

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**JANUARY 10, 2013**

*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 15, 2013**

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
    - January 3, 2013 Regular Council Meeting p 5
  - B. Appropriation Ordinance p 8
7. **PRESENTATIONS / PROCLAMATIONS** p 16
8. **PUBLIC FORUM** (*Citizen input and requests*) p 16
9. **APPOINTMENTS** p 16
10. **COMMITTEES, COMMISSIONS** p 16
  - A. Items for Council review p 16
    - Planning Commission/Board of Appeals Minutes p 17
11. **OLD BUSINESS** p 21
12. **NEW BUSINESS** p 21
  - A. Ordinance 1254-13; Authorizing Stormwater Drainage Improvement Project, 1<sup>st</sup> reading p 22
  - B. Resolution 609-13; Authorizing the Offering for Sale of General Obligation Refunding and Improvement Bonds, Series 2013-1 p 25
13. **CONSENT AGENDA** p 30
14. **STAFF REPORTS** p 30
15. **GOVERNING BODY REPORTS** p 36
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](mailto: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](http://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 January 3, 2013 Regular City Council Meeting as prepared by the Assistant City Clerk.

**RECOMMENDED ACTION:**

Staff recommends motion to approve the Minutes of the January 3, 2013 Regular Council Meeting Minutes as presented / amended.

REGULAR COUNCIL MEETING  
JANUARY 03, 2013  
CITY HALL  
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 p.m. with the following members present: Judith Leftoff (arrived at 7:04 p.m.), Lou Cicirello, Terry Ishman, Harrison Gerling, Marci Maschino, Lionel Jackson, Kate Jackson, and Al Hobson.

Members Absent: None

Staff Present: Joel Pile, City Administrator  
Kristine Polian, City Clerk  
Jose Santiago, Assistant City Clerk  
Mark Hephner, Chief of Police  
Richard Dunn, City Superintendent  
Warren Utecht, Community Development Director  
Neal Owings, Parks and Public Buildings Superintendent  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

#### APPROVAL OF THE AGENDA

Councilmember Hobson requested a discussion of Interurban North of 69<sup>th</sup> be added to the New Business.

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

#### CLERK'S AGENDA

##### A. MINUTES – DECEMBER 18, 2012 REGULAR CITY COUNCIL MEETING

Minutes amended as follows:

Change from **NEW BUSINESS, p. 7:** K. Jackson moved, second by L. Jackson, to adopt Resolution 608-12, adjusting the fee structure originally established by Resolution 548-08. Vote yea: Unanimous. Motion carried.

To: **NEW BUSINESS, p. 7:** Cicirello move, second by L. Jackson to adopt Resolution 608-12, adjusting the fee structure originally established by Resolution 548-08. Vote yea: Judith Leftoff, Lou Cicirello, Terry Ishman, Harrison Gerling, Marci Maschino, Lionel Jackson, and Al Hobson. Opposed: K. Jackson. Motion carried.

Maschino moved, second by L. Jackson, to approve the Minutes from the December 18, 2012 as amended. Vote yea: Unanimous. Motion carried.

##### B. APPROPRIATION ORDINANCE – 01/03/2013

Hobson moved, second by K. Jackson, to approve the January 03, 2013 Appropriation Ordinance as presented. Vote yea: Unanimous. Motion carried.

**PRESENTATIONS/PROCLAMATIONS** – None

#### PUBLIC FORUM

Bess Roberts stated that her husband received a letter from the City stating that he needed to remove outdoor storage and containers at their business at 105 E. Clay. Roberts said he was going out of business this spring and will have an auction.

**APPOINTMENTS** – None

**COMMITTEES, COMMISSIONS** – None

**OLD BUSINESS**

**A. ORDINANCE 1252-12: AMENDING ZONING REGULATIONS, 2<sup>ND</sup> READING**

An Ordinance amending the Zoning Regulations governing the use of land and the location of buildings within the City of Valley Center, Kansas.

➤ Ordinance 1252-12

Cicirello moved, second by L. Jackson, to adopt Ordinance 1252-12, amending the Zoning Regulations governing the use of land and the location of buildings within the City of Valley Center, Kansas for 2<sup>nd</sup> Reading. Vote yea: Lou Cicirello, Terry Ishman, Harrison Gerling, Marci Maschino, Lionel Jackson, and Al Hobson. Opposed: Judith Leftoff and Kate Jackson. Motion carried.

**B. ORDINANCE 1253-12: RIDGEFIELD ADDITION ZONE CHANGE, 2<sup>ND</sup> READING**

An Ordinance changing the zoning district classification from PUD with an underlying R-1B One-Family Residential District to PUD with an underlying R-2 Two Family Residential District (legal description Lots 47-65 Block A, Lots 1-14 Block B, and Lots 1-29 Block C, Ridgefield Addition Subdivision, Sedgwick County, Kansas), located in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulations of the City.

