

**ANDOVER CITY COUNCIL
Tuesday, March 29, 2011
Minutes**

The Andover City Council met for a regular meeting on Tuesday, March 29, 2011 at 1609 E. Central Avenue in Andover City Hall. Mayor Ben Lawrence called the meeting to order at 7:00 p.m. City Council Members present were Caroline Hale, J.R. Jessen, Julie Reams, Clark Nelson, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Sergeant Don Roberson, City Clerk Susan Renner, Communications/IT Director Bill Duggan, City Engineer Mike Thompson, City Bond Counsel J.T. Klaus, City Financial Advisor Mark Detter and City Attorney Norman Manley.

The Invocation was given by Andover Police Department Chaplain Greg Perkins of the Eastside Community Church. Invocation

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

Mayor Lawrence opened the floor to public comment. No comment was made. The Mayor closed the public forum. Public Forum

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to accept the agenda as presented. Motion carried 6/0. Agenda

Mayor Lawrence signed a proclamation in support of the month of April as Child Abuse Prevention Month. Child Abuse Prevention Proclamation

Mayor Lawrence opened a public hearing at 7:03 p.m. for the purpose of receiving and hearing any and all complaints and objections to the proposed special assessments for improvements consisting of the Keystone Parkway & 21st Street north arterial and left turn lane; 21st Street north arterial enhancement; Cornerstone Third Addition water, sewer, paving and drainage; Crescent lakes Fifth Phase water, sewer, paving, and storm water drainage. Public Hearing

J.T. Klaus, Triplett, Woolf & Garretson, City Bond Counsel, stated the assessments being levied were at the request of the developer and the agreement was recorded on the landowner's title.

Mayor Lawrence asked Donna Davis if she had received any calls from landowners. She confirmed she had received some calls and they were explained to the landowners' satisfaction. Ms. Davis added any homeowner wanting to know the exact amount should contact her at the end of June.

No citizen comments were made.

Mayor Lawrence closed the public hearing at 7:06 p.m.

Mayor Lawrence presented the consent agenda.

Consent agenda

- A. Approval of Minutes: City Council Meeting, March 8, 2011
- B. Receive & file reports:
 - i. Finance February 2011
 - ii. Police February 2011
 - iii. Library December 2010
 - iv. CVB 2011 Budget
- C. Receive & file minutes
 - i. Library January 12, 2011
- D. Approval of appropriation ordinance B-05-11 in the amount of \$1,284,505.18
- E. Approval of non-elected personnel items
 - Deputy Fire Chief Mike Roosevelt longevity increase from \$27.46 per hour to \$28.15 per hour effective April 7, 2011.
 - Brian Rardin, Street Department Maintenance Worker, training to regular status with a pay increase from \$12.00 per hour to \$12.50 per hour effective March 8, 2011.
- F. Approval of Police Department General Orders; O2301 Prisoner Transport; O2508 Seizure of Electronic Evidence
- G. Approval of APAC change order two for the Prairie Creek Addition in the amount of \$8,420 to construct 27 bollards, sewer riser extension, and reconcile 48" rcp quantities.
- H. Approval of CVB payment to Andover Express Inn in the amount of \$4,020 for hotel vouchers from 2010 that had been paid at half the correct rate.
- I. Approval of CVB payment to Holiday Inn Express in the amount of \$10,860 for hotel vouchers for all of 2010.
- J. Approval of CVB payment to Tour Butler County in the amount of \$1,000 for advertisement in the 2011-2012 Tour Butler County brochures.
- K. Approval of Park Department purchase of mulch for Cornerstone Neighborhood Park in the amount of \$8,757 from Athco of Lenexa, Kansas. The funds were encumbered from 2010.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the consent agenda as presented. Motion carried 6/0.

Mayor Lawrence presented an ordinance of the City of Andover, Kansas, levying special assessment taxes on certain real properties in the City, for the purpose of paying a portion of the costs of certain internal improvements benefiting such real properties; providing for the giving of notice of said special assessment taxes by publication and mailing; and providing for the collection of said special assessment taxes. (Improvements for Keystone Parkway & 21st Street north arterial and left turn lane; 21st Street north arterial enhancement; Cornerstone Third Addition water, sewer, paving and drainage; Crescent Lakes Fifth Phase water, sewer, paving, and storm water drainage).

Ordinance 1484
Special assessments

J.T. Klaus explained this ordinance is for the improvements as discussed in the public hearing. There is a 20 day waiting period before issuance of the bonds allowing for landowners' to pay the full amount if they wish and at the end of the 20th day any unpaid specials will be spread to the landowners' taxes over 20 years.

A motion was made by Council Member Geisler, seconded by Council Member Reams, to approve the ordinance as presented. Motion carried 6/0. Ordinance number 1484 was assigned.

