

**MEETING NOTICE
MAIZE CITY COUNCIL
REGULAR MEETING**

TIME: 7:00 P.M.
DATE: MONDAY, OCTOBER 17, 2016
PLACE: MAIZE CITY HALL
10100 W. GRADY AVENUE

AGENDA

MAYOR CLAIR DONNELLY PRESIDING

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance/Moment of Silence
- 4) Approval of Agenda
- 5) Public Comments
- 6) Consent Agenda
 - a. Approval of Minutes – Regular Council Meeting of September 19, 2016.
 - b. Receive and file minutes from the Planning Commission Meeting of September 1, 2016.
 - c. Cash Disbursements from September 1, 2016 thru September 30, 2016 in the amount of \$1,129,828.93 (Check #63159 thru #63288).
- 7) Old Business
 - A. Accept 2016 Amended Budget & Set Public Hearing
- 8) New Business
 - A. Revised FEMA Flood Ordinance
 - B. Wilk's Underground Contract (*Eagles Nest Phase 2B*)
 - C. Revised Job Descriptions, Additions & Changes to the Organizational Chart
 - D. Resolution of Advisability and Ordinance for sewer improvements
- 9) Reports
 - Police
 - Public Works
 - City Engineer
 - Planning & Zoning
 - City Clerk
 - Legal
 - Operations
 - Mayor's Report
 - Council Member's Reports
- 10) Executive Session
- 11) Adjournment

**MINUTES-REGULAR MEETING
MAIZE CITY COUNCIL
Monday, September 19, 2016**

The Maize City Council met in a regular meeting at 7:00 p.m., Monday, **September 19, 2016** in the Maize City Hall, 10100 Grady Avenue, with **Mayor Clair Donnelly** presiding. Council members present were **Kevin Reid, Karen Fitzmier, Pat Stivers, Donna Clasen** and **Alex McCreath**.

Also present were: **Richard LaMunyon**, City Administrator, **Rebecca Bouska**, Deputy City Administrator, **Jocelyn Reid**, City Clerk, **Matt Jensby**, Police Chief, **Ron Smothers**, Public Works Director, **Bill McKinley**, City Engineer, **Kim Edgington**, Planning Administrator, **Tom Powell**, City Attorney, **Larry Kleeman**, Financial Advisor and **Kim Bell**, Bond Counsel.

APPROVAL OF AGENDA:

The Agenda was submitted for approval.

MOTION: **Clasen** moved to approve the Agenda as submitted.
Stivers seconded. Motion declared carried.

CONSENT AGENDA:

The Consent Agenda was submitted for approval including:

- a) Approval of minutes – Regular Council Meeting of August 15, 2016.
- b) Receive and file Planning Commission Meeting Minutes of August 4, 2016.
- c) Cash Disbursements from August 1, 2016 through August 31, 2016 in the amount of \$1,360,186.56 (Check #62959 through #63158).

MOTION: **Clasen** moved to approve the Consent Agenda as submitted.
McCreath seconded. Motion declared carried.

SERIES 2016A GO REFUNDING AND IMPROVEMENT BONDS SALE:

Bond bids, ordinance and resolution authorizing the sale of the Series 2016A GO Refunding and Improvement Bonds in the amount of \$4,730,000 were submitted for Council approval.

MOTION: **Clasen** moved to accept the low bid from D.A. Davidson with an average net interest rate of 2.0593%, approve the ordinance authorizing and providing for the issuance of the bonds and approve the resolution prescribing the form and details of the bonds.
Reid seconded. Motion declared carried.

City Clerk assigned Ordinance #922.

City Clerk assigned Resolution #587-16.

KDHE WASTEWATER PLANT EXPANSION LOAN ORDINANCE:

An ordinance authorizing a 20-year loan agreement with KDHE for the purpose of expanding the wastewater treatment plant was submitted for Council approval.

MOTION: **Stivers** moved to approve the ordinance authorizing the execution of the 20-year loan agreement between the City and KDHE in an amount not to exceed \$6.1 million for the purpose of expanding the wastewater treatment plant and authorize the Mayor to sign.
Fitzmier seconded. Motion declared carried.

City Clerk assigned Ordinance #923.

ZONING CASE #Z-02-016, 111 S PARK:

A request for a zone change from SF-5 Single-Family Residential to LC Limited Commercial for approximately 0.19 acres on the vacant lot south of 111 S. Park was submitted for Council approval. The Planning Commission voted on August 4, 2016 to recommend denial of the zoning request.

MOTION: *Fitzmier* moved to accept the Planning Commission's findings and deny the zone request.
McCreath seconded.
Mayor Donnelly called for a roll call vote. Votes were as follows:
Reid – Aye; *McCreath* – Aye; *Clasen* – Aye; *Stivers* – Nay; *Fitzmier* – Aye.
Motion carried 4-1.

ZONING CASE #Z-03-016 GOERTZ DAYCARE (MAIZE ROAD):

A request for a zone change from SF-5 Single-Family Residential to NR Neighborhood Retail for approximately 1.1 acres at 4055 N. Maize Road was submitted for Council approval. The Planning Commission voted on September 1, 2016 to approve the zone change subject to the following conditions:

1. All buildings or structures shall set back at least 35 feet from all street right-of-way lines.
2. Buildings shall not cover more than 30 percent of the land upon which the development is proposed.
3. Applicant shall provide screening or a landscape buffer along north and west property lines adjacent to residentially zoned property pursuant to Article IV, Section IV-B of the City of Maize Zoning Code. The existing screening may satisfy this requirement but would need to be replaced if ever removed by the property owner to the north.
4. Signage for the development shall be subject to the City of Maize Sign Code and any future amendments to such code.
5. Landscaping shall be provided as required by the City of Maize Landscape Ordinance.
6. All buildings and structures shall comply with the City of Maize Design Standards.
7. Platting of the property shall be completed within five years of approval of zoning change by Maize City Council.
8. The portable classrooms shall be placed on permanent foundations.
9. The portable classrooms shall be finished to match the existing house on the property.

MOTION: *Fitzmier* moved to approve and adopt the ordinance for a zone change from SF-5 Single-Family Residential to NR Neighborhood Retail (Zoning Case #Z-03-016) subject to the Planning Commission's conditions.
Reid seconded. Motion declared carried.

City Clerk assigned Ordinance #924.

ADJOURNMENT:

With no further business before the Council,

MOTION: *Clasen* moved to adjourn.
McCreath seconded. Motion declared carried.
Meeting adjourned.

Respectfully submitted by:

Jocelyn Reid, City Clerk

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, SEPTEMBER 1, 2016**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, September 1, 2016, for a Regular Meeting with **Bryan Aubuchon**, presiding. The following Planning Commission members were present: **Mike Burks, Bryant Wilks, Andy Sciolaro, Dennis Downes, Bryan Aubuchon** and **Jennifer Herington**. Also present were **Sue Villarreal**, Recording Secretary; **Kim Edgington**, Planning Administrator; **Bill McKinley**, City Engineer; **Richard LaMunyon**, City Administrator; **Greg Dotson**, Citizen; **Judy Dotson**, Citizen; **Sarah Goertz**, Applicant; **Matthew Goertz**, Applicant; **Kirk Miller**, K. E. Miller Engineering.

APPROVAL OF AGENDA

MOTION: **Burks** moved to approve the agenda as submitted.
Wilks seconded the motion.
Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: **Herington** moved to approve the August 6, 2016 minutes with correction to strike unanimously from motion of Z-02-016 case.
Downes seconded the motion.
Motion carried unanimously.

NEW BUSINESS – PLANNING COMMISSION

Z-03-016-ZONE CHANGE REQUEST FOR –1.1 ACRES FROM SF-5 SINGLE FAMILY RESIDENTIAL TO NR NEIGHBORHOOD RETAIL AT 4055 N MAIZE ROAD

Edgington explained that the property is appropriate for commercial use. The applicants have a home occupation Day Care and they are requesting a zoning change to Neighborhood Retail to expand their business.

Goertz stated they are currently licensed for 12 children and would like to expand to a potential of 20. There is a safe room and basement under the office and they are in compliance with the Sedgwick County Fire Department and Metropolitan Area Building and Construction Department. They have relocated two portable classrooms they would like to use for their Day Care.

Dotson was present to represent his father who owns the property to the north. He stated that he did not want his driveway used during construction or for their access. He would like to see the property cleaned up and debris removed.

MOTION: *Wilks* moved to approve Z-03-016 zone change for –1.1 acres from SF-5 Single Family Residential to NR Neighborhood Retail at 4055 N Maize Road subject to the following conditions and modifications set forth by staff:

1. All buildings or structures shall set back at least 35 feet from all street right-of-way lines.
2. Buildings shall not cover more than 30 percent of the land upon which the development is proposed.
3. Applicant shall provide screening or a landscape buffer along north and west property lines adjacent to residentially zoned property pursuant to Article IV, Section IV-B of the City of Maize Zoning Code. The existing screening may satisfy this requirement but would need to be replaced if ever removed by the property owner to the north.
4. Signage for the development shall be subject to the City of Maize Sign Code and any future amendments to such code.
5. Landscaping shall be provided as required by the City of Maize Landscape Ordinance.
6. All buildings and structures shall comply with the City of Maize Design Standards.
7. Platting of the property shall be completed within five years of approval of zoning change by Maize City Council.

And subject to the following conditions set forth by commissioners:

1. Buildings must have stem wall and footings on a permanent foundation.
2. Exterior of buildings must be consistent with that of the house.

Burks seconded the motion.

Aubuchon requested a roll call vote to approve Z-03-016 as presented with the following results:

Burks – yes

Wilks – yes

Sciolaro - yes

Downes- yes

Aubuchon - yes

Herington – yes

Motion carried unanimously.

S/D-01-106 – PRELIMINARY PLAT FOR MAIZE INDUSTRIAL 2ND ADDITION

Miller explained that the prospect of new businesses has made the expansion necessary.

McKinley stated that work was being done on the roads to make them more truck friendly.

