

CITY OF VALLEY CENTER

FINAL AGENDA

OCTOBER 31, 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.

NOVEMBER 5, 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
 - October 15, 2013 Regular Council Meeting p 5
 - B. Appropriation Ordinance p 9
- 7. PRESENTATIONS / PROCLAMATIONS** p 21
- 8. PUBLIC FORUM** (*Citizen input and requests*) p 21
- 9. APPOINTMENTS** p 21
 - A. Planning Commission Appointments p 21
- 10. COMMITTEES, COMMISSIONS** p 22
 - A. Items for Council review p 23
- 11. OLD BUSINESS** p 29
 - A. Public Hearing Re: Advisability of Paving & Drainage Improvements along Clay Street from Sheridan to Ash p 29
 - B. Ordinance 1266-13; Amending Nuisance Regulations, 2nd reading p 30
- 12. NEW BUSINESS** p 42
 - A. Resolution 618-13; Authorizing G.O. Bonds for Clay Street Paving Improvements p 43
 - B. Resolution 619-13; Authorizing G.O. Bonds for 2014-15 CIP p 48
 - C. Ordinance 1267-13; Amending Water Connection Fees, 1st reading p 52
 - D. Consideration of Agreement with Sedgwick County Re: Paving of 81st Street North from West Street to Hoover Street p 55
 - E. Ordinance 1268-13; Changing Zoning District Classification p 58
 - F. Ordinance 1269-13; Changing Downtown Overlay District Language p 60
- 13. CONSENT AGENDA** p 62
 - A. K.D.O.T. Form 1302; Project Authorization for Sidewalk on Goff, Fieldstone and Clover p 63

- 14. STAFF REPORTS p 66**
- 15 GOVERNING BODY REPORTS p 68**
- 16. ADJOURN**

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

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

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

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

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

CLERK'S AGENDA

A. MINUTES:

Attached are the Minutes from the October 15, 2013 Regular City Council Meeting as prepared by the Assistant City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the minutes of the October 15, 2013 Regular Council Meeting Minutes as presented / amended

REGULAR COUNCIL MEETING
OCTOBER 15, 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 (arrived at 7:02 PM), Lionel Jackson, Benjamin Anderson, and Al Hobson.

Members Absent:

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

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Agenda amended as follows: Under **NEW BUSINESS p. 22**, added following item:
E) Executive Session.

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

CLERK'S AGENDA

A. MINUTES – OCTOBER 01, 2013 REGULAR CITY COUNCIL MEETING

Minutes are amended as follows: motion to adjourn the meeting now reads: Anderson moved, seconded by Maschino, to adjourn the meeting. Vote yea: Leftoff, Cicirello, Ishman, Dove, Maschino, Jackson, and Anderson. Motion carried.

Maschino moved, seconded by Cicirello, to approve the Minutes of the October 01, 2013 Regular Council Meeting as amended. Vote yea: Leftoff, Cicirello, Ishman, Dove, Maschino, Jackson, and Anderson. Hobson abstained. Motion carried.

B. APPROPRIATION ORDINANCE – 10/15/2013

Hobson moved, seconded by Anderson, to approve the October 15, 2013 Appropriation Ordinance as presented. Vote yea: Unanimous. Motion carried.

CLERK'S AGENDA (CONTINUED)**C. TREASURER'S REPORT – SEPTEMBER 2013**

Maschino moved, seconded by Anderson, to receive and file the September 2013 Treasurer's Report. Vote yea: Unanimous. Motion carried.

PRESENTATIONS/PROCLAMATIONS – None**PUBLIC FORUM – None****APPOINTMENTS – None****COMMITTEES, COMMISSIONS – No Questions/Comments.****OLD BUSINESS****A. ORDINANCE 12-6513; AMENDING ZONING REGULATIONS, 2ND READING**

Cicirello moved, seconded by Anderson, to adopt Ordinance 1265-13, amending the Zoning Regulations governing the use of land and the location of buildings within the City of Valley Center, Kansas for 2nd reading. Vote yea: Unanimous. Motion carried.

NEW BUSINESS**A. ORDINANCE 1266-13; AMENDING NUISANCE REGULATIONS, 1ST READING**

An Ordinance of the Valley Center City Council amending Chapter 7.04 (Abatement of Nuisance) and 7.08 (Noxious Weeds) of Health and Sanitation (Title 7) of the Valley Center, Kansas Municipal Code; and repealing all other Ordinances or parts thereof in conflict herewith.

Anderson moved, seconded by Maschino, to adopt Ordinance 1266-13, amending Chapter 7.04 (Abatement of Nuisance) and 7.08 (Noxious Weeds) of Health and Sanitation (Title 7) of the Valley Center, Kansas, Municipal Code; and repealing all other Ordinances or parts thereof in conflict herewith, for 1st reading. Vote yea: Unanimous. Motion carried.

B. CONSIDERATION OF WATER MAIN IMPROVEMENTS – DISCUSSION ONLY.

Pile explained Staff needs to further evaluate the project to decide which properties will be in the benefit district. Staff will bring back to Council as soon as possible.

C. RESOLUTION 617-13; ESTABLISH PUBLIC HEARING FOR PAVING IMPROVEMENTS, INDUSTRIAL PARK / CLAY STREET

NEW BUSINESS (CONTINUED)

Maschino moved, seconded by Hobson, to adopt Resolution 617-13 establishing a Public Hearing on Paving Improvements Industrial / Clay Street on November 05, 2013 at 7:00 PM in City Hall for the purpose of hearing and answering questions related to this project. Vote yea: Unanimous. Motion carried.

D. G.A.A.P. WAIVER – MEMO

Kristine Polian, City Clerk, talked about main areas to be considered prior to proceeding with the GAAP waiver for the City:

- Issuing certain bonds such as revenue bonds (long-term debt) may be limited to the City since they have covenants requiring GAAP financial statements. The City as of today has no outstanding revenue bonds, so the Governing Body could proceed with the GAAP waiver.
- Moving to cash-basis financial statements will decrease the cost for annual auditing services approximately 25%.
- The City began using Standard and Poor's rating services when issuing 2009 bond series where the City received an A+ rating. The City would score "adequate" under Transparency and Accountability according to an S&P article issued in September 2013. Based on this information, it is the opinion of the City's financial advisor, Dustin Avey (Piper Jaffray), the GAAP waiver would have very little overall effect on the City's future bond rating scores.

Ms. Polian stated if the Governing Body wishes to proceed, adoption of an annual resolution waiving GAAP will be required, which Staff will provide December of each year.

E. EXECUTIVE SESSION: NON-ELECTED PERSONNEL MATTERS

- 15 Minutes Executive Session to consult non-elected personnel matters. City Administrator, Joel Pile, was invited.

Executive Session began at 8:00 PM and ended at 8:15 PM.

Dove moved, seconded by Jackson, to go into Executive Session for 15 minutes with City Administrator Pile and Governing Body. Vote Yea: Unanimous. Motion carried.

Dove reported no official action was taken during Executive Session.

CONSENT AGENDA

- A. REVENUE EXPENSE SUMMARIES – SEPTEMBER 2013**
- B. BAD DEBT REPORT – SEPTEMBER 2013**
- C. CHECK RECONCILIATION – SEPTEMBER 2013**
- D. LIFE POINT CHURCH REQUEST**

CONSENT AGENDA (CONTINUED)

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

STAFF REPORTS - None

GOVERNING BODY REPORTS

MAYOR MCNOWN

McNown and Polian attended the League Conference and highly recommended the Council to attend this conference in the future. McNown stated there will be a SCAC meeting on November 9th at the Sedgwick County Emergency Preparedness Office.

COUNCILMEMBER DOVE

Attended last week's WAMPO (Wichita Area Metropolitan Planning Organization) meeting. Dove learned about possible extension of the bus route on the west side of Wichita. Some of the satellite communities may be included in this bus route. Dove thought about mentioning it in case there is a need to visit about any kind of public transportation in the future.

COUNCILMEMBER ANDERSON

Anderson asked Tormey, Dunn, and Ownings, if the water flushed out of fire hydrants could be captured and used for the City's parks. Dunn stated the City flushed fire hydrants from time to time to improve residual levels. In regards to capturing the water, it could be done but would be cost prohibitive to do so.

COUNCILMEMBER HOBSON

Thanked Utech for setting up a Fall Festival booth, and stated he enjoyed talking with the residents.

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

Meeting adjourned at 8:09 PM.

Jose A. Santiago, Assistant City Clerk

CLERK'S AGENDA

B. APPROPRIATION ORDINANCE:

Below is the proposed Appropriation Ordinance for November 5, 2013 as prepared by City Staff.

[November 5, 2013 Appropriation](#)

Total \$ 295,962.14

RECOMMENDED ACTION:

Staff recommends motion to approve the November 5, 2013 Appropriation Ordinance as presented / amended.

10/30/2013 1:36 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
0286	KIA (KANSAS INTELLIGENCE ASSOC							
C-CHECK	KIA (KANSAS INTELLIGENCE	VOIDED	V 10/11/2013			044046		90.00CR
0027	CULPEPPER & MERRIWEATHER							
C-CHECK	CULPEPPER & MERRIWEATHER	VOIDED	V 10/18/2013			044056		313.00CR
0029	MANHATTAN HOSPITALITY INC							
C-CHECK	MANHATTAN HOSPITALITY	INVOIDED	V 10/18/2013			044057		103.96CR
0038	ATISHWIN							
C-CHECK	ATISHWIN	VOIDED	V 10/18/2013			044058		0.25CR

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	0	0.00	0.00	0.00
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:	4 VOID DEBITS	0.00		
	VOID CREDITS	507.21CR	507.21CR	0.00

TOTAL ERRORS: 0

VENDOR SET: 02	BANK: *	TOTALS:	4	0.00	0.00	0.00
----------------	---------	---------	---	------	------	------

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 2

VENDOR SET: 03 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
0056	SHANNON MEYER							
0024	MICHAEL GORDON							
C-CHECK	MICHAEL GORDON	VOIDED V	10/21/2013			044075		99.72CR

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	0	0.00	0.00	0.00
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:	2 VOID DEBITS	0.00		
	VOID CREDITS	149.44CR	149.44CR	0.00