➤ Ordinance 1253-12

K. Jackson moved, second by Cicirello, to adopt Ordinance 1253-12, changing the Zoning District Classification of certain property located in the City of Valley Center, Kansas for 2<sup>nd</sup> reading. Vote yea: Unanimous. Motion carried.

**NEW BUSINESS**

**A. INTERURBAN NORTH OF 69<sup>TH</sup> PROPERTY**

Councilmember Hobson addressed the Council. Hobson stated Interurban North of 69<sup>th</sup> is an area of five or six properties and the condition of the road is terrible. This area was annexed around 1995-98. Hobson said we have an obligation to do something with the road, may be some more gravel. If the Staff will bring some information on the next Council meeting this will be satisfactory to him.

Richard Dunn, City Superintendent, addressed Hobson's concerns stating that Public Works has been working in the area for a few weeks, to include addressing drainage issues. In addition, they will begin working on the road bed tomorrow.

**CONSENT AGENDA** - None

**STAFF REPORTS** - None

**GOVERNING BODY REPORTS**

MAYOR MCNOWN

McNown stated two prior City Administrators, Bob Finkbiner and Ken Stury passed away. McNown said there will be a SCAC next meeting at Park City Library on Saturday, January 5, 2013.

COUNCILMEMBER LEFTOFF

Leftoff stated utility bills should include information about the stormwater rate increase, and how the revenue is going to be used.

COUNCILMEMBER ISHMAN

Ishman offered his "Condolences" to the two City Administrators' families.

Hobson moved, second by Maschino, to adjourn the meeting. Vote yea: Unanimous. Motion carried.

**Meeting adjourned at 7:27 PM**

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**Jose A. Santiago, Assistant City Clerk**



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A/P HISTORY CHECK REPORT

PAGE: 1

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 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
0157	KUSTOM SIGNALS INC							
	C-CHECK KUSTOM SIGNALS INC	VOIDED V	4/10/2009			049589		2,128.00CR

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
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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:	1 VOID DEBITS	0.00		
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TOTAL ERRORS: 0

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PAGE: 2

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I-382876	INV 382876	V	4/10/2009	2,128.00		049589		2,128.00
0157	KUSTOM SIGNALS INC							
M-CHECK	VOID CHECK	V	4/10/2009			049589		2,128.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
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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		
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TOTAL ERRORS: 0

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PAGE: 3

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

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0085	LAURIE B WILLIAMS							
I-BJE201212265006	CASE # 09-14039	R	12/28/2012	55.00		043374		
I-BSM201212265006	CASE # 08-10028-13	R	12/28/2012	84.00		043374		
I-GJB201212265006	CASE # 11-13654	R	12/28/2012	172.00		043374		311.00
0210	SECURITY BENEFIT							
I-SCB201212265006	DEFERRED COMPENSATION	R	12/28/2012	38.00		043375		38.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201212265006	RETIREMENT 457 DEFERRED COMP	R	12/28/2012	65.00		043376		
I-ICP201212265006	RETIREMENT 457 DEFERRED COMP	R	12/28/2012	104.06		043376		169.06
0372	U S DEPT OF EDUCATION							
I-JED201212265006	CASE #- S447705160	R	12/28/2012	175.37		043377		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201212265006	CASE # 11LWAD00059	R	12/28/2012	67.00		043378		67.00
0032	AFLAC							
I-AF 201212125001	SUPPLEMENTAL INSURANCE	R	12/28/2012	67.69		043379		
I-AF 201212265006	SUPPLEMENTAL INSURANCE	R	12/28/2012	67.71		043379		
I-AFC201212125001	SUPPLEMENTAL INSURANCE	R	12/28/2012	38.20		043379		
I-AFC201212265006	SUPPLEMENTAL INSURANCE	R	12/28/2012	38.20		043379		
I-AFD201212125001	SUPPLEMENTAL INSURANCE	R	12/28/2012	97.83		043379		
I-AFD201212265006	SUPPLEMENTAL INSURANCE	R	12/28/2012	97.83		043379		
I-AFO201212125001	SUPPLEMENTAL INSURANCE	R	12/28/2012	9.23		043379		
I-AFO201212265006	SUPPLEMENTAL INSURANCE	R	12/28/2012	9.23		043379		425.92
0196	P E C							
I-00510159	RETAINER NOVEMBER 2012	R	12/28/2012	741.06		043380		741.06
0239	A T & T KANSAS							
I-316 755 2075 040 9	VALLEY CREEK PUMP STATION	R	12/28/2012	48.45		043381		
I-316 755 3504 922 7	DES SUBSTATION DEC 2012	R	12/28/2012	50.45		043381		98.90
0249	APAC - KANSAS INC							
I-8000114429	5TH ST (FIDLEERS&BROADWAY)	R	12/28/2012	10,100.63		043382		10,100.63
0295	PETTY CASH							
I-PETTY CASH HEPHNER	PETTY CASH	R	12/28/2012	73.98		043383		73.98
0354	LOYAL AMERICAN LIFE INSURANCE							
I-ACC201212125001	LOYAL AMERICAN ACCIDENT	R	12/28/2012	6.35		043384		
I-ACC201212265006	LOYAL AMERICAN ACCIDENT	R	12/28/2012	6.35		043384		
I-CNC201212125001	LOYAL AMERICAN CANCER	R	12/28/2012	13.97		043384		
I-CNC201212265006	LOYAL AMERICAN CANCER	R	12/28/2012	13.97		043384		40.64

