

**ANDOVER CITY COUNCIL
Tuesday, March 27, 2007
Minutes**

The Andover City Council met for a regular meeting on Tuesday, March 27, 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, Clark Nelson, and Carol Robert, Sheri Geisler arrived at 7:10 p.m.. 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, Building Code Compliance Officer Kirk Crisp and City Clerk/Administrator Jeff Bridges.

Roll Call

The Invocation was given by Pastor Eric Hicks of the Andover Church of Christ.

Invocation

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

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

Public Forum

Mayor Lawrence presented the following proclamation to the Andover Police Telecommunications Department which includes Bill Duggan, Kelli Galloway, Michelle Poyner, Travis Hooper, Curtis Lunnam, and Samantha Walton:

Awards & recognitions

Proclamation

National Public Safety Telecommunications Week

April 8-14, 2007

Whereas emergencies can occur at anytime that require police, fire or emergency medical services; and

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas the safety of our police officers and firefighters is dependant upon the quality and accuracy of information obtained from citizens who telephone the Andover 911 center; and

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas Public Safety Telecommunicators of the Andover 911 center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

Therefore Be It Resolved that the City Council of Andover, Kansas declares the week of April 8 through 14, 2007 to be National Public-Safety Telecommunications Week in Andover, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Council Member Nelson asked that the location description be corrected for the following items: Item 9 to read (generally located at the south east corner of 21st and Andover Road); and Item 10 to read (generally located at the north west corner of 21st and Andover Road), and then to accept the agenda, seconded by Caroline Hale. Motion carried 5/0.

Acceptance of agenda

Council Member Zinn inquired about the parking for item J, Kansas Farmers Market and the City of Andover agreement, Jeff Bridges explained this would be a Wednesday evening event and they would set up in the gravel areas leaving plenty of room for parking.

Acceptance of consent 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: City Council Meeting March 13, 2007
- B. Receive & file Minutes: Planning Commission Meeting
February 20, 2007
- C. Approval of appropriation ordinance B-05-07 in the amount of \$238,467.90
- D. Approval of the purchase of a 2nd Chance Police Shield for the Police Department in the amount of \$1,500. This is a budgeted item for 2007 in the amount of \$1,699.
- E. Approval of renewal of cooperative agreement between Kansas State University, Kansas Forest Service and Andover Fire and Rescue Department
- F. Approval of contract between Insituform Technologies and the City of Andover for sewer line rehabilitation (\$94,342.50)

- G. Approval of supplemental agreement between POE and Associates and the City of Andover for additional construction staking for additional erosion control measures for the Winchester Addition (\$1,800.00)
- H. Approval of street light locations for Montana Hills 2nd Addition
- I. Approval of annual operation and maintenance assurance statement with the Kansas Department of Wildlife and Parks
- J. Approval of agreement between the Kansas Farmers Market and the City of Andover for use of Central Park for a weekly farmers market. This agreement expires December 31, 2007.
- K. Approval of non-elected personnel status change for Jeff Bridges, City Clerk/Administrator, annual pay increase from \$75,000 to \$77,250 annually.
- L. Approval of concrete improvements at 13th Street Sports Park for ADA sidewalks with Beran Concrete as the contractor at a cost of \$5,600.00.

Motion carried 5/0.

Mayor Lawrence called zoning case Z-2007-02, Ordinance No. 1331 – an ordinance changing the zoning district classifications of certain lands located in the City of Andover, Kansas, under the authority granted by the zoning regulations of the City as originally approved by Ordinance No. 1187. (generally located at the south east corner of 21st and Andover Road)

Ordinance 1331 – zoning case Z-2007-02

The Mayor asked the City Council if anyone intended to disqualify themselves from discussing or voting on this case because they have conflicts of interest or particular bias, no one did.

The Mayor asked Jeff Bridges, City Clerk/Administrator, if the City had received any protest petitions. He responded he had not.

The Mayor confirmed with the Council that they had received the February 20, 2007, Planning Commission meeting minutes.

