

**OTTAWA CITY COMMISSION REGULAR MEETING AGENDA**  
**City Hall Commission Chambers – 101 S. Hickory**  
**Wednesday, July 6, 2016 – 7:00 pm**



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 Armogen Walker, Bethany Baptist Church**

**Consent Agenda – Items 6-7**

6. **Minutes from the June 1, 2016 and June 15, 2016 Regular Meetings; the June 6, 2016 and June 13, 2016 Study Sessions; and the June 6, 2016 Special Call Meeting for Leadership Training**

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. **Public Hearing for Temporary Events Where Alcoholic Beverages will be Sold or Served – Blaine Finch**

**Comments:** A Public Hearing to consider establishing a permitting process for temporary events where alcoholic beverages will be sold or served. Interested members of the public are invited to express their views with respect to this issue.

Open: \_\_\_\_\_                      Close: \_\_\_\_\_

11. **Request for Approval of Ordinance to Allow Temporary Events to Sell or Serve Alcohol – Blaine Finch**    *Pgs. 3 - 5*

**Comments:** An ordinance establishing a permitting process for temporary events where alcoholic beverages will be sold or served.

Motion: \_\_\_\_\_                      Second: \_\_\_\_\_                      Vote: \_\_\_\_\_

12. **Public Hearing for Cereal Malt Beverages to be Sold or Served at Special Events – Blaine Finch**  
**Comments:** A Public Hearing to consider establishing a permitting process for special events where cereal malt beverages will be sold or served. Interested members of the public are invited to express their views with respect to this issue.

Open: \_\_\_\_\_ Close: \_\_\_\_\_

13. **Request for Approval of Ordinance Establishing a Permitting Process for Cereal Malt Beverages at Special Events – Blaine Finch** Pgs. 6 - 7

**Comments:** An ordinance establishing a permitting process for special events where cereal malt beverages will be sold or served.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

14. **Public Hearing for Sales of Alcoholic Liquor and Cereal Malt Beverages on Sundays and Certain Holidays – Blaine Finch**

**Comments:** A Public Hearing to consider amending the Municipal Code to authorize Sunday sales of alcoholic liquor and cereal malt beverage. Interested members of the public are invited to express their views with respect to this issue.

Open: \_\_\_\_\_ Close: \_\_\_\_\_

15. **Request for Approval of Ordinance Amending Municipal Code on Cereal Malt Beverage and the Sale of Liquor by the Package – Blaine Finch** Pgs. 8 - 9

**Comments:** An ordinance amending Section 4-306 of Article III “Cereal Malt Beverages” and Section 4-604 of Article IV “The Sale of Liquor by the Package” of Chapter 4 of the Municipal Code to authorize Sunday sales of alcohol liquor and cereal malt beverage in the original package and sales of alcoholic liquor in the original package on certain holidays.

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

16. **Walnut Street Bike Lane Update – Michael Haeffele** Pg. 10

**Comment:** Update on status of bike lane installation on Walnut Street.

17. **Report by City Manager**

18. **Reports by City Commissioners**

19. **Report by Mayor**

#### **Announcements**

- July 11, 2016 Study Session, 4:00 pm, City Hall
- July 18, 2016 Study Session, 4:00 pm, City Hall
- July 20, 2016 **Regular** Meeting, 9:30 am, City Hall
- July 26, 2016 Army Band Concert, 7:00 pm, Ottawa Municipal Auditorium

#### **Adjourn**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE ESTABLISHING A PERMITTING PROCESS FOR TEMPORARY EVENTS WHERE ALCOHOLIC BEVERAGES WILL BE SOLD OR SERVED.

**Section 1. PERMIT REQUIRED.** It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the city without first obtaining a local temporary permit from the city clerk.

**Section 2. PERMIT FEE.**

There is hereby levied a local temporary permit fee in the amount of \$25.00 per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.

**Section 3. CITY TEMPORARY PERMIT.**

- A. It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least 14 days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:
  - 1. the name of the applicant;
  - 2. the group for which the event is planned;
  - 3. the location of the event;
  - 4. the date and time of the event;
  - 5. any anticipated need for police, fire or other municipal services;
  - 6. any other information required by the City Manager.
- B. Upon presentation of a state temporary permit, payment of the city's local temporary permit fee and a written application as provided for in subsection (a), the City Manager may approve and the City Clerk may issue a local temporary permit to the applicant if:
  - 1. There are no conflicts with any zoning or other ordinances of the city; and
  - 2. The applicant has provided the City Manager or designee all information necessary to ensure that the applicant will comply with all local and state alcoholic beverage laws during the permitted period; and
  - 3. The applicant has agreed to abide by all special conditions and restrictions established by the City Manager or the City Manager's designee; and
  - 4. The event remains consistent with prevailing community standards.
- C. The city clerk shall notify the chief of police whenever a local temporary permit has been issued and forward a copy of the permit and application to the chief of police.

