

**AGENDA
CITY OF VALLEY CENTER
7:00 pm
November 17, 2009
CITY HALL - 121 S. Meridian**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION: TONY SNAVELY**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p 2**
- 6. CLERKS AGENDA p 3**
 - A. Minutes p 4
 - B. Appropriation Ordinance p 7
 - C. Treasurers October 2009 Report p 14
- 7. PRESENTATIONS / PROCLAMATIONS p 16**
- 8. PUBLIC FORUM (*Citizen input and requests*) p 16**
- 9. COMMITTEES, COMMISSIONS and APPOINTMENTS p 16**
- 10. OLD BUSINESS p 17**
 - A. Charter Ordinance 27-2009; 2nd Reading p 18
- 10. NEW BUSINESS p 21**
 - A. Public Hearing, T.I.P Amendment p 22 [\[Item Removed per City Administrator\]](#)
 - B. Ford Street Tract Planning & Engineering p 22
 - Scope of Services p 23
 - Proposed Contract p 32
 - C. Subdivision Regulations p 35
 - Ordinance 1186-09 p 36
 - Community Development Officer Memo p 38
 - Planning Commission Minutes p 39
 - Subdivision Regulations, Articles 1, 2, 4, 5, 6 & 7 p 41
- 12. CONSENT AGENDA p 91**
 - A. October 2009 Financial Statement p 92
- 14. STAFF REPORTS p 103**
- 15. GOVERNING BODY REPORTS p 112**
- 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 November 3, 2009 Regular Council Meeting as prepared by the City Clerk.

RECOMMENDED ACTION:

TO APPROVE THE NOVEMBER 3, 2009 COUNCIL MEETING MINUTES AS PRESENTED / AMENDED.

REGULAR COUNCIL MEETING
NOVEMBER 3, 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, Marci Maschino, Cheryl Nordstedt, Bruce Campbell, Louis Cicirello, Harrison Gerling, Al Hobson and Lionel Jackson.

Members absent:

Staff Present: Joel Pile, City Administrator
 Kristine Polian, City Clerk
 Richard Dunn, City Superintendent
 Lonnie Tormey, Fire Chief
 Mark Hephner, Police Chief
 Neal Owings, Parks Superintendent
 Eldon Miller, Community Development Officer
 Barry Arbuckle, City Attorney
 Mike Kelsey, City Engineer

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Mayor McNown added a leave of absence request to the Consent Agenda.

Maschino moved, second by K. Jackson, to approve the Agenda as amended. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

MINUTES- OCTOBER 20, 2009

Cicirello moved, second by L. Jackson, to approve the October 20, 2009 minutes as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE- 11/03/09

Maschino moved, second by Nordstedt, to approve Appropriation Ordinance No. 11/03/09 as presented. Vote yea: unanimous. Motion carried.

PRESENTATIONS / PROCLAMATIONS

SERVICE AWARD PRESENTATION

Mayor McNown presented a 15-year Service Award to Phyllis Tedesco for her service in Emergency Communications.

VETERAN'S DAY PROCLAMATION

Mayor McNown proclaimed November 7, 2009 as Veteran's Day in the City of Valley Center.

COMMITTEES, COMMISSION AND APPOINTMENTSSITE PLAN REVIEW COMMITTEE APPOINTMENTS

Mayor McNown appointed Jim Detwiler, Gene Sharp and Diane Delaney to the Site Plan Review Committee, each for 3 years.

Cicirello moved, second by Campbell, to approve the Mayor's appointments to the Site Plan Review Committee. Vote yea: unanimous. Motion carried.

OLD BUSINESSCONSIDERATION OF REVISED CHARTER ORDINANCE 27-2009, 1ST READING

Maschino moved, second by Campbell, to adopt Charter Ordinance 27-2009 for 1st reading. Vote yea: Mayor McNown, K. Jackson, Maschino, Nordstedt, Campbell, Cicirello, Hobson and L. Jackson. Opposed: Gerling. Motion carried.

DISCUSSION OF FIREWORKS RESTRICTIONS

Nordstedt moved, second by L. Jackson, to direct Staff to revise the Fireworks Ordinance to include a requirement to display a large poster/sign at each fireworks stand as provided by the City and charged to each vendor. Vote yea: unanimous. Motion carried.

NEW BUSINESSVACATION OF UTILITY EASEMENT

Nordstedt moved, second by Hobson, to approve the Vacation of the Utility Easement as recommended by the Planning Commission. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Nordstedt moved, second by Campbell, to approve the Consent Agenda as presented. Vote yea: unanimous. Motion carried.

STAFF REPORTSCOMMUNITY DEVELOPMENT OFFICER MILLER

Stated there will be a public hearing for the Neighborhood Plans on November 12, and those plans will be provided to the Council on November 17.

CITY ADMINISTRATOR PILE

Stated he is trying to restructure the Senior Club program, and hopes to have additional information as to what direction the seniors would like to go in the next week. Said he will keep the Council posted as he gathers more information.

GOVERNING BODY REPORTS**MAYOR MCNOWN**

Asked all Council members to be at the Veteran's Day Celebration no later than 9:30 a.m.
Reminded everyone of the S.C.A.C. meeting on November 14 in Kechi.

COUNCILMEMBER K. JACKSON

Stated she received a letter from the Governor of Kansas indicating he would not be able to make it to the Veteran's Day celebration due to scheduling conflicts. Said there will be a N.I.M.S. training for the IS-300 on November 21.

COUNCILMEMBER GERLING

Thanked whoever was in charge of updating the Cable Channel 7 for the City, as it looked much better.

COUNCILMEMBER L. JACKSON

Said the Latter-Day Saints Church will be having a presentation on strengthening families on November 7 from 10-12 p.m. and invites all to attend.

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

Meeting adjourned at 8:03 p.m.

Kristine Polian, City Clerk

CLERK'S AGENDA

B. APPROPRIATION ORDINANCE:

Below is the proposed appropriation ordinance for November 17, 2009 as prepared by City Staff.

November 17, 2009 Appropriation	<u>\$ 132,183.33</u>
Total	\$ 132,183.33

RECOMMENDED ACTION:

**TO APPROVE THE NOVEMBER 17, 2009 APPROPRIATION
ORDINANCE AS PRESENTED / AMENDED.**

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 1

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
A T & T	OCT 25 09 DATA & PH SVCS	GENERAL FUND	POLICE	73.52
	OCT 25 09 DATA & PH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	147.04
	OCT 25 09 DATA & PH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	73.52
	OCT 25 09 DATA & PH SVCS	WATER OPERATING	NON-DEPARTMENTAL	312.61
	OCT 25 09 DATA & PH SVCS	WATER OPERATING	NON-DEPARTMENTAL	<u>295.13</u>
	TOTAL:			901.82
ADMIN PRO	MONTHLY ADMINISTRATION	GENERAL FUND	ADMINISTRATION	88.00
	MONTHLY ACCESS FEE	GENERAL FUND	ADMINISTRATION	<u>16.00</u>
	TOTAL:			104.00
AMANDA PARK	OCT 1-31/09 MILEAGE	GENERAL FUND	ADMINISTRATION	<u>5.61</u>
	TOTAL:			5.61
ARK VALLEY NEWS	RENEW SUBSCRIPTION	GENERAL FUND	ADMINISTRATION	<u>60.00</u>
	TOTAL:			60.00
B & B KLASSEN ENTERPRISES INC	SCREENINGS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	<u>233.06</u>
	TOTAL:			233.06
CAF JAYHAWK WING	VETERAN'S CELEB-FLYOVER	GENERAL FUND	ADMINISTRATION	<u>300.00</u>
	TOTAL:			300.00
CHARLES LILES	VETERAN'S CELEB-BAGPIPES	GENERAL FUND	ADMINISTRATION	<u>250.00</u>
	TOTAL:			250.00
CITY OF WICHITA	10/23-11/17/09 ICT WATER	WATER OPERATING	NON-DEPARTMENTAL	<u>38,908.30</u>
	TOTAL:			38,908.30
CIVIC PLUS	OCT 09 SPAM FILTERING	GENERAL FUND	ADMINISTRATION	4.20
	OCT 09 SPAM FILTERING	GENERAL FUND	LEGAL & MUNICIPAL COUR	0.55
	OCT 09 SPAM FILTERING	GENERAL FUND	COMMUNITY DEVELOPMENT	1.88
	OCT 09 SPAM FILTERING	GENERAL FUND	POLICE	8.15
	OCT 09 SPAM FILTERING	GENERAL FUND	FIRE	0.55
	OCT 09 SPAM FILTERING	GENERAL FUND	EMERGENCY COMMUNICATIO	3.20
	OCT 09 SPAM FILTERING	GENERAL FUND	PARKS	1.90
	OCT 09 SPAM FILTERING	SPECIAL HIGHWAY	SPECIAL HIGHWAY	4.19
	OCT 09 SPAM FILTERING	WATER OPERATING	NON-DEPARTMENTAL	4.19
	OCT 09 SPAM FILTERING	SEWER OPERATING	NON-DEPARTMENTAL	<u>4.19</u>
	TOTAL:			33.00
COX COMMUNICATIONS	SVCS AS OF OCT 27TH	GENERAL FUND	ADMINISTRATION	111.37
	SVCS AS OF OCT 27TH	GENERAL FUND	ADMINISTRATION	34.81
	SVCS AS OF OCT 27TH	GENERAL FUND	LEGAL & MUNICIPAL COUR	15.80
	SVCS AS OF OCT 27TH	GENERAL FUND	COMMUNITY DEVELOPMENT	15.80
	SVCS AS OF OCT 27TH	GENERAL FUND	COMMUNITY DEVELOPMENT	18.58
	SVCS AS OF OCT 27TH	GENERAL FUND	POLICE	15.80
	SVCS AS OF OCT 27TH	GENERAL FUND	FIRE	15.80
	SVCS AS OF OCT 27TH	GENERAL FUND	EMERGENCY COMMUNICATIO	<u>15.80</u>
	TOTAL:			243.76
EDNA BUSCHOW	LIBRARY PAYMENT	LIBRARY	NON-DEPARTMENTAL	<u>3,814.10</u>
	TOTAL:			3,814.10
FAMILY DOLLAR STORE	VETERAN'S CELEBRATIONS	GENERAL FUND	ADMINISTRATION	<u>90.75</u>
	TOTAL:			90.75

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 2

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
FOSTER & ASSOCIATES,	AUG 10-OCT 28/09 PLAN SVC	GENERAL FUND	COMMUNITY DEVELOPMENT	<u>699.19</u>
			TOTAL:	699.19
GREGORY JACKSON	SPAYING REIMBURSEMENT	GENERAL FUND	COMMUNITY DEVELOPMENT	<u>60.00</u>
			TOTAL:	60.00
ING LIFE INSURANCE & ANNUITY CO	11-6-09 VFG496 VC0001JP	GENERAL FUND	NON-DEPARTMENTAL	<u>100.00</u>
			TOTAL:	100.00
INTERLINGUAL SERVICES	OCT 14/09 COURT HRG 1.5H	GENERAL FUND	LEGAL & MUNICIPAL COUR	<u>45.00</u>
			TOTAL:	45.00
INTRUST BANK N.A.	OC OCT 2009 PAYROLL FED WH	GENERAL FUND	NON-DEPARTMENTAL	56.04
	OCT 2009 FICA & MEDICARE	GENERAL FUND	NON-DEPARTMENTAL	266.63
	11-06-09 BW FED TAX W/H	GENERAL FUND	NON-DEPARTMENTAL	3,504.74
	11-06-09 BW-FICA & MEDI	GENERAL FUND	NON-DEPARTMENTAL	3,459.50
	OCT 2009 EMPR BEN-MEDIC	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	50.57
	OCT 2009 EMPR BEN-FICA	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	216.06
	11-06-09 BW EMPR BEN-MED	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	904.78
	11-06-09 BW EMPR BEN-FICA	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	3,868.75
	11-06-09 BW FED TAX W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	456.42
	11-06-09 BW-FICA & MEDI	SPECIAL HIGHWAY	NON-DEPARTMENTAL	398.14
	11-06-09 BW-FICA & MEDI	ACTIVE AGING GRANT	NON-DEPARTMENTAL	30.51
	11-06-09 BW FED TAX W/H	WATER OPERATING	NON-DEPARTMENTAL	459.91
	11-06-09 BW-FICA & MEDI	WATER OPERATING	NON-DEPARTMENTAL	607.46
	11-06-09 BW FED TAX W/H	SEWER OPERATING	NON-DEPARTMENTAL	285.72
	11-06-09 BW-FICA & MEDI	SEWER OPERATING	NON-DEPARTMENTAL	<u>277.92</u>
			TOTAL:	14,843.15
	JACKIE BROWN	OCT 1-31/09 MILEAGE	GENERAL FUND	ADMINISTRATION	14.74
			TOTAL:	14.74
JILLCO LANDSCAPES	LANDSCAPE IMPROVEMENTS	GENERAL FUND	PUBLIC BUILDINGS	<u>4,035.00</u>
			TOTAL:	4,035.00
KANSAS BLUE PRINT CO INC	COPIES/MAPS FOR SAME	GENERAL FUND	COMMUNITY DEVELOPMENT	<u>389.45</u>
			TOTAL:	389.45
KANSAS DEPT OF REVENUE	OCT 16-31/09 KW-5 ST W/H	GENERAL FUND	NON-DEPARTMENTAL	1,886.61
	NOV 1-15/09 KW-5 ST W/H	GENERAL FUND	NON-DEPARTMENTAL	1,966.49
	OCT 16-31/09 KW-5 ST W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	151.20
	NOV 1-15/09 KW-5 ST W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	193.67
	OCT 16-31/09 KW-5 ST W/H	ACTIVE AGING GRANT	NON-DEPARTMENTAL	3.97
	NOV 1-15/09 KW-5 ST W/H	ACTIVE AGING GRANT	NON-DEPARTMENTAL	5.88
	OCT 16-31/09 KW-5 ST W/H	WATER OPERATING	NON-DEPARTMENTAL	341.92
	NOV 1-15/09 KW-5 ST W/H	WATER OPERATING	NON-DEPARTMENTAL	338.86
	OCT 16-31/09 KW-5 ST W/H	SEWER OPERATING	NON-DEPARTMENTAL	134.03
	NOV 1-15/09 KW-5 ST W/H	SEWER OPERATING	NON-DEPARTMENTAL	<u>139.35</u>
		TOTAL:	5,161.98	
KANSAS PAYMENT CENTER	11-6-09 BW 98D002573S	GENERAL FUND	NON-DEPARTMENTAL	110.31
	11-6-09 BW DM000734	GENERAL FUND	NON-DEPARTMENTAL	224.00
	11-6-09 BW 07DM000222	GENERAL FUND	NON-DEPARTMENTAL	226.61
	11-6-09 BW 05DM06422	SPECIAL HIGHWAY	NON-DEPARTMENTAL	204.50
	11-6-09 BW 06EM006517	WATER OPERATING	NON-DEPARTMENTAL	<u>374.39</u>
			TOTAL:	1,139.81

