

**ANDOVER CITY COUNCIL  
Andover City Hall – 1609 E Central  
Tuesday, July 12, 2011  
Minutes**

**1. Call to Order**

Mayor Lawrence called the meeting to order at 7:00 p.m.

**2. Roll Call**

Present were Council Members Byron Stout IV, Sheri Geisler, Dave Tingley, Clark Nelson, Caroline Hale, and Troy Tabor.

Also in attendance was Administrative Services Director Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, City Administrator Sasha Stiles, City Clerk Susan Renner, City Bond Counsel J.T. Klaus, City Financial Advisor Mark Detter, Public Works & Community Development Director Les Mangus, and Police Captain Randy Coffman.

**3. Invocation**

There was no invocation.

**4. Pledge of Allegiance**

Mayor Lawrence led the Pledge of Allegiance.

**5. Public Forum**

No one spoke.

**6. Acceptance of Agenda**

Sasha Stiles requested the addition of Cornejo & Sons change order two for the Andover Landing project.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout, to accept the agenda with the addition of the Cornejo & Sons change order to the regular agenda. Motion carried 6/0.

7. Public Hearing: Vacation Case VA-2011-01 (1516 W Oxford Court)

No one spoke.

8. Consent Agenda

- a. Approval of Minutes
  - i. City Council Workshop: June 27, 2011
  - ii. City Council Meeting: June 28, 2011
- b. Receive & file reports
  - i. Finance: June 2011
  - ii. Fire: June 2011
- c. Receive & file minutes
  - i. PAI: June 10, 2011
  - ii. Site Plan Review Committee: June 21, 2011
- d. Approval of appropriation ordinance B-12-11 in the amount of \$ 368,977.85.

7. Vacation Case VA-2011-01

A motion was made by Council Member Sheri Geisler, seconded by Council Member Clark Nelson, to approve the homeowners request for the vacation of a portion of the rear yard drainage and utility easement to extend an existing deck at 1516 W Oxford Court as recommended by the Planning Commission. Motion carried 6/0.

9. An ordinance approving a special use to establish a used automobile sales facility in the B-5 Highway District on certain lands located in the City of Andover, Kansas, under the authority granted by the zoning regulations of the city as originally approved by ordinance 1187. (SU-2011-01)

Les Mangus explained this request was made by the property owner to allow them to lease a portion of the property to an individual wanting to operate a used car lot.

A motion was made by Council Member Clark Nelson, seconded by Council Member Troy Tabor, to adopt an ordinance approving a special use to establish a used automobile sales facility in the B-5 Highway District on certain lands located in the City of Andover, Kansas, under the authority granted by the Zoning Regulations of the city as originally approved by Ordinance 1187. (SU-2011-01) Motion carried 6/0.

10. [KDOT revised Authority to Award Contract Commitment of City Funds \(8 N-0475-01 21st Street project\)](#)

Sasha Stiles explained the revised KDOT document presented at the last meeting contained an error on the signature page. This document corrects that error from \$582,100 to \$586,100 on the City's cost for the project.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler, to approve the revised KDOT Authority to Award Contract Commitment of City Funds. (8 N-0475-01 21st Street project) Motion carried 6/0.

11. [A resolution of the City of Andover, Kansas conditionally requesting the redemption of certain Andover Public Building Commission's Improvement Revenue Bonds, Series A, 2010.](#)

J.T. Klaus, Triplett, Woolf & Garretson, City Bond Counsel, explained this resolution begins the process to refund and refinance the bonds that were used to finance the city hall project. It reduces the number of years financed from twenty to four allowing for a substantial savings in interest for the city.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Dave Tingley, to approve a resolution of the City of Andover, Kansas conditionally requesting the redemption of certain Andover Public Building Commissions Improvement Revenue Bonds, Series A, 2010. Motion carried 6/0. Resolution number 11-19 was assigned.

**[Recess City Council meeting and convene Public Building Commission meeting.](#)**

A motion was made by Council Member Sheri Geisler, seconded by Council Member Caroline Hale, at 7:28 p.m. to recess the City Council meeting and convene the Public Building Commission meeting. Motion carried 6/0.

1. [Public Building Commission roll call](#)

Public Building Commission President Dave Tingley called for roll call. Public Building Commissioners Byron Stout IV, Sheri Geisler, Ben Lawrence, Clark Nelson, Caroline Hale, Troy Tabor and Public Building Commission Secretary Susan Renner was in attendance.

2. [Public Building Commission minutes of May 10, 2011](#)

A motion was made by Commissioner Clark Nelson, seconded by Commissioner Byron Stout, to approve the Public Building Commission minutes of May 10, 2011. Motion carried 7/0.