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PAGE: 4

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0445	DELTA DENTAL OF KANSAS, INC.							
I-DD 201212125001	DENTAL INSURANCE	R	12/28/2012	1,341.17		043385		
I-DD 201212265006	DENTAL INSURANCE	R	12/28/2012	1,615.37		043385		2,956.54
0059	CITY OF WICHITA							
I-AR242329	NOV 2012 BIOSOLIDS HAULED	R	1/04/2013	3,780.00		043386		3,780.00
0233	IIMC - INT'L INSTITUTE							
I-ID#18886 FULLMEMBE	2013 MEMBERSHIP DUES	R	1/04/2013	145.00		043387		145.00
0239	A T & T KANSAS							
I-316 7557303 720 9	AT&T 12/09/12-01/08/13	R	1/04/2013	1,538.42		043388		1,538.42
0254	CITY OF WICHITA							
I-273174 - 162006	11/13-12/14/2012 SRVCS	R	1/04/2013	25,894.55		043389		25,894.55
0315	WASTE MANAGEMENT OF WICHITA							
I-5759895-2738-8	DECEMBER 2012	R	1/04/2013	27,435.18		043390		27,435.18
0328	UCI - UTILITY CONSULTANTS							
I-11504	2013 YR ADMIN & EMP FEES	R	1/04/2013	635.00		043391		635.00
0353	HCSB							
I-2011003 PAYMENT#24	JAN/2013 PAYMENT # 24	R	1/04/2013	789.67		043392		789.67
0418	E S R I, INC.							
I-25557592	03/14/12-03/13/13 ARCKVIE	R	1/04/2013	400.00		043393		400.00
0517	WICHITA CONCRETE PIPE COMPANY							
I-I0039584	4" MANHOLE ADJ RINGS	R	1/04/2013	150.00		043394		150.00

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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

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A/P HISTORY CHECK REPORT

PAGE: 5

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0003	CATHY SEXTON							
	I-JAN 2013 SR COORDI							
	JAN/2013 SR COORDINATOR	R	1/04/2013	1,125.00		043395		1,125.00
0053	BRANT J. ARNOLD							
	I-BUTLER INV 312742							
	BUTLER-TRANSITION COURSE	R	1/04/2013	150.00		043396		150.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	2	1,275.00	0.00	1,275.00
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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		
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PAGE: 6

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0070	LITTLE GREEN HOUSES, L.L.C.							
I-14205	REIMBURSED METER LEAK	R	1/04/2013	549.83		043397		549.83

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	549.83	0.00	549.83
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
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VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

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REPORT TOTALS:			25	77,790.75	0.00	77,790.75

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PAGE: 7

SELECTION CRITERIA

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 VENDOR SET: \* - All  
 VENDOR: ALL  
 BANK CODES: All  
 FUNDS: All  
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CHECK SELECTION

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 DATE RANGE: 0/00/0000 THRU 99/99/9999  
 CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
 INCLUDE ALL VOIDS: YES  
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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  
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## **PRESENTATIONS / PROCLAMATIONS**

### **PUBLIC FORUM**

### **APPOINTMENTS**

### **COMMITTEES, COMMISSIONS**

#### **A. ITEMS FOR COUNCIL REVIEW:**

- Planning Commission / Board of Appeals December 11, 2012 Minutes

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

7:00 P.M., Tuesday, December 11, 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, Joel Pile - City Administrator, Mayor Michael McNown, Lou Cicirello and Kate Jackson - Council members.

**AGENDA:** Community Development Director, Warren Utecht requested to amend the current agenda regarding Transportation Enhancement monies to build a path on McLaughlin. A Motion was made by Commissioner Jackson and seconded by Commissioner Shellenbarger to set the agenda with a new item of business. Motion passed unanimously.

**APPROVAL OF November 27, 2012 DRAFT MINUTES:** A motion was made by Commissioner Janzen, seconded by Commissioner Colbert, to accept November 27, 2012 minutes as written. Motion passed unanimously.

**COMMITTEE AND STAFF REPORTS:** Community Development Director, Warren Utecht commented on the minutes of November 27, 2012 Pedestrian and Bicycle Facilities Master Plan Steering Committee meeting.

