

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**December 31, 2009**

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

**January 5, 2010**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: DENNIS LIVINGSTON**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** p 2
6. **CLERKS AGENDA** p 3
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10. **OLD BUSINESS** p 16
  - A. Noise Ordinance 1188-09, 2<sup>nd</sup> Reading ([Amended](#)) p 17
11. **NEW BUSINESS** p 21
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    1. Memo & Planning Commission Minutes Draft p 22
    2. Ordinance 1190-10 p 29
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16. **ADJOURN**

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

*At anytime during the regular City Council meeting, the City Council may meet in executive session for consultation concerning several matters (real estate, litigation, not-elected personnel and security).*

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

*For Additional information on any item on the agenda, please visit [www.valleycenter-ks.org](http://www.valleycenter-ks.org) or call (316) 755-7310.*

## **APPROVAL OF AGENDA**

### **RECOMMENDED ACTION:**

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

## **CLERK'S AGENDA**

### **A. MINUTES:**

Attached are the minutes from the meeting of December 15, 2009 Regular City Council Meeting as prepared by the City Clerk.

### **RECOMMENDED ACTION:**

Staff recommends motion to approve the December 15, 2009 Council Meeting Minutes as presented / amended

REGULAR COUNCIL MEETING  
DECEMBER 15, 2009  
CITY HALL  
121 S. MERIDIAN

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

Members absent: Cheryl Nordstedt

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  
Mike Kelsey, City Engineer  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News, KAKE

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

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

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

##### MINUTES- DECEMBER 1, 2009

Cicirello moved, second by Hobson, to approve the minutes of December 1, 2009 as presented. Vote yea: unanimous. Motion carried.

##### APPROPRIATION ORDINANCE- 12/15/09

Hobson moved, second by Cicirello, to approve Appropriation Ordinance No. 12/15/09 as presented. Vote yea: unanimous. Motion carried.

##### NOVEMBER TREASURER'S REPORT

Maschino moved, second by K. Jackson, to receive and file the November Treasurer's Report as presented. Vote yea: unanimous. Motion carried.

#### **OLD BUSINESS**

##### ORDINANCE 1187-09: OPERATION OF CELL PHONE IN MOVING VEHICLE

Cicirello moved, second by Campbell, to delay the 1<sup>st</sup> reading of Ordinance 1187-09 until the first meeting in June, 2010, to allow State Legislators the opportunity to address the issue. Vote yea:

Maschino, Campbell, Cicirello, Hobson and L. Jackson. Opposed: K. Jackson and Gerling. Motion carried.

RESOLUTION 566-09: LETTER TO STATE LEGISLATURE REGARDING CELL PHONE USAGE

Cicirello moved, second by Maschino, to adopt Resolution No. 566-09. Vote yea: unanimous. Motion carried.

NOISE ORDINANCE 1188-09, 1<sup>ST</sup> READING

Cicirello moved, second by Campbell, to adopt Ordinance 1188-09 for 1<sup>st</sup> reading. Vote yea: unanimous. Motion carried.

RAILROAD QUIET ZONE

Councilmember Gerling stated he thinks getting a water line to the newly annexed areas of the City should take priority over any railroad quiet zone.

Councilmember Hobson stated he would like more information given to the citizens regarding the railroad quiet zones.

Councilmember K. Jackson said there are several people that may not be aware that a quiet zone may require closure of one of the existing intersections, and that people should be aware of this before anything is done about a quiet zone.

Cicirello moved, second by Gerling, to remove the quiet zones from the CIP. Vote yea: K. Jackson, Campbell, Cicirello, Gerling and Hobson. Opposed: Maschino and L. Jackson. Motion carried.

**NEW BUSINESS**

VALLEY CREEK ESTATES, 2<sup>ND</sup> ADDITION: ADDITIONAL IMPROVEMENT PETITIONS

L. Jackson moved, second by Cicirello, to approve the Paving and Incidental and Water Main Improvement petitions for Valley Creek Estates, 2<sup>nd</sup> Addition. Vote yea: unanimous. Motion carried.

VALLEY CREEK ESTATES, 2<sup>ND</sup> ADDITION: PROPOSED IMPROVEMENT AUTHORIZING RESOLUTIONS.

Cicirello moved, second by Hobson, to adopt Resolutions 567-09 and 568-09, authorizing Paving and Incidental Drainage and Water Main improvements. Vote yea: unanimous. Motion carried.

VALLEY CREEK ESTATES, 2<sup>ND</sup> ADDITION: PROPOSED IMPROVEMENT DESIGN CONTRACT WITH P.E.C.

Maschino moved, second by Cicirello, to approve the design contract with P.E.C. for Valley Creek Estates, 2<sup>nd</sup> Addition Improvements. Vote yea: unanimous. Motion carried.

NEIGHBORHOOD PLANS

Cicirello moved, second by Maschino, to adopt Ordinance 1189-09, approving the amendment to the Comprehensive Development Plan, 2007-2013, as recommended by the Planning Commission. Vote yea: unanimous. Motion carried.

## CONSENT AGENDA

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

## **STAFF REPORTS**

### CITY CLERK POLIAN

Stated a mandatory all-employee meeting was held for the employees to discuss benefits and other Human Resource issues and it went very well.

### CITY SUPERINTENDENT DUNN

Councilmember Gerling asked if running the street sweeper on the weekends was a good use of overtime.

Dunn stated after a snow storm often times the only way to get to the parking lots and other areas in the City are on the weekends.

## **GOVERNING BODY REPORTS**

### MAYOR MCNOWN

Asked everyone to have a safe Holiday, and thanked Staff for their hard work on the Holiday party.

### L. JACKSON

Asked if the pool expenses had been received yet.

City Clerk Polian said no.

Cicirello asked if the expenses could be presented to Council as soon as possible.

### STATE REPRESENTATIVE STEVE HUEBERT

Stated the cell phone issue was going to be addressed at the State level in the next session. Also said, in general, the budget is still a large issue State Legislators are dealing with and will continue to deal with in the extended future.

L. Jackson moved, second by Cicirello, to close City offices at 12:00 p.m. on Christmas Eve. Vote yea: unanimous. Motion carried.

Maschino moved, second by Cicirello, to adjourn the meeting.

**Meeting adjourned at 7:51 p.m.**

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**Kristine Polian, City Clerk**

## **CLERK'S AGENDA**

### **B. APPROPRIATION ORDINANCE:**

Below is the proposed Appropriation Ordinance for January 5, 2010 as prepared by City Staff.

January 5, 2010 Appropriation	<u>\$ 246,599.21</u>
Total	<b>\$ 246,599.21</b>

### **RECOMMENDED ACTION:**

Staff recommends motion to approve the January 5, 2010 Appropriation Ordinance as presented / amended.

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
A & E ANALYTICAL LABORATORY INC	NOV LAB WORK	SEWER OPERATING	NON-DEPARTMENTAL	453.60
			TOTAL:	453.60
A T & T	NOV 25, 09 PH & DATA-436	GENERAL FUND	POLICE	73.52
	NOV 25, 09 PH & DATA-961	GENERAL FUND	EMERGENCY COMMUNICATIO	147.04
	NOV 25, 09 PH & DATA-249	GENERAL FUND	EMERGENCY COMMUNICATIO	73.52
	NOV 25, 09 PH & DATA-314	WATER OPERATING	NON-DEPARTMENTAL	312.61
	NOV 25, 09 PH & DATA-247	WATER OPERATING	NON-DEPARTMENTAL	295.13
			TOTAL:	901.82
A T & T KANSAS	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	ADMINISTRATION	317.27
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	LEGAL & MUNICIPAL COUR	29.69
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	POLICE	91.44
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	FIRE	57.68
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	178.49
	DEC 9 '09 SVCS - 736 4	GENERAL FUND	COMMUNITY BUILDING	67.07
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	COMMUNITY BUILDING	27.86
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	SWIMMING POOL	27.86
	DEC 9 '09 CITY PHONE SVCS	GENERAL FUND	PUBLIC BUILDINGS	27.86
	DEC 9 '09 CITY PHONE SVCS	WATER OPERATING	NON-DEPARTMENTAL	142.53
	DEC 9 '09 SVCS - 040 9	SEWER OPERATING	NON-DEPARTMENTAL	34.42
	DEC 9 '09 SVCS - 922 7	SEWER OPERATING	NON-DEPARTMENTAL	39.47
	DEC 9 '09 CITY PHONE SVCS	SEWER OPERATING	NON-DEPARTMENTAL	205.75
			TOTAL:	1,247.39
ADMIN PRO	MONTHLY FSA ADMIN/FEES	GENERAL FUND	ADMINISTRATION	104.00
			TOTAL:	104.00
ADVANCED MOTOR SOLUTIONS, INC	REBUILD-LIFT STA #2	SEWER OPERATING	NON-DEPARTMENTAL	339.74
	REBUILD-LIFT STA #4	SEWER OPERATING	NON-DEPARTMENTAL	339.74
			TOTAL:	679.48
AFLAC	JAN '10 PREMIUM-P6996294	GENERAL FUND	NON-DEPARTMENTAL	32.20
	JAN '10 PREMIUM-PU342670	GENERAL FUND	NON-DEPARTMENTAL	37.96
	JAN '10 PREMIUM-PU215449	GENERAL FUND	NON-DEPARTMENTAL	24.10
	JAN '10 PREMIUM-PU215450	GENERAL FUND	NON-DEPARTMENTAL	32.11
	JAN '10 PREMIUM-PJ720568	SPECIAL HIGHWAY	NON-DEPARTMENTAL	24.10
	JAN '10 PREMIUM-PJ720569	SPECIAL HIGHWAY	NON-DEPARTMENTAL	22.70
	JAN '10 PREMIUM-P6996300	WATER OPERATING	NON-DEPARTMENTAL	26.20
			TOTAL:	199.37
AMANDA PARK	NOV '09 MILEAGE REIMBURS	GENERAL FUND	ADMINISTRATION	63.25
			TOTAL:	63.25
ARK VALLEY NEWS	11/19 ORD NO 1186-09	GENERAL FUND	ADMINISTRATION	61.44
	11/19 CHRT ORD 27-2009	GENERAL FUND	ADMINISTRATION	122.22
	11/26 CHRT ORD NO 27-2009	GENERAL FUND	ADMINISTRATION	122.24
	10/22 & 29 VC VET DAY	GENERAL FUND	ADMINISTRATION	195.75
	11/5 VC VET DAY	GENERAL FUND	ADMINISTRATION	65.25
	10/01 PUBLIC HEARING	GENERAL FUND	COMMUNITY DEVELOPMENT	58.24
	10/01 VACATION HEARING	GENERAL FUND	COMMUNITY DEVELOPMENT	56.96
	10/15 PUB NOTICE-WALKER	GENERAL FUND	COMMUNITY DEVELOPMENT	24.32
	11/12 ZONING HEAR-2009-01	GENERAL FUND	COMMUNITY DEVELOPMENT	34.56
	11/12 ZONING HEAR-2009-02	GENERAL FUND	COMMUNITY DEVELOPMENT	30.72
	10/22 OFFICIAL NOTICE	GENERAL FUND	COMMUNITY DEVELOPMENT	60.16
			TOTAL:	831.86

