

**AGENDA  
CITY OF VALLEY CENTER  
7:00 pm  
November 3, 2009  
CITY HALL - 121 S. Meridian**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION: MICHAEL SCOTT**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p 2**
- 6. CLERKS AGENDA p 3**
  - A. Minutes p 3
  - B. Appropriation Ordinance p 7
- 7. PRESENTATIONS / PROCLAMATIONS p 17**
  - A. Service Award Presentation p 17
  - B. Veterans Day Proclamation p 17
- 8. PUBLIC FORUM (*Citizen input and requests*) p 17**
- 9. COMMITTEES, COMMISSIONS and APPOINTMENTS p 19**
  - A. Site Plan Review Committee Appointments p 20
- 10. OLD BUSINESS p 21**
  - A. Consideration of REVISED Charter Ordinance 27-2009, 1<sup>st</sup> Reading p 22
  - B. Discussion of Fireworks Restrictions p 30
- 11. NEW BUSINESS p 31**
  - A. Vacation of Utility Easement p 32
- 12. CONSENT AGENDA p 41**
  - A. Valley Center Senior Club Contract for 2010 p 42
- 14. STAFF REPORTS p 48**
- 15. GOVERNING BODY REPORTS p 50**
- 16. ADJOURN**

## **APPROVAL OF AGENDA**

**RECOMMENDED ACTION:**

**TO APPROVE THE AGENDA AS PRESENTED / AMENDED.**

## **CLERK'S AGENDA**

### **A. MINUTES:**

Attached are the minutes from the meeting of October 20, 2009 Regular Council Meeting as prepared by the City Clerk.

### **RECOMMENDED ACTION:**

**TO APPROVE THE OCTOBER 20, 2009 COUNCIL MEETING MINUTES AS PRESENTED / AMENDED.**

REGULAR COUNCIL MEETING  
OCTOBER 20, 2009  
CITY HALL  
121 S. MERDIAN

Mayor **McNown** called the meeting to order at 7:00 p.m. with the following members present: **Kate Jackson**, Cheryl **Nordstedt**, Bruce **Campbell**, Louis **Cicirello**, Harrison **Gerling**, Al **Hobson** and **Lionel Jackson**.

Members absent: Marci Maschino

Staff Present: Joel Pile, City Administrator  
Kristine Polian, City Clerk  
Richard Dunn, City Superintendent  
Lonnie Tormey, Fire Chief  
Mark Hephner, Police Chief  
Barry Arbuckle, City Attorney  
Mike Kelsey, City Engineer

Press present: The Ark Valley News

#### **APPROVAL OF THE AGENDA**

Mayor McNown took the Service Award Presentation off the Agenda and added an Executive Session after Staff Reports.

Cicirello moved, second by Nordstedt, to approve the Agenda as amended. Vote yea: unanimous. Motion carried.

#### **CLERK'S AGENDA**

##### MINUTES- OCTOBER 6, 2009

City Clerk stated that Lou Cicirello was noted as being there when he was not, and the error was corrected.

L. Jackson moved, second by Hobson, to approve the October 6, 2009 minutes as amended. Vote yea: unanimous. Motion carried.

##### APPROPRIATION ORDINANCE- 10/20/09

Hobson moved, second by Cicirello, to approve Appropriation Ordinance No. 10/20/09 as presented. Vote yea: unanimous. Motion carried.

##### TREASURER'S REPORT- SEPTEMBER 2009

Cicirello moved, second by K. Jackson, to receive and file the September 2009 Treasurer's Report. Vote yea: unanimous. Motion carried.

**PRESENTATIONS / PROCLAMATIONS**RED RIBBON KANSAS DRUG FREE PROCLAMATION

Mayor McNown proclaimed October 23-31 as Red Ribbon Week.

**OLD BUSINESS**CONSIDERATION OF ARTIFACT EXHIBITION AND LOAN AGREEMENT BETWEEN CITY AND VALLEY CENTER HISTORICAL SOCIETY

Nordstedt moved, second by K. Jackson, to approve the Agreement and authorize the Mayor to sign. Vote yea: unanimous. Motion carried.

ANIMAL SHELTER

Nordstedt moved, second by Cicirello, to approve the Agreement with Wag'En Tail Ranch Boarding Kennel as primary animal shelter and approve the Agreement with the City of Wichita as secondary animal shelter and authorize the Mayor to sign the Agreements. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Cicirello moved, second by K. Jackson, to approve the Consent Agenda as presented. Vote yea: unanimous. Motion carried.

**STAFF REPORTS**CITY CLERK POLIAN

Stated she was still researching whether or not the City should comply with GASB 45 and planned to present more information at the next meeting. Also said there are additional GASB mandates coming up in the next 2 years that would affect the City's accounting processes.

CHIEF HEPHNER

Said he has begun listing response times and community outreach programs in his monthly report, as this was reported as being important to the community in a survey. Stated the Police Department is testing some clip-on camera/microphones for the Officers that allow them to record contacts on cases.

Councilmember Campbell asked if there is still a shortage in dispatch personnel.

Stated there is and he will be advertising for either a permanent or temporary full-time Dispatcher, depending on the status of the employee with the leave of absence.

CITY ENGINEER KELSEY

Stated the School Board approved Utilities Plus, Inc. as the winning bidder for the water main project to the high school.

**EXECUTIVE SESSION**

Cicirello moved, second by L. Jackson, to go into Executive Session with the City Administrator for 15 minutes at 7:39. Vote yea: unanimous. Motion carried.

Cicirello reported that no action was taken in Executive Session.

**GOVERNING BODY REPORTS**

MAYOR MCNOWN

Reminded everyone of the Veteran's Day Program on November 7<sup>th</sup>. Asked all Council members to be there.

COUNCILMEMBER NORDSTEDT

Said she appreciated the Park's Department getting the rose bed cleaned up in front of the Public Safety Building.

COUNCILMEMBER CAMPBELL

Said he was glad Spasticville Slough had finally been renamed.

Cicirello moved, second by L. Jackson, to adjourn the meeting. Vote yea: unanimous. Motion carried.

**Meeting adjourned at 7:55 p.m.**

---

**Kristine Polian, City Clerk**

**CLERK'S AGENDA****B. APPROPRIATION ORDINANCE:**

Below is the proposed appropriation ordinance for November 3, 2009 as prepared by City Staff.

November 3, 2009 Appropriation                      \$ 201,385.32

Total    **\$ 201,385.32**

**RECOMMENDED ACTION:**

**TO APPROVE THE NOVEMBER 3, 2009 APPROPRIATION  
ORDINANCE AS PRESENTED / AMENDED.**

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_	
A T & T KANSAS	10-9-09 PHONE/DATA SVCS	GENERAL FUND	ADMINISTRATION	319.05	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	LEGAL & MUNICIPAL COUR	28.60	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	POLICE	94.90	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	FIRE	59.59	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	177.50	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	COMMUNITY BUILDING	27.86	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	SWIMMING POOL	27.86	
	10-9-09 PHONE/DATA SVCS	GENERAL FUND	PUBLIC BUILDINGS	27.86	
	10-9-09 PHONE/DATA SVCS	WATER OPERATING	NON-DEPARTMENTAL	145.44	
	10-9-09 PHONE/DATA SVCS	SEWER OPERATING	NON-DEPARTMENTAL	197.08	
	10-9-09 PHONE SVCS-922 7	SEWER OPERATING	NON-DEPARTMENTAL	39.46	
	10-9-09 PHONE SVCS-040 9	SEWER OPERATING	NON-DEPARTMENTAL	34.41	
		TOTAL:		1,179.61	
	AFLAC	NOV 2009 P6996294LN ACC	GENERAL FUND	NON-DEPARTMENTAL	32.20
		NOV 2009 PU215449TW ACC	GENERAL FUND	NON-DEPARTMENTAL	24.10
NOV 2009 PU342670PT STD		GENERAL FUND	NON-DEPARTMENTAL	37.96	
NOV 2009 PU215450TW CAN		GENERAL FUND	NON-DEPARTMENTAL	32.11	
NOV 2009 PJ720568DR ACC		SPECIAL HIGHWAY	NON-DEPARTMENTAL	24.10	
NOV 2009 PJ720569DR CAN		SPECIAL HIGHWAY	NON-DEPARTMENTAL	22.70	
NOV 2009 P6996300RD ACC		WATER OPERATING	NON-DEPARTMENTAL	26.20	
	TOTAL:		199.37		
ALL AMERICAN ADMINISTRATORS	NOV 2009 LYPP53572LKP	GENERAL FUND	NON-DEPARTMENTAL	27.94	
	NOV 2009 LY0053573LCS	GENERAL FUND	NON-DEPARTMENTAL	27.94	
	NOV 2009 L0054799LKP	GENERAL FUND	NON-DEPARTMENTAL	12.70	
	NOV 2009 L60054783LCS	GENERAL FUND	NON-DEPARTMENTAL	12.70	
	TOTAL:		81.28		
APAC, INC. - SHEARS	PATCHING	CAPITAL PROJECTS F	2009 CIP STREET IMP PR	7,077.80	
			TOTAL:	7,077.80	
B & B KLASSEN ENTERPRISES INC	ROAD GRAVEL	SPECIAL HIGHWAY	SPECIAL HIGHWAY	201.50	
	SCREENINGS/CHIP ROCK	SPECIAL HIGHWAY	SPECIAL HIGHWAY	211.05	
			TOTAL:	412.55	
CCMFOA OF KANSAS - C/O BELOIT	ANNUAL DUES - K POLIAN	GENERAL FUND	ADMINISTRATION	50.00	
	ANNUAL DUES - T WALKER	GENERAL FUND	ADMINISTRATION	50.00	
			TOTAL:	100.00	
CITY OF WICHITA	8/19-9/23/09 WATER SVCS	WATER OPERATING	NON-DEPARTMENTAL	23,994.25	
			TOTAL:	23,994.25	
CIVIC PLUS	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	ADMINISTRATION	55.25	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	LEGAL & MUNICIPAL COUR	8.50	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	COMMUNITY DEVELOPMENT	25.50	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	POLICE	106.25	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	FIRE	8.50	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	EMERGENCY COMMUNICATIO	42.50	
	NOV 09 FEE/EMAIL HOSTG	GENERAL FUND	PARKS	25.50	
	NOV 09 FEE/EMAIL HOSTG	SPECIAL HIGHWAY	SPECIAL HIGHWAY	55.25	
	NOV 09 FEE/EMAIL HOSTG	WATER OPERATING	NON-DEPARTMENTAL	55.25	
	NOV 09 FEE/EMAIL HOSTG	SEWER OPERATING	NON-DEPARTMENTAL	42.50	
		TOTAL:		425.00	
COX COMMUNICATIONS	MONTHLY INTERNET SVCS	GENERAL FUND	PARKS	19.99	

