

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**May 30, 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.*

**June 4, 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
    - May 21, 2013 Regular Council Meeting p 5
  - B. Appropriation Ordinance p 10
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11. **OLD BUSINESS** p 25
  - A. Ordinance 1261-13, Amending Sewer Service Charges establishing Administrative Authority to adjust winter average, 2<sup>nd</sup> reading p 26
12. **NEW BUSINESS** p 27
  - A. Establish 6:00 P.M. June 11, 2013 Budget Workshop p 27
  - B. Ordinance 1262-13, Special Use 2859 E 5<sup>th</sup>, 1<sup>st</sup> reading p 28
13. **CONSENT AGENDA** p 30
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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, 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 May 21, 2013 Regular City Council Meeting as prepared by the Assistant City Clerk.

### **RECOMMENDED ACTION:**

Staff recommends motion to approve the Minutes of the May 21, 2013 Regular Council Meeting Minutes as presented / amended.

REGULAR COUNCIL MEETING  
MAY 21, 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, Lou Cicirello, Terry Ishman, Laurie Dove, Marci Maschino, Lionel Jackson, and Al Hobson. Benjamin Anderson present as a councilmember after getting sworn in during the Appointment section.

Members Absent: None

Staff Present: Joel Pile, City Administrator  
Jose Santiago, Assistant City Clerk  
Mark Hephner, Chief of Police  
Neil Owings, Parks and Public Buildings Superintendent  
Lonnie Tormey, Fire Chief  
Warren Utecht, Community Development Director  
Richard Dunn, City Superintendent  
Mike Kelsey, City Engineer  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

### **APPROVAL OF THE AGENDA**

Jackson moved, seconded by Maschino, to approve the Agenda as presented. Vote yea: Unanimous. Motion carried.

### **CLERK'S AGENDA**

#### **A. MINUTES – MAY 07, 2013 REGULAR CITY COUNCIL MEETING**

Maschino moved, seconded by Cicirello, to approve the Minutes of the May 07, 2013 Regular Council Meeting as presented. Vote yea: Unanimous. Motion carried.

#### **B. APPROPRIATION ORDINANCE – 05/21/2013**

Cicirello moved, seconded by Ishman, to approve the May 21, 2013 Appropriation Ordinance as presented. Vote yea: Unanimous. Motion carried.

#### **C. TREASURER'S REPORT, APRIL 2013**

Maschino moved, seconded by Cicirello, to receive and file the April 2013 Treasurer's Report. Vote Yea: Unanimous. Motion carried.

## PRESENTATIONS/PROCLAMATIONS

### A. NFIP COMMUNITY RATING SYSTEM (CRS) AWARD PRESENTATION

- Steve Samuelson, CFM, NFIP Specialist, Kansas Dept. of Agriculture Division of Water Resources

Utecht presented Steve Samuelson, CFM, NFIP Specialist. Samuelson presented a reward from FEMA to the City of Valley Center for a good job on public management. Along with the award the citizens of Valley Center will receive discounts on their Flood Insurance; citizens in the high risk flood zones, which you will have on Zone A or AE on the flood map, will receive a 10% discount on the flood insurance because of the work the City Staff has done above and beyond what is required. Things like what Utecht does (putting books in the Library, stuff in the TV Channel, or mail letters) make the City better prepared and more resilient to disasters under this program. All these initiatives FEMA recognizes. Samuelson stated is a win-win for everybody, the community wins a political good will, the citizens save money, are better informed, and safer.

Maschino thanked Utecht for all his efforts.

**PUBLIC FORUM** - None

## APPOINTMENTS

### A. THE CITY GOVERNING BODY – COUNCILMEMBER APPOINTMENT (COUNCILMEMBER KATE JACKSON REMAINING TERM)

Mayor McNown would like to appoint Benjamin Anderson to fill the Ward IV vacancy expired term through April 2015.

- Remaining Term Commitment
  - ❖ Benjamin Anderson

Jackson moved, seconded by Ishman, to approve recommended appointment to the City Governing Body. Vote Yea: Leftoff, Cicirello, Ishman, Maschino, Jackson, and Dove. Abstained: Hobson. Motion carried.

After approval of Mayor McNown appointment, McNown asked Assistant City Clerk Santiago to swear in Benjamin Anderson, then invited Councilmember Anderson to join the Governing Body on the bench.

**COMMITTEES, COMMISSIONS** – No Questions/Comments.

## OLD BUSINESS

### A. ORDINANCE 1260-13, PROHIBITING THE SALE, USE AND DISCHARGE OF SKY LANTERNS, 2<sup>ND</sup> READING

**OLD BUSINESS (CONTINUED)**

An Ordinance of the Valley Center City Council amending Chapter 9.75 of the Valley Center, Kansas Municipal code "Fireworks".