**COMMUNICATIONS:** None at this time

**PUBLIC HEARING ON ALL COMMISSION INITIATED AMENDMENTS TO THE ZONING REGULATIONS.**

- Chairperson Park opened the hearing for comments from the public at 7:03 p.m.
- Chairperson Park asked the commissioners if they had any conflict of interest or any ex parte verbal or written communication from a third party prior to this hearing that would disqualify them from participating. No one responded.
- Zoning Administrator, Warren Utecht, informed the commissioners that at the November 6<sup>th</sup> City Council meeting, Ordinance 1249-12; adopting the amended Zoning Regulations, was sent back to the Planning Commission for review and make sure that procedures were followed properly. Mr. Utecht shared a 9 page staff review summarizing the history of the 2012 CPC Zoning Amendments. He stated that this would be the 4<sup>th</sup> Public Hearing on the recommended changes. This discussion included the need for compromise regarding the recreational vehicle issue.
- Chairperson Park asked the public if anyone wanted to speak on the Zoning Amendments. With no response, he repeated the question. There were no comments or questions.
- Chairperson Park closed the public hearing at 7:10 p.m.

**DELIBERATION....** Mr. Utecht questioned the three new commissioners; Del James, Terry Nantkes and Ronald Colbert Sr. asking if they had been apprised on the prior City Planning Commission meetings regarding the 2012 Zoning Amendments. All three stated they had lengthy discussions with Mr. Utecht over the prior meetings and had received copies of the minutes and supplemental materials for those meetings. Commissioner Nantkes also stated that he had been in attendance at the meetings in question.

Commissioner Janzen shared his frustration over the Zoning Amendment issue. He stated that the CPC had come up with a good compromise, the citizens he has spoken with felt content with the decision and there was no reason that the regulations should have been sent back to the commission. Chairperson Park reiterated to the public that “we will take care of you” with regard to those cases where recreational vehicles cannot be stored in side or rear yards.

Based on the discussion of all proposed amendments to the Zoning Regulations at the August, September, October, and December Public Hearings, which includes the Recreational Vehicle language being a revised version going back to the pre-2011 amendment, the compromise amendment, Commissioner Janzen made a motion to amend the Zoning Regulations and forward them to the City Council for Ordinance adoption. The motion was seconded by Commissioner Bosken. All commissioners voted for the motion.

Commissioner Jackson questioned the previous motion, stating that it included both the pre-2011 and the compromise language. Commissioner Janzen made a motion and Commissioner Shellenbarger seconded to rescind the vote for the Zoning Regulation amendment. All agreed.

A seconded motion was made. Based on the discussion of all proposed amendments to the Zoning Regulations at the August, September, October, and December Public Hearings, which includes the Recreational Vehicle language being the compromise amendment, Commissioner Janzen made a motion and Commissioner Bosken seconded to amend the Zoning Regulations and forward them to the City Council for Ordinance adoption. Commissioners Colbert, Janzen, Park, James, Shellenbarger, Bosken, Nantkes and Wretberg voted to pass the motion. Commissioner Jackson opposed. Motion passed.

**UNFINISHED BUSINESS:** (Item tabled at last meeting) Petition filed by Mennonite Housing to amend 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.

Zoning Administrator, Warren Utecht commented that the zoning amendment had been tabled from the November 27<sup>th</sup> meeting. Chairperson Park asked if petitioner Andrew Bias, CEO of Mennonite Housing had any comments. Mr. Bias explained the Ridgefield Subdivision Planned Unit Development plans which include 27 duplexes; 1 office, 18 for senior living and 35 for multi-family. He shared a packet of information with pictures of the current lots and other projects they’ve done in the area. The project will be income eligible with rental rates running from \$625.00 to \$725.00 per unit. Mennonite Housing will be managing the rentals with all mowing and maintenance handled by them.

Questions asked from the commissioners...

- Water standing on the property? Sod had just been installed and the sprinkler system was going often.

- Are there adequate fire hydrants? Fire hydrants have been approved as per the Fire Department requirements.
- Railroad track access concern... A berm with trees on top is being constructed to separate the community and the railroad tracks.
- Will there be any shrubbery or fencing facing Kessler Street? Nothing is planned at this time.
- Will income be the only criteria for residency? Age, credit, and background checks will also have bearing on potential occupants.
- How will the Ridgefield HMO relate to the rental project? They will be under the same guidelines.
- Will units be ADA compliant? All duplexes will be ADA compliant with at least 2 units being 100% Handicap accessible.
- Will there be safe rooms? All slab units will have a safe room. Other units will have basements.

Mr. Bias thanked the commissioners for their time and consideration.

**DELIBERATION....** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Colbert make a motion to approve, approve with PUD conditions, deny, or table a petition for the underlying base zoning in the Ridgefield Subdivision Planned Unit Development from R-1B One Family Residential to R-2 Two-Family Residential for lots 47–65 Block A, Lots 1-14 Block B, and Lots 1–29 Block C, Ridgefield Addition Subdivision. Motion was seconded by Commissioner Shellenbarger. Motion passed unanimously.

