

AGENDA
CITY OF VALLEY CENTER
7:00 pm
January 15, 2008
City Hall - 121 S. Meridian

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION — Chuck Terrill**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p2**
- 6. CLERK’S AGENDA**
 - A. Minutes of the January 3rd Meeting p2
 - B. Appropriation Ordinance – 2007 p9
- 7. PUBLIC FORUM (Citizen input and requests)**
- 8. COMMITTEES AND COMMISSIONS—REPORTS**
 - A. Notification of Proposed Revisions – REAP By-Laws p14
- 9. OLD BUSINESS**
 - A. Proposed Ordinance – Building Codes: Proposed Ordinance 2nd Reading p24
- 10. NEW BUSINESS**
- 11. STAFF REPORTS p26**
- 12. GOVERNING BODY REPORTS p29**
- 13. ADJOURN**

Approval of Agenda

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

Clerk's Agenda

A. Minutes of the Meeting:

Attached are the minutes from the meeting of January 3, 2008 and January 8, 2008 meetings.

City Staff suggests motion to approve the Council Meeting Minutes as presented.

REGULAR COUNCIL MEETING
JANUARY 3, 2008
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 pm with the following members present: Virginia Black, Jo Ann Gerling, Kate Jackson, Marci Maschino, Cheryl Nordstedt, Louis Cicirello, Lionel Jackson and Jack Townsley.

Members absent:

Staff Present: ID Creech, City Administrator
Kristine Polian, City Clerk
Teevie Walker, Assistant City Clerk
Richard Dunn, City Superintendent
Robert Tormey, Fire Captain
Mark Hephner, Police Chief
Eldon Miller, Community Development Officer
Mike Kelsey, City Engineer

Press present: The Ark Valley News

APPROVAL OF AGENDA

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

CLERK'S AGENDA

MINUTES- DECEMBER 18, 2007

Nordstedt moved, second by Maschino, to approve the minutes of December 18, 2007 as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE NO. 1/3/08

Cicirello moved, second by J. Jackson, to approve Appropriation Ordinance No. 1/3/08 as presented. Vote yea: unanimous. Motion carried.

PUBLIC FORUM

COMMITTEES AND COMMISSIONS

A. PROPOSED ORDINANCE – RIDGEFIELD ADDITION PLANNED UNIT DEVELOPMENT

This proposal is a change from previous plan adopted by Ordinance 1123-06 dated August 15, 2006. The reason for the change is the per lot cost of specials estimated with the required paving, water, sewer, and drainage improvements. The proposal provides a paved street through the development in lieu of paving Kessler outside the development.

L. Jackson moved, second by Nordstedt, to adopt the findings, factors, and recommendations of the Planning Commission on Case No. Z-2007-002, approve Ordinance No. 1158-08 and waive first reading. Vote yea: unanimous. Motion carried.

B. PROPOSED ORDINANCE – PCA ADDITION PLANNED UNIT DEVELOPMENT – 5TH & SENECA (HORN)

The proposal is for the development of a five (5) acre tract on the northwest corner of 5th & Seneca into a medical office facility.

Miller stated that the recommendation of the Planning Commission was to limit this ordinance to professional, business office, and financial institutions. If this was approved and someone, in a few years, wants to by property and use it for anything other than the aforementioned business types, there would have to be another public hearing to request changes to the zoning.

Citizens that spoke:

Mary Lou Rivers
Barbara Grant
Shirley Matson
Bill Fry
Linda Davis

Ron Williams
Frank McNeve
Lonnie L. Matson
Dave Matson
Greg Waller

Al Hobson
Becky May
Donna Mills-Bird
Vallerie Gleason

Opponents to the proposal cited their concerns:

Citizens understood that the purpose of the Planning Commission Meeting was for residents to come together so that the Commission could get input about the matter in question. Instead residents felt that the Commission argued every point brought up by citizens. The general feeling was that the representatives of the Planning Commission were rude and were considered poor representatives for the City.

The area was zoned agricultural and it seems as though it is drastic to change the tract of land to a commercial zoning designation. Residents in the area would prefer that the area not be commercialized. Citizens also had questions about the City's notification procedures when such changes or plans are being proposed within surrounding areas.

Believes that the sewer needs to be in place, water culverts need to be placed to accommodate drainage for debris during rain, the road (5th) needs to be widened, and turn lanes need to be installed before rezoning is even considered. When Fiddler's Creek was developed the citizens in High Point thought that 5th Street was going to be widened to accommodate a turn lane accessing Fiddler's Creek. This has not happened. There is concern about the traffic at 5th and Seneca, especially when making left-hand turns.

Supporters for the proposal cited:

The Valley Center Chamber of Commerce Board has discussed Dr. Horn moving out to 5th and Seneca; they consider it a wonderful move. The Board has tried encouraging the Medical Center to locate in the City of Valley Center to give the City additional medical services, as well as doctors, thus limiting the need to drive to Wichita. The Board is appreciative of Dr. Horn's difficulty in finding land for his new facility; there is a perception that the community does not want to change. The Board encourages new businesses and believes that Dr. Horn is an asset to the community; they would like to see the new medical facility at 5th and Seneca.

This facility fits the City of Valley Center's Comprehensive Plan. The Plan took approximately two years to develop with citizens from around the community. Public Meetings were held to discuss the Plan and what was to be the future of the areas in Valley Center. This was passed by the Council; at the time there was no protest as to how the City would grow based on the Comprehensive Plan.

Al Hobson, President of the Planning Commission, apologized to residents for any insensitivity that may have been interpreted at the Planning Commission Meetings.

Dr. Horn's present facility can no longer comfortably accommodate his patients. It is for the greater good of the community to keep a medical facility in the area.

