

**ANDOVER CITY COUNCIL  
Tuesday, June 26, 2007  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, June 26, 2007 at 909 N. Andover Road in the Andover Civic Center. Mayor Ben Lawrence called the meeting to order at 7:00p.m. City Council Members present were Caroline Hale, Kevin Dreiling, Julie Reams, J.R. Jessen, 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, Fire Chief Jim Shaver, Police Chief Mike Keller, and City Clerk/Administrator Jeff Bridges.

The Invocation was given by Leon Heibert of the Andover Assembly of God.

Invocation

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Jeff Arnold, 330 Clubhouse Circle, wanted to discuss the fireworks ordinance that was addressed at the June 12, City Council meeting. The families on Clubhouse Circle and Clubhouse Court are asking to shoot fireworks in the street as they have for the past eight (8) years. He wanted to know if all families on the block were in agreement, if they could shoot the fireworks from the street and if so, would there be any penalties.

Mayor Lawrence stated that it has been allowed in the past but the duty assigned to the Police Department is to enforce the ordinance. After much discussion the Council concurred the biggest concern was to make sure the public is aware of the ordinance regulating the sale and discharge of fireworks.

Council Member Nelson stated the City needs to stay with what was discussed at the last Council meeting for this 4<sup>th</sup> of July and to address the issue at a later date for 2008.

Council Member Hale wanted to make the public is aware there could be tickets issued if citizens do not head warnings from the Police Department.

Mayor Lawrence closed the public forum.

Jeff Bridges requested that three (3) items be added to the regular agenda, 1) request for signage for Butler Community College, 2) set a date for meeting with the Board of Butler Community College, 3) appoint a Board member for the Andover YMCA facility. A motion was made by Council Member Nelson, seconded by Council Member J.R. Jessen, to accept the agenda with the additional items as stated. Motion carried 6/0.

Agenda

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

A. Approval of Minutes: City Council Meeting, June 12, 2007  
City Council Workshop, June 14, 2007

B. Receive & file Minutes: Planning Commission, May 15, 2007  
Park Planning Committee, May 22, 2007

C. Receive & file reports: Andover Public Library

D. Approval of appropriation ordinance B-12-07 in the amount of \$818,352.71.

E. Approval of purchase request for the Police Department: Three (3) Motorola HT 1250 portable radios for Police Department from First Wireless, at \$585.00 each, total of \$1,755.00. \$3,000.00 is budgeted for 2007.

F. Approval of a private fireworks display on July 4<sup>th</sup> at Terradyne Resort and County Club

G. Andover Road Hike Bike Facility change order #1 in the amount of \$7,289.50. (Additional sidewalk length on 13<sup>th</sup> Street west of Andover Road)

H. Approval of Pre-Paid Legal Services as an employee benefit

I. Cornerstone 2<sup>nd</sup> Addition

1. Acceptance of revised paving petition
2. Approval of revised Developer's Agreement
3. Accept the paving plans and authorize the taking of bids on July 10, 2007 at 11:00 a.m.

J. Ordinance #1343 – An ordinance of the City of Andover annexing land into the City of Andover at the request of the owner. (Generally located ½ mile east of Andover Road and US 54)

Planning Commission recommendation approve

Recommended action: approve

K. Approve contracts with Rice/Foster Landscape Architects for design of Cornerstone Neighborhood Park and the 159<sup>th</sup> Street entry monument

Recommended action: approve

A motion was made by Council Member Nelson, seconded by Council Member Halee, to approve the Consent Agenda. Motion carried 6/0.

**Regular agenda:**

Regular agenda

Vince Haynes, PKHLS Architecture in El Dorado, has been working with Butler Community College to develop a signage plan to further brand the college in each community the college is located. They are requesting approval to post the signs in the City's right of way.

Butler Community College signage

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve placement of the signage. Motion carried 6/0.

Mayor Lawrence informed the Council that Butler Community College has requested a meeting with them to discuss the future plans for the Andover campus. The meeting will be July 16, at their facility. Details will follow when confirmed. The Council meeting on the 10<sup>th</sup> will be recessed to the 16<sup>th</sup>.

Butler Community College Board meeting

Mayor Lawrence explained that part of the City's agreement with the YMCA was to have an elected member of the City Council to have a seat on the Andover YMCA board. Council Member Reams volunteered for the position and she would step down from the Parks Committee. Jeff Bridges stated that Police Chief Keller has been asked by the YMCA to sit on the Board.

Andover YMCA Board appointees

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve Mike Keller and Julie Reams as the City's representatives on the YMCA board. Motion carried 6/0.

Marketplace East Addition bid tabulations

A motion was made by Council Member Jessen, seconded by Council Member Nelson, to receive and file bid tabulations for the Marketplace East Addition. Motion carried 6/0.

