

**ANDOVER CITY COUNCIL  
Tuesday, July 09, 2013  
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

Council Members: Troy Tabor, Sheri Geisler, Caroline Hale, Kris Estes, Clark Nelson and Byron Stout IV were present.

Staff: Police Chief Mike Keller, Fire Chief Jim Shaver, Chief Financial Officer Donna Davis, Assistant City Administrator Jennifer McCausland, City Attorney J.T. Klaus (arrived at 7:25 p.m.), Director of Public Works and Community Development Les Mangus, City Clerk Susan Renner, Communications/IT Director Bill Duggan and City Administrator Sasha Stiles.

A/V staff: Cindy Barrett

3. There was no invocation given.

4. Pledge of Allegiance was led by Mayor Lawrence.

5. Public Forum

Jacob Marietta, 640 Wrenfield, thanked the City Council for their continued support allowing the celebration of freedom with fireworks on July 4th. He added there were a lot of charity funds raised through the stands sales.

6. Acceptance of Agenda

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to accept the Agenda including the bid tab for item 10. Sunstone Apartments paving. Motion carried 6/0.

7. Consent Agenda

- a. Approval of Minutes
  - i. City Council Workshop: June 24, 2013
  - ii. City Council Meeting: June 25, 2013
- b. Receive & file reports
  - i. Finance: June 2013
  - ii. Fire: June 2013
- c. Approval of appropriation ordinance B-12-13 in the amount of \$ 624,143.37.

- d. Approval of non-elected personnel items  
Kendall Winterhalter, new hire as Park Department summer maintenance worker, at \$9.25 per hour, effective July 9, 2013.
- e. Approval of an "Automatic Aid" agreement between Butler County Fire District #3 (Rose Hill) and the City of Andover Fire and Rescue.
- f. Approval of the 2013-2014 School Resource Officer agreement between USD 385 and the City of Andover.
- g. Approval of the KDOT Request for Local Project committing the City's portion (20%) of construction costs for the Redbud Trail in the amount of \$321,000.
- h. Approval of a request for a class "c" fireworks show on July 13th by Wholesale Fireworks at dusk at 1600 W. US 54.
- i. Approval of a Letter of Engagement with Redmond & Nazar, LLC at no cost to the City regarding the purchase of 908 East 13th St.
- j. Approval of the Mayoral appointment of Sasha Stiles, City Administrator, as the alternate voting member to the WAMPO Transportation Policy Board.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve Consent Agenda items a - j as presented. Motion carried 6/0.

#### 8. Emergency Operation Center (EOC) Radio Project

Bill Duggan, Communications/IT Director, explained radios had not been installed in the Police Department EOC when it was built due to the ongoing Butler County radio replacement project. The project is now complete and it is time for the permanent installation of radios at the Police Department and a parallel infrastructure in the EOC at City Hall. Funds will come from the equipment reserve accounts for Police and Fire Departments at \$6,000 each and \$4,000 from the Communications equipment reserve fund.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve the Emergency Operation Center Radio Project in an amount not to exceed \$16,000 for both EOC locations. Motion carried 6/0.

#### 9. GOB Series B, 2013 (Prairie Creek Addition)

Mark Detter, Central States Capital Markets, presented the documents to begin the process of turning the temporary notes to permanent financing for twenty year special assessments for the Prairie Creek Addition.

a. [Financial Advisor Agreement](#)

A motion was made by Council Member Sheri Geisler, seconded by Council Member Caroline Hale to accept the Financial Advisor Agreement with Central States Capital Markets. Motion carried 6/0.

b. [Certification of total final costs and assessment rolls](#)

A motion was made by Council Member Caroline Hale, seconded by Council Member Kris Estes to accept the Certification of total final costs and assessment rolls. Motion carried 6/0.

c. [A resolution setting the date, time and place for a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of certain improvements in the City, as heretofore authorized by Resolution No. 07-28 \(as amended by Resolution Nos. 09-16, 09-19, 10-02 and 10-14\), Resolution No. 07-29 \(as amended by Resolution No. 09-20\) and Resolution No. 12-10; directing publication of a notice of public hearing; and further directing the mailing of a notice of hearing and statement of costs proposed to be assessed to each and all of the property owners liable for such special assessments.](#)

