

**ANDOVER CITY COUNCIL  
Tuesday, August 28, 2012  
Minutes**

1. [Mayor Ben Lawrence called the meeting to order.](#)

2. [Roll Call](#)

City Council Members: Byron Stout, Sheri Geisler, Troy Tabor, Caroline Hale, Kris Estes. Clark Nelson was absent.

Staff: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, City Attorney Norman Manley, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, City Bond Counsel J.T. Klaus, and City Financial Advisor Mark Detter.

A/V staff: Cindy Barrett

3. [Invocation was given by Pastor Leon Heibert of Generations Church and Andover Police Chaplains.](#)

4. [Pledge of Allegiance was led by Mayor Ben Lawrence.](#)

5. [Public Forum](#)

Carla Heidemand, 1912 Prairie Lane, Augusta, introduced herself to the Council and let them know how proud she is to work for the Andover Public Library as the interim director.

6. [Acceptance of Agenda](#)

Sasha Stiles stated staff would be unable to use any video displays at the meeting this evening.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to accept the agenda as presented. Motion carried 5/0.

7. [Presentations](#)

- a. Cheri Nienke, Andover Public Library, presented a challenge to the city staff for the "Read on Andover" program.

8. [Consent Agenda](#)

- a. Approval of Minutes

Council Member Sheri Geisler requested a correction to the minutes presented. The vote for the abatement for Mr. Kim Quastad's project should be 3/1 with her in opposition.

- i. City Council Meeting: August 14, 2012

- b. Receive & file reports
  - i. Police: July 2012
- c. Receive & file minutes
  - i. Site Plan Review: June 5, July 3, July 11, 2012
  - ii. Subdivision: April 10, 2012
  - iii. Planning Commission: June 19, 2012
- d. Approval of appropriation ordinance B-15-12 in the amount of \$ 263,311.80.
- e. Approval of non-elected personnel items

Mark Werbin, status change from Police Department MPO II to MPO III, with a pay increase from \$18.34 to \$18.67 per hour, effective August 20, 2012.

Erin Allen, status change from Communication Dept. training to regular status, with a pay increase from \$14.00 to \$14.25, effective August 13, 2012.

- f. Approval of a Police Department request to drill an irrigation well at 909 N. Andover Rd. at a cost of \$2,652.25, work to be done by Harp Well and Pump Service, Wichita, Kansas. In addition, \$2,627.70 for the necessary electrical connections by Ziegler Electric, Wichita, Kansas.
- g. Approval of Greater Andover Days contracts
  - i. Carrie McDonald, Derby, Kansas, for face painting Friday, September 28, 6-9pm, in the amount of \$600.00.
  - ii. Clear Channel Radio, Wichita, Kansas, in the amount of \$2,154.00.
  - iii. Entercom Radio, Wichita, Kansas, in the amount of \$1,000.00.
  - iv. Big Sky Party Rentals, Wichita, Kansas for Kidfest, for Saturday, September 29, 9:30am-3:30pm, in the amount of \$1,125.00.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to approve the consent agenda as presented. Motion carried 5/0.

## 9. Vacation Hearing

- a. VA-2012-05 1032 E Lakecrest Drive

Mayor Ben Lawrence opened the public hearing. No comments were made. The hearing was closed.

Les Mangus explained the request was for a 10 foot rear yard utility easement and has been approved by the Planning Commission.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to approve Vacation case VA-2012-05 as submitted. Motion carried 5/0.

10. Executive Session - land acquisition

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to enter executive session to discuss land acquisition for approximately ten minutes, to include the Governing Body, City Administrator, Public Works Director and City Attorney. Motion carried 5/0.

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

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

11. Executive Session - legal matters

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to enter executive session to discuss legal matters for approximately twenty minutes and to include the Governing Body, City Administrator, Public Works Director, City Attorney, and City Bond Counsel. Motion carried 5/0.

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

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

12. Central States Financial Advisory Agreements

- a. Andover Landing
- b. Prairie Creek

Mark Detter, Central States Financial, City Financial Advisor, presented contracts for services for financing the two bond issues to follow on this agenda.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve the financial advisory agreements as presented. Motion carried 5/0.

13. The Course at Green Valley Greens 11th Addition

Sasha Stiles explained the following documents will need consideration prior to the acceptance of the plat for the Course at Green Valley Greens 11<sup>th</sup> Addition to be approved and the property owners to move forward.

- a. Accept the agreement between the City, Green Valley Greens 8th Home Owners Association (GVG 8th HOA), and Green Valley Commercial Development, LLC (transfer of property to connect backage road to Onewood and the warranty deed)

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to accept the agreement between the City, Green Valley Greens 8th Home Owners Association (GVG 8th HOA), and Green Valley Commercial Development, LLC (transfer of property to connect backage road to Onewood and the warranty deed) Motion carried 5/0.

