

**ANDOVER CITY COUNCIL
Tuesday, July 14, 2009
Minutes**

The Andover City Council met for a regular meeting on Tuesday, July 14, 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, Julie Reams, J.R. Jessen, Clark Nelson, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Shane Coelho, Director of Public Works and Community Development Les Mangus, Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Police Chief Mike Keller, City Clerk Susan Renner, City Financial Advisor Jeff Bridges, City Attorney Norman Manley, City Bond Counsel Andrew Kovar, and City Engineer Mike Thompson.

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

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

Police Chief Keller recognized Police Officer Michaelson with a ‘Certificate of Commendation’ and officers Benjamin Graber, Shelby Sewell, and Troy Snedeker with ‘Good Conduct Medals’. Police Department Awards

Jeff Bridges, DeWaay Financial, City Financial Advisor, introduced Mark Detter who will be taking over his clients for DeWaay. Mr. Bridges is moving to Wethersfield, Connecticut, to assume the position of Town Manager. Introduction of Mark Detter for DeWaay Financial

Mr. Bridges thanked everyone for the relationships he has built through the years as the City Administrator and most recently the Financial Advisor.

Sasha Stiles presented the proposal for regular agenda item 11) Main and Mike Street sanitary sewer rehabilitation from Mies Construction. Agenda

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

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve the consent agenda as presented. Consent agenda

A. Approval of Minutes: City Council Joint Meeting, June 23, 2009
City Council Workshop, June 29, 2009
City Council Meeting, June 30, 2009

B. Receive & file Minutes: Site Plan Review, May 5, 2009
Subdivision, April 14, 2009
Planning Commission, May 19, 2009

Library, May 13, 2009

C. Receive & file reports:

- i. Finance June 2009
- ii. Fire June 2009
- iii. Library June 2009

D. Approval of appropriation ordinance B-13-09 in the amount of \$732,770.25.

E. Approval of a request by Gossen Livingston to list the proposed Andover City Hall Facility on the USGBC as a “registered” building.

Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented the Council with a proposal from Ballou Construction for micro-surfacing Central Avenue from Shay to Central Park; 13th Street from Cedar Park to the 13th Street Sports Park (excluding the Andover Road intersection), and 159th Street from Central to the Terradyne tunnel at a cost of \$175,868.96.

Microsurfacing proposal from Ballou Construction

A motion was made by Council Member Geisler, seconded by Council Member Hale, to accept the proposal and authorize the Mayor to sign the contract after review of bonds and insurance by the city attorney. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented the Council with a proposal from Mies Construction for the Main and Mike Street sanitary sewer rehabilitation in the amount of \$169,818. Mr. Thompson explained additional costs were due to additional lateral on May Street, the adjusting of three (3) existing manholes, and some fence replacement.

Main & Mike Street proposal from Poe & Associates

Mr. Thompson stated he wanted the Council to know there may be underground obstructions encountered. He added this area was developed before it was part of the City of Andover and the original plans are not available. With this in mind he asked the Council to approve the contract with Mies in the amount of \$169,818 and allow change orders, not to exceed a total of \$25,000, to be approved by the City Administrator and the Mayor, as needed to keep sewers in service.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the proposal in the amount of \$169,818 and possible change orders not to exceed a total amount of \$25,000 with review and approval from the City Administrator and Mayor. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented a proposal from Poe & Associates for professional engineering services in connection with water main improvements to serve the Arby’s proposed at 200 East Cloud. Thompson stated the project is to install a fire hydrant and has been requested by the developer and the developer will be responsible for reimbursing the city for the cost.

Poe & Associates agreement for waterline improvements (Arby’s)

A motion was made by Council Member Geisler, seconded by Council Member Reams, to accept the proposal as presented. Motion carried 6/0.

A motion was made by Council Member Tingley, seconded by Council Member Geisler, at 7:24 p.m. to recess the City Council meeting. Motion carried 6/0.

Andover Public Building Commission President Hale called to order the Andover Public Building Commission at 7:25 p.m. All members were present.

Public Building Commission

Sasha Stiles presented the Commissioners with proposals from GSI, Allied Laboratories, and Terracon Consultants, Inc. for geotechnical services at the site for the proposed new city hall. Mrs. Stiles explained Terracon handled these services for the library site and the city has had a long standing relationship with them. Mrs. Stiles stated staff is recommending Terracon.

Geotechnical proposals

Norman Manley stated he had concerns with the GSI and Allied contracts and is comfortable with the Terracon contract.

Brian Slack, 225 Lakeside Court, inquired if this was the for the area or the actual site since Terracon had done the work for the library which is next to the city hall site.

Les Mangus explained the tests are for the actual building site.

A motion was made by Public Building Commissioner Geisler, seconded by Public Building Commissioner Reams, to approve the contract with Terracon in the amount of \$3,600 for geotechnical services at Central Park. Motion carried 7/0.

A motion was made by Public Building Commissioner Jessen, seconded by Public Building Commissioner Reams, at 7:29 p.m. to adjourn the Public Building Commission. Motion carried 7/0.

