

CITY OF VALLEY CENTER

FINAL AGENDA

NOVEMBER 29, 2012

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.

December 4, 2012

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** p 3
6. **CLERK'S AGENDA** p 4
 - A. Minutes p 4
 - November 20, 2012 Regular Council Meeting p 5
 - B. Appropriation Ordinance p 8
7. **PRESENTATIONS / PROCLAMATIONS** p 14
8. **PUBLIC FORUM** (*Citizen input and requests*) p 14
9. **APPOINTMENTS** p 14
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 - B. Ordinance 1250-12; Vacation Order for alley abutting 123 N Cedar p 23
 - C. Ordinance 1251-12; Change in Zoning District Classification, 1st reading p 25
13. **CONSENT AGENDA** p 28
 - A. Cereal Malt Beverage Licenses p 29
 - B. Contract Amendment 2001-03 with RWD # 2 p 30
14. **STAFF REPORTS** p 34
15. **GOVERNING BODY REPORTS** p 37
16. **ADJOURN**

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

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

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

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

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

CLERK'S AGENDA**A. MINUTES:**

Attached are the Minutes from the November 20, 2012 Regular City Council Meeting as prepared by the Assistant City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the Minutes of the November 20, 2012 Regular Council Meeting Minutes as presented / amended.

REGULAR COUNCIL MEETING
NOVEMBER 20, 2012
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 p.m. with the following members present: Judith Leftoff, Lou Cicirello, Terry Ishman, Lionel Jackson, Kate Jackson, and Al Hobson.

Members Absent: Harrison Gerling and Marci Maschino

Staff Present: Joel Pile, City Administrator
Kristine Polian, City Clerk
Jose Santiago, Assistant City Clerk
Mark Hephner, Chief of Police
Lonnie Tormey, Fire Chief
Neal Owings, Parks and Public Buildings Superintendent
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

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

CLERK'S AGENDA

A. MINUTES – NOVEMBER 06, 2012 REGULAR CITY COUNCIL MEETING

Minutes amended as follows: Change from **GOVERNING BODY REPORTS, MAYOR MCNOWN, p. 8** L. Jackson moved, second by K. Jackson, to approve Mayor McNown recommendations for year 2012: 1) Allow December 24, 2012 paid holiday for Valley Center City employees, 2) give an incentive of \$100.00 after tax to full time employees and \$50.00 after tax to part time employees that during the year 2012 worked at least 100 hours. Vote Yea: Unanimous. Motion carried. And, replace with L. Jackson moved, second by K. Jackson, to approve Mayor McNown recommendations for year 2012: 1) Allow December 24, 2012 paid holiday for Valley Center City employees; 2) give an incentive of \$100.00 after tax to full time employees and \$50.00 after tax to part time employees that during the year 2012 worked at least 100 hours. Vote Yea: Terry Ishman, Marci Maschino, Lionel Jackson, Kate Jackson, and Al Hobson. Opposed: Judith Leftoff. Motion carried.

L. Jackson moved, second by K. Jackson, to approve the Minutes from the November 06, 2012 as amended. Vote yea: Unanimous. Motion carried.

B. APPROPRIATION ORDINANCE – 11/20/2012

K. Jackson moved, second by Cicirello, to approve the November 20, 2012 Appropriation Ordinance as presented. Vote yea: unanimous. Motion carried.

C. TREASURER'S REPORT for OCTOBER 2012:

Cicirello moved, second by Ishman, to receive and file the October 2012 Treasurer's Report. Vote yea: unanimous. Motion carried.

PRESENTATIONS / PROCLAMATIONS - None

PUBLIC FORUM - None

APPOINTMENTS - None

COMMITTEES AND COMMISSIONS

A. ITEMS FOR COUNCIL REVIEW

- Valley Center Public Library, October 8, 2012 Minutes
- Valley Center Public Library Financial Summary

OLD BUSINESS - None

NEW BUSINESS

A. SET PUBLIC HEARING for FY 2012 BUDGET AMENDMENT

- City Administrator Memo
- Amended Certificate and Supporting Documents

City Administrator Pile stated the Water Utility Fund and Solid Waste Fund in the FY12 Budget are expected to have year end disbursements greater than budgeted and will require budget revisions. The drought like conditions is the greatest cause for the increased level of Water Utility Fund disbursements. In regards to Solid Waste Fund, the City contracted Waste Management for collection and disposal of solid waste. The new customer accounts increased at a rate greater than expected is the reason for a greater amount of contractual costs than budgeted.

