

**ANDOVER CITY COUNCIL
Tuesday, May 14, 2013
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

Council Members: Byron Stout IV, Sheri Geisler, Troy Tabor (arrived at 7:20 p.m.)
Caroline Hale, Kris Estes and Clark Nelson were present.

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

A/V staff: Cindy Barrett

3. The invocation was given by Pastor Leon Heibert of Generations Church and Andover Police Department Chaplains.

Police Chief Mike Keller recognized Pastor Heibert for his service to the City, as the coordinating member of the Police Department Chaplains and thanked him for his service to the organization. Pastor Heibert is stepping down from the position of Chairman; Pastor Dayton Poe of Generations Church will be taking his place.

4. Pledge of Allegiance was led by Sofia Buchanan, daughter of Police Officer Buck Buchanan.

5. Public Forum

John Foster, 320 W. Central Suite B, requested use of the field south of Lake George in Central Park for Sunday, May 19, 12:00 noon to 2:00 p.m. for shooting hobby rockets by Quivera Council Pak 591. He added there are no fuses, spark emissions or explosions with these type rockets. He has spoken with and received approval from Fire Marshal Mike Roosevelt for the activity.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to approve the request as stated. Motion carried 5/0.

6. Acceptance of Agenda

Sasha Stiles stated, as requested at the previous night's workshop meeting, the WAMPO resignation and fiscal agreements were on the bench for consideration and Ms. Christine Zimmerman was in attendance if there were additional questions.

Ms. Stiles requested consent agenda item g) Triplett, Woolf & Garretson letter of engagement be removed for further review.

Ms. Stiles stated Council Member Troy Tabor would be arriving late and had requested item 10) Council President nomination be moved to the end of the agenda.

Council Member Clark Nelson requested a discussion regarding the Neighborhood Revitalization Program be added to the end of the agenda.

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

7. National Police Week Proclamation May 12 thru 18 and Peace Officers' Memorial Day Wednesday May 15.

Mayor Ben Lawrence presented the proclamation to Police Chief Mike Keller.

8. Andover Police and Fire Fighter Association presentations of annual scholarships.

Fire Chief Jim Shaver presented a scholarship to Grant Duggan, Andover Central High School Senior, who is pursuing a degree in fire science and will be a fourth generation firefighter.

Police Chief Mike Keller presented a scholarship to Katherine Hartley, Andover High School Senior, who is pursuing a degree in journalism and criminal justice.

Andover Police and Fire Foundation board members Michele Sell, Jeff Ablah, and Clark Nelson were also present.

9. Consent Agenda

- a. Approval of Minutes
 - i. City Council Workshop: April 29, 2013
 - ii. City Council Meeting: April 30, 2013
- b. Receive & file reports
 - i. Finance: April 2013
 - ii. Fire: April 2013
- c. Approval of appropriation ordinance B-08-13 in the amount of \$ 384,761.30.
- d. Approval of non-elected personnel items
Natasha Ward, Police Department new hire as Officer, with a beginning wage of \$15.96 per hour, effective May 6, 2013.

- e. Approval of a revised agreement (typographical correction in section 5) with Raymond Oil for the lease of the golf course pump house property.
- f. Approval of Police Department General Order P3106 Open Garage Door Program.
- g. *Approval of letter of engagement with Triplett Woolf & Garretson.* Removed from agenda for further review.
- h. Approval to accept a bid for the re-roofing of Fire Department bay(s) A & B from Wray Roofing of North Newton, Kansas, in the amount of \$21,120.
- i. Approval of a check request for CVB funds for the Hotel Voucher Program; Holiday Inn Express \$11,600 (10/12-3/13) and Days Inn \$1,200 (3/29/13-4/22/13)
- j. Approval of the annual Mayoral appointments. The list of appointments is attached to these minutes.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the consent agenda with the removal of item g). Motion carried 5/0.

