

CITY OF CHERRYVALE

**MEETING OF THE CITY COUNCIL
REGULAR MEETING
MAY 16, 2011
7:00 p.m.**

Working for a better tomorrow... today.

ORDER OF BUSINESS

CALL MEETING TO ORDER

INVOCATION: Council Member Randy Wagoner

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF MINUTES:

[Regular Meeting, May 2, 2011](#)

PUBLIC FORUM

GOVERNING BODY COMMENTS

Mayor John Wright
Council Member Chad Wickham
Council Member Kevin Crain
Council Member Randy Wagoner
Council Member Lew Forman, Jr.

NEW BUSINESS

A. [RESOLUTION 11-23: UNSAFE & DANGEROUS STRUCTURE AT 320 E. 5TH STREET](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Repeal Resolution 11-18 and adopt Resolution 11-23.

B. [RESOLUTION 11-24: ANTI-IDLING POLICY](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Adopt Resolution 11-24.

C. [ORDINANCE NO. 11-4611: CHAPTER 1, ARTICLE 7 CODE REVISION, MUNICIPAL COURT ADMINISTRATIVE FEES](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Adopt Ordinance No. 11-4611.

D. [2012 BUDGET SCHEDULE](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Schedule budget workshops.

CONSENT AGENDA

Presented by John Wright, Mayor.

- | | |
|------------------------------------------------------------------|-------------|
| 1. Appropriations Ordinance No. 11-0513 | \$98,513.16 |
| a. Approval of Purchases over \$5,000 | |
| i. Newton's | \$9,417.16 |
| ii. Public Wholesale Water Supply Dist. #4 | \$24,596.00 |
| iii. Tri-Star Utilities (Parkwest, final payment) | \$18,232.96 |
| iv. Westar | \$5,167.42 |
|
2. Home Occupation Application | |
| Greg Wilson – D.B.A. GW Custom Gunstocks | |
| 900 E. 5 th Street | |
|
3. Appointment of Nick Wadman to the Planning & Zoning Board | |

RECOMMENDED ACTION: Approve consent agenda as presented.

INFORMATIONAL ITEMS

1. Cherry Blossom Festival
2. Rail Crossing Repairs on Highway 169
3. Main/Maple Street Repair Project
4. Grant Applications
5. 2011 Sidewalk Project

ADJOURNMENT

Cherryvale City Council Meeting
May 2, 2011 7:00 p.m.

CITY OF CHERRYVALE

MEETING OF THE CITY COUNCIL REGULAR MEETING MAY 2, 2011 7:00 p.m.

Working for a better tomorrow... today.

CALL MEETING TO ORDER

Mayor Wright called the meeting to order.

Present: Mayor John Wright, Council President Chad Wickham, Council Member Randy Wagoner, Council Member Lew Forman, Jr., Council Member Kevin Crain, City Administrator Greg McDanel, Assistant City Administrator/City Clerk Becky Swain, Fire Chief Ron Davis, Public Works Director Wade Webber, Police Chief Matt Dennis, Officer Craig Medsker, Edwin Eytcheson, Stacy McLaughlin, Brent Brooks, Wayne Hallowell, Greg Lower, and Andy Taylor.

INVOCATION

Council Member Randy Wagoner gave the invocation.

PLEDGE OF ALLEGIANCE

Everyone participated in the Pledge of Allegiance.

ROLL CALL

City Clerk Becky Swain called roll and all members were present.

PUBLIC HEARING

A. DESIGNATION OF UNFIT DWELLING AT 320 E. 5TH STREET

Presented by Ron Davis, Building Inspector

RECOMMENDED ACTION: Hold public hearing.

Mayor Wright asked for public comments, and there were none. Chief Davis recommended the City to move forward with an order to vacate and condemnation proceedings, as the structure was now unoccupied.

B. CONDEMNATION HEARINGS

Presented by Ron Davis, Building Inspector

RECOMMENDED ACTION: Hold condemnation hearings for structures at 1005 E. 5th Street, 419 S. Montgomery, and 212 W. 3rd Street.

