

**ANDOVER CITY COUNCIL
Tuesday, March 13, 2007
Minutes**

The Andover City Council met for a regular meeting on Tuesday, March 13, 2007 at 909 N. Andover Road in the Andover Civic Center. Mayor Ben Lawrence called the meeting to order at 7:00 p.m. City Council Members present were Caroline Hale, Keith Zinn, Sheri Geisler, Clark Nelson, and Carol Roberts. Others in attendance were: Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, Administrative Secretary Susan Renner, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Captain Randall Harris, and City Clerk/Administrator Jeff Bridges. Council Member Kevin Dreiling was absent. Call to order

The Invocation was given by Ted Carr of the Andover Ministerial Alliance. Invocation

The Pledge of Allegiance was led by Mayor Lawrence. Pledge of Allegiance

Mayor Lawrence opened the floor to public comment. No one spoke. Public Forum

Mayor Lawrence and Police Captain Harris presented award pins to the following individuals for serving their country as well as their community: Awards & recognitions

- Officer Mickey Farris – U.S. Army Reserve
- Sgt. Daimon Cundiff – U.S. Air Force
- Officer Marcus Duncan – U.S. Army
- Officer Mike Cordell – U.S. Army
- Master Patrol Officer II Steve Harryman – U.S. Air Force
- Officer John Drummond – U.S. Marine Corps
- Officer Buck Buchanan – U.S. Air Force
- Officer Lee Nygarrd – U.S. Army - called to active duty January 2007
- Detective Mark Montague – Kansas National Guard

Mayor Lawrence thanked all of the officers and stated it is highly commendable what they did for this country and what they now do for our community.

Staff requested an item be added to the regular agenda; Mayor Lawrence approved the request and added the proposal from Traffic Engineering Consultants for traffic modeling information for 21st Street as number 8.5. A motion was made by Council Member Hale, seconded by Council Member Geisler, to accept the regular agenda with the addition. Motion carried 5/0. Acceptance of agenda

A motion was made by Council Member Zinn, seconded by Council Member Nelson to approve the Consent agenda as follows:

Approval of consent agenda

- A. Approval of Minutes: February 26, 2007 City Council Workshop
February 27, 2007 City Council Meeting
- B. Receive & file reports:
 - i. Finance
 - ii. Police
 - iii. Fire
- C. Approval of appropriation ordinance B-04-07 in the amount of \$242,996.17
- D. Approval of status change for Matt Pippen, Park Maintenance worker, from Training to Regular effective 3/12/07, with an increase in salary from \$10.83 to \$11.33
- D. Acceptance of a waterline easement for the Cornerstone Commercial Addition (generally located at the corner of 159th and Keystone Drive)
- E. Approval of Winchester Estates Change Order No. Three – street and drainage improvement for \$25,090.40 additional culvert and erosion control (generally located at the corner of 120th and Andover Road)
- F. Approval of Cereal Malt Beverage for Popular Pizza Inc. located at 127½ W. Highway 54
- G. Authorization to issue requests for bids for phase three of the ADA sidewalk project at the 13th Street Sports Park
- H. Approve renewal of property and liability insurance for 2007 with EMC Insurance effective 4/01/07

Recommended action: approve

Motion carried 5/0.

Les Mangus explained the Traffic Engineering Consultants (TEC) proposal and that we are currently preparing applications to be included in the Transportation Improvement Program for WAMPO (Wichita Area Metropolitan Planning Organization). Thru the last round of applications it was realized that a lot of the background information that goes into that application is generated by the WAMPO staff with a transportation model that projects traffic out to 2030. Mr. Mangus stated there is a gross difference between the numbers WAMPO is using and our historical traffic counts. Mr. Mangus and Mike Thompson, POE and

TEC Proposal (added to agenda)

Associates, addressed this issue with the WAMPO staff and they have asked the City to prove the transportation model wrong so that the information our applications will be judged on is something the city is comfortable with rather than the number based on input from WAMPO in 2002.

Mr. Mangus explained there is a lot of information that is put into the model and after research it was found that the WAMPO staff had the built-out density of the Cornerstone Addition very low. The Cornerstone project is approximately 900 units and had been modeled for 200. The commercialization of the corridor had not been projected either. WAMPO has called the 2030 Horizon at 17,000 cars per day and we are at 11,000 cars today and only at 50% developed and the entire corridor is now open to Augusta which serves as a commuter corridor.

