

**MINUTES-REGULAR MEETING  
MAIZE CITY COUNCIL  
Monday, August 18, 2008**

The Maize City Council met in a regular meeting at 7:30 p.m., Monday, **August 18, 2008** in the Maize City Hall, 10100 Grady Avenue, with **Mayor Clair Donnelly** presiding. Councilmembers present were **Raynol Herndon, Nick Ard, Karen Fitzmier, Donna Clasen** and **Cathy Reed**.

Also present were: **Richard LaMunyon**, City Administrator, **Jocelyn Reid**, City Clerk, **Chief Jensby**, Chief of Police, **Ron Smothers**, Public Works Director, **Bill McKinley**, City Engineer, **Pat Longwell**, Code Enforcement Officer, **Kim Edginton**, Planning Administrator, **Larry Kleeman**, Financial Advisor, **Kim Bell**, Bond Counsel and **Tom Powell**, City Attorney.

**APPROVAL OF AGENDA:**

The Agenda was submitted for approval with items 10B and 10C being removed.

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

**PUBLIC HEARING – SPECIAL ASSESSMENTS:**

**Mayor Donnelly** opened the public hearing at 7:30 p.m. to hear public comments on the assessments for Watercress Addition Phase 2A, Fiddlers Cove 2<sup>nd</sup> Phase 1 Storm Water, Sewer, Water, Paving and Phase 1A Paving, Hampton Lakes Phase 2 Paving, Sewer and Water, Wadley Ranch Water, Watercress 2<sup>nd</sup> Addition Phase 1 Paving, Sewer and Water and Eagle Point Sewer Lift Station.

**Bob Scott**, developer of Fiddlers Cove requested that special assessments for Fiddlers Cove 2<sup>nd</sup> Phase 1 be deferred for one year.

**PUBLIC COMMENTS:**

Anne Smarsh with the Maize Lions Club addressed the Council regarding Agenda Item 9G, Fireworks Ordinance. She outlined how the Lions Club uses the proceeds of their fireworks stand to provide community support for Maize.

**CONSENT AGENDA:**

The Consent Agenda including the cash expenditure report totaling \$1,073,252.72, check #46717 through #46887 and manual check #111033, Council Minutes for July 21, the Special Meeting of August 4, 2008, and the receipt & filing of the Planning Commission minutes of June 26, and Tree Board minutes of July 10, was submitted for approval.

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

**GENERAL OBLIGATION BONDS, SERIES B 2008 ASSESSMENT ORDINANCES:**

Assessment Ordinances for Watercress Addition, Phase 2A Paving; Fiddlers Cove 2<sup>nd</sup> Phase 1 Storm Water, Sewer, Water, Paving and Phase 1A Paving; Hampton Lakes Phase 2 Paving, Sewer and Water; Wadley Ranch Water; Watercress 2<sup>nd</sup> Phase 1 Paving, Sewer and Water; and Eagle Point Sewer Lift Station were submitted to Council for approval. Consensus of the Council was to instruct staff to assist Bob Scott, developer of Fiddlers Cove, to proceed with the process to secure 20 year assessments providing the project qualifies.

**MOTION:**     **Clasen** moved to adopt the Assessment Ordinances with the exception of Fiddlers Cove  
                  2<sup>nd</sup> Phase 1.  
                  **Ard** seconded. Motion declared carried.

**City Clerk assigned Ordinance #763 (Eagle Point), #764 (Hampton Lakes Phase 2), #765 (Wadley Ranch), #766 (Watercress 2<sup>nd</sup> Phase 1), #767 (Watercress Addition Phase 2A).**

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**SEWER BASIN ORDINANCES:**

Two Ordinances creating a sewer basin for the 37<sup>th</sup> and Maize Road Interceptor Sewer were submitted for Council approval. The first ordinance creates Section 15-203 of the City Code to provide the lateral sewer and sewer basin connection fees. The second ordinance establishes the parameters of the 37<sup>th</sup> and Maize Road Interceptor Sewer Basin and the fee. Several parcels will be removed from the special assessment district until the point of connection leaving \$518,922.94 to be collected through the basin fee or a delayed special assessment.

**MOTION:** *Fitzmier* moved to adopt the Ordinance to utilize the City's home rule powers providing authority to establish Section 15-203 of the Code of the City of Maize providing lateral sewer connection fee and a sewer basin connection fee.  
*Ard* seconded. Motion declared carried.

*City Clerk assigned Ordinance #768.*

**MOTION:** *Ard* moved to adopt the Ordinance establishing the parameters of the 37<sup>th</sup> and Maize Interceptor Sewer Basin and establish the fee at \$2,696.25 per acre.  
*Clasen* seconded. Motion declared carried.

