

**ANDOVER CITY COUNCIL
Tuesday, August 14, 2007
Minutes**

The Andover City Council met for a regular meeting on Tuesday, August 14, 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, Julie Reams, J.R. Jessen, and Clark Nelson. Others in attendance were: Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, City Financial Advisor Larry Kleeman, Administrative Secretary Susan Renner, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Captain Mike Keller, and City Clerk/Administrator Jeff Bridges. Council Member Carol Roberts was absent.

The Invocation was given by Jerry Smith of the Faith Baptist Church.

Invocation

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Joel Pile, Rose Hill City Administrator, spoke as a representative for the Butler County Community Foundation. The Foundation is a 501-c3 non profit organization governed by a local board of directors serving Butler, Greenwood, and Elk Counties. Mr. Pile attended to specifically ask the City Council for a donation to help reach a \$25,000 challenge match offered by the K.T. Wiedemann Foundation. The funds would be specifically used for children with special medical needs. Mayor Lawrence stated the City Council would discuss.

Mayor Lawrence closed the public forum.

Jeff Bridges asked that Item 16, the discussion regarding Site Plan Committee lighting requirements, be removed from the agenda. A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to accept the agenda. Motion carried 5/0.

Agenda

Council Member Nelson asked that the request for street closure be added to the Consent Agenda as item I. A motion was made by Council Member Jessen, seconded by Council Member Hale to approve the Consent Agenda as follows:

Consent Agenda

- A. Approval of Minutes: City Council Meeting, July 31, 2007
- B. Receive & file Minutes: Site Plan Review Committee, July 9, 2007
- C. Receive & file reports:
 - i. Finance
 - ii. Police
 - iii. Fire

- D. Approval of appropriation ordinance B-15-07 in the amount of \$255,508.12
- E. Approval of street closure request Clubhouse Court (August 18th from 4pm to 10pm)
- F. Approval of Resolution No. 07-20 - a resolution amending Resolution No. 07-15 of the City of Andover, Kansas. (Cornerstone 2nd Improvements)
- G. Approval of Ordinance No. 1348 - an ordinance amending Ordinance No. 1339 of the City of Andover, Kansas. (Cornerstone 2nd Improvements)
- H. Approval of Ordinance No. 1349 - an ordinance repealing and replacing portions of Chapter XVIII, Section 18 of the Code of the City of Andover relating to school zones
- I. Approval of request to close W. Cedarwood Court, 4:30pm to 9:30pm on August 25.

Recommended action: approve

Motion carried 5/0.

Mayor Lawrence opened the public hearing for the proposed 2008 Budget.

Public Hearing
2008 Budget

The Mayor asked twice if anyone would like to speak. No one spoke.

The Mayor closed the public hearing.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to adopt the 2008 Budget as presented. Motion carried 5/0.

2008 Budget Adoption

Council Member Nelson commended City Administrator Jeff Bridges and his staff for a great job in the preparation and keeping the mill levy at approximately the same level. Council Member Dreiling concurred.

Jeff Bridges explained that Ordinance No. 1350 is necessary to declare that the City is collecting more City taxes than they are in the current year; although the mil levy stays the same, due to growth the City will collect more taxes.

Ordinance No. 1350
Declaration of the
Collection of Additional
Taxes for 2008

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve as the ordinance as presented. Motion carried 5/0.

Damion Bonkoski, Director of the Andover Chamber of Commerce, presented parking, parade, fireworks, and signage permits for Greater Andover Days,

Greater Andover Days

September 27-29, 2007, for the Council’s approval. Ms. Bonkoski also presented a slide show regarding this years Greater Andover Days.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve the permits as requested. Motion carried 5/0.

Mayor Lawrence presented Ordinance No. 1351 - an ordinance of the City of Andover changing the zoning district classification of certain lands located in the City of Andover, Kansas under the authority granted by the zoning regulations of the City as approved by Ordinance No. 1187. (308 E Central, B3 to R4).

