

ANDOVER CITY COUNCIL

December 26, 2006

Minutes

The Andover City Council met for a regular meeting on Tuesday, December 26, 2006 at 909 N. Andover Road in the Andover Civic Center. Mayor Ben Lawrence called the meeting to order at 7:00 p.m. City Council Members present were, Kevin Dreiling, Keith Zinn, Sheri Geisler, Clark Nelson, and Carol Roberts. Others in attendance were: Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, Administrative Secretary Susan Renner, Fire Chief Jim Shaver, Police Chief Randall Harris, Kirk Crisp Building Code Official and City Clerk/Administrator Jeff Bridges. Council Member Caroline Hale and City Attorney Norman Manley were absent.

Call to order

The Invocation was given by Council Member Keith Zinn.

The Pledge of Allegiance was led by Mayor Lawrence.

Invocation &
Pledge of
Allegiance

Mayor Lawrence opened the floor to public comment.

Public comment

Edwin R. Hill, 312 Tuscany, Andover, owner of Hillcrest Homes addressed the Council regarding three (3) issues. The first, his written request to the City for three (3) pages from the 1993 National Electrical Code that as of this date he still has not received; 2nd a request to appear before the Board of Adjustments & Appeals regarding some concerns; 3rd a letter received from the City of Andover on December 4 regarding grounding situations. He wanted clarification as to whether or not this was a code change.

Mayor Lawrence stated that he would get the information he requested and work on resolving his issues with the Board of Adjustment & Appeals.

Carol Roberts asked that Item B from the Consent Agenda, approval of appropriation ordinance B-23-06, be removed from the consent agenda. A motion was made by Keith Zinn, seconded by Sheri Geisler, to approve the agenda as presented with the removal of item B from the consent agenda to the regular agenda for discussion. Motion carried 5/0.

Acceptance of
agenda

Sheri Geisler noted, regarding item D, that she had checked with the fire department regarding the request for fireworks and we have not had any problems in past years.

Council Member Geisler inquired about the appointment to the Butler County Solid Waste Management Committee (item G) and/or was Mr. Bridges willing to remain on the committee.

Council Member Geisler inquired as to what caused the damage to the road at 21st and Quail Crossing (item F). Les Mangus explained that there were several factors that came together with three (3) different projects going on. The intersection probably would have been designed differently had it been designed as a unit. There also seems to be some heaving or settlement of utilities.

Keith Zinn motioned to approve the balance of the consent agenda, less item B, seconded by Sheri Geisler. Motion carried 5/0.

Approval of consent agenda

- A. Approval of minutes: December 12, 2006 City Council Meeting
December 18, 2006 City Council Workshop
- C. Approval of auditing contract for 2006 audit with George, Bowerman, and Noel, P.A.
- D. Approval of request for a fireworks display: 736 Ruth Avenue
- E. Acceptance of easement: Montana Hills 2nd Addition
- F. Acceptance of APAC quote of \$8,675.00 for repair work at 21st and Quail Crossing Drive
- G. Approval of re-appointment of Jeff Bridges to the Butler County Solid Waste Management Committee
- H. Approval of purchase requests
 - 1. Parks & Recreation – two (2) portable mounds for youth summer ball at a total cost of \$4,198.00 from BSN
 - 2. Street Department – purchase a pick up truck from Steven Ford Mercury for \$18,306.15
 - 3. Dell Computer purchase for two (2) new computers at a total cost of \$2,877.02 (one for municipal court and on for administration)
- I. Approval of agreement under Abundant Life Tabernacle for extended use of the Andover Community Center through May 27, 2007.
- J. Approval of Resolution No. 06-35. A resolution of the City of Andover, Kansas amending the Code of Municipal Policies of the City of Andover, chapter 2, personnel, article 2-1.4, Position Descriptions.
- K. Approval Resolution No. 06-36. A Resolution of the City of Andover, Kansas amending chapter 2, personnel, article 2-6, Personnel Handbook of the Code of Municipal Policies.
- L.

Acceptance of quote for disability and life insurance coverage with Jefferson Pilot Financial.

M.

Resolution 06-37. A resolution declaring the boundary of the City of Andover, Kansas.

Item B – Appropriation ordinance B-23-06 was removed by Council Member Roberts. She asked about payment to the Andover Area Chamber of Commerce in the amount of \$700. Donna Davis, Administrative Services Director, explained that this had been approved at the December 12 Council meeting for Andover Chamber Bucks for the city employees. There are 70 employees at \$10 each.

Council Member Roberts also inquired about the payment to WDM for \$39,000 and how this would apply to the original amount for design. Staff responded that if there is a significant redesign of the proposed library a portion of the \$39,000.00 would have to be re-spent in the new design.

Carol Roberts motioned to approve item B, appropriation ordinance B-23-06 in the amount of \$313,873.20, seconded by Keith Zinn. Motion carried 5-0.

Appropriation ordinance B-23-06

Mayor Lawrence opened special use case SU-2006-06. This case was continued from the December 12, 2006 meeting. He asked the Council if any members intend to disqualify themselves from discussing or voting on this case due to bias or conflict of interest. The Mayor inquired as to whether or not the City Clerk had received any protest petitions. Jeff Bridges responded there had been no protest petitions received. The Mayor confirmed Council members had received the minutes from the November 21, 2006, Planning Commission meeting.