Cicirello moved, seconded by Hobson, to adopt Ordinance 1260-13, amending Chapter 9.75 of the Valley Center, Kansas, Municipal Code "Fireworks", for 2<sup>nd</sup> reading. Vote Yea: Unanimous. Motion carried.

**B. CONSIDERATION OF BIDS FOR PUBLIC SAFETY BUILDING PARKING LOT REMODEL**

- Item # 3-12/13 of 2012/13 C.I.P.
- \$110,000 Budgeted in C.I.P. for project.
- Project will provide additional parking to help accommodate some of the overflow created by the Municipal Court.
- The current lot does not sufficiently serve the parking needs of the Public Safety Building.
- Bids for the Project were opened 05-15-2013. Five Contractors submitted bids.
- Engineers estimate for the project was \$125,527.

Pile stated lowest bid received was from Kansas Paving \$96,118.50.

Maschino moved, seconded by Jackson, to accept the bids for the Public Safety Building parking lot remodel and award the contract to Kansas Paving for a cost not to exceed \$96,118.50 and authorize the Mayor to sign the Notice of Award. Vote Yea: Unanimous. Motion carried.

**NEW BUSINESS****A. CONSIDERATION OF 2013 RE-DESIGNATION AGREEMENT FOR COOPERATIVE TRANSPORTATION PLANNING and FISCAL AGREEMENT FOR THE OPERATION OF WAMPO**

- Presentation by Mr. Bill Christian, Principal Planner of WAMPO

Bill Christian, Principal Planner of Wichita Area Metropolitan Planning Organization (WAMPO) presented information to Council on WAMPO re-designation agreement and fiscal agreement for WAMPO operation.

Cicirello moved, seconded by Jackson, to approve the 2013 Re-designation Agreement for Cooperative Transportation Planning and Fiscal Agreement for the operation of WAMPO and authorize the Mayor to sign. Vote Yea: Cicirello, Ishman, Anderson, Maschino, Jackson, Dove, and Hobson. Opposed: Leftoff. Motion carried.

**B. CONSIDERATION OF INTERLOCAL AGREEMENT with SEDGWICK COUNTY Re: STREET IMPROVEMENTS TO SOUTH MERIDIAN**

**NEW BUSINESS (CONTINUED)**

- The County plans to make improvements to South Meridian and has offered to extend the project north into the City.
- The County has agreed to cover the cost of Engineering and Inspection for the entire project.
- The cooperation allows both the City and County to take advantage of lower “per unit” costs.
- The estimated cost for the City portion of the project is \$50,700. Funds for the project would come from the 2013 Annual Street Improvement Program.

Maschino moved, seconded by Dove, to authorize an asphalt surface rejuvenation project on Meridian from the south city limits to 69<sup>th</sup> Street North and authorize the Mayor to sign the Agreement with Sedgwick County. Vote Yea: Unanimous. Motion carried.

**C. ORDINANCE 1261-13, AMENDING SEWER SERVICE CHARGES ESTABLISHING ADMINISTRATIVE AUTHORITY TO ADJUST WINTER AVERAGE. 1<sup>ST</sup> READING.**

- Ordinance 1261-13

Cicirello moved, seconded by Jackson, to adopt Ordinance 1261-13, amending sewer service charges establishing Administrative Authority to adjust winter average, for 1<sup>st</sup> reading. Vote Yea: Unanimous. Motion carried.

**D. RESOLUTION 613-13, DECLARING THE CITY OF VALLEY CENTER HAS PROVIDED SERVICES TO CERTAIN ANNEXED AREAS IN THE CITY IN ACCORDANCE WITH THE RESPECTIVE SERVICE PLAN**

- Memo from City Administrator
- Map of Area Annexed by VC Ordinance 1090-05
- Notice of Finding by Sedgwick County Commission
- Petition requesting de-annexation
- SCAC On-Call Protocols
- Resolution 613-13

Maschino moved, seconded by Cicirello, to adopt Resolution 613-13, declaring the City of Valley Center has provided services to certain annexed areas in the City in accordance with the respective service plan. Vote Yea: Leftoff, Cicirello, Ishman, Anderson, Maschino, Jackson, and Dove. Opposed: Hobson. Motion carried.

**CONSENT AGENDA**

- A. REVENUE/EXPENSE SUMMARIES, APRIL 2013
- B. BAD DEBT REPORT, APRIL 2013
- C. CHECK RECONCILIATION REPORT, APRIL 2013

**STAFF REPORTS****PARKS AND PUBLIC BUILDINGS SUPERINTENDENT OWINGS**

Owings stated the Valley Center pool will be opened Saturday, May 25; the splash park is currently in operation for 2013.

**CITY ADMINISTRATOR PILE**

Pile stated the 2014 Budget Workshop is planned for June 11, 2013. Gary Hardman, Health Insurance Consultant, will be available to attend the first half of June.

