

**ANDOVER CITY COUNCIL
Tuesday, November 29, 2011
Minutes**

1. The meeting was called to order at 7:00 p.m. by Mayor Lawrence.

2. Roll Call

Present were Council Member Byron Stout, Council Member Sheri Geisler, Council Member Dave Tingley, Council Member Clark Nelson, Council Member Caroline Hale, Council Member Troy Tabor, Mayor Ben Lawrence, Administrative Services Director Donna Davis, Police Chief Mike Keller, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, City Administrator Sasha Stiles, City Clerk Susan Renner, City Engineer Mike Thompson, Public Works & Community Development Director Les Mangus.

3. Invocation was given by Pastor Leon Hiebert of the Generations Church of Andover.

4. Pledge of Allegiance was led by Mayor Lawrence.

5. Public Forum

Reverend Leon Hiebert, 940 Cedarwood Court, invited everyone to Hometown Christmas on Thursday, December 8. The event is an activity families enjoy and the money that is raised benefits the Andover Caring & Sharing program. Caring & Sharing provides gifts and meals to those in need in our community.

Mayor Lawrence announced there will be what he hopes to be the 1st Annual Christmas Tree lighting on the plaza that evening sponsored by Superior Landscape and himself.

6. Acceptance of Agenda

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to accept the agenda as presented. Motion carried 6/0.

7. Presentations

Brian Foy, Burns McDonnell, Kansas City Missouri, gave a brief presentation on the aeration improvements that have been completed at the Andover wastewater plant.

8. Consent Agenda

- a. Approval of Minutes
 - i. City Council Meeting: November 8, 2011

- b. Receive & file reports
 - i. Library: Directors Report November 9, 2011
- c. Receive & file minutes
 - i. Library: October 12, 2011
- d. Approval of appropriation ordinance B-21-11 in the amount of \$ 521,683.97.
- e. Approval of non-elected personnel items

Becky Page, Police Department Administrative Assistant, status change from training to regular, with a pay increase from \$14.50 per hour to \$14.80 per hour, effective November 28, 2011.

Mickey Farris, Police Department, position change from MPO II to Code Enforcement Office, with a pay increase from \$18.42 to \$19.02, effective November 28, 2011.

Corey Holmes, Parks Department maintenance new hire, at a wage of \$10.75 per hour, effective November 22, 2011.

- f. Approval of a Mayoral appointment of Adam Glendening to the Park Planning Committee as representative for the Andover YMCA.
- g. Approval of Police Department General Orders: M1116 "Keys to Police Building; O2504 "Vice, Drugs and Organized Crime"; O2505 "Surveillance, Undercover, and Decoy Operations".
- h. Approval of a request by Andover Scout Troop 584 to camp overnight in Central Park on Friday, December 9.
- i. Approval of KDOT/LaFarge change order 19 for final traffic control quantity adjustment for Andover Road - Cloud to Harry St (\$21,562.88)
- j. Approval of KDOT/LaFarge change order 20 for reconciliation for seeding on South Andover Road project (\$2,303.58)
- k. Approval of annual employee appreciation banquet contract with Mosley Street Melodrama in the amount of \$5,400 for Saturday, February 4, 2012.
- l. Approval of the placement of two street lights on 159th Street north of Terradyne Drive.
- m. Approval of Cornejo & Sons change order two for overrun of estimated

quantities for the 2011 Street Rehab (\$4,536.20)

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve the Consent Agenda as presented. Motion carried 6/0.

9. 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. (Z-2010-04 1127 N. Andover Road)

Mayor Lawrence asked the Council if any of them intended to disqualify themselves due to a conflict of interest. No one did. Mayor Lawrence asked the City Clerk if any protest petitions had been received. She stated she had not. Mayor Lawrence asked if all Council Members had received the Planning Commission minutes of January 18, 2011. They responded they had.

Les Mangus explained the owner at 1145 N. Andover Road purchased property from the owner of 1127 S. Andover Road to add 20' of parking to the south and a change in zoning is necessary to allow parking.

Mr. Mangus apologized for the delay in the Council receiving this request; it had been overlooked during the move to the new City Hall.

ANDOVER CITY PLANNING COMMISSION
SPECIAL USE REPORT *

CASE NUMBER:	Z-2010-04
APPLICANT/AGENT:	Newman Investments, LLC/Jack Newman
REQUEST:	Change of zoning district classification from R-2 Single Family Residential to B-2 Neighborhood Business District.
CASE HISTORY:	The subject property is a property boundary shift to allow the applicant to add parking spaces.
LOCATION:	1127-1145 N. Andover Rd.
SITE SIZE:	20' X112'
PROPOSED USE:	More property for additional parking.

ADJACENT ZONING AND EXISTING LAND USE:

North:	B-1 applicant's office/retail building
South:	R-2 single family residence
East:	R-2 single family residence
West:	R-2 single family residence

Background Information:

The applicant desires to expand the parking for his existing office retail building.

