

ANDOVER CITY COUNCIL
Tuesday, February 12, 2008
Minutes

The Andover City Council met for a regular meeting on Tuesday, February 12, 2008 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, 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, City Financial Advisor Larry Kleeman, Administrative Secretary Susan Renner, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Chief Mike Keller, and City Clerk/Administrator Jeff Bridges. Council Member Kevin Dreiling arrived at 7:30 p.m.

The Invocation was given by Reverend 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 made proclamation of March 13th – 20th, 2008, as Vocal Music Appreciation Week in honor of the Andover High School Madrigals who will be performing at Carnegie Hall.

Proclamation
Vocal Music Appreciation
Week

Mayor Lawrence congratulated and thanked Donna Davis, Administrative Services Director, for receiving the Governors Finance Officers Association Award for Excellence in Financial Reporting. Mrs. Davis has carried on the award winning tradition since her employment nine (9) years ago; the City has received this award for the past 28 years.

Governors Finance
Officers Association
Award

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

Agenda

Mayor Lawrence opened the public hearing for the special assessments of Keystone Parkway and 21st Street, Cornerstone 1st Addition and Winchester Estates.

Public Hearing
Special Assessments
Keystone Pkwy & 21st St
Cornerstone 1st Addition
Winchester Estates

No one spoke.

Mayor Lawrence closed the public hearing.

A motion was made by Council Member Nelson, to approve the consent agenda. Council Member Roberts requested item E.) Acceptance of street dedication: Yorktown right of way (Generally located 1/2/ mile east of Andover Road on US 54) (Vantage Andover LL & Ellis) be moved to the regular agenda for discussion.

Consent Agenda

Council Member Nelson amended his motion to the acceptance with the moving of item E) to the regular agenda, seconded by Council Member Reams.

- A. Approval of Minutes: City Council Meeting, January 29, 2008
- B. Receive & file Minutes: Site Plan Review, December 4, 2007
Subdivision Committee, December 11, 2007
Planning Commission, December 18, 2007
Andover Public Library, November 14, 2007
- C. Receive & file reports:
 - i. Police
 - ii. Fire
 - iii. Library
- D. Approval of appropriation ordinance B-02-08 in the amount of \$759,226.77.
- E. Acceptance of street dedication: Yorktown right of way (Generally located ½ mile east of Andover Road on US 54) (Vantage Andover LLC & Ellis) – ***moved to regular agenda***
- F. Approval of non-elected personnel items. Promotions of Master Police Officer II Steve Harryman to Sergeant with an increase in pay from \$18.30 to \$19.00 per hour and Police Patrolman Brandon Stewart to Sergeant with an increase in pay from \$16.73 to \$18.25 per hour. Effective February 25, 2008.
- G. Approval of funding for Eagle Scout Project (Andover Public Library). Kyle Beatie was approved for \$309.07 for materials to build racks for the Andover Public Library Learning Packs.
- H. Approval of Declaration of Participation in the State of Kansas Fire Fighters Relief Fund for 2008
- I. Approval of Resolution 08-09 - a resolution of the City of Andover, Kansas, entering into a master lease agreement for the purchase of various equipment.
- J. Purchase request: Andover Police Department approved to purchase a 2008 Ford Crown Victoria from Olathe Ford for \$21,877.00 and a 2008 Chevrolet Silverado 4 x 4 from the Kansas Highway Patrol's Partner's Program for \$19,291.00. In addition \$21,444.00 for equipment and installation for both vehicles and \$1,150.00 for equipment and installation for the 2008 Chevrolet Trailblazer. Total for all \$63,762.00.

K. Approval of contract with Utility Maintenance Contractors for the 2008 sewer line rehabilitation program at a cost of \$21.70 per line foot for a total of \$96,847.10.

Motion carried 5/0.

Council Member Roberts wanted to know what it means when a dedication say's "other considerations".

