

**ANDOVER CITY COUNCIL
Tuesday, April 29, 2008
Minutes**

The Andover City Council met for a regular meeting on Tuesday, April 29, 2008, 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: Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, City Financial Advisor Larry Kleeman, City Bond Council J.T. Klaus, City Engineer Council Mike Thompson, Administrative Secretary Susan Renner, City Attorney Norman Manley, Deputy Fire Chief Mike Roosevelt, Police Chief Mike Keller, and City Clerk/Administrator Jeff Bridges.

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence presented a National Day of Prayer Proclamation for May 1st 2008, to Brian Eidem and thanked him for organizing the event. Prayer times are 12:00 noon at Andover City Hall, 909 N Andover Road, and 7:00 p.m. at the Andover Community Center, 1008 E 13th Street.

Proclamation
National Day of Prayer

Mayor Lawrence opened the floor to public comment.

Public Forum

Terry Johnson, 131 Williamsburg, presented the Council with pictures of a property on Main Street that he believes presents a health hazard. He explained the house had been relocated from Andover Road 15-16 months prior and that it had been abandoned since. He is concerned and wants the City to take steps to correct the issue.

Mayor Lawrence assured Mr. Johnson that City staff will inspect the property.

Mayor Lawrence closed the public forum.

Jeff Bridges presented the Council with the Final Plat for consent agenda item E) Reflections Lakes 3rd Addition Final Plat, and bid tabulations for the regular agenda items 13) Cornerstone 3rd street improvements and 15) Yorktown Avenue and US Highway 54 intersections improvements.

Council Member Reams asked that all of item E) (i-viii) Reflections Lake 3rd Addition be removed from the consent agenda and moved to the regular agenda for discussion.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the agenda with Item E) (i-viii) being moved to the regular agenda for discussion. Motion carried 6/0.

Agenda

Mayor Lawrence opened the public hearing for the Main, Mike and May Streets Rehabilitation Project at 7:12 p.m. and asked if anyone would like to speak.

Public Hearing
Main, Mike & May Street

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, stated at the April 11th City Council meeting the Council adopted Resolution 08-12 setting the date, time and place for a public hearing on the advisability of the project. Mr. Klaus explained the estimated cost would be \$1,000,000, of which \$520,000 would be paid for by the City at large, to rehabilitate to City standards Main, Mike and May Streets. The Council will be asked at agenda item 11, Resolution 08-19, whether or not to adopt the resolution of advisability to determine the estimated final costs of the improvements. If the Council adopts the resolution it will be published and subject to protest by property owners in the would be in the benefit district.

Terry Johnson, 131 Williamsburg, stated he did not think the assessments were on an equal basis. The City had previously proposed the assessments on a linear basis and now it is on a per lot basis.

Jeff Bridges explained City staff had met with legal and engineering staff and the consensus was the most equitable way to share the cost would be equal share.

Mr. Johnson stated his concerns with the sewer lines under the street and that they were constructed in 1959 and re-sleeved in 2007. He does not want the City to tear the streets up after paving to fix sewer lines.

Jim Stoffle, 1025 Andover Road, stated he believes this is a project everyone wants, but it is just who pays for it. And how accurate is the \$1,000,000 cost?

Mike Thompson, POE & Associates, explained engineering has not begun and this dollar amount is an estimate. If work needs to be done to the sewer system it would be addressed at that time.

J.T. Klaus, reminded everyone that a benefit district has not yet been created, the hearing is for input from the public regarding the project. Due to the improvements not being done by petition there are three (3) ways the Attorney General allows the assessments to be divided. 1) linear frontage, 2) lot square footage, and 3) per lot. Simply having frontage to the streets being rehabilitated does not convey the benefit. He reminded everyone that the property owners are not paying for even one-half of the improvements, everyone else is paying the rest.

Kathy Sims, 200 W Mike, stated some of the underground lines may be old oil and gas pipes. When putting in her fence they ran across old water well lines. Ms. Sims inquired if the project was being done to provide access to Terradyne and would any of her property be taken?

Jeff Bridges explained there are no plans to access Terradyne. The paving will be within the existing right of way, and will probably need easements but no taking of property. If a fence needs moved or a lawn was torn up the project would pay the expense to repair.

Ms. Sims inquired about 'opting' out. Mayor Lawrence explained that when the benefit district is established property owners would have opportunity to protest. And if the protest was successful the road would be turned back to gravel.

Ms. Sims also inquired about the development at 130th not putting curb and gutter. Ms. Sims is for the project but feels she will have to pay too much.