**GOVERNING BODY REPORTS****COUNCILMEMBER JACKSON**

Jackson welcomed new Councilmember Anderson.

**COUNCILMEMBER HOBSON**

Hobson thanked Utecht for such an excellent job.

Hobson moved, seconded by Cicirello, to adjourn the meeting. Vote yea: Unanimous. Motion carried.

**Meeting adjourned at 7:46 PM**

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

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

Below is the proposed Appropriation Ordinance for June 4, 2013 as prepared by City Staff.

[June 4, 2013 Appropriation](#)

Total \$ 98,971.20

**RECOMMENDED ACTION:**

Staff recommends motion to approve the June 4, 2013 Appropriation Ordinance as presented / amended.

5/28/2013 2:50 PM

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR SET: 02 City of Valley Center

BANK: \* ALL BANKS

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
0243	WESTAR ENERGY, INC.							
C-CHECK	WESTAR ENERGY, INC.	VOIDED	V 5/17/2013			043722		15,235.06CR
0027	CULPEPPER & MERRIWEATHER							
C-CHECK	CULPEPPER & MERRIWEATHER	VOIDED	V 5/24/2013			043735		313.00CR
0544	INTERNAL PERFORMANCE INT'L, LL							
C-CHECK	INTERNAL PERFORMANCE INT'L, LL	VOIDED	V 5/24/2013			043744		180.00CR

\* \* T O T A L S \* \*

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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:	3	VOID DEBITS 0.00		
		VOID CREDITS 15,728.06CR		
			15,728.06CR	0.00

TOTAL ERRORS: 0

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BANK: *	TOTALS:		3	0.00	0.00	0.00

VENDOR SET: 02 City of Valley Center

BANK: APBK INTRUST CHECKING

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

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0077	KANSAS OFFICE OF THE TREASURER							
I-APR'13COURTREVENU	APRIL 2013 FEES	R	5/17/2013	1,475.22		043716		1,475.22
0076	KANSAS OFFICE OF THE SECR							
I-GRAYSON NOTARY	GRAYSON NOTARY RENEWAL	R	5/17/2013	25.00		043717		25.00
0085	LAURIE B WILLIAMS							
I-BJE201305155179	CASE # 09-14039	R	5/17/2013	55.00		043718		55.00
0117	B & B KLASSEN ENTERPRISES							
I-130517	GCS SCREEN, HAUL(ENDDUMP)	R	5/17/2013	258.90		043719		258.90
0157	BOB KELLET INSURANCE AGENT							
I-GRAYSON NOTARY REN	NOTARY RENEWAL, GRAYSON	R	5/17/2013	50.00		043720		50.00
0210	SECURITY BENEFIT							
I-SCB201305155179	DEFERRED COMPENSATION	R	5/17/2013	63.00		043721		63.00
0243	WESTAR ENERGY, INC.							
I-APRIL 2013 SRVCS	APRIL SRVCS 2013	V	5/17/2013	15,235.06		043722		15,235.06
0243	WESTAR ENERGY, INC.							
M-CHECK	WESTAR ENERGY, INC.	VOIDED	V	5/17/2013		043722		15,235.06
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201305155179	RETIREMENT 457 DEFERRED COMP	R	5/17/2013	65.00		043723		65.00
0345	9 1 1 CUSTOM, LLC.							
I-3373	NEW CAR REPLACEMENT	R	5/17/2013	3,625.75		043724		
I-3396	2012 DODGE SET UP	R	5/17/2013	679.00		043724		
I-3416	2012 DODGE CHARGER SETUP	R	5/17/2013	1,253.02		043724		5,557.77
0372	U S DEPT OF EDUCATION							
I-JED201305155179	ACCT # 1002461211	R	5/17/2013	175.37		043725		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201305155179	CASE # 11LWAD00059	R	5/17/2013	67.00		043726		67.00
0542	GIANT COMMUNICATIONS							
I-ACCT 0000011302	GIANT PHONE APR & MAY'13	R	5/17/2013	1,543.02		043727		1,543.02
0543	HARRISON L. GERLING							
I-GERLING DAMAGES	BANK ROBBERY DAMAGES	R	5/17/2013	380.46		043728		380.46