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 3

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
KANSAS STATE FIREFIGHTERS ASSN	2010 DUES & NEWSLTR RENW	GENERAL FUND	FIRE	<u>90.00</u>
			TOTAL:	90.00
KEITH D RICHEY, #09416	11-6-09 BW 09LM11678	GENERAL FUND	NON-DEPARTMENTAL	<u>197.65</u>
			TOTAL:	197.65
KPERS	11-6-09 BW - GENERAL	GENERAL FUND	NON-DEPARTMENTAL	1,873.57
	11-6-09 BW EMPR BENEFITS	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	3,174.48
	11-6-09 BW - SP STS	SPECIAL HIGHWAY	NON-DEPARTMENTAL	143.85
	11-6-09 BW - WATER	WATER OPERATING	NON-DEPARTMENTAL	308.06
	11-6-09 BW - SEWER	SEWER OPERATING	NON-DEPARTMENTAL	<u>153.17</u>
			TOTAL:	5,653.13
LAURIE B. WILLIAMS	11-6-09 BW DISBURSEMENT	WATER OPERATING	NON-DEPARTMENTAL	<u>273.04</u>
			TOTAL:	273.04
LIFEPOINT CHURCH	VETERAN'S CELEB-FACILITY	GENERAL FUND	ADMINISTRATION	<u>500.00</u>
			TOTAL:	500.00
LKM - LEAGUE OF KANSAS MUNICIPALITIES	2009 SERVICE AWARD	GENERAL FUND	ADMINISTRATION	<u>99.55</u>
			TOTAL:	99.55
LOREN H. HOUK	ATTY SVCS - INV# 150	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	ATTY SVCS - INV# 149	GENERAL FUND	LEGAL & MUNICIPAL COUR	<u>150.00</u>
			TOTAL:	300.00
MANSFIELD OIL CO	SEP 17-29/09 USD 262 UNLE	GENERAL FUND	ADMINISTRATION	3,633.93
	SEP 17-29/09 USD 262 DIES	GENERAL FUND	ADMINISTRATION	5,243.72
	SEP 17-29/09 FUEL - UNLEA	GENERAL FUND	FIRE	65.08
	SEP 17-29/09 FUEL DIESEL	GENERAL FUND	FIRE	110.05
	SEP 17-29/09 FUEL UNLEAD	GENERAL FUND	PARKS	582.85
	SEP 17-29/09 FUEL DIESEL	GENERAL FUND	PARKS	45.21
	SEP 17-29/09 FUEL UNLEAD	WATER OPERATING	NON-DEPARTMENTAL	1,837.54
	SEP 17-29/09 FUEL DIESEL	WATER OPERATING	NON-DEPARTMENTAL	<u>234.84</u>
			TOTAL:	11,753.22
PAINE LAW FIRM, LCC	ATTY SVCS-CASE#090030	GENERAL FUND	LEGAL & MUNICIPAL COUR	<u>150.00</u>
			TOTAL:	150.00
PREFERRED PLUS OF KANSAS	NOV 2009 HEALTH INSURANC	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	26,389.38
	NOV 2009 HEALTH INSURANC	SPECIAL HIGHWAY	SPECIAL HIGHWAY	3,084.23
	NOV 2009 HEALTH INSURANC	WATER OPERATING	NON-DEPARTMENTAL	3,362.59
	NOV 2009 HEALTH INSURANC	SEWER OPERATING	NON-DEPARTMENTAL	<u>3,239.83</u>
			TOTAL:	36,076.03
RICHARD L DICKSON	ATTY SVCS - CASE# 086388	GENERAL FUND	LEGAL & MUNICIPAL COUR	<u>150.00</u>
			TOTAL:	150.00
RICHARD T. COLLINS	ATTY SVCS-PDE/DUI FRANKL	GENERAL FUND	LEGAL & MUNICIPAL COUR	<u>150.00</u>
			TOTAL:	150.00
SECURITY BENEFIT	11-6-09 BW 613042-8913DS	GENERAL FUND	NON-DEPARTMENTAL	25.00
	11-6-09 BW 613042-5556PT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	11-6-09 BW 613042-6484RT	GENERAL FUND	NON-DEPARTMENTAL	<u>25.00</u>
			TOTAL:	75.00

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 4

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SEDGWICK COUNTY	10/1-31/09 JAIL HOUSING	GENERAL FUND	LEGAL & MUNICIPAL COUR	894.52
			TOTAL:	894.52
TEEVIE WALKER	IIMC INSTITUTE-PER DIEM	GENERAL FUND	ADMINISTRATION	80.00
			TOTAL:	80.00
VANTAGEPOINT TRANS AGENTS	11-6-09 BW 9889MH	GENERAL FUND	NON-DEPARTMENTAL	150.00
	11-6-09 BW 6560EM	GENERAL FUND	NON-DEPARTMENTAL	10.00
	11-6-09 BW 5676KP	GENERAL FUND	NON-DEPARTMENTAL	50.00
	11-6-09 BW 1923PT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	11-6-09 BW 0649RD	WATER OPERATING	NON-DEPARTMENTAL	90.00
			TOTAL:	325.00
VERIZON WIRELESS	SEP 23-OCT 22 DATA SVCS	GENERAL FUND	ADMINISTRATION	65.06
	SEP 23-OCT 22 DATA SVCS	GENERAL FUND	ADMINISTRATION	65.06
	SEP 23-OCT 22 DATA SVCS	GENERAL FUND	COMMUNITY DEVELOPMENT	65.06
			TOTAL:	195.18
WASTE MANAGEMENT OF WICHI	NOV 09 TRASH SVCS	GENERAL FUND	ADMINISTRATION	66.46
	NOV 09 TRASH SVCS	GENERAL FUND	LEGAL & MUNICIPAL COUR	18.58
	NOV 09 TRASH SVCS	GENERAL FUND	POLICE	18.58
	NOV 09 TRASH SVCS	GENERAL FUND	FIRE	18.58
	NOV 09 TRASH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	18.58
	NOV 09 TRASH SVCS	GENERAL FUND	COMMUNITY BUILDING	84.28
	NOV 09 TRASH SVCS	GENERAL FUND	SWIMMING POOL	121.65
	NOV 09 TRASH SVCS	GENERAL FUND	PARKS	121.64
	NOV 09 TRASH SVCS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	42.34
	NOV 09 TRASH SVCS	WATER OPERATING	NON-DEPARTMENTAL	42.34
	NOV 09 TRASH SVCS	SEWER OPERATING	NON-DEPARTMENTAL	172.87
			TOTAL:	725.90
	WESTAR ENERGY	STREET LIGHTS	GENERAL FUND	ADMINISTRATION	3,024.72
1100 W 61ST STREET N		WATER OPERATING	NON-DEPARTMENTAL	20.77
			TOTAL:	3,045.49
WICHITA EAGLE	MONTHLY SUBSCRIPTION	GENERAL FUND	COMMUNITY BUILDING	16.90
			TOTAL:	16.90

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 5

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
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===== FUND TOTALS =====
010 GENERAL FUND          36,594.22
110 EMPLOYEE BENEFITS     34,604.02
140 LIBRARY                3,814.10
150 SPECIAL HIGHWAY       4,911.60
220 ACTIVE AGING GRANT    40.36
610 WATER OPERATING       47,811.95
620 SEWER OPERATING       4,407.08
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GRAND TOTAL:             132,183.33
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TOTAL PAGES: 5

11-11-2009 11:54 AM

COUNCIL REPORT 11-17-09 MTG PKT

PAGE: 6

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: * All *
VENDOR: THRU ZZZZZZ
ITEM DATE: 0/00/0000 THRU 99/99/9999
GL POST DATE: 10/29/2009 THRU 11/06/2009
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 11-17-09 MTG PKT
SIGNATURE LINES: 0

CLERK'S AGENDA

C. TREASURER'S REPORT – OCTOBER 2009:

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION TO RECEIVE AND FILE THE OCTOBER 2009 TREASURER'S REPORT.

11-12-2009 11:56 AM

CITY OF VALLEY CENTER
 PERIOD CASH FLOW REPORT
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

FUND	BEGINNING CASH BALANCE	RECEIVABLES & NET ASSETS	PERIOD REVENUES	PAYABLES & NET LIABILITIES	PERIOD EXPENDITURES	ENDING CASH BALANCE	Y-T-D ENCUMBRANCE	UNENCUMBERED CASH BALANCE
GENERAL FUND	841,220.47	0.00	95,103.79 (	4,294.15)	171,865.08	768,753.33	5,604.79	763,148.54
EMPLOYEE BENEFITS	44,596.58	0.00	9,317.33	0.00	43,039.70	10,874.21	0.00	10,874.21
FLEXIBLE SPENDING ACCT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FIRE VEHICLE REPLACEMENT	640.30	0.00	0.00	0.00	0.00	640.30	0.00	640.30
BUILDING EQUIP RESERVE	111,177.90	0.00	0.00	0.00	0.00	111,177.90	0.00	111,177.90
EQUIPMENT RESERVE	210,935.88	0.00	0.00	0.00	15,699.86	195,236.02	0.00	195,236.02
PUBLIC WORKS BUILDING	8,627.24	0.00	0.00	0.00	0.00	8,627.24	0.00	8,627.24
LIBRARY	10,173.40	0.00	3,814.10	0.00	0.00	13,987.50	0.00	13,987.50
SPECIAL HIGHWAY	322,951.89	0.00	102,711.73 (	3,104.60)	100,445.53	328,322.69	0.00	328,322.69
EMERG EQUIPMENT RESERVE	67,399.43	0.00	839.61	0.00	0.00	68,239.04	0.00	68,239.04
PAYROLL CLEARING FUND	37.62	0.00	0.00	0.00	0.00	37.62	0.00	37.62
ACTIVE AGING GRANT	11.24	0.00	0.00 (	3.97)	14.44	0.77	0.00	0.77
PARK BEAUTIFICATION	1,967.87	0.00	0.00	0.00	0.00	1,967.87	0.00	1,967.87
BUSINESS IMPROVEMENT DIST	1,143.50	0.00	0.00	0.00	0.00	1,143.50	0.00	1,143.50
D.A.R.E.	339.72	0.00	211.43	0.00	0.00	551.15	0.00	551.15
VETERANS FLAG REWARD FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DRUG TAX DIST	4,923.53	0.00	0.00	0.00	0.00	4,923.53	0.00	4,923.53
LAW ENFORCEMENT BLOCK GR	2,500.00	0.00	0.00	0.00	0.00	2,500.00	0.00	2,500.00
ADSAP	2,125.06	0.00	35.00	0.00	0.00	2,160.06	0.00	2,160.06
CAPITAL IMPROVEMENT FUND	3,318.14	0.00	0.00	0.00	0.00	3,318.14	0.00	3,318.14
PROJECTS FUND	812,096.13	0.00	167,607.00 (	54,864.80)	83,700.29	950,867.64	0.00	950,867.64
G O BOND & INTEREST	930,969.58	0.00	22,428.43	0.00	0.00	953,398.01	0.00	953,398.01
WATER OPERATING	713,608.10 (	1,960.77)	84,000.86 (	1,486.78)	332,668.62	464,466.35	0.00	464,466.35
METER DEPOSIT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WATER MAINTENANCE RESERVE	7,780.37	0.00	0.00	0.00	0.00	7,780.37	0.00	7,780.37
WATER IMPROVEMENT FUND	146,497.48	0.00	0.00	0.00	0.00	146,497.48	0.00	146,497.48
WATER LOAN P & I 2000	(39,943.90)	0.00	194,290.00	0.00	0.00	154,346.10	0.00	154,346.10
WATER LOAN P & I 2007	0.83	0.00	79,940.00	0.00	0.00	79,940.83	0.00	79,940.83
WATER SURPLUS RESERVE	567,812.42	0.00	0.00	0.00	0.00	567,812.42	0.00	567,812.42
SEWER OPERATING	458,609.76	139.24	60,944.82 (	584.10)	24,303.68	495,974.24	0.00	495,974.24
SEWER OPERATION & MAINT	14,795.22	0.00	0.00	0.00	0.00	14,795.22	0.00	14,795.22
1993 SEWER BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1993 SEWER BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SEWER DEPRECIATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SEWER BOND RESERVE	334,181.58	0.00	0.00	0.00	0.00	334,181.58	0.00	334,181.58
1997 SEWER BOND P & I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997 SW BOND DEPR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001 SW BOND P & I	174,307.06	0.00	0.00	0.00	0.00	174,307.06	0.00	174,307.06
2001 SW REV BOND DEPR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GRAND TOTAL	5,754,804.40 (	1,821.53)	821,244.10 (	64,338.40)	771,737.20	5,866,828.17	5,604.79	5,861,223.38

*** END OF REPORT ***

PRESENTATIONS / PROCLAMATIONS

PUBLIC FORUM

COMMITTEES, COMMISSIONS and APPOINTMENTS

OLD BUSINESS

A. Charter Ordinance 27-2009; 2nd 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 ADOPT CHARTER ORDINANCE 27-2009 EXEMPTING THE CITY OF VALLEY CENTER, KANSAS FROM THE PROVISION OF K.S.A. 13-1024a, AND PROVIDING SUBSITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO GENERAL LIMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS

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

NEW BUSINESS

A. PUBLIC HEARING, T.I.P. AMENDMENT:

Removed Per City Administrator

RECOMMENDED ACTION:

STAFF RECOMMENDS A MOTION TO >>>

NEW BUSINESS

B. Ford Street Tract Planning & Engineering Services:

- Scope of Services
- Proposed Contract

RECOMMENDED ACTION:

STAFF RECOMENDS A MOTION TO APPROVE SCOPE OF SERVICES AND CONTRACT FOR ENGINEERING SERVICES AS PRESENTED AND AUTHORIZE MOYOR TO SIGN

CONTRACT

for

ENGINEERING SERVICES

between

THE CITY OF VALLEY CENTER, KANSAS

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

THIS CONTRACT, made this ___ day of _____, 2009, by and between

THE CITY OF VALLEY CENTER, KANSAS

Party of the First Part, hereinafter called the

"CITY"

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

303 South Topeka, Wichita, Kansas

Party of the Second Part, hereinafter called the

"CONSULTANT"

WITNESSETH:

WHEREAS the CITY intends to construct:

STREET and INCIDENTAL DRAINAGE (Cottonwood Drive), and WATERLINE IMPROVEMENTS to serve Valley Creek Estates Phase 2, Lots 1 through 9, Block A; and Valley Creek Estates 2nd Addition, Lot 6, Block B, said improvements, all of which are within the corporate limits of Valley Center, hereinafter referred to as the "PROJECT", AND

WHEREAS, the CITY is authorized by law to employ Consulting Engineers to assist in the preparation of plans and specifications, and provide construction administration for the PROJECT:

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT

A. PROJECT DESIGN REQUIREMENTS

1. Conduct field surveys as required to allow development of plans and legal description of property acquisitions.
2. Prepare plans and specifications in accordance with current design criteria of the Kansas Department of Health and Environment, and the City of Valley Center.
3. Conduct soil borings that are required during development of plans and specifications.
4. Complete plans, specifications and contract documents in accordance with comments received from the CITY after review of the preliminary plans and specifications. Submit one (1) set of plans and specifications to the Kansas Department of Health and Environment and to the CITY for office review and approval, including a preliminary construction cost estimate. The Consultant shall revise the plans and specifications in accordance with office review and comments received.
5. Prepare easement, right-of-way and property descriptions required for construction of the PROJECT. Advise the CITY of any utility conflicts and construction permits that may be required. Propose a construction sequence when required for orderly construction of the PROJECT. Assist the CITY in the conduct of meetings as required.

6. Provide final plans, specifications and contract documents for letting the PROJECT. Assist the CITY in advertising or notification of prospective bidders, taking of bids and awarding of the work in the PROJECT.

B. CONSTRUCTION PHASE SERVICES

1. During the construction phase the CONSULTANT shall provide administration services for the PROJECT when requested by the CITY. The scope of services will be as follows:
 - (a) Review Contractor's shop drawings and material test certifications for compliance with plans and specifications.
 - (b) Make periodic visits to the PROJECT site to determine Contractor's progress and general character of the work.
 - (c) Consult with the Resident Inspector regarding interpretations or clarifications of the plans and specifications.
 - (d) Provide decisions in accordance with the Contract Documents on questions regarding this work.
 - (e) Review materials test reports as submitted by the Resident Inspector.
 - (f) Prepare Change Orders covering modifications or revisions necessitated by field conditions.
 - (g) Meet with the CITY as requested during construction to review progress on each part of the PROJECT.
 - (h) Issue Certificate of Substantial Completion when each separate part of the PROJECT has been completed.
 - (i) Conduct final inspection of the work.

2. During the construction phase the CONSULTANT shall provide resident engineering services when authorized by the CITY. The CONSULTANT shall provide personnel acceptable to the CITY to perform technical observation of construction on the various parts of the PROJECT by a part-time Project Representative. Through these on-site observations of the work in progress and field checks of materials and equipment by the Project Representative, the CONSULTANT will endeavor to provide further protection for the CITY against defects and deficiencies in the work, but the furnishing of such project representative shall not make the CONSULTANT responsible for the Contractor's failure to perform the construction work in accordance with the Contract Documents. Engineering services for Project Representation shall consist of the following items:
 - (a) Re-establishment of benchmarks, baselines and other control points as requested by the Contractor, and approved by the CITY.
 - (b) Supervise testing and inspection; arrange for, conduct, or witness field, laboratory, or shop tests of construction materials as required by the plans and specifications; determine the suitability of materials on the site and brought to the site to be used in the construction; assist in interpreting the contract plans and specifications; check the construction activities to determine compliance with the intent of the design; measure, compute, or check quantities of work performed and quantities of materials in-place for

partial and final payments to the Contractor; and maintain project records to document the work.