Ishman moved, second by Cicirello, to establish a Public Hearing December 04, 2012 at 7:00 PM at City Hall as the Date, Time, and Place to conduct a Public Hearing regarding Amendments to the 2012 Budget. Vote yea: Unanimous. Motion carried.

CONSENT AGENDA

- A. REVENUE and EXPENSE FINANCIAL SUMMARIES for OCTOBER 2012
- B. BAD DEBT/DELINQUENT ACCOUNTS for OCTOBER 2012 REPORT
- C. CHECK RECONCILIATION REPORT for OCTOBER 2012

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

STAFF REPORTSCITY ADMINISTRATOR PILE

Pile stated the Fifth Street has been closed since last week. All seems to go well, but let us know about any concerns so we can communicate this information to the contractor.

GOVERNING BODY REPORTSMAYOR MCNOWN

McNown stated on Saturday, November 10th; he attended the SCAC Meeting in Sedgwick, Kansas.

CONCILMEMBER CICIRELLO

Cicirello stated Saturday December 1st is Christmas in the Valley. Some businesses are involved this year. It is going to be all day long event. Contact the Chamber for more information.

COUNCILMEMBER ISHMAN

Ishman wished a Happy Thanksgiving.

COUNCILMEMBER HOBSON

Hobson presented to the Council the following three concerns which he would like answers for himself and citizens: 1) an employee that works at Senior Center is using a donated van for personal use. Is the City paying for her gas and its maintenance? City employees have seen it and reported it, and nothing has changed. 2) Hobson and another Councilmember would like the City of Valley Center not to use the City's mail for political purposes. Hobson received complaints on the inserts that were mailed with water bills. The insert had information about voting, and not about City business. And, 3) Why Economic Developer Officer is spending a tremendous amount of time rewriting ordinances?

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

Meeting adjourned at 7:14 PM

Jose A. Santiago, Assistant City Clerk

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

Below is the proposed Appropriation Ordinance for December 4, 2012 as prepared by City Staff.

[December 4, 2012 Appropriation](#)

Total **\$ 180,976.20**

RECOMMENDED ACTION:

Staff recommends motion to approve the December 4, 2012 Appropriation Ordinance as presented / amended.

11/27/2012 1:50 PM

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR SET: 02 City of Valley Center

BANK: APBK INTRUST CHECKING

DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0085	Laurie B Williams							
I-BJE201211144989	CASE # 09-14039	R	11/16/2012	55.00		043298		
I-BSM201211144989	CASE # 08-10028-13	R	11/16/2012	84.00		043298		
I-GJB201211144989	CASE # 11-13654	R	11/16/2012	172.00		043298		311.00
0210	SECURITY BENEFIT							
I-SCB201211144989	DEFERRED COMPENSATION	R	11/16/2012	50.00		043299		50.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201211144989	RETIREMENT	R	11/16/2012	90.00		043300		90.00
0372	U S DEPT OF EDUCATION							
I-JED201211144989	CASE #- S447705160	R	11/16/2012	175.37		043301		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201211144989	CASE # 11LWAD00059	R	11/16/2012	67.00		043302		67.00
0032	AFLAC							
I-AF 201210314985	SUPPLEMENTAL INSURANCE	R	11/21/2012	67.71		043304		
I-AF 201211144989	SUPPLEMENTAL INSURANCE	R	11/21/2012	67.67		043304		
I-AFC201210314985	SUPPLEMENTAL INSURANCE	R	11/21/2012	38.20		043304		
I-AFC201211144989	SUPPLEMENTAL INSURANCE	R	11/21/2012	38.20		043304		
I-AFD201210034964	SUPPLEMENTAL INSURANCE	R	11/21/2012	97.83		043304		
I-AFD201210174967	SUPPLEMENTAL INSURANCE	R	11/21/2012	97.83		043304		
I-AFD201210314985	SUPPLEMENTAL INSURANCE	R	11/21/2012	97.83		043304		
I-AFD201211144989	SUPPLEMENTAL INSURANCE	R	11/21/2012	97.83		043304		
I-AFO201210314985	SUPPLEMENTAL INSURANCE	R	11/21/2012	9.23		043304		
I-AFO201211144989	SUPPLEMENTAL INSURANCE	R	11/21/2012	9.23		043304		425.92
0047	TIM HENSON							
I-133	CLEANED @ 6337 N INTERURB	R	11/21/2012	285.00		043305		285.00
0153	ARK VALLEY NEWS							
I-Acct # 06-1124	LEGALS, ORDINANCES	R	11/21/2012	97.28		043306		97.28
0237	MANSFIELD OIL CO							
I-390270	OCT '12 UNLEAD TAX & FEES	R	11/21/2012	8,387.14		043307		
I-390323	DIESEL OCT 2012 TAX & FEE	R	11/21/2012	3,478.87		043307		11,866.01
0239	A T & T KANSAS							
I-316 755-7303 720 9	11/9-12/8 PHONE SRVCS	R	11/21/2012	1,661.23		043308		1,661.23
0270	INTRUST CARD CENTER							
I-12-3819 \$42,305.80	OFFICE SUPPLIES	R	11/21/2012	42,305.80		043309		
I-12-3834 \$646.54	LODGE G/L ADJUSTMENT	R	11/21/2012	0.01		043309		42,305.80