Mayor Lawrence presented an ordinance authorizing the City of Andover, Kansas to issue its taxable industrial revenue bonds, Series 2011 (KMC Equipment, LLC), in the aggregate principal amount of \$1,837,500 for the purposes of (1) purchasing, acquiring, equipping and installing a computer and robotic assisted surgery machine for use at the Kansas Medical Center located within the City and (2) paying certain costs of issuance; authorizing the execution of a trust indenture by and between the City and Security Bank of Kansas City, as trustee; authorizing execution of a lease between the City and KMC Equipment, LLC; approving the form of a guaranty agreement; approving the form of an additional guaranty agreement; approving the form of an individual guaranty agreement; authorizing the execution of a bond placement agreement by and between the City, KMC Equipment, LLC and Great Southern Bank, as purchaser of the bonds.

Ordinance 1485
KMC Equipment, LLC

J.T. Klaus stated this ordinance was tabled from the March 8, 2011 meeting; Mr. Klaus is now comfortable with the final terms and provisions of the agreement. Mr. Klaus noted when the resolution of intent was adopted it was for \$1,775,000 and once final costs were known it increased the amount to \$1,837,500 and it does not require amending the resolution.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the ordinance as presented. Motion carried 6/0. Ordinance number 1485 was assigned.

Sasha Stiles presented proposals for the remodel of the foyer at the City Court facility at 909 N. Andover Road. Ms. Stiles added this was budgeted for 2011 and the low bid is \$2,950 lower than the budgeted amount.

City court remodel

A motion was made by Council Member Hale, seconded by Council Member Jessen, to approve the proposal in the amount of \$18,946.66 from Jim Gearhart Homes, LLC, of Wichita. Other bids received were from Turnkey, Inc. of Andover at \$24,552.00, and Coast to Coast Builders, Inc. of Wichita at \$21,436.00. Motion carried 6/0.

Mayor Lawrence stepped down from the bench due to what could be perceived as a conflict of interest regarding the dates and times of the sale and discharge of fireworks.

Resolution 11-09
Fireworks sale and discharge

Council President Hale presented a resolution establishing the times and dates for permitted sales and permitted discharge of fireworks within the City of Andover, Kansas.

Ms. Stiles explained the dates and times on the resolution presented reflect what the Council approved for 2010 and noted this was after a repeal of the Resolution 10-06 at the request of Jacob Marietta to increase the time to sell by 1/2 to 1 hour.

Section 1. From and after the passage of this resolution the **sale of fireworks** within the City of Andover, Kansas, shall be permitted at the times and dates established herein:

- June 27th through June 30th from 8:00 a.m. until 10:00 p.m. (Mon-Thr)
- July 1st through 4th from 8:00 a.m. until 11:00 p.m. (Fri-Mon)
- July 5th from 8:00 a.m. until 8:00 p.m. (Tue)

Section 2. From and after the passage of this resolution the **discharge of fireworks** within the City of Andover, Kansas, shall be permitted at the times and dates established herein:

- July 2nd and July 3rd from 10:00 a.m. until 10:00 p.m.
- July 4th from 8:00 a.m. until midnight
- July 5th from 10:00 a.m. until 10:00 p.m.

Section 3. From and after the passage of this resolution the public discharge of fireworks within the City of Andover, Kansas, shall be permitted at the location established herein: The Andover City Park located at 1008 E. 13th Street.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to adopt the resolution as presented. Motion carried 6/0. Resolution number 11-09 was assigned.

Mayor Lawrence returned to the bench.

Bill Duggan presented two proposals for the addition of music to City channel 7; Cox Communications at \$54.15/month, plus taxes and fees and would only be available over our television broadcast or; purchase a receiver for \$295, add approximately \$250 for cable and wiring, and purchase the music service from Sound Products at \$35/month including taxes and fees and not only provide sound on City channel 7 but also have the capability to add the phone system for music on hold at no additional charge. Mr. Duggan explained if the Council accepts the

Music on City channel 7

proposal from Sound Products the purchase of the equipment would be addressed during the Public Building Commission meeting.

A motion was made by Council Member Tingley, seconded by Council Member Reams, to approve the proposal for music services from Sound Products of Wichita in the amount of \$35/monthly fee including taxes and fees. Motion carried 6/0.

Sasha Stiles presented the City’s general liability and property insurance renewal proposal. Ms. Stiles explained staff budgets an annual increase of 10%, but with the tightening of the 2011 budget only 5% was budgeted and the actual increase was 5.4% or \$2,298 higher than the budgeted amount. Ms. Stiles added with the growth of the City we have reached the point where the City will be eligible to bid for property and liability insurance for the 2012 budget year.

Liability and property insurance renewal

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to accept the proposal from ICI Insurance Company of El Dorado, Kansas, in the amount of \$127,838 for 2011-2012. Motion carried 6/0.

A motion was made by Council Member Reams, seconded by Council Member Geisler, at 7:29 p.m. to recess the City Council meeting and convene the Public Building Commission meeting. Motion carried 6/0.

