

**ANDOVER CITY COUNCIL
Tuesday, August 10, 2010
Minutes**

The Andover City Council met for a regular meeting on Tuesday, August 10, 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, J.R. Jessen, Clark Nelson, and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Chief Mike Keller, City Clerk Susan Renner, City Engineer Mike Thompson, and City Attorney Norman Manley. Council Member Sheri Geisler was absent.

The Invocation was given by Pastor Mike Roy of the Legacy Church which is new to Andover. Invocation

The Pledge of Allegiance was led by Mayor Lawrence. Pledge of Allegiance

Mayor Lawrence opened the floor to public comment. There was no public comment. The public forum was closed. Public Forum

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the agenda as presented. Motion carried 5/0. Agenda

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the consent agenda items A through I. Consent agenda

A. Approval of Minutes: City Council Workshop, July 26, 2010
City Council Meeting, July 27, 2010

B. Receive & file Minutes: Site Plan Review, June 1, 2010
Planning Commission, June 15, 2010
Library, June 9, 2010

C. Receive & file reports:
i. Finance July 2010
ii. Fire July 2010
iii. Library May 2010

D. Approval of appropriation ordinance B-14-10 in the amount of \$282,675.22.

E. Approval of a request for payment regarding the CVB Hotel Voucher Program in the amount of \$900.00 to Hausu Patel, Andover Express Inn.

- F. Approval of non-elect personnel:
Mark Werbin, Police Department, status change from MPO I to MPO II, with a pay increase from \$18.01 per hour to \$18.34 per hour, effective August 9, 2010.
- G. Approval of Police Department General Order M1214, Secondary Employment.
- H. Approval of YMCA Corporate Employee Wellness Program through December 31, 2010 in the amount of \$1,250.00.
- I. Approval of a contract for Greater Andover Days
 - i. Sunny Day Celebrations for kid fest in the amount of \$950.00.

Motion carried 5/0.

Mayor Lawrence opened the 2011 Budget Hearing.

2011 Budget Hearing

Sasha Stiles stated the budget remains the same as reviewed at the July 26, 2010, workshop with the exception of the removal of 2.34 mills for the construction of city hall. This is due to the passing of the 1-cent sales tax increase.

Mayor Lawrence stated that with the success of the 1-cent sales tax passing the Council felt it appropriate to squeeze out the anticipated 1 mill increase for facility operation thereby there will be a zero increase in the mill levy by the City for 2011. He explained due to publication requirements the budget had been published with the additional mill levy and the budget presented this evening reflects a zero increase.

Council Member Nelson stated the Council has done what they promised to do and asked Ms. Stiles to show on the 2011 budget where the mill levy is remaining the same as 2010.

There was no public comment and the Mayor closed the hearing.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the 2011 Budget as presented with no mill levy increase. Motion carried 5/0.

2011 Budget approval

Sasha Stiles presented an ordinance levying an additional city retailers sales tax in the amount of 1.0% within the City of Andover, Kansas for the purpose of constructing, furnishing, and equipping a new city hall building which tax shall take effect on the 1st day of January, 2011 and will expire at such time as the tax has generated enough revenue to pay such costs but not later than the 31st day of December 2014. (the effective date was changed from October 1, 2010.)

Ordinance 1471
1-cent sales tax

A motion was made by Council Member Hale, seconded by Council Member Reams, to adopt the ordinance as presented. Motion carried 5/0. Ordinance number 1471 was assigned.

Sasha Stiles presented a Memorandum of Understanding between the City, the Andover Public Library and Java Villa Café (owned by Kevin Boyd), for operation of a retail coffee shop in the library building. Ms. Stiles stated the MOU differs from the one with Scooters in that we will receive \$200 per month to offset utilities. She added Norman Manley has reviewed and approved the agreement.

Library Coffee Shop
MOU with Java Villa Café

Carol Wohlford, 15225 Stratford, Andover Public Library Director, introduced Kevin Boyd, Java Villa Café proprietor at 7812 E Harry.

Council Member Hale expressed her concern for such a ‘sweet deal’ and thought the Friends of the Library were going to operate and is concerned that the tax issue had been resolved. She inquired how many companies had they discussed the operation of the shop with. Council Member Hale also requested quarterly reports be presented to the Council.