Street Dedications
Yorktown Right of Way

Norman Manley, City Attorney, explained a document of conveyance must always show what was given for certain consideration so it may not be challenged later.

A motion was made by Council Member Roberts, seconded by Council Member Reams, to accept the Street Dedications from Advantage Andover LLC and Harvey Ellis Liv Trust. Motion carried 5/0.

Mayor Lawrence congratulated Police Officers Steve Harryman and Brandon Stewart on their promotion to Sergeant and presented them with their Sergeant stripes.

Police Department
Promotions

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, explained the Cornerstone Addition assessments were originally spread on a square foot basis over un-platted property. The property has now been platted and the developer has petitioned to re-spread on a per lot basis.

Petition for Re-spread of
Assessments
Cornerstone Addition

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

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, explained that due to the re-spread it was necessary to amend the statement of final costs and assessment rolls. Also a calculation error had been found in the Winchester Estates spread.

Amended Statement of
Assessment Rolls
Cornerstone Addition and
Winchester Estates

A motion was made by Council Member Hale, seconded by Council Member Reams, to accept the amended statement. Motion carried 5/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented Ordinance 1374 and stated that the public hearing was held earlier in the meeting for comments from the public regarding the re-spreading of the Cornerstone 1st Addition, Winchester Estates and the Keystone Parkway & 21st arterial improvements. This ordinance will levy the taxes for the next 15 years in agreement with the Petition for Re-spread of assessments and the Amended Statement of Assessment Rolls the Council just approved.

Ordinance 1374

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve Ordinance 1374 - an ordinance of the City of Andover, Kansas, levying special assessment taxes on certain real properties in the City, for the purpose of paying a portion of the costs of certain internal improvements

benefiting such real properties; providing for the giving of notice of said special assessment taxes by publication and mailing; and providing for the collection of said special assessment taxes. (Cornerstone First Addition improvements, Winchester Estates improvements and the first phase of the Keystone Parkway & 21st Street north arterial improvements). Motion carried 5/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, explained Resolution 08-10 is the authorization for the sale of the bonds.

Resolution 08-10

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve Resolution 08-10 - a resolution of the City of Andover, Kansas, authorizing and providing for the public sale of the City’s General Obligation Bonds, Series A, 2008, in a total principal amount of not to exceed \$5,640,000.00; setting forth the details of said public sale; and providing for the giving of notice thereof. Motion carried 5/0.

The Mayor asked the City Council if anyone intended to disqualify themselves from discussing or voting on Ordinance 1375, an ordinance approving a special use to establish a automatic carwash in the B-3 Central Shopping 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 1187, (located at 2001 N Andover Road), due to any conflicts of interest or particular bias. No one did.

Ordinance 1375
SU-2007-03
2001 N Andover Road

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 January 15th, 2008, Planning Commission meeting minutes.

The Mayor asked the applicant, Kevin Burkholder, Kahns, Fenske, & Burkholder, if he felt they had a fair and impartial hearing at the Planning Commission meeting, he responded they had.

The Mayor asked Zoning Administrator Les Mangus to give a brief report regarding the case. Les Mangus explained this special use request is to build an automatic carwash in a B-3 Central Shopping District. Mr. Mangus added the Planning Commission has approved this case, SU-2007-03, with two conditions, 1) an 8 foot concrete fence or brick type wall shall be constructed as screening on the south and west sides of the property, 2) the hours of operations for washing and vacuuming (all business) shall be limited to the hours of 7:00 a.m. through 11:00 p.m.

The Mayor asked Mr. Burkholder if he had any further information to provide. Mr. Burkholder thanked the Council for considering this request and asked for a change in the hours of operation from opening at 7:00 a.m. to 6:00 a.m.

The Mayor opened the public hearing. No one spoke. The public hearing was closed.

Council Member Dreiling arrived at 7:30 p.m.

The Council discussed the hours of operation and the location of the vacuums, screening of the property and the lighting.