Due to high land values, it is difficult to find other available land in Valley Center that could be utilized for Dr. Horn's facility.

Nordstedt asked who had been notified about the proposed ordinance. Miller stated that (8) people had been contacted. Lonnie Matson stated that he had notified 76 of his neighbors using the letter that he had received from the City.

Black asked Kelsey if there had been a drainage study as well as information regarding a lagoon for sewer. Kelsey stated that issue was in preliminary stages; infrastructure had been discussed and that sewer line was approximately ½ mile away and he did not see tremendous difficulty extending the line.

Cicirello asked Kelsey if there were cost estimates for left-turn lanes on 5th Street? Kelsey stated totals of approximately \$150,000-450,000.

Cicirello moved, second by Gerling, to table Case No. Z-2007-003 until January 15, 2008 at 7:00 p.m. in this same meeting room for more information and study in regard to Proposed Ordinance – PCA Addition Planned Unit Development – 5th & Seneca (Horn). Vote yea: Gerling, Cicirello, and K. Jackson. Opposed: Townsley, Black, Maschino, J. Jackson, and Nordstedt. Motion died.

Nordstedt moved, second by Black, to adopt the findings, factors, and recommendation of the Planning Commission on Case No. Z-2007-003 and approve the Ordinance No. 1159-08 for zone change. Vote yea: Townsley, Black, Maschino, J. Jackson, and Nordstedt. Opposed: Gerling, Cicirello, and K. Jackson. Motion carried.

Mayor McNown proposed a break at 8:51 p.m.

Mayor McNown called the meeting back to order at 9:01 p.m.

C. PROPOSED CONTRACT – PLANNING CONSULTANT

Gerling moved, second by Maschino, to approve the proposal to continue forward with the 2007 contract for planning consultant services, currently held with Foster & Associates, not to exceed \$5,000. Vote yea: unanimous. Motion carried.

OLD BUSINESS

NEW BUSINESS

A. PROPOSED ORDINANCE – BUILDING CODES: PROPOSED ORDINANCE 1ST READING

The proposal is to amend the Code of the City of Valley Center to align with the codes adopted by Sedgwick County. This is due to the fact that the City employs the Sedgwick County Code Enforcement Department to inspect new construction within the City.

L. Jackson moved, second by Gerling, to adopt Ordinance No. 1160-08 amending the Code of the City of Valley Center dealing with building codes on 1st reading. Vote Yea: unanimous. Motion carried.

STAFF REPORTS

CITY CLERK POLIAN

Responded to the 2006 Audit Management Letter from the December 18, 2007 Council Meeting. A description of the City Treasurer's responsibilities was supplied to the Council.

Nordstedt was concerned that the Council was shirking its fiscal responsibilities; would like staff to provide financial reports once a month for Council's review.

CITY ATTORNEY

Meetings for West Valley consideration have been set up. The first meeting is in March and the City will need a position paper.

GOVERNING BODY REPORTS

MAYOR MCNOWN

The Board of Sedgwick County Commissioners has a reception on January 9th at 10:00 a.m. The Recreation Commission has an opening as Brad Edwards has resigned. Rod Jackson is interested in filling the position through June 30, 2009. Black moved, second by Maschino, to appoint Rod Jackson to fill Brad Edwards's position until June 30, 2008. Vote yea: unanimous. Motion carried.

COUNCILMEMBER BLACK

Hopes 2008 is less eventful than 2007.

COUNCILMEMBER GERLING

Wanted to recognize Chief Hephner for working Christmas so that his officers could have the holiday off. Appreciated the work of the graders and road crews during the snow.

COUNCILMEMBER NORDSTEDT

Asked Staff to find out the date of the Public Hearing for the West Valley proposal.

COUNCILMEMBER CICIRELLO

Barton Solvents is looking elsewhere to move facility; Council needs to consider ways to keep their business in Valley Center.

Maschino moved, second by Nordstedt, to adjourn the meeting.

Meeting adjourned at 9:38 p.m.

Teevie Walker, Assistant City Clerk

B. Appropriation Ordinance:

Attached is the proposed appropriation ordinance for December 31, 2007 as prepared by City Staff.

Note: these are 2007 expenses.

Packet #1 91,576.65

Total \$91,576.65

City Staff suggests motion to approve the appropriation ordinance as presented.

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
0060	A T & T I-077722 21732	12/25/07 MONTHLY SVCS	R	1/09/2008		217.32CR	038267
0038	ACCURATE LABS I-077729 32460	SEWER LABS-DEC 2007	R	1/09/2008		324.60CR	038268
0046	ARK VALLEY NEWS I-077724 5568	PUB NOTE-ORD NO. 1157-07	R	1/09/2008		55.68CR	038269
0770	BRIAN'S BODY SHOP INC I-077723 145341	PD VEH REPAIR-2003 FORD	R	1/09/2008		1,453.41CR	038270
0145	CITY OF WICHITA I-077721 504	11/19-12-31-07 6201 N MER	R	1/09/2008		16,664.75CR	038271
0201	CITY OF WICHITA I-077728 4350	SLUDGE HAULING-MONTHLY	R	1/09/2008		4,350.00CR	038272
0078	CIVIC PLUS I-077709 358	DEC 2007-SERVICE FEES	R	1/09/2008		358.00CR	038273
0152	COX COMMUNICATIONS I-077727 84	NOV-DEC 2007 SERVICES	R	1/09/2008		255.47CR	038274
0150	CRAIN CHEMICAL I-077731 8658	OIL BASE FLOOR SWEEP	R	1/09/2008		86.58CR	038275
0360	DATA FLOW I-077732 23460	WA/SWR DISCONNECT FRMS	R	1/09/2008		234.60CR	038276
1254	DATARADIO I-077751 22712	(8) MODEMS-PD VEHICLES	R	1/09/2008		22,712.00CR	038277
0432	GILMORE & BELL I-077733 11750	BOND & TEMP NOTE FEES	R	1/09/2008		11,750.00CR	038278
0305	IIMC I-077734 140	RENEWAL DUES-K. POLIAN	R	1/09/2008		140.00CR	038279
0006	INTRUST BANK N.A. I-077735 69076	12-31-7 PAY-FED W/H TAXES	D	1/09/2008		690.76CR	000000