Commissioner Janzen questioned the previous motion. To avoid any confusion he made a motion to rescind the vote. Commissioner Wretberg seconded the motion and all agreed.

Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Colbert make a motion to approve a petition for the underlying base zoning in the Ridgefield Subdivision Planned Unit Development from R-1B One Family Residential to R-2 Two-Family Residential for lots 47–65 Block A, Lots 1-14 Block B, and Lots 1–29 Block C, Ridgefield Addition Subdivision. Motion was seconded by Commissioner Shellenbarger. Motion passed unanimously.

**NEW BUSINESS:** Community Development Director, Warren Utecht presented a transportation enhancement program application for a pedestrian and bicycle path at McLaughlin / 7<sup>th</sup> Street from 5<sup>th</sup> to Meridian. The program would cover 80% of the cost leaving the city to cover the remaining 20%. The path would be 10 ft. wide for pedestrians and bicyclers.

Commissioner Janzen asked if the funding would only cover sidewalks. He pointed out safety concerns over the school crosswalk at North Meridian and 5<sup>th</sup> Street. There were several comments on the safety of that intersection. Recommendations were made to request a crosswalk light and possibly adding to the 20% in hopes of receiving a better response to our application. City Manager Pile commented that a pedestrian crossing with lights would increase the cost substantially and may threaten our ability to get the funding for the path.

Commissioner Shellenbarger moved to direct the Community Development Director to write a letter of support on behalf of the Planning Commission to make application for Transportation Enhancement Program funding to assist in the construction of a 10 foot path along McLaughlin Street and 7<sup>th</sup> Street, from E. 5<sup>th</sup> Street to N. Meridian, and to recommend the City Council passage of a Resolution of Support for the same purpose. Commissioner Nantkes seconded the motion and the motion passed unanimously.

**ITEMS BY PLANNING COMMISSIONERS:**

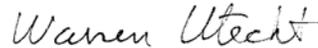
- Del James - none
- Don Bosken – none
- Gary Janzen – none
- Dee Wretberg - none
- Danny Park – Was glad to get so much accomplished at this meeting. Wished everyone a Merry Christmas and Happy New Year.
- Terry Nantkes - none
- Ronald Colbert Sr. – Wished everyone a Merry Christmas and Happy New Year.
- Steve Jackson – none

**ADJOURNMENT:**

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

Time of Adjournment 7:57 p.m.

Respectfully submitted,



Warren Utecht,  
Planning Commission Secretary

Minutes approved by the Valley Center Planning Commission on January 22, 2013.

/Danny Park/  
Danny Park, Chairperson  
WU/dt

**OLD BUSINESS****NONE****NEW BUSINESS****A. ORDINANCE 1254-13; AUTHORIZING STORMWATER DRAIN IMPROVEMENTS, 1<sup>st</sup> Reading:**

An Ordinance authorizing and providing for the construction of Stormwater Drain Improvements in the City; and authorizing the issuance of General Obligation Bonds of The City to pay the costs thereof.

- Ordinance 1254-13

Should Council choose to proceed,

**RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1254-13, authorizing and providing for the construction of Stormwater Drain Improvements in the City; and authorizing the issuance of General Obligation Bonds of The City to pay the costs thereof, for 1<sup>st</sup> reading.

Gilmore & Bell, P.C.  
01/09/2013

(Published in *The Ark Valley News*, on February 7, 2013)

## ORDINANCE NO. 1254-13

### AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF STORMWATER DRAINAGE IMPROVEMENTS IN THE CITY; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

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**WHEREAS**, K.S.A. 12-631r(a) *et seq.* (the “Act”) provides, in part, that whenever the governing body of any city determines it is necessary to construct storm sewers, channels, retention basins or drains for the purpose of managing the storm drainage areas of all or any portion of such city and in the unincorporated areas outside of but within three miles of the corporate limits of such city, the governing body may authorize the construction of such storm sewers, channels, retention basins or drains, such construction shall be authorized by ordinance; such ordinance shall designate where such storm sewers, channels, retention basins or drains shall be located; and construction of such improvements located outside the corporate limits of a city shall not commence unless such construction is approved by a resolution adopted by the board of county commissioners of the county in which such improvements are to be located; and

**WHEREAS**, the governing body of the City of Valley Center, Kansas (the “City”) hereby finds and determines that it is necessary to construct storm sewer improvements within the corporate limits of the City consisting of a stormwater detention pond, pump station improvements, and stormwater drainage improvements on Ford Street, Ramsey Street, and Meridian Avenue (collectively the “Project”); and

**WHEREAS**, the governing body of the City hereby further finds and determines that general obligation bonds of the City should be issued under the authority of the Act to pay the costs of the Project and related financing costs.