ANDOVER CITY PLANNING COMMISSION
REZONING REPORT *

Agenda Item No. 5

CASE NUMBER: SU-2007-07
 APPLICANT/AGENT: Kahns, Fenske, & Burkholder
 REQUEST: Special use to establish a carwash in the B-3 Central Shopping District
 CASE HISTORY: Existing single family dwelling to be removed from currently zoned B-3 property.
 LOCATION: 2001 N. Andover Rd.
 SITE SIZE: 128' X 168'
 PROPOSED USE: 2-bay automatic carwash
 ADJACENT ZONING AND EXISTING LAND USE:
 North: B-3 Commercial strip center
 South: R-2 Andover Heights single family residences
 East: B-1 Countryside Pet Clinic
 West: B-3 Commercial storage 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:

- | | | |
|-----|----|--|
| YES | NO | 1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?
STAFF: See Adjacent Zoning and Existing Land Use listed above.
PLANNING:
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?
STAFF: See Adjacent Zoning and Existing Land Use listed above.
PLANNING:
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? |
| N.A. | | STAFF: |
| | X | PLANNING: The property has been zoned B – 3 since the late 1970’s but the current and historical use has been legal non-conforming – a private residence has been located on this property. |
| | | COUNCIL: Concur |
| YES | NO | 4. Would the request correct an error in the application of these regulations? |
| | X | STAFF: |
| | X | PLANNING: |
| | | 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: |
| | X | PLANNING: |
| | | 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: All are in place & adequate |
| X | | PLANNING: Agree |
| | | 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: |
| | X | PLANNING: |
| | | COUNCIL: Concur |
| YES | NO | 8. Would a screening plan be necessary for existing and/or potential uses of the subject property? |
| X | | STAFF: Visual and sound screening should be required for the residences to the south |
| X | | PLANNING: Agree |
| | | 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? |
| N.A. | | STAFF: |
| | X | PLANNING: Property is available but not on the north end of Andover. |
| | | 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? |
| X | | STAFF: |
| X | | PLANNING: |
| | | COUNCIL: Concur |
| YES | NO | 11. Is the subject property suitable for the uses in the current zoning to which it has been restricted? |
| | X | STAFF: The traffic volumes and commercial surroundings make the subject property less than desirable for a single family residence. |
| X | | PLANNING: The property is suitable for commercial use with the B-3 zoning. |
| | | COUNCIL: Concur with staff |

- 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?
 X STAFF: Increased traffic, noise, lighting, trash, etc.
 X PLANNING: Agree
 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: Case by case review of listed special uses.
 X PLANNING: Agree
 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 Comp. Plan suggests case by case review of commercial properties along Andover Rd.
 X PLANNING:
 COUNCIL: Concur
- YES NO 15. What is the support or opposition to the request?
 STAFF: None at this time
 PLANNING: Traffic, noise, trash – the same as #12
 COUNCIL: Concur with Planning
- YES NO 16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?
 X STAFF: A site plan is necessary to evaluate this proposed use. The orientation of the carwash is very important to assess the ability to adequately screen the car headlights and noises from the residences adjacent to the south. If the carwash is oriented with an east-west orientation with an east entry from Andover Rd. and a north exit onto Ira Ct., then screening/buffering can be accomplished fairly effectively.
 PLANNING: Site plan received 1/15/2008 and presented to Planning Commission on the bench
 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 PLANNING:
 COUNCIL: Concur

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

Platting: N.A.

Dedication: N.A.

Screening Plan: An 8 foot concrete or brick type wall as screening on the south and west sides of the property should be required.

Annexation: N.A.

Hours of operation for washing and vacuuming (all business) should be limited to the hours of 7:00a.m. through 11:00p.m.

A motion was made by Council Member Hale, seconded by Council Member Nelson, to approve Ordinance 1375 with the change in hours of operation to reflect 6:00 a.m. to 11:00 p.m. Motion failed 3/2/1, Council Members Reams and Roberts voted no and Council Member Dreiling abstained.