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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
0052	HUGO WALL SCHOOL- URBAN ST							
I-LGMS-130131	LOCAL GOV MNGNT SERIES	R	5/17/2013	175.00		043729		175.00
0032	AFLAC							
I-AF 201305015154	SUPPLEMENTAL INSURANCE	R	5/24/2013	66.41		043730		
I-AF 201305155179	SUPPLEMENTAL INSURANCE	R	5/24/2013	66.40		043730		
I-AFC201305015154	SUPPLEMENTAL INSURANCE	R	5/24/2013	33.06		043730		
I-AFC201305155179	SUPPLEMENTAL INSURANCE	R	5/24/2013	33.06		043730		
I-AFD201305015154	SUPPLEMENTAL INSURANCE	R	5/24/2013	121.23		043730		
I-AFD201305155179	SUPPLEMENTAL INSURANCE	R	5/24/2013	121.23		043730		
I-AFO201305015154	SUPPLEMENTAL INSURANCE	R	5/24/2013	12.35		043730		
I-AFO201305155179	SUPPLEMENTAL INSURANCE	R	5/24/2013	12.35		043730		466.09
0354	LOYAL AMERICAN LIFE INSURANCE							
I-ACC201305015154	LOYAL AMERICAN ACCIDENT	R	5/24/2013	6.35		043731		
I-ACC201305155179	LOYAL AMERICAN ACCIDENT	R	5/24/2013	6.35		043731		
I-CNC201305015154	LOYAL AMERICAN CANCER	R	5/24/2013	13.97		043731		
I-CNC201305155179	LOYAL AMERICAN CANCER	R	5/24/2013	13.97		043731		40.64
0445	DELTA DENTAL OF KANSAS, INC.							
I-DD 201305015154	DENTAL INSURANCE	R	5/24/2013	1,421.52		043732		
I-DD 201305155179	DENTAL INSURANCE	R	5/24/2013	1,659.06		043732		3,080.58
0005	D&D PLUMBING, INC.							
I-05/21/2013 SRVCS	DRINKFOUNTAIN&POOL SRVCS	R	5/24/2013	102.41		043733		102.41
0025	MIKE JOHNSON SALES, INC.							
I-2786	NAMEPLATE: M STAMM	R	5/24/2013	11.50		043734		11.50
0027	CULPEPPER & MERRIWEATHER							
I-LIT 2531 TUITION	TUITION REIMBURSEMENT	V	5/24/2013	313.00		043735		313.00
0027	CULPEPPER & MERRIWEATHER							
M-CHECK	CULPEPPER & MERRIWEATHERVOIDED	V	5/24/2013			043735		313.00
0127	HAMPEL OIL DISTRIBUTIONS, INC.							
I-INV 90468093	UNLEAD FUEL TAX 2/19-4/23	R	5/24/2013	750.72		043736		750.72
0196	P E C							
I-00510522	APR '13 MONTHLY RETAINER	R	5/24/2013	1,262.10		043737		1,262.10
0214	STANDARD & POOR'S FINANCIAL							
I-35018967	2013-1 GO BOND PRO SRVCS	R	5/24/2013	453.00		043738		453.00

5/28/2013 2:50 PM

A/P HISTORY CHECK REPORT

PAGE: 4

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
0231	SEDGWICK COUNTY COMMISSIONER O							
I-GENERAL ELECTION	GENERAL ELECTION'13 COSTS	R	5/24/2013	647.31		043739		647.31
0239	A T & T KANSAS							
I-3167553504 922 7	MAY '13 DES SUBSTATION	R	5/24/2013	58.70		043740		
I-3167557303 720 9	AT&T SRVCS 5/9-6/8/2013	R	5/24/2013	1,402.39		043740		
I-IN3167552075 040 9	VALLEY CK PUMP STATION	R	5/24/2013	54.70		043740		1,515.79
0270	INTRUST CARD CENTER							
I-APR'13 TRANSACTION	P-CARD APR'13 TRANSACTION	R	5/24/2013	37,517.80		043741		37,517.80
0511	COVENTRY HEALTH CARE, INC.							
I-47965312	JUNE 2013 PREMIUM	R	5/24/2013	42,205.52		043742		42,205.52
0530	GALLAGHER BENEFIT SERVICES, IN							
I-MAY'13 COBRA/FSA	MAY'13FSA&COBRA ADMIN FEE	R	5/24/2013	169.00		043743		169.00
0544	INTERNAL PERFORMANCE INT'L, LL							
I-JLONGHOFFER TRAINI	INTERNAL PERFORM TRAINING	V	5/24/2013	60.00		043744		
I-NEWMAN TRAINING	INTERNAL PERFORM TRAINING	V	5/24/2013	60.00		043744		
I-VOGT TRAINING	INTERNAL PERFORM TRAINING	V	5/24/2013	60.00		043744		180.00
0544	INTERNAL PERFORMANCE INT'L, LL							
M-CHECK	INTERNAL PERFORMANCE INTVOIDED	V	5/24/2013			043744		180.00
0545	GRANT WRITING USA							
I-1199647-56206067	GRANT WRITING WORKSHOP	R	5/24/2013	425.00		043745		425.00
0544	INTERNAL PERFORMANCE INT'L, LL							
I-NEWMAN TRAINING	INTERNAL PERFORM TRAINING	R	5/24/2013	Reissue		043747		
I-VOGT TRAINING	INTERNAL PERFORM TRAINING	R	5/24/2013	Reissue		043747		120.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	28	114,266.26	0.00	98,658.20
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:	3 VOID DEBITS	120.00		
	VOID CREDITS	15,728.06	15,848.06	0.00

