

**ANDOVER CITY COUNCIL
1609 E. Central
Tuesday, February 26, 2013
Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

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

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

A/V: Bill Duggan

3. Invocation was given by Pastor Dayton Poe of Generations Church and the Andover Police Department Chaplains.

4. Pledge of Allegiance was led by Mayor Ben Lawrence.

5. Public Forum

a. First Evangelical Free Church request for use of Central Park for youth camp

Judy Holland, 1239 N. River Blvd, Wichita, First Evangelical Free Church, provided additional information to the Council and requested use of Central Park and facilities for the fourth summer to host their children's camp June 17 thru 21, 2013.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the request by First Evangelical Free Church for use of Central Park for youth camp. Motion carried 5/0.

Pete Damico, 709 Lakecrest Court, asked the City Council to get involved and support additional security for the schools.

6. Acceptance of Agenda

Sasha Stiles explained the additional paperwork on the bench as follows:

- 8h. approval of the grant request for public funds for Tour Butler, *an email from Lou Clennan stating the reason for her absence at the meeting;*
- 8j. approval of the Mayoral appointment to the Andover Planning Commission, *a brief bio on Brian Lindebak, the proposed appointee;*
- 9a. Andover Farm at Cedar Park, *a letter from the owner regarding the legal description and zoning, and a revised ordinance;*
- 10a. McCoy Acres, *an original signed Developers Agreement and a copy of the signed plat.*

A motion was made by Council Member Troy Tabor, seconded by Council Member Caroline Hale to accept the agenda with modifications as outlined. Motion carried 5/0.

7. Mayor Ben Lawrence proclaimed March 3-9, 2013 as Severe Weather Awareness Week.

8. Consent Agenda

- a. Approval of Minutes
 - i. City Council Meeting: February 12, 2013
- b. Receive & file reports
 - i. Finance: January 2013
 - ii. Police: January 2013
- c. Approval of appropriation ordinance B-03-13 in the amount of \$ 412,302.39.
- d. Approval of non-elected personnel items

Richard Owsley, Street Department Semi-Skilled Maintenance Worker new hire, at \$12.00 per hour effective February 18, 2013.

Kevin Sailsbury, Police Department Detective position change to Police Officer, with a pay decrease from \$19.98 to \$18.98 per hour, effective February 18, 2013.

- e. Approval of employee benefit contracts

IMA Financial Group, Inc. of Wichita, Kansas, Business Associate Agreement;

Discovery Benefits of Fargo, North Dakota, Reimbursement Account
Administrative Services Agreement;
Ameritas Life Insurance Group of Lincoln, Nebraska, optometry hardware
benefit;
Blue Cross Blue Shield of Kansas of Topeka, Kansas, Health and Dental
Insurance;
The Lincoln National Life Insurance Company of Omaha, Nebraska, voluntary
supplemental life insurance.

- f. Approval of the Park Dept. purchase of lighting for the 13th Street Park sport fields from Ziegler Electric of Wichita, Kansas, in the amount of \$61,928. Paid from Park Department funds budgeted for 2013.
- g. Approval of the grant request for public funds from the Andover Historical Society in the amount of \$2,000 (\$166.66 monthly) for assistance with utility costs at the museum located at 937 N. Andover Road.
- h. Approval of the grant request for public funds from Tour Butler of El Dorado, Kansas in the amount of \$1,000 for a two year listing in the Tour Butler County Brochure 2013/2014.
- i. Approval of the Mayoral appointment Rick Lanzrath, City Stormwater Operator, to the Butler County Solid Waste Management Planning Committee for a three year term.
- j. Approval of the Mayoral appointment of Brian Lindebak, 225 S. Onewood, to the Andover Planning Commission, to fill the position vacated by John Cromwell. The term will expire in 2014 and is an inside city limits position.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the consent agenda as presented. Motion carried 5/0.

9. [Andover Farm at Cedar Park](#)

- a. An Ordinance amending the Zoning Regulations of the City of Andover, Kansas, as originally adopted by Ordinance No. 1187, and incorporating as a part thereof an amendment to repeal Ordinance No. 1383 and, thus, revoke, abandon and make null and void parcel 3 of the Andover Farm at Cedar Park Subdivision Preliminary Planned Unit Development Plan.

