

ANDOVER CITY COUNCIL
Tuesday, February 12, 2013
Minutes

1. [Mayor Ben Lawrence called the meeting to order.](#)

2. [Roll Call](#)

Council Members: Byron Stout IV, Sheri Geisler, Caroline Hale, Kris Estes and Clark Nelson were present. Troy Tabor was absent.

Staff: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Counsel Norman Manley, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, City Financial Advisor Mark Detter, and City Bond Counsel J.T. Klaus.

A/V staff: Bill Duggan

3. [Invocation was given by Pastor Jerry Smith of the Faith Baptist Church and Andover Police Department Chaplains.](#)

4. [Pledge of Allegiance was led by Mayor Ben Lawrence.](#)

5. [Public Forum](#)

Dan Woydziak, Butler County Commissioner, introduced himself as another voice for the Andover community. With the restructure of the districts at the County level County Commissioner Woydziak joins Commissioner Jeff Masterson in representing the City of Andover. District 5 will cover south of US Highway 54 from the county line to Santa Fe Lake Road and south to Rose Hill, Douglass, and the Walnut Township. Commissioner Woydziak invited citizens to contact him or Commissioner Jeff Masterson with any concerns they may have.

6. [Acceptance of Agenda](#)

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

7. [Denise Kelley, Andover Chamber of Commerce, provided details and invited everyone to attend their upcoming banquet on Saturday, February 23, 2013 at the Community Center in the 13th Street Sports Park.](#)

8. [Proclamation honoring Dyane Smokorowski - Kansas Teacher of the Year 2013 - item was tabled to a future meeting](#)

9. Police Chief Michael Keller presented three department awards; Sergeant Steve Harryman received the Life Saving Award; Captain Justin Phillips the Officer of the Year Award; and Rebecca Page the Civilian of the Year Award. Details of the awards are included at the end of the minutes.

10. Consent Agenda

- a. Approval of Minutes
 - i. City Council Workshop: January 28, 2013
 - ii. City Council Meeting: January 29, 2013
- b. Receive & file reports
 - i. Fire: January 2013
- c. Receive & file minutes
 - i. Planning Commission: December 18, 2012
- d. Approval of appropriation ordinance B-02-13 in the amount of \$ 765,700.31.
- e. Approval of non-elected personnel items

Toni Usher, Park Department semi-skilled maintenance worker new hire, at a rate of \$12.00 per hour, effective February 7, 2013.

Richard Seebo, Park Department tech skilled maintenance worker new hire, at a rate of \$13.00 per hour, effective January 21, 2013.

- f. Approval of Police Department General Order 02410 Tire Deflation Device.
- g. Approval of a proposed plan for re-organization of the Police Department
- h. Approval of the Police Department purchase of a 2013 Kawaskaki 4010 Mule work site utility vehicle from Kawasaki 4010 3-2-1 of El Dorado, Kansas, in the amount of \$11,938.699 and a PJ brand, single axle, twelve-foot long, 77" wide trailer with spring-assist ramp gate from Trailer Town of Park City, Kansas at a cost of \$1,585, with additional accessory installation of lighting and markings not to exceed \$2,000. The purchase is from funds donated by the estate of Leroy Tipton and the Andover Police & Fire Foundation.
- i. Approval of the proposed Purchase Card Manual and employee policy.
- j. Approval of a equipment service agreement with DocuForce of Wichita for the Fire Department copier/fax machine.
- k. Approval of a CVB check request for the hotel voucher program for the Days

Inn in the amount of \$2,120 for vouchers between December 19 and February 3, 2013.

- l. Approval of the Park Department purchase of 157 trees from Treescapes of Andover for the 21st Street landscaping in the amount of \$23,132.00, including the cost of shipping, with an additional \$1,500 for stakes, wire, soil amendments, water bags, fertilizer, etc. The purchase was approved as it was called for in the 21st Street Landscape Plan. This is part of the 21st Street Project and will be funded from street improvement project funds.
- m. Approval of the recommendation for a grant of public funds to the Sunlight Children's Advocacy and Rights Foundation of El Dorado in the amount of \$2,000 for building facility rental and utilities.
- n. Approval of the KDOT agreement for improvements on 159th St (KTA bridge to 21st Street. (8N-0580-01).

