

**MINUTES-REGULAR MEETING
MAIZE CITY COUNCIL
Monday, May 21, 2007**

The Maize City Council met in a regular meeting at 7:30 p.m., Monday, **May 21, 2007**, in the Community Building, 401 Khedive, with **Mayor Clair Donnelly** presiding. Councilmembers present were **Raynol Herndon, Donna Clasen, Karen Fitzmier** and **Cathy Reed**. **Nick Ard** arrived at 8:00 PM.

Also present were: **Richard LaMunyon**, City Administrator, **Jean Silvestri**, City Clerk, **Jocelyn Reid**, City Treasurer, **Matt Jensby**, Policy Chief, **Ron Smothers**, Public Works Director, **Bill McKinley**, City Engineer, **Kim Edgington**, Planning and Zoning Administrator, **Jerry Rayl**, Financial Advisor, **Larry Kleeman**, Financial Advisor, **Tom Powell**, City Attorney, **Kim Bell**, Bond Counsel, **Shane Coelho**, Sr. Management Analyst.

PUBLIC HEARING: EAGLE POINT SANITARY SEWER LIFT STATION IMPROVEMENTS:

Mayor Donnelly opened the Public Hearing at 7:45 PM to hear public comment on the proposed Eagle Point sanitary sewer lift station improvements. Hearing no public comments, Mayor Donnelly closed the public hearing.

APPROVAL OF AGENDA:

MOTION: **Clasen** moved to approve the Agenda as presented.
Reed seconded. Motion declared carried.

PUBLIC COMMENTS:

Barry Wood, 601 Trotter, **Jeanine Philbrook**, 536 Trotter, **Kenneth Hultman**, 644 Trotter, and **Marian Breit**, 643 Atherton, expressed concerns about the property at 601 Atherton. A petition from surrounding neighbors had been submitted in August 2005 requesting that the City assist in clean-up of the property. Discussion followed. Council directed staff to proceed with cleaning up the property – trimming trees, grass, etc. at no charge to the homeowner.

CONSENT AGENDA:

The Consent Agenda was submitted for approval. It was noted that the Recreation Commission minutes should have been dated May 15, 2007 instead of April 17, 2007.

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

WATERCRESS ADDITION PHASE 1 – REVISED PETITIONS AND AMENDMENT TO RESOLUTION #380-06:

Revised petitions and an amending Resolution was submitted for Council approval. On January 9, 2006 the Council accepted petitions and adopted Ordinance #694 authorizing temporary notes in the amount of \$1,932,000 to finance the estimated cost of improvements in Watercress Addition Phase 1. On March 26, 2007 the City was provided revised petitions based on the realigned benefit district in Watercress Addition Phase 1. The financing is unchanged.

MOTION: **Clasen** moved to accept the petitions for Watercress Addition Phase 1 and adopt the Resolution amending Resolution #380-06 to include the realignment of Watercress Addition Phase 1 benefit district.
Fitzmier seconded. Motion declared carried.

City Clerk assigned Resolution #402-07.

FIDDLER'S COVE AT PRAIRIE PINES 2ND ADDITION PHASE 1 AMENDED PETITION AND RESOLUTION:

An amended Waterline Petition and a Resolution amending and supplementing Resolution #392-07 was submitted for Council approval. On April 3, 2007 the City received an amended waterline petition for Fiddler's Cove at Prairie Pines 2nd Addition Phase 1 in the amount of \$85,200. The original petition that was approved on January 22, 2007 for \$72,700 did not include the cost for installing the water meter cans.

MOTION: **Clasen** moved to accept the amended waterline petition in the amount of \$85,200 for Fiddler's Cove and approved the amending and supplementing Resolution amending Resolution #392-07 for Fiddler's Cove at Prairie Pines 2nd Addition Phase 1.
Ard seconded. Motion declared carried.

City Clerk assigned Resolution #403-07.

PLAYGROUND DESIGN/EQUIPMENT FOR THE PARK AT THE MAIZE COMMUNITY BUILDING:

Shane Coelho, staff liaison to the Park & Tree Board, presented the Board's recommendation for phase I of improving the park playground area and the updating of playground equipment at the Community Building Park for the cost of \$35,000 (\$32,000 for equipment, \$3,000 for ground fill/fencing.) The Board considered citizen's feedback, town hall meeting suggestions and met with several vendors. *Joel Rodell*, with Walz Harman Huffman Construction presented the design and installation of the playground equipment recommend by the Park & Tree Board.