*City Clerk assigned Ordinance #769.*

**WINE CONSUMPTION ORDINANCE IN MULTI-PURPOSE ROOM:**

An Ordinance allowing the consumption of wine in the Multi-Purpose Room on the Recreation Commission side of the City Hall complex was submitted for Council approval.

**MOTION:** *Clasen* moved to adopt the Ordinance to allow the consumption of wine only in the Recreation Commission Multi-Purpose Room of the City Hall complex.  
*Fitzmier* seconded. Motion declared carried.

**ZONE CHANGE FROM SF-5 SINGLE-FAMILY RESIDENTIAL TO MF-18 MULTI-FAMILY RESIDENTIAL:**

An Ordinance for a zone change from SF-5 Single-Family Residential to MF-18 Multi-Family Residential for property located on the East side of Maize Road, between Bluestem and 45<sup>th</sup> St N to be known as Watercress Village was submitted for Council approval. The zoning change would allow for 4-plex owner-occupied town homes.

**MOTION:** *Clasen* moved adopt the Ordinance changing the zoning from SF-5 Single-Family to MF-18 MF Residential creating Watercress Village subject to platting within one year.  
*Herndon* seconded. Motion declared carried.

**LED SIGNAGE FOR CITY HALL:**

Two proposals for an LED sign for City Hall were submitted to Council for discussion. After discussion, Council directed staff to research how the sign would be used, protection of the sign, additional insurance, and line of sight from Maize Road and to obtain additional estimates.

**COX COMMUNICATION FRANCHISE AGREEMENT:**

The K.S.A. 12-2024 Franchise Agreement with Cox Communications was submitted to Council for approval.

**MOTION:** *Ard* moved to approve the K.S.A. 12-2024 Agreement with Cox Communications and approve the letter dated July 21, 2008 to Cox communication leaving the fee at 3% and authorize the Mayor to sign.  
*Reed* seconded. Motion declared carried.

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**FIREWORKS ORDINANCE:**

The Ordinance that provides for the sale of fireworks in the City was submitted to Council for discussion. Council directed staff to prepare an Ordinance for the September 15, 2008 meeting that allows for the issuance of three fireworks permits per year with first preference given to permit holders from the previous year. The ordinance should include the limit of one permit per non-profit organization.

**REVISED 2008 PROJECT FINANCIAL PLAN:**

The revised 2008 Project Financial Plan dated August 13, 2008 was submitted to Council for approval. The plan will fund a portion of 2008 projects in the amount of approximately \$2.5 million which includes \$580,000 remaining from 2007 project funding.

**MOTION:** *Clasen* moved to adopt the revised 2008 Project Financial Plan dated 8/13/08 as presented.  
*Reed* seconded. Motion declared carried.

**EAGLES NEST PHASE 1 CONSTRUCTION CONTRACT:**

Five project bids were received with Nowak Construction being the lowest bidder at \$736,190.84. A Construction Contract from Nowak Construction for Eagles Nest Phase 1 Sewer, Water, Storm Water Sewer and Storm Water Sewer Pump was submitted for Council approval. City Attorney approved the construction contract with the following changes: adding "Maintenance Bond" to the list of contract documents in Paragraph 12 and changing "Performance Bond" to "Contract Bond" in the same paragraph.

**MOTION:** *Clasen* moved to accept the Nowak Construction low bid for \$736,190.84 and provide Notice of Award to Nowak Construction.  
*Fitzmier* seconded. Motion declared carried.

**MOTION:** *Clasen* moved to approve the Nowak Construction Contract with the recommended changes of City Attorney in an amount not to exceed \$736,190.84 and authorize the Mayor to sign.  
*Reed* seconded. Motion declared carried.

**COMMUNITY BUILDING POLICY:**

A Revised Community Building Rental Policy and Fee Schedule were submitted for Council approval. The Community Building has been renovated and updated.

**MOTION:** *Ard* moved to approve the revised Community Building Rental Policy.  
*Herndon* seconded. Motion declared carried.

**MOTION:** *Clasen* moved to adopt the fee schedule of \$75 rent and \$175 deposit for Maize residence and \$100 and \$175 deposit for non-Maize residence.  
*Ard* seconded. Motion declared carried.

**EXECUTIVE SESSION:**

*Mayor Donnelly* requested a 15-minute executive session to discuss personnel issues with the City Attorney.

**MOTION:** *Clasen* moved to go into executive session for 15 minutes to discuss personnel issues with the City Attorney.  
*Fitzmier* seconded. Motion declared carried.

Council entered executive session at 11:15 p.m. and reconvened at 11:30 p.m. No action was taken.

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**CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT ADDENDUM:**

An addendum to the City Administrator's Employment Agreement allowing for a \$1,200.00 annual pay increase retro-active to January 1, 2008 and a \$2,800 bonus was submitted for Council approval.

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

**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