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

**Section 1. Findings.** It is hereby found and determined that the Project be constructed in accordance with the plans and specifications therefor which are to be prepared by or approved by the City Engineer, and which will be placed on file for public inspection. The estimated costs of the Project are \$5,400,000.

**Section 2. Financing.** The costs of the Project, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the “Bonds”).

**Section 3. Reimbursement.** Any Bonds issued under the authority of this Ordinance may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Ordinance pursuant to U.S. Treasury Regulation §1.150-2.

**Section 4. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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**PASSED** by the governing body of the City on February 5, 2013 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

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**NEW BUSINESS****B. RESOLUTION 609-13; AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING and IMPROVEMENT BONDS, SERIES 2013-1:**

A Resolution authorizing the Offering for Sale for General Obligation Refunding and Improvement Bonds, Series 2013-1, of The City of Valley Center, Kansas.

- Resolution 609-13

Should Council choose to proceed,

**RECOMMENDED ACTION:**

Staff recommends motion to adopt Resolution 609-13, authorizing the Offering for Sale of General Obligation Refunding and Improvement Bonds, Series 2013-1, of the City of Valley Center, Kansas.

Gilmore & Bell, P.C.  
01/08/2013

**RESOLUTION NO. 609-13**

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-1, OF THE CITY OF VALLEY CENTER, KANSAS.**

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**WHEREAS**, the City of Valley Center, Kansas (the “Issuer”), has declared an intent to construct certain internal improvements described as follows (the “Improvements”):

<u>Project Description</u>	<u>Authority</u>	<u>Amount</u>
Storm Water Drainage – Ford Street *plus associated costs and interest	K.S.A. 12-631r <i>et seq.</i>	\$5,400,000*

**WHEREAS**, the Issuer desires to issue its general obligation bonds in order to permanently finance the costs of such Improvements; and

**WHEREAS**, the Issuer has heretofore issued and has outstanding general obligation bonds; and

**WHEREAS**, due to the current interest rate environment, the Issuer has the opportunity to issue its general obligation refunding bonds in order to achieve an interest cost savings on all or a portion of the debt represented by such general obligation bonds described as follows (the “Refunded Bonds”):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
General Obligation Refunding and Improvement Bonds	2003-1	12/01/2003	2013 to 2019	\$1,275,000

; and

**WHEREAS**, the Issuer hereby selects the firm of Piper Jaffray & Co., Leawood, Kansas (the “Purchaser”), as underwriter for one or more series of general obligation bonds of the Issuer in order to provide funds to permanently finance the Improvements and refund the Refunded Bonds; and

**WHEREAS**, the Issuer desires to authorize the Purchaser to proceed with the offering for sale of said general obligation bonds and related activities; and

**WHEREAS**, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

**WHEREAS**, the Issuer desires to authorize the Purchaser, in conjunction with the Clerk and Gilmore & Bell, P.C., (“Bond Counsel”) to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said general obligation bonds; 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 general obligation bonds, the governing body desires to authorize the Mayor to confirm the sale of such general obligation bonds, if necessary, prior to the next meeting of the governing body to adopt the necessary ordinance and resolutions 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 Refunding and Improvement Bonds, Series 2013-1 (the "Bonds") in one or more series, in accordance with the presentation made by the Purchaser this date. The offering for sale of the Bonds shall be accomplished in consultation with the Clerk, Bond Counsel and the Purchaser. The offering for sale of the Bonds, the pricing of the Bonds and the structuring of the repayment terms of the Bonds shall be determined by the Issuer's Administrator and Clerk. The confirmation of the sale of the Bonds shall be subject to the execution of a bond purchase agreement between the Purchaser and the Issuer (the "Bond Purchase Agreement") in a form approved by Bond Counsel and the Issuer's legal counsel, the passage of an ordinance and adoption of resolutions by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds. The Mayor is hereby authorized to execute the Bond Purchase Agreement subject to the following parameters: (a) the principal amount of the Bonds shall not exceed \$7,300,000; (b) the true interest cost ("TIC") of the Bonds shall not exceed 3.75%; and (c) the present value savings associated with refunding the Refunded Bonds shall be not less than 3% of the outstanding principal of the Refunded Bonds.

**Section 2.** The Purchaser, in conjunction with the Clerk and Bond Counsel, is hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Bonds. The Issuer hereby consents to the use and public distribution by the Purchaser of the Preliminary Official Statement in connection with the offering for sale of the Bonds.

**Section 4.** For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the Mayor and Clerk or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

**Section 5.** The Issuer agrees to provide to the Purchaser within seven business days of the date of the purchase contract for the Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 6.** The Mayor, City Administrator, 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 Bonds and to provide for notice of redemption of the Refunded Bonds.

**Section 7.** This Resolution shall be in full force and effect from and after its adoption.

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**ADOPTED** by the governing body on January 15, 2013.

