

**ANDOVER CITY COUNCIL  
Tuesday, June 8, 2010  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, June 8, 2010 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, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Chief Mike Keller, City Clerk Susan Renner, City Engineer Mike Thompson, City Bond Counsel J.T. Klaus, City Financial Advisor Mark Detter and City Attorney Norman Manley.

The Invocation was given by Reverend Leon Hiebert.

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

The public forum was closed.

Mayor Lawrence presented a "Lifetime Service Award" to Andover resident Carolyn Kaplan. Mayor Lawrence thanked Mrs. Kaplan for her dedication to the Andover community for her involvement with many boards and committees, including the Chamber of Commerce, Andover Public Library, Andover Friends of the Library, Library Building Committee, Greater Andover Days, Hometown Christmas, Park Planning, Meals on Wheels, Andover Senior Center, Andover Caring and Sharing, St Vincent DePaul Catholic Church, a long history with the Girl Scouts cookie drive, and many more.

Lifetime Service Award presentation to Carolyn Kaplan

Library staff and board members where also in attendance to thank and congratulate Mrs. Kaplan.

Bill Ellison, S.C.O.R.E., representing the Andover Historical Society, presented information regarding their request to use the old Andover library building, 937 N Andover Road, for a museum.

Andover Historical Society presentation

Mayor Lawrence stated the Council would review and discuss the proposal at the first available Council Workshop and then meet with the organization.

Sasha Stiles presented the bid tab for item 12) Main, Mike & May Street project and asked to correct the recess of this meeting to June 17, 2011 budget review meeting, at City Hall at 8:30 a.m., in the event a quorum was present.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the agenda the addition and correction as noted. Motion carried 6/0.

Mayor Lawrence presented zoning case Z-2010-01, generally located at 345 N Andover Road and opened the public hearing. No one spoke. The public hearing was closed.

Public Hearing  
Z-2010-01  
345 N Andover Road

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve items A through H of the consent agenda as prepared.

Consent agenda

- A. Approval of Minutes: City Council Workshop, May 24, 2010  
City Council Meeting, May 25, 2010
- B. Receive & file Minutes: Site Plan Review, April 6, 2010  
Planning Commission  
February 16, 2010  
March 16, 2010  
April 20, 2010  
Library, April 14, 2010
- C. Receive & file reports:
  - i. Finance May 2010
  - ii. Fire April 2010  
May 2010
  - iii. Library February & March 2010
- D. Approval of appropriation ordinance B-10-10 in the amount of \$245,155.58
- E. Approval of a sales stand for Shocker Fireworks' second location at 520 S Riverview
- F. Approval of non-elected personnel items:
  - Lance Parker, Police Department, MPO I to MPO II, with a pay increase from \$18.20 per hour to \$18.53 per hour, effective May 3, 2010.
  - Jarid Rader, Parks Department, from training to regular status, with a pay increase from \$10.85 per hour to \$11.10 per hour, effective July 29, 2009 (was not received at original date of status change in 2009)
  - Robert Mayer, Parks Department, from training to regular status, with a pay increase from \$11.90 to \$12.15, per hour effective March 21, 2010.
- G. Approval of Police Department General Orders M1210-Greivance Procedures; M1213-Personal Appearance and Grooming; O2101-Emergency Vehicle Operation; O2103-Vehicular Pursuits; O2115-In-Car Mobile Video Recorders (MVR); O2304-Processing & Temporary Detention Rooms; O2701-Firearms.
- H. Approval of the purchase of a Folder Inserter Machine for utility billing from Midwest Single Source, Wichita, in the amount of

\$7,779.00 including no charge for maintenance until July 2011 and a complimentary 'fold only' machine.

Motion carried 6/0.

Mayor Lawrence presented 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. (345 N Andover Road)

Ordinance 1464  
Z-2010-01  
345 N Andover Road

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 Susan Renner, City Clerk, if the City had received any protest petitions. She responded she had not.

The Mayor confirmed with the Council that they had received the May 18, 2010, Planning Commission meeting minutes.

