

CITY OF VALLEY CENTER

FINAL AGENDA

OCTOBER 29, 2015

THE CITY COUNCIL SHALL HOLD ITS REGULAR MEETINGS IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN, BEGINNING AT 7:00 P.M.

NOVEMBER 3, 2015

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA p 3**
6. **ADMINISTRATION AGENDA p 4**
 - A. Minutes p 4
 - October 20, 2015 Regular Council Meeting p 5
7. **PRESENTATIONS / PROCLAMATIONS p 10**
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10. **COMMITTEES, COMMISSIONS p 10**
 - A. Items for Council Review p 11
11. **OLD BUSINESS p 17**
 - A. Consideration to accept proposal from WSU on Strategic Planning Project
(moved from October 20, 2015 meeting) p 18
 - B. Approval of Goff Street Easement parameters p 29
12. **NEW BUSINESS p 32**
 - A. Consideration of 10 year C.I.P p 32
 - B. Consideration of options for Massage Parlor Ordinance p 59
 - Valley Center Draft Ordinance p 60
 - City of Park City Municipal Code, Chapter 5, Business Regulations p 66
 - City of Wichita Municipal Code, Chapter 3.56, Bathhouses and Massage Salons p 74
13. **CONSENT AGENDA p 81**
 - A. Appropriation Ordinance p 82
14. **STAFF REPORTS p 90**
15. **GOVERNING BODY REPORTS p 91**
16. **ADJOURN**

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice.

At anytime during the regular City Council meeting, the City Council may meet in executive session for consultation concerning several matters (real estate, litigation, non-elected personnel and security).

This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the City Clerk in a timely manner, at cityclerk@valleycenter-ks.gov or by phone at (316)755-7310.

For additional information on any item on the agenda, please visit www.valleycenter-ks.gov or call (316) 755-7310.

APPROVAL OF AGENDA

RECOMMENDED ACTION:

Staff recommends motion to approve the agenda as presented / amended.

ADMINISTRATION AGENDA

A. MINUTES:

Attached are the Minutes from the October 20, 2015 Regular City Council Meeting as prepared by the City Clerk.

REGULAR COUNCIL MEETING
 October 20, 2015
 Valley Center USD 262 District Office
 143 S. MERIDIAN

Mayor Laurie Dove called the meeting to order at 6:00 p.m. with the following City Council members present: Dale Kerstetter, Lou Cicirello, Gina Gregory, Brendan McGettigan, Marci Maschino, Lionel Jackson, Ben Anderson and Al Hobson. Meeting was held concurrently with USD 262 School Board.

Members Absent: None

Staff Present: George Kolb, Interim City Administrator,
 Mark Hephner, Police Chief
 Lonnie Tormey, Fire Captain
 Neal Owings, Parks and Public Buildings Superintendent
 John Emerson, Community Development Intern
 Brenton Holper, City Superintendent
 Kristi Carrithers, City Clerk
 Joshua Golka, City Engineer
 Barry Arbuckle, City Attorney

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Mayor Dove requested the removal of item 8:a: Consideration to accept proposal from WSU on Strategic Planning Project and item 10: Governing Body Reports from the agenda.

Cicirello moved to approve the amended Agenda. Second by Anderson. Vote yea: unanimous. Motion carried.

ADMINISTRATION AGENDA

MINUTES – OCTOBER 6, 2015 REGULAR CITY COUNCIL MEETING

Hobson moved to accept the minutes of the October 6, 2015, Regular City Council Meeting, seconded by Cicirello. Vote yea: unanimous. Motion carried.

OLD BUSINESS –

- A. ORDINANCE 1288-15; 2015 UNIFORM PUBLIC OFFENSE CODE 2nd reading.

Cicirello moved to adopt Ordinance 1289-15, amending Chapter 9.01 of the Valley Center Municipal Code and amendments thereto, 2nd reading. Jackson seconded the motion. Vote in favor unanimous, Motion carried.

NEW BUSINESS

B RESOLUTION 645-15, ACCEPT RIGHT-OF-WAY AT S.E. CORNER OF 5TH & BROADWAY

Cicirello asked for clarification on whether the right-of-way is located on the S.E. or S. W. corner. Emerson verified that it is located on the S.W. corner.

Maschino moved to adopt Resolution 645-15 accepting the vacation of land for ROW at the S.W. corner of 5th and Broadway. Kerstetter seconded the motion. Vote in favor unanimous, Motion carried.

C: CONSIDERATION TO DECLARE 212 S MERIDIAN, LOT #11 A DANGEROUS STRUCTURE AND ORDER ITS REMOVAL

Emerson reported to the Council the steps the Community Development Office has taken to ensure the removal of the debris following the mobile home fire at this address. Emerson did report that following a lengthy period of no activity and cleaning, some cleaning and debris removal has been done this week. Anderson confirmed that members of a local church assisted with cleaning. Anderson wondered if church members continue to help the tenants with removal, will the city step in and take over and charge the owners. Kolb stated that the goal for all involved was to get the property cleaned. The declaration of the property as a dangerous structure just gives the City the right to remove it and potential costs be assessed against the property owner if necessary.

Cicirello confirmed that the costs are assessed to the property owner, not the owner of the mobile home or the tenant.

Maschino made a motion to declare 212 S. Meridian, Lot #11 as a dangerous structure, and hereby orders its immediate removal and accessing the cost of such removal against the property owner. Cicirello seconded the motion. Vote in favor unanimous, Motion carried.

CONSENT AGENDA

- A. APPROPRIATION ORDINANCE
- B. TREASURERS REPORT- SEPTEMBER 2015
- C. REVENUE AND EXPENSE SUMMARIES
- D. DELINQUENT ACCOUNTS FOR COLLECTION
- E. CHECK RECONCILIATION – SEPTMEMBER 2015

Cicirello moved, seconded by Kerstetter to approve the Consent Agenda as presented. Vote Yea: Unanimous. Motion carried.

RECESS

Anderson moved to recess at 6:18pm until 6:40pm. Cicirello seconded the motion. Vote Yea: Unanimous. Motion carried.

JOINT PLANNING SESSION

Mayor Dove called the meeting back to order at 6:40pm. The Council and the USD Board of Education began a joint session to discuss topics that affect both groups.

Mayor Dove thanked the School District for hosting the joint session. Dove reported that the Council must begin on a new and deliberate path to meet with the community and develop ways to foster engagement with leaders. This will ensure a "Vision" for Valley Center. Dove is confident that the right people are in the right places with the right positions.

Cory Gibson, Superintendent for USD 262 reported on the successes and challenges the district has faced. A growing enrollment funded with fewer dollars is a challenge, but with an excellent award winning staff they are rising to the challenge.

George Kolb, Interim City Administrator reported on the opportunities and challenges the City of Valley Center has. With the completion of the Meridian and Ford Street projects the City is poised for great opportunity, however the lack of economic development and the inability to pass a local sales tax hampers new development.

The members of the City Council and the Board of Education then met from 7:26pm to 7:50pm in small groups to discuss the following topics: Community Growth, Legislative/Funding Issues, Community Engagement and Strategic Planning. Each group then shared highlights from their discussion.

Community Growth-

Development of a new industrial park along Ford Street is a good choice because of the access to the interstate from 77thst. and the accessibility to the railroad.

Development of new business especially high wage business is key.

Encouragement for more home ownership with incentives to build homes. Noted that the permit process is sometimes cumbersome.

Legislative/Funding Issues-

Look for ways to help each other.

Discussed ways to engage the community. Noted that recently the School was able to pass a bond, but that sales tax increases have been defeated.

The need to identify and develop leaders in the community.

Development of more business and increase property valuation.

Hosting a public question and answer session with elected state officials.

Community Engagement-

Encourage business development; look for ways to shorten (not change) the process necessary for opening a small business.

Re-engineering community programs for citizens. Develop or expand programs for ALL ages, not just children and senior citizens.

More involvement and better communication to citizens and businesses regarding events and activities happening within Valley Center.

Promote the advantages of the location of Valley Center and the small town feel.

Strategic Planning-

Need for better communication to businesses.

Recognizing that both the School District and the City are the "face" of Valley Center.

A Planning Consultant is worth the investment.

Long range planning makes you look at what you want to be.

Success of any goal involves key community leaders.

Strategic Planning is a balance between old and new development.

Cicirello recommended that the Valley Center Chamber of Commerce needs to be involved to help get people and business engaged.

Hobson volunteered to personally visit with businesses about sporting and special events being held that could potentially draw a large number of visitors to Valley Center. This information could help the business prepare for the possibility of large number of visitors to the City during events.

ADJOURN -

Maschino moved to adjourn, second by Anderson. Vote Yea: Unanimous.

Meeting adjourned at 8:22 PM.

Kristi Carrithers, City Clerk

ADMINISTRATION AGENDA
RECOMMENDED ACTION

A. MINUTES:

RECOMMENDED ACTION:

Staff recommends motion to approve the minutes of the October 20, 2015 Regular Council Meeting Minutes as presented / amended.

PRESENTATIONS / PROCLAMATIONS

A. SERVICE AWARD PRESENTATIONS:

The following employees will be recognized for their dedication to
The City of Valley Center.

Larry L Tormey	Assistant Fire Chief	40 Years
Linda Setser-Maus	Administrative Assistant	10 Years
Catherine Sexton	Janitor	10 Years
Hershel Smith	Street & Maintenance Foreman	10 Years

PUBLIC FORUM

APPOINTMENTS

COMMITTEES, COMMISSIONS

A. ITEMS FOR COUNCIL REVIEW:

- Planning Commission / Zoning Board of Appeals
 - October 27, 2015 Minutes

PLANNING COMMISSION/ZONING BOARD OF APPEALS

VALLEY CENTER

Tuesday, October 27, 2015, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN

CALL TO ORDER: Commissioner Park called the meeting to order at 7:00 p.m. with the following members present: Ronald Colbert Sr., Gary Janzen, Scot Phillips, Terry Nantkes, Matt Stamm, Don Bosken, Ben Neaderhiser and Del James.

Staff Present: George Kolb and Fernetta Phillips

Others in attendance: Steve Geddes, Recreation Commission, Taylor Zimbleman, Zimbleman Construction, Dave Kesler, Michael Boyd and Derrick Slocum, Sedgwick County

Meeting started with the Pledge of Allegiance to the American Flag.

AGENDA: A Motion was made by Commissioner Stamm and seconded by Commissioner Nantkes to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Commissioner Colbert, to approve the September 22, 2015 minutes. The motion was seconded by Commissioner Phillips. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS

PLANNING COMMISSION

1 Review of SP-2015-02, construction of a golf clubhouse at the McKay-Petrie Sports Complex generally located East of McLaughlin Park and North of 5th St.

George greeted the commissioners and stated the rec commission had submitted plans to build a club house adjacent to the under construction golf course. These plans had been approved by the Site Planning Commission with staff recommendations of additional lighting to shine toward the parking lot. The parking issue was not addressed in their discussion and the Site Plan Committee is recommending the Planning Commission approve the plans. George stated if anyone would like more information he could go into it, but he wasn't at the meeting. Commissioner Park stated he was at the meeting and could answer any questions. George stated Mr. Geddes could make his presentation if there were any further question. Commissioner Park asked if the commissioners had any questions, there were none.

Commissioner Park opened the public hearing at 7:06pm if asked if anyone wished to speak, there was no one. Commissioner Park closed the meeting at 7:07 pm. Commissioner Colbert asked if the lighting was a strobe light. George stated it was regular street light. Commissioner Park stated it would be a flood light attached to the building to shine out toward the parking lot as the Site Plan Committee had requested. Commissioner Colbert wanted to make sure it wasn't a strobe light, due to the surrounding residential area. Commissioner Colbert praised the Architect for doing a great job of making the building ADA compliant, except for one grab bar in one of the bathrooms. Park asked any other questions, there were none. Based on the City Staff recommendations, public comments and discussion by

the Planning Commission, Commissioner Colbert made a motion to approve SP-2015-02. Commissioner Neaderhiser seconded. There were 8 votes for and 1 abstained due to being a board member of the Recreation Commission.

Commissioner Park read the description of item CON2015-00032, Sedgwick County Conditional Use request for an accessory apartment on RR Rural Residential zoned property generally located midway between 24th and 39th Streets West on the south side of 101st Street North (3213 W. 101st St. N.).

George stated the request was to have an accessory apartment on a RR Rural Residential zoned property and will let Derek Slocum, from Sedgwick County discuss the request. George stated this matter will go onto County. George stated this meeting was the zoning area of influence review to see if there are any conflicts. This request is looking for staff recommendations and their approval.

Commissioner Park opened public hearing at 7:12 pm. Dave Kesler, a neighbor to the east of the property requesting an accessory apartment stated he didn't have any objections to the accessory apartment being put in.

Park asked if anyone else wished to speak. Commissioner Park asked Derrick Slocum if he would like to speak. Derrick restated the request was for an accessory apartment, the applicants were present to discuss any other information. Derik stated the accessory structure is there on the property, so the applicants can rebuild a house on the property. The area is zoned as rural residential and located in an agricultural area, on dirt road and is in the Valley Center Zoning area of influence. Derek stated he would answer any questions. Commissioner Park asked if anyone wanted to speak and closed the meeting at 7:16.

Based on the City Staff recommendations, public comments and discussion by the Planning Commission, Commissioner Janzen made a motion to approve CON2015-00032. The motion was seconded by Commissioner Colbert. The vote was unanimous.

BOARD OF APPEALS-None

NEW BUSINESS-None

OLD OR UNFINISHED BUSINESS - VC-2015-01, vacation of an unpaved street right-of-way generally located north of the intersection of Clay St. and Ash St. and east of 400 W. Clay St. Tabled until the regularly scheduled meeting in the month of November.

