

**ANDOVER CITY COUNCIL
Tuesday, September 29, 2009
Minutes**

The Andover City Council met for a regular meeting on Tuesday, September 29, 2009 at 909 N. Andover Road in the Andover Civic Center. Mayor Ben Lawrence called the meeting to order at 7:03 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, Storm Water Operator Rick Lanzrath, City Financial Advisor Mark Detter, City Attorney Norman Manley, City Bond Counsel J.T. Klaus, and City Engineer Mike Thompson.

The Invocation was given by Reverend 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. No one spoke.

Public Forum

Mayor Lawrence presented a proclamation for the month of October as Big Read Month for the Andover Library.

Big Read Proclamation

Sasha Stiles presented additional liability coverage for Greater Andover Days, an ordinance pertaining to the resolution of item 11., and supplemental documents for item 12. transportation needs for 2035, to be added to the agenda.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the agenda with the addition of the liability insurance for Greater Andover Days as item K. of the consent agenda, add an ordinance amending and restating Ordinance No. 1076 of the City of Andover, Kansas, to follow item 10. of the regular agenda, and accept the supplemental information for item 12. of the regular agenda. Motion carried 6/0.

Mayor Lawrence opened the public hearing regarding the North Meadows Homeowners Association storm water retention pond.

Public Hearing
North Meadows
Homeowners Association

Mayor Lawrence stated he was stepping down from the bench for the public hearing of the North Meadows Homeowners Association storm water retention pond due to being the original complainant and would like to comment during the hearing.

Council Member President Hale opened the public hearing.

Sasha Stiles gave a synopsis of the events leading up to this public hearing regarding the pond at North Meadows in north Andover and that the complaint that was filed was in regard to the area surrounding the pond and that it was in violation of local code which requires grasses and vegetation not exceed 18”.

David Levy, 1931 N Grace Court, President of the North Meadows Homeowners Association, explained the HOA had began a three year renovation program in 2007 after an extensive erosion loss of 10+ feet of the storm water retention pond.

Kim Austin, 12979 SW 97th, Senior Project Manager with Terracon and consultant to the HOA, stated hundreds of native vegetation with deep roots had been planted to stabilize the soil. Ms. Austin explained the mowing of the project once annually would allow it to re-seed and they would stay 4’ from the edge of the pond to allow the height of the plants to be a wind and wave buffer during the most erosive times. Ms. Austin added some of the vegetation chosen will be higher than 18” but are actually ornamental and not noxious.

Ben Lawrence, 1930 N Grace Court, stated he was the original complainant. Mr. Lawrence stated the area was not being maintained and his desire was to 1. hasten the project along and 2. assure the areas outside of the project area are maintained. Mr. Lawrence stated this type of project is not addressed by city code so the City had no choice but to address the issue, but would like to see City staff come up with an addendum or revised ordinance that will address these types of projects.

Council President Hale closed the public hearing.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to allow a six (6) month reprieve of the enforcement of the Code of the City of Andover, Chapter VIII, Article 2, for the North Meadows storm water retention pond as it pertains to the height of the vegetation and allow further maintenance of the area, with the condition that the entire area excluding a 4’ band around the pond will be mowed down by October 31, 2009. Motion carried 6/0.

Sasha Stiles stated staff would develop an ordinance and internal policy that will eliminate conflict with our code for these new types of erosion control projects.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the consent agenda with the addition of item K.) additional liability insurance for Greater Andover Days policy.

Consent Agenda

- A. Approval of Minutes: City Council Meeting, September 8, 2009
- B. Receive & file Minutes: Site Plan Review, August 4, 2009
 Planning Commission, June 16, 2009
 Library, August 12, 2009

- C. Receive & file reports:
 - i. Fire August 2009
 - ii. Library July 2009

- D. Approval of appropriation ordinance B-18-09 in the amount of \$512,148.29

- E. Approve non-elected personnel item:
MPO 1 Mickey Farris to Code Enforcement and Animal Control Officer, with a pay increase from \$17.43 per hour to \$18.33 per hour, effective October 5, 2009.

- F. Approve purchase of five (5) Chinese Pistache trees at a cost of \$175 each and five (5) Keterleeri Juniper trees at a cost of \$145 each, with no delivery charges, for completion of the landscaping at the Central Park playground from the Tree Guys, Wichita, for a total cost of \$1,600.

- G. Approve purchase of a notebook computer for the Police Captains office from Dell Computers in the amount of \$2,122.10 for computer, accessories, and software.

- H. Approve Standard Operating Guideline - Emergency Operations Plan which encompasses the “all-hazards” approach providing general procedures for any type of disaster presented by Fire Chief Shaver.

- I. Approve street light installation at 534 Angle Lane by Westar Energy at a cost of \$5,115.55.

- J. Approve revised Police Department Canine Policy.

- K. *Approve additional liability coverage with ICI for Greater Andover Days in the amount of \$1,250.00*

Motion carried 6/0.

