

**ANDOVER CITY COUNCIL
Tuesday, March 26, 2013
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

Council Members: Sheri Geisler, Troy Tabor, Caroline Hale, Kris Estes and Clark Nelson were present. Council Member Bryon Stout IV was absent.

Staff: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, Director of Communications/IT Bill Duggan and City Bond Counsel J.T. Klaus.

A/V staff: Cindy Barrett

3. There was no invocation.

4. Pledge of Allegiance was led by Charlie Beck, Scout Troop 542 of Andover.

5. Public Forum

Karen Tones, 200 S. Andover Road, stated this was her last council meeting as the liaison for the library. She thanked the Council for always allowing her to speak even when they were not in agreement and for her appointment to the Andover Library Board for the past nine years.

6. Acceptance of Agenda

City Attorney Norman Manley requested item 9g) *BOB FM Radio contract* be removed from the agenda pending additional revisions. Mayor Ben Lawrence requested an executive session be added to the end of the meeting to discuss land acquisition.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to accept the agenda as modified. Motion carried 5/0.

9g) Approval of a contract with Bob FM Radio to partner with the Convention & Visitors Bureau for a summer concert Council Member Clark Nelson commented his concerns with the mutuality of indemnity in the contract. City Attorney Norman Manley agreed.

A motion was made by Council Member Clark Nelson, seconded by Council Member Troy Tabor to approve the contract subject to Norman Manley's modifications and approval. Motion carried 5/0.

7. Police Department CALEA Accreditation Award

Police Chief Keller stated he and Police Captain Justin Phillips had traveled to South Carolina to appear before the Commission on Accreditation for Law Enforcement Agencies (CALEA) and was happy to announce the Andover Police Department received a unanimous vote for full accreditation, with no conditions, as of March 23rd. He added there are only five other agencies in Kansas with this national accreditation.

8. Proclamation - Child Abuse Prevention April 2013

Aurora Myers, Sunlight Children's Advocacy Center and Right Foundation (SCARF) thanked the City Council and Police Department for being strong supporters and partners with the foundation. She added the foundation has reached 80% of their \$2.5million goal to build the children's home in Andover, servicing Butler, Elk and Greenwood Counties.

9. Consent Agenda

- a. Approval of Minutes
 - i. City Council Meeting: March 12, 2013
- b. Receive & file reports
 - i. Finance: February 2013
- c. Receive & file minutes
 - i. Site Plan Review: December 4, 2012
 - ii. Subdivision: November 13, 2012; February 12, 2013
 - iii. Planning Commission: January 15, 2013
- d. Approval of appropriation ordinance B-05-13 in the amount of \$ 293,433.29.
- e. Approval of non-elected personnel items

Daimon Cundiff, Police Department MPO III to Detective, with a pay increase from \$23.49 to \$23.60 per hour, effective April 1, 2013.

Buck Buchanan, Police Department MPO I to Sergeant, with a pay increase from \$19.42 to \$19.75 per hour, effective April 1, 2013.

Lance Parker, Police Department MPO III to Sergeant, with a pay increase from \$19.23 to \$19.75 per hour, effective April 1, 2013.

- f. Approval of the Mayoral appointment of Todd Woolsoncroft, 631 Brentwood Court, to the Site Plan Review Committee to fill a previously vacated three year inside city limits term that will expire May 2014. Mr. Woosoncroft was present

at the meeting.

- g. *Approval of a contract with Bob FM Radio to partner with the Convention & Visitors Bureau for a summer concert.* Item was removed from the agenda pending corrections by City Attorney Norman Manley and addressed prior to the approval of the consent agenda.
- h. Approval of the Communications/IT Department purchase of Network Attached Storage Drobo B800i with a three year warranty and mount kit from DCWG of Chicago, Illinois, in the amount of \$6,160.17 and the configuration and installation from OneSource Technology of Derby, Kansas, in the amount of \$659.
- i. Approval of the Communications/IT Department renewal of the support contract with Voice Products of Wichita in the amount of \$4,847.10.
- j. Approval of the Communications/IT Department renewal of the support contract with Global Software of Chicago, Illinois, in the amount of \$15,555.
- k. Approval of the Park Departments request to solicit bids for three mowers.
- l. Approval of the Street Departments request to solicit bids for one mower.