Special Use Case SU 2006-06

The Mayor asked the applicants who were in attendance if they felt they had a fair and impartial hearing at the November Planning Commission meeting. The applicants response was no.

The Mayor asked Les Mangus to give a brief background report and summary of this case.

The Mayor opened the public hearing on the matter. The Mayor asked the applicants if they would like to speak now or after the Council had discussed the item. The applicants opted to speak after.

No one from the public spoke.

The Mayor closed the public hearing and moved the discussion to the bench.

The Council discussed the issue at length regarding split use, varied use, buffers, and etc. changes to the industrial park.

Clark Nelson noted he would like the applicants to state their issues regarding the unfair hearing prior to the Council's discussion.

Tim Simoneau, 1018 Park Road, Rose Hill, Kansas stated there was at least one member very much inclined to approve their business in the industrial park but had stated he needed more direction from the City Council, the business lost the planning commission vote, with this one member being the deciding factor. Mr. Simoneau wanted to point out that the park as it is now is a mixed park with Folgers Gymnastics and the Butler County Community College; who is there on a special use permit. Mr. Simoneau went on to say that PAI was expressive that they had made arrangements with the current industrial park businesses that the park would remain an industrial park. Mr. Simoneau presented a letter from a company in the park that states they are not in opposition to his business being next door to them. He felt that some of these items are double standards as Butler County Community College was given the special use permit and they were not. He pointed out the college is closer to what would be considered volatile industry and yet they still obtained the permit. The proximity to the buffer area of and that the ATG building is the first building you see when you turn in to the park, very visible from Andover Road. Prior to the contact with ATG in regards to the purchase of their building they had contact with some members of PAI regarding the purchase of some land in the industrial park. During the period of time these persons who are also members of PAI were in favor of a special use permit for the portion of the land they wanted them to buy.

Kevin Cederburg, 753 Bramerton, Andover, Kansas

They were told by a select few of the PAI group that there would be given to us about three or four days after we talked to them, mysteriously they developed 60 days later, after they heard we were trying to buy some other land. I feel that basically that had we purchased the land they were trying to sell us in the industrial park ½ of it was zoned industrial and we would have been here at the same meeting and they (PAI) would have been pushing for that special use permit. With that in mind I felt we were mistreated. This information was not brought up at the planning commission's meeting.

Mr. Bridges explained that the property the applicants were looking at prior to the ATG building is not owned by PAI but some individuals who are members of PAI.

Mr. Simoneau feels there is a conflict of interest with PAI – had they decided to buy the vacant land where ½ of was zoned industrial they would have been here anyway seeking a special use permit only PAI would have been backing them.

Mr. Cederburg stated he felt that as for the conduct of the entire thing they were not treated fairly, but as for the conduct of the Planning Commission, they were treated fairly.

Mayor Lawrence commented regarding Butler County Community College’s special use permits and the zoning etc. He felt it would be opening a Pandora’s box when it got approved. He sees no harm in approving this application. He felt it should be approved or sent back to the Planning Commission.

Council Member Nelson is in favor of the permit and stated he had made comment to Eldon Parsons and Mr. Parsons made a good faith comment that PAI would reevaluate this issue.

Clark Nelson moved that the City Council return this matter to the Planning Commission for further consideration and stating that we believe it appropriate for them to consider the special use permit for the use intended by this applicant even though it is in the industrial district, seconded by Kevin Dreiling. Motion carried 3/2 (Council Member Zinn and Roberts in opposition).

The next Planning Commission meeting will be held Tuesday, January 16, 2007.

J.T. Klaus, representative of Triplett Woolf & Garrison, presented Resolution 06-38 authorizing the Mayor and City Administrator to sign all documents necessary in connection with Vornado Air Circulation Systems, Inc. prepaying all of its bonds and retiring them completely tomorrow (12/27/06). This includes the deed of the property back to Vornado Air Circulation Systems, bill of sale of all equipment back to them as well as terminating the IRB lease and all of the IRB documents that currently encumber their property.

Resolution 06-38 Vornado IRB’s Redemption

A motion was made by Clark Nelson to adopt Resolution 06-38, seconded by Keith Zinn. Motion carried 5/0.

A motion was made by Clark Nelson to approve the acceptance of the resignation of Chief Harris as the Police Chief and approve staff recommendation to appoint Chief Harris as Captain, seconded by Kevin Dreiling, Motion carried 4/1. (Carol Roberts opposed.)

Non-elected personnel

Member items:

Member items

Kevin Dreiling – No items

Sheri Geisler – No items

Clark Nelson

- Council Member Nelson thanked Mr. Klaus for his patience during the meeting
- Mr. Nelson also wished his bride happy anniversary

Carol Roberts - No items

Keith Zinn - Council Member Zinn expressed his concern with the misunderstanding of electrical codes and local contractors.

Mayor Lawrence – extended his thanks to Chief Harris for his dedication and service as Police Chief to the community for the past 11 years.

A motion was made at 8:45 by Keith Zinn, seconded by Sheri Geisler, to adjourn. Adjournment
Motion carried 5/0.

Respectfully Submitted by
Susan Renner
Administrative Secretary

Approved this _____ day of _____, 2006 by the City Council, City of Andover.

Jeffrey K. Bridges
City Clerk