

**ANDOVER CITY COUNCIL  
Tuesday, May 25, 2010  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, May 25, 2010 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, Julie Reams, Clark Nelson, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, 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, City Bond Counsel J.T. Klaus, City Financial Advisor Mark Detter and City Attorney Norman Manley. Council Member J.R. Jessen was absent.

The Invocation was given by Reverend Leon Hiebert.

Invocation

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Ella Reusser, American Cancer Society, 818 N Emporia, Wichita, requested approval to use a portion of Central Park on August 28, 2010, for the “Bark for Life” dog walk. This is the second year for the program and Ms. Reusser invited everyone to come participate. The Council concurred approval.

Bark for Life

Tonya Gibson, 5408 Lamsdale, Wichita, requested approval for use of Central Park on May 24, 2010, to be the starting point of a 5k marathon. Police Chief Keller stated with the course direction there will not be a need for police to block lanes but he will have officers on the street so the public is aware of oncoming runners. The Council concurred approval.

5K run

A motion was made by Council Member Geisler, seconded by Council Member Reams, to table the presentation of a “Lifetime Service Award” to a future meeting. Motion carried 5/0.

Lifetime of Service Award

Sasha Stiles stated there was a date correction on Consent item G) request for cul de sac closure should be August 7, presented the bid tab for item 9) 2010 Annual Street Program, presented a revised resolution for item 14) Sewer System Refunding Revenue Bonds, and presented a resolution regarding a city sales tax on the August 3, 2010 ballot as an add on.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the agenda with changes as requested. Motion carried 5/0.

A motion was made by Council Member Reams, seconded by Council Member Hale, to approve the consent agenda as modified.

Consent agenda

Council Member Geisler requested Consent agenda item E) digital video recorders and Consent agenda item F) Global Software maintenance contract be moved to the regular agenda.

- A. Approval of Minutes: City Council Meeting, May 11, 2010
- B. Approval of appropriation ordinance B-029-10 in the amount of \$965,333.24
- C. Approval of non-elected personnel items
  - James Thompson, Police Officer, new hire at \$17.25 per hour effective May 17, 2010.
  - Curtis Anderson, Police Officer, new hire at \$15.96 per hour effective May 10, 2010.
  - Frank Shaw, Firefighter II to Firefighter III with a pay increase from \$13.12 per hour to \$13.42 per hour effective May 15, 2010.
  - Brain Landers, Firefighter II to Firefighter III with a pay increase from \$12.92 per hour to \$13.22 per hour effective May 15, 2010.
  - Vern Tripp, Street Department, status change from training to regular, Semi-skilled Worker to Skilled Worker with a pay increase from \$11.00 per hour to \$13.00 per hour effective May 17.
- D. Approval of Police Department purchase of 'Red E. Fox' mascot suit at a cost of \$3,000, promotional materials including stickers, coloring books, certificates, DVDs with skits and songs for presentations at a cost of \$400 from 911 For Kids, Westminster, California, and a cooling vest at a cost of \$145 from Amazon.com, with total shipping and handling charges of \$300, bringing the grand total cost to \$3,845.
- E. *Approval of Communications/IT Department purchase of replacement digital video recorder. (moved to regular agenda)*
- F. *Approval of a Communications/IT Department modification of the Global Software maintenance contract (moved to regular agenda)*
- G. Approval of a citizen request for the closure of N Quail Crossing Street cul de sac from approximately 3:00 p.m. to 11:00 p.m. on August 7 (*changed from 14*) for a neighborhood block party.
- H. Approval of a citizen request for the closure of a portion of south Fairway Circle from approximately 4:00 p.m. to 9:00 p.m. on June 26 for the Green Valley 5<sup>th</sup> & 6<sup>th</sup> HOA Annual Summer Party.
- I. Approval of Stormwater Department purchase of a 2010 Dodge Journey SE from Davis-Moore, Wichita, in the amount of \$15,974.
- J. Approval of the acceptance of a trail grant from Kansas Wildlife & Parks (NRF-001-6D) in accordance with the National Recreational

Trails Funding Act of 1191 in the amount of \$11,400 for the Central Park concrete trail.

- K. Approval of a proposal from Terracon for Preliminary Jurisdictional Determination where the concrete trail in Central Park may cross a potential jurisdictional wetland/stream.
- L. Approval of Police Department purchase of three Stalker dual counting radar units at a cost of \$995 each for a total cost of \$2,985.
- M. Approval of Right of Way documents for 21<sup>st</sup> Street improvements (Ritchie Development)
  - 1 – donation of right of way
  - 4 – utility and sidewalk easements
  - 3 – temporary construction easements
  - 1 – drainage easement
  - 1 – street dedication

Motion carried 5/0.

Bill Duggan explained Police Department’s security video recorders have failed more than once and cannot be repaired. The proposed purchase is a better and expandable recorder from Sound Products, Wichita, in the amount of \$7,010, including installation, configuration, and training.

Consent item E  
Digital video recorders

A motion was made by Council Member Geisler, seconded by Council Member Reams, to approve the purchase of the recorder as presented. Motion carried 5/0.

