

**ANDOVER CITY COUNCIL
Tuesday, December 30, 2008
Minutes**

The Andover City Council met for a regular meeting on Tuesday, December 30, 2008 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, Kevin Dreiling, Julie Reams, J.R. Jessen, Clark Nelson, and Carol Roberts. Others in attendance were: City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Chief Mike Keller, Deputy City Clerk Susan Renner, City Attorney Norman Manley, and City Engineer Mike Thompson.

- The Invocation was given by Pastor Jerry Smith of the Faith Baptist Church. 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 opened the public hearing for the 2008 Amended Budget. No one spoke. Mayor Lawrence closed the hearing. 2008 Amended Budget Hearing
- Mayor Lawrence opened the public hearing for Vacation Case VA-2008-07. No one spoke. Mayor Lawrence closed the hearing. Vacation Case VA-2008-07 Hearing
- Council Member Dreiling asked that item E) approve amended library lease, be moved from the consent agenda to the regular agenda. Agenda
- Council Member Hale requested item G) approve change in sale price of library, be moved from the consent agenda to the regular agenda.
- A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve the agenda with items E and G moved from the consent agenda to the regular agenda as requested. Motion carried 6/0.
- A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the consent agenda as revised with items E and G moved to the regular agenda. Consent Agenda

- A. Approval of minutes City Council December 9, 2008
- B. Receive & file reports:
 - i. Police November 2008
- C. Approval of appropriation ordinance B-23-08 in the amount of \$1,032,312.80

- D. Approve non-elected personnel status changes:
- Police Officer Shelby Sewell from non-certified to certified with a pay increase from \$14.75 to \$15.50 per hour effective December 1, 2008.
- Police Officer Troy Snedeker from non-certified to certified with a pay increase from \$14.75 to \$15.50 per hour effective December 1, 2008.
- Police Officer Marcus Dunkin from police officer to MPO I with a pay increase from \$15.28 to \$15.61 per hour effective November 17, 2008.
- E. *Approve amended library lease (1511 E Central)* **Moved to regular agenda.**
- F. Approve right of way acceptance for Andover Road expansion project for:
1127 S Andover Road
901 S Andover Road
935 S Andover Road
- G. *Approve change in sale price of library (937 N Andover Rd)* **Moved to regular agenda.**
- H. Approve temporary drainage easement for Cornerstone 3rd Addition
- I. Appointment of Council Member Nelson as City Council liaison for Butler County College.
- J. Approve Cereal Malt Beverage renewals
1. Cedar Pines of Andover
1208 W Highway 54
Robert Bauer, Manager/Agent
 2. Dillon Store #75
426 S Andover Road (current location)
Debra Schauf, Manager/Agent
- K. Approve Police Department battery analyzer purchase from Advantage Communications, Andover, Kansas, in the amount of \$2,018.00.
- L. Approve change order one - APAC Paving 2nd and 3rd Streets (-\$21,324.42 to adjust contract quantities)
- M. Approve change order two - APAC 159th Street East (+\$210,870.00 adding reconstruction of approximately 360 ft on 159th Street)
- N. Approve 2 year extension of warranties for seven City Council notebook computers, the Stormwater/Gis computer, and the laser printed used by patrol officers from Dell in the amount of \$3,354.05.

- O. Approve George, Bowerman & Noel, P.A. annual audit proposal for the 2008 audit in the amount of \$11,160.00.
- P. Approve electrical bid for the Street Department salt storage dome from Wheatley Electric, Andover, Kansas, in the amount of \$3,995.00 and the remodeling of the salt brine storage building to Turnkey, Inc., Andover, Kansas, in the amount of \$31,881.00
- Q. Approve Police Department purchase of Taser equipment from Ed Roehr Safety Products Co., St. Louis, Missouri, in the amount of \$2,829.70.

Motion carried 6/0.

Council Member Dreiling asked why the “unless modified by either party” clause was being added to the library lease. Mayor Lawrence explained there had been a discussion regarding whether the library or the City would pay for the insurance. If the City were to decide to pay for the insurance the lease would not have to be re-approved by Council.

Amended library lease

Norman Manley stated it should read with “unless mutually agreed upon by both parties”.

A motion was made by Council Member Dreiling, seconded by Council Member Nelson, to not approve the lease modification. Motion carried 6/0.

Council Member Hale asked why the sale price should be lowered for the library building at 937 N Andover Road if there has been interest. If a valid offer was made it could be brought to the Council for consideration and still not have to lower the original sale price.

Change in sale price of 937 N Andover Road

Sasha Stiles explained the price had originally been set to allow some negotiation room. She added there has not been an offer made that Mary Laham felt comfortable presenting to the Council.

Council Member Dreiling stated it would be a mistake for the City to lower the price and actually it should be taken off the market. The property could be sold at a later date and there is possible future use by the City.

Mayor Lawrence explained when the new library was built the Park Department’s maintenance building was torn down and a new one was built with the intent that the park improvement fund would be reimbursed from the sale of this property.

Council Member Jessen asked if the building could be leased.

Les Mangus stated there were some maintenance issues that would need to be addressed before leasing and if leased who would pay for the conversion. Mr. Mangus added if the building was leased it would open it back to the City to pay taxes on it.

Council Member Nelson asked if Mary Laham would be willing to attend the next City Council meeting to share her opinions and knowledge. Sasha Stiles stated she would contact Ms. Laham.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to table the request to lower the sale price until the January 13, 2009, City Council meeting. Motion carried 6/0.

