

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

The Andover City Council met for a regular meeting on Tuesday, November 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, 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, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Chief Mike Keller, and City Clerk/Administrator Jeff Bridges. Council Members Kevin Dreiling and Julie Reams were absent.

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

Jeff Bridges requested an agreement for Cross-Lot Drainage for Cornerstone to be added to item #10 of the agenda. Mr. Bridges also stated there is a memo regarding the purchase of the street sweeper clarifying staff recommendation.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept the agenda with the addition of the Cross-Lot Drainage agreement for Cornerstone and acknowledgement of the memo regarding the street sweeper. Motion carried 4/0.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the consent agenda with the exception of Item K-Resolution 07-33 to be moved to the regular agenda for discussion purposes:

Consent Agenda

- A. Approval of Minutes: City Council Meeting, October 30, 2007
- B. Receive & file Minutes: Site Plan Review, September 4, 2007
Subdivision Committee, September 11, 2007
Planning Commission, September 18, 2007
- C. Receive & file reports:
 - i. Finance
 - ii. Police
 - iii. Fire
- D. Approval of appropriation ordinance B-21-07 in the amount of \$318,602.43

- E. Approval of engineering contracts with POE and Associates for Project Administration and Inspection Services for the Prairie Creek Addition (generally located at the NE corner of 13th and Prairie Creek Road)
- F. Approval of Change Order #1 – Andover Public Library Project – relocate transformer as directed by Westar (+\$2,692.00)
- G. Approval of purchase of a street sweeper for the Street Department from Key Equipment for \$153,960, trade in allowance of \$39,500, final cost of \$114,460.00.
- H. Accept the water and sewer plans for the Serendipity Addition and authorize the taking bids on Tuesday, November 20th at 11am (generally located ¼ mile south of Central on 159th St)
- I. Approval of the purchase of a for new detective’s vehicle for the Andover Police Department. A 2008 Chevrolet Blazer will be purchased though the Kansas Highway Patrol’s Partner’s Program at a cost of \$16,755.90.
- J. Approval of Change Order #5 for the 13th Street West Paving Project – reconciliation of quantities (-\$2,464.25)

Motion carried 4/0.

Council Member Nelson explained that Resolution 07-33 sets a 1.5% grading standard with respect to lot grading on private property. He added this is a high standard to achieve and is a step to help solve some of the drainage issues. This item has had substantial discussion with the Council, engineers, and developer/owners and has been brought to the public on several occasions for discussion.

Resolution 07-33
Grading Standards

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve Resolution No. 07-33 - a resolution amending Resolution 01-14 setting standards for public streets and improvements and incorporating this resolution in to the Code of Municipal Policies as Policy 6-1 Streets and Improvement Standards.

Council Member Hale pointed out that this standard is for back yards and in respect to front yard and paving areas they may be at .5% to 1%.

Les Mangus added that those areas either in the public domain or in a reserve with longer expanses could be 1% and .5% if the drainage swale has a paved bottom.

Motion carried 4/0.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve items a.) developers agreement for the developer installed improvements, item b.) utility easement and item c.) plans for improvements as presented for the Flint Hills Addition. Motion carried 4/0.

Flint Hills Addition
Founders Cabins
Extension of Utilities

Mike Thompson, POE and Associates, confirmed the Council had bid tabs for the Marketplace East Addition street improvements. Mr. Thompson stated there were three (3) bids received, Cornejo, APAC-Kansas Inc., and LaFarge North America. Cornejo had the low bid at \$1,066,980.05. All bids were within the engineers estimate and petitioned budgets for the project. There is an outstanding issue with KDOT concerning a driveway approach. The request would be to authorize the issuance of the project award and authorize the Mayor to sign the contract once the issue has been resolved.

Marketplace East
Street Improvements

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept the Cornejo bid, authorize the award of the bid, and authorize the Mayor to execute the agreement subject to satisfactory resolution of the KDOT and YMCA drive issue. Motion carried 4/0.

Les Mangus explained the issue is a matter of moving a driveway from US Highway 54 to YMCA Drive. We are currently waiting for the property owner, who has agreed to the move, to sign a temporary easement for the work to be completed.

Motion carried 4/0.

Mike Thompson, POE and Associates, stated that four (4) bids were received for the Cornerstone Commercial Addition, Pearson Excavation, Inc., Lange Brothers, Inc. Mies Construction, Inc. and Bob Bergkamp Construction Co., Inc. The bids were very competitive and within the engineers estimate. Pearson Excavation, Inc. made an error in the addition of their bid by \$7,000. The amount read at the bid opening was \$313,422.90 and the unit prices actually totaled \$306,422.90, making them the low bidder. POE and Associates recommend the acceptance of the Pearson Excavation, Inc. bid and authorize the Mayor to sign the contracts after review by the City Attorney.

