

**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.

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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 15th 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. 15th 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 15th 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.

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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. 4th 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.

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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