The Mayor asked the applicants if they felt they had a fair and impartial hearing at that Planning Commission meeting, the applicants responded that they did.

The Mayor asked Zoning Administrator Les Mangus to give a brief report regarding the case. Mr. Mangus explained that this case has two different zoning classifications and that after a lot of debate and a few split votes the Planning Commission did move to approve the case with conditions limiting the maximum number of units to 160 and limited to 2 story apartments not to exceed 35' in height.

The Mayor asked the applicants if this fit in his scope of plans and asked the applicant if he would like to present any new information or respond to the recommendation given by the Planning Commission.

Mr. George Laham, 8304 Bridlewood, Wichita, Kansas, explained their plans for the 35 acres. The plan submitted included approximately 9 acres which is proposed for commercial zoning and 16 acres for multi-family zoning, with access off of 21st and Andover Road. Approximately 8 acres, (20% of the property) will be used for drainage detention. The preliminary design plan was shown to the council. Mr. Laham proceeded to explain his substantial involvement and investment in the Andover community with the Cornerstone addition. Mr. Laham also expressed concern for what happens at this intersection so it is good for Cornerstone, the property in question, and the community.

The original request to the Planning Commission was for 14 units per acre, approximately 235 units, staff recommended 12.5 units per acre or approximately 200 units. The Planning Commission returned with a recommendation of 10 units per acre, reducing the number of units to 160. Mr. Laham is requesting the City Council consider approving the original staff recommendation of 200 units.

Council Member Hale expressed what she felt was the biggest concern at the Planning Commission meeting was traffic and the height of the units. After further investigation and consideration, she is willing to support the applicant's current request. She did still have some concerns regarding all of the apartments being 3 stories high. The applicant explained the units will be several hundred feet back from the road, tucked behind the commercial buildings.

Mr. Laham also explained how allowing three stories would provide flexibility in the design of the units. The actual design phase will be decided once the zoning has been approved. He asked the Council to look where the Cornerstone project is with the hospital, how the school is coming along, as well as the two subdivisions that are underway.

Council Member Hale inquired about the apartments going in at the Cornerstone project currently (north west side of Andover Road & 21st Street). Mr. Laham explained there are 161 units, 13 per acre, approved there and that all units would be phased in as the market could bear.

Council Member Zinn wanted to clarify that if the Council were to approve the zoning presented this evening it would be over-riding the Planning Commissions recommendation.

Council Member Nelson confirmed the recommended restrictions the Planning Commission has placed on the project; 1) 2 stories; 2) 160 units maximum; 3) roof issue; 4) maximum of 35' height. He asked the applicant what maximum height they need to achieve building 200 units. Mr. Laham again stated he would like to have the 45' to allow for design flexibility.

Council Member Nelson asked Mr. Mangus if he had an issue with the 45'. Mr. Mangus explained that by restricting the maximum height it would make the building foot print larger leaving less open space, less playground, less green space, and crowded parking.

Council Member Nelson confirmed that the final design would have to be approved by the Andover Site Planning Committee and Mr. Mangus concurred.

Council Member Nelson wanted to make sure there was no issue with the commercial part of the zoning request. There was not.

Mr. Laham explained to the council that if a complex is built well it is hard to tell what the height is. He cited Cambridge Apartments at 21st and Webb as an example of a combination of two and three story units and he believes it is very well done.

Council Member Geisler asked if that was an example of one of his projects, Mr. Laham explained he has not been involved in a multi family housing project until now, he is primarily a land developer. Mr. Laham offered Wilson Estates, Wilson Estates Medical Park, Legacy Park and Bradley Fair as an example of his work.

Council Member Geisler confirmed with Council Member Hale that she is comfortable with the request of the applicant. Council Member Hale concurred.

Council Member Roberts asked for clarification regarding the drainage from the north west corner of Andover Road and 21st Street to this location. Mr. Laham explained the drainage goes east under Andover Road, south under 21st Street and would discharge into a detention pond. The detention pond will discharge behind the school. Mr. Laham stated one of his developments, Regency Lakes, there was a similar water situation and they created landscaped waterways with bridges, lights, etc. and they plan to have a similar design here.