Cornerstone Commercial
Addition
Stormwater Improvements

Council Member Nelson confirmed with Mr. Thompson that the proper procedures have been followed and that the math error is correctable.

Mr. Thompson explained that it was the total that was incorrect. The unit prices were correct and that is how the low bid is determined. All unit prices were correct, only an incorrect total and Pearson Excavation confirmed the error.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the bid from Pearson Excavation Inc. in the amount of \$306,422.90 and the Mayor to execute the agreement. Motion carried 4/0.

Jeff Bridges explained this amendment is to reconcile the budget. There are five (5) funds needing adjustments, Water Utility Fund, Park Improvement Fund, Park Impact Fee Fund, Tourism Fund, and the Golf Fund. All had activity that exceeded their budget. There are monies in the funds, but were not allocated to be spent in 2007. Staff recommends the budget adjustment in order to comply with Kansas Statutes on city budgets. There are no tax dollars involved.

2007 Budget Amendment

A motion was made by Council Member Nelson, seconded by Council Member Roberts, to approve the proposed amendments to the 2007 budget and set a public hearing on Tuesday, December 11, 2007 at Andover City Hall. Motion carried 4/0.

Shawn Smith, Vice President of Development, Beaumont Properties, explained Beaumont Properties request for tax credit financing. The company intends to purchase the Sunflower Apartments at 328 W 2nd Street, and intends an approximately \$800,000.00 rehabilitation to the facility.

Resolution 07-34
Tax Credit Financing
Sunflower Apartments

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve Resolution 07-34 - a resolution of the City of Andover supporting the use of tax credit financing for the acquisition and rehabilitation of the Sunflower Apartments of Andover located at 328 W. 2nd Street, Andover, Kansas. Motion carried 4/0.

After discussion it was the consensus of the Council to appoint Council Member Reams as the representative to the REAP Water Committee. Sasha Stiles was appointed as alternate.

REAP Water Committee
Appointment

After discussion it was decided that along with Mayor Lawrence, Council Members Dreiling and Hale will form the committee for the 2007 Performance/Salary Review. Council Member Jessen will be an alternate.

2007 Performance/Salary
Review Committee

Jeff Bridges informed the Council of the need to change the December 25 Council meeting to another date. After discussion it was set for Thursday, December 27.

December 25, 2007 City
Council meeting

A motion was made by Council Member Roberts, seconded by Council Member Hale, to go into executive session at 7:39 p.m. for 10 minutes to discuss legal matters. Executive session will include the Mayor, City Council, Jeff Bridges and Norman Manley. Motion carried 4/0.

Executive Session
Cox Communications 911
Service

A motion was made by Council Member Jessen, seconded by Council Member Roberts, to come out of executive session at 8:09 p.m. Motion carried 4/0.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to authorize the Mayor to issue correspondence to Cox Communications to authorize them to connect to the 911 service currently in existence. Motion carried 4/0.

Member Items:

Member Items

J.R. Jessen – no items

Caroline Hale – no items

Clark Nelson thanked Chief Keller for keeping the Council updated with the recent activity and the actual apprehension of the culprits this past week.

- Council Member Nelson reported a project the City had wanted to accomplish in 2009, through WAMPO, has been split between 2009 and 2010. This will increase the cost to the City by approximately 10%. With the exception of Council Member Nelson's negative vote it was unanimous. He believes the City Council of Wichita and Sedgwick County Commissioners are sensitive to the situation and will do what they can to help.

Carol Roberts commented she had noticed Kellogg east bound travelers in the west bound lane of Kellogg to turn in to the east driveway for the Dillons parking lot.

Mayor Lawrence, after several discussions with Chief Keller regarding vehicle break-ins and reminded everyone to lock their car. Park your vehicle in your garage, take your keys out, and don't leave items in plain site. Chief Keller will be doing an article with the Journal Advocate with crime tips and also noted that the Police Department is tracking the break-ins in an additional effort to apprehend the thief's. The Mayor also stated to stick your nose in your neighbors business, if someone is walking down the street at 1:00 a.m. call the police!

A motion was made by Council Member Hale, seconded by Council Member Roberts, to adjourn at 8:18 p.m.

Adjourn

Respectfully Submitted by

Susan Renner

Administrative Secretary

Approved this 27th day of November, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges

City Clerk