Ordinance No. 1351
Z-2007-07
308 E Central

Mayor Lawrence asked the Council Members if anyone intended to disqualify themselves from discussing or voting on this case due to a conflict of interest or particular bias. No one did.

Mayor Lawrence asked if the property is inside the City limits. Jeff Bridges responded yes.

Mayor Lawrence asked if the City had received any protest petitions. Jeff Bridges responded it had not.

The Council received the Planning Commission meeting minutes from July 17, 2007.

The Mayor inquired if the applicant was present. They were not.

Mayor Lawrence opened the public hearing. No one spoke.

Mayor Lawrence closed the public hearing.

ANDOVER CITY PLANNING COMMISSION Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2007-07

APPLICANT/AGENT: **Lemons & Lehr, LLC**

REQUEST: **Zoning district classification change from B-3 to R-4 with special use to establish on extended care/skilled nursing care center**

CASE HISTORY: **Undeveloped portion of the PMA Clinic lot adjacent to The Fountains assisted living facility.**

LOCATION: **308 E Central behind PMA Clinic**

SITE SIZE: **260’ x 293’**

PROPOSED USE: **Extended care/skilled nursing care center**

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Crescent Lakes single family residential
South: PMA Clinic-B-3
East: R-4 Fountains Assisted Living Facility
West: B-4 Plaza Shopping

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: See above
PLANNING: The Fountains and PMA and farther west commercial
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: See above
 PLANNING: B-3
 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: The nursing care center would make a better transition from business to residential
 X PLANNING: No one wanted to develop as multi family
 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: The population in general is getting older
 X PLANNING: Everyone getting older
 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 are in place & adequate
 X PLANNING: Concur
 COUNCIL: Concur

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

YES NO

X STAFF: This is a boundary shift between property owners
 X PLANNING: Concur

COUNCIL: Concur

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

YES NO

X STAFF: Screening should be required for the residences to the north

X PLANNING: Concur

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

STAFF: N.A.

PLANNING: Unique case

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

STAFF: More services and employment opportunities.

X PLANNING: Concur

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: Another nursing/housing option the elderly. Employment opportunities

X PLANNING: Concur

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

X STAFF: The nursing center makes a better buffer from business to residential

X PLANNING:

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: Nursing/convalescing homes by special use only
X PLANNING: Concur
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: Provides housing/care alternatives for the elderly
X PLANNING: Concur
COUNCIL: Concur

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

YES NO

STAFF: None at this time
PLANNING:
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

X STAFF: Approval limited to the extended care/skilled nursing care
X PLANNING:
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

Jeff Bridges explained Zoning Case Z-2007-07 is requesting a change in the zoning district classification from B-3 Central Shopping to R-4 Multi-Family Residential for the property behind the currently existing Fountains and PMA

buildings located on East Central. This will allow the owner of the property to add a full-care facility.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the request for the zoning change as recommended by the Planning Commission. Motion carried 5/0.

Mayor Lawrence presented Ordinance No. 1352 – an ordinance approving a special use to establish an extended care/skilled nursing care center in the R-4 Multiple-Family Residential District on 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. (308 E Central)

Ordinance No. 1352
SU-2007-03
308 E Central

Mayor Lawrence asked the Council Members if anyone intended to disqualify themselves from discussing or voting on this case due to a conflict of interest or particular bias. No one did.

Mayor Lawrence asked if the property is in the City limits. Jeff Bridges responded yes.

Mayor asked if the City had received any protest petitions. Jeff Bridges responded they had not.

The Council received the Planning Commission meeting minutes from July 17, 2007.

The Mayor inquired if the applicant was present. They were not.

Mayor Lawrence opened the public hearing. No one spoke.

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ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

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- North: R-2 Crescent Lakes single family residential
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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.