Recess City Council meeting and convene Public Building Commission meeting

Building Commission President Hale called the meeting to order at 7:29 p.m. Public Building Commissioners present were Dave Tingley, J.R. Jessen, Ben Lawrence, Clark Nelson, Julie Reams and Sheri Geisler. Also in attendance was Public Building Commission Secretary Susan Renner.

A motion was made by Public Building Commissioner Reams, seconded by Public Building Commissioner Jessen, to approve the minutes from March 8, 2011. Motion carried 7/0.

March 8, 2011 minutes

City Communications/IT Director Bill Duggan presented a proposal from Sound Products for the purchase of two simple pull down projection screens in the Emergency Operating Center. Mr. Duggan explained dual projectors had been installed with the intention of projecting directly on the wall but during construction found whiteboards had been installed.

Projection screens

A motion was made by Public Building Commissioner Geisler, seconded by Public Building Commissioner Reams, to approve the purchase of two screens from Sound Products of Wichita in the amount of \$475.00 including installation. Motion carried 7/0.

Bill Duggan presented the proposal for the receiver for the music service approved in the regular agenda of tonight’s Council meeting.

Receiver for music service

A motion was made by Public Building Commissioner Lawrence, seconded by Public Building Commissioner Jessen, to approve the purchase from Sound

Products of Wichita in the amount of \$495 including installation. Motion carried 7/0.

A motion was made by Public Building Commissioner Lawrence, seconded by Public Building Commissioner Tingley, at 7:34 p.m. to adjourn the Public Building Commission meeting and reconvene the Andover City Council meeting. Motion carried 7/0.

Adjourn PBC meeting and reconvene City Council meeting

Member items:

Member items

Council Member Julie Reams

- Reminded everyone to go out and vote next week.

Council Member Sheri Geisler

- Inquired about the progress of the park in the Cornerstone neighborhood and the stop light at 159th and US 54.
 - Mr. Mangus stated Council approved the mulch purchase this evening and it would be installed within the next month. At the next Council meeting we will have bids for irrigation, sod and seeding which will almost complete the park. The water garden will be a work in progress.
 - Mr. Mangus stated the financial agreement for engineering will be presented to the City of Wichita council at their next meeting but he knows engineering has already began and hopes to begin construction this year.
- Inquired about the mill levy chart included in the FYI section of their packet.
 - Mayor Lawrence explained the data illustrates where the City is among our taxing peers.

Council Member Clark Nelson had none.

Council Member Caroline Hale

- Reminded everyone the Andover Rotary and Andover Central Middle School have joined with Numana for a food packaging event taking place on Thursday, May 12, from 1-7 p.m. at Central Middle School. Their goal is to raise \$30,000 and package 100,000 meals for Haiti.
- Stated she keeps hearing about how we should be doing a better job of communicating, possibly campaign rhetoric, anyone can communicate better and she would like to stress communication is a two way street. The City uses the City website, cable channel 7, the new *Andover American* paper, and sends information in the monthly billing to inform citizens. She asked if you are watching she knows you are already engaged but to please pass on the information they receive to their friends and neighbors. She added the *Andover American* is doing a great job reporting Andover issues.
 - Bill Duggan stated the City will soon be streaming City Council and Planning Commission meetings on our website and we are

currently working on formats with the provider, hardware should be here the first week of April, and we hope to be testing by the middle of May.

Council Member J.R. Jessen

- Stated he had received phone calls and emails regarding his absence at the forum March 24th and wanted the public to know he had already confirmed plans for their family vacation.

Council Member Dave Tingley

- Reminded everyone of the forum for the school district candidates on March 31, 2011.
- Inquired about the progress of the 21st Street project.
 - Les Mangus stated it will go out for bid in May, start construction after the Fourth of July holiday and should be substantially complete before winter.
- Referenced Caroline's statement regarding communication and added the City has made every possible move to communicate with the public and at some point it comes down to personal responsibility.
- Go vote next week.

Mayor Ben Lawrence

- Stated special assessment financing has been offered to various neighborhoods and all including Cornerstone has declined. City policy dictates a limited amount of financing dollars that can be offered annually and it is based on valuation growth. Due to greatly reduced valuation increases, our financing capacity has been reduced and Council may need to consider revising the financing policy for future projects if the valuation continues to remain fairly flat.

Donna Davis stated for the month of January the 1% sales tax revenue for the City hall project was \$131,522.25.

Mayor Lawrence stated the Council will be discussing refinancing the bond on the City hall project and could conceivably save \$400,000 in interest and with this kind of sales tax revenues we will be able to pay down the principal further reducing the debt. Mayor Lawrence thanked the voters who passed the sales tax; it saved the City at least \$2,000,000 in interest costs. He added that this project has turn out to be a very good deal.

A motion was made by Council Member Reams, seconded by Council Member Jessen, at 7:53 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 12th day of April, 2011 by the City Council, City of Andover.