TOTAL ERRORS: 0

VENDOR SET: 03 BANK: *	TOTALS:	2	0.00	0.00	0.00
BANK: *	TOTALS:	6	0.00	0.00	0.00

10/30/2013 1:36 PM

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
0032	AFLAC							
I-AF 201309185257	SUPPLEMENTAL INSURANCE	R	10/11/2013	66.41		044024		
I-AF 201310015260	SUPPLEMENTAL INSURANCE	R	10/11/2013	66.41		044024		
I-AFC201309185257	SUPPLEMENTAL INSURANCE	R	10/11/2013	33.06		044024		
I-AFC201310015260	SUPPLEMENTAL INSURANCE	R	10/11/2013	33.06		044024		
I-AFD201309185257	SUPPLEMENTAL INSURANCE	R	10/11/2013	121.23		044024		
I-AFD201310015260	SUPPLEMENTAL INSURANCE	R	10/11/2013	121.23		044024		
I-AFO201309185257	SUPPLEMENTAL INSURANCE	R	10/11/2013	12.35		044024		
I-AFO201310015260	SUPPLEMENTAL INSURANCE	R	10/11/2013	12.35		044024		466.10
0354	LOYAL AMERICAN LIFE INSURANCE							
I-ACC201309185257	LOYAL AMERICAN ACCIDENT	R	10/11/2013	6.35		044025		
I-ACC201310015260	LOYAL AMERICAN ACCIDENT	R	10/11/2013	6.35		044025		
I-CNC201309185257	LOYAL AMERICAN CANCER	R	10/11/2013	13.97		044025		
I-CNC201310015260	LOYAL AMERICAN CANCER	R	10/11/2013	13.97		044025		40.64
0445	DELTA DENTAL OF KANSAS, INC.							
I-DD 201309185257	DENTAL INSURANCE	R	10/11/2013	1,442.34		044026		
I-DD 201310015260	DENTAL INSURANCE	R	10/11/2013	1,607.72		044026		3,050.06
0006	AT&T							
I-OCT'13 INTRASTATE	9/25-10/24 FINAL BILL	R	10/11/2013	44.79		044031		44.79
0009	VERIZON WIRELESS SERVICES, LLC							
I-9712005501	OCT'13 VERIZON WIRELESS	R	10/11/2013	560.14		044032		560.14
0091	MIES CONSTRUCTION INC							
I-9/4/13 SEWER MAIN	2012-13 CIP SEWER PROJECT	R	10/11/2013	6,825.00		044033		6,825.00
0114	ANDALE FARMERS CO-OP							
C-S49430 CREDIT	FINESSE CREDIT INV S49430	R	10/11/2013	25.19CR		044034		
I-44961	9/30/13 UNLEADED FUEL	R	10/11/2013	8,480.23		044034		8,455.04
0133	MAYER SPECIALTY SERVICES							
I-2013433	2012-2013 CIP SEWER PROJE	R	10/11/2013	875.00		044035		875.00
0153	THE ARK VALLEY NEWS							
I-SEP'13 LEGALS	LEGALS GRASS, TRASH, ZONING	R	10/11/2013	27.32		044036		27.32
0154	ASSESSMENT STRATEGIES, LLC							
I-ELEEKER PESONELTES	PERSONNEL- STAFF TESTING	R	10/11/2013	175.00		044037		175.00
0156	BEALL, MITCHELL AND SULLIVAN,							
I-SEP'13PUBLICDEFEND	SEPT '13 PUBLIC DEFENDER	R	10/11/2013	1,000.00		044038		1,000.00

10/30/2013 1:36 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
0183	KANSAS ONE-CALL SYSTEM, INC							
I-3090493	REG LOCATE 86 FEES	R	10/11/2013	103.20		044039		103.20
0195	MUNICIPAL CODE CORPORATION							
I-00234416	YR CODE ON INTERNET FEE	R	10/11/2013	650.00		044040		650.00
0196	P E C							
I-00510878	VC POPLAR COURT PAVING	R	10/11/2013	10,500.00		044041		
I-00510879	VC POPLAR COURT WATERLINE	R	10/11/2013	3,000.00		044041		
I-00510901	PUBLIC SAFETY BLDGPARKLOT	R	10/11/2013	2,045.74		044041		
I-00510902	PUBLIC SAFETY BLDGPARKLOT	R	10/11/2013	12,422.60		044041		27,968.34
0198	P S I							
I-1309071-IN	SEPT'13NETWORK/ON-SITESUP	R	10/11/2013	675.00		044042		675.00
0249	APAC - KANSAS INC							
I-8000119924	BIRCH & 5TH COVERED FLUME	R	10/11/2013	3,699.66		044043		3,699.66
0259	CRAIN CHEMICAL							
I-M753496	RESIDUALINSECTICIDE-SPIDR	R	10/11/2013	132.17		044044		132.17
0285	KDHE							
I-M-LA16-0002	RENEWA WASTEWATER PERMIT 2014	R	10/11/2013	185.00		044045		185.00
0286	KIA (KANSAS INTELLIGENCE ASSOC							
I-ADAMS KIA TRNG	'13KIA TRAINING CONFERENC	V	10/11/2013	30.00		044046		
I-GRAYSON KIA TRNG	'13 KIA TRAINING CONFEREN	V	10/11/2013	30.00		044046		
I-L NEWMAN KIA TRNG	KIA'13TRAINING CONFERENCE	V	10/11/2013	30.00		044046		90.00
0286	KIA (KANSAS INTELLIGENCE ASSOC							
M-CHECK	KIA (KANSAS INTELLIGENCEVOIDED	V	10/11/2013			044046		90.00
0306	SEDGWICK COUNTY							
I-SEP'13 JAIL HOUSIN	OCT '13 PRISONER HOUSING	R	10/11/2013	231.66		044047		231.66
0315	WASTE MANAGEMENT OF WICHITA							
I-6000713-2738-8	SEPT '13 TRASH SRVCS	R	10/11/2013	29,437.23		044048		29,437.23
0542	GIANT COMMUNICATIONS							
I-ACCT# 0000011302	OCT'13 GIANT PHONE SRVCS	R	10/11/2013	700.67		044049		700.67
0555	JORDAN NOONE							
I-1049	MOWING- 1211 APPLETON	R	10/11/2013	55.00		044050		55.00

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 5

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
0556	ALLIED ENVIRONMENTAL CONSULTAN							
I-13074-513252	VC 81 ACRE TRACT PHASE 3	R	10/11/2013	14,721.60		044051		14,721.60
0557	RON OLENDORFF							
I-1K1309-13	PUMP&STARTKIT-VCLIFTSTATI	R	10/11/2013	4,744.00		044052		4,744.00
1	RON'S PLUMBING COMPA							
I-000201310165280	BL REFUND	R	10/18/2013	225.00		044055		225.00
0027	CULPEPPER & MERRIWEATHER							
I-LIT 2531 TUITION	TUITION REIMBURSEMENT	V	10/18/2013	313.00		044056		313.00
0027	CULPEPPER & MERRIWEATHER							
M-CHECK	CULPEPPER & MERRIWEATHERVOIDED	V	10/18/2013			044056		313.00
0029	MANHATTAN HOSPITALITY INC							
I-MILEAGE - AUG 2013	MILEAGE - AUG 2013	V	10/18/2013	103.96		044057		103.96
0029	MANHATTAN HOSPITALITY INC							
M-CHECK	MANHATTAN HOSPITALITY INVOIDED	V	10/18/2013			044057		103.96
0038	ATISHWIN							
I-1871584 XEROX COPY	COVENANT XEROX COPY	V	10/18/2013	0.25		044058		0.25
0038	ATISHWIN							
M-CHECK	ATISHWIN	VOIDED V	10/18/2013			044058		0.25
0114	ANDALE FARMERS CO-OP							
I-S49430 ADJ CREDIT	REVERSED 1 OF 2 CREDITS	R	10/18/2013	25.19		044059		25.19
0174	GILMORE & BELL PC							
I-28349	SERIES 2013-1 LEGAL SRVCS	R	10/18/2013	1,500.00		044060		1,500.00
0198	P S I							
I-0007341	SONIC WALL RENEWAL 2014	R	10/18/2013	357.00		044061		357.00
0259	CRAIN CHEMICAL							
I-M753409	ZIPPY WASH (CRAIN)	R	10/18/2013	160.08		044062		160.08
0286	KIA (KANSAS INTELLIGENCE ASSOC							
I-KIA TRAINING-ADAMS	KIA -KS INTELLIGENCE TRNG	R	10/18/2013	30.00		044063		
I-KIA TRAINING-GRAYS	KS INTELLIGENCE TRAINING	R	10/18/2013	30.00		044063		
I-KIA TRAINING-NEWMA	KIA (KS INTELLIGENCE TRNG	R	10/18/2013	30.00		044063		90.00

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 6

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
0511	COVENTRY HEALTH CARE, INC.							
I-51963058	NOV '13 HEALTH INS PREMIU	R	10/18/2013	45,499.95		044064		45,499.95
0517	WICHITA CONCRETE PIPE COMPANY							
I-I0041989	PSB PARKING LOT PROJECT	R	10/18/2013	1,485.35		044065		1,485.35
0530	GALLAGHER BENEFIT SERVICES, IN							
I-40376	OCT'13 COBRA/FSA ADMINFEE	R	10/18/2013	169.50		044066		169.50
0559	SEDGWICK COUNTY PUBLIC WORKS							
I-R-175A	MERIDIAN SCL VC TO69 ST N	R	10/18/2013	56,676.30		044067		56,676.30
0085	LAURIE B WILLIAMS							
I-BJE201310165279	CASE # 09-14039	R	10/18/2013	55.00		044069		55.00
0210	SECURITY BENEFIT							
I-SCB201310165279	DEFERRED COMPENSATION	R	10/18/2013	63.00		044070		63.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201310165279	RETIREMENT 457 DEFERRED COMP	R	10/18/2013	65.00		044071		65.00
0372	U S DEPT OF EDUCATION							
I-JED201310165279	ACCT # 1002461211	R	10/18/2013	175.37		044072		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201310165279	CASE # 11LWAD00059	R	10/18/2013	67.00		044073		67.00
0561	KANSAS STATE UNIVERSITY/KANSAS							
I-B FISHER-REGISTRAT	TRNG-KS FOREST WORKSHOP	R	10/18/2013	5.00		044074		5.00
0544	INTERNAL PERFORMANCE INT'L, LL							
I-MGORDON TRNGOCT'13	KLETC TRAINING OCT 2013	R	10/23/2013	50.00		044076		50.00
0270	INTRUST CARD CENTER							
I-P-CARDSEPT'13TRANS	SEPT TRANSACTIONS-PCARD	R	10/25/2013	25,706.98		044077		25,706.98
0176	HOMELAND ROOFING & CONSTRUCTIO							
I-4202	ROOF REPLACEMENT WELL7	R	10/25/2013	2,850.00		044078		2,850.00
0236	VALLEY CENTER CHAMBER OF COMME							
I-1003	2013 FALL FESTIVAL SPONSR	R	10/25/2013	4,000.00		044079		4,000.00
0239	A T & T KANSAS							
I-316 755-7339720 7	OCTOBER 2013 SERVICES	R	10/25/2013	1,150.45		044080		
I-316755-3504922 7	OCTOBER'13 DES SUBSTATION	R	10/25/2013	63.35		044080		
I-3167552075 040 9	VALLEY CK PUMP STATION	R	10/25/2013	58.35		044080		1,272.15