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A/P HISTORY CHECK REPORT

PAGE: 2

VENDOR SET: 02 City of Valley Center

BANK: APBK INTRUST CHECKING

DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0354	LOYAL AMERICAN LIFE INSURANCE							
I-ACC201210314985	LOYAL AMERICAN ACCIDENT	R	11/21/2012	6.35		043310		
I-ACC201211144989	LOYAL AMERICAN ACCIDENT	R	11/21/2012	6.35		043310		
I-CNC201210314985	LOYAL AMERICAN CANCER	R	11/21/2012	13.97		043310		
I-CNC201211144989	LOYAL AMERICAN CANCER	R	11/21/2012	13.97		043310		40.64
0445	DELTA DENTAL OF KANSAS							
I-DD 201210314985	DENTAL INSURANCE	R	11/21/2012	1,524.88		043311		
I-DD 201211144989	DENTAL INSURANCE	R	11/21/2012	1,345.95		043311		2,870.83
0511	COVENTRY HEALTH CARE, INC.							
I-43182220	DEC 2012 HEALSTH INSURANC	R	11/21/2012	41,155.28		043312		41,155.28
0059	CITY OF WICHITA							
I-AR242325	NOV 2012 BIOSOLIDS HAULED	R	11/21/2012	4,830.00		043314		4,830.00
0114	ANDALE FARMERS CO-OP							
I-ACCT 447537	CITY % CROP FERT-77TH	R	11/21/2012	678.33		043315		678.33
0133	MAYER SPECIALTY SERVICES							
I-2012612	(6) LIFT STATIONS CLEANED	R	11/21/2012	2,100.00		043316		2,100.00
0229	SEDGWICK CO. HEALTH DEPT - BIL							
I-15551	HEP A&B SHOT 2 OF 3	R	11/21/2012	212.61		043317		212.61
0239	A T & T KANSAS							
I-316 755-2075 040 9	VALLEY CREEK PUMP STATION	R	11/21/2012	48.45		043318		
I-316 755-3504 922 7	DES SUBSTATION	R	11/21/2012	50.45		043318		98.90
0249	APAC - KANSAS INC							
I-8000113776	2ND PAYMENT-2012 PROGRAM	R	11/21/2012	71,350.78		043319		71,350.78
0270	INTRUST CARD CENTER							
I-12-3834 \$646.54	LODGE G/L ADJUSTMENT	R	11/21/2012 Reissue			043320		0.01
0417	H & H ADMINISTRATORS							
I-NOV 2012	NOV 2012 FSA&COBRA-ADM	R	11/21/2012	181.00		043321		181.00

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A/P HISTORY CHECK REPORT

PAGE: 3

VENDOR SET: 02 City of Valley Center

BANK: APBK INTRUST CHECKING

DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
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* * T O T A L S * *

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	22	181,048.63	0.00	180,852.99
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:				
VOID DEBITS	0	0.01		
VOID CREDITS		0.00	0.00	
TOTAL ERRORS:	0			
VENDOR SET: 02 BANK: APBK TOTALS:	22	181,048.64	0.00	180,852.99

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A/P HISTORY CHECK REPORT

PAGE: 4

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 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0014	JOEL D PILE							
	I-OCT 2012 MILEAGE	OCT 2012 MILEAGE REIMBURS	R 11/21/2012	123.21		043313		123.21

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	123.21	0.00	123.21
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 03	BANK: APBK	TOTALS:	1	123.21	0.00	123.21
BANK: APBK	TOTALS:		23	181,171.85	0.00	180,976.20
REPORT TOTALS:			23	181,171.85	0.00	180,976.20

11/27/2012 1:50 PM

A/P HISTORY CHECK REPORT

PAGE: 5

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 043297 THRU 043321
 DATE RANGE: 0/00/0000 THRU 99/99/9999
 CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
 INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

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

PRESENTATIONS / PROCLAMATIONS

PUBLIC FORUM

APPOINTMENTS

COMMITTEES, COMMISSIONS

A. ITEMS FOR COUNCIL REVIEW:

- Planning Commission, November 27, 2012 Minutes

**VALLEY CENTER
PLANNING COMMISSION/BOARD OF APPEALS
MINUTES**

7:00 P.M., Tuesday, November 27, 2012
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER:

Chairperson Park called the meeting to order at 7:00 p.m. with the following members present: Don Bosken, Gary Janzen, Danny Park, Ronald Colbert Sr., Terry Nantkes, Ricky Shellenbarger, Dee Wretberg, Del James and Steve Jackson.

