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

A Study Session is scheduled for **September 24, 2012 at 4:00 pm** in the Commission Chambers 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. A proclamation recognizing October 2012 as Domestic Violence Awareness Month. *p. 2*
- b. A proclamation recognizing October 2012 as Breast Cancer Awareness Month. *p. 3*
- c. A proclamation recognizing October 7-13, 2012 as Fire Prevention Week. *p. 4*
- d. An ordinance rezoning the property located at 2025 Princeton Street from R-1, Low Density Residential District to C-3, General Commercial District. *pp. 5-12*
- e. An ordinance annexing land located at 2040 Montana Road to the City of Ottawa, Kansas. *pp. 13-16*
- f. A resolution to waive the statutory requirement to use GAAP-based accounting for fiscal 2012. *p. 17*

**III. Items for Presentation and Discussion**

- a. Becci Shisler, Ottawa Main Street Association Program Director, will discuss recent changes at the Kansas Department of Commerce. *p. 18*
- b. City Manager's Report
- c. Commissioners' Reports
- d. Mayor's Report

**IV. Announcements**

October 1, 2012	Study Session, 4:00 pm
October 3, 2012	Regular Meeting, 7:00 pm
October 8, 2012	Study Session CANCELED
October 15, 2012	Study Session, 4:00 pm
October 17, 2012	Regular Meeting, 9:30 am
October 22, 2012	Study Session, 4:00 pm
October 29, 2012	Study Session, 4:00 pm

**V. Adjourn**

**VI. Items Already Placed**

- a. A public meeting to be held at 7:00 pm on October 3, 2012 for the consideration of adoption of the redevelopment plan for a redevelopment district.

**2012 Priorities**

Streets & Sidewalk Improvements • Economic Development • Parks • Business Development • Citizen Relations



# PROCLAMATION



WHEREAS, family and relationships are often counted among life's greatest blessings, and tragically, many Kansans relationships are tarnished by violence and fear; and

WHEREAS, domestic violence includes verbal, emotional, economic, sexual and physical abuse, and all forms of abuse can carry long-range physical and mental health implications; and

WHEREAS, the effects of domestic violence reach far beyond its victims and perpetrators, causing disruption in our schools, places of work and worship, and neighborhoods; and

WHEREAS, during October 2012, The Franklin County Domestic Violence Unit and other concerned agencies and groups in Franklin County sponsor and promote Domestic Violence Awareness Month to focus community-wide attention on abuse victims and their children and to promote support of shelters and community programs that serve them.

NOW, THEREFORE, the governing body of the City of Ottawa, Kansas, does hereby proclaim October 2012 as:

## DOMESTIC VIOLENCE AWARENESS MONTH

and urges all its citizens to speak out against sexual and domestic violence, to provide support for survivors of this heinous crime, to encourage community leaders to hold offenders accountable, and to make prevention efforts a priority by hosting events, by creating policies at school and work, and by supporting and participating in ongoing programs designed to reduce and eventually eliminate domestic violence as a societal problem.

SIGNED this 3<sup>rd</sup> day of October 2012.

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Blake Jorgensen, Mayor



# 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 Breast 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 2012 as:

## BREAST CANCER AWARENESS MONTH

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

SIGNED this 3<sup>rd</sup> day of October 2012.

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Blake Jorgensen, Mayor



# PROCLAMATION



WHEREAS, the City of Ottawa is committed to ensuring the safety and security of all those living in and visiting our community. Fire is a serious public safety concern, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, almost three-quarters of Americans have an escape plan; however, less than half of these have actually practiced it; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, City of Ottawa firefighters are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and City of Ottawa residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice home fire escape plans during Fire Prevention Week and year-round.

THEREFORE, the Governing Body of the City of Ottawa does hereby proclaim the week of October 7-13, 2012 as:

## FIRE PREVENTION WEEK

and urges the people of Ottawa to practice their home fire escape plan during Fire Prevention Week, and to support the many public safety activities and efforts of the City of Ottawa's Fire Department.