COMMITTEE AND STAFF REPORTS

Wind Energy Conversion Systems- Commissioner Colbert stated 3 weeks ago a city in Minnesota was involved in a law suit regarding a Wind Mill system. Commissioner Colbert wanted to make sure the City of Valley Center has regulations and ordinances in place to help with regulating the popular new Wind mill systems. He stated page 6 of the Zoning regulations doesn't state any regulations. Commissioner Colbert asked Commissioner Janzen if the City of Wichita had any regulations in place. Commissioner Janzen didn't know about regulations and Commissioner Colbert should contact the City of Wichita to obtain that information. Commissioner Bosken questioned if Wind Energy systems were considered an accessory structure. George stated there probably nothing in ordinances to cover specifically the Wind Energy systems however if were constructed there should be something in terms of height and

foundations, so the risk of it falling would be covered. The noise situation would be covered under public nuisance. Commissioner Colbert asked if there should be more studying on the issue. George stated when the new Community Developer Director is hired, make sure and have that person review this issue. Commissioner Bosken brought up the issue of the increase of usage of drones and the City needing to establish regulations.

ITEMS BY PLANNING COMMISSION MEMBERS:

Ronald Colbert – Reported he attend the City Council which was joined with Board of Education meeting. He was surprised how the list of ways to improve the City of Valley Center listed almost all of the items the Planning Commission had discussed in their meeting.

Matt Stamm – nothing

Danny Park – stated he attended the Site Plan meeting 3 of 5 members were there and the 3rd member walked in 5 to 7 minutes late, it makes the City look unprofessional. He thanked all the Commissioners for being on time and professional.

Del James-nothing

Don Bosken – nothing

Terry Nantkes – nothing

Scot Phillips– nothing

Ben Neaderhiser – nothing

Gary –nothing

ADJOURNMENT OF THE PLANNING COMMISSION/ZONING BOARD OF APPEALS

Commissioner Neaderhiser made a motion to adjourn and was seconded by Commissioner Colbert. The vote was unanimous.

Time of adjournment was 7:31 pm

Respectfully submitted,

George Kolb,
City Administrator Interum
fp

Minutes to be reviewed and approved by the Valley Center Planning Commission at the next meeting.

Danny Park, Chairperson

Date: October 27, 2015

To: Planning Commission

From: John Emerson, Community Development Intern

Applicant: Valley Center Recreation Commission

Location of Site Plan: Adjacent the parking lot of Valley Point Golf Course located at 702 N. Emporia and is generally north of E 5th Street and east of McLaughlin Park and the Valley Center Middle School property. The following pictures show the site in relation to the surrounding neighborhood:



Existing Zoning: R1-B Single Family District

Size of Parcel: 28.21 acres (1,229,208 sq. ft.). It has 888 feet of frontage along the unpaved right-of-way access road. The lot has a depth of approximately 660 feet minimum. The R1-B Single Family District requires a minimum of 9,000 sq. ft. Site plan meets all bulk regulations required of the zoning district.

Purpose of Site Plan Application:

17.12.05 Site Plan Requirements:

Projects which are subject to review by the Site Plan Committee generally are required to meet the following standards:

- A. *Show the location and dimensions of all right-of-way, easements and setback lines either required by these regulations or by platting or separate instruments.*

City Planning Commission Minutes October 27, 2015

- Attached proposed building is on one plat and does not show the location of all right-of-way, easements and setback lines due to distance from property lines and right-of-way.
- B. *The site plan map generally should be oriented to the north with north arrow and scale plus dimensions and property boundary lines for the zoning lot.*
- Dimensions are on the Site Plan and the site plan is generally oriented to the north and a scale is present.
- C. *Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.*
- Drainage is indicated on the site plan and has been reviewed by the City Engineer. Drainage indicators are considered OK by staff.
- D. *Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.*
- The developer is showing a principle structure and building footprint. The structure is single story and will have 1,395 square feet. The building will have 2 entrances and 2 garage openings (4' wide and 10' wide).
- E. *Existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).*
- The site plan shows existing parking spaces west of the proposed building, number of parking spaces provided, and walkways. According to the Valley Center Rec. Commission President, approximately 35 of the 72 stalls provided will be utilized for the golf clubhouse and all remaining stalls used as parking for nearby Athletic Youth Soccer Organization (AYSO) games during peak hours on Saturday mornings 16 weeks of any calendar year. Sufficient number of parking spaces for all nearby activities has been recognized as an issue during peak hours by the Valley Center Rec. Commission and City of Valley Center staff.
- F. *Location, direction and intensity of proposed lighting. All exterior lighting must be "full-cut-off" light fixtures when located near adjacent residential properties (no light should spill over on adjacent residential parcels)*
- No exterior light fixtures are shown on the site plan.
- G. *Location and height of all existing (to remain) and proposed signs on the site, the setback dimensions from any sign to property lines, location and routing of electrical supply, surface area of the sign in square feet, size of letters and graphics, description of sign, frame materials and colors.*

- No existing or proposed signs are indicated on site plan.
- H. *If disposal containers will be on the site, indicate how such areas will be fully screened from public view by means of a structure (including swinging doors) constructed with either solid treated lumber walls, cement block (with or without brick), or other materials deemed acceptable. The enclosure must also have the capability of latching the doors in a closed position, or when trash is being picked up, in an open position. Outdoor storage areas may also need to be screened if required by these zoning regulations.*
- The site plan does not show disposal containers as planned. Current plans for disposal of wastes associated with the business activity will be regular trash service and receptacles being stored in the storage area of the building.
- I. *Vehicular ingress and egress to and from the site and circulation within the site to provide safe, efficient and convenient movement of traffic, not only within the site but on adjacent roadways.*
- Vehicular ingress and egress to and from the site and circulation with the site would not be altered by construction of the proposed addition.
- J. *Site plan provides for the safe movement of pedestrians within the site.*
- Proposed building provides for the safe movement of pedestrians around the site on along existing sidewalks.

SITE PLAN COMMITTEE: Approved the site plan as amended to incorporate screening of trash receptacles consistent with existing Zoning Regulations of the City, provide lighting consistent with residential zoning uses and that such lighting illuminate the sidewalk from the clubhouse to the parking lot and into the parking lot.

STAFF RECOMMENDATION: Approve application as amended by the Site Plan Committee with an amendment to Site Plan requiring additional parking be provided to alleviate current and future traffic congestion related safety hazards.

OLD BUSINESS

**A. CONSIDERATION TO ACCEPT PROPOSAL FROM WSU
ON STRATEGIC PLANNING PROJECT:**

(Moved from October 20, 2015 Council Meeting)

- Interim City Administrator Memo
- Valley Center Strategic Planning Project

October 29, 2015

To: Honorable Mayor Dove and Members of Council

From: George R Kolb, Interim City Administrator

Subj: Recommendation on WSU Proposal for Strategic Planning Project

Recommendation: That the City Council authorize entering into a contract with the Hugo Wall School of Public Affairs to facilitate a Strategic Planning process

Background: The City Council has expressed interest in engaging in Strategic Planning for engaging the community and developing achievable outcomes for the city's future. Council has discussed the benefits of engaging in this process as a way of vetting the many programs and projects under consideration.

A proposal was solicited from the WSU Hugo Wall School of Public Affairs, who has facilitated and prepared Strategic Plans for cities around the region, including the City of Wichita. The proposal is 'cafeteria' style, meaning steps in the process could be eliminated or the project stopped after completing certain steps.

I believe the proposal is all inclusive and covers the step by step process for strategic planning. The first four steps of the process are most critical with special emphasis on steps 1 and 2. With respect to the steering committee, the City Council should seriously consider being that committee as a whole or at least a selected committee from within its members. The gathering of information is critical to the process. I have intentions of filling the temporary position of intern in the Community Development department to assimilate and organize the data and assist with the overall coordination of the process.

Financial Consideration: The total cost of the project is \$15,525. This amount is not budgeted but funds are available to pay for the project. Since this is a critical path project for planning Valley Center's future, I believe it can be shared by the enterprise funds as well as general operating funds.

Conclusion: In consideration of the City Council's wishes to plan a 'desired future', I would recommend serious consideration to the proposal and approve going forward with it or some variation to it.

HUGO WALL SCHOOL *of* PUBLIC AFFAIRS

City of Valley Center Strategic Planning Project

September 2015

Prepared by

Wichita State University Hugo Wall School of Public Affairs
Public Policy and Management Center

Misty Bruckner

Director, Public Policy and Management Center

Kyle Carr

Program Manager, Public Policy and Management Center

Gayle Martin

Program Manager, Public Policy and Management Center

Background

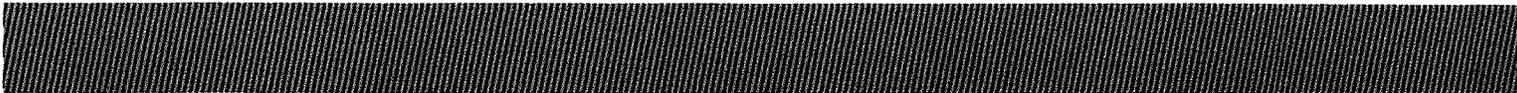
In response to the City of Valley Center request for services, the Public Policy and Management Center (PPMC) at the Hugo Wall School of Public Affairs at Wichita State University proposes to assist the City of Valley Center with a planning and visioning process resulting in a comprehensive strategic plan. Strategic planning is an inclusive planning process, allowing for the creation of a community plan that establishes a vision for the community, and goals and strategies to establish that vision.

The PPMC will assist the City of Valley Center with influencing factors analysis; citizen participation and inter-organizational participation; issue identification and prioritization; development of goals, objectives and strategies; and planning document preparation. The PPMC work closely with local government, nonprofit and various community organizations. The team will be able to provide independent facilitation and issue identification throughout the project.

The Hugo Wall School (HWS) of Public Affairs at Wichita State University works to enhance the quality of public service by assisting public officials and community organizations to meet the challenges of governance and improve service delivery. The mission of the Hugo Wall School is to enhance excellence in public service through integrated instruction, research and community service. Faculty and staff at the HWS serve as content experts, neutral facilitators and researchers for a variety of public and nonprofit organizations. The HWS believes that every community and organization is unique and, as such, is dedicated to understanding the needs and nuances of each. The HWS is a nonprofit organization driven by the mission of public service and is committed to a quality product that serves the needs of each organization and community.

PURPOSE

The purpose of the plan is to create a roadmap for the City of Valley Center to guide future policy priorities and decisions. The plan will help guide the city's financial



decisions, resource allocation and project priorities. At the direction of the city council, the PPMC will work with City staff and community members in developing the plan.

PROCESS

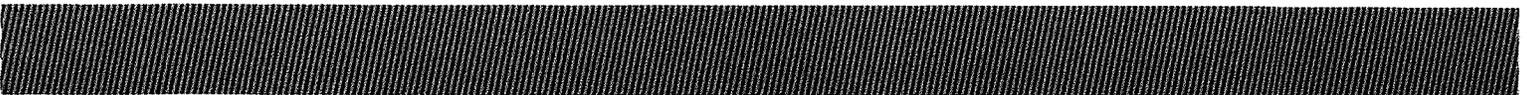
The PPMC will first develop a community issues, or Influencing Factors report, to provide research and analysis of critical topics of future impact to the community. In order to identify the appropriate strategic planning issues, the PPMC will facilitate meetings with community members, city officials and other stakeholders. A steering team appointed by the City Council is recommended to work with the PPMC in guiding the process or the City Council may choose to serve in that role. The following steps outline the proposed process:

Step 1. Appoint a Strategic Planning Steering Committee

With the goal of stakeholder engagement, the HWS recommends a citizen Strategic Planning Steering Committee be appointed by the Valley Center City Council or the Council may determine to serve in that role. One advantage to creating a Steering Committee is to ensure different perspectives and interests are represented. The purpose of the Steering Committee is to advise the Council and be active participants in the process. A Steering Committee expands the expertise and is the initial outreach for community involvement. If the Council decides to serve as the steering committee, additional efforts may be needed to ensure all community perspectives are represented.

Step 2. Influencing Factors Report

The PPMC will develop an Influencing Factors Report to provide a scan of current economic, demographic, and infrastructure conditions for the City. The Influencing Factors report will provide forecasting trends, as well as incorporate relevant planning documents from the City, such as the current comprehensive plan, financial plans, market impact studies and other relevant documents as defined. The Influencing Factors Report will also identify trends with potential impact for Valley Center for strategic planning.



Hours: 50

Budget: \$2,600

Step 3. Stakeholder Interviews

The HWS will interview management, elected officials and key informants of the strategic planning process for Valley Center. The purpose of the interviews is to provide individual input prior to developing consensus and begin to identify strategic issues for the community. To achieve this goal, the PPMC will conduct 5-7 interviews. The HWS will organize and conduct 4-6 meetings with community stakeholder groups for public input. The HWS will coordinate meetings in conjunction with existing community activities, such as business leaders, faith leaders, civic groups, or partner organizations, and others to help increase participation in the planning effort.

Hours: 42

Budget: \$2,600

Step 4. Community Engagement

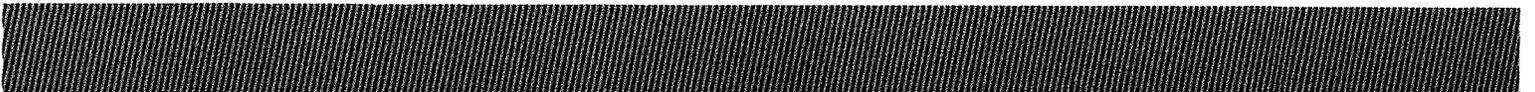
The PPMC will organize and conduct two community meetings for public input. The first forum will be conducted after community strategic issues have been identified by the Steering Committee. The second input-session will be conducted after the draft strategic plan is completed.

