

**ANDOVER CITY COUNCIL  
Tuesday, March 11, 2008  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, March 11, 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, Kevin Dreiling, 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. Council Member Julie Reams was attending a National League of Cities meeting in Washington, D.C.

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

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

Council Member Dreiling requested item J) Approval of appointments to Boards and Committees of the consent agenda be moved to the regular agenda for discussion.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to accept the agenda as revised. Motion carried 5/0.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the consent agenda as follows:

Consent Agenda

- A. Approval of Minutes: City Council Meeting, February 26, 2008
- B. Receive & file reports:
  - i. Finance
  - ii. Police
  - iii. Fire
- C. Approval of appropriation ordinance B-04-08 in the amount of \$321,678.88
- D. Approval of non-elected personnel item changing the status of Officer Mark Werbin to Master Police Officer I, with a pay increase from \$15.42 to \$15.75 per hour, effective March 24, 2008.
- E. Approval of the purchase request from the Parks & Recreation Department for a new ice machine for the Andover Community Center

to be purchased from ABR of Wichita, at a cost of \$2,960.00.

- F. Approval of a Grant of Public Funds to the Sunlight Children's Advocacy Center in the amount of \$125.00 per month for a total of \$1,500.00
- G. Approval of change orders #11, 12, 15, 16, 17, & 18 for the 13<sup>th</sup> Street Bridge Project (8-U-1936-01/BHS/STP-U193(601)
- H. Approval of plans for storm sewers for the Cornerstone III Addition and authorize the solicitation of bids on March 25, 2008 at 11:00 a.m.
- I. Approval of contract with POE and Associates for project administration services for the Cornerstone III Addition
- J. Approval of appointments to Boards and Committees – *moved to regular agenda*
- K. Approval of a Temporary Use Request, in the case of inclement weather, for Hope Community Church for use of the Andover Activity Center on Sunday, April 27<sup>th</sup>.
- L. Approval of the General Liability/Equipment & Machinery Insurance for 2008 from the Insurance Center, Inc. with Employers Mutual Casualty (EMC) in the amount of \$89,653.00.
- M. Approval of the plans for the Crescent Lakes 5<sup>th</sup> Addition Water and Sewer Improvements and authorize taking of bids on March 25, 2008, at 11:00 a.m.

Motion carried 5/0.

Mayor Lawrence stated the Holiday Inn Express would like to change their representative for the Convention and Tourism Committee to Tim Johnson, Owner/Operator of the Holiday Inn Express, 600 S Allen, for a term of four (4) years. He also would like to appoint Mr. Chad Stearns, 254 Jamestown Circle, to the Site Plan Review Committee to fill a vacant position, for a term of three (3) years.

Appointments to Boards  
and Committees

Council Member Dreiling requested an additional appointment to the Convention and Tourism Committee, Hausu Patel, Owner of the Express Inn, 222 W US Highway 54, for a term of four (4) years.

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to accept the appointments of Hausu Patel and Tim Johnson to the Convention and Tourism Committee and the appointment of Chad Stearns, to the Site Plan Review Committee. Motion carried 5/0.

Mayor Lawrence presented Ordinance 1377 - an ordinance 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 originally approved by Ordinance No. 1187. (Generally located at 118 E 13<sup>th</sup> and 106 E 13<sup>th</sup> as the northeast corner of 13<sup>th</sup> Street and Andover Road on the north side of 13<sup>th</sup> between Andover Road and Lavern Street.)

Ordinance 1377  
Case Z-2008-01  
13<sup>th</sup> & Andover Road

The Mayor asked the 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 25, 2008, draft of the Planning Commission meeting minutes.

The Mayor asked the applicant Kim Quastad, KB Development, LLC, if they 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. Mr. Mangus explained the owners would like to build a series of mixed use commercial and industrial buildings. The current zoning is commercial and industrial but does not allow the two to inter-mingle. They are proposing the industrial zoning on the KTA side and the commercial zoning for retail on the 13<sup>th</sup> Street side.

The Mayor asked Mr. Quastad if he had any further information to provide. He did not.

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

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT \*

CASE NUMBER: Z-2008-01

APPLICANT/AGENT: KB Development, LLC

REQUEST: Proposed changes of zoning district classifications from the I-1 Industrial District to the B-3 Central Shopping District, and B-3 Central Shopping District to the B-6 Business District.

CASE HISTORY: Existing business structure on Andover Rd. has been removed and the existing industrial structure will be removed to make this commercial/industrial subdivision.

LOCATION: Northeast corner of Andover Rd. and 13th St.

SITE SIZE: +/- 3.7 acres  
 PROPOSED USE: Commercial/industrial development  
 ADJACENT ZONING AND EXISTING LAND USE:

North: Kansas Turnpike  
 South: B-6 Andover Commercial Subdivision vacant lots  
 East: R-2 Lockhart Addition Existing Single Family Residences  
 West: R-2 Westar electric substation

Background Information: Site plan for the first 32,000 sq. ft. commercial/industrial bldg. has been reviewed & approved by the Site Plan Review Committee.