SIGNED this 3<sup>rd</sup> day of October 2012.

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Blake Jorgensen, Mayor

## STAFF MEMORANDUM

Target Meeting Date: October 3, 2012

**TO:** Richard U. Nienstedt, City Manager

**FROM:** Staff

**DATE:** September 18, 2012

**SUBJECT:** **Rezone request** filed by Patriots Bank, to rezone the property located at 2025 Princeton Street from R-1, Low Density Residential District to C-3, General Commercial District.

**Comments:** The Planning Commission held a public hearing on September 12, 2012 and reviewed the proposed rezone. There were two people who spoke, the owner of the property at 2015 Princeton asked about whether their parcel would be rezoned to commercial and if the taxes would go up. Staff answered there questions. The other person who spoke was the potential buyer of the property at 2015 Princeton indicated they did not have a problem with the rezone request. There were no other public comments.

The recommendation of staff to approve the requested rezoning from R-1, Low Density Residential District to C-3 General Commercial District is based on the following conclusions:

- The change in classification is consistent with the intent of the C-3 district regulations.
- The uses that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity, with negligible impact on residents.
- The character of the surrounding area supports the proposed change but at the same time supports the designation remaining the same, as the property is in the transition area.
- The utilities and public services currently in place are adequate to accommodate commercial development at this site.

The Planning Commission recommends to the City Commission by a vote of 4-0 approval of the rezone action.

Attachments: Ordinance  
Staff Findings  
Location Map

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RE-ZONING AN AREA WITHIN THE CITY OF OTTAWA, KANSAS, AND REPEALING THE CORRESPONDING SECTION OF THE ZONING MAP WHICH IS A PART OF ORDINANCE NO. 3501-05 OF THE CITY OF OTTAWA, KANSAS.

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

**Section 1:** RE-ZONING WITHIN CITY LIMITS. Pursuant to recommendations issued by the City Planning Commission of the City of Ottawa, Kansas, after a public hearing, notice of which was duly given; the following described parcel of land, situated within the City of Ottawa, Franklin County, Kansas is hereby re-zoned from R-1 Low Density Residential District to C-3 General Commercial District.

Lot 30, County Clerk's Subdivision No. 1, in the City of Ottawa, Franklin County, Kansas according to the recorded plat thereof, located at 2025 Princeton Street.

**Section 2:** REPEALING A SECTION OF THE ZONING MAP. The section of the zoning map designating the above-described parcel of land as R-1 is hereby repealed and changed to C-3.

**Section 3:** EFFECTIVE DATE; PUBLICATION. This ordinance shall take effect after its publication in the official city newspaper.

PASSED AND ADOPTED by the governing body of the City of Ottawa, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

Attest:

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

## STAFF & PLANNING COMMISSION REPORT

TO: City Commission

FROM: Staff & Planning Commission

MEETING DATE: September 12, 2012

SUBJECT: Rezoning request

Attached is a set of findings for property located at 2025 South Princeton Street in the City of Ottawa. The property owner has made the request with the intention of using the existing residential structure on the site for an office use.

Findings are attached that provide affirmative recommendations for this case. In the end it seems that the individual findings lend themselves towards approval. However, a case such as this, where the subject property is the transition between two fundamentally different use districts, begs the question of whether or not it is appropriate to shift that transition. Another question to consider is whether or not it is appropriate to zone another property, although small, C-3 when there remains such a large amount of undeveloped property and vacant buildings that would be appropriate for the intended use.

## STAFF REPORT

**TO:** City Commission

**FROM:** Staff & Planning Commission

**MEETING DATE:** September 12, 2012

**SUBJECT:** Request filed by Sharon Hubbard to rezone property located at 2025 S. Princeton Street, in the City of Ottawa, from R-1, Low Density Residential District to C-3, General Commercial District.