Hours: 30

Budget: \$1,400

Step 5. Plan Development

The HWS will facilitate 4-6 meetings with the strategic planning steering committee to prioritize issues, goals and strategies to achieve the current mission, coordinate with the master site plan and achieve the long-term vision. The plan will have the following specific components:



- Vision
- Mission Statement (current)
- Goals
- Action steps for the goals
- Assignment of responsibility to accomplish action steps (who is responsible)
- Identification of resource estimates (human and financial) to implement the plan
- Timeline for plan implementation
- Workplan for the next year for short-term and long-term goals
- Evaluation and performance measurement process

Hours: 50

Budget: \$3,000

Step 6. Council Review

The PPMC will work closely with the Valley Center City Council and staff regarding the implementation of the plan. The success of the plan is directly connected to effectiveness of the Council and staff's commitment to implementation. PPMC will present an early draft to the Council and the final report.

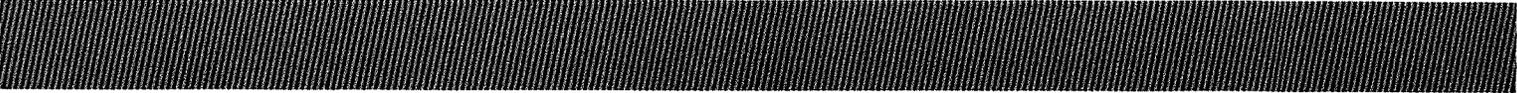
Hours: 5

Budget: \$500

Step 7. Final Report

The PPMC will create a draft strategic plan for review and approval by the steering committee. The HWS develop a final written strategic plan for submittal to the City Council.

Hours: 37



Budget: \$2,900

WORK PRODUCT

A final written report will be prepared by PPMC in cooperation with the City of Valley Center staff and will include a summary of the community and stakeholder meetings, identified issues, goals and strategies. The PPMC will provide 10 report copies.

TIMEFRAME

All work will be completed six to eight months after contract completion.

BUDGET

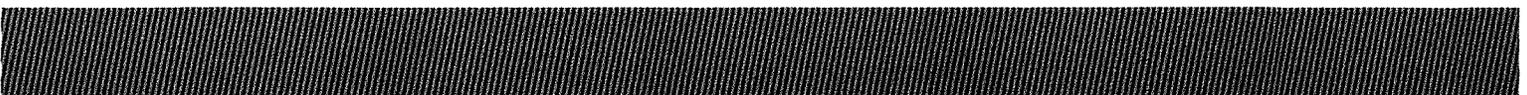
Personnel Expenses (Faculty, Staff and Graduate Assistants)	\$13,000
Operational expenses (travel, supplies, printing, etc.)	\$500
Administrative Expense (15 percent)	\$2,025
Total	\$15,525

OVERVIEW of the PPMC

The Hugo Wall School works to enhance the quality of public affairs by assisting public officials and community organizations to meet the challenges of governance and improve service delivery. This assistance takes the form of:

- Customized executive, management, and professional development training
- Facilitation of governing body retreats and community forums
- Education and certification for members of professional associations
- Consultation on community goal setting and strategic planning
- Community and organizational surveys
- Applied research on issues identified by state and local officials
- Technical support on public and nonprofit policy, administrative and programmatic efforts

Faculty and staff at the PPMC serve as content experts, neutral facilitators and researchers for a variety of public and nonprofit organizations. Requests come from



local governing bodies, community agencies and organizations, and community interest groups.

RECENT RELATED PROJECTS

City of Roeland Park Strategic Planning Project

City of Rose Hill Strategic Planning Project

City of Goddard Strategic Planning Project

City of Moundridge Strategic Planning Project

City of South Hutchinson Strategic Planning Project

City of Wichita /Sedgwick County Comprehensive Plan

Reno County Transit Planning

City of Bel Aire Senior Task Force Plan

Wichita Fire Department Strategic Action Plan

Sedgwick County Service Inventory

City Clerks and Municipal Finance Officers Strategic Planning Retreat

Regional Economic Area Partnership (REAP) Water Resources Strategic Planning Retreat

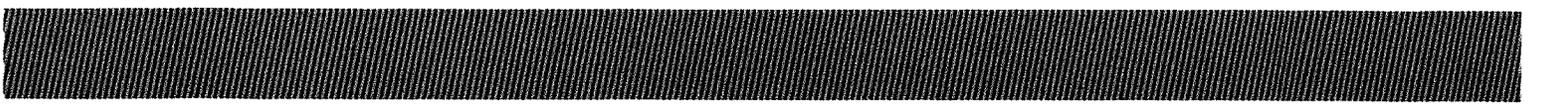
PROJECT TEAM

Misty R. Bruckner, Associate Director of the Hugo Wall School, Center for Urban Studies, joined the Hugo Wall School at Wichita State University in September 2006. Ms. Bruckner is responsible for assisting local governments and nonprofits with special projects, policy development, community surveys, facilitation and training efforts. Ms. Bruckner completed her MPA degree at the Hugo Wall School in 1995. From 1994 through 2000, she worked in the Office of the City Manager, in Wichita, as assistant to the city manager, and after 2000, was self-employed as a consultant to local governments and nonprofit agencies prior to joining the Hugo Wall School. Ms. Bruckner is a recipient of the Excellence in Public Service Award and the Sedgwick County Sheriff's Office Bronze Medal Award for Public Service –the highest honor for a civilian. In 2010, Ms. Bruckner was selected to participate in the Kansas Leadership

Center's Community Collaboration Academy aimed at advancing facilitation and collaboration efforts across the state of Kansas.

Gayle Martin joined the PPMC at the Hugo Wall School, Wichita State University, in 2008 as a program manager. She is the education director for the City Clerks and Municipal Finance Officers of Kansas and the Kansas County Clerks and Election Officials Association. She also coordinates the school's Mini-MPA program. Martin is a facilitator for strategic planning projects involving local government and nonprofit organizations. She has more than 25 years public and private sector experience in public relations, journalism and association leadership. Martin has taught college and continuing education courses in municipal promotion, public relations, media relations, and leadership. She served as communications coordinator for the City of Lawrence and the Kansas Department of Revenue. She has a Bachelor's degree in journalism from Kansas State University and a Master's degree in integrated marketing communications from the University of Kansas and is pursuing a Master's degree in Public Administration at the Hugo Wall School. She is a member of the 2012-2013 WSU Leadership Academy.

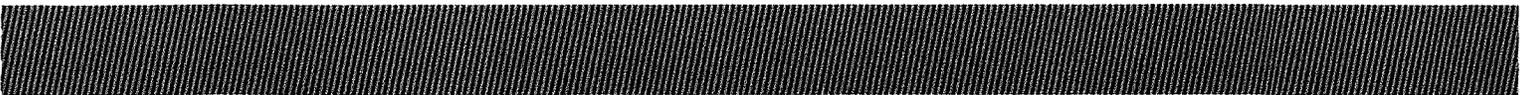
Kyle W. Carr, Program Manager, at the Hugo Wall School will serve as a community facilitator. He earned a Bachelor and Master of Arts in Strategic Communication and a Master of Public Administration from Wichita State. Mr. Carr has provided leadership on various projects while working in the Public Policy and Management Center, including leading community engagement and surveying efforts with the communities of Augusta and Mount Hope, KS, to assess their ability to apply for Community Development Block Grant funding. While a graduate assistant in the Hugo Wall School, Mr. Carr provided support to the Wichita-Sedgwick County Community Investments planning process and for strategic planning / community engagement processes for the cities of South Hutchinson, KS, and Reno County Transit. Prior to joining the Hugo Wall **School's** professional team, he served in the County Manager's Office and as a Budget Analyst for Sedgwick County. He also served for six years doing project management in Wichita State University's Cooperative Education Program.



CONTACT PERSON

Misty R. Bruckner, Director, Public Policy and Management Center, Hugo Wall School of Public Affairs, 316.978.6521, misty.bruckner@wichita.edu

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OLD BUSINESS

RECOMMENDED ACTION

**A. CONSIDERATION TO ACCEPT PROPOSAL FROM WSU
ON STRATEGIC PLANNING PROJECT:**

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to accept the proposal for Strategic Planning Project from the WSU Hugo Wall School of Public Affairs and engage them to undertake said project.

OLD BUSINESS

**B. APPROVAL OF GOFF STREET EASEMENT
PARAMETERS:**

- Public Works Director Memo

November 3, 2015

To: Laurie Dove, Mayor & Members of City Council

From: Brenton Holper, Public Works Director

Subject: Recommendation –Temporary Easement Compensation Rate for Goff Sidewalk Project

RECOMMENDATION

The Public Works Department recommends that the City Council authorizes the temporary construction easement compensation rate per square foot for the Goff Sidewalk project.

BACKGROUND

The Goff Sidewalk project is anticipated to be constructed during the summer of 2016. This project has been identified in the Bicycle/Pedestrian plan as a priority for the City to construct in order to address missing links for a safe sidewalk network along Goff, Fieldstone, and Clover. Due to federal funding being awarded for this project (covering in nearly 80% of the total construction and construction engineering costs), specific processes must be followed prior to and during construction. One area in particular for the point we are at with this project is to acquire temporary construction easements.

Although the project scope falls within the right of way, federal regulations require minimum setbacks from the sidewalk being installed to fall within the right of way or for temporary construction easements to be obtained. Many areas where temporary construction easements are necessary for the Goff Sidewalk project are where the sidewalk cross a property owner's driveway. In order for the City to proceed with negotiations with property owners for temporary construction easements, a compensation rate must be approved by the governing body. Once this rate is approved, City staff will meet with property owners to inform them of the temporary construction easement compensation amount and request their participation by signing the temporary construction easement.

If a property owner(s) refuse(s) to sign the temporary construction easement, the City may be required to pursue condemnation, which was approved by the governing body on June, 2, 2015.

FINANCIAL CONSIDERATION

The financial impact for all easements necessary for the Goff Sidewalk project is anticipated to be under \$ 2,000. This exact amount for the temporary construction easement will be recommended at the City Council meeting on November 3, 2015. This amount will be developed following the Uniform Act, which is required to be used with any projects receiving federal funds.

OLD BUSINESS

RECOMMENDED ACTION

**B. APPROVAL OF GOFF STREET EASEMENT
PARAMETERS:**

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to authorize the temporary construction easement compensation for the Goff Sidewalk project per Public Works Director recommendation.

NEW BUSINESS

A. CONSIDERATION OF 10 YEAR C.I.P. (2016 / 2025):

- Capital Improvement Plan 2016 / 2025



Capital Improvement Plan 2016-25

October 20, 2015

Honorable Mayor Laurie Dove and
Members of City Council
Valley Center, KS 67147

Ladies & Gentlemen,

I am pleased to present the 2016 – 2025 Ten Year Capital Improvement Plan for the City of Valley Center, KS. This budget represents a blueprint for public investment in the future of the City. The City in the past few years, has made tremendous improvements in addressing the challenges the City has faced for decades. It is nearing completion of the largest public works project in the City's history. When completed later this month, the Meridian/Ford St Drainage & Road project will address a long standing issue of major flooding in the Meridian drainage basin. Such improvements will eliminate the infamous Baxter Springs flooding on Meridian St that in many cases forced the closing of this major thoroughfare in the City. To the City's credit, the project represents an indirect investment in the future economic development of the City. The nearly 75 acre plot of land the retention pond sits on can be developed to its fullest potential once a solidly planned vision is established for the site.

There are still many challenges facing Valley Center. Indeed, whether the city continues to progress and produce positive outcomes for the residents of the city depends a lot on the investments made over the next ten years. As census data shows, Valley Center is growing. The surrounding communities bordering Valley Center already have recognized the importance of making investments in their communities to keep pace with their growth and the demands of their citizens. Valley Center is wise to continually invest in its future and progress.

Community Center

This 10 year plan is fairly divided into three major categories. Streets/Sidewalks Improvements, Public Facilities and Equipment. Streets/Sidewalk Improvements included sidewalks for the Safe Routes program and completing the major components of the sidewalk master plan. It includes future street and bridge projects. Project priority will be given to situations that will improve drainage, renew utility infrastructure in areas where street deterioration and main breaks are common and public safety is compromised. The equipment allocation is to replace an aging fire truck E-41. Replacement was set in 2017 as the latest date to replace this apparatus. The remaining portion of the 10 year plan is a concentration on the City's public facilities. A major part of this concentration is the building of a Community Center that includes another use. Currently, the plan is to incorporate the library into it which sorely needs replacement. In order to move this project forward, we are proposing that we establish a plan with specific milestones that measures the progress of getting the project implemented. I propose a series of charades involving stakeholders and the general public. They would be designed to justify the need as well as get ideas of what the community center should be. This would occur prior to any decision to advance the concept to preliminary design.

Public Facilities

The status and condition of our municipal facilities Public Safety, City Hall and Public Works is reaching a critical stage. The Public Safety Building has passed its capacity limits after 25 years of use. The courtroom capacity has passed critical and is now approaching an unsafe status requiring additional court days to

alleviate the overcrowding. The police force has grown, as has the population of Valley Center. Adding more police officers in the future is probable as well as the need for more equipment such as vehicles and other support aids will push the building past its limits. The Fire Department is no different. The existing equipment bay in the facility is sorely lacking as more bay space has been needed for several years. If something isn't done soon, with time for appropriate planning, the need for a reaction to solve the problem will encourage poor decision making and a waste of resources.

The City Hall is at a critical point in its use too. In 2006, the city invested almost \$600,000 to build an addition to an already overcrowded building. Fifteen years later, the building is again at capacity. There is no room to put additional employees into it. While the front office and the Council Chambers are very usable, the addition of more people in an office environment is virtually impossible and has created severe working conditions. To conduct confidential meetings or operational and planning meetings is impossible. We are now shrinking existing storage space to create inadequate offices. It is literally an embarrassment. No other city in our area has such deplorable conditions. The investment in 2006 should have lasted, at a minimum, another 10 years. Unfortunately, in another two years we will become inefficient. The practical solution is to begin planning for a new City Hall that will last decades and be a credit to the community it serves for decades to come.

