

ANDOVER CITY COUNCIL
Tuesday, April 30, 2013
Minutes

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

Council Members: Byron Stout IV, Sheri Geisler, Troy Tabor, Caroline Hale (arrived at 7:03), Kris Estes and Clark Nelson were present.

Staff: Police Chief Mike Keller, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, Director of Public Works and Community Development Les Manus, City Clerk Susan Renner, City Administrator Sasha Stiles and Communications/IT Director Bill Duggan.

A/V staff: Cindy Barrett

3. Invocation was given by Pastor Jim Edwards of the Andover United Methodist Church.

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

5. Public Forum

Kevin Allen, 4618 E Circle Court, Towanda, on behalf of the Butler County 4H requested permission to display unloaded guns at the Andover Purple Heart 4H Club membership drive on Sunday, May 5th at Andover Central Park shelter.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout, to approve the request. Motion carried 6/0.

Dusty Davis, ICI, El Dorado, presented the Council with a dividend check in the amount of \$7,585.79 due to City's involvement in the KM Group through EMC. Dividends are based on performance of 450 member cities related to property and liability claims. Mr. Davis added the City has received almost \$140,000 in dividends over the past 30 years.

6. Acceptance of Agenda

Sasha Stiles requested an agreement with Westar Energy for storage of poles on City property be added to the regular agenda.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to accept the agenda with the addition of the Westar agreement. Motion carried 6/0.

7. Proclamation - Andover Food Bank

Matt Johnson, Assistant Minister, Andover United Methodist Church, gave a presentation on the Andover Food Bank that is housed and operated from the church. Pastor Johnson thanked everyone for their continued support.

Mayor Lawrence then presented Ms. Mary Carson with a proclamation honoring her with "Mary Carson Day on May 1, 2013". Mayor Lawrence thanked Ms. Carson for her selfless efforts for the past 15+ years guiding and growing the Andover Food Bank.

8. Presentation - Alert Andover

Bill Duggan gave a presentation on the Alert Andover program for emergency and community information alerts for citizens. Mr. Duggan stated information was included in the utility bills and if anyone has any questions or needs help registering for the program to contact the Police Department.

9. Consent Agenda

- a. Approval of Minutes
 - i. City Council Meeting: April 9, 2013
- b. Receive & file reports
 - i. Police: March 2013
 - ii. Library: Income & Expense Jan-Feb-Mar 2013
Directors Reports April 2012, May 2012, June 2012, July 2012, August 2012, November 2012, January 2013, March 2013, April 2013
- c. Receive & file minutes
 - i. Subdivision: February 12, 2013
 - ii. Planning Commission: February 19, 2013; March 19, 2013
 - iii. Library: April 2012, December 2012, January 2013, March 2013
- d. Approval of appropriation ordinance B-07-13 in the amount of \$ 1,013,813.70.
- e. Approval of non-elected personnel items
 - Joshua Blanding, Police Officer, pay increase for obtaining certification, from \$16.44 to \$17.19 per hour, effective April 1, 2013.
 - Michael Shinert, Police Officer, pay increase for obtaining certification, from \$16.44 to \$17.19 per hour, effective April 1, 2013.
 - Benjamin Graber, Police Sergeant, pay increase to align with other Sergeants, from \$19.18 to \$20.18 per hour, effective April 29, 2013.
 - Jeremiah Bishop, Park Department new hire, at \$11.50 per hour, effective April 9, 2013.
 - Kyle Johnson, Wastewater Class II Operator to Class III operator, with a pay increase from \$14.18 to \$15.18 per hour, effective April 2, 2013.

- Ethan Haworth, Wastewater Department seasonal new hire, at \$10.50 per hour, effective May 6, 2013.
- f. Approval of a CVB check request for the hotel voucher program to Days Inn for \$1,440 (March 6-March 28).
- g. Approval and acceptance of an egress agreement for 420 S. Andover Road.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve, the consent agenda as presented. Motion carried 6/0.

10. [Mortgage and Security Agreement between Vornado Air, LLC, UMB Bank, n.a. and the City of Andover.](#)

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, explained the mortgage and security agreement would not make the City responsible for the mortgage or the funds Vornado is seeking to borrow from the bond holder, UMB.

A motion was made by Council Member Troy Tabor, seconded by Council Member Sheri Geisler to approve the Mortgage and Security Agreement between Vornado Air, LLC, UMB Bank, n.a. and the City of Andover. Motion carried 6/0.

11. [A resolution indicating the intent of the Governing Body of the City of Andover, Kansas, to issue certain industrial revenue bonds in an aggregate principal amount of not to exceed three million dollars \(\\$3,000,000\) for the purpose of purchasing, acquiring, constructing and equipping additions to an existing acute care hospital and paying a portion of the costs of issuance thereof \(Founders Real Estate, LLC - addition to existing health care center KMC\)](#)

J.T. Klaus, Triplett Woolf & Garretson, City Bond Counsel, stated Founders' Real Estate, LLC, had submitted an application to the City for issuance of Industrial Revenue Bonds to fund the addition of eight patient rooms and a MRI testing area.

Mr. Klaus reminded the Council this resolution is the first step and does not bind the City to the issuance.

Steve Hadley, KMC Chief Financial Officer, was present to answer any questions.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to adopt a resolution indicating the intent of the Governing Body of the City of Andover, Kansas, to issue certain industrial revenue bonds in an aggregate principal amount of not to exceed three million dollars (\$3,000,000) for the purpose of purchasing, acquiring, constructing and equipping additions to an existing acute care hospital and paying a portion of the costs of issuance thereof. Motion carried 6/0. Resolution number 13-17 was assigned.

12. Vacation petition for 708 Waterview Park 10 VA-2013-01

- a. Public hearing – no one spoke.
- b. Vacation Order

Les Mangus, explained this request will allow for a pool and covered patio to cover a portion of the easement and to allow for the fence to be moved.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to approve the Vacation petition for 708 Waterview Park (VA-2013-01). Motion carried 6/0.

13. Sunstone Apartments (MarketPlace)

- a. Developer Installed Developer's Agreement

Sasha Stiles explained the developers are privately financing the interior improvements, once completed and approved the City will accept the improvements as public. All necessary documents have been reviewed and approved by staff and the City Attorney.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve the Developer Installed Developer's Agreement. Motion carried 6/0.

- b. Contract for inspection with Baughman

Sasha Stiles explained the contract is for Baughman Company to represent the City as the Consulting Engineer for the construction inspection. The contract has been reviewed and approved by staff and the City Attorney.

- c. Onsite water and sewer project plans

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to approve b. Contract for inspection and c. Onsite water and sewer project plans as presented. Motion carried 6/0.

13.5 Add-on agreement with Westar for pole storage

Les Mangus presented an agreement with Westar for the use of City property for temporary storage of overhead power line poles for approximately six month.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Caroline Hale, to allow Westar to use lots 1 and 2, Block 1, Andover Industrial Park Addition, and authorize staff to sign the agreement. Motion carried 6/0.

14. Executive session - legal matters

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to enter executive session to discuss legal matters, and include the Governing Body, City Administrator, Public Works Director and City Attorney, for approximately twenty minutes. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor, to come out of executive session. Motion carried 6/0.

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

15. Executive session - non-elected personnel

A motion was made by Council Member Troy Tabor, seconded by Council Member Caroline Hale, to go in to executive session to discuss non-elected personnel, and include the Governing Body and City Administrator, for approximately five minutes. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor, to come out of executive session. Motion carried 6/0.

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

16. Member Items

There were no member items.

17. Adjourn

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 14th Day of May, 2013, by the City Council, City of Andover, Kansas.