

AGENDA
CITY OF VALLEY CENTER
7:00 pm
December 5, 2006
City Hall - 121 S. Meridian

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION—Ministerial Alliance Tony Snavely**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA pg2**
- 6. CONSENT AGENDA pg2**
 - a) Minutes
 - b) Appropriation Ordinance
- 7. CLERK'S AGENDA pg3**
- 8. PUBLIC FORUM (Citizen input and requests) pg4**
- 9. COMMITTEES AND COMMISSIONS—REPORTS**
 - a) Wretberg Addition – Dedications pg5
 - b) Final PUD – Marquez Horse Farm pg9
 - c) Disc Golf Update – Park Board p13
- 10. OLD BUSINESS**
 - a) Proposed Ordinance - Sewer Rates 2nd Reading pg14
 - b) Proposed Ordinance – AT&T Telecommunications Franchise 2nd Reading p17
- 11. NEW BUSINESS**
 - a) Proposed Ordinance Amending City Code – Sidewalks, Curbs pg22
 - b) Proposed Ordinance Amending City Code – Conceal Carry Restrictions pg30
- 12. STAFF REPORTS pg33**
- 13. GOVERNING BODY REPORTS**
- 14. ADJOURN**

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. Minutes: Attached are the minutes from the meeting of November 21st as prepared by the City Clerk.

B. Appropriation Ordinance: Attached is the proposed appropriation ordinance for December 5, 2006 as prepared by City Staff.

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

CLERK'S AGENDA

PUBLIC FORUM

COMMITTEES AND COMMISSIONS – REPORTS

A. Wretberg Addition – Dedications

Below is the report provided to the Planning Commission in regard to the Wretberg Addition that falls within the City's Subdivision Area of Influence.

The proposal was discussed by the Planning Commission at their meeting of October 24th. The Development Review Committee recommended to the full Commission approval.

Planning Commission forwards the recommendation that the City accept the dedications identified on the plat and direct the Mayor to sign same.

Upon recommendation of the Planning & Zoning Commission, Staff recommends motion to accept the dedications shown on the plat for the Wretberg Addition and direct the Mayor to sign the plat.

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

CASE NUMBER: S/D 2006-003

APPLICANT: Neil Wretberg and Harold Snavely

AGENT: Benchmark Land Survey P.A.

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

CASE HISTORY: The property is unplatted and has a residence and a floodplain reserve located at 9929 N Meridian. The applicant’s engineer brought in updated plans on October 18, 2006. This plat is within our Subdivision of Influence.

LOCATION: 9929 N Meridian

SITE SIZE: Contains 6.49 acres.

PROPOSED USE: To allow a residence to be built on Lot 2.

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	a) Single-Family Residences
South: Sedgwick County "RR" Rural Residential District	Single-Family Residences
West: Sedgwick County "RR" Rural Residential District	Agricultural land and a airstrip
2. East: "R-2" Single-Family Residential District	Agricultural land

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.
- 2.) Need to show the easement for utilities.

- 3.) Need to add building setback lines.
- 4.) Need drainage plan.
- 5.) Need copy of title report.
- 6.) Need copy of any restrictive covenants proposed.

REVIEW COMMENTS BY C. BICKLEY FOSTER

- 1.) Small tract plat.
- 2.) Change "Addition" to "Subdivision".
- 3.) Show adjacent zoning. Sedgwick County "RR" Rural Residential.
- 4.) Land surveyor's certificate should include reference to monuments being correctly placed.
- 5.) Owner's certificate should indicate where the drainage plan is filed since it is not with the plat.
- 6.) Delete the City Attorney's certificate.
- 7.) Delete the reference to "plat approved" on the County Commissioner's certificate.

REVIEW COMMENTS BY POLICE DEPARTMENT

- 1.) No problem.

REVIEW COMMENTS BY PUBLIC WORKS

- 1.) No comments.

REVIEW COMMENTS BY CITY ENGINEER

- 1.) Need a utility easement with the driveway across the property to the west side of property.

REVIEW COMMENTS BY SEDGWICK COUNTY CODE ENFORCEMENT

- 1.) Soils work already and the soils indicated standard lagoon construction.

REVIEW COMMENTS BY FIRE DEPARTMENT

- 1.) No comments.

REVIEW COMMENTS BY SEDGWICK COUNTY FIRE DEPARTMENT

- 1.) Driveway width must meet Sedgwick County standards.

REVIEW COMMENTS BY WESTAR

- 1.) No additional easements are requested.

DEVELOPMENT REVIEW COMMITTEE

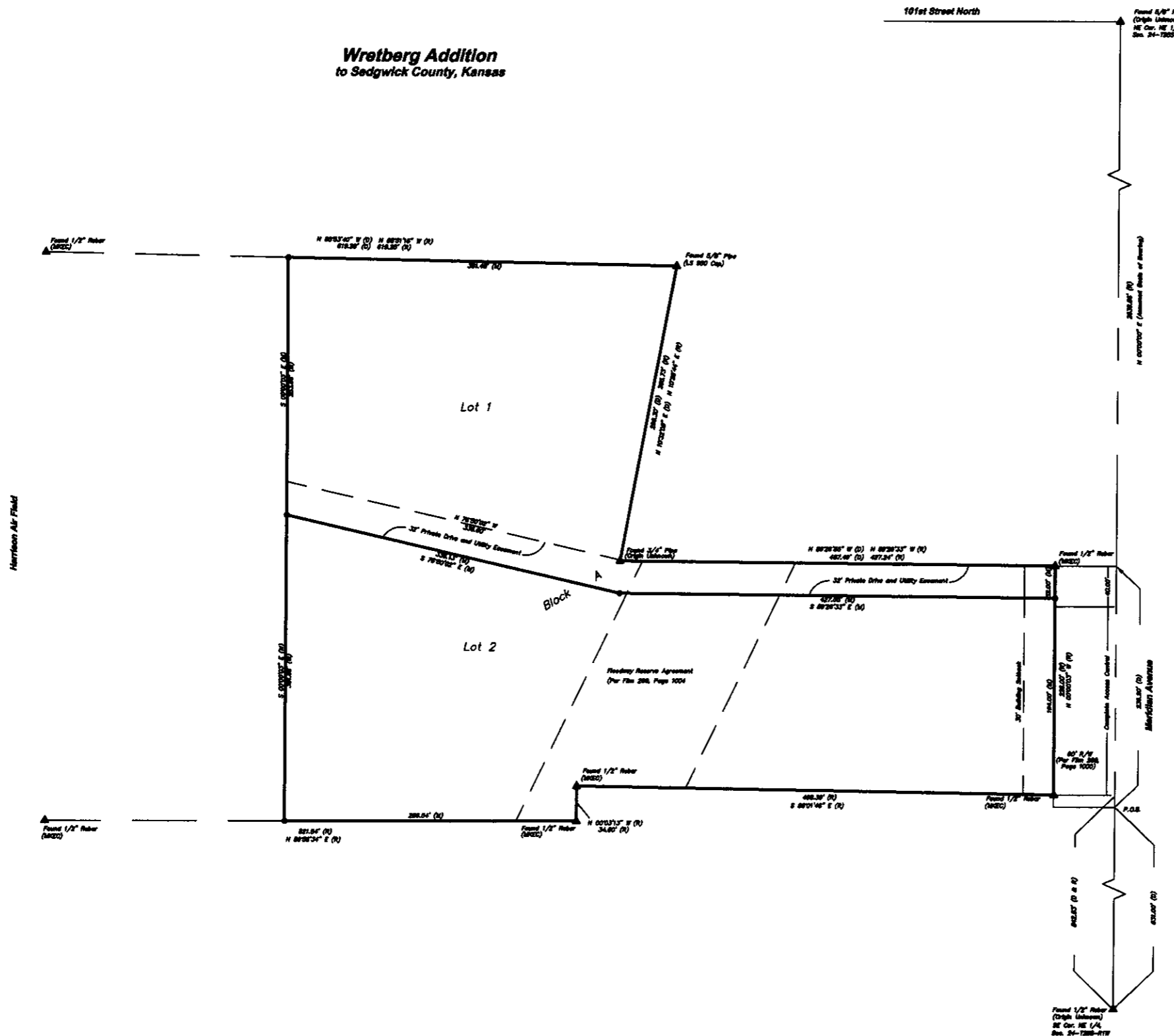
STAFF RECOMMENDATION:

Staff recommends to Developmental Review Committee to recommend to Planning Commission to approve.

DRC RECOMMENDATION:

Developmental Review Committee recommends to the Planning Commission to approve with the condition that staff comments be addressed.

**Wretberg Addition
to Sedgwick County, Kansas**



CERTIFICATE OF SURVEY

State of Kansas }
County of Sedgwick } SS
I, the undersigned, Licensed Land Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____ and the accompanying plat prepared and that all measurements shown herein, unless noted and their positions are correctly shown in the book of my knowledge and belief.

Beginning at a point 1000.00 feet east of the Northwest corner of the Northeast Quarter of Section 24, Township 22 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas and a point of beginning being on the North line of said Northeast Quarter, thence N 89°34'00\"/>

PLANNING COMMISSION CERTIFICATE

State of Kansas }
County of Sedgwick } SS
This plat of "Wretberg Addition" in Sedgwick County, Kansas, has been submitted to and approved by the Valley Center City Planning Commission on _____, 2006.
Date: this _____ day of _____, 2006.
Attest: _____, Chairperson
John E. Polley, Secretary

COUNTY SURVEYOR CERTIFICATE

Reviewed in accordance with K.S.A. 28-2025 on this _____ day of _____, 2006.
Wade L. Nichols, PLS
Sedgwick County Surveyor
Sedgwick County, Kansas

COUNTY COMMISSIONER CERTIFICATE

State of Kansas }
County of Sedgwick } SS
The plat shown on this plat, if any, are hereby accepted by the Board of County Commissioners, Sedgwick County, Kansas, on _____, 2006.
Don Roberts, Chairman ATTEST: Don Roberts, County Clerk

OWNER'S CERTIFICATE

State of Kansas }
County of Sedgwick } SS
I, the undersigned owner of the land or share of land in the Surveyor's Certificate, have caused the same to be surveyed and plotted into lots and a block, the same to be known as "Wretberg Addition" in Sedgwick County, Kansas, the 101st Street Right-of-Way along Hartwood Avenue is hereby dedicated to and for the use of the public. Except as noted on shown on the plan of this plat in hereby granted to the appropriate governing body. I declare that the land described and is on file with the County Engineer for the plat and all drainage easements, rights-of-way, or reserves that result of conditional grants or all matters submitted to the approval of the applicable City or County Engineer, and all matters submitted to that for the acceptance of sewerage.

NOTARY CERTIFICATE

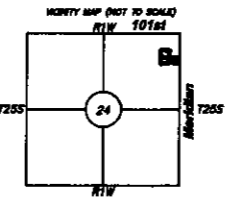
State of Kansas }
County of Sedgwick } SS
I, the undersigned, Notary Public, do hereby certify that the foregoing described tract of land was surveyed on _____ and the accompanying plat prepared and that all measurements shown herein, unless noted and their positions are correctly shown in the book of my knowledge and belief.