(SEAL)

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Mayor

ATTEST:

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Clerk

Gilmore & Bell, P.C.  
01/08/2013

**EXHIBIT A**  
**CERTIFICATE DEEMING**  
**PRELIMINARY OFFICIAL STATEMENT FINAL**

January \_\_, 2013

To: Piper Jaffray & Co.  
Leawood, Kansas

Re: City of Valley Center, Kansas, General Obligation Refunding and Improvement Bonds,  
Series 2013-1

The undersigneds are the duly acting Mayor and Clerk of the City of Valley Center, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the addressee (the "Purchaser") on behalf of the Issuer. The Issuer has heretofore caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced bonds (the "Bonds").

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings and other terms of the Bonds depending on such matters.

**CITY OF VALLEY CENTER, KANSAS**

By: \_\_\_\_\_  
Title: Mayor

By: \_\_\_\_\_  
Title: Clerk

## **CONSENT AGENDA**

### **STAFF REPORTS**

**A. City Clerk Polian**

**B. Chief of Police Hephner**

- Police Department December 2012 Report
- Municipal Court December 2012 Report

**C. Fire Chief Tormey**

- Fire Department December 2012 Report

**D. Community Development Director Utecht**

- Code Enforcement December 2012 Report

**E. City Superintendent Dunn**

**F. Parks & Public Buildings Superintendent Owings**

**G. City Engineer Kelsey**

**H. City Attorney Arbuckle**

**I. City Administrator Pile**

Officer's Report

January 7, 2012

Chief Mark V. Hephner #1

Attention: Joel Pile  
 City Administrator  
 Valley Center Kansas

Subject: Valley Center Police December Monthly Report

The Police Department answered 450 calls for service during December 2012. Of those calls, 76 generated police cases. Emergency Communications/Records recorded 60 Fire Department calls for service, and 153 records dissemination requests. The following is a break down of the police department cases:

**Calls for Service:** One abandoned vehicles call for police; thirteen alarm calls; seven animal calls; four assist a citizen call; seven assist fire department calls; five assist other LEO agency; twenty-five assist EMS calls; one burglary report; seven check residence/business calls; one check gun shots call; two check runaway calls; six criminal damage reports; nine disorderly conduct reports; one DUI arrest; twenty-four disturbance/DV calls; two embezzlement reports; four found property cases; six fraud cases; six 911 hang up calls; four larceny cases; one lost juvenile call; ninety-nine misc/calls reports; fourteen non-injury accidents; one injury accident; one parking violation call; two runaway reports; twenty-one suspicious character/activities reports; three suicidal person calls; eleven traffic related calls; and sour warrants served. Officers wrote eighty-two citations for ninety-nine violations during the month.

The chief attended the monthly Chief's Meeting on December 17. He attended one Lion's Club meeting during the month. He met with Derby PD regarding serving as our backup for NCIC during our off business hours. He met with a new high school Intern applicant.

During the month, Detective Sergeant Lloyd Newman II completed the monthly fuel report. He along with Sgt Vogt supervised Municipal Court sessions during the month. He worked a power shift on the 20<sup>th</sup>. He initiated one "Customer Service Award" for an officer. He presented several cases to the city prosecutor for prosecution.

Sgt Vogt attended an Operation Impact Meeting on December 8th. He assisted with court twice during the month. He attended a Sidewalk committee meeting on November 29<sup>th</sup>. He worked on a felony DUI cases preparing it get them charged. He assisted on the aggravated assault investigation on Meridian. He wrote a Customer Service Award for Sgt Newman, Detective Grayson, Officers' Schrag and Easley for assisting with Christmas Kids. He worked on the special enforcement zones, school zones, 93<sup>rd</sup> street, Southwind and West St. He worked on all officers yearly evaluations.

Detective Grayson worked numerous cases during the month including a rape, he interviewed a suspect from this case, and arrested him. He also interviewed and booked a suspect on an aggravated assault shooting case. He presented one case to ADA's office and three cases to the JVDA's office.

**Training:** The department had the monthly safety meeting in December. The department assisted West Elementary and the Valley Center Intermediate School with practice Intruder Drills. The chief, Sgt Newman, Officers' Schrag and Gordon attended The Bulletproof Mind IST regarding mass shootings. The chief, two Sgt's and Officer Crice attended IST on "Managing A Use Of Force Incident on the 4<sup>th</sup>". Several officers received NCIC update training during the month.

**Community Outreach Programs:** The cadets had their monthly meeting with Officer Easley and Officer Cole. The Valley Center Police Department is sponsoring a High School Intern for the semester. Detective Grayson worked with the Sedgwick County Sheriff's Department this past month on helping families. He was able to help twenty-eight families with food, toys and clothes. He also helped with the Valley Center Christmas Kids who provided for over 100 families in our city. Detective Grayson also visited Sunflower Garden and provided them with socks and treats for the holiday.