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

The Mayor asked Zoning Administrator Les Mangus to give a brief report regarding the case. Mr. Mangus explained the applicants would like to expand the business to include an outdoor display of lawn and garden materials. The current B-2 zoning strictly prohibits outdoor operations. The character of the location has changed substantially since originally zoned B-2 and the area has become very commercial in nature and staff believes the request for B-3 is appropriate.

**REZONING REPORT \***

CASE NUMBER: Z-2010-01  
 APPLICANT/AGENT: Lanny Butner/Gary Fugit  
 REQUEST: A change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District.  
 CASE HISTORY: Former convenience store location  
 LOCATION: 345 N. Andover Road. On the west side of Andover Road between 2<sup>nd</sup> and 3<sup>rd</sup> Street.  
 SITE SIZE: +/- 2 acres  
 PROPOSED USE: Lawn and garden shop.

**ADJACENT ZONING AND EXISTING LAND USE:**

North: B-3 Andover Square Shopping Center  
 South: B-2 Sonic Drive-in  
 East: R-2 Single family residence and legal nonconforming plant nursery  
 West: R-4 Cloudridge Apartments

**Background Information:** This property was zoned B-2 many years ago before most of the businesses and the apartments were built in the area.

\* 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:<br>PLANNING:<br>COUNCIL:  |
|     |    | 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:<br>PLANNING:<br>COUNCIL:  |
|     |    | 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?  |
| YES | NO | STAFF:   |
| X   | X  | PLANNING:  |
|     |    | COUNCIL: Concur with planning  |
|     |    | 4. Would the request correct an error in the application of these regulations?   |
| YES | NO | STAFF:   |
|     | X  | PLANNING:  |
|     | X  | COUNCIL: concurs   |
|     |    | 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 | STAFF:   |
| X   | X  | PLANNING:  |
|     |    | COUNCIL: Concur with planning  |
|     |    | 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: All are in place and adequate.  |
| X   |    |  |

- X PLANNING:  
COUNCIL:
7. Would the subject property need to be platted or re-platted in lieu of dedications made for rights-of-way, easements access control or building setback lines?
- YES NO  
X X STAFF: Additional R/W dedication is required to minimum 50' arterial street standard.  
X PLANNING:  
COUNCIL: concurs
8. Would a screening plan be necessary for existing and/or potential uses of the subject property?
- YES NO  
X X STAFF: Screening of outdoor storage/display would be required for the apartments on the west side of the subject property.  
X PLANNING:  
COUNCIL: concurs
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 X STAFF: There are limited spaces available that could accommodate outdoor storage/display.  
X PLANNING:  
COUNCIL: concurs
- 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: The proposed use provides more services and employment opportunities.  
X PLANNING:  
COUNCIL: concurs
- 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: concurs
- 12.To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?
- YES NO  
X X STAFF: No detriment is perceived because of the intensity of surrounding uses.  
X PLANNING:  
COUNCIL: concurs
- 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 X STAFF:  
PLANNING:  
COUNCIL: concurs

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO  
X

STAFF: The Comp. Plan suggests a center of commercial activities around the intersection of Andover Rd. and Central Ave. with case by case review of business uses all along the Andover Rd. corridor.

X

PLANNING:  
COUNCIL: concurs

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

YES NO

STAFF: None at this time.  
PLANNING:  
COUNCIL: Concurs

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  
X

STAFF: Staff recommends approval as applied for.  
PLANNING:  
COUNCIL: Concurs

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: Concurs

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the ordinance for the change of zoning as set forth by the Planning Commission findings. Motion carried 6/0. Ordinance number 1464 was assigned.

Les Mangus presented the final plans for the paving and storm water improvements to 13<sup>th</sup> Street and a portion of Prairie Creek Road and requested authorization to take bids on June 29 at 11:00 a.m.

13<sup>th</sup> & Prairie Creek Road paving & storm water improvements

Council Member Hale asked how far north on Prairie Creek the paving would extend and if it would include the bridge crossing the turnpike.