Bill Duggan explained one modification to the Global Software Maintenance agreement addresses mandated changes by the State of Kansas regarding vehicle accident forms. The second change is due to a discontinuation of support for NetMotion, the software that secures our network for mobile and emergency vehicles, which mandates the upgrade.

Consent item F  
Global Software maintenance contract

A motion was made by Council Member Geisler, seconded by Council Member Reams, to authorize Bill Duggan to sign the change orders and contracts as presented to modify the Global Software Maintenance agreement. Motion carried 5/0.

Mike Thompson, POE & Associates, City Engineer, presented the bid tab for the 2010 Annual Street Program and stated three companies had bid, LaFarge North America at \$455,449.50; Cornejo and Sons LLC at \$436,130.80; and APAC-Kansas Inc. Shears Division at \$416,130.80.

2010 Annual Street program

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the low bid of \$416,130.80 from APAC-Kansas. Motion carried 5/0. (Poe Project #1963)

Mayor Lawrence stated the streets in the 2010 program are as follows:

- Koob Lane – Lioba Road to First Street
- First Street – Lioba Road to Koob Lane
- Chapel Drive – Douglass to First Street
- Andover Road – Waggoner to Ira Court

Mike Thompson, POE & Associates, City Engineer, presented final design plans for the Main, Mike and May street project and requested authorization to take bids on June 8 at 11:00 a.m.

Main, Mike and May Street project

A motion was made by Council Member Geisler, seconded by Council Member Reams, to accept the plans and authorize the taking of bids on June 8 at 11 a.m. at Andover City Hall. Motion carried 5/0.

Sasha Stiles presented the first change order from APAC for the Cornerstone School Addition-159<sup>th</sup> Street paving project and explained the change was due to difficulty locating the actual infrastructure causing extra work and materials. Poe and Associates will cover the cost of the labor in the amount of \$2,100 leaving the city to pay \$2,760.

APAC change order  
Cornerstone School Addition  
159<sup>th</sup> St paving

A motion was made by Council Member Geisler, seconded by Council Member Reams, to approve the change order as presented. Motion carried 5/0.

Mark Detter, DeWaay Financial, City Financial Advisor, explained due to KDHE not requiring the City to move forward with the building of a new sewer plant at this time that should the City refund and reissue the sewer revenue bonds. It was determined the savings to the City would be approximately \$32,000 in this budget year and approximately \$177,000 between 2011 and 2016. Detter added the city received an A+ rating from Standard & Poors.

DeWaay Financial  
Underwriters agreement

Mr. Detter stated if the City desires DeWaay Financial to serve as underwriter on the Sewer Revenue Bond Refunding, Series 2010, in accordance with the Municipal Securities Rulemaking Board Rule G-23 DeWaay Financial must terminate its financial advisory relationship with the City for that sole and specific purpose and then presented the agreement.

A motion was made by Council Member Geisler, seconded by Council Member Reams, to accept the resignation of DeWaay Financial as the City Financial Council and to approve the financial underwriter’s agreement. Motion carried 5/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, presented an ordinance authorizing and providing for the issuance of \$2,275,000 principal amount of Sewer System Refunding Revenue Bonds, Series 2010, of the City of Andover, Kansas, for the purpose of refunding certain outstanding Sewer System Refunding Revenue Bonds, Series 2005; and making certain covenants and agreements with respect thereto.

Ordinance 1463  
Sewer System Refunding  
Revenue Bonds  
Series 2010

Mr. Klaus stated the City has received an A+ rating based solely on the operation of the sewer system and should be very pleased. Mr. Klaus added there was a change in the section number, there needs to be a 10 thru 13 instead of 10-12 due to duplication at number 9.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to adopt the ordinance with the correction of the typographical error at section number 9 as stated. Motion carried 5/0. Ordinance number 1463 was assigned.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, presented a resolution prescribing the form and details of and authorizing the delivery of \$2,275,000 principal amount of Sewer System Refunding Revenue Bonds, Series 2010, of the City of Andover, Kansas, previously authorized by Ordinance No. 1463 of the city; and making certain covenants with respect thereto.

Resolution 10-07  
Sewer System Refunding  
Revenue Bonds  
Series 2010

Mr. Klaus explained the resolution presented this evening has been revised to reflect the interest rates as of today.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the resolution as amended and presented on the bench. Motion carried 5/0. Resolution number 10-07 was assigned.

A motion was made by Council Member Reams, seconded by Council Member Geisler, at 7:40 p.m. to recess the Andover City Council meeting and convene the Andover Public Building Commission meeting. Motion carried 5/0.

Recess to Public Building  
Commission meeting

Public Building Commission President Caroline Hale called the meeting to order. Public Building Commissioners Julie Reams, Sheri Geisler, Clark Nelson, Ben Lawrence, and Dave Tingley were present. Also present was Public Building Commission Secretary Susan Renner. Commissioner J.R. Jessen was absent.

A motion was made by Council Member Reams, seconded by Council Member Geisler, to approve the minutes of the May 11, 2010 meeting. Motion carried 6/0.

May 11, 2010 minutes

Rob Gehrler, Key Construction, City Hall Project Manager, presented a revised change order in the amount of \$11,490 that was originally approved by the Commission on March 30, in the amount of \$10,150.