A motion was made by Council Member Troy Tabor, seconded by Council Member Clark Nelson to approve the consent agenda as modified. Motion carried 5/0.

10. Cornerstone Office Addition

- a. Final Plat

Mayor Ben Lawrence confirmed with Les Mangus the plat had been accepted at the Planning Commission and was recommended for acceptance by Council.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to accept the Final Plat as presented. Motion carried 5/0.

- b. Developers Agreement

Mayor Ben Lawrence stated the developer's agreement outlined financial guarantees and developer responsibilities for the project.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the Developers Agreement. Motion carried 5/0.

- c. Petitions for water, sewer, and paving

Les Mangus confirmed all of the petitions were in order as well as the MKEC Contract for Engineering. Bid documents have been received for the water and sewer projects and staff asked for acceptance with contingency of review by the City Attorney and compliance with additional staff issues.

A motion was made by Council Member Clark Nelson, seconded by Council Member Troy Tabor to accept the petitions for water, sewer, and paving as requested by Mr. Mangus. Motion carried 5/0.

d. Contract for Design Engineering

Les Mangus stated the contract had been reviewed and approved by the City Attorney.

A motion was made by Council Member Kris Estes, seconded by Council Member Caroline Hale to approve the contract for design engineering with MKEC of Wichita. Motion carried 5/0.

e. Plans for water distribution and sanitary sewer (acceptance and authorization to solicit bids)

Les Mangus stated the plans had been reviewed but the project manual was just received, staff would like to review as well as the City Attorney prior to sending it out to contractors for bid.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the plans for water distribution and sanitary sewer and authorize the solicitation of bids. Motion carried 5/0.

f. 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 (Cornerstone Office water improvements, Cornerstone Office sewer improvements and Cornerstone Office paving improvements).

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, stated the resolution is statutorily required and is recorded with the county register of deeds office and the assessment on the property will be listed on all future title work.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler 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. Motion carried 5/0. Resolution number 13-13 was assigned.

- g. 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. 13-13 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.

J.T. Klaus explained the ordinance would authorize construction and payments from general obligation bonds and authorizes the issuance of temporary notes as needed.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to adopt 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. 13-13 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 5/0. Ordinance number 1535 was assigned.

11. Marketplace Commercial 3rd Addition

- a. Plat
- b. Developers Agreement
- c. Petitions - paving, water distribution, sanitary sewer
- d. Contract for Design Engineering

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to approve items a. through d., the plat; developers agreement; paving, water distribution and sanitary sewer petitions, and the contract for design engineering with MKEC of Wichita as presented. Motion carried 5/0.

- e. 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 (Andover Marketplace Commercial water improvements, Andover Marketplace Commercial sewer improvements and Andover Marketplace Commercial paving improvements)

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler 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. Motion carried 5/0. Resolution number 13-14 was assigned.

- f. 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. 13-14 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.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to adopt 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. 13-14 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 5/0. Ordinance number 1536 was assigned.

12. Property and liability insurance renewal agreement

Dusty Davis, ICI Insurance Broker, El Dorado, stated the renewal rate was just under the anticipated 10% increase and noted with CALEA certification the law enforcement side of the policy will benefit an additional 10% savings to the City. Mr. Davis explained part of the increase in premiums is due to City growth, street lights, equipment, rise in property values and noted storm damage claims in Kansas over the past five year were the worst in Kansas history.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the property and liability insurance renewal agreement with ICI of El Dorado, Kansas in the amount of \$128,149. Motion carried 5/0.

13. [Bair Analytics Contract and brief presentation](#)

Bill Duggan stated the proposed software was determined to have better interface and more options for the same cost currently paying for CrimeReports.

A motion was made by Council Member Caroline Hale, seconded by Council Member Kris Estes to approve the three year contract with Bair Analytics of Highlands Ranch, Colorado, a one-time payment in the amount of \$3,950. Motion carried 5/0.