Detective Grayson has been working trying to coordinate a panel of women from the Valley Center area who have been battered, dealing with mental abuse or even destitute women. The panel of women would share their stories or help those who are currently dealing with these type of matters and don't know who to talk too. He has worked with Stacey Mann with YWCA who has a similar program in Wichita.

Officer Gordon was matched with a youth from the At Risk Mentorship Program.

**Miscellaneous items:** Valley Center Officers worked the fatality traffic accident 800 S. Meridian.

Chief Mark Hephner  
Valley Center Police Chief  
January 7, 2012

**VALLEY CENTER MUNICIPAL COURT  
DECEMBER 2012 REPORT**

112 TOTAL CASES  
69 TOTAL PERSONS

8 CASES WITH NO STATUS CHG.  
10 INITIAL APPEARANCE TO NEW DATE  
1 PROBATION  
26 CONTINUED TO NEW DATE  
20 CONTINUED  
1 WARRANT ISSUED  
7 FINALIZED - FOUND GUILTY  
2 TRIAL TO NEW DATE  
3 TRIAL  
11 EXTENSION OF TIME TO PAY  
2 REVIEW HEARING TO NEW DATE  
3 DISMISSED WITHOUT PREJUDICE  
1 DIVERSION  
3 LATE NOTICE  
10 DISMISSED/PRESENTED INSURANCE  
3 PAYMENT PLAN  
1 AMENDED CHARGE

**FIRE DEPARTMENT**  
**December 2012 Activity Report**

The Fire Department responded to 61 calls for service in December; these are broken down as follows.

<b><u>Calls For Service</u></b>	<b><u>City</u></b>	<b><u>Townships</u></b>
Building Fire	1	1
Grass Fire	0	1
Authorized Controlled Burn	0	1
Smoke Scare Odor of Smoke	1	0
Motor Vehicle Accident With Injuries	1	0
Medical Assist, Assist EMS Crew	16	0
EMS Call	6	0
EMS Call, Party Transported by Non-Fire Agency	1	0
Assist Invalid	3	0
Search for Lost Person, Other	1	0
Overheated Motor	0	1
Gas Leak (Natural Gas or LPG)	2	1
Carbon Monoxide Detector Activation, No CO	1	0
Good Intent Call, Other	1	0
Dispatched and Cancelled En Route	5	4
Burn Permit	13	0

3 Firefighters Attended and Completed the EMT Transition Course (December 1<sup>st</sup> and 2<sup>nd</sup> 2012).

10 Firefighters Attended Training in Valley Center Training Consisted of Ice Rescue Team Refresher Training on Equipment, Knots, and Procedures (December 3<sup>rd</sup> 2012).

13 Firefighters Attended Training in Valley Center Training Consisted of Search and Rescue Operations for Building Fires (December 17<sup>th</sup> 2012).

1 Firefighter Completed Firefighter I and HAZMAT OPS (December 22<sup>nd</sup> 2012).

**CHIEF TORMEY**

**Code Enforcement In December, 2012**  
**Reported by Officer Cindy Plant, Code Enforcement Officer**

- Impounding activity that occurred in December, 2012 is as follows:

Date	Time	Type of Animal	Results
4	8:50	Neutered male Rottweiler	Taken to the Valley Center Vet Clinic at 9:00 Dog was claimed the same day.
4	8:50	Male Lab	Taken to Valley Center Vet Clinic at 9:00. Dog was claimed the same day.
5	2:35	Female Lab	Taken to the Valley Center Vet Clinic at 2:50. Dog was claimed the same day.
10	10:52	Female Pointer	Taken to Valley Center Vet Clinic at 11:00. Dog was claimed the following day.
20	10:00	Neutered Male Lab	Taken to Valley Center Vet Clinic at 10:15. Dog was not claimed; transferred to K-9 Karma. Dog Rescue on 12/27/12.
21	11:50	Female Terrier Mix	Taken to Valley Center Vet Clinic at 12:05. Dog was claimed the same day.

- Answered fifty three calls for service during the month of December.
- Six dogs were impounded.
- Ten complaints were filed for dogs running loose.
- One complaint of citizen owning rabbits without a permit.
- One bite report was filed and addressed.
- Two barking reports were filed and addressed.
- Two cruelty reports were reported and addressed.
- One dead animal was disposed of.
- Delivered 2013 dog license tags to area vet clinics.
- One complaint of a donkey in the roadway was addressed.
- Three checks were made for livestock permits.
- Checked on livestock owner to insure he no longer owns horses as the Judge ordered.
- Assisted PD officers by securing dogs so officers could secure the home.
- Relocated an opossum from a porch.
- One trap was set for an opossum.
- Three citations were issued for failure to provide for solid waste collation.
- Legal papers were served on two citizens.
- Forty nine dog license renewal letters were sent to dog owners.
- Five letters were sent to property owners for inoperable vehicles.
- Eleven letters were sent to homeowners for trash and debris in their yards.

## **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**