Mayor Wright opened the hearing. The owners of the structure at 1005 E. 5th Street were present and stated that they were beginning work on it. City Administrator Greg McDanel clarified that the City was moving forward with proceedings and adoption of a resolution ordering repair or demolition of the structure, but the owners could continue working with Chief Davis to repair the structure. The property owner for 212 W. 3rd Street, Brent Brooks, was also present and stated that he would continue working with Chief Davis to bring the structure up to code.

Cherryvale City Council Meeting
May 2, 2011 7:00 p.m.

Mayor Wright closed the hearing at 7:19 p.m. when there were no further comments.

NEW BUSINESS

A. RESOLUTION 11-18: UNSAFE & DANGEROUS STRUCTURE AT 320 E. 5TH STREET

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Adopt Resolution No. 11-18.

Council Member Wagoner made a motion to adopt Resolution 11-18; seconded by Council President Wickham. All votes aye.

B. RESOLUTIONS 11-19, 11-20 & 11-21: ORDERING REPAIR OR DEMOLITION OF STRUCTURES

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Adopt Resolutions No. 11-19 through 11-21.

Council Member Wagoner made a motion to adopt Resolutions 11-19 through 11-21; seconded by Council Member Crain. All votes aye.

C. RESOLUTION 11-22: ENVIRONMENTAL USE CONTROLS AGREEMENT WITH KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Approve agreement.

Council Member Crain made a motion to adopt Resolution 11-22; seconded by Council Member Wagoner. All votes aye.

D. KHRC HOME GRANT REHAB BIDS FOR 206 FRONT STREET, 302 FRONT STREET, 209 S. OLIVE STREET, & 411 W. 2ND STREET

Presented by Becky Swain, Assistant City Administrator

RECOMMENDED ACTION: Follow recommendations of HOME grant administrator.

Council Member Wagoner made a motion to follow the recommendations of the HOME grant administrator; seconded by Council Member Forman. All votes aye.

E. CONSENT AGENDA

Presented by John Wright, Mayor

RECOMMENDED ACTION: Approve the consent agenda.

- 1. Regular Meeting Minutes – April 18, 2011
- 2. Appropriations Ord. No. 11-0429 \$76,143.14
 - a. Approval of Purchases over \$5,000
 - i. Allied Waste Services \$12,065.24
 - ii. Romans Motor Co. (brush cutter) \$9,500.00
- 3. Public Wholesale Water Supply District #4 \$24,596.00

Council Member Crain made a motion to approve the consent agenda as presented; seconded by Council Member Forman. All votes aye.

Cherryvale City Council Meeting
May 2, 2011 7:00 p.m.

INFORMATIONAL ITEMS

1. Cherry Blossom Festival, May 7, 2011
2. Cherryvale Chamber of Commerce Donation
3. 2011 Cleanup/Community Service Day
4. Community Fisheries Assistance Program Application

ADJOURNMENT TO WORK SESSION

Council Member Wagoner made a motion to adjourn to the workshop; seconded by Council Member Crain. All votes aye.

Respectfully Submitted,

City Clerk

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: May 16, 2011

Subject: Resolution 11-23: Unsafe & Dangerous Structure at 320 E. 5th Street

Guest: none

Background: At the May 2, 2011 Council meeting, Resolution 11-18 was adopted which scheduled a condemnation hearing for this property on June 6, 2011. After the meeting, staff realized that Resolution 11-18 did not provide for sufficient time between publication and the hearing date. K.S.A. 12-1750 requires that there are thirty days between the last publication in the official city newspaper and the hearing date. The hearing date set in Resolution 11-18 only provides for 25 days. As a result, The governing body must adopt a new resolution to move forward with condemnation proceedings on this property. Resolution 11-23 conforms to state statutes and provides sufficient time between publication and the hearing date.

Financial Consideration: If the structure is deemed unsafe and dangerous and the City must remove the structure, it will cost approximately \$4,000.

Legal Consideration: Resolution 11-18 must be repealed and Resolution 11-23 must be adopted to move forward with condemnation proceedings on this property.

Policy Consideration: The Council has expressed a desire to remove dangerous and unsafe structures citywide.

Recommendation: Repeal Resolution 11-18 and adopt Resolution 11-23.

