

CITY OF VALLEY CENTER

FINAL AGENDA

April 28, 2011

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.

May 3, 2011

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** p 3
6. **CLERKS AGENDA** p 4
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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.gov or by phone at (316)755-7310.

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

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

CLERK'S AGENDA

A. MINUTES:

Attached are the Minutes from the meeting of April 19, 2011 Regular Council Meeting as prepared by the City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the April 19, 2011 Regular Council Meeting Minutes as presented / amended

REGULAR COUNCIL MEETING
APRIL 19, 2011
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, Cheryl Nordstedt, Bruce Campbell, Lou Cicirello, Harrison Gerling, Al Hobson and Lionel Jackson.

Members absent:

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

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

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

CLERK'S AGENDA

MINUTES- APRIL 5, 2011 REGULAR COUNCIL MEETING

L. Jackson moved, second by Cicirello to approve the Minutes from the April 05, 2011 regular Council Meeting as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE- 04/19/2011

Cicirello moved, second by L. Jackson, to approve Appropriation Ordinance No. 04/19/2011 as presented. Vote yea: unanimous. Motion carried.

TREASURER'S REPORT- MARCH 2011

Maschino moved, second by K. Jackson, to receive and file the March 2011 Treasurer's Report as presented. Vote yea: unanimous. Motion carried.

PRESENTATION OF MUNICIPAL CLERK CERTIFICATION

Mayor McNown presented a plaque commemorating Assistant City Clerk Walker's achievement in obtaining her Municipal Clerk certification from the International Institute of Municipal Clerks.

PUBLIC FORUM2011 ARBOR DAY PROCLAMATION

Mayor McNown proclaimed April 29, 2011 as Arbor Day in the City of Valley Center, Kansas.

Parks Superintendent Owings stated he and the Park and Tree Board will be working with Wheatland, Abilene and West 3rd and 4th graders to hand out seedling trees; there will be a presentation on tree planting in conjunction with Arbor Day and Earth Day during this time.

Mayor McNown asked how this will tie into the City obtaining the Tree City USA status.

Owings said obtaining the proclamation and the presentation will serve two requirements for Tree City status.

PUBLIC FORUM

Tonya Sturm, 2nd Vice President of the Valley Center Chamber of Commerce, stated she wanted to personally invite the Governing Body to the 1st Annual Spring Fling in Valley Center on May 7th; there will be barbeque, chili and Dutch-oven cook-offs and a car show. She stated she believes this will bring a lot of people to the community and help the local businesses. She invited all members of Council to be celebrity judges for the chili cook-off and invited the Mayor to be the celebrity judge for the sanctioned barbeque cook-off.

APPOINTMENTS

Mayor McNown appointed Councilmember Kate Jackson as the Chair of the Veteran's Day Planning Committee and Kim Wimmer as a Committee member.

Maschino moved, second by Cicirello, to concur with the appointments. Vote yea: unanimous. Motion carried.

Mayor McNown stated he would like to hear comments from any outgoing Council members and at the conclusion of those comments he will adjourn the meeting so the new Council members could be sworn in; after the next meeting there would be a reception.

OUTGOING COUNCIL COMMENTSCOUNCILMEMBER NORDSTEDT

Stated it has been a pleasure being on the Council for the most part and thinks the Council worked well together. She hopes that the next Council considers the greatest good for the greatest number of people.

COUNCILMEMBER CAMPBELL

Thanked everyone for the last few years, especially Staff as they made the job easier. Said he hopes the new Council members will be humble and not expect too much gratitude because most people don't care; don't expect too much support from citizens. He asked the new members to beware of the politics of certainty because there were many times he thought his mind was absolutely made up about an issue and upon discussion with other Council members or hearing from citizens he changed his mind. He said he hopes the Council members will listen to each other and be civil; asked that they listen to Staff because they are here to support Council, not work against them.

Nordstedt moved, second by Campbell, to adjourn the 2009-2011 Council at 7:16 p.m. Vote yea: unanimous. Motion carried.

SWEARING IN OF NEW COUNCIL

City Clerk Polian swore in Mayor Michael McNown, and Council members Kate Jackson (ward IV), Judith Leftoff (Ward I), Marci Maschino (Ward III), and Dan Smith (Ward II) to serve as Governing Body members for the City of Valley Center for four years.

Mayor McNown called the meeting to order at 7:20 p.m. with the following members present: Kate Jackson, Judith Leftoff, Marci Maschino, Lou Cicirello, Harrison Gerling, Al Hobson, Lionel Jackson, and Dan Smith.

All previous Staff members present.

NEW BUSINESS

ELECTION OF NEW COUNCIL PRESIDENT

Councilmember Gerling nominated Kate Jackson for Council President.
Councilmember Cicirello nominated Lionel Jackson for Council President.

