

**ANDOVER CITY COUNCIL
Tuesday, April 24, 2012
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

Present were Council Members Byron Stout IV, Sheri Geisler, Kris Estes (sworn in), Clark Nelson, Caroline Hale, and Troy Tabor. Staff in attendance were: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, Public Works and Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, City Engineer Mike Thompson, City Bond Counsel J.T. Klaus, and City Financial Advisor Mark Deter.

3. Invocation was given by Pastor Dayton Poe of Generations Church.

Mayor Lawrence swore in Ms. Kris Estes as City Council Member replacing Dave Tingley. Her term will expire April 2013.

4. Pledge of Allegiance was led by Mayor Lawrence.

5. Public Forum

- a. Susan Johnson, 707 E. Woodstone Court, presented a request for the Church of Jesus Christ of Latter Day Saints to use Central Park for a 5K and 1K race and breakfast on Monday, May 28, 2012.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the request as submitted. Motion carried 6/0.

Kim Quastat, 1607 Singletree, commented on his experience with the Site Plan Review Committee and does not think they should have the power they have been given. He added he believes this committee prevents businesses from moving to Andover.

6. Acceptance of Agenda

Sasha Stiles stated there were two additional informational items, a memo from Mayor Lawrence to the Council and a NRP rebate comparison, for item 13) Neighborhood Revitalization Program, on the bench.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to accept the agenda as presented. Motion carried 6/0.

7. Consent Agenda

- a. Approval of Minutes
 - i. City Council Meeting: April 10, 2012
- b. Receive & file reports
 - i. Financials: March 2012
 - ii. Police: March 2012
- c. Approval of appropriation ordinance B-07-12 in the amount of \$ 329,909.58.
- d. Approval of non-elected personnel items

Steve Anderson, Assistant Public Works Director, from training to full time status and appointment to the position of Building Official, with an annual wage increase from \$57,000 to \$58,420, effective March 9, 2012.

Brian Landers, Fire Department, position change from Firefighter 3 to Firefighter 4, with a pay increase from \$13.22 per hour to \$13.52 per hour, effective May 1, 2012.

Frank Shaw, Fire Department, position change from Firefighter 3 to Firefighter 4, with a pay increase from \$13.42 per hour to \$13.72 per hour, effective May 5, 2012.

- e. Approval of the Fire Department request to submit bids for Self Contained Breathing Apparatus (SCBA), SCBA compressor and training for two firefighters. The equipment will be purchased with a 90/10 match fund Fire Grant at a cost to the city of \$23,500.

- f. Approval of Police Department General Orders: M1113 Crime Analysis; M1114 Administrative Reports; M1211 Line Inspections; O2302 Arrest/Notice To Appear; O2305 Legal Process; O2507 Interview and Interrogations; O2515 Search and Seizure; O2607 Traffic Ancillary Services; O2608 Speed Measuring Devices; P3112 Child Restraint Inspections; P3114 Social Media Program.
- g. Approval of the Fire Department acceptance of a bid for a new rescue vehicle from Weis Fire & Safety Equipment Co., Inc. of Salina, in the amount of \$115,911.

Other bids received were Danko Emergency Equipment Co. of Snyder, Nebraska, \$159,972; Emergency Fire Equipment of Mayfield, Kansas, \$143,920; and Pierce Manufacturing Inc. of Appleton, Wisconsin, \$143,867.

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

8. [An ordinance of the City of Andover, Kansas, authorizing the issuance of the City's General Obligation Refunding Bonds, Series A, 2012, in the aggregate principal amount of \\$5,960,000, for the purpose of advance refunding certain outstanding General Obligation Bonds of the City and financing the costs of multiple capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds; authorizing certain other documents and actions; and making certain covenants with respect thereto.](#)

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, presented and explained the refunding ordinance. Mr. Klaus stated Council had authorized the sale of the bonds at any savings amount higher than 5% and they were sold at 8.731% with a better than anticipated savings to the City in the amount of \$552,429.75

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve the ordinance of the City of Andover, Kansas, authorizing the issuance of the City's General Obligation Refunding Bonds, Series A, 2012, in the aggregate principal amount of \$5,960,000, for the purpose of advance refunding certain outstanding General Obligation Bonds of the City and financing the costs of multiple capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds; authorizing certain other documents and actions; and making certain covenants with respect thereto. Motion carried 6/0. Ordinance number 1510 was assigned.

9. [A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series A, 2012, in the total aggregate principal amount of \\$5,960,000 of the City of Andover, Kansas, previously authorized by Ordinance No. 1510 of the City; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.](#)

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve a resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series A, 2012, in the total aggregate principal amount of \$5,960,000 of the City of Andover, Kansas, previously authorized by Ordinance No. 1510 of the City; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Motion carried 6/0. Resolution number 12-04 was assigned.