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FACTORS AND FINDINGS:

YES	NO	1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?
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- STAFF: See above
- PLANNING: The Fountains and PMA and farther west commercial
- COUNCIL: Concur

YES	NO	2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?
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PLANNING: B-3
COUNCIL: Concur

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COUNCIL: Concur

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- YES NO
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- COUNCIL: Concur
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X PLANNING:

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

Jeff Bridges explained Special Use Case No. SU-2007 03 would allow for the property owner to build an extended care/skilled nursing care center as discussed in the previous agenda item.

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve Special Use Case No. SU-2007 03 as recommended by the Planning Commission. Motion carried 5/0.

Jeff Bridges presented Ordinance No. 1353 - an ordinance of the City of Andover, Kansas annexing certain lands at the request of the owners thereof. He further explained the property is at 641 S Allen and the annexation is at the request of the owners.

Ordinance No. 1353
Annex 641 S Allen

Council Member Hale inquired about the amendment of a benefit district. Jeff Bridges explained that up until this year a benefit district could only be expanded

if the property owner petitioned for an improvement that was for water and/or sewer; now the benefits can include streets. The assessment would be as if the property owner was in the original benefit district.

Joe Andrews, 641 Allen, the applicant, stated they have lived at that residence for 25 years and decided it was time to get into the City instead of spending more money on a septic tank.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the annexation of 641 Allen Street into the City of Andover. Motion carried 5/0.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the petition for sewer service at 641 Allen Street. Motion carried 5/0.

Petition for Sewer Service
641 S Allen

Mayor Lawrence presented Ordinance No. 1354 - an ordinance annexing land to the City of Andover, Kansas. (Ami Lane Addition)

Ordinance 1354
Annex Ami Lane

Jeff Bridges explained that the order from Butler County permitting the annexation was in their packets and staff recommended approving the annexation.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to accept the annexation of the Ami Lane Addition into the City of Andover. Motion carried 5/0.

Jeff Bridges presented and explained Ordinance No. 1355 - an ordinance annexing land to the City of Andover in accordance with K.S.A. 12-521, as amended. These are the three (3) larger parcels of land adjacent to the Prairie Creek Addition that the City needed permission from Butler County to annex. The City has received the written order from Butler County providing for the annexation and staff recommended approval of the ordinance.

Ordinance No. 1355
Annex 13th & Prairie
Creek (3 parcels)

A motion was made by Council Member Nelson, seconded by Council Member Reams, to adopt the ordinance annexing the property into the City of Andover. Motion carried 5/0.

Council Member Items:

Member Items

Clark Nelson hopes that Greater Andover Days goes real well and appreciates the information provided this evening.

Julie Reams thanked the community for coming out to National Night Out. She also offered special thanks to Chief Keller and the police department for allowing her to be part of the planning.

- Council Member Reams also wanted to remind everyone that school is in session and to please be careful.

Caroline Hale thanked Chief Keller for his work these past three months, there has been a lot of revamping of the Police Department. She also gave special thanks to all City departments that helped with National Night Out.

- Council Member Hale also noted the library will begin construction this week.
- The Parks Committee is still working on the monument for Central Avenue.
- The Greater Andover Days Committee wants to remind all former Mayors and City Council members of the ice cream social. All previous Mayors will also be in the parade.
- The Butler County Commission will be holding their meeting at the Andover Central Park Lodge at 6pm, Tuesday, August 21st.

Kevin Dreiling also thanked everyone for a great National Night Out, their hard work is appreciated.

- Kudos to his wife, for the first time in their lives all three of the children will be in school. Congratulations!

J.R. Jessen wants all of the kids to have a good school year.

Mayor Lawrence reminded the Council if they are interested in the league meeting to make sure they let Mr. Bridges know.

A motion was made by Council Member Jessen, seconded by Council Member Hale, to adjourn the meeting at 7:40 p.m. Motion carried 5/0. Adjourn

Respectfully Submitted by

Susan Renner
Administrative Secretary

Approved this 28th day of August, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges
City Clerk