The Public Works Department is housed in a facility that again was planned in the early 2000s, built and in less than 20 years has overcrowded conditions and severe working conditions. The department has more equipment than in the past and running out of room to accommodate it and additional personnel. If Valley Center continues to grow, and all indications say that it will, new personnel and facilities will be necessary to support and meet future demands. I have set aside in this budget \$1.25M dedicated to public facilities. I have set aside \$50,000 immediately to hire an architect and would recommend a planned approach to addressing future facility's needs. The remaining \$1.2M is set aside as seed money to finance future construction. A planned approach for building these facilities is also a practical approach. The last piece of the project would be a planned finance approach that would build the facilities within the existing financial constraints of the city's existing tax base.

Water System Improvements

Another major feature of this plan is the construction of a water treatment facility. Currently, Valley Center purchases all of its water supply from the City of Wichita. August of 2016 marks the end of a 20 year agreement with Wichita. Although Wichita has agreed to extend the agreement into the future, they are looking for ways to mitigate the impact of future droughts. During the 20 year period, the water environment has changed drastically in this area. Both Valley Center and Wichita are looking for ways to mitigate that to their mutual benefit and change with the times.

A possible strategy would be to build the treatment plant and add a comparable water storage facility to our current one to help stabilize water distribution in drought conditions.

Strategically, Valley Center should consider maximizing the use of its water supply to the benefit of its customers. That includes keeping rates at a reasonable level and ensuring an adequate supply of water for its citizens. It also includes in times of drought being able to assist Wichita in reducing water delivered to Valley Center and managing our resources through conservation.

No ten year plan is cast in stone, but it is a suggestion for proving a vision for future improvements/enhancement of community amenities.

Acknowledgements

I wish to thank Linda Setser-Maus for assisting me in the preparation of this document. I'd also like to thank the department heads of the City for their input and thoughtfulness in identifying and planning the various projects herein. Most of all thanks go to the Mayor and City Council for their oversight and wisdom in looking for a better tomorrow for the Valley Center community.

Respectfully submitted,

George R Kolb,
Interim City Administrator

2016 - 2025 CAPITAL BUDGET

2016-25 CAPITAL BUDGET & FUNDING				
Item #	Project Category and Title	Funding Source	Year	Cost
STREETS & SIDEWALKS				
1-2015	Meridian / Ford / Ramsey Street & Drainage Project		2015	\$ 6,779,313
1-2016	Goff Street Sidewalk		2016	\$ 360,000
2-2016	Emporia Street Bicycle Pedestrian Path		2016	\$ 357,000
3-2016	93 rd Street: Seneca to Broadway		2016	\$ 600,000
3-2017	5 th Street: Bridge to Broadway		2017	\$ 2,700,000
1-2020	Meridian: Ford to 69 th		2020	\$ 2,000,000
1-2021			2021	\$ 1,500,000
2-2021	Meridian: 5 th to Main		2021	\$ 1,413,561
PUBLIC BUILDINGS/FACILITIES/EQUIPMENT				
2-2015	Public Buildings Improvements		2015	\$ 85,309
5-2016	Community Center		2016	\$ 1,000,000
2-2017			2017	\$ 1,000,000
6-2016	Public Facilities		2016	\$ 50,000
2-2018			2018	\$ 1,200,000
3-2018	Fire Equipment: Replace E-41		2018	\$ 400,000
WATER SYSTEM IMPROVEMENTS				
5-2015	Seneca & 69 th Street Water Main		2015	\$ 422,124
6-2015	Golf Course Waterline: HS – 5 th St.		2015	\$ 142,000
4-2016	Water Well Rehab		2016	\$ 257,000
1-2017	New Water Treatment Plant		2017	\$ 500,000
1-2018			2018	\$ 2,500,000
1-2019			2019	\$ 500,000
TOTAL FOR 2015 / 2025 CIP PROJECTS				\$ 23,766,307

City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	1-2015	Meridian / Ford / Ramsey Street & Drainage Project
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PROJECT DESCRIPTION	PROJECT LOCATION
Full depth reconstruction of Meridian: RR tracks to Main St., Ramsey: Meridian to Ford St., & Ford from Meridian to Wichita – Valley Center Floodway Bridge with concrete roads and storm sewer. Construction of a detention pond South of Ford St. and pump station.	Meridian from RR tracks to Main, Ramsey, and Ford St. from RR tracks to Wichita – Valley Center Floodway Bridge

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> ● Full depth reconstruction of roads in poor condition. ● Construction of storm sewer system to be the focal point of a City wide storm sewer system in the future. ● Construction of a detention pond S. of Ford St. to help mitigate flooding in the City. ● Construction of a pump station to move stormwater into the Wichita – Valley Center Floodway.





TOTAL PROJECT COST	\$6,779,313
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	1-2016	Goff Street Sidewalk
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PROJECT DESCRIPTION	PROJECT LOCATION
Construction of a 5' sidewalk in specified areas along Goff, Fieldstone, and Clover.	Goff: Meridian to Meadow, Fieldstone: Goff to Clover, & Clover: Fieldstone to Goff.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Provide a safe environment for pedestrian traffic. Create connectivity to existing sidewalks and nearby schools. Approximately 80% of the project is federally funded through WAMPO's Transportation Alternatives (TA) program.

TOTAL PROJECT COST	\$360,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	2-2016	Emporia Street Bicycle/Pedestrian Path
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PROJECT DESCRIPTION	PROJECT LOCATION
Construction of a 10' bicycle/pedestrian path in the median of Emporia St. and drainage improvements at 3 rd & Emporia.	Emporia: Main St. to 5 th St.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Extension of the McLaughlin Bicycle/Pedestrian Path completed in 2015. Creates additional connectivity to schools located along Meridian. Drainage improvements along Emporia. Approximately 80% of the project is federally funded through WAMPO's Transportation Alternatives (TA) program.



TOTAL PROJECT COST	\$357,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	3-2016	93 rd Street: Seneca to Broadway
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PROJECT DESCRIPTION	PROJECT LOCATION
Full depth reconstruction or super slurry base construction and pavement.	93 rd St.: Seneca to Broadway

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> • Providing a paved roadway that is currently constructed of AB3 rock. • Eliminate dust issues. • Provides a safer roadway for residential traffic. • Improve drainage issues near 93rd & Broadway.



TOTAL PROJECT COST	\$600,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	3-2017	5 th Street: Bridge to Broadway
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PROJECT DESCRIPTION	PROJECT LOCATION
Partial road base reconstruction with repaving and the addition of turning lanes at Seneca.	5th St.: Bridge over W-VC Floodway to Broadway

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Road pavement is in poor condition, with base failure. Main arterial into the City.



TOTAL PROJECT COST	\$2,700,0000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	1-2020 1-2021	Meridian: Ford to 69 th
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PROJECT DESCRIPTION	PROJECT LOCATION
Full depth reconstruction of 4 lane roadway.	Meridian: RR Tracks (N. of Ford) to 69th St.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Reconstruction of roadway and its base.



1-2020	\$2,000,000
1-2021	\$1,500,000

TOTAL PROJECT COST	\$3,500,000
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City of Valley Center CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: STREETS & SIDEWALKS

PROJECT NUMBER & TITLE:	2-2021	Meridian: 5 th to Main
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PROJECT DESCRIPTION	PROJECT LOCATION
Reconstruction of 3 lane roadway, curb, sidewalks, & storm sewer.	Meridian: 5th St. to Main

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Full depth reconstruction of 2-3 lane roadway. Addition of storm sewer throughout project. Replacement of curb and sidewalks on both sides of Meridian.



TOTAL PROJECT COST	\$1,413,561
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: PUBLIC FACILITIES / EQUIPMENT

PROJECT NUMBER & TITLE:	2-2015	Public Building Improvements
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PROJECT DESCRIPTION	PROJECT LOCATION
Energy efficient Lighting Improvements	Public Safety Building & Public Works Building

PROJECT JUSTIFICATION
Infrastructure projects have been presented for one or more of the following reasons: energy efficiency & cost savings gains and/or systematic replacement of equipment that is at the end of its useful life.

Electrical improvements for the following buildings consist of both energy efficiency gains and the replacement of obsolete equipment. All but one of the electrical projects included have a ROI (return on investment or payback) of less than 2.5years. Electrical improvements include both installation of automatic light fixture controls and replacement of obsolete and/or inefficient equipment for the following buildings.

- Public Safety - \$42,654 - install energy efficient lamps & lighting controls
- Public Works - \$ 42.654 - install energy efficient lamps & lighting controls

Total ELECTRICAL improvements: \$85,309

TOTAL PROJECT COST	\$ 85,309
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**City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION**

PROJECT CATEGORY: PUBLIC FACILITIES / EQUIPMENT

PROJECT NUMBER & TITLE:	5-2016 2-2017	Community Center
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PROJECT DESCRIPTION	PROJECT LOCATION

PROJECT JUSTIFICATION
<p>In the summer of 2015, the City Council approved the concept of building a Community Center that in effect would serve as a replacement to the old community center as a community resource for holding special events such as weddings, family reunions and the like. It would serve as the meeting place for housing our senior citizens programs and other related activity. As an adjacent function, it has been suggested the library be relocated to the center as a dedicated part of it. Although the addition of the library is still in the conceptual phase, other uses could be located at the facility. The planned location of the new facility is in Lyon’s Park across from the current Community Center. The total planned cost of the Community Center, including the Library, is \$2,000,000 with the Library providing \$1,000,000 of that amount. Construction is scheduled to begin in 2017 or whenever a firm concept of the use of the Center is approved. It has been suggested that more study and vetting of the project is needed to determine its final use.</p> <p>George R Kolb, Interim City Administrator City of Valley Center, KS 121 S Meridian Valley Center, KS 67147-0188</p>

VALLEY CENTER COMMUNITY CENTER CONCEPTUAL STUDY



5-2016	\$ 1,000,000
2-2017	\$ 1,000,000

TOTAL PROJECT COST	\$2,000,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: PUBLIC FACILITIES / EQUIPMENT

PROJECT NUMBER & TITLE:	6-2016 2-2018	<u>Public Facilities</u> Public Safety Building, Fire Department, City Hall & Public Works Building
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PROJECT DESCRIPTION	PROJECT LOCATION

PROJECT JUSTIFICATION

Addition for Public Safety Building

Challenge:

Valley Center Municipal Court is currently held twice a month in the courtroom at the Public Safety Building. The courtroom seats 24 citizens. The first docket on court night typically has between 45-60 persons on it. Most persons attending come with at least one or two other persons. With juvenile traffic offenders parents are required to attend. This number does not include attorneys attending representing their clients. The courtroom in use now at the Public Safety Building is not of adequate size to accommodate the number of person attending. The police and fire departments are also out of office space. The addition of a new courtroom/community safe-room would allow for the old courtroom area to be remodeled for additional office space. (photos attached)

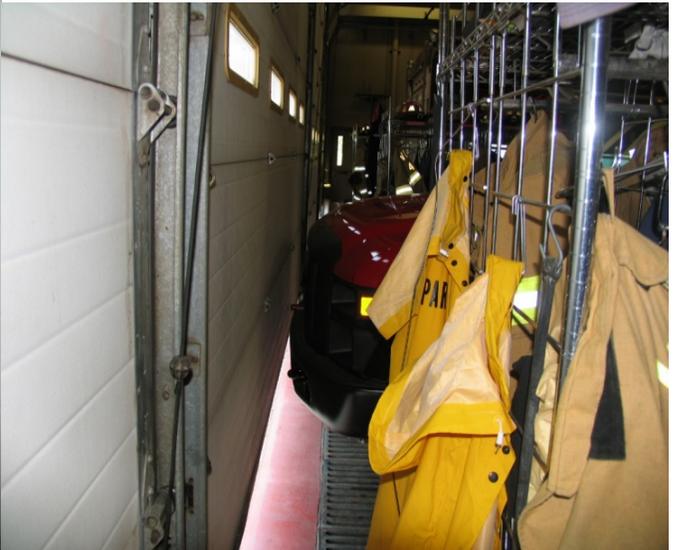
The idea of making the added courtroom into a combination safe-room comes because of the limited storm shelters available for the public. Two of the area churches that have offered this in the past no longer offer this option.

Two additional bays have also been proposed for the public safety building. The fire department needs an additional bay for equipment and the police department needs a bay for getting vehicles out of the weather and for working on cars. (photos attached)

Storage space is also a problem at the public safety building. Police and Fire Department equipment is now stored in the basement and this area is overflowing. (photos attached)

Solution Options

1. One solution is adding onto the Public Safety Building. A CIP proposal to add on to the west part of the building for a community safe-room/courtroom. A proposal has been presented to the state for mitigation matching funds for this. Funds are not currently available for such a project. This option also would allow for renovation of the current courtroom for additional office space as the Public Safety Building at maximum capacity.
2. Another solution would be to add an additional court date during the month. This would certainly lower the number of persons attending on a given night. The challenge with this is the judge and prosecutors are not available any other nights during the month. One other related problem is the trials running as late as 11:00 PM-midnight. We are currently working to schedule a day trial only date during the month. This will only offer a temporary solution to this problem. A larger courtroom is needed.



The status and condition of our municipal facilities Public Safety, City Hall and Public Works is reaching a critical stage.

The **Public Safety Building** has passed its capacity limits after 25 years of use. The courtroom capacity has pasted critical and is now approaching an unsafe status requiring additional court days to alleviate the overcrowding. The police force has grown, as has the population of Valley Center. Adding more police officers in the future is probable as well as the need for more equipment such as vehicles and other support aids will push the building past its limits.

The **City Hall** is at a critical point in its use too. In 2006, the city invested almost \$600,000 to build an addition to an already overcrowded building. Fifteen years later, the building is again at capacity. There is no room to put additional employees into it. While the front office and the Council Chambers are very usable, the addition of more people in an office environment is virtually impossible and has created severe working conditions. To conduct confidential meetings or operational and planning meetings is impossible. We are now shrinking existing storage space to create inadequate offices. Unfortunately, in another two years we will become inefficient. The practical solution is to begin planning for a new City Hall that will last decades and be a credit to the community it serves for decades to come.

