

ANDOVER CITY COUNCIL
Tuesday, May 10, 2011
Minutes

The Andover City Council met for a regular meeting on Tuesday, May 10, 2011 at 1609 E. Central Avenue in Andover City Hall. Mayor Ben Lawrence called the meeting to order at 7:00 p.m. City Council Members present were Caroline Hale, Clark Nelson, Sheri Geisler, Dave Tingley, Byron Stout IV, and Troy Tabor. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, 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, IT/Communications Director Bill Duggan, City Engineer Mike Thompson, and City Attorney Norman Manley.

The Invocation was given by Pastor Greg Perkins of Eastside Baptist Church.

The Pledge of Allegiance was led by two members of Boy Scout Pack 580.

Mayor Lawrence opened the floor to public comment. No comment was made. The Mayor closed the public forum.

Sasha Stiles requested to add the COPS Grant 2011 to the regular agenda and presented the information.

Council Member Nelson requested to move consent agenda item E.) Mayoral Appointments to the regular agenda for discussion.

Mayor Lawrence added an executive session prior to beginning the regular agenda to discuss legal matters.

A motion was made by Council Member Nelson, seconded by Council Member Stout, to accept the agenda as modified. Motion carried 6/0.

Mayor Lawrence proclaimed May 15 – 21, 2011, National Police Week.

Police Chief Mike Keller and Fire Chief Jim Shaver presented Police & Fire Foundation scholarships to Andover Central High School senior students Briana Stoner for assistance in pursuing a career in law enforcement and Joshua Washington for assistance in pursuing a career as a firefighter.

Police Chief Mike Keller and Fire Chief Jim Shaver presented the Police Department Citizen Commendation Award to YMCA staff members Jamie Mermis and Alex Johnson for their quick response with the Automatic External Defibrillator (AED) and CPR compressions to YMCA member Robert Stickler, who was reported to local emergency responders as a possible code blue. It was later determined that due to Ms. Mermis and Mr. Johnson's actions Mr. Stickler's life was saved.

Robert and Suzanne Stickler of Douglass were present and thanked everyone involved in helping him.

Mayor Lawrence presented the consent agenda:

- A. Approval of Minutes
 - i. City Council Workshop, April 25, 2011
 - ii. City Council Meeting, April 26, 2011
- B. Receive & File Minutes
 - i. Site Plan Review Minutes, March 1, 2011
- C. Approval of appropriation ordinance B-08-11 in the amount of \$924,183.06
- D. Approval of non-elected personnel items:
Police Department Administrative Assistant new hire Rebecca Page starting wage of \$14.50 per hour effective May 11, 2011.
Park Department Maintenance Worker Drew McDiffitt status change from training to regular status with a wage increase from \$10.50 per hour to \$11.50 per hour effective May 2, 2011.
- E. *Approval of Mayoral Appointments – moved to regular agenda*
- F. Approval of repairs to the roof of B-Bay of the Andover Fire Department by the Roof Mechanic in the amount of \$2,024.
- G. Approval of Immediate Hazard actions that were taken to secure the properties at 708 & 728 Marsha Drive.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the consent agenda as modified. Motion carried 6/0.

Mayor Lawrence presented consent agenda item E.) Mayoral Appointments for discussion.

Council Member Nelson stated he would like to be removed from WAMPO appointment: Council Member Hale stated she would exchange her appointment to the YMCA and take the WAMPO appointment if the Mayor agreed.

Council Member Nelson asked for clarification of what the City Council Liaison duties are.

Mayor Lawrence explained over the past 10 years Council liaison positions have been added and the liaison should provide information between the Council and the particular organization or department they are appointed to. Mayor Lawrence reminded the Council that the only time any City Council member has authority is when they meet as a collective body.

Mayor Lawrence stated there are 20 liaison positions and six Council Members; he tries to appoint Council Members to the organization or department they have expressed an interest in

with the largest and most active departments traditionally appointed to the senior members of the Council.

Council Member Giesler requested the addition of Bill Ellison-Andover Historical Society, Bob Baier-USD 385, Tim Johnson-Holiday Inn Express, Kim Mosier Stevens-Andover Chamber of Commerce, Rob Doshier-Crescent Lakes resident, and Caroline Hale-Terradyne resident to the Park Planning Committee.

Council Member Stout inquired about establishing a liaison appointment for the Rotary Club.

Mayor Lawrence stated he has no problem with that and would appoint Council Member Stout to that liaison position.