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
B & B KLASSEN ENTERPRISES INC	FILL SAND & TOP SOIL	GENERAL FUND	CEMETERY	903.78
	ROAD GRAVEL	SPECIAL HIGHWAY	SPECIAL HIGHWAY	386.28
			TOTAL:	1,290.06
BEALL & MITCHELL LLC	CASES - MUNOZ	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	CASE - NULPH	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
			TOTAL:	300.00
BILL BROWN	CANX RESERVA 12/25-REIMB	GENERAL FUND	COMMUNITY BUILDING	20.00
			TOTAL:	20.00
CITY OF WICHITA	NOV 09 BIOSOLIDS HAULG	SEWER OPERATING	NON-DEPARTMENTAL	3,990.00
			TOTAL:	3,990.00
CIVIC PLUS	NOV 09 SPAM FILTERING	GENERAL FUND	ADMINISTRATION	4.45
	E-MAIL ACCTS-MAINTENANC	GENERAL FUND	ADMINISTRATION	150.00
	NOV 09 SPAM FILTERING	GENERAL FUND	LEGAL & MUNICIPAL COUR	0.58
	NOV 09 SPAM FILTERING	GENERAL FUND	COMMUNITY DEVELOPMENT	1.99
	NOV 09 SPAM FILTERING	GENERAL FUND	POLICE	8.64
	NOV 09 SPAM FILTERING	GENERAL FUND	FIRE	0.58
	NOV 09 SPAM FILTERING	GENERAL FUND	EMERGENCY COMMUNICATIO	3.39
	NOV 09 SPAM FILTERING	GENERAL FUND	PARKS	2.02
	NOV 09 SPAM FILTERING	SPECIAL HIGHWAY	SPECIAL HIGHWAY	4.45
	NOV 09 SPAM FILTERING	WATER OPERATING	NON-DEPARTMENTAL	4.45
	NOV 09 SPAM FILTERING	SEWER OPERATING	NON-DEPARTMENTAL	4.45
			TOTAL:	185.00
	COX COMMUNICATIONS	CABLE SERVICES-CITY HALL	GENERAL FUND	ADMINISTRATION
NOV 27, 09 INTERNET		GENERAL FUND	ADMINISTRATION	111.37
NOV 27, 09 INTERNET		GENERAL FUND	LEGAL & MUNICIPAL COUR	15.80
NOV 27, 09 INTERNET		GENERAL FUND	COMMUNITY DEVELOPMENT	15.80
NOV 27, 09 INTERNET		GENERAL FUND	COMMUNITY DEVELOPMENT	18.58
NOV 27, 09 INTERNET		GENERAL FUND	POLICE	15.80
NOV 27, 09 INTERNET		GENERAL FUND	FIRE	15.80
NOV 27, 09 INTERNET		GENERAL FUND	EMERGENCY COMMUNICATIO	15.80
DEC 17, 2009 DATA/INTERN		GENERAL FUND	PARKS	19.98
DEC 17, 2009 DATA/INTERN		SPECIAL HIGHWAY	SPECIAL HIGHWAY	19.98
DEC 17, 2009 DATA/INTERN		WATER OPERATING	NON-DEPARTMENTAL	20.00
DEC 17, 2009 DATA/INTERN		SEWER OPERATING	NON-DEPARTMENTAL	19.99
			TOTAL:	323.71
DONDLINGER & SONS CONSTRUCTION CO INC	AERATOR REPAIR-HLDG TK	SEWER OPERATING	NON-DEPARTMENTAL	5,300.00
			TOTAL:	5,300.00
DOUGLAS W WINTER	LABOR/MATERIAL/CONCRE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	6,453.00
			TOTAL:	6,453.00
ELDON MILLER	OCT MILEAGE REIMBURSE	GENERAL FUND	COMMUNITY DEVELOPMENT	354.30
	NOV MILEAGE REIMBURSE	GENERAL FUND	COMMUNITY DEVELOPMENT	185.65
			TOTAL:	539.95
ELECTRIC MOTOR SPECIALISTS INC	AERATOR MOTOR REPAIRS	SEWER OPERATING	NON-DEPARTMENTAL	3,328.52
			TOTAL:	3,328.52
IIMC - INT'L INSTITUTE OF MUNICIPAL CL	MEMBERSHIP RENEWAL	GENERAL FUND	ADMINISTRATION	150.00
			TOTAL:	150.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ING LIFE INSURANCE & ANNUITY CO	12-4-09 BI-WKLY W/H	GENERAL FUND	NON-DEPARTMENTAL	100.00
	12-18-09 BW VFG496 W/H	GENERAL FUND	NON-DEPARTMENTAL	100.00
	TOTAL:			200.00
INTERLINGUAL SERVICES	9/9 COURT HRG 6-7:30 PM	GENERAL FUND	LEGAL & MUNICIPAL COUR	45.00
	TOTAL:			45.00
INTRUST BANK N.A.	12-18-09 BW FED TAX W/H	GENERAL FUND	NON-DEPARTMENTAL	3,340.00
	12-18-09 FICA & MEDICARE	GENERAL FUND	NON-DEPARTMENTAL	3,347.76
	12-4-09 FICA & MEDICARE	GENERAL FUND	NON-DEPARTMENTAL	363.55
	11-30-09 MO FED TAX W/H	GENERAL FUND	NON-DEPARTMENTAL	56.04
	11-30-09 MO FICA & MEDICR	GENERAL FUND	NON-DEPARTMENTAL	270.47
	SAFE DEPOSIT BOX-RENEW	GENERAL FUND	ADMINISTRATION	30.00
	12-18-09 EMPR BEN-FICA	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	2,713.21
	12-18-09 EMPR BEN-MEDICR	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	634.55
	12-4-09 EMP BEN MEDICARE	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	68.95
	12-4-09 EMP BEN FICA	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	294.60
	11-30-09 MO FED TAX W/H	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	51.31
	11-30-09 MO FED TAX W/H	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	219.16
	12-18-09 BW FED TAX W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	449.83
	12-18-09 FICA & MEDICARE	SPECIAL HIGHWAY	NON-DEPARTMENTAL	406.03
	12-4-09 FICA & MEDICARE	SPECIAL HIGHWAY	NON-DEPARTMENTAL	39.19
	12-18-09 EMPR BEN-FICA	SPECIAL HIGHWAY	SPECIAL HIGHWAY	329.06
	12-18-09 EMPR BEN-MEDICR	SPECIAL HIGHWAY	SPECIAL HIGHWAY	76.97
	12-4-09 EMP BEN MEDICARE	SPECIAL HIGHWAY	SPECIAL HIGHWAY	7.43
	12-4-09 EMP BEN FICA	SPECIAL HIGHWAY	SPECIAL HIGHWAY	31.76
	12-18-09 BW FED TAX W/H	WATER OPERATING	NON-DEPARTMENTAL	456.63
	12-18-09 FICA & MEDICARE	WATER OPERATING	NON-DEPARTMENTAL	621.32
	12-4-09 FICA & MEDICARE	WATER OPERATING	NON-DEPARTMENTAL	60.26
	12-18-09 EMPR BEN-FICA	WATER OPERATING	NON-DEPARTMENTAL	503.54
	12-18-09 EMPR BEN-MEDICR	WATER OPERATING	NON-DEPARTMENTAL	117.78
	12-4-09 EMP BEN MEDICARE	WATER OPERATING	NON-DEPARTMENTAL	11.42
	12-4-09 EMP BEN FICA	WATER OPERATING	NON-DEPARTMENTAL	48.84
	12-18-09 BW FED TAX W/H	SEWER OPERATING	NON-DEPARTMENTAL	294.50
	12-18-09 FICA & MEDICARE	SEWER OPERATING	NON-DEPARTMENTAL	282.59
	12-4-09 FICA & MEDICARE	SEWER OPERATING	NON-DEPARTMENTAL	17.32
	12-18-09 EMPR BEN-FICA	SEWER OPERATING	NON-DEPARTMENTAL	229.03
	12-18-09 EMPR BEN-MEDICR	SEWER OPERATING	NON-DEPARTMENTAL	53.56
	12-4-09 EMP BEN MEDICARE	SEWER OPERATING	NON-DEPARTMENTAL	3.28
	12-4-09 EMP BEN FICA	SEWER OPERATING	NON-DEPARTMENTAL	14.04
TOTAL:			15,443.98	
JACKIE BROWN	NOV '09 MILEAGE REIMBURS	GENERAL FUND	ADMINISTRATION	45.76
	TOTAL:			45.76
JOEY & LORA KING	CANX 12/20 RESERVATIONS	GENERAL FUND	COMMUNITY BUILDING	20.00
	TOTAL:			20.00
JOHN DEERE LANDSCAPES	CITY CHRISTMAS TREE-PAR	GENERAL FUND	ADMINISTRATION	348.57
	CHAMBER PORTION	GENERAL FUND	ADMINISTRATION	350.00
	TOTAL:			698.57
KANSAS DEPT OF REVENUE	NOV '09 KS ST-36 TAXES	WATER OPERATING	NON-DEPARTMENTAL	309.48
	TOTAL:			309.48
KANSAS GAS SERVICE	10/29-12/3/09 CITY GAS SV	GENERAL FUND	ADMINISTRATION	354.61

