

AGENDA
CITY OF VALLEY CENTER
7:00 pm
October 3, 2006
City Hall - 121 S. Meridian

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION -- Ministerial Alliance Bobby Massey**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA p2**
6. **CONSENT AGENDA**
 - A. Minutes p2
 - B. Appropriation Ordinance p3
7. **CLERK'S AGENDA**
 - A. Bids - SE Diagonal Waterline Improvements p4
8. **PUBLIC FORUM** (*Citizen input and requests*)
9. **COMMITTEES AND COMMISSIONS -- REPORTS**
 - A. Sales Tax Committee Report p8
 - B. Proposed Plat - Vandegrift p9
10. **OLD BUSINESS**
 - A. Proposed Ordinance Annexation Phase VI - 2nd Reading p13
 - B. Proposed Model Ordinance - Telecommunications Franchise p19
11. **NEW BUSINESS**
 - A. Proposed Ordinance - Standard Traffic Ordinance p24
 - B. Proposed Ordinance - Uniform Public Offense Code p26
 - C. Proposed Ordinance - Right-of-way Management p28
12. **STAFF REPORTS p30**
13. **GOVERNING BODY REPORTS**
14. **ADJOURN**

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

A. Minutes: Below are the minutes from the meeting of September 19, 2006 as prepared by the City Clerk.

B. Appropriation Ordinance: Below is the proposed appropriation ordinance for October 3, 2006 as prepared by City Staff.

CLERK'S AGENDA

A. Bids - SE Diagonal Waterline Improvements

In 2004, the City began exploring the completion of recommendations made by Wilson & Company in a 1994 Water Study for water service improvements for the City. In addition, Staff added the acquisition of a second water supply source to the City as a desired improvement to system.

After preliminary engineering, Staff reviewed the proposed projects with Staff Members at Kansas Department of Health and Environment (KDHE) for possible funding assistance. The resulting project became:

- A 12" water line off of the existing at 69th and Clarence water main connecting to supply source connection at 61st and Interurban. Our current feed line along Meridian is the only feed we have, and it crosses the Little Arkansas River, which is always a concern;
- An 8" replacement main along Main Street from Ash to Cedar. This line would replace a much damaged, unreliable service line improving service for all areas of the system west of the Burlington Northern Santa Fe (BNSF) Railroad Track.

Water supply contracts were explored with the City of Wichita and the Chisholm Creek Utility Authority for the secondary water supply. The Governing Body selected the City of Wichita.

Water service rates have been evaluated for the ability to repay the KDHE Revolving Loan to be used for funding the project.

Final engineering documents were developed and approved by KDHE for bid opening that occurred on September 27, 2006.

The following is the projected schedule developed August 8th:

- Acceptance of bids by City Council October 3, 2006
- Approval of bids by KDHE October 10, 2006
- Notice to Proceed with construction October 30, 2006
- Substantial Completion of construction January 28, 2007
- Final Completion of construction February 12, 2007
- Issue project conformance certification February 12, 2008

Contractor has notified the City that they may request an earlier starting time - possibly as early as October 16, 2006.

Below is the bid tabulation with the Engineer's estimate for the project.

If accepted, the low bid information will be provided to the Kansas Department of Health & Environment (KDHE) for approval. KDHE approval required for the revolving loan fund to be used for this project.

Professional Engineering Consultants, P.A.
 303 S. Topeka
 Wichita, Kansas 67202
 Phone (316) 262-2691

OWNER: CITY OF VALLEY CENTER
PROJECT: WATER AND DRAINAGE IMPROVEMENTS TO SERVE CEDAR TO ASH AND INTERURBAN 12" WATER SUPPLY LINE
PEC PROJECT NO.: 35-05554-2502 & 35-05678-2502
Bid Date/Time: September 27, 2006 10:00 AM