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
0199	JEFFREY A. BLACK I-077730 45	REPAIR CD DRIVE-LEGAL	R	1/09/2008		45.00CR	038280
0005	KANSAS DEPT OF REVENUE I-077736 183766	KS KW-5 12/16-31/7 W/H	R	1/09/2008		1,837.66CR	038281
0010	KPERS I-077737 26056	12-31-7 SEXTON W/H CORR	D	1/09/2008		260.56CR	000000
0237	LKM I-077710 11713	LKM MLA PUB & SDRSun-CO	R	1/09/2008		100.00CR	038282
0643	MAYER SPECIALTY SERVICES LLC I-077738 281440	SANITARY SWR INSPECTION	R	1/09/2008		2,814.40CR	038283
0127	P. E. C. I-077725 929147	NOV 2007 PROF SVCS	R	1/09/2008		9,291.47CR	038284
0921	PIPER JAFFRAY & CO I-077739 8500	BOND & TEMP NOTE FEES	R	1/09/2008		8,500.00CR	038285
0129	PIXIUS COMMUNICATIONS LLC I-077713 8995	MONTHLY-WIRELESS	R	1/09/2008		89.96CR	038286
0984	PTS I-077740 11713	LIONS PARK-MONTHLY SVC	R	1/09/2008		117.13CR	038287
0162	RICE FOSTER ASSOCIATES I-077726 1500	NOV 2007-PROF SVCS	R	1/09/2008		6,738.80CR	038288
0693	SIGN SHOP I-077741 270	MAGNETIC & CARRY SIGNS	R	1/09/2008		270.00CR	038289
0244	UCI I-077742 85	ON-SITE FOLLOW-UP TEST	R	1/09/2008		85.00CR	038290
0077	VALLEY CLEANING COMPANY I-077743 168	DEC 2007 CLNG SVCS-P WKS	R	1/09/2008		168.00CR	038291
0003	VANTAGEPOINT TRANS AGENTS I-077744 84050	12-21-7 PAY MONTHLY W/H	R	1/09/2008		840.50CR	038292

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
1268	FLASHBACKS I-077711 500	EMPLOYEE X-MAS DINNER	H	12/07/2007		500.00CR	038163
0338	KRISTINE POLIAN I-077712 625	REIMBURSE-FINAL PAY DNR	H	12/18/2007		625.00CR	038207

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	26	0.00	89,500.33	89,500.33
HANDWRITTEN CHECKS:	2	0.00	1,125.00	1,125.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	2	0.00	951.32	951.32
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:	30	0.00	91,576.65	91,576.65

TOTAL ERRORS: 0

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#
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** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
010	12/2007	1,125.00CR
010	1/2008	34,992.09CR
110	1/2008	266.19CR
150	1/2008	642.22CR
220	1/2008	1.05CR
350	1/2008	29,282.27CR
610	1/2008	17,089.69CR
620	1/2008	8,178.14CR
=====		
ALL		91,576.65CR

PUBLIC FORUM

Committees and Commissions – REPORTS

A. Notification of Proposed Revisions – REAP By-Laws

Thursday, January 10, 2008 12:22 PM

From: Joe Yager, Public Affairs Associate, Center for Urban Studies, Wichita State University

Subject: REAP January 14, 2008 Meeting Agenda Packet:

The agenda and materials for the January 14th REAP meeting are attached.

In accordance with the REAP Bylaws, this message serves as notification 30 days prior to the February 11 meeting for review of proposed revisions. Attached please find a draft of the Bylaws with the revisions noted.

Wichita State University
1845 Fairmount, Box 155
Wichita KS 67260-0155
(316) 978-6542
joe.yager@wichita.edu

Should you wish to address any of the proposed changes, please advise the REAP representative – Mayor McNown, of what action or changes you would suggest.

**Regional Economic Area Partnership
By-laws**

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Regional Economic Area Partnership By-laws

ARTICLE I. RESPONSIBILITY AND MEMBERSHIP

Section 1. Jurisdiction and Purpose.

The Regional Economic Area Partnership (REAP) has been established by interlocal agreement as a separate legal entity pursuant to K.S.A. 12-2904a, to jointly plan for facilities and services of an area wide, or multi-agency nature, in order to strengthen local governments, improve public service and serve the interests of the South Central Kansas region on matters of political and economic concern.

Section 2. Geographic Area Served.

Membership to the Regional Economic Area Partnership is drawn from cities and counties which are located in South Central Kansas.

Section 3. Membership, Fee Assessment and Voting.