- b. Accept the agreement between the City and Revelations Ministries (highway and backage road right of way dedication)

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to accept the agreement between the City and Revelations Ministries. (highway and backage road right of way dedication) Motion carried 5/0.

- c. Warranty deed for private access off of Onewood to Revelations Ministries property (for information only-no council action necessary)

A motion was made by Council Member Byron Stout, seconded by Troy Tabor to accept the Warranty deed for private access off of Onewood to Revelations Ministries property. Motion carried 5/0.

- d. Accept a Drainage Easement (from GV 8th HOA)

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to accept a Drainage Easement (from GV 8th HOA) Motion carried 5/0.

- e. Accept a Utility Easement (from GV 8th HOA)

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to accept a Utility Easement (from GV 8th HOA) Motion carried 5/0.

- f. Approve Revelation Ministries Developer's Agreement (special assessments)

A motion was made by Council Member Kris Estes, seconded by Council Member Sheri Geisler to approve the Revelation Ministries Developer's Agreement (special assessments) Motion carried 5/0.

- g. Accept Sanitary Sewer petition (GVG 11th)

A motion was made by Council Member Troy Tabor, seconded by Council Member Caroline Hale to accept the Sanitary Sewer petition (GVG 11th) Motion carried 5/0.

- h. Accept Storm Sewer petition (GVG 11th)

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to accept the Storm Sewer petition (GVG 11th) Motion carried 5/0.

- i. Accept final plat of The Course at Green Valley Greens 11th Addition

A motion was made by Council Member Troy Tabor, seconded by Council Member Caroline Hale to accept the final plat of The Course at Green Valley Greens 11th Addition Motion carried 5/0.

Sasha Stiles explained this resolution and the ordinance that follow outline the intent and authorize the construction of the necessary public infrastructure petitioned by the developer.

- j. A resolution determining the advisability of making certain improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or 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 (sanitary sewer improvements and storm sewer improvements).

A motion was made by Council Member Kris Estes, seconded by Council Member Sheri Geisler to adopt a resolution determining the advisability of making certain improvements in the City of Andover, Kansas; setting forth the general nature of the improvements, the estimated or 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 (sanitary sewer improvements and storm sewer improvements). Motion carried 5/0. Resolution number 12-08 was assigned.

- k. An ordinance authorizing the construction of certain sanitary sewer and storm sewer improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 12-08 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 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.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to adopt an ordinance authorizing the construction of certain sanitary sewer and storm sewer improvements in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 12-08 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 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. Motion carried 5/0. Ordinance number 1515 was assigned.

#### [14. Andover Landing certificate of final costs and permanent financing](#)

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained the certificate of final cost and the resolution that follows are for the Andover Landing Addition improvements; water distribution Phase 1 and 2; sewers; paving Phase 1 and 2; storm drainage; water main; 21<sup>st</sup> Street sidewalk; and Andover Road sidewalk.

A motion was made by Council Member Caroline Hale, seconded by Council Member Byron Stout to accept the certificate of final costs. Motion carried 5/0.

- a. 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. 10-19, as amended by Resolution No. 11-03; 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

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to adopt 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. 10-19, as amended by Resolution No. 11-03; 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. Resolution number 12-09 was assigned.

15. Prairie Creek Addition

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained the following documents declare the receipt and action on a petition for design engineering only for a water main along 13<sup>th</sup> Street, the advisability and authorization for the issuance of general obligation bonds to pay for it. All costs associated will be assessed 100% to the property owner/developer.

- a. Water main engineering petition

A motion was made by Council Member Kris Estes, seconded by Council Member Caroline Hale to accept the Water main engineering petition. Motion carried 5/0.

- b. A resolution determining the advisability of designing certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the project, the estimated or 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 project in accordance with the findings of the Governing Body; and directing the publication and recording of this resolution (water main design project).

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to adopt a resolution determining the advisability of designing certain internal improvements in the City of Andover, Kansas; setting forth the general nature of the project, the estimated or 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 project in accordance with the findings of the Governing Body; and directing the publication and recording of this resolution (water main design project). Motion carried 5/0. Resolution number 12-10 was assigned.

- c. An ordinance authorizing a water main design project in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 12-10 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 project; authorizing the issuance of general obligation bonds for the payment of the costs of said project.

A motion was made by Council Member Troy Tabor, seconded by Council Member Byron Stout to adopt an ordinance authorizing a water main design project in the City of Andover, Kansas, as heretofore determined advisable and authorized to be made by Resolution No. 12-10 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 project; authorizing the issuance of general obligation bonds for the payment of the costs of said project. Motion carried 5/0. Ordinance number 1516 was assigned.