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	MONTHLY INTERNET SVCS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	19.98
	MONTHLY INTERNET SVCS	WATER OPERATING	NON-DEPARTMENTAL	19.99
	MONTHLY INTERNET SVCS	SEWER OPERATING	NON-DEPARTMENTAL	19.99
			TOTAL:	79.95
CROWN MANUFACTURING	2- 3x5 & 2 - 5x8	SPECIAL HIGHWAY	SPECIAL HIGHWAY	240.00
			TOTAL:	240.00
DON DRISKILL	BIRCH & MAPLE TREES	GENERAL FUND	PARKS	89.99
			TOTAL:	89.99
ELDON MILLER	SEP 09 MILEAGE REIMBURS	GENERAL FUND	COMMUNITY DEVELOPMENT	409.87
			TOTAL:	409.87
FERGUSON PAVING LLC	ASPHALT REPAIR/SEAL	GENERAL FUND	SWIMMING POOL	7,090.00
			TOTAL:	7,090.00
FOLGER & ASSOCIATES INC	SCHEMATIC DESIGN-SHELTR	GENERAL FUND	ADMINISTRATION	1,826.00
			TOTAL:	1,826.00
ING LIFE INSURANCE & ANNUITY CO	10-23-09 ING DISBURSEMENT	GENERAL FUND	NON-DEPARTMENTAL	100.00
			TOTAL:	100.00
INTRUST BANK N.A.	10-23-09 BW FED TAX - GEN	GENERAL FUND	NON-DEPARTMENTAL	3,687.20
	10-23-09 BW FICA & MEDI-G	GENERAL FUND	NON-DEPARTMENTAL	3,455.57
	10-23-09 BW MEDI-EMPR BEN	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	890.63
	10-23-09 BW FICA-EMPR BEN	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	3,808.11
	10-23-09 BW FED TAX - STS	SPECIAL HIGHWAY	NON-DEPARTMENTAL	336.50
	10-23-09 BW FICA & MEDI-S	SPECIAL HIGHWAY	NON-DEPARTMENTAL	335.97
	10-23-09 BW FICA & MEDI-A	ACTIVE AGING GRANT	NON-DEPARTMENTAL	26.32
	10-23-09 BW FED TAX - WTR	WATER OPERATING	NON-DEPARTMENTAL	460.82
	10-23-09 BW FICA & MEDI-W	WATER OPERATING	NON-DEPARTMENTAL	610.66
	10-23-09 BW FED TAX - SWR	SEWER OPERATING	NON-DEPARTMENTAL	271.22
	10-23-09 BW FICA & MEDI-S	SEWER OPERATING	NON-DEPARTMENTAL	270.22
			TOTAL:	14,153.22
INTRUST CARD CENTER	EM-BLDG PERMITS	GENERAL FUND	NON-DEPARTMENTAL	5,483.38
	KP-WORK COMP SEMINAR	GENERAL FUND	ADMINISTRATION	278.10
	JP-CITY MGR LUNCHEON	GENERAL FUND	ADMINISTRATION	25.45
	JP-LODGING: ICMA CONF '09	GENERAL FUND	ADMINISTRATION	736.90
	JP-ICMA CONF 9/13 DINNER	GENERAL FUND	ADMINISTRATION	66.44
	JP-ICMA CONF 9/13 LUNCH	GENERAL FUND	ADMINISTRATION	75.05
	JP-ICMA CONF-KACM DINNER	GENERAL FUND	ADMINISTRATION	42.53
	KP-ANNUAL MEMBERSHIP	GENERAL FUND	ADMINISTRATION	160.00
	JB-IPSWITCH - CHECK 21	GENERAL FUND	ADMINISTRATION	43.96
	TW-PRINTER USAGE/OVERA	GENERAL FUND	ADMINISTRATION	241.80
	LSM-MAGAZINE FILES	GENERAL FUND	ADMINISTRATION	12.59
	LSM-4" BINDER; PKT FILES	GENERAL FUND	ADMINISTRATION	14.37
	LSM-HR EMP FILE FOLDERS	GENERAL FUND	ADMINISTRATION	95.36
	TW-2010 PLANNER/DESK CL	GENERAL FUND	ADMINISTRATION	37.19
	TW-REPLACE EASEL PADS	GENERAL FUND	ADMINISTRATION	116.99
	TW-EMPLOYEE CARDS	GENERAL FUND	ADMINISTRATION	143.51
	JB-EMPLOYEE APPLICA FRMS	GENERAL FUND	ADMINISTRATION	79.05
	JB-CCMFOA COMM MTG-SODA	GENERAL FUND	ADMINISTRATION	4.77
	JB-CCMFOZ COMM MTG-LUN	GENERAL FUND	ADMINISTRATION	24.50
	JB-INK CARTRIDGES	GENERAL FUND	ADMINISTRATION	67.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	JB-TYPEWRITER RIBBONS	GENERAL FUND	ADMINISTRATION	36.96
	TW-FRAMES FOR CITY PICS	GENERAL FUND	ADMINISTRATION	247.32
	TW-WALL-MOUNTED SURGE	GENERAL FUND	ADMINISTRATION	24.27
	TW-SEALING/PKG TAPE	GENERAL FUND	ADMINISTRATION	31.50
	TW-PRINTING CALCULATOR	GENERAL FUND	ADMINISTRATION	39.99
	CREDIT - CITY HALL FRAMES	GENERAL FUND	ADMINISTRATION	39.46-
	CREDIT - CITY HALL FRAMES	GENERAL FUND	ADMINISTRATION	183.62-
	BH-LODGING: COURT CONF	GENERAL FUND	LEGAL & MUNICIPAL COUR	124.82
	BH-SATELLITE WALL CLOCK	GENERAL FUND	LEGAL & MUNICIPAL COUR	29.47
	CP-CONFERENCE: LODGING	GENERAL FUND	COMMUNITY DEVELOPMENT	200.17
	EM-LODGING KS CONF	GENERAL FUND	COMMUNITY DEVELOPMENT	73.14
	EM-APA RENEWAL	GENERAL FUND	COMMUNITY DEVELOPMENT	423.00
	CP-ANIMAL MED/EUTHANAS	GENERAL FUND	COMMUNITY DEVELOPMENT	127.50
	EM-2009 WICHITA ECON OTLK	GENERAL FUND	COMMUNITY DEVELOPMENT	95.00
	AL-SHELTER REPAIR	GENERAL FUND	COMMUNITY DEVELOPMENT	21.59
	AL-SCREWS FOR SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	4.49
	AL-CONCRETE SEAL: SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	29.56
	AL-ROOF REPAIR: SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	132.14
	AL-CAULK SAVER: SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	9.98
	AL-PAINT/TAPE FOR SHELTR	GENERAL FUND	COMMUNITY DEVELOPMENT	29.08
	AL-PAINT FOR SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	25.79
	SM-CONCRETE CAULK	GENERAL FUND	COMMUNITY DEVELOPMENT	14.78
	SM-MUD FLAPS: SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	70.10
	CP-PET FOOD FOR SHELTER	GENERAL FUND	COMMUNITY DEVELOPMENT	23.99
	AL-BRUSHES FOR KENNEL	GENERAL FUND	COMMUNITY DEVELOPMENT	7.98
	CP-PHOTO SUPPLIES: CODE	GENERAL FUND	COMMUNITY DEVELOPMENT	42.26
	MH-TOLL: 2009 CHIEFS CONF	GENERAL FUND	POLICE	4.50
	MH-FUEL: 2009 CHIEFS CONF	GENERAL FUND	POLICE	23.61
	MH-TOLL: 2009 CHIEFS CONF	GENERAL FUND	POLICE	4.50
	MH-SHUTTLE: CHIEFS CONF	GENERAL FUND	POLICE	40.12
	MH-BIRTHDAY CARDS	GENERAL FUND	POLICE	12.93
	MH-2009 CHIEFS CONF: LODG	GENERAL FUND	POLICE	519.15
	DS-GLOCK ARMORER CLASS	GENERAL FUND	POLICE	150.00
	MV-GLOCK ARMORER CLASS	GENERAL FUND	POLICE	150.00
	JC-LODG: KS SAFE SCH CONF	GENERAL FUND	POLICE	121.10
	JG-WONDER GLOW NECKLAC	GENERAL FUND	POLICE	201.00
	JG-POLICE STICKERS	GENERAL FUND	POLICE	152.95
	DS-REPAIRS: VEHS #4 & #5	GENERAL FUND	POLICE	56.21
	MV-OIL CHNG VEH #2	GENERAL FUND	POLICE	35.15
	MV-REPAIRS: VEH #10	GENERAL FUND	POLICE	49.17
	JG-PLASTIC COVERS	GENERAL FUND	POLICE	3.97
	MH-RADIO REPAIR	GENERAL FUND	POLICE	110.50
	LN-KEY FOR PD VEHICLE	GENERAL FUND	POLICE	85.00
	MH-UNIFORM PANTS: JACKSON	GENERAL FUND	POLICE	121.50
	LN-SEWING BADGES	GENERAL FUND	POLICE	28.00
	MV-TRAFFIC SAFETY VESTS	GENERAL FUND	POLICE	162.99
	LN-FILE FOLDERS/SUPP	GENERAL FUND	POLICE	42.96
	LN-FILE FOLDERS	GENERAL FUND	POLICE	230.86
	LN-BUSINESS CARDS	GENERAL FUND	POLICE	123.00
	LT-SMOKE POT CANISTER	GENERAL FUND	FIRE	124.33
	LT-HEAT SHRINK TUBING	GENERAL FUND	FIRE	52.03
	LT-DOOR WXSTRIPPING	GENERAL FUND	FIRE	473.96
	LT-BELTS	GENERAL FUND	FIRE	51.00
	RT-UNIFORM SHIRTS	GENERAL FUND	FIRE	1,140.48
	RT-UNIFORM PANTS	GENERAL FUND	FIRE	829.25
	RT-WATER & GATORADE	GENERAL FUND	FIRE	63.93

