

**ANDOVER CITY COUNCIL  
Tuesday, September 10, 2013  
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

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

Staff: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney JT Klaus, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, and Mike Thompson City Consulting Engineer.

A/V: Cindy Barrett

3. Invocation was given by Pastor Jerry Smith of Andover Faith Baptist Church and the Andover Police Department Chaplains.

4. Pledge of Allegiance was led by Boy Scout Troop 584 members Carston Baker and Lucas Cruger.

5. Public Forum

a. Cub Scout Pack 584 request to camp in Central park and have a camp fire for their Annual Camp Out October 5, 2013 with rain dates of October 11 & 12, 2013.

Scouts Carston Baker and Lucas Cruger were present to make the request.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the request as presented. Motion carried 6/0.

6. Acceptance of Agenda

Mayor Lawrence requested the addition of an executive session to discuss non-elected personnel matters be added to the end of the agenda.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to accept the agenda as modified. Motion carried 6/0.

7. Executive session - matters related to the Attorney-Client privileged relationship

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to enter executive session to discuss matters related to the Attorney-Client privileged relationship for approximately fifteen minutes and to include the Governing Body, City Administrator, Public Works Director, and City Attorney. Motion carried 6/0.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler, to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to return to executive session for an additional five minutes. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to come out of executive session. Motion carried 6/0.

No action was taken as a result of the executive session.

8. Consent Agenda

- a. Approval of Minutes
  - i. City Council Workshop: August 26, 2013
  - ii. City Council Meeting: August 27, 2013
- b. Receive & file reports
  - i. Finance: August 2013
- c. Receive & file minutes
  - i. CVB: May 22, 2013
- d. Approval of appropriation ordinance B-16-13 in the amount of \$ 529,306.41.
- e. Approval of non-elected personnel items  
Toni Usher, semi-skilled parks maintenance worker, from training to regular status, with a pay increase from \$12.00 to \$12.50, effective August 7, 2013.

- f. Approval of Greater Andover Days contracts
  - i. Connoisseur Media (BOB-FM), Wichita, for airtime advertising beginning two weeks prior to the event, a live broadcast Friday, September 27, from the Tailgate Party, and organize a “Best Tailgate” party, in the amount of \$2,500.
  - ii. Atomic Billboards, Wichita, for billboard advertising at 913 E Highway 54 from September 20 to September 29, in the amount of \$185.
- g. Approval of a request for CVB funds for the Holiday Inn Express for the hotel voucher program in the amount of \$4,400 for June 11 thru August 31.
- h. Approval of a Termination and Release of Lease with Cedar Pines of Andover, LLC effective September 10, 2013. Cedar Pines, LLC was paid a termination fee of \$2,500.

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

9. Cornerstone Fourth Addition

- a. Final PUD - Cornerstone Fourth Addition
- b. Developers Agreement
- c. Petitions for sanitary sewer, water distribution, paving and stormwater

Jason Gish, MKEC, representing Ritchie Development, is requesting the PUD, Developers Agreement and petitions be accepted as presented.

Sasha Stiles confirmed sufficient letters of credit had been received from the developer.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to accept the Cornerstone Fourth Addition final PUD, the developers agreement and the petitions for sanitary sewer, water distribution, and paving and stormwater drainage. Motion carried 6/0.

10. 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 (Cornerstone Fourth Addition water improvements, Cornerstone Fourth Addition sewer improvements and Cornerstone Fourth Addition paving and storm water sewer improvements. (Cornerstone Fourth)

JT Klaus explained the resolution declared the improvements for Cornerstone Fourth Addition, as just accepted in item 9, as advisable. The resolution would be published and recorded with the Register of Deeds allowing for future property owners notice of the special assessments. The ordinance will allow the City to accept bids for these improvements.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale, to adopt the resolution as presented. Motion carried 6/0. Resolution number 13-26 was assigned.

11. 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. 13-26 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 (Cornerstone Fourth)

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout, to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1547 was assigned.

12. Redbud Trail design services proposal

Les Mangus explained for continuity purposes the same engineering firm that had been selected for the construction engineering was typically used for the preliminary engineering. KDOT has qualified Poe & Associates from four firms for the construction engineering and staff recommends accepting the proposal for preliminary engineering.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale, to accept the proposal from Poe & Associates for preliminary engineering in the amount of \$118,250. Motion carried 4/2. Council Members Byron Stout and Troy Tabor opposed.

### [Add-on Executive Session to discuss non-elected personnel.](#)

A motion was made by Council Member Troy Tabor, seconded by Council Member Kris Estes, to enter executive session to discuss non-elected personnel for five minutes and to include the Governing Body, City Administrator, City Attorney, Fire Chief, and the Assistant City Administrator. Motion carried 6/0.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale, to come out of the executive session. Motion carried 6/0.

No action was taken as a result of the executive session.

### 13. Member Items

Council Member Byron Stout had none.

Council Member Kris Estes

- “The Ride” was this past Saturday and was a great experience.
- Tomorrow is 9/11, Patriot Day, flags should be at half-staff, and please take a moment of silence. Butler Community College will be hosting a ceremony in El Dorado.
- Had been contacted by the land owner of the property on the south east corner at the 13<sup>th</sup> and Andover Road intersection and has an issue regarding driveways.

Mayor Lawrence confirmed ex-parte communications and each council member had individually spoken to the landowner and Mayor Lawrence had contact with Council Member Kris Estes regarding the best way to bring this discussion to the council meeting.

Mayor Lawrence stated the property owner has requested two driveways be installed on 13<sup>th</sup> Street and paid for by the City. The land owner had engineering done at his own expense.

Les Mangus confirmed the driveways would be private driveways on a public right of way. Mr. Mangus added it is not City policy to install or pay for driveways unless they were pre-existing and torn out due to a project. KDOT has reviewed and approved the engineering plans but will not be a part of the project; the cost would be 100% to the City.

There was a lengthy discussion including what the City has done in the past, what the City policy is, defining a driveway and public right of way.

The final motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout, to pay the land owner \$5,000 upon completion of the two driveway installations on 13<sup>th</sup> Street. Motion carried 5/1. Council Member Sheri Geisler opposed.

Council Member Caroline Hale had none.

Council Member Clark Nelson had none.

Council Member Sheri Geisler

- Greater Andover Days is September 26-29.
- Thanked the police department again for the speed sign on Central.
- The walk around Lake George is .8 miles.

Council Member Troy Tabor

- The company who owns one of the electronic billboards on Highway 54 has donated advertising time to “The Ride”, the Chamber of Commerce and Greater Andover Days.

Mayor Ben Lawrence

- Asked staff to obtain confirmation from the property owner whether he intends to move forward with the installation of the driveways as this matter could hold up the completion of the intersection project.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Kris Estes to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 24<sup>th</sup> day of September, 2013, by the City Council, City of Andover, Kansas.