MOTION: *Burks* moved to approve S/D-01-106 – Preliminary Plat For Maize Industrial 2nd Addition subject to the following staff comments and conditions:

- A. City water and sewer services will be available to serve the site.
- B. A final drainage plan approved by the City Engineer shall be on file with the City prior to the final plat being reviewed by the Governing Body.
- C. A vicinity map shall be added to the face of the plat.
- D. The Planning Commission Chair shall be changed to Bryan Aubuchon, and the Secretary to Dennis Downes.
- E. The names of owners of adjacent properties should be displayed on plat.
- F. A certified copy of a title report shall be submitted to the City prior to the plat being reviewed by the Governing Body.
- G. Minimum pad elevations shall be listed for each lot.
- H. A statement providing for the proposed use for reserves shall be displayed on the plat.
- J. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Maize, erosion and sediment control devices must be used on ALL projects.
- K. Plat shall include a statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g. petition, actual construction, monetary guarantee, etc.
- L. If improvements are guaranteed by petition, a notarized certificate listing the petitions, with cost estimates shall be submitted to the City of Maize for recording along with the final plat.
- M. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the final plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- N. This property is in Area C on the FEMA flood map, not in the floodplain.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable (water service and fire hydrants required for fire protection shall be as per the direction and approval of the Chief of the Sedgwick County Fire Department.)
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. Recording of the plat within thirty (30) days after approval by the City Council.

- S. The applicant is reminded that flash drive shall be submitted with the final plat tracing to the City of Maize detailing this plat in digital format in AutoCAD, or sent via e-mail to svillareal@cityofmaize.org. This will be used by the County GIS Department.

Downes seconded the motion.

Aubuchon requested a roll call vote to approve S/D 01-016 as presented with the following results:

Burks – yes

Wilks – yes

Sciolaro - yes

Downes- yes

Aubuchon - yes

Herington – yes

Motion carried unanimously.

ADJOURNMENT:

MOTION: With no further business before the Planning Commission,
Burks moved to adjourn.
Wilks seconded the motion
Motion carried unanimously.

Meeting adjourned at 8:02 PM.

Sue Villarreal
Recording Secretary

Bryan Aubuchon
Chairman

CITY OF MAIZE
Bank Reconciliation Report
For September 2016

Fund Balances

FUND	NAME	BEGIN		END	
		PERIOD	RECEIPTS	DISBURSEMENTS	PERIOD
01	General Fund	\$ 502,450.55	\$ 248,952.97	\$ 348,475.31	\$ 402,928.21
02	Street Fund	132,406.27	25,192.03	21,821.00	135,777.30
04	Capital Improvements Fund	93,026.52	40,836.94	15,122.19	118,741.27
05	Long-Term Projects	(937,923.35)	929,426.30	7,500.00	(15,997.05)
10	Equipment Reserve Fund	70,113.81	19,181.50	4,078.23	85,217.08
11	Police Training Fund	2,021.84	388.50	-	2,410.34
12	Municipal Court Fund	23,776.09	4,751.45	-	28,527.54
16	Bond & Interest Fund	383,385.34	201,033.43	733,782.50	(149,363.73)
19	Wastewater Reserve Fund	146,621.26	3,000.00	-	149,621.26
20	Wastewater Treatment Fund	604,608.78	62,175.36	52,747.15	614,036.99
21	Water Fund	473,119.94	66,982.40	66,964.60	473,137.74
22	Water Reserve Fund	137,148.81	3,000.00	-	140,148.81
23	Water Bond Debt Reserve Fund	268,000.00	-	-	268,000.00
24	Wastewater Bond Debt Reserve Fund	147,800.09	-	-	147,800.09
32	Drug Tax Distribution Fund	2,404.57	-	-	2,404.57
38	Cafeteria Plan	4,557.99	1,180.90	1,781.97	3,956.92
98	Maize Cemetery	161,800.76	2,708.45	3,734.32	160,774.89
Totals All Fund		\$ 2,215,319.27	\$ 1,608,810.23	\$ 1,256,007.27	\$ 2,568,122.23

Note: Fund is projected to end the year in a positive ending balance

Bank Accounts and Adjustments

Halstead Checking Account	\$ 330,277.55	\$ 2,090,369.41	\$ 1,170,842.76	\$ 1,249,804.20
Outstanding Items				\$ (96,612.41)
Halstead Bank Money Market Account	1,853,691.88	463.67	600,000.00	1,254,155.55
Maize Cemetery CD 85071	91,071.06	-	-	91,071.06
Maize Cemetery Operations	70,649.71	2,708.45	3,654.33	69,703.83
Totals All Banks	\$ 2,345,690.20	\$ 2,093,541.53	\$ 1,774,497.09	\$ 2,568,122.23

CITY OF MAIZE
Cash and Budget Position
Thru September 30, 2016

FUND	NAME	END MONTH	ANNUAL	YTD	YTD	REMAINING	REMAINING
		CASH BALANCE	EXPENSE BUDGET	REVENUE	EXPENSE	EXPENSE BUDGET	BUDGET PERCENTAGE
01	General Fund	\$ 402,928.21	\$ 3,369,786.00	\$ 2,875,886.82	\$ 2,862,148.70	\$ 507,637.30	15.06%
02	Street Fund	135,777.30	294,100.00	228,939.74	244,152.15	49,947.85	16.98%
04	Capital Improvements Fund	118,741.27	665,000.00	368,226.70	601,936.71	63,063.29	9.48%
05	Long-Term Projects	(15,997.05)	-	929,426.30	663,798.01		
10	Equipment Reserve	85,217.08	230,000.00	175,979.95	205,325.98	24,674.02	10.73%
11	Police Training Fund	2,410.34	2,000.00	2,913.85	1,772.50	227.50	11.38%
12	Municipal Court Fund	28,527.54	-	23,717.01	12,348.56		
*16	Bond & Interest Fund	(149,363.73)	2,552,350.00	2,006,974.05	2,384,032.69	168,317.31	6.59%
19	Wastewater Reserve Fund	149,621.26	-	27,000.00	10,764.68		
20	Wastewater Treatment Fund	614,036.99	714,000.00	613,130.31	597,641.75	116,358.25	16.30%
21	Water Fund	473,137.74	769,500.00	647,836.72	608,226.32	161,273.68	20.96%
22	Water Reserve Fund	140,148.81	-	27,000.00	-	-	
23	Water Bond Debt Reserve Fund	268,000.00	-	-	-		
24	Wastewater Bond Debt Reserve Fund	147,800.09	-	-	-		
32	Drug Tax Distribution Fund	2,404.57	-	-	-		
38	Cafeteria Plan	3,956.92	-	10,113.10	11,435.89		
98	Maize Cemetery	160,774.89	161,706.00	32,864.46	29,335.42	132,370.58	81.86%
Report Totals		\$ 2,568,122.23	\$ 8,758,442.00	\$ 7,970,009.01	\$ 8,232,919.36	\$ 1,223,869.78	13.97%

* Bond & Interest is projected to end year with positive ending balance. Timing of transfers and distributions relative to bond payments caused negative monthly ending balance.

**MAIZE CITY COUNCIL
REGULAR MEETING
MONDAY, October 17, 2016**

AGENDA ITEM #7A

ITEM: 2016 BUDGET AMENDMENT

BACKGROUND:

Staff tracks the budget closely throughout the year. As the third quarter wound down, it became apparent that four funds in the 2016 budget would need to be amended to increase budget authority. There is ample cash to fund the increase in budget authority.

In the General Fund, most departments and expenses are below estimates, however one line item in particular exceeded the projections. Housing grant payouts for 2016 were estimated at \$100,000.00, but it is now actually projected to be closer to \$280,000.00 by year end. Additional homeowners have taken advantage of the tax incentive this year. This is "pass thru" money; the money is paid in and then reimbursed.

In the Street fund, there were improvements made to the sidewalk on Irma. This resulted in increased purchases of materials – specifically in the cement/concrete line item (approximately \$8,300). This contributed to the need to amend the budget for this fund.

When preparing any budget for the revenue funds (wastewater and water), the budget authority is limited to the amount of projected revenues. In the 2016 budget, wastewater revenues were projected to be \$714,000. Budget authority equaled the projected revenues.

Revenues in the wastewater fund are projected to be higher than original estimates and, due to items that have increased in cost this year, expenditures are also projected to be higher than original estimates. Expenditures will still be lower than revenues, resulting in a fund that is “right side up”.

While most expenditures have been at or below 2016 costs, the biggest item to affect the budget was the flooding incident at the Meadows lift station during the July 4th weekend. Those costs were almost \$15,000. Staff believes that the sub-contractor responsible for the broken sewer pipe will reimburse the City for the expenses, but that probably won’t happen until 2017. Other expenses that occurred were equipment replacement at the wastewater treatment plant and a generator for the Meadows lift station.

The utility rate increases put into effect at the first of 2015 (and that have continued in 2016) have increased revenues from user fees and we are still installing new connections as a result of the housing incentives. Old utility credits are also falling off the books. Revenues are projected to be more than \$100,000 higher than budgeted.

In the water fund, the line item that was significantly higher than budgeted was for equipment. The Watercress Villas apartments will require approximately \$57,000 in water meter and supplies. We

will recoup this cost through the tap fees but we did not have the budget authority in place for the added expense.

Revenues in the water fund are also increased in the amended budget. This is mainly due to the rate increases and tap/equity fees coming in higher than anticipated.

Staff is projecting to put approximately \$30,000 in additional revenues in each of the utility reserve funds (\$60,000 total). If revenues are even higher than the amended amounts, staff will move more of the tap and equity fees to the reserve funds.

FINANCIAL CONSIDERATIONS:

Staff recommends that the budget authority for the general fund be increased from \$3,369,786 to \$3,534,297; for the street fund to increase from \$294,100 to \$302,000; for the wastewater fund to increase from \$714,000 to \$763,200 and the water fund to increase from \$769,500 to \$837,540. This will ensure that there is sufficient budget authority in these funds to finish the last quarter of 2016.