Staff Present: Warren Utecht and Deby Taylor, Community Development Department.

AGENDA: A Motion was made by Commissioner Shellenbarger and seconded by Commissioner Wretberg to set the amended agenda. Motion passed unanimously.

APPROVAL OF October 23, 2012 DRAFT MINUTES: Commissioner Jackson made a correction on page 2, under Public Hearing concerning his comment. A motion was made by Commissioner Jackson, seconded by Commissioner Shellenbarger, to accept October 23, 2012 minutes as amended. Motion passed unanimously.

COMMITTEE AND STAFF REPORTS: Community Development Director, Warren Utecht shared the minutes of Pedestrian and Bicycle Facilities Master Plan Steering Committee and explained the updated committee member list that was in the packets.

COMMUNICATIONS: None at this time

PUBLIC HEARING: Chairperson Park opened the hearing for comments from the public at 7:03 p.m. He then call on the Zoning Administrator, Warren Utecht, to provide comments on a petition filed by Mennonite Housing regarding a zoning amendment of the underlying base zoning in the Ridgefield Subdivision Planned Unit Development for lots 47–65, Block A; Lots 1-14, Block B; and Lots 1–29, Block C from R-1B One-Family Residential, to R-3 Multi-family Residential. Mr. Utecht used an overhead map to show the proposed lot changes and described the plans for low-income and rental duplexes for the elderly. He then reviewed each criteria for a Zoning Amendment as per 17.11.01.H.

7:16–7:29 p.m. Charity Clark: 8935 N. Kessler, Valley Center; spoke on the proposed development. Mrs. Clark stated that the current Mennonite Housing homes were not well maintained, there were multiple cars per household, and at times un-supervised children were seen in dangerous situations. She distributed hand-outs with pictures and information she had compiled regarding low-income housing and the need for having services and amenities located in a closer proximity to the development. She also voiced the possibility of increased crime and various similar concerns. Charity expressed her desire to see mid-range priced housing that would bring higher quality rentals like the duplexes by the library.

7:30-7:42 p.m. Applicant: Andrew Bias, President/C.E.O. Mennonite Housing, clarified the classification of low-income as opposed to the Mennonite Housing's income eligible program. Mr. Bias gave a brief history of their homes built in Valley Center and explained the plans for senior duplexes, a club house and open grounds for outside activities. He responded to questions from the Commissioners.

7:42-7:46 p.m. Nick Royal, 704 Wakefield, Valley Center, had questions concerning the location of the senior duplexes. Mr. Royal questioned if or how this might affect their homeowners association. His preference would be to have the single-family homes located all together.

7:46-7:49 p.m. Nancy Anderson, 8701 N. Kessler, Valley Center, asked about the garage size of the duplexes. Her concern was that there were lots of cars and children and felt safety was an issue.

7:49-7:56 p.m. Mennonite Housing Contractor, Doug Bruggeman, 12212 N. Seneca, Valley Center, answered various questions explaining the homes will be a tri-level (view-out) duplexes with partial basements in the rentals and a safety room available in the senior homes. The regular duplexes will have a two-car garage with the senior's having a single-car garage.

Chairperson Park closed the public hearing at 7:56 p.m.

Mr. Utecht's recommendation was that even though this rezoning review is generally positive, the neighborhood and City of Valley Center may want to limit the concentration of rental housing in this one area of the city. Because of this, the following PUD conditions are recommended:

- The greatest density on any replatted lot in Ridgefield Addition should not be greater than duplex housing units, and that the underlying PUD zoning request be changed from R-3 Multi-family to R-2 Two-family zoning.
- To be consistent with the height of the existing single family homes that have been built in the Ridgefield addition, the height of all duplex units be no greater than tri-level units.

Chairperson Park asked the commissioners if they had any ex parte verbal or written communication from a third party prior to this hearing which they would like to share with all the members. No one responded.

Commissioner Bosken felt he would like to drive by the Ridgefield Subdivision before making his decision. He made a motion and Commissioner Janzen seconded to table the rezoning to the December 11, 2012 meeting. Motion passed unanimously.