REGISTER OF DEEDS CERTIFICATE

State of Kansas }
County of Sedgwick } SS
This is to certify that this instrument was filed for record in the Register of Deeds Office, of _____, Kansas, on the _____ day of _____, 2006.
Don Roberts, Register of Deeds
Tyrice Ruppelberg, Deputy

GOVERNING BODY CERTIFICATE

State of Kansas }
City of Valley Center } SS
The plat shown on this plat, if any, are hereby accepted by the Governing Body of the City of Valley Center, Kansas on this _____ day of _____, 2006.
Michael Johnson, Mayor
Kathleen Pallas, City Clerk



JOB DESCRIPTION	
Final Plat	
Prepared by: Neil Wretberg, 2006 Sedgwick Valley Center, KS 67147	
JOB NUMBER	DATE OF PREPARATION
101st North & Hartwood	August 21, 2006
JOB NUMBER	SHEET 1 OF 1
7087	

617 S. WILLIAM, WICHITA, KS 67201
PH 316.262.2302 FAX 316.262.2264
www.benchmarkks.com

- LEGEND:**
- (R) = RECORD
 - (S) = SURVEY
 - Δ = FOUND 1/2" REBAR (UNLESS OTHERWISE NOTED)
 - ⊙ = SET 1/2" REBAR WITH 1/4" DIA. CAP
 - = OVERHEAD ELECTRIC LINE
 - ⊕ = POWER POLE
 - ⊞ = MARKER

B. Proposed PUD – Marquez Horse Farm:

Below is the report provided to the Planning Commission in regard to the Marquez Horse Farm Planned Unit Development (PUD) within the City.

The City Council approved the PUD ordinance on November 15, 2005.

Planning Commission forwards the recommendation that the City accept the dedications identified on the plat and direct the Mayor to sign same.

Upon recommendation of the Planning & Zoning Commission, Staff recommends motion to accept the dedications shown on the plat of "Marquez Horse Farm Planned Unit Development" and direct the Mayor to sign documents necessary.

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

CASE NUMBER: Z-2005-001

APPLICANT: Art Marquez

AGENT: Baughman Company

REQUEST: Approval of final plat of Marquez Farm Final General Planned Unit Development Plan.

CASE HISTORY: The property was annexed to the City during 2000. The property is unplatted and undeveloped cropland located on the north side of Ford (77th) and west of Broadway ¼ mile. On January 25, 2005, a public hearing was held on a special use request by the applicant for the same property. Because of the public hearing and the meeting with the surrounding property owners, the applicant submitted a PUD for the project. On November 15, 2005 City Council approved the PUD ordinance.

LOCATION: The West 180 feet of the West Half of said Southeast Quarter, together with the North 1,250 feet of the East 1,140 feet of the West Half of the Southeast Quarter of Section 32, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas

SITE SIZE: Contains 70 acres.

PROPOSED USE: To allow development the Marquez Horse Farm Planned Unit Development

EXISTING ZONING: The property is currently zoned "A-1" Agricultural District

ADJACENT ZONING AND EXISTING LAND USE:

North: "A-1" Agricultural District	Agricultural land
South: "A-1" Agricultural District	Agricultural land
West: "A-1" Agricultural District	Single-Family Residence with Agricultural land

East: "I-2" Heavy Industrial District "A-1" Agricultural District "I-1" Light Industrial District	Salvage Yards Agricultural land Trucking Company
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ANALYSIS: The applicant is requesting approval of final PUD plat.

REVIEW COMMENTS BY COMMUNITY DEVELOPMENT

- 7.) Show arena with cover on it. Engineer will place it as a provision.
- 8.) Show where the outbuilding for residence is located. Engineer will add it.

REVIEW COMMENTS BY C. BICKLEY FOSTER

- 1.) All references to this being a "plat" should be changed to "plan". Engineer will change it.
- 2.) Land surveyor's certificated should contain the RLS's license number and place for date with seal added when signed. Engineer will change it.
- 3.) Any restrictions, covenants or reservations filed with the plan that need to be referenced too. There are none.
- 4.) Signature date for owner's certificate. Engineer will change it.
- 5.) Add "City" to Valley Center "City" Planning Commission. Engineer will change it.
- 6.) Add a provision that when future residential area is developed that a revised plan will have to be submitted before any development takes place in this area. Engineer will add it to the provisions.
- 7.) Provision #7 will there be one site plan or a series of plans submitted. Engineer will clarify it.

REVIEW COMMENTS BY POLICE DEPARTMENT

- 1.) Sight distance concerns. Possible warning signs meeting MUTCAD standards with speed placard supplied by developer to the city.

REVIEW COMMENTS BY PUBLIC WORKS

- 1.) See PEC comments.

REVIEW COMMENTS BY CITY ENGINEER

- 1.) A separate utility easement should be platted outside of the screening easement. The width of the easement should be a minimum of 20' to accommodate future utilities (potential sewer extension). Engineer will work on it.
- 2.) Also, we still have the questions regarding the need for turn lanes off Ford Street and site distance restrictions at Ford Street. Only have 180 feet of frontage. Will work with city on site distance.
- 3.) Also, is the ditch at Ford Street sized to handle the additional stormwater flows (developed) from the access drive location? This needs to be reviewed, along with drainage culvert sizing at Ford Street for the drive. Will get the information to PEC.

REVIEW COMMENTS BY PARKS

REVIEW COMMENTS BY FIRE DEPARTMENT

- 1.) No parking along access road way.
- 2.) Access to barns, arena and events center by private drive for emergency vehicles.
Engineer will show.

DEVELOPMENT REVIEW COMMITTEE

STAFF AND DRC RECOMMENDATION:

Staff and Developmental Review Committee recommends to Planning Commission to approve.

C. Park & Tree Board - Disc Golf Update:

An update will be provided on the activities associated with the development of a Disc Golf Course in McLaughlin Park.

At the September 5th Council Meeting, Shawn Collin made presentation regarding a Disc Golf Course in McLaughlin Park.

An adopted motion was made to approve the Disc Golf concept contingent upon finding alternative funding methods such as sponsorships from local businesses.

OLD BUSINESS

A. Sewer Rates:

First reading of Ordinance 1120 was held on July 5, 2006.

On July 18, 2006, the Proposed Ordinance Adjusting Sewer Rates - 2nd Reading was tabled to the 1st meeting in December by: *Motion by Nordstedt/ 2nd by Gilson to table the ordinance until the 1st meeting in December. Aye: Black, Blumanhourst, Gilson, Houston, Nordstedt. No: Roberts. Motion carried.*

Below, for second reading, is a proposed ordinance amending Section 12.56 of the Code of the City of Valley Center and increasing the Sewer Rate Charges.

The proposed ordinance would increase the base rate by 10% from \$13.40 to \$15.07 per month and the usage rate by 5% from \$2.40 to \$2.52 per thousand based on winter average to begin with the billing cycle for April 2007.

The proposed ordinance increases the surcharges for more stringent waste - usually produced by commercial operations.

The final component of the proposed ordinance is an annual increase multiplier of 1.5% for the base rate and 5% for the usage rate.

Without some type of revenue stream increase, the City will not be able to demonstrate to KDHE the ability to repay a loan from the Revolving Loan Fund in amount of approximately \$3,000,000 to upgrade the Wastewater Treatment Plant to meet need requirements for permitting as required by KDHE and the 1984 Clean Water Drinking Act.

City Staff suggests motion to approve Ordinance # 1120-06 setting sewer rates for the Valley Center Kansas Sewer Collection and Treatment System on second reading.

ORDINANCE NO. 1120-06

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS ESTABLISHING RATES FOR SEWER SERVICE.

WHEREAS, the City of Valley Center, Kansas (the "City") operates a sewer collection and treatment system for the benefit of the citizens; and,

WHEREAS, it is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

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

Section 1. That Section 12.60.043 shall read as follows:

12.60.043 Minimum monthly charge.

A. Beginning with the April 2007 bill, the base charge per month shall be **fifteen dollars and seven cents** which will be used to retire the capital debt, administrative costs and sludge management. In addition, each contributor shall pay a user charge rate for operation and maintenance, including replacement, of **two dollars and fifty-two cents** per one thousand (1,000) gallons of water used as determined in Section 12.60.041 of this chapter. In the cases of master water metering using a size of one inch or less where more than one family unit, business unit, school unit, church or nonprofit organization is receiving individual water service, there shall be charged an additional monthly service demand charge for each additional such unit served by the master meter. In the cases of master water metering using a size one inch or less where more than one business unit, school unit, church or nonprofit organization is served by a shared or common location as determined by inspection by the city administrator or his/her designate, there shall be a demand charge of one and one-half (1 1/2) times the minimum monthly charge. In the cases of master water metering using a size of one inch or less where a family unit and a business unit, school unit, church or nonprofit organization are served by a shared or common water meter, there shall be charged a monthly service demand charge for each such unit served by the master meter. (**Ord. 1120 § 1, 2006**; Ord. 1022, § 1, 2002; Ord. 981 § 1, 2000; Ord. 913 § 1, 1999; Ord. 873 § 1, 1997.)

B. Annual increase. The base rates identified in subsection A above shall increase by one and one-half percent (1.5%) and the user charge rate shall increase by five percent (5%) each year beginning with the billing in April and in addition to any other increase made under other sections of this code. (Ord 1120 § 1, 2006)

Section 2. That Section 12.60.044 shall read as follows:

12.60.044 Surcharges. For contributors who contribute wastewater, the strength of which is greater than normal domestic waste as defined in Section 12.60.020, paragraph (4), a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$0.15 per pound BOD
\$0.10 per pound SS
(**Ord. 1120 § 2, 2006**; Ord. 611 § 1 (part), 1980.)

Section 3. 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 5th day of December, 2006.

First Reading: July 5, 2006

Second Reading: December 5, 2006

Michael D. McNown, Mayor

Attest: _____

Kristine A. Polian, City Clerk

B. Proposed Ordinance - AT&T Telecommunications Franchise: 2nd Reading:

From the meeting of November 21, 2006:

The current 20-year franchise for telecommunications with AT&T (current holder of the Southwestern Bell Franchise) is about to expire.

Attached is proposed franchise agreement provided by representatives of AT&T.

Discussions with AT&T were based on the model telecommunications ordinance approved by the Governing Body on October 3, 2006.

The proposal from AT&T removes *City* sections 6 & 7 of the *model code* substituting the statutory requirements that the model ordinance specifically identifies. (Sections 6 & 7 of the proposed ordinance will reflect a new numbering system based on the removal of said sections.)

Under the current franchise percentage (2.5%), the City could expect approximately \$9,450 of franchise revenue from this source for the extent of the agreement. If the full percentage allowed by law (5%) would be applied, the City could expect approximately \$19,000 from this source.

There is another manner of application of franchise fees - that of "line access."

The maximum line access fee allowed by law is \$2.25 and would generate revenues estimated near 3 times the current revenue stream.

Other City franchise agreements use 5% as the basis of fees. Staff would recommend a continuity of that level for telecommunication franchises also.

First Reading was approved at the November 21st meeting with a 5% franchise fee selected by the Governing Body as appears in Section 3 of the proposed ordinance.

City Staff suggests motion to adopt Ordinance 1138-06 granting a telecommunications franchise to AT&T dba Southwestern Bell on 2nd reading.