\* 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 PLANNING: Turnpike on the north, subdivision to the east, Andover Road on the south and a substation to the west. 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: See adjacent zoning and existing land use above PLANNING: R-2 on the east and west side, nothing on the north and directly to the south B-6. 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 site is suitable for the existing zoning
	X	PLANNING:
		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: Public water, sewer, and streets are available to the site.  
X PLANNING:  
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: Screening and site plan review are required.  
X PLANNING: On the east.  
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?  
X STAFF: Undeveloped commercial and industrial properties are available in the area.  
X PLANNING:  
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: More services and employment opportunities could be provided.  
X PLANNING:  
COUNCIL: Concur

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| YES | NO | 11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?   |
|     | X  | STAFF:   |
|     | X  | PLANNING: The new zoning will work better.   |
|     |    | 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?  |
| X   |    | STAFF: The commercial uses allowed by the proposed zoning would cause no more increase in traffic, noise, light, etc.  |
| X   |    | PLANNING: .  |
|     |    | 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 surrounding area is commercial/industrial.  |
| X   |    | PLANNING:  |
|     |    | 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 could be reviewed on a case by case basis for commercial or industrial zoning.  |
| X   |    | PLANNING:  |
|     |    | COUNCIL: Concur  |
| YES | NO | 15. What is the support or opposition to the request?  |
|     |    | STAFF: None at this time   |
|     |    | PLANNING: None at this time  |
|     |    | 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?  |
| X   |    | STAFF: Approval as applied for   |
| X   |    | PLANNING: Applicant was heard.   |
|     |    | 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:  |
|     |    | COUNCIL: Concur  |

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to approve the zoning change based on the findings and factors of the Planning Commission and to approve Ordinance 1377. Motion carried 5/0.

Les Mangus explained the plat presented for the Andover Business Center (generally located at the north west corner of Andover Road & 13<sup>th</sup> Street) shows the right of ways and easements required.

Andover Business Center

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

Dave Alfaro, Butler County Economic Development Office, was available to answer questions regarding the transfer of managerial duties (County would still own the property) from the County to the City for the Rail Road line through Andover. The City has the option of accepting the transfer and doing what the Council sees fit with the property; or letting the County abandon the property at which time the adjacent property owners would be notified and they could request the property revert back to them.

Rail Road Line through Andover

After a discussion the Council decided to move the issue to the City Council Workshop, March 24, for further discussion before making any decision.

Executive Session  
Land Acquisition

Glenn Snodgrass, 1627 N Andover Road, stated he would like his portion of the property to revert back. He does not like the idea of people going up and down so close to his business if it is made public property such as a bike/walking path.

Jack Brouhard, 1645 N Church, stated he would also like the property ownership to revert back to him. At the least he would like to be able to discuss the issue further.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, at 7:43 p.m. to go in to executive session to discuss land acquisition for approximately ten (10) minutes to include the Mayor, Jeff Bridges, City Administrator; Norman Manley, City Attorney; and Les Mangus, Public Works Director. Motion carried 5/0.

Executive Session  
Legal Matters

A motion was made by Council Member Hale, seconded by Council Member Jessen, at 7:57 p.m. to come out of executive session. Motion carried 5/0.

A motion was made by Council Member Hale, seconded by Council Member Dreiling, at 7:57 p.m. to go in to executive session to discuss legal matters for approximately ten (10) minutes to include the Mayor, Jeff Bridges, City Administrator; Norman Manley, City Attorney; and Les Mangus, Public Works Director. Motion carried 5/0.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, at 8:25 p.m. to come out of executive session. Motion carried 5/0.

A motion was made by Council Member Hale, seconded by Council Member Dreiling, at 8:26 p.m. to go into executive session to discuss non-elected personnel for approximately ten (10) minutes to include the Mayor, Jeff Bridges, City Administrator; Norman Manley, City Attorney; and Sasha Stiles, Management Assistant. Motion carried 5/0.

Executive Session  
Non-elected Personnel

A motion was made by Council Member Jessen, seconded by Council Member Dreiling, at 8:42 p.m. to come out of executive session. Motion carried 5/0.

Member Items:

Member Items

Council Member Jessen had no items.

Council Member Dreiling congratulated the Andover Boys Varsity Basketball team for making it to the State Tournament and the Andover Central Girls Basketball team for their 4A Championship.

Council Member Hale had no items.

Council Member Nelson had no items.

Council Member Roberts had no items.

Mayor Lawrence asked the Council if they were interested in attending a Kansas Open Meetings Act training session on March 27 from 1-3 p.m.

Jeff Bridges informed the Council of a call from the Butler County Administrator asking if the City had issue with the County entertaining a request by a developer to finance their subdivision.

After discussion the Council concurred they did not have an issue with the County exploring the financing for the developer.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, at 8:51 p.m. to adjourn. Motion carried 5/0.

Respectfully Submitted by

Susan Renner  
Administrative Secretary

Approved this 25<sup>th</sup> day of March, 2008 by the City Council, City of Andover.

Jeffrey K. Bridges  
City Clerk