Gerald Hilyard, 312 W Mike, stated his concerns regarding storm water drainage from some of his neighbors that currently drains through his backyard. Mr. Hilyard believes the paving should continue to the west on May to give access to the 30 acres of land. Mr. Bridges explained the paving is not proposed to go that far.

Gary Evans, owner of 122 Mike, 1110 Main, 1149 Main, 1205 Main and 1033 Andover Road, supports this proposal. Mr. Evans stated the condition of the road and ditches has brought debris, mosquitoes and dead animals. He agrees the sewer concerns should be addressed.

Allan Bohannon, 1242 Main, stated a per property basis was fair, linear foot would cost more, the bigger the property the more inhabits. He inquired about the need of the curb and gutter. And, why he was not paying assessments on the 13th Street repaving which is adjacent to his property. Mr. Bridges explained the curb and gutter is City standard and 13th Street is an arterial street, different than residential, and the project was KDOT funded.

Xury Hole, 318 Willowbrook, inquired if all Andover roads will be redone. Mayor Lawrence explained the roads for this project are no longer maintainable, but, eventually the rehabilitation will make it to his area.

Jeff Bridges stated he had received a letter from Jim and Carol Dun, owners of 1218 and 1109 Main, were unable to appear due to health reasons, and they are in favor of the project.

Mayor Lawrence closed the public hearing at 8:19 p.m.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, explained the public hearing for Andover Senior Care II Industrial Revenue Bonds was necessary due to an error on the last abatement. Item 10 of the regular agenda, Resolution 08-18, if adopted will amend the original amount of \$6,000,000 to \$6,500,000.

Public Hearing
Andover Senior Care II
Industrial Revenue Bonds

Mayor Lawrence opened the public hearing at 8:21 p.m..

No one spoke.

Mayor Lawrence closed the public hearing at 8:22 p.m.

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

Consent Agenda

- A. Approval of Minutes: City Council Workshop, March 24, 2008
City Council Meeting, April 8, 2008
City Council Meeting, April 19, 2008
- B. Receive & file Minutes: Andover Public Library Minutes,
February 13, 2008
- C. Receive & file reports: Andover Public Library
- D. Approval of appropriation ordinance B-07-08 in the amount of \$661,519.17
- E. **Reflection Lakes 3rd Addition (moved to regular agenda)**
 - i. Accept the Plat
 - ii. Approve developers agreement for developer installed improvements
 - iii. Approve developers agreement for special assessment improvements
 - iv. Accept petitions for improvements (water, sanitary sewer, paving, and drainage)
 - v. Approve Resolution No. 08-16 - a resolution of advisability
 - vi. Approve Ordinance 1380 - a work ordinance
 - vii. Approve contract for engineering design services
 - viii. Approve street light locations
- F. Cottonwood Point 2nd Addition
 - i. Accept the Plat
 - ii. Approve developers agreement for special assessment improvements
 - iii. Accept petitions for improvements (sanitary sewer, box culvert, water, and paving)
 - iv. Approve Resolution No. 08-17 - a resolution of advisability
 - v. Approve Ordinance 1381 - a work ordinance
 - vi. Approve contract for engineering design services
 - vii. Approve street light locations
- G. Approval of Change Order # 11 for the 13th Street Bridge Projects in the

amount of (\$4,774.74) (reconciliation of quantities)

- H. Approval of non-elected personnel items. A promotion for Detective Randy Coffman to Lieutenant, with an increase in hourly wage from \$20.84 to \$21.84. A change in employment status for Michael Clark, Park Department Worker, from training to regular status with an increase in hours wage from \$10.99 to \$11.30.
- I. Approval of contract for services with Nowak Construction for clean up work at the Street Department in an estimated amount between \$14,000 to \$21,000 based on an unknown quantity and makeup of waste materials to be buried.
- J. Approval of an agreement with Attorney Brad Pistotnik for the purchase of the Andover Street Department telephone number, 733-2723. Mr. Pistotnik's phone number is the same only an 800 number and he was missing calls due to the commonality of the numbers. For the number Mr. Pistotnik will donate approximately \$2,700 worth of new equipment to the Parks Department.
- K. Approval of an agreement with the Wichita Farmer's Market for the periodic use of Andover Central Park for the purpose of holding a farmer's market on Wednesday's from 2:00pm-8:00pm at a cost to them of \$50 per month.
- L. Approval of a supplemental agreement with POE and Associates, original agreement dated February 26, 2008, for the 2008 Street Rehabilitation Program to reconstruct 2nd and 3rd Streets and slurry seal Central Avenue.
- M. Approval of proposal for the resurface of the tennis courts at the Andover 13th Street Sports Park by John Henzel Tennis Court Systems in the amount of \$9,400.00.
- N. Approval of a contract with Blue Valley Public Safety for the purchase and installation of two (2) additional storm sirens located at Harry and the Wastewater facility road and at 2446 Fieldstone in the Cornerstone Addition at an estimated cost of \$41,895.00..