ORDINANCE NO. 1138-06

A CONTRACT FRANCHISE ORDINANCE GRANTED TO SOUTHWESTERN BELL TELEPHONE, L.P., A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF VALLEY CENTER, KANSAS.

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

SECTION 1. Pursuant to K.S.A. 2005 Supp. 12-2001, a contract franchise ordinance is hereby granted to Southwestern Bell Telephone L.P. d/b/a AT&T Kansas ("AT&T Kansas"), a telecommunications local exchange service provider providing local exchange service within the City of Valley Center, Kansas ("City"), subject to the provisions contained hereafter. The initial term of this contract franchise ordinance shall be for a period of two (2) years beginning January 1, 2007, and ending December 31, 2008. Thereafter, this contract franchise ordinance will automatically renew for additional one (1) year terms, unless either party notifies the other party of its intent to terminate the contract franchise ordinance at least ninety (90) days before the termination of the then current term. The additional term shall be deemed a continuation of this contract franchise ordinance and not as a new contract franchise ordinance or amendment. Pursuant to K.S.A. 2005 Supp. 12-2001(b)(2) under no circumstances shall this contract franchise ordinance exceed twenty (20) years from the effective date of the contract franchise ordinance. 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 process 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, privateline service arrangements, internet, broadband 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.

“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 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 quarterly basis without invoice or reminder from the City and paid not later than forty-five (45) days after the end of the remittal period. For the first year of this contract franchise ordinance, said compensation shall be a sum equal to five percent (5%) of gross receipts. 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 five percent (5%) of gross receipts]; unless the City notifies AT&T Kansas prior to ninety days (90) before the end of the calendar year that it intends to increase or decrease the percentage of gross receipts for the following calendar year or that it intends to switch to an access line fee for the following calendar year. In the event City elects compensation based on an access line fee, nothing herein precludes City from switching back to a gross receipts fee provided City notifies AT&T Kansas prior to ninety days (90) before the end of the calendar year that it intends to elect a gross receipts fee for the following calendar year. 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. 2005 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, AT&T Kansas 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 AT&T Kansas' right to challenge in good faith such requirements as established by the FCC, KCC or other City Ordinance. AT&T Kansas shall also comply with all applicable laws, statutes and/or ordinances, subject to AT&T Kansas' right to challenge in good faith such laws, statutes and/or ordinances.

SECTION 6: Nothing herein contained shall be construed as giving AT&T Kansas any exclusive privileges, nor shall it affect any prior or existing rights of AT&T Kansas to maintain a telecommunications system within the City.

SECTION 7: AT&T Kansas 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 8: The City agrees to provide AT&T Kansas with notification in the event that it annexes property into the corporate boundaries of the City that would require AT&T Kansas to collect and pay a franchise fee on access lines or gross receipts which prior to the annexation of the property AT&T Kansas was not required to pay a franchise fee. The City agrees to provide AT&T Kansas with notification in the event the City renumbers or renames any streets that would require AT&T Kansas to collect and pay a franchise fee on access lines or gross receipts which prior to the renumbering or renaming of the streets AT&T Kansas would not have been required to pay a franchise fee. The City agrees that in the event the City does not provide AT&T Kansas with notice of an annexation or renumbering and/or renaming of the streets, AT&T Kansas is not liable to the City for payment of franchise fees on the annexation or renumbered and/or renamed streets prior to the City providing notice to AT&T Kansas of such.

SECTION 9: The City agrees that under K.S.A 2005 Supp. 12-2001, and other state and federal laws, this contract franchise ordinance must be competitively neutral and may not be unreasonable or discriminatory to any telecommunications local exchange service provider operating in the City. In entering into this contract franchise ordinance, the City specifically recognizes it must ensure all other telecommunications local exchange service providers operating in the City are subject to a substantially similar contract franchise ordinance within a timely manner not to exceed one hundred and eighty (180) days from either the time this contract franchise ordinance becomes effective, or from the date a telecommunications local exchange service provider begins to offer local exchange service in the City. It is the City's sole responsibility to identify the telecommunications local exchange service providers operating in City, and utilize all available legal means, if necessary, to ensure all such telecommunications local exchange service providers are subject to a substantially similar contract franchise ordinance.

SECTION 10: 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 AT&T Kansas shall be delivered by first class United States mail or by personal delivery to:

*Southwestern Bell Telephone L.P.
Cindy Zapletal
Director-External Affairs
1640 Fairchild Avenue, First Floor
Manhattan, Kansas 66502*

SECTION 11: 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 12: Force Majeure. Each and every provision hereof shall be subject to acts of God, fires, strikes, riots, floods, war and other disasters beyond AT&T Kansas' or the City's control.

SECTION 13: AT&T Kansas has entered into this contract franchise ordinance as required by the City and K.S.A. 2005 Supp. 12-2001. If any clause, sentence, section, or provision of K.S.A. 2005 Supp. 12-2001, and amendments thereto, shall be held to be invalid by a court of competent jurisdiction, either the City or AT&T Kansas may elect to terminate the entire contract franchise ordinance. In the event a court of competent jurisdiction invalidates K.S.A. 2005 Supp. 12-2001, and amendments thereto, if AT&T Kansas is required by law to enter into a contract franchise ordinance with the City, the parties agree to act in good faith in promptly negotiating a new contract franchise ordinance.

SECTION 14: In entering into this contract franchise ordinance, neither the City's nor AT&T Kansas present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the contract franchise ordinance, neither the City nor AT&T Kansas waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or AT&T Kansas may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of this contract franchise ordinance or any present or future laws, ordinances, and/or rulings which may be the basis for the City and AT&T Kansas entering into this contract franchise ordinance.

SECTION 15: The parties agree that in the event of a breach of this contract franchise ordinance by either party, the non breaching party has the right to terminate the contract franchise ordinance immediately. Prior to terminating the contract franchise ordinance, the non breaching party shall first serve a written notice upon the breaching party, setting forth in detail the nature of the breach, and the breaching party shall have thirty (30) days thereafter in which to cure the breach. If at the end of such thirty (30) day period the non breaching party deems that the breach has not been cured, the non breaching party may take action to terminate this contract franchise ordinance.

SECTION 16: This contract franchise ordinance is made under and in conformity with the laws of the State of Kansas. No such contract franchise ordinance 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 5th day of December, 2006.

First Reading: November 21, 2006

Second Reading: December 5, 2006

Michael D. McNown, Mayor

Attest: _____

Kristine A. Polian, City Clerk

NEW BUSINESS

A. Proposed Ordinance – Amending City Code – Sidewalks, Curbs

Below is proposed ordinance amending the City Code and City Standards with regard to sidewalks and curbs during construction, repair and reconstruction.

Requirements of the Americans with Disabilities Act were never incorporated within the City Code – while changes to the requirements in the Code were made via adoption of the City Standards.

This is a “clean-up” action. The proposed ordinance removes the inconsistencies of the Code and the Adopted City Standards.

The mark up version demonstrates the changes proposed while the proposed ordinance incorporates the changes.

VALLEY CENTER DESIGN AND CONSTRUCTION STANDARDS

**ADOPTED FEBRUARY 6, 1996
BY VALLEY CENTER CITY COUNCIL
UPDATED JULY, 2002**

SECTION II. STREETS

E. Sidewalks

Sidewalks shall be constructed in conjunction with paving projects when required by the signed petition for the project. Sidewalks shall generally be located immediately adjacent to the right-of-way if possible; however, sidewalk location shall be adjusted where necessary to provide a smooth transition from an existing pedestrian walkway.

1. Width & Thickness

As a minimum, sidewalks on City projects shall be constructed to the dimensions shown in Figure II-2. Greater width or thickness is acceptable where requested by the owner or required due to special circumstances of a particular site.

2. Wheelchair Ramps

Wheelchairs ramps shall be provided at all curbed street crossings and any other locations which would act as a barrier to persons in a wheelchair. See Figure II-2 for minimum requirements for standard wheelchair ramps.

MARK UP VERSION

Chapter 11.16

SIDEWALK CONSTRUCTION AND REPAIR

Sections:

- ~~11.16.010 Plans and specifications adopted by reference.~~
- 11.16.015 Procedure - Sidewalks constructed, reconstructed or repaired.
- 11.16.020 Width
- 11.16.030 Location.
- 11.16.040 Bond.
- 11.16.050 Penalty for violation.
- ~~11.16.010 Plans and specifications adopted by reference. All sidewalks, within the city shall be constructed, repaired and reconstructed according to the plans and specifications adopted by the city on the 6th day of January, 1953, which plans and specification are adopted by reference. A copy of said plans and specifications shall be kept on file in the city clerk's office and in the office of the utility superintendent. (Ord. 207 § 1, 1953.)~~
- 11.16.015 Procedure — All Sidewalks, within the city shall be constructed, repaired and reconstructed according to the Valley Center Design and Construction Standards, adopted the 6th day of February 1996 and any updates thereafter. All sidewalk construction shall meet the requirements of the latest revision to the Americans with Disabilities Act, including but not limited to the cross and longitudinal slope, width, wheelchair ramps with truncated domes, landings, and any other applicable requirements. Sidewalks constructed, reconstructed or repaired. The mayor and governing body may by resolution order any crosswalk in, and order any sidewalk constructed, reconstructed or repaired when in their judgment the same is necessary; provided, that the mayor and governing body may order in a new sidewalk when in their judgment the same is necessary, or they may order the same in upon receipt of a petition signed by five citizens of the city, and it shall be the duty of the city clerk to serve written or printed notice or cause such a notice to be served on the owner or authorized agent for the owner of the property in front of which or adjacent to which the new sidewalks have been ordered constructed or sidewalks have been ordered reconstructed or repaired. If the sidewalk is not constructed within the time provided in the notice, the same shall be done by the city of Valley Center, Kansas, and the cost thereof levied against the property and certified to the county clerk to be collected; provided further, that notice shall be served on a nonresident property owner by publication in the city's official newspaper when the address of the owner or agent is unknown to the city clerk. (Ord. 771 § 1, 1990.)
- 11.16.020 Width. All sidewalks in the city shall be not less than forty-eight inches in width; provided that where the governing body of the city deems it necessary or advisable it may order a greater width. (Ord. 207 § 2, 1953.)
- 11.16.030 Location. All sidewalks shall be located in the ~~streets~~ street right of way of the city with the inside edge being constructed up to the property line. one foot from the property line; provided, that in business districts the sidewalk may be against the property line. (Ord. 207 § 3, 1953.)
- 11.16.040 Bond. The governing body may require the contractor to give bond for the faithful performance of and contract and for the construction of the sidewalk in accordance with the plans and specifications, laws, and ordinances, and for all contracts exceeding one hundred dollars the statutory bond shall be furnished. (Ord. 207 § 4 (part), 1953.)

11.16.050 Penalty for violation. If any property owner, person or contractor constructs any sidewalk in violation of the plans and specifications of this chapter, he shall upon conviction be punished as provided in Section 1.20.010, and the sidewalk may be condemned by the governing body of the city and torn out and rebuilt and in the case of a contractor no payment shall be due or made for such improperly constructed sidewalk; provided, that if the governing body believes that the sidewalk as constructed is as good as a sidewalk meeting the required specifications it may accept the sidewalk as constructed. (Amended during codification in accordance with K.S.A. 12-3015; Ord. 207 § 4 (part), 1953.)