* 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 special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

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 are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4) |
| | | STAFF: |
| | | PLANNING: R-2 South, East & West |
| | | COUNCIL: |
| YES | NO | 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4) |
| | | STAFF: |
| | | PLANNING: R-2 South, East & West |
| | | COUNCIL: |
| 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: |
| | X | PLANNING: |
| | | COUNCIL: Concur |
| YES | NO | 6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property? |
| | X | STAFF: All are in place and adequate.. |
| | 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: Dedication of minimum R/W for Andover Rd. could be done by separate instrument. |
| | 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 is required |
| | X | PLANNING: |
| | | COUNCIL: Concur |
| YES | NO | 9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested? |
| | | STAFF: N.A. |
| | | PLANNING: |
| | | COUNCIL: |
| 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 current zoning to which it has been restricted? |
| | X | STAFF: |
| | 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? |
| | | STAFF: Increased activity and lighting in the area. |
| | X | 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
 X
 STAFF:
 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
 X
 STAFF: Case by case review of commercial applications along Andover Rd.
 PLANNING:
 COUNCIL: Concur
- 15. What is the nature of the support or opposition to the request?
 YES NO
 STAFF: None at this time.
 PLANNING:
 COUNCIL: Concur
- 16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?
 YES NO
 X
 X
 STAFF: Approval contingent on dedication of the minimum R/W for Andover Rd..
 PLANNING:
 COUNCIL: Concur
- 17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by **not** approving the request?
 YES NO
 X
 X
 STAFF:
 PLANNING:
 COUNCIL: Concur

Having considered the evidence at the hearing and the factors to evaluate the special use application, I Lynn Heath, move that we recommend to the Governing Body that Case No. 2010-04 be approved changing zoning district classification from R-2 to B-2 District based on the findings 7, 8, 14 and 16 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Ken Boone. Motion carried 7/0.

Les Mangus noted this case will be heard by the City Council on February 8, 2011.

Chairman Coon stated returning to agenda item number 5.

Les Mangus stated that the applicant was contacted and that he would not be able to attend this meeting and suggested that this public hearing be continued to the next meeting.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve 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 and based upon the Planning Commission’s findings and factors. (Z-2010-04 1127 N. Andover Road) Motion carried 6/0. Ordinance number 1503 was assigned.

10. Quail Crossing HOA sprinkler repair

Les Mangus explained this is the first of expected claims for irrigation repairs as a result of the 21st Street project. This repair is for lines from Lakeside Drive to beyond Quail Crossing Street on the south side of 21st Street where the construction virtually took out all the irrigation lines.

Council Member Byron Stout inquired which HOA was involved with this repair as he questions the property ownership and asked it be confirmed prior to beginning the repairs.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to accept the bid from Jayhawk Landscapes, LLC, of Andover, in the amount of \$18,483.39 for the Quail Crossing HOA sprinkler repair subject to confirmation of property ownership and the property owner signing a release of claims in exchange for payment of the repairs. Motion carried 6/0.

11. [A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 personnel handbook. \(cell phone stipend\)](#)

Sasha Stiles explained this resolution makes the necessary changes brought on by a recent guidance issued by the IRS that cell phone stipends are no longer considered a taxable benefit.

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to adopt a resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2-6 Personnel Handbook as it relates to cell phone stipends. Motion carried 6/0. Resolution number 11-25 was assigned.

12. [A resolution establishing certain restrictions upon eligibility for the participation of City employees with the City's universal simplified employee pension plan.](#)

Sasha Stiles explained the resolution will amend current City policy regarding the group retirement plan as it pertains to part time employees.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Caroline Hale to adopt a resolution establishing certain restrictions upon eligibility for the participation of City employees with the City's universal simplified employee pension plan. Motion carried 6/0. Resolution number 11-26 was assigned.

13. [An ordinance repealing the emergency "911" telephone tax within the City of Andover, Kansas.](#)

Sasha Stiles stated the State law has changed regarding the collection of the 911 tax. Cities and counties will no longer collect the tax, the State will. This will repeal our existing Ordinance 778.

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to adopt an ordinance repealing the emergency "911" telephone tax within the City of Andover, Kansas. Motion carried 6/0. Ordinance number 1504 was assigned.

14. [Cornejo & Sons change order six for Andover Landing water line connection at 21st Street \(\\$16,935.50\)](#)

Due to an inability to hit water for a necessary second well for the irrigation system the developer has requested to connect a portion of the irrigation system to city water.

A motion was made by Council Member Troy Tabor, seconded by Council Member Dave Tingley to approve Cornejo & Sons change order six for Andover Landing water line connection at 21st Street. (\$16,935.50) Motion carried 6/0.

15. Appointment of salary review committee

Mayor Lawrence asked for volunteers for the annual salary review committee. He added although an easy process it is very time consuming.

Council Members Hale, Geisler and Tabor will serve on the committee.

16. Member Items

Council Member Byron Stout had none.

Council Member Sheri Geisler

- Asked for an update of the traffic signal at 159th and US54.
 - Les Mangus stated plans are complete and approved and now waiting for bid letting by KDOT in March, 2012.
- Encouraged everyone to buy local services and American made items for gifts.

Council Member Dave Tingley

- Asked about streamlining the guidelines for things such as new signs requests giving staff the authority to approve certain issues that currently have to be brought before the Site Plan Review Committee.

Prescriptive standards were discussed at length.

The Governing Body concurred to move forward with looking into ideas for prescriptive standards.

Council Member Clark Nelson volunteered to serve on a committee to update Site Plan Committee rules.

Council Members Dave Tingley, Troy Tabor, and Clark Nelson will serve on the committee as well as a representative from the Site Plan Review Committee and the Planning Commission.

Council Member Clark Nelson had none.

Council Member Caroline Hale

- Reminded everyone Hometown Christmas is Thursday, December 8, at Central Park, from 6 p.m. – 8 p.m.

Council Member Troy Tabor had none.

17. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Dave Tingley to adjourn at 8:27 p.m. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 13th of December, 2011 by the City Council, City of Andover