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 7

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
0299	PITNEY BOWES INC							
I-3961042-OT13	RENTA POSTAGE MACHINE RENTAL	R	10/25/2013	195.74		044081		195.74
0562	KRISTEN K. ROBERTS GILCHRIST							
I-1,000	DNA KITS DNA KITS DONATION	R	10/25/2013	120.00		044082		120.00
0083	KHP PARTNERS PROGRAM							
I-SMEYER/ELLEKER	NEW BULLET PROOF VEST	R	10/25/2013	64.00		044084		64.00
0022	BREATHING AIR SERVICES, INC.							
I-1398	BREATH AIR COMPRESSOR SRV	R	11/01/2013	613.00		044085		613.00
0092	TYLER TECHNOLOGIES INC							
I-025-80718	12/1/13-11/30/14 MAINTENA	R	11/01/2013	1,284.97		044086		
I-025-81154	NOV '13 MONTHLY SUPPORT	R	11/01/2013	205.00		044086		1,489.97
0098	VALLEY CENTER POSTMASTER							
I-PERMIT 144	MAIL PRESORT PERMIT REVIEW	R	11/01/2013	200.00		044087		200.00
0196	P E C							
I-00510967	SEPTEMBER '13 RETAINER	R	11/01/2013	246.55		044088		246.55
0564	JESSE T. PAINE							
I-2214	PUBLIC DEFFENDER-A RILEY	R	11/01/2013	150.00		044089		150.00
0254	CITY OF WICHITA							
C-273174-162006 CR	CITY OF WICHITA	R	11/01/2013	3,650.00CR		044090		
I-273174 - 162006	WATER 9/14-10/15/13 USAGE	R	11/01/2013	48,721.02		044090		45,071.02
0085	LAURIE B WILLIAMS							
I-BJE201310295285	CASE # 09-14039	R	11/01/2013	55.00		044091		55.00
0210	SECURITY BENEFIT							
I-SCB201310295285	DEFERRED COMPENSATION	R	11/01/2013	63.00		044092		63.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201310295285	RETIREMENT 457 DEFERRED COMP	R	11/01/2013	65.00		044093		65.00
0372	U S DEPT OF EDUCATION							
I-JED201310295285	ACCT # 1002461211	R	11/01/2013	175.37		044094		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201310295285	CASE # 11LWAD00059	R	11/01/2013	67.00		044095		67.00

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 8

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
-------------	------	--------	------------	----------------	----------	----------	--------------	--------------

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	59	294,403.35	0.00	293,896.14
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:	4 VOID DEBITS	0.00		
	VOID CREDITS	507.21	507.21	0.00
TOTAL ERRORS:	0			
VENDOR SET: 02 BANK: APBK TOTALS:	63	293,956.14	0.00	293,896.14

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 9

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
0002	BRENDA HIPPS							
I-KACM'13MILE/TRAING	KACM FALL CONF MILEAGE	R	10/11/2013	55.37		044027		55.37
0038	WARREN UTECHT							
I-KAPA'13 CONFERENCE	KAPA CONFERENCE/MILEAGE	R	10/11/2013	40.00		044028		40.00
0056	SHANNON MEYER							
I-KLETC MILETRAINING	KLETC TRAINING MILEAGE	V	10/11/2013	49.72		044029		49.72
0056	SHANNON MEYER							
M-CHECK	SHANNON MEYER	VOIDED V	10/11/2013			044029		49.72
0057	ROBERT L. TORMEY							
I-SEP'13MILES TRAING	SEPT'13MILEAGE TRAINING	R	10/11/2013	271.20		044030		271.20
0017	KRISTINE POLIAN							
I-KPOLIAN LKM/KSGFOA	LKM/KSGFOA PERDIEM/MILES	R	10/15/2013	511.71		044053		511.71
0056	SHANNON MEYER							
I-KLETC MILEAGE	KLETC TRAINING PERDIEM	R	10/18/2013	49.72		044068		49.72
0024	MICHAEL GORDON							
I-KLET TRNG OCT'13	KLETC TRAINING OCT 2013	V	10/21/2013	50.00		044075		50.00
0024	MICHAEL GORDON							
M-CHECK	MICHAEL GORDON	VOIDED V	10/21/2013			044075		50.00
0003	CATHERINE A. SEXTON							
I-NOV'13COMM COORDIN	NOV '13 SENIOR COORDINATR	R	11/01/2013	1,125.00		044096		1,125.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	6	2,152.72	0.00	2,053.00
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:	2 VOID DEBITS	0.00		
	VOID CREDITS	99.72	99.72	0.00

TOTAL ERRORS: 0

VENDOR SET: 03 BANK: APBK TOTALS:	8	2,053.00	0.00	2,053.00
-----------------------------------	---	----------	------	----------

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 10

VENDOR SET: 04 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
1	SPARKS, JAMES							
I-000201310165278	BP REFUND	R	10/18/2013	13.00		044054		13.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	13.00	0.00	13.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 04	BANK: APBK	TOTALS:	1	13.00	0.00	13.00
BANK: APBK	TOTALS:		72	296,022.14	0.00	295,962.14
REPORT TOTALS:			78	296,022.14	0.00	295,962.14

10/30/2013 1:36 PM

A/P HISTORY CHECK REPORT

PAGE: 11

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 044024 THRU 044096
 DATE RANGE: 0/00/0000 THRU 99/99/9999
 CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
 INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

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

PRESENTATIONS / PROCLAMATIONS

PUBLIC FORUM

APPOINTMENTS

A. PLANNING COMMISSION APPOINTMENTS:

1. City Planning Commission:

Appointments and re-appointments of expired terms:

- Don Bosken Term expiring October 2016
- Dee Wretberg Term expiring October 2016

2. Site Plan Committee:

Re-appointment of expired terms:

- Adam Dunn Term expiring November 2016

COMMITTEES, COMMISSIONS

ITEMS FOR COUNCIL REVIEW:

- Valley Center Planning Commission / Board of Appeals
September 29, 2013 Minutes

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

7:00 P.M., Tuesday, October 29, 2013
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, Ronald Colbert Sr., Del James, Matt Stamm, Danny Park, Don Bosken, Terry Nantkes, and Dee Wretberg.

Members absent: Ricky Shellenbarger and Gary Janzen.

Staff Present: Warren Utecht and Deby Taylor Community Development Department.
Those in the audience: Jake Jackson, John Dailey, Paul Eden, Don Bennett, Chris Strunk.

Meeting started with the Pledge of Allegiance to the American Flag.

AGENDA: A Motion was made by Commissioner Colbert, seconded by Commissioner Stamm to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Commissioner Wretberg, seconded by Commissioner Bosken to accept the September 24, 2013 draft minutes as written. Motion passed unanimously.

There were no public non-agenda comments.

REZONING PETITION Z 2013-04 filed by Paul Eden (Eden's Auto Sales) to amend the zoning map from C-1 Central Business District to C-2 General Business District for 100 S. Meridian (the former Phillips Convenience Gas Station) was presented.

According to the Recording Secretary, a notice of this hearing was published in the Ark Newspaper on **October 3, 2013**, and notices were mailed to **21 property owners** of record in the City limits within 200 feet. The record shows that at least 20 days elapsed between the publication and the hearing date. No evidence to the contrary from anyone present was given.

Chairperson Parks asked the committee members if there were any disqualifications or ex parte communications that would disqualify anyone from participating. There were no disqualifications. Chairperson Parks declared there was a quorum of 7 present for this hearing.

Chairperson Park asked Zoning Administrator, Warren Utecht, to provide the committee with his staff review on the case. Mr. Utecht shared the applicant's reasons for Rezoning to remodel and convert the vacant Phillips 66 Convenience gas station for the purpose of opening a second used car sales lot. He also gave a brief history of the property at 100 S. Meridian as a vacant convenience gas station. The canopy, pumps, and sign have been removed. The property has been up for sale for a long time. He then reviewed the 17 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 property contains an empty building originally built in 1965, which was occupied for many years by a convenience gas station. Underground tanks still exist on the property. The properties are generally commercial to the south, west, and north, and a utility company building is across the alley to the east.

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

- a. The current zoning of the property is C-1 Downtown Commercial District. The surrounding zoning and land uses are as follows:

- North: C-1 Downtown Commercial District (Emprise Bank)
- South: C-2 General Business (office building, Barber shop, auto repair)
- East: C-1 Downtown Commercial District (Utility Building)
- West: C-1 Downtown Commercial District (Eden's Auto Sales)

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

The property has been for sale for some time. It is a difficult property to market because it requires underground tanks to be removed and is designed to handle an auto-related business.

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

No

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. This only relates to an empty building and someone willing to address the underground tanks and completely remodel the structure.

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?*

The site has all necessary public sewer, water, gas, electric and communication utilities.

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

No, the area is platted and can be legally described.

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

There are no screening issues involved in this property in that it does not abut residential zoning or development. No site plan review is required for an existing building having no expansion plans.

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

Existing empty Commercial buildings with sufficient parking area is limited in Valley Center.

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

This proposed car sales lot is an expansion of the existing Eden's car sales across the street. The owner feels a market exists for business expansion. There are no other used car dealerships other than Eden's Car sales in Valley Center.

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

No, the Central Business and Downtown Neighborhood overlay district do not allow car sales and service establishments.

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

A car sales and service facility should not have any detrimental effect on surrounding properties in that it is not a high-volume business.