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/29-12/3/09 CITY GAS SV	GENERAL FUND	POLICE	82.77
	10/29-12/3/09 CITY GAS SV	GENERAL FUND	FIRE	41.39
	10/29-12/3/09 CITY GAS SV	GENERAL FUND	EMERGENCY COMMUNICATIO	82.77
	10/29-12/3/09 CITY GAS SV	WATER OPERATING	NON-DEPARTMENTAL	88.89
	10/29-12/3/09 CITY GAS SV	SEWER OPERATING	NON-DEPARTMENTAL	1,351.87
			TOTAL:	2,002.30
KANSAS PAVING	PAVING & STORM WATER	CAPITAL PROJECTS F	RIDGEFIELD STORMWATER	121,730.51
			TOTAL:	121,730.51
KANSAS PAYMENT CENTER	12-18-09 98D002573	GENERAL FUND	NON-DEPARTMENTAL	110.31
	12-18-09 06DM000734	GENERAL FUND	NON-DEPARTMENTAL	224.00
	12-18-09 07DM000222	GENERAL FUND	NON-DEPARTMENTAL	226.61
	12-18-09 05DM06422	SPECIAL HIGHWAY	NON-DEPARTMENTAL	204.50
	12-18-09 06DM006517	WATER OPERATING	NON-DEPARTMENTAL	374.39
			TOTAL:	1,139.81
KPERS	2009 PAYROLL ADJUST-W/H	GENERAL FUND	NON-DEPARTMENTAL	135.90
	12-4-09 BI-WKLY W/H	GENERAL FUND	NON-DEPARTMENTAL	1,929.88
	EMP ADJUST-J SWITZER	GENERAL FUND	NON-DEPARTMENTAL	368.00
	EMP ADJUST-P TENNISSEN	GENERAL FUND	NON-DEPARTMENTAL	511.09
	12-18-09 BW KPERS W/H	GENERAL FUND	NON-DEPARTMENTAL	1,821.64
	2009 PAYROLL ADJUST-W/H	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	225.54
	EMPR W/H-J SWITZER ADJU	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	509.45
	EMPR W/H-P TENNISSEN AD	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	707.86
	12-4-09 BI-WKLY W/H	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	2,794.47
	12-18-09 BW KPERS W/H	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	2,718.36
	2009 PAYROLL ADJUST-W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	22.96
	12-4-09 BI-WKLY W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	267.30
	EMP ADJUST-B SMITH	SPECIAL HIGHWAY	NON-DEPARTMENTAL	210.91
	12-18-09 BW KPERS W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	284.43
	2009 PAYROLL ADJUST-W/H	SPECIAL HIGHWAY	SPECIAL HIGHWAY	29.96
	EMPR W/H-B SMITH ADJUST	SPECIAL HIGHWAY	SPECIAL HIGHWAY	194.74
	12-4-09 BI-WKLY W/H	SPECIAL HIGHWAY	SPECIAL HIGHWAY	323.24
	12-18-09 BW KPERS W/H	SPECIAL HIGHWAY	SPECIAL HIGHWAY	355.65
	2009 PAYROLL ADJUST-W/H	WATER OPERATING	NON-DEPARTMENTAL	27.18
	12-4-09 BI-WKLY W/H	WATER OPERATING	NON-DEPARTMENTAL	354.60
	12-18-09 BW KPERS W/H	WATER OPERATING	NON-DEPARTMENTAL	308.24
	2009 PAYROLL ADJUST-W/H	WATER OPERATING	NON-DEPARTMENTAL	44.40
	12-4-09 BI-WKLY W/H	WATER OPERATING	NON-DEPARTMENTAL	568.98
	12-18-09 BW KPERS W/H	WATER OPERATING	NON-DEPARTMENTAL	503.97
	2009 PAYROLL ADJUST-W/H	SEWER OPERATING	NON-DEPARTMENTAL	9.06
	12-4-09 BI-WKLY W/H	SEWER OPERATING	NON-DEPARTMENTAL	134.88
	12-18-09 BW KPERS W/H	SEWER OPERATING	NON-DEPARTMENTAL	155.61
	2009 PAYROLL ADJUST-W/H	SEWER OPERATING	NON-DEPARTMENTAL	14.80
	12-4-09 BI-WKLY W/H	SEWER OPERATING	NON-DEPARTMENTAL	220.53
	12-18-09 BW KPERS W/H	SEWER OPERATING	NON-DEPARTMENTAL	254.43
			TOTAL:	16,008.06
KRISTINE POLIAN	MILEAGE	GENERAL FUND	ADMINISTRATION	146.85
	TURNPIKE	GENERAL FUND	ADMINISTRATION	29.50
			TOTAL:	176.35
KUTAK ROCK LLP	FMLA - INV# 1433634	GENERAL FUND	ADMINISTRATION	552.22
			TOTAL:	552.22

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
LAURIE B. WILLIAMS	12-18-09 BW SMBR W/H	WATER OPERATING	NON-DEPARTMENTAL	273.04_
			TOTAL:	273.04
LAYNE CHRISTENSEN COMPANY	#7 WELL REHABILITATION	WATER OPERATING	NON-DEPARTMENTAL	1,945.00_
			TOTAL:	1,945.00
OUTBACK LAWN CARE	MOW & TRIM - 430 ELM	GENERAL FUND	COMMUNITY DEVELOPMENT	30.00
	MOW & TRIM - 824 LONGVW	GENERAL FUND	COMMUNITY DEVELOPMENT	35.00_
			TOTAL:	65.00
P E C	ENG SVCS THROUGH 10/31	GENERAL FUND	ADMINISTRATION	645.24_
			TOTAL:	645.24
P S I	PUBLIC PASSWORD-LOBBY	GENERAL FUND	ADMINISTRATION	32.50_
			TOTAL:	32.50
PAINE LAW FIRM, LCC	CASE NO 090084	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00_
			TOTAL:	150.00
PITNEY BOWES PURCHASE POWER	CITY HALL METER POSTAGE	GENERAL FUND	ADMINISTRATION	200.00
	CITY HALL METER POSTAGE	GENERAL FUND	LEGAL & MUNICIPAL COUR	5.13
	CITY HALL METER POSTAGE	GENERAL FUND	COMMUNITY DEVELOPMENT	190.00
	CITY HALL METER POSTAGE	GENERAL FUND	COMMUNITY DEVELOPMENT	64.72
	CITY HALL METER POSTAGE	GENERAL FUND	POLICE	3.25
	CITY HALL METER POSTAGE	GENERAL FUND	FIRE	0.31
	CITY HALL METER POSTAGE	GENERAL FUND	EMERGENCY COMMUNICATIO	0.31
	CITY HALL METER POSTAGE	WATER OPERATING	NON-DEPARTMENTAL	36.28_
			TOTAL:	500.00
R SCHMIDT PAINTING	WATER TOWER DOOR-PAIN	GENERAL FUND	PUBLIC BUILDINGS	265.00_
			TOTAL:	265.00
RUGGLES & BOHM, PA	HYDROLOGY STUDY-3513D2	CAPITAL PROJECTS F	Pr Lakes, Ph 4 Stm WA	6,028.50_
			TOTAL:	6,028.50
RURAL WATER DISTRICT #2	JAN-NOV '09 RWD FEES	WATER OPERATING	NON-DEPARTMENTAL	900.00_
			TOTAL:	900.00
RUSTY ECK FORD	FIRE TRUCK PURCHASE	CAPITAL PROJECTS F	FIRE TRUCK	30,272.00_
			TOTAL:	30,272.00
SECURITY BENEFIT	12-18-09 8913DS 613042	GENERAL FUND	NON-DEPARTMENTAL	25.00
	12-18-09 5556PT 613042	GENERAL FUND	NON-DEPARTMENTAL	25.00
	12-18-09 6484RT 613042	GENERAL FUND	NON-DEPARTMENTAL	25.00_
			TOTAL:	75.00
SEDGWICK COUNTY	2009 REAL ESTATE TAXES	GENERAL FUND	ADMINISTRATION	2,293.20
	11/1-30/09 JAIL HOUSING	GENERAL FUND	LEGAL & MUNICIPAL COUR	1,594.67_
			TOTAL:	3,887.87
SHARON L LANHAM	SWR EASEMENT ACQUISITIO	CAPITAL PROJECTS F	VC High Sch Sewer Imp	1,225.00_
			TOTAL:	1,225.00
SYL'S RESTAURANT & CATERING	CHRISTMAS DINNER-CATER	GENERAL FUND	ADMINISTRATION	1,032.75_
			TOTAL:	1,032.75

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
VALLEY CENTER POSTMASTER	ANNUAL PO BOX FEE	GENERAL FUND	ADMINISTRATION	185.00
			TOTAL:	185.00
VANTAGEPOINT TRANS AGENTS	12-18-09 9889MH	GENERAL FUND	NON-DEPARTMENTAL	150.00
	12-18-09 6560EM	GENERAL FUND	NON-DEPARTMENTAL	10.00
	12-18-09 5676KP	GENERAL FUND	NON-DEPARTMENTAL	50.00
	12-18-09 1923PT	GENERAL FUND	NON-DEPARTMENTAL	25.00
	12-18-09 0649RD	WATER OPERATING	NON-DEPARTMENTAL	90.00
			TOTAL:	325.00
VERIZON WIRELESS	10/23-11/22/09 PH SVCS	GENERAL FUND	ADMINISTRATION	130.12
	10/23-11/22/09 PH SVCS	GENERAL FUND	COMMUNITY DEVELOPMENT	65.06
			TOTAL:	195.18
WESTAR ENERGY	10/29-12/2/09 CITY ELEC	GENERAL FUND	ADMINISTRATION	1,113.29
	10/29-12/2/09 CITY ELEC	GENERAL FUND	ADMINISTRATION	3,024.72
	10/29-12/2/09 CITY ELEC	GENERAL FUND	ADMINISTRATION	39.41
	10/29-12/2/09 CITY ELEC	GENERAL FUND	POLICE	446.99
	10/29-12/2/09 CITY ELEC	GENERAL FUND	FIRE	215.10
	10/29-12/2/09 CITY ELEC	GENERAL FUND	EMERGENCY COMMUNICATIO	430.19
	10/29-12/2/09 CITY ELEC	GENERAL FUND	PARKS	493.21
	10/29-12/2/09 CITY ELEC	SPECIAL HIGHWAY	SPECIAL HIGHWAY	163.81
	10/29-12/2/09 CITY ELEC	WATER OPERATING	NON-DEPARTMENTAL	2,417.27
	10/29-12/2/09 CITY ELEC	SEWER OPERATING	NON-DEPARTMENTAL	5,503.19
			TOTAL:	13,847.18
WICHITA EAGLE	DEC 09 MO SUBSCRIPTION	GENERAL FUND	COMMUNITY BUILDING	16.90
			TOTAL:	16.90

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

010	GENERAL FUND	32,640.66
110	EMPLOYEE BENEFITS	10,937.46
150	SPECIAL HIGHWAY	10,308.28
350	CAPITAL PROJECTS FUND	159,256.01
610	WATER OPERATING	10,862.43
620	SEWER OPERATING	22,594.37
-----		
	GRAND TOTAL:	246,599.21
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SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: \* All \*  
VENDOR: THRU ZZZZZZ  
ITEM DATE: 0/00/0000 THRU 99/99/9999  
GL POST DATE: 12/09/2009 THRU 12/22/2009  
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

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PRINT OPTIONS

PRINT DATE: None  
SEQUENCE: By Vendor Name  
DESCRIPTION: Distribution  
GL ACCTS: NO  
REPORT TITLE: COUNCIL REPORT 1-5-09 MTG PKT  
SIGNATURE LINES: 0  
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## **PRESENTATIONS / PROCLAMATIONS**

### **PUBLIC FORUM**

### **COMMITTEES, COMMISSIONS and APPOINTMENTS**

## **OLD BUSINESS**

### **A. NOISE ORDINANCE 1188-09 (Amended), 2<sup>ND</sup> READING:**

An Ordinance of the Valley Center City Council prohibiting noise pollution within the City of Valley Center, Kansas.

Should Council choose to proceed,

### **RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1188-09, prohibiting noise pollution within the City of Valley Center, Kansas, for second reading.