Mark Detter, DeWaay Financial, City Financial Advisor, stated that due to the fact that DeWaay Financial Network will be acting as the underwriter on these Temporary Improvement Notes, the Council must accept the temporary resignation of the DeWaay Financial Network as Financial Advisor for this item only and hire DeWaay Financial Network as the underwriter.

Underwriter agreement with DeWaay Financial

A motion was made by Council Member Reams, seconded by Council Member Geisler, to accept the resignation of DeWaay Financial for this item only. Motion carried 6/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, presented an ordinance amending and restating Ordinance No. 1076 of the City of Andover, Kansas.

Ordinance 1442 Reporting of annual financial documents

Mr. Klaus explained this amended the ordinance to provide an agreement to annually provide audited financial documents electronically as required. Mr. Klaus added he also removed wording of a definition that stated the City audit requirement would provide the CAFR annually when we are not legally obligated to.

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve the Ordinance as presented. Motion carried 6/0. Ordinance number 1442 was assigned.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, presented a resolution providing for the issuance of Temporary Improvement Notes of the City of Andover, Kansas, in the total principal amount of \$6,607,000, as heretofore authorized by Ordinance Nos. 1371, 1373 (as amended by Ordinance Nos. 1399 and 1412) and 1384 (as amended by Ordinance No. 1435) of the City, in order to provide funds for the temporary financing of the costs of construction of certain internal improvements in the city authorized by said ordinance; and providing the terms, details, form and conditions of said temporary improvement notes. (Cornerstone 3rd, Crescent Lakes 5th, and Reflection Lake 3rd)

Resolution 09-18
Temporary Improvement
Notes--\$6,607,000 for
Cornerstone 3rd
Crescent Lake 5th
Reflection Lake 3rd

Mr. Klaus stated the Council had already approved ordinances providing for the financing and allowing for approval with a simple resolution.

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve the resolution as presented. Motion carried 6/0. Resolution number 09-18 was assigned.

Les Mangus presented an application summary of projects that might be necessary in the next 25 years to be included in the Wichita Area Metropolitan Planning Organization Transportation Plan for 2035. Mr. Mangus explained the plan will be updated every 3 to 5 years but it is required to have a plan for projects to be eligible for federal funds.

Transportation needs for
the WAMPO 2035 Plan

Council Member Nelson inquired as to the price increase from the memo of September 16, \$3.8 million, and the memo today, \$5.4 million, for the 2011-21st Street project.

Mr. Mangus explained the \$3.8 million was construction cost only and the \$5.4 million was the total project costs, the federal government now wants total project cost including all engineering, utilities relocations and right of way acquisitions.

Council Member Nelson stated we keep hearing about accidents at 159th and US 54 and asked if this would be a part of this project.

Mr. Mangus stated that intersection will be a part of the City of Wichita's application. Mr. Mangus added the design of the extension of the US 54 project that has been approved by the Wichita City Council actually extends almost to Onewood Drive.

Council Member Nelson inquired if the issue of whether we fly over or go under US 54 at Andover Road would be related to the WAMPO 2035 Plan.

Mr. Mangus stated Parsons Brinckerhoff is doing the study to determine what the communities' wants and needs are and then will present a conceptual design.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the WAMPO Transportation Plan 2035-Project Application Summary as presented.

Existing 2008 TIP Approved Projects

2011 21 st St. 159 th St. to Andover Rd.	\$5,466,000
2013 159 th St. KTA Bridge to 21 st St.	\$4,996,340

Andover Road – Butler Road Corridor Study Projects

2014 Andover Rd. 4-mile Creek Bridge	\$5,129,387
2014 Andover Rd. & Harry St. Traffic Signals	\$187,500
2014 Andover Rd. & SW 120 th St. Intersection	\$5,946,600
2015 Andover Rd. - Harry St. to SW 120 th St.	\$5,283,570
2020 Andover Rd. & SW 130 th St. Intersection	\$4,273,920
2020 Andover Rd. - SW 120 th St. to SW 130 th St.	\$5,557,050
2020 Andover Rd. - SW 130 th St. to ½ mile south	\$2,896,448

US-54 Design Concept Study

2019 US-54 Freeway 159 th St. to ½ Mile East of Prairie Creek Rd.	\$216,440,000
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Staff & City Engineer Recommended Additions

21 st St. - Andover Rd. to KTA Tollbooth	\$ _____
Andover Rd. - 21 st St. to ½ mile north	\$ _____
Andover Rd. - ½ mile north of 21 st St. to Planning Boundary	\$ _____
Andover Rd. Bridge over the Kansas Turnpike, including 13 th St. Intersection	\$ _____
2013??159 th St. Rd. Bridge over the Kansas Turnpike	\$ _____
Andover Rd. & Central Ave. Intersection	\$ _____

Bicycle/Pedestrian Sidewalk Projects

Andover Rd. – 13 th St. to 21 st St.	\$ _____
Andover Rd. – Central Ave. to US-54	\$ _____
BNSF Rails to Trails – 159 th St. to 13 th St. Sports Park	\$ _____
BNSF Rails to Trails – 13 th St. Sports Park to Meadowlark Rd.	\$ _____
BNSF Rails to Trails – Meadowlark Rd. to Indianola Rd.	\$ _____

Motion carried 6/0.