11. [Andover Farm at Cedar Park \(previously vacated without improvements\)](#)

- a. [A resolution repealing Resolution No. 08-37 of the City of Andover, Kansas \(3rd Phase\)](#)

Sasha Stiles explained these two documents complete the vacation of the 3rd and 4th additions.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to adopt a resolution repealing Resolution No. 08-37 of the City of Andover, Kansas. Motion carried 6/0. Resolution number 13-18 was assigned.

- b. [An ordinance repealing Ordinance Nos. 1416 and 1417 of the City of Andover, Kansas \(3rd & 4th Phase\)](#)

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to adopt an ordinance repealing Ordinance Nos. 1416 and 1417 of the City of Andover, Kansas. Motion carried 6/0. Ordinance number 1537 was assigned.

12. Cornerstone PUD amendment Z-2013-01

a. Public hearing

Mayor Ben Lawrence asked the Council if anyone intended to disqualify themselves from discussing and voting on the case because of conflicts of interests or a particular bias. No one did.

Mayor Ben Lawrence asked the City Clerk if she had received any protest petitions. She responded she had not.

Mayor Ben Lawrence confirmed the Council had received the Planning Commission minutes of April 16, 2013. They concurred they had.

Mayor Ben Lawrence opened the public hearing.

Kevin Mullen, President of Ritchie & Associates, apologized for the error in the original proposal; he was not in attendance at the Planning Commission meeting. He added the engineers representing them at the meeting were not aware of negotiations between USD 385 regarding types of fencing and lighting to be allowed on the property.

Les Mangus explained a revised list of General Provisions for parcel 10 was rereceived after the Council meeting packets were issued with similar, more defined restrictions, were placed on the property during the developers negotiations to sell the property to USD 385, that he is comfortable with.

Mayor Lawrence closed the public hearing.

b. An ordinance amending Ordinance No. 1332; acknowledging a certain Fifth Amendment to the Amended Cornerstone Addition Preliminary Planned Unit Development Plan, in the City of Andover, Kansas; and approving certain permitted uses with respect thereto.

A motion was made by Council Member Kris Estes, seconded by Council Member Clark Nelson to override the Planning Commission recommendation and to adopt the ordinance amending Ordinance No. 1332; acknowledging a certain Fifth Amendment to the Amended Cornerstone Addition Preliminary Planned Unit Development Plan, in the City of Andover, Kansas; and approving certain permitted uses with respect thereto for the Cornerstone PUD amendment Z-2013-01 and General Provisions as received by Zoning Administrator Mangus at the meeting. Motion carried 6/0. Ordinance number 1538 was assigned.

The original motion included the striking of the last sentence in the Parcel 10 Requirements that was presented to Council in their meeting packet. The revised requirements received after the packets were issued and discussed at this meeting had already removed the sentence, thus the striking of the last sentence was removed from the motion.

13. Vacation petition for 708 Waterview Park VA-2013-01

- a. Mayor Ben Lawrence re-opened public hearing from the April 30th meeting to consider an amended description to allow enough room for the foundation footing. Les Mangus explained there was one utility in the easement and they have been contacted. No one addressed the Council. Mayor Lawrence closed the hearing.
- b. Vacation Order

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve the vacation order for 708 Waterview Park VA-2013-01. Motion carried 6/0.

14. Engineering agreement with Poe and Associates for the 2013 Street Rehab Program.

Sasha Stiles explained the agreement was for engineering and inspection services for work on Andover Road from Virginia St north to the south limit of the 13th Street intersection and the streets in the Terradyne Addition. It has been reviewed and approved by staff. Mike Thompson was available to answer any questions.

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to approve the Engineering agreement with Poe and Associates for the 2013 Street Rehab Program and authorize the taking of bids on May 28, 2013. Motion carried 7/0.

15. Executive session - land acquisition

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor at 7:40 p.m. to enter executive session to discuss land acquisition, to include the governing body, city administrator, city attorney, and zoning administrator, for ten minutes. Motion carried 6/0.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler at 7:50 p.m. to come out of executive session. Motion carried 6/0.

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

16. Executive session - legal matters

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor at 7:51 p.m. to enter executive session to discuss legal matters, to include the governing body, city administrator, city attorney, and Mike Thompson of Poe & Associates, for twenty minutes. Motion carried 6/0.

