

**ANDOVER CITY COUNCIL  
Tuesday, June 29, 2010  
Minutes**

The Andover City Council met for a regular meeting on Tuesday, June 29, 2010 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, Julie Reams, J.R. Jessen, Clark Nelson, Sheri Geisler and Dave Tingley. Others in attendance were: City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, 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 Engineer Mike Thompson, City Bond Counsel J.T. Klaus and Andrew Kovar, City Financial Advisor Mark Detter and City Attorney Norman Manley.

The Invocation was given by Reverend Leon Hiebert.

Invocation

The Pledge of Allegiance was led by Andrew Burdick, Andover Scout Troup 533.

Pledge of Allegiance

Mayor Lawrence opened the floor to public comment.

Public Forum

Jacob Marietta, Wholesale Fireworks, 1611 Ledgerwood, requested the Council to reconsider the closing time for the fireworks stands. He would like it extended by ½-1 hour.

Resolution 10-11  
Fireworks Sale &  
Discharge

Mayor Lawrence stepped down due to what could be perceived as a conflict of interest.

Council Member Nelson asked Police Chief Keller and Fire Chief Shaver if they thought there was an issue. They concurred there was not.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to repeal Resolution 10-06 to amend the hours of sale as follows: June 27 – June 30 8:00 am – 10 p.m.; July 1 – July 4 8:00 a.m. – 11:00 p.m.; July 5 8:00 a.m. to 8:00 p.m. Motion carried 6/0. Resolution number 10-11 was assigned.

Agenda

Mayor Lawrence returned to the bench.

Sasha Stiles requested the addition of an item to the agenda; a Proposal for services from Rice-Foster Associates, she noted items on the bench include the bid tab for agenda item #9) Prairie Creek street and drainage improvements, and the completion documents for agenda item #12) General Obligation Bond issuance for Serendipity Estates, Marketplace East and Commercial Addition and Cornerstone Commercial and School Addition ordinance and resolution.

A motion was made by Council Member Nelson, seconded by Council Member Hale, to accept the agenda with the changes as requested. Motion carried 6/0.

Consent agenda

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the consent agenda with the following items moved to the regular agenda: item E) Parks Department purchase of HVAC replacement at Central Park Lodge; item F) Parks Department replacement of the roof on the large shelter at Central Park; and item G) Mayoral appointments to the CVB and Planning Commission.

- A. Approval of Minutes: City Council Meeting June 8, 2010
- B. Approval of appropriation ordinance B-11-10 in the amount of \$1,183,945.15
- C. Approval of non-elected personnel items:  
Phillip Pantleo, position change from Firefighter II to Firefighter III with a salary increase from \$13.07 per hour to \$13.37 per hour effective July 4, 2010.
- D. Approval of a Butler Community College drainage easement related to improvements on 21<sup>st</sup> Street
- E. *Approval of Parks Department purchase of HVAC replacement at Central Park Lodge (moved to regular agenda)*
- F. *Approval of Parks Department replacement of roof on large shelter at Central Park (moved to regular agenda)*
- G. *Approval Mayoral appointments to CVB and Planning Commission (moved to regular agenda)*
- H. Approval of a request for a private fireworks display at Terradyne Country Club on July 3, 2010 by Stellar Fireworks of Wichita.
- I. Approval of an agreement with Rural Water District #5 concerning the water service at Central Park.
- J. Approval of a request for a cul-de-sac closure on July 4, 2010, from 12noon to 12midnight for a neighborhood celebration on Valley Court.
- K. Approval of Police Department General Orders O2502 Juvenile Operations and O2102 Use of Force.
- L. Approval of right of way and easement documents for the 21<sup>st</sup> Street project (Laham Development)

Motion carried 6/0.

- M. Approval of Parks Department purchase of HVAC replacement at Central Park Lodge from Comfort Systems of Wichita in the amount of \$19,058. *(moved from the consent agenda)*

HVAC replacement at Central Park Lodge

N. Approval of Parks Department replacement of roof on large shelter at Central Park by the Barn Guys of Douglass, Kansas, in the amount of \$6,430.30. *(moved from consent agenda)*

Roof replacement on large shelter at Central Park

Council Member Nelson inquired what budget year item M and item N where in. Les Mangus stated 2010.

Sasha Stiles clarified the replacement of the Lodge roof is in the 2011 budget and this request is for the large shelter at Central Park.

