

**MINUTES-REGULAR MEETING
MAIZE CITY COUNCIL
Monday, November 17, 2008**

The Maize City Council met in a regular meeting at 7:30 p.m., Monday, **November 17, 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.

APPROVAL OF AGENDA:

The Agenda was submitted for approval.

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

PUBLIC COMMENTS:

Joey Young new editor of *The Clarion*, formerly *The Mount Hope Clarion*, announced that the paper has new owners. They look forward to working with the City as the official newspaper.

Linda Hohler, 11800 Cedar Lane, spoke to the proposed council meeting guidelines.

Bob Erdman, 11945 Cedar Lane, thanked the Council for paving Cedar Lane and questioned no turnaround. It was reported that the City did not have enough right-of-way to install a turnaround.

CONSENT AGENDA:

The Consent Agenda including the Disbursement Report totaling \$2,644,461.11, checks #47194 through #47353; Council minutes for October 20, 2008 and Planning Commission minutes of October 2, 2008 was submitted for approval.

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

REVISED 2008/2009 PROJECT FINANCIAL PLAN:

In accordance with City policy established for project funding a revised Project Funding Plan for 2008/2009 was presented to council for approval. By combining the remaining 2008 monies with 2009 monies the City would have approximately \$498,000 available for allocation above funding needs of the various projects that have already been approved.

MOTION: *Clasen* moved to approve the revised 2008/2009 Project Financial Plan as presented.
Fitzmier seconded. Motion declared carried.

WATERCRESS ADDITION PHASE 2 PAVING CONTRACT:

A Construction Contract with Cornejo & Sons in the amount of \$164,950.60 for Watercress Addition Phase 2 Paving was submitted for Council approval.

MOTION: *Reed* moved to approve the construction contract with Cornejo and Sons in an amount not to exceed \$164,950.60 and authorize the Mayor to sign.
Ard seconded. Motion declared carried.

HAMPTON LAKES PHASE 3 REVISED PAVING PETITION AND AMENDING RESOLUTION:

A revised petition and amending Resolution of Advisability for Hampton Lakes Phase 3 Paving were submitted for Council approval. The petition amount was increased by \$112,000 due to the contractor's bids coming in higher than the engineer's estimates.

MOTION: *Reed* moved to accept the revised petition for Hampton Lakes Phase 3 paving.
Fitzmier seconded. Motion declared carried.

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HAMPTON LAKES PHASE 3 REVISED PAVING PETITION AND AMENDING RESOLUTION Con't:

MOTION: *Reed* moved to adopt the Resolution of Advisability amending Resolution #435-08.
Fitzmier seconded. Motion declared carried.

City Clerk assigned Resolution #446-08.

HAMPTON LAKSES PHASE 3 PAVING BIDS AND CONSTRUCTION CONTRACT:

A construction bid and contract from Kansas Paving in the amount of \$340,309.95 for Hampton Lakes Phase 3 paving were submitted for Council approval.

MOTION: *Ard* moved to accept the low bid from Kansas Paving bid for \$340,309.95 and provide Notice of Award to Kansas Paving.
Herndon seconded. Motion declared carried.

MOTION: *Ard* moved to approve the Construction Contract with Kansas Paving in an amount not to exceed \$340,309.95 and authorize the Mayor to sign.
Reed seconded. Motion declared carried.

FIDDLERS COVE@ PRAIRIE PINES 3RD ADDITION PETITIONS AND RESOLUTIONS OF ADVISABILITY:

Petitions and Resolutions of Advisability for Fiddlers Cove at Prairie Pines 3rd Addition water distribution, sanitary sewer, storm water and paving were submitted for Council approval. These petitions revised previous petitions for two subdivisions that have been combined into Fiddlers Cove @ Prairie Pines 3.

MOTION: *Reed* moved to accept the petitions for Fiddlers Cove at Prairie Pines 3rd Addition in the total amount of \$3,455,800.
Herndon seconded. Motion declared carried.

MOTION: *Reed* moved to adopt the Resolutions of Advisability for Fiddlers Cove at Prairie Pines 3rd Addition.
Fitzmier seconded. Motion declared carried.

City Clerk assigned Resolutions #447-08 (Water), #448-08 (Sewer), #449-08 (Storm Water) and #450-08 (Paving).

BUSBY, SMITH AND FORD, LLC AGREEMENTS:

Two Agreements from Busby, Smith & Ford, LLC were submitted for Council approval. One would provide a Summary of Activities Report for the Maize Public Building Commission and the second would authorize the review of internal city financial operations and procedures as to efficiency and internal control.

MOTION: *Clasen* moved to approve the two Letters of Agreement with Busby, Smith & Ford in an amount not to exceed \$5000.
Fitzmier seconded. Motion declared carried.

DISCHARGE OF FIREARMS ORDINANCE:

An Ordinance that would allow the discharge of certain firearms in certain locations within the city limits was submitted for Council approval.

MOTION: *Ard* moved to approve the Discharge of Firearms ordinance.
Herndon seconded. Motion declared carried.

City Clerk assigned Ordinance #780.

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EXECUTIVE SESSION:

Mayor Donnelly requested a 25-minute executive session with the City Attorney, via telephone, for attorney/client items.

MOTION: *Clasen* moved to enter executive session for 25 minutes to discuss attorney/client issues with the City Attorney.
Ard seconded. Motion declared carried.

Council entered executive session at 9:00 p.m. and reconvened at 9:25 p.m. No action was taken.

CABLE TV CHANNEL POLICY:

A policy to define the function of the city cable channel 20 was submitted for Council approval. Discussion followed.

MOTION: *Ard* moved to direct staff to rewrite and simplify the policy.
Fitzmier seconded. Motion declared carried.

ABENGOA AGREEMENT:

An agreement to allow Abengoa Bioenergy Corporation to dispose of the wastewater from their Colwich plant at our wastewater facility was submitted for Council approval.

MOTION: *Clasen* moved to approve the Abengoa Bioenergy Corporation Agreement with the understanding that in the event additional tests are required by governmental agencies due to test irregularities attributed to Abengoa, Abengoa will pay for said tests.
Ard seconded. Motion declared carried with *Reed* voting no.

MOTION: *Clasen* moved to request that a Total Toxic Organics test be performed on a sample from Abengoa and that the cost of the test be paid for by Abengoa.
Reed seconded. Motion declared carried.

Reed left the meeting at 10:45 p.m.

EXECUTIVE SESSION:

Mayor Donnelly requested a 15-minute executive session to discuss land acquisition.

MOTION: *Clasen* moved to go into executive session for 15 minutes to discuss land acquisition.
Ard seconded. Motion declared carried.

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

ADJOURNMENT:

With no further business coming before the Council,

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

Respectfully submitted by: _____
Jocelyn Reid, City Clerk