

**ANDOVER CITY COUNCIL
January 30, 2007
Minutes**

The Andover City Council met for a regular meeting on Tuesday, January 30, 2007, 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 Caroline Hale, 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, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Captain Randall Harris, and City Clerk/Administrator Jeff Bridges.

Call to order

The Invocation was given by Doretha Horn of the Grant Chapel AME Church of Wichita.

Invocation and Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Lawrence.

Mayor Lawrence opened the floor to public comment. No one spoke.

Public comment

Mayor Lawrence and the Council recognized Andover Police Department personnel Randy Coffman for five (5) years of service. Officers Mickey Farris and Mark Werbin were each given letters of commendation for exceptional service when helping a motorist that had a medical condition. Officers Mickey Farris and Janelle Mullin were presented Good Conduct Awards for their first year of service with no blemishes to their record. Janelle Mullin also received an Exceptional Performance award for her work seeking and securing automatic defibrillator's for the department.

Staff recognitions

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to accept the agenda as drafted. Motion carried 6/0.

Acceptance of agenda

A motion was made by Council Member Zinn, seconded by Council Member Nelson, to approve the Consent agenda as follows:

- A. Approval of minutes: January 9, 2007 City Council Meeting
- B. Receive & file minutes: Planning Commission November 21, 2006
- C. Receive & file reports:
 - i. Finance
 - ii. Police
 - iii. Andover Public Library

Approval of consent agenda

D. Approval of appropriation ordinance B-25-06 in the amount of \$62,712.22

Approval of appropriation ordinance B-01-07 in the amount of \$682,190.01

E. Accept Standard Operating Guidelines for Andover Emergency Communications and Emergency Accident Reporting Plan

F. Accept the sanitary sewer plans for Anna Addition

Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the Cornerstone Commercial Addition plat. Motion carried 6/0.

Cornerstone Commercial Addition plat

A motion was made by Council Member Nelson, Council Member Geisler seconded, to accept the Cornerstone Commercial Addition developers' agreement as presented. Motion carried 6/0.

Cornerstone Commercial Addition developers agreement

A motion was made by Council Member Hale, Council Member Geisler seconded, to accept the Cornerstone Commercial Addition petitions for improvements as follows:

Cornerstone Commercial Addition petitions for improvement

- Keystone Parkway and 21st Street north arterial paving petition
- Andover Road arterial paving petition
- left turn lane petition
- storm drain petition (phase 2)
- storm drain petition
- 159th Street water main petition
- 159th Street paving and sidewalk petition
- sanitary sewer petition
- Keystone Parkway water main petition (phase 2)

Motion carried 6/0.

A motion was made by Council Member Nelson, Council Member Hale seconded, to approve Resolution 07-03, a resolution determining the advisability of making certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or probable costs thereof, the extent of the benefit district to be assessed for the costs thereof, the method of assessment and the apportionment of the costs between the benefit district and the city at large; authorizing and providing for the making of the improvements in accordance with the findings of the governing body; and directing the publication and recording of this resolution (Cornerstone Addition improvements). Motion carried 6/0.

Resolution 07-03 advisability of certain internal improvements for Cornerstone Addition

A motion was made by Council Member Nelson, Council Member Geisler seconded, to adopt Ordinance 1327, an ordinance authorizing the construction of certain internal improvements in the City of Andover, Kansas, as heretofore

Ordinance 1327 authorizing the construction of certain internal improvements for Cornerstone Addition

determined advisable and authorized to be made by Resolution No. 07-03 of the City, under the authority of K.S.A. 12-6A01 *et seq.*, as amended and supplemented; providing for the payment of the costs of said improvements; authorizing the issuance of general obligation internal improvement bonds for the payment of the costs of said improvements and authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements. Motion carried 6/0.

A motion was made by Council Member Nelson, Council Member Dreiling seconded, to authorize taking of negotiated bids for the paving of Keystone. Motion carried 6/0.

Keystone Parkway paving improvements

Mayor Lawrence asked Les Mangus, Director of Public Works and Community Development, for a brief background of what happened at the last Planning Commission meeting regarding this special use case. Mr. Mangus explained that this was a special use request in the industrial park to convert an existing building from an industrial storage contractor type shop to a sports training facility. At the last City Council meeting the Council referred it back to the Planning Commission for further consideration. The Planning Commission debated this issue for some time and returned it to the City Council with their same recommendation, to deny, but with an open ear for any suggestions. After the motion to deny this special use, the Planning Commission asked for a committee to be appointed to consider the fate of the industrial park and some possible changes to either the zoning district or their underlying zone of the park. Their vote was again split, as was the first Planning Commission vote and the City Councils vote.

