

**ANDOVER CITY COUNCIL
Tuesday, February 23, 2010
Minutes**

The Andover City Council met for a regular meeting on Tuesday, February 23, 2010, 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, 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 Engineer Mike Thompson, City Bond Counsel J.T. Klaus, and City Attorney Norman Manley.

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

The Pledge of Allegiance was led by Mayor Lawrence and Andrew Ingram of Eagle Scout Troup 584. Pledge of Allegiance

Mayor Lawrence opened the floor to public comment. Public Forum

Stephen McCune, 653 Glendevon Court, stated he lives on a court where there are five trucks the weight of a semi backing up and going forward every week. He would like to see one service and less street repair. He does not believe leaving this up to the citizens will accomplish anything and it needs to be done at the City level.

Council Member Nelson stated Mr. McCune’s point was well taken and he was interested in the reasoning behind his Homeowners Association not addressing the issue.

Mr. McCune stated the rules of the HOA require a 75% majority of the home owners to pass and it is difficult to have a quorum at a meeting.

The public forum was closed.

Bill Christian, Wichita Area Metropolitan Planning Organization, presented the 2035 Transportation Plan, which encompasses all of Sedgwick County, Mulvane, Andover, and a small portion of Butler County surrounding Andover, to assure the federal funding is distributed through a process. Mr. Christian invited citizens to visit their website at www.wampoks.org. WAMPO 2035
Transportation Plan

Andrew Ingram, 1426 Elm Street, presented his Eagle Scout Troop 584 project to the Council for consideration. The project consists of the building of 18 birdhouses to be placed in Central Park and will not only attract the birds but will help insect control. Eagle Scout Project
Andover Ingram

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve the project as presented. Motion carried 6/0.

Sasha Stiles requested the addition of an executive session to the regular agenda to discuss legal matters. Agenda

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the agenda with an additional executive session. Motion carried 6/0.

A motion was made by Council Member Jessen, seconded by Council Member Hale, to approve the consent agenda as presented. Consent agenda

- A. Approval of Minutes: City Council Meeting, February 9, 2010
Ground Breaking Ceremony, February 10, 2010
- B. Receive & file Minutes: Library, January 13, 2010
Library, November 18, 2009
- C. Receive & file reports:
 - i. Library December 2009 Financial
January 2010 Directors
- D. Approval of appropriation ordinance B-03-10 in the amount of \$464,335.94
- E. Approval of the renewal agreement for the 2010 Manhole Rehab with Mayer Specialty Services, LLC, Goddard, at the third and final year of a three year price guarantee of \$83.50 per vertical foot.
- F. Approval of the proposal for the 2010 Sewer Line Rehab Utility Maintenance Contractors, Wichita, for a cost of \$20 per line foot for 8” pipe and \$24 per line foot for 10” pipe.

Motion carried 6/0.

Mayor Lawrence presented an ordinance establishing a recyclable waste utility and curbside recycling system within the corporate limits of Andover, Kansas and stated this ordinance was presented at the January 12, 2010, City Council meeting. The ordinance did not pass with a split Council vote of 3 to 3 and the Mayor casting the deciding vote against the ordinance. Ordinance 1452
Recyclable Waste Utility

Mayor Lawrence stated since that meeting there has been some reconsideration and he and the Council felt this issue was important enough to be addressed again.

Mayor Lawrence stated the citizens would have an opportunity to speak, but to please be brief, get their point across, not repeat the same information, and public comment was limited to the citizens of Andover.

Chris Steward, 253 S Lakeside, stated she was happy to see the proposal back on the agenda as it will lower trash cost and add single stream curbside recycling. She believes the proposal is aggressive and inline with 97% of United States city governments. She asked the Council for a yes vote on this proposal as it will give Andover residents lower trash fees and no increase in the mill levy for the Butler County Landfill, and it is the right thing for Andover citizens.

Council Member Tingley stated he thought long and hard on this issue and believed that if this ordinance was passed the Council would be stopping short of one of the original reasons; less truck traffic. He believed the Council should go back to full franchise system, no mandate, make it a city utility with single stream recycling and solid waste removal; no separation.

Mayor Lawrence stated that was the original proposal but due to public pressure to choose their own trash hauler changes were made.

Karen Tones, 200 S Andover Road, stated trash should be a city utility and everyone is billed whether they use the service or not and if you are going to haul your own trash you will have to take it to the Butler County landfill.