A motion was made by Council Member Kris Estes, seconded by Council Member Byron Stout at 8:16 p.m. to come out of executive session. Motion carried 6/0.

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

10. City Council President nomination

A motion was made by Council Member Kris Estes, seconded by Council Member Sheri Geisler to nominate Council Member Caroline Hale as Council President. No other nominations were made. Motion carried 6/0.

Discussion: Extension of the Neighborhood Revitalization Program

Council Member Clark Nelson requested the Council consider the extension of the Neighborhood Revitalization Program through the end of 2013 with the addition of a provision that the property must be owner occupied.

Mayor Ben Lawrence explained the process to continue with the program requires action prior to the adoption of the program.

Sasha Stiles stated a resolution needs to be adopted for notice to be published once weekly for two weeks for a public hearing, after the public hearing an ordinance can then be presented for consideration by Council and if adopted the inter-local agreements must then be presented at the earliest regular meeting of the County Commission, USD 385 and Butler Community College for their consideration. The final step is submission to the Attorney General's office for review and approval which could take up to ninety days for any response.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to adopt a resolution for the City Council to consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17, 114 et seq. at a public hearing at 7:00 p.m. on Tuesday, May 28th, 2013, in the City Council Chambers; Andover, Kansas. Motion failed 3/3. Council Members Estes, Geisler and Hale opposed.

17. Member Items

Council Member Byron Stout

- Apologized to staff for his comment regarding not bringing the NRP information to Council in a timely manner.

Council Member Sheri Geisler had none.

Council Member Troy Tabor

- Was attending his daughters kindergarten graduation and apologized for being late.

Council Member Caroline Hale had none.

Council Member Kris Estes

- Wished everyone a safe Memorial Day weekend.

Council Member Clark Nelson

- Commended Pastor Heibert for his excellent work.
- Congratulated Fire Chief Shaver on his wedding anniversary.

18. Adjourn City Council Meeting May 14, 2013

A motion was made by Council Member Troy Tabor, seconded by Council Member Byron Stout to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 28th day of May, 2013, by the City Council, City of Andover, Kansas.

Appointed Officials

City Treasurer – Julie Spyres
City Attorney – J.T. Klaus
Municipal Court Judge – Gene White
Prosecuting Attorney – Cami Baker
Chief of Police – Michael Keller
City Clerk – Susan Renner
City Engineer – Steve Anderson

Liaison Appointments

Butler Community College – Troy Tabor
Chamber of Commerce – Clark Nelson
Comprehensive Development – Kris Estes
Comprehensive Development – Troy Tabor
Convention & Tourism – Ben Lawrence
Convention & Tourism – Kris Estes
Fire Dept. – Clark Nelson
Golf Course – Clark Nelson
Grant of Public Funds – Byron Stout
Grant of Public Funds – Sheri Geisler
Library – Byron Stout
Park Dept. – Sheri Geisler
Planning Commission – Kris Estes
Police Dept. – Caroline Hale
REAP – staff
REAP (WRC) – staff
Recycling Utility – Kris Estes
Rotary – Byron Stout
Rotary – Troy Tabor
Site Plan Review – Clark Nelson
Street Dept. – Sheri Geisler
USD 385 – Troy Tabor
WAMPO – Caroline Hale
Wastewater Dept. – Kris Estes
YMCA – Byron Stout
YMCA – Staff

CVB

Ben Lawrence
Kris Estes
Travis Griffin
Tim Johnson
Hausu Patel
Daryl Thornton
Malik Idbeis

Golf

Tom Klocek
Sam Murray
Scott Stauffer
Les Mangus

Park Planning

Ben Lawrence
Doug Carr
Dennis Bush
David Foster
Tracey Dreiling
Kyle Fritzler
Bill Ellison
Bob Baier
Tim Johnson
Sasha Stiles
Les Mangus
Ralph Rust
Robert Mayer

Planning Commission

Bill Schnauber
Lee Butler

Site Plan Review

Doug Allison
Don Kimble