14. [21st Street entry monument proposal](#)

Les Mangus stated the Rice-Foster proposal is for the conceptual design of the monument and landscape located at 159th and 21st Streets. The conceptual plan will come back to Council for final approval before any work begins. Mr. Mangus added the design of the monument had been through several stages of planning by several committees.

Council Member Troy Tabor stated he did not care for the design of the monument and would submit some ideas to staff.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Kris Estes to approve the contract with Rice-Foster Associates of Wichita for conceptual landscape architectural services for the 21st Street entry monument in an amount not to exceed \$5,865. Motion carried 4/1. Council Member Troy Tabor opposed.

15. [A resolution repealing and replacing Resolution 12-02 establishing the times and dates for permitted sales and for the permitted discharge of fireworks within the City of Andover, Kansas.](#)

Mayor Ben Lawrence stepped down due to what could be perceived as a conflict of interest.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Clark Nelson to adopt a resolution repealing and replacing Resolution 12-02 establishing the times and dates for permitted sales and for the permitted discharge of fireworks within the City of Andover, Kansas. Motion carried 5/0. Resolution number 13-15 was assigned.

16. [13th and Andover Road stop light project \(8 U-0039-012\)](#)

a. Bid tab

Les Mangus explained on March 20 KDOT let the bids for the project and provided the summarized bid costs. Three bids were received; Cornejo & Sons LL, of Wichita in the amount of \$796,176.65; APAC of Kansas of Wichita in the amount \$831,574.49; and LaFarge North America Inc. of Wichita in the amount of \$891,427.95.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to accept the low bid from Cornejo & Sons, LLC. Motion carried 5/0.

b. KDOT//Poe & Associates/City agreement for Engineering Inspection Services

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the agreement between KDOT, Poe & Associates and the City for engineering inspection services in the amount of \$99,416. Motion carried 5/0.

17. Raymond Oil Lease

Mayor Ben Lawrence explained the pump station for Cedar Pines Golf Course had inadvertently been built on property owned by Raymond Oil. The lease outlined a ten year agreement with Raymond Oil for \$8,700 a year and reimbursement of property tax increase paid by Raymond Oil for 2011 (when the pump was built) and 2012 and included an option to purchase the property within the first three years of the lease for \$87,000. Mayor Lawrence is in contact with the firm who handled the engineering of the pump house for their participation in this expense.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve the lease with Raymond Oil and allow the Mayor to continue negotiations to gain participation in the expense by the engineering firm and KDOT. Motion carried 5/0.

Executive Session to discuss land acquisition - added to agenda

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to enter executive session to discuss land acquisition for approximately ten minutes and to include the Governing Body, Public Works Director and City Attorney. Motion carried 5/0.

A motion was made by Council Member Kris Estes, seconded by Council Member Sheri Geisler to enter executive session come out of executive session. Motion carried 5/0.

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

18. Member Items

Council Member Clark Nelson

- Thanked Karen Tones for her participation and patience.
- Congratulated Police Chief Keller and the Police Department for the CALEA certification.

Council Member Kris Estes

- Also thanked Karen Tones.
- Reminded everyone to vote on April 2.

Council Member Caroline Hale

- Announced Council Member Kris Estes and her would be participating in the League of Kansas Municipalities strategic planning sessions.
- Commented on a letter received from a citizen regarding the City's vicious dog ordinance and added she did not believe it was a breed specific issue and asked if any other Council Members would like to look into a revision of the current ordinance. None of the other council members were interested in a revision.

Council Member Troy Tabor had none.

Council Member Sheri Geisler

- Thanked staff for providing great information for the workshop meeting.
- Was excited about the repairs and widening of 159th from the KTA bridge to 21st Street.
- Congratulated the Police Department on their CALEA certification award.
- Confirmed sales tax receipts for the city hall building and Donna Davis stated the projected payoff is September 2013 which will remove one cent from the sales tax in Andover.

19. Adjourn

A motion was made by Council Member Kris Estes, seconded by Council Member Caroline Hale to adjourn. Motion carried 5/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 9th day of April, 2013, by the City Council, City of Andover, Kansas.