Mayor McNown asked for those in favor of Kate Jackson:
Gerling, Hobson and Smith. K. Jackson abstained.

Mayor McNown asked for those in favor of Lionel Jackson:
Leftoff, Maschino, Cicirello and Lionel Jackson. K. Jackson abstained.

Councilmember Lionel Jackson is Council President.

ORDINANCE 1227-11: COURT COST INCREASE, 1ST READING

Councilmember Maschino asked for annual revenues and annual delinquency rates for Court fees.

City Administrator Pile said he would be able to provide that information to the Council at the next meeting.

Maschino moved, second by K. Jackson, to adopt Ordinance 1227-11, revising the Court cost assessed by the Municipal Court for the City of Valley Center amending Title 2 of the Valley Center, Kansas Municipal Code by amending Chapter 2.24 "Municipal Court", for 1st Reading. Vote yea: unanimous. Motion carried.

BIDS 2010: FEMA GRANT THERMAL IMAGE CAMERA

Cicirello moved, second by Gerling, to accept the bid from Firefighting Solutions to purchase a thermal imaging camera for \$9,355. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

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

STAFF REPORTS

CITY CLERK POLIAN

Congratulated Teevie Walker for an outstanding job at earning her Municipal Clerk certification; stated the Governing Body Institute would be May 12 and 13 in Topeka for any members of the Governing Body that would like to attend, as it is an excellent opportunity to learn about being a Governing Body member.

CITY SUPERINTENDENT DUNN

Congratulated the newly elected Council members and provided them with a packet of information regarding the Public Works Department.

PARKS SUPERINTENDENT OWINGS

Stated bids would be opened for the Public Works Storage Building on April 27, 2011.

GOVERNING BODY REPORTS

MAYOR MCNOWN

Said he encourages everyone to attend the Governing Body Institute. Welcomed new Council members and welcomed back returning Council members; there would be a new seating arrangement beginning next meeting, with Council members sitting by Ward, not alphabetically.

COUNCILMEMBER K. JACKSON

Thanked Nordstedt and Campbell for several years of service; congratulated Teevie Walker for her certification; indicated Councilmember Gerling volunteered to be co-Chair on the Veteran's Day Planning Committee.

COUNCILMEMBER LEFTOFF

Thanked those who voted for her.

COUNCILMEMBER MASCHINO

Thanked Nordstedt and Campbell for their years of service.

COUNCILMEMBER CICIRELLO

Thanked Nordstedt and Campbell for their years of service; asked about the cemetery road.

City Engineer Kelsey said he would have more information at the next Council meeting.

COUNCILMEMBER GERLING

Thanked Nordstedt and Campbell for their years of service.

COUNCILMEMBER HOBSON

Thanked Nordstedt and Campbell for their years of service; welcomed the new members.

COUNCILMEMBER L. JACKSON

Thanked Nordstedt and Campbell for their years of service; welcomed the new members.

COUNCILMEMBER SMITH

Thanked Nordstedt and Campbell for their service; said he is looking forward to working with everyone.

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

Meeting adjourned at 7:41 p.m.

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

Below is the proposed Appropriation Ordinance for May 3, 2011 as prepared by City Staff.

May 3, 2011 Appropriation

• Vendor Payments	\$	59,412.63
• Employee Payments	\$	00.00
• Citizen Reimbursements	\$	<u>0.00</u>
Total	\$	59,412.63

RECOMMENDED ACTION:

Staff recommends motion to approve the May 3, 2011 Appropriation Ordinance as presented / amended.