Chapter 11.20

CURB CONSTRUCTION

Sections:

- 11.20.010 Permit - Required.
- 11.20.020 Permit - Application - Contents - Issuance.
- 11.20.030 Removal of curb - Requirements.
- 11.20.040 Driveways - Construction or reconstruction of sidewalks.
- 11.20.050 Supervisory authority - Reports.
- ~~11.20.060 Curb lines.~~
- 11.20.070 Construction of curb and gutter by property owner.
- 11.20.080 Supervision of construction - Permit prerequisite.
- 11.20.090 Driveway construction requirements.
- 11.20.100 Bond.
- 11.20.110 Penalty for violation.

11.20.010 Permit - Required. It is unlawful for any person, firm or corporation to mar, cut, deface, injure, remove or otherwise to break or damage any curb placed or constructed in any street or highway in the city; provided, that ~~the city council may~~ upon application to the city ~~clerk~~ grant a permit for the removal of any curb or curb and gutter and for the construction of a driveway entrance to abutting private premises as hereinafter provided. ~~(Ord. 206 § 1, 1953.)~~ All curb construction and shall be constructed, repaired, and reconstructed in accordance with the Valley Center Standards for Design and Construction, adopted February 6th, 1996 and any updates thereafter.

11.20.020 Permit - Application - Contents - Issuance. The application for the aforesaid permit shall give the location of the proposed work, the width of the proposed entrance and curb to be removed, the necessity of crossing a sidewalk and its condition for use as part of a driveway, distance from curb to property line of abutting lots, and the materials and specifications proposed for construction of the entrance driveway. A permit shall be issued by the City prior to performing any work within City right of way. ~~The application shall by the city clerk be submitted to the council at its next meeting for action thereon. Upon the approval of the application by the council, the city clerk shall grant a permit to authorize the removal of the curb and the construction of a driveway entrance.~~ The permit shall specify the work authorized and the conditions under which the curb is to be removed and the driveway constructed as authorized and required by this chapter. Where it appears that the sidewalk to be crossed must be replaced, the permit shall so require Sidewalk Ordinance Sidewalk Ordinance and state. (Ord. 206 § 2, 1953.)

11.20.030 Removal of curb - Requirements. When any curb is removed for a driveway entrance, the back of the curb shall be entirely removed and shall be replaced with a lay-down curb and gutter extending into the parking not less than four feet. Where possible, the curb shall be removed at the nearest expansion joints, but in all cases, where cutting is otherwise authorized by the council, the curb shall be squarely cut and installed. The old concrete will be painted-coated with a concrete bonding material before the new concrete

is poured. The corner of the driveway entrance shall be rounded off on a six-foot radius and the work completed in a workmanlike fashion. Expansion joints shall be provided at every point of contact with existing and undisturbed pavement and curbs and at points of junction with existing or reconstructed sidewalks. Concrete for the construction of lay-down curbs shall in no case be less than the specifications for adjacent curbs and gutters. (Ord. 453 § 1, 1971; Ord. 206 § 3, 1953.)

11.20.040 Driveways - Construction or reconstruction of sidewalks.

A. Where driveway entrances are hereinafter constructed to cross sidewalks, the sidewalks shall be constructed or reconstructed of single course reinforced concrete of not less than six inches in thickness and of not less than the specifications-Valley Center Design and Construction Standards required for construction of curbs or as may be otherwise required by ordinance for the construction of driveway entrance sidewalks.

B. It is unlawful to change the established or natural grade of any sidewalk at any crossing or to construct or reconstruct any sidewalk on other than the established or natural grade of any sidewalk. (Ord. 206 § 4, 1953.)

11.20.050 Supervisory authority - Reports. It shall be the duty of the street commissionerCity Superintendent or his duly assigned representative of the city to supervise the cutting, removal or reconstruction of any curb in the city, and the construction or reconstruction of driveway entrances across parkings and sidewalks. ~~He shall make a report of the completion of any such work and its conformity with ordinance to the city council or the chairman of the committee on streets. (Ord. 206 § 5, 1953.)~~ and that such work meets all the applicable requirements.

~~11.20.060 Curb lines. The curb line shall be ten feet from the abutting lot or lots on all streets. (Ord. 206 § 7, 1953.)~~

11.20.070 Construction of curb and gutter by property owner. The owner of any real property abutting on any street may at his own expense construct a curb and/or a gutter or a combination curb and gutter at the edge of the roadway in front of and to the width of frontage of his own property. ~~The curb line shall be as specified in Section 11.20.060.~~ Before any property owner may construct any such curb and gutter, the grade of the street shall have first been established by the city, and such curb and/or gutter shall be so constructed as to join any permanent improvement of the roadway constructed in conformity to such grade; provided, that a property owner may, with the permission of the governing body, construct a curb and/or gutter without the grade having been established, but in such case the property owner shall run the risk of the grade later being established at a different level than that of the curb and/or gutter, and if the street be permanently improved at the grade as later established, the property owner may be required to remove the curb and gutter so that new curb and gutter may be constructed to conform with the permanent of the roadway. (Ord. 206 § 8, 1953.)

11.20.080 Supervision of construction - Permit prerequisite. All curb and gutter voluntarily constructed shall be according to ~~plans and specification~~ the Valley Center Design and Construction Standards adopted by the governing body of the city and shall be constructed under the supervision of the city, and no curb and/or gutter shall be constructed until an application has been filed with the city clerk and a permit issued. (Ord. 512 § 1, 1975; Ord. 206 § 9, 1953.) The property owner will be required to provide compaction testing of the subgrade and concrete testing by an certified independent testing laboratory that specializes in this work. All testing results shall be provided to the City Superintendent for acceptance.

11.20.090 Driveway construction requirements. A property owner, in constructing a curb, may provide a driveway through the curb and across the parking, and such driveway shall be constructed ~~according to the plans and specification as set out in Sections 11.20.030 and~~

~~11.20.040~~; in accordance with the requirements as noted in the Valley Center Design and Construction Standards. and if the property owner proposes to construct such driveway at the time of the construction of the curb, the application shall so state. (Ord. 206 § 10, 1953.)

11.20.100 Bond. The ~~governing body~~City may, before issuing a permit, require the property owner or contractor to give a bond to the city in the sum of five thousand dollars, conditioned that he will save the city harmless from all suits or claims against the city for injury to persons or property occurring during and because of the construction of the curb and/or gutter and until the work is completed, the street cleared and placed in a safe condition. (Ord. 206 § 11, 1953.)

ORDINANCE NO. ????-06

AN ORDINANCE AMENDING CHAPTERS 11.16 AND 11.20 OF THE CODE OF THE CITY OF VALLEY CENTER, KANSAS ESTABLISHING SIDEWALK SPECIFICATIONS AND CONSTRUCTION REQUIREMENTS AND CURB SPECIFICATIONS AND CONSTRUCTION REQUIREMENTS.

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

Section 1. Section 11.16.010 shall read: RESERVED.

Section 2. Section 11.16.015 shall read:

11.16.015 Procedure: All sidewalks with the City shall be constructed, repaired and reconstructed according to the Valley Center Design and Construction Standards adopted February 6th, 1996 and as amended thereafter. All sidewalk construction shall meet the requirements of the latest revision to the Americans with Disabilities Act, including but not limited to the cross and longitudinal slope, width, wheelchair ramps with truncated domes, landings, and any other applicable requirements. The Mayor and Governing Body may, by resolution, order any crosswalk in, and order any sidewalk constructed, reconstructed or repaired when in their judgment the same is necessary; provided, that the mayor and governing body may order in a new sidewalk when in their judgment the same is necessary, or they may order the same in upon receipt of a petition signed by five citizens of the city, and it shall be the duty of the city clerk to serve written or printed notice or cause such a notice to be served on the owner or authorized agent for the owner of the property in front of which or adjacent to which the new sidewalks have been ordered constructed or sidewalks have been ordered reconstructed or repaired. If the sidewalk is not constructed within the time provided in the notice, the same shall be done by the city of Valley Center, Kansas, and the cost thereof levied against the property and certified to the county clerk to be collected; provided further, that notice shall be served on a nonresident property owner by publication in the city's official newspaper when the address of the owner or agent is unknown to the city clerk. (Ord. 771 § 1, 1990. Ord. ?? § 2, 2006)

Section 3. Section 11.16.030 shall read:

11.16.030 Location. All sidewalks shall be located in the street right-of-way of the City with the inside edge being constructed up to the property line. (Ord 207 § 3, 1953; Ord. ?? § 3, 2006)

Section 4. Section 11.20.010 shall read:

11.20.010 Permit - Required. It is unlawful for any person, firm or corporation to mar, cut, deface, injure, remove or otherwise to break or damage any curb placed or constructed in any street or highway in the City; provided, that upon application to the City, a permit may be granted for the removal of any curb or curb and gutter and for the construction of a driveway entrance from the roadway to abutting private premises as hereinafter provided. All curbing shall be constructed, repaired and reconstructed in accordance with the Valley Center Standards for Design and Construction Standards adopted February 6th, 1996 and as amended thereafter. (Ord. 206 § 1, 1953, Ord. ?? § 4, 2006)

Section 5. Section 11.20.020 shall read:

11.20.020 Permit - Application - Contents - Issuance. The application for the aforesaid permit shall give the location of the proposed work, the width of the proposed entrance and curb to be removed, the necessity of crossing a sidewalk and its condition for use as part of a driveway, distance from curb to property line of abutting lots, and the materials and specifications proposed for construction of the entrance driveway. A permit shall be issued by the City prior to applicant performing any work within City right-of-way. (see Ordinance 1132) The permit shall specify the work authorized and the conditions under which the curb is to be removed and the driveway constructed as authorized and required by this chapter. Where it appears that the sidewalk to be crossed must be replaced, the permit shall so require Sidewalk Ordinance Sidewalk Ordinance and state. (Ord. 206 § 2, 1953. Ord. ?? § 5, 2006)

Section 6. Section 11.20.030 shall read:

11.20.030 Removal of curb - Requirements. When any curb is removed for a driveway entrance, the back of the curb shall be entirely removed and shall be replaced with a lay-down curb and gutter extending into the parking not less than four feet. Where possible, the curb shall be removed at the nearest expansion joints, but in all cases, where cutting is otherwise authorized, the curb shall be squarely cut and installed. The old concrete will be coated with a concrete bonding material before the new concrete is poured. The corner of the driveway entrance shall be rounded off on a six-foot radius and the work completed in a workmanlike fashion. Expansion joints shall be provided at every point of contact with existing and undisturbed pavement and curbs and at points of junction with existing or reconstructed sidewalks. Concrete for the construction of lay-down curbs shall in no case be less than the specifications for adjacent curbs and gutters. (Ord. 453 § 1,1971: Ord. 206 § 3,1953. Ord ?? § 6, 2006)

Section 7. Section 11.20.040 A shall read:

11.20.040 Driveways - Construction or reconstruction of sidewalks.

- A. Where driveway entrances are hereinafter constructed to cross sidewalks, the sidewalks shall be constructed or reconstructed of single course reinforced concrete of not less than six inches in thickness and of not less than the Valley Center Design and Construction Standards required for construction of curbs or as may be otherwise required by ordinance for the construction of driveway entrance sidewalks. (Ord ?? § 7, 2006)

Section 8. Section 11.20.050 shall read:

11.20.050 Supervisory authority - Reports. It shall be the duty of the City Superintendent or his duly assigned representative to supervise the cutting, removal or reconstruction of any curb in the city, and the construction or reconstruction of driveway entrances across parkings and sidewalks and that such work meets all the applicable requirements. (Ord 206 § 5, 1953; Ord ?? § 8, 2006)

Section 9. Section 11.20.060 shall read: RESERVED.

