

OTTAWA CITY COMMISSION REGULAR MEETING AGENDA
City Hall Commission Chambers – 101 S. Hickory
Wednesday, January 18, 2017 – 9:30 am



If you need this information in another format or require a reasonable accommodation to attend this meeting, please contact the City Clerk's office at 785-229-3600. Please give advance notice of at least two (2) working days. TTY users please call 711.

Please notify the City Clerk before the meeting if you wish to address the City Commission.

1. **Call to Order**
2. **Roll Call** _____ Caylor _____ Reed _____ Graves _____ Jorgensen _____ Skidmore
3. **Welcome**
4. **Pledge of Allegiance**
5. **Invocation** – Pastor Larry Carrier, Ottawa Bible Church

Consent Agenda – Items 6-7

6. **Minutes from the January 4, 2017 Regular Meeting**
7. **Agenda Approval**

Motion: _____ Second: _____ Vote: _____

Regular Agenda

8. **Public Comments.** Persons who wish to address the City Commission regarding items on the agenda may do so as that agenda item is called. Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so at this time when called upon by the Mayor. Comments on personnel matters and matters pending in court or with other outside tribunals are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only. No action will be taken.
9. **Declaration.** At this time I'd like to give Commissioners a chance to declare any conflict or communication they've had that might influence their ability to consider today's issues impartially.

New Business

10. **Request for Approval of Ordinance Granting a Conditional Use Permit at 313 S. Hickory Street – Wynndee Lee**
Comments: This permit will allow two dwelling units without an associated commercial use in a C-4 Central Business District as requested by Greenspace LLC. The Planning Commission has reviewed the permit request and approved by a vote of 4-0.

Motion: _____ Second: _____ Vote: _____
11. **Request for Approval of Resolution of Support for Prairie Fire Development Group's Application for Affordable Housing Tax Credits – Wynndee Lee**
Comments: This resolution is required by the State of Kansas for consideration to receive the tax credits.

Motion: _____ Second: _____ Vote: _____

**12. Request for Approval of Vacation Request for Property on W. 7th Street – Wynndee Lee
Pgs. 3-7**

Comments: The Board of Trustees of Calvary Baptist Church, Inc., has requested to vacate a portion of an existing utility easement on their lot north of 7th Street and east of Pine Street. The request has been reviewed by the Development Review Committee and Utility Advisory Committee with no objections.

Motion: _____ Second: _____ Vote: _____

13. Approval of City Manager Employment Agreement – Blaine Finch

Comments: City Attorney Blaine Finch will present the current employment agreement for the City Manager for consideration and approval.

Motion: _____ Second: _____ Vote: _____

**14. Report by City Manager
- Ottawa Reads Program**

15. Reports by City Commissioners

17. Report by Mayor

Announcements

- January 23, 2017 Study Session, 4:00 pm, City Hall
- January 24, 2017 Ottawa Fire Dept 150th Anniversary Reception & Pinning Ceremony
1:00-3:30 pm, Comments at 1:30 pm, Station #1, 720 W 2nd Street
- January 25, 2017 Special Call Meeting for Local Government Day in Topeka, 2:00 pm,
Departure Time TBD
- January 30, 2017 Study Session, 4:00 pm, City Hall
- February 1, 2017 Regular Commission Meeting, 7:00 pm, City Hall
- February 16, 2017 Special Call Joint City/County Meeting, 10:00 am–12:00 pm, City
Hall Commission Chambers

Adjourn

Motion: _____ Second: _____ Vote: _____

STAFF MEMORANDUM

Target Meeting Date: January 18, 2017

TO: Richard U. Nienstedt, City Manager
FROM: Wynndee S. Lee, AICP, Community Development Director
DATE: January 12, 2017
SUBJECT: Vacation of a 20-foot utility easement

The Board of Trustees of Calvary Baptist Church, Inc., has requested to vacate a portion of an existing utility easement located on the Church's lot north of 7th Street. The church is going to do an addition to their building which would be over the city's sanitary line. The church has submitted a new utility easement for the sanitary line.

The Governing Body shall order such request be granted if it determines the following:

1. Due and legal notice has been given by publication;
2. The public will suffer no loss or inconvenience;
3. No private rights will be injured or endangered by such vacation or exclusion, providing that "public loss or inconvenience" or "private rights" as herein used, shall not be construed to extend to the taxes which may be levied upon the land vacated or excluded;
4. A written objection is not filed with the City Clerk at the time of, or before, the public hearing by any party or person which could properly sign the petition for vacation.