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the Consent Agenda as presented. Motion carried 5/0.

11. Refunding General Obligation Bond Series A, 2013

- a. Mark Detter presented a brief savings report which showed a savings to the City of \$377,000 if these bonds are refunded.
- b. An ordinance of the City of Andover, Kansas, authorizing the issuance of the City's General Obligation Refunding Bonds, Series A, 2013, in the aggregate principal amount of \$6,610,000, for the purpose of advance refunding certain outstanding General Obligation Bonds of 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, explained on February 7th the bonds had sold at an interest rate better than anticipated. The ordinance authorizes the issuance of the bonds and the resolution sets all the rates.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Clark Nelson to adopt an ordinance of the City of Andover, Kansas, authorizing the issuance of the City's General Obligation Refunding Bonds, Series A, 2013, in the aggregate principal amount of \$6,610,000, for the purpose of advance refunding certain outstanding General Obligation Bonds of 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 5/0. Ordinance number 1529 was assigned.

- c. A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series A, 2013, in the total aggregate principal amount of \$6,610,000, of the City of Andover, Kansas, previously authorized by Ordinance No. 1529 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 Sheri Geisler, seconded by Council Member Byron Stout to adopt a resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series A, 2013, in the total aggregate principal amount of \$6,610,000, of the City of Andover, Kansas, previously authorized by Ordinance No. 1529 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 5/0. Resolution number 13-06 was assigned.

12. A resolution indicating the intent of the Governing Body of the City of Andover, Kansas, to issue certain Industrial Revenue Bonds in an aggregate principal amount of not to exceed two million five hundred thousand dollars (\$2,500,000) for the purpose of purchasing, acquiring, constructing and equipping a medical office facility and paying a portion of the costs of issuance thereof.

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained the request was made by an affiliate of the Kansas Medical Center asking for intent to issue Industrial Revenue Bonds to construct a medical office building of approximately 9,000 sq. ft. adjacent to the existing hospital. Mr. Klaus added that 100% tax abatement for ten years has been requested.

Mr. Klaus stated he is expecting a request to issue bonds from the Kansas Medical Center for construction of additional patient rooms and reminded everyone that the medical center currently pays in excess of \$500,000 a year in property taxes.

Mr. Steve Hadley, Chief Financial Officer for Kansas Medical Center, was in attendance to answer any questions the Council may have.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to adopt a resolution indicating the intent of the Governing Body of the City of Andover, Kansas, to issue certain Industrial Revenue Bonds in an aggregate principal amount of not to exceed two million five hundred thousand dollars (\$2,500,000) for the purpose of purchasing, acquiring, constructing and equipping a medical office facility and paying a portion of the costs of issuance thereof. Motion carried 5/0. Resolution number 13-07 was assigned.

12A Mayor Ben Lawrence handed out a resolution encouraging action by the Kansas Congressional Delegation to oppose the proposed legislation which would eliminate tax-exempt bond financing.

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained without tax exemption the City would be competing with the same investors who are investing in the stock market and private industry with the same credit. Currently bond investors receive a federal income tax exemption. Mr. Klaus stated the tool of tax exempt bonds is significant for local governments financing needed infrastructure and has been used to pay for every road, bridge, and sewer in this city as well as the library, city hall, the expansion of the police department and is used for the leasing of police department vehicles.

Mayor Ben Lawrence added if this is passed by Congress it will be significantly more expensive to finance.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve a resolution of the City of Andover, Kansas encouraging action by the Kansas Congressional Delegation to use their best efforts in opposition of the legislation. Motion carried 5/0. Resolution number 13-09 was assigned.

