

**ANDOVER CITY COUNCIL  
Tuesday, March 30, 2010  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, March 30, 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 Financial Advisor Mark Detter, City Attorney Norman Manley, and City Bond Counsel J.T. Klaus.

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

The Pledge of Allegiance was led by Mayor Lawrence and Emma Jessen, J.R. Jessen’s daughter. Pledge of Allegiance

Mayor Lawrence opened the floor to public comment. Public Forum

Brian Whiteside, 1101 Mulberry Court, expressed his displeasure of the recycling utility and asked the Council if they were working on negotiating internet service.

Mayor Lawrence presented a proclamation for the month of April as Child Abuse Prevention Month Child Abuse Prevention Month Proclamation

**Whereas**, National Child Abuse Prevention Month will be recognized throughout the United States during April, 2010;

**Whereas**, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community;

**Whereas**, child maltreatment occurs when people find themselves in stressful situations without community resources, and don’t know how to cope;

**Whereas**, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community;

**Whereas**, child abuse and neglect can be reduced by making sure each family has the support they need to raise their children in a healthy environment;

**Whereas**, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking;

**Whereas**, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment;

**Whereas**, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

**Whereas**, together we can strengthen families and prevent child abuse right from the start;

Now, Therefore, I, Ben Lawrence do hereby proclaim

and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Aurora Meyers, S.C.A.R.F. Coordinator thanked the Council for their support.

Sasha Stiles presented the Council with an updated contract for consent agenda item E) George Lay Signs Inc.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to accept the agenda with the updated contract for item E of the consent agenda. Motion carried 6/0.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the consent as modified.

Consent Agenda

- A. Approval of Minutes: City Council Meeting, March 9, 2010
- B. Receive & file Minutes: Site Plan Review, January 5, 2010
- C. Receive & file reports:
  - i. Finance February 2010
  - ii. Fire February 2010
- D. Approval of appropriation ordinance B-05-10 in the amount of \$777,123.36
- E. Approval of a contract with George Lay Signs Inc. for a billboard (CVB) located at the 21<sup>st</sup> Street exit of south bound I-35 for a term of

two years at a cost of \$200 per month beginning April 1<sup>st</sup>, 2010. The contract was revised to reflect an 8' x 20' sign instead of 10' x 20'.

- F. Approval of non elect personnel status change for Juanita Botkin, Assistant Court Clerk, from probationary to regular status with a pay increase from \$12.36 per hour to \$12.45 per hour effective February 22, 2010.
- G. Approval to issue a Cereal Malt Beverage License for the remainder of 2010 for Valero #4150 – 513 S Andover Road.
- H. Approval of the renewal of the general liability, equipment and machinery insurance for 2010 for the City, \$100,136 and Fire Department, \$18,049.
- I. Approval of a purchase by the Wastewater Department of a replacement lab meter at a cost of \$1,677 from Hach Co. of Loveland, Colorado.
- J. Approval of a Police Department Directives: Disclaimer Statement; Responsibility & Authority, Organization; and Direction-Command Protocol, numbers M1101, M1102, M1103, and M1104.

Motion carried 6/0.

Mayor Lawrence presented a resolution amending Resolution No. 07-32 of the City of Andover.

Resolution 10-03  
Cornerstone Commercial  
Addition

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, stated a typographical error was found while preparing the next two items on the agenda. The lot numbers for Cornerstone Commercial Addition and Cornerstone Medical Addition had two lot numbers transposed in Section 1, item A, sub 3).

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 10-03 was assigned.

Mayor Lawrence presented a resolution setting the date, time and place for a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of certain improvements in the City, as heretofore authorized by Resolution Nos. 06-25, 06-29, 07-03 and 07-32, all as amended; directing publication of a notice of public hearing; and further directing the mailing of a notice of hearing and statement of costs proposed to be assessed to each and all of the property owners liable for such special assessments.

Resolution 10-04  
Set date, time and place  
for public hearing

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, explained this resolution will set the date and time for a public hearing to allow citizens to voice any objections to the assessments for the following improvements:

- Serendipity Estates Sewer Improvements
- Serendipity Estates Water Improvements
- Marketplace East Addition Traffic Signals at Yorktown & Kellogg Improvements
- Marketplace East Addition Accel/Decel Lane at Yorktown & Kellogg Improvements
- Marketplace East Addition Paving & Incidental Drainage Improvements
- Marketplace East Addition Water Distribution System Improvements
- Marketplace East Addition Water Main Improvements
- Marketplace East Addition Sanitary Sewer Improvements
- Marketplace Commercial Addition Paving and Incidental Drainage Improvements
- Marketplace Commercial Addition Traffic Signals at Andover Road & Cloud Avenue Improvements
- Marketplace Commercial Addition Water Distribution System Improvements
- Marketplace Commercial Addition Sanitary Sewer Improvements, Storm Drain Improvements
- Sanitary Sewer Improvements
- Keystone Water Main Improvements
- 159<sup>th</sup> Street Water Main Improvements
- Storm Drain Phase 2 Improvements
- Cornerstone Storm Drain Phase 3 Improvements

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the resolution as presented. Motion carried 6/0. Resolution number 10-04 was assigned.

Mayor Lawrence presented an Underwriter Agreement with DeWaay Financial Network in connection with the issuance of the City’s Certificate of Participation in the next agenda item.

DeWaay Financial Underwriter Agreement

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 Certificates of Participation, the Council must accept the resignation of the company as Financial Advisor for this item only and hire DeWaay Financial Network as the underwriter.

