

**MINUTES-REGULAR MEETING
MAIZE CITY COUNCIL
Monday, September 21, 2009**

The Maize City Council met in a regular meeting at 7:00 p.m., Monday, **September 21, 2009** in the Maize City Hall, 10100 Grady Avenue, with *Mayor Clair Donnelly* presiding. Councilmembers present were *Raynol Herndon, Donna Clasen, Pat Stivers, Karen Fitzmier* and *Nick Ard*.

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

APPROVAL OF AGENDA:

The Agenda was amended with the addition of Item #9H, Public Hearing Notice for Community Improvement Application

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

CONSENT AGENDA:

The Consent Agenda including the Disbursement Report of checks #48703 through #48854 in the amount of \$1,432,426.15, the Council Minutes of August 10, 2009, August 17, 2009 and August 26, 2009 for approval, the Planning Commission Minutes of August 6, 2009 and the Minutes of the Tree and Park Board meetings of July 9, 2009 and August 13, 2009 for receipt and file.

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

RECESS OF THE REGULAR COUNCIL MEETING:

Mayor Donnelly recessed the regular council meeting at 7:10 p.m.

PUBLIC BUILDING COMMISSION ANNUAL MEETING:

The Maize Public Building Commission (MPBC) annual meeting was called to order at 7:10 p.m. Members present were: *Clair Donnelly*, Chairman, *Ray Herndon, Nick Ard, Donna Clasen, Pat Stivers* and *Karen Fitzmier*.

APPROVAL OF AGENDA:

The agenda was submitted for approval.

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

APPROVAL OF MINUTES:

The minutes from the MPBC meeting of October 13, 2006 were submitted for approval.

Clasen moved to approve the Minutes of the October 13, 2006 meeting.
Ard seconded. Motion declared carried with *Stivers* abstaining.

ANNUAL REPORT:

The MPBC Summary Financial Information for January 1, 2005 through December 31, 2008 was submitted for approval.

Clasen moved to receive and file the MPBC Summary Financial Information for January 1, 2005 through December 31, 2008.
Ard seconded. Motion declared carried with *Stivers* abstaining.

ADJOURNMENT:

With no further business before the Commission,

Ard moved to adjourn the MPBC meeting.
Herndon seconded. Motion declared carried.

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REGULAR COUNCIL MEETING RECONVENED:

Mayor Donnelly reconvened the regular council meeting at 7:25 p.m.

RESOLUTION AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES B 2009:

A Resolution authorizing the issuance of temporary notes to renew a portion of the Series B 2007 Temporary Notes and to finance costs associated with the Maize Road Project was submitted for Council approval.

MOTION: *Clasen* moved to accept the low bid of 1.75% from Cooper Malone and approve the Resolution for the issuance of Temporary Notes, Series B 2009 in the amount of \$4,050,000.

Ard seconded. Motion declared carried.

City Clerk assigned Resolution #466-09.

CODE ENFORCEMENT ORDINANCE:

An Ordinance amending Article I of Chapter IV of the Maize City Code pertaining to the Building, Mechanical, Electrical and Plumbing Codes was submitted for Council approval.

MOTION: *Ard* moved to approve the Ordinance amending the Maize City Code and authorize the Mayor to sign.

Stivers seconded. Motion declared carried.

City Clerk assigned Ordinance #801.

WATER RATE ORDINANCE:

An ordinance amending Section 15-219 of the City code pertaining to water rates and repealing the original section 15-219 was submitted for Council approval. All rate classes (residential, commercial, industrial, multi-family, higher education) will be subject to the same tiered rate structure.

MOTION: *Fitzmier* moved to adopt the Water Rate Ordinance pertaining to water rates, repealing Section 15-219 of the original ordinance.

Clasen seconded. Motion declared carried.

City Clerk assigned Ordinance #802.

WASTEWATER RATE ORDINANCE:

An ordinance amending Section 15-429 of the City code pertaining to wastewater rates and repealing the original section of 15-429 was submitted for Council approval. Multi-Story Multi-Family Class 1(A) rate of \$18.86 per unit per month is added to the rate structure.

MOTION: *Ard* moved to approve the Wastewater Ordinance pertaining to wastewater rates and authorize the Mayor to sign.

Stivers seconded. Motion declared carried with *Clasen* voting no.

AT&T FRANCHISE ORDINANCE FOR TELECOMMUNICATIONS:

An ordinance granting a telecommunications franchise to AT&T was submitted for Council approval. Staff recommended action be postponed.