Carol Wohlford stated they had received three vendor bids and spoke with local vendors informally and none of them were interested. She added that although this sounds like a ‘sweet deal’ the location does not lend to a money making operation.

Council Member Nelson confirmed with Mr. Boyd that he understood the tax exemption issue and he was looking forward to Java Villa’s presence in the community.

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve the Memorandum of Understanding as presented. Motion carried 5/0.

Sasha Stiles presented a contract for engineering services with Professional Engineering Consultants, P.A., Wichita, for the Andover Landing Addition drainage Phase 1, sanitary sewer, water distribution Phase 1, water supply, Andover Road sidewalks, 21st Street sidewalks, storm water drain (pond), paving and incidental drainage Phase 2, and water distribution Phase 2, in the amount of \$159,000 for Phase 1 and \$11,900 for Phase 2. Ms. Stiles added the developers agreement, petitions, and P.U.D. had been approved at the July 27 meeting, this contract had not been received at that time. City counsel Norman Manley has reviewed and approved the contract.

Professional Engineering
Consultants contract
Andover Landing

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the agreement as presented. Motion carried 5/0.

Mike Thompson, POE & Associates, City Engineer, presented the final plans for the improvements for the Andover Landing Addition for approval and asked for authorization of taking of bids on August 31, 11:00 a.m., City Hall.

Andover Landing
improvement plans

A motion was made by Council Member Jessen, seconded by Council Member Nelson, to accept the plans and authorize the taking of bids. Motion carried 5/0.

Sasha Stiles presented a proposal from Poe & Associates for Program Management Services for Design/Build to add aeration of the existing waste water plant. Ms. Stiles stated with 80% completion of the relining of the sewer lines the strength of the waste entering the plant at peak times is higher than we are permitted so by adding aeration we can extend the life of the plant and KDHE believes this will help accomplish the proper nutrient levels and strength of the waste. This proposal is to produce the Request For Proposal documents for a design build project to add the aeration and continue to operate under our current permit and if we don't KDHE could pull our permit and require us to start the plant expansion.

Poe & Associates proposal
Program management
services for the
wastewater plan aeration

Mayor Lawrence stated the issue of the waste water plant expansion started out at \$10-12 million and has grown to almost \$20 million. He stated he has been working with an engineering firm that has been looking at our plant with some new technology that could potentially save the city millions of dollars and provide us with an approximate cost by the end of the month at which time the Council could review at the workshop meeting. He asked the Council to approve the proposal with Poe & Associates contingent upon the outcome of this new study and the review of it at the August workshop.

Sasha Stiles stated to keep on track with the KDHE, who is looking at the plant closely, the city needs to begin the development of an RFP and whatever action the Council decides to take regarding the plant the city's engineer Poe & Associates will be closely involved in the process anyway.

Mike Thompson, POE & Associates, City Engineer, stated the recent breach of limits at the plant puts the city subject to fines and possible rewrite of the permit by KDHE and the city would have to begin plant expansion improvements immediately. Mr. Thompson added the contract with Poe & Associates is to begin the process of a RFP for a design/build for the increased aeration to bring the operation back in line with the current permit levels.

City Counsel Norman Manley stated the Council has to sign the contract tonight and would like to have exhibit G removed from the contract before the Mayor signs.

Council Member Nelson stated if we are going to open this up it should be for any engineer interested in doing so. He added that if our Counsel says we should proceed then we need to.

A motion was made by Council Member Nelson, seconded by Council Member Tingley, to approve the agreement with Poe & Associates contract as presented.

Mayor Lawrence wanted clarification the contract was for a design build project and who it would be sent to.

Mike Thompson stated 65-75% of the cost will be in the equipment and the city has been working with two suppliers in the long range development of the plant and they have both indicated an interest in providing this design build service. The RFP would go to those two equipment suppliers who would provide the equipment, engineering and construction to complete the project.

Motion carried 5/0.