ALLEY VACATION: CASE NUMBER: VAC-2012-1

Zoning Administrator Utecht, presented the application for the alley vacation west of Cedar Drive between Main Street and First Street, which was tabled at October 23, 2012 meeting. Mr. Utecht stated that he had been in communication with the neighboring property owner and Jeff Niedens the applicant and that an agreement had been reached. He also stated that he had not received any calls or concerns from any other citizens. Chairperson Park asked if the applicant had any questions or comments. He did not.

Based on the City Staff recommendations and discussion by the Planning Commission, Commissioner Janzen made a motion to vacate an alley west of Cedar Drive, between Main Street and First Street, subject to the recording of a utility easement filed in the County Register of Deeds office. Motion was seconded by Commissioner Shellenbarger and the motion passed unanimously.

REZONING: CASE NO. Z-2012-3**123 N. Cedar Drive from C-2 General Commercial to R-2 Two-Family Residential**

Zoning Administrator Utecht presented the application for rezoning which was tabled at the October 23, 2012 meeting. Mr. Utecht recommended the zoning change to allow Mr. Neidens to build a rental duplex on the property.

Based on the City Staff recommendations and discussion by the Planning Commission, Commissioner Shellenbarger made a motion to approve the rezoning for 123 N. Cedar Drive and the abutting alley from C-2 General Commercial to R-2 Two-Family Residential. Motion was seconded by Commissioner Colbert and the motion passed unanimously.

NEW BUSINESS

Mr. Utecht reminded that due to the Christmas Holiday, the next Special Planning Commission meeting will be moved up from the normal fourth Tuesday to the second Tuesday (December 11th), consistent with the adopted Planning Commission Calendar for 2012.

Mr. Utecht also informed the commissioners that on November 6th, the City Council denied and referred the Zoning Ordinance amendment back to the Planning Commission, due to Planning Commission bylaw and public notice issues. The December 11th agenda will include a fourth public hearing on amendments to the Zoning Regulations and possible action by the Planning Commission.

ITEMS BY PLANNING COMMISSIONERS:

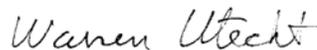
- Del James - none
- Don Bosken – none
- Gary Janzen – none
- Dee Wretberg - none
- Danny Park – Welcomed the new commissioner, Del James.
- Terry Nantkes - none
- Ronald Colbert Sr. – Mentioned the Pedestrian & Bicycle Facilities Master Plan.
- Steve Jackson – none

ADJOURNMENT:

Motion made by Commissioner Janzen and seconded made by Commissioner Jackson to adjourn. Motion passed unanimously

Time of Adjournment 8:11 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Minutes approved by the Valley Center Planning Commission on December 11, 2012.

/Danny Park/
Danny Park, Chairperson
WU/dt

OLD BUSINESS**A. RE-SET PUBLIC HEARING TO AMEND 2012 BUDGET:**

Kansas Statute requires Notice of Public Hearings to be published 10 days prior to the Hearing.

The Council approved holding the Public Hearing to Amend the FY12 Budget on December 4, 2012.

Due to the Thanksgiving Holiday and early publication of The Ark Valley News, the notice was unable to be published. In order to provide the required notice, the Council should re-set the Public Hearing for December 18, 2012. Publication would occur on December 8, 2012 providing 12 days notification.

Should Council choose to proceed,

RECOMMENDED ACTION:

Re-Set 7 PM December 18, 2012 at City Hall as the Time, Date and Place to conduct a Public Hearing regarding Amendments to the 2012 Budget.

NEW BUSINESS**A. ORDINANCE 1249-12; RE: CURFEW ORDINANCE
AMENDMENT:**

- Ordinance 1249-12

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1249-12, amending Title 9 of the Valley Center, Kansas, Municipal Code by amending Chapter 9.69 "Curfew", for 1st reading.

ORDINANCE NO. 1249-12**AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL
AMENDING TITLE 9 OF THE VALLEY CENTER, KANSAS,
MUNICIPAL CODE BY AMENDING CHAPTER 9.69 "CURFEW"**

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

Section 1. The Valley Center Municipal Code, Title 9, "Public Peace, Safety and Morals," Chapter 9.69, "Curfew," Section 9.69.010, "Curfew Hours Declared," and Section 9.69.020, "Responsibility of Parent or Person having Custody," and Section 9.69.030, "Penalty for Violation", are hereby amended to read as follows:

9.69.010 Curfew Hours Declared

(A) It is unlawful for any minor under the age of 18 years (minor) to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places or public buildings, places of amusement or entertainment, eating places, vacant lots or other places unsupervised by an adult having lawful authority to be at such place during the following periods of time:

- (1) From July 1st through August 31st between the hours of 11:00 p.m. and 6:00 a.m. on all days, except on Saturdays and Sundays when the hours shall be 12:00 a.m. to 6:00 a.m.; and
- (2) From September 1st through June 30th between the hours of 10:00 p.m. and 6:00 a.m. on all days, except on Fridays and Saturdays when the hours shall be 11:00 p.m. to 6:00 a.m.