Motion carried 6/0.

Mayor Lawrence congratulated Detective Randy Coffman on her promotion to Police Lieutenant. Lieutenant Coffman has been with the Police Department since December 10, 2001 and was previously with the Butler County Sheriff's Department.

Promotion
Lieutenant Coffman

Mayor Lawrence opened the floor for discussion regarding the Reflection Lakes 3rd Addition moved from the consent agenda.

Reflection Lakes 3rd
Addition (from consent
agenda)

Paul Good, attorney, representing some of the home owners in Reflection Lakes stated he understood the annual home owner's association meeting was to be held on March 13 and was not due to disagreements over the home owners association board actions.

Patricia Minton, 714 S Westview Circle, homeowner in Phase I of Reflection Lakes stated she has owned her home for six (6) years and has not seen a great deal done by the home owners association. She feels the current developer does nothing, the covenants are not enforced, and she is concerned about her property value due to the conditions of the surrounding neighborhood.

Mayor Lawrence explained that the home owners association and covenants are not with-in the scope of the governing body.

Clint Tienert, 605 E Hedgewood, stated he feels things are not moving along with the home owners association due to some upsetting emails between board members which lead to them not speaking to one another.

Council Member Reams stated there was a special meeting called because the association did not hold its annual meeting.

Mayor Lawrence asked if the association's by-laws stated a specific date for the annual meeting.

Council Member Dreiling asked if the home owners association had been turned over from the builder.

Ron Smith, 1104 W Harry, Reflection Lakes developer, stated his interpretation of the documents do not require him to turn over the home owners association until the development is completed. Mr. Smith asked the Council what control the home owners association had over the platting of his property and what right does the City have in the home owners association.

Jay Mullen, 840 S Sunset Circle, stated he was concerned from the start that the current board members were controlling the votes. Everything had to be approved by the board and the board consisted of the Developer, the developer's daughter Kim, and a guy who works for the developer. Mr. Mullen has been paying his home owners dues and still finds it very difficult to obtain the rules, covenants, and other documentation concerning the sub-division. He stated each person living there has the right to be notified of what is going on and to voice their opinions.

Kelvin Carmer, 709 S Westview Circle, stated nothing is getting done unless Ron Smith is forced to do it.

Sarah Osburn, 837 S Sunset, stated there is a lot of negativity and threats being made in the neighborhood. She stated this is not the kind of developer she wants in her neighborhood or community.

Lisa Homes, 727 E Hedgewood, stated she is proud to be a resident of Reflection Lakes. She believes the home owners need to come together and take care of things.

Jill Engle, 707 S Westview, stated the problem is with the bully tactics being used by the Ron Smith Company.

Jeff Paige, 520 Hedgewood, stated neither he or his family has ever been bullied and he owns five (5) homes in Reflection Lakes. Mr. Paige thinks maybe the home owners association should be split by the phase of the development.

Mayor Lawrence stated he did not think that was feasible due to issues with common areas.

Jason Craft, 845 S Sunset, as a home owner he will not tell friends to move there due to perceived problems with Ron Smith Construction and Reflection Lakes.

Michelle Eastman, 826 S Sunset Circle, stated she enjoys the neighborhood and has been on the home owners association board since 2003. She stated the association used to talk, now the meetings are mayhem, threats through emails from members of the board, meetings being postponed, and accusations.

Council Member Jessen stated he did not want to discount the issues being brought to the Council and suggested to table the issue for 30 days to give the home owners association time to straighten things out.

Paul Good, attorney, stated the home owners want to have a home owners association meeting.

Ron Smith, developer, stated he did not think that 30 days would solve the issues.

Council Member Nelson asked Mr. Smith if he would be in agreement with a 30 day table of the issue. Mr. Smith objected extraneously and stated he could not believe the Council would get involved in a home owners association disagreement.

Council Member Jessen asked Mr. Smith if he understood why these citizens were upset and that they have brought documentation of threats.

John Ormiston, 864 S Sunset, confirmed they had tried to meet with the home owner's association board and they had received bullying, mostly via email. He purchased property in Reflection Lakes because of the covenants and wants to follow them. He has asked for bylaws and has not yet received them.

Mayor Lawrence requested a five (5) minute recess at 9:42 p.m.

The Council returned at 9:51 p.m.