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

Yes. A car sales and service use is a permitted use in the C-2 Zoning District.

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

The Future Land Use Plan for the parcel in question was shown as commercial. However, implementation of a Downtown Neighborhood Plan involved the creation of a Downtown Overlay District that narrowed the uses allowed in the Overlay District. A separate action will request this parcel to be removed from the overlay district.

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

A public hearing notice and a sign with a Rezoning Notice have been placed on the property. No one has contracted the city at this point to ask questions or leave a message. Public comments in support or opposition may not be known until the public hearing.

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, even though this does not create a new commercial use, it will result in occupancy of a vacant building, improvement of the appearance of a very visible commercial corner in downtown Valley Center, and will create jobs.

Mr. Utecht's recommendation was to approve the zoning change from C-1 to C-2.

At 7:10 p.m. Chairperson Park opened the hearing for comments from the public. He called upon Paul Eden, the Applicant to make his presentation on the request and any response to the Zoning Administrator's report. Mr. Eden simply shared his desire to convert the current vacant building into a used car lot. Chairperson Park comment on Mr. Eden's good reputation in Valley Center. Commissioner Colbert asked what plans the petitioner has to remove underground gas tanks. Mr. Eden replied that KDHD will financially assist in tank removal, and any environmental issues.

Don Bennett, a 21 year business owner in the building south of the property being discussed, stated he would love to see the a new business on this corner. Mr. Bennett commended Mr. Eden on managing a well-kept business in the past and is confident he will maintain the proposed car lot in the same manner. He was very much in favor of Mr. Eden's plan.

Chairperson Park closed the public hearing at 7:18 p.m.

RECOMMENDED MOTION: Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Colbert made a motion to approve the petition by Paul Eden to rezone the described parcel in this petition from C-1 Central Business District to C-2 General Business District. Motion was seconded by Commissioner Stamm and the vote passed unanimously.

DOWNTOWN NEIGHBORHOOD OVERLAY REMOVAL. Paul Eden Petitioned to remove 100 S. Meridian from the Downtown Neighborhood Overlay District to facilitate a Used Car and Service land use.

According to the Recording Secretary, a notice of this hearing was published in the Ark Newspaper on October 3, 2013. The record shows that at least 20 days elapsed between the publication and the hearing date. No evidence to the contrary from anyone present was given.

Chairperson Parks asked the committee members if there were any disqualifications or ex parte communications that would disqualify anyone from participating. There were no disqualifications. Chairperson Parks declared there was a quorum of 7 present for this hearing.

Chairperson Park asked Zoning Administrator, Warren Utecht, to provide the committee with his staff review on the case. Mr. Utecht shared that Paul Eden of Eden Auto Sales, LLC has petitioned for a rezoning from C-1 to C-2 to allow him to expand is Auto Sales on the previous Phillips 66 Convenience Gas Station. However, unless the Phillips 66 Convenience Gas Station property is removed from the Downtown Overlay District, Paul Eden will not be able to establish a second used car sales lot in the downtown in the C-2 Zoning District with the overlay intact.

Mr. Utecht's recommendation: Granted it would be preferred to wait for a use that would fit the criteria of the C-1 zoning district and the Downtown Neighborhood Overlay District. However, he stated this property has been for sale for over a year, the owners have dropped the price, and Paul Eden has been the only one who has made a legitimate offer. The property is on a highly visible

intersection of the city, and is creating a blighting influence on surrounding properties and the City as a whole.

Paul Eden, who is an established businessman in the community, has found a way to have the underground tanks (a serious hindrance to any buyer) removed and is willing to make a major investment to totally remodel the interior and exterior of the structure, repave the parking lot, and expand his used car sales business in Downtown Valley Center.

Mr. Utecht recommended Paul Eden's request to remove the property from the Downtown Neighborhood Overlay District be approved because he is likely going to be the only party who is interested in purchasing and improving the empty business.

Chairperson Park opened the hear for comments from the public at 7:23 p.m. There were no additional comments. Public hearing was closed at 7:24 p.m.

RECOMMENDED MOTION: Based on the City Staff recommendations, and discussion by the Planning Commission, Commissioner Stamm made a motion to approve the petition by Paul Eden to remove 100 S Meridian from the Downtown Neighborhood Overlay District. Motion was seconded by Commissioner Nantkes and the vote passed unanimously.

There were no additional communications.

There were no old or unfinished business.

NEW BUSINESS.

LOT SPLIT PETITION: 212 S. Miles

Mr. Utecht presented Jake Jackson's petition for a lot split to divide a large single family lot on the corner of Butler and Miles into two lots for the purpose of creating a buildable lot. Due to the late filing, the petitioner circulated a petition of "No objection" signed by all of the abutting property owners, rather than having a notice mailed to the affected property owners.

He noted that the petitioned lot is platted at 130 feet wide fronting Miles Avenue and 220 feet of depth fronting Butler Street. The petitioner has submitted a survey showing two lots. The existing home at 212 Miles (Parcel A) meets all bulk regulations and will contain 15,600 square feet. The new lot (Parcel B) measures 100 feet wide by 130 deep, or 13,000 square feet. The minimum lot area in the R-1B Single-Family Zoning District is 6,500 sq. ft. Construction of a home on the new lot will be somewhat hindered in its layout due to two utility easements, but ample space still remains to make it a buildable lot. Both lots meet adequate frontage on a publicly dedicated street. There are no special assessments involved in the lot split.

Mr. Utecht supports this lot split because the two lots will exceed zoning area and frontage requirements, a new lot is being created, and a new home will generate greater tax base without adding costs to the City taxpayers.

RECOMMENDED MOTION: Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Wretberg made a motion to approve the petition by Jake Jackson to split 212 S. Miles into two separate lots. Motion was seconded by Commissioner Colbert and the vote passed unanimously.

REVIEW THE VALLEY CENTER'S FLOODPLAIN MANAGEMENT PLAN ANNUAL REPORT AND VALLEY CENTER'S LOCAL MITIGATION STRATEGY

Valley Center's Floodplain Management Plan

Warren Utecht shared with the committee the Annual Report – Activity 510 with 4 mitigation strategies and the CRS Activity 510 progress report for Valley Center. He stated this information was only for the committee's information at this time. Upcoming 2014 meetings dealing with the Comprehensive Plan will include an extensive discussion of Floodplain issue. The City Planning Commission and City Council will also need to be involved in future public hearings sometime in January regarding a new Floodplain map which will include many new homes, and watershed study conducted by AMEC (contracted by the county) that could alleviate future flooding issues.

COMMITTEE AND STAFF REPORTS:

ITEMS BY PLANNING COMMISSIONERS:

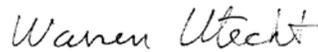
- Ronald Colbert Sr. – None
- Matt Stamm – None
- Dee Wretberg – None
- Don Bosken-None
- Danny Park – Thanked everyone for coming.
- Terry Nantkes – None
- Del James - None

ADJOURNMENT:

Motion made by Commissioner Stamm and seconded by Commissioner Nantkes to adjourn. Motion passed unanimously.

Time of Adjournment 7:37 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission at the next meeting.

 /Danny Park/
Danny Park, Chairperson
WU/dt

OLD BUSINESS

A. PUBLIC HEARING RE: ADVISABILITY OF PAVING AND DRAINAGE IMPROVEMENTS ALONG CLAY STREET FROM SHERIDAN TO ASH:

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to:

1. Open Public Hearing
 - Receive Public Comment
2. Close Public Hearing

OLD BUSINESS**B. ORDINANCE 1266-13, AMENDING NUISANCE REGULATIONS,
2nd READING :**

An Ordinance of the Valley Center City Council amending Chapter 7.04 (Abatement of Nuisance) and 7.08 (Noxious Weeds) of Health and Sanitation (Title 7) of the Valley Center, Kansas, Municipal Code; and repealing all other Ordinances or parts thereof in conflict herewith.

- Ordinance 1266-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1266-13, amending Chapter 7.04 (Abatement of Nuisance) and 7.08 (Noxious Weeds) of Health and Sanitation (Title 7) of the Valley Center, Kansas, Municipal Code; and repealing all other Ordinances or parts thereof in conflict herewith, for 2nd reading.

ORDINANCE NO. 1266-13

AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL AMENDING CHAPTER 7.04 (ABATEMENT OF NUISANCE) AND 7.08 (NOXIOUS WEEDS) OF HEALTH AND SANITATION (TITLE 7) OF THE VALLEY CENTER, KANSAS, MUNICIPAL CODE; AND REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

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

Section 1. The Valley Center Municipal Code, Chapter 7.04 (Abatement Of Nuisance) And 7.08 (Noxious Weeds) Of Health And Sanitation (Title 7) is hereby amended to read as follows:

(EXHIBIT A)

Section 2. Severability. Those sections, paragraphs, and provisions of Title 7 of the City of Valley Center Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the City of Valley Center Municipal Code other than those expressly amended or repealed in Section 1 of this Ordinance.

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

Section 3. Applicability and Effective Date. All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance shall be in full force and effect from and after its passage and after publication according to law. **PASSED AND APPROVED** by the Governing Body of the City of Valley Center, Kansas, this ___ day of _____ 2013.

First Reading: October 15, 2013

Second Reading: _____

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

TABLE OF CONTENTS

NUISANCES REGULATIONS

7.01 PURPOSE OF REGULATIONS AND EXERCISE OF STATUTORY POWERS	1
7.02 SCOPE	1
7.03 DEFINITIONS	1
7.04 LITTER REGULATIONS ON PUBLIC PROPERTY	4
7.04.01 Public places	4
7.04.02 Sweeping into gutters.....	4
7.04.03 Parks	4
7.04.04 Rivers, streams, lakes and ponds	4
7.05 LITTER REGULATIONS ON PRIVATE PROPERTY.....	4
7.05.01 Owner to maintain premises free of litter.....	4
7.05.02 Notice to remove	4
7.06 UNLAWFUL NUISANCES	4
7.06.01 General nuisance regulations.....	4
7.06.02 Sanitary and habitable buildings (occupied and vacant)	5
7.06.03 Infestation.....	6
7.06.04 Placarding	6
7.07 WEEDS AND NOXIOUS PLANTS.....	7
7.07.01 Nuisance declared.....	7
7.07.02 Removal required.....	7
7.08 EXCEPTIONS TO NUISANCE REGULATIONS.....	7
7.08.01 National heritage and ornamental gardens	7
7.08.02 Notice for national heritage and ornamental gardens	8
7.09 ENFORCEMENT	8
7.09.01 Complaints Inquiry and Inspection	8
7.09.02 Service of notice.....	8
7.09.03 Owner Responsibility to Abate	8
7.09.04 Hearing.....	9
7.09.05 City Abatement Powers.....	9
7.09.06 Failure to comply-penalty	9
7.09.07 Liability of Property Owner	9
7.09.08 Collection of Costs	9
7.09.09 Right-of-entry	9

7.01 PURPOSE OF REGULATIONS & EXERCISE OF STATUTORY POWERS

- A. The purpose of this article is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed.
- B. These regulations will allow the City of Valley Center to establish and amend rules from time to time as may be deemed necessary for the protection of public health, safety and general welfare, by requiring an adequate level of maintenance; determination of the responsibilities of owners of property, provide an optimum environment conducive to good health and aesthetically pleasing surroundings, and provision for the administration and enforcement, including penalties thereof. Property deterioration and nuisances can devalue, detract and degrade the quality of any neighborhood.
- C. As Such, the governing body of the City of Valley Center has elected to exercise the powers granted to it under Codes 1617e through 12-1617f of the 2012 General Statutes of Kansas, to create these Nuisance Regulations.

