

# ANDOVER CITY COUNCIL

January 9, 2007

## Minutes

The Andover City Council met for a regular meeting on Tuesday, January 9, 2007 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, Kevin Dreiling, Keith Zinn, Sheri Geisler, Clark Nelson, and Carol Roberts. Others in attendance were: Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, City Financial Advisor Jerry Rayl, Administrative Secretary Susan Renner, Building Code Official Kirk Crisp, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Captain Randall Harris, and City Clerk/Administrator Jeff Bridges.

Call to order

The Invocation was given by Council Member Zinn.

Invocation & Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Lawrence.

Mayor Lawrence opened the floor to public comment. No one spoke.

Public comment

Council Member Geisler asked that Item I, Approval of Tenth Extension (30 days) of the cable franchise agreement between Cox Communications and The City of Andover, be removed from the consent agenda. A motion was made by Council Member Zinn, seconded by Council Member Hale, to accept the agenda as amended. Motion carried 6/0.

Acceptance of agenda

A motion was made by Council Member Zinn to approve the consent agenda less item I, seconded by Council Member Hale. Motion carried 6/0.

Approval of consent agenda

- A. Approval of minutes: December 26, 2006 City Council Meeting
- B. Receive & file reports
  - i. Police
  - ii. Fire
- C. Approval of appropriation ordinance B-24-06 in the amount of \$339,041.51
- D. Approval of non-elected personnel items
  - Approval of change of status for Jason Jacobs from a Class II Operator to a Class II Wastewater Operator with an increase in salary from \$13.41 per hour to \$14.41 per hour effective 1/1/07.

- E. Approval of disposal of replace computers
- F. Approval of Resolution 07-01: 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 (Eshom’s Addition street improvements).
- G. Approval of street light locations for Cornerstone Medical Addition
- H. Approval of renewal of agreement between Mayer Specialty Services and the City of Andover for sanitary sewer system manhole rehabilitation pricing.

Council Member Geisler inquired as to the exact nature of the extension with Cox Communications. Jeff Bridges explained it was for cable only and was requested due to the processing of the statewide franchise with the State of Kansas.

Tenth Extension of Cable Franchise between Cox Communication and the City

A motion was made by Council Member Geisler to approve the agreement, Council Member Zinn seconded. Motion carried 6/0.

Mayor Lawrence explained that this property, 601 S. Daisy Lane, was damaged by fire. There has been no action by the owner in resolving the issue. It is within the city limits and this public hearing is the next step in proceeding with demolition. Jeff Bridges confirmed all notices had been sent and received with the exception of the property owner. The first contact with the owner to the City office was at 3:45pm today when she phoned to ask for an extension or delay of the hearing to give her time to resolve the issue.

Hearing: removal of house at 601 S. Daisy Lane

Mayor Lawrence opened the public hearing for removal of the house at 601 S. Daisy Lane. Jeff Bridges asked Building Code Official Kirk Crisp to make a brief statement of the condition of the property. Mr. Crisp showed current pictures of the property and explained the structure was deficient and is referred to as an attractive nuisance. It is attractive to youth as some place to look in, as well as growth of mold and mildew, and infestations of insects and animals. In his professional opinion the house could not be rebuilt at a reasonable cost and he recommends demolition.

Mayor Lawrence closed the public hearing.

Council Member Hale inquired how long this building has been in this condition and if the owner had given any reason why she had not picked up the certified mail regarding this issue. Jeff Bridges stated that it had been several months since the fire and as for the mail; the Council would be surprised as to how many people do not pick up certified mail from the City.

Council Member Geisler wanted to clarify that it was not cost effective to rebuild so the building would have to be torn down anyway and that the city's cost would not be inflated. Jeff Bridges informed her that the true and actual cost of demolition minus salvage would be assessed to the property.

Mr. Bridges explained the next appropriate step would be to pass a resolution giving the owner a determined amount of time to remedy the problem and at the conclusion of that time the City would then initiate removal through staff. There are publication and notice requirements to be met and the resolution could be adopted this evening but the earliest publication would be January 18, 2007.

Council Member Zinn inquired as to why did the owner did not pick up her mail and why she wanted an extension. Mr. Bridges stated she said she just didn't pick up the letter and that she was working on having the building torn down by mid February.

Kirk Crisp interjected that she has promised to tear the structure down on several occasions and that he made contact with her after he knew she had not picked up the certified mail and asked her to come by city hall and pick up the information and she has not.