BID TABULATION

ENGINEER'S ESTIMATE

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		WILDCAT CONST.		DONDLINGER CONST.		MIES CONST.		NOWAK CONST.	
				UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
PART A: WATERLINE IMPROVEMENTS CEDAR TO ASH (MAIN ST.)													
1.	WL Pipe 8"	55	LF	36.00	\$1,980.00	35.00	\$1,925.00	28.00	\$1,540.00	40.00	\$2,200.00	50.00	\$2,750.00
2.	WL Pipe 12"	764	LF	50.00	\$38,200.00	42.00	\$32,088.00	63.00	\$48,132.00	80.00	\$61,120.00	56.00	\$42,784.00
3.	4" Anchored Valve Assembly	2	Ea.	800.00	\$1,600.00	500.00	\$1,000.00	650.00	\$1,300.00	600.00	\$1,200.00	850.00	\$1,700.00
4.	12" Anchored Valve Assembly	1	Ea.	1,500.00	\$1,500.00	1,500.00	\$1,500.00	1,500.00	\$1,500.00	1,500.00	\$1,500.00	1,900.00	\$1,900.00
5.	Fire Hydrant Assembly	1	Ea.	2,500.00	\$2,500.00	5,000.00	\$5,000.00	3,000.00	\$3,000.00	2,500.00	\$2,500.00	2,700.00	\$2,700.00
6.	8" x 8" Tapping Sleeve	1	Ea.	2,200.00	\$2,200.00	3,000.00	\$3,000.00	3,500.00	\$3,500.00	2,500.00	\$2,500.00	2,500.00	\$2,500.00
7.	12" x 12" Tapping Sleeve	1	Ea.	2,500.00	\$2,500.00	3,200.00	\$3,200.00	4,200.00	\$4,200.00	3,500.00	\$3,500.00	3,500.00	\$3,500.00
8.	Long Service Reconnection	4	Ea.	1,400.00	\$5,600.00	400.00	\$1,600.00	750.00	\$3,000.00	1,000.00	\$4,000.00	900.00	\$3,600.00
9.	4" Valve Replacement / Installation	8	Ea.	3,600.00	\$28,800.00	1,300.00	\$10,400.00	2,400.00	\$19,200.00	4,700.00	\$37,600.00	3,100.00	\$24,800.00
10.	6" Valve Replacement / Installation	3	Ea.	3,800.00	\$11,400.00	1,500.00	\$4,500.00	2,800.00	\$8,400.00	5,200.00	\$15,600.00	3,500.00	\$10,500.00
11.	8" Valve Replacement / Installation	1	Ea.	4,200.00	\$4,200.00	2,000.00	\$2,000.00	3,800.00	\$3,800.00	5,700.00	\$5,700.00	4,000.00	\$4,000.00
12.	Cut & Cap Ex. 4" Waterline	5	Ea.	500.00	\$2,500.00	400.00	\$2,000.00	500.00	\$2,500.00	1,500.00	\$7,500.00	2,100.00	\$10,500.00
13.	Connect to Existing Waterline	2	Ea.	1,500.00	\$3,000.00	2,000.00	\$4,000.00	1,200.00	\$2,400.00	1,500.00	\$3,000.00	1,350.00	\$2,700.00
14.	Remove and Replace Asphalt Pavement	312	LF	45.00	\$14,040.00	29.00	\$9,048.00	45.00	\$14,040.00	40.00	\$12,480.00	74.00	\$23,088.00
15.	Remove and Replace Asphalt Drive	17	LF	40.00	\$680.00	31.00	\$527.00	45.00	\$765.00	40.00	\$680.00	61.00	\$1,037.00
16.	Remove and Replace Gravel Drive	18	LF	25.00	\$450.00	5.00	\$90.00	10.00	\$180.00	10.00	\$180.00	16.00	\$288.00
17.	Rein. Concrete Encasement (8" S.S.)	20	LF	60.00	\$1,200.00	110.00	\$2,200.00	54.00	\$1,080.00	50.00	\$1,000.00	96.00	\$1,920.00
18.	Steel Casing by boring (Min. 20" I.D.)	140	LF	340.00	\$47,600.00	275.00	\$38,500.00	285.00	\$39,900.00	250.00	\$35,000.00	353.00	\$49,420.00
19.	Erosion Control / Sediment Barrier	1	LS	2,500.00	\$2,500.00	400.00	\$400.00	400.00	\$400.00	100.00	\$100.00	2,000.00	\$2,000.00
20.	Site Clearing & Restoration	1	LS	12,500.00	\$12,500.00	800.00	\$800.00	1,200.00	\$1,200.00	500.00	\$500.00	21,235.00	\$21,235.00
SUBTOTAL, PART A					\$184,950.00		\$123,778.00		\$160,037.00		\$197,860.00		\$212,922.00
PART A-1: DRAINAGE IMPROVEMENTS CEDAR TO ASH (MAIN ST.)													
1.	Remove and Replace 4" Concrete Sidewalk	150	SF	12.00	\$1,800.00	7.00	\$1,050.00	15.00	\$2,250.00	10.00	\$1,500.00	11.00	\$1,650.00
2.	23" x 14" RCPHE (w/ End Sections)	30	LF	120.00	\$3,600.00	100.00	\$3,000.00	97.00	\$2,910.00	75.00	\$2,250.00	128.00	\$3,840.00
3.	38" x 24" RCPHE (w/ End Sections)	220	LF	130.00	\$28,600.00	112.00	\$24,640.00	125.00	\$27,500.00	105.00	\$23,100.00	142.00	\$31,240.00
4.	Remove and Replace Asphalt Mat Pavement	116	SY	50.00	\$5,800.00	47.00	\$5,452.00	60.00	\$6,960.00	55.00	\$6,380.00	81.00	\$9,396.00
5.	Regrade Ditch	1	LS	15,000.00	\$15,000.00	5,500.00	\$5,500.00	7,500.00	\$7,500.00	15,000.00	\$15,000.00	36,250.00	\$36,250.00
6.	Erosion Control / Sediment Barrier	1	LS	2,500.00	\$2,500.00	400.00	\$400.00	250.00	\$250.00	500.00	\$500.00	1,500.00	\$1,500.00
7.	Site Clearing & Restoration	1	LS	3,000.00	\$3,000.00	2,000.00	\$2,000.00	3,500.00	\$3,500.00	1,000.00	\$1,000.00	16,455.00	\$16,455.00
SUBTOTAL, PART A-1					\$60,300.00		\$42,042.00		\$50,870.00		\$49,730.00		\$100,331.00
PART B: INTERURBAN 12" WATER SUPPLY LINE													
1.	WL Pipe 8"	25	LF	32.00	\$800.00	32.00	\$800.00	26.00	\$650.00	20.00	\$500.00	45.00	\$1,125.00
2.	WL Pipe 8" by Directional Drill	254	LF	65.00	\$16,510.00	54.00	\$13,716.00	75.00	\$19,050.00	85.00	\$21,590.00	63.00	\$16,002.00
3.	WL Pipe 12"	7,208	LF	38.00	\$273,904.00	32.00	\$230,656.00	40.00	\$288,320.00	39.00	\$281,112.00	47.50	\$342,380.00
4.	WL Pipe 12" DI CL	40	LF	55.00	\$2,200.00	60.00	\$2,400.00	55.00	\$2,200.00	45.00	\$1,800.00	58.00	\$2,320.00
5.	WL Pipe 12" by Directional Drill	222	LF	90.00	\$19,980.00	66.00	\$14,652.00	88.00	\$19,536.00	100.00	\$22,200.00	84.00	\$18,648.00
6.	Steel Casing By Open Cut (Min. 24" I.D.)	25	LF	150.00	\$3,750.00	170.00	\$4,250.00	150.00	\$3,750.00	50.00	\$1,250.00	145.00	\$3,625.00
7.	8" Anchored Valve Assembly	5	Ea.	1,000.00	\$5,000.00	1,000.00	\$5,000.00	950.00	\$4,750.00	800.00	\$4,000.00	1,050.00	\$5,250.00
8.	12" Valve Assembly	11	Ea.	1,400.00	\$15,400.00	1,500.00	\$16,500.00	1,300.00	\$14,300.00	1,500.00	\$16,500.00	1,500.00	\$16,500.00
9.	12" Anchored Valve Assembly	3	Ea.	1,500.00	\$4,500.00	1,700.00	\$5,100.00	1,500.00	\$4,500.00	1,750.00	\$5,250.00	1,800.00	\$5,400.00
10.	12" x 12" Tapping Sleeve and Valve by City of Wichita	1	Ea.	2,400.00	\$2,400.00	6,000.00	\$6,000.00	4,200.00	\$4,200.00	4,000.00	\$4,000.00	4,600.00	\$4,600.00
11.	Fire Hydrant Assembly	9	Ea.	2,500.00	\$22,500.00	4,000.00	\$36,000.00	2,500.00	\$22,500.00	2,250.00	\$20,250.00	2,700.00	\$24,300.00
12.	Fire Hydrant Assembly (Special)	3	Ea.	2,750.00	\$8,250.00	4,200.00	\$12,600.00	3,000.00	\$9,000.00	2,800.00	\$8,400.00	2,900.00	\$8,700.00
13.	2" Blowoff Assembly	3	Ea.	1,600.00	\$4,800.00	400.00	\$1,200.00	650.00	\$1,950.00	500.00	\$1,500.00	700.00	\$2,100.00
14.	Long Service Connection	11	Ea.	900.00	\$9,900.00	400.00	\$4,400.00	850.00	\$9,350.00	500.00	\$5,500.00	800.00	\$8,800.00
15.	Remove and Replace Asphalt Drive	208	LF	40.00	\$8,320.00	31.00	\$6,448.00	38.00	\$7,904.00	40.00	\$8,320.00	58.00	\$12,064.00
16.	Remove and Replace Asphalt Pavement	50	LF	45.00	\$2,250.00	29.00	\$1,450.00	45.00	\$2,250.00	40.00	\$2,000.00	76.00	\$3,800.00
17.	Connect to Existing Waterline	1	Ea.	1,500.00	\$1,500.00	2,000.00	\$2,000.00	1,000.00	\$1,000.00	1,500.00	\$1,500.00	1,000.00	\$1,000.00
18.	Water Meter Vault	1	LS	25,000.00	\$25,000.00	26,000.00	\$26,000.00	15,000.00	\$15,000.00	16,500.00	\$16,500.00	14,500.00	\$14,500.00
19.	Water Meter and Touch Read System (Purchase from COW)	1	LS	6,500.00	\$6,500.00	6,500.00	\$6,500.00	6,500.00	\$6,500.00	6,500.00	\$6,500.00	6,500.00	\$6,500.00
20.	Erosion Control / Sediment Barrier	1	LS	5,000.00	\$5,000.00	2,000.00	\$2,000.00	750.00	\$750.00	1,000.00	\$1,000.00	8,200.00	\$8,200.00
21.	Site Clearing and Site Restoration	1	LS	25,000.00	\$25,000.00	10,000.00	\$10,000.00	9,500.00	\$9,500.00	2,500.00	\$2,500.00	24,820.00	\$24,820.00
SUBTOTAL, PART B					\$463,464.00		\$407,672.00		\$446,960.00		\$432,172.00		\$530,634.00
TOTAL PROJECT BID					\$708,714.00		\$573,492.00		\$657,867.00		\$679,762.00		\$843,887.00
ADDENDUM NO. 1													
BID BOND - 5%													