7.02 SCOPE

- A. This article shall apply to all zoning districts, land, properties, structures, and buildings within the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, structures, and buildings.
- B. If other ordinances of the city conflict with this article and the standards and regulations established herein, the stricter standard or regulation shall prevail.

7.03 DEFINITIONS

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

Authorized refuse receptacle means any container provided by the City or located on public property by a private refuse contractor for the purpose of containing litter, refuse, or rubbish.

Blight in these regulations can mean any of the following:

- A. A condition that poses a serious threat to public health or safety
- B. Overgrown grass or weeds
- C. Lack of exterior property maintenance, or trash accumulation
- D. A property considered unsightly, offensive, or hazardous, and having a detrimental impact on surrounding property values
- E. Is the site of illegal activities, as documented by police records, or threatens public safety
- F. Is a fire hazard, as determined by the Fire Department
- G. Is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints and police reports.

Code Enforcement Officer means the City Official who is charged with the administration and enforcement of these regulations, or any duly authorized representative.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended.

Dwelling means a building, or portion thereof, which is designed or used for residential occupancy.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, or any other substance which emits or causes any offensive, disagreeable or nauseous odors.

Hazardous means something, perilous, risky or dangerous to people or the environment.

Infectious waste means a waste containing pathogens or biologically active material capable of transmitting disease such as animal and human blood or body parts, microbiological and pathological waste, needles, syringes, and sharps.

Infestation means the presence within or around a dwelling of any insects, rodents, or other pests.

Junk means used metals, materials, equipment, appliances, furniture, tires, engines, and parts, and other manufactured or raw goods that are so worn, deteriorated, or obsolete as to make the item unusable or inoperable in its existing condition, or a potential safety or health hazard.

Litter means waste material which, if thrown or deposited on public or private property as prohibited by these regulations, could create a danger to public health, safety and welfare, especially if deposited in any drainageway that would create obstacles to efficient and proper drainage of stormwater.

Newspaper means a newspaper of general circulation as defined by general law, a newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, a newspaper filed and recorded with a recording officer as provided by general law, and any periodical or current magazine regularly published, with not less than four issues per year, and sold to the public.

Nuisance means any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose (rest, tranquility, peace of mind), health or safety of others; or
- B. Offends decency; or
- C. Is offensive to the senses; or
- D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- E. In any way renders other persons insecure in life or the use of property; or
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Objectionable, unsightly, or unsanitary matter means any matter, graffiti or object which is offensive to ordinary sensitivities of a person, is not conducive to high aesthetic appearance and quality of a home or neighborhood, or is a health or safety hazard.

Owner means the owner of record as shown by the current year's tax rolls in the county treasurer's office and/or any person, firm, or corporation having a legal or equitable interest in

the property, including an officer, guardian, executor, administrator, mortgagee in possession, managing or leasing agent of such person, firm, or corporation.

Park means a park, reservation, playground, pond, recreation center or any other public area owned by the city and is devoted to active or passive public recreation.

Pest elimination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal method of pest elimination approved by the Enforcement Officer

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways within the city, and any and all public parks, squares, spaces, grounds and buildings.

Refuse means an accumulation of worn out, used, broken, or rejected materials and includes but is not limited to garbage, litter, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, old barrels, old tires, tree, brush and grass trimmings, unused household items and appliances, all putrescible (liable to become putrid) and nonputrescible solid wastes, except body wastes, industrial wastes, and decayable or nondecayable waste.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, disposable diapers, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, all loose and decayed material and dirt-like substances that attends use or decay, or which accumulates from buildings, trash, debris, rubble, stone or fragments of building materials filth, excrement, rocks, dirt, trash, metal, stable manure, boxes, lumber, coal, wood, kindling, grass, weeds, vegetables, slop or liner of any kind, or any other offensive or disagreeable thing or substance.

Thickets mean dense growth of wild shrubbery having stems or trunks less than one inch in diameter and includes briar patches.

Unsafe building means all buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, are, for the purpose of this article, unsafe buildings.

Vegetation means any weeds, rank grass, or other woody vegetation.

Vehicle means every device in, upon, or by which any person may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Yard Waste means grass and brush trimmings, trees or tree limbs, hedge or shrub cuttings, leaves, weeds, vines or other decayable waste which is generated by maintaining a yard.

7.04 LITTER REGULATIONS ON PUBLIC PROPERTY

7.04.01 Public places

It shall be unlawful for any person to throw or deposit litter in or upon any part of a street, sidewalk or other public place within the city, except in authorized refuse receptacles.

7.04.02 Sweeping into gutters

It shall be unlawful for any person to sweep into or deposit in any gutter, street or other public place within the city, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway, including grass clippings. Persons owning or occupying property within the city shall keep the sidewalk and gutters in front of their premises free of litter.

7.04.03 Parks

It shall be unlawful for any person to throw or deposit grass clippings or litter in any park within the city, except in an authorized refuse receptacle (other than grass clippings), and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. In parks where authorized refuse receptacle are not provided, all such litter shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere as provided in these regulations.

7.04.04 Rivers, streams, lakes and ponds

It shall be unlawful for any person to throw or deposit litter, refuse, or rubbish in any rivers, streams, lakes or ponds or any other body of water in a park or elsewhere within the city.

7.05 LITTER REGULATIONS ON PRIVATE PROPERTY

7.05.01 Owner to maintain premises free of litter

The owner or person in control of private property, including vacant structures or vacant land and premises thereof, shall be free of litter, refuse, rubbish or yard waste and maintained in a clean, safe, secure and sanitary condition as provided in these regulations so as not to cause a blighting problem or adversely affect the public health or safety.

7.05.02 Notice to remove The Code Enforcement Officer is authorized and empowered to notify the owner of any property within the city to properly dispose of litter or yard waste located on such owner's property which is dangerous to public health, safety or welfare and may cause blighting conditions. Such notice shall be by certified mail, addressed to the owner at his last known address.

7.06 UNLAWFUL NUISANCES

7.06.01 General nuisance violations

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance, without limitation as follows:

- A. On any parcel, whether occupied by a structure or vacant, the accumulation of paper, wood, rocks, junk, appliances, furniture, dead grass, branches, trash debris, improper composting, rubber tires, bottles, scrap metal, vehicle parts, construction materials, fill materials, hazardous waste (i.e., chemicals, oils, solvents, gasoline, paints, pesticides, cleaners, batteries), and other unwholesome matter, especially if such accumulation

creates a potential harborage or breeding place for rats, vermin or insects, or in such a manner as to be oppressive or injurious to the general public health, or creates unpleasant and disagreeable sight from neighboring properties, or any offensive or nauseous odors and stench to persons residing in adjacent premises or to persons who may be in a public place or public right-of-way.

- B. Any accumulation of stagnant water on any lot or piece of ground.
- C. Abandoned or unused appliances, including but not limited to refrigerators, stoves, dishwashers, clothes-washers, clothes-dryers, or dehumidifiers.
- D. All furniture, materials and other similar products designed, built, and manufactured exclusively for indoor living use shall not be placed or stored on exterior porches, in yards or any part of an exterior property in residential and non-residential areas. The storage or placement of automobile car seats and other non-weather resistant materials shall also be prohibited.
- E. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or unsecured vacant building, or kept in such an insanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- F. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- G. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances.
- H. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- I. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities
- J. Infectious waste items accessible to the general public.
- K. Objectionable, unsightly, or unsanitary matter (see definition of this term).
- L. Structurally unsound fences (also referenced in Chapter 17.03.30 (C) 3).
- M. Trees, shrubs and plants that are dead or which are considered by the code enforcement officer to be hazardous to persons or property shall be removed by the owner.

7.06.02 Sanitary and habitable buildings (occupied or vacant)

- A. Principal and accessory structures must have solid wood or metal doors on all doorways (designed for access or vehicular/garage type openings) that are lockable to prevent anyone from entering the structure.
- B. No property owner shall rent to another person or live in a dwelling unit or mobile (manufactured) home unless it and the premises are clean, sanitary, and fit for human occupancy, and complies with all applicable legal requirements of the of the most current International Property Maintenance Code.
- C. Any dwelling, business place, manufacturing establishment, storeroom, warehouse or any building used or occupied as a dwelling or for business purposes, wherein conditions are found to be dangerous or detrimental to the health of the occupants or employees thereof, or to the public, shall be declared insanitary and unfit for business purposes.
- D. Any dwelling which is vacant and has been found to be unfit or unsafe for human habitation under the Valley Center Municipal Code, Title 14 (Buildings and Construction) or in violation of the provisions of the most current International Property Maintenance Code, is declared to be a nuisance under this Article.
- E. All windows shall be secured by a latch, lock or other means and free of broken glass so as to prevent easy entry into said structure by children, vagrants or other unauthorized persons.

- F. All exterior walls and roof shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches, and disease-carrying insects.
- G. The exterior of said building and the premises thereon shall be kept free of any accumulation of paper, hay, or other flammable or combustible rubbish or waste material or sufficient quantity to constitute a danger to said building or any other building or premises in case such waste material should become ignited.