What we are asking is to hire Traffic Engineering Consultants to look at the zoning, existing developments, traffic history and project out to 2030 a number for us to submit to WAMPO. This is specifically for 21st Street between 159th and Andover Road. One of the criteria for our application is the cost of benefit of the improvements before and after. This would have bearing on how our application is judged.

Council Member Zinn inquired about the opening of 13th Street and if it would make a difference. Mr. Mangus explained that it is very difficult to project traffic because we keep changing the corridors and agreed that it would make some difference. Mr. Mangus felt that Central Avenue will see the most relief from the completion of the 13th Street project. Mr. Mangus also explained the study needed to be done now as the application deadline is by March 26. If we miss this deadline it will two years before another application can be filed.

This information will also be used for reference in the design of the improvements to 21st Street. Council Member Geisler inquired whether this information could also be used for 21st east of Andover Road and anticipate the growth, Mr. Mangus concurred.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to accept the proposal from TEC to provide professional services to POE and Associates in the amount of \$1,500.00. Motion carried 5/0.

At the request of the developer, who was unable to be present, these items have been requested to be continued.

A motion was made by Council Member Geisler, seconded by Council Member Hale, to continue Zoning Case Z2007-02 (presented as Ordinance No. 1331) to the next regular scheduled City Council meeting, March 27, 2007. Motion carried 5/0.

Ordinance No. 1331
(Zoning Case Z2007-02)

A motion was made by Council Member Geisler, seconded by Council Member Zinn, to continue Zoning Case Z2007-01 (presented as Ordinance No. 1332) to the next regular scheduled City Council meeting, March 27, 2007. Motion carried 5/0.

Ordinance No. 1332
(Zoning Case Z2007-01)

Bids for Cornerstone
Commercial addition

Mike Thompson, POE and Associates, presented the four (4) bids placed for water and sewer improvements for the Cornerstone school and commercial additions. The four (4) bidders were McCullough Excavation, Inc., Mies Construction, Inc., Nowak Construction, Inc, and Duling Construction, Inc. and are listed on the bid tabulation. The project was bid in three (3) sections, sanitary sewer, water main on 159th Street to the new school site, and the water main along Keystone Parkway (future street). The low bid was from McCullough in the amount of \$315,250.00. Their offer of substantial completion time is May 31st. The total bid is within the petition amount of the three (3) projects in the engineers estimate. He pointed out in section II, water supply along 159th Street, that the total of the bid is higher than the engineers estimate. This bid amount needs to be confirmed that it is within the petition amount for construction. Mr. Thompson suggested acceptance of the bid on the basis of the confirmation that the petition amounts are sufficient.

Council Member Zinn inquired as to whether or not we could accept bids from different companies for each of the three (3) phases. Mr. Thompson explained that the bids were tied together due to the scope of the work influencing pricing.

Council Member Zinn also inquired as to how the money is acquired to pay for this project. Mr. Bridges explained the method of special assessments and that the core of the project would be assessed to the property owners and the City would pay for the over-sizing of 12” water main to 16” water main. The City will pay for 44.73% of the total cost of approximately \$189,540.

Mayor Lawrence expressed his concern that if this contract was not awarded this evening and put off until the next meeting that the delay would effect the building of the school. This would also delay Keystone Road and it is already a tight schedule.

Council Member Nelson inquired as to if the petition did not cover the proper amount if we could accept the next lowest bidder so there would be no delay. Mr. Bridges explained that we could potentially have the same issue with their bid. The Mayor interjected that the substantial completion date of the other three contractors was sufficiently later.

A motion was made be Council Member Geisler, seconded by Council Member Nelson, to approve the contract with McCullough Excavation for Cornerstone water and sewer in the amount not to exceed \$315,250.00 contingent upon sufficiency of the petitions. Motion carried 5/0.

Mayor Lawrence inquired if we have an elevation problem with the library. Mr. Bridges explained the need to confirm that the library and the new street won't conflict. Les Mangus further explained that in order to set the library floor elevation we need to know what the streets are around it so the building and grounds will properly drain.