Adjourn Public Building Commission

Mayor Lawrence called to re-convene the City Council meeting at 7:30 p.m..

Reconvene City Council Meeting

Sasha Stiles explained the library’s request for waiver of ‘temporary liquor permits’ for strictly Library Board hosted events. If approved this would exempt the Library Board from the \$50 permit fee and the \$200 damage/clean up deposit. Mrs. Stiles added the Library Board will continue to comply with the permit process so the city is aware of the events.

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the waiver of the \$50 permit fee and \$200 damage/clean up deposit for Library Board events only. Motion carried 6/0.

Andrew Kovar, Triplett, Woolf & Garretson, City Bond Counsel, presented a resolution of the City of Andover, Kansas, approving the sale of certain

Resolution 09-15
Andover Senior Care

unimproved land financed with the proceeds of revenue bonds of the city and authorizing the execution and delivery of a special warranty deed.

Mr. Kovar explained these bonds in the amount of \$6,460,000 would allow for the acquisition of land by Andover Senior Care, L.L.C. and construction of a skilled nursing facility at the Fountains at Andover.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to adopt the resolution as presented. Motion carried 6/0. Resolution number 09-15 was assigned.

Andrew Kovar, Triplett, Woolf, & Garretson, City Bond Counsel, presented an ordinance authorizing the City of Andover, Kansas to issue its Taxable Industrial Revenue Bonds, Series A, 2009 (Andover Senior Care, L.L.C.), in the aggregate principal amount of \$5,450,000 and subordinated Taxable Industrial Revenue Bonds, Series B, 2009 (Andover Senior Care, L.L.C.), in the aggregate principal amount of \$1,400,000 for the purposes of purchasing, acquiring, constructing, furnishing and equipping an extended-care rehabilitation skilled nursing facility and paying certain costs of issuance; authorizing the execution of a first supplemental trust indenture by and between the City and Stillwater National Bank and Trust Company, as trustee; authorizing the execution of a first supplemental mortgage and security agreement by the City and Andover Senior Care, L.L.C. in favor of the trustee; authorizing execution of a first supplemental lease agreement 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 Series A, 2009 bonds; and authorizing the execution of a bond placement agreement by and between the City, Andover Senior Care, L.L.C., certain individual guarantors and the purchasers of the Series B, 2009 bonds.

Ordinance 1439
Andover Senior Care

Mr. Kovar explained this ordinance actually authorizes the issuance and execution of all bond documents.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1439 was assigned.

Member items

Member items

Council Member Reams reminded everyone of National Night Out on August 4th, at the 13th Street Sports Park from 4:00 p.m. to 6:30 p.m.

Council Member Reams congratulated the police officers receiving awards and stated how much they are appreciated.

Council Member Geisler also congratulated the officers.

Council Member Geisler stated she has been receiving emails regarding the franchising of trash service in Andover and asked Administrator Stiles for an update.

Mrs. Stiles stated the city had received proposals from four (4) different agencies and were being reviewed by staff. Once the review is complete staff intends to report to the Council and have public meetings for citizens to have their questions answered and voice their opinions.

Council Member Geisler inquired if any action has been taken by anyone to repair 159th Street.

Sasha Stiles stated staff has concentrated efforts with the six (6) entities who share in the ownership of 159th Street, Sedgwick County, Minneha Township, City of Wichita, Butler County, Bruno Township and the City of Andover. to come to an understanding and agreement regarding the maintenance. Staff will be putting together a proposal to bring to the City Council.

Council Member Nelson stated he had read a newspaper article regarding the City of Bentley and how they were left with a substantial amount of unpaid improvements by the developer.

Les Mangus assured Council Member Nelson that the City of Andover takes steps to guarantee payment for special improvements and the completion of the promised improvements.

Council Member Nelson stated Kenny Hill, Poe & Associates, retired last week and he will be missed.

Council Member Nelson would like staff to consider a workshop regarding how we govern; ordinances, resolutions, bonds, city law, planning, etc., for the Council.

Council Member Hale congratulated the police department on their awards and added they are greatly appreciated.

Council Member Jessen had none.

Council Member Tingley thanked staff for their efforts in resolving the maintenance of 159th Street and encouraged motorists to slow down.

Council Member Tingley asked for a brief update on Greater Andover Days.

Les Mangus stated the committee is working on updating paperwork and permits and there has been a small committee appointed to seek outside support for the festival.

Mayor Lawrence inquired about maintenance of Harry Street from Andover Road east.

Les Mangus stated Butler County is responsible for that maintenance and the Butler County engineer is taking a look at it.

Mayor Lawrence inquired about the progress of slowing drivers in Green Valley.

Council Member Jessen stated the homeowners in the area where the cones had been placed did not like the way it looked.

Police Chief Keller stated the cones were a temporary fix and if they worked the city would proceed with a more costly but aesthetic way of providing the same effect. Chief Keller added the department would get homeowners feedback and return with an update in the next 30 days.

A motion was made by Council Member Hale, seconded by Council Member Jessen, at 8:30 p.m. to adjourn. Motion carried 6/0. Adjourn

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 28th day of July, 2009 by the City Council, City of Andover.