7.06.03 Infestation

- A. When the Code Enforcement Officer determines that an infestation of a building by rats, roaches, mice or termites, or other potential disease exists, such as to be a health nuisance, owners of property believed to be a source of infestation or to be affected by the infestation shall be responsible to conduct pest elimination measures in a manner and on a schedule prescribed by the Code Enforcement Officer.
- B. All such nuisance abatement shall be done by a professional exterminator, certified in restricted-use pesticides, and acceptable to the Code Enforcement Officer.
- C. In the event the property owner fails to act, such property owner shall be liable for the penalties prescribed herein and the Code Enforcement Officer shall:
 - 1. Write a citation as prescribed in 7.09 (Enforcement)
 - 2. Contract with a qualified exterminator to eliminate the infestation at the owner's expense, which becomes a liability to the property owner according to 7.09.07 of these regulations.

7.06.04 Placarding

- A. If said violation affects the health, safety and welfare of an occupant, the premises must be vacated within a specified time period given by the Code Enforcement Officer, depending upon the severity of the violation.
- B. Said building shall not be re-occupied until the violation is rectified to the satisfaction of the Code Enforcement Officer and/or the Sedgwick County Building Inspector.
- C. A placard stating the nature of the nuisance shall be posted in a conspicuous place, where it shall remain until existing conditions have been abated to the satisfaction of the Code Enforcement Officer.

7.07 WEEDS AND NOXIOUS PLANTS (Defined As Vegetation)

7.07.01 Nuisance declared

- A. Vegetation, of more than 8 inches in height, which is not mowed but rather allowed to stand at any season of the year upon any lot, tract or parcel of land, or along the sidewalk, street right-of-way, or unpaved alley adjacent to such lot, tract or parcel of land, are hereby declared to constitute a nuisance; provided that these regulations shall not apply to land zoned or used for agricultural use.
- B. Vegetation, thickets, or noxious plants, are declared a nuisance for the following reasons:
 1. Can give off unpleasant or noxious odors
 2. By their density or location, vegetation constitutes a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or otherwise interferes with the mowing of said vegetation
 3. When a vegetation area is dead or diseased
 4. When dry, a fire menace to adjacent improved property
 5. Regardless of height, vegetation harbors, conceals, or becomes a deposit or accumulation of refuse or rubbish
 6. Weeds become the place that harbors rats, insects, animals, reptiles, and any other creature which either may or does constitute a menace to health, safety or welfare
 7. Vegetation on or about residential property which, because of its height, has a blighting influence on the surrounding neighborhood

7.07.02 Removal required

It shall be unlawful for any owner or person otherwise in possession or control of any lot, tract or parcel of land, except as herein before provided, to allow vegetation, thickets or noxious plants to grow or stand upon such premises, or along the sidewalk, street, or unpaved alley adjacent to such premises. It shall be the duty of such owner to cut, remove or destroy any and all such vegetation, thickets or noxious plants on such premises.

7.08 EXCEPTIONS TO NUISANCE REGULATIONS

7.08.01 Natural heritage and ornamental gardens

Natural heritage and ornamental gardens are defined as those gardens, including native and naturalized plants, including, but not limited to, ferns, wildflowers, aquatic plants, grasses, forbs, shrubs and trees in a managed landscape design that are not obtained in violation of local, state, or federal laws. Notwithstanding any provision of any other city regulations, such gardens are permitted provided the owner, or an occupier having written authorization from the owner of the property, complies with the following requirements.

- A. Such a garden, or any portion thereof, does not encroach four feet from any property ownership line or public right-of-way; and
- B. The owner or occupier complies with the notice provision of 7.08.02 of this code.

The provisions of this code shall remain applicable to such gardens.

7.08.02 Notice for natural heritage and ornamental gardens

If any natural heritage or ornamental garden, or the combination thereof, occupies any area in excess of one hundred (100) square feet of the property, not otherwise occupied by buildings, structures, or improvements, the owner or occupier shall file a notice with the city clerk and pay a fifty dollar (\$50.00) application fee. Such notice shall contain:

- A. The name and address of the owner or occupier filing the notice;
- B. A drawing or sketch that depicts the exact area of the garden and the property boundary lines;
- C. In the case of a natural heritage garden, the drawing shall identify the type of natural community which is intended to be simulated.

On the filing of the above required notice, the Parks & Buildings Superintendent and Code Enforcement Officer shall review the applicant's plan, direct any required changes, and grant approval of the final plan permitting the garden. Such approval shall be limited to the applicant's use only.

7.09 ENFORCEMENT

7.09.01 Complaints inquiry and inspection

- A. The Code Enforcement Officer shall make inquiry and inspection of any premises upon receiving a complaint of a nuisance, with a description and location of said nuisance issue.
- B. The Code Enforcement Officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance.
- C. Upon making any inquiry and inspection, the Code Enforcement Officer shall document in writing to the property owner violations of these regulations, if any exist.

7.09.02 Service of notice

- A. The written notice required by this section shall be served upon the owner of said property by one of the following methods:
 1. Personal service upon the owner of the property or his personal representative or agent by any person entitled or empowered to effect service of process under this code, or
 2. Service by certified mail, as defined in K.S.A. 60-103, upon the owner of the property of his personal representative or agent; or
 3. In the event that the owner of the subject property cannot, through diligent effort, be located identified in 1 and 2 of this subsection, then service of written notice shall be deemed sufficient if the same is published one week prior to any abatement action taken by the Code Enforcement Officer hereunder in the official city newspaper and is also posted in a prominent place on the subject property at least five days prior to any abatement action to be taken by the Code Enforcement Officer hereunder.
 4. No further notice will be given during a current calendar year prior to abatement of a tall grass and weed nuisance violation on a particular property.
 5. The Code Enforcement Officer should be contacted if there are questions regarding an abatement order.

7.09.03 Owner responsibility to abate

The owner of any lot or piece of land within the city is required to rectify a nuisance on his property or adjacent public right-of-way within five days after a written or printed notice from the Code Enforcement Officer and in cases where the owner is unknown or is a nonresident, within five days after notice published by the Code Enforcement Officer in the official city newspaper.

7.09.04 Hearing

A hearing on the merits of any determination of nuisance made by the Code Enforcement Officer may be petitioned by the landowner and filed with the city clerk not later than the fifth day following service of notice of nuisance abatement provided herein. The City Administrator shall conduct the hearing within ten (10) working days following the landowner's request for hearing. (Ord.1064, 1.2.2003; Ord. 633, 1;5, 1981.)

7.09.05 City abatement powers

Whenever the Code Enforcement Officer determines any nuisance identified in this article constitutes a menace and danger to the health of the inhabitants of the city, including any neighboring property owners, family member, or owner of the property, and the owner has been given, five days to address the nuisance but has failed to rectify it, the Code Enforcement Officer shall have the power to have the nuisance rectified.

The Code Enforcement Officer may exercise this power only after the owner of the subject property has waived his right to a hearing, or after the Code Enforcement Officer's determination has been upheld by the city administrator following any hearing requested by the land owner. Such rights will be part of every enforcement letter sent out or notices published in the local newspaper, unless it is a tall grass and weed notice published once in a calendar year.

7.09.06 Failure to comply-penalty *(this provision applies to all violations)*

Should the person, corporation, partnership, or association fail to comply with the notice to abate the nuisance or request a hearing, the Code Enforcement Officer may file a complaint in the Municipal Court of the City of Valley Center against such person, corporation, partnership association, and upon conviction of any violation of provisions of these regulations, be fined in an amount not to exceed the following penalties:

- A. First violation - A fine of \$100.00, or thirty days imprisonment, or both;
- B. Second violation - A fine of \$250.00, or sixty days (60) imprisonment, or both;
- C. Third violation - A fine of \$350.00, or ninety (90) days imprisonment, or both;
- D. Fourth and each subsequent violation - A fine of \$500.00, or one-hundred twenty (120) days imprisonment, or both.

Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. However, a defendant's fine may not exceed \$25,000 or more than one year of imprisonment, or both. (S.S. 41-805)

7.09.07 Liability of property owner

A property owner shall be liable for a violation of any of the provisions of this Code and for any expense incurred by the City of Valley Center in the abatement of any nuisance specified by the provisions of this Code.

7.09.08 Collection of costs

The City Clerk costs shall, at the time of certifying other city taxes to the county clerk, certify the aforesaid, and the county clerk shall extend the same on the tax roll of the county against said lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. (Ord. 338.5; 1961).

7.09.09 Right-of-entry

It shall be a violation of this code to deny the Code Enforcement Officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

NEW BUSINESS**A. RESOLUTION 618-13; AUTHORIZING GENERAL OBLIGATION BONDS FOR CLAY STREET PAVING IMPROVEMENTS:**

A Resolution determining the advisability of the making of certain internal improvements for the City of Valley Center, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of The Improvements in accordance with such findings, subject to protest (Paving Improvement / Clay Street).

- Resolution 618-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 618-13, determining the advisability of the making of certain internal improvements for the City of Valley Center, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of The Improvements in accordance with such findings, subject to protest (Paving Improvement / Clay Street).

Gilmore & Bell, P.C.
10/29/2013

(PUBLISHED IN *THE ARK VALLEY NEWS* ON NOVEMBER 7, 2013)

RESOLUTION NO. 618-13

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF VALLEY CENTER, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (PAVING IMPROVEMENTS/CLAY STREET).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the City at large; and

WHEREAS, the governing body of the City of Valley Center, Kansas (the “City”) has heretofore by Resolution No. 617-13 directed and ordered a public hearing on the advisability of certain internal improvements in the City, pursuant to the Act; and providing for the giving of notice of said public hearing in the manner required by the Act; and

WHEREAS, a Notice of Public Hearing was duly published once each week for two (2) consecutive weeks in *The Ark Valley News*, the official newspaper of the City in accordance with the Act; and

WHEREAS, said public hearing was duly held this date, pursuant to such notice; and

WHEREAS, the Act provides that the governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making improvements, adopt a resolution authorizing the improvements in accordance with the findings of the governing body upon the advisability of the improvements, which resolution shall be effective upon publication once in the official City newspaper; provided, the improvements shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of

property within the improvement district and the owners of record of more than half of the total area of such improvement district are filed with the City Clerk; and

WHEREAS, the governing body hereby finds and determines it to be necessary to make its findings, by resolution, as to the advisability of the proposed improvement, the general nature of the proposed improvement; the estimated or probable cost of the proposed improvement; the extent of the proposed improvement district to be assessed for the cost of the proposed improvement; the proposed method of assessment; and the proposed apportionment of the cost between the improvement district and the City at large; and further finds and determines it to be necessary to authorize the making of the improvements, by Resolution, in accordance with its findings, subject to the filing of protest thereto, and to provide for the publication thereof, all as required by the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and finally determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Construct paving and incidental drainage improvements along Clay Street from Sheridan Street to Ash Circle. All construction shall be done in accordance with the City of Valley Center Standards.