The revenues in each fund will more than offset the increased budget authority that is needed for 2014. Staff projects that total available resources for the general fund will be over \$3,700,000. Street revenues will be over \$300,000. Wastewater and water revenues will be over \$800,000 each.

As with the regular budgets, all projections are made conservatively. The projected 2016 carryover amounts in each amended fund should be close to the original projections.

LEGAL CONSIDERATIONS:

The budget needs to be amended for these funds in order to ensure compliance with Kansas Budget Law.

RECOMMENDATION:

Approve the recommendation to amend the 2016 budget and set the public hearing for 7:00 pm on November 21, 2016 and publish in *The Clarion*.

Maize

2016

Adopted Budget

General Fund	2016 Adopted Budget	2016 Proposed Budget
Unencumbered Cash Balance January 1	380,157	388,912
Receipts:		
Ad Valorem Tax	1,600,508	1,550,000
Delinquent Tax	20,000	49,853
Motor Vehicle Tax	160,836	210,000
Sales Tax	650,000	690,000
Transient Guest Tax	85,000	98,000
Permits and Licenses	80,000	230,000
Franchise Tax	355,000	361,566
Planning and Zoning Revenue	1,500	1,725
Community Building Rental	5,000	5,000
Fireworks Permits	24,000	24,000
Municipal Court Revenue	64,500	76,200
911 Camp Revenue	17,000	8,525
Liquor Tax	1,000	1,000
Miscellaneous	0	5,600
Interest on Idle Funds	1,500	2,000
Total Receipts	3,065,844	3,313,469
Resources Available:	3,446,001	3,702,381
Expenditures:		
City Council	18,450	26,650
Administration	311,250	341,460
Police Department	636,300	633,559
Municipal Court	85,525	94,000
Community Facilities	68,000	65,751
Planning Commission	105,500	95,500
Audit	16,500	15,600
Employee Benefits	547,500	572,240
Utilities	30,000	25,000
Community Services	10,000	11,899
Building Inspections	30,000	105,500
Contingency Funds	43,000	0
Housing Grant	100,000	280,000
Transient Guest Tax Rebate	85,000	98,000
Commercial Incentive	10,000	11,908
City Hall Lease Payment	175,261	141,878
Economic Development	70,000	5,000
Park & Tree Board Expenses	20,000	14,000
Senior Services	500	500
Transfer to Street Fund	150,000	150,000
Transfer to CIP	488,000	488,000
Transfer to Equipment Reserve	230,000	230,000
911 Camp Expenses	9,000	8,571
Public Works Building Lease Payment	130,000	119,281
Total Expenditures	3,369,786	3,534,297
Unencumbered Cash Balance December 31	76,215	168,084

2016

**Notice of Budget Hearing for Amending the
2016 Budget**

The governing body of
Maize

will meet on the day of November 21, 2016 at 7:00 pm at Maize City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Maize City Hall and will be available at this hearing.

Summary of Amendments

Fund	2016 Adopted Budget			2016 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
General Fund	43.030	1,600,508	3,369,786	3,534,297
Special Highway			294,100	302,000
Wastewater			714,000	763,200
Water			769,500	837,540
			0	0
			0	0

Jocelyn Reid
Official Title: City Clerk

**MAIZE CITY COUNCIL
REGULAR MEETING
MONDAY, October 17, 2016**

AGENDA ITEM 8A

ITEM: FLOODPLAIN MANAGEMENT AMENDING ORDINANCE

BACKGROUND:

In March 2012, the Council adopted a floodplain ordinance. By FEMA direction the purpose of the ordinance is "to continue to promote the public health, safety and general welfare of the City of Maize, from a floodplain perspective, and to maintain the City of Maize eligibility for participation in the National Flood Insurance Program."

Maize is in the metro-area of Wichita and therefore was required to adopt the ordinance. FEMA has revised the "flood map" areas and determined that additional portions of Maize are in the floodplain. Therefore the ordinance must be revised.

This ordinance amends an existing part of the City Code that relates to the revised floodplain and brings us into compliance with FEMA requirements. The deadline for completing this is December 22, 2016

NOTE: The Council is being asked to approve the amending ordinance with the understanding that it requires final approval by the Chief Engineer of Water Resources.

The amending ordinance meets all the FEMA guidelines and staff has no reason to believe it won't be approved.

FINANCIAL CONSIDERATIONS:

None

LEGAL CONSIDERATIONS:

The City Attorney has approved the ordinance as to form.

RECOMMENDATION:

Approve the Amending Floodplain Ordinance.

[Summary published in the Clarion
On _____, 2016.]

ORDINANCE No. _____

AN ORDINANCE AMENDING SECTIONS 16-401, 16-402, 16-404 and 16-405 OF THE CODE OF THE CITY OF MAIZE, KANSAS, RELATING TO FLOODPLAIN MANAGEMENT WITHIN THE CITY OF MAIZE, AND REPEALING THE EXISTING SECTIONS 16-401, 16-402, 16-403 and 16-405 OF THE CITY OF MAIZE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MAIZE, KANSAS, AS FOLLOWS:

Section 1. Section 16-401 Amended. Section 16-401 of the Code of the City of Maize, Kansas is hereby amended to read as follows:

- 16-401. **DEFINITIONS.** Unless specifically defined in this Section 16-401 of the Code, the words or phrases used in this Article shall be interpreted so as to give them the same meaning they have in common usage and to give this Article its most reasonable application.
- (a) **"100-year flood"** see **"Base flood."**
 - (b) **"Accessory structure"** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
 - (c) **"Administrator"** means the Federal Insurance Administrator.
 - (d) **"Agency"** means the Federal Emergency Management Agency (FEMA).
 - (e) **"Appeal"** means a request for review of the floodplain administrator's interpretation of any provision of this Article or a request for a variance.
 - (f) **"Area of special flood hazard"** or **"special flood hazard area"** is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
 - (g) **"Article"** means the following sections of the Code of the City: 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-407, 16-408 and 16-409.
 - (h) **"Base flood"** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
 - (i) **"Base flood elevation"** or **"BFE"** means the computed elevation to which floodwater is anticipated to rise during the base flood.
 - (j) **"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.
 - (k) **"Building"** see **"Structure."**
 - (l) **"Chief Engineer"** means the Chief Engineer of the division of water resources, Kansas Department of Agriculture.
 - (m) **"City"** means the City of Maize, Kansas.
 - (n) **"City engineer"** means the City Engineer for the City;
 - (o) **"Community"** means any state or area or political subdivision thereof, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction.

- (p) **"Development"** means any man-made change to improved or unimproved real estate including, but not limited to, Buildings or other Structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (q) **"Elevated building"** means, for insurance purposes, a non-Basement Building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (r) **"Existing manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (s) **"Expansion to an existing manufactured home park or subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (t) **"Flood" or "flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).
- (u) **"Flood boundary and floodway map" or "FBFM"** means an official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.
- (v) **"Flood fringe"** means the area outside the floodway encroachment lines but still subject to inundation by the regulatory flood.
- (w) **"Flood hazard boundary map" or "FHBM"** means an official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.
- (x) **"Flood insurance rate map" or "FIRM"** means an official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- (y) **"Flood insurance study" or "FIS"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- (z) **"Floodplain" or "flood-prone area"** means any land area susceptible to being inundated by water from any source (see **"flooding"**).
- (aa) **"Floodplain management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
- (bb) **"Floodplain management regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, or any combination

thereof, that provide standards for the purpose of flood damage prevention and reduction.

- (cc) **"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
- (dd) **"Floodway"** or **"regulatory floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (ee) **"Floodway encroachment lines"** means the lines marking the limits of floodways on federal, state and local floodplain maps.
- (ff) **"Highest adjacent grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (gg) **"Historic structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.
- (hh) **"Lowest floor"** means the lowest floor of the lowest enclosed area, including Basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Article.
- (ii) **"Manufactured home"** means a structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **"manufactured home"** does **not** include a **"recreational vehicle."**
- (jj) **"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- (kk) **"Map"** means the flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).
- (ll) **"Market value"** or **"fair market value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
- (mm) **"Mean sea level"** means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.
- (nn) **"New construction"** means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later,

and includes any subsequent improvements to such structures. For floodplain management purposes, “**new construction**” means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

- (oo) “**New manufactured home park or subdivision**” means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
- (pp) “**NFIP**” means the National Flood Insurance Program (NFIP).
- (qq) “**Permit**” means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.
- (rr) “**Person**” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.
- (ss) “**Principally above ground**” means that at least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.
- (tt) “**Reasonably safe from flooding**” means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (uu) “**Recreational vehicle**” means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (vv) “**Remedy a violation**” means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.
- (ww) “**Repetitive loss**” means flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- (xx) “**Special flood hazard area**” see “**area of special flood hazard.**”
- (yy) “**Start of construction**” includes substantial Improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements,

the **actual start of construction** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (zz) **"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **"Structure,"** for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- (aaa) **"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. **Substantial damage** includes repetitive loss buildings (see **"repetitive loss"**).
- (bbb) **"Substantial improvements"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (ccc) **"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.
- (ddd) **"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Article is presumed to be in violation until such time as that documentation is provided.
- (eee) **"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

Section 2. Section 16-402 Amended. Section 16-402 of the Code of the City of Maize, Kansas, is hereby amended to read as follows:

16-402. RECITALS (STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE).

(a) STATUTORY AUTHORIZATION.

The Legislature of the State of Kansas, in K.S.A. 12-741 *et seq.*, and specifically in K.S.A. 12-766, has delegated to local government units the responsibility to adopt floodplain management regulations designed to protect the health, safety and general welfare; and

Chapter 16, Article 4 of the Code of the City of Maize, Kansas, was approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on February 20, 2012; and

The amendment to Chapter 16, Article 4 of the Code of the City of Maize, Kansas, was approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on _____, 2016;

(b) FINDINGS OF FACT.

The special flood hazard areas of the City are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and,

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages; and

The flood insurance study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps as follows:

1. Selection of a Base Flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The Base Flood selected for this Article is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this Article. The Base Flood is the flood that is estimated to have a one percent (1%) chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated December 22, 2016, as amended, and any future revisions thereto.

2. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height; and

5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but still subject to inundation by the base flood.

(c) PURPOSE.

The purpose of this Article is to promote the public health, safety, and general welfare; to minimize those losses described in Section 16-401(b) of this Article; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this Article to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

Section 3. Section 16-403 Amended. Section 16-403 of the Code of the City of Maize, Kansas is hereby amended to read as follows:

16-403. GENERAL PROVISIONS.

(a) LANDS TO WHICH THIS ARTICLE APPLIES. This Article shall apply to all lands within the jurisdiction of the city identified as numbered and unnumbered A Zones,

AE, AO and AH Zones on the index map dated December 22, 2016, if the flood insurance rate map (FIRM) as amended, and any future revisions thereto. In all areas covered by this article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the governing body of the city or its duly designated representative under such safeguards and restrictions as the governing body of the city or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community, and as specifically noted in Section 16-405 of the Code of the city.

(b) COMPLIANCE. No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

(c) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this article to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.

(d) INTERPRETATION. In their interpretation and application, the provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

(e) WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural cases, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This article shall not create a liability on the part of the city, any officer or employee thereof, for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

(f) SEVERABILITY. If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby.

Section 3. Section 16-405 Amended. Section 16-405 of the Code of the City of Maize, Kansas is hereby amended to read as follows:

16-405. PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards.

(1) No permit for floodplain development shall be granted for new construction, substantial improvement and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO and AH zones, unless the conditions of this section are satisfied.

(2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones on the FIRM is subject to all provisions of this article. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state or other sources.

(3) Until a floodway is designated, no new construction, substantial improvement, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined

with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(4) All new construction, subdivision proposals, substantial improvement, prefabricated structures, placement of manufactured homes, and other developments shall require:

a. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Construction with materials resistant to flood damage;

c. Utilization of methods and practices that minimize flood damage;

d. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and

f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

3. Adequate drainage is provided so as to reduce exposure to flood hazards; and

4. All proposals for development, including proposals for manufactured home parks and subdivisions, of greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. Storage, Material, and Equipment.

a. The storage or processing of materials within the special flood hazard area which are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life are prohibited.

b. The storage of material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

6. Nonconforming Use. A structure, or the use of a structure or premises, that was lawful before the passage or amendment of this article, but which is not in conformity with the provisions of this article, may be continued subject to the following conditions:

a. If such structure, use or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this article.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(b) SPECIFIC STANDARDS.

In all areas identified as numbered and unnumbered A zones, AE and AH Zones, where base flood elevation data have been provided, as set forth in Section 16-405(a)(2) of the Code of the City, the following provisions are required:

a. Residential Construction. New construction or substantial improvements of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

b. Non-Residential Construction. New construction or substantial improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be dry floodproofed to a minimum of one (1) foot above the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Section 16-404(c)(7)(8) and (9) herein.

c. New Construction. Require, for all new construction and substantial improvement, that fully enclosed areas below the lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

(c) MANUFACTURED HOMES.

(1) All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones on the Community's FIRM on sites:

a. Outside of manufactured home parks or subdivisions;
b. In a new manufactured home park or subdivision;
c. In an expansion to and existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation,

collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

(3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered A zones, AE and AH zones on the community's FIRM, that are not subject to the provisions of Section 16-404(c)(2) of the Code of the City, be elevated so that either:

a. The lowest floor of the manufactured home is a minimum of one (1) foot above the base flood level; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

(d) FLOODWAY. Located within areas of special flood hazard established in Section 16-402(a) of the Code of the City are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

(1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

(2) The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of base flood discharge.

(3) If Section 16-405(d)(2) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 16-405 of the Code.

(4) In unnumbered A zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in Section 16-405(a)(2) of the Code.

(e) RECREATIONAL VEHICLES. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:

1. be on the site for fewer than one hundred eighty (180) consecutive days;

2. be fully licensed and ready for highway use*; or

3. meet the permitting, elevation, and anchoring requirements of this

Article for manufactured homes.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Section 2. Repeal. Repeal of Existing Sections 16-401, 16-402, 16-403 and 16-405. The existing Sections 16-401, 16-402, 16-403 and 16-405 are hereby repealed, such repeal to become effective on December 22, 2016.

Section 3. Effective Date. This Ordinance shall take effect and be in full force as of December 22, 2016.

PASSED AND ADOPTED by the Governing Body of the City of Maize, Kansas, this _____ day of _____, 2016.

APPROVED by the Mayor this _____ day of _____, 2016.

Clair Donnelly, Mayor

ATTEST:

Jocelyn Reid, City Clerk

**MAIZE CITY COUNCIL
REGULAR MEETING
MONDAY, October 17, 2016**

AGENDA ITEM #8B

ITEM: EAGLES NEST PHASE 2B WATER BIDS AND CONTRACT

BACKGROUND:

On August 19, 2016, bids were received for Eagles Nest Phase 2B water improvements. Wilks Underground Utilities, LLC submitted the low bid of \$79,304. The engineer's estimate was \$93,478.

Wilks Underground was the contractor for the installation of the water and sewer improvements for the splash park.

The City Engineer has confirmed the bids. A bid tabulation sheet will be provided at the Monday, October 17, 2016 meeting.

FINANCIAL CONSIDERATIONS:

Eagles Nest Phase 2B will be included in an updated project funding plan at later date.

LEGAL CONSIDERATIONS:

The City Attorney has approved the contract as to form.

RECOMMENDATION:

Accept the low bid and approve the construction agreement with Wilks Underground Utilities, LLC in an amount not to exceed \$79,304 and authorize the Mayor to sign.

CONSTRUCTION AGREEMENT

THIS AGREEMENT (the "Agreement") made and entered into this ____ day of _____, 2016, by and between THE CITY OF MAIZE, KANSAS, a municipal corporation (hereinafter the "City"), and Wilkes Underground, LLC, whose principal office is at 3601 W. Harry, Suite 100, Wichita, KS 67213 (hereinafter the "Contractor").

NOW, THEREFORE, for the consideration, covenants and mutual promises hereafter stated, the parties hereto agree as follows:

SECTION 1. Contract Documents. The "Contract Documents" consist of the Agreement and the documents listed in Section 12 of the Agreement (the "Contract Documents"). The documents listed in Section 12 are hereby incorporated by reference herein and are made a part of the Agreement as though they are fully set forth herein.

SECTION 2. Work. The Contractor shall furnish all work as specified or indicated in the Contract Documents. The work to be furnished is generally described as follows:

Water Distribution System to serve Eagles Nest Addition - Phase 2B,
Maize, Kansas

SECTION 3. The Work. The Work shall be done in accordance with the Contract Documents and under the direct supervision of the Engineer, and the Engineer's decision as to the material used in the Work and the method of the Work shall be final and conclusive. In addition, the Contractor shall execute the Work described in the Contract Documents as necessary to produce the results intended by the Contract Documents or reasonably inferable by the Contract to produce the results intended by the Contract Documents.

SECTION 4. Contract Time. (a) The Work under this Agreement shall be substantially completed to the satisfaction of the Engineer within Twenty (20) work days after the Notice to Proceed is issued.

(b) Liquidated Damages. Liquidated Damages for failure to substantially complete the Work in the time period set in this section will be assessed at the amount and in accordance with the Standard Specifications that are referenced in Section 12 herein.

SECTION 5. Contract Sum. (a) The City shall pay to the Contractor for completion of the Work per unit for quantity in not-to-exceed amounts as set forth in the following chart:

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(b) A Statutory Bond to the State of Kansas in the amount of Seventy Nine Thousand Three Hundred Four Dollars and No Cents (\$ 79,304.00), conditioned upon the payment of all material and labor bills incurred in the making of the Work.

(c) The Performance and Maintenance Bond and the Statutory Bond shall comply with requirements set forth in the Standard Specifications.

SECTION 8. Arbitration. Notwithstanding anything to the contrary in the Contract Documents, the City shall not be subject to arbitration and any clause relating to arbitration contained in the Contract Documents herein between the parties shall be null and void and either party shall have the right to litigate any dispute in a court of law.

SECTION 9. Assignment. The Contractor, acting herein by and through its authorized agent, hereby conveys, sells, assigns, and transfers to the City all right, title and interest in and to all causes of action it may now or hereafter acquire under the anti-trust laws of the United States and the State of Kansas, relating to the particular product, products or services purchased or acquired by the City pursuant to this Agreement.

SECTION 10. Deferment or Cancellation of Agreement. The Agreement may be deferred or cancelled by the City in accordance with the Standard Specifications.

SECTION 11. Contractor Representations. (a) The Contractor has familiarized itself with the nature and extent of the Contract Documents, the Work, the site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance, or furnishing of the Work.

(b) The Contractor has studied carefully all physical conditions which are identified on the Plans.

(c) The Contractor has the responsibility to satisfy himself as to any explorations, subsurface tests, reports, or investigations of the subsurface or physical conditions at or contiguous to the site as otherwise may affect the cost, progress, performance or furnishing of the Work as the Contractor considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents.

(d) The Contractor has given the Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Engineer is acceptable to the Contractor.

SECTION 12. Contract Documents. The Contract Documents which comprise the entire Agreement between the City and the Contractor concerning the Work consist of the following:

- (a) this Agreement;
- (b) Construction Plans;
- (c) Proposal Form;
- (d) Performance Bond;
- (e) Statutory Bond;
- (f) The City of Wichita Standard Specifications for Construction of City Projects, 1998 Edition (the "Standard Specifications"), a copy of which is on file with the City Clerk's office of the City; provided that, for purposes of this Agreement, references to "Wichita" in the Standard Specifications shall be replaced with "Maize" and references to addresses in the Standard Specifications that refer to a City of Wichita address shall be replaced with "1010 Grady Dr., Maize, Kansas 67101."

SECTION 13. Governing Law. The Contract and Contract Documents shall be governed by the laws of the State of Kansas.