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
B & B KLASSEN ENTERPRISES	BRIDGE MATERIALS-FORD	SPECIAL HIGHWAY	SPECIAL HIGHWAY	270.00
			TOTAL:	270.00
CITY OF WICHITA	3/7-28/11 ICT WTR PURCHAS	WATER OPERATING	NON-DEPARTMENTAL	13,573.05
			TOTAL:	13,573.05
COX COMMUNICATIONS	4/1-30/11 CITY HALL	GENERAL FUND	ADMINISTRATION	111.37
	4/1-30/11 CITY HALL INTER	GENERAL FUND	COMMUNITY DEVELOPMENT	18.58
			TOTAL:	129.95
DIVERSIFIED LENDING INC	4/2011 CONTRACT PAYMENT	GENERAL FUND	COMMUNITY DEVELOPMENT	789.67
			TOTAL:	789.67
KANSAS GAS SERVICE	3/3-4/4/11 CITY GAS SVCS	GENERAL FUND	ADMINISTRATION	319.73
	3/3-4/4/11 CITY GAS SVCS	GENERAL FUND	POLICE	58.50
	3/3-4/4/11 CITY GAS SVCS	GENERAL FUND	FIRE	29.25
	3/3-4/4/11 CITY GAS SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	58.50
	3/3-4/4/11 CITY GAS SVCS	WATER OPERATING	NON-DEPARTMENTAL	270.25
	3/3-4/4/11 CITY GAS SVCS	SEWER OPERATING	NON-DEPARTMENTAL	1,497.68
			TOTAL:	2,233.91
KANSAS ONE-CALL SYSTEM IN	3/2011 64 LOCATES @ 0.30	SEWER OPERATING	NON-DEPARTMENTAL	19.20
			TOTAL:	19.20
MIKE JOHNSON SALES	2K ASSORTED COLORS	GENERAL FUND	ADMINISTRATION	715.69
			TOTAL:	715.69
SEDGWICK COUNTY	3/2011 JAIL HOUSING FEE(S)	GENERAL FUND	LEGAL & MUNICIPAL COUR	1,055.45
			TOTAL:	1,055.45
TERNES LAW FIRM, CHARTERE	ATTY SVCS - #097210	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	ATT SVCS-#096972	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	ATTY SVCS-#10-682-02	GENERAL FUND	LEGAL & MUNICIPAL COUR	75.00
			TOTAL:	375.00
WASTE MANAGEMENT OF WICHITA	4/2011 CITY TRASH SVCS	SOLID WASTE UTILIT	INVALID DEPARTMENT	28,561.04
			TOTAL:	28,561.04
WESTAR ENERGY	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	ADMINISTRATION	1,075.24
	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	ADMINISTRATION	39.83
	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	POLICE	442.33
	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	FIRE	210.34
	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	420.68
	3/7-4/4/11 CITY ELEC SVCS	GENERAL FUND	PARKS AND PUBLIC GROUN	530.04
	3/7-4/4/11 CITY ELEC SVCS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	302.76
	3/7-4/4/11 CITY ELEC SVCS	WATER OPERATING	NON-DEPARTMENTAL	2,965.98
	3/7-4/4/11 CITY ELEC SVCS	SEWER OPERATING	NON-DEPARTMENTAL	5,702.47
			TOTAL:	11,689.67

VENDOR NAME

DESCRIPTION

FUND

DEPARTMENT

AMOUNT_

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===== FUND TOTALS =====
010 GENERAL FUND                6,250.20
150 SPECIAL HIGHWAY              572.76
610 WATER OPERATING             16,809.28
613 SOLID WASTE UTILITY         28,561.04
620 SEWER OPERATING              7,219.35
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GRAND TOTAL:                    59,412.63
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TOTAL PAGES: 2

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 02-CVC - VENDOR ACCOUNTS
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 4/14/2011 THRU 4/22/2011
ITEM AMOUNT: 9,999,999.00CR THRU 9,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 0/00/0000 THRU 99/99/9999

PAYROLL SELECTION

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

PRINT OPTIONS

PRINT DATE: None
SEQUENCE: By Vendor Name
DESCRIPTION: Distribution
GL ACCTS: NO
REPORT TITLE: COUNCIL MTG PKT 5-2-2011
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: NO
INCLUDE OPEN ITEM:NO

PRESENTATIONS / PROCLAMATIONS

A. Presentation - Jason Easley, KACO Silver Life Saving Award

B. Proclamation – 2011 Law Enforcement Memorial Day

Valley Center Council

4/26/2011

On May 6, 2011 Officer Jason Easley will be receiving the silver award at the KACP/KPOA awards banquet. The silver award recognizes extraordinary action which directly contributed to the significant prolonging or actual saving of life.

On February 28, 2010 the Sedgwick County Fire Department along with the Valley Center Fire and Police Departments responded to a mobile home fire at 2711 W. 125th N. When firefighters arrived they found the mobile home fully engulfed in flames. Due to the intense heat of this fire and the structure integrity of this home, the home started collapsing as a Sedgwick County Firefighter and Valley Center Firefighter (Grant Greenwood) tried to run out of the building. The Sedgwick County Firefighter was able to get out prior to the collapse: however Firefighter Greenwood wasn't so lucky. The front porch overhead structure fell onto Greenwood, trapping him.

Nearby firefighters immediately responded to assist in rescuing Firefighter Greenwood. Officer Jason Easley was at the fire for crowd/traffic control. As soon as the structure collapsed on the firefighter Officer Easley ran to assist, helping to rescue him. Officer Easley did this at great risk to himself and with no protective gear. Luckily Firefighter Greenwood only suffered minor injuries because of the quick response of Officer Easley and the other firefighters.

