff Chaplain Scott Dickinson.

**Consent Agenda**

Commissioner Reed made a motion, seconded by Commissioner Graves, to approve the consent agenda, to include this regular meeting agenda, minutes from the October 3, 2016 and October 17, 2016 Special Call Leadership Sessions, October 8, 2016 Special Call LKM Annual Conference, October 17, 2016 Study Session and October 18, 2016 Special Call Joint Commission and Ottawa Municipal Auditorium Advisory Board Meeting. The motion was considered and upon being put, all present voted aye. The Mayor declared the consent agenda duly approved.

**Public Comments**

The Governing Body heard from Teresia Templeton, 1219 S Ash Street, who addressed the following concerns:

- Lack of stop sign at the intersection of East 2<sup>nd</sup> Street and Poplar Street
- Speed of traffic traveling through that intersection

Mayor Caylor thanked Ms. Templeton for bringing the issue to their attention and stated the Governing Body will have someone look into the issue.

**Declaration**

None were given at this time.

**Proclamation—2016 Ottawa Arrows AAA American Legion Baseball Team**

Mayor Caylor read a proclamation recognizing the 2016 Ottawa Arrows AAA American Legion Baseball team. This proclamation honors the American Legion AAA State Champions. Head Coach Brian Long accepted the proclamation and thanked the Governing Body, the city, fans and parents for their support. The Governing Body also heard from player Keegan Finch who thanked the City of Ottawa, parents, and fans for the continued support and encouragement.

### **City Manager's Report**

City Manager Richard U. Nienstedt reported on the following:

- Requested a short executive session
- No Shave November to focus attention on awareness and fundraising for prostate cancer
- Attended Family, Career and Community Leaders of America (FCCLA) District H Fall Leadership Conference at Ottawa Municipal Auditorium today
- Received compliments on the auditorium and was pleased to see young people participating and working on projects

### **Commissioner's Reports**

Commissioner Skidmore reported on the following:

- No Shave November is a good cause to benefit Franklin County Cancer Foundation
- Encouraged citizens to vote on or before November 8, 2016

Commissioner Reed reported on the following:

- Participated in early voting and encouraged citizens to take part in early voting
- Encouraged citizens to vote on or before November 8, 2016

Commissioner Jorgensen reported on the following:

- His grandmother was born before women had the right to vote and voted in every election once she had the right to vote
- Voting is our patriotic duty
- Encouraged everyone to vote on or before November 8, 2016

### **Mayor's Report**

Mayor Caylor reported on the following:

- Importance of voting
- Encouraged children to join their parents when they vote

### **Announcements**

Mayor Caylor announced the following:

- November 7, 2016 Study Session, 4:00 pm, City Hall
- November 11, 2016 Veteran's Day – City Offices CLOSED
- November 14, 2016 Study Session, 4:00 pm, City Hall
- November 16, 2016 Regular Meeting, 9:30 am, City Hall

City Attorney Blaine Finch requested a motion to recess into Executive Session to discuss an issue of attorney-client privilege with the City Attorney and City Manager Richard U. Nienstedt present for a period of 5 minutes beginning at 7:21 pm. Mayor Caylor explained the Governing Body will stand at ease for a period of 5 minutes to take a group picture with the 2016 Ottawa Arrows AAA American Legion baseball team.

### **Executive Session**

#### **Recess**

Commissioner Skidmore made a motion, seconded by Commissioner Reed, to recess into executive session to discuss an issue of attorney-client privilege with the City Attorney and City Manager present for a period of 5 minutes beginning at 7:21 pm. The motion was considered and upon being out, all present voted aye. The Mayor declared the meeting duly recessed.

#### **Reconvene**

Commissioner Graves made a motion, seconded by Commissioner Skidmore, to reconvene into open session. The motion was considered and upon being put, all present voted aye. The Mayor declared the meeting duly reconvened at 7:26 pm.

### **Adjournment**

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

---

Amy Finch, City Clerk

# CODE OF THE CITY OF OTTAWA, KANSAS

## 16-403. Noise.

A. Disorderly conduct is, with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or other breach of the peace:

No person shall operate or permit the operation of any sound amplification systems from within or upon a vehicle, property or on their person so that the sound is plainly audible at a distance of one hundred (100) or more feet of such vehicle, property or person.

B. A sound amplification system means any radio, tape player, compact disc, loudspeaker, or other electronic device used for the amplification of sound.

C. A plainly audible means any sound produced by a sound amplification system which can be heard at a distance of one hundred (100) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible, and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving.

D. It is an affirmative defense if shown that:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
2. The vehicle was an emergency or public safety vehicle.
3. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assembles or persons in compliance with ordinances of the City of Ottawa.
4. The vehicle was used in authorized public activities, such as parades, which have the approval of the Governing Body.

E. Any person, individual, partnership, corporation or association violating any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

(K.S.A. 21-4101; Code 2015)