The **Public Works Department** is housed in a facility that again was planned in the early 2000s, built and in less than 20 years has overcrowded conditions and severe working conditions. The department has more equipment than in the past and running out of room to accommodate it and additional personnel. If Valley Center continues to grow, and all indications say that it will, new personnel and facilities will be necessary to support and meet future demands. \$1.25M dedicated to public facilities has been set aside for seed money to finance new facilities. \$50,000 is requested immediately to hire an architect to recommend a planned approach to addressing future facilities needs and provide a concept of where to locate them and what it could potentially look like. The remaining \$1.2M is set aside as seed money to finance future construction. A planned approach for building these facilities is also a practical approach. The last piece of the project would be a planned finance approach that would build the facilities within the existing financial constraints of the city's existing tax base.

6-2016	\$ 50,000
2-2018	\$ 1,200,000

TOTAL PROJECT COST	\$1,250,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: PUBLIC FACILITIES / EQUIPMENT

PROJECT NUMBER & TITLE:	3-2018	Fire Equipment: Replace E - 41
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PROJECT DESCRIPTION	PROJECT LOCATION
1995 Freightliner / Ferrara	

PROJECT JUSTIFICATION
<p>Current Engine not sufficient for Emergency use; electrical wiring issues, close to being overweight (GVW), pump capacity, no foam system, not enough compartment space, A/C system needs constant service.</p> <p>New Engine 41; Increase pump capacity by 500gpm, in cab seating to 6, On-board foam system class A & B, Increase compartment and tool storage, front bumper suction intake, shorter turning radius, anti-lock brakes, hydraulic generator, front bumper hose line.</p>



TOTAL PROJECT COST	\$400,000
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City of Valley Center CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: WATER SYSTEM IMPROVEMENTS

PROJECT NUMBER & TITLE:	5-2015	Seneca & 69 th Street Water Main
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PROJECT DESCRIPTION	PROJECT LOCATION
Installation of 12" water main.	S. Seneca: Interurban to 69 th and 69 th St. from Seneca to Interurban

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Petition from residents requesting this project. Provide City water services to residents due to poor quality of water from residential wells.



TOTAL PROJECT COST	\$422,124
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**City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION**

PROJECT CATEGORY: WATER SYSTEM IMPROVEMENTS

PROJECT NUMBER & TITLE:	6-2015	Golf Course Waterline: HS to 5 th Street
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PROJECT DESCRIPTION	PROJECT LOCATION
Installation of 12" water main.	Connection of water mains from 5 th St. near the Public Safety Building to the water main which ends north of the football field on USD 262's property.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Installation of water main for services to the Recreation Commission's Golf Course Facility. Oversized water main to provide additional water flow to residents in North/Northeast portion of City limits to increase flow and potentially water pressure.



TOTAL PROJECT COST	\$142,000
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City of Valley Center CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: WATER SYSTEM IMPROVEMENTS

PROJECT NUMBER & TITLE:	4-2016	Water Well Rehab
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PROJECT DESCRIPTION	PROJECT LOCATION
Rehabilitation of water wells and drilling of a new water well for the water treatment facility.	Rehabilitation of wells #7, #8, & 10. If a new well is drilled, a location for this has yet to be identified.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Provide more efficient means for pumping water to either sell raw or for water treatment. Be capable of pumping more water in order to closer meet the City’s water rights.



TOTAL PROJECT COST	\$257,000
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City of Valley Center
CAPITAL IMPROVEMENT PROJECT DESCRIPTION

PROJECT CATEGORY: WATER SYSTEM IMPROVEMENTS

PROJECT NUMBER & TITLE:	1-2017	New Water Treatment Plant
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PROJECT DESCRIPTION	PROJECT LOCATION
Water treatment facility to provide Valley Center customers with a more feasible water service that is not dependent on the City of Wichita.	Location has yet to be identified and is awaiting preliminary design to be completed to identify the appropriate space needed.

PROJECT JUSTIFICATION
<ul style="list-style-type: none"> Provide water treatment that is not dependent on another utility and vulnerable to their rate increases.

1-2017	\$500,000
1-2018	\$2,500,000
1-2019	\$500,000

TOTAL PROJECT COST	\$3,500,000
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FUTURE CIP PROJECTS

The following proposals which are in the early stages of discussion, and not ranked as a priority for 2015-25, have been added as a supplemental section.

These projects may be included in future capital improvement plans as more information is obtained and future needs are assessed.

Streets

Year	Project	Cost	Source of \$
	3 rd St. Sheridan to RR Crossing	\$ 370,000	Streets
	N. City Limits Ditch	\$ 500,000	Streets
	69 th St. Bridge Rehab	\$ 750,000	Streets
	Ash St: Main St to 5 th	\$ 1,500,000	Streets
	Birch St: 1 st St. to 5 th St.	\$ 350,000	Streets
	Dexter: Ford St. to 5 th St.	\$ 750,000	Streets
	Ford St: Bridge to Broadway	\$ 1,500,000	Streets

Storm Sewer

	Project	Cost	Source of \$
	1 st St: Meridian to Ash	\$ 400,000	Storm Sewer
	2 nd St: Meridian to Ash	\$ 400,000	Storm Sewer

Sanitary Sewer Improvements

	Project	Cost	Source of \$
	Sewer Manhole Points Repair	\$ 100,000	Sewer

Water System Improvements

	Project	Cost	Source of \$
	5 th St. Water Main: Fiddler's Creek to Broadway	\$375,000	Water

Public Facilities / Equipment

Year	Project	Cost	Source of \$
	New Public Works / Parks & Public Buildings Facility	\$2,750,000	Buildings

Parks Improvements

Year	Project	Cost	Source of \$
	Cemetery, Swimming Pool & Veteran's Park	\$ 74,000	
	Arrowhead, Lions & McLaughlin Park	\$ 75,000	

NEW BUSINESS

RECOMMENDED ACTION

A. CONSIDERATION OF 10 YEAR C.I.P. (2016 / 2025):

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve the 2016 / 2025 Capital Improvement Plan.

NEW BUSINESS

B. CONSIDERATION OF OPTIONS FOR MASSAGE PARLOR ORDINANCE:

- Draft of Valley Center Ordinance
- City of Park City Municipal Code, Chapter 5, Business Regulations
- City of Wichita Municipal Code, Chapter 3.56, Bathhouses and Massage Salons

ORDINANCE#**An Ordinance of the City of Valley Center, Kansas, regulating the operation of
massage parlor business in the city**

Sec. 1 DEFINITIONS. The following terms shall, for the purposes of this ordinance, have the meanings indicated in this section:

- (a) "City" – means the City of Valley Center, Kansas.
- (b) "Massage Business" – means the business of offering or providing for consideration Body Work and/ or Massage.
- (c) "Massage School" – means a school or program which meets the NCBTMB minimum class instruction requirements.
- (d) "Massage Therapist" – means any person who is over eighteen (18) years of age and has successfully completed a minimum of five hundred (500) instructor taught, classroom hours within a recognized Massage Therapist School or university course which complies with the NCBTMB.
- (e) "Massage Therapist Permit" – means the Permit issued by the City to a Massage Therapist.
- (f) "Massage Therapy" – means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, or the rubbing, stroking, kneading, pounding or tapping of the human body by any physical or mechanical means for any form of consideration. Massage Therapy shall

(a) To receive a Massage Therapist Permit, an applicant must meet the following standards:

- (1) Be at least eighteen (18) years of age;
- (2) Meet standards and is qualified as a Massage Therapist;
- (3) Not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within the last five (5) years.
- (4) No Massage Therapist Permit shall be issued unless the Police Department has investigated the applicant's qualifications to be permitted, and the results of such investigation shall be in writing and filed with the City Clerk's office not later than fifteen (15) days after the date of application. The City Clerk shall maintain the report of the Police Department.

Section 4. PERMIT DISPLAY. Each Massage Therapist Permit shall be placed at the point of entry into each Massage Business at all times the Massage Therapist holding the Massage Therapist Permit is on duty. A Massage Therapist conducting a Massage at a location other than the licensed Massage Business premises, as allowed in Section 5 herein below, shall carry their Massage Therapist Permit with them to such location. The Massage Therapist Permit, among other items, shall bear a photograph of the Massage Therapist Permit holder.

Section 5. PROHIBITED ACTS. It shall be a violation of this Article for a person to:

- (1) Operate a Massage Business within the City without a zoning permit;
- (2) Perform or Offer to perform a Massage Therapy without a Massage Therapist Permit.
- (3) Perform a Massage at a location that has not been issued a zoning permit; provided, however, it shall not be a violation when a person holding a

Massage Therapist Permit provides a Massage at a licensed nursing home or residence of the person receiving the Massage;

- (4) Touch with any part of his/her body, to fondle in any manner, or to Massage a Sexual or Genital Part of any person while administering Massage Therapy for compensation;
- (5) Expose while administering Massage Therapy for compensation his/her Sexual or Genital Parts, or any portion thereof, to any person;
- (6) While in the presence of any person, while receiving Massage Therapy, fail to cover with a fully opaque covering the Sexual or Genital Parts of his/her body;
- (7) For a person who owns, rents, leases, operates, or manages a Massage Business to cause, allow, or permit in or about said Massage Business, any person to engage in acts prohibited by this Article.
- (8) Violate any provision of this Article.

Section 6. FEE. A Massage Therapist Permit fee of One Hundred Dollars (\$100.00) shall be submitted with the application for a Permit. The application fee shall not be refundable and the permit shall be valid for one (1) year from the date issued.

Section 7. RENEWAL OF MASSAGE THERAPIST PERMIT. Any Massage Therapist desiring to renew a Massage Therapist Permit shall make application to the City. The application for renewal must be filed not later than thirty (30) days before the Massage Therapist Permit expires. The application for renewal shall be filed in quadruplicate with and dated by the City Clerk's office. The fee for renewal shall be Fifty Dollars (\$50.00) and shall not be refundable. The permit shall be valid for one (1) year from the date issued.

Section 8. DENIAL AND REVOCATION. (a) The City Clerk shall not issue a Massage Therapist Permit if, based upon the investigation, it is found that the applicant does not meet the requirements set forth in this Article.

(b) The City Clerk may revoke a Massage Therapist Permit if a Massage Therapist violates this Article.

(c) The City Clerk shall give notice of a denial of issuance or revocation of a Massage Therapist Permit by providing a written notice addressed to the person the denial or revocation applies to that sets forth the reasons for the denial or revocation. The written notice shall be deemed to be served if it is hand-delivered to the person or if it is mailed, postage prepaid, through the United State Postal Service to the address set forth in the person's application.

Section 9. DENIAL OR REVOCATION; APPEAL. (a) An appeal of a denial of an application or a revocation of a Massage Therapist Permit may be made to the City Administrator. Such an appeal, including the basis for the appeal, shall be filed in writing with the City Administrator within ten (10) calendar days of the date an applicant receives written notice of a denial from the City Clerk.

(b) The City Administrator shall conduct a hearing within twenty (20) calendar days of receiving a request for such a hearing.

(1) At the hearing, all concerned parties shall be given an opportunity to present relevant evidence and witnesses as determined by the City Administrator.

(2) All parties shall have the right to have legal representation at the hearing of the appeal.

(3) The City Administrator shall render a decision in writing within ten (10) business days of the hearing's conclusion.

(4) The decision of the City Administrator shall be a final decision. An aggrieved party may file an appeal with the Sedgwick County District Court within thirty (30) days of the date the City Administrator issues his/her written decision.

Section 10. PENALTY. Any person violating any of the provisions of this Article shall, upon conviction, be fined not more than One Thousand Dollars (\$1,000.00) and/or not more than six (6) months in jail, or both said fine and imprisonment.

Section 11. INJUNCTIVE RELIEF. In addition to any other legal remedy provided in this ordinance, the operation of a Massage Business without a zoning permit, the providing of Massage Therapy without a Permit, or the violation of this article is deemed a public nuisance and may be enjoined by the City.

Section 12. EXEMPTIONS. The following persons are exempted from the requirements to obtain a Massage Therapist Permit:

- (1) Medical doctors, chiropractors, osteopaths, podiatrists, physical therapists, barbers, and cosmetologists as to massage of the scalp, who are licenses to practice their respective professions in Kansas or who are permitted to practice temporarily under the auspices of an associate or establishment duly licenses in Kansas, while in the course of their licensed business or profession.
- (2) Nurses and hospital employees who are registered under the laws of Kansas, while in the normal course of their duties; persons employed in a licensed adult care home while engaged in their center.

(3) A trainer of any duly constituted athletic team while in the normal course of his duties.

(4) Any student of a Massage Therapy School, and the Massage Therapy is conducted under the supervision of a Massage Therapist who hold a valid Massage Therapist Permit.

Section 13. INVALIDITY OF MASSAGE THERAPIST PERMIT. Should any court declare any section, clause, or provision of this ordinance to be invalid for any reason, such decision shall affect only such section, clause or provision so declared invalid, and shall not affect any other section, clause or provision.

Passed and approved by the Governing Body of Valley Center, Kansas, this _____ day of _____, 2015.

Laurie Dove, Mayor

Kristie Carrithers
City Clerk

CHAPTER 5. BUSINESS REGULATIONS

- Article 1. General Regulations and Licenses
- Article 2. Solicitors, Canvassers, Peddlers
- Article 3. Miscellaneous Sales
- Article 4. Adult Entertainment
- Article 5. Massage Businesses
- Article 6. Tattoo Parlors
- Article 7. Restaurants
- Article 8. Private Security Services
- Article 9. Amusement Park Regulations

ARTICLE 1. GENERAL PROVISIONS

5-101. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city for which the procuring of a license is required by the provisions of this code without first paying the license fee prescribed and procuring such a license from the city clerk.