City Staff suggests motion to accept the low bid of \$573,492.00 from Wildcat Construction and direct the Mayor and Staff to take all actions necessary to complete the project.

*Additional information: The cost to add chlorine and ammonia feed equipment at the booster pump station will include \$32,600 for the chlorine gas, and \$19,400 for the dry ammonium sulfate batch feed, or a grand total of about \$52,000. This cost includes 15% contingencies.

This may become an issue during construction of this project.

PUBLIC FORUM

COMMITTEES AND COMMISSIONS -- REPORTS

A. Sales Tax Committee Report

B. Proposed Plat - Vandegrift

Attached is proposed plat of property owned by H. Bruce and Joyce V. Vandegrift annexed into the City of Valley Center via Ordinance 1127-06.

Staff Report prepared by Community Development Officer appears below.

The dedication identified as Reserve "A" is for river system; open space; landscaping; and, drainage. No building or fill may be placed within the Reserve.

The other dedication identified is for access.

The Planning & Zoning Commission has reviewed the plat and recommends same for approval.

The Planning and Zoning Commission suggests motion to accept the Vandegrift Plat as presented.

STAFF REPORT S/D 2006-001 – Eldon Miller

Planning Commission recommends to City Council to accept the dedications shown on the plat.

CASE NUMBER: S/D 2006-002

APPLICANT: H. Bruce and Joyce V. Vandergrift

AGENT: Baughman Co. P.A.

REQUEST: To accept the dedications on final plat of Vandergrift Addition

CASE HISTORY: The property is unplatted and undeveloped land and floodplain located on the northeast corner of 81st (Main) and West Street. The owners have signed a consent to annex.

LOCATION: The South 454.00 feet of that part of the Northwest quarter of Section 36, Township 25-South, Range 1 West of the 6th Principal Meridian; Sedgwick County, Kansas lying west of the Little Arkansas River, subjected to road rights-of way of record.

SITE SIZE: Contains 3 acres.

PROPOSED USE: To allow the sell of a single single-family residence.

EXISTING ZONING: The property is currently zoned Sedgwick County "RR" Rural Residential District

ADJACENT ZONING AND EXISTING LAND USE:

North: Sedgwick County "RR" Rural Residential District	Agricultural land
South: Sedgwick County "RR" Rural Residential District	Single-Family Residences
West: Sedgwick County "RR" Rural Residential District	Agricultural land with a Single-Family Residence
East: "R-2" Single-Family Residential District	Single-Family Residences

ANALYSIS: The applicant is requesting approval of final plat.

REVIEW COMMENTS BY COMMUNITY DEVELOPMENT

- 1.) Vicinity Maps does not show the relationship with the city. Corrected.
- 2.) Access control needs to be shown. Added.
- 3.) Front yard setback is 30' instead of 25'. Corrected.
- 4.) Add Attorney's certificate for annexation. Added.

REVIEW COMMENTS BY C. BICKLEY FOSTER

- 1.) Identify the purpose of Reserve A. Added.
- 2.) Change first word of Governing Body certificate from "this" to "the" and correct spelling of "lowest" in owner's certificate. Corrected.

REVIEW COMMENTS BY POLICE DEPARTMENT

No problem.

REVIEW COMMENTS BY SEDGWICK COUNTY CODE ENFORCEMENT

No comments.

REVIEW COMMENTS BY PUBLIC WORKS

No comments.

REVIEW COMMENTS BY FIRE DEPARTMENT

No comments.

REVIEW COMMENTS BY CITY ENGINEER

No comments.

REVIEW COMMENTS BY WESTAR

No additional easements are requested.

DEVELOPMENT REVIEW COMMITTEE

STAFF AND DRC RECOMMENDATION:

Staff recommends to Developmental Review Committee to approve.