**RESOLUTION NO. 11-23
320 E. 5th Street**

A RESOLUTION ADOPTED PURSUANT TO CHAPTER 5, ARTICLE 8, OF THE CODE OF THE CITY OF CHERRYVALE, KANSAS, FIXING A TIME AND PLACE FOR HEARING AND PROVIDING FOR NOTICE UPON THE STATEMENT OF THE ENFORCING OFFICER OF SAID CITY THAT THE STRUCTURE DESCRIBED HEREIN IS UNSAFE AND DANGEROUS.

WHEREAS, the Enforcing Officer of the City of Cherryvale, Kansas, has filed a statement in writing that the following described structure is unsafe or dangerous, to-wit:

Lots: Lot 11 & West 15' of Lot 10
Block: 38
Subdivision: Original
Address: 320 E. 5th Street, Cherryvale, KS 67335

WHEREAS, Chapter 5, Article 8, of the Code of the City of Cherryvale, Kansas provides upon filing of such written statement, that the Governing Body of the City of Cherryvale shall fix a time and place of hearing, by adoption of a resolution, which resolution shall be published and notice given to each owner, agent, lien holder and occupant as hereafter set forth; and

WHEREAS, the name(s) and address(es) of the owner(s), owner(s) agent(s), lien holder(s) and occupant(s) are:

Owner(s): Ralph Prater & Joseph O. Templet
P.O. Box 777
South Coffeyville, OK 74072

Owner(s) Agent(s): None
Lien holder(s): None
Occupant(s): None

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS:

SECTION 1. The Governing Body of the City of Cherryvale, Kansas, does hereby fix the following time and place at which the owner, owner's agent, and lien holder of record and any occupant of such structure may appear and show cause why said structure should not be condemned and ordered repaired or demolished.

Date of Hearing: July 5, 2011 at 7:00 p.m.

Place of Hearing: City Hall, Council Room, Cherryvale, Kansas, or such other place as may be designated by the City Council.

SECTION 2. This resolution shall be published once each week for two consecutive weeks on the same day of each week in the Montgomery County Chronicle, the official city newspaper.

SECTION 3. The City Clerk of the City of Cherryvale, Kansas, is hereby directed to mail a true and correct certified copy of the within Resolution by certified mail within three days after the date of first publication hereof to each owner, agent, lien holder and occupant at the last known place of residence of each marked "Deliver to Addressee Only".

ADOPTED by the Governing Body of the City of Cherryvale on this 16th day of May, 2011.

John Wright, Mayor

ATTEST:

Rebecca Swain, City Clerk

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: May 16, 2011

Subject: Resolution 11-24: Anti-Idling Policy

Guest: none

Background: The purpose of this policy is to establish guidelines to eliminate any unnecessary idling of City vehicles and other rolling stock as a part of an ongoing effort to reduce fuel consumption. With fuel prices continually increasing, the policy will be put into place to help manage fuel expenditures and the annual budget.

The policy ensures vehicle idling will be reduced by several methods:

- 1.) Requiring that parked vehicles do not leave the engine operating for more than three minutes;
- 2.) Reducing initial vehicle “warm up” time to 30 seconds; and
- 3.) Requiring engines to be turned off if the vehicle idles for more than 10 seconds while not in traffic.

The policy also contains several exemptions and exceptions due to the diverse nature of the City’s vehicle fleet and operations.

Financial Consideration: None.

Legal Consideration: None.

Policy Consideration: An Anti-Idling Policy will continue to increase the efficiency of fuel consumption and protect the interests of taxpayers.

Recommendation: Adopt Resolution 11-24.

**CITY OF CHERRYVALE
RESOLUTION INCORPORATING THE CITY OF CHERRYVALE ANTI-IDLING
POLICY**

RESOLUTION 11-24

A Resolution incorporating the City of Cherryvale Anti-Idling Policy.

BE IT RESOLVED by the Governing Body of the City of Cherryvale:

There is hereby adopted by reference for the purpose of incorporating the City of Cherryvale Anti-Idling Policy for the City of Cherryvale, Kansas, prepared and published in booklet form and to which shall be attached a copy of this resolution, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

EFFECTIVE DATE. This resolution shall be effective upon passage.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas, this 16th day of May, 2011.