Sasha Stiles presented a change order with APAC for paving and drainage improvements for the park in the Cornerstone Addition. Ms. Stiles added the original cost estimation was over \$100,000, at the time staff requested to negotiate with APAC, currently on site for Prairie Creek improvements, it was estimated at \$80,000. Staff is elated with the negotiated price of \$46,590.90.

APAC change order
Park in the Cornerstone
Addition

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve the change order in the amount of \$46,590.90. Motion carried 5/0.

Sasha Stiles presented a plan for the plaza and tower design at Central Park and requested to negotiate a contract with Key Construction, while they and their sub-contractors are on site, if they complete the facility and then come back for work it will cost more.

Plaza tower design

Council Member Hale stated she had attended the Park Planning Committee meeting and the Site Plan Review Committee meeting when this project was presented and there were concerns of the durability of the water feature and she would like to see more information before approving the design. She added she did not believe there was an issue with the design and we should take advantage of the savings with Key Construction already on site.

Mayor Lawrence stated more information can be obtained and if the structure is designed and built correctly a water feature in this design would be beautiful, attractive, and provide ambient sound and add to the project. It can be designed and constructed where it is not accessible for people to walk in or put their hands in. It is a water feature not a water fountain.

Council Member Nelson expressed his concern whether the design was all wrong or needed to go back to the drawing board. He was persuaded by the experts at the site plan committee meeting that it was a mistake to include a water feature and did not want the Council to make the wrong decision just to expedite the building of it while Key Construction is on site.

Mayor Lawrence asked if the water feature was removed did he believe the Site Plan Review Committee would have an issue with the design. Council Member Nelson stated he believed they would.

Council Member Hale stated she did not believe it was the Site Plan Review Committee's place to determine the structure or the location, the Park Planning

Committee chose the design presented by the experts, Rice-Foster. The water feature would be ideal for non-play-water down the wall design if it is done so to be still working in 15-20 years and not be a financial burden for the maintenance the water feature.

Council Member Tingley agreed with what was said at the Council Workshop and that if it is not built now it will never happen. We are asking the taxpayers to pay for this and telling our employees they are not getting raises but we are building this monument; he does not want anything to do with it.

Sasha Stiles stated the Council could discuss the plaza design at the August workshop meeting and if a decision is made present at the Tuesday, August 31, Council meeting. Ms. Stiles explained the request to negotiate with Key Construction was to save money and that the plaza project was included in the city hall construction budget. Ms. Stiles added that possibly the design should have come to the Governing Body first and then distributed to Site Plan Review Committee. She asked the Council if they would like to have David Foster of Rice-Foster at the next Council Workshop.

Council Member Jessen asked for Key Construction to give us a rough idea of the cost before moving forward. Sasha Stiles stated we would need to have construction documents drawn up before they could bid it.

Sasha Stiles clarified that the employee raises had nothing to do with the building of the city hall or the plaza; it was a directive of the Salary Review Committee that when the employees received raises in 2010 there would not be any in 2011.

Council Member Nelson stated he is in favor of doing something and if it is this facility and has water and is within the budget that is fine. If Site Plan Committee needs to approve it we can do an expedited meeting; maybe a joint meeting with the Park Planning Committee and get it all done in one. He does not want to lose the economics of using Key Construction who is already on site.

Council Member Tingley stated he in favor of doing something but the design presented this evening is not it, it is a personal taste, believes it sends the wrong message, should be some kind of subdued gathering place with benches.

Council Member Reams stated that if this is to be the center of our city we need to have more than just a couple of trees and a flower pot; did they not believe it should be something grand. Council Member Tingley disagreed.

Council Member Hale stated the beauty of this project was for the transition and tying together of the library and the city hall and the plaza plan has been in place for years.

A motion was made by Council Member Reams, seconded by Council Member Hale, to table the plaza and tower design request to the August workshop meeting and for staff to obtain a rough estimate from Key Construction for this design

with or without water and to have David Foster of Rice-Foster Associates in attendance.

Council Member Nelson asked if the Site Plan Review Committee and Park Planning Committee should be present at the workshop meeting. Sasha Stiles stated the Park Planning Committee was a committee of recommendation created to help with the development of the park system and the Site Plan Review Committee reviews buildings that are on arterial streets. Ms. Stiles stated she would confirm the requirements of involvement in this decision and have the proper committees present at the workshop meeting.