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	LT-HELIUM & REGULATOR RN	GENERAL FUND	FIRE	131.34
	RT-FALL FEST HAND-OUTS	GENERAL FUND	FIRE	216.40
	RT-(500) PENCILS FIRE PRE	GENERAL FUND	FIRE	208.26
	RT-SRAYER, WINDEX, FOAM	GENERAL FUND	FIRE	17.85
	RT-MHZ PAGERS	GENERAL FUND	FIRE	278.00
	RT-5 USED VHF PAGERS	GENERAL FUND	FIRE	1,031.91
	RT-800 MHZ RADIO REPAIR	GENERAL FUND	FIRE	76.07
	LT-CHAIN SAW/GAS CAN MTS	GENERAL FUND	FIRE	229.05
	LT-BENCH MOUNT HOT KNIF	GENERAL FUND	FIRE	122.86
	RT-FIREMAN BADGES	GENERAL FUND	FIRE	294.00
	JB-2010 CALENDAR FOR SAM	GENERAL FUND	COMMUNITY BUILDING	30.65
	EL-SENIORS: CONDIMENTS	GENERAL FUND	COMMUNITY BUILDING	34.91
	EL-SENIORS: SEPT B-DAYS	GENERAL FUND	COMMUNITY BUILDING	48.02
	EL-BATTERIES FOR BLDG	GENERAL FUND	COMMUNITY BUILDING	7.21
	HS-PIPING FOR POOL	GENERAL FUND	SWIMMING POOL	14.79
	HS-POOL PUMP REPAIR	GENERAL FUND	SWIMMING POOL	170.00
	SM-150 LBS CHLORINE	GENERAL FUND	SWIMMING POOL	482.90
	CREDIT - FOR LOCKER	GENERAL FUND	SWIMMING POOL	3.40-
	LC-TIRE REPAIR	GENERAL FUND	PARKS	11.00
	LC-TRAILER WIRING	GENERAL FUND	PARKS	74.20
	LC-ENG REPAIRS: VEH #68	GENERAL FUND	PARKS	42.89
	LC-MOWER REPAIRS	GENERAL FUND	PARKS	129.40
	NO-FALL FERTI/INSECT SPRY	GENERAL FUND	PARKS	830.50
	LC-RESTROOM DR LK RPR	GENERAL FUND	PARKS	70.00
	LC-MAILING TAPE	GENERAL FUND	PARKS	7.98
	LC-TREE WEDGE & TRIM LIN	GENERAL FUND	PARKS	42.96
	LC-SIGNS: FISHING CONTEST	GENERAL FUND	PARKS	19.95
	LC-B-BQ GRILL HARDWARE	GENERAL FUND	PARKS	2.98
	LC-MOWER BLADES	GENERAL FUND	PARKS	103.14
	LC-PLAYGROUND MULCH	GENERAL FUND	PARKS	264.00
	LC-MORE FISHING SIGNS	GENERAL FUND	PARKS	3.99
	LC-IRRIGATION REPAIR PRTS	GENERAL FUND	PARKS	6.76
	LC-GROMET KIT	GENERAL FUND	PARKS	10.99
	LC-B-BQ GRILLS HARDWARE	GENERAL FUND	PARKS	9.98
	LC-MORE FISHING SIGNS	GENERAL FUND	PARKS	7.98
	LC-IRRIGATION PARTS RPR	GENERAL FUND	PARKS	22.57
	LC-HARDHAT SWEAT BAND	GENERAL FUND	PARKS	17.30
	DF-NUTS & BOLTS	GENERAL FUND	PARKS	8.75
	DF-MORE NUTS & BOLTS	GENERAL FUND	PARKS	5.25
	LC-TREES	GENERAL FUND	PARKS	309.90
	NO-FALL FERTI/INSECT SPRY	GENERAL FUND	PARKS	225.00
	NO-FALL FERTI/INSECT SPRY	GENERAL FUND	PUBLIC BUILDINGS	143.00
	NO-SVC CALL/DR REPAIR	GENERAL FUND	PUBLIC BUILDINGS	96.43
	LC-NAILS	GENERAL FUND	PUBLIC BUILDINGS	1.69
	LC-P SAFETY BLDG PHOTO I	GENERAL FUND	PUBLIC BUILDINGS	19.63
	NO-EMERGENCY LT BATT	GENERAL FUND	PUBLIC BUILDINGS	77.11
	CS-JANITORIAL SUPPLIES	GENERAL FUND	PUBLIC BUILDINGS	1,077.24
	CS-LOOPED-END MOP HEADS	GENERAL FUND	PUBLIC BUILDINGS	19.98
	DEMO OF 141 N ASH PROP	GENERAL FUND	PUBLIC BUILDINGS	7,330.00
	NO-CEILING FAN	GENERAL FUND	PUBLIC BUILDINGS	54.97
	NO-LANDSCAPE PLANTS	GENERAL FUND	PUBLIC BUILDINGS	151.50
	CREDIT - CEILING FAN	GENERAL FUND	PUBLIC BUILDINGS	35.98-
	NO-FALL FERTI/INSECT SPRY	GENERAL FUND	CEMETERY	70.00
	RJ-AIRGAS LEASE RENEWAL	SPECIAL HIGHWAY	SPECIAL HIGHWAY	230.00
	HS-VEH #28 REPAIRS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	112.28
	DR-LABOR TENSIONER, FAN	SPECIAL HIGHWAY	SPECIAL HIGHWAY	406.06

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	HS-REPAIR #40	SPECIAL HIGHWAY	SPECIAL HIGHWAY	1,575.77
	HS-REPLACED HYDRAUL HS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	431.87
	RJ-JULY UNIFORMS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	163.73
	RJ-2-RING BINDERS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	84.39
	DR-ST SIGN NUTS & BOLTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	14.63
	DR-PLYWOOD, NUTS, BOLTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	53.30
	DR-ST SIGNS NUTS & BOLTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	16.96
	DR-NUTS & BOLTS FOR SIGNS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	6.86
	DR-BOLTS FOR GATE AT FRD	SPECIAL HIGHWAY	SPECIAL HIGHWAY	10.96
	DR-STs ASSORTED TOOLS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	88.76
	DR-CASES OF WASHER FLUID	SPECIAL HIGHWAY	SPECIAL HIGHWAY	26.28
	DR-REPAIR PATCH, STEM KY	SPECIAL HIGHWAY	SPECIAL HIGHWAY	17.80
	HS-OIL DRY, NUTS & BOLTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	46.36
	HS-1.5 HRS LABOR/1 LT #T7	SPECIAL HIGHWAY	SPECIAL HIGHWAY	117.49
	HS-85-3/16 CHAIN	SPECIAL HIGHWAY	SPECIAL HIGHWAY	155.00
	HS-REPLACEMENT LOCKS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	67.32
	HS-WHEEL CNTR, PAINT	SPECIAL HIGHWAY	SPECIAL HIGHWAY	192.04
	HS-18 SIGNS FOR RESTOCK	SPECIAL HIGHWAY	SPECIAL HIGHWAY	410.05
	HS-NUTS & BOLTS FOR GATE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	16.94
	HS-QUICK LINK FOR GATE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	11.92
	HS-SIGN POSTS DELINEATOR	SPECIAL HIGHWAY	SPECIAL HIGHWAY	489.46
	HS-CHIP BRUSHES & BOLTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	28.90
	HS-OXYGEN	SPECIAL HIGHWAY	SPECIAL HIGHWAY	162.52
	RJ-SVC CALL-SCH ZONE LT	SPECIAL HIGHWAY	SPECIAL HIGHWAY	669.00
	SM-RETRACTABLE CONE BARS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	164.62
	HS-SWEEPER CENTER BRM	SPECIAL HIGHWAY	SPECIAL HIGHWAY	475.57
	DR-TIRE REPAIR FOR #27	SPECIAL HIGHWAY	SPECIAL HIGHWAY	18.00
	HS-FIXED FLAT ON #39	SPECIAL HIGHWAY	SPECIAL HIGHWAY	15.60
	HS-SWEEPER BROOMS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	811.20
	HS-SWEEPER TIRE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	184.57
	CREDIT - INADVERTANT CHRG	SPECIAL HIGHWAY	SPECIAL HIGHWAY	7.00-
	AL-POSTAGE FOR SAMPLES	WATER OPERATING	NON-DEPARTMENTAL	4.95
	AL-POSTAGE FOR SAMPLES	WATER OPERATING	NON-DEPARTMENTAL	21.74
	AL-POSTAGE FOR SAMPLES	WATER OPERATING	NON-DEPARTMENTAL	4.95
	RJ-DUTY CELL 7/19-8/18/09	WATER OPERATING	NON-DEPARTMENTAL	27.00
	RJ-COPIER MAINTENANCE	WATER OPERATING	NON-DEPARTMENTAL	75.00
	HS-RESTOCK BRAKE FLUID	WATER OPERATING	NON-DEPARTMENTAL	30.95
	RD-WELL MAINTENANCE	WATER OPERATING	NON-DEPARTMENTAL	1,599.00
	SM-SVC CALL REMOTE SITE	WATER OPERATING	NON-DEPARTMENTAL	372.10
	RJ-JULY UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	103.04
	RJ-JULY UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	96.54
	RJ-AUG UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	233.49
	RJ-AUG UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	112.39
	RJ-JULY UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	103.04
	RJ-AUG UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	96.54
	RJ-JULY UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	103.04
	RJ-AUG UNIFORMS	WATER OPERATING	NON-DEPARTMENTAL	163.73
	RJ-WIPES, PENCILS, PADS	WATER OPERATING	NON-DEPARTMENTAL	28.75
	HS-WASP SPRAY	WATER OPERATING	NON-DEPARTMENTAL	15.56
	HS-LOCK KEYD & PADLOCK	WATER OPERATING	NON-DEPARTMENTAL	18.57
	SM-HEAT SHRINK TUBING	WATER OPERATING	NON-DEPARTMENTAL	50.55
	SM-300 MTR WASHERS	WATER OPERATING	NON-DEPARTMENTAL	60.00
	SM-CONNECTORS	WATER OPERATING	NON-DEPARTMENTAL	9.75
	SM-POST HOLE DIGGER	WATER OPERATING	NON-DEPARTMENTAL	42.51
	SM-UV RATED WIRE TIES	WATER OPERATING	NON-DEPARTMENTAL	179.40
	SM-BOX CONNECTORS	WATER OPERATING	NON-DEPARTMENTAL	19.50