- (c) Prepare elementary and supplementary sketches required and preliminary negotiations necessary to resolve actual field conditions encountered.
- (d) Review and prepare recommendations for all construction schedules, material certifications and detailed construction shop and erection drawing as submitted by the Contractor.
- (e) Review requests for monthly and final payments to the Contractor and forward same with recommendations for approval.
- (f) Prepare initial drafts of, and conduct preliminary negotiation for, all Change Orders or Supplemental Agreements covering work on the PROJECT.

II. THE CONSULTANT AGREES:

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in SCOPE OF SERVICES TO BE PERFORMED BY THE CONSULTANT.
- B. To attend meetings with the CITY and other State and Federal Agencies as necessitated by the PROJECT.
- C. To make available during regular office hours at its Wichita office, all reports, calculations, sketches and drawings relating to the PROJECT such as the CITY may wish to examine periodically during performance of this agreement.

- D. To save harmless the CITY from all damages to persons or property caused by him, his agents or employees which may result from their operations in connection with the PROJECT and agrees to obtain such insurance coverage, and workers compensation as may be required.
- E. To comply with all Federal, State, and Local laws, ordinances, and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964.
- F. To accept compensation for the services herein described in such amounts and at such periods as hereinafter provided and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with the PROJECT.
- G. To commence work on the project within ten (10) days following receipt of Notice to Proceed and to complete the services outlined in paragraph I.A.1. through I.A.6. within 30 calendar days thereafter. The CONSULTANT shall not be liable or held responsible for delays occasioned by the actions or inactions of the CITY or other agencies or for unavoidable delays beyond the control of the CONSULTANT.

III. THE CITY AGREES:

- A. To furnish the CONSULTANT for his use all prior data developed relative to the PROJECT including applications, reports, design calculations, drawings and pertinent correspondence with State and Federal agencies.
- B. To provide right of entry for CONSULTANT'S personnel in performing field operations, inspections and measurements.
- C. To promptly review all preliminary submittals from the CONSULTANT and to transmit any suggested revisions, modifications or changes to be made.

- D. To provide a full-time inspector on the PROJECT to work with the CONSULTANT'S Project Representative.
- E. To pay the CONSULTANT for his services in accordance with the requirements of the Agreements.

IV. PAYMENT PROVISION

A. The fee for engineering services for Items I.A.1. thru I.A.6. will be based on a lump sum fee amount as specified below:

1. Paving and Incidental Drainage	\$ 8,800
2. Water Distribution	<u>\$ 2,900</u>
TOTAL – Design Services	\$ 11,700

In the event the PROJECTS or any portion thereof are not constructed or awarded within one (1) year after the completion of the final plans, the fees will become due.

B. Contract Administration (I.B.1) and Project Representation Service (I.B.2) during construction of the PROJECT will be charged on a direct payroll cost (hourly basis) times a factor of 2.9 and at direct costs at direct costs for reimbursable expenses such as compaction tests, concrete cylinders, and asphalt testing, travel and lodging. The fee shall not exceed the amounts as specified below:

1. Paving and Incidental Drainage	\$ 19,000
2. Water Distribution	<u>\$ 8,200</u>
TOTAL – Const. Admin. and Inspection	\$ 27,200

D. Billings will be made and become due as follows for services outlined above:

Delivery of Final Plans ----- 100%

E. Fees for Project Representation services and Contract Administration Services during the Construction Phase will be billed and become due on monthly periods.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the CONSULTANT'S inability to proceed with the work, or because the services of the CONSULTANT are unsatisfactory, PROVIDED, however, that in any case the CONSULTANT shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the CONSULTANT'S actual costs plus a reasonable sum for fixed fee profit.
- B. That the original tracings for the final engineering plans and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the CONSULTANT'S services in accordance with this Agreement.
- C. That the services to be performed by the CONSULTANT under the terms of this Agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this Agreement, reasonable extensions in the time

allotted for the work will be granted by the CITY, provided however, that the CONSULTANT shall request extensions in writing giving the reasons therefore.

- E. It is further agreed that this Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the parties hereto and their successors and assigns.
- F. If additional work should be necessary by virtue of a major change in the scope of the proposed PROJECT, the CONSULTANT will be given written notice by the CITY along with a request for an estimate of CONSULTANT'S fee for performance of such additions; but no additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

IN WITNESS WHEREOF, the CITY and the CONSULTANT have executed this Agreement as of the date first written above.

SEAL

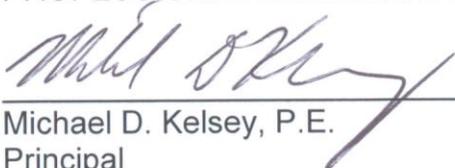
CITY OF VALLEY CENTER, KANSAS

Michael McNown, Mayor

ATTEST:

Kristine Polian, City Clerk

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.



Michael D. Kelsey, P.E.
Principal

ATTEST:





Professional Engineering Consultants, P.A.

November 10, 2009

City of Valley Center
121 S. Meridian
Valley Center, KS 67147

Attention: Joel Pile, City Administrator

Reference: Ford Street Tract Planning & Engineering Services (69± Acres)
PEC Project No. 35-09000-2502

Dear Mr. Pile:

This letter is written to serve as an agreement between The City of Valley Center (CLIENT) and Professional Engineering Consultants, P.A. (PEC) to provide professional services for Ford Street Tract Planning and Engineering Services (69± Acres), hereinafter called the PROJECT.

Specifically, PEC proposes to perform the Scope of Services as outlined in paragraph A. below, which you should examine carefully to insure that your goals and objectives will be met.

A. Scope of Services

1. Survey
 - a. Prepare boundary survey for plat/P.U.D.
 - b. Locate all existing utilities on site and along Ford Street from the railroad east to the Wichita/Valley Center Floodway.
 - c. Stake plat corners.
 - d. Locate existing benchmarks and set additional benchmarks for construction.
2. GeotechReport
 - a. Locate and drill 2 borings to a depth of 25 feet for design of detention pond.
 - b. Prepare a report with soil characteristics, water table depths, and design recommendations.
3. Land Use Concept Plans
 - a. Prepare land use concept plans to show potential development sites and land uses.
 - b. Tabulate information.
 - c. Meet with CLIENT to discuss proposed uses and review concept plans.
 - d. Prepare final site plan for P.U.D. drawing.
4. Platting & Zoning
 - a. Prepare preliminary P.U.D. as per City of Valley Center Subdivision Regulations.
 - b. Prepare application and file with City.
 - c. Determine notification area and order ownership lists from abstract company (fees reimbursable).
 - d. Meet with City staff to review plan and design criteria.
 - e. Represent CLIENT at Planning Commission hearing.

Mr. Joel Pile
 November 10, 2009
 Page 2

5. Hydrologic and Hydraulic Evaluations and Report
 - a. Determine existing basin sizes, land uses and soil conditions for “existing conditions” hydraulic model.
 - b. Establish land uses and drainage basins for “future conditions” hydraulic model.
 - c. Provide preliminary sizing of pump for storm water detention basin.
 - d. Prepare report documenting hydrologic and hydraulic evaluations, along with cost estimates for future storm water detention basins.
 - e. Review report with CLIENT.
6. Permitting
 - a. Initiate contact with Corps of Engineers (COE), Kansas Division of Water Resources (DWR) and Kansas Department of Health and Environment (KDHE) to determine permitting requirements.

B. Responsibility of CLIENT

The CLIENT agrees to provide the following pursuant to PEC accomplishing the Scope of Services outlined herein.

1. Provide legal description of 69 ± acre tract.
2. Provide all application, filing, and abstractor fees or reimburse PEC for the same.

C. Exclusions

1. Infrastructure design and contract administration services (can be furnished under separate agreement).
2. Permits, environmental assessments or clearances (during design of project).
3. Hydraulic studies for C.O.E. approval.

D. Payment Provisions

PEC proposes to perform the aforesaid Scope of Services on the basis of a lump sum fee of \$27,860.

Unless otherwise agreed upon, billings will be made once a month for work completed the previous month. Taxes are not included in stated fees. CLIENT shall reimburse PEC for any sales, use and value-added taxes, which apply to these services.

E. Time of Performance

PEC proposes to begin work on the PROJECT following receipt of an executed copy of this agreement and to complete the Scope of Services in accordance with a mutually agreed schedule exclusive of any delays beyond the control of PEC.

This letter and the "Standard Conditions" attached hereto comprise the entire agreement between the CLIENT and PEC. They may be altered only by Supplemental Agreement.

Mr. Joel Pile
November 10, 2009
Page 3

Thank you for contacting us to provide inspection services on the subject PROJECT. Should you have questions or if additional information is required, please do not hesitate to call. Return receipt of an executed copy of this letter will serve as our contract and notice to proceed with the work.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Michael D. Kelsey, P.E.
Principal

MDK/jdd

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

By: _____

Title: _____

Date: _____

ACCEPTED:

CITY OF VALLEY CENTER

By: _____

Title: _____

Date: _____

NEW BUSINESS

C. Subdivision Regulations:

- Ordinance 1186-09
- Community Development Officer Memo
- Planning Commission Minutes
- Articles 1, 2, 4, 5, 6 & 7 of Subdivision Regulations

RECOMMENDED ACTION:

PLANNING COMMISSION RECOMMENDS COUNCIL ADOPT THE ATTACHED PROPOSED SUBDIVISION REGULATIONS AS A MODEL CODE FOR THE CITY OF VALLEY CENTER AND OUR SUBDIVISION AREA OF INFLUENCE.

(Published once in The Ark Valley News on November 19, 2009)

ORDINANCE NO. 1186-09

AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN SUBDIVISION REGULATIONS GOVERNING THE SUBDIVISION OF LAND LOCATED WITHIN THE CITY OF VALLEY CENTER, KANSAS, AS PREPARED AND PUBLISHED AS A MODEL CODE IN BOOK FORM BY THE VALLEY CENTER CITY PLANNING COMMISSION, PURSUANT TO K.S.A. 12-741 ET SEQ., AS AMENDED, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF Valley Center, KANSAS:

Section 1. **Adoption:** Subdivision regulations are hereby approved and adopted by the Governing Body of the City of Valley Center, Kansas, as prepared and published as a model code in book form by the Valley Center City Planning Commission with the technical assistance of Foster & Associates, Planning Consultants of Wichita, Kansas, and the City Subdivision Administrator under the date of October 27, 2009, and entitled, "Subdivision Regulations of the City of Valley Center, Kansas", and the same are hereby incorporated by reference as fully as if set out herein.

Section 2. **Public Hearing:** The advertised public hearing required by Kansas statutes was duly held October 27, 2009 by the Valley Center City Planning Commission, and a discussion of said Subdivision Regulations was had at the hearing; and the Subdivision Regulations in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 3. **Jurisdiction.** From the effective date of this Ordinance, the Subdivision Regulations herein incorporated by reference shall govern the subdivision of land and the vacation of rights of way, easements and other public reservations located within the City of Valley Center, Kansas.

Section 4. **Official Copies:** Not less than three copies of the Subdivision Regulations in book form marked "Official Copy as Incorporated by Ordinance No. 1186-09" and to which there shall be a published copy of this Ordinance appendaged, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 5. **Invalidity of a Part:** Any provision of this Ordinance which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 6. **Repeal:** Ordinances Nos. 1002-01 and 1018-02 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. **Effective Date:** This Ordinance shall take effect upon being published once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 17th day of November, 2009.

APPROVED BY THE MAYOR this 17th day of November, 2009.

(S E A L)

/s/ _____
Michael N. McNown, Mayor

ATTEST:

/s/ _____
Kristine A. Polian, City Clerk

APPROVED AS TO FORM ONLY:

/s/ _____
Barry Arbuckle, City Attorney

DATE: November 11, 2009

TO: Mayor McNown and City Council

FROM: Eldon G. Miller, AICP, CFM, Community Development Officer

RE: Subdivision Regulations

Proposed Agenda Date: November 17 2009

Background:

- Planning Commission recommend to the City Council to adopt the attached proposed Subdivision Regulations.
- Planning Commission is to review the Subdivision Regulations yearly.
- Subdivision Committee worked on the review in 2008.
- Planning Commission appointed a committee to review both the Subdivision and Zoning Regulations in 2009.
- Dave Matson attended the Public Hearing on October 27, 2009 and presented his proposed changes to the Subdivision Regulations.
- City staff, Eldon G. Miller, AICP, CFM and C. Bickley Foster, AICP, JD has reviewed Dave Matson's proposed changes.

Financial Considerations:

- None

Legal Considerations:

- The City has the authority to adopt the Subdivision Regulations

Policy Considerations:

- The City has authority to adopt the Subdivision Regulations.
- Attached is the proposed changes to Subdivision Regulations
- Dave Matson's proposed changes do not meet the purpose of the Subdivision Regulations which is from Article 1 -101 Purpose. Responsible land subdivision is the initial step in the process of orderly community development.

Recommendation:

Recommend to adopt the Subdivision Regulations as a Model Code for the City and our Subdivision Area of Influence.

**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, 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.

PUBLICC HEARING

SUBDIVISION REGULATIONS

Chairman Jackson opened the public hearing at 7:12 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 County and townships on October 14, 2009. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

SUBDIVISION ADMINISTRATOR'S REPORT:

Eldon G. Miller, AICP, CFM, gave a report on the proposed changes to the subdivision regulations.

Dave Matson, 19 Hawthorne Drive; talked about his proposed changes that were included in the packet. Vice-Chairman Dailey asked about access and reserves. Commissioner Janzen stated that regulations did not stop growth in Wichita and that annexation for utilities is fair.

Dick Glenn, 3030 E 101st; stated that Huston, Texas does not have zoning laws. Also he has 151 acres for sale south of 101st on Seneca that he would like to develop with dirt streets and ditches and 5 acre lots. Eldon G. Miller, AICP, CFM, stated that he would have to go to the council for a waiver of our standards.

The public hearing was closed at 8:39 pm.

DISCUSSION BY THE BOARD:

I, Gary Janzen move, seconded by Shellenbarger that the proposed revised Subdivision Regulations for the City of Valley Center and extraterritorial jurisdictions as amended, be adopted as a Model Code dated October 27, 2009, and that they be recommended to the City Council for approval by incorporation into an effectuating ordinance for publication. Vote Yea: Jackson, Dailey, Janzen, Park, Schroeder and Shellenbarger. Vote Nay: Balthazar and Mackey.

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

SUBDIVISION REGULATIONS

of the

CITY OF VALLEY CENTER, KANSAS**ARTICLE 1. TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS**

100 **Title.** These regulation shall be known and may be cited as the "Subdivision Regulations of the City of Valley Center, Kansas", and shall hereinafter be referred to as "these regulations."

101 **Purpose.** Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are designed and intended to serve the following purposes:

- A. To provide for the harmonious development of the City of Valley Center and for a portion of the surrounding unincorporated area of Sedgwick County;
- B. To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and roadways and the extent and manner in which they shall be improved, and (3) provision made for storm drainage;
- C. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;
- D. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes;
- E. To provide protection from periodic flooding conditions;
- F. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;
- G. To avoid water and air pollution and the congestion of population and traffic;
- H. To facilitate safety by adequate access for fire fighting equipment and police protection;
- I. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City and County regulations which also affect the development of the land;

- J. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with subdividers, utility providers and various governmental agencies, all of whom are contributing to the development of the community; and
- K. To realize the goals, policies and planning proposals as contained in the adopted Comprehensive Development Plan.

102 **Authority.** These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-3009 through 12-3012, and 12-3301 and 12-3302.

Deleted: 12-742, 12-749, 12-751 and 12-752, 12-760 and 12-761, 12-764, 12-766,

103 **Jurisdiction.** These regulations shall apply to all subdivisions of land within the corporate limits of the City of Valley Center as presently exists or are hereinafter established by annexation and within the following land descriptions outside of the City which are located all in Sedgwick County, Kansas; provided, that such land is within three miles of the city limits and not more than one-half the distance to another city:

That land in Grant, Kechi, Park and Valley Center Townships Sedgwick County, Kansas, excluding the City of Valley Center, which contains the following area:

Township 25 South, Range 1 West

Sections 24, 25 and 26 lying East of the Little Arkansas River and East of the Little Arkansas River Floodway; Section 35 lying North of the Little Arkansas River; and Section 36 lying East and North of the Little Arkansas River;

Township 25 South, Range 1 East

Sections 19, West 1/2 20, W 1/2 29; 30, 31 and West 1/2 32;

Township 26 South, Range 1 West

Section 1 lying North and East of the Little Arkansas River; and

Township 26 South, Range 1 East

Sections West 1/2 5 and 6.

All such land is included in the Planning Area for the Comprehensive Development Plan.

