

ANDOVER CITY COUNCIL MEETING

Andover City Hall

1609 E. Central Avenue

October 25, 2016 – 7:00 p.m.

1. Council President Kris Estes called the meeting to order.
2. Roll Call

Council Members present were Troy Tabor, Sheri Geisler, Clark Nelson, Caroline Hale, and Phil White. 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 J.T. Klaus, Public Works and Community Development Director Les Mangus, City Engineer Steve Anderson, City Clerk Susan Renner, and City Administrator Mark Deter.

A/V: Cindy Barrett

3. Invocation was given by Pastor Norm Nebins of the Andover Police Department Chaplains.
4. Pledge of Allegiance was led by Council President Estes.
5. Public Forum – No one addressed the Council. There were many people in attendance regarding the AARTI presentation. Council President Estes asked that those who wished to speak regarding the Redbud Trail to wait and speak at that time.
6. Acceptance of Agenda

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

7. Consent Agenda

- a. Approval of Minutes  
City Council Meeting: October 11, 2016
- b. Receive & file reports  
Library: September Finance; September Directors

- c. Receive & file minutes  
Library: September 14, 2016
- d. Approval of appropriation ordinance B-19-16 in the amount of \$ 794,395.05.
- e. Approval of non-elected personnel items
  - Nick Dieker, park department skilled worker, status change from training to regular, with a pay increase from \$13.75 to \$14.25 per hour, effective October 23, 2016.
  - Michael Fear, police department new hire officer, at an hourly rate of \$17.35 per hour, effective October 3, 2016.
  - Lance Onstott, management intern, status change to environmental officer/GIS tech, with a pay increase from \$13.25 to \$20.50 per hour, effective November 7, 2016.
  - Michael Shinert, police officer, status change from MPO I to MPO II, with a pay increase from \$19.22 to \$19.55 per hour, effective November 6, 2016.
- f. Approval of the updated City of Andover Building Safety and Security Plan.
- g. Approval of the Cereal Malt Beverage license renewal for 2017
  - i. Casey's General Store 2036 N Andover Road
- h. Approval of the Wastewater Department purchase of a Flygt Model NT3153 Dry-Pit Submersible Pump from JCI Industries, Lee's Summit, Missouri, in the amount of \$13,992 plus estimated freight of \$250. Paid from wastewater equipment reserve fund.
- i. Approval of the CVB check request for the hotel voucher program to the Holiday Inn Express for vouchers dated August 28 to October 5, 2016 in the amount of \$2,600.

A motion was made by Council Member Nelson, seconded by Council Member Hale to approve consent agenda items a through i. Motion carried 6/0.

## 8. AARTI presentation

Byron Rupp, AARTI President, presented a plan following the Statutory requirements for improvements to the Redbud Trail between Meadowlark Road (milepost 488.35) and US 54-400 (milepost 491.22).

After the presentation Council President Estes allowed for public comment.

- Clifton Hessman, 9730 SW Quail Road, Augusta, property abuts the trail and inquired if the City and AARTI are going to maintain the eight feet (8') trail who was going to maintain the other ninety-two feet (92') of right of way. (*referring to the forty-six feet (46') on each side of the trail*)
- Alan Linderholm, 11897 SW 95<sup>th</sup> Street, Augusta, property abuts the trail and inquired who was going to take care of the large culvert that collects water on the north side at his property.
- Debbie McGinnis, 9620 SW Osage Road, Augusta, property abuts the trail and is concerned about the lack of communication; she feels property owners are not being listened to, volunteers violated the work area and have crossed her property. She wants the property owners to be notified when the volunteers are going to be working. She also inquired about the liability of a trail user who falls off of the trail.
- Nick Howell, 14700 Sport of Kings Lane, Wichita, representing Wichita District II Commissioner Pete Meitzner who could not attend, to let us know District II has the funds in 2018 to complete the section of trail from Woodlawn to 159<sup>th</sup> Street, connecting to the Redbud Trail.
- Kim Austin, 12979 SW 97<sup>th</sup>, lives one-half (1/2) mile from the trail and is in favor of the trail.

Council President Estes reminded everyone that the rail bed is now a trail. She inquired about who maintained the properties in question before it became a trail; and what the difference was now. She stated if no one was maintaining it why didn't the property owner.

Steve Anderson explained that during litigation the Judge (in Butler County) had determined the width of the right-of-way to be one-hundred fifty feet (150') in town and one-hundred feet (100') in the county. He added this was right of way, not easement, and it was exclusive and limited; exclusive in that there are no private property rights i.e. you cannot build a house or fence it in and limited to trail use; and nothing else.