Council Member Dreiling stated that if he was asked where you would build apartments in Andover he would drive you to the corner of 21st and Andover Road. He believes this area to be a buffer between future residential and commercial.

He also believes that the concern of the building height should not be an issue at this particular location. The second concern of the Planning Commission was traffic and Council Member Dreiling stated there is going to be traffic on any major corridor. Although he does not want to make practice of overriding the Planning Commission he did not see these to be issues in this particular case.

Mayor Lawrence explained the three options the Council has at this time with the zoning issue.

Council Member Roberts asked the applicant if the zoning was not approved if he would withdraw. Mr. Laham stated he would.

The Mayor asked if anyone in the audience would like to speak, no one spoke; the hearing was closed and moved to the bench.

ANDOVER CITY PLANNING COMMISSION Agenda Item No. 7

REZONING REPORT *

CASE NUMBER: Z-2007-02

APPLICANT/AGENT: BC Partners LLC/ PEC

REQUEST: R-2 to R-4 on 24.63 acres
 R-2 to B-3 on 11.03 acres

CASE HISTORY: Vacant land recently sold by Butler Community College to applicant.

LOCATION: SE corner of 21st and Andover Road.

SITE SIZE: 35.7 acres

PROPOSED USE: Potential commercial/ multi-family development.

ADJACENT ZONING AND EXISTING LAND USE:

North: B-3- BCC & storage facility
 South: R-2 vacant land & B-1 Countryside Pet Clinic
 East: Butler County RR- single family residence on +/- 10 acres.
 West: B-3 Presto Convenience Store, Hanna Heating, Strip retail/ office building.

Background Information:

* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission’s considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district

classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

FACTORS AND FINDINGS:

1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES NO

STAFF: Shown above.

PLANNING: Shown above.

COUNCIL: Concur

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES NO

STAFF: Shown above.

PLANNING: Shown above.

COUNCIL: Concur

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

x STAFF: BCC has owned the property for sometime with plans to develop a satellite campus.

x PLANNING: Les said there is some Butler County Rural Residential zoning adjacent to the college.

COUNCIL: Concur

4. Would the request correct an error in the application of these regulations?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

x STAFF: BCC sale of property and activity on the Cornerstone

PUD.

x PLANNING:
COUNCIL: Concur

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO
x STAFF: All exist or can be provided.

x PLANNING:
COUNCIL: Concur

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO
x STAFF:

x PLANNING:
COUNCIL: Concur

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO
x STAFF:

x PLANNING:
COUNCIL: Concur

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

YES NO
x STAFF: B-3 & R-4 zoning parcels are available in the Cornerstone PUD.

x PLANNING: In the Cornerstone Addition.
COUNCIL: Concur

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO
x STAFF:

x PLANNING:
COUNCIL: Concur

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

YES NO

x STAFF: The site is large enough for a single family residential development.

x PLANNING:
COUNCIL: Concur

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: Increased traffic, light, noise, etc.

PLANNING: Mostly with traffic congestion.

COUNCIL: Concur

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

x STAFF:

x PLANNING: Les stated the Comprehensive Plan mentions a potential multi-family at or near the intersection of 21st and Andover Road. It is the only place in the plan that is mentioned specifically for multi-family.

Byron Stout mentioned that the multi-family housing in the Cornerstone Addition could apply as well. Les agreed.

COUNCIL: Concur

15. What is the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: Traffic, number of dwelling units, congestion, property value.

COUNCIL: Concur

16. Is there any information or are there recommendations on this request available from knowledgeable persons which would be helpful in its evaluation?

YES NO

STAFF:

PLANNING: Les said there were recommendations in his memo.

COUNCIL: Concur

17. If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?

YES NO

STAFF:

PLANNING: Jan Cox said she was not sure it would in the long term. Quentin Coon agreed with her.