Mark Hephner

Chief of Police

PROCLAMATION

Proclamation for Law Enforcement Memorial Day

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of Valley Center play an essential role in safeguarding the rights and freedoms of the citizens of Valley Center, Kansas; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Police Department of Valley Center has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Michael D. McNown, Mayor, call upon all citizens of Valley Center and upon all patriotic, civil and educational organizations to observe the week of May 15 through 21, 2011, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Valley Center, Kansas to observe May 15th, 2011 as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Valley Center to be affixed.

Done at the City of Valley Center, Kansas this May 3, 2011.

Michael D. McNown, Mayor

Attest: _____
Kristine A. Polian, City Clerk

PUBLIC FORUM

APPOINTMENTS

COMMITTEES, COMMISSIONS

A. MINUTES FOR COUNCIL REVIEW:

- Planning Commission / Board of Zoning Appeals, March 22, 2011 Meeting

**VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
MARCH 22, 2011
121 S. MERIDIAN**

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

Members Absent: Jaque Davis

Staff Present: Angela Millspaugh, Interim Community Development Officer

Press:

APPROVAL OF THE AGENDA

Commissioner Dailey asked why the names and attendance had been removed from the agenda and stated he would like to see them back on. Chairperson Janzen stated that they could be added back to the agenda.

Chairperson Janzen move, seconded by Park to approve the agenda as presented. Vote Yea: Unanimous.

MINUTES OF FEBRUARY 22, 2011 REGULAR MEETING

Commissioner Dailey stated he would like the minutes to reflect that City Administrator Pile did not know why Section 113B2f was in the Zoning Code. He also stated that the statement by Mr. Hartman was incorrect and that the Park was not a recommendation of the subcommittee but existed on the sketch plan prior to the subcommittee's meeting.

Commissioner Dailey move to defer the minutes until the paragraph was corrected. Motion died due to a lack of second.

Chairperson Janzen stated that the minutes could not be changed to revise Hartman's wording but the minutes for this meeting could reflect Commissioner Dailey's disagreement with the statement.

Chairperson Janzen move, seconded by Dailey to approve the minutes with the addition of Mr. Pile's statement and to have tonight's minutes reflect Commissioner Dailey's disagreement with the statement made by Mr. Hartman. Vote Yea: Unanimous.

COMMUNICATIONS

ITEMS BY ZONING ADMINISTRATOR

Interim Community Development Officer Angela Millspaugh asked the Commission if they would like Conditional Use Permit applicants to appear before the site plan subcommittee prior to the public hearing. The Commission responded no.

SUBDIVISION COMMITTEE REPORT

There was no Subdivision Committee Meeting.

SITE PLAN REVIEW COMMITTEE REPORT

There was no Site Plan Committee Meeting.

PUBLIC COMMENT

None

CONSENT AGENDA

None

CHAIRMAN JANZEN RECESSED THE PLANNING COMMISSION AND CONVENED THE BOARD OF ZONING APPEALS at 7:12 p.m.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF AN 1800 SQUARE FOOT GARAGE (1330 W 63RD STREET)

Chairman Janzen opened the public hearing at 7:12 p.m.

Interim Community Development Officer Millspaugh verified the 20-day notification for the hearing in the Ark Valley News and notices were mailed to all property owners listed within the area of notification. There were no ex parte communications. Interim Community Development Officer Angela Millspaugh presented the Conditional Use Report.

Alan Davis, 1330 W 63rd Street, presented his site plan. Commissioner Jackson asked if there was an existing drive on the east side of the residence. Mr. Davis responded yes. Commissioner Dailey asked the distance between the house and the road. Mr. Davis responded he did not know.

There were no members of the public present to speak on the issue.

Chairman Janzen closed the public comment portion of the hearing at 7:31 p.m.

Commissioner Shellenbarger asked what the allowable size is in that area. Millspaugh responded 900 square feet. Commissioner Dailey asked if there was an intent to have outside storage. Mr. Davis stated that he did not intend to.

Chairperson Janzen move, seconded by Park that the Chairperson be authorized to sign a Resolution granting the conditional use for Case No. BZA-CU-2011-001 as requested. Vote Yea: Unanimous.

CHAIRPERSON JANZEN ADJOURNED THE BOARD OF ZONING APPEALS AND RECONVENED THE PLANNING COMMISSION at 7:36 p.m.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ITEMS BY PLANNING COMMISSIONERS

Chairperson Janzen asked if the landscape plan for the new high school should go before the Site Plan Committee. Commissioner Dailey stated they had no authority as the property is not located within the city limits.

Chairman Janzen move, seconded by Schroeder, to adjourn. Vote Yea: unanimous.

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Angela Millspaugh
Interim Community Development Officer

Approved by the Valley Center Planning Commission on April 26, 2011.