Les Mangus explained the Zoning Regulations allow for a developer to abandon a PUD whenever they see fit. The ordinance provides the zoning changes the developer has requested and stems from the down turn in new home construction.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to adopt an Ordinance amending the Zoning Regulations of the City of Andover, Kansas, as originally adopted by Ordinance No. 1187, and incorporating as a part thereof an amendment to repeal Ordinance No. 1383 and, thus, revoke, abandon and make null and void parcel 3 of the Andover Farm at Cedar Park Subdivision Preliminary Planned Unit Development Plan. Motion carried 5/0. Ordinance number 1533 was assigned.

b. Resolution Rescinding Resolution 08-38

Sasha Stiles explained this resolution rescinds all of the improvements outlined in Resolution 08-38.

A motion was made by Council Member Caroline Hale, seconded by Council Member Kris Estes to adopt a Resolution Rescinding Resolution 08-38 regarding improvements to the property. Motion carried 5/0.

Mayor Ben Lawrence asked Phil Meyer, Baughman & Co., representative for the developer, if the developer is sure to go through with this plan. Mayor Lawrence added the amount of changes in the short period of time is cumbersome creating a lot of additional work.

Phil Meyer responded he believed so.

10. [McCoy Acres](#)

a. Developers Agreement

Sasha Stiles stated the developers agreement that has been reviewed and approved by staff and City Attorney Norman Manley.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to accept the Developers Agreement as presented. Motion carried 5/0.

b. Final Plat

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to accept the Final Plat as presented. Motion carried 5/0.

11. Executive Session - legal matters

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler to enter executive session to discuss legal matters for approximately five minutes and to include governing body, city administrator and city attorney. Motion carried 5/0.

A motion was made by Council Member Caroline Hale, 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. Executive Session - land acquisition

A motion was made by Council Member Sheri Geisler, seconded by Council Member Caroline Hale to enter executive session to discuss land acquisition for approximately ten minutes and 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.

13. Member Items

Council Member Sheri Geisler

- Congratulated Susan Renner as a new Grandma, her son Blake and wife Tonya had a son on February 22.
- Commented on the incident with the school shut down and how well it was handled by the police department. She also cautioned individuals to allow the professionals to handle these issues and not to believe everything on social media.
- Thanked the street department for their work during the snow storm

Council Member Troy Tabor had none.

Council Member Caroline Hale

- Had been asked and wanted to assure citizens that the purchase of trees for the landscaping of 21st Street on the February 12 agenda was a park department purchase but was funded through the project funds not the park dept.

Council Member Kris Estes

- She enjoyed reading the background materials provided by the Historical museum with their request for funds but was disappointed to hear of the vandalism of the Gilmore House.
- Excited to see the lighting going in at the 13th Street Sports Park.

Council Member Clark Nelson had none

Mayor Lawrence stated he has had conversations about moving the Gilmore House to Central Park and possibly the museum on the west side of the park with the future extension of Yorktown. He would like this issue to be on the March workshop agenda.

14. [Recess to Wednesday, February 27, 2013 at 6:00 p.m., Central Park Lodge](#)

The Monday night workshop meeting had to be rescheduled to Wednesday due to the snow storm. The workshop meeting will recess to Thursday, February 28, City Hall, 7:00 p.m.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to recess. Motion carried 5/0.

15. [Taxable Multifamily Housing Revenue Bonds \(Andover Apartments, LLC\)](#)

- a. Public Hearing
- b. Right of way agreement
- c. A Resolution of the Governing Body of the City of Andover, Kansas, approving an ad valorem property tax exemption for property acquired with the proceeds of certain industrial revenue bonds.
- d. An ordinance authorizing the City of Andover, Kansas to issue its Taxable Multifamily Housing Revenue Bonds, Series A, 2013 (Andover Apartments, LLC), in the aggregate principal amount of not to exceed \$16,875,000 and its subordinated Taxable Multifamily Housing Revenue Bonds, Series B, 2013 (Andover Apartments, LLC) in the aggregate amount of not to exceed \$5,625,000, for the purposes of (1) purchasing, acquiring, constructing, furnishing and equipping an apartment facility located in the City of Andover, Kansas, and (2) paying certain costs of issuance; authorizing the execution of a Trust Indenture by and between the City and Emprise Bank, Wichita, Kansas, as trustee; authorizing the City to lease the Project to Andover Apartments, LLC;

authorizing execution of a Lease between the City and Andover Apartments, LLC; approving the form of a Guaranty Agreement; approving the form of an Individual Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Andover Apartments, LLC and Emprise Bank, as original purchaser of the Series A, 2013 Bonds; and authorizing the execution of a Bond Purchase Agreement by and between the City and Andover Apartments, LLC, as tenant and original purchaser of the Series B, 2013 Bonds.
Recommended action: approve

16. Adjourn (following February 28, 2013 Close of Business)

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 12th day of March, 2013 by the City Council, City of Andover