(B) The provisions of subsection A shall not apply in the following instances:

- (1) When the minor is accompanied by his or her parent, guardian or other person having the lawful care and custody of the minor;
- (2) When the minor is upon an emergency errand directed by his or her parent, guardian or other person having the lawful care and custody of the minor without any detour or stop;
- (3) When the minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, school, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning directly home, without detour or stop, from attending an official school, religious or

other recreational activity supervised by adults and sponsored by the city, school, a civic organization or another similar entity that takes responsibility for the minor;

- (4) When the minor is going or returning home without detour or stop from lawful employment;
- (5) When the minor is on the sidewalk abutting the minor's residence or abutting the residence of the next-door neighbor if the neighbor does not object to the minor's presence;
- (6) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment right to free speech, freedom of assembly or free exercise of religion; and
- (7) When the minor is engaged in interstate travel through the city.

9.69.020 Responsibility of Parent, or Person having Custody

Except in circumstances set out in section 9.69.010 subsection A:1-7, it shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to permit, or by insufficient control allow such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places or public buildings, places of amusement or entertainment, eating places, vacant lots or other places unsupervised by an adult having the lawful authority to be at such place during the following periods of time:

- (1) From July 1st through August 31st between the hours of 11:00 p.m. and 6:00 a.m. on all days, except on Saturdays and Sundays when the hours shall be 12:00 a.m. to 6:00 a.m.; and
- (2) From September 1st through June 30th between the hours of 10:00 p.m. and 6:00 a.m. on all days, except on Fridays and Saturdays when the hours shall be 11:00 p.m. to 6:00 a.m.

9.69.030 Penalty

Any minor violating the provisions of this article shall be dealt with in accordance with juvenile court law and procedure or may be prosecuted in the city municipal court and if so prosecuted shall be subject to a mandatory fine of not less than \$25 and not more than \$500, plus court cost. Any police officer finding a minor under the age of 18 years violating the provisions of the chapter shall cause a written notice (citation) to be served upon the parent, guardian or person in charge of such minor, setting forth the manner in which the provisions of this chapter have been violated. For the purposes of this section, notice shall be deemed properly

served upon such parent, guardian or person in charge of a minor if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address; provided further, if the notice cannot be conveniently served by the aforesaid, service of the notice is to be made upon such parent, guardian or person in charge of the minor by at least one publication to contain the conditions and reasons of the notice. Any parent, guardian or person having care and custody of a minor who shall permit such minor again to violate the provisions of this chapter after receiving proper notice shall be fined not less than \$500 for each such offense.

Section 2. Severability. Those sections, paragraphs, and provisions of Chapter 9.69 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. All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance 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 _____ 2012.

First Reading _____

Second Reading _____

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

NEW BUSINESS**B. ORDINANCE 1250-12; VACATION ORDER:**

- Ordinance 1250-12

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to waive 2nd reading;

And, if approved,

Staff recommends motion to adopt Ordinance 1250-12, vacating an alley abutting 123 N Cedar, City of Valley Center, Sedgwick, KS, petitioned by Jeff Neidens.

ORDINANCE NO. 1250-12

VACATION ORDER

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS VACATING AN ALLEY ABUTTING 123 N. CEDAR STREET, CITY OF VALLEY CENTER, SEDGWICK COUNTY, KANSAS, PETITIONED BY JEFF NEIDENS

BE IT ORDERED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS.

SECTION 1. Pursuant to the authority of K.S.A. 12-504 and 12-505, that portion of a 20 foot wide alley abutting the south side of 123 N. Cedar Street in the City of Valley Center, Sedgwick County, Kansas, BE VACATED, as described below:

Beginning at the southeast corner of lot 111 and the east line of N. Cedar Avenue, Hartwell's Addition; thence west 140 feet along the south line of lot 111; thence southerly 20 feet; thence east along the north line of lots 100, 102, 104, 106, 108 and part of 110 to the northeast corner of lot 100 and the west line of N. Cedar Avenue; thence north 20 feet along the west line of N. Cedar Avenue to the point of beginning, City of Valley Center, Sedgwick County, Kansas.