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to adopt a resolution setting the date, time and place for a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of certain improvements in the City, as heretofore authorized by Resolution No. 07-28 (as amended by Resolution Nos. 09-16, 09-19, 10-02 and 10-14), Resolution No. 07-29 (as amended by Resolution No. 09-20) and Resolution No. 12-10; directing publication of a notice of public hearing; and further directing the mailing of a notice of hearing and statement of costs proposed to be assessed to each and all of the property owners liable for such special assessments. Motion carried 6/0. Resolution number 13-21 was assigned.

10. [Sunstone Apartments paving and incidental drainage bids](#)

Jason Gish, MKEC Engineering, presented the bid tab from the opening. There were two bids received; APAC-Kansas \$261,792.85 and Cornejo and Sons \$295,705.80, both bids higher than MKEC estimate of \$241,676.50.

Sasha Stiles explained the City Attorney was consulted due to the bids being in excess of the total included in the petitions. The petition amounts are sufficient with the inclusion of the 10% crawl allowed for in the petitions. Staff requests the Council proceed with the acceptance of the low bid to keep the project moving in a timely manner.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to accept the Sunstone Apartments paving and incidental drainage bids and accept the bid from APAC-Kansas of Goddard in the amount of \$261,792.85 and authorize the Mayor to sign



The PUD allows the flexibility in uses and bulk regulations to accommodate the existing buildings and proposed uses.

LOCATION: 307 W. Hwy 54, Andover, KS.  
SITE SIZE: +/- 3 acres  
PROPOSED USE: Retail, service, and office.

**ADJACENT ZONING AND EXISTING LAND USE:**

North: R-2 Single Family Residential vacant lot  
South: R-2 Single Family Residential  
East: B-5 Highway Business & B-3 Central Shopping vacant lot owned by the applicant  
West: B-5 Highway Business vacant lot owned by the applicant and Holiday Inn Express

**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 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)  
 YES NO  
 STAFF:  
 PLANNING:  
 COUNCIL:
- 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change? See Adjacent Zoning on page 1 of 4)  
 YES NO  
 STAFF:  
 PLANNING: B-5  
 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  
 X STAFF:  
 X PLANNING:  
 COUNCIL: Concurred
- 4. Would the request correct an error in the application of these regulations?  
 YES NO  
 X STAFF:

- X PLANNING:  
COUNCIL: Concurred
- 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: Concurred
- 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 STAFF: All are in place and adequate  
 X PLANNING:  
 COUNCIL: Concurred
- 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: A final PUD plan is required  
 X PLANNING:  
 COUNCIL: Concurred
- 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?  
 YES NO  
 X STAFF:  
 X PLANNING:  
 COUNCIL: Concurred
- 9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?  
 YES NO  
 STAFF: N/A  
 PLANNING: N/A  
 COUNCIL: Concurred
- 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?  
 YES NO  
 X STAFF:  
 X PLANNING:  
 COUNCIL: Concurred
- 11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?  
 YES NO  
 X STAFF:  
 X PLANNING:  
 COUNCIL: Concurred
- 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: No detriment is perceived  
 PLANNING: No detriment is perceived  
 COUNCIL: Concurred

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: Concurred

YES NO 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?  
 X STAFF: The US-54 Corridor Study suggests mixed commercial uses  
 X PLANNING:  
 COUNCIL: Concurred

YES NO 15. What is the support or opposition to the request?  
 STAFF: None at this time  
 PLANNING: None at this time  
 COUNCIL: Concurred

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 was applied for  
 X PLANNING:  
 COUNCIL: Concurred

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: Concurred

- a. An ordinance modifying the zoning district classification of certain property and adding an overlay district known as the Walnut Valley at the River Addition of the Preliminary Planned Unit Development Plan (PUD) 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

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve Z-2013-02 as recommended by the Planning Commission. Motion carried 6/0. Ordinance number 1542 was assigned.