A motion was made by Council Member Roberts, seconded by Council Member Reams, to approve Ordinance 1375 as presented. Motion carried 5/1 Council Member Dreiling abstaining.

Mayor Lawrence presented plans for the Marketplace Commercial Addition street extensions and explained the request to accept the plans and authorize the taking of bids on February 26, 2008.

Marketplace Commercial
Cloud Avenue Paving &
Drainage

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the plans and authorize the taking of bids on February 26, 2008. Motion carried 6/0.

Mayor Lawrence presented Ordinance 1376 - an ordinance amending section 18-601 of the Code of the City of Andover, Kansas, relating to truck parking. This ordinance was presented at the January 29th meeting and Council asked for some revision.

Ordinance 1376
Tabled

Council Member Dreiling stated he had attended a Promote Andover Inc. meeting and there was some concerns expressed regarding this ordinance. He will research these concerns by the next Council meeting.

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to table the ordinance for the February 26, 2008 meeting. Motion carried 6/0.

Mayor Lawrence presented Ordinance 1377 - an ordinance providing for the review and change of sewer charges, modifying section 16-814 of the Code of the City of Andover, Kansas.

Ordinance 1377
(ordinance number
changed to 1376 upon
approval)

After discussion of the ordinance, a motion was made by Council Member Dreiling, seconded by Council Member Nelson, to approve Ordinance 1377 and to change the number to 1376. Motion carried 5/1. Council Member Reams voted no.

Mayor Lawrence stated that the developers for the 2008 Project Financing had responded and the financing capability for 2008 has been exhausted.

2008 Project Financing

A motion was made at 8:07 p.m. by Council Member Dreiling, seconded by Council Member Jessen, to go in to executive session to discuss non-elected personnel for a minimum of 15 minutes. Motion carried 6/0.

Executive Session

A motion was made at 8:55 p.m. by Council Member Reams, seconded by Council Member Roberts, to come out of executive session. Motion carried 6/0.

Council Member Dreiling welcomed back Council Member Nelson.

Member Items

Council Member Dreiling congratulated his daughter Natalie for her great performance in her school program.

Council Member Jessen also welcomed back Council Member Nelson.

Council Member Hale also welcomed back Council Member Nelson.

Council Member Hale stated she had received an email from Debbie Bush concerning the traffic light at 159th and Kellogg and where the project stood. Mayor Lawrence stated KDOT has officially approved the light and will be calling a meeting to discuss. The City will have to figure out how to finance it.

Council Member Nelson thanked everyone for their cards, wishes, plants, etc. while he has been home. He made special mention of Fire Chief Shaver and his wife Samantha for the daily concern. He also thanked Jeff Ablah for calling to share that his father had the same heart condition a few weeks prior. Council Member Nelson wished his family well.

Council Member Reams stated she was glad to have Council Member Nelson back.

Council Member Reams wished everyone a Happy Valentines Day.

Council Member Roberts had no comments.

Mayor Lawrence stated the Site Plan Review Committee is missing two members. If there anyone who knows anyone some type of related skills that may be interested to let him know.

Mayor Lawrence has asked Les Mangus to re-visit with the Site Plan Review Committee on the prescriptive standards. Although he is not disappointed with the Site Plan Review Committee if we cannot support enough interest to even have the meetings it will have to be addressed.

Jeff Bridges stated he had received a letter from Todd Tiahr's office and the \$1,000,000 the City requested for 159th Street has been approved. He stated there are still funds that will need to be raised but this is a start.

A motion was made by Council Member Nelson at 9:05 p.m., seconded by Council Member Reams to adjourn. Motion carried 6/0.

Adjourn

Respectfully Submitted by

Susan Renner

Administrative Secretary

Approved this 26th day of February, 2008 by the City Council, City of Andover.

Jeffrey K. Bridges

City Clerk