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SM-93RD NEW HS METER	WATER OPERATING	NON-DEPARTMENTAL	1,120.14
	RJ-KDHE REPORT	STORMWATER UTILITY	INVALID DEPARTMENT	13.05
	RD-UPS FOR EMER POWER	SEWER OPERATING	NON-DEPARTMENTAL	292.00
	RD-SVC, LBR, MILEAGE	SEWER OPERATING	NON-DEPARTMENTAL	829.00
	TF-FLASHLT FOR PUMP STA	SEWER OPERATING	NON-DEPARTMENTAL	14.99
	TF-SILICONE SPRAY	SEWER OPERATING	NON-DEPARTMENTAL	9.58
	TF-12 PACK FILTER PARTS	SEWER OPERATING	NON-DEPARTMENTAL	163.84
	TF-500W HALO BULBS	SEWER OPERATING	NON-DEPARTMENTAL	15.71
	TF-LP CLEAN PAD	SEWER OPERATING	NON-DEPARTMENTAL	20.90
	TF-REPR KIT, WASHER, SCRE	SEWER OPERATING	NON-DEPARTMENTAL	12.51
	TF-LIFT STA CLNG SUPP	SEWER OPERATING	NON-DEPARTMENTAL	18.22
			TOTAL:	42,529.99
JOHN DEERE CREDIT	NOV 09 GRADER-PRINCIPLE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	24,390.70
	NOV 09 GRADER-INTEREST	SPECIAL HIGHWAY	SPECIAL HIGHWAY	364.12
			TOTAL:	24,754.82
KANSAS DEPT OF LABOR	3RD QTR 941 WAGE TAXES	GENERAL FUND	NON-DEPARTMENTAL	445.86
			TOTAL:	445.86
KANSAS PAYMENT CENTER	10-23-09 BW DM002573	GENERAL FUND	NON-DEPARTMENTAL	110.31
	10-23-09 BW DM000734	GENERAL FUND	NON-DEPARTMENTAL	224.00
	10-23-09 BW DM000222	GENERAL FUND	NON-DEPARTMENTAL	226.61
	10-23-09 BW DM006517	WATER OPERATING	NON-DEPARTMENTAL	374.39
			TOTAL:	935.31
KANSAS UNIVERSITY TRANSPORTATION CENTE	SNOW & ICE CONTROL	SPECIAL HIGHWAY	SPECIAL HIGHWAY	65.00
			TOTAL:	65.00
KDHE	JUL-SEP 2009 LAB TESTING	WATER OPERATING	NON-DEPARTMENTAL	488.00
	NOV 09-10 M-LA160002	SEWER OPERATING	NON-DEPARTMENTAL	185.00
			TOTAL:	673.00
KEITH D RICHEY, #09416	10-23-09 BW LM11678	GENERAL FUND	NON-DEPARTMENTAL	286.58
			TOTAL:	286.58
KIA	KIA TRAINING CONF-NEWMAN	GENERAL FUND	POLICE	30.00
	KIA TRAINING CONF-GRAYSON	GENERAL FUND	POLICE	30.00
			TOTAL:	60.00
KPERS	10-23-09 BW EMP/R - GEN	GENERAL FUND	NON-DEPARTMENTAL	1,791.23
	10-23-09 BW EMPR BENEFIT	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	3,210.00
	10-23-09 BW EMP/R - STS	SPECIAL HIGHWAY	NON-DEPARTMENTAL	127.77
	10-23-09 BW EMP/R - WTR	WATER OPERATING	NON-DEPARTMENTAL	304.51
	10-23-09 BW EMP/R - SWR	SEWER OPERATING	NON-DEPARTMENTAL	149.14
			TOTAL:	5,582.65
KRISTINE POLIAN	TRAVEL EXPENSE	GENERAL FUND	ADMINISTRATION	287.82
			TOTAL:	287.82
LAURIE B. WILLIAMS	10-23-09 081002813SM	WATER OPERATING	NON-DEPARTMENTAL	273.04
			TOTAL:	273.04
MEDICAL PLAZA OF VALLEY CENTER	MEDICAL SERVICES-E14802	GENERAL FUND	POLICE	166.00
	MEDICAL SERVICES-E14628	SPECIAL HIGHWAY	SPECIAL HIGHWAY	387.00
	MEDICAL SERVICES-E14640	SPECIAL HIGHWAY	SPECIAL HIGHWAY	387.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	MEDICAL SERVICES-E14806	SEWER OPERATING	NON-DEPARTMENTAL	376.00
	MEDICAL SERVICES-E14994	SEWER OPERATING	NON-DEPARTMENTAL	80.00_
			TOTAL:	1,396.00
P E C	FILING FEES/KDA & KDHE	CAPITAL PROJECTS F	77th STREET BRIDGE	45,160.00_
			TOTAL:	45,160.00
PITNEY BOWES INC	QTRLY CITY HALL MTR CHRG	GENERAL FUND	ADMINISTRATION	94.81
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	LEGAL & MUNICIPAL COUR	2.43
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	COMMUNITY DEVELOPMENT	90.06
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	COMMUNITY DEVELOPMENT	30.68
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	POLICE	1.54
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	FIRE	0.14
	QTRLY CITY HALL MTR CHRG	GENERAL FUND	EMERGENCY COMMUNICATIO	0.14
	QTRLY CITY HALL MTR CHRG	WATER OPERATING	NON-DEPARTMENTAL	17.20_
			TOTAL:	237.00
RICE FOSTER ASSOCIATES	8/1-8/31/09 PLANNING SVCS	GENERAL FUND	COMMUNITY DEVELOPMENT	978.00_
			TOTAL:	978.00
RUGGLES & BOHM, PA	HYDROLOGY STUDY	CAPITAL PROJECTS F	Pr Lakes, Ph 4 Stm WA	2,002.00_
			TOTAL:	2,002.00
SAINT CLOUD ENTERPRISES INC	SOFTWARE UPDATES	SPECIAL HIGHWAY	SPECIAL HIGHWAY	1,500.00_
			TOTAL:	1,500.00
SECURITY BENEFIT	10-23-09 BW 8913DS	GENERAL FUND	NON-DEPARTMENTAL	25.00
	10-23-09 BW 5556PT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	10-23-09 BW 6484RT	GENERAL FUND	NON-DEPARTMENTAL	25.00_
			TOTAL:	75.00
SEDGWICK COUNTY	SEP 2009 SEDG CO COMP US	GENERAL FUND	ADMINISTRATION	6.00
	SEP 2009 SEDG CO COMP US	GENERAL FUND	LEGAL & MUNICIPAL COUR	4.90
	SEP 2009 SEDG CO COMP US	GENERAL FUND	COMMUNITY DEVELOPMENT	3.00
	SEP 2009 SEDG CO COMP US	GENERAL FUND	POLICE	29.40
	SEP 2009 SEDG CO COMP US	GENERAL FUND	EMERGENCY COMMUNICATIO	14.70_
			TOTAL:	58.00
STEPHANIE SANDERSON	RIVER BIRCH - TIP PRGM	GENERAL FUND	PARKS	100.00_
			TOTAL:	100.00
TASER INTERNATIONAL	X26 DATAPORT KIT X 1	EQUIPMENT RESERVE	NON-DEPARTMENTAL	159.95
	CARTRIDGE 25' HYBRID X 39	EQUIPMENT RESERVE	NON-DEPARTMENTAL	934.05
	CARTRIDGE - SIM X 28	EQUIPMENT RESERVE	NON-DEPARTMENTAL	559.16
	X26 KIT - CLR/BLK X 17	EQUIPMENT RESERVE	NON-DEPARTMENTAL	13,854.15
	SHIPPING/FREIGHT	EQUIPMENT RESERVE	NON-DEPARTMENTAL	180.05_
			TOTAL:	15,687.36
THE SIGN SHOP	PCV SIGNS - 'STAY BACK'	SPECIAL HIGHWAY	SPECIAL HIGHWAY	35.00_
			TOTAL:	35.00
TYLER TECHNOLOGIES INC - INCODE DIVISI	MO FEE - WEB PUBLISHING	GENERAL FUND	ADMINISTRATION	25.00
	MO INSITE FEE - UTILITY B	WATER OPERATING	NON-DEPARTMENTAL	80.00_
			TOTAL:	105.00
VANTAGEPOINT TRANS AGENTS	10-23-09 ICMA-RC DISBURSE	GENERAL FUND	NON-DEPARTMENTAL	150.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	10-23-09 ICMA-RC DISBURSE	GENERAL FUND	NON-DEPARTMENTAL	10.00
	10-23-09 ICMA-RC DISBURSE	GENERAL FUND	NON-DEPARTMENTAL	50.00
	10-23-09 ICMA-RC DISBURSE	GENERAL FUND	NON-DEPARTMENTAL	25.00
	10-23-09 ICMA-RC DISBURSE	WATER OPERATING	NON-DEPARTMENTAL	90.00_
			TOTAL:	325.00
VERLIN A. INGRAM	ATTY SVCS - 086623C-07543	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00_
			TOTAL:	150.00
WESTAR ENERGY - STREET LIGHTS	STREET LIGHTS-UPGRD/RPR	GENERAL FUND	ADMINISTRATION	224.00_
			TOTAL:	224.00

===== FUND TOTALS =====

010	GENERAL FUND	52,863.45
110	EMPLOYEE BENEFITS	7,908.74
127	EQUIPMENT RESERVE	15,687.36
150	SPECIAL HIGHWAY	35,972.85
220	ACTIVE AGING GRANT	26.32
350	CAPITAL PROJECTS FUND	54,239.80
610	WATER OPERATING	31,631.98
612	STORMWATER UTILITY FUND	13.05
620	SEWER OPERATING	3,041.77
-----		
	GRAND TOTAL:	201,385.32
-----		

SELECTION CRITERIA

-----  
SELECTION OPTIONS

VENDOR SET: \* All \*  
VENDOR: THRU ZZZZZZ  
ITEM DATE: 0/00/0000 THRU 99/99/9999  
GL POST DATE: 10/10/2009 THRU 10/28/2009  
CHECK DATE: 0/00/0000 THRU 99/99/9999  
INCLUDE REFUNDS: YES  
INCLUDE OPEN ITEM:NO

-----  
PAYROLL SELECTION

PAYROLL EXPENSES: NO  
CHECK DATE: 0/00/0000 THRU 99/99/9999

-----  
PRINT OPTIONS

PRINT DATE: None  
SEQUENCE: By Vendor Name  
DESCRIPTION: Distribution  
GL ACCTS: NO  
REPORT TITLE: COUNCIL REPORT 11-03-09 MTG PKT  
SIGNATURE LINES: 0

## **PRESENTATIONS / PROCLAMATIONS**

### **A. Service Award Presentation:**

**Phyllis Tedesco, Emergency Communication Supervisor, has been with the City of Valley Center for 15 years.**

**Mayor McNown will be presenting Phyllis with her 15 year Service Award.**

### **B. Veterans Day Proclamation:**

**PUBLIC FORUM**

City of Valley Center

## Proclamation

**WHEREAS**, throughout our history, America has been protected by patriots who cherished liberty and made great sacrifices to advance the cause of freedom. These brave members of the United States Armed Forces have answered the call to serve our Nation, ready to give all for their country. On Veterans Day we honor these extraordinary Americans for their service and sacrifice, and we pay tribute to the legacy of freedom and peace they have given our great nation; and,

**WHEREAS**, in times of war and of peace, our men and women in uniform stepped forward to defend their fellow citizens and the country they love. They shouldered great responsibility and lives up to the highest standards of duty and honor. Our veterans held fast against determined and ruthless enemies and helped save the world from tyranny and terror. They ensured that America remained what our founders meant her to be: a light to the nations, spreading the good news of human freedom to the darkest corners of the earth; and,

**WHEREAS**, like the heroes before them, today a new generation of men and women are fighting for freedom around the globe. Their determination, courage and sacrifice are laying the foundation for a more secure and peaceful world; and,

**WHEREAS**, Veterans Day is dedicated to the extraordinary Americans who protected our freedom in years past, and to those who protect it today. They represent the very best of our Nation. Every Soldier, Sailor, Airman, Marine and Coast Guardsman has earned the lasting gratitude of the American people and their service and sacrifice will be remembered forever.