104 **Applicability.** The owner(s) of any land within the jurisdiction of these regulations desiring to vacate rights-of-way, easements, other public reservations or recorded plats or to:

- A. Divide or further divide land into two or more lots or parcels; or
- B. Otherwise alter the boundaries of lots or parcels of land; or
- C. Establish land for use as streets, alleys or other property intended for public use or for the use of

a purchaser or owner(s) of lots or parcels;

shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted under Section 1-105.

105 **Exemptions.** Notwithstanding the requirements of Sections 1-103 and 104, these regulations shall not apply in the following instances or transactions:

- A. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been legally subdivided, resubdivided or replatted and recorded prior to the effective date of these regulations.
- B. For land in the unincorporated area, the division or further division of land into lots or tracts, each of which contains ~~20~~ 20 or more acres, and which (1) does not involve any new streets or easements of access as may be determined by the Planning Commission; (2) has land to be used for dwelling purposes that is not located in an area subject to flooding as determined by Section 6-104 of these regulations; (3) is to be used for agricultural or single-family residential purposes only; (4) meets the standards set by these regulations for the disposal of sewage and for water supply; and (5) conforms with any applicable zoning regulations. Dedications to widen rights-of-way to meet standards established in the Comprehensive Plan may be required at such time as application is made for a building or zoning permit. (See Section 2-102 for definition of AGRICULTURE.)
- C. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.
- D. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right-of-way, a drainage easement or public utilities subject to local, state or federal regulation, where no new street or easement of access is created.
- E. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.
- F. Any lot split in industrially zoned areas divided in accordance with the provisions of Section 9-102 of these regulations.
- G. Any transfer by operation of law.

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Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Subdivision Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information.

ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

100 Rules of Interpretation.

- A. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- B. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have the responsibility to enforce such private agreements.
- C. Cumulative Limitations. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
- D. Unlawful Subdivisions. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations.
- E. Vesting of Development Rights. For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principle structure is not commenced on such land within five years of recording a final plat before July 01, 2009, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land. For such plats recorded on or after July 01, 2009, such construction must take place within 10 years to be vested.

101 Rules of Construction.

- A. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:
 - 1. The singular number includes the plural and the plural the singular.
 - 2. The present tense includes the past and future tenses and the future the present.
 - 3. The word "**shall**" is mandatory while the word "**may**" is permissive.

4. The word "**City**" means the City of Valley Center, Kansas.
 5. The word "**County**" means Sedgwick County, Kansas.
 6. The word "**Clerk**" means the City Clerk, unless otherwise identified as the County Clerk.
 7. The words "**County Engineer**" mean the officially appointed engineer for Sedgwick County.
 8. The words "**Planning Commission**" mean the Valley Center City Planning Commission.
 9. The words "**the Governing Body**" mean the Mayor and City Council of the City of Valley Center, Kansas, unless otherwise identified as the Board of County Commissioners of Sedgwick County, Kansas or the applicable township trustees who are cooperating in the installation of improvements. (See Section 7-101.)
 10. The words "**Planning Area**" mean the City plus a perimeter area outside of and around the city limits all within Sedgwick County designated by the City in their comprehensive development plan as the official study area for planning purposes.
 11. The words "**Comprehensive Plan**" mean the Comprehensive Development Plan for the Valley Center Planning Area of Sedgwick County, Kansas, which has been adopted by the Planning Commission, approved by the Governing Body and includes, among other elements, plans for land use, transportation, utilities and community facilities.
 12. The words "**subdivision jurisdiction**" mean the area as described in Section 1-103 for which the extraterritorial jurisdiction of these regulations is applicable for purposes of subdividing land nor the legal description of the exemption in the Subdivision Regulations of The Wichita-Sedgwick County Metropolitan Area Planning Commission. Such jurisdiction cannot exceed the boundary of the Planning Area.
- B. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary or by statute.

102 **Definitions.** The following definitions shall be used in the interpretation and construction of these regulations:

ACCELERATION LANE: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream of traffic.

ACCESS CONTROL: The limitation of public access rights to and from properties abutting streets or highways. Access control is used on major streets and highways, when necessary, to preserve high-quality traffic service and to improve safety.

AGRICULTURE: The use of a tract of land under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying or the raising of poultry or cattle and other livestock, except feedlots, and including the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, dog kennels, or commercial or hydroponic greenhouses; however, forested and non-producing open space land are considered as agricultural.

APPLICANT: A person submitting an application for approval of a preliminary and/or final plat or a lot split.

BENCH MARK: Surveying mark made in some object which is permanently fixed in the ground showing the height of that point in relation to sea level.

BLOCK: A series of lots or tract of land bounded by streets, public parks, cemeteries, railway rights-of-ways, waterways, city limits or a combination thereof.

BUILDING SETBACK LINE: A line on a lot or other parcel of land indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

CURB CUT: The opening along a curb line at which point vehicles may enter or leave a roadway.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicular stream of traffic.

DEDICATION: A gift or donation of property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.

DESIGN STANDARDS: The basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.

DETENTION POND: A storage facility for the temporary storage of storm water runoff. The storm water may be released by gravity or by mechanical means at such time as downstream facilities can handle the flow.

EASEMENT: A public dedication or private grant by a property owner of the specific use of a strip of land or portion of land by others.

ENGINEER: A professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas who designs or engineers and inspects public improvements in connection with the approval of plats and construction of related improvements. (See LAND PLANNER and LAND SURVEYOR.)

FLAG LOT: A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land for a driveway and whose main body of land lies to the rear of the property which is adjacent to the road or street. When such lots are permitted, a building setback line must be shown on the recorded plat which is not less than that required by applicable zoning regulations. (See Section 6-106 for Access.)

FRONTAGE: The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

HOMEOWNERS' ASSOCIATION: Any community association, other than a condominium association, that is organized in a subdivision in which individual owners share common interests, ownership and responsibilities for costs and upkeep of common open space, reserves, facilities or infrastructure and may enforce certain covenants and restrictions. The incorporation document shall contain provisions for the ownership and maintenance of the common open space, reserves, facilities and infrastructure as are reasonably necessary to ensure their continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if such responsibilities are permitted to deteriorate or are not maintained in a condition consistent with the best interest of the subdivision or the City. If the City finds it necessary to carry out the obligations required to maintain such responsibilities in order to avoid having them become a public nuisance, the costs shall be assessed against the properties within the development and shall become a tax lien on said properties.

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IMPROVEMENTS, PUBLIC: Any street, roadway, alley, sidewalk, planting strip, cross walkway, off-street parking area, sanitary sewer, storm sewer, drainage ditch, water main or other facility for which a governing body may ultimately assume the responsibility for maintenance and/or operation.

LAND PLANNER: A professional architect, engineer, landscape architect or surveyor licensed by the State of Kansas or licensed to practice in the State of Kansas who is responsible for the design and preparation of a preliminary plat. (See ENGINEER and LAND SURVEYOR.)

LAND SURVEYOR: A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the final plat. (See ENGINEER and LAND PLANNER.)

LOT: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.

1. **LOT, DOUBLE FRONTAGE:** A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

2. **LOT, REVERSE FRONTAGE:** A lot whose rear lot line also serves as the street line for a limited access highway or street.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT LINE: The boundary line of a lot.

LOT SPLIT: The dividing of a lot in a recorded plat or replat of a subdivision into not more than two parcels which creates an additional lot and meets the criteria established within these regulations. A lot split is not created by the transfer or sale of a lot plus a portion of an adjacent lot or the combining of portions of two lots to form a lot which is equal to or larger than the other platted lots in the block so long as an additional lot is not created. (See Article 9 for Procedure for Approval of Lot Splits.)

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MINIMUM PAD ELEVATION: The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.

MONUMENT: A device used to mark and identify the corners in the boundaries of subdivisions, blocks and lots and the points of curves in the street rights-of-way. Usually such devices are made of a metallic bar or tube and may or may not be in concrete.

OWNER: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PARKING STRIP: That portion of street right-of-way that is unpaved and which is located between the back of a curb and the street right-of-way line. Such strip provides right-of-way for the installation of public utilities (typically gas and water lines), street signs, street lights, sidewalks, driveways, traffic control devices, fire hydrants, street furniture, street trees and other ancillary uses. The parking strip should not be confused with parking lanes that are often provided for as part of street pavement.

PEDESTRIAN WAY (CROSSWALK): A right-of-way across a block or providing access within a block to be used primarily by pedestrians.

PETITION: A legal instrument which serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements, e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within the benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats. (See Section 7-103A for improvement petitions and Section 10-103 for vacation petitions.)

PLAT: A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

1. **SKETCH PLAN:** A map or plan of a proposed subdivision made prior to the preparation of the preliminary plan to enable the subdivider to save time and expense in reaching tentative general

agreements by a discussion of the form and objectives of their regulations.

2. **PRELIMINARY PLAT:** A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
3. **FINAL PLAT:** A formal document by drawing and writing representing a subdivision which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
4. **REPLAT:** A new plat or a revision to a subdivision or portion thereof for which a final plat has previously been recorded. The approval of a replat is processed in the same manner as a preliminary and final plat, except when a replat qualifies for approval as a final plat for a small tract.

RESERVE: An area of property within a subdivision which is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities, drainage, floodway, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sale to a public body for a public facility. (See Section 6-102 for Land for Public Facility Sites and Section 6-103 for Land for Open Space.)

RESTRICTIVE COVENANTS: Contracts entered into between private parties which constitute a restriction on the use of private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land. (See Section 2-100B for Private Agreements.)

RESUBDIVISION: The subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. Sometime referred to as a "replat."

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

ROADWAY: That portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic, exclusive of sidewalks, driveways and related uses.

SCREENING: Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet in height, unless otherwise provided. (See Section 6-111E for screening easement.)

SIDEWALK: That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only. (See PEDESTRIAN WAY [CROSSWALK].)

STREET: The entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley" or other similar designation.

1. **ALLEY:** A right-of-way along the side of or in the rear of lots which affords a secondary means of access to and from streets and such lots.
2. **ARTERIAL:** A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas and which provides access to abutting properties only as a secondary function.
3. **COLLECTOR:** A street supplementary to the major street system and a means of intercommunication between this system and smaller areas which is used for both through traffic and for access to abutting properties.
4. **CUL-DE-SAC:** A short street with one end open to traffic and being permanently terminated by a vehicular turn-around at the other end.
5. **DEAD END:** A street having only one outlet for traffic.
6. **EXPRESSWAY:** Any divided street or highway with no access from abutting property and which has either separate or at-grade access from other public streets and highways. Such streets have a minimum of four traffic lanes.
7. **HALF-STREET:** A portion of the right-of-way of a street, usually along the edge of a subdivision where the remaining portion of the street is intended to be provided in another subdivision.
8. **LOCAL:** A street intended primarily for access to abutting properties and of limited continuity within a neighborhood.
9. **MARGINAL ACCESS OR FRONTAGE ROAD:** A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from fast through traffic on the parallel streets.

STREET WIDTH: The shortest distance between lines delineating the right-of-way of a street.

SUBDIVIDE LAND: To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUBDIVIDER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations to subdivide land.

SUBDIVIDER'S AGREEMENT: A contractual agreement signed and notarized by the subdivider and the applicable governing body which is conditioned upon acceptance of the final plat for the dedications thereon with primary concern for the design, installation, inspection and financing or guarantees for public improvements. (See Section 7-104A for Agreement and Guarantees for Installation of Required Improvements.)

SUBDIVISION: Either an act of subdividing land as defined in this section or a tract of land subdivided.

SUBDIVISION ADMINISTRATOR: The person appointed by the Mayor with the consent of the City Council to administer these regulations. (See Section 3-101 for Duties of Subdivision Administrator.)

TURN-AROUND: An area at the closed end of a street with a single common ingress and egress within which vehicles may reverse their direction.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection as defined by Chapter 11.08 of the Municipal Code of Valley Center, Kansas, except that there shall be no vision triangle requirements in the C-1 Central Business District. (See Section 6-111C for Vision Triangle Easement.)

WATERCOURSE: A stream of water having a course, current and cross-section.

WETLAND: A land area that is saturated by surface water or ground water at frequencies and durations sufficient to support a prevalence of plant life typically adapted for life in saturated soil conditions and as defined in Section 404, Federal Water Pollution Control Act of 1972 as amended, and delineated on maps prepared by the U.S. Fish and Wildlife Service and as field verified by on-site inspection.

ARTICLE 4. PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

- 100 **Submittal of Sketch Plan.** The subdivider may, if deemed desirable, submit a sketch plan in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission which may prove helpful in designing the preliminary plat. Three copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.
- 101 **Filing of Preliminary Plat.** An application shall be filed with the Subdivision Administrator at least 30 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Administrator for proper review by affected and interested governmental and public and private organizations plus a computer disk in AutoCAD that is compatible with ESRI GIS or comparable software of the plat information and any accompanying drawings including the drainage plan. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)
- 102 **Distribution and Review of Preliminary Plat.** After the filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Planning Commission.
- 103 **Action by the Planning Commission on Preliminary Plat.** The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.
- A. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.
 - B. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions and so notify the subdivider in writing.
 - C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:
 1. The subdivider may amend the preliminary plat so as to incorporate such modifications and

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resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

2. The subdivider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within 60 days.

104 Failure of Planning Commission to Act on Preliminary Plat. If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Subdivision Administrator or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

105 Effect of Approval of Preliminary Plat.

- A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.
- C. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

106 Filing of Final Plat. An application for final plat approval, together with a sufficient number of copies as determined by the Subdivision Administrator for proper review plus a computer disk in AutoCAD that is compatible with ESRI GIS or comparable software of the plat information and any accompanying drawings including the drainage plan shall be filed with the Administrator at least 20 days prior to the next regular meeting of the Planning Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these

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regulations. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)

- 107 **Planning Commission Action on the Final Plat.** The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Subdivision Administrator, review and approve the final plat by a majority vote of the members present and voting if:
- A. It is substantially the same as the approved preliminary plat; or
 - B. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
 - C. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
- 108 **Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)
- 109 **Submittal to Governing Body of Final Plat.** Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights-of-way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 110 **Governing Body Action on Final Plat.** The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the subdivider in writing of the reasons therefor. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.
- 111 **Acceptance of Dedications by County.** All final plats outside the City shall also be submitted by the subdivider to the appropriate County official for presentation to the Board of County Commissioners for their acceptance of dedications for street rights-of-way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 112 **Recording of Final Plat.** The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments.

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Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if (1) the plat is not acceptable for recording in the office of the Register of Deeds; or (2) is not recorded within 60 days after final acceptance by the Governing Body; or (3) is not recorded within 15 days after final acceptance by the applicable County Governing Body under the preconstruction procedures of Section 7-104C. The subdivider shall submit to the Subdivision Administrator such number of copies of the recorded plat as is necessary for record keeping purposes of the City and other affected governmental agencies plus a computer disk of the plat information and any final drawings accompanying the plat in AutoCAD that is compatible with ESRI GIS or compatible software. (See Section 5-101R1 for title report and Section 10-100C for Vacation of Unrecorded Plat.)

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113 **Unit Developments.** The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:

- A. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
- B. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
- C. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.
- D. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
- E. A replat of all or a portion of a recorded final plat may be submitted at any time.

114 **Approval of Plats for Small Tracts.**

- A. **Authorization.** Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Section 4-114B, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been filed by the subdivider and a preliminary plat has not been approved by the Planning Commission.
- B. **Requirements.** In order to qualify for approval in the manner provided in Section 4-114A, a proposed plat of subdivision shall comply with the following requirements:
 - 1. The proposed plat of subdivision shall include not more than five acres if a residential plat, nor more than five acres for any other type of plat, unless approved for a larger acreage by the Planning Commission.

2. The proposed plat of subdivision shall create not more than five lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.
3. No public street or easement of access, e.g., a utility or drainage easement, is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or resubdivided.
4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.
5. Submission of the fees as required by Section 3-109.

C. Procedures.

1. Final plats filed for approval pursuant to Section 4-114 shall be filed with the Subdivision Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the subdivider to submit topographic information whenever the property proposed to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.
2. The approval of final plats by the Planning Commission pursuant to Section 4-114 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.

ARTICLE 5. CONTENTS OF PRELIMINARY AND FINAL PLATS

100 **Contents of Preliminary Plat.** The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet, unless the Subdivision Administrator determines that a variation in scale is needed for proper exhibit of the subdivision.