John M. Wright, Mayor

ATTEST:

Rebecca Swain, City Clerk



CITY OF CHERRYVALE

ANTI-IDLING POLICY FOR CITY VEHICLES

Purpose: The purpose of the Anti-Idling Policy is to establish guidelines to eliminate the unnecessary idling of City vehicles and other rolling stock as part of an ongoing effort to reduce fuel consumption and operation expenses. This policy statement is applicable to all City employees who have been assigned or operate a City owned vehicle or other rolling stock powered by gasoline, and in certain instances diesel. The City of Cherryvale strives to improve the quality of life for its residents and continue being good stewards of public funds.

Policy: Appropriate Use of City Vehicles and Rolling Stock

- 1.) City vehicles will not be parked with the engine operating for more than three minutes, unless it is essential for the performance of work.
- 2.) City employees will reduce initial “warm up” idling and begin driving after no more than 30 seconds of starting the vehicle, assuming the windows are clear.
- 3.) If a city vehicle is stopped for more than 10 seconds, except in traffic, the engine will be turned off.

Exemptions: The City recognizes that there are exceptions to this Anti-Idling Policy due to the diverse nature of the City’s vehicle fleet, in terms of vehicle type, function, and operating characteristics.

A. For all Fire, Police and other City vehicles:

- 1.) Fire, police, and other city vehicles at the scene where lights and other accessories are needed in order to respond to the situation will be permitted to idle.
- 2.) Fire, police, and other city vehicles may be allowed to idle during a non-emergency situation, such as traffic detail, only when idling is absolutely necessary to perform the job at hand.
- 3.) Emergency vehicles which may have contents sensitive to extreme heat and cold may be allowed to idle as necessary to maintain adequate internal temperatures.
- 4.) Any vehicle which needs to be running during service or repair is permitted to idle.
- 5.) Any vehicle which requires idling to defrost the windshield in order to drive safely is permitted to idle.

B. Diesel Engines:

- 1.) Vehicles with diesel engines have limited exposure to this policy, as stopping and starting a diesel engine numerous times may cause wear to the vehicle’s engine and increase fuel use. Only if a diesel powered vehicle is going to remain idle more than 10 minutes, should the vehicle be shut down.
- 2.) Vehicles with diesel engines will be permitted initial “warm up” idling of up to 5 minutes during extreme weather conditions.

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: May 16, 2011

Subject: Ordinance No. 11-4611: Chapter 1, Article 7 Code Revision – Municipal Court Administrative Fees

Guest: none

Background: Ordinance No. 11-4611 amends Chapter I, Article 7, Municipal Court, of the Municipal Code to include a section regarding administrative fees. The City of Cherryvale often uses collection agencies and programs, such as the State of Kansas Set-Off Program, to collect unpaid debt for municipal court costs. These agencies and programs typically have collection costs ranging from 18-35% of the total of the debt.

According to Kansas State Statute 12-4107, municipalities may pass on the cost of collection to the defendants as an additional court cost in all cases where the defendant fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent. Ordinance No. 11-4611 adds Section 1-717 which authorizes a collection fee up to 25% for delinquent municipal court accounts.

Financial Consideration: None.

Legal Consideration: None.

Policy Consideration: Ordinance No. 11-4611 will increase the efficiency of cost recuperation for municipal court fines and expenses.

Recommendation: Adopt Ordinance No. 11-4611.

ORDINANCE NO. 11-4611

AN ORDINANCE AMENDING CHAPTER I, ARTICLE 7, MUNICIPAL COURT, OF THE MUNICIPAL CODE FOR THE CITY OF CHERRYVALE, KANSAS; TO ADD SECTION 1-717 RELATING TO ADMINISTRATIVE FEES

WHEREAS, the Governing Body of the City of Cherryvale, Kansas desires to add Section 1-717 to Chapter I, Article 7, Municipal Court, in the City Codebook of the City of Cherryvale, Kansas; and,

WHEREAS, the Governing Body of the City of Cherryvale, Kansas desires to include code to allow an administrative fee to reimburse the costs of collection of delinquent municipal court accounts by the State of Kansas Set-Off Program or any other lawful collection agency.

