

ANDOVER CITY COUNCIL MEETING

Andover City Hall  
1609 E. Central Avenue  
April 8, 2014 – 7:00 p.m.

00:02:50

1. Council President Caroline Hale called the meeting to order.
2. Roll Call

City Council Members present were Troy Tabor, Sheri Geisler, Clark Nelson, Kris Estes, and Byron Stout IV. Mayor Ben Lawrence was absent.

Staff: Police Chief Michael Keller, Chief Financial Officer Donna Davis, Fire Chief Chad Russell, 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 City Consulting Engineer Mike Thompson.

00:03:25

3. Invocation was given by Pastor Greg Perkins with Eastside Community Church and the Andover Police Department Chaplains.

00:04:25

4. Pledge of Allegiance was led by Cub Scout Pack 533

00:06:49

5. Public Forum
  - a. John White, 1706 Terry Lane, requested use of the south west corner of Central Park for a scout family camping outing on April 25, 26 & 27, 2014 for Cub Scout Pack 533. The request includes use of Horse Creek Cabin.

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

00:09:00

6. Acceptance of Agenda

Sasha Stiles requested an additional item be added to the regular agenda; Roger Turner Company agreement for Right-of-Way appraisal reviews.

A motion was made by Council Member Kris Estes, seconded by Council Member Troy Tabor to accept the Agenda as modified. Motion carried 6/0.

00:09:33

7. Proclamations

a. Child Abuse Prevention Month

Council President Caroline Hale read a proclamation proclaiming the month of April as Child Abuse Prevention Month and then presented it to Suzi Thein, S.C.A.R.F. Executive Director.

00:12:50

8. Presentations

- a. Bill Duggan, Communications/IT Director presented Ms. Thein with ten first generation iPads for educational apps, e-readers, etc. for the children. The iPads could no longer be used by the City due to security and compatibility issues.

Ms. Thein thanked the City for welcoming and supporting the Children's Home and asked anyone to take a stroll down Prairie Creek Road and see the progress.

00:15:40

9. Consent Agenda

a. Approval of Minutes

- i. City Council Workshop: March 24, 2014
- ii. City Council Meeting: March 25, 2014

b. Receive & file reports

- i. Finance: March 2014
- ii. Fire: March 2014
- iii. Library: February Finance; March Directors

c. Receive & file minutes

- i. Planning Commission: February 18, 2014
- ii. Library: February 12, 2014

d. Approval of appropriation ordinance B-06-14 in the amount of \$ 418,117.20.

e. Approval of non-elected personnel

Alex Clark, part-time firefighter, salary change from \$11.00 to \$11.33 per hour, effective April 14, 2014.

Nate Keller, part-time firefighter, salary change from \$11.00 to \$11.33 per hour, effective April 14, 2014.

- f. Approval of a Cereal Malt Beverage license for the Andover Municipal Golf Course, 1208 W Highway 54, Andover.
- g. Approval of an amendment to the Discovery Benefits Health FSA for benefit carry over allowing for non-transfer of funds with a balance under \$50 if the employee is not enrolling in the following year.

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

00:16:56

- 10. An ordinance (1) amending section 4-511.2 of Chapter IV, Article 5 of the Code of the City of Andover, (2) adding Sections 4-1603(bb) and (cc) of Chapter IV, Article 16 of said Code, and (3) amending Section 100(b)(8) of Article 6 of the City of Andover Zoning Regulations, as previously incorporated by Ordinance No. 1187 of the City, for the purpose of allowing power safety covers as a suitable barrier for residential swimming pools.

Les Mangus explained the ordinance would clean up some conflicts between the Building and Property Maintenance Code and the Zoning Regulations. It would also allow for a locking automatic pool cover in place of a fence as outlined in the maintenance code.

Steve Edwards, owner of Edwards Pools, 118 E. 13<sup>th</sup> St., gave his personal/professional opinion regarding removing the fence as a safety barrier and provided a handout from the Association of Pool & Spa Professionals. Mr. Edwards believes this is removing a layer of protection for a child. He added pool owners leave the covers open during the hot summer months so the water temperature will not exceed 100 degrees. A cover will also hold water and if a child gets on the cover they could slide to the middle where water is standing and not be able to get out. He does not want the City to remove the fencing security requirements from pools.

Council Member Kris Estes stated some fences decrease property value and she believes on private property the owner has the right and would be held responsible for any consequences.

Council Member Troy Tabor stated since this was last discussed, at the March 25<sup>th</sup> meeting, he had changed his mind. With more time to think about it and talk to citizens regarding the fencing he believes a fence should only be required if it was not near another body of water i.e. a pond.

Council Member Clark Nelson stated Kris Estes did an excellent job explaining the reason to remove the requirement and is in support of the ordinance. He did not believe we should take this choice from the property owner.

