

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

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

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

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, and City Administrator Sasha Stiles.

A/V: Cindy Barrett

3. Invocation was given by Pastor Dayton Poe of Generations Church and the Andover Police Department Chaplains.

4. Pledge of Allegiance was led by Mayor Lawrence.

5. Public Forum - no one spoke.

6. Acceptance of Agenda

Sasha Stiles presented an email from the property owner for agenda item 14 asking for a postponement to January 14, 2014.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to accept the agenda with item 14 to be tabled. Motion carried 6/0.

7. Consent Agenda

- a. Approval of Minutes  
No minutes were presented at this meeting.
- b. Receive & file reports
  - i. Finance: November 2013

- ii. Library: September 2013 & October 2013 financials  
September 2013 & October 2013 activity reports
- c. Receive & file minutes
  - i. Site Plan Review: October 1, 2013
  - ii. Planning Commission: October 15, 2013
  - iii. Library: September 11, 2013 & October 10, 2013
- d. Approval of appropriation ordinance B-22-13 in the amount of \$ 457,047.79.
- e. Approval of the annual purchase of \$1,700 (\$20 per employee) in Chamber Bucks for employee appreciation.
- f. Approval of an engagement letter with George Bowerman & Noel, P.A. of Wichita for the 2014 audit in the amount of \$12,515 plus expenses.
- g. Approval of Cereal Malt Beverage license renewals for 2014.
  - 1. Walgreens #5840, 440 N Andover Road
  - 2. Primo, 514 S Andover Road
  - 3. Dillons #85, 225 E Cloud Avenue
  - 4. Pizza Hut, 307 N Andover Road
  - 5. Kwik Shop 717, 114 W Highway 54

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

8. Mayor Lawrence opened the Public Hearing for the 2013 Budget Amendment. No one spoke and the hearing was closed.

Donna Davis provided a brief review of the amendments.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to approve the 2013 amended budget as presented. Motion carried 6/0.

9. A resolution removing from the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -7, Computer and Internet Usage policy.

Jennifer McCausland explained this resolution would remove the policy from its current location in the Code of Municipal Policies and the resolution following this item will add the same policy into the personnel handbook portion of the Code of Municipal Policies.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to adopt a resolution removing from the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -7, Computer and Internet Usage policy. Motion carried 6/0. Resolution number 13-32 was assigned.

10. A resolution adding to the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 Personnel Handbook, Social Media Usage Policy and incorporating the current Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -7 Computer/Internet Usage Policy into the Personnel Handbook (Article 2-6)

After much discussion the council removed item 4A from the presented resolution which read:

Employees having personal web pages, social media sites, social networking sites or other types of internet postings which can be accessed by the public shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges, or in any other way, either directly or indirectly, identify themselves as an employee of the City of Andover for any reason, without approval of their department head.

A motion was made by Council Member Troy Tabor, seconded by Council Member Byron Stout to remove item 4A of the resolution and then adopt the resolution adding to the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 Personnel Handbook, Social Media Usage Policy and incorporating the current Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -7 Computer/Internet Usage Policy into the Personnel Handbook (Article 2-6) with the removal of item 4A. Motion carried 6/0. Resolution number 13-33 was assigned.

11. A resolution of the City of Andover, Kansas approving the sale of a certain project financed with the proceeds of revenue bonds of the City; approving the call and early redemption of said revenue bonds; authorizing the execution and delivery of (1) a special warranty deed, (2) a bill of sale, (3) a termination and release of lease, (4) a satisfaction, discharge and release of indenture, and (5) a termination and release of mortgage and security agreement. (Andover Senior Care)

JT Klaus explained the City had received notice the owner of Andover Senior Care/Victoria Falls would like to pay off the taxable industrial revenue bonds and this resolution will begin the process.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to adopt a resolution of the City of Andover, Kansas approving the sale of a certain project financed with the proceeds of revenue bonds of the City; approving the call and early redemption of said revenue bonds; authorizing the execution and delivery of (1) a special warranty deed, (2) a bill of sale, (3) a termination and release of lease, (4) a satisfaction, discharge and release of indenture, and (5) a termination and release of mortgage and security agreement. (Andover Senior Care) Motion carried 6/0. Resolution number 13-34 was assigned.

12. 2014 Recommended Pay Plan

Sasha Stiles explained the Salary Review Committee, comprised of Council Members Byron Stout, Caroline Hale, and Clark Nelson, along with Senior Management Staff, met, reviewed and recommends the presented plan. The proposed pay plan is within the amount included in the approved 2014 budget.

A motion was made by Council Member Caroline Hale, seconded by Council Member Byron Stout to approve the 2014 Pay Plan as recommended. Motion carried 6/0.

