

**MINUTES-REGULAR MEETING  
MAIZE CITY COUNCIL  
Monday, July 21, 2008**

The Maize City Council met in a regular meeting at 7:30 p.m., Monday, **July 21, 2008** in the Maize City Hall, 10100 Grady Avenue, with **Mayor Clair Donnelly** presiding. Councilmembers present were **Raynol Herndon, Nick Ard, Karen Fitzmier** and **Donna Clasen**. **Cathy Reed** was absent.

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 and **Shane Coelho**, Senior Management Analyst.

**APPROVAL OF AGENDA:**

The Agenda was submitted for approval with the following amendment; Agenda Item 9F-Cox Franchise was moved to Agenda Item 8G.

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

**CONSENT AGENDA:**

The Consent Agenda including Council Minutes, Planning Commission Minutes, Expenditure Report and the Kansas International Dragway CMB License was submitted for approval.

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

**PROPOSED 2009 BUDGET FOR PUBLICATION:**

The proposed 2009 Budget was submitted for Council review and to set a Public Hearing date. The proposed budget with a 43.150 mill levy supports current operations through 2009 and allows for transfers from the General Fund to the ERF of \$60,000 for Public Works and \$60,000 for Police, and to the CIP of \$200,000 street improvements and \$50,000 park improvements.

**MOTION:** **Ard** moved to accept the 2009 proposed budget and set a Public Hearing for August 4, 2008 at 7:30 pm.  
**Fitzmier** seconded. Motion declared carried.

**NON-SMOKING ORDINANCE:**

An ordinance prohibiting smoking in areas that the public has access to, including businesses that serve the public, was submitted for Council approval.

**MOTION:** **Clasen** moved to adopt the Non-Smoking Ordinance.  
**Fitzmier** seconded. Motion declared carried.

*City Clerk assigned Ordinance #762.*

**2008 PARK EQUIPMENT BID:**

The Maize Park Board solicited and received three bids for park equipment that includes two (2) pedestal grills, six (6) benches, four (4) picnic tables and four (4) trash receptacles. The Board recommends the low bid of \$7,854.81 from Walz Harman Huffman Construction.

**MOTION:** **Clasen** moved to approve the purchase of park equipment from Walz Harman Huffman Construction in an amount not to exceed \$8,000.  
**Fitzmier** seconded. Motion declared carried.

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**ELEVATOR MAINTENANCE AGREEMENT:**

An Agreement from River City Elevator, LLC to provide quarterly maintenance on the city hall elevator at a rate of \$155.00 quarterly plus tax was submitted for Council approval. The price will be reviewed annually and adjusted according to current labor rates; to become effective on the anniversary date of the contract.

**MOTION:** *Herndon* moved to River City Elevator Maintenance Agreement in the amount of \$155.00/quarter, plus tax.  
*Clasen* seconded. Motion declared carried.

**EAGLES NEST PHASE 1 ENGINEERING CONTRACT:**

A Contract for Engineering Services from Baughman Company for the Eagles Nest Phase 1 project was submitted for Council approval. Discussion followed. Council expressed concerns about construction traffic using Cedar Lane to enter the project area. It was decided that construction traffic will be prohibited from using Cedar Lane.

**MOTION:** *Ard* moved to approve the Baughman contract in amounts not to exceed \$94,800 for design and not to exceed \$75,700 for construction administration and to include a clause for liquidated damages of \$50 per occurrence of construction traffic on Cedar Lane.  
*Clasen* seconded. Motion declared carried.

**NORTHWEST BYPASS:**

KDOT has approached a Maize developer requesting to purchase property in the right-a-way of the proposed Northwest Bypass. The Council has expressed has voiced concerns with the proposed alignment. Staff recommended a letter be addressed to the Secretary of the Kansas Department of Transportation expressing the City's objections to the current northern alignment of the proposed Northwest Bypass.

**MOTION:** *Fitzmier* moved to instruct staff to draft a letter, for the Mayor's signature, to KDOT Secretary Deb Miller expressing the Council's objections to the current bypass alignment as it pertains to the negative impact on Maize with the recommendation that the proposed Northwest Bypass be redesigned putting the northern alignment west of Maize.  
*Clasen* seconded. Motion declared carried.

**COX COMMUNICATIONS FRANCHISE AGREEMENT:**

A Franchise Agreement with Cox Communications increasing the franchise fee from 3% to 5% was submitted for Council approval. The City Attorney requested that Council defer action until research of new state statutes regarding cable franchise fees can be concluded.

**MOTION:** *Fitzmier* moved to defer action on the proposed franchise agreement with Cox.  
*Ard* seconded. Motion declared carried.

**COMMUNITY BUILDING RENOVATION:**

Two bids were received for the renovation of the main floor of the Community Building. Staff recommended the low bid from WB Services of \$30,225. The work will include the main hall, the kitchen, and both bathrooms. All work will meet ADA regulations.

**MOTION:** *Clasen* moved to accept the low bid from WB Services in the amount not to exceed \$30,225 to be paid for from Dugan Park proceeds.  
*Herndon* seconded. Motion declared carried.

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**STREET PAVING BIDS FOR 2008:**

Three bids were received for the overlay project on Cedar Land and Albert Circle. Staff recommended the low bid of \$95,999 from Kansas Paving.

**MOTION:** *Ard* moved to accept the low bid from Kansas Paving in the amount not to exceed \$95,999.  
*Fitzmier* seconded. Motion declared carried.

**EAGLE POINT EASEMENT:**

A Utility Easement Agreement for an area around the Eagle Point lift station on property owned by Charles and Connie Woodard in the amount of \$1,850 was submitted for Council approval.

**MOTION:** *Clasen* moved to approve the Utility Easement Agreement with Charles and Connie Woodard in the amount of \$1,850 and authorize the Mayor to sign.  
*Fitzmier* seconded. Motion declared carried.

**COUNCIL QUORUM CHARTER ORDINANCE:**

A Charter Ordinance changing the status of a quorum from four members to three members was submitted for Council approval.

**MOTION:** *Fitzmier* moved to approve the Charter Ordinance repealing Charter Ordinance #15-96 changing the status of a quorum.  
*Clasen* seconded. Motion declared carried.

*City Clerk assigned Charter Ordinance #23-08.*

**ZONING CHANGE REQUEST:**

A request for a zoning change from SF-5 Single Family to MF-18 Multi-Family for Approximately 16.81 acres north of Watercress Addition was submitted for Council approval. The proposed project includes twenty structures of four owner-occupied town homes in the price of \$170,000.

**MOTION:** *Clasen* moved to defer action on this item until the final plat has been submitted.  
*Herndon* seconded. Motion declared carried.

**ADJOURNMENT:**

With no further business coming before the Council,

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

Respectfully submitted by: \_\_\_\_\_  
Jocelyn Reid, City Clerk