Section 10. Section 11.20.070 shall read:

11.20.070 Construction of curb and gutter by property owner. The owner of any real property abutting on any street may at his own expense construct a curb and/or a gutter or a combination curb and gutter at the edge of the roadway in front of and to the width of frontage of his own property. Before any property owner may construct any such curb and gutter, the grade of the street shall have first been established by the city, and such curb and/or gutter shall be so constructed as to join any permanent improvement of the roadway constructed in conformity to such grade; provided, that a property owner may, with the permission of the governing body, construct a curb and/or gutter without the

grade having been established, but in such case the property owner shall run the risk of the grade later being established at a different level than that of the curb and/or gutter, and if the street be permanently improved at the grade as later established, the property owner may be required to remove the curb and gutter so that new curb and gutter may be constructed to conform with the permanent of the roadway. (Ord. 206 § 8, 1953; Ord ?? § 10, 2006.)

Section 11. Section 11.20.080 shall read:

11.20.080 Supervision of construction - Permit prerequisite. All curb and gutter voluntarily constructed shall be according to the Valley Center Design and Construction Standards adopted February 6th, 1996 and as amended thereafter, and shall be constructed under the supervision of the city, and no curb and/or gutter shall be constructed until an application has been filed with the City Clerk and a permit issued. The property owner will be required to provide compaction testing of the subgrade and concrete testing by a certified independent testing laboratory that specializes in this work. All testing results shall be provided to the City Superintendent for acceptance. (Ord. 512 § 1, 1975: Ord. 206 § 9, 1953; Ord ?? § 11, 2006)

Section 12. Section 11.20.090 shall read:

11.20.090 Driveway construction requirements. A property owner, in constructing a curb, may provide a driveway through the curb and across the parking, and such driveway shall be constructed in accordance with the requirements as noted in the Valley Center Design and Construction Standards adopted February 6th, 1996 and as amended thereafter, and if the property owner proposes to construct such driveway at the time of the construction of the curb, the application shall so state. (Ord. 206 § 10, 1953; Ord ?? § 12, 2006)

Section 13. Section 11.20.100 shall read:

11.20.100 Bond. The City may, before issuing a permit, require the property owner or contractor to give a bond to the city in the sum of five thousand dollars, conditioned that he will save the city harmless from all suits or claims against the city for injury to persons or property occurring during and because of the construction of the curb and/or gutter and until the work is completed, the street cleared and placed in a safe condition. (Ord. 206 § 11, 1953; Ord ?? § 13, 2006.)

Section 14. 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 ___ day of _____, 2006.

First Reading:
Second Reading:

Michael D. McNown, Mayor

Attest: _____
Kristine A. Polian, City Clerk

B. Proposed Ordinance Conceal Carry – Prohibited Acts:

Beginning January 1, 2007, Kansans will be allowed – under certain conditions and regulations – to carry concealed firearms.

Under the new statute, cities desiring to control locations where the conceal carry would be allowed can enact local regulations.

Attached is proposed ordinance adapted from the City of Olathe identifying areas where conceal carry would be prohibited within the City of Valley Center. There are locations identified that are not yet located within the City limits – such as colleges – but, including those locations now could preclude the necessity of adding them later.

City Attorney can explain concepts and ramifications of this ordinance.

City Attorney also advises that a proposed ordinance is being developed by the League of Kansas Municipalities and same may be available at the meeting of the 5th.

Reference material is attached in the Appendix.

ORDINANCE # _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS WITH REGARD TO CARRYING CONCEALED WEAPONS.

Section 1. Section 9.19 of the Code of the City of Valley Center shall be amended to read:

9.19,010 Carry Concealed Weapons; Prohibited Acts.

A. It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Personal and Family Protection Act to carry a concealed weapon into:

- 1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto is maintained;
- 2) Any police, sheriff or highway patrol station;
- 3) Any detention facility, prison or jail;
- 4) Any courthouse;
- 5) Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- 6) Any polling place on the day an election is held;
- 7) Any meeting of the Governing Body of the City or other political or taxing subdivision of the stat, or any committee or subcommittee thereof;
- 8) Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- 9) Any professional athletic event not related to or involving firearms;
- 10) Any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- 11) Any elementary or secondary school building or structure used for student instruction or attendance;
- 12) Any community college, college or university facility;
- 13) Any place where the carrying of firearms is prohibited by federal or state law;
- 14) Any child exchange or visitation center provided for in K.S.A. 75-270, and amendments thereto;
- 15) Any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or stat psychiatric hospital;
- 16) Any City hall;
- 17) Any public library;
- 18) Any day care home or group day care home, as defined in Kansas Administrative Regulations 28-4-113, or any preschool or childcare center, as denied in Kansas Administrative Regulation 28-4-420; or
- 19) Any church, temple or place of worship.

- B. It shall be unlawful to carry a concealed weapon while under the influence of alcohol or drugs or both.
- C. It shall be unlawful for any City employee with the exception of Law Enforcement Officers to carry a concealed weapon while on City premises or while engaged in duties of the person's employment by the City.
- D. It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Personal and Family Protection Act to carry a concealed weapon onto any City facility, premises, public park, or public grounds, provided that the property is posted in a manner reasonably likely to come to the attention of the persons entering the property where carrying a concealed weapon is prohibited.
- E. Nothing in the Person and Family Protection Act shall be construed to prevent
 - 1) Any public or private employer from restricting or prohibiting in any manner person licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or
 - 2) Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises, provided that the premises are posted, in a manner reasonably likely to come to the attention of person entering the premises, as premises where carrying a concealed weapon is prohibited; or
 - 3) A property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, in a manner reasonably likely to come to the attention of person entering the property where carrying a concealed weapon is prohibited.
 - 4) It shall be unlawful to carry a concealed weapon in violation of any restrictions or prohibitions allowed by subsections E (1 – 3).
- F. Violation of Sections A or B is a Class A Public Offense.
- G. Violation of Sections C, D or E is a Class B Public Offense.

Section 3. This ordinance shall take effect and be in force from and after is passage by the Governing Body and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this ____ day of December, 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

Community Development

Code Enforcement October 2006: I responded to one hundred eight calls for service for the month of October.

- Nineteen complaints were filed for dogs running loose.
- Apprehended and impounded fifteen stray dogs.
- Owners reclaimed nine dogs.
- Five dogs were taken to the Wichita Animal Shelter by County Animal Control.
- One sick dog was taken to Valley Center Vet Clinic.
- One cat was injured and taken to Valley Center Vet Clinic.
- One cat was adopted.
- Three bite reports were filed.
- Two barking complaints were filed.
- Two bulls were running loose on Meridian they were contained and the owner was located.
- A horse was loose on 85th Street and Broadway contacted the owner.
- Perform kennel duties, feeding, cleaning and providing care to the animals.
- Releasing dogs from the animal shelter to their owners.
- Spoke with several dog owners regarding their dogs running loose.
- Spoke with dog owners and required them to purchase dog license.
- Disposed of thirteen dead animals.
- One complaint for cruelty was filed.
- Eleven traps were set for wildlife.
- Two snakes were removed from homes.
- An Opossum was removed from the High School
- Forty-six dog licenses renewal letters were sent to dog owners.
- Addressed two complaints for political signs posted illegally.
- Eight letters were sent to homeowners for inoperable vehicles.
- Twelve letters were sent to homeowners for trash and debris in their yards.
- Sixteen letters were sent for tall grass.
- Two complaints were addressed for Minimum Housing.
- Delivered licenses forms to area Veterinarians.
- Contacted five owners concerning political signs.

/s/ Officer Cindy Plant

City Superintendent

City Engineer

City Attorney

City Administrator

GOVERNING BODY REPORTS

MAYOR McNOWN

COUNCILMEMBER BLACK

COUNCILMEMBER NORDSTEDT

COUNCILMEMBER ROBERTS

COUNCILMEMBER BLUMANHOURST

COUNCILMEMBER HOUSTON

COUNCILMEMBER YARNELL

Article 39.--ABATEMENT OF COMMON NUISANCES

22-3901. Scope. The following unlawful activities and the use of real or personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

- (a) Commercial gambling;
- (b) dealing in gambling devices;
- (c) possession of gambling devices;
- (d) promoting obscenity;
- (e) promoting prostitution;
- (f) habitually promoting prostitution;
- (g) violations of any law regulating controlled substances;
- (h) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages, by any person not licensed pursuant to chapter 41 of the Kansas Statutes Annotated;
- (i) habitual violations of any law regulating the sale or exchange of cigarettes or tobacco products, by any person not licensed pursuant to article 33 of chapter 79 of the Kansas Statutes Annotated;
- (j) any felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction; or
- (k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of K.S.A. 2005 Supp. 31-170, and amendments thereto.

Any real property used as a place where any such activities are carried on or permitted to be carried on and any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property designed for and used on such premises in connection with such unlawful activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-3904, and amendments thereto.

History: L. 1970, ch. 129, § 22-3901; L. 1990, ch. 114, § 1; L. 2002, ch. 18, § 1; L. 2004, ch. 1, § 4; Mar. 4.

Article 26.--LICENSURE AND REGULATION OF SALE OF LIQUOR BY THE DRINK

41-2601. Definitions. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102 and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(i) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(j) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(k) "Food service establishment" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(l) "Hotel" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(m) "Minor" means a person under 21 years of age.

(n) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(o) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment.

(p) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212 and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(q) "Secretary" means the secretary of revenue.

(r) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645 and amendments thereto.

History: L. 1965, ch. 316, § 1; L. 1969, ch. 243, § 1; L. 1974, ch. 196, § 1; L. 1975, ch. 252, § 1; L. 1977, ch. 169, § 1; L. 1978, ch. 186, § 3; L. 1979, ch. 152, § 5; L. 1981, ch. 200, § 2; L. 1985, ch. 171, § 8; L. 1985, ch. 168, § 4; L. 1987, ch. 182, § 60; L. 1989, ch. 95, § 11; L. 1990, ch. 179, § 5; L. 1995, ch. 266, § 2; July 1.

Article 7.--ATTORNEY GENERAL

75-720. Child exchange and visitation centers; duties of the attorney general; child exchange and visitation centers fund. (a) Subject to the provisions of appropriation acts, the attorney general shall provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children to allow court-ordered child exchange or visitation in a manner that protects the safety of all family members. The attorney general shall coordinate and cooperate with local governmental agencies in providing the child exchange and visitation centers.

(b) A child exchange and visitation center shall provide:

(1) A secure setting and specialized procedures for supervised visitation and the exchange or transfer of children for visitation; and

(2) supervision by a person trained in security and the avoidance of domestic and family violence.