**NOW, THEREFORE, I**, Michael D. McNown, Mayor of the City of Valley Center, Kansas, do hereby call upon all citizens to commend America's veterans and observe Saturday, November 7, 2009, as

### **VETERAN'S DAY**

and ask that the day be observed with appropriate ceremonies in honor of those who have served to preserve our principles of Justice, Freedom, and Democracy.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Valley Center, Kansas, to be affixed this 3<sup>rd</sup> day of November, 2009.

{SEAL}

---

Michael D. McNown, Mayor

## **COMMITTEES, COMMISSIONS and APPOINTMENTS**

### **A. Site Plan Review Committee Appointments:**

The following individuals have agreed to serve on the Site Plan Review Committee and have been appointed by the Mayor to serve 3 year terms.

- Jim Detwiler
- Gene Sharp
- Diane Delaney

**DATE:** October 28, 2009  
**TO:** Honorable Mayor of Valley Center and City Council members  
**FROM:** Eldon G. Miller, AICP, CFM, Community Development Officer  
**RE:** Site Plan Review Committee Appointments

---

The terms for the following members of the Valley Center Site Plan Review Committee has expired:

- Jim Detwiler
- Gene Sharp
- Diane Delaney

The following individuals have agreed to serve on the Site Plan Review Committee and have been appointed by the Mayor to serve 3 year terms. Jim Detwiler's term expired on November 2008.

- Jim Detwiler – 3 year term (exp. November 2011)
- Gene Sharp – 3 year term (exp. November 2012)
- Diane Delaney – 3 year term (exp. November 2012)

## **OLD BUSINESS**

### **A. 'REVISED' CHARTER ORDINANCE 27-2009 – 1<sup>st</sup> READING:**

A Charter Ordinance exempting the City of Valley Center from the provisions of K.S.A. 13-1024a and providing substitute and additional provisions on the same subject relating to general improvements and the issuance of bonds for the purpose of paying for said improvements

### **RECOMMENDED ACTION:**

**STAFF RECOMMENDS MOTION TO APPROVE THE 1<sup>st</sup> READING OF CHARTER ORDINANCE 27-2009.**

**GILMORE & BELL**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

ONE MAIN PLACE

100 NORTH MAIN, SUITE 800

WICHITA, KANSAS 67202-1398

316-267-2091  
FAX: 316-262-6523  
WWW.GILMOREBELL.COMKANSAS CITY, MISSOURI  
ST. LOUIS, MISSOURI  
LINCOLN, NEBRASKA

September 14, 2009

Mr. Joel Pile, City Administrator  
City of Valley Center, Kansas  
116 S. Park  
P.O. Box 188  
Valley Center, Kansas 67147-0188

Re: City of Valley Center, Kansas; Charter Ordinance Relating to Public Improvements

Dear Mr. Pile,

Our Firm is bond counsel to the City of Valley Center, Kansas (the "City"). In such capacity, City staff requested our assistance in drafting a charter ordinance which would exempt the City from the provisions of K.S.A. 13-1024a and provide substitute and additional provisions in place thereof. After drafting such charter ordinance, it came to our attention that legal counsel for the League of Kansas Municipalities ("LKM") had raised an issue concerning whether the City, a city of the second class, has the ability to charter K.S.A. 13-1024a. In LKM's view, the statute only applies to cities of the first class and therefore does not apply to the City. Although this view differs from the opinion of our Firm, we believe it is helpful to discuss both positions, as well as the different options available to the City that would allow it to authorize various public improvements payable from general obligation bonds.

## **I. Charter Authority for Cities**

Article 12, Section 5 of the Kansas Constitution provides that "[a]ny city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city." In the event the City wishes to use its charter authority, it must pass a charter ordinance specifying the enactment the City is exempting itself from and providing substitute and additional provisions on the same subject. Once the charter ordinance has been published twice and a 60-day protest period has expired, the charter ordinance will take effect. However, should a sufficient protest be filed during the protest period, the charter ordinance will not take effect until it has been approved at a referendum. Once the charter ordinance has gone into effect, it may be repealed or amended only by a subsequent charter ordinance or by an enactment of the legislature uniformly applicable to all cities.

## **II. Is the Act Applicable to the City?**

In order for the City to use its charter authority, the initial step must be to determine whether the enactment applies to the City.

**(A) Location of the Act in Chapter 13 of the Kansas Statutes Annotated**

Although K.S.A. 13-1024a and 13-1024b (collectively the “Act<sup>1</sup>”) are found in Chapter 13 of the Kansas Statutes Annotated, entitled “Cities of the First Class,” the location of the Act in the statute books does not determine the scope of its application. The Act was originally placed in Chapter 13 in 1923<sup>2</sup> as part of the effort to revise, compile and edit the General Statutes of Kansas into one volume, which became the Revised Statutes of 1923. The Revised Statutes of 1923 also included a provision relating to the construction of the Revised Statutes, which stated “[t]he arrangement and classification of the several sections of the Revised Statutes have been made for the purpose of convenience and orderly arrangement and therefore no implication or presumption of legislative construction is to be drawn therefrom.” K.S.A. 77-113. The Kansas Supreme Court reached a similar conclusion in *Arredondo v. Duckwall Stores, Inc.* in which it stated “the placement of a law in a particular location in the General Statutes by the compiler is not persuasive as to the intent of the legislature which enacted it.” 227 Kan. 842, 847, 610 P.2d 1107 (1980). Therefore, the mere fact that the Act is located in “Chapter 13 – Cities of the First Class” does not limit the applicability of the Act only to cities of the first class.

**(B) Language of the Act**

In order to determine whether the Act is applicable to the City, the language of the Act itself must be examined. The fundamental rule concerning the interpretation of a statute is “that the intent of the legislature governs if that intent can be ascertained . . . [and] when a statute is plain and unambiguous, the court must give effect to the intention of the legislature as expressed rather than determine what the law should or should not be.” *Pieren-Abbott v. Kansas Dep’t of Revenue*, 279 Kan. 83, 88, 106 P.3d 492 (2005). Additionally, “ordinary words are to be given their ordinary meaning, and a statute should not be so read as to add that which is not readily found therein or to read out what as a matter of ordinary English language is in it.” *Id.*

The Act is an enactment of the Legislature pertaining to public improvements and the issuance of bonds to pay the costs thereof. K.S.A. 13-1024a provides that:

For the purpose of paying for any bridge, viaduct, public building, including the land necessary therefor, for lands for public parks and developing the same, within or without the city, for the establishment and construction of crematories, desiccating or reduction works, including the land necessary therefor, within or without the city, or for the improvement, repair or extension of any waterworks, sewage disposal plant, electric light plant, crematory, desiccating or reduction works or other public utility plant owned by the city, and for the purpose of rebuilding, adding to or extending to the same from time to time, as the necessities of the city may require, the city may borrow money and issue its bonds for the same: *Provided*, That no bonds shall be issued for such purposes unless the same were authorized by a majority of the votes cast at an election held for that purpose: *Provided further*, That any city of the first class may issue the bonds of such city for the purpose of paying for any of the improvements mentioned in this section and

<sup>1</sup> K.S.A. 13-1024a and 13-1024b are part of the same enactment of the Legislature. Chapter 90 of the 1955 Session Laws contained four sections: Section 1 became K.S.A. 13-1024a, Section 2 became K.S.A. 13-1024b, Section 3 repealed Sections 13-1024 and 13-1025 of the General Statutes of 1949 and sections 13-1024 and 13-1025 of the General Statutes Supplement of 1953, and Section 4 stated the act shall take effect upon publication in the statute book.

<sup>2</sup> R.S. 1923 § 13-1024 eventually became K.S.A. 13-1024a and R.S. 1923 § 13-1025 eventually became K.S.A. 13-1024b.

the land necessary therefor without such bonds having been authorized by a vote of the people, but the total amount of bonds issued for such purposes shall not exceed the sum of one hundred thousand dollars (\$100,000) in any one year: *Provided further*, That any city of the first class having a population of more than twenty-five thousand (25,000) and less than thirty thousand (30,000) may in the year 1968, issue bonds of such city in an amount not exceeding the sum of one hundred seventy-five thousand dollars (\$175,000) for the purpose of paying for any of the improvements mentioned in this section and the land necessary therefor without such bonds having been authorized by a vote of the people.

K.S.A. 13-1024b provides that:

Any city may construct any bridge or viaduct within the city or without such city but not in excess of one mile therefrom; any such bridge or viaduct may be built in conjunction with the county in which such city is located; such city and county are hereby authorized to enter into agreement for the construction of such bridge or viaduct either between themselves, with any agency of the federal government, with the state or any agency thereof, or with any person or corporation whatsoever; such an agreement may provide for the division of the costs of construction, operation and maintenance of such bridge or viaduct, for the manner of obtaining engineering and bids, and all other matters relating thereto in the public interest; such city may acquire the necessary land for such building by purchase, gift, eminent domain or otherwise and if said land is acquired by eminent domain, the procedure provided by article 2 of chapter 26 of the Kansas Statutes Annotated and any amendments thereto, shall be followed by the city and the title acquired by such city shall be fee simple absolute; such city is authorized to issue general improvement bonds of the city to pay for all or part of the cost of constructing such bridge or viaduct and acquiring the land necessary therefor; such county is authorized to issue general improvement bonds of such county to pay for all or part of the cost of constructing such bridge or viaduct: *Provided*, That no such bonds shall be issued by such city or county except as authorized by K.S.A. 13-1024a until the same have been authorized by a majority vote of the electors of such city or county: *Provided further*, That such city and county shall levy taxes to pay the principal and interest of such bonds, and none of the restrictions or limitations respecting the amount of city or county indebtedness contained in any of the statutes of the state of Kansas shall apply to or in any way affect the issuance of bonds authorized by this section, nor shall the amount of such bonds be counted in computing the indebtedness of such county or city: *Provided further*, That for the purposes named herein the county may pay its agreed share of the total cost of any project from the special bridge fund provided for in K.S.A. 68-1135 and 68-1136.