**Section 4. PERMIT REGULATIONS.**

- A. Every local temporary permit holder shall cause the permit and receipt to be placed in plain view on any premises within the city where the holder of the local temporary permit is serving or mixing alcoholic liquor for consumption on the premises.
- B. No local temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 9:00 a.m. at any event for which a local temporary permit has been issued.
- C. No alcoholic beverages shall be given, sold or traded to any person under 21 years of age.

- D. Permit holders shall be present at all times during the event or designate another person to be responsible for the conduct of the event if the permit holder is absent. If the permit holder is an organization, the organization must designate a person to act as their agent to be responsible for the conduct of the event.
- E. Permit holders must admit any law enforcement officer to the premises covered by the temporary permit.
- F. If the permit area includes a city street, alley, road, sidewalk, or highway then the street, alley, road, sidewalk, or highway shall be closed to motor vehicle traffic.
- G. The boundary of any premises covered by a temporary permit must be marked by a three-dimensional obstacle.
- H. A permit holder may not allow a customer to bring into the permitted premises bottles of their own alcoholic liquor to be consumed by the customer and the customer's invited guests without the prior approval of the Governing Body.
- I. The local temporary permit shall be issued for no longer than three days, unless otherwise approved by the Governing Body.
- J. A local temporary permit shall not be assigned or transferred to any third party.
- K. No more than four temporary permits may be issued to any one applicant in a calendar year.
- L. The City Manager or the City Manager's designee shall have the authority to impose such other special conditions and restrictions as he or she shall determine are appropriate for the event.
- M. Except as specifically set forth in the Municipal Code, all local ordinances and state statutes for the sale and consumption of alcoholic beverages apply to holders of local temporary permits.

#### **Section 5. PENALTY**

If the permit holder has violated any of the provisions of this article, the Governing Body or its designee, the City Manager, may revoke such local temporary permit, and the individual holding the permit may be charged in Municipal Court with a violation of the alcoholic liquor laws of the City and upon convictions shall be punished by:

- A. A fine of not more than \$500.00; or
- B. Imprisonment in jail for not more than 180 days; or
- C. Both fine and imprisonment as set forth in subsections (a) and (b) of this section.

#### **Section 6. EXCLUSION**

- A. The provisions of Section 4-203 of the Municipal Code of the City of Ottawa shall not apply to any person lawfully in possession of alcoholic liquor or cereal malt beverage in the specific location and during the specific hours permitted by a valid Local Temporary Permit or Special Event Permit granted by the City of Ottawa.
- B. The City Clerk shall include a cross reference to this provision at Section 4-203 of the Municipal Code of the City of Ottawa.

#### **Section 7. AMENDMENT OF CODE SECTION**

Section 4-504 of the Municipal Code of the City of Ottawa is hereby amended as follows:

No person shall drink or consume any alcoholic liquor or cereal malt beverage on City owned public property. However, this prohibition shall not apply to:

- A. The following city owned facilities when the person who wishes to sell or provide alcoholic liquor has first obtained a permit from the City Clerk:
  - a. the inside of the Municipal Auditorium, located at 3rd and Hickory;
  - b. the inside of the Carnegie Cultural Center, located at 5th and Main;
  - c. the municipal airport facility (building facility only, not t-hangars);
- B. Public sidewalks when licensed and compliant with Chapter 11, Section 11-1106;
- C. Any specific location for which a local temporary permit or special event retailer's permit has been issued pursuant to Chapter 4, Article VII, Section 4-701 through 4-706 and Chapter 4, Article VIII, Section 4-801 through 4-805 of the Municipal Code during such specific time period as set forth in the permit.

**Section 8. EFFECTIVE DATE**

This ordinance shall take effect upon publication in the official city newspaper.

ADOPTED by the Governing Body of the City of Ottawa on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Sara Caylor, Mayor

Attest:

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City Clerk

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE ESTABLISHING A PERMITTING PROCESS FOR SPECIAL EVENTS WHERE CEREAL MALT BEVERAGES WILL BE SOLD OR SERVED.

**Section 1. PERMIT REQUIRED.** It shall be unlawful for any person to sell or serve any cereal malt beverage at a special event within the City without first obtaining a local special event retailer's permit from the City Clerk.