(c) A child exchange and visitation center is for children who have been removed from such children's parents and placed outside the home as a result of abuse or neglect or other risk of harm to such children and for children whose parents are separated or divorced and the children are at risk because:

(1) There is documented sexual, physical or emotional abuse as determined by the court;

(2) there is suspected or elevated risk of sexual, physical or emotional abuse, or there have been threats of parental abduction of the child;

(3) due to domestic violence, there is an ongoing risk of harm to a parent or child;

(4) a parent is impaired because of substance abuse or mental illness;

(5) there are allegations that a child is at risk for any of the reasons stated in paragraphs (1) through (4) pending an investigation; or

(6) other circumstances, as determined by the court, point to the existence of such a risk.

(d) The attorney general may apply for, receive and accept moneys from any source for the purposes of establishing child exchange and visitation centers for victims of domestic violence.

(e) There is hereby created in the state treasury the child exchange and visitation centers fund. All moneys credited to the fund shall be used solely for the purpose of establishing and maintaining child exchange and visitation centers for victims of domestic violence. All expenditures from the child exchange and visitation center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by the attorney general's designee.

History: L. 1996, ch. 188, § 1; July 1.

Article 40.--MENTAL HEALTH CENTERS AND SERVICES

19-4001. Community mental health centers and community facilities for the mentally retarded; services of such facilities; services provided on contract by mental retardation governing board; approval by secretary of social and rehabilitation services of facility establishment. The board of county commissioners of any county or the boards of county commissioners of two (2) or more counties jointly may establish a community mental health center, and/or community facility for the mentally retarded, which shall be organized, operated, and financed according to the provisions of this act. The mental health center may render the following mental health services: Out-patient and inpatient diagnostic and treatment services; rehabilitation services to individuals returning to the community from an inpatient facility; consultative services to schools, courts, health and welfare agencies, both public and private, and conducting, in collaboration with other agencies when practical, in-service training for students entering the mental health professions, educational programs, information and research. The community facilities for the mentally retarded may render, and a mental retardation governing board which contracts with nonprofit corporations to provide services for the mentally retarded may provide, the following services: Pre-school, day care, work activity, sheltered workshops, sheltered domiciles, parent and community education and, in collaboration with other agencies when practical, clinical services, rehabilitation services, in-service training for students entering professions dealing with the above aspects of mental retardation, information and research. It may establish consulting and/or referral services in conjunction with related community health, education, and welfare services.

No community mental health center, and/or facility for the mentally retarded, shall be established in said community after the effective date of this act unless and until the establishment of the same has been approved by the secretary of social and rehabilitation services.

History: L. 1961, ch. 292, § 1; L. 1970, ch. 115, § 1; L. 1977, ch. 103, § 1; April 11.

Article 33.--SOCIAL AND REHABILITATION SERVICES

75-3307b. Enforcement of laws relating to hospitalization or treatment of certain persons; rules and regulations; licensing; standards; continuation of licensure of certain entities; injunction powers; inspections. (a) The enforcement of the laws relating to the hospitalization of mentally ill persons of this state in a psychiatric hospital and the diagnosis, care, training or treatment of persons in community mental health centers or facilities for persons with mental illness, developmental disabilities or other persons with disabilities is entrusted to the secretary of social and rehabilitation services. The secretary may adopt rules and regulations on the following matters, so far as the same are not inconsistent with any laws of this state:

(1) The licensing, certification or accrediting of private hospitals as suitable for the detention, care or treatment of mentally ill persons, and the withdrawal of licenses granted for causes shown;

(2) the forms to be observed relating to the hospitalization, admission, transfer, custody and discharge of patients;

(3) the visitation and inspection of psychiatric hospitals and of all persons detained therein;

(4) the setting of standards, the inspection and the licensing of all community mental health centers which receive or have received any state or federal funds, and the withdrawal of licenses granted for causes shown;

(5) the setting of standards, the inspection and licensing of all facilities for persons with mental illness, developmental disabilities or other persons with disabilities receiving assistance through the department of social and rehabilitation services which receive or have received after June 30, 1967, any state or federal funds, or facilities where persons with mental illness or developmental disabilities reside who require supervision or require limited assistance with the taking of medication, and the withdrawal of licenses granted for causes shown. The secretary may adopt rules and regulations that allow the facility to assist a resident with the taking of medication when the medication is in a labeled container dispensed by a pharmacist. No license for a residential facility for eight or more persons may be issued under this paragraph unless the secretary of health and environment has approved the facility as meeting the licensing standards for a lodging establishment under the food service and lodging act. No license for a residential facility for the elderly or for a residential facility for persons with disabilities not related to mental illness or developmental disability, or both, or related conditions shall be issued under this paragraph;

(6) reports and information to be furnished to the secretary by the superintendents or other executive officers of all psychiatric hospitals, community mental health centers or facilities for persons with developmental disabilities and facilities serving other persons with disabilities receiving assistance through the department of social and rehabilitation services.

(b) An entity holding a license as a community mental health center under paragraph (4) of subsection (a) on the day immediately preceding the effective date of this act, but which does not meet the definition of a community mental health center set forth in this act, shall continue to be licensed as a community mental health center as long as the entity remains affiliated with a licensed community mental health center and continues to meet the licensing standards established by the secretary.

(c) Notwithstanding the existence or pursuit of any other remedy, the secretary of social and rehabilitation services, as the licensing agency, in the manner provided by the act for judicial review and civil enforcement of agency actions, may maintain an action in the name of the state of Kansas for injunction against any person or facility to restrain or prevent the operation of a psychiatric hospital, community mental health center or facility for persons with mental illness, developmental disabilities or other persons with disabilities operating without a license.

(d) The secretary of social and rehabilitation services shall license and inspect any facility or provider of residential services which serves two or more residents who are not self-directing their services and which is subject to licensure under subsection (a)(5) of this section, unless the provider of services is already licensed to provide such services.

History: L. 1963, ch. 254, § 5; L. 1965, ch. 468, § 1; L. 1969, ch. 403, § 1; L. 1972, ch. 228, § 15; L. 1973, ch. 369, § 43; L. 1976, ch. 384, § 1; L. 1976, ch. 243, § 44; L. 1979, ch. 191, § 17; L. 1984, ch. 321, § 2; L. 1985, ch. 208, § 9; L. 1986, ch. 324, § 2; L. 1995, ch. 143, § 6; L. 2005, ch. 160, § 1; July 1.

Kansas Administrative Regulations

- 28-4-113 Definitions.** (a) "Care provider" or "provider" means a person, association, corporation or other organization who has control or custody of one or more children under 16 years of age who are unattended by a parent or guardian for the purpose of providing those children with care for less than 24 hours a day, except children related to the person by blood, marriage or legal adoption.
- (b) "Day care home" means the premises in which care is provided for a maximum of 10 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(e)(1).
- (c) "Department" means the Kansas department of health and environment.
- (d) "Emergency care" means care for a period not to exceed two weeks for children not regularly enrolled in the facility.
- (e) "Evening care" means care for children staying with the provider after 6:00 p.m. and leaving before 1:00 a.m. the following day.
- (f) "Extended absence" means more than 10 hours per week away from the day care home or group day care home during hours of operation.
- (g) "Fire inspector" means a person approved by the state fire marshal to conduct fire safety inspections.
- (h) "Group day care home" means the premises in which care is provided for a maximum of 12 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1).
- (i) "Kindergarten age child" means a child who is five years of age on or after June 1 of the year the child is eligible to enter kindergarten pursuant to K.S.A. 72-1107 and any amendments thereto.
- (j) "License capacity" means the maximum number of children who are authorized to be on the premises at any one time.
- (k) "Licensed physician" means a person licensed to practice medicine or surgery in Kansas as set forth in K.S.A. 1988 Supp. 65-2869 and K.S.A. 65-2870, and any amendments thereto.
- (l) "Overnight care" means care for children staying with the care provider after 1:00 a.m.
- (m) "Primary care provider" means a licensee or his or her designee who is 18 years of age or older and has the ongoing responsibility for the health, safety, and well-being of children in care.
- (n) "Substitute care provider" means a person who supervises children in the day care home or group day care home in the temporary or extended absence of the provider.
- (o) "Temporary absence" means time away from the day care home or group day care home and

from the children in care for a period not to exceed 10 hours per week. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, K.S.A. 65-503, and K.S.A. 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Feb. 26, 1990.)

28-4-420 Definitions. (a) "Administrator" means the staff member of a child care center or preschool who is responsible for the general and fiscal management of the facility.

(b) "Attendance" means the number of children present at any one time.

(c) "Basement" means an area in which all four outside walls are more than two-thirds below ground level.

(d) "Child care center" means a facility:

(1) which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or

(2) which provides before and after school care for school-age children. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

(e) "Child with handicaps" means a child in care who does not function according to age-appropriate expectations to such an extent that the child requires special help, program adjustment, and support services on a regular basis.

(f) "Corporal punishment" means activity directed toward modifying a child's behavior by means of physical contact such as spanking with the hand or any implement, slapping, swatting, pulling hair, yanking the arm, or any similar activity.

(g) "Discipline" means the on-going process of helping children develop inner control so that they can manage their own behavior in a socially approved manner.

(h) "Enrollment" means the total number of children for whom services are available.

(i) "Evening care" means care provided between 6 o'clock p.m. and midnight of the same day.

(j) "Fire inspector" means a person approved by the state fire marshal to conduct fire safety inspections.

(k) "Infant" means a child who is between two weeks and 12 months of age, or a child over 12 months who has not learned to walk.

(l) "In-service training" means job-related training provided for employed staff and volunteers.

(m) "Integrated unit" means a center or preschool program serving both handicapped and non-handicapped children, in which not less than 1/3 and not more than 2/3 of the children are handicapped.

(n) "License" means a document issued by the Kansas department of health and environment

which authorizes a licensee to operate and maintain a child care center or preschool.

(o) "License capacity" means the maximum number of children that is allowed to attend at any one time.

(p) "Licensed physician" means a person licensed to practice medicine and surgery in Kansas as set forth in K.S.A. 65-2869 and 65-2870, and any amendments thereto.

(q) "Licensee" means a person, corporation, firm, association, educational group or other organization which operates or maintains a child care center or preschool.

(r) "Mother's day out" means a program operating more than five consecutive hours or more than one day per week and in which any one child is enrolled for not more than one session per week.

(s) "Nighttime care" means care provided after six o'clock p.m. and continuing until after midnight.

(t) "Preschool" means a facility:

(1) which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto, and who are 30 months of age or older;

(2) which conducts sessions not exceeding three hours per session;

(3) which does not enroll any child more than one session per day; and

(4) which does not serve a meal. The term "preschool" shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

(u) "Preschool age" means a child who is between 30 months of age and the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto.

(v) "Program" means a comprehensive and co-ordinated plan of activities providing for the education, care, protection, and development of children who attend a preschool or a child care center.

(w) "Program director" means the staff member of a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(b), (c), (d) or (e) and who is responsible for implementing and supervising the program.

(x) "School-age" means a child who will attain the age of six years on or before the first day of September of any school year, but who is not 16 years of age or older.

(y) "Self-contained unit" means an area separated by walls or partitions not less than five feet high which contains indoor learning materials for the maximum number of children permitted in one group as specified in K.A.R. 28-4-428(a).