COUNCIL: Concur

There was discussion about crafting the R-4 Protective Overlay. Les said that in terms of density the number of dwellings for the given area has no difference between the R-3 and R-4 zoning, just that the R-3 restricts to a 4-family dwelling and the R-4 is allowed multiple dwellings. Lynn Heath said he is not concerned about the height of the buildings. Lynn Heath asked for a roll call vote to see how many dwelling units and structure height the members wanted.

Byron Stout- limit of 2 stories with maximum of 160 units.

JR Jessen- limit of 2 stories with maximum of 185 units.

Quentin Coon-limit of 3 stories with maximum of 225 units.

Jan Cox- limit of 2 stories with maximum of 160 units.

Lynn Heath- limit of 3 stories with maximum of 225 units.

Caroline Hale asked if this existing property is zoned R-3. Lynn Heath stated it is R-2 Single-Family Residential and has been so for over 15 years. She said that makes this case unique from the Cornerstone Addition and she doubts this applicants property would be an area ideal for construction of single-family homes.

General discussion continued about the appropriate maximum height that should be allowed for this structure.

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Janice Cox, move that we recommend to the Governing Body that **Case No. Z-2007-02** be approved to change the zoning district classification to include a Protective Overlay of 2 story apartment and 160 maximum dwelling units from the R-2 District to the R-4 District based on the findings 6, 10, 13, and 14 of the Planning Commission as recorded in the summary of this hearing Motion seconded by Byron Stout. Discussion continued and Jan Cox amended her motion to add that all the roofs be gabled. Byron Stout seconded the amended motion. Jan Cox amended her motion again to add "2 stories not to exceed 35 maximum structure heights. Motion carried 3/2 with Lynn Heath and Quentin Coon in opposition.*

Jan Cox stated this case will be heard by the Governing Body on March 13, 2007.

Council Member Nelson made a motion, Council Member Hale seconded, to override the Planning Commission and approve the commercial zoning as stated, and to approve the multi-family residential structures with the following restrictions: 1) they be allowed three story building; 2) 200 maximum units; 3) roofs are to be gabled; 4) 45' maximum structure height. Motion carried 5/1. Council Member Zinn voted against.

Mayor Lawrence called zoning case Z-2007-01, Ordinance No. 1332 – an ordinance amending Ordinance No 1316 to reestablish the zoning district classification of the amended planned unit development district and fourth amendment to the amended Cornerstone Addition preliminary planned unit development plan, located in the City of Andover, Kansas, (Zoning Case Z-2007-01) under the authority granted by the zoning regulations of the City as originally approved by Ordinance No. 1187. (generally located on the north west corner of 21st Street and Andover Road)

Ordinance 1332 – zoning case Z-2007-01

The Mayor asked the City Council if anyone intended to disqualify themselves from discussing or voting on this case because they have conflicts of interest or particular bias, no one did.

The Mayor asked City Clerk/Administrator Jeff Bridges if the City had received any protest petitions. He responded he had not.

The Mayor confirmed with the Council that they had received the February 20, 2007, Planning Commission meeting minutes.

The Mayor asked the applicants if they felt they had a fair and impartial hearing at that Planning Commission meeting, the applicants responded that they did.

The Mayor asked Zoning Administrator Les Mangus to give a brief report regarding the case. Mr. Mangus explained this case is across the street from the previous case and is a reconfiguration of some of the commercial properties. There are three parcels, 1) the corner of Andover and 21st currently zoned B-3; 2) is currently zoned B-2; and 3) a sliver thru ownership transactions that was actually zoned R-2 that was now in the ownership of the commercial partnership, not the residential. What they are asking for is to re-zone parcel 2 and 3 to B-3 to match parcel 1 and combine into one zoning unit.

The Mayor asked the applicants if they had any new information to present, they did not. The Mayor asked if anyone in the audience would like to address the issue, no one spoke. The Mayor closed the hearing and returned the discussion to the bench.