TOTAL ERRORS: 0

VENDOR SET: 02	BANK: APBK	TOTALS:	31	98,778.20	0.00	98,658.20
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VENDOR SET: 03 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
0027	JAMES D GRAYSON							
I-LIT 2531	LIT 2531 TUITION	R	5/24/2013	313.00		043746		313.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
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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		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

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REPORT TOTALS:			35	99,091.20	0.00	98,971.20

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:**

- Valley Center Planning Commission / Board of Appeals
  - May 28, 2013 Minutes

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

7:00 P.M., Tuesday, May 28, 2013  
Valley Center City Hall at 121 S. Meridian Avenue

**CALL TO ORDER:**

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

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

**AGENDA:**

A Motion was made by Commissioner Bosken, seconded by Commissioner Wretberg to set the agenda. Motion passed unanimously.

**APPROVAL OF March 26, 2013 DRAFT MINUTES:**

A motion was made by Commissioner Bosken, seconded by Commissioner Nantkes to accept March 28, 2013 minutes as written. Motion passed unanimously.

**COMMITTEE AND STAFF REPORTS:** None

**COMMUNICATIONS:** Community Development Director, Warren Utecht, supplied the commissioners with a copy of the Site-Plan Minutes for their information.

**SPECIAL USE REQUEST:** Special Use filed by John Glenn for a Boarding and Riding Stable in the A-1 Agricultural District at 2859 E. 5<sup>th</sup> Street, Valley Center.

Vice-Chairperson Janzen asked if any of the Board of Appeals members intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have a conflict of interest. No one responded. Vice-Chairperson Janzen then declared there was a quorum of 7 present for the hearing.

According to the Recording Secretary, a notice of this hearing was published in the Ark Newspaper on April 25, 2013 and notices were mailed to 6 property owners of record 200 within the City limits 1,200 feet from property owners in the county on April 25, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. Vice-Chairperson Janzen asked the Commission if any of them have received 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.

Vice-Chairperson Janzen called on Zoning Administrator, Warren Utecht, to provide his staff review on the case. Mr. Utecht went through the 17 point *Review Criteria for a Zoning Amendment per 17.11.01.H (criteria in italics)*

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

The character of the neighborhood is mostly agricultural with scattered suburban residential housing. The boarding and riding stables where horses are housed and used by their owner at a fee is consistent with the rural agricultural character of the area.

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

The current zoning is A-1 Agricultural. The surrounding zoning and land uses are as follows:

- North: Rural Residential (Sedgwick County Zoning) with one single family farmstead
- South: A-1 Agricultural
- East: A-1 Agricultural, and RR-1 Suburban Residential
- West: RR-1 Suburban Residential

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

No.

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

Yes, a boarding and riding stable has been operating at this address for years without a special use permit.

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

No, there are no changing conditions.

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

Public water is not required for this use, as long as a well supply is adequate for the horses.

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

No, platting is not required to separate the horse stable and associated uses. The owner obtains rent from the operator of the horse stables on the petitioner's property.

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

Given the substantial distance from the closest residence, screening is not an issue.

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

There may be, but it is not relevant in this special use request.

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

This is a business if granted a special use, but employment is not a factor.

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

Yes, a boarding and riding stable is consistent with the agricultural zoning district.

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

Due to the rural nature and distance from any residential homes, a special use for a boarding and riding stable should not have a detrimental impact on neighboring properties.

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

Yes

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

The Comprehensive Development Plan shows this part of Valley Center to be a future residential area, but timing of development may be later than other areas of the City where utilities are more readily available.

15. *What is the nature of the support or opposition of the request?*

- The City Code Enforcement/Animal Officer viewed the horse boarding operation and found the horses were being well cared for and the facilities were neat and clean (see attached pictures).
- The City staff supports this special use, subject to the removal of two dilapidated structures owned by the petitioner.

16. *Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?*

No

17. *By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?*

Yes, this service is not found elsewhere in the City and provides a service to its residents.

Mr. Utecht's Recommended Action was to approve the Special Use for a Boarding and Riding Stable, subject to issuance of a banner sign that must be applied for in the next 7 days, and removal of two dilapidated buildings on the premises as shown on the next page in the next 60 days.

Commissioner Colbert asked if this property would only house horses. Mr. Utecht explained that it has been exclusively a horse boarding and training facility for some time. He also stated

that the Valley Center Code Enforcement officer, Cindy Plant had walked through the facility and reported that was clean and had been well maintained.