Mayor Lawrence stated staff is working on a policy for City Council member professional organization memberships.

A motion was made by Council Member Geisler, seconded by Council Member Stout, to approve the Mayoral Appointments as modified. Motion carried 6/0.

Mayoral Appointments – Approved May 2011

Appointed Officials

- | | |
|------------------------------------|-------------------------------|
| City Treasurer – Julie Spyres | Chief of Police – Mike Keller |
| City Attorney – Norman Manley | City Clerk – Susan Renner |
| Municipal Court Judge – Gene White | City Engineer – Mike Thompson |
| Prosecuting Attorney – Cami Baker | |

City Council Liaisons

- | | |
|----------------------------------|----------------------------------|
| Mayor Ben Lawrence | Byron Stout IV |
| - Convention & Tourism Committee | - Golf Course Committee |
| Clark ‘C.R.’ Nelson | - Promote Andover (PAI) |
| - Fire Department | - Street Department |
| - National League of Cities | - Rotary |
| - Regional Eco Area Partnership | Troy Tabor |
| - YMCA | - Chamber of Commerce |
| Caroline Hale | - Comprehensive Development Plan |
| - Butler Community College | - Planning Commission |
| - WAMPO | - USD 385 |
| - Police Department | Sheri Geisler |
| - Recycling Utility | - Grant of Public Funds |
| Dave Tingley | - Library |
| - YMCA | - Park Department |
| - Grant of Public Funds | Les Mangus |
| - Wastewater Department | - REAP Water Resource Committee |
| - Site Plan Review Committee | |
| - Convention & Tourism Committee | |

Jane Cox

- P.A.I. – Planning Commission Rep

Planning Commission & Board of Zoning Appeals – 3 year term

Lynn Heath – inside city limits

John Cromwell – inside city limits

Comprehensive Development Plan

Sasha Stiles

Mike Rice

Susan Renner

Lynn Heath

Les Mangus

Quentin Coon

Dayna DuFriend

Dennis Bush

Tracey Dreiling

Michelle Sell

Bickley Foster

Carol Wohlford

Convention & Tourism Bureau – not to exceed 4 years

Kent Bush – Chamber President

Daryl Thornton – At Large

Park Planning Committee

Ben Lawrence

Les Mangus

Sharon Turner

Jim Sims

Doug Carr

Jason Pedigo

Sheri Geisler

Bill Ellison

Dennis Bush

Bob Baier

Carol Wohlford

Tim Johnson

David Foster

Kim Mosier Stevens

Doug Baber

Rob Doshier

Tracey Dreiling

Caroline Hale

Sasha Stiles

Ralph Rust

A motion was made by Council Member Nelson, seconded by Council Member Geisler, at 7:36 p.m. go into executive session for 15 minutes to discuss legal matters and to include the Governing Body, City Administrator, and Legal Counsel. Motion carried 6/0.

A motion was made by Council Member Geisler, seconded by Council Member Tabor, at 8:07 p.m. to come out of executive session. Motion carried 6/0.

No action was taken as a result of the executive session.

Mayor Lawrence stated following elections the Council nominates and votes to appoint a Council Member as Council President.

A motion was made by Council Member Stout, seconded by Council Member Tabor, to appoint Council Member Tingley as City Council President. Motion carried 4/2. Council Members Hale and Geisler opposed.

Mayor Lawrence presented a letter drafted by Recycling/Trash Utility liaison Caroline Hale containing updates about the utility with the intention to mail with the City’s monthly billing. The letter was held from the mailing due to the concerns of a few Council Members.

Council Member Nelson stated a letter such as this should be from City staff or the proprietor of Waste Connections. He stated he agrees with the substance of the letter, but, believes Councils time is better spent in making sure policy is being followed and not drafting letters to the public.

Council Member Hale stated her only intention was to provide information to the public.

Mayor Lawrence clarified the City has a three year contract with Waste Connections and liquidation damages to terminate the contract would cost several hundred thousand dollars and that is not going to happen.

Council Member Stout stated Waste Connections should send the letter out at their cost and the City should not be involved.

A motion was made by Council Member Nelson, seconded by Council Member Stout, to not send this letter out.

Council Member Geisler does not believe there is anything wrong with the letter.

Council Member Tabor stated the letter is a personal opinion.

Council Member Tingley stated it is a bad idea to be putting outside information in the sewer bills.

Sasha Stiles clarified the use of the monthly utility bill mailing has been used to inform citizens of many city events, city wide cleanup, GAD, youth sports sign ups, etc.

