

**ANDOVER CITY COUNCIL  
Tuesday, September 11, 2007  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, September 11, 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, 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 Chief Mike Keller, and City Clerk/Administrator Jeff Bridges.

The Invocation was given by Dorethea Horn of the AME Church.

Invocation

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Jeremy Horsch, 822 Crescent Lakes Circle, presented pictures of his yard after this past rain and the drainage issues he is experiencing. He believes the problem comes from poor final grade and his neighbors completion of landscaping.

Council Member Nelson suggested the home owners contact their builder to address the grading issues.

Les Mangus stated the home owner needs to hire a surveyor or engineer to determine the current condition and if it meets the drainage master plan.

Council Member Jessen stated the neighbors should get together, determine the problem and how to fix it, and then ask their builder to help with the expense.

Mayor Lawrence closed the public forum.

Mayor Lawrence presented Officer Mark Werbin with a Certificate of Commendation for his dedication to serving the people of Andover. Officer Werbin handled a "Telephone Harassment Complaint" from dispatch to successful completion and closing of the case.

Certificate of Commendation

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve the agenda as written. Motion carried 6/0.

Jeff Bridges stated that agenda item #10, Ordinance No. 1360, has minor changes and a copy was presented to each Council Member.

Agenda

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to accept the consent agenda as presented.

Consent Agenda

- A. Approval of Minutes: City Council Meeting August 28, 2007  
City Council Workshop June 25, 2007  
City Council Workshop July 30, 2007  
City Council Workshop August 27, 2007
  
- B. Receive & file Minutes: Planning Commission May 15, 2007  
Planning Commission June 19, 2007  
Planning Commission July 17, 2007  
Subdivision Committee February 13, 2007  
Subdivision Committee March 13, 2007  
Subdivision Committee April 10, 2007  
Subdivision Committee May 8, 2007  
Subdivision Committee June 12, 2007  
Subdivision Committee July 10, 2007  
Site Plan Review January 2, 2007  
Site Plan Review February 6, 2007  
Site Plan Review June 5, 2007  
Site Plan Review July 9, 2007
  
- C. Receive & file reports:
  - i. Finance
  - ii. Police
  - iii. Fire
  
- D. Approval of appropriation ordinance B-17-07 in the amount of \$613,207.58
  
- E. Approval of Change Order #10 for Project 008-U1936-01 13<sup>th</sup> Street Bridge (+\$11,700 man hole adjustment)
  
- F. Approval of Change Order #4 for Project 008-N-0364-01 13<sup>th</sup> Street West (-\$750.00 change in asphalt mix)
  
- G. Approval of Resolution No. 07-25 - a resolution of the City of Andover, Kansas, amending Chapter 3, Section 3 of the Code of Municipal Policies of the City of Andover pertaining to the Convention and Tourism Bureau.
  
- H. Approval of non-elected personnel items – Officer Mullen status change to Master Police Officer 1 with a pay increase from \$15.97 per hour to \$16.00 per hour effective September 24, 2007.
  
- I. Approval of purchase request (Administration/Public Works) Replacement of two city hall computers, the City Administrator and the Director of Public Works. Total cost of \$6,073.20.
  
- J. Approval of Change Order #3 for Project 87-TEA-T028C801 Andover

Hike/Bike Path (+\$6,910.50 additional sod for right of ways)

Recommended action: approve

Motion carried 6/0.

Jeff Bridges presented Ordinance No. 1359 - an ordinance of the City of Andover, Kansas, pursuant to K.S.A. 12-519 et seq. annexing to the corporate limits certain tracts of land at the request of the owners thereof. (Riverstone Reserve, generally located at the south east corner of 130<sup>th</sup> and Andover Road)

Ordinance No. 1359  
Annexation of Riverstone Reserve

This annexation is at the request of the property owner for development purposes and is in the City of Andover’s planning jurisdiction.

Council Member Roberts inquired about the many pieces of property that are not annexed between here and this piece of property. She felt that if we are going that far south we should annex all in between.