Executive Session
Legal Matters

A motion was made by Council Member Reams, seconded by Council Member Dreiling, at 9:51 p.m. to go into executive session for five (5) minutes to discuss legal matters to include the Council, Mayor, Jeff Bridges, and Norman Manley. Motion carried 6/0.

A motion was made by Council Member Jessen, seconded by Council Member Reams, at 10:09 p.m. to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to table the Reflection Lakes 3rd Addition items i. acceptance of the plat, ii. approval of the developers agreement for developer installed improvements, iii. approval of the developers agreement for special assessment improvements, iv. acceptance of the petitions for water, sanitary sewer, paving and drainage improvements, v. approval of Resolution 08-16 – a resolution of advisability, vi. approval of Ordinance 1380 – a work ordinance, vii. approval of the contract for engineering design services, and viii. approval of the street light locations, to the May 13th City Council meeting.

Council Member Dreiling stated prior to the next City Council meeting someone needs to let him know if there is a home owners association and if so who is in charge.

Council Member Hale stated it is in the best interest of the developer and the association to be moving toward becoming a functional association by the next meeting.

Council Member Reams hopes these issues will be resolved, it is holding up progress.

Motion carried 5/1. Council Member Nelson voted against.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented Resolution 08-18 - a resolution of the governing body of the City of Andover, Kansas amending Resolution No. 08-13, (a resolution indicating intent to issue certain taxable industrial revenue bonds in an aggregate principal amount of not to exceed six million dollars (\$6,000,000) for the purpose of purchasing, acquiring, constructing, furnishing and equipping an extended-care skilled nursing facility to be located in the City of Andover, Kansas), of the City of Andover, Kansas. (Located at 308 E Central). He explained the resolution is amending the maximum amount not to exceed from \$6,000,000 to \$6,500,000.

Resolution 08-18
Andover Senior Care II

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve Resolution 08-18. Motion carried 6/0.

Resolution 08-19
Main, Mike & May Street
Rehabilitation

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented Resolution No. 08-19 - a resolution of advisability for Main, Mike and May Streets Rehabilitation. He explained the resolution is declaring the improvements for Main, Mike and May streets.

The Council has three options; 1) approve the resolution, 2) table for further discussion (maximum of six (6) months), or 3) choose a different method of assessment and that would require re-notification of the district.

J.T. Klaus explained people do not get to ‘opt’ out, they will have to convince the majority to ‘opt’ out and the state Attorney General makes the rules regarding who is in the benefit district and who is not. Mr. Klaus stated it is a delicate situation and he does not have a specific recommendation.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to adopt Resolution 08-18 as presented. Motion carried 6/0.

Mayor Lawrence presented Ordinance 1382 - an ordinance amending the Cloud City/Marketplace Commercial Planned Unit Development. (Zoning Case Z-97-05 - generally located at the south east corner of Andover Road and US 54)

Ordinance 1382
Zoning Case Z-97-05
Cloud City/Marketplace
Commercial PUD

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 they had received the March 27, 2008, Planning Commission meeting minutes.

The Mayor asked if the applicant or agent was present. They were not.

The Mayor asked City Administrator Jeff Bridges to give a brief report regarding the case. Mr. Bridges explained the owner of the Marketplace Commercial Addition is amending the Planned Unit Development to add two small adjacent properties, and makes some slight adjustments to parcel boundaries and road alignment. One significant requested change was the elimination of the roundabout at the intersection of Cloud Avenue and Plaza Street which staff and the Planning Commission opposed. The roundabout will provide a traffic calming measure for what will be a very heavily traveled half mile long commercial collector street. The proposal before the Council includes the roundabout.

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

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 7

REZONING REPORT *

CASE NUMBER: Z-97-05
APPLICANT/AGENT: Vantage Andover, LLC

REQUEST: 1. Adds an additional +/-2 acres with a proposed change of zoning district classification from the A-1 Agricultural

Transition District to the B-3 Central Shopping District with the Cloud City Subdivision Planned Unit Development District Overlay.

- 2. Adds an additional 0.38 acres with the proposed Cloud City Subdivision Planned Unit Development District Overlay on the existing B-3 Central Shopping District zoning classification.
- 3. Reconfigures the boundary between Parcels 2 & 3.
- 4. Reconfigures the boundary between Parcels 3 & 3A.

CASE HISTORY: Cloud City PUD was established in 1997, and has been amended many times.

LOCATION: South of US-54 & East of Andover Rd.