Shawna Cortez, 240 S Lakeside Drive, stated she is in favor of the ordinance and proposal presented this evening.

Julianne Dunn, 309 Oakmont Court, stated she is in favor of the ordinance and proposal presented this evening.

Steve Weldon, 1838 Columbine, stated he likes his trash hauler and he chose him and he wants to be allowed to continue to choose.

Council Member Nelson stated he felt it was appropriate to hear the comments from the trash haulers represented.

Council Member Geisler stated they were not tax payers and should not be allowed to comment this evening.

Mayor Lawrence stated he was not going to allow them to speak this evening, the issue is about what is best for the City and did not believe they could add any value to the conversation.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve an ordinance establishing a recyclable waste utility and curbside recycling system within the corporate limits of Andover, Kansas.

Council Member Geisler stated she was on the Solid Waste and Recycling Committee that researched the issue and although there was some disagreement among the members initially, they agreed they would not make a recommendation to the Council if they were not unified. She added this issue was discussed at Council Workshop meetings and the original proposal was compromised due to

so many citizens devoted to a certain trash hauler but they were united on the recycling.

Council Member Tingley stated that given the obvious reversal by some members of the Council and the overwhelming feeling that 80-90% of the community wants this approved he would not stand in the way but believes we could do better and the proposal stops short of what was set out to be accomplished.

Council Member Nelson stated he was one of the three on the committee and he was not in favor of the process or setting up a utility, we went thru the process; hearings and emails, his position was voting in the negative. He added since that time he had attended his HOA meeting and only ten of 100 showed up; no one knew of the trash service and no one cared, he is convinced it will not be settled at the HOA level.

Council Member Jessen stated he felt more knowledgeable about the citizens input than at the January meeting, due to his email "blowing up", and would vote in favor of the ordinance this evening.

Council Member Reams stated she supports the proposition and believes it is the right thing to do to save tax dollars and if the schools get on board it will help their budget as well. This is not big government it is smart government.

Motion carried 5/0/1. Council Member Tingley abstained. Ordinance number 1452 was assigned.

Mayor Lawrence called a five minute break at 8:23 p.m.

Mayor Lawrence called the meeting to order at 8:31 p.m.

Mayor Lawrence presented a proposal from Stutzman Refuse Disposal, Hutchinson, to provide curbside single stream recyclable materials pickup at \$4.50 per month and the provision of solid waste pickup to those citizens of the City that choose such service, at a cost of \$41.85 a month including the recycle fee.

Solid Waste & Recycling
Proposal
Stutzman's Refuse
Disposal

Sasha Stiles explained staff is still working on the billing details and are looking at July 1 as a possible start date for the program.

A motion was made by Council Member Reams, seconded by Council Member Geisler, to approve the agreement from Stutzmans Refuse Disposal as presented. Motion carried 6/0.

Mayor Lawrence requested the Council appoint Council Member Hale as the Council Member liaison for this department.

Department Council
liaison appointment

A motion was made by Council Member Reams, seconded by Council Member Geisler, to approve the appointment. Motion carried 6/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented a resolution of advisability and a work ordinance for the Village at Flint Hills water, sewer, storm water, paving and water main improvements at a total cost of \$2,101,000. Mr. Klaus stated the petitions were prepared in August 2009 and the Council accepted them at the February 9, 2010, meeting. He added there was a correction regarding the publication paper from Andover Journal-Advocate to the Augusta Daily Gazette on the resolution.

Riverstone Reserve
Resolution 10-01

A motion was made by Council Member Nelson, seconded by Council Member Reams, to adopt a resolution determining the advisability of making certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or probable costs thereof, the extent of the benefit district to be assessed for the costs thereof, the method of assessment and the apportionment of the costs between the benefit district and the city at large; authorizing and providing for the making of the improvements in accordance with the findings of the governing body; and directing the publication and recording of this resolution (Village at Flint Hills water improvements, Village at Flint Hills sewer improvements, Village at Flint Hills storm water improvements, Village at Flint Hills paving improvements and Village at Flint Hills water main improvements). Motion carried 6/0. Resolution number 10-01 was assigned.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve an ordinance authorizing the construction of certain internal improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 10-01 of the City, under the authority of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; providing for the payment of the costs of said improvements; authorizing the issuance of general obligation bonds for the payment of the costs of said improvements and authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements. Motion carried 6/0. Ordinance 1453 was assigned.