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

SECTION ONE: That Chapter I, Article 7, Municipal Court, of the Municipal Code for the City of Cherryvale, Kansas, is hereby changed to include as follows:

1-717. ADMINISTRATIVE FEES. In the event the City of Cherryvale is required to pursue collection of delinquent municipal court accounts through the State of Kansas Set-Off Program or any other lawful collection process, the City shall be entitled to reimbursement of the costs of collection from the person or persons, including but not limited to, court costs, attorney's fees and collection agency fees. Accounts turned over for collection shall be subject to a fee of twenty five percent (25%) of the total of the delinquent amount. This bad debt administrative charge shall be applied prior to referral for collection.

Source: K.S.A. 12-4107.

SECTION TWO: That this ordinance shall be in force and effect upon its approval by the governing body of the City of Cherryvale and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas
this 16th day of May, 2011.

John M. Wright, Mayor
City of Cherryvale

ATTEST:

Rebecca Swain, City Clerk
City of Cherryvale

(SEAL)

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: May 16, 2011

Subject: 2012 Budget Schedule

Guest: None

Background: The City of Cherryvale annual budget is the single most important tool of the Governing Body. The crucial importance of the budget as a tool for balancing needs and affecting change has become ever more apparent. As resources dwindle and demands increase, the Governing Body's job in mediating the conflict that is inherent in budgeting has become both more challenging and rewarding. The scheduling of budget workshops will allow staff and the Governing Body to effectively work together to produce the 2012 annual budget.

Proposed budget timeline:

- Monday, May 16, 2010: Council Meeting
– Set Budget Workshop Dates
- Monday, June 13, 2010: Budget Workshop
– Capital Improvement and Equipment Reserve
- Monday, June 27, 2010: Budget Workshop
– Operating Budget Review
- Monday, July 18, 2010: Council Meeting
– City Administrator's Recommended Budget
- Thursday, July 21, 2010: Budget Publication (No action required)
- Monday, August 1, 2010: Council Meeting
– Budget Hearing & Possible Adoption

Financial Consideration: The budget process allocates and authorizes all City expenditures for FY 2012.

Legal Consideration: The process must be followed to legally allocate City funds.

Policy Consideration: Proper budget adoption is the single most important responsibility of the Governing Body.

Recommendation: Schedule budget workshops.