VANDEGRIFT ADDITION

VALLEY CENTER, SEDGWICK COUNTY, KANSAS

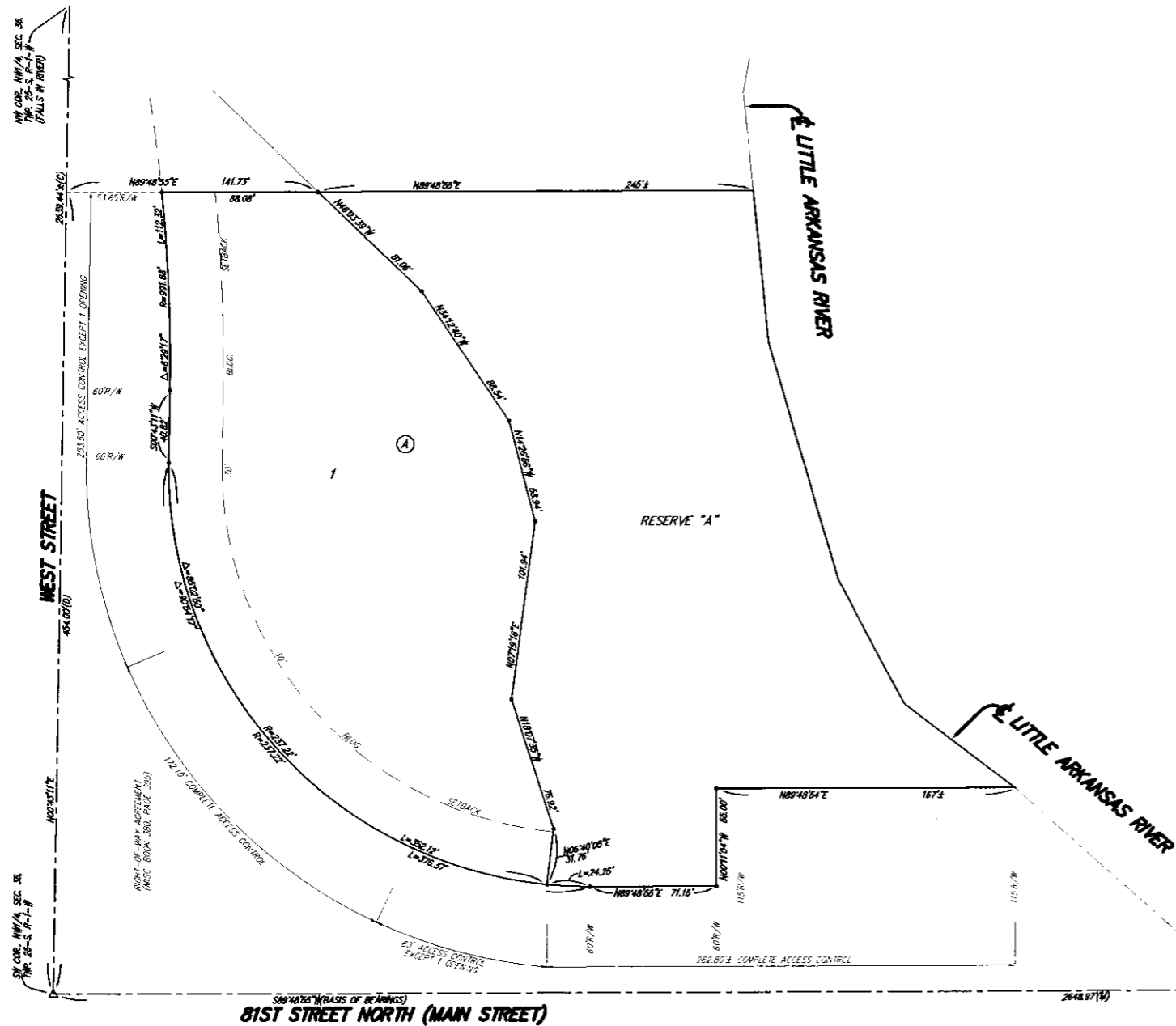


BENCHMARK:
 629' NAD 83 W.P. ON ONE P.O.C.
 194° 5' 43" E. OF SW COR. 34TH &
 SEC. 36, T4P. 25-S, R-1-W
 ELEV. = 1348.09 (VDOS)

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE SUBSTRUCTURE		
LOT	BLOCK	ELEVATION (VDOS)
1	A	1,143.0

• = #1 REBAR BY "BAUGHMAN" CAP (SET)
 ▲ = STONE (FOUND)
 □ = 3/4" SQUARE BAR (FOUND)

(M) = MEASURED
 (D) = DESCRIBED
 (C) = CALCULATED



State of Kansas) SS We, Baughman Company, P.A., Surveyors
 Sedgwick County) in aforesaid county and state do hereby certify that we have surveyed
 and platted "VANDEGRIFT ADDITION", Valley Center, Sedgwick County,
 Kansas and that the accompanying plat is a true and correct exhibit
 of the property surveyed, described as follows: The south 454.00 feet
 of that part of the NW1/4 of Sec. 36, Twp. 25-S, R-1-W of the 6th
 P.M., Sedgwick County, Kansas lying west of the Little Arkansas River,
 subject to road rights-of-way of record.

Existing public dedications and easements
 being vacated by virtue of K.S.A. 12-612(b).

I, the undersigned, licensed land surveyor of the state of Kansas,
 do hereby certify that the above-described tract of land was surveyed on
 this _____ day of _____, 2006 and the accompanying final plat
 prepared and that all the monuments shown herein actually exist and their
 positions are correctly shown to the best of my knowledge and belief:

Baughman Company, P.A.

 Michael G. Conroy, Surveyor

Know all men by these presents that we,
 the undersigned, have caused the land in the surveyors certificate to be
 platted into a Lot, a Block, and a Reserve, to be known as "VANDEGRIFT
 ADDITION", Valley Center, Sedgwick County, Kansas. Reserve "A" is
 hereby reserved for a river system, open space, landscaping, and drainage
 purposes. No buildings shall be constructed or placed on or within said
 Reserve "A", nor shall any fill, change of grade, creation of channel, or
 any other work be carried on without the permission of the Engineer for
 the City of Valley Center, Kansas, or the Engineer for the appropriate
 governing body. Reserve "A" shall be owned and maintained by the
 owner of Lot 1, Block A. Access controls shall be as depicted on the
 face of the plat and are hereby granted to the City of Valley Center.
 The Minimum Building Pad Elevation for the lowest opening to the
 structures on Lot 1, Block A, shall be as indicated on the face of the
 plat.

H. Bruce Vandegrift Joyce V. Vandegrift

State of Kansas) SS The foregoing instrument acknowledged before
 Sedgwick County) me, this _____ day of _____, 2006, by H. Bruce Vandegrift and
 Joyce V. Vandegrift, husband and wife.

 My App'l. Exp. _____, Notary Public

State of Kansas) SS This plat was approved by the Valley
 City of Valley Center) Center City Planning Commission on _____, 2006.

Signed _____, 2006.

 Al Hobson, Chairperson

ATTEST: _____, Secretary
 John S. Dailey

State of Kansas) SS The dedications shown on this plat, if any,
 City of Valley Center) are hereby accepted by the Governing Body of the City of Valley Center,
 Kansas, on _____, 2006.