MOTION: *Clasen* moved to approve the first phase of the playground design/equipment funding not to exceed \$35,000 (\$32,000 for equipment, \$3,000 for ground fill/fencing) for the Maize Community Building Park.
Ard seconded. Motion declared carried.

STREET IMPROVEMENT FUNDING:

Bids have been received to improve a portion of Trotter and Queen Streets for \$53,000. In the 2007 budget, \$50,000 was appropriated for street improvements. Staff recommends that an additional \$50,000 be approved from the CIP so that Opal Street may be completed this year as well.

MOTION: *Ard* moved to approve the additional \$50,000 from the CIP to be added to the 2007 Street Improvement Plan for work on Trotter, Queen and Opal streets.
Herndon seconded. Motion declared carried.

T-MOBILE TOWER LEASE AGREEMENT:

T-Mobile Central, LLC has requested a lease agreement to place an antenna on top of the City's water tower. Action on was deferred to the June 25, 2007 council meeting when T-Mobile representative will be in attendance.

ANNEXATION ORDINANCE -ELEANOR A. NICHOLS:

An Ordinance annexing approximately 28 acres as described in metes and bounds was submitted for Council approval. A Consent to Annex has been received from the property owner Eleanor A. Nichols. This is the proposed site for the IMAX Theater project.

MOTION: *Ard* moved to adopt the Ordinance annexing the Eleanor A. Nichols property.
Herndon seconded. Motion declared carried.

City Clerk assigned Ordinance #734.

ANNEXATION ORDINANCE-SIMON, NAGELE, NAEGELE AND MOELLING:

An Ordinance annexing approximately 520 acres as described in metes and bounds was submitted for Council approval. A Consent to Annex has been received from the above property owners Helen & Steve Simon, Leon Naegee, Michael & Sheri Naegele and Clyde & Thelma Moelling. This is the proposed site of the LaFarge Sand operation.

MOTION: *Clasen* moved to adopt the Ordinance annexing the proposed LaFarge Sand operation site of approximately 520 acres.
Ard seconded. Motion declared carried.

City Clerk assigned Ordinance #735.

EAGLE POINT RESOLUTION:

Action on this item was deferred to the June 25, 2007 council meeting in order to address concerns with the benefit district.

nCOURT AGREEMENT:

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An Agreement with nCourt, LLC to install software that permits offenders to pay traffic citations on-line with a credit or debit card was submitted for Council approval. There is no cost to the City or the municipal court for the implementation and operation of the program. Payments collected will be deposited in the court bank account on a weekly basis or as directed by the court.

MOTION: *Clasen* moved to approve the nCourt agreement and authorize the Mayor to sign.
Ard seconded. Motion declared carried.

ORDINANCE REPEALING SECTIONS 1-305 AND 1-306 OF THE MAIZE CITY CODE

An Ordinance amending Section 1-305 and 1-306 of the Maize City Code deleting the duties of the City Administrator was submitted for Council approval. Duties of the office will be outlined in the City Administrator Work Agreement.

MOTION: *Clasen* moved to adopt the Ordinance repealing Sections 1-305 and 1-306 of the Maize City Code pertaining to the duties of the City Administrator.
Fitzmier seconded. Motion declared carried.

City Clerk assigned Ordinance #736.

ORDINANCE REPEALING SECTION 11-224 OF THE MAIZE CITY CODE

An Ordinance repealing Section 11-224 of the Maize City Code that pertains to regulating the carrying of a concealed firearm was submitted for Council approval. On February 26, 2007 the Council adopted an ordinance relating to the regulation of carrying a concealed firearm. The State legislature has enacted laws that make it necessary to repeal this action.

MOTION: *Ard* moved to adopt the Ordinance repealing Section 11-224 of the Maize City Code.
Clasen seconded. Motion declared carried.

City Clerk assigned Ordinance #737.

CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT

An addendum to the City Administrator's Agreement was provided it to each Councilmember on May 14, 2007.

MOTION: *Clasen* moved to approve the addendum as presented.
Fitzmier seconded. Motion declared carried.

EXECUTIVE SESSION:

Mayor Donnelly requested a 10-minute executive session to discuss personnel matters.

MOTION: *Clasen* moved to enter executive session for 10 minutes to discuss personnel matters.
Fitzmier seconded. Motion declared carried.

Enter executive session at 9:55pm. Council reconvened at 10:05 pm. No action was taken.

ADJOURNMENT:

With no further business coming before the Council,

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

Respectfully submitted by: _____
Jocelyn Reid, City Clerk