

**ANDOVER CITY COUNCIL
Tuesday, August 26, 2008
Minutes**

The Andover City Council met for a regular meeting on Tuesday, August 26, 2008 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, Deputy Fire Chief Michael Roosevelt, Police Chief Mike Keller, Deputy City Clerk Susan Renner, Interim City Administrator Sasha Stiles, City Financial Advisor Jeff Bridges, City Attorney Norman Manley, and City Engineer Mike Thompson.

The Pledge of Allegiance was led by Mayor Lawrence.

Pledge of Allegiance

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

Public Forum

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the agenda with the removal of the City Council Meeting Minutes of August 12, 2008 to correct an error. Motion carried 6/0.

Agenda

A motion was made by Council Member Nelson, seconded by Council Member Reams, to accept the consent agenda as modified.

Consent Agenda

- A. Approval of Minutes: City Council Meeting, August 12, 2008
*Removed to correct an error, will
present at September 9, 2008 meeting*
- B. Receive & file Minutes: Andover Public Library July 9, 2008
- C. Receive & file reports:
 - i. Library July 2008
- D. Approval of appropriation ordinance B-15-08 in the amount of \$598,736.24
- E. Approval for Stellar Fireworks to shoot a private fireworks show at Terradyne County Club, September 5, at 11:45pm for approximately 10 minutes.
- F. Change Order One from Nowak Construction Co. for the Cornerstone 3rd Sanitary & Sewer (\$1,450 for additional sanitary sewer riser)
- G. An ordinance authorizing the consumption of alcohol on certain public property owned by the City of Andover, Kansas and amending Section 3-118 of the Code of the City of Andover, Kansas. Assigned

Ordinance No. 1405. Publication of the Ordinance will be held until the rules and regulations for each location have been determined and approved.

H. Flint Hills Utility Easement located within a portion of Reserve B of the Flint Hills National 4th Phase Addition.

Recommended action: approve

Motion carried 6/0

Larry Harmon was not present for agenda item 8. Matt Crowder Memorial.

Matt Crowder Memorial

A motion was made by Council Member Reams, seconded by Council Member Hale, to table the request for assistance with the Matt Crowder Memorial until the September 9, 2008 City Council meeting. Motion carried 6/0.

Sasha Stiles presented the Council with a revised proposal from J.P. Weigand for the sale of the library facility at 937 N Andover Road.

Marketing Proposal for sale of Andover Library 937 N Andover Road

Mayor Lawrence stated the monies from the sale of the property will repay the park improvement fund.

Norman Manley stated he had reviewed this proposal and it is a standard agreement.

A motion was made by Council Member Jessen, seconded by Council Member Reams, to approve the proposal for the sale of the old library. Motion carried 6/0.

Mary Laham, Wichita J.P. Weigand office, stated she welcomed the opportunity to work with the City of Andover. She would like to begin marketing the facility and the sale would be contingent upon the vacation of the library into their new facility.

Les Mangus explained the quote presented is from the only contractor able to construct a dome on the existing old wastewater treatment tank located at the Street Department's yard.

Salt Storage Dome

A motion was made by Council Member Hale, seconded by Council Member Reams, to accept the bid from Bulk Storage Inc., 28101 S Yale Ave, Beecher, Illinois, in the amount of \$68,750. Motion carried 6/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Council, presented an ordinance authorizing the City of Andover, Kansas to issue its Taxable Industrial Refunding and Improvement Revenue Bonds, Series 2008 (Andover Senior Care, L.L.C.), in the aggregate principal amount of \$6,460,000 for the combined purposes of (1) acquiring certain land and paying certain preliminary architectural, engineering and related costs for an extended-care skilled nursing facility to be located in the City of Andover, Kansas; (2) refunding and redeeming