 Michael McTawn, Mayor

ATTEST: _____, City Clerk
 Kristine A. Polian

State of Kansas) SS This plat is approved pursuant to the pro-
 City of Valley Center) visions of K.S.A. 12-401.

Date Signed: _____

 Barry Arbuckle, City Attorney

Reviewed in accordance with K.S.A. 58-2005
 on this _____ day of _____, 2006.

Tricia L. Robello, L.S. #1246
 Deputy County Surveyor
 Sedgwick County, Kansas

Entered on transfer record this _____ day
 of _____, 2006.

 Don Broce, County Clerk

State of Kansas) SS This is to certify that this plat has been
 Sedgwick County) filed for record in the office of the Register of Deeds, this _____ day
 of _____, 2006 at _____ o'clock _____ M., and is duly recorded.

 Bill Meek, Register of Deeds

 Linda Kizzire, Deputy

OLD BUSINESS

A. Proposed Ordinance Annexation Phase VI - 2nd Reading

The public hearing for this proposal was held at the September 19th City Council Meeting.

The ordinance below was adopted on 1st reading at the meeting of September 19th.

Should the Governing Body wish to proceed:

City Staff suggests motion to adopt Ordinance #1126-06 for final reading annexing certain property into the City of Valley Center, Kansas.

ORDINANCE NO. 1126-06
AN ORDINANCE ANNEXING LAND TO THE CITY OF
VALLEY CENTER, KANSAS.

WHEREAS, the following described land is located in Sedgwick County, Kansas; and

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Valley Center, Kansas, finds it advisable to annex such land.

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Valley Center, Kansas:

Tract 1: GT002000016 5.43 acres

Beginning 1629.5 feet South of the Northeast corner of the Northeast Quarter of Section 30, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence South 35 feet; thence west 1400 feet; thence North 327 feet; thence East 653.3 feet; thence South 292 feet; thence East 746.7 feet to beginning except the East 50.05 feet for road.

Tract 2: GT001970003 4.62 acres

Beginning 1322.88 feet South of the Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence East 663.60 feet; thence South 331 feet; thence West 663.12 feet; thence North 330.72 feet to beginning except West 50 feet for road.

Tract 3: GT00197 4.8 acres

Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, except beginning 665.50 feet East and 1649.55 feet South of the Northwest Corner of the Northwest Quarter; thence East 663.13 feet; thence South 336.30 feet; thence West 662.65 feet; thence North 335.95 feet to beginning and except for road.

Tract 4: GT001970011 4.77 acres

Commencing 665.5 feet East and 993 feet South of the Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence East 664.08 feet; thence South 328.16 feet; thence West 663.6 feet; thence North 328.16 feet to beginning except East 35 feet for road.

Tract 5: GT 001970010 4.65 acres

Beginning 992.16 feet South of the Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence East 664.07 feet; thence South 331 feet; thence West 663.60 feet to West line; thence North 330.72 feet to beginning except for road on West.

Tract 6: GT001970002 4.63 acres

Beginning 661.44 feet South of the Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence East 664.55 feet; thence South 331 feet; thence West 664.07 feet to West line; thence North 330.72 feet to beginning except for road on West.

Tract 7: GT 001970006 4.74 acres

Beginning 330.72 feet South of the Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 330.72 feet; thence East 664.55 feet; thence North 331 feet; thence West 665.02 feet to beginning except for road on West.

Tract 8: GT001970004 3.72 acres

Beginning Northwest Corner of the Northwest Quarter of Section 29, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence East 665.5 feet; thence South 331 feet; thence West 665.02 feet to West line; thence North 330.72 feet to beginning except for roads on North and West.

Tract 9: GT00131003A 4.57 acres

East Half of Tract beginning at the Southwest Corner of the Southwest Quarter of Section 20, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 629.22 feet; thence East 1320.07 feet; thence South 639 feet; thence West 1320 feet to beginning except East 342 feet thereof.

Tract 10: GT001310003 8.66 acres

West Half of Tract beginning at Southwest Corner of Southwest Quarter of Section 20, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 629.22 feet; thence Easterly 1320.07 feet; thence South 639 feet; thence West 1320 feet to beginning.

Tract 11: GT00131 13.70 acres

Beginning 929.22 feet North of the Southwest Corner of the Southwest Quarter of Section 20, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 254 feet; thence Easterly 1320.51 feet; thence South 577 feet; thence West 820.07 feet; thence North 300 feet; thence West 500 feet to beginning.

Tract 12: PK000110011 5.43 acres

Beginning 2280.08 feet East and 630.975 feet South of the Northwest Corner of the Northwest Quarter of Section 2, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 630.975 feet; thence East 379.45 feet to East line; thence North 631.79 feet; thence West 379.45 feet more or less to beginning.

Tract 13: PK000110007 5.28 acres

South Half of Tract beginning 1900.14 feet East of the Northwest Corner of Northwest Quarter of Section 2, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 1260.33 feet; thence East 379.94 feet; thence North to North line of Northwest Quarter; thence West 379.94 feet to beginning.

Tract 14: PK000110006 3.36 acres

North Half of Tract beginning 1900.14 feet East of the Northwest Corner of the Northwest Quarter of Section 2, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 1260.33 feet to point 1275.71 feet North of the South line of the Northwest Quarter; thence East 379.94 feet; thence North 1261.95 feet to North line; thence West 379.94 feet to beginning except North 230 feet.

Tract 15: PK00011006A 1.80 acres

Beginning 1900.14 feet East of the Northwest Corner of the Northwest Quarter of Section 2, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 230 feet; thence East 379.94 feet; thence North 230 feet; thence West to Beginning.

Tract 16: VC002500006 4.54 acres

Beginning Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 330.57 feet; thence East 659.96 feet; thence South 330.47 feet; thence West 659.85 feet except for street on South.

Tract 17: VC002500001 5.02 acres

Commencing 330.57 feet North of the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 330.57 feet; thence East 660.06 feet; thence South 330.47 feet; thence West 659.96 feet to beginning.

Tract 18: VC002500012 5.05 acres

Beginning 661.14 feet North of the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence North 330.57 feet; thence East 660.17 feet; thence South 330.47 feet; thence West 660.06 feet to beginning.

Tract 19: VC002500002 5 acres

North Half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas.

Tract 20: VC002500023 4.93 acres

Beginning 991.19 feet South of the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence Easterly 660.38 feet; thence South 330.78 feet; thence West 660.27 feet; thence North 331.10 feet to beginning. .

Tract 21: VC002500025 5 acres

Beginning 660.69 feet West and 991.19 feet South of the Northeast Corner of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence West 660.38 feet; thence North 330.45 feet; thence East 660.48 feet; thence South to beginning.