Special Use Case SU 2006-06

Council Member Hale, attended the Planning Commission meeting, added that they were unanimously open to, if there needs to be, further discussion. Council Member Hale felt strongly about the process being protected and that the park not become piece-meal. The Planning Commission is willing to look at the park if people want it to change but they do not feel that is should be changed bit by bit.

Mayor Lawrence opened the public hearing on the matter at 7:20 p.m.

Elton Parsons, President of Promote Andover Inc., reported that at the last regular scheduled meeting of P.A.I. the vote on this item was exactly the same as it was the first time and to recommend that the special use not be granted. He further stated that P.A.I. did have considerable discussion about the park and the kinds of things that should go in the park and where they should go in the park, and that P.A.I. is certainly willing to look at those things but feels that this particular lot, being in the middle of the I-1, is inappropriate. The P.A.I. members felt that changing use for the lots along the south line of what is known as the Andover Industrial Park, possibly creating a deeper depth off of Andover Road would certainly be a possibility. "My reason for being here is that P.A.I. is recommending disapproval of the action."

Council Member Nelson asked Mr. Parsons for the definition of I-1 zoning. Mr. Nelson stated after reading the draft of the minutes of the last Planning

Commission’s meeting there seems to be some interpretation of the definitions of permitted uses. Mr. Parsons responded he would need the zoning book in front of him as he could not quote it verbatim. Council Member Nelson went on to say that he was looking at the record and that it states something to the effect of “for laboratory professional and research and development activities.” There was some discussion at Planning Commission meeting that the use intended by the prospective buyer would comply with that definition. Mr. Parsons responded that he had watched the Planning Commission meeting while recuperating and in his opinion that is a heck of a long stretch. Council Member Nelson expressed his appreciation for Mr. Parsons candor and assistance at the Planning Commission meetings and attending the City Council Workshop meetings. Council Member Nelson concurs with the idea that a study be made as to what is in the best interest of the City of Andover for the development of that property.

Council Member Hale added that at the City Council Workshop meeting the Mayor asked the Council to form a committee, to include members of P.A.I. to look at the use of the Industrial Park.

Mayor Lawrence closed the public hearing at 7:25 p.m.

Council Member Nelson asked the Council and Les Mangus whether or not the intended use of the prospective buyer fits within the definition of industrial? Mr. Mangus responded he did not have enough information. To be a research organization, research would have to be the majority of the business and the few words on the special use application did not imply that to him. Council Member Nelson added that if the intended use complied with the industrial use they would not need a special use permit, Mr. Mangus agreed.

A motion was made by Council Member Zinn, Council Member Hale seconded, to accept the Planning Commission’s recommendation to deny the special use application. Motion carried 5/1. Council Member Nelson voted no.

A motion was made by Council Member Zinn, Council Member Roberts seconded, to approve Resolution 07-04 a resolution calling for an election on the proposition of authorizing the Sunday sale of packaged liquor within the City of Andover, Kansas. Motion carried 6/0.

Resolution 07-04
election on the
proposition of Sunday
packaged liquor sales

Mayor Lawrence requested staff to send some kind of notification to the ministerial alliance and malt cereal beverage license holders.

Mike Thompson, POE and Associates Consulting Engineers, presented the last portion of information regarding the project to provide a bicycle/pedestrian facility connecting the Andover Sport Park and Andover Central Park. Mr. Thompson explained the layout of the project that Council members received in their packets. This is a 10 foot wide hike and bike trail including landscaping and two benches and trash receptacles. The total project cost estimate is \$550,000, what he is asking for this evening is to approve the plans and also the submittal of the construction engineering proposal to KDOT. This includes the administration, inspection, construction staking and testing. This is an hourly proposal in the

Andover Hike/Bike Path

amount not to exceed \$54,680.00. The project is 80% paid for through the Transportation Enhancement Program.

A motion was made by Council Member Nelson to accept the plans and engineers estimate for the engineering construction fees not exceed \$54,680.00, seconded by Council Member Geisler. Motion carried 6/0.

Council Member Zinn inquired about the proximity of the path to the street. Mr. Thompson stated there would be a grass area between the path and the curb.

Council Member Roberts inquired as to whether the bike path would have different specifications than regular sidewalks. The regular sidewalks break up a lot even though they are not very old and a lot of them are cracked. Mr. Thompson responded that the thickness of the concrete is similar, better base preparation where sidewalks cross driveways they will be 6 inches thick and reinforced but the usually the problem with side walks cracking is where there are heavy loads, either cars, trucks or other equipment driving on the sidewalk. Council Member Roberts stated that they are never fixed. In Caywood there are a lot of cracked sidewalks and it is a fairly new subdivision. She did not necessarily think they are in front of driveway. Mr. Thompson stated he believed that the sidewalks were built before the houses were so they also had to contend with construction traffic. Council Member Roberts asked who is responsible for fixing them. Mr. Thompson added that is would be nice if the people that broke them fix them.