(z) "Sick child" means a child who has a contagious disease or shows other signs or symptoms of an acute illness.

(aa) ``Special purpose unit" means a program in which more than two-thirds of the children enrolled have severe or mild handicaps.

(bb) ``Summer program for school-age children" means a program in which school-age children are enrolled for more than three hours daily for more than two consecutive weeks, and shall include summer camps.

(cc) ``Swimming pool" means an enclosed body of water more than 12 inches deep.

(dd) ``Toddler" means a child who has learned to walk and who is between 12 and 30 months of age.

(ee) ``Unit" means the number of children that may be present in one group, as specified in K.A.R. 28-4-428(a). (Authorized by and implementing K.S.A. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987.)

REGULAR COUNCIL MEETING
NOVEMBER 21, 2006
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 pm with the following members present: Virginia Black, Bess Roberts, Dale Blumanhourst, Michael Houston and Richard Yarnell.

Members absent: Cheryl Nordstedt

Staff present: I.D. Creech- City Administrator
Kristine Polian, City Clerk
Richard Dunn, City Superintendent
Lonnie Tormey, Fire Chief
Barry Arbuckle, City Attorney
Eldon Miller, Community Development Officer
Neal Owings, Parks Superintendent
Kelly Parks, Police Chief

Press present: The Ark Valley News

APPROVAL OF AGENDA

Mayor McNown added a CMB application under the Clerk's Agenda, and took off the Wretberg Addition discussion under Committees and Commissions.

Roberts moved, second by Houston, to approve the agenda as amended. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Houston moved, second by Black, to approve Consent Agenda as amended. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

CMB APPLICATION --MC'S COUNTRY STORE

City Clerk Polian stated that an application had come through for MC's Country Store on the corner of Meridian and Main Street to sell Cereal Malt Beverages through the end of 2006.

Chief Parks stated that he had done the background check, and that everything was in order.

Yarnell moved, second by Roberts, to approve the CMB license for MC's Country Store. Vote yea: unanimous. Motion carried.

COMMITTEES AND COMMISSIONS

PROPOSED PLANNED UNIT DEVELOPMENT- RIDGEFIELD ADDITION

Houston moved, second by Black, to accept the dedications shown on the plat of Ridgefield Addition Planned Unit Development and direct the Mayor to sign documents necessary. Vote yea: unanimous. Motion carried.

OLD BUSINESS

POLICE DEPARTMENT RULES AND REGULATIONS

Roberts moved, second by Houston, to adopt the Valley Center Police Department Rules and Regulations dated November 21, 2006. Vote yea: unanimous. Motion carried.

GAS FRANCHISE: KANSAS GAS SERVICE RETAIL

Blumanhourst moved, second by Black, to adopt Ordinance 1135-06 for second reading. Vote yea: unanimous. Motion carried.

GAS FRANCHISE: TRANSPORTATION AND DISTRIBUTION

Blumanhourst moved, second by Houston, to adopt Ordinance 1136-06 for second reading. Vote yea: unanimous. Motion carried.

SALES TAX

City Administrator Creech presented examples of other cities that have passed sales tax recently.

Joe Norton of Gilmore and Bell went into further discussion regarding Derby's implemented sales tax, explaining what the city had done. He explained options to the Governing Body regarding types of sales tax, whether a "general" sales tax or a "specific" sales tax.

Roberts asked if it would be cheaper to do a bond rather than sales tax.

Norton explained that borrowing money against sales tax might be more costly and cumbersome based on the fact that the money to pay back the loan is projected. However, if it were a "double-barrel" bond that uses general obligation money and sales tax, this would probably be the same expense as a general obligation bond.

Councilmember Houston stated that he thought it premature to decide on a question to put on the ballot just yet until specific projects have been named.

Creech stated that the Governing Body didn't necessarily need to choose a question, however, it would be beneficial if the Committees created could make decisions with the knowledge that the revenue would be there.

Council consensus was to explore the possibility of a local sales tax further.

CAPITAL IMPROVEMENT PROGRAM

Yarnell moved, second by Roberts, to adopt 2007-2012 Valley Center Capital Improvement Program as presented. Vote yea: unanimous. Motion carried.

MUNICIPAL EQUIPMENT RESERVE PROGRAM

Blumanhourst moved, second by Houston, to adopt the Valley Center Municipal Equipment Reserve Program. Vote yea: unanimous. Motion carried.

****Mayor McNown called for a ten-minute break at 8:02****

Mayor McNown stated that during the break an Executive Session was requested by City Attorney Arbuckle to discuss a legal matter. Said that it would be put under New Business under item "C".

Houston moved, second by Yarnell, to approve adding an Executive Session to the agenda. Vote yea: unanimous. Motion carried.

NEW BUSINESS

PROPOSED ORDINANCE: TAX ABATEMENT AMENDMENT: RETROSYSTEMS, INC

Blumanhourst moved, second by Houston, to approve Ordinance 1137-06 and waive first reading. Vote yea: unanimous. Motion carried.

PROPOSED FRANCHISE AGREEMENT- AT&T

Bill Bryant with AT&T stated that the current franchise agreement they had with Valley Center was no longer valid with state statute and that it needed to be changed.

Blumanhourst moved, second by Roberts, to adopt Ordinance 1138-06 granting telecommunications franchise to AT&T dba Southwestern Bell, to include 5% of gross receipts as part of the agreement, for first reading. Vote yea: unanimous. Motion carried.

EXECUTIVE SESSION

Roberts moved, second by Houston, to go into Executive Session at 8:30 with the City Administrator, City Attorney and City Clerk for no more than 5 minutes to discuss a legal matter. Vote yea: unanimous. Motion carried.

Roberts stated that they met in Executive Session and no action was taken.

STAFF REPORTS

CITY CLERK POLIAN

Pointed out the handout she provided regarding the upcoming elections and reminded them that the filing date deadline to run for office is January 23.

COMMUNITY DEVELOPMENT OFFICER MILLER

Stated that FEMA has now issued regulations on levies. Should have approval of the Division of Water Resources shortly after, and then the Council can approve the zoning changes.

CITY ATTORNEY ARBUCKLE

Said that he would be presenting a model ordinance for carry and conceal in the near future.

CITY ADMINISTRATOR CREECH

Stated that the Ward meetings would take place in January over two different weeks on the Monday and Thursday of each week. Discussion would consist of election filing and different city projects to name a few. Also said that the Governing Body still had to deal with the 2nd reading of the sewer ordinance at the first meeting in December.

GOVERNING BODY REPORTS

MAYOR MCNOWN

Announced the Task Force Assignments:

Police Chief Search

Chair- Michael Houston (Council)
Joe Dessenberger (Citizen)
Ed Pavey (Citizen)
Jeannie Kellums (Citizen)

Anne Carter-Hainlen (Business owner)
A.J. Koster (Schools)
Reverend Bobby Massey (Chaplain)

Pool/Library/Recreation Commission/Senior Campus Task Force

Chair- Virginia Black (Council)
ID Creech (Staff)
Brad Edwards (Recreation Commission)
Jake Jackson (Planning Commission)
Betty Dennett (Seniors)
Daron Kasselmann (Chamber of Commerce)
Dr. Scott Springston (School District)

Josh Collins (High School Junior)
Rene Christenson (High School Junior)
Virginia Boyd (Business Owner)
Tom Harris (Business Owner)
Linda Bailey (Pool)
Tony Snavely (Assembly of God Youth Director)
Janice Sharp (Library)

Railroad

Chair- Andy Quandt
Adam Dunn (Planning Commission)
Eldon Miller (Staff)
Matt Vogt (Staff)

Jim Cochran (Citizen)
Scott Dunakey (Citizen)
Larry Toerber (Citizen)

Stated that several people were willing to assist on these task forces, and that it is a wonderful thing for so many people to be willing to get involved. Also wanted Council members to contact City Clerk Polian to get pictures taken for the website, as the current picture is incorrect.

COUNCILMEMBER ROBERTS

Stated that Gilson's name is still on the agenda.

COUNCILMEMBER BLUMANHOURST

Stated that over the weekend the cable channel was not working and that he will not be at the next meeting.

Meeting Adjourned at 8:42 pm.

Kristine A. Polian, City Clerk

11/28/06 11:03:11 AM
 11/28/06
 11/28/06 11:03:11 AM

LINE#	NAME	ADD.	DEPT	DATE	AMOUNT	CHECK#	CHECK
0007	P. E. T.						
	I-411491		PROFESSIONAL SERVICES	H 11/09/2006	25,800.00CR	036201	
	I-411501		PROFESSIONAL SERVICES	H 11/09/2006	291.84CR	036201	24,341.84
0008	INTRUST BANK N.A.						
	I-200611293215		PR TAXES FOR 11-10-06	D 11/13/2006	11,155.63CR	000000	11,155.63
0011	KPERS						
	I-200611293215		KPERS FOR 11-10-06 PR	D 11/13/2006	3,697.99CR	000000	3,697.99
0018	KRISTINE POLIAN						
	I-200611293214		MILEAGE EXPENSE	H 11/17/2006	51.18CR	036262	51.18
0019	EMX 'N MCR						
	I-200611293213		COMPUTER SCREENS	H 11/20/2006	867.00CR	036266	867.00
0023	KDHE						
	I-200611293211		LICENSE RENEWAL FEE	H 11/20/2006	130.00CR	036263	130.00
0024	KANSAS ASSOCIATION OF						
	I-200611293213		MEMBERSHIP DUES	H 11/21/2006	50.00CR	036267	50.00
0001	VANTAGEPOINT TRANS AGENTS						
	I-200611293209		ICMA FOR NOVEMBER	H 11/22/2006	1,546.00CR	036269	1,546.00
0057	LYNDEE'S						
	I-197 198		FLOWERS SAMPSON/BLACK	H 11/20/2006	72.99CR	036270	72.99
0028	KANSAS STATE UNIVERSITY						
	I-200611293217		VOYLES/COURTOIS CLASS	H 11/22/2006	10.00CR	036271	10.00
0005	INTRUST BANK N.A.						
	I-200611293225		11-22-06 PR TAXES	D 11/24/2006	13,736.54CR	000000	13,736.54
0010	KPERS						
	I-200611293226		KPERS OR 11-22-06 PAYROLL	D 11/24/2006	3,633.43CR	000000	3,633.43
0113	PITNEY BOWES INC						
	I-3961042-0T06		POSTAGE METER RENTAL	H 11/27/2006	237.00CR	036275	237.00
0147	LEEKERS FAMILY FOODS						
	I-200611293218		VARIOUS SUPPLIES	H 11/27/2006	190.23CR	036277	190.23