**Summary:** The subject property is located on the east side of Princeton Street, former US 59 northbound, north of Twenty-first Street Terrace. The property is developed with a residential structure. The site is just less than ½ acre in size, and is 85 feet wide and 240 feet deep. The applicant has submitted the rezone request in order to facilitate reuse of the site.

It is the recommendation of staff that the rezoning request be **approved**.

### Findings

**When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.**

**1. Whether the change in classification would be consistent with the intent and purpose of these regulations;**

The intent of the C-3 District is to allow basic retail, service and office uses located at specific points on major streets outside the central and neighborhood business districts. This district is also intended to provide locations for commercial activities that do not require a central location downtown, but do require a location easily accessible to downtown shoppers, therefore it is particularly appropriate adjoining a major highway. Business uses needing large floor areas, particularly those of a service nature, not compatible with Central Business District uses, are included in this district.

**Staff & Planning Commission Finding:**

The change in classification is consistent with the intent of the C-3 district regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The neighborhood is a mix of long established commercial and residential uses. On the subject property is a residential structure. There is residential development directly north of the subject property along Princeton Street. To the west and south are commercial uses, including Orschelan's Farm & Home, Great Southern Bank, KFC and Wal-Mart Super Center and a vacant site planned for development of a bank. East of the subject property is vacant property and the KOFO Radio studio.

**Staff & Planning Commission Finding:**

Although adjacent to residential uses, the subject property is the transition of the commercial and residential uses along Princeton Street. As a result, the character of the surrounding area supports the proposed change but at the same time supports the designation remaining the same.

3. **Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;**

The area around the subject property has remained stable for many years. The most recent large commercial investment at this location was the redevelopment of the former bowling alley site into the current Great Southern Bank facility.

**Staff & Planning Commission Finding:**

The surrounding area south and west of the subject property has remained largely commercial, with the increased investment by Great Southern Bank and planned investment by Kansas State Bank immediately south of the subject property. The residential uses immediately north have remained stable for many years.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The commercial uses (Orschelan's, Wal-Mart, KFC, etc) in this area are zoned C-3, General Commercial District, as is KOFO and the vacant ground to the east. The residential uses adjacent to the subject property along Princeton Street are R-1, Low Density Residential District.

**Staff & Planning Commission Finding:**

Considering there are a number of large scale commercial uses in the vicinity of existing residential uses, the proposed change in classification will have a negligible impact on the surrounding area.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The C-3 district allows a wide variety of commercial uses at varying intensity.

Staff & Planning Commission Finding:

Some of uses permitted by the reclassification are not compatible with those existing on adjacent residential property to the north. However, considering that these uses are permitted on properties that are adjacent to residential uses, the impact of the proposed change is marginal with respect to the existing development pattern in the area.

6. The suitability of the applicants property for the uses to which it has been restricted;  
The property has been restricted to residential and associated uses.

**Staff & Planning Commission Finding:**

The subject property is suitable for residential uses. Its viability as a commercial property is limited due to the small size of the property.

7. **The length of time the subject property has remained vacant or undeveloped as zoned;**

The subject property has been developed with the existing structures since 1965.

Staff & Planning Commission Finding:

The structure on the subject property has been vacant for the past year, but prior that that July of 2011 was occupied since 1976, according to utility records. As the house has been vacant for a short period of time it may still be viable as a residential use.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

There are adequate utilities and public services at this site to accommodate development. All of the City's and private utilities are available at this site. Princeton Street at this location is classified as an arterial street and is improved with an asphalt surface. All other public services are available as well.

**Staff & Planning Commission Finding:**

The utilities and public services currently in place are adequate to accommodate additional commercial development at this site, given its size. In addition, the limited width of the property and driveway will limit intensity on the site.

9. **The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;**

There is a large amount of property in the City that is zoned C-3, much of which is available for development or occupancy. These locations include the areas along Twenty-third

Street, North Main Street and East Logan Street.