Tract 22: VC002500011 5.04 acres

Beginning 660.74 feet South of the Northeast Corner of the Southwest Quarter of Section 35, Township 25, South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence South 330.45 feet; thence West 660.37 feet; thence North 330.45 feet; thence East 660.48 feet to beginning.

Section 2. That this ordinance shall be effective from and after its passage, approval, and publication in the official city newspaper.

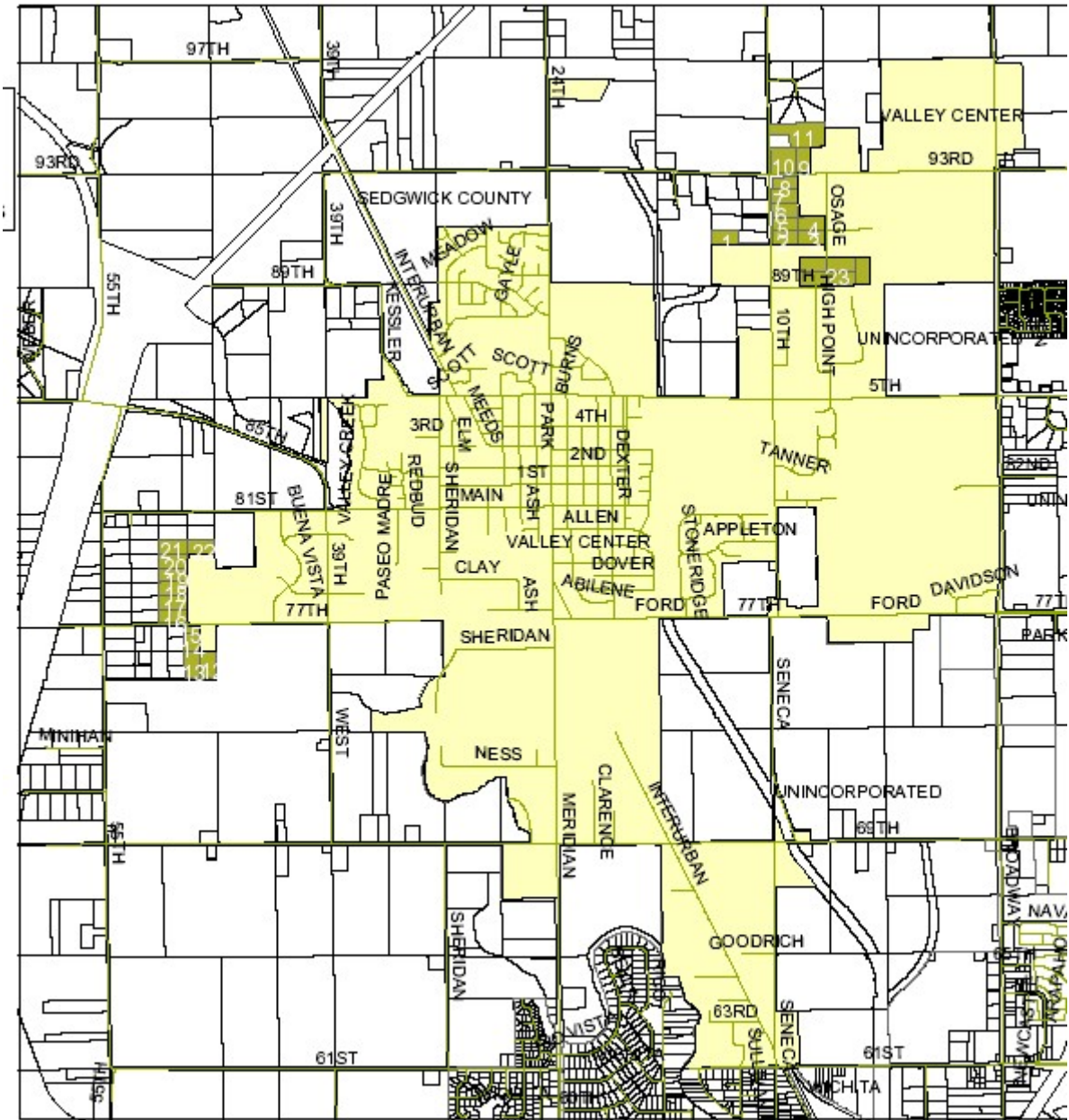
PASSED AND APPROVED BY THE GOVERNING BODY of the City of Valley Center, Kansas, on this 3rd day of October, 2006.

First Reading: September 19, 2006

Second Reading: October 3, 2006

Michael D. McNown
Mayor

Attest: _____
Kristine A. Polian, City Clerk



B. Proposed Model Ordinance - Telecommunications Franchise:

Report from the City Attorney at the last meeting stated that the City would need to enter into franchise agreements with all telecommunication companies operating within the corporate limits of the City.

In addition, the franchise agreement with AT&T (Southwestern Bell, SBC, etc.) is also due for renewal January 1st, 2007.

All franchise agreements are made via ordinance.

A proposed model ordinance was provided for review at the August 15th City Council Meeting. The model ordinance has been in place in several cities for a short few years. The model ordinance meets the requirements of Kansas Law regarding telecommunication franchises.

A copy of the model ordinance is included below.

If and when a franchise agreement ordinance is proposed, the actual ordinance would have to be adopted for each franchisee. The development of the model ordinance develops the uniformity for franchising.

City Staff suggests motion to approve the Valley Center Model Telecommunications Franchise Ordinance and direct Staff to use the Model Ordinance to negotiate all telecommunication franchise proposals.

ORDINANCE NO. _____

A CONTRACT FRANCHISE ORDINANCE GRANTED TO _____, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF VALLEY CENTER.

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

SECTION 1. Pursuant to K.S.A. 2002 Supp. 12-2001, a contract franchise ordinance is hereby granted to _____, a telecommunications local exchange service provider providing local exchange service within the City of Valley Center ("City"), subject to the provisions contained hereafter. The initial term of this ordinance shall be for a period beginning August 1, 2005, and ending August 1, 2010. Compensation for said contract franchise ordinance shall be established pursuant to Section 3 of this ordinance.

SECTION 2. For the purpose of this contract franchise ordinance, the following words and phrases and their derivations shall have the following meaning:

"Access line" shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations serviced by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.

"Access line count" means the number of access lines serving consumers within the corporate boundaries of the city on the last day of each month.

"Access line fee" means a fee determined by a city, up to a maximum as set out in K.S.A. 2002 Supp. 12-2001 and amendments thereto, to be used by a telecommunications local exchange service provider in calculating the amount of access line remittance.