Key Construction change  
order – revised from  
March 30, 2010

Mr. Gehrler explained the previous project manager had not included the profit and overhead charge on the change order first presented in March.

Ms. Stiles stated the change order is being paid from the City’s budgeted water fund and this additional charge, if approved, will come from the water fund as well.

A motion by Public Building Commissioner Geisler, seconded by Public Building Commissioner Nelson, to approve the revised change order as presented. Motion carried 6/0.

Public Building Commissioner Lawrence stated he does not like clerical errors such as this.

A motion was made by Public Building Commissioner Geisler, seconded by Public Building Commissioner Reams, at 7:45 p.m. to adjourn the Andover Public Building Commission meeting and reconvene the Andover City Council meeting. Motion carried 6/0.

Reconvene City Council meeting

Sasha Stiles presented a resolution drafted by City Counsel Norman Manley and the resolution with changes as presented by Council Member Nelson.

Resolution 10-08  
City Sales Tax on  
August 3, 2010 ballot

Mayor Lawrence stated that this resolution has to be approved tonight if it is going to be on the August 3, 2010 ballot.

After much discussion regarding the wording and whether or not it should include that this sales tax is an alternative to a mill levy increase.

Council Member Hale wanted to make sure the citizens are aware this sales tax is in lieu of a property tax increase.

Norman Manley stated he felt that wording could be challenged.

Council Member Tingley asked for the dates of the tax be listed in the ballot question.

The resolution was re-written and presented to the Council as:

“Shall the City of Andover, Kansas be authorized to impose a 1.0% city wide retailers sales tax in addition to the city wide retailers sales tax currently in place, the proceeds of which shall be used only to pay all costs associated with the construction, furnishing, and equipping of a new City Hall Building; the collection of such additional sales tax to commence on the 1<sup>st</sup> day of October, 2010 or as soon thereafter as may be permitted by law and to terminate the earlier of December 31, 2014 or at such time as the additional sales tax generates sufficient revenue to pay all costs as set forth above?”

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the resolution as amended (shown above). Motion carried 5/0. Resolution number 10-08 was assigned.

Member Items

Member items

Council Member Reams requested an update on the South Andover Road construction project.

Les Mangus explained there had been utility issues and then rain but they were back to work now.

Council Member Reams wanted to make it clear that the City is not responsible for the way trees have been cut on Andover Road.

Council Member Geisler asked for an update on the 159<sup>th</sup> and US Highway 54 intersection.

Les Mangus explained the City of Wichita has negotiated with Parsons Brinkerhoff to do the design and the City of Andover will be sharing in the cost of the preliminary engineering. He added it will be at least six months to one year before construction begins with environmental services and acquisitions that will need to be made.

Council Member Geisler wanted to clarify that the City sales tax issue is not a questions of whether or not we build a new City Hall, it is an option of how we want to pay for it.

Sasha Stiles stated the engineers projected cost was \$4.5 million, Key Construction bid was \$3.6 million, and we received a FEMA grant in the amount of \$441,000. The difference in the cost of the financing through a sales tax for four or five years with short term bonds compared to a 20 year mill levy increase is a savings to the City of \$3 million. Ms. Stiles added the library was paid off in 18 months with the sales tax as the financing tool.

Council Member Geisler also wanted to clarify that the current city hall was not just built, it was the police department that was built with some changes to the front exterior to match the new police department facility.

Sasha Stiles stated there will be two town hall meetings held here at City Hall on June 24 and July 22 and that at any time the public is welcome to come look at the facility or speak with her.

Council Member Nelson commented on Mr. Gehrers' statement regarding his predecessor not having the profit and overhead in the change order and wanted to confirm it was included in the building contract. Ms. Stiles confirmed it was only left off of this change order.

Council Member Hale stated she had received compliments from a contractor who works with approximately 25 other cities and commented on Ms. Stiles exemplary professionalism.

Council Member Hale stated that citizens who have not declared a party can vote on the questions, without declaring a party, on the August 3 ballot.

Council Member Hale thanked the Augusta Gazette for the wonderful 'Welcome to Andover' book that was delivered to the residents. She also appreciates the advertisers and the Gazette and Scoopfire.com for picking up the local news since the closing of the Andover Journal.

Council Member Tingley stated it had been difficult picking up an Augusta Gazette locally but soon you should be able to at Dillons, the Plaza Barber, and possibly the Andover Public Library.

Mayor Lawrence asked Karen Tones for the details regarding the signage the Library was requesting to post at Andover Road and Central Avenue.

Ms. Tones stated they were directional signs for the Library's summer program.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to allow the signage for approximately eight weeks contingent upon satisfactory review with the public works department.

Council Member Tingley stated Council had not allowed the Senior Center to post signage.

Les Mangus explained the library is a public body and the Senior Center is not.

Motion carried 5/0.

A motion was made by Council Member Reams, seconded by Council Member Geisler, at 8:32 p.m. to adjourn. Motion carried 5/0. Adjourn

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 8<sup>th</sup> day of June, 2010 by the City Council, City of Andover.