**Staff & Planning Commission Finding:**

The areas noted above are currently zoned C-3 and there are no particular circumstances that make them unavailable for development of commercial uses. Thus, there is adequate amount of property zoned C-3.

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential. The narrative related to commercial uses specifically calls for retail activities to be located along Main Street. Other text describing the commercial category prescribes that “the scale and character of Commercial development should be compatible with the surrounding uses.” (Comp Plan page 4-6). Other recommendations related to commercial development show to “cluster neighborhood centers at the arterial roads that connect to the highways. “ (p. 5-4) Another recommendation is to preserve the existing housing stock in the community.

**Staff & Planning Commission Finding:**

The proposal is not consistent with the Future Land Use Map, and while there is consistency with some of the textual references given above, there is conflict as well, particularly with the recommendation to preserve housing stock.

11. **Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,**

This factor is addressed in the finding below.

**Staff & Planning Commission Finding:**

The findings above suggest a relatively neutral position related to the proposed change. Considering the nature of the surrounding area, there is no considerable gain to the public interests by denying the change. Similarly, there is no considerable hardship on the applicant or owner by not upgrading the zoning classification as there is a large amount of property that is currently zoned and available for commercial development. As a result, these factors result in a neutral finding as well.

However, the change could create a hardship to residential property owners to the north but could be mitigated through property site planning. As the applicant has expressed intentions to use the existing building on the site, good buffering should be provided.

12. **Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

**13. The recommendations of professional staff;**

It is the recommendation of staff that the requested rezoning R-1 to C-3 be **approved** based on the following conclusions:

- The change in classification is consistent with the intent of the C-3 district regulations.
- The uses that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
- The character of the surrounding area supports the proposed change.
- The utilities and public services currently in place are adequate to accommodate additional commercial development at this site.
- The proposal is not consistent with the Future Land Use Map.

**Attachments:**

Location map  
Aerial Photo  
Zoning Map  
Future Land Use Map  
Application

# Location Map

Address: 2025 S. Princeton Street  
Owner: Patriots Bank  
Applicant: Sharon Hubbard  
Current Zoning: R-1, Low Density Residential District  
Proposed Zoning: C-3, General Commercial District



## STAFF MEMORANDUM

**TO:** Richard Nienstedt, City Manager  
**FROM:** Wynndee S. Lee, AICP, Director of Planning & Codes Administration  
**DATE:** September 20, 2012  
**SUBJECT:** Annexation of property

Attached is the annexation ordinance for the newly purchased property for the Ottawa Municipal Airport.

### Annexation

#### ATTACHMENTS:

Consents for Annexation  
Annexation Ordinance



0 1,000 2,000 4,000 Feet



**CITY OF OTTAWA  
CONSENT FOR ANNEXATION**

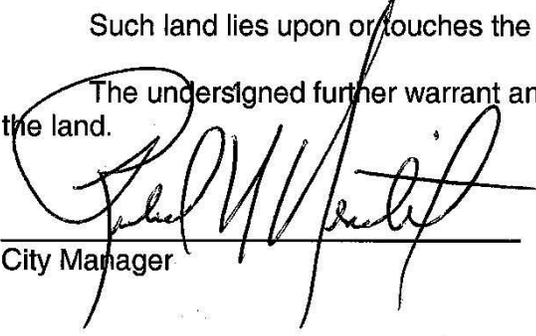
**TO THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:**

The undersigned, owners of record of the following described land hereby petition the Governing Body of the City of Ottawa, Kansas to annex such land to the City. The land to be annexed is described as follows:

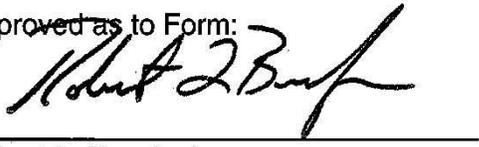
Lots 5 and 6 in the Northeast 1/4 of Section 36, Township 17, Range 19, containing 53.74 acres, according to Government Survey, Franklin County, Kansas.