**ORDINANCE NO. 1188-09****AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL  
PROHIBITING NOISE POLLUTION WITHIN THE CITY OF VALLEY  
CENTER, KANSAS.**

**BE IT ORDAINED**, by the Governing Body of Valley Center, Kansas:

**Section 1. Purpose.** The purpose of this Ordinance is to secure and promote public health, comfort, convenience, safety, welfare, peace and quiet by preventing or minimizing noise pollution as herein defined.

**Section 2. Definitions.** Whenever used in this ordinance, the following words and phrases shall have the meaning ascribed to them in this section unless the context clearly requires another meaning:

- a. "ANSI" means the American National Standards Institute or its successor bodies.
- b. "Boundary" means the line of demarcation which separates the real property owned by one person from that owned by another person.
- c. "City" means the City of Valley Center, Kansas.
- d. "Daytime hours" means 7 a.m. to 10 p.m., local time.
- e. "dB (A)" represents the abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter.
- f. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- g. "Emergency signal equipment" means any siren, whistle, air horn or similar device when used on any vehicle designated as an emergency vehicle by Kansas law, used in connection with an emergency warning system, or used in connection with an alarm or warning system intended to produce an audible signal upon unauthorized entrance by a person into a building, structure or motor vehicle.
- h. "Emergency work" means any work necessary to restore real property to a safe condition following a public calamity, or work required to protect persons or real property from an imminent exposure to danger.
- i. "Nighttime hours" means 10 p.m. of one day through 7 a.m. of the next day, local time.
- j. "Noise" means loud, harsh or discordant sound.
- k. "Noise pollution" means the presence of noise, whether from a single source or from multiple sources, the intensity, loudness or character of which is, or may be predicted with reasonable certainty to be, injurious to human health or which unreasonably interferes with the quiet enjoyment of property or with any lawful business or activity. Noise at sound pressure levels exceeding those permitted in any zone pursuant to this ordinance are conclusively presumed to constitute noise pollution.

- l. "Person" means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, or operator and shall include municipalities and their officers or employees.
- m. "Sound level" or "noise level" means the weighted sound pressure level, in decibels, measured by the use of a sound level meter satisfying the requirements of ANSI SI.4, 1971, Specifications for Sound Level Meters."
- n. "Sound level meter" means an instrument meeting ANSI SI.4, 1971, Specifications for Sound Level Meters, consisting of a microphone, an amplifier, an output meter and frequency weighting network or networks, used for the measurement of sound pressure levels in a specified manner.
- o. "Source" means any person or property, real or personal, contributing to noise pollution.

**Section 3. Prohibited noise levels.**

- a. Except as otherwise provided herein, noise from any source, when measured as provided herein at a level equal to or in excess of the maximums established for the following zones and time periods, is hereby declared to constitute noise pollution in violation of this ordinance:

<b>Zone</b>	<b>Daytime Hours – dB(A)</b>	<b>Nighttime Hours – dB(A)</b>
Residential (Zoned R-1, R-2, R-3, R-4, and MH-1)	65	50
Business (Zoned C-1 and C-2)	65	50
Suburban Residential and Agricultural District (Zoned RR-1 and A-1)	80	50
Industrial (Zoned I-1 & I-2)	80	50

- b. When noise can be measured from more than one zone, the maximum permissible sound level of the more restrictive zone shall apply.

**Section 4. Noise measurement.** For the purposes of this ordinance:

- a. Noise shall be measured at the property line of the property on which the noise source is located.
- b. Measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than ten miles per hour, or twenty-five miles per hour if a wind screen is used.
- c. In all sound level measurements, consideration shall be given to the effect of the ambient noise level of the environment from all sources at the time and place of such sound level measurement.

- d. Noise shall be measured on the "A" weighting scale on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

**Section 5. Exemptions.** This ordinance shall not apply to:

- a. Devices used solely for the purpose of warning, protecting or alerting persons in case of emergency.
- b. Operation of municipally owned or operated equipment used to clean, clear or repair streets.
- c. Operations by, or sanctioned by, the proper City, state or federal authorities for the protection of persons or property, where imminent physical trauma or property damage demands immediate action.
- d. Sound emanating from duly authorized athletic contests, parades, and municipally sanctioned public events.
- e. Household tools in normal usage during daytime hours.
- f. Normal daytime use of lawn care equipment if used and maintained in accordance with the manufacturer's recommendations.
- g. Motor vehicles on public roads with loud sound amplification (enforced by Uniform Public Offense Code, Article 9.1: Disorderly Conduct).
- h. Trains and aircraft.
- i. Emergency utility operation.
- j. Commercial construction noise.
- k. Repair of personal use vehicles during daytime hours.
- l. Home repair of place of residence during daytime hours.
- m. Discharging of fireworks during time periods authorized by City.

**Section 6. Penalty.** Violation of any provision of this ordinance shall be punishable by a fine not to exceed five hundred dollars.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

**Section 8. Effective Date.** This ordinance shall be in full force and effect from and after its passage and after publication according to law.

*{Remainder of page intentionally left blank}*



## **NEW BUSINESS**

### **A. ORDINANCE 1190-10, REZONING 1<sup>st</sup> & Ash:**

An Ordinance changing the zoning district classification of property located at 1<sup>st</sup> & Ash in the City of Valley Center, Kansas, under the authority granted by the zoning regulation of the City.

Should Council choose to proceed,

### **RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1190-10, changing the zoning district classification of certain property within the City of Valley Center, Kansas, and waive first reading.

**DATE:** December 28, 2009

**TO:** Honorable Mayor McNown  
City Council

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

**RE:** Zoning Amendment for R-4 Multiple-Family Residential District for the northwest corner of 1<sup>st</sup> and Ash

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**Proposed Agenda Date:** January 5, 2010

**Background:**

- The agents of the applicant want to build a fourplex on the property. The property has been vacant for years.
- The Planning Commission conducted the required Public Hearing on December 10, 2009, and notices thereof were published in the City newspaper and sent to nearby property owners.
- The Planning Commission recommended approval of this amendment by a 7-0 vote.

**Financial Considerations:**

- Approval of the proposed amendment will not result in additional city expenditures.
- Approval of the proposed amendment increases the number of residential units, thus increasing the City's tax base.

**Legal Considerations:**

- The agents will have to submit a Site Plan for review and approval by the Site Plan Review Committee before they receive a zoning permit for the project.

**Policy Considerations:**

- The proposed rezoning is consistent with the City's Comprehensive Plan.
- No protest petition was filed within the prescribed 14-day protest period.

**Recommendation:**

- Approve an ordinance rezoning the property from R-2 Single-Family Residential to R-4 Multiple-Family Residential District based on the findings of fact made by the Planning Commission, subjected to Site Plan be submitted and approved by the Site Plan Review Committee, and waive 1<sup>st</sup> reading.

**DRAFT****VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS**

**7:00 P.M.  
DECEMBER 10, 2009  
121 S. MERIDIAN**

Chairman Steve Jackson called the meeting to order at 7:00 p.m. with the following members present: John Dailey, Jaque Davis, Bryon Mackey, Danny Park, Ricky Shellenbarger and Kathryn Schroeder.

Members Absent: Bart Balthazar and Gary Janzen

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

**APPROVAL OF THE AGENDA**

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

**MINUTES OF NOVEMBER 12, 2009 SPECIAL MEETING**

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

**COMMUNICATIONS****ITEMS BY RECORDING SECRETARY**

Working on Training Session for the Planning Commission. Working on survey with Bickley Foster, will send out to the Commission next week and return to him. Can order books from Planning Commission Journal and do we want to the Site Plan Review Committee to attend because of some overlap. Vice-Chairman Dailey stated yes. Training Session will be on January 9, 2010 and start at 9:00 a.m. Next months meeting could have 2 to 5 public hearings.

**SUBDIVISION COMMITTEE REPORT**

Nothing

**SITE PLAN REVIEW COMMITTEE REPORT**

Report in packet.

**CONSENT AGENDA**

None.

**PUBLIC HEARING**

**ZONING CHANGE  
Case No. Z-2009-001  
Owner: George and Leann Maskrid  
Agent: Benjamin Wilson and Derek Classen**

**CALL TO ORDER:**

At 7:06 p.m., Chairman Hobson called Agenda item #7A which is a public hearing on Case No. Z-2009-001. This is a request for a rezoning amendment requesting a change from the present R-2 Single-Family Residential District to the R-4 Multiple-Family Residential District.

**DISQUALIFICATION DECLARED AND QUORUM DETERMINED:**

There were no disqualifications.

**NOTIFICATION:**

According to the Secretary, a notice for this hearing was published in the Ark Valley News on November 12, 2009, and notices were mailed to the applicant and 15 real property owners of record in the area of notification on November 17, 2009. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given in order for the Planning Commission to hear the case.

**EX PARTE COMMUNICATIONS:**

None

**ZONING ADMINISTRATOR'S REPORT:**

Zoning Administrator, Eldon G. Miller, AICP, CFM, provided a brief factual background report on the case.

**APPLICANT'S REQUEST:**

Ben Wilson, agent and Derek Classen described their plan for the property. They stated that they would build a fourplex, 4 units with 1638 square feet each, 2 car garage, 2 with 4 bedrooms 2 bath and 2 with 3 bedrooms and 2 bath with a 20' X 40' storage building in back. Cedar picket fence along the east and west sides of the property. Commission Member Park stated that the fence on the east side will not bend in with the neighborhood.

**PUBLIC COMMENTS:**

Richard Bright, 200 N. Ash, stated that there are drainage problems in the area. Drive down 1<sup>st</sup> and Ash after a rain. I would rather have a homeowner living there instead of a renter. Vice-Chairman Dailey asked if he lived to the north of the property. Robert Bright stated to the east. Vice-Chairman Dailey asked if he would rather see a 6' fence or the building. Richard Bright stated the building. Commission Member Park asked how long the property has been vacant. Richard Bright stated all my life. Richard Bright stated that you have 2 lots there. Vice-Chairman Dailey asked if it is two lots. Eldon G. Miller, AICP, CFM, Zoning Administrator stated that it is 2 lots that has been combined as one lot.

Walter Hanson, 208 N. Ash, stated that water stands up to 215 N Ash and that the drainage fills up the street and that some of the residences had built a curb behind the sidewalk to keep water out of their yards. However, when cars go through the dip, it sends roller over the curb. Water goes through the garden at 218 N Ash and through my backyard to the alley then 1<sup>st</sup> Street. Chairman Jackson asked if the Site Plan will look at the drainage. Eldon G. Miller, AICP, CFM, Zoning Administrator stated that Site Plan Review Committee will review drainage. It sounds like the vacant lot is being used by the neighbors to hold their drainage. To fix the drainage problem at 1<sup>st</sup> and Meridian the pond on Ford Street needs to be installed and improvements to Meridian will completed. Drainage can not go to the west because of the railroad tracks. Chairman Jackson stated this will add to the drainage. Eldon G. Miller, AICP, CFM, Zoning Administrator

stated that if an inch of water per hour now leaves the lot then after development an inch of water per hour can leave the site.