Mayor Lawrence questioned the validity of the bid due to the completion date. Completion date was to be August and the low bidder has October. City Attorney Norm Manley is reviewing and will provide an answer.

Andover Public Library value engineering review

Brian Slack, 225 Lakeside Court, Building Chair for the Andover Public Library, stated the Building Committee has been working with the lowest bidder to come up with options to reduce the cost of the building. Council Member Nelson commended Mr. Slack and the committee for their work on reducing the short fall from \$400,000 to \$250,000.

The Building Committee is asking for approval to accept the low bidder with the value engineering changes. Jeff Bridges explained that it needs to go back to the Site Plan Review Committee.

A motion was made by Council Member Hale, seconded by Council Member Reams, to accept the negotiated bid from Walz, Harman, Huffman, Construction Inc. for \$2,560,417, contingent upon approval from the Site Plan Review Committee. Motion carried 5/1. Council Member Dreiling opposed.

Management Assistant Sasha Stiles presented Ordinance 1344 - an ordinance amending the Code of the City of Andover, Kansas, Chapter V, Business Regulations and Licenses, Pertaining to Door – to – Door Sales, Transient Merchants and other Peddlers within the City of Andover, Kansas.

Ordinance 1344  
Transient Merchants

Ms. Stiles explained that after investigation into other city policies the staff determined what they felt to be necessary changes. Anyone on public streets soliciting sales door to door would be required to carry and supply on demand a permit issued by the City of Andover. The Police Department will do a thorough background check before approving. City Attorney Norm Manley requested that prior to denying a permit that it be discussed with him. And, there will be a \$5.00 per day or \$100.00 per year charge for a permit.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept Ordinance No. 1344 as written. Motion carried 6/0.

Sasha Stiles presented Ordinance No. 1345 - an ordinance amending the Code of the City of Andover, Kansas, Chapter IV Building and Construction, adding Article 13, creating the insurance proceeds fund, and establishing the administration and procedures regarding the newly created fund.

Ordinance 1345  
Insurance Proceeds

Ms. Stiles explained this ordinance would allow the City to retain 15% of the insurance monies issued to a property owner until the owner has either completed repair or demolished the damaged property.

Council Member Nelson strongly opposed the ordinance. He stated that this was between the insurance company and the property owner. Jeff Bridges stated this would prevent losses such as the thousands of dollars the City is likely to incur with the Daisy Lane demolition. This ordinance is relevant when there is 75% property damage and the owner is unwilling or unable to repair the damage. The City would receive the funds directly from the insurance company and release back to the owner, with interest, upon completion of the repair or clean up.

Mayor Lawrence stated he appreciated the benefit of adding tools to the City’s tool box, but, he does not support this ordinance.

A motion was made by Council Member Hale to approve, motion died due to lack of a second.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to go into executive session to include Mayor Lawrence, Jeff Bridges, Les Mangus, and Norm Manley, for 20 minutes at 8:11 p.m.

Executive session

A motion was made by Council Member Jessen, seconded by Council Member, to come out of executive session at 8:37 p.m.

A motion was made by Council Member Jessen, seconded by Council Member Nelson, to amend the lease with Cedar Pines Golf Course. Motion carried 5/1. Council Member Reams opposed.

Member Items:

Member items

Council Member Jessen had none.

Council Member Dreiling had none.

Council Member Hale wanted everyone to have a safe and happy 4<sup>th</sup> of July and to stay in your yards with the fireworks.

- Council Member Hale inquired as to who will be paying for the paving of the ½ mile road to the Ami Lane Addition. Jeff Bridges explained that this is an island annexation and needs Butler County's approval to be annexed. The road will be paved to the west side of the project which will leave ½ mile of unimproved street between Ami Lane and the Sedgwick County line which is paved. Butler County tabled the motion to allow the annexation until we respond whether or not we will participate in the paving. The west half would be a County road and the Township would be contracted for the maintenance. The portion paved by the developer would be a city street. During the public hearing at the zoning meeting the residents were concerned about the amount of traffic on a narrow gravel road. The County believes it should be paved. Mayor Lawrence added the City cannot maintain any road that is not within the city limits.

Council Member Nelson noted that Deborah Carroll, Administrative Secretary for the Site Plan Review Committee and Planning Commission has put in her resignation effective June 28, 2007. She has always done a wonderful job and she will be missed.

Council Member Reams had none.

Council Member Roberts wanted to let Dave Martine know his "veggie" sign is appreciated.

- Council Member Roberts invited everyone to come to the City Council workshops. This is where you find out what is going on. They are the last Monday of the month.

Jeff Bridges added the Autumn Ridge drainage issue, brought to Council at the June 12 meeting, has been addressed by staff member Rick Lanzreth. He has been working with the contractor to get it cleaned up. It has rained too much for equipment to get in there

A motion was made by Council Member Jessen, seconded by Council Member Roberts, to adjourn at 8:44 p.m. Motion carried 6/0. 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