ANDOVER CITY PLANNING COMMISSION Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: **Z-2007-01**

APPLICANT/AGENT: **Cornerstone Capital Group, LLC/ PEC**

REQUEST: **Amend the Cornerstone Preliminary PUD to change Parcel 2 from B-2 to B-3 and a portion of Parcel 4 from R-2 to B-3.**

CASE HISTORY:

LOCATION: **North side of 21st Street between Andover Road & Cornerstone Parkway.**

SITE SIZE: **460' x 1,000' = +/- 10.5 acres**

PROPOSED USE: **Combine Parcels 1 & 2 for an integrated shopping center.**

ADJACENT ZONING AND EXISTING LAND USE:

- North: R-2: Cornerstone PUD- Landscaping reserve and City Park.
- South: R-4: Peace Lutheran Church & Life Care Center nursing home.
- East: B-3 Cornerstone PUD- vacant Parcel 1.
- West: B-3 Cornerstone PUD- Ritchie Development temporary sales office.

Background Information:

* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and

reworded as necessary to reflect the Planning Commission’s considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

FACTORS AND FINDINGS:

1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES NO

STAFF: Shown above.

PLANNING: Concur.

COUNCIL: Concur

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES NO

STAFF: Shown above.

PLANNING: Concur.

COUNCIL: Concur

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

4. Would the request correct an error in the application of these regulations?

YES NO

x STAFF:

x PLANNING: Les explained this corrects an error among property

owners.

COUNCIL: Concur

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

x STAFF:

x PLANNING:

COUNCIL: Concur

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

x

STAFF:

x

PLANNING:

COUNCIL: Concur

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

YES NO

x

STAFF:

x

PLANNING:

COUNCIL: Concur

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: No detriment.

PLANNING: No detriment.

COUNCIL: Concur

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

x

STAFF:

x

PLANNING:

COUNCIL: Concur

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

x

STAFF:

x

PLANNING:

COUNCIL: Concur

15. What is the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: None at this time.

COUNCIL: Concur

16. Is there any information or are there recommendations on this request available from knowledgeable persons which would be helpful in its evaluation?

YES NO

STAFF: Approval as applied for.

PLANNING: Quentin Coon said the Commissioners have seen the proposal.

COUNCIL: Concur

17. If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?

YES NO

STAFF:

x PLANNING:

COUNCIL: Concur

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Janice Cox, move that we recommend to the Governing Body that **Case No. Z-2007-01** be approved to change the zoning district classification from the R-2 and B-2 Districts to the B-3 District based on the findings 6, 10, 13, and 14 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 5/0.*

Council Member Nelson made a motion, Council Member Geisler seconded, to approve the application as presented and as approved by the Planning Commission. Motion carried 6/0.

Julie Reams, 822 S Sunset Circle, Andover, representing the Andover Library Friends, is requesting to reserve Andover Central Park for their 2nd Annual Spring Fling on Saturday, April 14. They are also having a book sale on Friday and would like to begin set up on Thursday.

Use of Central Park - Friends of the Library

Council Member Dreiling inquired about order and crowd control with a 16,000 egg hunt. Mrs. Reams explained that approximately 150 volunteers would be coordinating the children and the course.

Council Member Geisler made a motion, seconded by Council Member Hale, to approve the use of Central Park for the Friends of the Library Annual Spring Fling, April 12-14, 2007. Motion carried 6/0.

Mike Thompson, POE & Associates, presented the bid tabulations for the Andover Hike/Bike project. The four bids received were, Barclay Construction, Cornejo, LaFarge and APAC. Barclay Construction had the low bid with \$237,000. The engineers estimate for the project was \$370,000. They recommend that the Barclay Construction bid be accepted contingent on KDOT's concurrence.

Andover Hike/Bike Project

Council Member Roberts inquired as to why the engineers bid was higher than the received bids. Mr. Thompson responded that the bids were very competitive.

Council Member Nelson made a motion, seconded by Council Member Geisler, to award the Andover Road Hike/Bike Path from Central Avenue to 13th Street to Barclay Construction in the amount of \$237,000., contingent upon approval from KDOT.