- (a) Membership. Membership in REAP is open to any city or county in South Central Kansas as defined by a region to include Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Sedgwick and Sumner counties. REAP may also extend membership to specific units of government outside of the above defined region on approval of a two-thirds vote of members present and voting at any REAP meeting. To become a member of REAP, each jurisdiction must execute a copy of the interlocal agreement by ordinance or resolution and shall file the same with the **Chief** Executive Officer of REAP.
- (b) Water Resource Committee Membership. Membership on the REAP Water Resources Committee is open to any city or county in South Central Kansas as defined by a region to include Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Sedgwick and Sumner counties, regardless of REAP membership. REAP may also extend membership to specific units of government outside of the above defined region on approval of a two-thirds vote of members present and voting at any REAP meeting. To become a member of the REAP Water Resources Committee, each jurisdiction must be in good standing in regards to payment of the REAP Water Resources annual assessment.
- (c) Fees. Annual membership fees shall be assessed in accordance with the fiscal procedures adopted by REAP and based upon population. The annual fee shall be due as of January 1, of each year. Members that have paid their assessments by March 31, of any year shall be members in good standing. Any member that has not paid its assessment by March 31, shall be deemed to be in arrears and will lose voting privileges on the REAP board until said membership fees have been paid.

- (d) Voting. Each member in good standing shall be entitled to designate one voting member and one alternate member, who will be allowed to vote in the absence of said voting member, to sit on the REAP board. Whenever the term “board” is used in these by-laws it refers to the full board of REAP convened at any monthly or special meeting. Voting members of REAP shall be an elected official of the respective city or a county commissioner. Alternate members may be either an elected official or appointed official from the member government.

ARTICLE II. OFFICERS AND THEIR DUTIES

Section 1. Election and Term of Office.

- (a) Officers. There shall be a Chair, Vice-Chair, Treasurer, ~~and Chief Executive Officer and Executive Officer—Water Resources~~ of REAP. The Chair shall preside over and call all regular and special meetings of REAP in accordance with these by-laws. The Vice-Chair shall preside at meetings and assume the duties of the Chair in his/her absence. The Chair shall appoint one member of the executive committee to serve as the Treasurer of REAP. The Treasurer shall be responsible for overseeing the fiscal policies and procedures of REAP. The REAP board shall appoint an ~~Chief~~ Executive Officer who shall serve at the pleasure of REAP, carry out communication among members of REAP, and perform whatever additional responsibilities the organization requires. ~~The REAP board shall appoint an Executive Officer—Water Resources who shall serve at the pleasure of REAP, carry out communication among members of the Water Resources Committee, and perform whatever additional responsibilities the organization requires.~~
- (b) Chair. The chair shall be the chief policy officer of REAP and shall exercise all the powers and duties in the leadership of REAP as are generally associated with such office, including but not limited to the power to execute on behalf of REAP such documents and legal instruments as are authorized by actions taken by REAP. The Chair shall represent REAP before all bodies in his/her official capacity and serve as the spoke-person for the organization. The Chair shall also be responsible for the execution of all directives and actions taken by REAP.
- (c) Vice-Chair. The Vice-Chair shall, in the absence of the Chair, perform the duties and exercise the powers of the Chair. In addition, the Vice-Chair shall perform such other duties as assigned by the Chair or prescribed by the board.
- (d) Treasurer. The Treasurer shall be appointed by the REAP Chair from among the current members of the Executive Committee of REAP and shall exercise the administration of and the adherence to the fiscal policy of REAP. In addition, the Treasurer shall perform such other duties as assigned by the Chair or prescribed by the board.

- (e) Chief Executive Officer. The Chief Executive Officer of REAP shall be appointed by the governing body of REAP and shall be responsible for, among other things: giving notice of REAP meetings as determined by the Chair, be responsible for maintaining minutes of the meetings, carry on and facilitate all communication for the body, and perform whatever additional administrative duties as assigned by the Chair or the board, **as in accord with the REAP job description.**
- (f) Executive Officer—Water Resources. The Executive Officer—Water Resources of REAP shall be appointed by the governing body of REAP and shall be responsible for staffing the REAP Water Resources Committee, with duties to include: giving notice of REAP Water Resources Committee meetings as determined by the Water Resources Committee Chair, be responsible for maintaining minutes of the meetings, carry on and facilitate all communication for the body, and perform whatever additional administrative duties as assigned by the Water Resources Committee Chair or the board, **as in accord with the REAP job description.**
- (g) Term. The term of office for Chair and Vice-Chair shall be for a period of one year, or until such officer's successor is elected.
- (h) Nomination and Election. In advance of the May meeting each calendar year, the Chair shall appoint a nominating committee comprised of not less than five (5) members who will at the May meeting place in nomination the names of REAP members for Chair and Vice-Chair. All duly designated voting members of REAP are eligible to be nominated and elected to office. Officers elected at the May meeting assume their offices at the next regularly scheduled REAP meeting.
- (i) Removal of Officers. REAP may remove any officer with or without cause at any time by a vote of not less than two-thirds of all REAP members in good standing.
- (j) Vacancies. Any vacancy occurring in any office, except the Chair, shall be filled by Chair for the unexpired term of office. Any vacancy for the position of Chair shall be filled by the Vice-Chair.

III. QUORUM, MEETINGS AND CONFLICT OF INTEREST

Section 1. Quorum.

The presence of forty percent (40%) of REAP members in good standing shall constitute a quorum for the transaction of business of the board. Once a quorum is established, a majority vote of members present shall be required for the transaction of business, including, but not limited to: determination of policy, making rules and regulations, for the election of Chair and Vice-Chair, and for whatever other business that REAP intends to undertake. The quorum for committee meetings, unless otherwise provided for by these by-laws, shall be a simple majority of members appointed to the committee by the

board.

Section 2. Meetings.