Council Member Hale asked Mr. Mangus to give an update on the construction for the closing of Harry Street bridge that was reported in the Augusta Daily Gazette.

Mr. Mangus explained it was not really a bridge but a box culvert that will be replaced between Phyllis Lane and Andover Road that is scheduled to begin Monday, October 12 or 19, and will be closed for approximately 30 days. Mr. Mangus added that Phyllis Lane and Prairie Creek Road will be the alternate access roads for traffic.

Council Member Jessen inquired about the paving of Harry Street to the Montana Hills Addition.

Les Mangus explained the majority of the road is out of our jurisdiction and until such time that the property that fronts the road is annexed into the City we will not have jurisdiction.

Sasha Stiles added that staff has been seeking the support of the county and township for work on the road but had been on hold due to the organizing of Greater Andover Days.

A motion was made by Council Member Geisler, seconded by Council Member Jessen, at 8:21 p.m. to go in to executive session for approximately ten minutes to discuss legal matters and to include the governing body, Sasha Stiles, Les Mangus, Norman Manley, Ty Masterson, and Anthony Spear. Motion carried 6/0.

Executive session
Legal matters

A motion was made by Council Member Geisler, seconded by Council Member Reams, at 8:48 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 approve the extension of the letter of intent from The City of Andover to Advanced Research, to April 1, 2010, and authorize the mayor to sign the agreement without any other approval from the council, subject to the review and approval of the city attorney, and to include in the letter of intent a proper term to either accept or reject the terms of the proposal in the event of third party interest in buying or leasing similar property in the Industrial Park area, and they will be given adequate time to accept or reject the terms. Motion carried 6/0.

Mayor Lawrence recessed the Andover City Council meeting at 8:49 p.m. to convene the Andover Public Building Commission meeting.

Public Building Commission President Caroline Hale called to order the Andover Public Building Commission meeting at 8:50 p.m. Public Building Commissioners present were Dave Tingley, J.R. Jessen, Ben Lawrence, Clark Nelson, Sheri Geisler, and Julie Reams.

Andover Public Building
Commission

A motion was made by Public Building Commissioner Reams, seconded by Public Building Commissioner Jessen, to approve the minutes from the August 25, 2009, Public Building Commission meetings Motion carried 7/0.

Sasha Stiles presented a proposal for design consulting from Mobile Radio Service of Great Bend, Kansas, for radio and cellular needs in the new city hall at a cost of \$3,975.00 which includes all travel incurred to job site.

Mobile Radio Service proposal

Ms. Stiles stated this is one of few companies that provide this type of service and our current provider was unable to provide all required information.

A motion was made by Public Building Commissioner Lawrence, seconded by Public Building Commissioner Reams, to approve the proposal as presented. Motion carried 7/0.

A motion was made by Public Building Commissioner Geisler, seconded by Public Commissioner Lawrence, at 8:54 p.m. to adjourn the Public Building Commission meeting. Motion carried 7/0.

Adjourn Public Building Commission

Mayor Lawrence called the City Council meeting to order at 8:55 p.m.

Member items

Member items

Council Member Reams reminded the community that Greater Andover Days would be this coming weekend.

Council Member Reams stated her concerns for local offices and business who display American flags but are not lowering to half mast on days alerted to by the Governors office. She feels it is disrespectful and noted you can be notified via email at no charge.

Council Member Geisler inquired about the review of a revised SecureNet Alarm System contract for Central Park facilities. Sasha Stiles stated staff was still working on the changes and would bring the contract back to council at one of the October meetings.

Council Member Geisler stated that she has been receiving a lot of emails regarding the trash and recycling issue and wants the public to know they are read and responded to.

Council Member Nelson stated the Solid Waste & Recycling Review Committee is in the process of setting public hearings and all of the citizens sending emails will receive notice and they better show up. Council Member Nelson added his appreciation for the staffs work in responding to all of the emails.

Council Member Nelson sent his respects for the family of Sedgwick County Sheriff Deputy Etheridge's family.

Council Member Hale also thanked staff for responding to the many emails regarding trash and recycling.

Council Member Hale asked for the traffic lights at Central and Andover Road be checked for accurate cycling.

Council Member Jessen brought a sample of the artificial green material that could possibly be used at the Cedar Pines Golf Course.

Council Member Tingley stated he thought he had possibly been misrepresented regarding the issue of the change in bus stops. He wanted it to be clear that he believes there are parents that have legitimate complaints and concerns and hope the school district will address them.

Sasha Stiles stated that Hometown Christmas will be hosted by the Andover Public Library and they have asked for Council Members to volunteer to serve hot cocoa and cider. Council Members Hale, Geisler, and Nelson volunteered.

A motion was made by Council Member Geisler, seconded by Council Member Reams, at 9:08 p.m. to adjourn. Motion carried 6/0. Adjourn

Respectfully Submitted by

Susan Renner
City Clerk

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