

**ANDOVER CITY COUNCIL
Tuesday, June 9, 2009
Minutes**

The Andover City Council met for a regular meeting on Tuesday, June 9, 2009 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, Julie Reams, J.R. Jessen, Clark Nelson, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Shane Coelho, Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Chief Mike Keller, City Clerk Susan Renner, City Financial Advisor Jeff Bridges, City Attorney Norman Manley, and City Engineer Mike Thompson.

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Marci Brewer, Beaumont, KS, representative for Tour Butler Inc., introduced their volunteer staff, Lou Clennan of El Dorado, Diana Herrman of Augusta, and Debbie Dolecek of Andover.

Lou Clennan thanked the Council for their contribution to the 2009-2011 Tour Butler brochure. Ms. Clennan asked the Council to consider Tour Butler when budgeting for 2011 when they will print new brochures. Ms. Clennan pointed out where Andover is featured.

Mayor Lawrence presented a Police Citizens' Award to Larry and Michelle Sell of Andover for their commitment to the community. The recent Timbuktu sponsored "Buk Burger Ride" event raised \$6,000+ for the Jessica Harris Scholarship Fund.

Police Citizens Award
Larry & Michelle Sell

Larry Sell thanked the Council for the award, their time and support, and words of encouragement. Mr. Sell stated he believes that community members should give back to their community.

Sasha Stiles requested an addition to the agenda from Poe & Associates regarding the 2009 Annual Street Maintenance.

Agenda

Mayor Lawrence requested to add an executive session to discuss contract negotiations.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to accept the agenda with the addition of Poe & Associates request and the addition of an executive session to the regular agenda. Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the consent agenda as presented. Consent Agenda

- A. Approval of Minutes: City Council Workshop, May 27, 2009
City Council Meeting, May 26, 2009
- B. Receive & file Minutes: Site Plan Review, April 7, 2009
Subdivision (no meeting in May to approve April minutes)
Planning Commission, April 21, 2009
Library, April 8, 2009
- C. Receive & file reports:
 - i. Finance May 2009
 - ii. Police April 2009
May 2009
 - iii. Fire May 2009
 - iv. Library Directors Report, April 8, 2009
Balance Sheets, Feb-Mar-Apr 2009
Expense Report, April 2009
- D. Approve appropriation ordinance B-11-09 in the amount of \$337,664.04
- E. Approve non-elected personnel items for:
 - Chad Chelsic: hire as a fire fighter at a pay rate of \$11.00 per hour effective June 15, 2009.
 - Kyle Johnson: change in position from Wastewater Dept. utility worker to Wastewater Dept. Operator I with a pay increase from \$11.32 per hour to \$12.32 per hour effective May 20, 2009.
- F. Approve change order one with APAC for Andover Marketplace Commercial 2nd Addition (+\$997.50 for extension and replacement of a broken end section)
- G. Approve change order two with APAC for Andover Marketplace Commercial 2nd Addition (+\$4,200 for additional traffic control)
- H. Approve change order three with APAC for Andover Marketplace Commercial 2nd Addition (+\$31,936.65 for additional grading)
- I. Approve change order with APAC for 159th & KTA Bridge (\$325.00 for survey monument box)
- J. Approval of new fireworks stand locations:
 - 1. Shocker Fireworks for Evolution FC Blue Soccer
429 N Andover Road - just south of Presto
Paul Hovorak - Andover

- 2. Wholesale Fireworks Enterprises for Andover Middle School PTO
1609 W 21st -159th at 21st Street
Jacob Marietta - Andover

- K. Approve a siren move from Andover Road at Stanton to the northwest corner of Ginko Lane, by Grain Valley, Missouri, at a cost of \$3,000.00.
- L. Approve repair of sewer line on US Highway 54 by Nowak Construction, Goddard, Kansas at a cost between \$9,000 and \$16,000.
- M. Approve a street closure for June 20th, 4:00 p.m. to 9:00 p.m., for the Green Valley 5th Addition HOA annual summer party. The City Street Department will provide barricades to close Fairway Circle at Lakeside Drive adjacent to the neighborhood swimming pool.

Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented a request to negotiate with APAC for the complete rehab of 3rd Street from Lioba just short of Lakeside.

3rd Street paving
(add-on to agenda)

Les Mangus stated APAC is easy to work with and they work well with the neighborhoods. Mr. Mangus added the negotiation will also expedite the work.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the request for a negotiated contract with APAC for street rehabilitation for 3rd Street in an amount not to exceed \$190,000. Motion carried 6/0.

Mayor Lawrence presented a resolution designating the official publication for the City of Andover. Mayor Lawrence stated the Andover Journal had closed their doors and the city is required to have an official publication paper.

Resolution 09-11
Designation of city
official publication

Sasha Stiles stated the publication costs for the Wichita Eagle, El Dorado Times, and the Augusta Daily Gazette were included in the Councils packet.

Kent Bush, Augusta Daily Gazette, stated the Gazette understands the city's need for their legal publications, as well as the need for a newspaper for a city the size of Andover.

A motion was made by Council Member Geisler, seconded by Council Member Hale, to approve the resolution appointing the Augusta Daily Gazette as the official newspaper of the City of Andover. Motion carried 6/0. Resolution 09-11 was assigned.

Jeff Bridges, DeWaay Financial, City Financial Advisor, stated that due to DeWaay Financial Network acting as the underwriter the Council must accept

GOB Refunding
Financial Advisor
resignation

their resignation as Financial Advisor for the refunding of Series B, 2009 General Obligation Bonds only and hire DeWaay Financial Network as the underwriter. All other elements of the financial advisor relationship remain in effect.