- (a) Regular Meetings: A schedule of regular meetings of REAP shall be adopted by the board at the first meeting of the calendar year. Regular meetings shall be held monthly (except in August) but in no event less than on a quarterly basis. Further, the **Chief** Executive Officer of REAP shall deliver to each participating government's member and alternate member written notice of the time and place of the meeting, along with an agenda, prior to the meeting date.
- (b) Special Meetings: Special meetings of REAP may be called at any time by the Chair at his/her discretion or when requested by five members. Special meetings may be called either in person, writing (including via email), telephone, or facsimile. In addition, if a determination to hold a special meeting is reflected in the minutes of any regular meeting, no additional notice is necessary. Such notice of a special meeting shall contain the time, place, and purpose for which the meeting is being held. No other business may be transacted at that meeting.
- (c) Presiding Officer: Meetings of the governing body of REAP shall be presided over by the Chair or, in the Chair's absence, the Vice Chair. The **Chief** Executive Officer shall act as secretary at all meetings, and in the **Chief** Executive Officer's absence, the Chair or presiding officer shall designate a member or staff to perform the duties of the **Chief** Executive Officer.
- (d) Telephone Meetings Permitted: If such means are available, REAP members may participate in a meeting of the board or one of its advisory bodies and/or committees by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.
- (e) Public Meeting: All meetings of REAP shall be open to the public, pursuant to the Kansas Open Meetings law (K.S.A. 75-4317 *et seq.*) Executive sessions and other closed meetings shall be held only as consistent with this Act.

Section 3. Conflict of Interest.

Any person who is a member of REAP and has a personal or financial interest in a contract or transaction which is before REAP, must disclose that interest, abstain from voting on the matter and abide by all applicable state laws regarding conflict of interest for elected officials.

ARTICLE IV. COMMITTEES AND FUNCTIONS

Section 1. Executive Committee.

- (a) Executive Committee. An Executive Committee of REAP is established and comprised of no more than seven (7) members of REAP as follows: The Chair, ~~Vice Chair~~, Immediate Past Chair, two (2) At-large members (one city and one county representative), ~~and the chairs of the Legislative, Committee and chair of the Economic Development, and Water Resources Committees.~~ ~~In the event a member on the Executive Committee holds more than one position, an additional At-large member shall be selected.~~ The ~~two~~ at-large members shall be nominated ~~by the Chair~~ and approved by a majority of REAP members. The Chair shall preside over the Executive Committee.
- (b) Functions. The functions of the Executive Committee shall include: assisting the Chair in developing agenda items, policy issues, or administrative matters to be presented at the next regular board meeting of REAP; handling special tasks, as determined by the Chair, which require action between regular meetings of REAP; and monitoring adherence to the fiscal procedures of REAP.

Section 2. Legislative Committee.

- (a) Legislative Committee. A Legislative Committee is established and shall be comprised of the Chair and other members of the REAP organization appointed by the Chair of the committee. The Chair of the committee shall be appointed by the REAP board. There shall be no set number of committee members.
- (b) Functions. The functions of the Legislative Committee shall be to identify issues of regional concern and that require legislative action at the state or federal level.

Section 3. Economic Development Committee.

- (a) Economic Development Committee. An Economic Development Committee is established and comprised of the Chair and other members of the REAP organization appointed by the Chair of the committee. The Chair of the committee shall be appointed by the REAP board. There shall be no set number of committee members.
- (b) Functions. The functions of the Economic Development Committee shall be to identify economic development issues of a regional concern.
- (c) Chief Elected Officials Board. Through an agreement entered into by the counties comprising Local Area IV as defined by the State of Kansas, the Economic Development Committee has been designated to serve as the Chief Elected Officials Board (CEO Board) for Local Area IV, as defined by the Workforce Investment Act

of 1998. REAP members comprising Local Area IV include: Butler, Cowley, Kingman, Harper, Sedgwick and Sumner counties. Members of the REAP Economic Development Committee who are appointed officials or represent jurisdictions outside of Local Area IV shall not have a vote when the Committee is conducting CEO Board business.

Section 4. Water Resources Committee.

- (a) Water Resources Committee. A Water Resources Committee is established and comprised of the Chair and other members appointed by the member jurisdictions, in good standing on REAP Water Assessments. The Chair of the committee shall be appointed by the REAP board and shall be an elected official from a jurisdiction that is in good standing on REAP Water Assessments. There shall be no set number of committee members.
- (b) Functions. The functions of the Water Resources Committee shall be to identify and coordinate collaborative efforts on regional issues of water quality and supply issues in the South Central Kansas region.

Section 5. Committee Meetings and Staffing.

- (a) The Chair or any three members of a REAP committee may call a meeting of the committee. A quorum of committee members is required to conduct committee business, but less than a quorum of committee members can recommend action to the REAP board.
- (b) The **Chief** Executive Officer of REAP shall be responsible for providing administrative staffing and support for committee meetings and to assist the Committee Chairs in providing meeting notices, agendas and whatever additional assistance is needed.
- (c) The Executive Officer—Water Resources of REAP shall be responsible for providing administrative staffing and support for the Water Resources Committee meetings and to assist the Committee Chair in providing meeting notices, agendas and whatever additional assistance is needed.

ARTICLE V. POWERS

Section 1. Powers.

REAP as a separate legal entity pursuant to K.S.A. 12-2904a shall have the following powers conferred by statute, as well as other powers as may be deemed appropriate by the nature of the organization. These powers include:

- (a) To sue and be sued in its corporate name;
- (b) To take and hold property, real or personal, in fee simple or otherwise;
- (c) To sell, lease, lend or otherwise transfer any property or interest in property owned by REAP;
- (d) To make contracts;
- (e) To have and use a corporate seal;
- (f) To issue bonds, notes or other indebtedness in its own name;
- (g) To conduct studies of the region's resources with respect to existing and emerging problems of industry, commerce, transportation, public services, natural resources, environment, legislative needs, highways and other matters relevant to REAP's purpose;
- (h) To pursue and receive federal and state grants or funding assistance to carry out the tasks of REAP;
- (i) To provide and share technical assistance and enter into agreements among governments to provide or coordinate services or functions;
- (j) To accept and apply for additional grants, assistance funds, donations, or bequests of money to carry out its intended purposes;
- (k) To establish a budget and to provide for the manner of financing the tasks undertaken and approved by REAP;
- (l) To organize special committees or task forces that are appropriate to carry out the business of REAP or its member governments.
- (m) To retain and utilize the services of consultants for specific services approved by REAP;
- (n) To authorize the Chair, upon concurrence of the Executive Committee, to establish advisory committees;
- (o) To administer programs on behalf of the State of Kansas and as authorized by state law.