Linda Schiller, Library Board representative, inquired about what recourse she would have if her neighbors leave their gate open, fence was falling down or the cover left open?

JT Klaus stated if the fence was falling down under current code the City could send out an enforcement officer and require it be repaired. As this ordinance is drafted the City could not make you cover your pool.

Council Member Troy Tabor stated although we do not want to add any laws that restrict everyone, we need to use common sense, there are just some things we do to protect our children. He would like to see the ordinance return with some restrictions.

Council Member Bryon Stout stated he believes citizens are overregulated as a society but in the same vein he was concerned about safety and how to write an ordinance with many particulars regarding how far from the water, how big a body of water and what kind of water etc.

A motion was made by Council Member Kris Estes, seconded by Council Member Clark Nelson to adopt the ordinance as presented. Motion failed 2/4. Council Members Stout, Hale, Geisler and Tabor opposed.

Staff was directed to bring a revised ordinance for further consideration.

01:03:07

11. A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -6 Personnel Handbook, Section Position Categories.

Jennifer McCausland explained this resolution would align a 911 operator's holiday policy with the police departments. The second resolution would amend the Leaves of Absence section and would be required if the first resolution was adopted. She added these changes were brought on by the re-organization of the police department.

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler to adopt the resolution as presented. Motion carried 6/0. Resolution number 14-07 was assigned.

12. A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2-6 Personnel Handbook, Section Leaves of Absence.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to adopt the resolution as presented. Motion carried 6/0. Resolution number 14-08 was assigned.

01:07:00

13. Wastewater Department bids for replacement of four exterior doors at the wastewater plant

Les Mangus explained there were four doors at the plant that have rusted and need replaced; two in the blower building, one at the office and one at the shop.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to approve the purchase of four doors from All American Door, Wichita, in an amount not to exceed \$5,087.80. Motion carried 6/0.

01:08:02

14. 2013 Street Maintenance Project Change Order No. 5

Les Mangus explained there are sidewalks in housing additions that have sustained considerable damage in recent years and to determine the cause or responsible party is difficult. There are funds available in the 2013 Street Rehab project to repair certain portions of the damaged sidewalks and it would be preferable to repair prior to the April Parade of Homes.

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

01:10:13

15. Shadow Rock Addition revised paving petition

JT Klaus explained the petition noted the width of the streets incorrectly; the presented petition has been corrected.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to accept the revised petition. Motion carried 6/0.

01:11:40

16. Butler County Resolution No. 14-04 creating a Butler County Water Coordinating Committee (Andover, Augusta, Douglass, El Dorado and Rose Hill)

Council President Caroline Hale stated she, City Administrator Sasha Stiles, and Mayor Ben Lawrence have been attending these meetings.

Sasha Stiles stated this was a discussion group of volunteers with no power vested but rather a concern with future water supplies for the county. The County passed a resolution creating the committee and had asked the cities participating to sign the resolution.

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler to accept the Butler County Resolution No. 14-04 and authorize the mayor to sign. Motion carried 5/1. Council Member Clark Nelson opposed.

01:16:10

16A - Add-on - Marketplace and Raymond Oil property review appraisals

Les Mangus explained when Federal funds are used for purchase of right of way review appraisals are required. This agreement is for ten parcels along US Highway 54. Mr. Mangus added there were funds in the Street Improvement budget.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to accept the agreement with Roger Turner Company, Wichita, in the amount of \$4,500, and authorize Les Mangus to sign the contract contingent upon review and approval of the City Attorney. Motion carried 6/0.

01:18:56

17. Executive session – land acquisition

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to go into executive session at 8:16 p.m. for approximately ten minutes and to include the Governing Body, City Administrator, City Attorney and Public Works Director. Motion carried 6/0.

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

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to authorize staff to negotiate for right of way purchase for the 159<sup>th</sup> Street project based on the appraisals received by the Governing Body. Motion carried 6/0.

01:30:30

18. Member Items

Council Member Byron Stout had none.

Council Member Kris Estes had none.

Council Member Clark Nelson had none.

Council Member Sheri Geisler had none.

Council Member Troy Tabor

- Is pleased to be a part of the Council and the good discussions whether they agree or not.
- Thanked Steve Edwards, Edwards Pools, for his appearance and information.

Council Member Caroline Hale

- Stated WAMPO projects were taking place in and around our community including, the bridge over Four Mile Creek and work on 159<sup>th</sup> Street from the the KTA bridge to 21<sup>st</sup> Street.
- Had a citizen call to praise the City for so many things and inquired about communities pre-planning broad band that you can use anywhere in the community.

Sasha Stiles asked Council Member to contact their liaison departments and meet with them to discuss the 2014 budget.

Sasha Stiles reminded the Council to turn in their budget priority forms.

01:38:00

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

Adjourn