City Attorney, Norman Manley added that the city has satisfied due process requirements.

A motion was made by Council Member Zinn to approve Resolution 07-02, a Resolution finding that the structure located at lot 8, block 2, Bob White East Addition in the City of Andover, Butler County, Kansas, commonly known and referred to as 601 S. Daisy Lane, Andover, Kansas, is unsafe or dangerous and directing that the structure be removed and the premises made safe and secure, within 30 days of publication, January 19, 2007, seconded by Council Member Geisler. Motion carried 6/0.

Randi Coffman and Nicole Stump introduced themselves and

Agreement

gave a brief update on the Sunlight Children’s Advocacy and Rights Foundation progress. They are tentatively scheduled to open their facility late February.

between S.C.A.R.F. and the City

A motion was made by Council Member Geisler to approve the agreement and donation of \$1,500.00 to S.C.A.R.F., seconded by Council Member Dreiling. Motion carried 6/0.

A motion was made by Council Member Geisler to accept Ordinance No. 1326 - an ordinance amending Chapter 13 of the Code of the City of Andover creating Article 9 relating to concealed weapons, seconded by Council Member Hale. Motion carried 6/0.

Ordinance No. 1326

The Council discussed the assessment projects presented. A motion was made by Council Member Zinn to approve the Special Assessment Projects for 2007 as presented and to include a letter to the owners of the Prairie Creek addition notifying them of the City’s intention to finance their project and their need to submit letters of credit within 30 days, seconded by Council Member Dreiling. Motion carried 6/0.

Special Assessment Projects 2007

Mayor Lawrence opened a discussion regarding the Andover Public Library and where the project stands. The Mayor presented a list of items and the estimated dollar amounts for completion of the project. Brian Slack, Chairman of the Library Building Committee, was introduced to detail the status of each item.

Library Discussion

The Mayor stated the Library Building Committee had met with the architects for the initial project concept and the projected total was determined at \$2.69 million. Mr. Slack explained how the committee reviewed each line item to determine where paring down or alternatives could be used to lower the cost. A list of changes was submitted to the architect and the second proposal was returned at \$2.346 million. A few mentioned alternatives were the site preparation which the city could help with, cutting down the size of the parking lot, some material alternates in decking and acoustical, cabinetry, change in type of fire sprinkling system, front doors and landscaping. Additional changes could be made after final bids have been received. The current plans are a design document that is 50% complete with the architect. The \$2.346 million the current design with the alternates in place. There has been no sacrifice of the 15,000 square footage and at this time the committee has not considered changing the building size. This number also includes the 5% contingency fee, site expenses and utilities excluding the gas company who is still working on their proposal.

Council Member Dreiling inquired if the committee felt that when the plans are drawn and it goes out to bid if the bids would come back under or over the budget? Mr. Slack stated they felt confident, based on the estimates that they are going to be close. They have received information from a consultant who recently dealt with a library project in the Kansas City area that came in under their estimate. Council Member Dreiling asked for clarification as to what the committee's goal was with the Council tonight; Mr. Slack confirmed it was to get approval to move forward with the plans.

Mayor Lawrence stated that they would not be able to move forward with the project until the plans are completed and out for bid. Mr. Bridges confirmed the architecture contract at approximately \$155,000 for all phases of the project.

Council Member Zinn reiterated that this project needs to go to bid before obtaining any solid cost figures. Mr. Slack stated the Committee would like the bids to be on the plans as they are and to also bid the alternatives that have been prepared and then make a final decision. They would not cut more than needed to stay on budget or have to re-send out for bid with changes if the bids come in too high.

Council Member Dreiling asked if the bids come in higher what is plan B? Mr. Slack answered that the committee would analyze fund raising to gain the revenues, if they couldn't do that they would look at the amenities still in the building and last look at the foot print of the building.

Council Member Dreiling asked the cost involved, if the plans you are asking the Council to release, and the bids come in too high, will we have to spend another \$150,000 in architectural fees. Mr. Slack stated they would ask the architects to pare down the size of the building and that would probably incur some cost to redraw the plans but was not saying another \$150,000.

Mayor Lawrence explained that they would spend all the monies available before incurring any debt. A resolution has already been passed authorizing up to \$1.3 million in bonds for the project. Jerry Rayl, Financial Advisor, estimated that \$1 million for one year would cost \$35,000 in interest and \$20,000 in fees. The monies would only be borrowed at the end of the project to satisfy the delay in receipts of sales tax projections. The current sales tax projection is \$1.9 million.