Section 2. Limitation on Powers

REAP's authority to issue bonds, notes or other indebtedness in the name of REAP pursuant to paragraph (f) above is limited to a vote by not less than three quarters (3/4) of the members in good standing at a regular or special board meeting.

ARTICLE VI. AMENDMENT OF BY-LAWS

These by-laws may be amended or repealed and new by-laws may be adopted by an affirmative vote of two-thirds of REAP members present at a regular board meeting under the following conditions:

- (1) a quorum is present;
- (2) that written notice of such meeting, setting forth the proposed by-law revisions, is given to all members not less than thirty (30) days prior to such meeting;
- (3) the requirement for a thirty (30) day advance notice of a proposed by-law amendment or repeal may be waived by the vote of the REAP board declaring an emergency, followed by an affirmative vote by three quarters (3/4) of the REAP members present and voting at a regular meeting.

ARTICLE VII. COMPENSATION

No member or alternate member of the Regional Economic Area Partnership shall receive a fee for his or her services as a member of REAP. It is understood by the members of REAP that attendance at meetings, committees, and task forces are to be considered on the same basis and part of the regular course of employment that comes with the public position that determined the members qualification for membership to REAP.

ARTICLE VIII. ADOPTION OF BY-LAWS

Upon an affirmative vote of two-thirds of the membership of the Regional Economic Area Partnership present and voting, these Bylaws are revised this 11th day of February, 2008.

Thomas G. Winters, Chair

Old Business

A. Proposed Ordinance – Building Codes: Proposed Ordinance 2nd Reading

From the meeting of January 3, 2008, below is proposed Ordinance # 1160-08 for 2nd reading.

The City employs the Sedgwick County Code Enforcement Department to inspect new construction within the City. In the past, the City has attempted to use the same codes adopted by the County for our construction standards.

At the Sedgwick County Board of County Commissioners' Meeting December 5th, the Commissioners adopted new residential and commercial building codes and a new mechanical code. Information below taken from the Sedgwick County web site:
<http://www.sedgwickcounty.org/commissioners/2007agendas-minutes.htm>

Agenda Item 2. PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, CHAPTERS 1 THROUGH 10 INCLUSIVE, AS THE OFFICIAL RESIDENTIAL BUILDING CODE

FOR SEDGWICK COUNTY. Presented by Glen Wiltse, Director, Code Enforcement.

Commissioners held public hearings and approved the official residential and commercial building codes for Sedgwick County. (5-0)

Agenda Item 3. PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE INTERNATIONAL BUILDING CODE, 2006 EDITION, AS THE OFFICIAL

COMMERCIAL BUILDING CODE FOR SEDGWICK COUNTY. Glen Wiltse Director, Code Enforcement.

Commissioners held public hearings and approved the official residential and commercial building codes for Sedgwick County. (5-0)

Agenda Item 4. PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, CHAPTERS 12 THROUGH 24 INCLUSIVE; AND THE INTERNATIONAL FUEL GAS CODE, 2006 EDITION, AS THE OFFICIAL MECHANICAL CODE FOR SEDGWICK

COUNTY. Presented by Glen Wiltse, Director, Code Enforcement.

Commissioners held a public hearing and approved the international mechanical code, the international residential code and the international fuel gas code as the official mechanical code for Sedgwick County. (5-0)

Review of the identified codes can be made at City Hall, 121 S. Meridian during regular business hours. (contact Eldon Miller)

City Staff suggests motion to adopt Ordinance No. 1160-08 amending the Code of the City of Valley Center dealing with building codes.

ORDINANCE NO. 1160 - 08

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS SECTION 14.04.010 INCORPORATING BY REFERENCE CHAPTER 6, ARTICLES I-V OF THE SEDGWICK COUNTY CODE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS AND/OR STRUCTURES.

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

SECTION 1. That Section 14.04.010 of the Code of the City of Valley Center, Kansas is hereby amended to read as follows:

14.04.010. Standard Code Adopted.

Incorporated by reference is Chapter 6, Articles I-V inclusive of the Sedgwick County Code, as amended, and as adopted December 5, 2007 by the Sedgwick County Kansas Commission, 535 N. Main, Wichita, Kansas 67203, which shall be referred to as the "Sedgwick County Code." The City Building Code shall include all appendices and codified supplements to the Sedgwick County Code, Chapter 6, Article I-V inclusive as amended is hereby adopted as the Building Code for the City of Valley Center, Kansas, and incorporated by reference herein as if fully set out in this section. With, however, the except that "Valley Center Fire Code" shall replace "Sedgwick County Fire Code" in all instances and occurrences within Section 6-27 101.4.6 and 6-30 R101.4.5 of the Sedgwick County Code;

SECTION 2. All ordinances in conflict are hereby repealed.

This Ordinance shall take effect and be in force from and after its publication one time in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS, THIS 15th DAY OF January, 2008.