- A. **General Information.** The following general information shall be shown on the preliminary plat:
1. Proposed name of the subdivision not duplicating or resembling the name of any plat heretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat which has just been or is in the process of being annexed and not for the subdivision of land already in the City.
 2. Date of preparation, north point and scale of drawing.
 3. An identification clearly stating that the drawing is a preliminary plat.
 4. Location of the subdivision by quarter-section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.
 5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
 6. The name and address of the landowner, the subdivider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.
- B. **Existing Conditions.** The following existing conditions shall be shown on the preliminary plat:
1. The location, right-of-way, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city and township boundary lines and monuments.
 2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, fire hydrants, underground wiring, pipe lines and gas lines proposed to serve the subdivision.
 3. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the following intervals:
 - a. Two-foot contour intervals for ground slopes less than 10%.
 - b. Five-foot contour intervals for ground slopes exceeding 10%.
 - c. Spot elevations where the ground is too flat for contours.

The date of the topographic survey shall be shown including the location, elevation and

description of the bench mark controlling the vertical survey.

4. Locations of existing monuments or survey markers used in preparation of the survey.
 5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.
 6. Significant natural features including, but not limited to rock outcroppings, wetlands, lakes, marshes, and wooded areas.
 7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
 8. Boundary line of proposed subdivision clearly indicated and total acreage therein.
 9. Zoning district classifications on and adjacent to the tract, if any.
- C. Proposed Subdivision Plat. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:
1. Streets showing the location, right-of-way, width, names and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.
 2. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the applicable City's or County's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City or County depending upon the agreed upon jurisdictional policy.
 3. Easements showing width and purpose such as for utilities, drainage, screening, open space, pedestrian ways and alleys.
 4. Location and type of utilities to be installed including provisions for storm water drainage.
 5. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers and block letters or numbers.
 6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes. (See Section 2-102 for definition of RESERVE.)
 7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is

a greater distance.

- D. Additional Data and Information to be Submitted with the Preliminary Plat. The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat:
1. A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
 2. A statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and guarantee their installation, e.g., petition, actual construction, monetary guarantee, etc. (See Section 7-103 for guarantees for installation of improvements.)
 3. If deemed necessary, a preliminary drainage plan based on standards and policies of the applicable jurisdiction.

101 Contents of Final Plat. The final plat shall be prepared by a licensed land surveyor and drawn in waterproof black ink on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004 inch polyester photographic film such as Mylar or its equivalent. The permitted page sizes shall be 24 by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Subdivision Administrator determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., Sheet 1 of 3). Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

- A. The name of the subdivision followed by a reference to its location by quarter-section, section, township and range.
- B. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by Section 6-104.
- C. Legal description of the tract boundaries. (See Section 5-101 Q 1 for land surveyor's certificate and description.)
- D. Reference ties to previous surveys and plats, as follows: (See Section 7-102J for monuments as required improvements.)
 1. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 2. The location of all other monuments required to be installed by these regulations.

- E. Location and elevation of permanent bench mark.
- F. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- G. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
- H. Lot numbers beginning with number one and numbered consecutively in each block.
- I. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- J. All easements shall be denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, pedestrian ways or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.
- K. The width of street rights-of-way and any portion thereof being dedicated by the plat as well as the width of any existing right-of-way and the centerline of any adjacent perimeter streets.
- L. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.
- M. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right-of-way, whichever is a greater distance.
- N. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale. (See Section 2-102 for definition of RESERVE.)
- O. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 6-104 so that each pad is elevated at least ~~two~~ foot above the 100-year flood elevation. (See Section 2-102 for definition of MINIMUM PAD ELEVATION.)
- P. Marginal lines encircling the sheet. All information shall be within this margin.
- Q. The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the

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plat must also be typed or clearly printed under the signature.)

1. A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons or bench marks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate may be in the following form:

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____, 20__ and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description, date of survey and acreage. If applicable, reference may be made to indicate that existing public easements and dedications are being vacated according to provisions of K.S.A. 12-512b. [See Section 10-101A1 for provisions of K.S.A. 12-512b.]

Date _____, 20__.

(S E A L)

(Land Surveyor's name and license number)

- 2. According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey requirements of K.S.A. 58-2001, et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
) ss
 COUNTY OF SEDGWICK)

Reviewed in accordance with K.S.A 58-2005 on this ___ day of _____, 20__.

(S E A L)

(Land Surveyor's name and license number)

- 3. Certificates signed and acknowledged by all parties having any record or possessory right, title or interest in the land subdivided including mortgagees consenting to the preparation and recording of the subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public sites. These certificates may be in the following form:

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
) ss
 COUNTY OF SEDGWICK)

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; (an addition to) (located in) the City of Valley Center, Sedgwick County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas.

Date Signed: _____

Date Signed:

_____, Owner
 (Print Name)

_____, Owner
 (Print Name)

MORTGAGE HOLDER

We, (Name of institution and location), by (Name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (Name of plat), City of Valley Center, Sedgwick County, Kansas.

(Name of institution and location)

(Print Name)

ATTEST:

_____, Secretary
(Print Name)

- 6. If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met: (See Section 5-100A1 for use of the word "Addition.")

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
) ss
 CITY OF VALLEY CENTER)

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: _____, 20__.

_____, City Attorney
 (Print Name)

- 7. The acceptance of dedications by the Governing Body in the following form:

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss
 CITY OF VALLEY CENTER)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Valley Center, Kansas on _____, 20__.

(S E A L)

_____, Mayor
 (Print Name)

ATTEST:

_____, City Clerk
(Print Name)

- 8. The acceptance of dedications by the Board of County Commissioners for plats **outside the City only** in the following form:

COUNTY COMMISSIONERS' CERTIFICATE

STATE OF KANSAS)
) ss
 COUNTY OF SEDGWICK)

The dedications shown on this plat, if any, are hereby accepted by the Board of County Commissioners, Sedgwick County, Kansas, on _____, 20__.

(S E A L)

_____, Chairman
 (Print Name)

(Provide signature lines for
 all County Commissioners.)

ATTEST:

_____, County Clerk
 (Print Name)

- 9. A place to note the transfer record date of the County Clerk and the recording certificate of the County Register of Deeds. Plats are not entitled to record unless all current real estate taxes and special assessments are paid in full on the land being platted. (See Section 5-101R1 for title report.)

TRANSFER RECORD

Entered on transfer record this ___ day of _____, 20__.

_____, County Clerk
(Print Name)

REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

This is to certify that this instrument was filed for record in the Register of Deeds Office at ___:___ (a.m.) (p.m.) on the ___ day of _____, 20__ and is duly recorded.

(S E A L)

_____, Register of Deeds
(Print Name)

_____, Deputy
(Print Name)

Whenever the subdivider's agreement and any restrictive covenants are recorded prior to or concurrently with the final plat, the book and page numbers where they are recorded shall be noted on the plat for reference purposes.

- 10. Subdivisions which lie outside the city limits for which requests have been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement reading "Owners of lands within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Valley Center, Kansas," which shall be shown on the final plat and included in restrictive covenants of the subdivision. When such an agreement is contained in such restrictive covenants and filed by the City with the County Register of Deeds within 30 days after being executed by all parties, it shall be deemed to be sufficient consent to annexation under K.S.A. 12-520, as amended, to bind the owner(s) of the land to be subdivided and any successors in interest. (See Section 5-101R3 for restrictive covenants.)

11. Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.
- R. The following additional information shall be submitted with the final plat:
1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights-of-way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101 Q 8 on payment of real estate taxes and special assessments before recording.)
 2. When deemed necessary by the Subdivision Administrator, a final drainage plan based on the standards and policies set by the City as determined by the designated City Engineer including a four-corner grading plan for each zoning lot plus minimum pad elevations if located in a flood prone area. The plat shall also include a statement to the effect that such drainage plan has been developed for the subdivision including a four-corner lot grading plan and that all drainage easements, rights-of-way or reserves shall remain at the established grades and unobstructed to allow for the conveyance of storm water. The statement shall further note that such plan has been filed with the Subdivision Administrator at City Hall. Any modifications of the established grades on the drainage plan shall be prepared by the subdivider's engineer, submitted for approval by the designated City Engineer and filed with the original drainage plan on file at City Hall.
 3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the subdivider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exist with the City's laws. If the condition exists for outside the City utility service as described in Section 5-101 Q 10, then restrictive covenants must be submitted for review of the annexation waiver provisions.

ARTICLE 6. DESIGN STANDARDS

- 100 **Scope.** All subdivision of land subject to these regulations shall conform to the minimum design standards of this Article according to the classifications of urban and rural type subdivisions as defined in Article 7-100.
- 101 **Comprehensive Development Plan.** Subdivisions shall conform with the intent of the Comprehensive Plan.
- 102 **Land for Public Facility Sites.** Public agencies using the Comprehensive Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the State: (See Section 2-102 for definition of RESERVE.)
- A. The subdivider offers to sell to the appropriate public body, agency or authority, lands, sites and locations for parks, recreational areas, schools, fire stations or other public facilities. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days notice to the public body, agency or authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.
 - B. If the organization receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.
 - C. The time allocated for making the above determination may be extended with the mutual consent of the subdivider and the organization involved.
- 103 **Land for Open Space.** The following conditions may be required as part of the approval of any subdivision plat: (See Section 2-102 for definition of RESERVE and WETLAND.)
- A. That the subdivider provide appropriate dedication of land or easements for the preservation of open space areas within a subdivision. Such open space may be needed to preserve areas containing natural watercourses, drainage ways, areas subject to periodic flooding, wetlands, substantial woodland, rugged topography and wildlife habitat; to maintain water quality and quantity; and to protect land from soil erosion. In general, such land is not normally considered as buildable land and should not be developed in order to maintain the quality of the environment.

104 **Land Subject to Flooding.**

- A. Whenever a subdivision of land including platting for manufactured home parks and other developments on one-lot plats is located on flood prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: (See City Zoning Regulations for flood plain districts.) (See Section 5-101 O for minimum pad elevations.)
1. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and 100-year flood level; and
 2. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.

105 **Land Subject to Excessive Erosion by Wind or Water.** On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plat. Conservation standards applicable to subdivisions shall be adhered to which are used by the Sedgwick County Conservation District.

106 **Access.** All lots located in any subdivision must contain at least 35 feet of frontage in the City and at least 60 feet outside the City for driveways directly connected to an opened public street other than an alley and not across the land of others. Flag lots are not permitted, unless warranted by an unusual shape of the land or the ownership of property. (See Section 2-102 for definition of FLAG LOT.)

107 **Streets-Layout and Design.**

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the intent of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions, to the run-off of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.
- B. Where such is not shown on a Comprehensive Plan, the arrangement of streets in a subdivision shall either:
1. Provide for the continuation or appropriate projection of existing streets in surrounding areas;
or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
- C. Local streets shall be laid out so that their use by through traffic will be discouraged.
 - D. If a subdivision abuts or contains an existing or proposed limited access highway, arterial street or railroad right-of-way, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line and screening, deep lots with rear service alleys or such other design as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - E. Reserve strips controlling access of streets shall be prohibited except where their control is placed with the applicable Governing Body under acceptable conditions.
 - F. Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even numbers only. The components involved shall be as follows depending upon the urban or rural type of characteristics of the street needed based on land use, traffic and density:
 1. Moving or traffic lanes may be variable from nine to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction.
 2. Parking lanes for on-street storage of vehicles shall be at least eight feet in width. For computation purposes, up to two feet for curb or shoulder may be included as part of the parking lane.
 3. Curbs shall be considered to require two feet irrespective of construction type.
 4. Shoulders for rural type roadways shall be not less than three feet in width.
 5. Parking strips for streets shall be at least 14 1/2 feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way. Border strips for rural type roads shall be variable in width based on drainage needs.

6. Based on the above general criteria, street rights-of-way and roadways shall be calculated from the following guidelines:

	R-O-W for Street In feet*	Roadway Width In feet
URBAN AREA		
a. Collector including Commercial, Industrial or Multiple-Family Areas.	70	40**
b. Local Residential including Cul-de-sacs and Single and Two-Family Areas.	64	30-34**
c. Local Marginal Access Street (two moving lanes with no parking on one side plus a parking strip between curb and the main road right-of-way).	50	24-28**
d. Alleys for Residential, if necessary, and Commercial Areas.	20	20

** Face of curb to face of curb.

RURAL AREA

a. Collector including Industrial or Commercial Areas (Two moving lanes, six-foot shoulders, ditches and borders.)	80	47
b. Local Residential (Two moving lanes, three-foot shoulders, ditches and borders.)	70	31

These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established or ties into a collector or arterial system. Access control and acceleration and deceleration lanes

may be required to properly handle traffic flow and to protect the carrying capacity of the street.

* **Note:** For arterial standards, see Sections 6-107 G and H.

G. Arterial right-of-way widths shall be as shown in the Comprehensive Plan and where not shown thereon shall be 120 feet, except that for heavy traffic 150 feet of right-of-way may be required within 250 feet from the intersection of the center lines of an arterial street with any other arterial or collector street and taper to 120 feet at a distance of 350 feet from the intersection centerline.

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H. For streets and roadways on the Functional Classification System of the County, prevailing design standards shall apply.

I. Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.

J. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

Arterial Streets:	500 feet
Collector Streets:	300 feet
Local Streets:	200 feet

The sight distance shall be measured within street rights-of-way from a height of four and one-half feet above the proposed pavement surface in the right-hand lane of the roadway.

K. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.

L. Street jogs are to be avoided on arterial and collector streets. On local streets, center line offsets of less than 150 feet should be avoided.

M. Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

<u>Roadway Type</u>	<u>Percent Grade</u>
Arterial	3%
Collector	4%
Local	5%
Marginal Access	5%

N. No roadway grade shall be less than 0.50 of one percent, unless approved by the applicable engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

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O. Roadway pavement at intersections shall be rounded by the following minimum radii:

<u>Type of Roadway</u>	<u>Intersection Width</u>	<u>Minimum Curb Radii</u>
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Commercial/Industrial	Commercial/Industrial	
Collector or Arterial	Collector or Arterial	50 feet

P. Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, exists and is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No construction of the roadway shall occur until the full right-of-way is provided.

Q. The length of cul-de-sacs and the dimensions of the turn-around shall be determined as follows:

1. Cul-de-sacs in single-family areas should not generally be longer than seven times the average lot width or 600 feet, whichever is less. In multiple-family residential areas, such streets shall not exceed 300 feet.
2. In urban type subdivisions, they shall have a turn-diameter of at least 70 feet and a street property line diameter of at least 100 feet, or shall have an alternate turn-around area such as hammerheads, etc., as providing service equal to the foregoing requirement.
3. For rural type subdivisions, a minimum street property line diameter of 120 feet or more may be required for fire protection and other equipment.

R. Subdividers are encouraged to consider projects designed to maximize solar access when not in conflict with existing contours or drainage. When the long axis of individual structures is parallel to the street, streets should be oriented as nearly as possible in an east/west direction. If the long axis of structures is perpendicular to the street, north/south street orientation is preferable for solar access purposes.

108 Alleys.

- A. Alleys shall be provided in commercial and industrial areas, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.
- B. When provided, the minimum right-of-way of an alley shall be 20 feet.

- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
- D. Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead-end.

109 Blocks and Pedestrian Ways.

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
 - 2. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.
 - 3. Need for convenient access, circulation, control and safety of street traffic.
 - 4. Limitations and opportunities of topography.
- B. A block should not exceed 1,340 feet in length, unless the previous layout or topographic conditions justify a modification. In general, blocks shall not be less than 400 feet unless necessary because of existing street patterns.
- C. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.
- D. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.
- E. In extra long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks. (See Section 2-102 for definition of PEDESTRIAN WAY [CROSSWALK].)