SITE SIZE: +/-64 acres of commercial property

PROPOSED USE: Commercial development

ADJACENT ZONING AND EXISTING LAND USE:

- North: B-3, B-4, and B-5 Andover Crossing PUD
- South: R-2 Reflection Lakes single family development, and B-2 Cloud City vacant parcel
- East: Butler County RR single family residence, and B-3 USD 385 elementary school
- West: B-3 vacant commercial property, and R-1 single family residences

Background Information: This proposed change adds two adjacent parcels to the project.

* 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:

PLANNING: North: B-3, B-4 and B-5 Andover Crossing PUD; South: R-2 Reflection Lakes single family development, B-2 Cloud City vacant parcel; East: Butler County RR Single Family residence and B-3 USD 385 elementary school; West: B-3 vacant commercial property and R-1 single family residences.

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:

PLANNING: North: B-3, B-4 and B-5 Andover Crossing PUD; South: R-2 Reflection Lakes single family development, B-2 Cloud City vacant parcel; East: Butler County RR Single Family residence and B-3 USD 385 elementary school; West: B-3 vacant commercial property and R-1 single family residences.

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:

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: In part, the parcel at the northeast corner has had commercial development around it and will be adjacent to a new collector street with a traffic signal on US-54.

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?

STAFF: All are in place or can be extended to service the properties.

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:

X PLANNING:

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: A considerable amount of commercial property is 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:

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: In part, the parcel being added to the PUD on the northwest is already zoned commercial , and has a an operating auto service business.

X PLANNING:

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: No detriment is perceived

X PLANNING: No detriment

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:

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:

X PLANNING:

COUNCIL: Concur

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

STAFF: None at this time.

PLANNING: No opposition noted.

COUNCIL: Concur

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: Approval as applied for

X PLANNING: Keep the roundabout and create cross lot circulation.

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?

STAFF:

X PLANNING:

COUNCIL: Concur

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Byron Stout, move that we recommend to the Governing Body that Case No. Z-97-05 a proposed amendment to the Cloud City/Marketplace Preliminary Planned Unit Development be approved as presented with the addition of cross lot circulation and a roundabout at the intersection of Cloud Avenue and Plaza Street based on findings 5, 6, 10, 11, 13, 14 and 15 of the Planning Commission as recorded in the summary of this hearing and that the following conditions be attached to this recommendation. Jeff Syrios seconded the motion. Motion carried 6/0.

CONDITIONS:

- 1. **Platting:** That all of such property be platted and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to approve Ordinance 1382 based on the findings and factors of the Planning Commission, specifically items 5, 6, 10, 11, 13, 14, 15, and include the keeping of the roundabout. Motion carried 6/0.

Mike Thompson, POE & Associates, presented bid tabulations to the Council for the Cornerstone 3rd Addition street improvements. (Generally located ½ mile west of Andover Road on the north side of 21st Street). There were three (3) very competitive bids, APAC of Kansas, Cornejo and Sons, and LaFarge North America. Mr. Thompson recommends the Council approve the bid from APAC in the amount of \$1,078,715.35 with a substantial completion date of September 5, 2008 and final completion date of November 5, 2008 and to authorize the Mayor to sign the contract.

Cornerstone 3rd
Street Improvements

A motion was made by Council Member Nelson, seconded by Council Member Reams, to award the contract to APAC and authorize the Mayor to sign the contract. Motion carried 6/0.

Mayor Lawrence presented the plans for the Crescent Lakes 5th Addition Paving and Storm Water Drains.

Crescent Lakes 5th
Paving & Stormwater

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the plans and authorize the taking of bids on May 13, 11:00 a.m. at Andover City Hall. Motion carried 6/0.

Mike Thompson, POE & Associates, presented the bid tabulations for the Yorktown Avenue and US Highway 54 intersection. There were three (3) bidders, APAC, LaFarge and Cornejo and Sons with APAC being the lowest bidder at \$1,096,612.00. The amount bid is higher than the Engineers opinion of probable cost. The engineers would like to work with APAC on the line items with the most overage to bring the cost in to the engineer’s estimate. Mr. Thompson requests the Council to approve the project so they can move forward.

Yorktown & US Hwy 54
Intersection

Mayor Lawrence asked what the capacity of the northbound lanes of Yorktown is. Mr. Thompson explained the plans do not indicate additional turn lanes at this time, but a dual left turn could be added in the future.

A motion was made by Council Member Hale, seconded by Council Member Jessen, to accept the bid from APAC in the amount of \$1,096,612.00. Motion carried 6/0.

Council Member Dreiling, requested to table agenda items 16 through 26 for further review. All of the items are changes to the City’s code.