**PUBLIC HEARING:** Vice-Chairperson Janzen opened the public hearing at 7:15 p.m.

In the absence of the applicant there was no additional presentation or response to the Zoning Administrator's report.

Vice-Chairperson Janzen asked if there were any members of the public who wish to speak on this case. There was no response.

Hearing no further comments, Vice-Chairperson Janzen closed the public portion of the hearing at 7:16 p.m., stating that there will be no further public comments unless the Commission wishes to ask questions to clarify information.

**DELIBERATION & VOTE:** After a short deliberation, the Planning Commission recommends to the City Council that the Special Use for a boarding and riding stable be approved, subject to the following conditions:

- 1.) Removal of two dilapidated structures on the premises within 60 days of Ordinance approval.
- 2.) Operator of Boarding and Riding Stable must obtain a zoning permit for a "Banner Sign" within 7 days.

Motion was made by Commissioner Bosken and seconded by Commissioner Colbert. Motion passed unanimously.

**OLD BUSINESS:** Vice-Chairperson Janzen opened discussion on the tabled item: Rezoning Petition Z 2013-03 filed by Jose Marquez to amend the PUD Site Plan with an underlying A-1 Agricultural District, legally described as Lot 1 & Lot 2, Block A, Marquez Horse Farm 2nd Addition.

Mr. Utecht shared a letter from Baughman Company regarding Mr. Marquez's rezoning petition, requesting a third deferral to the June 25, 2013 meeting. Mr. Marquez was asked to share with the commissioners of the current situation and reason for said deferral. Mr. Marquez stated that he felt he had continued to make attempts to comply with staff requests but continues to fall short of expectations. To his understanding he had complied with the 2008 PUD and has a team of business investors ready to get on board. He voiced his frustration over the situation and stated he has hired council to restructure a new approach. Mr. Utecht asked him if his plans were to take this issue to court or have council represent him at the June 25<sup>th</sup> Planning Commission meeting? Mr. Marquez confirmed to the later.

Commissioner Colbert asked what corrections had been done since the meeting in March? (No improvement had been made.) He also asked about the Newspaper being operated from the facility. Mr. Marquez said there was no newspaper operated on the facility, but when activities occurred, a Spanish newspaper covered the stories. Mr. Utecht asked about his plans to bring in waterlines from Seneca Street, which is needed in order to comply with the Fire Department's requirement if structures are built. Mr. Marquez did not answer. Mr. Utecht explained to the Commission that the PUD site plan cannot just a picture of the future. The city needs more detailed information and commitment to build infrastructure (sanitary and storm sewer, water, paved roads and parking lots) before the city supports a PUD amendment.

Vice-Chairperson Janzen made the motion and seconded by Commissioner Bosken, to defer Z-2013-03 to the June Planning Commission Meeting. The vote was 4 to defer the decision, 2;

Commissioners Colbert and Nantkes voted against and Commissioner Stamm abstained due to this being his first meeting. The board strongly encouraged Mr. Marquez to return in June with a detailed concept for the PUD Site Plan.

**NEW BUSINESS:** Vice-Chairperson Janzen opened discussion for the Site Plan SP 2013-04 petitioned by Sid Unruh for a new office building immediately south of the Leeker's Grocery Store. He asked Community Development Director Warren Utecht to inform the board of Site Plan details.

Mr. Utecht shared that Sid Unruh (Unruh Family Chiropractic) desires to own his own office building specifically designed for his chiropractic business, and wants to add two additional tenant spaces. The building design and footprint was the same as what was brought to the Site Plan Committee in March, 2013, with changes recommended by the Site Plan Committee.

**17.12.05 Site Plan Requirements:**

*Projects which are subject to review by the Site Plan Committee generally are required to meet the following standards:*

- A. *Show the location and dimensions of all right-of-way, easements and setback lines either required by these regulations or by platting or separate instruments.*
  - The location of Meridian is shown on the Site Plan. Also shown is a driveway that will occupy an easement on a 32 foot wide strip of land Leeker's will continue to own.
  - No pipeline easements or any other utility easements are known on this property.
- B. *The site plan map generally should be oriented to the north with north arrow and scale plus dimensions and property boundary lines for the zoning lot.*
  - North arrow and dimensions are on the Site and Utilities Plan, and setbacks are on map A-1.
- C. *Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.*
  - A grading plan is included in the packet, but has not been reviewed by the City Engineer. Comments may be available at the meeting. Any changes required by the City Engineer and Public Works Director will need to be a contingency added to the Site Plan Committee's recommendation to the City Planning Commission.
- D. *Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances (This is the same information supplied from the last review).*
  - Illustrations and maps show in detail the dimension of the office structure, the number of stories (1) and entrances. Total height of the single story building will be 19 feet, 8 inches. The building measures 97 feet long by 40 feet wide, and will contain three office spaces, which are as follows:
    - Tenant space: 1,800 square feet (Unruh office)
    - Tenant space: 789 square feet (rental space)
    - Tenant space: 1,165 square feet (rental space)
- E. *Existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).*
  - The proposed site plan shows a 24 foot wide driveway with 20 foot radius flares at the S. Meridian curb line. The driveway within a future public road dedication (access easement) will be required to be built at City Street Standards.
  - Twenty-one parking spaces, which include two ADA compliant handicap spaces for vans. The number of parking spaces meet parking standards for medical and office space.