POE & Associates –
extension of Central
Avenue

Council Member Zinn asked Mr. Thompson, POE and Associates, if a topographical survey had been done. Mr. Thompson explained there is one for the

park site but it did not include Central Avenue and the area north of Central Avenue. Also, it is not clearly understood what the Central Avenue right of way is on the north side and that will require some research and surveying.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the contract between POE and Associates and the City of Andover, excluding clause 701G, in the amount of \$13,000.00 relating to engineering and elevation studies along Central Avenue. Motion carried 5/0.

Council Member Geisler made a motion at 7:50 p.m., seconded by Council Member Nelson, to go into executive session to include the Council, Mayor and Norman Manley, City Attorney, for 15 minutes to discuss non elected personnel. Motion carried 5/0.

Executive session – non-elected personnel

Council Member Geisler made a motion at 8:37 p.m., seconded by Council Member Zinn, to come out of executive session. Motion carried 5/0.

Member Items

Member items

Council Member Nelson

- As a member of the Site Plan Committee he commented the matter of the Andover City Library and the design came up again and was approved unanimously. This was the result of the architects and others going to elaborate measures to submit a presentation, with some amendments based on the Site Plan Committee’s suggestions from the previous meeting, which was second to none. He also stated that the Site Plan Committee is doing a tremendous job in the best interest of Andover. It is difficult but they have improved everything that has come before them. He commended them for their efforts.
- Council Member Nelson wanted to make sure the Council was aware that the WAMPO board is becoming very controversial and will be more so as time goes on for the reason that there are insufficient funds available to complete all projects. There are some major votes coming up and he sees that we should have some fears of loosing funding for the 159th Street project. It is blood letting time within WAMPO and he wants to make sure the Council is aware of what is happening. WAMPO has 20 some members and most of them are Planning Commissioners from Wichita and then one representative from each of the small towns. The Wichita City Council is unhappy with results that have occurred to date and in his opinion the sharing of some of the funds with others. As a result there is a push to appoint themselves to this committee and do away with the Planning Commissioners and there is really only one item on their agenda. He stated the need to be careful and diplomatic, and realize this is a serious problem. In the past ten years the feds had money and it really has not been a problem, but it is a big problem today. Things could begin to happen that are not that favorable.

Council Member Zinn wanted to confirm that the federal funds are still committed for the 13th Street project and the five lanes south from Cloud Avenue to Harry Street.

Jeff Bridges explained that the schedule for TIP (Transportation Improvement Plan) has to be fiscally constrained the first four years of a six year program for the projects to equal the available dollars. He further stated in the past they have over-programmed knowing full well that some projects would fall off and some would get moved back. The Feds have stated that every year you cannot over-program, so now in order to reconcile, it is what Council Member Nelson referred to as a blood letting. All the projects have to re-compete. One project where money has been spent on is Andover Road south to Harry and that is a good assurance from WAMPO staff and the KDOT that it will be protected due to the monies spent. 159th Street is so far out, there has been no real activity on it and it will probably not meet the traffic volume, but we recommend putting in the 21st Street project because it will carry the traffic volume.

Council Member Hale asked if there is anything that the Council could do besides just being aware of what is going on with WAMPO. Council Member Nelson explained the politics have been done. He just wants to make sure everyone is aware. He stated there has been tremendous growth in Andover and one thing that has always been accomplished is staying ahead of the development.

Council Member Geisler noticed there were no zoning change signs at the 21st and Andover Road property. Mr. Mangus explained there should be signs there and staff will check into it. Council Member Geisler also wanted to confirm that the City is required to send only one notification to the surrounding property owners concerning the zoning change and it is then up to the individuals to keep informed. This was confirmed by Mr. Bridges. Council Member Geisler stated she just wanted the public to be aware of this procedure.

Council Member Hale

- Asked to have the broken council chair replaced.
- Council Member Hale wanted Captain Harris to pass on to the police department how impressed she was yesterday with the craziness going on that there were that many officer patrolling the city.

Council Member Roberts inquired about the rezoning on 21st Street and how consideration is given to put what where. Jeff Bridges explained that the developer addresses those issues.

Council Member Zinn inquired about the status of the hiring of the police chief. Mr. Bridges explained that from the 53 applicants it has been narrowed to seven and background checks are in process before moving on.

A motion was made by Council Member Zinn, seconded by Council Member Hale, to adjourn the meeting at 8:53 p.m. Motion carried 5/0. Adjourn

Respectfully Submitted by

Susan Renner

Administrative Secretary

Approved this _____ day of _____, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges

City Clerk/Administrator