Mr. Mangus stated we have annexed to about 100 yards short of that bridge and would only pave, curb and gutter to approximately 500 ft north of 13<sup>th</sup> Street, covering the first entrance into the development. As future phases of the development open more paving will take place.

Sasha Stiles explained the bridge crossing the Kansas Turnpike does not belong to the City.

A motion was made by Council Member Geisler, seconded by Council Member Reams, to accept the plans and authorized the taking of bids on June 29<sup>th</sup> at 11:00 a.m. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented the bids for the Main, Mike & May Street project that were opened at 11:00 a.m. There were three bids received; LaFarge North America with \$611,178.94; APAC-Kansas, Inc. with \$587,326.60; Cornejo & Sons, LLC with the low bid of \$559,042.00. Mr. Thompson added there will be three phases to the project in an effort to keep the residents close to their homes.

Main, Mike & May Street Project bids (#1943)

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the low bid from Cornejo & Sons, LLC, in the amount of \$559,042.00 and authorize the Mayor to sign the contract after insurance and bond approval by City Counsel. Motion carried 6/0.

Sasha Stiles presented a supplemental agreement with Poe and Associates for construction staking for the Main, Mike & May Street project inspection services.

Main, Mike & May Street Poe & Associates supplemental agreement

Mike Thompson, POE & Associates, City Engineer, stated typically the staking would be done by the contractor but due to the complexity of the older neighborhood and confined space it would be better if the City engineers did the staking.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the supplemental agreement as presented in the amount of approximately \$30,000. Motion carried 6/0.

Mayor Lawrence presented a resolution of the City of Andover, Kansas, authorizing and providing for the public sale of the City's General Obligation Bonds, Series A, 2010, in a total principal amount of not to exceed \$3,968,000; setting forth the details of said public sale; and providing for the giving of notice thereof.

Resolution 10-09  
GOB Series A 2010  
\$3,968,000

Mark Detter, DeWaay Financial, City Financial Advisor, explained this resolution authorizes the solicitation of bids for bonds for the Marketplace Commercial 1<sup>st</sup> Phase and Marketplace East, Serendipity, and Cornerstone School improvements, on June 29<sup>th</sup> at 2:00 p.m.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the resolution as presented. Motion carried 6/0. Resolution number 10-09 was assigned.

A motion was made by Council Member Geisler, seconded by Council Member Reams, at 7:53 p.m. to recess the City Council meeting and convene the Public Building Commission meeting. Motion carried 6/0.

Recess City Council  
Convene Public Building Commission

Public Building Commission President Caroline Hale called the meeting to order. Public Building Commissioners Julie Reams, Sheri Geisler, Clark Nelson, Ben

Lawrence, J.R. Jessen, and Dave Tingley were present. Also present was Public Building Commission Secretary Susan Renner.

May 25, 2010 Minutes

A motion was made by Public Building Commissioner Lawrence, second by Public Building Commissioner Reams, to approve the meeting minutes from May 25, 2010. Motion carried 7/0.

City Administrator Sasha Stiles presented an agreement with SecureNet for burglary, fire and access control. Ms. Stiles explained employees would have key cards or fobs instead of keys and the system will be in sync with the audio visual system allowing viewing by the police department of any tripped cameras. Ms. Stiles added this agreement includes monthly monitoring.

SecureNet agreement

A motion was made by Commissioner Nelson, seconded by Commissioner Jessen, to authorize the Building Commission President to sign the contract after review by City Counsel. Motion carried 7/0.

Mark Rowe, Sound Products, Inc., presented a proposal outlining audio and visual equipment for the conference rooms and council chambers including broadcast cameras, control system, podium, an upgrade from VCR to digital, security cameras in and outside the facility, digital recording and connected to the City network for police department access.

Sound Products proposal

A motion was made by Commissioner Reams, seconded by Council Member Geisler, to approve the proposal in the amount of \$119,710.00 and authorize the Commission President to sign the contract. Motion carried 7/0.