- Parking spaces are 9 feet wide and 19 feet deep, and the aisle space is 24 feet wide. These dimensions meet the required size of parking stalls and aisle width.
  - Directional arrows and traffic flow do not apply for this parking lot and land use.
  - Sidewalks are shown along the front of the building, and along the south side and rear of the building.
- F. *Location, direction and intensity of proposed lighting. All exterior lighting must be “full-cut-off” light fixtures when located near adjacent residential properties (no light should spill over on adjacent residential parcels)*
- Two parking lot fixtures are shown on the east edge of the parking lot. The light pattern from these fixtures will not affect the residents living on the east side of S. Meridian.
  - Light fixtures on the front of the building will direct light downward, and lighting on the back of the building will be security-type lighting.
- G. *Location and height of all existing (to remain) and proposed signs on the site, the setback dimensions from any sign to property lines, location and routing of electrical supply, surface area of the sign in square feet, size of letters and graphics, description of sign, frame materials and colors.*
- The location of the sign is shown on the grading plan and landscape plan. Its location is near the entrance. No sign details were provided. The sign regulations will be reviewed at the time a zoning permit is issued for the sign structure.
- H. *If disposal containers will be on the site, indicate how such areas will be fully screened from public view by means of a structure (including swinging doors) constructed with either solid treated lumber walls, cement block (with or without brick), or other materials deemed acceptable. The enclosure must also have the capability of latching the doors in a closed position, or when trash is being picked up, in an open position. Outdoor storage areas may also need to be screened if required by these zoning regulations.*
- No central outdoor refuse container is being shown. The applicant has indicated that plastic containers will be kept in the back of the building. However, unlike the previous site, individual refuse containers will need to be buffered by a 6 foot privacy fence in the back of the building (wherever the cans will be located) to block public from Leeker’s property, future buildings to the west, and future road to the south. The refuse containers will be rolled out on garbage day by each tenant.
- I. *Vehicular ingress and egress to and from the site and circulation within the site to provide safe, efficient and convenient movement of traffic, not only within the site but on adjacent roadways.*
- The centerline of the access point to this strip center will be approximately 270 feet south of the southerly driveway to Leeker’s grocery store. This distance should be more than sufficient to avoid traffic conflicts. However, single access with limited turnaround within the parking lot may be difficult for larger trucks to maneuver on the site.
- J. *Site plan provides for the safe movement of pedestrians within the site.*
- Not applicable for this site plan.

#### **Additional items required:**

- A landscape plan was submitted, which shows four varieties of trees (6 total trees) three being planted in the boulevard and three planted beside and behind the building. In addition, foundational planting along the front of the building and in the two parking lot peninsula’s will have low level plantings. The choice of trees and plants are under review by approved by Neal Owings, the City’s Park and Public Buildings Superintendent.
- A drainage and utility plan was required. Due to limited time, the drainage and utility plan will either be delivered just prior to the Site Plan Committee meeting or may be in the packet. It is recommended that the Site Plan make any approval contingent upon any changes recommended by the City Engineer.



**OLD BUSINESS**

**A. ORDINANCE 1261-13; AMENDING SEWER SERVICE CHARGES  
ESTABLISHING ADMINISTRATIVE AUTHORITY TO ADJUST  
WINTER AVERAGE, 2<sup>nd</sup> READING:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1261-13, amending sewer service charges establishing Administrative Authority to adjust winter average, for 2<sup>nd</sup> reading.

**ORDINANCE NO. 1261-13**

**AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL AMENDING CHAPTER 12.60 OF THE VALLEY CENTER, KANSAS, MUNICIPAL CODE "SEWER SERVICE CHARGES".**

**WHEREAS**, Valley Center Municipal Code Title 12, Chapter 12.60 governs sewer service charges; and

**WHEREAS**, residential contributors are billed monthly user charges based on the average monthly water usage during the months of January, February and March of each year (AWC); and

**WHEREAS**, on occasion, due to special circumstances a residential contributor may have established an AWC which is an inaccurate reflection of the actual sewage contribution; and

**WHEREAS**, current code does not allow for administrative adjustments based upon special circumstances;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VALLEY CENTER, KANSAS, HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** There is hereby added to the Municipal Code of Valley Center, Kansas, Section 12.60.048 which is to read as follows:

**12.60.048 Administrative authority**

The City Administrator or his/her designee is authorized to administratively adjust a residential sanitary sewer contributors AWC rate by not more than three thousand (3,000) gallons for special circumstances. Any amount over three thousand (3,000) gallons must be presented to the city council for their authorization of the adjustment. All requests for adjustments due to special circumstances must be submitted in writing, clearly stating the special circumstances and any hardships which have been created. Any adjustment shall remain in effect until the next averaging period (January, February, March). Adjustments may be revoked if, upon review, monthly water consumption regularly exceeds the adjusted AWC.