Ordinance 1406
Andover Senior Care LLC

the outstanding City of Andover, Kansas Taxable Industrial Revenue Bonds, Series A, 2004 (Andover Senior Care, L.L.C.) and subordinated Taxable Industrial Revenue Bonds, Series B, 2004 (Andover Senior Care, L.L.C.); (3) refinancing a certain loan previously provided to Andover Senior Care, L.L.C. by Midland National Bank, Newton, Kansas; and (4) paying certain costs of issuance; authorizing the execution of a trust indenture by and between the City and Stillwater National Bank and Trust Company, as trustee; authorizing the execution of a mortgage by the City and Andover Senior Care, L.L.C. in favor of the trustee; authorizing execution of a lease between the City and Andover Senior Care, L.L.C.; approving the form of a guaranty agreement; approving the form of an individual guaranty agreement; authorizing the execution of a bond placement agreement by and between the City, Andover Senior Care, L.L.C., certain individual guarantors and Stillwater National Bank and Trust Company, as purchaser of the bonds.

Mr. Klaus explained this Ordinance is the first series of the issuance of bonds for Andover Senior Care, LLC, and handles the refinancing of the existing indebtedness and purchase of the property. The closing is scheduled for September 11, 2008, if approved by the City Council.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve the ordinance. Ordinance No. 1406 was assigned.

Jeff Bridges, Dewaay Financial, City Financial Advisor, presented a resolution amending Resolution No. 05-18 of the City of Andover, Kansas. (Cornerstone Medical).

Resolution 08-31
Cornerstone Medical
Paving Improvements

Mr. Bridges explained the developer submitted a new petition to include the Keystone Parkway and 21st Street improvements with the Cornerstone Medical Addition Paving Improvements.

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to approve the resolution. Resolution No. 08-31 was assigned.

Jeff Bridges, Dewaay Financial, City Financial Advisor, presented an ordinance amending Ordinance No. 1277 of the City of Andover, Kansas. (Cornerstone Medical).

Ordinance 1407
Cornerseont Medical
Paving Improvements

Mr. Bridges explained this ordinance completes the necessary paperwork for the resolution just passed.

A motion was made by Council Member Dreiling, seconded by Council Member Hale, to approve the ordinance. Motion carried 6/0.. Ordinance No. 1407 was assigned.

Jeff Bridges, Dewaay Financial, City Financial Advisor, presented a resolution setting the date, time and place for a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of certain improvements in the City, as heretofore authorized by Resolution no. 05-18 (as

Resolution 08-32

amended by Resolution No. 08-31, Resolution No. 06-23 (as amended by Resolution No. 06-31) and Resolution No. 07-15 (as amended by Resolution No. 07-20); directing publication of a notice of public hearing; and further directing the mailing of a notice of hearing and statement of costs proposed to be assessed to each and all of the property owners liable for such special assessments.

Mr. Bridges explained this resolution will set the date and time for the public hearing regarding special assessments to be levied for improvements in the Cornerstone Medical Addition, Montana Hills 2nd Addition, and Cornerstone 2nd Addition.

A motion was made by Council Member Hale, seconded by Council Member Reams, to approve the resolution and the set the hearing at the City Council meeting on September 30, 2008, 7:00 p.m., Andover City Hall, 909 N Andover Road. Motion carried 6/0. Resolution No. 08-32 was assigned.

Les Mangus presented a contract with the Kansas Department of Transportation for the Andover Road South Improvement Project. KDOT will be paying 80% of the cost and the City 20%. The City is currently working to acquire the necessary right of way.

KDOT Contract
Andover Road South

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

The Reflection Lakes 3rd Addition sewer and water plans were presented to the Council.

Reflection Lakes 3rd
Addition

Les Mangus explained the developer is asking the Council to accept the plans and set a date, time, and location for bid opening.

Council Member Reams stated she is not in support of any financing for this development.

A motion was made by Council Member Dreiling, seconded by Council Member Jessen, to accept the plans and set a bid opening date of September 9, at 11:00 a.m. at Andover City Hall. Motion carried 5/1. Council Member Reams opposed.

A motion was made by Council Member Hale, seconded by Council Member Reams, at 7:24 p.m. to go into executive session for approximately ten (10) minutes to discuss legal matters and to include the Mayor, City Council, Sasha Stiles, Norman Manley, and J.T. Klaus.