**Section 2. PERMIT FEE.**

- A. There is hereby levied a special event retailer's permit fee in the amount of \$25.00 per day on each group or individual to which a permit is granted. The permit fee shall be paid at the time of application for a special event retailer's permit, and shall be in addition to any fee for a cereal malt beverage stamp fee required to be remitted to the Division of Alcohol Beverage Control.
- B. In order for the special event retailer's permit to be valid, a state CMB stamp must be affixed to it.

**Section 3. SPECIAL EVENT PERMIT.**

- A. It shall be unlawful for any person to conduct an event where cereal malt beverages are sold or served without first applying for a special event retailer's permit at least 14 days before the event. Written application for the special event retailer's permit shall be made to the city clerk and shall clearly state:
  - 1. The name of the applicant;
  - 2. The group for which the event is planned;
  - 3. The location of the event;
  - 4. The date and time of the event;
  - 5. Any anticipated need for police, fire or other municipal services; and
  - 6. Any other information required by the City Manager.
- B. Upon payment of the city's special event retailer's permit fee and a written application as provided for in subsection (A), the City Manager may approve and the City Clerk may issue a special event retailer's permit to the applicant if:
  - 1. There are no conflicts with any zoning or other ordinances of the city; and
  - 2. The applicant has provided the City Manager or designee all information necessary to ensure that the applicant will comply with all local and state alcoholic beverage laws during the permitted period; and
  - 3. The applicant has agreed to abide by all special conditions and restrictions established by the City Manager or the City Manager's designee; and
  - 4. The event remains consistent with prevailing community standards.
- C. The city clerk shall notify the chief of police whenever a special event retailer's permit has been issued and forward a copy of the permit and application to the chief of police.

**Section 4. PERMIT REGULATIONS.**

- A. Every special event retailer's permit holder shall cause the permit and receipt to be placed in plain view on any premises within the city where the holder of the special event retailer's permit is serving cereal malt beverage for consumption on the premises.
- B. No permit holder shall allow the serving or consumption of cereal malt beverage between the hours of 2:00 a.m. and 9:00 a.m. at any event for which a special event has been issued.

- C. No cereal malt beverages shall be given, sold or traded to any person under 21 years of age.
- D. Permit holders shall be present at all times during the event or designate another person to be responsible for the conduct of the event if the permit holder is absent. If the permit holder is an organization, the organization must designate a person to act as their agent to be responsible for the conduct of the event.
- E. Permit holders must admit any law enforcement officer to the premises covered by the special event retailer's permit.
- F. If the permit area includes a city street, alley, road, sidewalk, or highway then the street, alley, road, sidewalk, or highway shall be closed to motor vehicle traffic.
- G. The boundary of any premises covered by a special event retailer's permit must be marked by a three-dimensional obstacle.
- H. A permit holder may not allow a customer to bring into the permitted premises bottles of their own cereal malt beverage to be consumed by the customer and the customer's invited guests without the prior approval of the Governing Body.
- I. The temporary permit shall be issued for no longer than three days, unless otherwise approved by the Governing Body.
- J. A temporary permit shall not be assigned or transferred to any third party.
- K. No more than four special event retailer's permits may be issued to any one applicant in a calendar year.
- L. The City Manager or the City Manager's designee shall have the authority to impose such other special conditions and restrictions as he or she shall determine are appropriate for the event.
- M. Except as specifically set forth in the Municipal Code, all local ordinances and state statutes for the sale and consumption of cereal malt beverages apply to holders of special event retailer's permits.

**Section 5. PENALTY**

If the permit holder has violated any of the provisions of this article, the Governing Body or its designee, the City Manager, may revoke such special event retailer's permit, and the individual holding the permit may be charged in Municipal Court with a violation of the alcoholic liquor laws of the City and upon convictions shall be punished by:

- A. A fine of not more than \$500.00; or
- B. Imprisonment in jail for not more than 180 days; or
- C. Both fine and imprisonment as set forth in subsections (a) and (b) of this section.

**Section 6. EFFECTIVE DATE**

This ordinance shall take effect upon publication in the official city newspaper.

ADOPTED by the Governing Body of the City of Ottawa on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sara Caylor, Mayor

Attest:

\_\_\_\_\_  
City Clerk

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4-306 OF ARTICLE III, "CEREAL MALT BEVERAGES" AND SECTION 4-604 OF ARTICLE IV "THE SALE OF LIQUOR BY THE PACKAGE" OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE AND SALES OF ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE ON CERTAIN HOLIDAYS.