SECTION 14. Miscellaneous Provisions. (a) If there is a conflict, the terms and conditions in the Standard Specifications shall prevail over terms and conditions of the Agreement.

(b) No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

(c) The City and the Contract each bind itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives with respect to all covenants, agreements and obligations contained in the Contract Documents.

(d) Where reference is made in this Agreement to a provision of the General Conditions or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

(e) The City's representative is:

Richard LaMunyon, City Administrator
City of Maize, Kansas
1010 Grady Dr.
Maize, Kansas 67101

(f) The Contractor's representative is:

Wilkes Underground
3601 W. Harry, Suite 100
Wichita, Kansas

(g) Neither the City's nor the Contractor's representative shall be changed without ten (10) days written notice to the other party.

IN WITNESS WHEREOF, THIS AGREEMENT is entered into as of the day and year first written above and is executed in at least three (3) original copies, of which one (1) is to be delivered to the Contractor, one (1) to the Engineer for use in the administration of this Agreement, and one (1) to the City.

ATTEST:

CITY OF MAIZE, KANSAS

JOCELYN REID, City Clerk

CLAIR DONNELLY, Mayor

ATTEST (Contractor):

Wilks Underground Utilities LLC

Wilks Underground Utilities LLC

Name: Rick Walker

Name: Hellie Davis

Agent, Manager

Title: Office manager

**MAIZE CITY COUNCIL
REGULAR MEETING
MONDAY, October 17, 2016**

AGENDA ITEM #8C

ITEM: Revised Job Descriptions, Additions and Changes to the Organizational Chart

BACKGROUND:

The City of Maize, as planned, has been growing steadily over the past 10 years. With that growth pressure on current resources increases.

Thus, we have received requests for changes in the organizational chart to add services to our citizens: 1) Create 2 Sergeants positions: Patrol and Administrative which eliminates the current Sergeant position and upgrades a Patrol Officer; and 2) Create a part-time Customer Service Clerk Position to help with both Court and front desk duties. This will allow the full-time Customer Service Clerk to fully cross-train in the Municipal court job.

Attached to this agenda are 4 documents to accomplish these goals:

- a) Add the Police Administrative Sergeant Job Description
- b) Add the Police Patrol Sergeant Job Description
- c) Remove the Sergeant Job Description
- d) Add the PT Customer Service Clerk Job Description
- e) Amend the Organizational Chart

FINANCIAL CONSIDERATIONS:

The Sergeant upgrade will be minimal. The PT Customer Service Clerk will be around \$8,000.

LEGAL CONSIDERATIONS:

None

RECOMMENDATION:

Move to approve the following changes to the Personnel Manual:

- a) Addition of the Police Administrative Sergeant Job Description
- b) Addition of the Police Patrol Sergeant Job Description
- c) Removal of the Sergeant Job Description
- d) Addition of the PT Customer Service Clerk Job Description
- e) Amendment the Organizational Chart



Police Administrative Sergeant Position Description

Status: Non-Exempt, Full-Time Position
Supervisor Title: Police Lieutenant
Department: Police

Responsibilities

- Responsible for the enforcement of federal, state, local laws and City ordinances
- Supervise community-policing / School Resource Officers (SRO) and activities
- Act as liaison with school administration for SRO activities
- Organize, research and assist on special projects
- Evaluates and administers performance evaluations to assigned staff
- Supervise Patrol Officers in absence of Patrol Sergeant.
- Maintain specialized records and certification compliance
- Research, compose and administer grant applications and oversee funding
- Testify in court when deemed necessary
- Promote the good will of the City
- Perform other tasks as assigned

Skills:

- Working knowledge of current methods used in law enforcement
- Working knowledge of current community policing / SRO practices
- Ability to maintain the confidentiality of highly sensitive information
- Ability to implement Department Policies and Procedures
- Ability to supervise and evaluate the performance of subordinates in both routine and emergency situations
- Ability to organize, schedule, assign, observe and instruct personnel
- Ability to identify and resolve personnel issues
- Working knowledge of the geography of the city and surrounding areas
- Ability to communicate effectively; both orally and in writing
- Ability to evaluate written and oral reports and make recommendations
- Ability to deal firmly, but courteously with the public
- Ability to work irregular hours
- Skill in the use of firearms
- Ability to be punctual and in regular attendance
- Ability to possess and maintain a valid Kansas Driver's License

Education

- Associates Degree or equivalent training and experience
- Kansas Law Enforcement Academy Certification
- Basic National Association of School Resource Officers (NASRO) Certification

Experience

- Minimum five years progressive law enforcement experience with two years in a supervisory position



Police Patrol Sergeant Position Description

Status: Non-Exempt, Full-Time Position

Supervisor Title: Police Lieutenant

Department: Police

Responsibilities

- Responsible for the enforcement of federal, state, local laws and City ordinances
- Schedule and supervise street level operations to provide adequate policing
- Supervise officers on duty
- Review case files
- Maintain specialized records and certification compliance
- Supervise community-policing activities in absence of Administrative Sergeant
- Testify in court when deemed necessary
- Promote the good will of the City
- Perform other tasks as assigned

Skills:

- Working knowledge of current methods used in law enforcement
- Ability to maintain the confidentiality of highly sensitive information
- Ability to recommend implementation of Department Policies and Procedures
- Ability to supervise and evaluate the performance of subordinates in both routine and emergency situations
- Ability to organize, schedule, assign, observe and instruct personnel
- Ability to identify and resolve personnel issues
- Working knowledge of the geography of the city and surrounding areas
- Ability to communicate effectively; both orally and in writing
- Ability to evaluate written and oral reports and make recommendations
- Ability to deal firmly, but courteously with the public
- Ability to work irregular hours
- Skill in the use of firearms
- Ability to be punctual and in regular attendance
- Ability to possess and maintain a valid Kansas Driver's License

Education

- High School graduate or equivalent
- Kansas Law Enforcement Academy Certification

Experience

- Minimum five years progressive law enforcement experience



Part-Time Customer Service Clerk Position Description

Status: Non-Exempt, Full-Time Position

Supervisor Title: City Treasurer

Department: Administration

Responsibilities:

- Manager reception desk: operate telephone system and direct inquiries
- Provide customer services
- Maintain and reconcile cash drawer daily
- Organize and file correspondence for all departments
- Attend various meetings as deemed necessary
- Promote the good will of the City
- Perform other tasks as assigned
- Provides backup for the Municipal Court Clerk

Skills:

- Working knowledge of office equipment
- Working knowledge of Microsoft Office and other computer software
- Ability to work courteously with the public
- Ability to work independently and in a team environment
- Ability to be punctual and in regular attendance

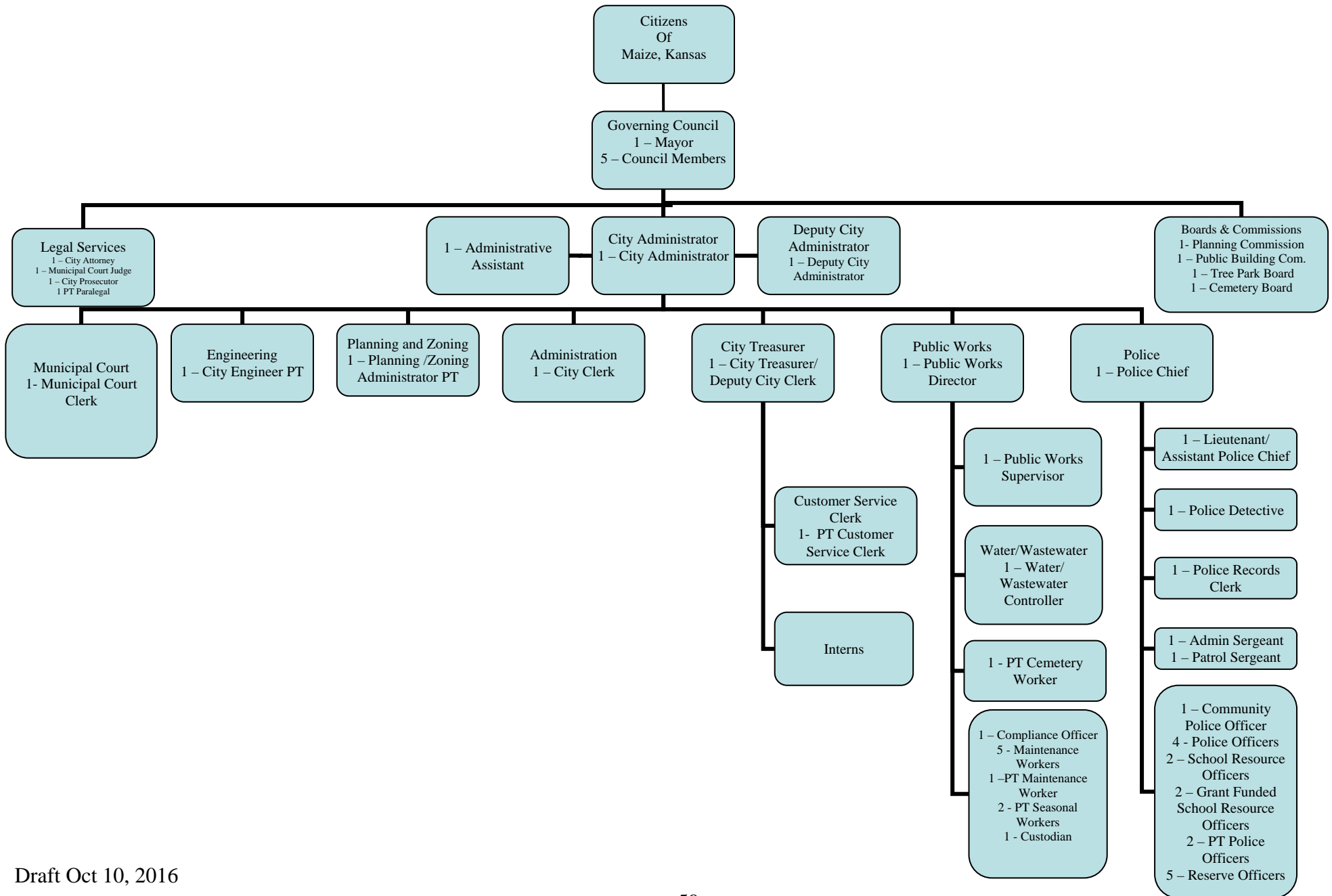
Education:

- High School graduate or equivalent
- College or business related courses preferred

Experience:

- Minimum two (2) years experience in customer service or clerical field

SECTION XIV - ORGANIZATIONAL CHART “CHAIN OF COMMAND”



**MAIZE CITY COUNCIL
REGULAR MEETING
MONDAY, OCTOBER 17, 2016**

AGENDA ITEM #8D

ITEM: SEWER EXTENSION – HAMPTON LAKES 3RD ADDITION

BACKGROUND:

A developer desires to extend the City’s sewer line to provide service to some lots in Hampton Lakes 3rd Addition. The extension would also benefit additional parcels which are currently outside the city limits.

