

**MINUTES-REGULAR MEETING
MAIZE CITY COUNCIL
Monday, November 15, 2010**

The Maize City Council met in a regular meeting at 7:00 p.m., Monday, **November 15, 2010** in the Maize City Hall, 10100 Grady Avenue, with *Mayor Clair Donnelly* presiding. Councilmembers present were *Karen Fitzmier, Pat Stivers,* and *Donna Clasen.* *Ray Herndon* and *Alex McCreath* were absent.

Also present were: *Richard LaMunyon*, City Administrator, *Rebecca Bouska*, Deputy City Administrator, *Jocelyn Reid*, City Clerk, *Matt Jensby*, Chief of Police, *Ron Smothers*, Public Works Director, *Bill McKinley*, City Engineer, *Kim Edgington*, Planning Administrator, *Kim Bell*, Bond Counsel, and *Larry Kleeman*, Financial Advisor.

APPROVAL OF AGENDA:

The Agenda was submitted for approval with the addition of Item 8E – Abengoa Payment and Future Billing Plan.

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

PUBLIC COMMENTS:

Shane Krehbiel, 1303 E. 61st, Kechi, addressed the Council regarding the fireworks ordinance that the Council passed on September 20, 2010. *Mr. Krehbiel* represents several sports teams from Maize South High School and he asked the Council to allow more than three fireworks tents on Maize Road in 2011.

Paul Weninger, 25215 W. 29th, Andale, addressed the Council regarding issues surrounding the retention pond in the Eagles Nest development. Drainage from the pond is running into his field that is located on the west side of 119th Street and it hinders his ability to move equipment there.

Luke Betzen, 19500 W. 29th, Andale, also addressed the Council about the Eagles Nest retention pond.

CONSENT AGENDA:

The Consent Agenda including the Disbursement Report of checks #51154 through #51379 in the amount of \$665,859.66 and the Council Minutes of October 18, 2010 and October 27, 2010 for approval and the Planning Commission minutes of September 9, 2010 for receipt and file was submitted for Council approval.

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

GENERAL OBLIGATION REFUNDING BONDS SERIES 2010:

An Ordinance authorizing the refunding of GO Bonds Series A 1998, Series 2001, and Series A 2002 in the amount of \$515,000 for Council approval.

MOTION: *Clasen* moved to approve the Ordinance authorizing General Obligation Refunding Bonds, Series 2010 in the amount not to exceed \$515,000.
Stivers seconded. Motion declared carried.

City Clerk assigned Ordinance #818.

A Resolution providing for the form and details of GO Refunding Bonds Series 2010 was submitted for Council approval.

MOTION: *Clasen* moved to approve the Resolution prescribing the form and details of the refunding bonds Series 2010.
Stivers seconded. Motion declared carried.

City Clerk assigned Resolution #488-10.

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CARRIAGE CROSSING VI SUPPLEMENTAL SCHWAB-EATON AGREEMENT:

An Agreement for construction administration services by Schwab-Eaton for the Horseshoe Bend paving project in Carriage Crossing VI was submitted for Council approval.

MOTION: *Clasen* moved to approve the supplemental Schwab-Eaton Agreement in an amount not to exceed \$18,800 for construction administration services and authorize the Mayor to sign.
Stivers seconded. Motion declared carried.

CARRIAGE CROSSING VI KANSAS PAVING CONSTRUCTION AGREEMENT:

A construction bid and contract from Kansas Paving in the amount of \$239,769 for Carriage Crossing VI Paving was submitted for Council approval. Four bids were received all above the Engineer's estimate of \$216,071.50.

MOTION: *Clasen* moved to accept the low bid from Kansas Paving and approve the construction agreement with Kansas Paving in an amount not to exceed \$239,769 and authorize the Mayor to sign.
Stivers seconded. Motion declared carried.

MAIZE ROAD RIGHT-OF-WAY ACQUISITIONS AGREEMENT:

An Agreement with Right-of-Way Acquisitions to negotiate the purchasing rights-of-way for the Maize Road Project was submitted for Council approval. Article III of the Agreement authorizes additional fees that may be charged above the base amount of \$55,860.

MOTION: *Fitzmier* moved to approve the Right-of-Way Acquisitions Agreement in a base amount not to exceed \$55,860 and authorize the Mayor to sign.
Stivers seconded. Motion declared carried.

BOND ORDINANCE FOR MAIZE HOLIDAY INN EXPRESS INDUSTRIAL REVENUE BONDS:

An Ordinance authorizing the issuance of Industrial Revenue Bonds in the amount of \$5,300,000 for Maize Hotel, LLC's Holiday Inn Express was submitted for Council approval.

MOTION: *Clasen* moved to adopt the Ordinance authorizing the issuance of Industrial Revenue Bonds, Series A, 2010 including the bond agreement, lease agreement and an agreement for payment in lieu of taxes, in an amount not to exceed \$5.3 million.
Stivers seconded. Motion declared carried.

City Clerk assigned Ordinance #819.

WYN-WOOD RESERVE NON-ACCEPTANCE AFFIDAVIT OF REAL PROPERTY:

An affidavit rejecting the conveyance of the Wyn-Wood Reserve pond and fountain located in front of the Wichita State property from Walker, Lane and Reed, LLC to the City of Maize was submitted for Council approval.

MOTION: *Clasen* moved to approve the Affidavit for the Mayor's signature, to reject, to not acknowledge or accept the purported conveyance of the real property to the City of Maize, Kansas, that is legally described in a Kansas Warranty Deed dated the first day of September, 2010, and filed of record with the Sedgwick County Register of Deeds Office at Doc. #FLM-PG:29173075, wherein the grantor was Walker, Lane and Reed, LLC and the purported grantee was the City of Maize, Kansas.
Stivers seconded. Motion declared carried.

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2010 BUDGET AMENDMENT:

Staff recommended an amendment to the 2010 budget to reflect additional expenditures in the Water and Wastewater funds.

MOTION: *Clasen* moved to approve the 2010 Budget Amendment of additional expenditures in the Water and Wastewater funds and set the Public Hearing for 7:00 pm on December 20, 2010 and publish in *The Clarion*.
Stivers seconded. Motion declared carried.

AMENDMENT TO MAIZE COMPREHENSIVE PLAN TO INCORPORATE THE PARK MASTER PLAN:

Action was postponed to allow the City Attorney time to review the accompanying ordinance.

ABENGOA PAYMENT AND FUTURE BILLINGS PLAN:

A request from Abengoa to modify the current wastewater agreement with the City was submitted for Council approval.

MOTION: *Clasen* moved to approve the Abengoa request as follows:

1. Payment of \$50,905.20 which equals half of the amount currently owed (\$101,810.40)
2. A future trucking fee of \$0.0125 per gallon
3. A fee of \$0.0036672 per gallon per ordinance once a force main is completed to connect the Abengoa plant with the City sewer line
4. Modify the current Abengoa agreement and bring back to Council for action

Stivers seconded. Motion declared carried.

ADJOURNMENT:

With no further business before the Council,

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

Respectfully submitted by: _____
Jocelyn Reid, City Clerk