First Reading: January 3, 2008
Second Reading: January 15, 2008

MICHAEL D. MCNOWN, MAYOR

ATTEST:

KRISTINE A. POLIAN, CITY CLERK

New Business

Staff Reports

1. **The Train Committee** will meet January 14th at 7:00 pm, City Hall. Date was changed to allow both the Kansas Department of Transportation and the BNSF Railroad representatives to attend.
2. **Barton Economic Model**: Staff is in the process of acquiring the information for an economic impact model on Barton Solvents.
3. **West Valley Public Hearing**: The Sedgwick County Board of County Commissioners has established Wednesday, March 5th as the date for the Public Hearing on creation of a new city. City Attorney and City Administrator have provided requested material to the Sedgwick County Counselor as requested.

City Clerk

Police Chief

Fire Chief

Parks & Public Properties

Community Development

Code Enforcement November 2007

I responded to eighty- two calls for service for the month of November.

- Twenty complaints were filed for dogs running loose.
- I apprehended and impounded ten stray dogs.
- Owners reclaimed eight dogs.
- Two dogs were sent with Sedgwick County Animal Control.
- One kitten was taken to the Wichita Animal Shelter for rabies observation.
- I disposed of ten dead animals.
- Two barking reports addressed.
- Two -cruelty reports was filed and addressed.
- Two bite reports were taken.
- I responded to an injured cat complaint.
- Four traps were set.
- I issued a foul permit.
- One opossum was relocated.
- A complaint was received for hogs housed without a permit.
- A complaint was received for a horse housed without a permit.
- Miscellaneous complaints were received and addressed.
- Performed kennel duties, feeding, cleaning and providing care to the animals.
- Releasing dogs from the animal shelter to their owners.
- I spoke with several dog owners regarding their dogs running loose.
- Forty-six dog licenses renewal letters were sent to dog owners.
- One tall grass complaints were addressed.
- Thirty-three letters were sent to homeowners for trash and debris in their yards.

/s/ Officer Cindy Plant

City Superintendent

City Engineer

Shown below is a list of projects that PEC is working on along with the project status.

- Wastewater Treatment Plant Improvements: The Notice to Proceed with Construction on the project was issued for 11/12/07. The contractor is proceeding with construction (see attached memo dated for additional status update).

Utility Contractors, Inc.-Contractor

- Sanitary Sewer Rehabilitation: We have reviewed several of the sewer tapes, and are waiting to review additional tapes after televising and cleaning work are

completed. We have met with Public Works staff, and plan to prepare a prioritized list with costs to address rehabilitation needs for the sanitary sewer collection system. We have prepared cost estimates for future sanitary sewer rehab work.

- Valley Center City Complex: We have completed research of the easements and properties, geotechnical work, boundary survey and other field surveys are completed. We are currently coordinating with the various utility companies to confine their facilities within easements. We have discussed the soil and groundwater analysis as part of the geotechnical investigation with the KDHE, and they have forwarded the test results to project manager responsible for the cleanup of the El Paso site. We have requested a written response from the KDHE regarding the test results.
- 5th Street Sidewalk: We have commenced with the design of the project, and field surveys are completed. We are currently processing survey, and are laying out the sidewalk and surrounding grading for the sidewalk. We are planning to add a short section of curb and gutter work on Park Street that is in poor condition and needs to be replaced. We have prepared an easement required for completion of the project, and are awaiting completion of the easement to proceed forward.
- Other Items:
 - Prepared cost estimates for turn lanes and deceleration lanes at 5th and Seneca.
 - Attended meeting for review of the Ridgefield Estates with the platting engineer and the development coordinator on 1/9/08.
 - Attended meeting for review of a commercial facility planned for 5th Street and Seneca.
 - Have been working on updating the City Standards for Paving/Drainage/Sanitary Sewer/Water line design and construction.
 - Reviewed the condition of a drainage structure on Kessler, and obtaining replacement costs.
 - Prepared a cost estimate for storm sewer extension to 6th Street along Meridian.

/s/ Michael Kelsey, PEC

City Attorney

City Administrator

GOVERNING BODY REPORTS

MAYOR McNOWN

COUNCILMEMBER BLACK

COUNCILMEMBER GERLING

COUNCILMEMBER K JACKSON

COUNCILMEMBER MASCHINO

COUNCILMEMBER NORDSTEDT

COUNCILMEMBER CICIRELLO

COUNCILMEMBER J JACKSON

COUNCILMEMBER TOWNSLEY



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

January 2, 2008

I.D. Creech
City Administrator
City of Valley Center
P.O. Box 188
Valley Center, KS 67147

**Re: Kansas Water Pollution Control (KWPC)
KWPC Permit No. M-LA16-0002**

Dear Mr. Creech:

Thank you for the November 13, 2007 letter and information regarding your evaluation of the integrity of the sanitary sewer collection system and wastewater treatment pump station that were exposed to solvents from the fire at Barton Solvents, Inc.

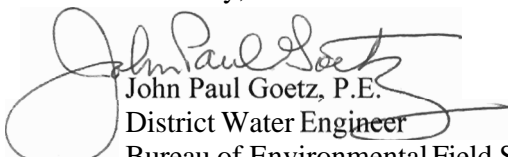
We understand all the manholes and the wastewater treatment pump station have been visually inspected and the sanitary sewer pipe was inspected by TV. We understand these inspections did not detect any defects that could be attributed to contact with solvents.

On December 10, 2007 I contacted Mr. Richard Dunn by telephone to discuss this evaluation. He advised me that the City was not able to contact the manufacturer of the manhole sealants, pipe joint materials and the sanitary sewer pipe because the manufacturer of these materials is unknown. On December 15, 2007 Mr. Dunn also provided a copy of the TV inspection reports prepared by Mayer Specialty Services.