Council Member Zinn inquired if there is a penalty clause if construction was not complete by the substantial completion date. Mr. Thompson confirmed there is a penalty clause.

Motion carried 6/0.

Brian Slack, 225 Lakeside Court, Andover, representing the Andover Library Building Committee introduced Doug Allison and Dan Wilson of Wilson, Darnell, and Mann, architects for the Andover Library. They presented renderings and gave an overview of the facility design. The project has received approval from the Site Plan Review Committee and they have been working to finalize construction documents so it can go out for bid.

Andover Public Library

Mr. Slack handed out additional notes concerning the budget of the facility. The Council had approved a total budget of \$2,716,000 at a previous Council meeting. The site prep and building was \$2,346,000, and this is the amount they are balancing and planning to. According to the plans and drawing presented this evening the estimate is \$2,340,841.

The Library Building Committee feels that they have all of their estimates as good as they can be until bids are received. They believe the plan, the building design, layout design of the building and the site meet their requirements and they are asking for the Council's approval to go out for bid on April 25, 2007.

Mr. Slack explained the alternates in the budgeted amounts. These are items that are not required to operate a library. Council Member Dreiling confirmed the two bid numbers with and without the alternates.

Council Member Dreiling also asked Mr. Slack if the committee was comfortable with the \$165,000 for furnishings and equipment. Mr. Slack confirmed they are.

Council Member Nelson made a motion, Council Member Zinn seconded, to accept the plans and to authorize the taking of bids on April 25, 2007, as requested. Motion carried 6/0.

Council Member Geisler, seconded by Caroline Hale, to go into executive session at 8:30 p.m. for non-elected personnel to include City Council, Norman Manley City Attorney and the Mayor for 10 minutes. Motion carried 6/0.

Executive session – non-elected personnel

A motion was made by Council Member Geisler, seconded by Council Member Zinn, to come out of executive session at 9:05 p.m. Motion carried 6/0.

Member Items:

Member items

Kevin Dreiling – no items

Clark Nelson commended Mayor Lawrence for his leadership and accomplishments regarding the Andover Library project. Without his persistence and optimism Council Member Nelson believed it would not have been possible.

- Council Member Nelson also wanted to encourage everyone to visit the new Palomino Grill at Terradyne.

Council Member Geisler – explained she had received a call from an area fence builder who is disappointed with our permit process. After speaking with staff regarding this issue it was realized the builder did not understand the permit process. Mr. Mangus explained that this permit had been applied for on Thursday and the builder was called Friday to let him know the permit had been rejected due to a problem with the layout. The builder had already started the work without the permit being approved.

Management Assistant Sasha Stiles explained that forms and processes for permits are listed on the cities website. Mr. Bridges interjected that this gentleman has failed to accept responsibility for anything he decided to do on his own. Mr. Bridges also stated that this law has been in effect since 1993.

Caroline Hale – reminded everyone to go out and vote on April 3.

Carol Roberts – no items

Keith Zinn – inquired about the status of the paving of Mike Street after having a conversation with Terry Johnson regarding the issue. Mr. Zinn also inquired about a storm water run off situation after building the new bridge and it may

have some bearing on what we are doing with Mike Street. Mr. Mangus stated that Terry Johnson owns property just north of Mike Street, from Main Street to Andover Road and as far as implications of drainage from the bridge there is absolutely no connection between the two.

Management Assistant Sasha Stiles explained she has been working with the property owners involved with the paving of Main from Mike Street to 13th. Of the responses received 50% were not apposed and almost 61% of the area within the project is owned by that 50%. Ms. Stiles stated there had been neighborhood meetings and that Mr. Johnson has attended several of those meetings.

Mayor Ben Lawrence – thanked Sheri Geisler for her service on the City Council. The next council meeting, April 10, will be her last one.

A motion was made by Council Member Zinn, seconded by Council Member Geisler, to adjourn the meeting at 9:10 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