LINE	NAME	DESC	CHECK TYPE	CHECK DATE	DEBIT/CR	AMOUNT	CHECK NO#	CHECK ACCOUNT
0034	SALINA SUPPLY CO I-200611093119	WATER DEPT SUPPLIES	R	11/27/2006		133.13CR	036219	133.13
0035	KU DEPARTMENT OF REVENUE I-200611093131	CERERAL MALT BEV LICENSE	R	11/23/2006		15.00CR	036219	15.00
0036	INTRUST BANK N.A. I-200611093239	PR TAXES FOR 11-30-06	D	11/29/2006		767.95CR	000000	767.95
0037	DW7 I-200611133130	WRITTEN TESTS & PERMITS	D	11/30/2006		50.00CR	000000	50.00
0038	AFLAC I-272028	INSURANCE PREMIUMS	R	11/30/2006		114.50CR	036230	114.50
0039	AIRGAS MID SOUTH I-106106669 I-106624939	OXYGEN & ACETYLENE CYLINDER LEASE	R R	11/30/2006 11/30/2006		43.34CR 130.00CR	036281 036281	273.34
0040	B & B KLASSEN ENTERPRISES INC I-50055	ROAD GRAVEL	R	11/30/2006		151.64CR	036282	151.64
0041	BOARD OF EMER MEDICAL SERVICES I-200611093237	CEPTIFICATION RENEWAL	R	11/30/2006		30.00CR	036283	30.00
0042	BUSINESS SYSTEMS, INC. I-734613 I-734647	COPIER MAINT CONTRACT COPIER MAINT CONTRACT	R R	11/30/2006 11/30/2006		19.15CR 45.00CR	036284 036284	64.15
0043	GINGULAR WIRELESS I-200611093231	CELL PHONE BILL	R	11/30/2006		229.58CR	036285	229.58
0044	QVVO PLUS I-42919	MONTHLY WEBSITE FEE	R	11/30/2006		325.00CR	036286	325.00
0045	CUMMINS CENTRAL POWER LLC I-003-35174 I-003-35963 35973	GENERATOR SUPPLIES	R R	11/30/2006 11/30/2006		240.00CR 411.53CR	036287 036287	653.53
0046	D.A.R.E. AMERICA MOSE I-MN-61034	T-SHIRTS	R	11/30/2006		915.52CR	036288	915.52

UNCL	NAME / ID#	DESC	UNCL	CHIEF	DISCOUNT	AMOUNT	UNCL	AMOUNT
0000	CEBSA SCIENCE							
	I-000611093000	TREE INCENTIVE PROGRAM	R	11/30/2006		100.00CR	036299	100.00
0000	DEF PRINTING HANS							
	I-0000 0004	PLAN COMM LETTERHEAD	R	11/30/2006		193.00CR	036290	193.00
0000	DOCUFORCE							
	I-001237	COPIER MAINT CONTRACT	R	11/30/2006		184.29CR	036291	184.29
0007	E.H. WACHS COMPANY							
	I-INV022970	TORQUE GAUGE	R	11/30/2006		198.54CR	036290	198.54
0042	ECONO SIGNS LLC							
	I-985196	SIGNS	R	11/30/2006		561.08CR	036293	561.08
	I-385301	SIGNS	R	11/30/2006		113.74CR	036293	113.74
0006	FERRELLIGAS							
	I-1011899709	CRACK SEALER VALVE PART	R	11/30/2006		19.31CR	036294	19.31
0055	FIRST WIRELESS INC							
	I-56334 56397 56596	PAGERS/RADIO BATTERIES	R	11/30/2006		1,056.00CR	036295	1,056.00
0058	HENRY HELGERSON COMPANY							
	I-200611293240	FLAG POLE FOR CITY HALL	R	11/30/2006		1,355.00CR	036296	1,355.00
0071	HERB SCHUTTLER							
	I-200611293200	TREE INCENTIVE PROGRAM	R	11/30/2006		100.00CR	036297	100.00
0099	INGRAM, VERLIN A.							
	I-200611293234	COURT APPOINTED ATTY	R	11/30/2006		150.00CR	036298	150.00
0100	INTERLINGUAL SERVICES							
	I-200611293229	COURT INTERPRETER	R	11/30/2006		97.50CR	036299	97.50
0006	INTRUST BANK N.A.							
	I-200611293241	STREET SWEEPER PMT	R	11/30/2006		25,729.02CR	036300	25,729.02
0000	IPNA HR							
	I-24123001	MEMBERSHIP DUES/POLIAN	R	11/30/2006		145.00CR	036301	145.00
0054	JARGOTH INC DBA PTS							
	I-2930	PHONE BILL AT PARK	R	11/30/2006		50.00CR	036302	50.00

0000	NAME	DEPT	CHEQ TYPE	DATE	AMOUNT	DEPT CODE	AMOUNT
0000	JENNIFER DAND		R	11/30/2006	88.00CR	036308	88.00
0000	I-200611293208	WALWELLS COMM BLDG					
0000	JOHNSON AUTOMOTIVE		R	11/30/2006	89.01CR	036304	89.01
0000	I-200611293209	TIRE REPAIRS					
0000	I-200611293248	VEHICLE REPAIRS	R	11/30/2006	303.89CR	036304	303.89
0000	KANSAS DEPT OF REVENUE		R	11/30/2006	1,769.40CR	036305	1,769.40
0000	I-200611293249	LAST HALF NOV RWT					
0000	KANSAS PAVING		R	11/30/2006	258.79CR	036306	258.79
0000	I-10090376	HOT MIX					
0000	KANSAS TRUCK CENTER		R	11/30/2006	22.95CR	036307	22.95
0000	I-2187895	DRAIN VALVES					
0000	KANSAS UNDERGROUND EQUIP		R	11/30/2006	20.99CR	036308	20.99
0000	I-200611293243	TRAILER PARTS					
0000	KANSASLAND TIRE		R	11/30/2006	557.98CR	036309	557.98
0000	I-96115 86442	TIRES & TUBES					
0000	KK OFFICE SOLUTIONS		R	11/30/2006	179.95CR	036310	179.95
0000	I-40296	INSTALLED PRINT SERVER					
0000	KRISTINE POLIAN		R	11/30/2006	40.00CR	036311	40.00
0000	I-200611293247	HOLIDAY PARTY SUPPLIES					
0000	KS PERCE OFFICERS ASSN		R	11/30/2006	150.00CR	036312	150.00
0000	I-200611293244	AGENCY DUES					
0000	LIBERTY EXTERMINATING		R	11/30/2006	120.00CR	036313	120.00
0000	I-22497	PEST CONTROL SERVICE					
0000	LINDA SETSER-MAUS		R	11/30/2006	6.23CR	036314	6.23
0000	I-200611293245	REIMBURSE MILEAGE					
0000	MANNECO INC		R	11/30/2006	229.72CR	036315	229.72
0000	I-26321	LAMPS & GASKETS					
0000	MILLER, ELDON		R	11/30/2006	65.32CR	036316	65.32
0000	I-200611293233	MILEAGE EXPENSE					

ACCOUNT	AME	IND.	DESC	TYPE	DATE	DISCOUNT	AMOUNT	CHECK NO#	AMOUNT
0014	HUNKE HOPPE								
	I-200611293237		TYPE INCENTIVE PROGRAM	R	11/30/2006		100.00CR	036317	100.00
0011	OVERHEAD DOOR COMPANY								
	I-2001995-IN		REPAIR OVERHEAD DOOR	R	11/30/2006		110.71CR	036319	110.71
0010	PAVING MAINTENANCE SUPPLY								
	I-33090 33091 33101		SUPPLIES & PARTS	R	11/30/2006		847.90CR	036319	
	I-20032959		SWEEPER BROOMS	R	11/30/2006		719.76CR	036319	1,567.69
0010	PHILLIP TENNESSEN								
	I-200611293219		REIMBURSE FOR TRAINING	R	11/30/2006		500.00CR	036320	500.00
0019	PIXIUS COMMUNICATIONS LLC								
	I-475379		INTERNET ACCESS	R	11/30/2006		89.95CR	036321	89.95
0014	PREFERRED PLUS OF KANSAS								
	I-0610823-00137		HEALTH INS PREMIUMS	R	11/30/2006		21,460.80CR	036322	21,460.80
0013	RAY LINDSEY COMPANY								
	I-20006460		SUPPLIES	R	11/30/2006		457.50CR	036323	457.50
0016	RELIABLE OFFICE SUPPLIES								
	I-Y2000000		CHAIRMAT	R	11/30/2006		75.47CR	036324	75.47
0016	ROBERTS TRUCK CENTER								
	I-1107643		CARRIER BEARING	R	11/30/2006		112.59CR	036325	112.59
0011	RURAL WATER DISTRICT #2								
	I-200611293234		RWD FEES FOR OCT	R	11/30/2006		1,350.00CR	036326	1,350.00
0019	SAM'S CLUB								
	I-200611293246		MISC. SUPPLIES	R	11/30/2006		133.70CR	036327	133.70
0019	SAM'S CLUB								
	I-200611293230		MEMBERSHIP DUES	R	11/30/2006		210.00CR	036328	210.00
0011	SECURITY TITLE								
	I-200611293220		TITLE RESEARCH	R	11/30/2006		75.00CR	036329	75.00
0017	SEDGWICK CO CODE ENFORCE								
	I-200611293235		BLDG PERMITS FOR SEPT	R	11/30/2006		3,939.14CR	036330	3,939.14

NO	NAME	END.	DEPT	CHECK DATE	CHECK DATE	AMOUNT	AMOUNT	CHECK NO.	CHECK AMOUNT
0000	BEDEWICH CO DIV OF FINANC								
	I-1410017709		OFF OF PACTS BOILING	R 11/30/2006		409.1109		036301	
	I-1410017704		COMPUTER USAGE	R 11/30/2006		45.0104		036301	454.11
0001	TENMENT SALES & SERV CO								
	I-94144697	94146997	STREET SWEPPER PART	R 11/30/2006		1,039.1203		036331	1,039.12
0199	LONNIE FORNEY								
	I-200611093211		REIMBURSE FOR PARTS	R 11/30/2006		73.3603		036333	73.36
0211	USA BLUE BOOK								
	I-260650		EAR MUFFS	R 11/30/2006		47.3203		036334	
	I-261071		SLUDGE JUDGE	R 11/30/2006		114.8303		036334	162.15
0099	VALLEY CENTER VET CLINIC								
	I-79355		ANIMAL CARE	R 11/30/2006		39.2903		036335	39.29
0103	WAKENE PRODUCTS CO								
	I-67609		TRASH CAN LINERS	R 11/30/2006		39.0903		036336	
	I-67931		JANITORIAL SUPPLIES	R 11/30/2006		766.6003		036336	804.69
0171	WICHITA WINWATER WORKS								
	I-200611093236		WATER DEPT SUPPLIES	R 11/30/2006		1,491.8303		036337	1,491.83
0021	ZEE MEDICAL INC								
	I-001575374		SUPPLIES FOR MED CAB	R 11/30/2006		309.3503		036338	309.35

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	59	0.00	71,526.23	71,526.23
HANDWRITTEN CHECKS:	12	0.00	39,843.41	39,843.41
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	6	0.00	35,041.34	35,041.34
VOID CHECKS:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	77	0.00	146,416.00	146,416.00

AL ERRORS: 0

DATE	TIME	TYPE	DEBIT	CREDIT	DEBIT	CREDIT	DEBIT	CREDIT
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*** BUDGETING REPORT BY FUND ***

FUND	PERIOD	AMOUNT
010	11/2006	31,774.310P
110	11/2006	34,511.840P
150	11/2006	32,669.290R
210	11/2006	174.490R
240	11/2006	918.820R
350	11/2006	33,600.000R
610	11/2006	7,473.400R
600	11/2006	3,411.460R
=====		
ALL		146,416.000R