Such land lies upon or touches the City's boundary line.

The undersigned further warrant and guarantee that they are the only owners of record of the land.

  
\_\_\_\_\_  
City Manager

Approved as to Form:

  
\_\_\_\_\_  
Robert L. Bezek, Jr.  
Bezek, Lowry & Hendrix  
Ottawa City Attorney

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ANNEXING LAND TO THE CITY OF OTTAWA, KANSAS.

WHEREAS, the following described land in Franklin County, Kansas, and is generally located at 2040 Montana Road, Franklin County, Kansas;

WHEREAS, a written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Ottawa, Kansas, pursuant to K.S.A. 12-520, as amended; and

WHEREAS, the Governing Body of the City of Ottawa, Kansas, finds it advisable to annex such land.

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

SECTION 1. That the following described land is hereby annexed and made a part of the City of Ottawa, Kansas:

Lots 5 and 6 in the Northeast 1/4 of Section 36, Township 17, Range 19, containing 53.74 acres, according to Government Survey, Franklin County, Kansas.

SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Ottawa, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Mayor

ATTEST:

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION** authorizing the City of Ottawa, Kansas to request the Director of Accounts and Reports to waive the statutory requirement to use GAAP based accounting for the reporting of fiscal year 2012.

**WHEREAS**, the City of Ottawa, Kansas has determined that the financial statements and financial reports for the year ended 2012 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of Ottawa, and

**WHEREAS**, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with 75-1120a(a) for the year ended 2012.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body does hereby request the Director of Accounts and Reports to waive the requirements of 75-1120a(a) as they apply to the City of Ottawa, Kansas for the year ended 2012.

**BE IT FURTHER RESOLVED** that the Governing Body shall cause the financial statements and financial reports of the City of Ottawa to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

**ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2012.**

\_\_\_\_\_  
Mayor

Attest

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

Pat George, Secretary

Sam Brownback, Governor

Sept. 20, 2012

Dear Economic Development, Education and Workforce Stakeholders:

I'm contacting you to announce changes at the Kansas Department of Commerce. As of today, the Department is implementing a restructuring that will allow us to be more cost efficient while still working effectively with Kansas businesses and communities.

Specifically, the Trade Division is being combined with the Business and Community Development Division. In addition, we are ending the Kansas Main Street program, as well as consolidating certain workforce services positions into our business development functions.

By combining the Trade Division with the Business and Community Development Division, the Department can better integrate our programs that help companies promote their products and services in international markets with our business recruitment and community development efforts. Our commitment to supporting Kansas companies as they grow their export opportunities remains a key focus in our efforts to expand the state's economy and create jobs.

The Kansas Main Street Program has been a valued part of the Department's economic development offerings for many years. As we move forward, however, I believe we can achieve our goal of helping to revitalize downtown areas using other resources available through our remaining Business and Community Development programs. As part of this restructuring, the 2012 Main Street conference scheduled for Oct. 17-19 in Emporia will be cancelled. Registration fees will be refunded within the next three weeks, and registrants will be contacted soon with more details.

Over the past 19 months, the Department has refocused its programs, departments and divisions to reflect expected smaller state and federal budgets, which is a reality facing all state agencies in the future.

These changes will help Commerce to continue to deliver high quality services to all our stakeholders. I know you may have additional questions. For questions related to Kansas Main Street, feel free to contact Susan Neupoth Cadoret, Business and Community Development Assistance Manager, at (785) 296-7198; for questions about trade, please reach out to Steve Kelly, Deputy Secretary for Business and Community Development, at (785) 296-5298; and for questions regarding workforce changes, contact Caleb Asher, Deputy Secretary for Workforce Services, at (785) 296-0607.

Sincerely,



Pat George  
Secretary of Commerce