13. An ordinance amending Chapter VIII, Article 2, Section 8-202 of the Code of the City of Andover entitled health nuisances relating to the height of weeds and grass.

Sasha Stiles explained the ordinance lowers the height of weeds/grass on certain residential properties as previously discussed by the Council.

A motion was made by Council Member Troy Tabor, seconded by Council Member Kris Estes to adopt an ordinance amending Chapter VIII, Article 2, Section 8-202 of the Code of the City of Andover entitled health nuisances relating to the height of weeds and grass. Motion carried 6/0. Ordinance number 1558 was assigned.

14. An ordinance approving a special use to exceed the 35 foot maximum height limitation for wireless communication facilities to construct a 120 foot cellular tower in the B-1 Office Business District on 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 1187. (SU-2013-02)

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to table this item to the January 14, 2014 Council meeting at the request of the property owner. (SU-2013-02) Motion carried 6/0.

15. KHR Commercial Center Addition.

Mayor Ben Lawrence stepped down from the bench due to a conflict of interest.

- a. An ordinance modifying the zoning district classification of certain property and adding an overlay district known as the KHR Commercial Center Preliminary Planned Unit Development plan (PUD) located in the City of Andover, Kansas, under the authority granted by the Zoning Regulations of the City. (Z-2013-04)

Council President Caroline Hale presented the 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.

Council President Hale 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.

Council President Hale asked the City Clerk if the City had received any protest petitions. She responded she had not.

Council President Hale confirmed with the Council that they had received the unapproved November 19, 2013 Planning Commission meeting minutes.

Council President Hale asked the applicants if they felt they had a fair and impartial hearing at that Planning Commission meeting, Phil Meyer, Baughman, responded that they had.

Council President Hale asked Zoning Administrator Les Mangus to give a brief report regarding the case.

Les Mangus explained the applicant proposes a PUD to allow for a mixture of commercial uses and subdivide the lot.

Council President Hale asked if anyone in the audience wanted to respond or provide any new information. No one did.

A motion was made by Council Member Troy Tabor, seconded by Council Member Byron Stout to adopt an ordinance modifying the zoning district classification of certain property and adding an overlay district known as the KHR Commercial Center Preliminary Planned Unit Development plan (PUD) located in the City of Andover, Kansas, under the authority granted by

the Zoning Regulations of the City. (Z-2013-04) Motion carried 6/0. Ordinance number 1559 was assigned.

b. Planned Unit Development

A motion was made by Council Member Sheri Geisler, seconded by Council Member Kris Estes to accept the Planned Unit Development. Motion carried 6/0.

c. Developers Agreement

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to accept the developer's agreement and authorize the Council President to sign. Motion carried 6/0.

16. US 54 Advance ROW Acquisition Appraisal Proposals

Les Mangus explained KDOT is partnering with the City for the purchase of right of way on the north side at 159<sup>th</sup> and the south side just east of Andover Road. The first step is to have the property appraised.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve both proposals as presented and authorize the Mayor to sign contingent upon review and approval by the City Attorney. Motion carried 6/0.

17. Member Items

Council Member Troy Tabor

- Invited everyone to Hometown Christmas and the Chili Cook off on Thursday.

Council Member Sheri Geisler

- Invited everyone to come to the Chili Cook Off.
- Inquired about changing the auditor.
  - Sasha Stiles stated staff would bring a request for proposal for the 2014 audit for Council consideration..
- Stated social media can create open meeting violations so Council Members should be careful.

Council Member Clark Nelson

- Concurred with an earlier statement by Council Member Stout regarding the **effectivity** of the Salary Review Committee and the way the information was presented to them.

Council Member Caroline Hale

- Stated staff had provided great feedback for the Salary Review Committee.
- Announced WAMPO has launched of a new website with traffic cameras [wichway.org](http://wichway.org).
- Stated Hometown Christmas starts at 5:30 p.m. December 12.

Council Member Kris Estes

- Stated she will be at Hometown Christmas.
- Asked everyone to stay safe.

Council Member Byron Stout

- Stated he will miss Hometown Christmas.
- Wished everyone a Merry Christmas.

Mayor Ben Lawrence stated there was going to be a preview of the tree lighting following the meeting.

Sasha Stiles asked the Council to follow up on an email she had sent to them asking for feedback regarding posting information on the City website about the Redbud Trail.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to adjourn to December 30, at 7:00 p.m. in City Hall, 1609 E. Central. (Due to the holiday the Council cancelled the workshop meeting regularly scheduled for the 30<sup>th</sup> and moved the meeting from the 31<sup>st</sup>).

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 30<sup>th</sup> day of December, 2013 by the City Council, City of Andover, Kansas.