Based on a plain reading of the language used by the Legislature, the Act applies to cities regardless of class, except in the *provisos* where cities of the first class are specifically referenced. The first clause of K.S.A. 13-1024a references only “the city” and lists various public improvements the city may issue its general obligation bonds to finance. It does not contain a limitation on the class of city that may exercise the authority granted by the statute until the second *proviso*, allowing cities of the first class to issue a limited amount of general obligation bonds without the necessity of holding an election, and the third *proviso*, which allows cities of the first class meeting certain population parameters to issue increased amounts of general obligation bonds without the necessity of holding an election.

K.S.A. 13-1024b begins by authorizing “any city” to construct bridges or viaducts, as well as authorizing any city, and the county in which such city is located, to issue general obligation bonds to

finance the costs thereof. Additionally, K.S.A. 13-1024b contains no language limiting the class of city that may exercise the authority granted therein.

Based on the plain language of the Act and ascribing the ordinary meaning to the term "city" as used therein, the Legislature intended to: (a) make the Act applicable to all cities, and (b) impose additional authority and requirements on cities of the first class that desired to use the Act. Therefore, the plain language of the Act applies to the City and no further evidence of legislative intent is necessary, and the City is authorized to utilize the Act as well as charter out of its provisions.

**(C) LKM's position**

LKM's position is that the Act is only applicable to cities of the first class, based on its location within the Kansas Statutes Annotated and the intent of the Legislature, and therefore is inapplicable to the City. LKM's position regarding the location of the Act in Chapter 13 is not determinative of the Act's application to the City. LKM's position regarding the intent of the Legislature is viable only if the language of the Act can be characterized as ambiguous, in which case other sources of legislative intent may be examined in order to interpret the statute, including the title to the actual enactment of the Legislature. The 1955 enactment is titled "An Act providing for the issuance of certain improvement bonds in cities of the first class, authorizing such cities to join with the counties in which located for the building of bridges or viaducts and authorizing such county and city to enter into agreements with each other, and with other governmental agencies, and authorizing such county or city to issue improvement bonds to pay for all or part of the cost of constructing any such bridge or viaduct, repealing sections 13-1024 and 13-1025 of the General Statutes of 1949, and sections 13-1024 and 13-1025 of the General Statutes Supplement of 1953." L. 1955, ch. 90<sup>3</sup>. The title does not mention second class cities. If a court determines that the language of the Act is unclear or ambiguous, then a court may examine the title, and its specific use of the phrase "cities of the first class," to assist in determining the intent of the Legislature. Although we disagree with LKM's position and believe the Act applies to the City based on the legal analysis contained above in *Sections II(A)* and *II(B)*, we believe the City should be aware of and understand the issue that has been raised.

**III. Can the City Charter the Act?**

Once it has been determined the Act applies to the City, the final step to determine whether the Act can be chartered is to ascertain whether the Act is applicable uniformly to all cities. In the second *proviso* of K.S.A. 13-1024a, the Legislature specifically stated that cities of the first class shall not issue more than \$100,000 of general obligation bonds in any one year unless authorized at a referendum. Also, in the third *proviso*, the Legislature allowed certain cities of the first class to issue an increased amount of debt, without a referendum, in the year 1968. Therefore, the Act contains specific provisions which make the Act non-uniform in its application and subject to charter.

**IV. Additional Public Improvement Statutes Charterable by the City**

There are a variety of other statutes relating to public improvements that are subject to charter ordinance modification by cities of the second class should the City desire to choose a different course of action based on the issue raised by LKM. One such statute which contains broad authority relating to public improvements is K.S.A. 14-570 *et seq.* This statute authorizes cities of the second class to pay for any public improvements within such cities from the proceeds of general obligation bonds authorized at

<sup>3</sup> K.S.A. 13-1024a was further amended in 1968. The title to the amending bill read "An Act relating to general improvement in cities of the first class; providing for the issuance of bonds, amending K.S.A. 13-1024a and repealing the existing section." L. 1968, ch. 137.

an election, so long as the public improvements are contained in a master plan filed by the city engineer. Any general obligation bonds issued pursuant to K.S.A. 14-570 *et seq.* are not subject to the City's statutory debt limit. If the City chooses to charter out of K.S.A. 14-570 *et seq.* as opposed to K.S.A. 13-1024a, the City could have the authority to authorize and finance the projects contained in its capital improvement plan, so long as such projects constitute "public improvements" for the purposes of the charter (and the City could charter the election requirement to revise or remove it). Additionally, K.S.A. 14-570 *et seq.* clearly applies to the City by its terms ("any city of the second class"), and the issue raised by LKM would not be applicable to a charter ordinance exempting the City from the provisions of K.S.A. 14-570 *et seq.* A draft of such a charter ordinance is attached hereto as ***Exhibit A***.

Based on the issues raised by LKM, the availability of a charter process for a different enactment and the status of the projects contemplated for construction by the City, it is our recommendation that the City consider proceeding with a charter process with respect to K.S.A. 14-570 *et seq.*

Should you have any further questions, please do not hesitate to contact Garth J. Herrmann, Esq., or the sender.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe L. Norton", with a long horizontal flourish extending to the right.

Joe L. Norton, Esq.

cc: Mr. George Kolb  
Barry L. Arbuckle, Esq.  
Ms. Kristine A. Polian  
Garth J. Herrmann, Esq.

Gilmore & Bell, P.C.  
10/29/2009

(Published in *The Ark Valley News* on November 26, 2009, and December 3, 2009)

**CHARTER ORDINANCE NO. 27-2009**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF VALLEY CENTER, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

**WHEREAS**, the City of Valley Center, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

**WHEREAS**, K.S.A. 14-570 and K.S.A. 14-571 are part of an enactment of the Kansas Legislature (K.S.A. 14-570 *et seq.*) relating to public improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

**WHEREAS**, the governing body of the City (the "Governing Body") desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 14-570 and K.S.A. 14-571, and to provide substitute and additional provisions therefor.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS, AS FOLLOWS:**

**SECTION 1. Exemption.** The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-570 and K.S.A. 14-571, and shall be governed by the following substitute and additional provisions contained herein.

**SECTION 2. Master Plan for Public Improvements.** Whenever the City Engineer has filed with the Governing Body a master capital improvements plan (the "Plan") for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is hereby authorized to issue its general obligation bonds (the "Bonds") in an amount sufficient to carry out such Plan and associated costs.

**SECTION 3. Procedure for Issuance of Bonds.** Before any Bonds are authorized or issued pursuant to this Charter Ordinance, the City shall adopt a resolution specifying the amount of such Bonds and the purpose of the issuance thereof, which resolution shall be published one time in the official City newspaper. Such resolution may contain a provision that the issuance of the Bonds be subject to a provision that if within 30 days after the date of publication of the resolution, a petition in opposition to the issuance of the Bonds, signed by not less than ten percent (10%) of the qualified electors of the City is filed

with the City Clerk, the City shall not have the authority to issue the Bonds until such question is submitted to the electors of the City at a special election called for that purpose or at the next general election and approved by a majority of the electors of the City voting at such election. If no such written protest is filed, the City may proceed to issue the Bonds. Any election required by this section shall be conducted in the manner set forth in K.S.A. 10-120 by the election officer of the county in which the City is located.

**SECTION 4. Severability.** If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 5. Effective Date.** This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**PASSED** with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Valley Center, Kansas, on November 17, 2009, and **SIGNED** by the Mayor.

---

Michael D. McNown, Mayor

(SEAL)

ATTEST:

---

Kristine A. Polian, City Clerk

## **OLD BUSINESS**

### **B. Discussion of Fireworks Regulations :**

## **NEW BUSINESS**

### **A. Vacation of Utility Easement:**

- Vacation Order
- Staff Report
- Pizza Hut Easement drawing

### **RECOMMENDED ACTION:**

**PLANNING COMMISSIONS RECOMMENDS THAT CITY COUNCIL APPROVE THE VACATION OF THE UTILITY EASEMENT.**

BEFORE THE CITY COUNCIL  
OF THE CITY OF VALLEY CENTER, SEDGWICK COUNTY, KANSAS

IN MATTER OF THE VACATION OF	)	
PORTION OF UTILITY EASEMENT	)	
LOCATED THE SOUTH 63 FEET OF	)	CASE NO.
LOT 8, AND THE SOUTH 63 FEET OF	)	VC-2009-002
LOT 7, EXCEPT THE EAST 6.70 FEET	)	
THEREOF, H AND M REPLAT IN	)	
CARROTHER'S ADDITION TO VALLEY	)	
CENTER, SEDGWICK COUNTY,	)	
KANSAS TOGETHER WITH THE	)	
NORTH 32 FEET OF LOT 8, AND THE	)	
SOUTH 13 FEET OF LOT 9, AND THE	)	
SOUTH 108 FEET OF THE SOUTH 108	)	
FEET OF THE WEST 60 FEET OF LOT 7,	)	
EXCEPT THE SOUTH 63 FEET	)	
THEREOF, H AND M REPLAT OF	)	
CARROTHER'S ADDITION TO VALLEY	)	
CENTER, SEDGWICK COUNTY,	)	
KANSAS TOGETHER WITH LOT 4 AND	)	
PART OF LOTS 3, 5, AND 7, H AND M	)	
REPLAT OF CARROTHER'S ADDITION	)	
TO VALLEY CENTER, SEDGWICK	)	
COUNTY, KANSAS; DESCRIBED AS	)	
BEGINNING AT THE SOUTHWEST	)	
CORNER OF LOT 4, THENCE WEST	)	
ALONG THE SOUTH LINE OF LOTS 4,	)	
5, 6 AND 7, 230 FEET; THENCE NORTH	)	
PARALLEL WITH THE EAST LINE OF	)	
SAID LOTS 3 AND 4, 108 FEET;	)	
THENCE EAST PARALLEL WITH THE	)	
SOUTH LINE OF SAID LOTS 7, 6, 5 AND	)	
4, 230 FEET; THENCE SOUTH 108 FEET	)	
TO BEGINNING.	)	

VACATION ORDER

NOW on this 3<sup>RD</sup> day of November 2009, comes on for consideration a petition for vacation filed by Pizza Hut of Southeast Kansas, praying for the vacation of the following described utility easement to wit:

Legal description: Portion of utility easement located within The South 63 feet of Lot 8, and the South 63 feet of Lot 7, except the East 6.70 feet thereof, H and M Replat in Carrother's Addition to Valley Center, Sedgwick County, Kansas

together with the North 32 feet of Lot 8, and the South 13 feet of Lot 9, and the South 108 feet of the South 108 feet of the West 60 feet of Lot 7, except the South 63 feet thereof, H and M Replat of Carrother's Addition to Valley Center, Sedgwick County, Kansas together with Lot 4 and part of Lots 3, 5, and 7, H and M Replat of Carrother's Addition to Valley Center, Sedgwick County, Kansas; described as Beginning at the Southwest Corner of Lot 4, Thence West along the South line of Lots 4, 5, 6 and 7, 230 feet; thence North parallel with the East line of said Lots 3 and 4, 108 feet; thence East parallel with the South line of said Lots 7, 6, 5 and 4, 230 feet; thence South 108 feet to beginning.