3. DeWaay Financial underwriting agreement

Mark Detter, DeWaay Financial, City Financial Advisor, explained regulatory processes and the need for him to resign as city financial advisor for this series of bonds only to allow for the underwriting of the bonds by DeWaay Financial.

A motion was made by Commissioner Clark Nelson, seconded by Commissioner Sheri Geisler, to accept the resignation and the DeWaay Financial underwriting agreement. Motion carried 7/0.

4. A resolution of the Andover Public Building Commission authorizing the refunding and redemption prior to maturity of certain of its Improvement Revenue Bonds, Series A, 2010 (city hall) and authorizing and providing for the underwriting and offering for sale of the Commission's Refunding Revenue Bonds, Series 2011 in a principal amount not to exceed \$4,100,000.

J.T. Klaus, Triplett, Woolf & Garretson, City Bond Counsel, explained if approved the City Council will be presented with an ordinance and the Public Building Commission will be presented with a resolution at the next meeting to finalize the sale of bonds.

A motion was made by Commissioner Clark Nelson, seconded by Commissioner Caroline Hale, to approve a resolution of the Andover Public Building Commission authorizing the refunding and redemption prior to maturity of certain of its Improvement Revenue Bonds, Series A, 2010 (city hall) and authorizing and providing for the underwriting and offering for sale of the Commissions Refunding Revenue Bonds, Series 2011 in a principal amount not to exceed \$4,100,000. Motion carried 7/0. Resolution number APBC 11-01 was assigned.

**Adjourn Public Building Commission meeting and reconvene Andover City Council meeting.**

A motion was made by Commissioner Sheri Geisler, seconded by Commissioner Caroline Hale, at 7:44 p.m. to adjourn the Public Building Commission meeting and reconvene the Andover City Council meeting. Motion carried 7/0.

**Agenda Add On**

1. Cornejo & Sons change order two

Sasha Stiles presented Cornejo & Sons change order two for the Andover Landing project in a credit amount of \$34,776.90 for the irrigation water supply and modification of the substantial completion date to August 20, 2011.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler, to approve Cornejo & Sons change order two for the Andover Landing project in a credit amount of \$34,776.90 for the irrigation water supply. Motion carried 6/0.

## 12. Executive session to discuss legal matters

Council Member Clark Nelson recused himself from the executive session.

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler, at 7:47 p.m. to go in to executive session to discuss legal matters, for approximately five minutes and include the City Administrator, Public Works Director, City Counsel, and the Governing Body, excluding Council Member Clark Nelson. Motion carried 5/0.

### Come out of executive session

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor, at 8:17 p.m. to come out of executive session. Motion carried 5/0.

No action was taken as a result of the executive session.

## 13. Member Items

Council Member Byron Stout

- noted that the flyer mailed with the utility bill missed an opportunity to explain the reasons for the wastewater plant expansion and the Environmental Protection Agency and Federal government mandates. He encouraged citizens to write their congressmen regarding these mandates.

Council Member Sheri Geisler

- stated she had written to Mike Pompeo and asked him to connect with city staff regarding the wastewater plant expansion.
- commented that she had no issues with extended hours of shooting of fireworks.
- commented on the meetings streaming on the city website and noted the sound quality for staff was not good.

Council Member Dave Tingley

- stated his neighborhood was insane with fireworks.
- thanked J.T. Klaus and Mark Detter for their work on the financing of the City Hall project.

Council Member Clark Nelson

- inquired if staff should look into the Dead Red law regarding stop lights and motorcycles that has been adopted by the State and the City of Wichita. This could possibly be an issue in Andover.  
Les Mangus stated it is problem.
- inquired about a State law passed last year or the year before allowing the licensing of electric golf carts etc. and if staff should look into that type of licensing.

- concurred with Dave Tingley regarding the City's legal and bond staffs work regarding the economics of the City Hall project.

Council Member Caroline Hale

- stated she had one citizen complaint regarding the fireworks.
- announced National Night Out will be held at Central Park, August 2, from 6:00 p.m. to 8:30 p.m.
- announced the Historical Society will be opening their museum at 937 N Andover Road, the old library building, on July 30 at 1:00 p.m.
- announced "The Ride" benefiting the Police and Fire Foundation was this Saturday.
- announced the Senior Center monthly breakfast was also this Saturday from 7:00 to 10:00 a.m.

Council Member Troy Tabor

- inquired about the sunset of the sales tax for the City Hall project.
- stated the library is doing an excellent job promoting their programs.

Mayor Ben Lawrence

- requested an update on the 2011 budget.  
Sasha Stiles stated the budget will be presented at the July workshop.

14. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor, at 8:34 p.m. to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 26<sup>th</sup> of July, 2011, by the City Council, City of Andover