The Planning Commission considered all of the above and recommends the vacation of the 20 foot easement, and the new easement to be filed at the Franklin County Register of Deeds office.

Attachments: Ordinance
Application
Map

ORDINANCE NO. _____

AN ORDINANCE VACATING THAT PORTION OF A PORTION OF THE 20 FOOT UTILITY EASEMENT ON THE NORTH PORTION OF THE PROPERTY AT 925 W. 7TH, WITH THE DEDICATION OF A NEW EASEMENT.

BE IT ORDAINED by the Governing Body of the City of Ottawa, Kansas, as follows:

Section 1: The described real estate generally located at 925 W. 7th St., in the City of Ottawa Franklin County, Kansas, more particularly described as follows:

A tract beginning 175 feet West of the Southeast Corner of Lot 8, thence North 201.2 feet, thence East 175 feet, thence South 2.7 feet, thence East 193 feet, thence North 2.7 feet, thence East 97 feet, thence South 201.2 feet, to point of beginning, Section 35, Township 16, Range 19 East, in the City of Ottawa, Franklin County, Kansas.

Easement description: See Exhibit A

Section 2: From and after the effective date of this ordinance the ownership of the portion of the utility easement described above, vacated herein, shall revert to the Board of Trustees of Calvary Baptist Church, Inc., according to law.

Section 3: The City Clerk is authorized to certify a copy of the order and directed to record this ordinance in the office of the Register of Deeds of Franklin County, Kansas.

Section 4: This ordinance shall take effect and be in force after its passage and publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Ottawa, Kansas, this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

Exhibit A

Sheet 1 of 2

Description for Partial Easement Vacation:

All that part of an existing easement dedicated to the City of Ottawa, as shown in Misc. Record No. 38, Page 394, being a part of Lot 6 of Baldwin and Taylor's Addition to the City of Ottawa, Kansas, being more particularly described as follows: Commencing at the Southwest corner of said Lot 6; thence North 1 degree 18 minutes 38 seconds West, along the West line of said Lot 6, a distance of 150.00 feet to a point on the North line of said existing easement; thence South 88 degrees 20 minutes 41 seconds East, along the North line of said easement, a distance of 63.12 feet to the point of beginning; thence continuing North 88 degrees 20 minutes 41 seconds East, along the North line of said existing easement, a distance of 79.96 feet; thence South 1 degree 51 minutes 34 seconds East, a distance of 20.00 feet to a point on the South line of said existing easement; thence South 88 degrees 20 minutes 41 seconds West, along the South line of said existing easement, a distance of 114.86 feet, thence North 58 degrees 28 minutes 44 seconds East, a distance of 40.16 feet to the point of beginning.

PETITION FOR VACATION OF EASEMENT

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF OTTAWA, KANSAS:

The undersigned Board of Trustees of Calvary Baptist Church, Inc. is the owner in fee simple and in the peaceable possession of the following described real estate situated in Franklin County, Kansas, to-wit:

Per Deed Record No. 181, Page 302: Commencing at the S.W. corner of Lot 6, Baldwin and Taylor's Addition to the City of Ottawa, Kansas, thence North 198 1/2 feet, thence East 193 feet, thence North 2 3/4 feet, thence East 7 feet, thence South 201 1/4 feet, thence West 200 feet to the place of beginning.

Witnesseth: This is a statement and petition seeking vacation of a portion of an existing easement, recorded in Misc. Record No. 38, Page 394. Owner hereby petitions to vacate the portion of said easement more particularly described as:

See attached Exhibit A

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

In Witness Whereof, the Petitioner has hereunto set their hand and seal,

By: Kenneth Vandeventer
Trustee
CALVARY BAPTIST Church

State of Kansas, Franklin County, ss:

Be It remembered, that on this 21ST day of December, 2016, before me, the undersigned, a Notary Public in and for the county aforesaid, came Kenneth Vandeventer to me personally known to be the same person(s) who executed the foregoing instrument in writing, and duly acknowledged the execution of the same. In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