Motion to Table Agenda
Items 16 through 26
City Code Ordinances
Permit Rates Resolution

Item 16; an ordinance repealing and replacing Article 1 of Chapter IV, Building and Construction, of the Code of the City of Andover.

Item 17; an ordinance amending the Code of the City of Andover, Kansas, Chapter IV, Building and Construction, adding Article 13, Adopting the 2006 Edition of the *International Residential Code*, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in

height with separate means of egress in the City of Andover, Kansas; providing for the issuance of permits and collection of fees therefore, item.

Item 18; an ordinance repealing and replacing Article 3, Chapter IV, Building and Construction, of the Code of the City of Andover, adopting the 2006 Edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Andover, Kansas; providing for the issuance of permits and collection of fees therefore.

Item 19; an ordinance repealing and replacing Article 6, Chapter IV, Building and Construction, of the Code of the City of Andover, adopting the 2005 Edition of the *National Electrical Code* and 2006 Edition of the *International Code Council Electrical Code Administrative Provisions*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the City of Andover, Kansas.

Item 20; an ordinance repealing and replacing Article 4, Chapter IV, Building and Construction, of the Code of the City of Andover, adopting the 2006 Edition of the *International Mechanical Code*, regulating and governing design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Andover, Kansas; providing for the issuance of permits and collection of fees therefore.

Item 21; an ordinance amending the Code of the City of Andover , Kansas, Chapter IV, Building and Construction, adding Article 12, to be known as the Fire Code of the City of Andover, Kansas.

Item 22; an ordinance amending the Code of the City of Andover, Kansas, Chapter IV, Building and Construction, adding Article 15, establishing manufactured housing installation regulations in the City of Andover, Kansas; providing for the issuance of permits and collection of fees therefore.

Item 23; an ordinance amending the Code of the City of Andover, Kansas, Chapter IV, Building and Construction, adding Article 14, adopting the 2006 Edition of the *Uniform Plumbing Code*, regulating and governing design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Andover, Kansas; providing for the issuance of permits and collection of fees therefore.

Item 24; an ordinance amending the Code of the City of Andover, Kansas, Chapter IV, Building and Construction, adding Article 15, to be known as the Property Maintenance Code of the City of Andover, Kansas.

Item 25; - a resolution of the governing body of the City of Andover setting the rates charged within the City for various permits.

Item 26; an ordinance amending Section 18-601 of the Code of the City of Andover, Kansas, relating to truck parking.

Motion carried 6/0.

Mayor Lawrence presented Zoning Case Z-2008-02 regarding rezoning and the acceptance of the Sharp Tract Plat (generally located at the south west corner of Lee and Joye Streets).

Ordinance 1393
Zoning Case Z-2008-02
Sharp Tracts

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 March 27, 2008, Planning Commission meeting minutes.

The Mayor asked if the applicant, Craig Sharp, if he felt he had a fair and impartial hearing at the Planning Commission meeting, he responded he had.

The Mayor asked City Administrator Jeff Bridges to give a brief report regarding the case. The applicants would like to build two (2) multifamily dwellings. The subject parcels are currently zoned R-2 Single Family Residential, and are undeveloped. The proposed change would accommodate the applicant's proposed construction of a duplex on one lot, and a triplex on the other. Staff supports the application as applied for.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2008-02

APPLICANT/AGENT: Ross Rountree/Craig Sharp

REQUEST: Proposed change of zoning district classification from the R-2 Single-Family Residential District to the R-3 Multiple-Family Residential District.

CASE HISTORY: Vacant lots

LOCATION: 200-300 block of W. Lee St.

SITE SIZE: 33,723 s.f./0.77ac.

PROPOSED USE: One duplex and one triplex

ADJACENT ZONING AND EXISTING LAND USE:

- North: R-3 multifamily dwelling
- South: B-2 Dairy Queen, and B-3 legal non-conforming single family dwelling
- East: R-2 single family dwelling
- West: B-3 Intrust Bank

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:

PLANNING: North: R-3 Multi-Family dwelling; South: B-2 Dairy Queen and B-3 legal non-conforming single-family dwelling; East: R-2 Single Family dwelling; and West: B-3 Intrust Bank.

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:

PLANNING: R-3 North: Multi-Family dwelling; South: B-2 Dairy Queen and B-3 legal non-conforming single-family dwelling; East: R-2 Single Family dwelling; and West: B-3 Intrust Bank.

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:
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

STAFF: Water is in place. Sewer is available to one lot and can be extended to service the other. The existing street is an open ditch gravel road.