Gary Janzen, Chairman

OLD BUSINESS

A. ORDINANCE 1227-11, COURT COST INCREASE; 2nd READING:

- F.Y. 2010 Court Cost Revenue was \$18,130.00
- F.Y. 2011 Budget for Municipal Court \$131,000.00

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1227-11, revising the Court cost assessed by the Municipal Court for the City of Valley Center amending Title 2 of the Valley Center, Kansas Municipal Code by amending Chapter 2.24 "Municipal Court:", for 2nd Reading.

ORDINANCE NO. 1227-11

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS PROVIDING FOR REVISED COURT COSTS ASSESSED BY THE MUNICIPAL COURT OF THE CITY OF VALLEY CENTER AMENDING TITLE 2 OF THE VALLEY CENTER, KANSAS, MUNICIPAL CODE BY AMENDING CHAPTER 2.24 “MUNICIPAL COURT”

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

Section 1. The Valley Center Municipal Code, Title 2, “Administration and Personnel,” Chapter 2.24, “Municipal Court,” Section 2.24.270, “Costs-Designated,” is hereby amended to read as follows:

2.24.270 Costs-Designated

There shall be charged as costs in all cases commenced in the Municipal Court of the City of Valley Center, Kansas, upon uniform notice to appear and recognizance for appearance, of the filing of complaint and issuance of warrant or notice to appear, charging violations of the ordinances of the City of Valley Center, the sum of seventy-five dollars (\$75.00). Such court costs shall be entered on the Court docket and assessed by the Municipal Judge of the City in all cases after entry of a plea of guilty, a plea of nolo contendere, or upon conviction after formal trial. Said costs shall be assessed and be in addition to any fines, penalties or other orders of the Valley Center Municipal Court.

Section 2. Severability. Those sections, paragraphs, and provisions of Chapter 2.24 of the City of Valley Center Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the City of Valley Center Municipal Code other than those expressly amended or repealed in Section 1 of this Ordinance.

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 3. Applicability and Effective Date This ordinance shall be included in the code of the City of Valley Center, Kansas and shall be in full force and effect from and after its passage and after publication according to law.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this ____ day of _____.

First Reading: April 19, 2011
Second Reading: _____

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

NEW BUSINESS

A. RESOLUTION 560-11; AUTHORIZING THE OFFERING FOR SALE of G.O. TEMP NOTES):

Resolution Authorizing the Offering for sale of General Obligation Temporary Notes, Series 2011-1, of the City of Valley Center, Kansas.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 560-11, Authorizing the Offering for Sale of General Obligation Temporary Notes, Series 2011-1.

Gilmore & Bell, P.C.
04/22/2011

RESOLUTION NO. 560-11

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2011-1, OF THE CITY OF VALLEY CENTER, KANSAS.

WHEREAS, the City of Valley Center, Kansas (the “Issuer”), pursuant to the provisions of the laws of the State of Kansas applicable thereto, specifically including K.S.A. 12-6a01 *et seq.* (the “Act”), by proceedings duly had, has heretofore authorized certain internal improvements described as follows (collectively, the “Improvements”):

Project Description	Res. No.	Estimated Cost*
P.C.A. Addition – Water Main Improvements	552-09	\$ 54,000.00
Prairie Lakes Addition – Storm Water Drain Improvements – Phase 4	551-08	<u>80,000.00</u>
Total:		<u>\$134,000.00</u>

*plus associated financing costs

; and

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, the Issuer has heretofore issued the following General Obligation Temporary Notes to temporarily finance a portion of the costs of the Improvements:

<u>Series</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>	<u>Redemption Amount</u>	<u>Redemption Date</u>
2009-1	09/10/2009	08/01/2011	\$155,000	\$155,000	\$155,000	06/28/2011

(the “Existing Notes”); and

WHEREAS, permanent financing for the Improvements will not be completed prior to the maturity date of the Existing Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on the Existing Notes by the issuance of additional temporary notes of the Issuer; and

WHEREAS, the Issuer proposes to issue its temporary notes to retire the Existing Notes; and

WHEREAS, the Issuer hereby selects the firm of Piper Jaffray & Co., Leawood, Kansas (the “Purchaser”), as underwriter for one or more series of temporary notes of the Issuer in order to provide funds to retire the Existing Notes; and

WHEREAS, the Issuer desires to authorize the Purchaser to proceed with the offering for sale of said temporary and related activities; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said temporary, the governing body desires to authorize the Mayor to confirm the sale of such temporary notes, if necessary, prior to the next meeting of the governing body to adopt the necessary resolution providing for the issuance thereof.