CITY OF CHERRYVALE

Warrant Ordinance Number: 11-0513 Date: Friday, May 13, 2011

Detail of Checks Processed On Friday, May 13, 2011

Bk	Chk Num and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
0	15463 05/13/11 00079	AIRGAS MID SOUTH, INC.	20110365 04/30/11	107.43	INVOICE #106088770; 106092215; 106112556; COMPRESSED AIR
	15464 00115	ALLIED WASTE SERVICES #376	20110389 05/11/11	188.36	ACCT #3-0376-0069400; INVOICE #000332235; 4 ROLLOFF'S FOR CHERRYVALE BLOSSOM
	15465 00240	ARAMARK UNIFORM SERVICES	20110372 05/03/11	208.20	CUSTOMER #451149001; INVOICES #3174481; 3200710; 3226757; 3253020; UNIFORMS
	15466 00001	AT&T	20110366 04/30/11	81.06	BILL #210 077 124 201; INVOICE #0771254201-042511; SPECIAL ACCESS
	15467 00700	BULLARD, JOHN R.	20110381 05/04/11	1,350.00	PROFESSIONAL SERVICES FOR APRIL 2011
	15468 00790	BUMPER TO BUMPER AUTO PARTS	20110390 05/11/11	47.22	CUSTOMER #20200; MOTOR OIL
	15469 01350	CHERRYVALE VETERINARY CLINIC	20110380 05/04/11	107.50	ACCT #3107; EUTHANASIAS
	15470 01738	Conrad Fire Equipment	20110391 05/11/11	105.91	INVOICE #470721-REPAIR KIT; 471123 STROBE LIGHT;
	15471 01824.5	COX COMMUNICATIONS	20110367 04/30/11	93.56	ACCT #001 1012 072462501; PHONE AND INTERNET SERVICES FOR PUBLIC WORKS
	15472 02592	G & G Dozer	20110374 05/03/11	400.00	INVOICE #2249; PICK UP/RESET ROLL-OFF FOR CLEANUP DAY
	15473 02700	JIM GILL AGENCY, INC.	20110392 05/11/11	109.00	INVOICE #18851; GENERAL LIABILITY AUDIT
	15474 03733	KANSAS DEPARTMENT OF REVENUE	20110382 05/04/11	155.25	April 2011 Water Protection Fee
	15475 03755	KANSAS GAS SERVICE	20110384 05/05/11	452.53	ACCT #510668573 1002301 82; NATURAL GAS
	15476 05880	KANSAS ONE-CALL SYSTEM, INC.	20110379 05/03/11	19.20	INVOICE #1040180; 32 LOCATES FOR APRIL 2011
	15477 03970	KANSAS STATE TREASURER	20110369 05/03/11	242.00	TRAINING & EDUCATION-STATE ASSESSMENTS
	15478 03581	KS ASSOC. FOR COURT MANAGEMENT	20110387 05/06/11	50.00	MEMBERSHIP FROM 6/30/11 TO 7/1/2012 FOR PAULINE BURNOR
	15479 05010	MCCARTY'S	20110370 05/03/11	191.74	ACCT #10480; INVOICES #525612; 526039; 526480; 526481; 526936; SUPPLIES
	15480 05310	MONTGOMERY COUNTY	20110386 05/06/11	120.00	INVOICE #00024; INMATE BOARDING
	15481 01100	MONTGOMERY COUNTY CHRONICLE	20110371 05/03/11	517.30	ORDINANCE #11-4608; #11-4609; #11-4610; 1ST QUARTER TREASURER REPORT; RESOLUTIONS #11-19; #11-20; #11-21;
	15482 05750	NEWTON'S	20110373 05/03/11	9,417.16	ACCT #62776; KING SEWER; POPE SEWER; MOTOR AT POOL; OUTLETS IN PARK
	15483 06285	PUBLIC WHOLESALE WATER	20110375 05/03/11	24,596.00	TREATED WATER
	15484 00800	RAILROAD MANAGEMENT CO.	20110376 05/03/11	219.62	INVOICE #272975; 272949; LEASE FOR WATER PIPELINE CROSSING 8/10/2011 TO 8/9/2012
	15485 06761	SANDBAGGER GOLF & TURF	20110394 05/11/11	163.62	INVOICE #8776; INVOICE # 8768; MOWER PARTS
	15486 06850	SHANKS OIL COMPANY	20110388 05/10/11	1,036.86	INVOICE #224827; DIESEL FOR PUBLIC WORKS; LESS \$6.03 IF PAID BY 5/18/11
			20110395 05/11/11	57.90	INVOICE #224828; GREASE LUBES

CITY OF CHERRYVALE

Warrant Ordinance Number: 11-0513 Date: Friday, May 13, 2011

Detail of Checks Processed On Friday, May 13, 2011

Bk	Chk Numb and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
			Check Total	1,094.76	
0	15487 05/13/11 07233	SPRINT	20110393 05/11/11	59.50	INVOICE & ACCT #43777394-028; CELL PHONES FOR PHONE DEPT.
	15488 07387.1	T.C. UNDERGROUND, INC.	20110396 05/11/11	360.00	INVOICE #2496; CLEAN OUT LIFT STATION WITH SEWER TRUCK
	15489 07445	THOMAS IMPLEMENT, INC.	20110397 05/12/11	41.32	INVOICE #62944A; HYDRAULIC MANUAL FOR PUBLIC WORKS
	15490 07382	TLC VETERINARY HOSPITAL	20110385 05/05/11	100.30	ACCT #665; POLICE K9 EXPENSE, DOG BOARDING
	15491 07607	TRI-STAR UTILITIES, INC.	20110398 05/12/11	18,232.96	PARKWEST SUBDIVISION FINAL PAYMENT #5
	15492 07642	USA BLUEBOOK	20110399 05/12/11	28.77	INVOICE #380544; REPLACEMENT HANDLE FOR GATE HYDRANT VALVE.
	15493 07803	VERIZONWIRELESS	20110377 05/03/11	23.49	ACCT #483025090; INVOICE #2562992027; CELL PHONE FOR FIRE DEPT.
	15494 07875	WASHINGTON ELECTRONICS	20110400 05/12/11	132.50	INVOICE #2-88049; PAGER REPAIR FOR FIRE DEPT
	15495 07970	WESTAR ENERGY	20110378 05/03/11	5,167.42	GROUP #6245324605; ELECTRICITY
	51311 02100	RETAILERS' SALES TAX DIV	20110383 05/04/11	480.03	April 2011 Sales Tax
			Grand Total	64,663.71	