(b) The estimated or probable cost of the Improvements is: \$891,475, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

The S 147.5' of Lot 5, and all of Lots 6 through 8, inclusive, Block 1, Valley Center Industrial Park Addition, an addition to the City of Valley Center, Sedgwick County, Kansas; and Lots 1 through 3, inclusive, Block 1, Lots 1 through 3, inclusive, Block 2, and Lots 1 and 2, Block 3, Valley Center Industrial Park Second Addition, an addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is: equally per front foot.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 50.3% to be assessed against the Improvement District and 49.7% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body as set forth in *Section 1* of this Resolution; except that, the Improvement shall not be commenced if, within twenty (20) days after publication of this Resolution, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the Improvement District and the owners of record of more than half of the total area of the Improvement District are filed with the Clerk. The Clerk shall report to the governing body at the end of said protest period as to whether or not any such protest petition has been filed.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas, and shall be effective upon publication.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the Governing Body of the City of Valley Center, Kansas, on November 5, 2013.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on November 5, 2013, as the same appears of record in my office.

DATED: November 5, 2013.

Clerk

CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

I, City Clerk of the City of Valley Center, Kansas, do hereby certify that Resolution No. [____]-13 authorizing paving and incidental drainage improvements along Clay Street from Sheridan Street to Ash Circle was duly published once in *The Ark Valley News*, the official newspaper of the City, on November 7, 2013, as required by law; that more than twenty (20) days has elapsed from the date of said publication; and that there has been no sufficient written protest against the making of said improvements filed in the office of the City Clerk in accordance with K.S.A. 12-6a01 *et seq.*

WITNESS my hand and official seal on November 28, 2013.

(Seal)

Kristine A. Polian, City Clerk
City of Valley Center, Kansas

NEW BUSINESS**B. RESOLUTION 619-13; AUTHORIZING GENERAL OBLIGATION BONDS FOR 2014-2015 C.I.P.:**

A Resolution authorizing certain public improvements to the City of Valley Center, Kansas; and authorizing the issuance of General Obligation Bonds of The City to pay such costs.

- Resolution 619-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 619-13, authorizing certain public improvements to the City of Valley Center, Kansas; and authorizing the issuance of General Obligation Bonds of The City to pay such costs.

Gilmore & Bell, P.C.
10/29/2013

(PUBLISHED IN *THE ARK VALLEY NEWS* ON NOVEMBER 7, 2013)

RESOLUTION NO. 619-13

A RESOLUTION AUTHORIZING CERTAIN PUBLIC IMPROVEMENTS TO THE CITY OF VALLEY CENTER, KANSAS; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY SUCH COSTS.

WHEREAS, K.S.A. 14-570 and K.S.A. 14-571, as amended by Charter Ordinance No. 27-2009 of the City of Valley Center, Kansas (the “City”) (enacted pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas) and K.S.A. 12-101 *et seq.* (collectively the “Act”), provides that whenever the City Engineer has filed with the governing body of the City (the “Governing Body”) a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is authorized to issue its general obligation bonds in an amount sufficient to carry out such Plan and associated costs; and

WHEREAS, the Plan includes the following capital improvements (collectively the “Projects”):

<u>Description of Project</u>	<u>Estimated Project Cost</u>
<i>Streets</i>	
Clay Street – Street and drainage improvements from Ash to Sheridan	\$ 891,480
McLaughlin Street – Sidewalk improvements from 5th to 7th	160,400
Goff, Fieldstone and Clover Streets – Sidewalk improvements from Meridian to Meadow	315,600
Emporia Street – Sidewalk improvements from Main to 5th	230,320
<i>Public Buildings/Facilities/Equipment</i>	
Public Building Improvements – City Hall, Library, Public Safety Building, Community Building and Waste Treatment Plant	108,500
Park Improvements – Arrowhead and McLaughlin Parks	68,000
<i>Sanitary Sewer</i>	
Sewer Rehabilitation	50,000
<i>Water</i>	
69 th Street – Water line improvements from Interurban to Seneca	<u>300,000</u>
Total	<u>\$2,124,300</u>

; and

WHEREAS, the Governing Body of the City determines it advisable to provide for the payment of the costs of the Projects as provided by the Act.

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

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Projects be completed at an estimated cost of \$2,124,300.

Section 2. Bond Authorization. All or a portion of the costs of the Projects, associated financing costs and interest on any interim financing shall be payable by the issuance of general obligation bonds of the City (the "Bonds") under the provisions of the Act. The Bonds shall be issued by the City at a later date and may be combined with any other general obligation bonds to be issued by the City for other projects as may be determined by the Governing Body to be in the best interests of the City.

Section 3. Reimbursement. The Bonds authorized pursuant to this Resolution are authorized to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall take effect and be in force from and after its adoption. This Resolution shall be published one time in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the Governing Body of the City of Valley Center, Kansas, on November 5, 2013.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on November 5, 2013, as the same appears of record in my office.

DATED: November 5, 2013.

Clerk

NEW BUSINESS**C. ORDINANCE 1267-13, AMENDING WATER CONNECTION FEES, 1st READING:**

An Ordinance of The Valley Center City Council amending Title 12 of The Valley Center, Kansas Municipal Code by amending section 12.20.010 “connection fees”.

- Ordinance 1267-13
- Staff recommends increasing Connection Fees to adequately cover actual material and labor cost incurred by City
- Current connection fee 1” meter \$900, actual cost \$1,180. (*\$930 material and \$250 labor*)

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1267-13, amending Title 12 of The Valley Center, Kansas Municipal Code by amending section 12.20.010 “connection fees”, for 1st reading.

ORDINANCE NO. 1267-13**AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL
AMENDING TITLE 12 OF THE VALLEY CENTER, KANSAS,
MUNICIPAL CODE BY AMENDING SECTION 12.20.010
“CONNECTION FEES”**

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

Section 1. The Valley Center Municipal Code, Title 12, “Public Improvements,” Chapter 12.20, “Water Service Connection Charges,” Section 12.20.010, “Connection Fees”, is hereby amended to read as follows:

12.20.010 Connection fees.

The fee required for connection to the domestic water supply system of the city shall include the connection fee, herein established and other applicable fees. The connection fee, which is based on the anticipated cost of making the physical connection to the system, includes the cost of labor, material, meter, valves, fittings and administrative fee, and shall be as follows:

- A. For a three-fourths-inch (3/4”) meter: one thousand dollars (\$1,000) for the meter and service connection; provided, in the event the city’s only requirement is to supply and install a meter into a properly constructed meter box, the fee shall be three hundred dollars (\$300).
- B. For a one-inch (1”) meter: one thousand two hundred dollars (\$1,200) for the meter and service connection; provided, in the event the city’s only requirement is to supply and install a meter into a properly constructed meter box, the fee shall be four hundred dollars (\$400).
- C. For a meter larger than one-inch, the fee will be calculated by the city based upon the actual cost of making the connection, including labor, materials, meter, valves, fittings and other appurtenances.

The aforementioned connection fees exclude the cost of trenching, excavating or directional boring roadways, if required, the actual cost including labor and material shall be assessed directly to the customer. The fee for trenching, excavating or directional boring a roadway shall be in addition to the previously stated connection fee.

Section 2. Severability. Those sections, paragraphs, and provisions of Chapter 12.20 of the City of Valley Center Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the City of Valley Center Municipal Code other than those expressly amended or repealed in Section 1 of this Ordinance.

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

Section 3. Applicability and Effective Date. All portions of former ordinances in conflict herewith are hereby repealed or superseded. This ordinance shall be in full force and effect from and after its passage and after publication according to law.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this ____ day of _____ 2013.

First Reading _____

Second Reading _____

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

NEW BUSINESS**D. CONSIDERATION OF AGREEMENT WITH SEDGWICK COUNTY
RE: PAVING OF 81st STREET NORTH FROM WEST STREET TO
HOOVER STREET:**

An Agreement between Sedgwick County, Kansas and the City of Valley Center to provide for the construction, financing and maintenance of super slurry base stabilization and a chip seal surface on 81st Street North from West Street to Hoover Road.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve the agreement between Sedgwick County, Kansas and the City of Valley Center to provide for the construction, financing and maintenance of super slurry base stabilization and a chip seal surface on 81st Street North from West Street to Hoover Road, and authorize Mayor to sign.

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2013, by and between Sedgwick County, Kansas, hereinafter referred to as “County” and the City of Valley Center, Kansas, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, County and City are authorized to enter into an agreement pursuant to K.S.A. 12-2908, as amended; and

WHEREAS, City desires to make certain improvements to 81st St. North between West Street and the west city limits of City; and

WHEREAS, County desires to make certain improvements to 81st St. North between the west city limits of City and Hoover Road; and

WHEREAS, City desires that County construct the said improvements within the corporate limits of City; and

NOW, THEREFORE, for and in consideration of the parties’ mutual promises and covenants, it is agreed as follows:

1. The purpose of this Agreement is to provide for the construction, financing and maintenance of super slurry base stabilization and a chip seal surface on 81st St. North from West Street to Hoover Road, a portion of which is inside of the corporate limits of City.
2. County will contract for super slurry base stabilization work and will construct a chip seal surface with county forces and materials. County shall have final authority in regard to the completion of the improvements and County shall be responsible for all legal and engineering matters concerning the completion of the Improvements.
3. County agrees to maintain 81st St. North between West Street and Hoover Road for a period of approximately five years after completion of the construction and to apply a second chip seal surface on the road prior to the end of the five year county maintenance period. Upon completion of the second chip seal surface, City agrees to take over maintenance of 81st St. North between West Street and Hoover Road. The proposed project schedule is as follows:

Super Slurry construction begins and County maintenance begins	Summer 2014
First chip seal by County forces	Summer 2014
Second Chip Seal by County Forces	Summer 2019
City Maintenance begins upon completion of second chip seal	Summer 2019

- 4. County shall notify City when construction of the second chip seal has been completed at which time City shall accept the improvements and shall thereafter assume all liability for maintenance and repair. The agreement of City for maintenance and repair of the improvements shall survive the termination of this Agreement.
- 5. The duration of this Agreement is until the date that notice of completion of the improvements has been provided by County to City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

THE CITY OF VALLEY CENTER,
KANSAS

JAMES B. SKELTON,
Chairman, Fifth District

MIKE MCNOWN
Mayor

ATTEST:

ATTEST:

KELLY B. ARNOLD,
County Clerk

KRISTINE A. POLIAN
City Clerk

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

NEW BUSINESS**E. ORDINANCE 1268-13; CHANGING ZONING DISTRICT CLASSIFICATION:**

An Ordinance changing the Zoning District Classification of certain property located in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulations of The City

- Ordinance 1268-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to suspend the required second reading
(Requires 2/3 Favorable vote)

And, if approved,

Staff recommends motion to adopt Ordinance 1268-13, changing the Zoning District Classification of certain property located in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulations of The City.