110 Lots.

- A. The lot size, width, depth, shape and orientation, and the minimum building setback lines, if any desired, shall be appropriate for the location of the subdivision and for the type of development and use contemplated. (See Section 6-106 for flag lots.)
- B. Lot dimensions shall conform to the minimum requirements of applicable zoning regulations and sanitary codes, unless higher standards are established in accordance with this subsection:
 - 1. All subdivisions in the City shall be connected to public water supply and sewage disposal systems as well as subdivisions in the surrounding jurisdiction wherever the latter is

deemed feasible by the Governing Body.*

2. ~~If a proposed residential subdivision is serviced with public water supply, but intends to use a community sewer system (cluster system) the minimum lot area requirement shall be 12,500 square feet in the City or unincorporated area.~~

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3. If a proposed residential subdivision is serviced with a public water supply, but intends to use an alternative wastewater treatment system and tile field for a sewage disposal system, the minimum lot area requirement shall be 80,000 square feet in the unincorporated area only.**

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~~4. If a proposed residential subdivision in the unincorporated areas is serviced by on-lot well for water supply, and intends to use a community sewer system (cluster system), the minimum lot area requirement shall be 43,560 square feet in the unincorporated area.~~

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5. If a proposed residential subdivision in the unincorporated area is serviced by neither a public water supply or a public sewage disposal system and intends to use an on-lot well for water supply and an alternative wastewater treatment system for sewage disposal, the minimum lot area requirement shall be 80,000 square feet.**

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6. Notwithstanding the provisions of these regulations in Sections 6-110B2 and 3, it is the intent of these regulations to encourage the installation of public water supplies and public sewage disposal systems wherever feasible. In order to determine such feasibility, the Planning Commission may require the subdivider to provide certain basic engineering data and cost estimates on which to base such a decision. Furthermore, if on-lot water supply and sewage disposal installations are used, additional lot area may be required if the area to be subdivided has a high water table, is periodically flooded with water or if the soil conditions prove to be unsuitable based on percolations test which may be required of the subdivider. ~~When the alternative wastewater treatment system is used for sewage disposal, the edge of the alternative wastewater treatment system must not be less than 300 feet from any existing off-premises dwelling or 100 feet from the nearest property line.**~~

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C. In those areas where there may be municipal-type water and/or sanitary sewer facilities anticipated in the foreseeable future, but which are not yet available, the Planning Commission may require that lots be so designed and arranged that they may readily be converted to urban type building sites without replatting. When such a condition prevails, land should be subdivided into lots so that by combining lots, a building site is created initially with an area of not less than that required for on-lot wells and/or sewage treatment systems. The creation of such a building site through use of multiple groups of lots shall be contingent upon the establishment for record of restrictive covenants satisfactory to the legal counsel of the Planning Commission, providing that no more than one dwelling unit shall be built on

* NOTE: All public sanitary sewer systems and sewage treatment plants are further subject to the regulations of the Kansas Department of Health and Environment.

** NOTE: In calculating the size of the zoning lot, the land in an adjacent right-of-way may be included if it is part of the legal description of the lot.

such an aggregate group of lots until such time as municipal-type water and sewer service is available.

- D. As a general guideline, the maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other types of lots, the depth shall not exceed three times the width.
- E. In the City, the area of the street right-of-way shall not be included and calculated in the size of the lot with respect to minimum lot size requirements of these regulations or of any zoning regulations applicable to the property. The area of the adjacent street right-of-way may be included and calculated for lots in the unincorporated area; however, if it is part of the legal description of the lot. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning regulations.
- F. There shall be no double frontage lots for individual dwellings (e.g., single and two-family units), except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
- G. Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets or to overcome specific disadvantages of topography and orientation.
- H. Corner lots for residential use shall have extra width, if necessary, to permit appropriate building setback from and orientation to both streets.
- I. Side lines of lots shall be at right angles or radial to the street line or substantially so.

111 Easements.

- A. Utility easements shall be provided where necessary and centered on rear or side lot lines. Such easements shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes such as drainage, may exceed 10 feet.
- B. Drainage Easements. If a subdivision is traversed by a watercourse, drainage way or channel or a detention pond is constructed, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and location of a detention pond and shall be of such width or construction, or both, as may be necessary to assure adequate storm water drainage and for access for maintenance thereof. All drainage easements shall be vegetated with perennial

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grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water by best management practices. Parallel streets or parkways may be required in connection therewith. (See Section 2-102 for definition of DETENTION POND.)

In rural-type subdivisions, a triangular drainage and utility easement may be required at the corners of intersecting street rights-of-way. Where street rights-of-way intersect at 90 degrees, the limit of such easement would be defined by a line drawn between two points located on the right-of-way lines which are 25 feet back each way from the corner. All drainage easements will be vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water by best management practices.

- C. Vision triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The extent of vision triangle easements shall be based on the type of intersection (3-way, four, protected, unprotected, etc.); the type of street (local, collector, arterial, commercial or industrial); topography; proposed street grades (if any); and the design speeds contemplated for such roadways. (See Section 2-102 for definition of VISION TRIANGLE.)
- D. Wherever a lot or group of lots side or back on to an existing high pressure oil or gas transmission line, a building setback easement shall be established on each side of such line to the minimum safe standards as provided by the applicable oil or gas company to the subdivider or to such standards as may be adopted by the City, state or federal governments, whichever provides the most setback distance. The easement shall be provided on that part of the lot which abuts the oil or gas line and no principal buildings or structures shall be located or constructed within such an easement.
- E. A screening easement may be required to provide for fencing and/or an adequate area for the mature growth of landscaping with appropriate maintenance. (See Section 2-102 for definition of SCREENING.)

112 Commercial and Industrial Subdivisions.

- A. Streets. Notwithstanding the other provisions of these regulations, the minimum width of streets adjacent to areas designed, proposed or zoned for commercial or industrial use may be increased by the Planning Commission to such extent as may be deemed necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.
- B. Blocks and lots intended for commercial or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and loading.
- C. Marginal Access Street. When lots or blocks in a proposed commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

ARTICLE 7. INSTALLATION OF REQUIRED IMPROVEMENTS

100 **Subdivision Types.** For the purposes of these regulations, subdivisions shall be classified as follows:

A. **Urban Type Subdivisions.**

1. All subdivisions located wholly within the corporate limits of the City.
2. All subdivisions located partially within, adjoining or touching the corporate limits of the City.
3. All subdivisions adjoining or touching the boundary of a tract of land for which annexation proceedings have commenced by the City or the owner has a pending request to be annexed.
4. All subdivisions adjoining or touching another subdivision which has previously received final plat approval by the City and adjoins or touches the corporate limits of the City.
5. All subdivisions which have or intend to have both municipal type water supply and sewage disposal systems, or are subdividing all or portions of the subdivision for commercial or industrial purposes, or for public or semi-public purposes which are directly related to an urban type residential subdivision. (Note: Service by a rural water district could be considered a "municipal type" if the particular size of pipes in that location permitted adequate quantity and pressure commensurate with urban needs.)

B. **Rural Type Subdivisions.** All other subdivisions required to be platted by these regulations not otherwise classified as the urban type as described in Section 7-100A.

101 **Engineering and Governmental Jurisdiction.** In setting certain standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petition forms and establishing the amount of surety for guaranteeing the installation of such improvements; the engineer designated by the City, the County Engineer, or utility provider representative shall be designated as responsible for the improvements within their respective jurisdictions. The term "applicable" Governing Body may mean either the City Council for urban type subdivisions in the City, or the township trustees or County Board of Commissioners for urban and rural type subdivisions in the unincorporated area. "The" Governing Body refers to the City only. Coordination to achieve cooperation among the governing bodies is the responsibility of the City and, in particular, the Subdivision Administrator.

102 **Required Improvements.** As a condition to final plat approval, the subdivider of a proposed subdivision shall be responsible to install or, in cooperation with governmental bodies and utility companies, cause to be installed the following necessary facilities and improvements as listed below. The design and installation of such facilities and improvements shall include such sizing of pipes and extensions of streets as may be deemed desirable within the subdivision to facilitate development of adjacent land. All requirements are applicable to both urban and rural- type subdivisions as defined in

Section 7-100 unless specifically described otherwise.

- A. All streets, alleys, curbs, gutters and street drainage facilities in urban type subdivisions shall be constructed in accordance with established City standards. All urban type streets shall be constructed of concrete, asphalt or asphaltic concrete and no gravel or sanded roadways shall be constructed. All roadways in rural type subdivisions shall be constructed in accordance with standards established by the County Engineer with gravel or sanded surface and no other materials such as oiled surface, macadam or similar materials shall be used. If other than gravel or sanded surface materials are particularly required, urban construction standards as described above shall apply. To accommodate any future improvements in both urban and rural areas, the entire right-of-way of collector and local streets and roadways shall be graded to match the level of the road surface. All stumps, trees that cannot be saved, boulders and similar items shall be removed from such right-of-way. In the unincorporated area, streets and roadways are subject to final acceptance by the applicable township trustee or the County.
- B. A storm drainage system shall be provided, separate and independent of the sanitary sewer system, meeting all of the specifications and requirements of the City in urban type subdivisions or the County Engineer in rural types. Such storm drainage system shall be connected to any existing storm sewer system, where available, or if such connection is not available, other adequate means for the discharge of such storm water including the use of detention ponds shall be provided by the subdivider into the nearest major water channel. If it is determined that adequate drainage can be accomplished by a natural drainage way across private property, a drainage easement may be required; however, any initial channelization is the responsibility of the subdivider and continued maintenance the responsibility of the adjacent property owner(s).
- C. Sidewalks shall be constructed in accordance with standards set by the City in urban type subdivisions under the following conditions: (Also, see Section 6-109E for pedestrian ways.)
 - 1. Sidewalks ~~shall be required on at least one side~~ of the street when needed to service pedestrian traffic flow leading to schools, parks, shopping areas or places of public assembly and where heavy traffic would warrant sidewalks for safety purposes. Sidewalks ~~shall~~ also be required in residential areas where the lot frontage is less than 150 feet. Sidewalks shall be required to extend or complete connecting links in the sidewalk system. ~~Location of sidewalks will be per the Sidewalk Master Plan.~~ 2. In general, sidewalks shall be constructed with the inside edge of the sidewalk on the property line, except in the central business district.
 - 3. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.
- D. Street signs of such location, type and size as shall be approved by the applicable Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area.
- E. Wherever a municipal-type water supply system or its equivalent is required to be constructed by these regulations, such construction shall be in accordance with the standards and requirements set by the applicable agency supplying the water. In all other areas, a water supply shall be

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provided which meets the standards of the County Sanitary Code. In those areas where there is a municipal type water supply system, mains shall be of such size as to support the use of fire hydrants as required by Section 7-102F.

F. Fire hydrants of the type and quality specified by City standards, but not less than the minimum standards of the National Fire Protection Association (NFPA), shall be provided wherever there shall be constructed a municipal type water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

G. Sanitary Sewer Systems.

1. Wherever sanitary sewers are to be installed as required by these regulations, such sewers are to be constructed in accordance with standards set by the City subject to the regulations of the Kansas Department of Health and Environment.

2. Wherever, alternative onsite wastewater treatment system, or community sewer system (cluster system), are to be used for sewage disposal on individual lots, the determination of the suitability of the lot(s) and the standards for installation and inspection of such facilities shall be governed by the County Sanitary Code.

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H. Underground wiring in residential subdivisions, unless found to be unfeasible, is required for electric power, street lights and telephone service in urban type subdivision, except:

1. For lines rated over 12,000 volts;
2. Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, telephone service pedestals and street light poles; or
3. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type utility distribution system.

All such installation shall be under contract with the applicable utility provider. Cable television, if installed, shall be placed underground in accordance with the above requirements. Where telephone, electric, street lights and gas lines are placed underground

entirely throughout a subdivision, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

Nothing in this section shall be construed as requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

All utility lines for telephone and electric service, when carried on overhead poles in other than the above urban type subdivision, shall be placed in rear lot line easements or designated side lot line easements.

- I. If screening of public or private areas is to be required, a screening plan of landscaping and/or fencing shall be prepared and approved by the Planning Commission and such screening installed. (See Section 2-102 for definition of SCREENING.)
- J. Monuments as shown on the final plat shall be placed at all central points such as block corners, angle points, points of curves in streets and as may be required by the applicable engineer. Monuments shall be made of iron pipe or solid steel rods, e.g., rebars which are not less than 1/2 inch in outside diameter and not less than 24 inches in length and capped with a plastic or metal top which identifies the registration number of the surveyor. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at or nine inches below grade ground level depending upon whether cultivation of the land is anticipated. Bench marks may also be required of such material, size and length as may be approved by the applicable engineer. (See Section 2-102 for definitions of BENCH MARK and MONUMENT and Sections 5-101 D and E for monuments and bench mark(s) to be shown on the final plat.)
- K. Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision and in the event such was not known at the time of subdivision approval for any reason, the costs of such relocation shall be the sole responsibility of the subdivider.
- L. Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be adhered to which have been adopted by the County Conservation District.
- M. An access roadway permit is required to be obtained from the County Fire Department in the unincorporated area of the County and a similar permit from the City Fire Department in the city limits whenever a facility, building or portion of a building is constructed more than 150 feet from the nearest street or road right-of-way line. Such a permit is required under the [International Fire](#)

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Code to provide appropriate access for fire fighting apparatus. Information regarding specifications for the access drive relative to width, driving surface, vertical clearance, turnaround, bridges and floodplain access may be obtained from the Fire Department.

103 **Exceptions for Existing Improvements.**

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out in Section 7-102 and where such improvements meet the requirements of said section and are in good condition as determined by the applicable Governing Body, no further provision need be made by the subdivider to duplicate such improvements. Where such existing improvements, however, do not meet the requirements, the subdivider shall provide for the repair, correction or replacement of such improvements so that all improvements will then meet the aforesaid requirements.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated in so far as is possible so as to provide for a minimum street right-of-way width and an additional roadway pavement meeting the minimum standards as set by these regulations. The applicable Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The minimum right-of-way and roadway width required by these regulations may be reduced to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision.

104 **Agreement and Guarantees for Installation of Required Improvements.** Except for monuments, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the applicable Governing Body may, at its discretion and in recognition of its financial position, share in the cost of improvements, especially oversized improvements which may benefit other related areas or the municipality-at-large: (See Section 2-102 for definition of HOMEOWNERS' ASSOCIATION.)

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- A. Fiscal sureties may be offered and the following shall apply: (See Section 2-102 for definition of SUBDIVIDER'S AGREEMENT.)
1. The subdivider shall enter into a "Subdivider's Agreement" with the applicable Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the acceptances of the final plat by the applicable Governing Body and filed with the applicable Clerk.
 2. Simultaneously with the execution of the Subdivider's Agreement provided for in Section 7-104A1, the subdivider shall furnish a corporate completion bond by a firm authorized to do

business in Kansas with good and sufficient sureties thereon or a cashier's check, escrow account or irrevocable letter of credit in favor of the applicable Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the acceptance of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two years from the date that the final plat is accepted by the Governing Body.

3. Simultaneously with the execution of the Subdivider's Agreement provided for in Section 7-104A1, if the subdivider furnishes a corporate completion bond, he or she shall also deposit in escrow with the applicable Governing Body cash in the amount of 15% of the cost of all improvements to be made in accordance with the plans and specifications for required improvements or an equivalent amount in the form of a maintenance bond or other securities that may be deemed sufficient by the applicable Governing Body. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit, 15% of the amount of such guarantees shall be returned by, or held as a deposit in escrow after, the final completion of such improvements. The subdivider shall agree that such deposit in escrow may be held by the applicable Governing Body for a period of 18 months after such improvements are completed for the purpose of:
 - a. Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the applicable Governing Body; and
 - b. Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

Such escrow agreement shall provide that, as such defects have so developed, that the deposit may be applied by the applicable Governing Body for any amounts incurred correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the applicable Governing Body to the depositor, or paid to the order of the depositor without payment of interest.

- B. Petitions to the applicable Governing Body may be submitted as a means of guaranteeing to such Governing Body the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:
 1. The petitions must be valid as may be provided for under Kansas law.
 2. The petitions must be approved by the applicable Governing Body concurrently with the acceptance of the final plat.
 3. The initiating resolution for such improvement must be adopted by the applicable Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.

4. A certificate signed by the petitioner must be recorded with the County Register of Deeds stating that such petitions have been filed and approved by the applicable Governing Body and that certain land within the plat as described will be liable in the future for special assessment for the required improvements authorized.
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- C. For streets and related drainage only in rural type subdivisions, preconstruction of improvements as an alternative method of guaranteeing their installation may be used if approved by the County Governing Body. In this event, the subdivider may request such Governing Body to hold the final plat acceptance until such time as an inspection certifies that the required improvements have been properly constructed. Such a preconstruction procedure shall be temporarily conditioned on subsequent acceptance of the final plat and a time limit for actual construction mutually agreed upon. Maintenance guarantees may also be required if deemed desirable. (See Section 7-104A3 for maintenance guarantee methods.)
 - D. The subdivider shall, prior to the acceptance of the final plat, submit a letter from the utility provider(s) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.
 - E. Monuments and bench marks shall be installed and their installation certified by a licensed land surveyor on the final plat before such plat is recorded with the County Register of Deeds. (See Section 5-101 Q 1 for Land Surveyor's Certificate.)