Jeff Bridges presented the acknowledgement form Cox Communication's that they have received their statewide franchise. Mr. Bridges recommends that the Council set the franchise fee rate at its current 5% and ask for a second public education governmental channel for USD 385.

Acknowledgement of Cox Communications statewide franchise

Council Member Hale inquired as to what this change means to us now. What is it going to cost us to keep cable channel 7 for the public? Mr. Bridges stated that would be interesting to find out. He spoke with Mr. Schneider, Director of Government Affairs for Cox, and asked some of those questions because the law states that the cable companies have to provide the "capacity" to transmit local programming. Mr. Bridges then asked if that include technology which is provided to us through our franchise. Mr. Schneider was unsure what would or would not be provided. Council Member Hale wanted to confirm that currently we are not paying anything for the service we have now. Mr. Bridges concurred and added that if for whatever reason our technology became outdated and we needed to upgrade our technology to transmit the signal that would be at our cost. In the past that would have been something provided through the local franchise.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to acknowledge the Cox Communications statewide franchise, set the franchise fee rate at 5%, and to ask Cox for an additional Public, Education, and Governmental (PEG) channel for USD 385. Motion carried 6/0.

Jeff Bridges added we have received the franchise check for 2006 revenues for a total of \$84,000. We originally intended to get a second channel with our local franchise renewal but the State preempted. Mr. Bridges added he did not know how much technology Cox will provide to the schools and that he has inquired with Mr. Schneider regarding the cable drops to the school and was informed they will continue, but the drops to the city buildings Mr. Schneider was unsure.

Member Items:

Member Items

Kevin Dreiling – Council Member Dreiling stated he was disappointed that the special use applicant was not at the meeting. Council Member Dreiling was looking forward to the debate.

Clark Nelson – Council Member Nelson thanked Council Member Dreiling and Council Member Geisler for their work on the Andover Appreciation Outing. It was a good time and well done and your efforts are appreciated.

Sheri Geisler

- Council Member Geisler inquired about covenants in a development, whose responsibility is it to enforce them? Jeff Bridges stated it would be the property owners of the development.
- Council Member Geisler asked if home owners associations, when they take over, if they have the option to ask the developer to pay for some of the repairs. A lot of the damage that occurs to the sidewalks is from the utilities. The City has a strict policy that a certificate of occupancy not be issued until the sidewalks have been inspected. There are times the utility companies are there prior to the house being built or afterwards and they show no regard for the sidewalks. That is one reason for collecting franchise fees, to take care of the things the utilities companies leave behind.

Caroline Hale – Council Member Hale shared the loss of a very dear Andover citizen, someone who gave a lot to the community, with the passing of Kay Palmer. Today was her funeral and she wanted to extend our sorrow and blessing to Stanley Palmer and his children. Kay will be missed in the community.

Carol Roberts

- Council Member Roberts stated that the inside lane at Kellogg at Andover Road, especially in the dark, you cannot tell where the median is. Jeff Bridges stated staff would check on this.
- Council Member Roberts also inquired if Mr. Ed Hill's requests had been resolved. Mayor Lawrence stated that Mr. Hill has requested a hearing with the Board of Adjustments and Appeals, and he has a recommendation for appointment for the Council to approve but he has not heard back from him yet. The other member of the board is vacationing in Texas and will not be back until next month. Jeff Bridges has contacted Mr. Hill to see if could wait for the third member of the board.

Keith Zinn

- Council Member Zinn shared information he had received last week while attending City Hall Day in Topeka. These particular items are of interest to cities. He had previously spoken with Mr. Bridges and he was familiar with this information, if you have any questions regarding this please contact Jeff Bridges.
- Council Member Zinn made comment about the inconsistent sound of the broadcast of our meetings on channel 7. Mr. Bridges stated the location of the microphone on the individuals is very important. Mayor Lawrence added everyone needs to speak up. Council Member Zinn also asked members to use the mute button available to them. Mr. Bridges stated for future meetings staff will try to make sure microphones are placed properly.

Jeff Bridges reminded everyone of the Wichita Home Show this weekend. Andover Chamber of Commerce and P.A.I. have purchased eight slots to have an Andover Main Street.

A motion was made by Council Member Zinn, seconded by Council Member Hale, to adjourn the meeting at 7:50 p.m. Motion carried 6/0.

Adjourn

Respectfully Submitted by

Susan Renner

Administrative Secretary

Approved this ____ day of ____, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges

City Clerk