Executive Session
Legal Matters

Council Member Hale amended her motion to include Jeff Bridges. Motion carried 6/0.

A motion was made by Council Member Jessen, seconded by Council Member Dreiling, at 7:40 p.m. to come out of executive session. Motion carried 6/0.

Sasha Stiles requested the Council consider Change Order Two from Nowak Construction for Andover Marketplace Commercial Phase 1-Part 1 Sanitary Sewer and Water in the amount of \$26,605.00.

Marketplace Commercial
Phase 1 - Change Order

Mike Thompson, POE & Associates, City Engineer, explained this change had been requested by City staff for additional erosion control.

A motion was made by Council Member Nelson, seconded by Council Member Dreiling, to approve the change order in the amount of \$26,605.00.

Mayor Lawrence inquired if the developers petition would cover the amount of these change orders.

Sasha Stiles stated she had spoke to Mark Buckingham, MKEC, and he stated the amount of changes was within the original petition amount.

Council Member Nelson inquired if the change order should be held until the amounts had been reconciled.

Council Member Nelson withdrew his motion to approve, Council Member Dreiling withdrew the second.

Mayor Lawrence explained the ramifications of these change orders and the petition amounts. The Mayor stated we must know the amounts positively before approving change orders.

Mayor Lawrence added that with this particular engineering firm there seems to be an excessive amount of change orders. With change orders also comes new petitions, requiring additional time and effort from City staff, City Council, and Bond Council.

Les Mangus explained this has been deferred and discussed between the engineer, the project administrator and our staff for six (6) months and finally have a price to do the work. Mr. Mangus asked the Council to approve the change order contingent upon the confirmation of the original petition amounts.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to approve the change order with Nowak Construction for \$26,605.00 contingent upon a satisfactory review and a sufficient petition amount. Motion carried 6/0.

Mayor Lawrence asked Norman Manley what can be done to correct the issue of multiple change orders and re-petitioning.

Norman Manley stated the Council can require anything they like in connection with the projects. Maybe with this particular firm you require the engineers estimate be reviewed by the City's engineering firm and that the City would assess fees for the additional filings.

Mayor Lawrence stated this would involve extra expense to the City and the cost would have to be recovered. The Mayor added he understands change happens but the 4th, 5th, 6th, and more is too much.

Member Items:

Member Items

Council Member Jessen wished everyone a safe and happy Labor Day weekend.

Council Member Dreiling stated his thoughts of quick recoveries went out to Police Captain Harris and Fire Chief Shaver.

Council Member Dreiling thanked his daughter Holly for attending the meeting with him and said hello to all of her school mates.

Council Member Dreiling wished the Butler Community College Grizzlies number 1 ranked football team and their 19th ranked women's volleyball team a great season.

Council Member Hale also sent her thoughts out to Police Captain Harris and Fire Chief Shaver.

Council Member Hale inquired about the commercial signage being placed in City right of way and on private properties. Les Mangus explained the signs she was referring to are six (6) square foot or less and are not allowed in the City right of way which is approximately 15 feet behind the backside of the curb. They are allowed on private property with the permission of the property owner.

Council Member Hale inquired about some citizen reported speeding on Allison Street. Police Chief Keller explained the department had investigated the issue and found of 328 clocked vehicles the fastest was 36 mph. They will continue to monitor the area.

Council Member Nelson wished the Chief and the Captain speedy recoveries.

Council Member Reams also wished them speedy recoveries.

Council Member Reams thanked the police department for doing a great job keeping traffic under the speed limit with schools opening.

Council Member Reams wished her adorable daughter Emily a happy 4th birthday on September 3rd.

Council Member Roberts had none.

Mayor Lawrence had none.

A motion was made by Council Member Nelson, seconded by Council Member Reams, at 8:11 p.m. to adjourn. Motion carried 6/0.

Adjourn

Respectfully Submitted by

Susan Renner

Deputy City Clerk

Approved this 9th day of September, 2008 by the City Council, City of Andover.