105 **Off-site Improvements.** The applicable Governing Body may, upon making a finding of necessity, require the subdivider to install or upgrade off-site improvements located outside the perimeter of a subdivision if such need is substantially created by a proposed subdivision. Such off-site improvements should be within dedicated rights-of-way or easements and serve a public purpose. The financing and guaranteeing of such improvements shall be administered as if they were the same as on-site improvements under Section 7-104. The applicable Governing Body may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

- A. Drainage improvements;
- B. Pedestrian ways and sidewalks;
- C. Screening;
- D. Special grading requirements;
- E. Street improvements; or
- F. Traffic control devices.

CONSENT AGENDA

A. REVENUE and EXPENSE FINANCIAL SUMMARIES for October 2009:

- **GENERAL FUND**
- **EMPLOYEE BENEFITS FUND**
- **LIBRARY**
- **SPECIAL HIGHWAY**
- **EMERGENCY EQUIPMENT RESERVE**
- **BOND AND INTEREST**
- **WATER OPERATING**
- **STORMWATER OPERATING**
- **SEWER OPERATING**

RECOMMENDED ACTION:

REVIEW AND FILE

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2009

PAGE: 1

010-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	1,296,543.00	16,427.75	0.00	1,110,117.76	0.00	186,425.24	85.62
INTERGOVERNMENTAL	443,650.00	38,651.78	0.00	379,960.58	0.00	63,689.42	85.64
LICENSES & PERMITS	532,100.00	32,892.46	0.00	372,074.04	0.00	160,025.96	69.93
CHARGES FOR SERVICES	6,900.00	190.00	0.00	6,336.00	0.00	564.00	91.83
FINES & FORFEITURES	49,000.00	6,618.93	0.00	56,278.46	0.00	7,278.46	114.85
USE OF MONEY & PROPERTY	20,000.00	415.00	0.00	6,670.25	0.00	13,329.75	33.35
OTHER REVENUES	34,936.00	92.13	0.00	27,863.45	0.00	7,072.55	79.76
MISCELLANEOUS	96,480.00	0.00	0.00	8,738.04	0.00	87,741.96	9.06
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	2,479,609.00	95,103.79	0.00	1,968,038.58	0.00	511,570.42	79.37
<u>EXPENDITURE SUMMARY</u>							
<u>ADMINISTRATION</u>							
PERSONNEL SERV. & BENEF.	218,720.00	17,750.55	0.00	207,214.03	0.00	11,505.97	94.74
CONTRACTUAL SERVICES	109,900.00	11,730.79	0.00	126,514.54	0.00	16,614.54	115.12
COMMODITIES	11,900.00	712.30	0.00	10,050.15	0.00	1,849.85	84.46
CAPITAL OUTLAY	11,150.00	39.99	0.00	17,593.04	0.00	6,443.04	157.79
OTHER COSTS/MISC.	458,000.00	13,368.00	0.00	72,406.61	0.00	385,593.39	15.81
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	809,670.00	43,601.63	0.00	433,778.37	0.00	375,891.63	53.57
<u>LEGAL & MUNICIPAL COURT</u>							
PERSONNEL SERV. & BENEF.	60,810.00	4,754.45	0.00	48,768.10	0.00	12,041.90	80.20
CONTRACTUAL SERVICES	8,760.00	1,215.48	0.00	10,743.92	0.00	1,983.92	122.65
COMMODITIES	850.00	29.47	0.00	166.62	0.00	683.38	19.60
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	28,000.00	4,457.97	0.00	10,623.47	0.00	17,376.53	37.94
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL LEGAL & MUNICIPAL COURT	98,420.00	10,457.37	0.00	70,302.11	0.00	28,117.89	71.43
<u>COMMUNITY DEVELOPMENT</u>							
PERSONNEL SERV. & BENEF.	81,195.00	6,259.54	0.00	64,754.55	0.00	16,440.45	79.75
CONTRACTUAL SERVICES	35,990.00	4,253.44	0.00	41,061.26	0.00	5,071.26	114.09
COMMODITIES	5,700.00	106.73	0.00	2,600.45	0.00	3,099.55	45.62
CAPITAL OUTLAY	0.00	42.26	0.00	70.65	0.00	70.65	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY DEVELOPMENT	122,885.00	10,661.97	0.00	108,486.91	0.00	14,398.09	88.28

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2009

PAGE: 2

010-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>POLICE</u>							
PERSONNEL SERV. & BENEF.	501,931.00	41,662.18	0.00	397,637.43	0.00	104,293.57	79.22
CONTRACTUAL SERVICES	56,000.00	3,344.31	0.00	45,704.04	0.00	10,295.96	81.61
COMMODITIES	31,000.00	1,882.78	0.00	17,365.20	0.00	13,634.80	56.02
CAPITAL OUTLAY	42,230.00	0.00	0.00	31,890.06	0.00	10,339.94	75.52
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL POLICE	631,161.00	46,889.27	0.00	492,596.73	0.00	138,564.27	78.05
<u>FIRE</u>							
PERSONNEL SERV. & BENEF.	106,294.00	8,142.55	0.00	73,772.75	0.00	32,521.25	69.40
CONTRACTUAL SERVICES	35,610.00	3,055.58	0.00	34,519.65	0.00	1,090.35	96.94
COMMODITIES	8,400.00	875.44	0.00	4,650.47	0.00	3,749.53	55.36
CAPITAL OUTLAY	19,000.00	2,085.59	0.00	7,728.64	0.00	11,271.36	40.68
OTHER COSTS/MISC.	1,000.00	0.00	0.00	1,116.85	0.00	116.85	111.69
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL FIRE	170,304.00	14,159.16	0.00	121,788.36	0.00	48,515.64	71.51
<u>EMERGENCY COMMUNICATIONS</u>							
PERSONNEL SERV. & BENEF.	153,488.00	10,346.34	0.00	104,157.45	0.00	49,330.55	67.86
CONTRACTUAL SERVICES	16,660.00	1,176.97	0.00	15,222.56	0.00	1,437.44	91.37
COMMODITIES	680.00	0.00	0.00	586.38	0.00	93.62	86.23
CAPITAL OUTLAY	4,150.00	0.00	0.00	805.94	0.00	3,344.06	19.42
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EMERGENCY COMMUNICATIONS	174,978.00	11,523.31	0.00	120,772.33	0.00	54,205.67	69.02
<u>STREET</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL STREET	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<u>COMMUNITY BUILDING</u>							
PERSONNEL SERV. & BENEF.	6,500.00	0.00	0.00	885.00	0.00	5,615.00	13.62
CONTRACTUAL SERVICES	7,920.00	268.76	0.00	9,494.19	0.00	1,574.19	119.88
COMMODITIES	1,100.00	120.79	0.00	2,025.48	0.00	925.48	184.13
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY BUILDING	15,520.00	389.55	0.00	12,404.67	0.00	3,115.33	79.93

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 3

010-GENERAL FUND
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>SWIMMING POOL</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	28,320.00	7,285.87	0.00	18,308.13	0.00	10,011.87	64.65
COMMODITIES	5,500.00	649.50	0.00	4,794.70	0.00	705.30	87.18
CAPITAL OUTLAY	10,000.00	0.00	0.00	0.00	5,604.79	4,395.21	56.05
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL SWIMMING POOL	43,820.00	7,935.37	0.00	23,102.83	5,604.79	15,112.38	65.51
<u>PARKS</u>							
PERSONNEL SERV. & BENEF.	115,595.00	8,858.52	0.00	96,283.98	0.00	19,311.02	83.29
CONTRACTUAL SERVICES	51,130.00	1,876.38	0.00	28,701.79	0.00	22,428.21	56.13
COMMODITIES	14,400.00	1,303.48	0.00	14,406.43	0.00	6.43	100.04
CAPITAL OUTLAY	59,500.00	0.00	0.00	18,666.96	0.00	40,833.04	31.37
OTHER COSTS/MISC.	19,700.00	724.89	0.00	6,689.10	0.00	13,010.90	33.95
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL PARKS	260,325.00	12,763.27	0.00	164,748.26	0.00	95,576.74	63.29
<u>PUBLIC BUILDING</u>							
PERSONNEL SERV. & BENEF.	30,066.00	2,673.68	0.00	27,751.11	0.00	2,314.89	92.30
CONTRACTUAL SERVICES	25,960.00	339.36	0.00	26,676.95	0.00	716.95	102.76
COMMODITIES	7,500.00	1,195.65	0.00	9,723.68	0.00	2,223.68	129.65
CAPITAL OUTLAY	80,000.00	8,500.49	0.00	37,844.49	0.00	42,155.51	47.31
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL PUBLIC BUILDING	143,526.00	12,709.18	0.00	101,996.23	0.00	41,529.77	71.06
<u>CEMETERY</u>							
PERSONNEL SERV. & BENEF.	1,200.00	0.00	0.00	0.00	0.00	1,200.00	0.00
CONTRACTUAL SERVICES	5,200.00	70.00	0.00	2,210.00	0.00	2,990.00	42.50
COMMODITIES	2,600.00	0.00	0.00	0.00	0.00	2,600.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CEMETERY	9,000.00	70.00	0.00	2,210.00	0.00	6,790.00	24.56
TOTAL EXPENDITURES	2,479,609.00	171,160.08	0.00	1,652,186.80	5,604.79	821,817.41	66.86
** REVENUE OVER(UNDER) EXPENDITURES **	0.00	(76,056.29)	0.00	315,851.78	(5,604.79)	(310,246.99)	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	0.00	(76,056.29)	0.00	315,851.78	(5,604.79)	(310,246.99)	0.00

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

110-EMPLOYEE BENEFITS
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	521,670.00	9,317.33	0.00	510,575.05	0.00	11,094.95	97.87
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	17,000.00	0.00	0.00	0.00	0.00	17,000.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	538,670.00	9,317.33	0.00	510,575.05	0.00	28,094.95	94.78
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	529,020.00	43,039.70	0.00	514,890.20	0.00	14,129.80	97.33
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	26,450.00	0.00	0.00	0.00	0.00	26,450.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	555,470.00	43,039.70	0.00	514,890.20	0.00	40,579.80	92.69
<u>ADMINISTRATION</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	555,470.00	43,039.70	0.00	514,890.20	0.00	40,579.80	92.69
** REVENUE OVER(UNDER) EXPENDITURES *(	16,800.00)	33,722.37)	0.00	(4,315.15)	0.00	(12,484.85	25.69
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00

REVENUE & OTHER SOURCES OVER/
 (UNDER) EXPENDITURES & OTHER (USES) (16,800.00)(33,722.37) 0.00 (4,315.15) 0.00 (12,484.85 25.69

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

140-LIBRARY
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	216,300.00	3,814.10	0.00	213,324.69	0.00	2,975.31	98.62
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	216,300.00	3,814.10	0.00	213,324.69	0.00	2,975.31	98.62
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
OTHER COSTS/MISC.	216,300.00	0.00	0.00	209,510.59	0.00	6,789.41	96.86
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	216,300.00	0.00	0.00	209,510.59	0.00	6,789.41	96.86
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	216,300.00	0.00	0.00	209,510.59	0.00	6,789.41	96.86
** REVENUE OVER(UNDER) EXPENDITURES **	0.00	3,814.10	0.00	3,814.10	0.00	(3,814.10	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	0.00	3,814.10	0.00	3,814.10	0.00	(3,814.10	0.00

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

150-SPECIAL HIGHWAY
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
INTERGOVERNMENTAL	707,800.00	102,542.73	0.00	617,950.52	0.00	89,849.48	87.31
USE OF MONEY & PROPERTY	1,609.00	0.00	0.00	0.00	0.00	1,609.00	0.00
OTHER REVENUES	0.00	169.00	0.00	169.00	0.00 (	169.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	449.01	0.00 (	449.01	0.00
TOTAL REVENUES	709,409.00	102,711.73	0.00	618,568.53	0.00	90,840.47	87.19
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	190,171.00	10,179.10	0.00	137,542.50	0.00	52,628.50	72.33
CONTRACTUAL SERVICES	47,500.00	4,756.21	0.00	42,142.16	0.00	5,357.84	88.72
COMMODITIES	81,100.00	8,492.24	0.00	41,805.32	0.00	39,294.68	51.55
CAPITAL OUTLAY	377,808.00	77,017.98	0.00	307,817.50	0.00	69,990.50	81.47
OTHER COSTS/MISC.	99,360.00	0.00	0.00	0.00	0.00	99,360.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	795,939.00	100,445.53	0.00	529,307.48	0.00	266,631.52	66.50
TOTAL EXPENDITURES	795,939.00	100,445.53	0.00	529,307.48	0.00	266,631.52	66.50
** REVENUE OVER(UNDER) EXPENDITURES *(	86,530.00)	2,266.20	0.00	89,261.05	0.00 (	175,791.05	103.16-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (	86,530.00)	2,266.20	0.00	89,261.05	0.00 (	175,791.05	103.16-

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

160-EMERGENCY EQUIPMENT
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	48,010.00	839.61	0.00	47,350.86	0.00	659.14	98.63
OTHER REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	48,010.00	839.61	0.00	47,350.86	0.00	659.14	98.63
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
CAPITAL OUTLAY	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
TOTAL EXPENDITURES	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
** REVENUE OVER(UNDER) EXPENDITURES *(	69,660.00)	839.61	0.00	18,956.74	0.00	(88,616.74	27.21-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (	69,660.00)	839.61	0.00	18,956.74	0.00	(88,616.74	27.21-

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2009

PAGE: 1

410-BOND & INTEREST
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET	
<u>REVENUE SUMMARY</u>								
TAXES	389,490.00	10,259.01	0.00	382,797.61	0.00	6,692.39	98.28	
USE OF MONEY & PROPERTY	13,000.00	0.00	0.00	1,640.02	0.00	11,359.98	12.62	
OTHER REVENUES	907,400.00	12,169.42	0.00	880,865.82	0.00	26,534.18	97.08	
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MISC TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL REVENUES	1,309,890.00	22,428.43	0.00	1,265,303.45	0.00	44,586.55	96.60	
<u>EXPENDITURE SUMMARY</u>								
<u>NON-DEPARTMENTAL</u>								
CONTRACTUAL SERVICES	0.00	0.00	0.00	7,811.20	0.00	7,811.20	0.00	
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OTHER COSTS/MISC.	75,970.00	0.00	0.00	0.00	0.00	75,970.00	0.00	
DEBT SERVICE	1,419,390.00	0.00	0.00	508,531.36	0.00	910,858.64	35.83	
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL NON-DEPARTMENTAL	1,495,360.00	0.00	0.00	516,342.56	0.00	979,017.44	34.53	
<u>ADMINISTRATION</u>								
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTAL EXPENDITURES	1,495,360.00	0.00	0.00	516,342.56	0.00	979,017.44	34.53	
** REVENUE OVER(UNDER) EXPENDITURES *(	185,470.00)	22,428.43	0.00	748,960.89	0.00	934,430.89	403.82-
OTHER FINANCING SOURCES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
REVENUE & OTHER SOURCES OVER/	(UNDER) EXPENDITURES & OTHER (USES) (185,470.00)	22,428.43	0.00	748,960.89	0.00	934,430.89	403.82-

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

610-WATER OPERATING
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	259.80	0.00 (	259.80	0.00
CHARGES FOR SERVICES	1,069,430.00	84,000.86	0.00	873,329.49	0.00	196,100.51	81.66
USE OF MONEY & PROPERTY	3,435.00	0.00	0.00	0.00	0.00	3,435.00	0.00
OTHER REVENUES	0.00	0.00	0.00	6.93	0.00 (	6.93	0.00
MISCELLANEOUS	0.00	0.00	0.00	1,908.29	0.00 (	1,908.29	0.00
TOTAL REVENUES	1,072,865.00	84,000.86	0.00	875,504.51	0.00	197,360.49	81.60
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	277,320.00	19,420.11	0.00	170,203.19	0.00	107,116.81	61.37
CONTRACTUAL SERVICES	516,410.00	33,662.89	0.00	364,612.39	0.00	151,797.61	70.61
COMMODITIES	48,000.00	1,168.94	0.00	12,483.81	0.00	35,516.19	26.01
CAPITAL OUTLAY	84,135.00	4,317.70	0.00	12,956.35	0.00	71,178.65	15.40
OTHER COSTS/MISC.	296,270.00	0.00	0.00	909.93	0.00	295,360.07	0.31
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,222,135.00	58,569.64	0.00	561,165.67	0.00	660,969.33	45.92
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,222,135.00	58,569.64	0.00	561,165.67	0.00	660,969.33	45.92
** REVENUE OVER(UNDER) EXPENDITURES *(	149,270.00)	25,431.22	0.00	314,338.84	0.00 (	463,608.84	210.58-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00