**WRITTEN COMMUNICATIONS:**

None.

**APPLICANT'S RESPONSE TO PUBLIC COMMENT:**

Ben Wilson stated that the Site Plan Review will review the drainage. Not enough impact and can make it drain slower. Commission Member Davis asked if he has dealt with this before. Ben Wilson stated no but Derek has. Derek Classen stated that most developments have a master drainage plan. The drainage plan will be by a surveyor. Vice-Chairman Dailey asked if the City Engineer could work with them. Eldon G. Miller, AICP, CFM, Zoning Administrator stated that the City Engineer will review their drainage plan. Commission Member Park stated that the drainage is a problem before this development. Commission Member Park asked what they would rent for. Ben Wilson stated the 3 bedroom for \$1000 – 1100 per month and the 4 bedroom for \$1100 – 1200.

**FINAL PUBLIC COMMENTS:**

None.

**CLOSE THE HEARING:**

Hearing no further public comments, I, Chairman Jackson, hereby close the public hearing at 7:52 p.m. There will be no further public comments unless the Planning Commission wishes to ask questions to clarify information.

1. ***What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?***  
The property is located at the northwest corner of 1<sup>st</sup> and Ash and is presently a vacant lot. To the south is a vacant lot and to the west, north and east are single-family dwellings.
2. ***What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested change?***  
The subject property is zoned R-2 Single-Family Residential District as well as the surrounding property. To the southeast the property is zoned C-1 General Commercial District.
3. ***Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?***  
Not a consideration.
4. ***Would the request correct an error in the application of these regulations?***  
Not applicable.
5. ***Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?***  
No changing conditions..

6. ***Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?***

Each of the units of the fourplex will require their own water and sewer hookups. All other utilities are available as well as a paved street. The lot is platted.

7. ***Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines?***

N/A

8. ***Would a screening plan be necessary for existing and/or potential uses of the subject property?***

A screening plan should be included on the site plan to be submitted to the Site Plan Review Committee.

9. ***Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?***

All areas currently zoned R-4 Multiple-Family Residential District are either developed or being developed except for the property east of the Dollar General store and there is no access over the ditch to that location.

10. ***If the requested is for business or industrial uses, are such uses needed to provide more services or employment opportunities?***

The proposed zoning change will have an impact for the City by having more rental property available.

11. ***Is the subject property suitable for the uses in the current zoning to which it has been restricted?***

Yes. It is vacant land and a dwelling could be built on it although the lot area is substantially over sized for a single or two family dwelling.

12. ***To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?***

The zoning change will have an effect upon the neighborhood by increased traffic for 4 dwelling instead of 1 dwelling.

13. ***Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?***

The request is a permitted use in the R-4 Multiple Family Residential District.

14. ***Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?***

In Chapter 8, Land Use Plan, of the *Comprehensive Development Plan for the Valley Center Area, Kansas 2007 - 2013*, The Future Land Use Map designates this area as residential.

15. ***What is the nature of the support or opposition of the request?***  
The neighbors stated that there are drainage issues with the area.
16. ***Is there any informational or recommendations on this request which would be helpful in its evaluation?***  
Site Plan Review Committee will work with the City Engineer on the drainage issues.
17. ***By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?***  
The gains to the public would have minimum impact on traffic by not approving the requested zone change; however, the loss to the applicant is a definite hardship due to the difficulty of finding proper sites for an R-4 Multiple-Family Residential District.

**SAMPLE MOTIONS:**

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Danny Park move that we recommend to the Governing Body that Case No. Z-2009-001 be approved to change the zoning district classification from the R-2 Single-Family Residential District to R-4 Multiple-Family Residential District based on the findings of the Planning Commission as recorded in the minutes. and that such approval be subject to the following conditions:  
Motion seconded by Davis.

**CONDITIONS:**

1. Site Plan: A site plan must be submitted to the Site Plan Review Committee for approval prior to the issuing of a zoning permit.

Vote Yea: Unanimous.

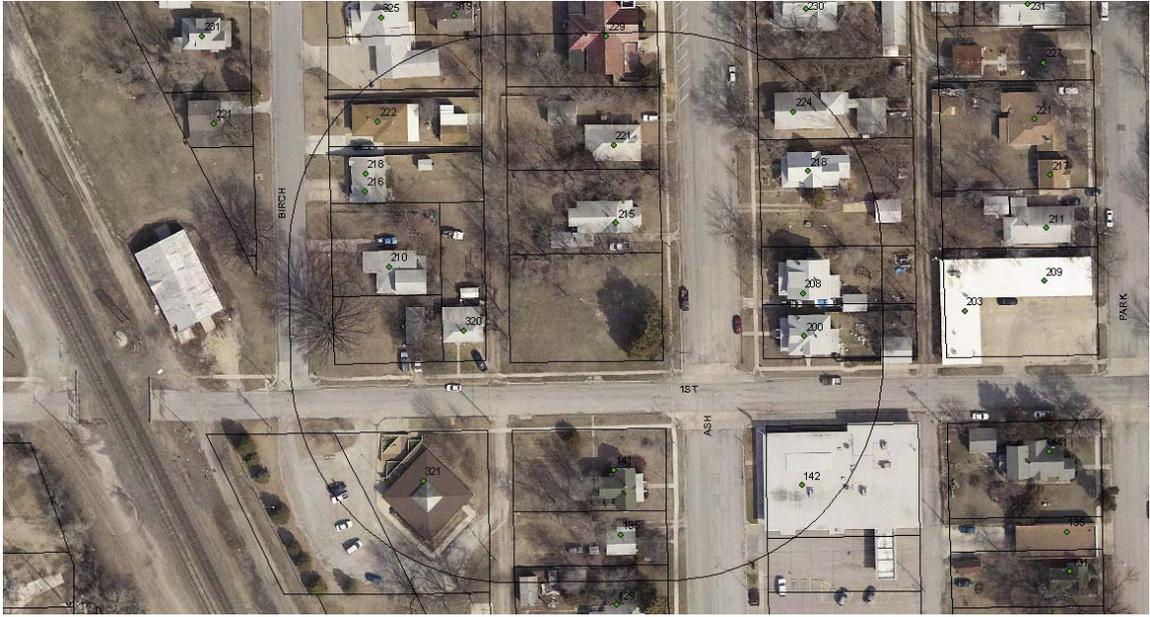
The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

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

Approved by the Valley Center Planning Commission on January 26, 2010.

\_\_\_\_\_  
Gary Janzen, Chairman



## ORDINANCE NO. 1190-10

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

SECTION 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. Z-2009-001, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No.1151-07, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from the R-2 Single-Family Residential District to R-4 Multiple-Family Residential District

Legal description: Lots 25 and 27 of Avenue B Now Ash in the City of Valley Center, Kansas

General location: Northwest corner of Ash and 1st

Such change of zoning is subject to the following conditions:

1. Site Plan: A site plan must be submitted to the Site Plan Review Committee for approval prior to the issuing of a zoning permit.

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this 5<sup>th</sup> day of January 2010.

First Reading: Waived  
Second Reading: January 5, 2010

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MICHAEL D. MCNOWN, Mayor

ATTEST:

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KRISTINE A. POLIAN, City Clerk

## **NEW BUSINESS**

### **B. ORDINANCE 1191-10, REZONING 555 W. 1<sup>st</sup>:**

An Ordinance changing the zoning district classification of property located at 555 W. 1<sup>st</sup> in the City of Valley Center, Kansas, under the authority granted by the zoning regulation of the City.

Should Council choose to proceed,

### **RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1191-10, changing the zoning district classification of certain property within the City of Valley Center, Kansas, and waive first reading.

**DATE:** December 28, 2009

**TO:** Honorable Mayor McNown  
City Council

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

**RE:** Zoning Amendment for R-3 Two-Family Residential District for 555 W.  
1<sup>st</sup>.

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**Proposed Agenda Date:** January 5, 2010

**Background:**

- The applicant wants to build a two-family residence on the property. The property has been vacant for years.
- The Planning Commission conducted the required Public Hearing on December 10, 2009, and notices thereof were published in the City newspaper and sent to nearby property owners.
- The Planning Commission recommended approval of this amendment by a 7-0 vote.

**Financial Considerations:**

- Approval of the proposed amendment will not result in additional city expenditures.
- Approval of the proposed amendment increases the number of residential units, thus increasing the City's tax base.

**Legal Considerations:**

- If any one of the units is sold the applicant will have to apply for a lot split.

**Policy Considerations:**

- The proposed rezoning is consistent with the City's Comprehensive Plan.
- No protest petition was filed within the prescribed 14-day protest period.

**Recommendation:**

- Approve an ordinance rezoning the property from R-2 Single-Family Residential to R-3 Two-Family Residential District based on the findings of fact made by the Planning Commission, subjected to condition that if any one of the units are sold the applicant will have to apply for a lot split, and waive 1<sup>st</sup> reading.

**DRAFT****VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS****7:00 P.M.  
DECEMBER 10, 2009  
121 S. MERIDIAN**

Chairman Steve Jackson called the meeting to order at 7:00 p.m. with the following members present: John Dailey, Jaque Davis, Bryon Mackey, Danny Park, Ricky Shellenbarger and Kathryn Schroeder.

Members Absent: Bart Balthazar and Gary Janzen

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

**APPROVAL OF THE AGENDA**

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

**MINUTES OF NOVEMBER 12, 2009 SPECIAL MEETING**

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

**COMMUNICATIONS****ITEMS BY RECORDING SECRETARY**

Working on Training Session for the Planning Commission. Working on survey with Bickley Foster, will send out to the Commission next week and return to him. Can order books from Planning Commission Journal and do we want to the Site Plan Review Committee to attend because of some overlap. Vice-Chairman Dailey stated yes. Training Session will be on January 9, 2010 and start at 9:00 a.m. Next months meeting could have 2 to 5 public hearings.

**SUBDIVISION COMMITTEE REPORT**

Nothing

**SITE PLAN REVIEW COMMITTEE REPORT**

Report in packet.

**CONSENT AGENDA**

None.

**PUBLIC HEARING****ZONING CHANGE  
Case No. Z-2009-002  
Owner: Jeff Niedens**

**CALL TO ORDER:**

At 7:59 p.m., Chairman Jackson called Agenda item #7B which is a public hearing on Case No. Z- 2009-002. This is a request for a rezoning amendment requesting a change from the present R-2 Single-Family Residential District to the R-3 Two-Family Residential District.

**DISQUALIFICATION DECLARED AND QUORUM DETERMINED:**

There were no disqualifications.

**NOTIFICATION:**

According to the Secretary, a notice for this hearing was published in the Ark Valley News on November 12, 2009, and notices were mailed to the applicant and 19 real property owners of record in the area of notification on November 17, 2009. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given in order for the Planning Commission to hear the case.