[b. Final Planned Unit Development Plan - Walnut Valley at the River Addition](#)

Les Mangus stated this is two separate lots for independent ownership and there are no public improvements involved.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the Final Planned Unit Development Plan - Walnut Valley at the River Addition. Motion carried 6/0.

13. Andover Farm at Cedar Park - 6th Addition

Les Mangus explained this is the logical continuation of Lakeside Drive. This was approved and recommended for Council approval by the Planning Commission.

a. Final Planned Unit Development Plan for Andover Farm at Cedar Park 6th Addition

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to approve the Final Planned Unit Development Plan for Andover Farm at Cedar Park 6th Addition. Motion carried 6/0.

b. Developers Agreement

Sasha Stiles presented the agreement and stated it has been reviewed and approved by staff and the City Attorney and sufficient letters of credit had been received for the project.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to approve the Developers Agreement. Motion carried 6/0.

c. Petitions for sanitary sewer, water distribution, and paving

Sasha Stiles presented the petitions and stated they have been reviewed and approved by staff and the City Attorney.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to approve the petitions for sanitary sewer, water distribution, and paving. Motion carried 6/0.

d. A resolution determining the advisability of making certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or probable costs thereof, the extent of the benefit district to be assessed for the costs thereof, the method of assessment and the apportionment of the costs between the benefit district and the City at large; authorizing and providing for the making of the improvements in accordance with the findings of the Governing Body; and directing the publication and recording of this resolution (Andover Farm at Cedar Park Sixth Phase water improvements, Andover Farm at Cedar Park Sixth Phase sewer improvements and Andover Farm at Cedar Park Sixth Phase street improvements.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve a resolution determining the advisability of making certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or probable costs thereof, the extent of the benefit district to be assessed for the costs thereof, the method of assessment and the apportionment of the costs between the benefit district and the City at large; authorizing and providing for the making of the

improvements in accordance with the findings of the Governing Body; and directing the publication and recording of this resolution (Andover Farm at Cedar Park Sixth Phase water improvements, Andover Farm at Cedar Park Sixth Phase sewer improvements and Andover Farm at Cedar Park Sixth Phase street improvements. Motion carried 6/0. Resolution number 13-22 was assigned.

- e. [An ordinance authorizing the construction of certain internal improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 13-22 of the City, under the authority of K.S.A. 12-6a01 et seq., as amended and supplemented; providing for the payment of the costs of said improvements; authorizing the issuance of general obligation bonds for the payment of the costs of said improvements and authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements.](#)

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve an ordinance authorizing the construction of certain internal improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 13-22 of the City, under the authority of K.S.A. 12-6a01 et seq., as amended and supplemented; providing for the payment of the costs of said improvements; authorizing the issuance of general obligation bonds for the payment of the costs of said improvements and authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements. Motion carried 6/0. Ordinance number 1543 was assigned.

14. [A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 Personnel Handbook \(employee smoking policy\)](#)

Jennifer McCausland explained there was a lot of discussion in a staff focus group which included smokers about this policy. If passed the policy would stop any smoking within twenty feet of a city owned facility door, air intake, or while riding on or operating a piece of city owned property.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to adopt a resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 Personnel Handbook (employee smoking policy) Motion carried 6/0.

15. [Member Items](#)

Council Member Troy Tabor

- Mentioned a complaint he had received regarding smokers in front of a local business.

Council Member Sheri Geisler had none.

Council Member Clark Nelson had none.

Council Member Caroline Hale had none.

Council Member Kris Estes

- Explained she believes being a City Council member is a public service. Council Member Kris Estes then made a motion to instruct staff to prepare a resolution, for a future meeting, to discontinue the monthly internet stipend and remove the Council Member salaries pay for meeting attendance. Motion died due to lack of second.

Council Member Byron Stout had none.

16. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes at 7:55 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 29<sup>th</sup> day of July, 2013, by the City Council, City of Andover, Kansas.