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

X

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

YES NO

X STAFF: None required
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

STAFF: N.A.
PLANNING: N.A.
COUNCIL:

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

YES NO

X

X

STAFF:
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, beyond the existing permitted uses.
PLANNING: Increased traffic on gravel road.
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: This district provides for the co-mingling of one, two, three, and four-family dwellings.

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: Offers a variety of housing types.

X

PLANNING:
COUNCIL: Concur

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

YES NO

STAFF: None at this time.
PLANNING: One letter of opposition and a phone call with no strong feeling either way. No public input.
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 as applied for contingent on satisfactory platting.

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

X

STAFF:
PLANNING:
COUNCIL: Concur

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I, Jeff Syrios move we recommend to the Governing Body that Case No. Z-2008-02 be approved to change the zoning district classification from the R-2 Single-Family District to the R-3 Multi-Family District based on findings 11, 13, 14 and 17 of the Planning Commission as recorded in the summary of this hearing and that the following conditions be attached to this recommendation. Byron Stout seconded the motion. Lynn Heath stated he felt number 11 did not support the motion. Jeff Syrios amended his motion to withdraw number 11 as bases of support. Byron Stout seconded the amended motion with the removal of number 11. Motion carried 6/0..

CONDITIONS:

Platting: That all of such property be platted and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.

The Mayor asked Mr. Sharp 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.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve Ordinance 1393 - an ordinance changing the zoning district classification from R-2 to R-3. Motion carried 6/0.

Jeff Bridges explained the street in front of the Sharp Tracks subdivision is gravel and City regulations require it to be paved with curb and gutter. The developer is willing to participate in a benefit district to pave it but does not want to pay for the whole thing himself. Basically the developer has three options, 1) have the City start the project and see if there any protests, 2) have the developer obtain a petition signed by the other property owners, or 3) provide some kind of covenant that prohibits a future owner from protesting a street improvement benefit district.

Sharp Tracts Plat
Zoning Case Z-2008-02

Craig Sharp, 502 Stonelake Court, Augusta, stated he spoke with two (2) of the neighbors and they are opposed and he has not spoken with the other neighbor. Mr. Sharp has not purchased the property and is waiting for approval of a benefit district before he proceeds.

After a discussion it was decided Norman Manley, City Attorney, will develop a covenant stating the property owner will not oppose a benefit district. The City will initiate a paving project.

Jeff Bridges stated the term "resident" needs to be defined as to whether the owner needs to be a resident of the community or of the actual benefit district. J.T. Klaus will confirm the definition.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept the plat with a covenant that the property owner will not protest proper paving. Motion carried 6/0.

Mayor Lawrence presented Ordinance 1394 - an ordinance of the City of Andover to add Article 9 to Chapter XVIII of the Code of the City of Andover relating to junked vehicles on private property. This ordinance was tabled at the April 8, 2008 Council meeting for further review by City Attorney Norman Manley. Mr. Manley has approved the ordinance as of this writing.

Ordinance 1394
City Code relating to
junked vehicles on private
property

A motion was made by Council Member Jessen, seconded by Council Member Reams to approve Ordinance 1394. Motion carried 6/0.

Mayor Lawrence presented Ordinance 1395 - an ordinance changing the zoning district classification for certain properties located at Andover Road and Douglas MH1 to B2. (Zoning Case Z-2008-03 – generally located at the north east corner of Andover Road and Douglas Ave.)

Ordinance 1395
Zoning Case Z-2008-03
Andover Rd & Douglas

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 March 27, 2008, Planning Commission meeting minutes.

The Mayor asked the applicants was present. They were not.

The Mayor asked City Administrator Jeff Bridges to give a brief report regarding the case. Mr. Bridges explained the owner would like to utilize the Andover Road frontage for a strip commercial development. The application covers only a 200' +/- square at the northeast corner of Andover Road and Douglas Avenue. Staff supports the zoning B-2 Neighborhood Business with the condition of the construction of a six foot high masonry screening wall along the east property line, and the overlay restriction recommended by the Planning Commission.

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

Agenda Item No. 6

ANDOVER CITY PLANNING COMMISSION
REZONING REPORT *

Z-2008-03

CASE NUMBER:

APPLICANT/AGENT: Mobile Manor, Inc./Matt Cartwright

Proposed change of zoning district classification from the MH-1 Manufactured Home Park District to the B-3 Central Shopping District.

REQUEST:

Platted Reserve "A" in the Golden Spur Second Addition

CASE HISTORY:

Northeast corner of Andover Rd. & Douglas Ave.

LOCATION:

206' X 205' = +/- 33,231 s.f.