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

Section 1. The Purchaser is hereby authorized to proceed with the offering for sale of the Issuer's General Obligation Temporary Notes, Series 2011-1 (the "Notes") in accordance with the presentation made by the Purchaser this date. The offering for sale of the Notes shall be accomplished in consultation with the Clerk, Gilmore & Bell, P.C. ("Bond Counsel"), and the Purchaser. The confirmation of the sale of the Notes shall be subject to the execution of a note purchase agreement (the "Note Purchase Agreement") between the Purchaser and the Issuer in a form approved by Bond Counsel, and the adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes. The Mayor is hereby authorized to execute the Note Purchase Agreement subject to the following parameters: (a) principal amount not to exceed \$190,000; and (b) a true interest cost ("TIC") of not to exceed 3.50%.

Section 2. The Mayor, Clerk and the other officers and representatives of the Issuer, the Purchaser and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes. Such officials are also directed and authorized to make provision for payment and/or redemption of the Existing Notes from proceeds of the Notes.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the governing body on May 3, 2011.

(SEAL)

Mayor

ATTEST:

Clerk

NEW BUSINESS**B. CONSIDERATION OF BIDS; PUBLIC WORKS STORAGE BUILDING (F.Y. '10-'11):**

- Project was Authorized as part of the 2010/2011 C.I.P with \$50,000.00 Budget.
- Expenditures to date:

\$ 163.00	P.E.C.
\$ 4,340.00	Architect
\$ 6,000.00	Site/Culverts
- Low Bid for \$ 93,200.00. If accepted the City would need to fund approximately \$ 55,000.00 of the project from Reserve Funds.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to:

Table project for future consideration

OR

Approve the low bid from Hahner Foreman & Harness for \$ 93,200 and Authorize the expenditure of Reserve Funds not to exceed \$ 55,000.00.

**City of Valley Center
Storage Building**

BID TABULATION

**April 27, 2011
10:30 a.m.**

	Addenda Received	Base Bid	Calendar Days
Commerce Construction	1 [X], 2 [X]	\$ 108,400.00	135
Compton Construction	1 [X], 2 [X]	\$ 109,800.00	160
DAB Building Systems	1 [X], 2 [X]	\$ 103,518.00	100
DanCo Enterprises, Inc.	1 [], 2 []	No Bid	No Bid
Design Build Construction	1 [X], 2 [X]	\$ 113,000.00	120
Hahner Foreman & Harness	1 [X], 2 [X]	\$ 93,200.00	100
Petra Facility Group	1 [X], 2 [X]	\$ 103,350.00	80
Riley Construction Company, Inc.	1 [X], 2 [X]	\$ 113,900.00	120
Robl Commercial Construction	1 [X], 2 [X]	\$ 97,000.00	120

NEW BUSINESS

C. BOY SCOUT of AMERICA REQUEST TO USE McLAUGHLIN PARK for SCOUT DAY CAMP:

- Attached is a request from the White Buffalo District, Quivira Council of the Boy Scouts of America to host a Scout Day Camp. They are requesting use of McLaughlin Park on June 11th and June 18th and have a certificate of liability insurance included.
- Additionally, they are also requesting a waiver of City Ordinance to shoot BB guns and youth compound bows on Recreation Commission owned property located east of McLaughlin Park.

Should Council choose to proceed,

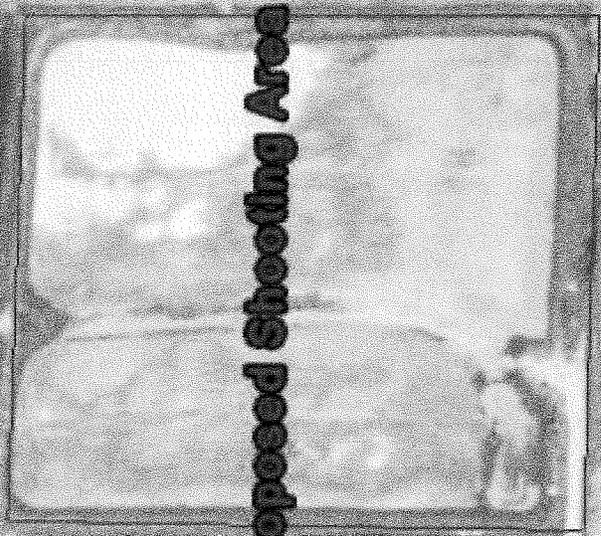
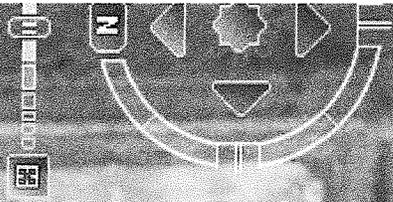
RECOMMENDED ACTION:

Staff recommends motion to approve the request contingent upon the following conditions:

- All insurance and permission requirements by the Valley Center Recreation Commission are satisfied. This includes permission from the Recreation Commission and a Certificate of Liability Insurance from the White Buffalo District, Quivira Council of the BSA for use of Recreation Commission property.

