

**ANDOVER CITY COUNCIL
Tuesday, October 30, 2007
Minutes**

The Andover City Council met for a regular meeting on Tuesday, October 30, 2007 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, Kevin Dreiling, Julie Reams, J.R. Jessen, Clark Nelson, and Carol Roberts. Others in attendance were: Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Management Assistant Sasha Stiles, Administrative Secretary Susan Renner, City Attorney Norman Manley, Fire Chief Jim Shaver, Police Chief Mike Keller, and City Clerk/Administrator Jeff Bridges.

The Invocation was given by Reverend Leon Hiebert of the Andover Assembly of God church.

Invocation

The Pledge of Allegiance was led by Andover Boy Scout Troops 533 and 684.

Pledge of Allegiance

Mayor Lawrence presented Andover Police Department Detective Mark Montague a plaque for his years of service with the department.

Awards & Recognitions

Mayor Lawrence presented City Council Member Caroline Hale with a plaque in appreciation of her hard work and dedication for Andover's 50th Anniversary celebration during Greater Andover Days.

Mayor Lawrence opened the floor to public comment. No one spoke.

Public Forum

Jeff Bridges asked that two executives session be added to the agenda for personnel matters and legal matters and asked to add the amended Developer's Agreement for the Marketplace East Addition.

Agenda

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

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to accept the consent agenda as follows:

Consent Agenda

- A. Approval of Minutes: City Council Meeting, October 9, 2007
- B. Receive & file Minutes: Library Meeting & Reports, September 12, 2007
- C. Approval of appropriation ordinance B-20-07 in the amount of \$1,290,007.50

- D. Approval of non-elected personnel items – change of status for Jason Jacobs from Class III Wastewater Operator to Class IV Wastewater Operator with an increase in salary from \$14.41 to \$15.41 per hour effective October 5, 2007.
- E. Approval of Change Order #5 - 13th Street West Project (#008 N 0364 01) reconciliation of quotes (-\$2,384.25) (Haul Road Costs)
- F. Approval of Change Order # 6 – 13th Street West Project (#008 N 0364 01) reconciliation of quantities (+\$46.15) (Temporary Surface Materials)
- G. Approval of Change Order # 7 – 13th Street West Project (#008 N 0364 01) reconciliation of quantities (-\$1,429.25) (Temporary Seeding)
- H. Approval of Change Order #8 - 13th Street West Project (#008 N 0364 01) reconciliation of concrete quantities (+\$2,090.62)
- I. Approval of Change Order #10 - 13th Street West Project (#008 N 0364 01) reconciliation of seeding and landscaping costs (+\$2,047.11)
- J. Approval of Change Order #11 - 13th Street West Project (#008 N 0364 01) reconciliation of costs for traffic control devices (-\$279.83)
- K. Approval of Change Order # 12– 13th Street West Project (#008 N 0364 01) adjust storm sewer inlet (+\$2,000)
- L. Approval of supplement to the Yorktown Intersection Design Project (+\$1,000.00 for traffic signal warrant analysis)
- M. Authorize the taking of sealed bids for the purchase of a new street sweeper for the Street Department. Bids to be opened at 1:00 p.m. on Thursday, November 8, 2007
- N. Approve contract for Sanitary Sewer Manhole Rehabilitation for 2008 with Mayer Specialty at \$83.50 per vertical foot.

Motion carried 6/0.

J.T. Klaus, Bond Council, presented Ordinance 1366 - an ordinance authorizing the City of Andover, Kansas to issue its industrial revenue bonds in the aggregate principal amount of \$23,000,000 for the purpose of providing funds to purchase, acquire, construct, furnish and equip a YMCA Branch; prescribing the form and authorizing execution of a trust indenture between the City and Commerce Bank, Kansas City, Missouri, as trustee; prescribing the form and authorizing the execution of a lease agreement between the City and Young Men's Christian Association of Wichita, Kansas; approving the form of a guaranty agreement between Young Men's Christian Association of Wichita, Kansas, as guarantor, and the trustee; prescribing the form and authorizing the execution of a bond

Ordinance 1366
YMCA IRB \$23,000,000

purchase agreement by and between the City, Young Men’s Christian Association of Wichita, Kansas, and Clayton Holdings, LLC, as purchaser of the 2007 bonds, and prescribing the form and authorizing the execution of a tax compliance agreement by and between the City, Young Men’s Christian Association of Wichita, Kansas and the trustee.

Mr. Klaus stated this ordinance approves all of the necessary documents to issue the \$23,000,000 in bonds for the YMCA.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to adopt Ordinance 1366. Motion carried 6/0.

J.T. Klaus, Bond Council, presented ordinance 1367 - an ordinance authorizing the City of Andover, Kansas to issue its taxable industrial revenue bonds, series 2007 (Hotel at the River, LLC), in the aggregate principal amount of \$4,590,000 for the purpose of purchasing, acquiring, constructing, furnishing and equipping a hotel located in the City of Andover; authorizing the execution of a trust indenture by and between the City and Security Bank of Kansas City, as trustee, authorizing the City to lease the project to Hotel at the River, LLC, authorizing execution of a lease agreement between the City and Hotel at the River, LLC; approving the form of a guaranty agreement between Hotel at the River, LLC and Security Bank of Kansas City, as trustee; approving the form of an individual guaranty agreement between the individual guarantors named therein and the trustee; authorizing the execution of a bond placement agreement by and between the City, Hotel at the River, LLC, the individual guarantors and Equity Bank, Andover, Kansas, as purchaser of the series 2007 bonds.