10. [Mies Construction proposal for collecting drainage at 921 S. Andover Road.](#)

Mike Thompson, Poe & Associates, City Engineer, stated at 921 S. Andover Road there was a drainage issue caused by the construction during the south Andover Road project that went undiscovered until there was a good rain. Mies Construction, the storm sewer contractor on the project, has submitted a proposal in the amount of \$11,546 to make the necessary changes.

A motion was made by Council Member Clark Nelson, seconded by Council Member Troy Tabor to approve the proposal from Mies Construction, Wichita, in the amount of \$11,546, as recommended by the City Engineer, for drainage work to be done at 921 S. Andover Road. Motion carried 6/0.

11. [Poe & Associates proposal for Final Plat services for Andover Industrial Park 3rd Addition \(from April 10 meeting\)](#)

Mayor Lawrence stated this item was tabled from the April 10 meeting to determine any contractual issues with P.A.I. and that has been resolved.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to approve the proposal from Poe & Associates for Final Plat services for the Andover Industrial Park 3rd Addition and to direct Poe & Associates to work with the Andover Envisioning Action Group 1. Motion carried 6/0.

12. [AT&T cell tower lease agreement \(Prairie Creek\)](#)

Sasha Stiles explained AT&T owns the cell tower in Central Park and is going to install new equipment which will increase fees to their tenants which called for a revision to the contract. The contract has been reviewed and approved by our Zoning Administrator and City Counsel.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to accept the contract as prepared by AT&T and authorize the Mayor to sign. Motion carried 6/0.

13. [Neighborhood Revitalization Program](#)

Mayor Lawrence opened the floor for public input regarding the program.

George Beliveau, 931 Maplewood Court, stated this is a great community and he does not want it to be like Wichita. He understands the builders are hurting but so are those who have lost their jobs. He asked the Council to make careful consideration of any program.

Ken Boone, 235 Sunset Drive, inquired if an apartment would be considered residential or commercial. He added an apartment complex would bring many students to the school system, the owner of the property would receive the rebate, and none would be contributing to our school system.

Malik Idbeis, Development Manager for Kansas Medical Center, stated KMC is in favor of the revised NRP as it would enlarge the service base bringing more jobs, and ancillary business i.e. staying in our hotels, eating at local restaurants, purchase local gas, etc.

Daryl Thornton, Chief Operating Officer for KMC, stated this tax plan would be a tremendous boost for the hospital.

Malik Idbeis, 2145 N. Stonegate Circle, stated although he has already built his house and will not be eligible for the program he is in favor of it. He stated more homes bring more commercial business and he would prefer shopping and dining in Andover. He added that once Wichita passed their program it put the City of Andover at a greater disadvantage for new and re-sale homes. It is only a five year rebate and it will expand the tax base indefinitely and bring more homes and services.

George Laham, 8304 Bridalwood, Wichita, Laham Development, has been involved in the Andover community for the past 15 years and is involved with both the Cornerstone

Development and Andover Landing located at 21st and Andover Road. They have invested a tremendous amount of money and would hate to see the momentum in Andover stop because of the disadvantage brought to Andover by the incentive programs in other communities. He encouraged the Council to move forward with a program.

Linda Hay, 909 Waterview, has been a resident for four years and came to Andover because the City was changing. She believes this general tax rebate will offer an incentive for long term growth bringing in more residents, tax payers, school children, and money spent in Andover. As the city grows so will commercial and retail businesses which will help reduce the tax burden on the residential property owners.

Roger Elliott, 511 Brookhill Circle, Wichita, member of Andover Board of Education, stated the Board has discussed the issue but has made no decision.

William Howarah, 940 Maplewood Court, stated he has been a resident of Andover for 27 years and is now trying to sell his home and believes this program would put a damper on the sale of re-sale homes. He is against the program.

Sheri Rickard, 915 E. Waterview, Andover resident and local real estate broker, stated she deals with both new and re-sale homes and does not agree with the concerns that this tax rebate program will put the re-sale home owners at a disadvantage. She added this type of program will bring the individual looking to buy a new home to Andover instead of buying in Wichita.

Janice Beliveau, 931 Maplewood Court, wants to know where the money will come from for services for the homes who will receive the rebate.

Sally Martin, 1419 E. Timberfalls Court, asked if the existing property tax payers are going to be subsidizing the rebate by bearing the tax burden alone. Mayor Lawrence explained city services and how property taxes are distributed.

Mayor Lawrence closed the public forum and asked the Council Members for their thoughts for moving forward.

Council Member Byron Stout stated he is in favor of a program, does not want it to be retroactive, and believes any caps should be on quantity not on value.