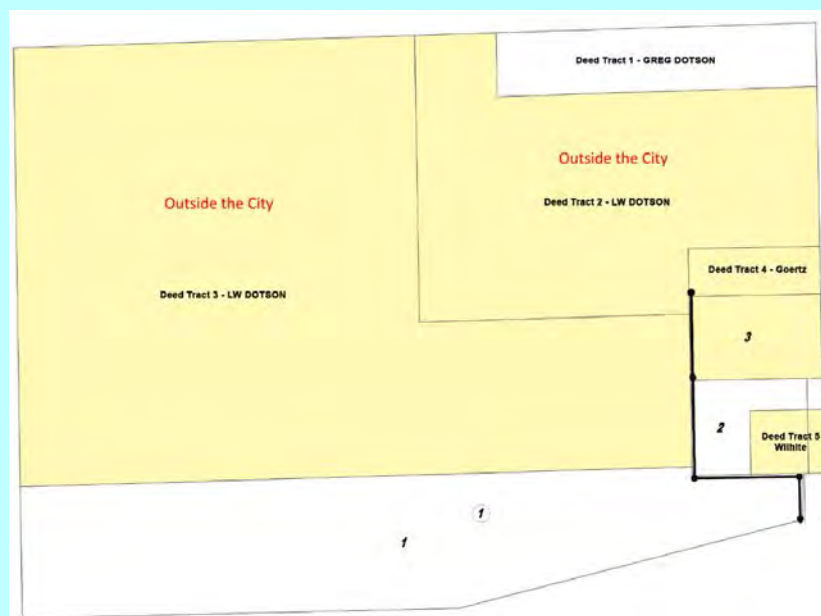
Three parcels are in the city, so special assessments can be levied upon them:

- Deed Tract 4 (Goertz)
- Deed Tract 5 (Wilhite)
- Lot 3, Block 1 (Schellenberg)

Two parcels are outside the city, so special assessments cannot currently be levied.

- Deed Tract 2 (LW Dotson)
- Deed Tract 3 (LW Dotson)

In order to ensure equitable assessments to all properties that benefit, the plan is to create a “Hampton Lakes 3rd Sewer Basin” (per city code section 15-430A) whereby the city will collect a fee at a later time when the two properties outside the city develop and connect to the city’s sewer line.



FINANCIAL CONSIDERATIONS:

The total cost of the sewer extension is estimated to be \$110,000. When allocating the cost on a square footage basis, the portion allocated to the two “out of city” tracts is estimated to be \$102,964.60.

		<u>square feet</u>		
Deed Tract 2	- LW	921,535	27%	\$29,274.26
Deed Tract 3	- LW	2,319,725	67%	73,690.34
Deed Tract 4	- Goertz	66,650	2%	2,117.26
Deed Tract 5	- Wilhite	49,828	1%	1,582.88
Lot 3, Block 1	- S	<u>104,992</u>	<u>3%</u>	<u>3,335.26</u>
		3,462,730	100%	\$110,000.00

Until the two “out of city” properties develop and connect, the city will be responsible for the debt service payments on the \$102,964.60 allocated cost. Because there are no immediate plans for the two properties to develop, it is not known when the City will be reimbursed.

Special assessments will be levied on the remaining three properties (in the City) to provide for their portion of the bonded project cost.

(This is like the “37th Street and Maize Sewer Basin” established a decade ago for similar purposes.)

LEGAL CONSIDERATIONS:

Two documents provide for the following:

1. Resolution of Advisability authorizes the project and creates the benefit district for the 3 tracts in the city (upon which special assessments will be levied when the project is complete).
2. Sewer Basin Ordinance creates a sewer basin which includes the 2 out-of-city tracts and requires a fee of \$1,383.76 per acre when the properties develop and connect to the sewer line.

RECOMMENDATION/ACTION:

1. Approve the Resolution of Advisability.
2. Approve the Sewer Basin Ordinance.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF MAIZE, KANSAS
HELD ON OCTOBER 17, 2016**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MAIZE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/HAMPTON LAKES THIRD ADDITION - SEWER).

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Resolution having been adopted by majority vote of the governing body, it was given No. ____; was further directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was further directed to cause the publication of the Resolution one time in the official City newspaper and to record the Resolution in the Office of the Register of Deeds of Sedgwick County, Kansas, all as required by law.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Maize, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

NOTE: To be recorded with the Register of Deeds of Sedgwick County, Kansas

(Published in *The Clarion*, on October __, 2016)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF MAIZE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS/HAMPTON LAKES THIRD ADDITION).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, K.S.A. 12-6a04 provides that any such governing body may proceed without notice and hearing to make findings by resolution as to the advisability of and authorize improvements provided by the Act, when the proceedings are to improve sanitary and storm water sewers and appurtenances thereto; and

WHEREAS, the governing body of the City of Maize, Kansas (the “City”), hereby finds and determines it to be necessary to make the improvements set forth in **Section 1** below without notice and hearing as required by the Act, and should be forthwith ordered by resolution of the City.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MAIZE, KANSAS:

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the “Improvements”):

Extention of a lateral sewer line to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$110,000, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

See *Exhibit A* attached hereto.

- (d) The method of assessment is: equally per square foot, as follows:
- | | | |
|---|---------------------|----------------------|
| Deed Tract 4 | 66,650 square feet | 2% of the total cost |
| Deed Tract 5 | 49,828 square feet | 1% of the total cost |
| Lot 3, Block 1,
Hampton Lakes Third Addition | 104,992 square feet | 3% of the total cost |

In the event that unplatted property within the Improvement District is platted after adoption of this Resolution, each platted lot shall be equally assessed for the costs associated with the unplatted property. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 6% to be assessed against the Improvement District and 94% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution, under authority of the Act.

Section 3. Bond Authority; Reimbursement. The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

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ADOPTED by the governing body of the City on October 17, 2016.

(SEAL)

By: _____
Name: Clair Donnelly
Title: Mayor

ATTEST:

By: _____
Name: Jocelyn Reid
Title: Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on October 17, 2016, as the same appears of record in my office.

DATED: October 17, 2016.

By: _____
Name: Jocelyn Reid
Title: Clerk

EXHIBIT A

IMPROVEMENT DISTRICT

HAMPTON LAKES THIRD ADDITION

Lot 3, Block 1, Hampton Lakes Third Addition to the City of Maize, Sedgwick County, Kansas

DEED TRACT 4

The North 105.00 feet of the East 202.00 feet of the following described tract: Beginning at a point on the East line of the Northeast Quarter of Section 30, Township 26, South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, said point being 1490.90 feet North of the Southeast corner of said Northeast Quarter; thence South 00°25'42" East (assumed basis of bearings) along the East line of said Northeast Quarter 155.00 feet; thence South 89°34'18" West perpendicular to said East line for 430.00 feet; thence North 00°25'42" West parallel with the East line of said Northeast Quarter 155.00 feet; thence North 89°34'18" East perpendicular to said East line 430.00 feet, to the point of beginning.

Together with:

A tract described as beginning at a point on the East line of the Northeast Quarter of Section 30, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, said point being 1490.90 feet North of the Southeast corner of said Northeast Quarter; thence South 00°25'42" East (assumed basis of bearings) along the East line of said Northeast Quarter 155.00 feet; thence South 89°34'18" West perpendicular to said East line for 430.00 feet; thence North 00°25'42" West parallel with the East line of said Northeast Quarter 155.00 feet; thence North 89°34'18" East perpendicular to said East line 430.00 feet, to the point of beginning, EXCEPT the North 105.00 feet of the East 202.00 feet thereof.

Said tract contains 66,650 SQ FT

DEED TRACT 5

A tract of land located in the Northeast Quarter of Section 30, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as beginning 750.9 feet North of the Southeast corner of the Northeast Quarter, thence West 238.7 feet, thence North 208.7 feet, thence East 238.7 feet to a point on the East line of said Northeast Quarter, thence South 208.7 feet to the point of beginning.

Said tract contains 49,828 SQ FT

(Published in *The Clarion*, on October ____, 2016.)

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A DESIGNATED SEWER BASIN AND RELATED CONNECTION FEE WITH RESPECT HAMPTON LAKES THIRD ADDITION SEWER BASIN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MAIZE, KANSAS:

Section 1. In accordance with the reports of MKEC Engineering, Wichita, Kansas, relating to the installation of sewer improvements to serve the Hampton Lakes Third Addition to the City of Maize, Kansas and surrounding areas not currently within the limits of the City of Maize, Kansas, there is hereby established the Hampton Lakes Third Addition Sewer Basin (herein the "Hampton Lakes Third Addition Sewer Basin"), composed of the following described real estate located in Sedgwick County, Kansas, to wit:

DEED TRACT 2

Lot 1 in the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty-Six (26), Range One (1), West; except:

That part of Government Lot 1, in Sec. 30, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, described as beginning at the N.E. Corner of said Government Lot 1; thence west, along the northline of said Government Lot 1, 1043.55 feet; thence south, parallel with the east line of said Government Lot 1, 208.71 feet; thence east, parallel with the north line of said Government Lot 1, 1043.55 feet to the east line of said Government Lot 1; thence north along the east line of said Government Lot 1, 208.71 feet to the place of beginning, subject to road easement on the east 40 feet thereof.