**EX PARTE COMMUNICATIONS:**

None

**ZONING ADMINISTRATOR'S REPORT:**

Zoning Administrator, Eldon G. Miller, AICP, CFM, provided a brief factual background report on the case.

**APPLICANT'S REQUEST:**

Jeff Niedens described his plan for the property. He stated that he would build a duplex. Commission Member Park asked if it would have a basement. Jeff Niedens stated slab on grade. Vice-Chairman Dailey asked if screening will be on the back. Jeff Niedens stated not planned but will if required. Vice-Chairman stated to screen the property from the junk yard. Commission Member Mackey stated not needed. Commission Member Park stated not necessary.

**PUBLIC COMMENTS:**

Ellen Spencer, stated that she lives within the 200 feet area and that taxes, rent, pets and kids are a concern for her.

**WRITTEN COMMUNICATIONS:**

None.

**APPLICANT'S RESPONSE TO PUBLIC COMMENT:**

Jeff Niedens stated that it will rent for \$650 and kids and pets as needed. Commission Member Park stated handicap access and being in a service dog then you are not able to not allow. Commission Member Davis asked if it is 2 bedroom 2 bath? Jeff Niedens stated yes. Commission Member Schroeder asked 1 car garage. Jeff Niedens stated yes.

**FINAL PUBLIC COMMENTS:**

None.

**CLOSE THE HEARING:**

Hearing no further public comments, I, Chairman Hobson, hereby close the public hearing at 8:18 p.m. There will be no further public comments unless the Planning Commission wishes to ask questions to clarify information.

1. ***What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?***

The property is located at 555 W 1<sup>st</sup> and is presently a vacant lot. To the south is a vacant lot, to the west, north is single-family residences. To the east is a two family residence.

2. ***What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested change?***

The subject property is zoned R-2 Single-Family Residential District. The property to the north, south, east and west is zoned R-2 Single-Family Residential District.

3. ***Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?***

Not a consideration.

4. ***Would the request correct an error in the application of these regulations?***

Not applicable.

5. ***Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?***

The applicant wants to build a two family residence on the property.

6. ***Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?***

Each of the unit will require their own water and sewer hookups.

7. ***Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines?***

N/A

8. ***Would a screening plan be necessary for existing and/or potential uses of the subject property?***

N/A

9. ***Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?***

All areas currently zoned R-3 Two Family Residential District are either developed or being developed.

10. ***If the requested is for business or industrial uses, are such uses needed to provide more services or employment opportunities?***  
The proposed zoning change will have an impact for the City by having more rental property available.
11. ***Is the subject property suitable for the uses in the current zoning to which it has been restricted?***  
Yes. It is vacant land and a residence could be built on it.
12. ***To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?***  
The zoning change will have an effect upon the neighborhood by increased traffic for 2 residences instead of 1 residence.
13. ***Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?***  
The request is a permitted use in the R-3 Two Family Residential District.
14. ***Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?***  
In Chapter 8, Land Use Plan, of the *Comprehensive Development Plan for the Valley Center Area, Kansas 2007 - 2013*, The Future Land Use Map designates this area as residential.
15. ***What is the nature of the support or opposition of the request?***  
Taxes are a concern.
16. ***Is there any informational or recommendations on this request which would be helpful in its evaluation?***  
None.
17. ***By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?***  
The gains to the public would be nil by not approving the requested zone change, however, the loss to the applicant is due to the difficulty of finding proper sites for a R-3 Two Family Residential District.

**SAMPLE MOTIONS:**

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Bryon Mackey move that we recommend to the Governing Body that Case No. Z-2009-002 be approved to change the zoning district classification from the R-2 Single-Family Residential District to R-3 Two Family Residential District based on the findings of the Planning Commission as recorded in the minutes, and that such approval be subject to the following conditions:

Motion seconded by Shellenbarger.

**CONDITIONS:**

1.) Lot split if one of the dwelling units is sold.

Vote Yea: Unanimous.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

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Eldon G. Miller, AICP, CFM, Recording  
Secretary

Approved by the Valley Center Planning Commission on January 26, 2010.

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Gary Janzen, Chairman



## ORDINANCE NO. 1191-10

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

SECTION 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. Z-2009-002, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No.1151-07, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from the R-2 Single-Family Residential District to R-3 Two Family Residential District

Legal description: East 82.5 feet of Lot 8 of 2<sup>nd</sup> now 1<sup>st</sup> Carpenters Addition in the City of Valley Center, Kansas

General location: 555 W. 1<sup>st</sup>

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this 5<sup>th</sup> day of January 2010.

First Reading: Waived  
Second Reading: January 5, 2010

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MICHAEL D. MCNOWN, Mayor

ATTEST:

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KRISTINE A. POLIAN, City Clerk

## **NEW BUSINESS**

### **C. ORDINANCE 1192-10, AMENDMENT TO BUILDING CODE:**

An Ordinance amending Valley Center City Code, Section 14.04.010 bringing Valley Center Building Code in line with Sedgwick County Building Code.

Should Council choose to proceed,

### **RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1192-10, amending Valley Center City Code, for first reading.

**DATE:** December 28, 2009

**TO:** Honorable Mayor McNown  
City Council

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

**RE:** Amendment to Section 14.04.010 of the City Code

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**Proposed Agenda Date:** January 5, 2010

**Background:**

- Community Development is reviewing Sedgwick County Building Codes.
- We have adopted Sedgwick County Building Codes for the City.
- Sedgwick County Code Enforcement does our building inspection and it is helpful to have the some codes in the City as the County.

**Financial Considerations:**

- Approval of the proposed amendment will not result in additional city expenditures.
- Approval of the proposed amendment increases the fees that the City will collect from Building Fees.

**Legal Considerations:**

- Bring City Building Code in line with Sedgwick County Building Code.
- Ensure enforcement by Sedgwick County Code Enforcement.

**Policy Considerations:**

- The City can adopt and update building codes.
- Ensure protection for the City and Citizens.

**Recommendation:**

- Approve the ordinance amending Section 14.04.010 of the City Code.

**RESOLUTION NO. \_182-2008\_****Date Adopted: 11-26-2008****Date Published: 12-9-08****A RESOLUTION TO THE SEDGWICK COUNTY CODES AMENDING CHAPTER 6, ARTICLE II AND ADDING ARTICLE X, PROVIDING FOR THE PERMITTING PROCESS AND LICENSING OF CONTRACTORS ENGAGED IN THE BUSINESS OF MOVING CONVENTIONALLY-BUILT STRUCTURES; ESTABLISHING DUTIES AND RESPONSIBILITIES FOR CONTRACTORS ENGAGED IN STRUCTURE MOVING; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH DUTIES AND RESPONSIBILITIES.**

**WHEREAS**, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which adopted the Sedgwick County Code; and

**WHEREAS**, on the 5th day of December, 2007, the Board of Sedgwick County Commissioners adopted Resolution No. 262-07, which amended Chapter 6, Article II of the Sedgwick County Code by adopting the International Residential Code, 2006 Edition, Chapter 1, Section R105.1; and Resolution No. 263-07, thereby adopting the International Building Code, 2006 Edition, Chapter 34, for the unincorporated area of Sedgwick County; and

**WHEREAS**, the Board of County Commissioners finds that it has been advised by the present Board of Building Examiners, and thereupon deems it necessary to amend Chapter 6, Article II, and adopt Article X, Structure Moving, providing for licensing and permitting requirements with certain provisions declared to be amended or modified, and providing for penalties and prosecution for violations thereof. Said code shall regulate and control the moving of all conventionally-built structures as defined in this resolution, in the unincorporated area of Sedgwick County, Kansas, and for those cities which hold a valid inter-local agreement with Sedgwick County Department of Code Enforcement. This code will confer jurisdiction upon the county for all prosecutorial function relating thereto; and to provide for the issuance of permits and collection of fees therefor.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:**

Chapter 6, Article II, of the Sedgwick County Code is hereby amended and Chapter 6, Article X is hereby added by the adoption of the Sedgwick County Structure Moving Code.

**SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE II.**

Chapter 6, Article II of the Sedgwick County Code is hereby amended by the addition of the following:

***R101.4.6 Conventionally-built Structure Moving.***

The provisions of the Sedgwick County Structure Moving Code shall apply to any building or conventionally-built structure that is to be moved upon, across or over any highway, street, avenue, alley or sidewalk in the unincorporated areas of Sedgwick County.

**SECTION 2: ADDITION TO CHAPTER 6. ARTICLE X, entitled Structure Moving, is hereby created and shall read as follows:**

**ARTICLE X. STRUCTURE MOVING****Sec. 6-500. Title.\***

This code shall be known as the "Structure Moving Code," may be cited as such, and may hereinafter be referred to as "this article."  
(Res. No. 182-2008, November 26, 2008)

**Sec. 6-501. Compliance with Kansas Statutes.**

All contractors shall comply with the statutory requirements established in the Kansas Statutes Annotated, including K.S.A. 17-1914, et. seq., as amended from time to time. No provision in the Structure Moving Code is intended to conflict with, or be contrary to, any act of the Legislature, and this Code is adopted pursuant to the authority granted by K.S.A. 19-101a, et. seq.

If any particular provision of this Code, or a provision of any Code that is referenced herein shall be determined to be invalid or unenforceable, that determination shall not affect the other provisions, which shall be construed in all respects as if the invalid or unenforceable provision were omitted.

**Sec. 6-502. Applicability of the International Building Code and International Residential Code, 2006 Editions.**

The International Building Code and International Residential Codes, 2006 Editions, and the appendices thereto as may be modified from time to time, and all provisions contained therein as previously adopted or may be adopted with any and all additions, changes, omissions, and deletions, as set forth hereinafter, shall apply to existing structures and all conventionally-built structures moved into or within Sedgwick County.

**Sec. 6-503. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Conventionally-Built Structure*** means any structure in excess of two hundred (200) square feet (18.58 m<sup>2</sup>), regardless of the type of material used in construction of the structure, and shall include houses, residences, one-, two- and larger family dwellings, commercial buildings, pole barns, garages, detached accessory structures, outbuildings, and similarly-built structures; provided however, it does not include manufactured homes, modular homes, or any new pre-manufactured structure designed to be moved to its final destination; nor shall it pertain to any job or construction trailer, portable office, portable classroom, or registered historic structure.

***Structure Moving*** means the transportation or the passing of a conventionally-built structure from one place or position to another upon, across or over any highway, street, avenue, alley or sidewalk into or within Sedgwick County, Kansas.

***Real Property Destination Situs*** means the final location of the conventionally-built structure upon real property and the foundation and site wherein the conventionally-built structure is to be set, placed, affixed and/or attached.