Mr. Slack stated that of the \$800,000 goal to be raised there is

\$500,000 in the bank and \$84,268 in pledges and the Committee believes it will be reached. They are at 85-90% of their goal now and the public has not really been approached yet. Most of the funds raised have been through major gifts and from individuals.

Mayor Lawrence stated his support that they move ahead with the project based upon what has been presented tonight.

Council Member Dreiling inquired if the Council hadn't already passed a resolution for them to proceed with the drawings 4 months ago. Mr. Slack explained the architect is asking what dollar amount they are drawing to. Once the drawings reached \$2.7 million that is when they stopped because they did not know what the budget numbers were so when they met they decided to shoot for \$2.4 million. The Committee is asking for Council's approval to complete the drawings and get the documents out for bid to get a number and react to those figures.

A motion was made by Council Member Nelson to authorize the staff to instruct the architect to complete the plans based upon the numbers that were presented tonight, \$2.716 million, seconded by Council Member Zinn.

Motion carried 4/2, with Council Members Dreiling and Roberts voting no.

The Council took a brief recess from 8:20-8:25pm

Member items:

Member items

**Keith Zinn**

- Council Member Zinn noted it has been brought to his attention by some area merchants distributing alcoholic beverages that they would like to sell them on Sundays. Council Member Zinn has spoke with the Butler County Clerk, Ron Roberts, and was told it could be put to a public vote on the general election ballot in April. Norman Manley, City Attorney interjected there would have to be an ordinance or resolution adopted to put on the ballot. Council concurred to add this item to the January 30<sup>th</sup> meeting agenda.
- Mr. Zinn mentioned January 25<sup>th</sup>, 2007, is City Hall Day at the capitol. R.S.V.P.'s need to be turned in by January 23.

**Carol Roberts** – no items

**Caroline Hale** – Council Member Hale inquired as to what date the anniversary of the City of Andover (2007 is 50<sup>th</sup> anniversary). Her thoughts for a celebration would be to incorporate into Greater Andover Days, whether by theme, specific float, or use of Andover history, and to involve past mayors, if they are willing. Mayor Lawrence offered to make take the suggestion to the next GAD planning committee.

**Sheri Geisler**

- Council Member Geisler inquired if Mr. Ed Hill's requests at the last council meeting had been met and Mr. Bridges stated they had been. The Council noted that the Mayor needs to appoint a committee member to the following committees: Site Plan, Planning Commission, Health Board, and the Appeals and Adjustment Board.
- Council Member Geisler asked if anyone had information regarding the additional S.R.O. for the schools. Mr. Bridges stated that the School Board discussed it at their board meeting last night and has tabled that item until their next meeting.
- Council Member Geisler inquired about the outcome of the special use request for the Andover Industrial Park that was presented at last Council meeting. The Mayor and Mr. Bridges will be attending a meeting with P.A.I. to discuss some of the concerns the Council had about the uses in park.
- Council Member Geisler stated she has received some comments regarding a public pool.

**Clark Nelson**

- Council Member Nelson thanked Brian Slack for his presentation on behalf of the Library Board. He also wanted to thank Les Magnus, Jeff Bridges, City Council members, and others that during the past workshop made it evident we needed to get a more solid number and believes that has now been accomplished.

**Kevin Dreiling**

- Council Member Dreiling expressed his opinion concerning the dollar amount being spent for the library and sited a recent experience with the design and bid of a commercial project. He stated he is not against building a library but expressed concern that maybe a library 5 or 5 ½ times the current size, might be something to consider to keep within the budget.
- Council Member Dreiling reminded staff of the Employee Appreciation Outing January 20<sup>th</sup>.

- Council Member Dreiling stated the Holiday Inn Express is scheduled to open January 19, 2007.

**Mayor Lawrence**

- Mayor Lawrence noted that the dead line to file for office is January 23, 2007, at noon.

A motion was made by Council Member Geisler, seconded by Council Member Roberts, to recess the meeting at 8:58 p.m. until January 20, 2007, at The Alley, 11413 E. 13<sup>th</sup> St, Wichita, Kansas, at 1:00p.m. Motion carried 6/0.

Adjournment

Respectfully Submitted by  
Susan Renner  
Administrative Secretary

Approved this \_\_\_\_ day of \_\_\_\_\_, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges  
City Clerk