Motion failed with a tie vote. Tingley, Hale, and Geisler opposed.

Mayor Lawrence stated with a failed motion and City policy allowing this type of communication to be used up to this point the letter should be mailed. Mayor Lawrence added he wanted the council to come to an agreement.

A motion was made by Council Member Stout, seconded by Council Member Tabor, to not send the letter out and ask Waste Connections to send the letter out in a timely manner at their own expense and going forward that any communication using City resources to be pre-approved by a majority of the governing body.

After discussion Council Member Stout amended his motion, seconded by Council Member Tabor, to not send the letter out and ask Waste Connections to send the letter out in a timely manner at their own expense and going forward that any communication using City staff time, paper, postage or utility billing resources to disseminate a letter authored by a City Council Member unless pre-approved by a majority of the governing body.

At the request of City Counsel Norm Manley Mayor Lawrence asked Council Member Stout to withdraw his motion and put the motion in two parts.

The motion was withdrawn by Council Member Stout; Council Member Tabor withdrew his second.

A motion was made by Council Member Stout, to encourage Waste Connections to communicate the letter in question and send out at their own cost without involvement of the City and removal of the City name and logo from the letter.

Mayor Lawrence stated he was allowing this discussion to continue so the council could get this out of their system and come to some kind of agreement.

Council Member Hale stated moving forward she would not draft any such letters again and had she known it was this big of an issue she would not have done it all. She added she hates to see the Council set policy to not use the monthly utility bill as a form of communication for any reason and believes the waste of what has already been done is very sad.

Council Member Geisler stated this letter has factual new information for citizens regarding the service provided by Waste Connections who purchased the Stutzmans Refuse Disposal contract that was approved by the previous Council. She added this letter also includes information regarding the city sponsored city-wide clean up.

Council Member Tingley asked to send the letter out and put a policy for mailings in the monthly utility bill on the earliest possible workshop agenda for discussion.

Council Member Stout withdrew his motion.

Mayor Lawrence called a short recess at 8:55 p.m.

The Governing Body returned to the bench at 9:03 p.m.

A motion was made by Council Member Stout, seconded by Council Member Tabor, to send the current printed letter in question out as planned in the utility bill with the understanding this policy will be discussed at the earliest available workshop meeting. Motion carried 6/0.

Sasha Stiles presented the Cost Plus Net Fee Agreement for construction Engineering and Inspection Services for the 21st Street Improvement Project between KDOT, Poe & Associates and the City of Andover. This agreement outlines the obligations of each entity.

A motion was made by Council Member Nelson, seconded by Council Member Tingley, to approve the agreement as presented and authorize the Mayor to sign contingent upon review and approval of Legal Counsel. Motion carried 6/0.

Sasha Stiles presented Supplemental Agreement Number 1 for the original KDOT Grading and Resurfacing agreement for the 21st Street Project approved by Council at the March 8, 2011, meeting. This supplement changes the dollar figures in favor of the City.

A motion was made by Council Member Nelson, seconded by Council Member Stout, to approve the supplemental agreement as presented and authorize the Mayor to sign contingent upon review and approval of Legal Counsel. Motion carried 6/0.

Mayor Lawrence presented an ordinance amending certain portions of Chapter XI of the Code of the City of Andover, Kansas, dealing with parking in the City parks and recreation.

Sasha Stiles stated this ordinance amends City Code Chapter 11 regarding citizens parking on the grass creating a safety issue as well as killing the grass. This ordinance will provide the Police Department with the necessary authority to follow through with their requests and warnings to citizens to move their vehicles.

Council Member Tingley stated he believes it is due to the scheduling of games and the turnover between the early and late games.

Mayor Lawrence explained there is an area specifically designed for dropping of children and there is plenty of parking although they would have to walk a greater distance.

A motion was made by Council Member Geisler, seconded by Council Member Tingley, to approve the ordinance as presented. Motion carried 6/0. Ordinance number 1486 was assigned.

Sasha Stiles presented a resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2 -1.2 Position & Salary Classification Plan to create a position for a Park Department Crew Chief and change the Chief Building and Groundskeeper to Park and Facilities Maintenance Manager. Also included was the employee change form to promote Robert Mayer to the Crew Chief position with a pay increase from \$12.15 per hour to \$14.15 per hour effective May 11, 2011.