SITE SIZE:

PROPOSED USE:

ADJACENT ZONING AND EXISTING LAND USE:

- North: MH-1 manufactured home park
- South: R-1 single family residence
- East: R-2 single family residence
- West: B-1 St. Vincent de Paul church

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)

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

H. 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:
		North: MH-1 manufactured home park; South: R-1 single family residential; East: R-2 single family residential; West: B-1 St.
		PLANNING: Vincent de Paul Church.
		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:
		North: MH-1 manufactured home park; South: R-1 single family residential; East: R-2 single family residential; West: B-1 St.
		PLANNING: Vincent de Paul Church.
		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:
		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:
		Andover Road has grown into a commercial area and eventually all the residential properties on Andover Road will probably
X		PLANNING: have to face this issue.

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
X

STAFF: All are available.
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
X

STAFF:
PLANNING:
COUNCIL: Concur

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

YES NO
X
X

STAFF:
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: Vacant land is available in the area.
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
X

STAFF:
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:
Not suitable for residences to be adjacent to Andover Road at the corner of a collector street and an arterial with 15,000 cars a day across the frontage.
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 lighting, traffic, noise, etc.
Increased lighting, traffic, noise, smell and decreased home value.
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:
 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: Case by case review.
 X PLANNING:
 COUNCIL: Concur

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

YES NO
 STAFF: Increased traffic, lighting, noise, etc. and devaluation of adjacent residential properties.
 PLANNING: Increased traffic, lighting, noise, smell and devaluation of adjacent residential properties.
 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 limited to the B-2 Neighborhood Business District, and conditioned on the installation of a 6' masonry screening wall along the east side of the property.
 X PLANNING: Agree with staff, but would also like a buffer.
 X 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 Jeff Syrios, move that we recommend to the Governing Body that Case No. Z-2008-03 be modified & approved to change the zoning district classification from the MH-1 Manufactured Home District to the B-2 Neighborhood Business District as an alternative to the B-3 Central Shopping District which the applicant had requested with the following restrictions by Protective Overlay to the permitted uses. Restrictions include all permitted uses with the exception of number 14, which is restaurants, the entire definition will be included but the commission will except-out fast food restaurants to restrict that part of the definition of restaurant, so restaurant will read to include everything except fast food restaurants. Number 15, self-service laundries and dry cleaning stores, would be excluded in whole and 16, service stations would also be excluded in its entirety. Lynn Heath moved to add to the motion that there be a six foot masonry screening wall and a 10 foot restriction from the homeowners' property line to any type of street or road. The commission decided on a 10 foot buffer with an 8 foot masonry screening wall along the R-2 property line. The commission based its decision on the findings number 5, 6, 10, 11, 14 of the Planning Commission as recorded in the summary of this hearing and that the following conditions be attached to this recommendation. Lynn Heath seconded the motion. Motion carried 6/0.

CONDITIONS:

Platting: That all of such property be platted and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve Ordinance 1395 based on the findings and factors of the Planning Commission, specifically items 5, 6, 10, 11, and 14. Motion carried 6/0

A motion was made by Council Member Reams, seconded by Council Member Hale, at 11:09 p.m. to go into executive session for approximately 10 minutes to discuss non-elected personnel items and to include the Council, Mayor, Norman Manley, and Sasha Stiles. Motion carried 6/0.

Executive Session
Non-elected personnel

A motion was made by Council Member Jessen, seconded by Council Member Roberts, at 11:30 p.m. to come out of executive session. Motion carried 6/0.

Member Items:

Member Items

Council Member Jessen has been contacted by a family living in the Montana Hills Addition regarding annexation of the Harry Street so the road can be taken care of by the City. Currently Bruno Township is responsible for Harry Street and they do not want to maintain it.

Council Member Dreiling thanked the attendees from the Council Workshop meeting the night before. He believes something great can be done.

Council Member Hale stated she has started receiving calls regarding July 4th. If the calls continue she feels fireworks may have to be banned inside the City limits.

Mayor Lawrence stated the Library Board had requested the re-appointment of Brian Slack for four (4) more years. A motion was made by Council Member Reams, seconded by Council Member Hale, to accept the re-appointment. Motion carried 6/0.

Council Member Nelson had none.

Council Member Reams thanked everyone who participated in the Relay for Life.

Council Member Roberts was glad to see the pot hole north of Andover Road had been repaired.

A motion was made by Council Member Dreiling, seconded by Council Member Reams, at 11:36 p.m. to adjourn. Motion carried 6/0.

Adjourn

Respectfully Submitted by
Susan Renner
Administrative Secretary

Approved this 13th day of May, 2008 by the City Council, City of Andover.

Jeffrey K. Bridges
City Clerk