16. An ordinance of the City of Andover, Kansas, authorizing the execution and delivery of, and consenting to, a second amendment of a certain trust indenture by and between the City of Andover, Kansas, as issuer, and Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation, as trustee. (Hotel at the River)

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained at the request of Equity Bank, sole owner of the taxable bonds issued for the construction of the Holiday Inn Express, to amend the documents to allow for the lowering of the interest rates to 6.1389%. Mr. Klaus added all costs incurred will be paid by the applicant.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to adopt an ordinance of the City of Andover, Kansas, authorizing the execution and delivery of, and consenting to, a second amendment of a certain trust indenture by and between the City of Andover, Kansas, as issuer, and Security Bank of Kansas City, Kansas City, Kansas, a state banking corporation, as trustee. (Hotel at the River) Motion carried 5/0. Ordinance number 1517 was issued.

17. Cedar Pines Golf Course

Sasha Stiles requested authorization for staff to negotiate a letter of intent with Bryson and Michael Funke in regards to the operation of the golf course. Ms. Stiles added Bryson and Michael were in attendance if the council had questions.

Council Member Byron Stout stated as a member of the golf course committee he thought this was a great opportunity for Cedar Pines and the City to engage a new partnership and encouraged Council to move forward.

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to authorize City staff to enter negotiations, at the advisement of City Counsel Norman Manley, with Bryson Funke and Michael Funke regarding the possible operation of Cedar Pines Golf Course. Motion carried 5/0.

18. An ordinance amending the Code of the City of Andover, Kansas, Chapter XIII, Public Offenses; Article 2, Offenses Against Peace and Order; 13-208 Section 2 Sales of Fireworks paragraph b.

Fire Chief Shaver stated this ordinance would set a certain amount of time a vendor could park a fireworks storage container at their stand location before and after the sale dates. He added the length of time they are stored could be a potential problem, an attractive nuisance.

Mayor Ben Lawrence stepped down from the bench to make comment as a citizen and fireworks stand operator. He stated typically tents are set up no more than two days from the date of sale for a medium size tent, larger tents could take approximately four to five days. He felt five days should be ample time.

Council Member Caroline Hale has other issues she would like to discuss regarding fireworks and would like to have this on a future workshop agenda.

A motion was made by Council Member Caroline Hale, seconded by Council Member Byron Stout to table the ordinance amending the Code of the City of Andover, Kansas, Chapter XIII, Public Offenses; Article 2, Offenses Against Peace and Order; 13-208 Section 2 Sales of Fireworks paragraph b, until further discussion by Council. Motion carried 5/0.

19. [An ordinance regulating public offenses within the corporate limits of the City of Andover, Kansas and incorporating by reference the "Uniform Public Offense Code for Kansas Cities", Edition of 2012.](#)

A motion was made by Council Member Troy Tabor, seconded by Council Member Caroline Hale to adopt an ordinance regulating public offenses within the corporate limits of the City of Andover, Kansas and incorporating by reference the "Uniform Public Offense Code for Kansas Cities", Edition of 2012. Motion carried 5/0. Ordinance number 1518 was assigned.

20. [An ordinance repealing and replacing section 18-101, Standard Traffic Ordinance Incorporated 2011 Edition, Section 18-102 deletions and section 18-103, copies, of Chapter XVIII, Traffic and Vehicles, of the Code of the City of Andover, Kansas.](#)

A motion was made by Council Member Byron Stout, seconded by Council Member Troy Tabor to adopt an ordinance repealing and replacing section 18-101, Standard Traffic Ordinance Incorporated 2011 Edition, Section 18-102 deletions and section 18-103, copies, of Chapter XVIII, Traffic and Vehicles, of the Code of the City of Andover, Kansas. Motion carried 5/0. Ordinance number 1519 was assigned.

21. [Appointment of Salary Review Committee](#)

Mayor Ben Lawrence asked for three Council members to be on the Salary Review Committee. Council Members Kris Estes, Byron Stout, and Troy Tabor volunteered.

22. [Discussion: Home Town Christmas](#)

Sasha Stiles stated with the growth of Hometown Christmas it has been requested that it become a stand-alone event and function much like Greater Andover Days.

The Council concurred but stated the funds should not be co-mingled with GAD.

23. [Member Items](#)

Council Member Kris Estes had none.

Council Member Caroline Hale had none.

Council Member Troy Tabor had none.

Council Member Sheri Geisler

- Stated her strong opposition to the fluoride issue that will be on the ballot in Wichita.

Council Member Byron Stout

- Wished Caroline Hale a speedy recovery.
- Thanked Mayor Lawrence for all of his efforts with the Green Valley Home Owners Association meetings.

24. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to adjourn.  
Motion carried 5/0.

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 11<sup>th</sup> of September, 2012 by the City Council, City of Andover