BSA Request for Exception to City Ordinance

- Subject:** Proposal to Valley Center commission for permission to allow the White Buffalo District, Quivira Council, BSA to operate a BB guns and Archery equipment within Valley Center Parks during the 2011 Day Camp timeframe.
- Dates:** Saturday, June 11 and Saturday, June 18 between 12:00 p.m. and 4:00 p.m.
- Equipment:** BB guns – One pump, Daisy Type BB guns with maximum range of approximately 150 yds., and a speed of approximately 275 fps.
Archery – Youth Compound Bows with a draw weight of 9lbs.
- Safety Measures:** All BSA Shooting sports safety rules will be applied; this will include, but not be limited to the following:
- BSA certified safety measures. Pre-camp accreditation inspection required to assure range layout, backstops, and fallout areas meet or exceed BSA safety standards.
 - BSA trained Shooting Range Captain on premises to oversee and run shooting sport activities at all times during camp.
 - BSA shooting range layout, staked and roped with yellow rope to limit access to ranges per BSA safety rules. See attached layout.
 - Additional adult leader supervision of all youth during use of shooting sports areas.
 - Youth orientation will include, but not be limited to advising youth of the special circumstances under which they are being allowed to shoot BB guns, bows and arrows and that normally these activities are prohibited in city parks.
 - Safety instructions provided to all youth prior to use of equipment.
 - Use of parks limited access fenced in areas as site location to enhance safety measures.
- Liability:** White Buffalo District of the Quivira Council, BSA carries and will provide independent insurance that assumes all liabilities for camp activities including, but not limited to shooting sports activities.
- Prior Use:** In cooperation with the Valley Center Chief of Police and the Parks Department Supervisor, White Buffalo District, Quivira Council, BSA has used the park for similar, if not nearly identical Day Camp programs for several previous years. All have provided to be successful events.
- Beneficiaries:** The White Buffalo District Day Camp, on average, provides the opportunity for leadership and character development along with physical fitness through outdoor activities for approximately 300 youth per year. White Buffalo Day Camp is open to and comprised of youth within the Wichita and surrounding communities including those residing in the Valley Center area.



Proposed Shooting Area



McLaughlin Park

© 2008 Europa Technologies

30.39° N 97° 22' 00.79" W elev 1348 ft

Streaming 100%



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/10/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McQueary Henry Bowles Troy, L.L.P. 8144 Walnut Hill Lane, 16th Floor Dallas, TX 75231	CONTACT NAME: PHONE (A/C No. Ex): 972-770-1600 FAX (A/C No.): 972-770-1499 E-MAIL: ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
INSURED Boy Scouts of America, National Council and All of its affiliates and subsidiaries including: Quivira Council, BSA 1555 E 2nd St Wichita, KS 67214	INSURER A: Old Republic Insurance NAIC # 24147	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		MWZY59097	03/01/11	03/01/12	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICEMEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate holder is named as an additional insured by virtue of a written or oral contract or by the issuance/existence of a permit or certificate of insurance but only with respect to operations by or on behalf of the Insured, or to facilities of, or facilities used by the Insured and then only for the limits of liability specified in such contract for the event specified herein.

 White Buffalo District Cub Scout Day Camp, Saturdays June 11 and June 18, 2011 City of Valley Center Swimming Pool and McLaughlin Park; Director Cheryl Lancaster 316-305-1135; Staff Advisor Alan Lepard 316-650-6078

CERTIFICATE HOLDER City of Valley Center - Swimming Pool and McLaughlin Park	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CONSENT AGENDA

A. 2012 BUDGET SCHEDULE:

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. 2012 BUDGET SCHEDULE:

2012 Budget Process Calendar

2012 Budget Process Calendar

May 2011

2011

June 14 th	Council Goal Setting & Outcome Prioritization – Department Heads / City Council / Mayor - 6:00pm
June 22 nd	Department Budgets Requests & Outcomes Due to City Administrator (Presentations at Staff Meeting)
June 15 th – June 28 th	Individual Meetings with Departments / City Administrator
June 25 th	Statement of Bonded Indebtedness Due to County Clerk
June 28 th	CIP Review and comment by Planning Commission
June 29 th	Budget Meeting (Review Draft Budget) – Department Heads (Staff Meeting)
July 5 th	Budget Workshop (Direction on Operating Budget & Review CIP Budget) – Full Council (Council Mtg.)7:00pm
July 19 th	Presentation of Draft Budget & Approve Publication of Notice of Hearing (Council Mtg.) 7:00pm
July 19 th	Budget material to Ark Valley News for official publication. (Notice of Hearing Published 7/21/2011) <i>*10days prior to hearing (K.S.A. 79-2929).</i>
August 2 nd	Public Hearing (Council Mtg.) 7:00pm
August 16 th	Approval 2011 Budget (Council Mtg.) 7:00pm
August 25 th	Last Day for Filing Budget (K.S.A. 79-1801, 79-2930)
September 14 th	Budget posted on the web
October 30 th	Budget Submitted to GFOA for review