Chelsea Leinweber
Notary Public

My commission expires: 12/6/2020

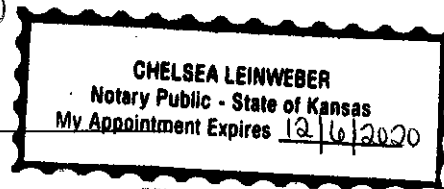
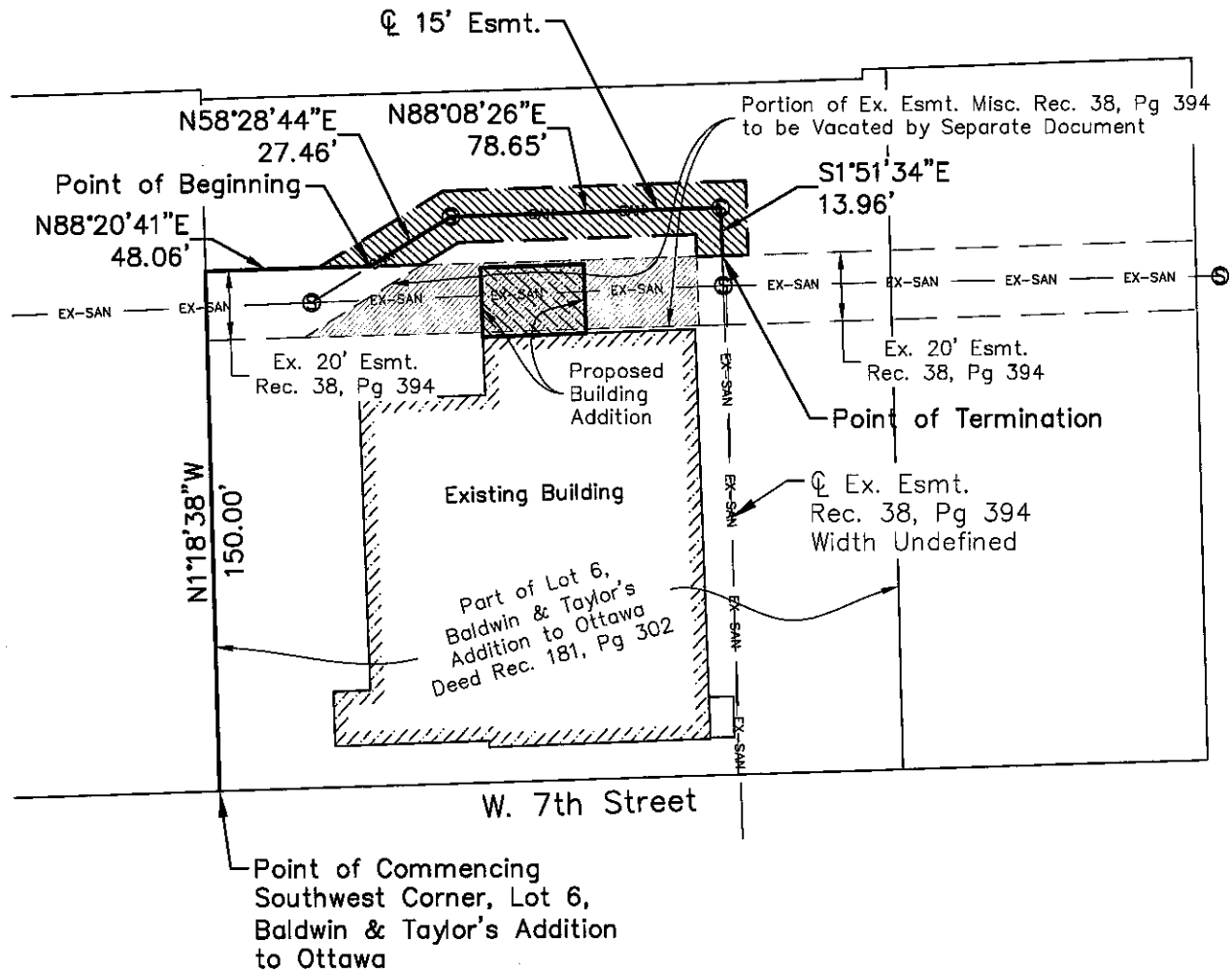


Exhibit A

Sheet 2 of 2



SCALE: 1"=50'



CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904