13. A resolution declaring the eligibility of the City of Andover, Kansas to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds set forth by the Federal Transportation Equity Act for the 21st Century for the Redbud Trail Multi-Use Path Project in the City of Andover, Kansas.

Les Mangus stated the Kansas Department of Transportation requires a resolution declaring support and approval of the grant application and future operation and maintenance costs of the trail project. Along with the grant application we have provided a narrative, cost estimates, and numerous letters in support of the project from the schools, path users, local business's, etc. Mr. Mangus added Assistant Director of Public Works and Civil Engineer Steve Anderson prepared this application and is available to answer any questions.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to adopt a resolution declaring the eligibility of the City of Andover, Kansas to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds set forth by the Federal Transportation Equity Act for the 21st Century for the Redbud Trail Multi-Use Path Project in the City of Andover, Kansas. Motion carried 5/0.

14. Hope Community Church final plat

Les Mangus explained this is the final plat and the last step before the Sunlight Children's Advocacy and Rights Foundation can present plans to begin building the children's home.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the Hope Community Church final plat. Motion carried 5/0.

15. An ordinance amending the Code of the City of Andover revising certain City of Andover zoning regulations pertaining to home occupations and prohibiting the placement of business signs for home occupations within residential zoning districts. (ZA-2012-02)

Les Mangus explained after a lot of discussion and public hearings before the Planning Commission this ordinance effectuates the changes to the home occupation section of the zoning regulations defining retail sales, storage and signage.

A motion was made by Council Member Caroline Hale, seconded by Council Member Kris Estes to adopt an ordinance amending the Code of the City of Andover revising certain City of Andover zoning regulations pertaining to home occupations and prohibiting the placement of business signs for home occupations within residential zoning districts. (ZA-2012-02) Motion carried 5/0. Ordinance number 1530 was assigned.

16. An ordinance amending the Code of the City of Andover, Kansas, Chapter XVIII as it relates to school zones.

Les Mangus stated the ordinance corrects two clerical errors in the designated school zones and did not change the current zones.

A motion was made by Council Member Clark Nelson, seconded by Council Member Caroline Hale to adopt an ordinance amending the Code of the City of Andover, Kansas, Chapter XVIII as it relates to school zones. Motion carried 5/0. Ordinance number 1531 was assigned.

17. An ordinance amending Section 18-502 of the Code of the City of Andover, Kansas dealing with the operation of special purpose vehicles on city streets.

Police Chief Keller explained this amendment will remove the requirement for a slow moving emblem on the back of golf carts and work site utility vehicles.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to adopt an ordinance amending Section 18-502 of the Code of the City of Andover, Kansas dealing with the operation of special purpose vehicles on city streets. Motion carried 5/0. Ordinance number 1532 was assigned.

18. Member Items

Council Member Byron Stout had none.

Council Member Sheri Geisler had none.

Council Member Caroline Hale had none.

Council Member Kris Estes

- Thanked those who volunteered to work the home show booth.
- Stated her concern for the senior citizens in the community with the recent raise in sewer rates and asked if tiered funding could be discussed at a future workshop.

Council Member Clark Nelson

- As a citizen of Andover he is proud to have participated in the awards this evening.

Mayor Ben Lawrence referred to a letter from Butler County Administrator Will Johnson regarding a current Kansas bill that would change the definition of machinery and equipment. If this passes it is an estimated 3 million dollar loss in revenue to Butler County and the City of Andover would lose \$470,000 in revenues. Mayor Lawrence stated that whether you agree with the bill or not if it is passed it will shift the tax burden to residential property.

19. [Recess to the February 25, 2013 City Council Workshop joint meeting with the Planning Commission at 6:00 p.m. at Central Park Lodge.](#)

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to recess to the February 25, 2013 City Council Workshop joint meeting with the Planning Commission at 6:00 p.m. at Central Park Lodge. Motion carried 5/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 26th of February, 2013 by the City Council, City of Andover, Kansas.