Ordinance 1367
Hotel at the River
Bond Placement
\$4,490,000

Mr. Klaus stated this ordinance approves the \$4,590,000 and completes the Industrial Revenue Bond for the Holiday Inn Express.

A motion was made by Council Member Hale, seconded by Council Member Nelson, to approve Ordinance 1367 as presented. Motion carried 5/0. (Council Member Dreiling abstained due to what could be perceived as a conflict of interest).

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to accept the Cornerstone Commercial Storm Drain Petition Phases III (supplemental petition) contingent upon receipt of the Developer’s Agreement and the proper sureties. Motion carried 6/0.

Cornerstone Commercial
Addition
Storm Drain Petition

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the Standard Developer’s Agreement as developed by the Council and approved by staff. Motion carried 6/0.

Cornerstone Commercial
Developer’s Agreement

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, contingent upon receipt of the Developer’s Agreement and the proper sureties, to approve Resolution No. 07-32 - a resolution determining the advisability of making certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or

Resolution No 07-32
Cornerstone Storm Drain
Phase 3 Improvements

probable costs thereof, the extent of the benefit district to be assessed for the costs thereof, the method of assessment and the apportionment of the costs between the benefit district and the City at large; authorizing and providing for the making of the improvements in accordance with the findings of the governing body; and directing the publication and recording of this resolution (Cornerstone Storm Drain Phase 3 Improvements). Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, contingent upon receipt of the Developer’s Agreement and the proper sureties, to adopt Ordinance 1368 - an ordinance authorizing the construction of certain internal improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by resolution no. 07-32 of the City, under the authority of K.S.A. 12-6a01 *et seq.*, as amended and supplemented; providing for the payment of the costs of said improvements; authorizing the issuance of general obligation internal improvement bonds for the payment of the costs of said improvements and authorizing and providing for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of said improvements.

Ordinance 1368
Cornerstone Storm Drain
Phase 3 Improvements

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, contingent upon receipt of the Developer’s Agreement and proper sureties, to accept the plans for improvements. Motion carried 6/0.

Cornerstone Improvement
Plans

Jeff Bridges presented the Council with the map of the streets for the YMCA and new elementary school. These improvements are for a signalized intersection at YMCA Drive and Yorktown.

Marketplace East Addition
Street Improvements

A motion was made by Council Member Dreiling, seconded by Council Member Reams, to accept the plans and authorize the taking of bids on Tuesday, November 13, 2007 at 11:00 a.m. at City Hall. Motion carried 6/0.

Jeff Bridges explained that the YMCA has purchased the property for their facility and the current Developer’s Agreement does not reflect them as a property owner.

Marketplace East Addition
Amended Developers
Agreement

A motion was made by Council Member Reams, seconded by Council Member Nelson, to accept the amended Developer’s Agreement for the Marketplace East Addition. Motion carried 6/0.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to appoint Mr. Mike Calvert, Dean of Butler Community College, to the Andover Convention and Visitors Bureau Committee. Motion carried 6/0.

Convention and Visitors
Board Appointment

A motion was made by Council Member Nelson, seconded by Council Member Reams, to go in to executive session at 7:27 p.m. for non-elected personnel matters to include Mayor Lawrence, City Council, Jeff Bridges, Les Mangus, and Chief Keller for approximately five (5) minutes. Motion carried 6/0.

Executive Session
Non-Elected Personnel

A motion was made by Council Member Jessen, seconded by Council Member Dreiling, to come out of executive session at 7:36. Motion carried 6/0.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to go in to executive session at 7:36 p.m. to discuss legal matters to include Mayor Lawrence, City Council, Jeff Bridges, Les Mangus, and Norman Manley for approximately five (5) minutes. Motion carried 6/0.

Executive Session
Legal Matters

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to come out of executive session at 8:02 p.m. Motion carried 6/0.

Member Items:

Member Items

J.R. Jessen reminded everyone of the Matt Crowder Memorial Tournament.

Kevin Dreiling wished everyone a safe and fun Halloween.

Caroline Hale had none.

Clark Nelson gave recognition to the Andover High Girls Golf Team for winning their 4th straight State Championship.

Council Member Nelson recognized Les Mangus for his representation for the City with the Wichita Area Metropolitan Planning Organization.

Julie Reams wished everyone a happy Halloween and to watch out for children. Council Member Reams also wished everyone with an October 31 birthday to have a happy one! (Julie's is the 31st)

Carol Roberts had none.

Jeff Bridges reminded everyone of Andover Safe Halloween on the 31st from 4-6pm. The Police and Fire Departments, and City Hall will be participating.

Everyone wished Julie Happy Birthday!

A motion was made by Council Member Nelson, seconded by Council Member Jessen to adjourn at 8:08 p.m. Motion carried 6/0.

Adjourn

Respectfully Submitted by

Susan Renner
Administrative Secretary

Approved this 13th day of November, 2007 by the City Council, City of Andover.

Jeffrey K. Bridges
City Clerk