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

1. That due and legal notice has been given as required under K.S.A. 12-504 by publication on September 20, 2012 in Ark Valley News of the notice of this vacation.
2. A hearing was held at a City Planning Commission meeting on October 23, 2012 and a recommendation to approve was made at a City Planning Commission meeting held on November 27, 2012.
3. No private rights will be injured or endangered by the vacation and the public will suffer no loss or inconvenience thereby.
4. No written objection to said vacation has been filed with the City Clerk by an adjoining owner who would be a proper party to the petition.
5. The alley vacation was approved on the condition of a utility easement being reserved for AT&T.

SECTION 2. The ordinance shall take effect on its publication once in the official city newspaper.

PASSED by the governing body and **APPROVED** by the Mayor of Valley Center, Kansas, this 4th day of December, 2012.

Michael McNown, Mayor

Kristine A. Polian, City Clerk

NEW BUSINESS**C. ORDINANCE 1251-12; ZONING CHANGE:**

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.

- Ordinance 1251-12

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1251-12, changing the Zoning District Classification of certain property located in the City of Valley Center, Kansas for 1st reading.

ORDINANCE NO. 1251-12

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 Valley Center, Kansas:

Section 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. Z-2012-3, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1234-11, the zoning district classification of the property, legally described as Lots 111-113 Hartwell's Addition, City of Valley Center, Sedgwick County, Kansas, is herein changed as follows:

Change of zoning district classification from C-2 General Business District to R-2 Two-Family Residential District.

General location: 123 N. Cedar Avenue

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. 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 3. Applicability and Effective Date This ordinance 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 _____, 2012.

First Reading: _____

Second Reading: _____

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

CONSENT AGENDA

A. CEREAL MALT BEVERAGE LICENSES

B. CONTRACT AMENDMENT 2001-03 with R.W.D. #2

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. CEREAL MALT BEVERAGE LICENSES:

The following businesses have made application for a Cereal Malt Beverage License for the year 2013.

Applications were received by the City Clerk and recommended for approval by the Chief of Police, Mark Hephner.

Package Sales:

Pizza Hut, 344 S Meridian, Valley Center, KS

Leeker's Valley Center, INC, 801 S Meridian, Valley Center, KS

Kwik Shop, 110 E. 5th, Valley Center, KS

CONSENT AGENDA

B. CONTRACT AMENDMENT 2001-03 with R.W.D. #2:

Water Purchase Contract Amendment 2001-03 between City of Valley Center, Kansas and Sedgwick County Rural Water District #2.

CONTRACT AMENDMENT 2001-03

WATER PURCHASE CONTRACT
(ORIGINAL 1973, AS AMENDED)

BETWEEN

CITY OF VALLEY CENTER, KANSAS
AND
SEDGWICK COUNTY RURAL WATER DISTRICT NO. 2

This Contract Amendment 2001-03 made and entered into this _____ day of _____, 2012, by and between THE CITY OF VALLEY CENTER, SEDGWICK COUNTY, KANSAS, hereinafter called the "City", and SEDGWICK COUNTY RURAL WATER DISTRICT NO. 2, SEDGWICK COUNTY, KANSAS, hereinafter called the "District".

WITNESSETH:

WHEREAS, on February 28, 2001, the City and the District executed Contract Amendment 2001-01 with the intent and purpose of providing the supply of potable water in sufficient quantities at a reasonable cost to the District, as provided by Kansas Law, and authorized by the Board of County Commissioners, Sedgwick County; and

WHEREAS, a modification of paragraph No. 16 and Exhibit "B" covered by that Agreement has been requested by the District and the City has agreed to that modification;

WHEREAS, Paragraph C(5) of said original contract provides for modification or alterations by mutual agreement of the parties; and

WHEREAS, Paragraph 16 on page 3 of the Contract Amendment 2001-01 is modified to read as follows:

"The City agrees to extend Water Usage Schedule (Exhibit "B") from 2015 to 2035, increasing the allotment one million gallons per year. The City agrees to revisit the allotment in 2025."

NOW, THEREFORE, BE IT MUTUALLY AGREED, for and in consideration of the premises aforesaid and in consideration of the mutual covenants and promises hereinafter contained, it is agreed by and between the parties that the Contract and prior Contract Amendments, specifically Contract Amendment 2001-01 should be amended as follows:

Paragraph No. 16 on Page 3 of the Contract Amendment 2001-01 is modified to read as follows, and Exhibit "B" attached as modified:

“The City agrees to extend Water Usage Schedule (Exhibit “B”) from 2015 to 2035, increasing the allotment one million gallons per year. The City agrees to revisit the allotment in 2025.”