Bill Duggan, Director of Communications/IT, presented a request to release the Request for Proposals for the cabling of the new city hall. Mr. Duggan added an approximate cost for the cabling would range between \$40,000 and \$60,000. Mr. Duggan stated two changes need to be made; 1. the informational meeting date for interested parties will be June 18<sup>th</sup> and not the 16<sup>th</sup>; 2. add to item 23 an additional drop outside the front doors for a 24 hour phone directly connected to 911.

Cabling RFP

Les Mangus, Director of Public Works, stated cabling is not typically included in the electrical contract due to the specificity of the cable and locations that may not be known at the time of bid for the building.

A motion was made by Commissioner Nelson, seconded by Commissioner Jessen, to approve the release of the RFP for cabling with the two modifications outlined by Mr. Duggan. Motion carried 7/0.

Sasha Stiles stated the Public Building Commission authorized the issuance of the bonds in 2008 and it was time to prepare for the issuance of the bonds to finance the construction of the new city hall. Ms. Stiles stated if the sales tax is not passed as the financing tool, 4 mills for debt service and operation costs would be included in the 2011 budget. If the sales tax issue on the August 3<sup>rd</sup> ballot passes, 1 mill will remain in the budget for the operation cost of the new facility.

Finance bond discussion

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, stated the plan has always been to finance the payment for city hall through 20 year bonds; right now bonds are at the lowest interest rates we may have seen in 22 years. Mr. Klaus stated the sales tax projections will pay the debt service much quicker than the 20 years. Mr. Klaus explained if we issue the bonds today and build in an option for a call every six months the bonds could be paid in advance from the proceeds of any sales tax specifically levied and allowed for that purpose. If the sales tax doesn't pass then the financing will already be in place.

Mr. Klaus asked the Commissioners if they would like to proceed with the preparation of paperwork for the next Public Building Commission meeting.

The Commissioners concurred to proceed.

Mayor Lawrence stated it is something the PBC should do; we need to follow through with what we originally said we were going to do. If the sales tax passes we can pay the bonds off early. It is the same reason the Council is adding 4 mills to the budget for 2011 and if the sales tax passes we will remove 3 mills from it.

Mr. Klaus will present the documents at the July 13, 2010, Public Building Commission meeting for consideration.

A motion was made by Commissioner Jessen, seconded by Commissioner Geisler, at 8:50 p.m. to adjourn the Public Building Commission meeting and reconvene the City Council meeting. Motion carried 7/0.

Adjourn Public Building Commission meeting

Member Items

Member items

Council Member Reams congratulated Police Officer Lance Parker on his recent marriage.

Council Member Geisler reminded the community that city hall was built in 1980 and the police department was added on in 2004.

Council Member Geisler thanked Carolyn Kaplan for all of her work in the community.

Council Member Nelson thanked Mark Detter and J.T. Klaus for their work on this bond issue.

Council Member Hale invited anyone interested in discussing the new city hall to attend the Town Hall meeting on June 24 and July 22, at 6:00 p.m., here at 909 N. Andover Road.

Council Member Jessen inquired if the police car sitting on Lioba is recording information. Police Chief Keller responded it is not.

Council Member Jessen complained of the mowers behind his property leaving large ruts in the ground and asked staff to obtain a phone number.

Council Member Tingley inquired if there was an ordinance regarding false alarms. Mayor Lawrence stated there is. Police Chief Keller stated there has not been a problem.

Mayor Lawrence stated he has been hearing some discussion regarding the water supply for the city and although everyone knew it was going to be an issue it has become one sooner than anticipated. The City of Andover's contract with the City of Wichita expires in 2014 and it may be time to work with other municipalities and look at the Douglas Reservoir project again.

Sasha Stiles clarified since 1980, 30 years ago, the mill levy has increased 11 mills. 8 mills shifted from the County to the City in 2004 when we took on Fire District #1 as the Andover Fire & Rescue Department; and the 3 mill difference is attributable to the library. The services and staff have been able to grow through the growth in valuation.

A motion was made by Council Member Geisler, seconded by Council Member Reams, at 9:09 p.m. to recess to Thursday, June 17, 8:30 a.m. for budget meetings at city hall.

Adjourn

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 9<sup>th</sup> day of February, 2010 by the City Council, City of Andover.