A motion was made by Council Member Hale, seconded by Council Member Jessen, to accept the resignation of DeWaay Financial as is pertains to agenda item 12 only. Motion carried 6/0.

Mayor Lawrence presented an ordinance of the City of Andover, Kansas, declaring it necessary for the City of Andover to authorize and provide for the acquisition of police vehicles and a stormwater utility vehicle for the City of Andover and providing for the issuance of certificates of participation in a lease purchase agreement, by and between the City of Andover as lessee, and Security Bank of Kansas City, Kansas City, Kansas, as lessor, for the purpose of providing the necessary funds to pay the costs thereof; authorizing and providing for the

Ordinance 1456 Certificates of Participation

execution of the lease purchase agreement, a trust indenture, and all ancillary documents in connection with such financing; and making certain other covenants with respect thereto.

Andrew Kovar, Triplett, Woolf & Garretson, City Bond Counsel, explained this ordinance will authorize the financing in the amount of \$79,000 for purchase of the vehicles.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the ordinance as presented. Motion carried 6/0. Ordinance number 1456 was assigned.

Mayor Lawrence presented an amended paving and sidewalk petition for 159<sup>th</sup> Street, resolution amending Resolution No. 07-03 of the City of Andover, Kansas, and an ordinance amending Ordinance No. 1327 of the City of Andover, Kansas.

159<sup>th</sup> Street paving  
Petition

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, stated the expected paving costs were higher than the petitions and this resolution and ordinance recognized the increases.

Resolution 10-05

A motion was made by Council Member Hale, seconded by Council Member Reams, to accept the paving and sidewalk petition and to approve the resolution, both as presented. Motion carried 6/0. Resolution number 10-05 was assigned.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the ordinance as presented. Motion carried 6/0. Ordinance number 1457 was assigned.

Ordinance 1457

A motion was made by Council Member Geisler, seconded by Council Member, Reams, at 7:23 p.m. to recess the Council meeting and convene the Andover Public Building Commission meeting.

Public Building Commission President Caroline Hale called the meeting to order. Public Building Commissioners present were Julie Reams, Sheri Geisler, Clark Nelson, Ben Lawrence, J.R. Jessen, and Dave Tingley. Also present was Public Building Commission Secretary Susan Renner.

Public Building  
Commission meeting

A motion was made by Public Building Commissioner Nelson, seconded by Public Building Commissioner Geisler, to approve the minutes from February 9, 2010. Motion carried 7/0.

February 9, 2010 minutes

City Administrator Sasha Stiles presented changer order one from Nowak Construction for a change in the water service lines.

Nowak Construction  
change order one

Public Works Director Les Mangus explained it was determined the current design of the water service line to be installed would eventually be running parallel with a line the City has planned to run up Prairie Creek Road. With this change it will be a public line as apposed to a single line which will save the City

money in the long run by not duplicating service lines and the funds for this change will come from the City’s budgeted water fund.

A motion was made by Public Building Commissioner Nelson, seconded by Public Building Commissioner Reams, to approve the change order in the amount of \$10,150. Motion carried 7/0.

Sasha Stiles explained the process of bringing a change order to the Commission and how some change orders could hold up construction. She added Key Construction has requested that City staff be allowed to approve any change orders that would hold up construction.

Change order approval discussion

After much discussion an amended motion was made by Public Building Commissioner Nelson, seconded by Public Building Commissioner Lawrence, to approve City staffs ability to approve a change order not to exceed \$2,500 and if it is within the limits of the \$40,000 contingency fund and must be signed by Sasha Stiles and Les Mangus. Motion carried 7/0.

A motion was made by Public Building Commissioner Lawrence, seconded by Public Building Commissioner Jessen, at 7:45 p.m. to adjourn the Public Building Commission meeting and reconvene the City Council meeting. Motion carried 7/0.

Public Building Commission meeting adjourn

Member items

Member items

Council Member Reams stated her trip to Washington D.C. for the National League of Cities conference was very educational. While in Washington she met with Senator Brownback, Congressman Tiahrt and Congressman Roberts regarding funding requests for the wastewater plant expansion. We should have an answer by summer whether we will receive any federal funds.

Council Member Geisler had none, but did ask Police Chief Keller to report on a grant.

Chief Keller stated the department has received a grant that will save the department almost \$11,000 over the next three years in the pursuit of CLEA accreditation.

Council Member Nelson had none.

Council Member Jessen stated the #5 green renovations at the Cedar Pines Golf Course have been completed. He added he would like the City to do some work on the #1 green.

Council Member Tingley inquired if there has been any more discussion regarding the intersection of 159<sup>th</sup> and US Highway 54.

Sasha Stiles stated the last discussion at the staff level was to close the median to crossing. She added it is KDOT's road and not poorly designed, just poor judgment by drivers trying to beat oncoming traffic.

Mayor Lawrence stated pursuant to last night's Council Workshop he felt it important to advise the citizens that the Governing Body will pursue a sales tax to pay for the new city hall being built in Central Park. More information will be provided.

Sasha Stiles introduced David Levy, North Meadows Homeowners Association, and reminded the Council of the reprieve granted to the HOA for the maintenance of their pond.

Ms. Stiles stated an ordinance has been prepared addressing riparian buffers and the guidelines are being established. These will be brought to the Council for consideration at the next Council meeting.

A motion was made by Council Member Reams, seconded by Council Member Hale, at 8:01 p.m. to adjourn. Motion carried 6/0. Adjourn

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 13<sup>th</sup> day of April, 2010 by the City Council, City of Andover.