A motion was made by Council Member Nelson, seconded by Council Member Reams, to approve both item M and N as presented. Motion carried 6/0.

O. Approval Mayoral appointments to CVB and Planning Commission *(moved from consent agenda)*

CVB & Planning Commission appointments

Council Member Nelson asked for clarification of the appointments.

Mayor Lawrence stated Troy Tabor, 105 Lioba Drive, was being appointed to the Planning Commission and Daryl Thornton, 3108 Stephen Court, Augusta, to the CVB.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve both appointments. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented an agreement for engineering services for the 4-Mile Creek Interceptor Relief Sewer project. Mr. Thompson stated where the two interceptors connect is over-loaded. As a part of the waste water plant expansion that we are trying to defer, we would like to take advantage of the current low bidding prices. This part of the project is \$750,000.

Poe & Associates agreement  
4-Mile Creek Interceptor

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

Sasha Stiles presented the bid tab for the Prairie Creek street and drainage improvements stating the bids for section one, the paving portion, came in under the engineers estimate but section two, the interior improvements came in higher than the engineers estimate. Staff would request the Council accept the bid with the contingency that satisfactory petitions, revised developer's agreement, and additional letters of credit covering the additional amount be provided by the July 13, 2010 Council meeting.

Prairie Creek street and drainage improvements

A motion was made by Council Member Hale, seconded by Council Member Geisler, to accept the bid from APAC-Kansas in the amount of \$2,002,549, contingent upon the receipt of satisfactory petitions, revised developer's agreement, and the additional letters of credit. Motion carried 6/0.

Mike Thompson, POE & Associates, City Engineer, presented the final plans for reconstruction and overlay of the surfacing of Harry Street from east of Andover Road to Prairie Creek Road. Mr. Thompson stated if this is handled as a change order on the current street rehabilitation project the street could be completed by the time school starts. The construction budget on this project is \$325,000.

East Harry Street reconstruction plans

Council Member Tingley inquired if there was a benefit district.

Mayor Lawrence explained there is no benefit district, but the County is participating and paid for the engineering costs and since the township does not have the equipment the city will maintain the road.

A motion was made by Council Member Nelson, seconded by Council Member Jessen, to approve the final plans and authorize Poe & Associates to negotiate a change order on the 2010 Street Rehabilitation project to begin reconstruction and overlay. Motion carried 6/0.

Les Mangus presented the Autumn Ridge Second Addition Final Plat and stated the developer desires to build three family dwellings. Mr. Mangus explained the City's Subdivision Regulations allow lots to be split into two separate properties, but in order to divide the property into three lots it must be replated.

Autumn Ridge Addition Final Plat

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

Andrew Kovar, Triplett, Woolf and Garretson, City Bond Counsel, stated today was the public sale of bonds for the Serendipity Estates, Marketplace East and Commercial Addition and Cornerstone Commercial And School Addition improvements; three bids were received with Country Club Bank/Equity Bank having the low bid at 3.23%, this is a result of the city's A+ rating.

Res 10-10 Serendipity Estates Marketplace East & Commercial Addition Cornerstone Commercial & School Addition

A motion was made by Council Member Hale, seconded by Council Member Reams, to accept the bond bid from Country Club Bank/Equity Bank in the amount of \$3,958,000 at an interest rate of 3.23% and authorize the Mayor to sign the documents. Motion carried 6/0.

Andrew Kovar, Triplett, Woolf and Garretson, City Bond Counsel, presented the completion document for an ordinance of the City of Andover, Kansas, authorizing the issuance of the city's General Obligation Bonds, Series A, 2010, in the aggregate principal amount of \$3,968,000, for the purpose of financing the otherwise unpaid 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. Mr. Kovar explained this ordinance approves the execution of the bonds.

Ordinance 1465 Serendipity Estates Marketplace East & Commercial Addition Cornerstone Commercial & School Addition

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the completion document for the ordinance as presented on the bench. Motion carried 6/0. Ordinance number 1465 was assigned.

Andrew Kovar, Triplett, Woolf and Garretson, City Bond Counsel, presented the completion document for a resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series A, 2010, in the total aggregate principal amount of \$3,968,000, of the City of Andover, Kansas, previously authorized by Ordinance No. 1465 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. Mr. Kovar explained this document sets the terms of the bonds.

Resolution 10-10  
Serendipity Estates  
Marketplace East &  
Commercial  
Cornerstone Commercial  
& School Addition

A motion was made by Council Member Hale, seconded by Council Member Geisler, to approve the completion document for the resolution as presented on the bench. Motion carried 6/0. Resolution number 10-10 was assigned.