ORDINANCE NO. 1268-13

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

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

SECTION 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. Z-2013-4, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1252-12, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from C-1 Central Business District to C-2 General Business District.

Legal description: BEG NW COR SW 1/4 E 182 FT S 167 FT W 182 FT N 167 FT TO BEG EXC N 20 FT EXC W 32 FT FOR ST SEC 31-25-1E

General location: 100 S. Meridian

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

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

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this ____ day of _____.

First Reading: _____

Second Reading: _____

(SEAL)

/s/ _____
Michael D. McNown, Mayor

ATTEST:

/s/ _____
Kristine A. Polian, City Clerk

NEW BUSINESS**F. ORDINANCE 1269-13; CHANGING DOWNTOWN OVERLAY DISTRICT LANGUAGE:**

An Ordinance changing the D-O overlay Zoning District Language under the authority granted by the Zoning Regulations of The City.

- Ordinance 1269-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to suspend the required second reading
(Requires 2/3 Favorable vote)

And, if approved,

Staff recommends motion to adopt Ordinance 1269-13, changing the D-O overlay Zoning District Language under the authority granted by the Zoning Regulations of The City.

ORDINANCE NO. 1269-13

AN ORDINANCE CHANGING THE D-O OVERLAY ZONING DISTRICT LANGUAGE 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 regarding the removal of 100 S. Meridian from the 17.04.14 (C) Downtown Neighborhood Overlay Boundary Description, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1252-12, the following property be deleted from the Downtown Neighborhood Overlay Boundary Description:

General location: 100 S. Meridian

Legal description: BEG NW COR SW 1/4 E 182 FT S 167 FT W 182 FT N 167 FT TO BEG EXC N 20 FT EXC W 32 FT FOR ST SEC 31-25-1E

SECTION 2. Upon the taking effect of this Ordinance, section 17.04.14 (C) Downtown Neighborhood Overlay Boundary Description shall read (new wording underlined):

C. Boundary. The boundaries of the Downtown Neighborhood Overlay District apply to all property within the following geographic boundaries:

1. West Boundary - Burlington Northern Santa Fe Railroad Tracks
2. North Boundary - First (1st) Street
3. East Boundary - Colby Avenue
4. South Boundary - Allen Street

The above description shall not include 100 S. Meridian, legally described as BEG NW COR SW 1/4 E 182 FT S 167 FT W 182 FT N 167 FT TO BEG EXC N 20 FT EXC W 32 FT FOR ST SEC 31-25-1E

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

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this ____ day of _____.

First Reading: _____

Second Reading: _____

(SEAL)

/s/ _____
Michael D. McNown, Mayor

ATTEST:

/s/ _____
Kristine A. Polian, City Clerk

CONSENT AGENDA

A. K.D.O.T. FORM 1302; PROJECT AUTHORIZATION FOR SIDEWALK ON GOFF, FIELDSTONE AND CLOVER:

- Goff from N. Meadow Road to N. Meridian,
- Fieldstone from Wheatland School to Goff
- Clover from Goff to Fieldstone

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

Print Form

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF LOCAL PROJECTS
REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map

City Valley Center

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for City of Valley Center County under an agreement dated , or,

WHEREAS: The Secretary's agency for the City of Valley Center will be designated under an agreement to be executed, and,

WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,

WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,

BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a 5 foot wide sidewalk on Route Number located:

Goff from N. Meadow Road to N. Meridian, Fieldstone from Wheatland School to Goff & Clover from Goff to Fieldstone

Total Project Length (Km) .8 (Mi) Est. Let Date August 20, 2014

ESTIMATED costs of such improvements are as follows:

Table with 2 columns: Description and Amount. Rows include Grading / Culverts / Storm Sewer (\$0), Surfacing (Type) (\$0), Bridges (Number) (\$0), Seeding (\$0), Other 5' sidewalk-1,226' long (\$315,597), and ESTIMATED Total for Project (\$315,597).

Surveys and plans will be prepared by: Professional Engineering Consultants, Wichita, KS

BE IT FURTHER RESOLVED: That sufficient funds of City of Valley Center City are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project.

Day 5 Month November Year 2013, at Valley Center, Kansas.

Recommended for Approval: APPROPRIATE LOCAL OFFICIAL(S)

County/City Engineer or Administrator

Chairperson/Mayor

ATTEST:

Member

County/City Clerk

Member

REQUEST FOR CONSTRUCTION PROJECT

RR within 1/2 mile _____ RR Owner _____ City Valley Center

Area Served: General Farming ___ Livestock ___ Oil/Gas ___ Industrial ___ Suburban ___ Urban ___
 Others: _____

Utilities to be adjusted: _____

Environmental Concerns: Parks No Wetlands No Other No

Traffic Data: Present AADT _____ Year _____ Estimated Future AADT _____ Year _____

Existing Facilities:					Curb & Gutter	Storm Sewer			
Roadbed Width	Surface Type	Surface Width	Condition	Surface Thickness					
(M)		(M)							
(Ft)		(Ft)							
Proposed Facilities:					Curb & Gutter	Storm Sewer			
Roadbed Width	Surface Type	Surface Width	Surfacing By:	Surface Thickness or Rate/Km or /Mi					
(M)		(M)							
(Ft)		(Ft)							
Existing Bridges:					Safe Load	Suff. Rating	Rating Year	Posted	
NBIP Structure Number	Structure Type	Over-all Length		Clear Roadway					
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Proposed New Bridges:					Safe Load	Suff. Rating	Rating Year	Posted	
Structure Type		Over-all Length		Clear Roadway					
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Railroad Crossings:			No. of Tracks	Main Tracks	Other Tracks	Avg. Trains Daily	Min. Vis. @ 300'	Present Protection	Proposed Protection
Company Name			2	2	2	200002	30000'	None	

Comments: **This will be a 5 foot sidewalk, built within Goff, Fieldstone, and Clover street right-of-ways. No purchase of additional right-of-way will be needed to build these sidewalks. The topography is relatively flat.**

REQUEST FOR CONSTRUCTION PROJECT

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP) to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments.

Please show below your estimate of the cost of any of the following non-participating work phases for this proposed project.

Preliminary Engineering (PE)

Please estimate the payments you will make to your consultant. If your agency will perform its own PE, include your estimated direct costs plus overhead.

Rights of Way (R/W)

Please estimate the payments you will make to landowners.

Utility Adjustments (UTIL)

Please estimate the total of any payments you will make to utility companies for adjustments to utilities located on private easements.

ESTIMATED non-construction costs are as follows:

Preliminary Engineering _____	\$	25,248
Rights of Way _____	\$	0
Utility Adjustments _____	\$	0
Other <u>Inspection</u> _____	\$	37,871
ESTIMATED Total for Project	\$	<u>63,119</u>

STAFF REPORTS

A. City Clerk Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Community Development Director Utecht

➤ Code Enforcement September 2013 Report

E. City Superintendent Dunn

F. Parks & Public Buildings Superintendent Owings

G. City Engineer Kelsey

H. City Attorney Arbuckle

I. City Administrator Pile

Code Enforcement September 2013
Reported by Officer Cindy Plant, Code Enforcement Officer

- Impounding activity that occurred September, 2013 is as follows:

Date	Time	Type of Dog	Results
4	4:22	Female Miniature Doberman Pinscher	Taken to Valley Center Vet Clinic – 4:28. Dog was transferred to the VCAL.
5	10:50	Female German Shorthair Pointer	Taken to Valley Center Vet Clinic --10:55. Dog was claimed the following day.
13	2:22	Male Setter	Taken to the Valley Center Vet Clinic – 2:30. Dog was claimed 09/16/13.
26	1:06	Male German Shepherd	Taken to Valley Center Vet Clinic – 1:15. Owner claimed this dog the same day.
28	12:55	Female Maltese	Taken to the Valley Center Vet Clinic – 1:00. Dog was transferred to the VCAL.
28	12:55	Female Maltese (Note: second one)	Taken to the Valley Center Vet Clinic – 1:00. Dog was transferred to the VCAL.
30	11:25	Male Lab mix	Taken to Valley Center Vet Clinic at – 11:30. Owner claimed this dog the same day.

- Answered seventy-six calls for service during the month of September.
- Seven dogs were impounded at the Valley Center Vet Clinic.
- Thirteen complaints were filed for dogs running loose.
- Four cruelty complaints were addressed.
- Two dead animals were disposed of.
- One horse complaint was addressed.
- One sick animal complaint was filed, animal had left the area.
- Sixty dog license renewal letters were sent to dog owners.
- One swimming pool complaint was addressed.
- One letter was sent to property owners for inoperable vehicles.
- Two citations were issued for failure to provide for solid waste removal from the property.
- One complaint was addressed for a swimming pool without a fence around it.
- Forty-two letters were sent for tall grass.
- Eight letters were sent to homeowners for trash and debris in their yards.
- Seventeen letters were sent to new citizens requiring them to purchase a dog license.
- One complaint of visibility obstruction at an intersection was addressed.
- Two letters were sent for livestock owners to renew their license.
- Five letters were sent to fowl owners to renew their license.
- Attended the Valley Center Animal League Board Meeting.
- Attended the Kansas Animal Control Association Annual Training Conference.
- Attended a Kansas Animal Control Board Meeting.
- Walked in the parade at the Fall Festival with the VCAL Junk Yard Dog Truck. The VCAL won pick of the parade.

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