5-102. **APPLICATION FOR LICENSE.** Every person, firm or corporation desiring to engage in a calling, trade, profession or occupation in the city that requires the procuring of a license shall make application for such a license to the city clerk. In the case of new licenses, the applicant shall appear before the governing body before the issuance of the license. Upon approval by the governing body, the city clerk shall issue to the applicant a license that shall be signed by the city clerk. It shall be the duty of the city clerk to pay over the amount so collected on each license issued, to the city treasurer of the city.

5-103. **NOT ASSIGNABLE OR TRANSFERABLE.** No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act thereunder except for the person named therein, nor at any location other than the one licensed. There shall be no refunds except as specifically provided herein.

5-104. **LICENSE PERIOD; DURATION.** Unless otherwise provided, licenses shall be valid from January 1 and through December 31 of the same year, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30th day of June or the 31st day of December, next following the date of their issuance.

5-105. **EXEMPTIONS.** (a) Farmers - No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license.

(b) Nothing in this section shall be construed to require any license for any person or business which operates within the limits of interstate commerce or which might constitute an undue burden on the interstate commerce or for any non-profit, charitable organization, as determined by the Internal Revenue Service.

5-106. LICENSE FEES; WHEN PAYABLE; TIME PERIOD. (a) All license fees shall be due and payable before the commencement of a trade, occupation, business or profession for which license fees are required.

(b) No license shall be issued until the fee is paid.

(c) Licenses shall be renewed on or before the expiration date of the current licenses.

(d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.

(e) The license for a day shall expire at midnight.

5-108. PAYMENT OF FEES; RECEIPT. The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business.

5-109 CONTENTS OF LICENSE. Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named.

5-110 RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed.

5-111. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city.

ARTICLE 5. MASSAGE BUSINESSES

5-501. **DEFINITIONS.** The following terms shall, for the purposes of this ordinance, have the meanings indicated in this section:

- (a) "City" - means the City of Park City, Kansas.
- (b) "City Administrator" - means the City Administrator of the City.
- (c) "City Clerk" - means the City Clerk of the City.
- (d) "City Council" - means the governing body of the City.
- (e) "Massage Business" - means the business of offering or providing for consideration Body Work and/or Massage.
- (f) "Massage School" - means a school or program which meets the NCBTMB minimum class instruction requirements.
- (g) "Massage Therapist" - means any person who is over eighteen (18) years of age and has successfully completed a minimum of five hundred (500) instructor-taught, classroom hours within a recognized Massage Therapist School or university course, which complies with the NCBTMB.
- (h) "Massage Therapist Permit" - means the Permit issued by the City to a Massage Therapist.
- (i) "Massage Therapy" - means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, or the rubbing, stroking, kneading, pounding, or tapping of the human body by any physical or mechanical means for any form of consideration. Massage Therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required.
- (j) "NCBTMB" - means the National Certification Board for Therapeutic Massage and Bodywork.
- (k) "Offer" - indicates any form of communication, by any medium.
- (l) "Person" - means any person, firm, partnership, association, company, or organization of any kind.
- (m) "Sexual or Genital Parts" - means the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

5-502. **APPLICATION FOR MASSAGE THERAPIST PERMIT.** Each application for a Massage Therapist Permit shall be upon a form provided by the City Clerk and

shall be submitted to the City Clerk. Each application shall contain the following information:

- (a) The applicant's full name, date of birth, current residence address, and telephone number;
- (b) Proof of qualification as a Massage Therapist in a form approved by the City Clerk;
- (c) The name of the Massage Business that the Massage Therapist will be employed with;
- (d) Whether any license or permit to perform as a Massage Therapist has previously been denied or revoked, and if so, the reasons, dates, and places of such denial or revocation;
- (e) A copy of current liability insurance certificate, proving a minimum general liability insurance coverage of one million dollars (\$1,000,000.00) aggregate coverage per year, with up to five hundred thousand dollars (\$500,000.00) per single occurrence. Insurance coverage through a Massage Business operator that covers the individual will be acceptable.

5-503. STANDARDS FOR ISSUANCE OF MASSAGE THERAPIST PERMIT. (a) To receive a Massage Therapist Permit, an applicant must meet the following standards:

- (1) Be at least eighteen (18) years of age;
- (2) Meets standards and is qualified as a Massage Therapist;
- (3) Not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within the last five (5) years.
- (4) Show proof of insurance by providing a copy of a commitment or a certificate of insurance that meets the requirements set forth in Section 5-502(e) herein.
- (5) No Massage Therapist Permit shall be issued unless the Police Department has investigated the applicant's qualifications to be permitted, and the results of such investigation shall be in writing and filed with the City Clerk's office not later than fifteen (15) days after the date of application. The City Clerk shall maintain the report of the Police Department.

5-504. PERMIT DISPLAY. Each Massage Therapist Permit shall be placed at the point of entry into each Massage Business at all times the Massage Therapist holding the Massage Therapist Permit is on duty. A Massage Therapist conducting a Massage at a location other than the licensed Massage Business premises, as allowed in Section

5-505(3) hereinbelow, shall carry their Massage Therapist Permit with them to such location. The Massage Therapist Permit, among other items, shall bear a photograph of the Massage Therapist Permit holder

5-505. PROHIBITED ACTS. It shall be a violation of this Article for a person to:

- (1) Operate a Massage Business within the City without a zoning permit;
- (2) Perform or Offer to perform Massage Therapy without a Massage Therapist Permit;
- (3) Perform a Massage at a location that has not been issued a zoning permit; provided, however, it shall not be a violation when a person holding a Massage Therapist Permit provides a Massage at a licensed nursing home or residence of the person receiving the Massage;
- (4) Touch with any part of his/her body, to fondle in any manner, or to Massage a Sexual or Genital Part of any person while administering Massage Therapy for compensation;
- (5) Expose while administering Massage Therapy for compensation his/her Sexual or Genital Parts, or any portion thereof, to any person;
- (6) While in the presence of any person, while receiving Massage Therapy, fail to cover with a fully opaque covering the Sexual or Genital Parts of his/her body;
- (7) For a person who owns, rents, leases, operates, or manages a Massage Business to cause, allow, or permit in or about said Massage Business, any person to engage in acts prohibited in this Article;
- (8) Violate any provision of this Article.

5-506. FEE. A Massage Therapist Permit fee of One Hundred Dollars (\$100.00) shall be submitted with the application for a Permit. The application fee shall not be refundable and the permit shall be valid for one (1) year from the date issued.

5-507. RENEWAL OF MASSAGE THERAPIST PERMIT. Any Massage Therapist desiring to renew a Massage Therapist Permit shall make application to the City. The application for renewal must be filed not later than thirty (30) days before the Massage Therapist Permit expires. The application for renewal shall be filed in quadruplicate with and dated by the City Clerk's office. The fee for renewal shall be Fifty Dollars (\$50.00) and shall not be refundable. The permit shall be valid for one (1) year from the date issued.

5-508. DENIAL AND REVOCATION. (a) The City Clerk shall not issue a Massage Therapist Permit if, based upon the investigation, it is found that the applicant does not meet the requirements set forth in this Article.

(b) The City Clerk may revoke a Massage Therapist Permit if a Massage Therapist violates this Article.

(c) The City Clerk shall give notice of a denial of issuance or revocation of a Massage Therapist Permit by providing a written notice addressed to the person the denial or revocation applies to that sets forth the reasons for the denial or revocation. The written notice shall be deemed to be served if it is hand-delivered to the person or if it is mailed, postage prepaid, through the United States Postal Service to the address set forth in the person's application.

5-509. DENIAL AND REVOCATION; APPEAL. (a) An appeal of a denial of an application or a revocation of a Massage Therapist Permit may be made to the City Administrator. Such an appeal, including the basis for the appeal, shall be filed in writing with the City Administrator within ten (10) calendar days of the date an applicant receives written notice of a denial from the City Clerk.

(b) The City Administrator shall conduct a hearing within twenty (20) calendar days of receiving a request for such a hearing.

(1) At the hearing, all concerned parties shall be given an opportunity to present relevant evidence and witnesses as determined by the City Administrator. All parties shall have the right of cross-examination.

(2) All parties shall have the right to have legal representation at the hearing of the appeal.

(3) The City Administrator shall render a decision in writing within ten (10) business days of the hearing's conclusion.

(4) The decision of the City Administrator shall be a final decision. An aggrieved party may file an appeal with the Sedgwick County District Court within thirty (30) days of the date the City Administrator issues his/her written decision.

5-510. PENALTY. Any person violating any of the provisions of this Article shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) for each offense, and not more than One Thousand Dollars (\$1,000.00) and/or not more than thirty (30) days in jail, or both said fine and imprisonment. Each day a violation occurs shall constitute a separate offense.

5-511. INJUNCTIVE RELIEF. In addition to any other legal remedy provided in this ordinance, the operation of a Massage Business without a zoning permit, the providing of Massage Therapy without a Permit, or the violation of this article is deemed a public nuisance and may be enjoined by the City.

5-512. EXEMPTIONS. The following persons are exempted from the requirements to obtain a Massage Therapist Permit:

(1) Medical doctors, chiropractors, osteopaths, physical therapists, barbers, and cosmetologists as to massage of the scalp, who are licensed to practice their respective professions in Kansas or who are permitted to practice temporarily under the auspices of an associate or establishment duly licensed in Kansas, while in the course of their licensed business or profession.

(2) Nurses and hospital employees who are registered under the laws of Kansas while in the normal course of their duties.

(3) A trainer of any duly constituted athletic team while in the normal course of his duties.

(4) Any student of a Massage Therapy School, and the Massage Therapy is conducted under the supervision of a Massage Therapist who holds a valid Massage Therapist Permit.

5-513. INVALIDITY OF MASSAGE THERAPIST PERMIT. Should any court declare any section, clause, or provision of this ordinance to be invalid for any reason, such decision shall affect only such section, clause or provision so declared invalid, and shall not affect any other section, clause, or provision.

ARTICLE 6. TATTOO PARLORS

5-601 **TATTOOING PROHIBITED.** Tattooing is prohibited within the corporate limits of the City of Park City, Kansas, except as provided for herein.

5-602 **TATTOOING DEFINED.** For the purposes of this article, tattooing shall be defined as the intentional marking or coloring of the human skin with an indelible mark or figure through the use of instruments that insert pigment under the skin or that produce permanent scars.

5-603 **TATTOOING PERMIT.** A person may perform tattooing within the corporate limits of the City of Park City, Kansas, if he or she has obtained a permit from the City. In order to obtain a permit to perform tattooing, a person must submit an application to the City Clerk together with the appropriate permit fee and a copy of the person's current, valid license from the State of Kansas permitting such person to perform tattooing within the State of Kansas or a current, valid license from any other state permitting such person to perform tattooing. A copy of the licensee's current license from the State of Kansas or such other state shall be prominently displayed in the work area where the licensee performs tattooing.

5-604 **PERMIT FEE.** The annual permit fee for a tattooing permit shall be \$25.00.

5-605 **REVOCAION OF PERMIT.** A tattooing permit may be revoked by the City at any time upon proof that the holder of the permit no longer has a valid tattooing license from the State of Kansas or that the holder of the permit has made a false statement in the application for such permit or in the application for a license from the State of Kansas.

5-606. **PENALTY FOR VIOLATION.** Any person who performs tattooing in the City of Park City, Kansas, when such person does not hold a valid, tattooing permit from the City, shall be guilty of a misdemeanor and upon being convicted of the same, shall be subject to a fine of not less than \$200.00 and not more than \$1,000.00, or not less than five (5) days imprisonment in the County jail nor more than one hundred eighty (180) days imprisonment in the County jail, or by both such fine and imprisonment.

3.56.010

Chapter 3.56

BATHHOUSES AND MASSAGE SALONS

Sections:

3.56.010	Definitions.
3.56.020	License required.
3.56.030	Application for license.
3.56.040	Standards for issuance of license.
3.56.050	Permit required.
3.56.060	Application for permit.
3.56.070	Standards for issuance of permit.
3.56.080	Fees.
3.56.090	Display of license or permit.
3.56.100	Renewal of license or permit.
3.56.110	Revocation of license or permit.
3.56.120	Sanitary requirements.
3.56.130	Hours of operation.
3.56.140	Responsibilities of operator.
3.56.150	Prohibitions and unlawful sex acts.
3.56.160	Exemptions.
3.56.170	Invalidity of part.
3.56.180	Penalty.