#### **Sec. 6-504. Structure Moving.**

Before any conventionally-built structure is moved upon, across or over any highway, street, avenue, alley or sidewalk into or within the unincorporated areas of Sedgwick County, a Structure Moving Permit shall first be obtained from the Office of the Sedgwick County Clerk. Any contractor engaged in the business of moving conventionally-built structures shall obtain a Structure Moving License as set forth in the Sedgwick County Building Code. The structure moving contractor shall verify with the Office of the Sedgwick County Clerk if a Structure Moving Permit is required. The requirements for moving conventionally-built structure are contained herein. Inquiries regarding Structure Moving Permits or Licenses should be addressed to the Sedgwick County Department of Code Enforcement or the Sedgwick County Clerk.

#### **Sec. 6-505. Obtaining the Structure Moving Permit.**

The Structure Moving Permit shall be obtained from the office of the Sedgwick County Clerk. Prior to obtaining the Structure Moving Permit, the following conditions shall be met:

1. Obtain a pre-moving inspection on the conventionally-built structure as set forth in the most recently adopted edition of the Sedgwick County Building Code.
2. Verify with Sedgwick County Flood Plain Manager that the real property destination situs of the conventionally-built structure is within or not within the Sedgwick County FEMA flood plain area. If located within the Sedgwick County FEMA flood plain area, the structure shall be brought into compliance with all such regulations of Sedgwick County and FEMA.
3. Obtain any required wastewater and/or water well permits from Sedgwick County Department of Code Enforcement for the real property destination situs, if the conventionally-built structure real property destination situs is within the unincorporated area of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

4. If the real property destination situs is within the unincorporated area of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, a building permit for the conventionally-built structure shall first be obtained from Sedgwick County Department of Code Enforcement or said city.

5. The foundation shall be completed, inspected and approved by Code Enforcement prior to moving the structure onto the real property destination situs.

- (a) Where space or time limitations exist, the moved structure may be placed on site with the prior approval of the authority having jurisdiction and Code Enforcement prior to completion of the foundation.

6. The building contractor/owner shall furnish stamped drawings from a Registered Design Professional, and provide the following to Sedgwick County Department of Code Enforcement prior to the issuance of the building permit and moving the conventionally-built structure:

- (a) the method and details of attachment of the conventionally-built structure to the new foundation.
- (b) the method and details of the reattachment or altering any sections of the conventionally-built structure that was removed or altered prior to transporting the conventionally-built structure.

7. Provide Sedgwick County Department of Code Enforcement written and signed approval of the route and the move from the Sedgwick County Department of Public Works and each affected utility company with overhead lines, including but not limited to, electric, telephone, and cable TV, on a form furnished by the Sedgwick County Department of Code Enforcement or Sedgwick County Clerk.

8. All conventionally-built structures to be moved shall be brought up to all of the most recently adopted Plumbing, Mechanical, Electrical, and Building Codes for Sedgwick County.

9. Structures may be stored on lots approved for such use with the approval of the authority having jurisdiction.

#### **Sec. 6-506. Investigation Fee. Pre-moving Inspection.**

Any conventionally-built structure built prior to 1975 shall be inspected by a Registered Design Professional prior to the structure being moved. Any wall or ceiling coverings that need to be removed for inspection shall be done by the owner/contractor at no expense to Sedgwick County Department of Code Enforcement or the inspecting party. After the inspection is completed, if structural deficiencies are identified, a Registered Design Professional's plan shall be required for the design of the repairs. All required repairs identified in the plan shall be completed prior to issuance of the Certificate of Occupancy by Code Enforcement.

The pre-move fees for inspection of any structure to be moved within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, shall be assessed as follows:

- (a) If the conventionally-built structure to be moved is originally located within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, the fee shall be one-hundred dollars (\$100.00).
- (b) If the conventionally-built structure to be moved is originally located outside the unincorporated areas of Sedgwick County, the fee shall be as set forth below:
  - (1) \$30.00 per hr\* (minimum charge- \$100.00) plus \$.50 per mile for each mile traveled to perform the required inspection. \*
  - (2) \*Or the total hourly cost to the jurisdiction, whichever is more. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
- (c) If the structure has been inspected by a Registered Design Professional, Sedgwick County Department of Code Enforcement will waive the inspection fees. No fees will be waived without a stamped and signed letter, identifying any deficiencies to be corrected.

Licensing of contractors engaged in the business of moving conventionally-built structures within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, shall be as set forth in the most recently adopted edition of the Sedgwick County Residential Code

#### **Sec. 6-507. Obtaining a license.**

To obtain an appropriate Structure Moving License, a person/contractor shall:

1. File a completed application with the Board of Building Examiners and Appeals on forms provided by the Department of Code Enforcement, identifying the classification of contractor license sought by the proposed licensee, which classification shall be as follows:

- (e) **Class S. Specialty.** A class S-7 license shall entitle the licensee to contract to move conventionally-built structures into or within the unincorporated areas of Sedgwick County or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

#### **S-7. Moving of conventionally-built structures.**

- 2. Pay an application fee in the amount of \$50.00 for a Structure Moving License.
- 3. Pay the appropriate license fee as provided in Section R116.3.

4. Submit proof of insurance in the following amounts:

- (a) Worker's compensation insurance for all employees to be engaged in work on any site regulated by the Residential Code.
- (b) Comprehensive general liability insurance in an amount not less than five Hundred thousand dollars (\$500,000) each occurrence and aggregate for bodily injury and property damage combined. Certificates of insurance submitted as required herein shall indicate that the Sedgwick County Department of Code Enforcement shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance.

5. Agree to obtain all required permits.

**Sec. 6-508. Renewal of license.**

A Structure Moving License shall be renewed in two-year increments, with the license fee assessed as provided in the most recently adopted edition of the Sedgwick County Residential Code.

**Sec. 6-509. Lapse of license.**

A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of a license period, shall be deemed to have lapsed. The renewal of a lapsed license shall be allowed upon the person's request, after filing of a completed application, payment of the required application fee, and compliance with all requirements of the most recently adopted edition of the Sedgwick County Building Code and Sedgwick County Residential Code.

**Sec. 6-510. Passageway for vehicles.**

Any such person, firm or company moving any conventionally-built structure shall cause a sufficient passageway for vehicles to be kept open, to the greatest extent possible, on one or both sides of such structure while the same is being moved upon any street, avenue, alley, highway or sidewalk within Sedgwick County or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

**Sec. 6-511. Repair of Damage.**

In the course of moving any conventionally-built structure, should any person, firm or company shall cause damage to any street, avenue, alley, building, structure, bridge, sign, traffic signal or other public place or other property belonging to, or under the control of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code

Enforcement, the same shall be immediately repaired or replaced with a substitute of equal or greater value, at the expense of the person, firm or company moving such structure. All repair or replacement shall be under the direction and contingent upon the satisfaction of the Sedgwick County Department of Public Works or the appropriate department of any city with a valid inter-local agreement.

**Sec. 6-512. Unlawful Acts.**

It shall be unlawful for any person, firm or corporation to move, transport, ship, deliver, remove, affix, place, build, or convert, any conventionally-built structure in the unincorporated area of the county, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, or cause or permit the same to be done, contrary to or in violation of the Structure Moving Code.

**Sec. 6-513. Violation Penalty.**

An accused person who shall be convicted in the county court or district court for violation of any provision of the Structure Moving Code shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five-hundred dollars (\$500.00); provided further, the minimum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines in section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein, and each and every violation of the Structure Moving Code shall be a class I violation.

**PUBLICATION AND EFFECTIVE DATE.**

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect upon its publication in the official county newspaper.

[Balance of page intentionally left blank]

Commissioners present and voting were:

DAVID M. UNRUH	__aye__
TIM R. NORTON	__aye__
THOMAS G. WINTERS	__aye__
KELLY PARKS	__aye__
GWEN WELSHIMER	__aye__

Dated this 26th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
DON BRACE, County Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
THOMAS G. WINTERS, Chairman  
Commissioner, Third District

\_\_\_\_\_/s/\_\_\_\_\_  
TIM R. NORTON, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

\_\_\_\_\_/s/\_\_\_\_\_  
BILL RAYMOND  
Assistant County Counselor

\_\_\_\_\_/s/\_\_\_\_\_  
DAVID M. UNRUH  
Commissioner, First District

\_\_\_\_\_/s/\_\_\_\_\_  
KELLY PARKS  
Commissioner, Fourth District

\_\_\_\_\_/s/\_\_\_\_\_  
GWEN WELSHIMER  
Commissioner, Fifth District

## ORDINANCE NO. 1192-10

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS SECTION 14.04.010 INCORPORATING BY REFERENCE CHAPTER 6, ARTICLES X OF THE SEDGWICK COUNTY CODE PROVIDING FOR THE PERMITTING PROCESS AND LICENSING OF CPONTRACTORS ENGAGED IN THE BUSINESS OF MOVING CONVENTIONALLY-BUILT STRUCTURES; ESTABLISHING DUTIES AND RESPONSIBILITIES FOR CONTRACTORS ENGAGED IN STRUCTURE MOVING; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH DUTIES AND RESPONSIBILITIES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS;

SECTION 1. That Section 14.04.010 of the Code of the City of Valley Center, Kansas is hereby amended to read as follows:

14.04.010. Standard Code Adopted.

Incorporated by reference is Chapter 6, Articles II and X inclusive of the Sedgwick County Code, as amended, and as adopted November 26, 2008 by the Sedgwick County Kansas Commission, 535 N. Main, Wichita, Kansas 67203, which shall be referred to as the "Sedgwick County Code." The City Building Code shall include all appendices and codified supplements to the Sedgwick County Code, Chapter 6, Article I-V and X inclusive as amended is hereby adopted as the Building Code for the City of Valley Center, Kansas, and incorporated by reference herein as if fully set out in this section. With, however, the except that "Valley Center Fire Code" shall replace "Sedgwick County Fire Code" in all instances and occurrences within Section 6-27 101.4.6 and 6-30 R101.4.5 of the Sedgwick County Code;

SECTION 2. All ordinances in conflict are hereby repealed.

This Ordinance shall take effect and be in force from and after its publication one time in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS, THIS \_\_\_\_\_ DAY OF January, 2010.

First Reading:  
Second Reading:

\_\_\_\_\_  
MICHAEL D. MCNOWN, MAYOR

ATTEST:

\_\_\_\_\_  
KRISTINE A. POLIAN, CITY CLERK

## **NEW BUSINESS**

### **D. 2010 LEGISLATIVE PRIORITIES:**

Should Council choose to proceed,

### **RECOMMENDED ACTION:**

Staff recommends motion to adopt the Valley Center Governing Body 2010 Legislative Priorities.