STAFF REPORTS

A. City Clerk Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Interim Community Development Officer Millspaugh

- Staff Report

E. City Superintendent Dunn

F. Environmental Services Officer Plant

- Code Enforcement March 2011 Report

G. Parks & Public Buildings Superintendent Owings

H. City Engineer Kelsey

I. City Attorney Arbuckle

J. City Administrator Pile

MEMORANDUM

TO: The Honorable Mayor McNown and Valley Center City Council Members

CC: Joel Pile, City Administrator

FROM: Angela Millspaugh, Interim Community Development Officer

DATE: April 27, 2011

SUBJECT: Interim Community Development Officer Staff Report

On April 26, 2011 the Valley Center Board of Zoning Appeals held a public hearing to consider a Conditional Use Permit to allow an Automobile Repair Garage at 142 S. Meridian. Following the hearing and after deliberation, the Planning Commission approved the Conditional Use Permit with the following conditions:

1. A site plan must be submitted and approved before any Automobile Repair Garage business shall commence operation at said location. Such site plan shall include details regarding signage, business vehicle parking and trash screening in addition to the requirements of the Site Plan Review Committee.
2. No outside storage of repair equipment and/or parts of vehicles.
3. Off-street parking shall be provided so that there are two parking spaces for every service bay and one for every employee.
4. If the Zoning Administrator, or his or her designee, subsequently finds that there is a violation of any of the conditions attached to the granting of this Conditional Use, the Zoning Administrator, or his or her designee, may in addition to enforcing the other remedies available in the Zoning Regulations, declare the Zoning Permit issued for the Conditional Use is null and void.

AREA OF APPLICATION (NE Corner of Meridian & Allen)



Code Enforcement Department
March 2011

- I answered 105 calls for service during the month of March.
- Fourteen complaints were filed for dogs running loose.
- Eleven dogs were impounded.
- On March 2, 2011 at 1214 hours I picked up three male Dachshunds from 106 N. Emporia; at 1240 hours these dogs were taken to the Wag'en Tail Ranch. These dogs were adopted.
- On March 11, 2011 at 1545hours I picked up a male Jack Russell Terrier from 140 S. Miles; I took this dog to the Valley Center Vet Clinic at 1610 hours. This dog was reclaimed by the owner.
- On March 17, 2011 at 1620 hours a Boxer was picked up and taken to the Valley Center Vet Clinic; this dog was reclaimed by the owner.
- On March 22, 2011 at 1207 hours I picked up two female dogs a Rat Terrier and a Jack Russell Terrier from 560 N. Park; these dogs were reclaimed by the owner.
- On March 23, 2011 at 1715 hours I picked up a female German Shorthair Pointer from the intersection of West Street and Main; at 1718 hours this dog was taken to the Valley Center Vet Clinic. On March 28, 2011 at 1700 hours this dog was transferred to the Wag'en Tail Ranch where it was put up for adoption. This dog was adopted.
- On March 28, 2011 at 1340 hours I impounded two male dogs from the intersection of 77th Street and West Street a Pit Bull, and a Dachshund. I took both dogs to the Wag'en Tail Ranch. Both dogs were reclaimed by their owner.
- On March 29, 2011 at 1230 hours I picked up a male Terrier Mix from 308 N. Dexter. I took this dog to Wag'en Tail Ranch at 1250 hours. This dog was adopted.
- Four barking dog complaint was received and addressed.
- One dog bite was reported; the dog was placed in rabies observation and then euthanized.
- Nine dead animals were disposed of.
- One complaint was filed for an injured cat.
- One snake was removed from a home.
- I checked if builder had a permit.
- Seventeen Solid Waste issues were addressed.
- Four sign complaints were addressed.
- Two miscellaneous complaints for animal related problems.
- One storm water complaint was addressed.
- Five inoperable vehicles letters was sent to the property owner.
- Sixty two dog licenses renewal letters were sent to dog owners.
- Forty four letters were sent to homeowners for trash and debris in their yards. I attended a board meeting with the Valley Center Animal League.

Officer Cindy Plant

GOVERNING BODY REPORTS

A. Mayor McNown

B. Councilmember Leftoff

C. Councilmember Cicirello

D. Councilmember Smith

E. Councilmember Gerling

F. Councilmember Maschino

G. Councilmember L. Jackson

H. Councilmember K. Jackson

I. Councilmember Hobson

ADJOURN