Riverstone Reserve
Ordinance 1453

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented a revised water distribution petition, increasing the cost by \$42,500, related to requests made by RWD #5 for the Prairie Creek Addition. At the February 9, 2010, meeting the Council accepted the bid from McCullough Excavation the amount of \$231,750 but did not award it. This revised petition covers the cost of the work.

Prairie Creek Addition
revised petition
Resolution 10-02
Ordinance 1454

Mr. Klaus also presented the following resolution and ordinance that are necessary as a result of the increase in the petition amount.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the revised water distribution petition, a resolution amending Resolution No. 07-28, as previously amended by Resolution Nos. 09-16 and 09-19 of the City of Andover, Kansas, an ordinance amending Ordinance No. 1365, as previously amended by Ordinance Nos. 1441 and 1443 of the City of Andover, Kansas, and to award bid from February 9, 2010, to McCullough Excavation Inc.

in the amount of \$231,750. Motion carried 6/0. Resolution number 10-02 and Ordinance number 1454 were assigned.

Sasha Stiles presented the Poe & Associates contract for engineering, inspection and testing for the 2010 Street Rehab Program. This project will include mill & overlay of Andover Road from Waggoner to Ira, the reconstruction of 1st Street from Lioba to Koob, Koob Lane and Chapel Drive, engineering will be complete mid-spring, bidding proposed prior to June with actual construction beginning in June.

2010 Annual Street Program
Poe & Associates

Les Mangus stated asphalt tear out and any curb and gutter repair will be made as necessary.

A motion was made by Council Member Geisler, seconded by Council Member Hale, to accept the agreement with Poe & Associates in the amount of \$79,000. Motion carried 6/0.

Sasha Stiles presented a proposal from TEC for traffic engineering services to perform a warrant analysis for traffic signal modifications at the 21st Street and Andover Road intersection as requested by KDOT. This work will be added as a supplement to the engineering agreement we currently have with Poe & Associates. Ms. Stiles added staff is seeking to secure ARRA stimulus funding.

21st Street project
TEC engineering

A motion was made by Council Member Geisler, seconded by Council Member Jessen, to approve the agreement with TEC for approximately \$400 as a supplement to the Poe & Associates agreement contingent upon approval of City Counsel. Motion carried 6/0.

A motion was made by Council Member Hale, seconded by Council Member Geisler, at 8:49 p.m. to go into executive session for approximately five minutes to discuss non elected personnel and include the governing body and City Counsel Norman Manley. Motion carried 6/0.

Executive session
Non elect personnel

A motion was made by Council Member Reams, seconded by Council Member Geisler, at 9:02 p.m. to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Reams, seconded by Council Member Hale, at 9:03 p.m. to go into executive session for approximately five minutes to discuss legal matters and to include the governing body, City Administrator Sasha Stiles, Public Works Director Les Mangus and City Counsel Norman Manley. Motion carried 6/0.

Executive session
Legal matter

A motion was made by Council Member Jessen, seconded by Council Member Geisler, at 9:08 p.m. to come out of executive session. Motion carried 6/0.

Don Rogers, Operations and Sales Manager for Stutzman Refuse Disposal, Hutchinson, stated he knew the decision made by the Council this evening regarding solid waste and recycling was with much pain and they appreciate the

trust placed in Stutzman’s and they will provide the citizens of Andover service to make the Council proud.

Mr. Stutzman also introduced his wife Shawna Rogers, Regional Manager Hank Yoder, and John Stutzman, owner.

Member items

Member items

Council Member Reams had none.

Council Member Geisler stated she was thrilled the recycling utility passed and thanked the members of the Council for their vote and staff for their hard work.

Council Member Nelson had none.

Council Member Hale stated she was thrilled for the community and that it was nice for once to save people money.

Council Member Jessen inquired about trucks being parked west of Charlie’s on Highway 54.

Council Member Tingley stated he would like to see the waste water plant expansion discussed at a workshop meeting.

Council Member Tingley would also like to have Mecca Acres Addition code enforcement issues on the agenda for discussion at the April Workshop.

Mayor Lawrence stated the next couple of workshops will be very busy.

Mayor Lawrence stated that ultimately this Council wanted to do what they believed best for the community. Even though on a personal basis he did not agree He was glad the Council came to a conclusion, leaving him out of it, and appreciated the Council Members working through these issues.

A motion was made by Council Member Hale, seconded by Council Member Reams, at 9:16 p.m. to adjourn. Motion carried 6/0. Adjourn

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 9th day of March, 2010 by the City Council, City of Andover.