Said tract contains 920,648 SQ FT

DEED TRACT 3

Lot 2 in the Northeast Quarter (NE/4) of Section Thirty (3) Township Twenty-Six (26), Range One (1), West.

Together with:

The North 30 acres of the South Half of the Northeast Quarter (S/2 NE/4) of said Section Thirty (30), Township Twenty-Six (26) South, Range One (1) West of the 6th P.M.;
Except:

A tract described as beginning at a point on the east line of the NE ¼ of Sec. 30, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, said point being 959.61 feet north of the S.E. Corner of said NE ¼; thence west, at right angles, 238.71 feet; thence south, at right angles, 208.71 feet; thence west at right angles, 191.29 feet; thence north, at right

angles, 191.29 feet; thence north, at right angles, 640 feet; thence east, at right angles, 430 feet to the east line of said NE ¼; thence south, along the east line of said NE ¼, 431.29 feet to the point of beginning; and Except:

A tract described as beginning at a point on the East line of the Northeast Quarter of Section 30, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, said point being 1390.90 feet North of the Southeast corner of said Northeast Quarter; thence West at right angles, 430 feet; thence North at right angles 100 feet; thence East at right angles, 430 feet to the East line of said Northeast Quarter; thence South along the East line of said Northeast Quarter, 100 feet to the point of beginning; except the East 40 feet thereof for road purposes.

Said tract contains 2,345,922 SQ FT

The governing body of the City of Maize hereby finds and determines that the land located in the Hampton Lakes Third Addition Sewer Basin benefits from or will benefit from sewer improvements located adjacent thereto and financed by the City and that such Hampton Lakes Third Addition Sewer Basin constitutes a “Sewer Basin” within the meaning of Section 15-403A of the Code of the City of Maize, Kansas.

Section 2. In addition to the land described in Section 1, the Zoning Administrator for the City of Maize, Kansas may include within the Hampton Lakes Third Addition Sewer Basin any other tract of land (not specifically described) which utilizes the Hampton Lakes Third Addition Sewer for sanitary sewer service.

Section 3. The Hampton Lakes Third Addition Sewer Basin Connection Fee shall be calculated based upon area developed, platted and served (inclusive of streets, parks, reserves and other public dedications) at the rate of \$1,903.40 per acre, or such other rate determined by the City staff to represent the proportionate share of total costs of the Hampton Lakes Third Addition Sewer improvements, including legal, administrative, engineering and interest costs, after all final costs are known.

Section 4. This Ordinance shall be construed as being in accordance with the laws of the State of Kansas and any provision herein deemed or finally determined to be contrary to the laws of Kansas shall be void; provided, that in such event the remaining provisions of this Ordinance shall remain in full force and effect.

Section 5. This Ordinance shall be in force and take effect from and after its passage, adoption and approval and publication one time in the City’s official newspaper. This Ordinance shall be recorded in the Office of the Register of Deeds of Sedgwick County, Kansas in accordance with the provisions of K.S.A. 12-153.

[Remainder of Page Intentionally Left Blank.]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Maize, Kansas,
on October 17, 2016.

CITY OF MAIZE, KANSAS

[SEAL]

By _____
Clair Donnelly, Mayor

ATTEST:

By _____
Jocelyn Reid, City Clerk

October 2016



Monthly Council Report

Department Highlights

- Overall Department activities are functioning normal.
- We continue to take application for the two full-time patrol vacancies.
- Sgt. Herr has returned from her deployment and is currently serving as the SRO at Maize High School.
- The department was not successful in its efforts for a grant funded community policing officer. Only two agencies in the state were awarded funds, Wichita PD and Shawnee PD. We will continue applying for competitive grant funding opportunities as they become available.

Budget status: /100%

Major purchases:

Current Staff Levels.

10 Full-time
2 Full-time Vacant
2 Part-time
2 Reserve
2 Reserve -Vacant

Monthly Activities

September Police Reports - 743
September calls for service - 465

Community Policing:

Working on Fall Festival Activities

PUBLIC WORKS REPORT 10-11--2016

Regular Work

- WE continue to grade the gravel streets of 61st and 45th west of 119th. Have added rock to both streets and will continue to do so as long as the rain keeps up. The fields are now flooding across the road on 61st, washing large ruts across it. Just have to keep grading and leveling it out.
- We continue to work on the water, wastewater and lift stations to prepare for the WWTP upgrade. Ordered 30 new water meters for the new Apartment Complex coming just north of City Hall.

Special Projects

- Repaired another fire hydrant that was knocked over and damaged last week at Moss Rose and Lilly Circle. We are preparing to re-install one at the west end of Irma that had a bad water leak.
- * The contractor has been working on our storage bins. They are ready to install the framework and the roof. It should be done within the next two weeks.
- Have had quite a few signs knocked down or blown over in the last two weeks. Im sure some of them are because of the wind storm that came through but some have been knocked over by vehicles. Several stop signs as well.
- We have picked up many, many piles of brush just from senior citizens and the disabled. There have been hundreds of loads of brush brought into the shop as well. Quite a lot of brush from the storms. Much storm damage and downed trees at the Cemetery as well.
- Installed new piping and drainage at the front of the cemetery. We have it drained across the road now if it dries out we can finish draining it to the ditch along 53rd.

Ron Smothers

Public Works Director

City Engineer's Report

10/17/2016

Maize Middle School

The concrete block work is complete on three sides and steel beams for the ceiling are currently being installed on the "Cafetorium."

Maize High School

The gymnasium is mostly enclosed and the remodel of the entrance is in progress.

Baxter Dental

Windows and doors have been installed. The exterior is approximately 90% complete and they are concurrently working on the interior.

Heartland Credit Union

Steel work continues to be erected for both stories.

Weniniger Storage Units

Two of the three storage units are close to completion.

Aero-Tech

Building collapsed in the storm and will hopefully be re-started in the near future.

Watercress Villas

The mass grading plan has begun.

Restrooms

Concrete footings and rough-in plumbing is installed. The concrete slab is poured.

PLANNING ADMINISTRATOR'S REPORT

DATE: **October 17, 2016**

TO: **Maize City Council Members**

FROM: **Kim Edgington, Planning Administrator**

RE: **Regular October Council Meeting**

The following is a summary intended to keep the Council apprised of the status of ongoing planning projects.

1. Watercress Apartment development – The property was purchased by Case and Associates in August. Building and site plans have now been approved and construction has begun. The developers anticipate a late spring opening date.
2. Zone change at 4055 N. Maize Road – a zone change request for 1.1 acres from SF-5 Single-Family to NR Neighborhood Retail for the expansion of an existing in-home day care business, was recommended for approval by the Planning Commission at their September meeting. At your September 19th meeting the City Council approved this zone change. The applicant expects to have the improvements completed by spring of 2017.
3. Zone change at 404 W Irma – zone change for 0.42 acres from Limited Industrial to MF-18 Multi-Family Residential. This request was recommended for approval by the Planning Commission at their October meeting and will be on the November Council agenda.
4. Comprehensive Plan Update – Gould Evans is in the process of setting up a joint meeting with the City Council, Planning Commission and Park and Tree Board. We expect this meeting to take place in late October to early November. I have been submitting preliminary data to Gould Evans and they have also been collecting data from Sedgwick County GIS and the Wichita/Sedgwick County Metropolitan Area Planning Department and have been receiving input from Planning Commission members.
5. General planning issues – I continue to meet, both on the phone and in person, with citizens and developer's representatives requesting information on general planning matters, such as what neighboring property owners are planning to do, what they are allowed to do on their property, and what the process is for submitting various applications and materials to the Planning Commission.



**City Clerk Report
REGULAR COUNCIL MEETING
October 17, 2016**

Year to date status (Through 09/30/16):

General Fund –			
	Budget	YTD	
Rev.	\$3,065,844	\$2,875,887	93.80%
Exp.	\$3,369,786	\$2,862,149	84.94%
Streets –			
Rev.	\$287,420	\$ 228,940	79.65%
Exp.	\$294,100	\$ 244,152	83.02%
Wastewater Fund-			
Rev.	\$714,000	\$ 613,130	85.87%
Exp.	\$714,000	\$ 597,642	83.70%
Water Fund-			
Rev.	\$769,500	\$ 647,837	84.19%
Exp.	\$769,500	\$ 608,226	79.04%

Health & Dental Benefits

Per Council's request, here are the 2016 numbers (through 09/30/2016) for employee health, dental, and life (including accidental death and short-term disability).