IN WITNESS WHEREOF, the parties hereto have hereunto caused this Contract Amendment to be signed by their respective officers thereunto duly authorized on or before this _____ day of _____, 201__.

ATTEST:

CITY OF VALLEY CENTER
SEDGWICK COUNTY, KANSAS

By: _____

By: _____

ATTEST:

RURAL WATER DISTRICT NO. 2,
SEDGWICK COUNTY, KANSAS

By: _____

By: _____

EXHIBIT B**AMENDED WATER USAGE SCHEDULE**

<u>YEAR</u>	<u>GALLONS</u>
2001	49,327,000
2002	50,510,000
2003	51,694,000
2004	52,877,000
2005	54,060,000
2006	55,000,000
2007	56,000,000
2008	57,000,000
2009	58,000,000
2010	59,000,000
2011	60,000,000
2012	61,000,000
2013	62,000,000
2014	63,000,000
2015	64,000,000
2016	65,000,000
2017	66,000,000
2018	67,000,000
2019	68,000,000
2020	69,000,000
2021	70,000,000
2022	71,000,000
2023	72,000,000
2024	73,000,000
2025	74,000,000
2026	75,000,000
2027	76,000,000
2028	77,000,000
2029	78,000,000
2030	79,000,000
2031	80,000,000
2032	81,000,000
2033	82,000,000
2034	83,000,000
2035	84,000,000

STAFF REPORTS

A. City Clerk Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Community Development Director Utecht

E. City Superintendent Dunn

F. Parks & Public Buildings Superintendent Owings

- Park and Public Buildings Report, August – October 2012

G. City Engineer Kelsey

H. City Attorney Arbuckle

I. City Administrator Pile

PARKS AND PUBLIC BUILDINGS

STAFF REPORT

August

Movies in the Park #2 – Dolphin Tale

MLP & PSB - Irrigation System Repairs & part replacements

Cemetery – 3 Burials

MLP – burnt cattails

AHP -Eagle Scout Project – Fish Attractors – Completed

AHP & MLP – stained sign posts

CH – Security System Troubleshoot/Maintenance

Pool – drain & winterize systems for season

MLP – Troubleshoot irrigation system & well problems

All Locations – Fall shrub trimming & bed maintenance

MLP & PSB – prep for fall seeding and soil amendments

September

AHP & MLP Ponds – cut and burnt cattails, sapling trees and weeds

CH – repair drive up window alarm

CH - repair toilet in women's RR

CH – move boxes to basement storage

CH – repair light fixtures & replace lamps

PSB – repair light fixtures & replace lamps

MLP – troubleshoot photo eyes and timer operations, repair light fixtures & replace lamps

MLP – acidize well & mainlines of sprinkler system

MLP – install blow out pipe on main line in prep of acid cleaning treatment on well

CEM – 1 burial

AHP – installed erosion matting around pond edge and re-seeded various areas

Fall Festival preparations

Assist Park & Tree Board w/ Fishing Tournament set up

MLP – clean and repair irrigation valves and raise/repair valve boxes

Prep for fall seeding, aeration & soil amendments MLP& PSB

Preparations for Vietnam Veterans - The Moving Wall

PSB – troubleshoot security camera & monitor problems

WWTP – met w/ Bryan’s to discuss replacement of Admin Bldg. HVAC.

Vehicle Maint – purchase tires for multiple vehicles & equipment

LP – electric repairs to lights due to vandalism

PSB – repair/replace curb & gutter near back door

October

CEM – 1 Stone setting

CEM – 1 burial

Preparations for the Vietnam Veterans - The Moving Wall

LP – tree trimming and removals

MLP – irrigation repairs & adjustments

PSB – irrigation repairs & adjustments

LP – irrigation repairs & adjustments

LP –landscape work by pool

Movies in the Park # 3 – ET the Extra Terrestrial

Clean up from the Vietnam Veterans – The Moving wall

Winterize Restrooms

Winterize Splash Pad

CEM – pin locate/painting project

CH – replace ballast in hall light fixture

Soft winterize sprinkler systems for freezing temps

Owings-attended Underground Storage Tank course

PSB –Irrigation system repairs/remodel – zone 6 &13

Pool & PWB - Door Repairs

PWB – Overhead door repairs – south door

Vehicle maintenance & repairs to Utility Vehicle, mowers, tractor and various tire repairs

GOVERNING BODY REPORTS

A. Mayor McNown

B. Councilmember Leftoff

C. Councilmember Cicirello

D. Councilmember Isham

E. Councilmember Gerling

F. Councilmember Maschino

G. Councilmember L. Jackson

H. Councilmember K. Jackson

I. Councilmember Hobson

ADJOURN