Council Member Sheri Geisler is in favor of a program, does not want it to be retroactive, would prefer a twelve month program, and is in favor of a quantity cap with no cap on value.

Council Member Caroline Hale stated she could debate both sides but is not in favor of a new program.

Council Member Kris Estes does not believe the mill levy is the issue with home sales in Andover but lending is. She is not in favor of a program but if the Council decides to move forward she would support a modified proposal from what is currently being considered.

Council Member Clark Nelson stated he is in favor of doing something as Wichita and all surrounding communities are offering incentives and agrees that once Wichita passed their program it put Andover at a greater disadvantage. He is in favor of a one year program, agrees to start date of June 1 and believes caps are an error.

Council Member Troy Tabor stated the majority of new homes do not compare, sales price, with the re-sale home. He is in favor of moving forward with a program with caps on the quantity but not value and wants the public to understand that any program can be cancelled within 90 days.

Mayor Lawrence recessed for a ten minute break.

Mayor Lawrence explained the two resolutions before the Council will not activate a program. The first one will allow the City to enter into an interlocal agreement with the County, Community College, and/or School District. The second resolution sets the date and time for a public hearing, required by law, before an Ordinance outlining the program can be considered by Council.

Jeff Masterson, Butler County Commissioner for the Andover area, spoke to what he thought the Butler County Commissioners would approve. He added he is in favor of an incentive program and believes Andover is a different situation due to location; next to the City of Wichita. Mr. Masterson stated there seems to be a misconception that this program would create a large tax burden on the current citizens and actually it would increase the tax base and lower the burden in five years, if we do nothing buyers wanting a new home will build their homes in Wichita.

Mayor Lawrence concluded the Council Members that are in favor of moving forward with a program were in agreement of the following: a program to begin June 1 (nothing retroactive), a twelve month term, and value caps of \$400,000 for residential projects and \$800,000 for commercial projects.

Staff will bring a revised proposal to the May 8th Council meeting.

- a. [A resolution authorizing and directing the Mayor to execute a new interlocal agreement with the Board of Butler County Commissioners, Unified School District #385 and the Butler Community College.](#)

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout, to adopt the resolution authorizing and directing the Mayor to execute a new interlocal agreement with the Board of Butler County Commissioners, Unified School District #385 and the Butler Community College. Motion carried 5/1. Council Member Caroline Hale opposed. Resolution number 12-05 was assigned.

- b. [A resolution to set the date and time for a public hearing for the City Council to consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17, 114 et seq. at a public hearing at 7:00 p.m. on Tuesday, May 8th, 2012, in the City Council Chambers; Andover, Kansas.](#)

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to adopt a resolution to set the date and time for a public hearing for the City Council to consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17, 114 et seq. at a public hearing at 7:00 p.m. on Tuesday, May 8th, 2012, in the City Council Chambers; Andover, Kansas. Motion carried 5/1. Council Member Caroline Hale opposed. Resolution number 12-06 was assigned.

14. Appointments to Health/Dental Insurance broker selection committee

Sasha Stiles stated the proposals from health and dental brokers have been received and staff requests two Council members be on the review committee which is suggested to include Police Chief Keller, Fire Chief Shaver, Les Mangus, Donna Davis, Jennifer McCausland, and herself to review the proposals.

Council Members Caroline Hale and Byron Stout volunteered.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to approve the appointments as outlined to a Health/Dental Insurance broker selection committee. Motion carried 6/0.

15. Executive Session: legal matters

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to enter executive session at 10:02 p.m. to discuss contract negotiations for fifteen minutes and to include the Governing Body, City Counsel and City Administrator. Motion carried 6/0.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to come out of executive session at 10:22 p.m. Motion carried 6/0.

No action was taken.

16. Member Items

Council Member Clark Nelson

- Welcomed Kris Estes to the Council.
- Asked for paper to be provided at the meetings for taking notes.

Council Member Kris Estes

- Stated she hopes Council Members don't mind her feisty nature as she likes the discussion prior to making a decision.

Council member Caroline Hale

- Welcomed Kris Estes to the Council.

Council Member Troy Tabor

- Welcomed Kris Estes to the Council.

Council Member Sheri Geisler

- Welcomed Kris Estes to the Council.

Council Member Byron Stout

- Welcomed Kris Estes to the Council.
- Considers serving on this Council a privilege.

Mayor Lawrence announced the quilt hanging in the foyer of City Hall was made by Melissa Boyd, Andover Central High School Senior and congratulated her on her achievement.

Mayor Lawrence stated at the next meeting the liaison positions will be appointed and asked the Council to let him know their interests.

17. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor at 10:25 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 8th day of May, 2012 by the City Council, City of Andover, Kansas.