"Access line remittance" means the amount to be paid by a telecommunications local exchange service provider to a city, the total of which is calculated by multiplying the access line fee, as determined in the city, by the number of access lines served by that telecommunications local exchange service provider within that city for each month in that calendar quarter.

"Gross Receipts" means only those receipts collected from within the corporate boundaries of the city enacting the franchise and which are derived from the following: (A) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (B) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (C) local directory assistance revenue; (D) line status verification/busy interrupt revenue; (E) local operator assistance revenue; and (F)

nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. All other revenues, including, but not limited to, revenues from extended area service, the sale of lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services; lines providing only data service without voice services processed by a telecommunications local exchange service provider; private line service arrangements, Internet, broad band and all other services not wholly local in nature are excluded from gross receipts. Gross Receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts.. If a telecommunications local exchange service provider offers additional services of a wholly local nature which if in existence on or before July 1, 2002, would have been included with the definition of gross receipts, such services shall be included from the date of the offering of such services in the city.

"Local exchange service" means local switched telecommunications service within any local exchange service area approved by the state corporation commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.

"Provider" shall mean a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187 and amendments thereto, or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187, and amendments thereto.

"Public right-of-way" means only the area of real property in which the city has a dedicated or acquired right -of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

"Telecommunications local exchange service provider" means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto, and a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1, 187, and amendments thereto, which does, or in good faith intends to, provide local exchange service. The term telecommunications local exchange service provider does not include an interexchange carrier that does not provide local exchange service, competitive access provider that does not provide local exchange service or any wireless telecommunications local exchange service provider.

"Telecommunications services" means providing the means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 3. Compensation made pursuant to this contract franchise ordinance shall be paid on a monthly basis without invoice or reminder from the city and paid within forty-five (45) days after the last day of the applicable month. For the first year of this contract franchise ordinance, said compensation shall be a sum equal to \$1.44 per access line. Thereafter, compensation for each calendar year of the remaining term of the contract franchise ordinance shall continue to be based on a sum equal to \$1.44 per access line; unless the city notifies _____ prior to ninety days (90) before the end of the calendar year that it intends to increase or decrease the amount for access

lines for the following calendar year or that it intends to switch to a gross receipt fee for the following calendar year. In the event City elects compensation based on a gross receipt fee, nothing herein precludes City from switching back to an access line fee provided City notifies _____ prior to ninety days (90) before the end of the calendar year that it intends to elect an access line fee for the following calendar year. Beginning January 1, 2004, any increased access line fee or gross receipt fee shall be in compliance with the public notification procedures set forth in subsections (l) and (m) K.S.A. 2002 Supp. 12-2001.

SECTION 4. The city shall have the right to examine, upon written notice to the telecommunications local exchange service provider, no more than once per calendar year, those records necessary to verify the correctness of the compensation paid pursuant to this contract franchise ordinance.

SECTION 5. As a condition of this contract franchise ordinance, _____ is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the Federal Communications Commission (FCC) or the Kansas Corporation Commission (KCC), subject to _____ right to challenge in good faith such requirements as established by the FCC, KCC or other City Ordinance. _____ shall also comply with all applicable laws, statutes and /or ordinances, subject to _____ right to challenge in good faith such laws, statutes and/or ordinances.

SECTION 6. This contract franchise ordinance does not provide _____ the right to provide cable service as a cable operator (as defined by 47 U.S. C. § 522 (5)) within the City. Upon _____ request for a franchise to provide cable serve as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City, the City agrees to timely negotiate such franchise in good faith with _____. _____ agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.

SECTION 7. If requested by City, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety, and welfare of the public, _____ shall remove its facilities from the public right of way or shall relocate or adjust its facilities within the public right of way at no cost to the City. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any request by the City for such relocation or adjustment. Any damages suffered by the City or its contractors as a result of _____ failure to timely relocate or adjust its facilities shall be borne by _____.

SECTION 8. Permission is hereby granted to _____ to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with _____ facilities, all the said trimming shall comply with all applicable laws, statutes and /or ordinances.

SECTION 9. Nothing herein contained shall be construed as giving _____ any exclusive privileges, nor shall it affect any prior or existing rights of _____ to maintain a telecommunications system within the City.

SECTION 10. _____ shall collect and remit compensation as described in Section 3 on those access lines that have been resold to another telecommunications local exchange service provider.

SECTION 11. Any required or permitted notice under this contract franchise ordinance shall be in writing, Notice upon the city shall be delivered to the City Clerk by first class United States mail or by personal delivery. Notice upon _____ shall be delivered by first class United States mail or by personal delivery to:

City Clerk, City of Valley Center
City Hall
121 S. Meridian
P.O. Box 188
Valley Center, Kansas 67147-0188

SECTION 12. Failure to Enforce. The failure of either party to enforce and remedy any noncompliance of the terms and conditions of this contract franchise ordinance shall not constitute a waiver of rights nor a waiver of the other party's obligations as provided herein.

SECTION 13. Force Majeure. Each and every provision hereof shall be subject to the acts of God, fires, strikes, riots, floods, war and other disasters beyond _____ or the City's control.

SECTION 14. This contract franchise ordinance is made under and in conformity with the laws of the State of Kansas. No such contract franchise shall be effective until the ordinance granting the same has been adopted as provided by law.

Passed by the Governing Body and approved by the Mayor this ___ day of _____, 200__.

Michael D. McNown
Mayor

ATTEST: _____
Kristine A. Polian, City Clerk

NEW BUSINESS

A. Proposed Ordinance - Standard Traffic Ordinance:

The League of Kansas Municipalities (LKM) writes a publication codifying all the traffic control sections of the Kansas Statutes Annotated. The City of Valley Center has adopted this codification by reference from time to time as the publication has been updated.

A new publication has been prepared by the LKM for 2006 and the Chief of Police recommends adoption by reference.

City Staff suggests motion to adopt ordinance 1130-06 incorporating by reference Standard Traffic Ordinance for Kansas Cities," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas.

Ordinance # 1130-06

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF VALLEY CENTER, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2006, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS AND PROVIDING CERTAIN PENALTIES.

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

SECTION 1. Section 10.04.010 of the Code of the City of Valley Center, Kansas shall be amended to read:

10.04.010 Incorporating Standard Traffic Ordinance. There is incorporated by reference for the purpose of regulating traffic within the corporate limits of the city, that certain traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except for such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. Not less than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1130-06," with all sections and portions thereof intended to be omitted or changed, clearly marked to show any such omissions or change, and to which shall be attached a copy of the ordinance codified in this chapter, and filed with the city clerk to be opened to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the chapter shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. This ordinance shall take be in effect after its adoption by the City Council, approval by the Mayor and publication one (1) time in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY this 3rd day of October, 2006.