A motion was made by Council Member Nelson, seconded by Council Member Tingley, to adopt the resolution and employee promotion as presented. Motion carried 6/0. Resolution number 11-11 was assigned. (corrected from 11-10)

Jennifer McCausland presented a resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2-6 Personnel Policy & Guidelines (employee handbook) regarding reimbursement for employee training and tuition. Ms. McCausland stated training is usually a requirement for a particular job with a direct impact to the City and tuition, although a benefit to the City is a direct impact to the employee.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to adopt the resolution as presented. Motion carried 6/0. Resolution number 11-15 was assigned. (corrected from 11-11)

Les Mangus stated the Parks Department has been developing a multi-use field in the 13th Street Sports Park and presented bids for irrigation of the field.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the low bid from Superior Landscaping Management of Andover in an amount not to exceed \$2,550. Motion carried 6/0.

Les Mangus presented bids for a sprinkler system and sod for landscaping the Andover Cornerstone Park.

A motion was made by Council Member Tingley, seconded by Council Member Hale, to accept the low bid from Rain Link, Inc. dba Stan's Sprinkler Service of Wichita in an amount not to exceed \$30,240.00 Motion carried 6/0.

Police Chief Keller requested permission to submit an application for a Federal COPS Grant. If the grant is awarded it would be for two police officer positions; salary and benefits for a three year period with the obligation to the City of carrying the officer positions for an additional year.

A motion was made by Council Member Hale, seconded by Council Member Stout, to approve the request to apply for the grant. Motion carried 6/0.

A motion was made by Council Member Hale, seconded by Council Member Stout, at 9:35 p.m. to recess the City Council meeting and convene the Public Building Commission meeting. Motion carried 6/0.

Building Commission President Tingley called the meeting to order at 9:35 p.m. Public Building Commissioners present were Caroline Hale, Ben Lawrence, Clark Nelson, Sheri Geisler, Byron Stout IV, and Troy Tabor. Also in attendance was Public Building Commission Secretary Susan Renner.

A motion was made by Commissioner Nelson, seconded by Commissioner Lawrence, to approve the minutes from April 12, 2011. Motion carried 6/0/1. Commissioner Stout abstained.

City Administrator Sasha Stiles stated the plaza portion of the City Hall project was incomplete and provided bids for the landscape materials from five companies and stated city staff will do the installation. Staff recommends the low bid from John Deere Landscapes of Wichita in the amount of \$2,502.56.

A motion was made by Commissioner Lawrence, seconded by Commissioner Tabor, to accept the bid from John Deere Landscapes. Motion carried 7/0.

Sasha Stiles presented information regarding the purchase of four benches for the plaza and one for City Hall as well as trash receptacles for the entry at City Hall.

A motion was made by Commissioner Nelson, seconded by Commissioner Tabor, to approve the purchase as presented from Fry & Associates of North Kansas City, MO, in an amount not to exceed \$5,795. Motion carried 7/0.

Sasha Stiles stated the remaining balance of the project funds is approximately \$27,700.

A motion was made by Public Building Commissioner Hale, seconded by Public Building Commissioner Stout, at 9:40 p.m. to adjourn the Public Building Commission meeting and reconvene the Andover City Council meeting. Motion carried 7/0.

Member items

Council Member Byron Stout

- Stated although the meeting seemed painful it is the process and he appreciated the time taken to discuss the issues.
- Thanked the YMCA for training their staff properly allowing them to assist in saving a life.

Council Member Sheri Geisler had none.

Council Member Clark Nelson

- Stated he finds Council Member Hale to have the highest standards and her efforts are commendable.
- Congratulated Council Member Tingley on his appointment to Council President.
- Stated staff needs to stay on top of all the offerings of WAMPO.

Council Member Caroline Hale

- Reminded everyone of the Numana event on May 12 at Andover Central Middle School.
- Reminded everyone of the Senior Center breakfast on May 21, always the 3rd Saturday of the month.

Council Member Troy Tabor

- Stated this is a wonderful council and of course there will be disagreements and he is humbled with the experience that surrounds him on the council.
- Stated he has been working on a website with the Chamber of Commerce.

Council Member Dave Tingley

- Thanked the Mayor for keeping the Council on task.
- Congratulated Ralph Rust on the USD 385 Gold Key award.

Mayor Ben Lawrence

- Stated he was glad the council finally came to a decision regarding the recycling letter.

Police Chief Keller provided information regarding upcoming safety training sponsored by the Andover Police Chaplains.

A motion was made by Council Member Stout, seconded by Council Member Hale, at 9:52 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 24th day of May, 2011 by the City Council, City of Andover.