MOTION: *Ard* moved to postpone action on the AT&T Franchise Ordinance.

Herndon seconded. Motion declared carried.

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AT&T VIDEO SERVICE PROVIDER AGREEMENT:

An Agreement granting AT&T authorization to provide video service to Maize residents was submitted for Council approval. Staff recommended that action on the agreement be postponed.

MOTION: *Ard* moved to postpone action on the AT&T Agreement.
Herndon seconded. Motion declared carried.

TRANSYSTEMS DRAINAGE OUTFALL AGREEMENT:

An Agreement with TranSystems Corporation to design a drainage outfall system for Maize Road between 45th Street and K-96 Highway in the amount of \$73,000 was submitted for Council approval. Temporary notes issued earlier in the year will cover the costs.

MOTION: *Clasen* moved to approve the Maize Road Drainage Outfall System Agreement with TranSystems Corporation in an amount not to exceed \$73,000 and authorize the Mayor to sign.
Stivers seconded. Motion declared carried.

WATER TOWER INSPECTION AGREEMENT:

An Agreement with Utility Service Company to inspect the water tower in the amount of \$1,425 was submitted for Council approval.

MOTION: *Herndon* moved to approve the Utility Service Co., Inc. Agreement in the amount not to exceed \$1425 and authorize the Mayor to sign.
Ard seconded. Motion declared carried.

CARRIAGE CROSSING VI WATER DISTRIBUTION BID AND CONSTRUCTION CONTRACT:

A construction bid and contract from Utilities Plus in the amount of \$57,475 for Carriage Crossing VI water distribution system were submitted for Council approval.

MOTION: *Clasen* moved to accept the low bid from Utilities Plus, provide notice of award and approve the construction contract in an amount not to exceed \$57,475 and authorize the Mayor to sign.
Herndon seconded. Motion declared carried.

CARRIAGE CROSSING VI SANITARY SEWER BID AND CONSTRUCTION CONTRACT:

A construction bid and contract from Dondlinger and Sons in the amount of \$158,447 for Carriage Crossing VI sanitary sewer were submitted for Council approval.

MOTION: *Clasen* moved to accept the low bid from Dondlinger and Sons, to provide notice of award and approve the construction contract in an amount not to exceed \$158,447 and authorize the Mayor to sign.
Stivers seconded. Motion declared carried.

HAMPTON LAKES COMMERCIAL PARK FINAL PLAT:

The Maize Planning Commission, based on its findings, recommended approval of the re-plat of a portion of Hampton Lakes Addition, Lots 2, 3, 4, 5, Block 2 and Reserve B.

MOTION: *Ard* moved to accept the Hampton Lakes Commercial Park Addition final re-plat with accompanying dedications, with plat to be filed with the County Register of Deeds and authorize the Mayor to sign
Clasen seconded. Motion declared carried.

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Z-01-009 ZONING CHANGE:

The Maize Planning Commission based on its findings, recommended approval of the zoning change on 33.6 acres on the south side of 53rd Street, approximately 1/3 mile east of Tyler Road from SF-5 Single Family Residential to MF-18 Multi-Family Residential owned by JG&K Enterprises, LLC. Ten items listed as Protective Overlay will be published as part of the ordinance. Objections included increased traffic flow with the Lafarge sand pit being across from the property.

MOTION: *Ard* moved to adopt the ordinance changing the JG&K Enterprises, LLC property from SF-5 to MF-18 subject to platting within one year and the publication of the ordinance with the Protective Overlay. Publication is to be delayed until the restrictive covenants are revised and approved by the Planning Administrator. *Herndon* seconded. Motion declared carried with *Stivers* voting no.

MAIZE ECONOMIC INCENTIVE PACKAGE:

A proposed Incentive Package ranging from \$3,000 to \$18,000, based on the cost a newly constructed home was submitted for Council approval. Several area developers and builders have agreed to match the City's incentive monies.

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

CDBG PUBLIC HEARING DATE:

A CDBG grant application is being prepared for financial assistance for Maize Road Drainage Project.

MOTION: *Clasen* moved to set the public hearing for the CDBG application on Wednesday, September 30, 2009 at 4:00 p.m. *Ard* seconded. Motion declared carried.

ADJOURNMENT:

With no further business before the Council,

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

Respectfully submitted by: _____
Jocelyn Reid, City Clerk