3.56.010 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purposes of this title, have the meanings indicated in this section:

- (1) "Attendant" means any person who administers any service of a bath business or massage business.
- (2) "Bath business" means the business of offering or providing for a consideration any service of baths of any kind, including all forms and methods of hydrotherapy.
- (3) "Bathhouse" means a fixed and certain place where a bath business is operated.
- (4) "Board" means the Wichita board of city commissioners.
- (5) "Customer" means any person who receives any service of a bath business or massage business.
- (6) "Employee" means any person employed in any capacity by the operator of a bath business or massage business.
- (7) "Health department" means the Wichita-Sedgwick County department of community health.
- (8) "License" means the license issued by the city to operate a bath business or massage business.
- (9) "Massage business" means the business of offering or providing for consideration any service of massage or body manipulation, including:
 - (A) Exercise;

- (B) Heat or light treatments;
- (C) All forms and methods of physiotherapy;
- (D) Manual or other forms of contact massage or manipulation of any part of the human body.
- (10) "Massage parlor" means a fixed and certain place where a massage business is operated.
- (11) "Offering and offer" includes any form of communication, by any medium.
- (12) "Operator" means the person to whom a license is issued.
- (13) "Permit" means the permit issued by the city to an attendant.
- (14) "Person" means any individual, corporation, partnership, association, firm, joint venture, company or other organization of any kind. (Ord. No. 35-641 (part))

3.56.020 License required.

- (a) No person shall operate a bath business or massage business without a valid license issued by the city.
- (b) A license may be issued only for one bathhouse or massage parlor located at a fixed and certain place. Any person who desires to operate more than one bathhouse or massage parlor must have a license for each bathhouse or massage parlor.
- (c) All services of a bath business or massage business must be rendered in a bathhouse or massage parlor.
- (d) No license or interest in a license may be transferred to any person. (Ord. No. 35-641 (part))

3.56.030 Application for a license.

- (a) Any person desiring to secure a license shall make application to the city. The application shall be filed in quadruplicate with and dated by the city treasurer's office. A copy of the application shall be distributed promptly by the city treasurer to the police department, to the health department and to the applicant.
- (b) The application for a license shall be upon a form prepared by the health department. It shall contain such information and data, given under oath or affirmation, as may be required by the board or the health department, and shall include the following:
 - (1) If the applicant is an individual:
 - (A) The applicant's name, address, age, date of birth, marital status, sex and present and previous occupations for the past five years,
 - (B) The address of the bathhouse or massage parlor to be operated by the applicant,
 - (C) The name of the owner of the premises and the names of all persons having a legal or equitable interest in the premises upon which the bathhouse or massage parlor is to be located,

3.56.030

(D) The length of time the applicant has been a resident of the city immediately preceding the date of application,

(E) A statement that the applicant is a citizen of the United States and not less than twenty-one years of age, and that he has not been convicted or released from any imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of the application;

(2) If the applicant is a corporation:

(A) The name of the corporation, and the date and state of incorporation,

(B) The name and address of the registered agent,

(C) The name, address, age and date of birth of each officer and director of the corporation,

(D) The name, address, age and date of birth of each stockholder who owns or controls in any manner or to any degree five percent or more of the common stock of the corporation,

(E) The name, address, age and date of birth of any person having any financial interest in the corporation,

(F) The address of the bathhouse or massage parlor to be operated by the applicant,

(G) The name of the owner of the premises and all persons having a legal or equitable interest in the premises upon which the bathhouse or massage parlor is to be located,

(H) The length of time any of the officers or directors have been residents of the city, immediately preceding the date of the application,

(I) A statement that the officers and directors are citizens of the United States and not less than twenty-one years of age, and that none of them or any stockholder required to be named under subdivision (D) of this subsection has been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of the application;

(3) If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(A) The name, address, age and date of birth of any person having a financial interest, direct or indirect, in the partnership, venture or other type of organization and a statement describing the nature of that financial interest,

(B) The address of the bathhouse or massage parlor to be operated by the applicant,

(C) The name of the owner of the premises and all persons having a legal or equitable interest in the premises upon which the bathhouse or massage parlor is to be located,

(D) The length of time any person having a substantial financial interest in the partnership, venture or other type

of organization has been a resident of the city, immediately preceding the date of the application,

(E) A statement that all persons having a financial interest in the partnership, venture or other type of organization are citizens of the United States and not less than twenty-one years of age, and that no such person has been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of the application. (Ord. No. 35-641 (part))

3.56.040 Standards for issuance of license.

(a) To receive a license to operate a bath business or massage business, an applicant must meet the following standards:

(1) If the applicant is an individual:

(A) The applicant must be a citizen of the United States and at least twenty-one years of age,

(B) The applicant must not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of application,

(C) The applicant must have been a resident of the city continuously for thirty days immediately preceding the date of the application,

(D) The applicant must be a person of good moral character;

(2) If the applicant is a corporation:

(A) All officers and directors of the corporation must be citizens of the United States, at least twenty-one years of age, and persons of good moral character,

(B) All officers, directors and stockholders required to be named under subdivision (2) of subsection (b) Section 3.50.030 must not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of application,

(C) At least one officer or director must have been a resident of the city continuously for thirty days immediately preceding the date of the application;

(3) If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(A) All persons having a financial interest in the partnership, venture or other type of organization must be citizens of the United States, at least twenty-one years of age, and persons of good moral character,

(B) All persons having a financial interest in the partnership, venture or other type of organization must not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude

3.56.040

within five years immediately preceding the date of the application,

(C) At least one person having a substantial financial interest in the partnership, venture or other type of organization must have been a resident of the city continuously for thirty days immediately preceding the date of the application.

(b) No license shall be issued unless the police department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city treasurer's office not later than ten days after the date of application. The city treasurer shall maintain the report of the police department as a confidential record and shall not disclose it to any person except members of the board, the city treasurer's office, the applicant and such other persons as the board may designate. (Ord. No. 35-641 (part))

3.56.050 Permit required.

No person shall be an attendant without a valid permit issued by the City of Wichita, Kansas. (Ord. No. 35-641 (part))

3.56.060 Application for permit.

(a) Any person desiring to secure a permit shall make application to the city. The application shall be filed in quadruplicate with the city treasurer's office and dated by the city treasurer's office. A copy of the application shall be distributed promptly by the city treasurer to the police department, to the health department and to the applicant.

(b) The application for a permit shall be upon a form prepared by the health department. It shall contain such information and data given under oath or affirmation as may be required by the board or the health department, including the following:

(1) The applicant's name, address, age, date of birth, marital status, sex and present and previous occupations for the past five years;

(2) The length of time that the applicant has been a resident of the city immediately preceding the date of the application;

(3) A statement that the applicant is a lawful resident of the United States and not less than eighteen years of age, and that the applicant has not been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of the application;

(4) A complete statement of the applicant's educational history, including all schools attended, dates of graduation and degrees, if any;

(5) Any education, training, and experience the applicant may have had qualifying him to administer the services

of a bath business or a massage business. (Ord. No. 35-641 (part))

3.56.070 Standards for issuance of permit.

(a) To receive a permit as an attendant, an applicant must meet the following standards:

(1) The applicant must be at least eighteen years of age and a lawful resident of the United States.

(2) The applicant must have been a resident of the city continuously for at least thirty days immediately preceding the date of the application.

(3) The applicant must not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of the application.

(4) The applicant must be a person of good moral character.

(5) The applicant must possess a proficiency certificate issued by the health department. This certificate shall be issued if either:

(A) The applicant has completed satisfactorily not fewer than one hundred fifty hours of training approved by the health department in all relevant areas of knowledge and practice including:

(i) Human anatomy;

(ii) Physiology;

(iii) Massage and manipulation and the dangers of these techniques in relation to benign and malignant tumors, ingestion of drugs and reaction, arthritis related diseases, internal and external injuries, and other injury and disease.

(iv) The application of oils, powders, anesthetics and mechanical equipment in relation to differences in skin conditions, allergies, individual reactions and the dangers in using the aforementioned and their derivatives; or

(B) The applicant has demonstrated, satisfactorily to the health department, his proficiency in all relevant areas of knowledge and practice, including those delineated in subdivision (5) (A) of subsection (a) of this section.

(6) The applicant must obtain a health certificate issued by a licensed medical doctor certifying that the applicant is free of communicable diseases and infections and in suitable health to perform such an occupation and must furnish it to the health department within five days after the date of the application for a permit.

(7) The applicant must submit to such physical examinations and laboratory tests by licensed medical doctors and recognized laboratories as the health department deems necessary. The costs of such examinations and tests shall be paid by the applicant and the results of such examinations and tests shall be filed with the health department.

(b) No permit shall be issued until the police department has investigated the applicant's qualifications to receive

3.56.070

a permit. The results of that investigation shall be filed in writing with the city treasurer not later than ten days after the date of the application. The city treasurer shall maintain the report of the police department as a confidential record and shall not disclose it to any person except members of the board, the health department, the city treasurer's office, the applicant and such other persons as the board may designate.

(c) No permit shall be issued until the health department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city treasurer not later than ten days after the date of the application. The city treasurer shall maintain the report of the health department as a confidential record and shall not disclose it to any person except members of the board, the police department, the city treasurer's office, the applicant and any other such persons as the board may designate. (Ord. No. 35-641 (part))

3.56.080 Fees.

(a) A license fee of five hundred dollars shall be submitted with the application for a license. If the application is denied, one-half of the fee shall be returned.

(b) A permit fee of one hundred dollars shall be submitted with the application for a permit. If the application is denied, one-half of the fee shall be returned. (Ord. No. 35-641 (part))

3.56.090 Display of license or permit.

(a) The license shall be displayed in a conspicuous place in the bathhouse or massage parlor.

(b) The permit shall be displayed by an attendant upon request of a customer, any authorized employee of the health department or any police officer of the city. (Ord. No. 35-641 (part))

3.56.100 Renewal of license or permit.

(a) All licenses expire on December 31st of the year of issuance and must be renewed before operation is allowed in the following calendar year. Any operator desiring to renew a license shall make application to the city. The application for renewal must be filed not later than thirty days before the license expires. The application for renewal shall be filed in quadruplicate with and dated by the city treasurer's office. A copy of the application for renewal shall be distributed promptly by the city treasurer's office to the police department, the health department and to the operator. The application for renewal shall be upon a form prepared by the health department and shall contain such information and data, given under oath or affirmation, as may be required by the board or the health department.

(b) A license renewal fee of five hundred dollars shall be submitted with the application for renewal. If the application is denied, one-half of the fee shall be returned.

(c) If the police department or the health department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the city treasurer's office not later than ten days after the date of the application for renewal. If any report is filed by the police department or the health department, the city treasurer shall maintain that report as a confidential record and shall not disclose it to any person except a member of the board, the city treasurer's office, the health department, the police department, the operator and such other persons as the board may designate.

(d) All permits expire on December 31st of the year of issuance and must be renewed before administration is allowed for the following calendar year. Any attendant desiring to renew a permit shall make application to the city. The application for renewal must be filed not later than thirty days before the permit expires. The application for renewal shall be filed in quadruplicate with and dated by the city treasurer's office. A copy of the application for renewal shall be distributed promptly by the city treasurer's office to the police department, the health department and the attendant. The application for renewal shall be upon a form prepared by the health department and shall contain such information and data, given under oath or affirmation, as may be required by the board or the health department.

(e) A permit renewal fee of fifty dollars shall be submitted with the application for renewal. If the application is denied, one-half of the fee shall be returned.

(f) If the police department or the health department is aware of any information bearing on the attendant's qualifications, that information shall be filed in writing with the city treasurer not later than ten days after the date of the application for renewal. If any report is filed by the police department or the health department, the city treasurer shall maintain that report as a confidential record and shall not disclose it to any person except a member of the board, the city treasurer's office, the health department, the police department, the attendant and such other persons as the board may designate. (Ord. No. 35-641 (part))

3.56.110 Revocation of license or permit.

(a) The board shall revoke a license or permit for any of the following reasons:

(1) False information or data was given or material facts were omitted from any application;

(2) The operator or attendant or any employee of the operator violates any provision of this chapter or any rule

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or regulation made by the board or by the health department;

(3) The operator or attendant becomes ineligible to obtain a license or permit;

(4) Any cost or fee required to be paid by this chapter is not paid;

(5) An operator employs as an attendant any person who does not have a permit;

(6) An attendant refuses or neglects to submit to physical examination or laboratory test within five days after being requested to do so in writing by the health department;

(7) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the bathhouse or massage parlor.

(b) Before a license or permit may be revoked for any reason listed in subsection (a) of this section, the operator or attendant is entitled to a hearing before the board on five days' written notice.

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a nonindividual operator shall automatically and immediately revoke the license held by the operator.

(d) The transfer of a license or any interest in a license, or the transfer of any interest in a nonindividual operator shall be reported in writing by the operator to the city treasurer's office within twenty-four hours after such transfer.

(e) Any operator or tenant whose license or permit is revoked for any reason enumerated in subsection (a) of this section shall not be eligible to receive a license or permit for five years from the date of revocation. No location or premises for which a license has been issued shall be used as a bathhouse or massage parlor for two years from the date of revocation of the license if the revocation was for any reason enumerated in subsection (a) of this section. (Ord. No. 35-641 (part))

3.56.120 Sanitary requirements.

All bathhouses and massage parlors must comply strictly with the following sanitary conditions:

(1) All surfaces of floors, walls, ceilings and equipment must be capable of being cleaned easily.

(2) All tables, lounges and chairs used in the treatment of customers must be covered with a fresh, sanitary, disposable liner or cover or with a cloth sheet or cover which has not been previously used for a different customer since laundering.

(3) Towels, robes, bandages, pads or other articles which come into contact with any part of the customer's body must be laundered or cleaned and sterilized after each use and before being again used by a different customer.

(4) All articles designated in subsection (3) of this section must be stored prior to use in a sanitary, dustproof bin, basket or receptacle.

(5) Lavatory and toilet facilities must be provided. Where customers of both sexes are accommodated, separate toilet facilities and rooms shall be provided. Adequate and convenient hand-washing facilities, including hot and cold running water, soap and towels, shall be provided in the working areas.

(6) Attendants must be free at all times from communicable diseases and infections. Attendants shall submit to physical examinations and laboratory tests as may be required from time to time by the health department. The cost of such examinations and tests shall be paid by the attendant and the results of such examinations and tests shall be filed with the health department. (Ord. No. 35-641 (part))

3.56.130 Hours of operation.

No bathhouse or massage parlor shall be open earlier than eight a.m. or later than eleven p.m. All bathhouses and massage parlors shall be open to inspection at all times by the health department and the police department. (Ord. No. 35-641 (part))

3.56.140 Responsibilities of operator.

(a) The operator shall maintain a register of all employees, showing the name, address, age, birthdate, sex and duties of each employee and such other information as may be required by the board or the health department.

(b) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator, if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if he had committed the act or caused the omission.

(c) An operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked or renewed. (Ord. No. 35-641 (part))

3.56.150 Prohibitions and unlawful sexual acts.

(a) No operator, attendant or employee shall permit

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to be performed, offer to perform or perform any service of a bath business or massage business on a customer whose sex is not the same as the attendant administering the service.