REVENUE & OTHER SOURCES OVER/
 (UNDER) EXPENDITURES & OTHER (USES) (149,270.00) 25,431.22 0.00 314,338.84 0.00 (463,608.84 210.58-

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2009

PAGE: 1

612-STORMWATER UTILITY FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	63,880.00	2,913.00	0.00	31,571.00	0.00	32,309.00	49.42
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	63,880.00	2,913.00	0.00	31,571.00	0.00	32,309.00	49.42
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	39,540.00	0.00	0.00	136.50	0.00	39,403.50	0.35
CONTRACTUAL SERVICES	1,060.00	13.05	0.00	13.05	0.00	1,046.95	1.23
COMMODITIES	11,000.00	0.00	0.00	0.00	0.00	11,000.00	0.00
CAPITAL OUTLAY	12,280.00	0.00	0.00	0.00	0.00	12,280.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	63,880.00	13.05	0.00	149.55	0.00	63,730.45	0.23
TOTAL EXPENDITURES	63,880.00	13.05	0.00	149.55	0.00	63,730.45	0.23
** REVENUE OVER(UNDER) EXPENDITURES **	0.00	2,899.95	0.00	31,421.45	0.00	31,421.45	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	0.00	2,899.95	0.00	31,421.45	0.00	31,421.45	0.00

11-04-2009 02:00 PM

CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: OCTOBER 31ST, 2009

PAGE: 1

620-SEWER OPERATING
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CHARGES FOR SERVICES	732,150.00	60,744.82	0.00	602,753.71	0.00	129,396.29	82.33
USE OF MONEY & PROPERTY	2,278.00	0.00	0.00	0.00	0.00	2,278.00	0.00
OTHER REVENUES	6,000.00	200.00	0.00	2,539.00	0.00	3,461.00	42.32
MISCELLANEOUS	0.00	0.00	0.00	2,806.30	0.00	2,806.30	0.00
TOTAL REVENUES	740,428.00	60,944.82	0.00	608,099.01	0.00	132,328.99	82.13
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	213,009.00	11,303.90	0.00	152,399.05	0.00	60,609.95	71.55
CONTRACTUAL SERVICES	292,960.00	11,999.68	0.00	172,012.89	0.00	120,947.11	58.72
COMMODITIES	27,500.00	1,000.10	0.00	14,178.62	0.00	13,321.38	51.56
CAPITAL OUTLAY	32,239.00	0.00	0.00	2,000.00	0.00	30,239.00	6.20
OTHER COSTS/MISC.	602,690.00	0.00	0.00	203,016.70	0.00	399,673.30	33.69
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,168,398.00	24,303.68	0.00	543,607.26	0.00	624,790.74	46.53
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,168,398.00	24,303.68	0.00	543,607.26	0.00	624,790.74	46.53
** REVENUE OVER(UNDER) EXPENDITURES *(	427,970.00)	36,641.14	0.00	64,491.75	0.00	492,461.75	15.07-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00

REVENUE & OTHER SOURCES OVER/
 (UNDER) EXPENDITURES & OTHER (USES) (427,970.00) 36,641.14 0.00 64,491.75 0.00 (492,461.75 15.07-

STAFF REPORTS

A. City Clerk

B. Chief of Police

- Police Department October 2009 Report
- Municipal Court October 2009 Report

C. Fire Chief

- October 2009 Activity Report

D. Community Development

E. City Superintendent

- Public Works September & October 2009 Reports

F. Parks Superintendent

G. City Engineer

- Project Status Report

H. City Attorney

I. City Administrator

Officer's Report

November 6, 2009

Chief Mark V. Hephner #1

Attention: Joel Pile
City Administrator
Valley Center Kansas

Subject: Valley Center Police October Monthly Report

The Police Department answered 254 calls for service during October 2009. Of those calls, 66 generated police cases. Emergency Communications/Records recorded 39 Fire Department calls for service, 82 records dissemination requests, 1419 telephone calls and 172 citizen contacts. The following is a break down of the police department cases:

Calls for Service: Four 911 hang ups; two abandoned vehicle calls; one agg indecent liberties case; twelve alarm calls; seven animal calls; one assault call; eighteen assist citizen calls; seventeen assist EMS calls; two assist fire; thirty-seven assist other agency calls; four battery calls; two burglary report; four battery cases; seven criminal damage to property cases; one check business/residence calls; six check the welfare calls; one criminal threat case; two disorderly conduct cases; nine disturbance/domestic calls; five driving complaints, four DUI cases; two DV battery/assault cases; one forgery case; one found property calls; one funeral escort; five harassment/phone call complaints; one identity theft report; one injury accident case; two loud music calls, two minor in possession of tobacco cases; seventeen misc reports; one missing child report; nine non-injury accident reports; three parking complaints; one RR crossing call; three runaway report; one sexual battery case; twenty-one suspicious activity/persons/vehicle calls; seven theft reports; three threat reports; five traffic hazard calls; one trespass case; two truant cases; one urinating in public case; and one violation of Protection From Abuse case. Officers wrote forty citations with fifty-nine violations during the month.

During the month of October, Sedgwick County Emergency 911 Dispatch covered for the City of Valley Center 32 hours.

The chief attended the International Chiefs of Police Conference in Denver October 3-8. The chief attended the area chief's meeting in Andover on October 15. The chief attended the Chamber of Commerce meeting and Open House for Dr Horn's office on October 20. The chief and Mr. Pile met with school officials on October 29 regarding reporting issues.

During the month, Detective Sergeant Lloyd Newman II completed the monthly fuel report. He and Detective Grayson attended the monthly KIA meeting. He and Detective Grayson also attended the yearly KIA Conference in Salina. He presented several cases to the City Attorney. He along with Sgt Vogt supervised both Municipal Court sessions during the month. He has represented the police department on the city policy committee.

Detective Grayson wrote eight affidavits, two warrant information sheets and seven victim witness sheets. He presented 3 cases to the DA's Office.

Sgt Vogt attended the city council meeting on October 6, as the chief was out of town for training. Sgt Vogt charged two felony DUI cases with the District Attorney's Office.

SRO Activities-198 student contacts, 29 parent contacts, 3 tobacco violation, 2 school functions, 5 problem solving issues, 52 school staff contacts, 1 medical calls, 1 truant case, 1 battery cases, 1 sexual battery case, 1 assault case, 1 aggravated indecent liberties with a child case and 1 theft case.

Training: The chief attended training at the IACP Conference in Denver. All officers were trained and qualified on the patrol rifle. All officers were also qualified with their sidearms. Officer Longhofer completed Taser training. Sgt Vogt, Officers Kirk and Schrag attended training on the new State accident report forms on October 15. Officer Gordon attended training for law enforcement Spanish on October 27-29. Officers' Easley and Switzer completed Intoxilyzer 8000 training on October 6.

Community Outreach Programs Presented: Sgt Vogt and Explorers' Clark and Varnes attended the Sedgwick Co. Law Enforcement Expo on October 3. Sgt Vogt presented three Operation Lifesaver programs during the month. Sgt Vogt had one Explorer meeting during the month. The chief and Officer Switzer were judges for the Chili Cook-off at the Abilene Open House/Fun night on October 17. Detective Grayson met with residents at Sunflower Gardens for a safety meeting. Detective Grayson has begun a program in the schools in which he has lunch with school students once a week. Last month he met with students at Abilene twice, once at West and once at the middle school. The chief attended with Grayson on the visit to West.

Response Times Average:

Priority calls-9 minutes

Non-priority calls (Report calls)-13 minutes

Miscellaneous items: Most all of the Valley Center Police Department that we're not working attended the funeral for Deputy Brian Etheridge on October 2. Jeremy Sheffler has been hired as a part-time officer. He is full time military, with experience at several departments as a part-time officer. He has already attended the Part-time Academy at KLETC. Officer Sheffler has begun field training with our department.

Chief Mark Hephner
Valley Center Police Chief
November 6, 2009

OCTOBER 14, 2009

150 TOTAL CASES

9 CASES WITH NO STATUS CHG.
48 CONTINUED TO NEW DATE
17 CONTINUED
14 EXTENSION OF TIME TO PAY
8 DISMISSED/PRESENTED INSURANCE
8 FINALIZED - FOUND GUILTY
6 DISMISSED WITHOUT PREJUDICE
7 LATE NOTICE
2 DIVERSION
6 TRIAL
16 INITIAL APPEARANCE TO NEW DATE
1 PAYMENT PLAN
1 REVIEW HEARING
4 WARRANT ISSUED
2 DISMISSED HAD DL
1 AMENDED CHARGE

October 2009 Activity Report

The Fire Department responded to 35 calls for service in October; these are broken down as follows.

<u>Calls For Service</u>	<u>City</u>	<u>Townships</u>
Building Fire	0	Colwich Mutual Aid
Off-Road Vehicle or Heavy Equipment Fire	0	1
Passenger Vehicle Fire	1	0
Cooking Fire Confined to Container	1	0
Outside Rubbish Trash or Waste Fire	1	0
Unauthorized Controlled Burn	1	0
Carbon Monoxide Incident	1	0
Motor Vehicle Accident With Injuries	1	0
Medical Assist, Assist EMS Crew	3	0
Assist Invalid	1	0
Public Service	1	0
Good Intent Call	1	0
Day Care Inspection	1	0
Dispatched & Cancelled En Route	2	1
Burn Permit	17	0

10 Firefighters Attended Fire Prevention Week at Abilene Elementary School; 332 Children were Present (October 6th 2009).

14 Firefighters Participated in Station Tours for Fire Prevention Week; 10 Adults and 18 Children Attended (October 5th thru 8th 2009).

8 Firefighters Attended Fire Prevention Week at West Elementary School; 407 Children were Present (October 9th 2009).

4 Firefighters on Medical Standby at the VCHS Football Game (October 9th 2009).

19 Firefighters Attended Training in Valley Center Training Consisted of Extrication Equipment Refresher, Verbal Quizzing Over Apparatus Compartments and Tool Usage (October 12th 2009).

3 Firefighters Conducted a Station Tour for Cub Scouts Pack #494 17 Children and 9 Adults Attended (October 20th 2009).

6 Firefighters Started FF II Training (October 22nd 2009).

17 Firefighters Attended Training in Valley Center
Training Consisted of Bunker Gear Drills and a House Fire
Scenario (October 26th 2009).

2 Firefighters on Medical Standby at the VCHS Football Game
(October 30th 2009).

15 Firefighters Attended Training in Valley Center
Training Consisted of Vehicle Extrication Training (October
31st 2009).

CHIEF TORMEY

PUBLIC WORKS DEPARTMENT
September & October 2009

Administration

Approach Inspections: 5

Started sewer inspections for the new High School at 93rd.

2009 Street Program: Asphalt patching and lane markings were completed.

Fall Festival: Prior to festival we set out barricades, banners, electric panels, restroom signs, no parking signs, mowed and swept. Fall Festival weekend we had 29.5 hours overtime: parade duty, sweeping after parade, and cleanup.

Picked up and delivered Commodities in October.

Annual maintenance and service on the emergency generators.

The Wastewater Treatment & Collections Department

Wichita hauled sludge: 21 loads in Sept. and 16 loads in Oct.

North Holding Tank aerator repairs were completed.

Power Surge caused computer and PLC at influent pump station to fail. The pumps had to be run by hand for about 26 hours while repairs were made.

Decanted both holding tanks.

Did maintenance and repairs on north floating aerator, clarifier and sludge pumps.

Ran Control Tests and drew samples for required testing for State.

4.86" of rain from 8 to 9:30 am on 9-8-09: From Sept. 8 at 8am to Sept 9 at 8 am the plant had - Influent 970,000 gallons thru plant and Effluent 1,034,000 gallons.

Lift Stations: Daily rounds and maintenance was done.

The Street Department

Snow and Ice Training: Hershel attended a workshop then he had training for the rest of the crew.

We worked with the railroad during their repairs on W Main and Seward.

Storm drains cleaned.

Mowing continued.

3 animal pickup requests.

Animal Shelter disinfected and repairs done as needed.

Animals in shelter fed on weekends and when Compliance Officer was gone.

School zone signals had to be checked 8 times and programming fixed. They were also set for daylight savings time.

Sweeping: 93 miles swept (15 for Fall Festival Parade and Cleanup)

Graded: 31 miles graded

Flags were lowered 8 times as requested by the Governor. Flags were hung on poles for Labor Day Weekend then Fall Banners were put up when the flags were taken down. Banners will be taken down when Veterans Day Flags are hung. Flags that were worn were replaced. Flag Savers were put on some of the flags to see if they can help with the tearing and wearing of the flags.

Veteran's Day Celebration: barricaded streets for parade.

4 signs were replaced that were bent, broken or missing.

The Water Department

Read water meters

1 new meter and 46 meters replaced for automated reading or dead meters.

7 (each month) Routine bacteria samples collected and sent to State in September.

Daily rounds: Booster Station, Wells, Wichita Meter Pits, Water Tower

Kansas One Call: Sept:77 locates were completed for water, sewer and stormwater. (34 hours)

Oct.: 92 locates were completed for water, sewer and stormwater. (33 hours)

Completed 95 City Hall generated service-orders.

Disconnect water services then restored service when paid. Follow-up checks are done the next day. Sept 21 & Oct 38

The pool, restrooms and Splash Park were winterized for the season.

Replaced broken meter boxes and raised lids.

Completed the rehab of Well #7.

DATE: November 10, 2009
Professional Engineering Consultants, P.A.

303 S. TOPEKA ■ WICHITA, KANSAS 67202 ■ 316-262-2691 ■ FAX 316-262-3003 ■ www.pec1.com ■ designers@pec1.com

MEMO

TO: City of Valley CenterFROM: Michael D. Kelsey, P.E.PROJECT NO.: 35-89355-2502PROJECT: Valley Center City Engineer

ATTENTION: _____

COPIES TO: Joel Pile-City Administrator,REFERENCE: Project Status UpdateRichard Dunn-City Supt, Kristine Polian-City Clerk,BMM

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Shown below is a list of projects that PEC is working on along with the project status.

Ridgefield Addition: Contractor has completed punch list items. The review of the punch list items will be reviewed by PEC on November 11, 2009.

Kansas Paving-Paving and drainage contractor

Ford Street Bridge: Prepared and submitted the August monthly status reports as part of the American Recovery and Reinvestment Act. Project has been submitted to KDOT for review and are awaiting comments. Land acquisition is complete, and utility relocations are being coordinated. KDOT has provided the number of construction days on the project (140 working days), and we are preparing the contract for inspection of the project. Design of the project is to be completed by December/2009. Final plans for the project are scheduled to be turned in the week of November 16th.

Prairie Lakes-Phase 4 Grading: Most of the berm work is completed, and we are currently held up with permits for completion of the project with the Corp of Engineers and the Division of Water Resources. The agencies have requested additional hydraulic modeling information on the creek, and have received some preliminary information from Ruggles and Bohm, who is performing the modeling. Ruggles and Bohm is working on the final results from the modeling.

Unruh Excavating-contractor

6th and Meridian Lift Station Replacement: We have completed field surveys for the project, and are currently proceeding with the design of the improvements. We are planning on getting the concept design completed, and review with public works around the first week of December.

Sanitary Sewer Rehabilitation: We are in the process of verifying all locations to be corrected, and plan to begin field surveys for all of the improvements in the next 2-3 weeks.

5th to 6th Street SWS: We met with Public works to review the proposed locations of the inlets for the project. Field surveys are completed, and we are planning to have preliminary plans for review by end of November.

Other Items:

- Prepared contracts for platting and drainage study for the 69 acres south of Ford Street.
- We have completed preliminary plans for the new high school sanitary sewer improvements. Easement negotiations are on-going for the project.
- We have completed the final plans for the new high school water line project, and received bids on 10/14/09, with Utilities Plus being the low bidder. The preconstruction conference for this project will be held on November 18th, with an anticipated start date of December 2nd.
- Notified the architect for the School administration building project that the water line along Meridian Avenue will need to be lowered because of lack of sufficient cover.
- Attended meeting with potential developers for the land adjacent to Sheridan in the Valley Creek area. Have prepared petitions for water and paving improvements for this potential development for review by the City, bond counsel, and the developer.
- Have discussed doing site evaluations for potential library sites.
- Compiling maps and information to establish a preliminary layout and finished floor elevation for the public works storage building.

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