First Reading: October 3, 2006

Second Reading:

Attest:

Kristine A. Polian, City Clerk

Michael D. McNown
Mayor

B. Proposed Ordinance - Uniform Public Offense Code:

The League of Kansas Municipalities (LKM) writes a publication codifying a Public Offense Code from the Kansas Statutes Annotated. The City of Valley Center has adopted this codification by reference from time to time as the publication has been updated.

A new publication has been prepared by the LKM for 2006 and the Chief of Police recommends adoption by reference with specific changes identified.

ORDINANCE NO. 1131-06

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS REGULATING CERTAIN PUBLIC OFFENSES WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF VALLEY CENTER, KANSAS, INCORPORATING BY REFERENCE "THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2006, PREPARED AND PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES, AND PROVIDING CERTAIN PENALTIES FOR THE VIOLATION OF SAID PUBLIC OFFENSES AND REPEALING CERTAIN SECTIONS OF THE CODE OF THE CITY OF VALLEY CENTER, KANSAS.

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

SECTION 1. AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS. Section 9.01.010 shall read:

9.01.010. Adopted by reference. There is hereby incorporated by reference, for the purpose of regulating certain public offenses within the corporate limits of the City of Valley Center, Kansas, that certain code known as "The Uniform Public Offense Code for Kansas Cities", Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as adopted by Ordinance Number 1131-06" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours."

SECTION 2. This ordinance shall take be in effect after its adoption by the City Council, approval by the Mayor and publication one (1) time in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Valley Center, Kansas, on this ___ day of _____, 200_.

First Reading: October 3, 2006

Second Reading:

Attest:

Kristine A. Polian, City Clerk

Robert W. Robinson
Mayor

C. Proposed Ordinance - Right-of-way Management

Legislation concerning franchises and recent events involving monitoring wells has led Staff to propose an ordinance for Right-of-way Management.

Below is proposed ordinance to provide Staff a means of regulating the use of City rights-of-way for all users.

Simply stated, the ordinance requires that the City be advised as to who and when any activity is to be performed within the City's rights-of-ways.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS PROVIDING REGULATIONS FOR USE OF SAID RIGHT OF WAY BY ANY PERSON, FIRM, CORPORATION, ASSOCIATION, UTILITY, OR ENTITY WHICH ESTABLISHES A PHYSICAL PRESENCE ON, UPON, IN, OR OVER A PUBLIC RIGHT OF WAY.

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

SECTION 1. No person, firm, corporation, association, utility, or entity shall enter upon the right of way of the City, or in any manner establish a physical presence on, upon, in or over the right of way of the City for the purpose of installing, constructing, maintaining or operating lines, drive approaches, drainage systems, conduits, wires, fiber optic cables, pipes, pipelines, poles, towers, vaults or appliances, monitoring wells, or other related facilities or appurtenances thereto, without an approved Use of Right of Way Permit as issued by the City, along with providing any required proof of insurance and any applicable permit fees. The permission of the City may also be granted by a franchise agreement pursuant to the provisions of K.S.A. 12-2001 et seq. or other such agreement as the Governing Body determines best protects the public interest in the right of way.

SECTION 2. Any work performed within City Right of Way shall meet all of the requirements of the Use of Right of Way permit, along with the requirements as listed in the Valley Center Standards for Design and Construction, adopted on the 6th day of February, 1996 and any updates to these standards thereafter.

SECTION 3. Anyone found to be in violation of this ordinance shall be subject to a fine set by the Municipal Court, not to exceed \$1,000.00.

SECTION 4. This ordinance shall take effective upon its passage by the Governing Body and publication one time in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS on this ____ day of _____ 2006.

First Reading:
Second Reading:

Michael D. McNown
Mayor

ATTEST: _____
Kristine A. Polian, City Clerk

STAFF REPORTS

City Clerk

Police Chief

Fire Chief

Parks & Public Properties

City Superintendent

City Engineer

DATE: September 28, 2006: Shown below is a list of projects that PEC is working on along with the project status.

- ✓ Meridian Sidewalk: The sidewalk at the railroad needs to be installed by a contractor working for the Burlington Northern Santa Fe Railroad. The Final inspection was held on 8/23/06, and there are some punch list items remaining for the contractor to complete prior to final acceptance of the project. Kansas Paving-Contractor
- ✓ Wastewater Treatment Plant Improvements: We are planning on submitting the loan application to the KDHE within the next week. The public meeting regarding the loan is scheduled for October 23, 2006. We have submitted the plans to the KDHE for review, and anticipate advertising the project mid-November.
- ✓ Main Street Water line and Storm Sewer and Interurban Water Supply Line: The bid letting for the project was conducted on September 27, 2006. Wildcat Construction was the low bidder on the project. Bids will be presented to council on October 3rd. If bids are accepted, construction would commence around mid-October.
- ✓ Ash Street Paving and Drainage: Paving of Ash Street is complete. Punch list items remain to be completed, along with the seeding. A final inspection will be held within the next week. Cornejo and Sons-Contractor
- ✓ Valley Meadows 4th Addition Phase 4 Paving: APAC-Kansas has been awarded the contract. A preconstruction conference has been conducted, and work is scheduled to begin within the next week. APAC-Kansas-Contractor
- ✓ Valley Meadows 4th Addition Phase 4 Sanitary Sewer and Water line: A final inspection was held on the project on September 20, 2006. A couple of punch list items remain to be completed prior to final acceptance of the project. Rods Ditching-Contractor
- ✓ Other Items:
 - Met with the City Administrator and the Wichita Water Department to discuss amended water purchase projections, along with the Interurban tie in, water pressures and chlorine residuals.
 - We have reviewed the testing information on Well 8, and have made recommendations to staff for corrective measures to the well pumps.

- We are currently working on updating the City standards for design and construction.
- Have provided cost estimates and petitions to the developer for Prairie Lakes ph 2.
- Reviewing site plan for the Christian Church Addition.
- We have prepared legal descriptions for annexation of road right of ways.

/s/ Michael Kelsey

City Attorney

City Administrator

GOVERNING BODY REPORTS

MAYOR McNOWN

COUNCILMEMBER BLACK

COUNCILMEMBER NORDSTEDT

COUNCILMEMBER ROBERTS

COUNCILMEMBER BLUMANHOURST

COUNCILMEMBER GILSON

COUNCILMEMBER HOUSTON