

ANDOVER CITY COUNCIL MEETING

Andover City Hall
1609 E. Central Avenue
August 12, 2014 – 7:00 p.m.

00:00

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call
City Council Members present were Troy Tabor, Sheri Geisler, Caroline Hale, Kris Estes, and Byron Stout IV. Council Member Clark Nelson was absent.

Staff: Police Chief Michael Keller, Chief Financial Officer Donna Davis, Fire Chief Chad Russell, Assistant City Administrator Jennifer McCausland, City Attorney JT Klaus, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, and City Administrator Sasha Stiles.

A/V: Bill Duggan

3. Invocation was given by Pastor Jerry Smith of the Andover Police Department Chaplains.

00:01

4. Pledge of Allegiance was led by Mayor Ben Lawrence.

00:02

5. Public Forum
Linda Guiot, 1006 S. Plumber, Chanute, Kansas, representing AirMedCare of Chanute, gave a brief presentation regarding the services offered through their company.

00:07

6. Acceptance of Agenda

A motion was made by Council Member Kris Estes, seconded by Council Member Caroline Hale to accept the agenda as presented. Motion carried 4/1. Council Member Byron Stout opposed.

7. Consent Agenda
 - a. Approval of Minutes
 - i. City Council Workshop: July 28, 2014
 - ii. City Council Meeting: July 29, 2014

- b. Receive & file reports
 - i. Fire: July 2014
- c. Receive & file minutes
 - i. Subdivision: June 10, 2014
 - ii. Planning Commission: June 17, 2014
- d. Approval of appropriation ordinance B-14-14 in the amount of \$ 905,004.45.
- e. Approval of non-elected personnel items
 - Allison Rehak, Police Department Officer new hire, at a pay rate of \$15.96, effective August 18, 2014.
 - Eric Wesbrooks, status change from Communication Officer to Master Communications Officer I, with a pay increase from \$15.32 to \$15.65, effective July 30, 2014.
- f. Approval of the CVB check request for the hotel voucher program to the Andover Days Inn in the amount of \$1,720 for vouchers dated July 1-July 31, 2014.
- g. Approval of the Police Department General Order M1219 “Social Networks, Social Media & Personal Web Pages”.
- h. Approval of the Police Department hiring of two additional School Resource Officers on or after September 1, 2014, for 2015-2016. USD 385 will be responsible for their initial uniform, equipment, and 75% of their salary and benefits, and the City will pay 25% of their salary and benefits.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to approve the consent agenda as presented. Motion carried 5/0.

00:09

- 8. 2015 Proposed Budget
 - a. Hearing
 - Mayor Lawrence opened the public hearing, no one spoke, and the hearing was closed.
 - b. An ordinance attesting to an increase in tax revenues for budget year 2015 for the City of Andover.

Sasha Stiles stated the projected assessed valuation was up approximately 3.2% from 2014 which included the \$2,297,220 of valuation for the NRP leaving an approximate 1.5% increase in assessed valuation for the 2015 budget development.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to adopt the 2015 Budget as presented. Motion carried 5/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to adopt the ordinance as presented. Motion carried 5/0. Ordinance number 1574 was assigned.

Council Member Byron Stout wanted the public to know the budget had been discussed in detail with Council for several months prior to the adoption.

00:19

9. An ordinance exempting the City from K.S.A. 58-3212 regarding recreational trails was presented.

Motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to adopt the ordinance as presented. Motion carried 5/0. Ordinance 1575 was assigned.

00:20

10. A resolution to submit to the qualified electors of the City of Andover, Kansas the proposition of levying a one percent (1.0%) retailers' sales tax in the City of Andover, Kansas for certain general purposes.

Mayor Ben Lawrence presented the resolution and explained it had been discussed for the past five months by the Council as a way to pay for necessary capital improvements and provide some property tax relief to Andover property owners. He added the current Council has prioritized the replacement of the thirty year old street shop and construct bathrooms at Central Park. He believes the citizens have made their suggestions for capital improvements through the citizen committees working on the 2014-2024 Comprehensive Development Plan, the Park Master Plan, and Envisioning Andover. As for who will determine what capital improvements would be made; it is the seated Council at the time. He does not support a sunset on the tax because it would take away from the citizens; he would like the citizens of Andover to determine whether or not to impose the additional sales tax.

Mayor Lawrence asked for comments by the Council.

Council Member Byron Stout opposed the resolution as written and believed capital improvements needed to be spelled out and there should be a sunset of the tax.