(b) No operator, attendant or employee shall permit to be performed, offer to perform or perform with any customer any sexual act prohibited by state statute or city ordinance, including prostitution and oral or anal copulation and, further, no operator, attendant or employee shall permit to be performed, offer to perform or perform manual or other contact stimulation of the genitalia of a customer.

(c) No operator, attendant or employee shall permit to be performed, offer to perform or perform on any customer any service of a bath business or massage business with the intent to arouse or gratify the sexual desires of the operator, attendant, employee or customer. (Ord. No. 35-641 (part))

3.56.160 Exemptions.

(a) The following persons are exempted from the provisions of this chapter:

(1) Persons licensed under the laws of the state to practice any of the "healing arts," as defined by K.S.A. 1977 Supp. 65-2802, "podiatry," as defined by K.S.A. 1977 Supp. 65-2901, while engaged in their licensed practice, and all persons working under the supervision and control of such licensed persons while engaged in their licensed practice;

(2) Persons employed by a licensed "medical care facility," as defined by K.S.A. 1977 Supp. 65-425, while engaged in their usual duties for the medical care facility;

(3) Persons employed by a licensed "adult care home," as defined by K.S.A. 1977 Supp. 39-923, while engaged in their usual duties for the adult care home;

(4) A person licensed under the laws of the state as a "professional nurse" or "practical nurse" while engaged in the practice of nursing, as defined by K.S.A. 1977 Supp. 65-1113;

(5) A person certified under the laws of the state as a barber while engaged in "barbering" as defined by K.S.A. 65-1809;

(6) A person certified under the laws of the state as a "cosmetologist" or "apprentice" while engaged in the practice of cosmetology, as defined by K.S.A. 1977 Supp. 65-1902;

(7) Employees of schools supported primarily by taxation, of schools exempt from payment of property taxes, of certified "proprietary schools," as defined by K.S.A. 73-4902 while engaged in their usual duties for the school;

(8) Bona fide charitable organizations exempt from income tax under 26 U.S.C. Section 501 (c)(3).

(9) Any person who is a member in good standing with the American Massage and Therapy Association or the International Myomassethics Federation, Inc. or the Downtown Y Fort Worth School of Massage while engaged in the practice of massage therapy as recognized by these organizations.

(b) No provisions of this chapter shall be construed to impair, impede or interfere with the powers and jurisdiction of the State Board of Health and Environment or the State Board of Healing Arts. (Ord. No. 40-576, §§ 1, 2; Ord. No. 39-252 § 1)

3.56.170 Invalidity of part.

Should any court declare any section, clause or provision of this chapter to be unconstitutional such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this chapter. (Ord. No. 35-641 (part))

3.56.180 Penalty.

Any person who violates Sections 3.56.020(a), 3.56.050, 3.56.110(d) or 3.56.150 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars or confined in the county jail for a term not exceeding one year, or both. (Ord. No. 35-641 (part))

NEW BUSINESS

RECOMMENDED ACTION

**B. CONSIDERATION OF OPTIONS FOR MASSAGE
PARLOR ORDINANCE:**

Should Council choose to proceed,

RECOMMENDED ACTION:

For Discussion Only

CONSENT AGENDA

A. APPROPRIATION ORDINANCE:

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

10/28/2015 1:07 PM
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A/P HISTORY CHECK REPORT

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C-CHECK	VOID CHECK	V	10/16/2015			045938		

* * T O T A L S * *

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EFT:	0	0.00	0.00	0.00
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		VOID CREDITS 0.00	0.00	

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A/P HISTORY CHECK REPORT

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0210	I-SCB201510146601 SECURITY BENEFIT DEFERRED COMPENSATION	R	10/16/2015	50.00		045930		50.00
0313	I-ICM201510146601 VANTAGEPOINT TRANS AGENTS PLAN NUMBER 302196 457 D.C.	R	10/16/2015	211.54		045931		
	I-ICP201510146601 RETIREMENT 457 DEFERRED COMP	R	10/16/2015	211.54		045931		423.08
0372	I-MTG201510146601 U S DEPT OF EDUCATION AGENCY TRACK NO 1018409186	R	10/16/2015	134.53		045932		134.53
0032	I-AF 201509306549 AFLAC SUPPLEMENTAL INSURANCE	R	10/16/2015	73.22		045933		
	I-AF 201510146601 SUPPLEMENTAL INSURANCE	R	10/16/2015	73.22		045933		
	I-AFC201509306549 SUPPLEMENTAL INSURANCE	R	10/16/2015	68.16		045933		
	I-AFC201510146601 SUPPLEMENTAL INSURANCE	R	10/16/2015	68.16		045933		
	I-AFD201509306549 SUPPLEMENTAL INSURANCE	R	10/16/2015	86.79		045933		
	I-AFD201510096593 SUPPLEMENTAL INSURANCE	R	10/16/2015	19.70		045933		
	I-AFD201510146601 SUPPLEMENTAL INSURANCE	R	10/16/2015	67.09		045933		
	I-AFO201509306549 SUPPLEMENTAL INSURANCE	R	10/16/2015	12.35		045933		
	I-AFO201510146601 SUPPLEMENTAL INSURANCE	R	10/16/2015	12.35		045933		481.04
0354	I-ACC201509306549 LOYAL AMERICAN LIFE INSURANCE LOYAL AMERICAN ACCIDENT	R	10/16/2015	6.35		045934		
	I-ACC201510096593 LOYAL AMERICAN ACCIDENT	R	10/16/2015	6.35		045934		
	I-CNC201509306549 LOYAL AMERICAN CANCER	R	10/16/2015	13.97		045934		
	I-CNC201510096593 LOYAL AMERICAN CANCER	R	10/16/2015	13.97		045934		40.64
0445	I-DDS201509306549 DELTA DENTAL OF KANSAS, INC. DENTAL INSURANCE	R	10/16/2015	126.80		045935		
	I-DDS201510096593 DENTAL INSURANCE	R	10/16/2015	15.85		045935		
	I-DDS201510146601 DENTAL INSURANCE	R	10/16/2015	126.80		045935		
	I-DEC201509306549 DENTAL INSURANCE	R	10/16/2015	61.84		045935		
	I-DEC201510146601 DENTAL INSURANCE	R	10/16/2015	61.84		045935		
	I-DES201509306549 DENTAL INSURANCE	R	10/16/2015	193.17		045935		
	I-DES201510146601 DENTAL INSURANCE	R	10/16/2015	188.22		045935		
	I-DFM201509306549 DENTAL INSURANCE	R	10/16/2015	578.16		045935		
	I-DFM201510146601 DENTAL INSURANCE	R	10/16/2015	578.16		045935		1,930.84
0511	I-M1E201509306549 COVENTRY HEALTH CARE, INC. MEDICAL INSURANCE- EMP COST	R	10/16/2015	27,797.95		045936		
	I-M1E201510146601 MEDICAL INSURANCE- EMP COST	R	10/16/2015	20.10		045936		
	I-M1F201509306549 MEDICAL INSURANCE- EMP COST	R	10/16/2015	253.28		045936		
	I-M1F201510146601 MEDICAL INSURANCE- EMP COST	R	10/16/2015	253.28		045936		
	I-M1S201509306549 MEDICAL INSURANCE- EMP COST	R	10/16/2015	43.22		045936		
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	I-VES201510146601	R	10/16/2015	8.84		045937		
	I-VMC201509306549	R	10/16/2015	16.55		045937		
	I-VMC201510146601	R	10/16/2015	16.62		045937		
	I-VME201509306549	R	10/16/2015	18.48		045937		
	I-VME201510096593	R	10/16/2015	4.62		045937		
	I-VME201510146601	R	10/16/2015	13.86		045937		
	I-VMF201509306549	R	10/16/2015	80.70		045937		
	I-VMF201510146601	R	10/16/2015	80.70		045937		
	I-VMS201509306549	R	10/16/2015	38.72		045937		
	I-VMS201510146601	R	10/16/2015	38.72		045937		
	I-VSS201509306549	R	10/16/2015	4.22		045937		
	I-VSS201510146601	R	10/16/2015	4.22		045937		335.09
0110	LKM - LEAGUE OF KANSAS MUNICIPAL CLASSIFIED AD	R	10/16/2015	140.00		045939		140.00
0153	THE ARK VALLEY NEWS ORDINANCE# 1288-15	R	10/16/2015	172.80		045940		172.80
0156	BEALL & MITCHELL, LLC SEPTEMBER 2015	R	10/16/2015	1,500.00		045941		1,500.00
0195	MUNICIPAL CODE CORPORATION ARCHIVES & WEB HOSTING	R	10/16/2015	650.00		045942		650.00
0258	CORNEJO & SONS, LLC CORNEJO & SONS, LLC	R	10/16/2015	10,227.08		045943		10,227.08
0351	WICHITA STATE UNIVERSITY K POLIAN KSGFOA	R	10/16/2015	95.00		045944		95.00
0127	HAMPEL OIL DISTRIBUTIONS, INC. 509 GALLONS DIESEL FUEL	R	10/16/2015	1,068.90		045945		1,068.90
0550	BANNON TRUCKING, LLC ROCK HAULING	R	10/16/2015	420.72		045946		420.72
0686	MANPOWER							
	I-201510156612	R	10/16/2015	660.00		045947		
	I-201510156613	R	10/16/2015	569.25		045947		1,229.25

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0270 I-201510216633	INTRUST CARD CENTER INTRUST CARD CENTER	R	10/23/2015	32,912.74		045951		32,912.74
0174 I-201510206626	GILMORE & BELL PC GILMORE & BELL PC	R	10/23/2015	1,220.00		045954		1,220.00
0198 I-201510216632	P S I P S I	R	10/23/2015	2,997.00		045955		2,997.00
0229 I-201510216631	SEDGWICK CO. HEALTH DEPT - BIL SEDGWICK CO. HEALTH DEPT - BIL	R	10/23/2015	1,203.31		045956		1,203.31
0239 I-201510206624	A T & T KANSAS A T & T KANSAS	R	10/23/2015	1,057.11		045957		1,057.11
0299 I-201510206620	PITNEY BOWES INC PITNEY BOWES INC	R	10/23/2015	195.74		045958		195.74
0462 I-201510206622	GISEDGE INC GISEDGE INC	R	10/23/2015	700.00		045959		700.00
0530 I-201510206627	GALLAGHER BENEFIT SERVICES, IN GALLAGHER BENEFIT SERVICES, IN	R	10/23/2015	278.50		045960		278.50
0587 I-201510226637	DELL BUSINESS CREDIT AKA FINAN DELL BUSINESS CREDIT AKA FINAN	R	10/23/2015	8,513.36		045961		8,513.36
0701 I-201510216629	GEORGE G JOHNSON GEORGE G JOHNSON	R	10/23/2015	1,862.00		045962		1,862.00
0060 I-201510226638	CITY OF WICHITA PUBLIC WORKS A 20421750 GALLONS OF WATER	R	10/23/2015	45,413.86		045963		45,413.86
0133 I-201510216628	MAYER SPECIALTY SERVICES 15 GALLONS GREASE-X BIOZYME	R	10/23/2015	990.00		045964		990.00
0239 I-201510226635	A T & T KANSAS DES SUBSTATION	R	10/23/2015	108.52		045965		108.52
I-201510226636	VALLEY CREEK PUMP STATION	R	10/23/2015	108.52		045965		217.04

10/28/2015 1:07 PM
 VENDOR SET: 02 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

A/P HISTORY CHECK REPORT

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0686	MANPOWER I-201510226634 32 WATER OPERATOR HOURS	R	10/23/2015	528.00		045966		528.00
0210	SECURITY BENEFIT I-SCB201510286648 DEFERRED COMPENSATION	R	10/30/2015	50.00		045967		50.00
0313	VANTAGEPOINT TRANS AGENTS I-ICM201510286648 PLAN NUMBER 302196 457 D.C.	R	10/30/2015	211.54		045968		423.08
	I-ICP201510286648 RETIREMENT 457 DEFERRED COMP	R	10/30/2015	211.54		045968		

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	35	147,471.76	0.00	147,471.76
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0			
	VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 02	BANK: APBK	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
			35	147,471.76	0.00	147,471.76

10/28/2015 1:07 PM
 VENDOR SET: 03 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

A/P HISTORY CHECK REPORT

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0017 I-201510136600	KRISTINE POLIAN LKM CONFERENCE	R	10/16/2015	202.66		045949		202.66
0017 I-201510216630	KRISTINE POLIAN KRISTINE POLIAN	R	10/22/2015	261.55		045952		261.55
0058 I-201510206623	GEORGE KOLB GEORGE KOLB	R	10/22/2015	253.30		045953		253.30

* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	3	717.51	0.00	717.51
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0			
VOID DEBITS		0.00		
VOID CREDITS		0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 03 BANK: APBK TOTALS:	3	717.51	0.00	717.51
BANK: APBK TOTALS:	38	148,189.27	0.00	148,189.27
REPORT TOTALS:	39	148,189.27	0.00	148,189.27

10/28/2015 1:07 PM

A/P HISTORY CHECK REPORT

PAGE: 7

SELECTION CRITERIA

VENDOR SET: * - All
VENDOR: ALL
BANK CODES: All
FUNDS: All

CHECK SELECTION

CHECK RANGE: 045929 THRU 045968
DATE RANGE: 0/00/0000 THRU 99/99/9999
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

STAFF REPORTS

A. Finance and Administration Director Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Community Development Intern Emerson

E. City Superintendent Holper

F. Parks & Public Buildings Superintendent Owings

G. City Engineer Golka

H. City Attorney Arbuckle

I. Interim City Administrator Kolb

GOVERNING BODY REPORTS

A. Mayor Dove

B. Councilmember Kerstetter

C. Councilmember Cicirello

D. Councilmember Gregory

E. Councilmember McGettigan

F. Councilmember Maschino

G. Councilmember L. Jackson

H. Councilmember Anderson

I. Councilmember Hobson

ADJOURN