WHEREAS, K.S.A. 41-2704 and Section 4-306 of Article IV of the Municipal Code of the City of Ottawa, Kansas, generally prohibit the sale of cereal malt beverage on any Sunday; and,

WHEREAS, K.S.A. 41-712 and Section 4-406 of Article IV of the Municipal Code of the City of Ottawa, Kansas, generally prohibit the sale of alcoholic liquor in the original package on any Sunday and on Memorial Day, Independence Day, and Labor Day; and,

WHEREAS, K.S.A. 41-2911 permits cities to expand the legal days of retail sales of cereal malt beverages in the original package to include Sundays from 12 noon to 8 p.m., except on Easter, in combination with expanding the legal days of retail sales of alcoholic liquor in the original package to include Memorial Day, Independence Day, and Labor Day.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Ottawa, Kansas:

**Section 1.** Section 4-306 of Article III of Chapter 4 of the Municipal Code of the City of Ottawa, Kansas is hereby amended to read as follows:

**4-306. Hours of operation; private rooms; accessibility; restrictions on persons not of legal age to purchase; penalty.**

- A. No person shall sell at retail cereal malt beverage:
1. Between the hours of 12 midnight and 6:00 a.m.;
  2. in the original package before 12 noon or after 8:00 p.m. on Sunday;
  3. on Easter Sunday; or
  4. for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.
- B. No private rooms or closed booths shall be permitted, but this provision shall not apply if the licensed premises are also currently licensed as a Club under a license issued by the State Director of the Alcoholic Beverage Control. Said place of business shall be open to the public and to the Police Department at all times during business hours, except that a premises licensed as a Club under a license issued by the State Director of

Alcoholic Beverage Control shall be opened to the Police Department and not the public. A person not of legal age to purchase cereal malt beverage shall not be permitted to buy or to drink any such cereal malt beverage.

C. A violation of this section is a Class A Misdemeanor.

**Section 2.** Section 4-604 of Article VI of Chapter 4 of the Municipal Code of the City of Ottawa, Kansas is hereby amended to read as follows:

**4-604. Hours of sale.**

No person shall sell at retail any alcoholic liquor:

- A. On Sundays before 12 noon or after 8:00 p.m.
- B. On Easter Sunday, Thanksgiving Day, and Christmas Day;
- C. Before 9:00 a.m. or after 10:00 p.m. on any day when the sale thereof is permitted.

**Section 3. Effective Date.** This ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring an election to be held on the ordinance as provided in K.S.A. 41-2911, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

ADOPTED by the Governing Body of the City of Ottawa on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Sara Caylor, Mayor

Attest:

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City Clerk

CITY OF OTTAWA, KANSAS  
PUBLIC WORKS DEPARTMENT  
MEMORANDUM

TO: Richard U. Nienstedt  
FROM: Michael Haeffele - Director of Public Works  
COPY TO: City Commission  
SUBJECT: Walnut Street Bike Lanes  
DATE: June 29, 2016

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In February 2015 a downtown vision group was formed by Community Development Director Wynndee Lee to look at a variety of issues including housing, parking, pedestrian routes, and bike lanes. The group had 8 members, Casey Colbern, Haley Anderson, Rick Deitz, Meg Dickinson, Jack Maxwell, Louis Reed, Becci Shisler, and Tiffany Griffin. One of the major focus areas of this group was a bike path on Walnut Street from 1<sup>st</sup> to 5<sup>th</sup> Street, in response to bike survey information shared with the group.

The group took a lot of time to research and come up with a plan to tie the Prairie Spirit Rail Trail (PSRT) together. Different options were evaluated, including a bike lane on the outer edges of each side of the street, shared bike lanes with vehicles, and finally bike lanes in the center of the street. The recommendation to the City Commission on October 21, 2015 was bike lanes in the center of the street.

To keep with the spirit of the original railroad tracks and to align the existing PSRT on the north side of 1<sup>st</sup> Street to the trail at 5<sup>th</sup> Street, the recommendation to place the bike lanes in the center of the street was made to the City Commission on October 21, 2015. As a result of that decision the City Engineer designed the bike lanes according to the Manual of Uniform Traffic Control Devices (MUTCD). The MUTCD is the design standards set by the Federal Highway Administration (FHWA).

Bike lanes in the center of the street are not common in Kansas, most of the bike lanes are found next to the curbs or parking areas. Although not common in Kansas, they are found in other parts of the country. Keeping the bike lanes in the center of the street allowed us to keep more parking on the street as opposed to putting them next to the curbs and parking areas.

Now that the final design has been finished, staff recommends proceeding with installing the bike lanes as shown. At this point striping can begin in late July or early August with city staff and equipment. Once the project begins, I anticipate 2 weeks to complete the project.

Respectfully submitted,

Michael W. Haeffele