General location: 344 S Meridian Avenue

Having received a recommendation from the Valley Center City Planning Commission, the City Council after being duly informed as to understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given as required under K.S.A. 12-504 by publication on October 1, 2009 in Ark Valley News of the notice of this vacation proceeding for a hearing on October 27, 2009 before the City Planning Commission and having received a recommendation therefrom.
2. No private rights will be injured or endangered by the vacation and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioners, the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

IT IS, THEREFORE, ORDERED BY THE CITY COUNCIL, on this 3<sup>rd</sup> day of November, 2009, that the above described vacation is hereby vacated.

IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County, Kansas.

---

MICHAEL D. MCNOWN, Mayor

ATTEST:

---

KRISTINE A POLIAN, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
BARRY ARBUCKLE, City Attorney

CERTIFICATION:

I hereby certify this to be a true and correct copy of the records of this office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, City Clerk

City of Valley Center, Kansas

STAFF REPORT VC-2009-002  
 COMMUNITY DEVELOPMENT  
 Eldon G. Miller, AICP

*Planning Commission recommends to City Council to approve the vacation of the utility easement.*

CASE NUMBER: VC-2009- 002

APPLICANT: Pizza Hut of Southeast Kansas

AGENT:

REQUEST: Vacate utility easement that is dedicated on The South 63 feet of Lot 8, and the South 63 feet of Lot 7, except the East 6.70 feet thereof, H and M Replat in Carrother's Addition to Valley Center, Sedgwick County, Kansas together with the North 32 feet of Lot 8, and the South 13 feet of Lot 9, and the South 108 feet of the South 108 feet of the West 60 feet of Lot 7, except the South 63 feet thereof, H and M Replat of Carrother's Addition to Valley Center, Sedgwick County, Kansas together with Lot 4 and part of Lots 3, 5, and 7, H and M Replat of Carrother's Addition to Valley Center, Sedgwick County, Kansas; described as Beginning at the Southwest Corner of Lot 4, Thence West along the South line of Lots 4, 5, 6 and 7, 230 feet; thence North parallel with the East line of said Lots 3 and 4, 108 feet; thence East parallel with the South line of said Lots 7, 6, 5 and 4, 230 feet; thence South 108 feet to beginning.

CASE HISTORY: The property is the present Pizza Hut. The applicant wants to build a new Pizza Hut and it would set over the easement. The applicant will dedicate a new easement for the AT&T line that will be moved.

LOCATION: 344 S. Meridian

SITE SIZE: 43,124.4 square feet

PROPOSED USE: To vacate the north/south utility easement so that the present Pizza Hut can be turn down and a new Pizza Hut can be built with parking and the front of the building facing Meridian.

EXISTING ZONING: The property is currently zoned "C-2" General Business District

STAFF REPORT VC-2009-002  
COMMUNITY DEVELOPMENT  
Eldon G. Miller, AICP

**ADJACENT ZONING AND EXISTING LAND USE:**

North: "C-2" Central Business District	Strip Mall
South: "C-2" General Business District	Robert's TV
West: "C-2" General Business District	Arick and Sons
East "C-2" General Business District	Vacant lot

**ANALYSIS:** The applicant is requesting approval of the vacation to be able to build a new Pizza Hut.

This is a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and with or without conditions attached. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same. If the Planning Commission determines from the testimony presented that:

- a.) due and legal notice has been given;
- b.) no private rights will be injured or endangered;
- c.) the public will suffer no loss or inconvenience; and
- d.) in justice to the petitioner(s) the vacation should be granted.
- e.) Then the Planning Commission shall recommend that such vacation be approved.

If a portion of the public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands which adjoin the portion to be vacated.

**REVIEW COMMENTS BY COMMUNITY DEVELOPMENT**

- 1.) Create an easement for AT&T and include the sewer that runs north south in the back parking lot.

**STAFF RECOMMENDATION:**

STAFF REPORT VC-2009-002  
COMMUNITY DEVELOPMENT  
Eldon G. Miller, AICP

*Staff suggests motion to recommend to City Council to approve the vacation of the utility easement.*

STAFF REPORT VC-2009-002  
COMMUNITY DEVELOPMENT  
Eldon G. Miller, AICP  
VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS  
7:00 P.M.  
OCTOBER 27, 2009  
121 S. MERIDIAN

Chairman Steve Jackson called the meeting to order at 7:00 p.m. with the following members present: John Dailey, Bart Balthazar, Gary Janzen, Gary Janzen, Danny Park, Kathryn Schroeder and Ricky Shellenbarger.

Members Absent: Jaque Davis and Bryon Mackey

Staff Present: Eldon G. Miller, AICP, CFM, Secretary

**APPROVAL OF THE AGENDA**

Vice-Chairman Dailey moved, seconded by Park to approve the agenda as presented. Vote Yea: Unanimous.

**MINUTES OF SEPTEMBER 22, 2009 REGULAR MEETING**

*Commissioner Park moved, seconded by Schroeder to approve the minutes as presented. Vote Yea: Unanimous*

**COMMUNICATIONS**

**ITEMS BY RECORDING SECRETARY**

Nothing

**SUBDIVISION COMMITTEE REPORT**

Nothing

**SITE PLAN REVIEW COMMITTEE REPORT**

Report in packet.

**NEIGHBORHOOD AREA PLAN**

Public Hearing is scheduled for November 12, 2009 at 7:00 p.m.

Commissioner Mackey arrived at 7:02 p.m.

**CONSENT AGENDA**

None.

**PUBLIC HEARING**

**VACATION REQUEST**

**Case No. VC-2009-002**

**Request for a vacation of utility easement**

STAFF REPORT VC-2009-002  
COMMUNITY DEVELOPMENT

Eldon G. Miller, AICP

**Applicant: Pizza Hut of Southeast Kansas  
344 S. Meridian**

CALL TO ORDER:

Chairman Jackson opened the public hearing at 7:03 p.m.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

None.

NOTIFICATION:

According to the Secretary, a notice for this hearing was published in the Ark Valley News on October 1, 2009 and notices were mailed to the applicant and 5 utility owners on October 6, 2009. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATION:

None

ZONING ADMINISTRATOR'S REPORT:

Eldon G. Miller, AICP, CFM, gave a brief factual background report on the case.

The public hearing was closed at 7:11 pm.

DISCUSSION BY THE BOARD:

I, Bart Balthazar move, seconded by Park to recommend to the City Council to vacate and accept an utility easement for AT&T and sewer line. Vote Yea: Unanimous.

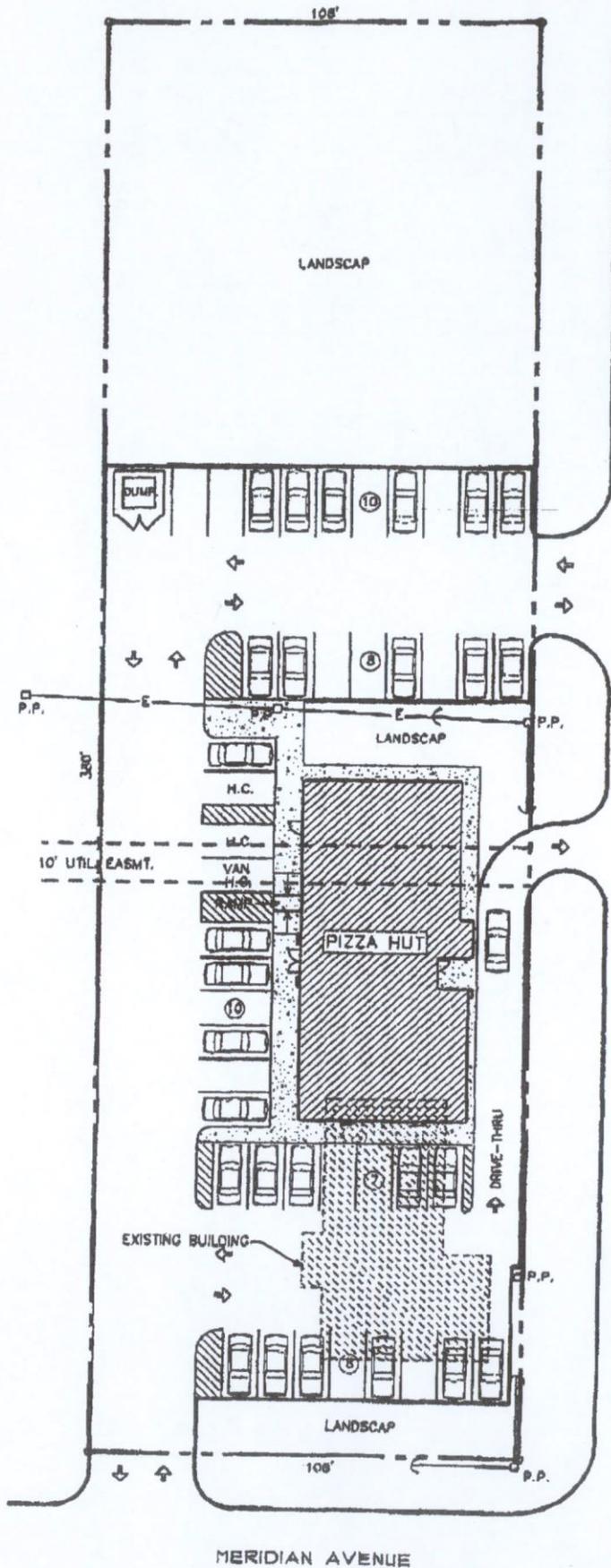
The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

\_\_\_\_\_  
Eldon G. Miller, AICP, CFM, Recording  
Secretary

Approved by the Valley Center Planning Commission on November 12, 2009.

\_\_\_\_\_  
Steve Jackson, Chairman



To: Mike C.  
9-17-09

CLAY STREET



SITE PLAN #12

SCALE: 1" = 20'

43 PARKING STALLS

**PIZZA HUT**  
VALLEY CENTER, KS.

MERIDIAN AVENUE

## **CONSENT AGENDA**

### **A. Valley Center Senior Club Contract for 2010:**

The Sedgwick County Advisory Council on Aging recommended approval of the 2010 Aging Mill Levy funds at \$5,000.