A motion was made by Council Member Geisler, seconded by Council Member Reams, at 7:52 p.m. to recess the Andover City Council meeting and convene the Andover Public Building Commission meeting. Motion carried 6/0.

Recess and convene  
Public Building  
Commission

Public Building Commission President Hale called the meeting to order. Public Building Commissioners Julie Reams, Sheri Geisler, Clark Nelson, Ben Lawrence, J.R. Jessen, and Dave Tingley were present. Also present was Public Building Commission Secretary Susan Renner.

A motion was made by Public Building Commissioner Reams, seconded by Public Building Commissioner Jessen, to approve the meeting minutes from June 8, 2010. Motion carried 7/0.

APBC Minutes  
June 8, 2010

Mark Detter, DeWaay Financial, City Financial Advisor, stated he will step down as Financial Advisor on the Public Building Commission's Improvement Revenue Bonds, Series A, 2010, due to potential conflicts of interest in accordance with MSRB Rule G-23 and that the resignation as Financial Advisor is only for the Series A, 2010 Bonds.

DeWaay Financial  
resignation

A motion was made by Public Building Commissioner Geisler, second by Public Building Commissioner Reams, to accept the resignation for this bond series only. Motion carried 7/0.

Mark Detter, DeWaay Financial, presented the underwriting agreement for providing services in connection with the issuance of the Public Building Commission, Series A, 2010, Bonds in the amount of \$4,350,000.

DeWaay Financial  
Underwriters Agreement

A motion was made by Public Building Commissioner Lawrence, second by Public Building Commissioner Reams, to approve the agreement and authorize the Public Building Commission President to sign the agreement. Motion carried 7/0.

J.T. Klaus, Triplett, Woolf and Garretson, City Bond Counsel, presented a resolution of the Andover Public Building Commission authorizing and providing for the underwriting and offering for sale of the Public Building Commission's

APBC Resolution 10-01  
Improvement Revenue  
Bonds \$4,350,000

Improvement Revenue Bonds, Series 2010 in the approximate principal amount of \$4,350,000. Mr. Klaus explained this resolution will authorize the sale of the bonds and after the bids have been received a resolution will be presented with the final numbers.

A motion was made by Public Building Commissioner Jessen, seconded by Public Building Commissioner Geisler, to approve the resolution as presented. Motion carried 7/0. Resolution number APBC 10-01 was assigned.

A motion was made by Public Building Commissioner Lawrence, seconded by Public Building Commissioner Jessen, at 8:03 to adjourn the Public Building Commission meeting and reconvene the City Council meeting. Motion carried 7/0.

Adjourn APBC and reconvene City Council meeting

Mayor Lawrence presented a contract for services from Rice Foster Associates to prepare construction documents for a plaza between the Andover Public Library and the new city hall facility. Mayor Lawrence added it is not being proposed to be paid through the city hall project but from the park improvement funds which has sufficient funds to cover the cost of this agreement.

Rice Foster Associates contract for services Plaza at Central Park construction documents

Norman Manley stated he has reviewed and approves the agreement for Council's consideration.

A motion was made by Council Member Nelson, seconded by Council Member Geisler, to approve the agreement dated June 29, 2010, with Rice Foster Associates in an amount not to exceed \$16,500. Motion carried 6/0.

Member Items

Member items

Council Member Reams wished everyone a safe and happy Fourth of July holiday.

Council Member Geisler stated the 13<sup>th</sup> Street Park will be open for the shooting of fireworks.

Council Member Geisler inquired about the progress of westbound Harry Street from Andover Road. Les Mangus stated the concrete was in place for the intersection and after it cures they will begin the main line paving to connect.

Council Member Geisler inquired about the progress of the intersection at 159<sup>th</sup> and US 54. Mr. Mangus stated the City of Wichita is still working on the proposal.

Council Member Geisler stated the park planning committee had met and one of their goals was to have one neighborhood city park in every one square mile. Jennifer McCausland is looking into writing a policy defining how parks are to be named how the public can get involved.

Council Member Nelson had none.

Council Member Jessen wished everyone a safe and happy Fourth of July holiday. Adjourn

Council Member Tingley had none.

A motion was made by Council Member Jessen, seconded by Council Member Reams, at 8:28 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 13<sup>th</sup> day of July, 2010 by the City Council, City of Andover.