Mr. Anderson understood there were drainage problems for the City to address and added changing culverts under today's design standards could interrupt current drainage and cause flooding. If the culverts get blocked with brush the maintenance would be to clear them, the City is responsible for maintenance, not obligated to improvements.

JT Klaus reminded everyone this item had already been litigated and clarified the discussion is not about easement but an exclusive and limited right of way as Mr. Anderson described. He added the City's duty is to maintain what was given to them and the opportunity to improve it. Currently the plan is to improve the trail and maintain the right of way.

Byron Rupp stated he also believes in good communication and if the MOU is approved by the Council on November 8, 2016, AARTI will notify property owners via the AARTI FaceBook page or email of their work schedules. He added most trail users want to make their lives better by enjoying the environment and the trail.

A motion was made to approve the initial improvement plan for the Redbud Trail between Meadowlark Road and US 54-400 as required by KSA 58-3213. Motion carried 6/0.

9. Andover Fire & Rescue hose donations

Fire Chief Russell stated the department had received grant money from FEMA to replace miles of firehose. The department worked with neighboring fire departments to see if they were in need and both the City of Benton and Butler County Fire District #7 (Benton) expressed their need for hose.

A motion was made by Council Member Tabor, seconded by Council Member Hale to approve the donation of six-hundred feet (600') of fire hose to the City of Benton. Motion carried 6/0.

A motion was made by Council Member Tabor, seconded by Council Member Hale to approve the donation of two-hundred feet (200') of fire hose to Butler County Fire District #7. Motion carried 6/0.

10. Andover Fire & Rescue request to purchase additional hose

Fire Chief Russell explained at the October 11, 2016 council meeting the department was approved to buy hose with the grant funds received. As the numbers were finalized the department realized there was an additional \$7,600 in grant funds; they would like to use these funds for additional hose and a new hose tester at a cost to the department of \$760.

A motion was made by Council Member Geisler, seconded by Council Member Tabor to approve the request to purchase additional fire hose and a fire hose tester amount not to exceed \$7,600. Motion carried 6/0.

A motion was made by Council Member Geisler, seconded by Council Member Tabor to recess the City Council meeting and convene the Public Building Commission meeting. Motion carried 6/0.

11. Public Building Commission President Estes called the meeting to order.

a. Roll call

Commissioners present were Troy Tabor, Sheri Geisler, Clark Nelson, Caroline Hale and Phil White. Commission Secretary Susan Renner was also present. Commissioner Ben Lawrence was absent.

b. October 11, 2016 Minutes

A motion was made by Commissioner Geisler, seconded by Commissioner Hale to approve the minutes as presented. Motion carried 6/0.

c. Poe & Associates change order 3 for Duling Construction

Les Mangus explained the change order is for the reconciliation of quantities used for the installation of the water line. Mr. Mangus added with the near completion of the street maintenance shop the Commission would see similar change orders come through.

A motion was made by Commissioner Nelson, seconded by Commissioner Geisler to approve change order 3 as presented in an amount not to exceed \$300.50 and authorize the President of the Public Building Commission to sign. Motion carried 6/0.

A motion was made by Commissioner Hale, seconded by Commissioner Geisler to adjourn the Public Building Commission meeting and reconvene the City Council meeting. Motion carried 6/0.

12. Member Items

Council Member Phil White

- Inquired why the fire department needed to bring the request to donate fire hose to the Council for approval. He felt the Fire Chief was qualified to make that decision.
  - JT Klaus explained items that have not been budgeted have to be approved by the Council and getting approval for the disposal of public property outside City policy protects the staff member.
  - Council Member Geisler added they would like the public to know.

Council Member Caroline Hale

- Felt providing more information to the public is important.
- The Library Board had sent out Requests for Proposals to area artists for the replacement of the tiles on the front of the building and have received some very exciting ideas. The Board plans to have a public presentation of the proposed project sometime in January.

Council President Kris Estes had none.

Council Member Clark Nelson had none.

Council Member Sheri Geisler

- Inquired about the completion of the removal of electrical poles on Andover Road.
  - Les Mangus said Westar has begun topping the poles and taking the electric lines off. Cox Communications has completed the removal of their lines but there was one company still working to remove theirs. Once that was complete Westar will take down the poles and put up the street lights. Hoping to be completed in the next thirty (30) to sixty (60) days.

Council Member Troy Tabor had none.

Mark Detter reminded everyone of the advance voting schedule.

A motion was made by Council Member Nelson, seconded by Council Member Tabor at 8:02pm to adjourn. Motion carried 6/0.

*Adjourn*

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 8<sup>th</sup> day of November, 2016, by the City Council, City of Andover, Kansas.