### **RECOMMENDED ACTION:**

**STAFF RECOMENDS MOTION TO ACCEPT AGENDA ITEMS AS PRESENTED**

## SEDGWICK COUNTY DEPARTMENT ON AGING



Annette Graham, *Director*

2622 W. Central Ave, Suite 500

Wichita, Kansas 67203-4974

Phone: (316) 660-7298 ★ FAX: (316) 383-7757

TO: City of Valley Center  
FROM: Stacy Nilles, Program Manager  
DATE: October 19, 2009  
SUBJ: Valley Center Senior Club Contract for 2010

---

The Sedgwick County Advisory Council on Aging recommended approval of the 2010 Aging Mill Levy funds at their October 14, 2009 meeting. Your 2010 funding was approved at \$5,000.

Enclosed is the 2010 contract for you to review and sign. I would like the contracts returned to me by Friday, November 13. Please call if you have any questions or concerns. I can be reached at 660-5230.

SEDGWICK COUNTY DEPARTMENT ON AGING  
 NOTIFICATION OF MILL LEVY AWARD - SENIOR CLUB

Obligation Herein Awarded \$5,000

Approved Project Period:  
 From: 1/1/10 To 12/31/10

GRANT OR ACTION

Fiscal Year(s) from which funds are awarded  
 2010

- X New or Continuation
- Revision of Earlier
- Supplement of Earlier

City of Valley Center  
 116 S. Park  
 Valley Center, KS 67147

Valley Center Senior Center  
 PO Box 188  
 Valley Center, KS 67147

1. Estimated Total Cost	5,000
2. Less Estimated Project Income ( Non-Match)	0
10. Other Local Match	0
11. Mill Levy Share	5,000

APPROVED COST 5,000

- 1. Personnel 5,000
- 2. Office Supplies
- 3. Telephone
- 4. Utilities
- 5. Building Maintenance
- 6. Insurance
- 7. Mileage
- 8. other

9. Total Cost 5,000

MILL LEVY SHARE 5,000

## Appendix A

A Senior Club is a community focal point where eligible participants come together for services and activities, which enhance the dignity, support the independence, and encourage the involvement of eligible participants in and with the community. As part of a comprehensive community strategy to meet the needs of eligible participants, Senior Club programs take place within and emanate from a facility.

### A. GOALS

- 1) Each Senior Club will be required to provide assistance in fulfilling the social, educational, recreational, physical and emotional needs of eligible participants through the development, planning, and coordination of activities.
- 2) Each Senior Club will be required to provide information and assistance to eligible participants regarding services including, but not limited to:
  - a) Adult Day Care
  - b) Case Management
  - c) Chore/Minor Home Repair
  - d) Commodities
  - e) Employment
  - f) Forms Assistance - Entitlement/Social Security
  - g) Housing Assistance/Referrals/Matches
  - h) In-Home Services - Respite/Homemaker/Personal Care including:
    1. Program literature
    2. Resources from the Center Director
  - i) Legal Assistance
  - j) Nutrition - Congregate/Homebound
  - k) Shopping and Errand Assistance
  - l) Support Groups
  - m) Translation/Interpretation
  - n) Transportation
  - o) Wellness Screenings
- 3) Each Senior Club will be required to provide coordinated comprehensive and appealing programs in the area of social participation and education as outlined in the *Baseline, Special Events/Projects* and *Education* sections.
- 4) Each Senior Club shall work to mobilize interest, skills and abilities of Club participants in order for them to assist other elders within the community.

- 5) Each Senior Club shall serve as a catalyst in bringing Club participants together with services that will meet their various needs.

B. OBJECTIVES.

Each Senior Club is a meeting and gathering point designed to give eligible participants a place for fellowship, a place to experience a sense of belonging, and a place to obtain information to enrich their lives. Eligible participants should be given the opportunity to plan, or assist in the planning, of Club activities. They should also be encouraged by the Club to become involved in community activities.

Each Senior Club will be encouraged to provide the following:

- 1) *BASELINE ACTIVITIES*, which shall be selected from a list, which is standard for all Centers. Baseline activities are Club activities that occur on a regular basis (daily, weekly, monthly, and/or quarterly). Baseline activities are to be provided specified through a description with projected outcomes (i.e. average number of participants). A Senior Club will be required to provide a minimum of three (3) Baseline activities from the following:
  - a) Crafts
  - b) Exercise
  - c) Games
  - d) Potluck/Meals (not including GNNP meals)
  - e) Social/Support Groups
- 2) *SPECIAL EVENTS/PROJECTS* are activities, which require the planning, and/or coordination of the Club director/board. These activities are to be specified through a description with projected outcomes. A Senior Club will be required to provide a minimum of four (4) Special Events/Projects from the following:
  - a) Community Charities
  - b) Fundraising
  - c) Intergenerational Programs
  - d) Dinner Events with Programs
  - e) Musical Events
- 3) *EDUCATIONAL* activities are those, which require the planning and/or coordination of the Club director/board. These activities are to be specified through a description with projected outcomes. A Senior Club will be required to provide a minimum of eight (8) Educational activities from the following:
  - a) Community Education
  - b) Education Services

- c) Health Presentations/Workshops
  - d) Advocacy Opportunities
  - e) Retirement Planning
  - f) Volunteer Services and Opportunities
  - g) Educational Tours and Cultural Enrichment
- 6) A Senior Club should work to recruit volunteers to expand the services and activities with an emphasis on additional Club "Goals and Objectives" which expand Club programs and roles in the community.
  - 7) A Senior Club should expend the funds as outlined in the budget to accomplish the goals of the program.

**NOTE:** ANY ACTIVITY THAT IS INTRODUCED AS A NEW ACTIVITY WILL BE COUNTED AS A NEW ACTIVITY. WHEN THAT ACTIVITY BECOMES A REGULAR ACTIVITY, IT THEN WILL BECOME A PART OF THE BASELINE CATEGORY.

SEDGWICK COUNTY DEPARTMENT ON AGING WILL OFFER TECHNICAL ASSISTANCE TO SENIOR CENTERS UPON REQUEST IN AN EFFORT TO MAXIMIZE EACH CENTER'S POTENTIAL FOR IMPLEMENTING SUCCESSFUL NEW PROGRAMS.

Senior Club Goals, Objectives, and Outcomes

- A. Goals:
  - 1. The Senior Club will offer health and wellness, social, and educational activities to stimulate older adults, promote independence and encourage community connectedness. The Senior Center will be a community focal point for older adults to access information and services.
- B. Objectives:
  - 1. Program at least three (3) baseline activities, four (4) special events/projects, and eight (8) educational opportunities in FY 2010.
- C. Outcomes:
  - 1. Seventy (70%) of the Senior Club participants surveyed will indicate that the baseline, educational and special events provided at the Senior Club increased or changed their knowledge, skills or behavior.

**SENIOR CLUB  
NOTIFICATION OF MILL LEVY AWARD**

CONDITIONS:           The conditions checked below apply to this grant.

1. The Club may request the total grant amount at once by submitting an invoice. A financial report will be required for the end of the year by January 10, 2011, which explains in detail how the Mill Levy funds were expended.
2. The Senior Club should expend the funds as outlined in the approved cost section of the Notification of Mill Levy Award.
3. The Program Official will require a criminal background checks prior to all personnel or agents providing service or administering funds under this agreement (contact Sedgwick County Department on Aging for background check resources).
4. The Senior Club Director or representative is **required** to submit participant data reports, demographic reports, and activity information by the 10<sup>th</sup> of the month semi-annually (July and January). The Center Director/Representative are encouraged to submit monthly calendars outlining forthcoming activities.
5. Grantee Official agrees to provide a smoke free building where activities and socialization can take place.
6. Each Senior Club will be required to meet the standards indicated on Appendix A by providing assistance in fulfilling the social, recreational, physical, and emotional needs of eligible participants (Sedgwick County residents 55 years and older) through the development, planning, and coordination of activities.
7. Each Senior Club will be required to provide Information and Assistance to eligible participants regarding services and if unable to do so, will refer them to the Sedgwick County Information and Assistance line (660-5120). The Director or representative of the Club is encouraged to attend the Information and Assistance monthly meetings and **required** to attend the four Senior Summit meetings unless excused. These meetings will focus on program review, sharing working models, and strategically planning a common vision for Sedgwick County's Senior Center network.

**8. See Attached Appendix A**

---

Chairman, Kelly Parks, 4 <sup>th</sup> District	Date
---	------

---

Name and Title of Authorized Grantee Official Signature	Date
---	------

---

Kelly B. Arnold, County Clerk

---

Bill Raymond, Assistant County Counselor

## **STAFF REPORTS**

**A. City Clerk**

**B. Chief of Police**

**C. Fire Chief**

**D. Community Development**

- Code Enforcement September 2009 Report

**E. City Superintendent**

**F. Parks Superintendent**

**G. City Engineer**

**H. City Attorney**

**I. City Administrator**

*Code Enforcement September 2009  
Officer Cindy Plant*

- *I responded to fifty four calls for service for the month of September.*
  - *Six complaints were filed for dogs running loose.*
  - *Five stray dogs were impounded.*
  - *Owners reclaimed three dogs.*
  - *Two dogs were adopted.*
  - *One injured cat was taken to the Vet Clinic.*
  - *Three cruelty complaints were addressed.*
  - *I disposed of six dead animals.*
  - *One barking report addressed.*
  - *One rabbit was removed from a window well.*
  - *One fowl permit was issued.*
  - *One snake was removed from down town and relocated.*
  - *One bite report was filed and the dog was placed under observation.*
  - *Fourteen letters were sent for tall grass.*
  - *Miscellaneous complaints were received and addressed.*
  - *Performed kennel duties, feeding, cleaning and providing care to the animals.*
  - *I releasing dogs from the animal shelter to their owners.*
  - *I spoke with several dog owners regarding their dogs running loose.*
  - *Forty seven dog licenses renewal letters were sent to dog owners.*
  - *Eighteen letters were sent to homeowners for trash and debris in their yards.*
  - *One letter was sent for inoperable vehicles.*
- I attended three days of training with the Kansas Animal Control Association.*

## **GOVERNING BODY REPORTS**

- A. Mayor McNown**
- B. Councilmember K. Jackson**
- C. Councilmember Maschino**
- D. Councilmember Nordstedt**
- E. Councilmember Campbell**
- F. Councilmember Cicirello**
- G. Councilmember Gerling**
- H. Councilmember Hobson**
- I. Councilmember L. Jackson**

**ADJOURN**