33,849.45 - PR
\$98,513.16 - TOTAL

Passed this 16th day of May, 2011.

Signed this 13th day of May, 2011.

_____ Mayor

Attest:
_____ City Clerk

Home Occupation Application City of Cherryvale, Kansas		Application # 2011-01
Name <i>GREG W. WILSON</i>		Date <i>4-5-2011</i>
Address <i>900 E. 5TH</i>		Phone <i>620-336-8034</i>
Name of Business <i>GW CUSTOM GUNSTOCKS</i>		Phone
Hours of Operation <i>PART TIME 8:00 AM - 9:PM</i>	Type of Occupation <i>PARTIME GUNSMITH/MACHINIST</i>	
List All Special Processes, Equipment, and Supplies (If Additional Space is Required, Use Separate Page)		
1. <i>LIGHT TOOLS , WORKBENCH , RECORD BOOK</i>		
2. <i>DRILL PRESS</i>		
3. <i>METAL LATHE</i>		
4.		
5.		
Applicant Signature: <i>Greg W. Wilson</i>		Date: <i>4-5-2011</i>
Restrictions Imposed <input type="checkbox"/> Hours of Operation <input type="checkbox"/> Materials or Processes <input type="checkbox"/> Other Brief Explanation of Restrictions _____ _____ _____ _____ _____	Site Plan Including Parking and Sign Locations	
Planning and Zoning Commission Findings		
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable Vice-Chairperson Signature: <i>Richard L. Timberlake</i> Date: <i>5/12/11</i>		
City Council Findings		
<input type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable Mayor Signature: _____ Date: _____		

Date: 4-5-2011

To: CITY OF CHERRYVALE
ZONING COMMISSION

From: GREG W. WILSON
900 E. 5TH
CHERRYVALE, KS 67335

Phone: _____

Phone: 620-336-8034
Home Work

Reference: Part-Time Home-Business License

There are hundreds of thousands (perhaps millions) of small home businesses throughout the entire country such as: Avon, Amway, Shaklee, Mary Kay, and Tupperware, etc. They have customers and usually make daily retail product sales. There is a nationwide legal precedent giving the right to homeowners (even those in "gated communities") to engage in small home businesses.

Unlike the above larger home businesses, my small, hobby-type, part-time activity will not have excessive foot traffic or retail sales to the public. I will not have employees or exterior signs of any kind. There will be no structural changes made in and/or around my home or to the rest of the property. I will have no large inventory stored at the premises or anywhere else on the property.

My proposed little home business involves light Gunsmithing and occasional special-ordering of a few firearms for family and friends, etc. Since I will not order, store, or offer any ammunition for sale, there is no danger to my customers and/or my neighbors. There are over 36,000 legal, home-based Firearms Licensees in the country.

To conduct my business, I need only light tools, a work bench, a record book, and some forms.

I will probably not have at any time more than one (1) unloaded, and securely-stored firearm at the premises for gunsmithing work or awaiting customer pick-up from an occasional special order.

When I receive my Federal Firearms License (FFL), issued by the Federal government, I will have passed a thorough FBI background check and an interview by ATF government officials. I have studied Federal and our State's firearms laws and will abide by them concerning sales, etc.

For obvious security and privacy reasons, my proposed legal activities should be kept confidential. I do not have a right to know about my neighbors' legal home-business activities and visa versa.

Please approve my above home activity and include in the description on the business license: (My Name), (My Address), and "Gunsmithing with Occasional Special-Order Firearm Sales". On the license, you may state a maximum amount of transactions I may have weekly or monthly.