A motion was made by Council Member Hale, seconded by Council Member Geisler, seconded by Council Member Geisler, to accept the resignation of DeWaay Financial as the City Financial Advisor for the refunding of General Obligation Bonds Series B, 2009 only. Motion carried 6/0.

Jeff Bridges, DeWaay Financial, presented a resolution of the City Of Andover, Kansas authorizing and providing for the underwriting and offering for sale of the city's General Obligation Refunding Bonds, Series B, 2009 in the approximate principal amount of \$4,589,000.

Resolution 09-12
Refunding Series B, 2009
General Obligations
Bonds

Mr. Bridges explained this was to refund three older bonds and take advantage of lower interest rates.

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve the resolution authorizing DeWaay Financial to proceed with the preparation of the necessary documents. Motion carried 6/0. Resolution number 09-12 was assigned.

Sasha Stiles requested the Council appoint a Selection Committee and a Negotiation Committee for the South Andover Road Improvement project to work with the Kansas Department of Transportation.

Appointment of Selection
and Negotiation
Committees for South
Andover Road Project

A motion was made by Council Member Hale, seconded by Council Member Nelson, to appoint the following to the Selection Committee: Donna Davis, Les Mangus, and Sheri Geisler; and the following to the Negotiation Committee: Ben Lawrence, Les Mangus, and Sasha Stiles. Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, at 7:45 p.m. to go in to executive session for approximately ten minutes to discuss contract negotiations and to include the governing body, city administrator, public works director, and legal counsel. Motion carried 6/0.

Executive Session for
contract negotiations

A motion was made by Council Member Jessen, seconded by Council Member Geisler, at 8:40 p.m. to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to terminate the April 26, 2006 agreement between the City of Andover and the Andover Chamber of Commerce, noting paragraph 5, to be effective September 30, 2009 and for legal counsel Norman Manley to draft a letter for the city administrator's signature.

Council Member Reams stated no chamber members or board members had contacted her regarding this issue.

Council Member Tingley stated he had been contacted by the Chamber of Commerce interim director and the sitting director for the Chamber of Commerce.

Council Member Hale stated she had been contacted by both the president and vice-president of the chamber but has had no discussion regarding their contract with the city or their budget, or in any way did they ask for financial support. Council Member Hale added she was not aware until now that the chamber pulled out of running Greater Andover Days and Hometown Christmas. Council Member Hale does not feel tax monies should go to the chamber of commerce.

Council Member Jessen stated the president of the chamber had called him.

Council Member Geisler had been contacted by the chamber but had not met with anyone.

Mayor Lawrence asked the council by show of hands if they are for the termination of the contract. All six council members raised their hands. Motion carried 6/0.

Norman Manley inquired if the termination letter for the agreement with the Chamber was to include terminating their occupancy in the Central Park Lodge.

Mayor Lawrence stated to terminate the entire agreement and the Chamber will need to come and ask. He would ask everyone be flexible.

Member items

Member Items

Council Member Tingley stated the new traffic signal at the intersection of Cloud Avenue and Andover Road is not in sync and traffic is backing up thru the US 54 intersection. Les Mangus explained the contractor was in the process of the coordination feature of the lights.

Council Member Tingley stated the Central Park playground was complete.

Council Member Tingley thanked Larry and Michelle Sell for their involvement and willingness to support the community.

Council Member Tingley stated he had been contacted by some citizens regarding the 13th Street sports park and what the city wants to promote there. He would like this put on a future workshop meeting agenda.

Council Member Jessen would like to discuss what can be done to require Homeowners Associations to enforce their covenants. He would like this on a future workshop agenda for discussion.

Council Member Hale stated the new playground at Central Park is wonderful and the community is enjoying it. She added she is looking forward to getting restrooms added.

Council Member Hale stated she would like to see rails and trails come through.

Council Member Nelson thanked Les Mangus for all of his efforts with WAMPO in obtaining the funding for the South Andover Road Project.

Council Member Nelson stated the Site Plan Review Committee is working on the criteria and guidelines for future building in Andover and they will be bringing a recommendation before the Council in the next few months.

Council Member Geisler stated that had she been on the Council when the grading requirements were tightened she would have voted against it. She believes it is human error when property owners are moving dirt for sodding, flower beds, seeding their lawns, etc.

Council Member Geisler requested there be more detailed information in the library minutes.

Council Member Geisler asked if there is still a contract with Ottaway for Greater Andover Days. Mayor Lawrence stated staff is currently looking into what has and has not been done for GAD.

Council Member Geisler inquired about the lack of wireless internet at Central Park Lodge. Sasha Stiles stated it was being reconfigured.

Council Member Geisler stated PrairieLand Partners is a great addition to our community, they are very nice and want to be involved in the community.

Council Member Geisler stated that the Andover Rental Store has great equipment and is an Andover business to patronize.

Council Member Geisler would like to take a look at transit service.

Council Member Reams reminded the community of the summer reading program at the Andover Public Library. It ends on June 26 with the final party on June 27 and that there will be some great prizes given away.

Council Member Reams stated it was a pleasure and honor to represent Andover in the running of the torch for the Special Olympics.

Council Member Reams stated the YMCA water park was open and what a great facility.

Council Member Reams inquired about additional speed limit signs on Minneha. Les Mangus stated additional signage will go up when the construction is completed.

A motion was made by Council Member Tingley, seconded by Council Member Reams, at 9:23 p.m. to recess the meeting until June 23, 2009, 7:00 p.m., Central Park Lodge for the joint meeting of the Council, Planning Commission, Site Plan Review Committee, and Parsons Brinckerhoff. Motion carried 6/0.

Recess to June 23, 2009

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 30th day of June, 2009 by the City Council, City of Andover.