Jeff Bridges briefly explained annexation for parcels over 20 acres and dedicated to agriculture and how the City could present a consolidated annexation case to the County to take in some of those properties. In the past the City has refrained from annexing agricultural ground because it does not serve a need, unless it is in the way of the extension of utilities or some other reasonable need.

Les Mangus stated over the last 30-50 years there has been an accumulation of small rural subdivisions that have no need for city benefits.

Mayor Lawrence stated that annexation and the city limits should be placed on a workshop agenda for further discussion. An official stance should be determined.

Council Member Roberts inquired about the responsibility of the paving of 130<sup>th</sup>. Jeff Bridges stated that the frontage will all be paved and 130<sup>th</sup> will be paid for by the Riverstone Reserve and Flint Hills National Additions. The interior roads of the subdivision will be private and privately paid for and built to public standard.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to approve Ordinance No. 1359 as written. Motion carried 6/0.

Mayor Lawrence presented Ordinance No. 1360 - an ordinance changing the zoning district classification of certain property and change of zoning district classification from Butler County RR Rural Residential to R-2 Single-Family Residential district and establishment of the Riverstone Reserve Addition Planned Unit Development district and Riverstone Reserve Addition Preliminary Planned Unit Development plan, 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 southeast corner of 130<sup>th</sup> Street south and Andover Road)

Ordinance No. 1360  
Change in zoning for Riverstone Reserve



**Background Information:**

The subject property was zoned and platted in 2-4 acre lots many years ago, but never developed.

\* 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:**

- |     |    |   |
|-----|----|---|
| YES | NO | 1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?  |
| X   |    | STAFF: See adjacent zoning and existing land use above  |
| X   |    | PLANNING: Concur  |
|     |    | 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?  |
| X   |    | STAFF: The subject property is currently zoned and platted for single family residential development in unincorporated Butler County at the southern edge of the Andover Extraterritorial Subdivision Jurisdiction in an area of scattered rural residences and legal non-conforming business uses. |
| X   |    | PLANNING: Concur  |
|     |    | COUNCIL: Concur   |
| YES | NO | 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?   |
| X   |    | STAFF: The property has been zoned and platted in large suburban lots for many without development  |
| X   |    | PLANNING: Concur  |
|     |    | COUNCIL: Concur   |
| YES | NO | 4. Would the request correct an error in the application of these regulations?  |

X STAFF:  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 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?

X STAFF: The subject property is contiguous to property annexed to the City with public utilities available.  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 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?

X STAFF: Public water, sewer, and streets are available to the site and can be extended to adequately serve the permitted uses  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 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?

X STAFF: The subject property is proposed to be replatted  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

X STAFF: Screening of adjacent land uses is not required but the PUD provides buffering with berms and existing hedgerows and trees.  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

STAFF: N/A  
 X PLANNING: R-2  
 COUNCIL: Concur

YES NO 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

STAFF: N/A  
 PLANNING: N/A  
 COUNCIL: Concur

YES NO 11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

STAFF:  
 X PLANNING: County residential to City residential  
 COUNCIL: Concur

YES NO 12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

STAFF: The additional dwelling units allowed by the proposed zoning would slightly increase traffic, noise, light, etc. beyond that which would be created if developed at the currently zoned permitted density.  
 X  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

X STAFF: The proposed use would provide another housing alternative.  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

X STAFF: The Comprehensive Plan indicates the subject property future land use is residential development.  
 X PLANNING: Concur  
 COUNCIL: Concur

YES NO 15. What is the support or opposition to the request?

STAFF: None at this time  
 X PLANNING: Traffic, make sure the streets are developed. Lynn Health commented: Paving 130<sup>th</sup> maintenance entrance within that ¼ mile this needs to be consider when the street is paved.  
 COUNCIL: Concur

YES NO 16. Are there any information or are there recommendations on this request available from knowledgeable persons which would be helpful in its evaluation?