	<u>City Portion</u>	<u>Employee Portion</u>	<u>Total Paid</u>
Health:	\$243,592.86	\$ 60,854.84	\$304,447.70
Dental:	15,983.58	3,994.48	19,978.06
Life:	<u>7,118.91</u>	<u>0</u>	<u>7,118.91</u>
	\$266,695.35	\$ 64,849.32	\$331,544.67

CAPITAL PROJECTS

**Projects w/o
Temp Notes**

Project	Fund	Resolution of Advisability	Total Resolution Amount	Expenditures thru 12/31/15	Expenditures 1/1/16 thru 9/30/16	Total Expenditures	Resolution Authorization Less Expenditures
Eagles Nest Phase 2A Water	05	556-14	\$ 104,000.00	\$ 100,801.81	\$ 1,671.92	\$ 102,473.73	\$ 1,526.27
Eagles Nest Phase 2A Paving	05	555-14	\$ 515,000.00	\$ 440,221.49	\$ 1,671.92	\$ 441,893.41	\$ 73,106.59
Eagles Nest Phase 2 Sanitary Sewer	05	547-14	\$ 240,000.00	\$ 168,429.73	\$ 1,671.92	\$ 170,101.65	\$ 69,898.35
Maize Ind Park Water	05	565-14	\$ 63,700.00	\$ 61,484.69	\$ 1,681.67	\$ 63,166.36	\$ 533.64
Maize Ind Park Sanitary Sewer	05	566-14	\$ 97,600.00	\$ 66,099.75	\$ 1,681.67	\$ 67,781.42	\$ 29,818.58
Eagles Nest Phase 2B Water	05	585-16	\$ 123,000.00	\$ -	\$ 7,813.16	\$ 7,813.16	\$ 115,186.84
Eagles Nest Phase 2B Paving	05	586-16	\$ 422,000.00	\$ -	\$ 313.16	\$ 313.16	\$ 421,686.84
Totals			\$ 1,565,300.00	\$ 837,037.47	\$ 16,505.42	\$ 853,542.89	\$ 711,757.11

MPBC Project	Fund	Resolution	Total Resolution Amount	Expenditures thru 12/31/15	Expenditures 1/1/16 thru 9/30/16	Total Expenditures	Resolution Authorization Less Expenditures
Public Works Building	05	MPBC 14-15	\$ 1,056,893.00	\$ 404,930.41	\$ 647,292.59	\$ 1,052,223.00	\$ 4,670.00
Grand Total				\$1,241,967.88	\$663,798.01	\$1,905,765.89	\$716,427.11

CIP 2016 (As of 09/30/2016)

<u>Detail</u>	<u>Reason</u>	<u>September Revenue</u>	<u>September Expense</u>	<u>Budget</u>	<u>Year to Date Actual Cash</u>
Beg Cash - 01/01/16					\$ 352,451.28
Ad Valorem	Tax			-	-
Motor Vehicle	Tax			-	-
Delinquent	Tax	-		100.00	-
Interest	From Bank Accounts	169.87		1,500.00	2,226.67
Maize Rec	Splash Park Contribution	-			-
Transfers	From General Fund	40,666.67		488,000.00	366,000.03
Total Revenues		<u>40,836.54</u>		<u>489,600.00</u>	<u>368,226.70</u>
Total Resources					<u><u>720,677.98</u></u>
Street Improvements				-	356,380.65 **
Sidewalk/Bike Paths				75,000.00	-
Park Improvements				-	230,433.87
Other Capital Costs	Material Bins @ Public Works		15,122.19	-	15,122.19
Total Expenditures		<u>-</u>	<u>15,122.19</u>	<u>665,000.00</u>	<u>601,936.71</u>
Cash Balance - 09/30/16					<u><u>\$ 118,741.27</u></u>

**Encumbered in 2015 Budget

CITY OF MAIZE/REC COMMISSION
 SHARED COSTS FOR CITY HALL COMPLEX
 THRU 09/30/2016

	MONTHLY BILL	CITY PORTION	REC PORTION	YEAR TO DATE COSTS	CITY PORTION YEAR TO DATE	REC PORTION YEAR TO DATE	PERCENT OR FLAT RATE
Phone	\$515.11	\$379.14	\$135.97	\$4,635.99	\$3,412.26	\$1,223.73	Flat - based on number of lines
Internet	1,057.67	951.90	105.77	9,519.03	8,567.10	951.93	Flat - \$105.77/month
Gas	63.96	35.24	28.72	2,797.29	1,541.31	1,255.98	44.90%
Electric	3,270.82	1,802.22	1,468.60	19,059.00	10,501.51	8,557.49	44.90%
Janitor	2,662.40	1,466.98	1,195.42	24,978.96	13,763.41	11,215.55	44.90%
Water/Sewer	0.00	0.00	0.00	0.00	0.00	0.00	
Trash	72.60	40.00	32.60	653.40	360.02	293.38	44.90%
Insurance (Annual Bill)	0.00	0.00	0.00	10,031.60	5,527.41	4,504.19	44.90%
Pest Control	275.00	255.00	20.00	2,475.00	2,295.00	180.00	Flat - Exterminator breaks rate out
Lawn Service	0.00	0.00	0.00		0.00	0.00	Provided by Public Works
Total	\$7,917.56	\$4,930.49	\$2,987.07	\$74,150.27	\$45,968.02	\$28,182.25	

Shared Costs for City Hall
 Updated 10/11/2016

Equipment Reserve 2016 (As of 9/30/2016)

<u>Detail</u>	<u>Reason</u>	<u>September Revenue</u>	<u>September Expense</u>	<u>Budget</u>	<u>Year to Date Actual Cash</u>
Beg Cash - 01/01/16					\$ 114,563.11
Interest	From Bank Accounts	14.83		300.00	179.92
Other Revenues	Sale of PD Radios	-			-
Reimbursements	Sale of Fireworks Equipment/PD Van	-		-	3,300.00
Transfers	From General Fund	19,166.67		230,000.00	172,500.03
Total Revenues		\$ 19,181.50		\$ 230,300.00	\$ 175,979.95
Total Resources					\$ 290,543.06
Trucks/Heavy Equipment				\$ 100,000.00	\$ 110,661.55
Computers				- 50,000.00	3,654.00
Computers	Phone Upgrades-2015 Encumbrance				23,010.00
Police Department Expenses			4,078.23	80,000.00	68,000.43
Total Expenditures			\$ 4,078.23	\$ 230,000.00	\$ 205,325.98
Cash Balance - 09/30/2016					\$ 85,217.08

CITY OF MAIZE/USD #266
 SHARED COSTS FOR SCHOOL RESOURCE OFFICERS
 THRU 09/30/2016

	MONTHLY BILL	CITY PORTION	USD #266 PORTION	YEAR TO DATE COSTS	CITY PORTION YEAR TO DATE	USD #266 PORTION YEAR TO DATE
Wages	\$ 6,828.74	\$ 1,707.19	\$ 5,121.56	\$ 44,319.44	\$ 11,079.86	\$ 33,239.58
FICA/Medicare Taxes	494.57	123.64	370.93	3,294.92	823.73	2,471.19
KPERS (Employer)	626.87	156.72	470.15	4,248.06	1,062.02	3,186.05
Health/Life/Other Employer Paid Benefits	1,454.46	363.62	1,090.85	5,009.02	1,252.26	3,756.77
Totals	\$ 9,404.64	\$ 2,351.16	\$ 7,053.48	\$ 56,871.44	\$ 14,217.86	\$ 42,653.58



CITY OPERATIONS REPORT

DATE: October 12, 2016

TO: Maize City Council

FROM: Richard LaMunyon-Becky Bouska-Sue Villarreal-Jolene Graham

RE: October Report

1) Cox Demand Letter

Staff continues to work through this process and is now working with the investigator representing Utility Plus' insurance company for the amount of our claim.

2) Sidewalk/Bike Path Master Plan (*Pedestrian & Bicycle Facility Plan*)

Staff met with engineers from Transystems Inc. to outline the City's needs and expectations. The plan will include safety issues for paths as well as signage in Maize. They are preparing a draft for review.

3) Baseball Operations

Staff will be meeting with the Maize Recreation Commission to outline the City's plan to phase out the baseball field operations at City park. The desire is to have the recreation commission assume this responsibility at a different location in order that City park can expand its family operational theme.

4) Park Master Plan

Since the spring, the Park and Tree Board has been working diligently on developing a new Master plan. The workshop sessions have been highly productive and have typically run between 2-3 hours long each month. The Board plans to reconvene in December and officially approve the new plan for Council's consideration.

5) Economic Development

- Thirty-one new housing starts
- Reiloy USA
 - *Business Journal article attached*
- Copper Creek Apartments
 - *Sewer basin expansion has been established*
 - *Developer has requested address information*

- Watercress Apartments
 - *Construction underway*

5) City Meetings

- October 17th - Council @ 7pm
- November 3rd - Planning @ 7pm
- November 21st - Council @ 7pm

“Education is one of the cornerstones of a great community,” Dixon says. “As

nonprofit.

“In order to ensure long-term growth

involved,” Dixon says. “We all lead very

– Julie Conner

REILOY USA: Job Growth and Research and Development

Commitment to innovation keeps Reiloy USA growing

Fueled by innovation and investment, Reiloy USA is using new technology and expertise in-house to make good on the goal of its parent company to grow in North America.

That has been part of big changes at the plastics equipment business in recent years, as the company – the North American headquarters for Germany’s Reifenhäuser Gruppe – in 2015 completed a move to a new manufacturing facility in Maize and rebranded itself from Reiloy Westland Corp. to Reiloy USA.

And within the walls of that new 55,000-square-foot facility, research and development is driving new products to the market.

Reiloy’s president, Dave Larson, says that includes new equipment that give it state-of-the-art capabilities to make the components it sells to the plastics manufacturing industry.

Among the investments is a mill-turn machine that is one of only three in the world and the only one in North America.

Larson says the new equipment opens up additional markets by allowing his



company to manufacture larger products more efficiently.

In addition, Reiloy has developed a new mixer for injection molding that it hopes to bring to the market, seeking patents for it the U.S., Europe and other parts of the world.

It is also collaborating with a sister-company, Reiloy Metal in Germany, to be able to offer a new line of corrosion-resistant alloys for its products, with a new

announcement from that line expected in October at the world’s largest plastics trade show, the K-Show in Dusseldorf, Germany.

Other new products are also in the works that will further enhance efficiency for Reiloy’s customers.

And that customer base has been growing, Larson says, ever since Reiloy was bought by Reifenhäuser in 2012.

“Their investment in our company has

► CLOSER LOOK

REILOY USA

- YEAR FOUNDED: 1969.
- ADDRESS: 12260 W. 53rd St. N., Maize, Kan. 67101.
- CEO: Dave Larson.
- EMPLOYEES: 69.
- INDUSTRIES SERVED: Plastics processing.

fueled, and will continue to drive, Reiloy USA’s growth,” he says.

It has also fueled a need for more workers, and Reiloy has added 13 new positions in the last 13 months.

But it won’t lose focus on existing employees, whom Larson says are now part of an in-house training effort that will enable them to operate multiple machines on the production floor.

“This increased training is not only beneficial for a smooth operation, but provides our employees with additional valuable skills,” he says.

– Daniel McCoy

WHOLESALE AND DISTRIBUTION AWARDS