Motion carried 5/0.

Police Chief Keller presented an ordinance regulating public offenses within the corporate limits of the City of Andover, Kansas and incorporating by reference the "Uniform Public Offense Code for Kansas Cities", Edition of 2010. Chief Keller explained the changes from 2009 were minor but by adopting the 2010 the city will be in compliance with the new law governing smoking and would allow adjudication in municipal court.

Ordinance 1472
2010 UPOC

A motion was made by Council Member Jessen, seconded by Council Member Reams, to adopt the ordinance as presented. Motion carried 5/0. Ordinance number 1472 was assigned.

Police Chief Keller presented an ordinance repealing and replacing section 18-101, Standard Traffic Ordinance incorporated 2009 Edition and Section 18-103, copies, of Chapter XVIII, Traffic and Vehicles, of the Code of the City of Andover, Kansas. Chief Keller explained the changes from 2009 were minor but would allow municipal court adjudication for the new seat belt requirement and texting while driving laws.

Ordinance 1473
2010 STO

A motion was made by Council Member Nelson, seconded by Council Member Hale, to adopt the ordinance as presented. Motion carried 5/0. Ordinance number 1473 was assigned.

Mayor Lawrence asked Chief Keller to have the School Resource Officers pass the new law information on to the students.

Sasha Stiles presented an ordinance approving the US 54/400 Design Concept as an element of the Amended Comprehensive Development Plan for the Andover area, Kansas: 2004-2013. Ms. Stiles explained this will allow for right of way acquisitions and the development of the US54 corridor between 159th Street and Prairie Creek Road.

Ordinance 1474
Amended 2004-2013
Comprehensive Plan

A motion was made by Council Member Nelson, seconded by Council Member Hale, to adopt the ordinance as presented. Motion carried 5/0. Ordinance number 1474 was assigned.

Member Items

Member items

Council Member Reams

Thanked everyone for attending National Night Out despite the heat.

Thanked the community for voting and passing the sales tax. She reminded the community the Council is not raising the mill levy, but others will.

Council Member Nelson

Stated his appreciation of the successful passing of the sales tax referendum and commended Ms. Stiles and staff for the zero increase in the 2011 mill levy; the Chamber of Commerce for their policy and advertising in support of the sales tax; Butler Community College for reducing their mill levy; and USD 385 having a modest increase compared to past years.

Stated the US 54 Corridor project is more important than the credit it is receiving; this is the design of the future for the City of Andover. The School District, Chamber of Commerce, Convention and Visitors Bureau, Promote Andover Inc. should all work together to set priorities and determine guidelines for a successful venture. This is the one opportunity we have to establish this city as something unique and its own character.

Stated in spite of comments on the waste water treatment plant and the spectacular tower at city hall he did not believe the differences were very significant and quite comfortable they will agree on the issues in short order.

Council Member Hale

Gave a big thanks to all departments, their spouses, and the community for participation at National Night Out.

Stated she is trying to establish her liaison position with the Butler Community College and has thanked them for lowering the mill levy as much as they did. Sasha Stiles stated that the article that had been forwarded to the Council was in error.

Stated she would be attending a workshop where our City Administrator Sasha Stiles will be joining Wichita Mayor Carl Brewer, Derby City Administrator Kathy Sexton, and Park City Mayor and administrators, in speaking about developing a livable community.

Presented an award via Dooney Duck (Anna Davis-Donna Davis's daughter) to Police Chief Mike Keller in honor and thanks of the police department's recent rescue of ducks.

Thanked Anna Davis for her volunteer work at city hall as well as her brother Nathaniel.

Council Member Jessen

Thanked everyone for the zero mill levy increase and the passing of the sales tax with a special thanks to the Chamber of Commerce for helping get the information out.

Council Member Tingley

Echoed all the comments made.

A motion was made by Council Member Hale, seconded by Council Member Reams, at 9:02 p.m. to adjourn to the City Council Workshop which will be held at the Conference Cabin in Central Park. Motion carried 5/0.

Adjourn

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 31st day of August, 2010 by the City Council, City of Andover.