**Section 2. Severability.** Those chapters, sections, paragraphs, and provisions of Chapter 12.60 of the City of Valley Center Municipal Code which are not expressly added, 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 added, amended or repealed in Section 1 of this Ordinance.

**Section 3. 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 \_\_\_\_\_ 2013.**

First Reading: May 21, 2013  
Second Reading \_\_\_\_\_

{SEAL}

\_\_\_\_\_  
Michael McNown, Mayor

ATTEST:  
\_\_\_\_\_

Kristine A. Polian, City Clerk

## **NEW BUSINESS**

### **A. ESTABLISH 6:00 P.M. JUNE 11, 2013 BUDGET WORKSHOP:**

Should Council choose to proceed,

#### **RECOMMENDED ACTION:**

Staff recommends motion to establish 6:00 P.M. at City Hall as the time, date and place for the City Council to hold a special meeting for the purpose of discussing the FY 2014 Budget.

**NEW BUSINESS****B. ORDINANCE 1262-13, SPECIAL USE- 2859 E 5<sup>th</sup>, 1<sup>st</sup> READING:**

- Ordinance 1262-13

Should Council choose to proceed,

**RECOMMENDED ACTION:**

Staff recommends motion to adopt Ordinance 1262-13, approving a Special Use to establish boarding and riding stable in the A-1 Agricultural District on a certain property located in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulations of The City, for 1<sup>st</sup> reading.

ORDINANCE NO. 1262-13

AN ORDINANCE APPROVING A SPECIAL USE TO ESTABLISH BOARDING AND RIDING STABLE IN THE A-1 AGRICULTURAL DISTRICT ON CERTAIN PROPERTY LOCATED IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

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

SECTION 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. SU-2013-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No.1252-12, a Special Use is hereby approved to establish a boarding and riding stable in the AG Agricultural District.

Legal description: W1/2 NE1/4 EXC RD & EXC BEG NW COR E 90 FT S 674.95 FT TH SWLY 159.95 FT TO W LI TH N 807.97 FT TO BEG SEC 32-25-1E

General location: 2859 E. 5<sup>th</sup> Street

Such Special Use is subject to the following conditions:

1. Removal of two dilapidated structures on the premises within 60 days of Ordinance approval
2. Operator of Boarding and Riding Stable must obtain a zoning permit for a "Banner Sign"

SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Mike McNown, Mayor

ATTEST:

\_\_\_\_\_  
Kristine A. Polian, City Clerk

## **CONSENT AGENDA**

**NONE**

## **STAFF REPORTS**

**A. City Clerk Polian**

**B. Chief of Police Hephner**

- Customer Service Awards
  - Officer Justin Longhofer

**C. Fire Chief Tormey**

**D. Community Development Director Utecht**

**E. City Superintendent Dunn**

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

**G. City Engineer Kelsey**

**H. City Attorney Arbuckle**

**I. City Administrator Pile**



## CUSTOMER SERVICE AWARD

Employee/Employees' Being Recognized: Justin Longhofer

Reason for Recommendation: Officer Longhofer received a thank you card from [REDACTED] after dealing with her on a call in which she was going to make a theft report. Officer Longhofer believing there was no theft confronted April about selling the items to support her drug habit. April appreciated Officer Longhofer's forwardness and empathy that he showed her. April states in her note that she has been clean for forty-three days now.

Person Making Recommendation: Sgt. Lloyd Newman

Supervisor Comments: Good Job Justin, I think it's important to know when to take a legalistic approach to a call and when to take a community policing approach to a call. In this case you obviously chose to take a community policing approach and as a result shined a positive light on the department. Good Job and Thank You!

Signatures—Employee [Signature] VCPD Supervisor [Signature]  
 Chief [Signature]

Copies to: Employee  
 Employees' File

*GREAT JOB JUSTIN!*

## **GOVERNING BODY REPORTS**

- A. Mayor McNown**
- B. Councilmember Leftoff**
- C. Councilmember Cicirello**
- D. Councilmember Ishman**
- E. Councilmember Dove**
- F. Councilmember Maschino**
- G. Councilmember L. Jackson**
- H. Councilmember Anderson**
- I. Councilmember Hobson**

**ADJOURN**