STAFF: Approval as applied for

X PLANNING: Concur  
COUNCIL: Concur

YES NO 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?

X STAFF: No detriment to the public is perceived.  
X PLANNING: Concur  
COUNCIL: Concur

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve Ordinance No. 1360 based upon the Planning Commission’s recommendation and items 3, 5, 6, 13, and 14.

Council Member Reams wanted to confirm that this property is in the Andover School District but has a Rose Hill address. The Ami Lane Addition (annexed at August 24 meeting) is in the Andover city limits, Rose Hill school district and will have a Rose Hill address.

Motion carried 6/0.

Mayor Lawrence opened the discussion regarding lot grading requirements and how it pertains to the drainage issues being brought before the City Council. The Planning Commission has discussed this requirement at length for years and is asking for the Council’s guidance or recommendation. Currently the standard is a 1% grade and the Planning Commission would like to change it to 1.5% standard with a 2% goal.

Lot grading requirments

Mayor Lawrence stated that he believes the 2% goal is a good idea but he has not seen any other solutions to the draining issues brought forward.

Les Mangus stated that it is not about design but the execution of the design. Fences, landscaping, etc. add to the problem. The builder may have the grading done correctly and then landscaping is completed or changed creating a drainage problem.

To conclude the lengthy discussion the City Council determined more information should be obtained from builders, developers, and engineers as to the impact of a policy change. The discussion will be re-addressed at the October City Council workshop.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the following committee appointments:

Appointments to Boards and Commissions

- Planning Commission representative to Promote Andover Inc.  
Jan Cox
- Wichita Area Metropolitan Planning Organization (WAMPO)

Clark Nelson (term expire June 08)  
Convention and Tourism Committee  
Kevin Dreiling, Chairperson (Council Member)  
Patrick Harbet, Andover Chamber President  
Tim Johnson, Holiday Inn Express (taking Missy Braun's position)  
Park Planning Committee  
Sheri Geisler  
Tracey Dreiling

Motion carried 6/0.

A motion was made by Council Member Dreiling, seconded by Council Member Nelson, to appoint Julie Reams, Sasha Stiles, and Jeff Bridges as voting delegates for the League of Kansas Municipalities meeting, October 6 - 9, 2007.

Member Items:

**J.R. Jessen** – with all of the drainage issues being discussed, he believes homeowners should be held responsible for running their sprinklers while it is pouring rain.

**Kevin Dreiling** – knowing today, September 11, is a special day with our own individual thoughts and meaning, I know where I was that day and what it means to me. Hug your kids tonight.

**Caroline Hale** – Greater Andover Days is getting closer!

**Clark Nelson** – echoed Council Member Dreiling's comments. He hopes our country has the guts to do what is right whatever that may be.

**Julie Reams** – remembering 9/11 she knows it changed her life.  
- Council Member Reams stated it was nice see Mr. Mangus able to attend the meeting.

**Carol Roberts** – 21<sup>st</sup> and Andover Road has still not been mowed.  
- Council Member Roberts also noted that there is dirt on the sidewalk where she walks.

**Mayor Lawrence** - regarding the request made several weeks ago for a donation to the Butler County Foundation, he has done a little investigation work before offering to donate city funds. Over the past four (4) years the organization has \$269,942.00 in expenses, roughly \$121,000.00 of that was payment to the director of the foundation, and grants and gifts totaling \$22,719.00. The City of Andover will not be making any donation. Mayor Lawrence will respond to the requestor.

Jeff Bridges stated that per a letter received from Cox Communications anyone who subscribes to Cox Cable will be required to buy a converter box if they subscribe to the premium stations. HBO, Cinemax, and Showtime, will no longer be available in analog effective November 15, 2007.

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to adjourn at 9:04 p.m. Motion carried 6/0. Adjourn

Respectfully Submitted by

Susan Renner

Administrative Secretary

Approved this **28<sup>th</sup> day of September, 2007** by the City Council, City of Andover.

Jeffrey K. Bridges

City Clerk