Council Member Kris Estes stated that at the Council workshops leading to this resolution it was decided to allow future Councils determine what capital improvements were appropriate at the time. She does not support a sunset on the tax and agrees it would be then taking away from citizens. She supports the resolution as presented in the packet.

Council Member Troy Tabor supported no sunset on the tax but would prefer specific percentages for ad valorem tax relief and capital improvements.

Council Member Caroline Hale supported the resolution as provided in the packet but would support a percentage guarantee of the 1% tax to provide property tax reduction. She had no issues with a future council determining how the funds would be spent.

Council Member Sheri Geisler also supported the resolution as provided in the packet and added council members are elected to make those kinds of decisions and if not handled properly by they would hear from the citizens, not get re-elected or possibly recalled.

A motion was made by Council Member Troy Tabor, to revise the resolution to read such tax to take effect on the first day of April, 2015, with at least 40% of the expected proceeds from such tax to be budgeted each year to pay items otherwise payable from the ad valorem property tax levy of the City, if approved by the majority of the electors voting thereon. Motion died due to lack of second.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Kris Estes to adopt the resolution as presented in their City Council packet.

Before a vote took place Council Member Troy Tabor stated again there should be percentages listed.

Council Member Sheri Geisler amended her motion to adopt the resolution to read such tax to take effect on the first day of April, 2015, with at least 25% of the expected proceeds from such tax to be budgeted each year to pay items otherwise payable from the ad valorem property tax levy of the City, if approved by the majority of the electors voting thereon. Council Member Kris Estes amended her second as same. Motion carried 4/1. Council Member Byron Stout opposed. Resolution number 14-19 was assigned.

Mayor Ben Lawrence called for a ten minutes recess.

01:16

11. Road Purchase Agreement with Raymond Oil (54-8KA-0927-01)

Sasha Stiles explained the agreement is part of the KDOT Advance Acquisition grant for property adjacent to US Highway 54 where the golf course pump house sits. The City is responsible for one-third the cost of the purchase of \$91,000. Of the \$30,333 the City is responsible for there was a credit of \$17,400 for lease payments made by the City. Poe and Associates, Wichita, will pay for one-half of the City's cost bringing the total owed by the City to \$6,466.50.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to accept the agreement and authorize the Mayor to sign. Motion carried 5/0.

01:23

12. KDOT Agreement Pedestrian-Bicycle Path (08TE-0381-01)

Les Mangus explained this agreement outlines the 80/20 terms of the grant the City received. In addition it specifies the City's maintenance responsibility once the trail has been completed.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to accept the agreement and authorize the Mayor to sign contingent upon the review and approval of the City Attorney. Motion carried 5/0.

01:30

13. Executive session – matters of attorney client privilege

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to go into executive session and include the Governing Body, City Administrator, City Attorney, Andrew Kovar and Derek Casey both attorneys with Triplett, Woolf & Garretson, the Chief of Police, and Public Works Director, for approximately thirty minutes to discuss matter of attorney client privilege.

Staff was dismissed with the exception of Bill Duggan and Susan Renner.

Andrew Kovar and Derek Casey left the executive session at 8:55 p.m.

02:09

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler to come out of the executive session. Motion carried 5/0.

A motion was made by Council Member Troy Tabor, seconded by Council Member Byron Stout to authorize Triplett, Woolf & Garretson, LLC to file an action with the Butler County District Court to declare the City's rights with respect to the Redbud Trail. Motion carried 5/0.

2:10

14. Member Items

Council Member Troy Tabor

- Billy Sims BBQ will be opening at the southwest corner of Andover Road and US Highway 54 as well as Boones Pickens BBQ in the shopping center at the southwest corner of Andover Road and Central Avenue.
- Sand volleyball courts will be put in at the 13th Street Park and a league formed.

Council Member Sheri Geisler

- Appreciated the fast and nicely done road work on Central Avenue and in Crescent Lakes Addition that was done these past weeks.

Council Member Caroline Hale

- Thought the Pink Heals Tour went well and there were quite a few people dressed in pink cheering on the parade down Andover Road.

Council Member Kris Estes

- Welcomed everyone back to school and asked to take a little extra time to be safe.
- Asked for voter participation and citizens to be a part of the community on the resolution that was adopted tonight regarding the sales tax.

Council Member Byron Stout had none.

Sasha Stiles reminded the Council to advise staff of their attendance at the LKM conference in Wichita.

02:15

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to adjourn. Motion carried 5/0.

Adjourn