With the submittal of this information, the City has addressed our August 27, 2007 request for an evaluation of the sanitary sewer collection system.

If you have any questions or need assistance, please contact me by e-mail at jgoetz@kdhe.state.ks.us or by telephone at 316-337-6058.

Sincerely,


John Paul Goetz, P.E.
District Water Engineer
Bureau of Environmental Field Services

C: Richard Dunn – City of Valley Center
KDHE-BOW
KDHE-BEFS-SCD2.2 File

DIVISION OF ENVIRONMENT
Bureau of Environmental Field Services
South Central District Office, 130 S. Market, Ste. 6050, Wichita, KS 67202-3802
Voice: 316-337-6020 Fax: 316-337-6023



Posted on Thu, Jan. 10, 2008

Thursday, Jan 10, 2008

New-city hearing is set for March 5

BY DION LEFLER
The Wichita Eagle

The would-be founding fathers and mothers of the city of West Valley will get to make their case to the **Sedgwick County Commission on March 5**, commissioners decided Wednesday.

The commission set a public hearing on a petition to establish a new city just west of Valley Center.

The hearing is required by law, as is a commission vote on whether to allow the approximately 300 neighbors to form their own municipality.

The cityhood drive was sparked by a desire among residents to thwart plans by Valley Center to annex their area.

If Valley Center opposes cityhood -- which is expected -- the commission vote would have to be unanimous.

On Wednesday, Commissioner Tim Norton expressed skepticism about the cityhood plan, although he said he would wait until the hearing before making up his mind.

He said he wants more information on how West Valley would govern itself and serve its citizens, and that he's reluctant to approve a new city to "just impede another city from increasing their boundaries."

Commissioner Kelly Parks, who with his wife owns property within the proposed city's boundaries, said he thinks some property has been errantly left off a map distributed to commissioners outlining the proposed boundaries.

After the meeting, County Counselor Rich Euson said the map will be reviewed for accuracy. If there is a mapping error, it will be fixed, he said.

But properties cannot be added to the proposed city if they were not included in the boundary descriptions submitted with the cityhood petition, Euson said.

County Clerk Don Brace told commissioners that the residents now have a valid petition -- after some corrections had been made at his office.

State law requires that a hearing be held by March 18, he said.

The law does not set a deadline for the commission to decide the case, Euson said.

The public hearing will be held at 9 a.m. on March 5 during the regularly scheduled commission meeting at the County Courthouse, 525 N. Main, Wichita.



MEMO

Professional Engineering Consultants, P.A.

303 S. TOPEKA - WICHITA, KANSAS 67202 - 316-262-2691 - FAX 316-262-3003

www.pec1.com - designers@pec1.com

TO: Mike Kelsey
PEC

DATE: 1/7/08

PROJECT NO.: 34-05242-3-2502

PROJECT: Valley Center WWTF Phase 2
Improvements

ATTENTION: Mike Kelsey

FROM: Tyler Pjesky

COPIES TO: File

REFERENCE: Valley Center - WWTF Improvements
Construction Status Update No.1

Please advise immediately of any misconceptions or omissions you believe to be contained herein.

Mike:

The following is an update for the construction of Valley Center WWTF Phase 2 Improvements.

Original contract amount for construction: \$3,434,000

Change Order No.1 contract amount: \$2,898,000

Change Order No.2 contract amount: \$2,884,000 (Pending City Signature)

Change Order No.1 Changes:

- Headworks: Delete bar screen; Reduce building size; Change to precast structure; Structural concrete revisions.
- Anoxic Basin: Delete one mixer; Reduce basin size.
- Distribution Box: Modify location and structure of distribution box; Delete pump P-11 and associated piping.
- Yard Process Piping: Delete lines WT-28, 36, 10, 11; Change all gravity DIP pipe to PVC, AWWA C900, Class 100 or C905, Class 125.
- Sludge Pump Station: Reduce building size and associated systems; Change to precast structure.
- Electrical: Reduce systems and replace H33NR switch and fuses with a main breaker in the MCC.
- Site Work: Eliminate spoil pile removal.
- Scum Pump Station: Change to precast structure.
- Contractor Mobilization: Reduction in general requirements for the Contractor.
- Justification: Scope reduction reflecting improvements in constructability.

Change Order No.2 Changes

- Delete three (3) electrical handholes & reroute electrical ductbank
- Change precast concrete wall thickness from 8" to 6" & Change double tee roof thickness from 24" to 16".

Following is the construction schedule:

- Notice of Award: July 25, 2007
- Agreement: October 31, 2007
- Notice to Proceed: November 12, 2007
- Substantial Completion: October 6, 2008
- Final Completion: November 11, 2008

Pay Requests:

1. Pay Request No.1 (11/1/2007):
 - a. \$23,734.80
 - b. Retainage = \$2,637.20
 - c. Work Done: Bonds
2. Pay Request No.2 (12/7/2007):
 - a. \$320,022.00

b. Retainage = \$38195.20

c. Work Done:

- Completed structural excavation on the Sludge Pump Building, Distribution Box, and Anoxic Basin.
- Concrete placement for foundation floor of Sludge Pump Building, Distribution Box, and Anoxic Basin. Not yet complete.
- Floor trough drain installed for Sludge Pump Building.
- Partial backfill for the Headworks building. Not yet complete.
- Subcontractor mobilization (Mechanical) and bonding (electrical).

Project Work Completed:

- Distribution Box, Anoxic Basin, and Sludge Pump Building concrete floors have been poured
- Walls on sludge pump building have been poured

Project Work Underway:

- Continuing to pour concrete for walls
- Placing steel for concrete walls

Submittals:

See attached.