Sasha Stiles explained the amendments to the 2008 Budget and stated the hearing is a formality required by Kansas State Statute.

2008 Amended Budget

A motion was made by Council Member Reams, seconded by Council Member Hale, to approve the 2008 amended budget as presented. Motion carried 6/0.

Mayor Lawrence presented Vacation Case VA-2008-07 and asked Les Mangus to give a brief description of the case.

Vacation Case VA-2008-07 Hearing

Mr. Mangus explained that the current planned type of business is different than when the property was originally platted. The plans have been reviewed by Traffic Engineering Consultants, City Engineer Mike Thompson, City Planning Consultant Bickley Foster, and Mike Moriarity of KDOT. Staff is recommending the acceptance of the vacation.

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve Vacation Case VA-2008-07. Motion carried 5/0/1. Council Member Dreiling abstained due to what could be perceived as a conflict of interest.

Sasha Stiles presented a resolution declaring the entire boundary of the City of Andover, Kansas. Ms. Stiles added this was required by Kansas State Statutes.

Declaration of City Boundary Resolution 08-44

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to adopt the resolution. Motion carried 6/0. Resolution number 08-44 was assigned.

Sasha Stiles asked the Council to postpone the acceptance of bids for Andover Farm at Cedar Park 3rd Addition sanitary sewer, water main improvements and water distribution system due to the bids coming in higher than the petitioned amount. The bids were officially opened December 16th. The developer is deciding whether to pay down the costs or amend the petition.

Andover Farm at Cedar Park 3rd Addition sanitary sewer and water improvements

A motion was made by Council Member Jessen, seconded by Council Member Hale, to postpone the acceptance of the bids until the January 13, 2009 City Council meeting. Motion carried 5/0/1. Council Member Dreiling abstained due to what could be perceived as a conflict of interest.

Sasha Stiles stated the plans for Marketplace Commercial 2nd Addition paving had not been bid on over the holidays and requested the Council postpone the bid opening date until January 13, 2009, at Andover City Hall at 11:00 a.m.

Marketplace 2nd Addition paving bids

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to postpone the bid opening as requested. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented the plans for the traffic signal for the Marketplace Commercial 2nd Addition at Andover Road and Cloud Avenue. They have reviewed the plans and the estimated amount is within the petition amount.

Marketplace 2nd Addition traffic signal and Andover Road and Cloud Avenue

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to open bids on January 13, 2009, at 11:00 a.m. at Andover City Hall. Motion carried 6/0.

Mayor Lawrence presented a relinquishment of interest in real estate purchase agreement for Lot 2, Block 1 in the Andover Industrial Park. Scott Bishop has agreed to the agreement and the City will authorize the refund of the purchase price.

Purchase agreement in Industrial Park

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept the agreement and refund the purchase price. Motion carried 6/0.

A motion was made by Council Member Dreiling, seconded by Council Member Reams, at 7:48 p.m. to go in to executive session for approximately 15 minutes to discuss non-elected personnel and to include the governing body and Sasha Stiles. Motion carried 6/0.

Executive Session Non-elected personnel

A motion was made by Council Member Reams, seconded by Council Member Clark, at 8:11 p.m. to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Hale, seconded by Council Member Reams, at 8:12 p.m. to go in to executive session for approximately 15 minutes to discuss contract negotiations and to include the governing body, Norman Manley and Sasha Stiles.

Executive Session Contract negotiations

A motion was made by Council Member Jessen, seconded by Council Member Dreiling, at 8:44 p.m. to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to authorize the City Attorney to prepare a letter of intent with Advanced Research and Technology Group, consistent with the preceding discussion, for the Mayors' signature. Motion carried 6/0.

Advanced Research and Technology Group letter of intent

A motion was made by Council Member Hale, seconded by Council Member Reams, at 8:45 p.m. to go in to executive session for approximately five minutes

Executive Session Non-elected personnel

to discuss non-elected personnel and to include the governing body and Sasha Stiles. Motion carried 6/0.

A motion was made by Council Member Jessen, seconded by Council Member Reams, at 8:52 p.m. to come out of executive session. Motion carried 6/0.

Member Items

Member Items

Council Member Jessen wished everyone a safe and happy New Year.

Council Member Jessen stated he had been contacted by a citizen regarding some potholes on Andover Road south of Harry Street. Les Mangus stated that is Butler County and he would forward the information to the County Engineer.

Council Member Dreiling had none.

Council Member Hale wished everyone a safe and happy New Year.

Council Member Nelson had none.

Council Member Reams wished everyone a safe and happy New Year.

Council Member Reams asked Chief Keller to pass on her congratulations to Lt. Randy Coffman for seven years of service with the Andover Police Department.

Council Member Roberts had none.

Mayor Lawrence gave an update on the agreement with Rural Water District #5 and that the hydraulic analysis had been received by Mike Thompson, POE & Associates, City Engineer, and is satisfactory. They will be able to provide water to the Prairie Creek neighborhood but beyond that is questionable.

A motion was made by Council Member Reams, seconded by Council Member Jessen, at 8:55 p.m. to adjourn. Motion carried 6/0.

Adjourn

Respectfully Submitted by

Susan Renner
Deputy City Clerk

Approved this 13th day of January, 2009 by the City Council, City of Andover.