# Valley Center

YOUR PLACE TO GROW!  
KANSAS

In an effort to promote healthy and sustainable communities, the elected city officials of Valley Center, Kansas hereby establish the following as our legislative action agenda for **2010**:

- ❖ Support the re-investment in existing and new infrastructure by implementing a new statewide comprehensive transportation plan.
- ❖ Oppose any federal or state mandate which would require collective bargaining at the local level.
- ❖ Support legislation to maintain the 911 public safety system through the continuation of current levels of funding.
- ❖ Support legislation to provide a more reasonable balance regarding the commercial appraisal process by returning the presumption of validity to a county appraiser's assessment of the property.

## *Home Rule*

**Valley Center supports the constitutional home rule authority of Kansas cities. Self-governance by locally elected officials must be preserved in order to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.**

**Annexation.** The ability of cities to grow is inherent to the ultimate success of annexation powers as they are currently established in state statute. We oppose any change which limits the authority of cities to grow through annexation.

**Eminent Domain.** Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. Further, the use of eminent domain for economic development has long been recognized as a public use of this authority. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

**Inter-local Cooperation.** We support the principle of voluntary cooperation among all levels of government.

**Governmental Immunity.** We support continued immunity for cities from tort liability.

**Police Powers.** We oppose "takings" legislation that would restrict the authority of cities to regulate in order to protect the health, safety, and welfare of the public.

**Public Property & Rights-Of-Way.** We oppose any legislation which would restrict the ability of cities to control public property and rights-of-way or the ability of cities to franchise those entities that utilize the rights-of-way.

**Intergovernmental Relations.** In order to promote effective and efficient government at all levels, we support the continuation of the Kansas Advisory Council on Intergovernmental Relations (KACIR).

## *Transportation*

**The transportation infrastructure in Kansas is critical to the safety of our citizens as well as the economy of this state. The State of Kansas should cooperate with local governments to help ensure the continued maintenance and expansion of this important asset.**

**Comprehensive Transportation Program.** We support the adoption and implementation of a new comprehensive transportation program.

**City-County Highway Fund.** The City-County Highway Fund is critical to maintaining local roads and should not be diverted for other purposes.

**Transportation Safety.** The State should work in cooperation with local governments to continue to provide safe roads and bridges within the State of Kansas.

**Development Infrastructure.** Because transportation infrastructure is critical to the community development activities of cities, we support the continued maintenance and expansion of the transportation infrastructure in the State of Kansas.

**Airport Funding.** We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.

**Transportation Development Districts.** We support the continued ability of cities to establish transportation development districts in order to provide for the transportation infrastructure needs in the community.

**Recreational Trails.** We support the development of recreational trails, including rails to trails projects, and oppose state and federal legislation that would make such development more burdensome or costly.

**Connecting Links.** The State should adequately maintain and enhance funding for connecting link programs.

## *Public Employees*

**City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies in order to attract and maintain a high quality public workforce.**

**PEERA/Collective Bargaining.** We support the current statutory process in the Public Employer-Employees Relations Act. We oppose any federal or state mandate which would require collective bargaining at the local level.

**KPERS.** We support achieving a fully funded public employees retirement system within a reasonable period of time. The local KPERS system should remain separate from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire.

**Personnel Mandates.** We oppose state and federal mandates involving public personnel.

**Workers Compensation.** We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the workers compensation act to eliminate payment of unjustified benefits.

**Prevailing Wage.** We oppose federal and state prevailing wage mandates.

**Health Care & Other Benefits.** We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

## *Public Health and Safety*

**Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are more costly and less efficient, government at all levels should cooperate in the development of health and safety programs.**

**Law Enforcement and Public Safety.** We believe that cooperative efforts, rather than mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.

**Emergency 911 Services.** Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications.

**Alcohol & CMB Regulation.** We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

**Municipal Courts.** We support the local control of and judicial authority of municipal courts and the appointment of municipal judges.

**Firearms.** We support the continued local regulation of firearms.

**Homeland Security.** First responders at the local level serve as the front line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security. Cities must be active participants in the decision making process and the implementation strategies must promote cooperative efforts between federal, state, and local government.

**Mobile Communication Device Ban.** We support a state-wide ban prohibiting the use of mobile telephones and other electronic communication devices while simultaneously operating a motor vehicle on a public roadway.

**Telecommunications Data.** We support the ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.

## *Municipal Utilities*

**Cities operate a variety of utility services that impact and improve the day-to-day lives of Kansans. Locally elected officials should maintain the greatest measure of self-determination in the operation of these vital city functions.**

**Flexibility in Funding.** We support the authority of local governing bodies to make decisions concerning the financing of local utilities.

**Power Aggregation.** We support the right of cities to act as power aggregators on behalf of their citizens.

**Franchise Authority.** We oppose any legislation that restricts the current franchise authority for cities.

**Municipal Operation.** We oppose any legislation that restricts the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater, or other utility services.

**Mandates.** We oppose federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities, or other utility services. Any mandates which are passed down to cities should be accompanied by appropriate funding.

**One-Call.** We support the development of a state one-call system that recognizes the diversity of cities in Kansas and provides reasonable options for cities of different sizes.

## *Municipal Finance*

**An adequate source of revenue is necessary in order to fund the essential services of city government. Because each city is unique in both services provided and the ability to pay for such services, maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.**

**LAVTR.** The State Legislature should help to relieve the burden on property taxpayers by reinstating the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues, and the existing statutory formula.

**Revenue Sharing.** The State Legislature should reinstate the City-County Revenue Sharing program and should maintain complete funding for the Special City-County Highway Fund. In the event that the State is unable to fully fund these, the Legislature should authorize cities to impose local-option taxes in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

**Tax/Spending Lid.** We oppose any state-imposed limits on the taxing and spending authority of cities. We believe that local spending and taxing decisions are best left to locally elected officials and the citizens they serve.

**Alcoholic Liquor Taxes.** We support the current statutory framework with regard to the collection and distribution of alcoholic liquor taxes.

**TABOR.** Oppose the application of the Taxpayer Bill of Rights (TABOR) as an erosion of representative democracy which over time will jeopardize the health and safety of Kansans.

**Unfunded Mandates.** We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

**Municipal Bonds.** We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.

**Alternative Revenue Sources.** Locally elected officials and the citizens they represent should be granted the authority to impose local-option taxes, including exactions such as an excise tax. Existing state preemption of local-option taxes should be removed.

**Streamlined Sales Tax Project.** We support the Streamlined Sales Tax Project including a local compensating use component. Locally elected officials and their citizens should determine local sales and use tax rates. We urge Congress to take action as soon as practicable to pave the way for mandatory collection of sales and use taxes on remote sales. Any federal tax legislation should not preempt state and local sales tax authority.

**Telecommunications Taxes.** We categorically oppose restrictions on the ability of cities to impose and collect taxes and fees on telecommunications providers.

**Local Sales Taxes.** We support the existing statutory authority for all cities to impose local sales taxes and seat taxes and the existing statutory distribution for all sales taxes.

**Sales Tax Exemptions.** Given the current and future budget challenges facing both state and local governments, we oppose the continued erosion of the state and local sales tax base. The Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate.

**Property Tax Exemptions.** We believe that the existing property tax base should be protected, and therefore, encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation.

**Property Appraisal.** In order to maintain fair and equal taxation, we support appraisals based on fair market value.

**Valuation Caps.** We oppose caps in property valuations as unconstitutional and inequitable.

**Banking and Investment Restrictions.** We support maximum banking and investment choices for local government. At a minimum, cities, counties, and school districts should have the same banking and investment authority that the State has granted to itself.

**Independent Living Units.** We recommend amendment and clarification of the state law with regard to independent living units which are operated by not-for-profit entities. As a matter of tax equity and fairness, we support the inclusion of independent living units as taxable properties.

**Budget Timing.** We support increased flexibility regarding the statutory requirements for filing city budgets.

**Library Funding.** State laws, regulations, and grant requirements regarding state aid for local libraries should be amended to allow for the reduction in locally levied property tax support for libraries without a disproportionate loss in the amount of state aid available.

## *Community Development*

**Cities are an important part of the economic backbone of Kansas. The development and redevelopment of commercial centers, residential communities, public facilities, and industrial areas is necessary to the sustained growth and stability of the Kansas economy.**

**Economic Development Partnerships.** State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

**Tax Abatements.** We support the authority of cities to offer tax abatements to encourage business investment in their communities.

**Tax Increment Financing (TIF).** We support the continued use of TIF in order to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by cities regardless of size.

**Revitalization Tools.** We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, and the Community Improvement District Act in order to promote local neighborhood development.

**Tourism.** We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry which is vital to growth and development all across the state. The State of Kansas should commit more resources to the promotion of tourism.

**STAR Bonds.** We support the ability of cities to utilize STAR bonds in order to promote economic development in their communities.

**Energy-Related Manufacturing.** We encourage the State to work with cities to actively pursue manufacturing operations for wind, biomass, solar, and other energy-related industries in Kansas.

## *Governmental Ethics*

**Elected and appointed city officials are committed to open and honest government. Cities should maintain the authority to supplement state law requirements with local policies concerning open government and ethics.**

**Open Meetings.** All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

**Open Records.** All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct their essential business functions. The statutorily required sunset for all exemptions to the Kansas Open Records Act is impractical and should be removed.

**Local Ethics Policies.** We support the establishment of local ethics policies by locally elected officials. We oppose legislation that restricts the ability of city governing bodies to adopt local ethics policies for elected and appointed city officials.

**Intergovernmental Dialogue.** Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information that are crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We oppose any restriction on the use of state and local public moneys to provide information and lobby on behalf of our cities and citizens.

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## **CONSENT AGENDA**

**None**

## **STAFF REPORTS**

**A. City Clerk**

**B. Chief of Police**

**C. Fire Chief**

**D. Community Development**

- Compliance Officer November 2009 Report

**E. City Superintendent**

**F. Parks Superintendent**

**G. City Engineer**

**H. City Attorney**

**I. City Administrator**

*Code Enforcement November 2009  
Officer Cindy Plant*

- *I responded to sixty four calls for service for the month of November.*
- *Twenty seven complaints were filed for dogs running loose.*
- *Thirteen stray dogs were impounded.*
- *Owners reclaimed eleven dogs.*
- *One dog was adopted.*
- *One dog was sent with Sedgwick County Animal Control.*
- *Two injured cats were taken to area Vet Clinics.*
- *Disposed of a sick opossum.*
- *I disposed of four dead animals.*
- *Four cruelty complaints was filed and addressed.*
- *One barking dog complaint was addressed.*
- *One trap was set.*
- *One vicious dog complaint was filed and addressed.*
- *One environmental complaint was filed and addressed.*
- *Miscellaneous complaints were received and addressed.*
- *Performed kennel duties, feeding, cleaning and providing care to the animals.*
- *I releasing dogs from the animal shelter to their owners.*
- *I spoke with several dog owners regarding their dogs running loose.*
- *Thirty four dog licenses renewal letters were sent to dog owners.*
- *Twelve letters were sent to homeowners for trash and debris in their yards.*
- *Five inoperable letters were sent.*
- *Legal papers were served.*

## **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**