If no home-business license is necessary or issued, please generate a signed note on official stationery to the Bureau of Alcohol, Tobacco, Firearms, and Explosives as follows:

(My Name) at (My Address) is not prohibited from doing Gunsmithing and Occasional Special-Order Firearms Sales at this address as long as (he / she) maintains a valid Federal Firearms License (FFL).

Respectfully,

Greg W. Wilson (Applicant)

REC'D

APR 14 '11
8:45 AM
CITY OF
CHERRYVALE



CITY OF CHERRYVALE
Planning and Zoning Application

APPLICANT INFORMATION

Last Name	WADMAN	First	NICKOLAS "NICK"	M.I.	C	Date	3/3/11
Street Address	501 E. MAIN			Apartment/Unit #			
City	CHERRYVALE	State	KS	ZIP	67335		
Phone	620-702-6027		E-mail Address	NICKOLAS.WADMAN@COX.NET			
Are you a citizen of the United States?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Are you a Registered Voter?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>		
Are you a resident of Cherryvale?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Do live within 3 miles of Cherryvale?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>		

EDUCATION

High School	WICHITA HIGH SCHOOL SOUTHEAST		
Did you graduate?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Degree
College	SEVERAL		
Did you graduate?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Degree
Other			
Did you graduate?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Degree

REFERENCES

Please list three references.

Full Name	SHARON WADMAN	Relationship	SISTER
Company	RETIRED	Phone	(620) 336-2667
Address	1015 E. MAIN CHERRYVALE, KS 67335		
Full Name	CHERYL HILL	Relationship	EX-EMPLOYER
Company	HILL MFG	Phone	(918) 251-1164
Address	2333 W. WICHITA BROKEN ARROW OK 74012		
Full Name	JACK WIMBISH	Relationship	FRIEND
Company	ATTORNEY	Phone	(918) 494-3770
Address	2834 E 34 th ST TULSA, OK 74105		

CURRENT EMPLOYMENT

Company	RETIRED (RAN A 30 EMPLOYEE MACHINING/FAB SHOP)
Job Title	DIRECTOR OF BUSINESS DEVELOPMENT
Responsibilities	OVERSEES DAILY OPERATION, HIRED PERSONEL

CONTINUED ON OTHER SIDE

QUESTIONS 1 "WHY DO YOU WANT TO SERVE ON THE PLANNING AND ZONING COMMISSION?"

I WOULD LIKE TO ASSIST IN THE POSITIVE GROWTH OF THE CITY.

QUESTIONS 2 "WHAT IS YOUR VISION FOR THE FUTURE OF CHERRYVALE AS IT RELATES TO PLANNING AND ZONING?"

I WOULD LIKE TO ASSIST THE CHAMBER IN ATTRACTING ~~TO~~ MANUFACTURING TO THIS AREA TO CREATE JOBS.

QUESTIONS 3 "WHAT FACTORS WILL YOU CONSIDER IN MAKING PLANNING AND ZONING DECISIONS?"

EXISTING ORDINANCES, BEST INTEREST OF THE CITY AND ITS CITIZENS.

QUESTION 4 "WHAT CURRENT PLANNING AND ZONING CONCERNS DO YOU HAVE?"

GETTING RID OF DEAD CARS, MOWERS, JUNK IN YARDS ACROSS THE CITY.

Signature

Richard Was

Date

4/14/11

Cherryvale Planning & Zoning Commission
May 12, 2011 7:00 pm

CALL TO ORDER

The Planning & Zoning Commission met in a scheduled meeting with Vice-Chairman Richard Tincknell presiding. Present: Tim Goode, Tony Hawkins, Ernie Wulf and Building Inspector/Zoning Administrator Ron Davis, Karen Seifert, Greg Wilson and Tammie Hawkins.

ROLL CALL

Karen Seifert called roll. Present: Richard Tincknell, Tim Goode, Tony Hawkins and Ernie Wulf. Absent: Thurman Swain and Josh Cavaness.

CONSIDERATION OF MINUTES

Tim Goode made a motion to approve the minutes of the previous meeting; seconded by Tony Hawkins. Votes all aye.

PUBLIC FORUM

COMMISSION COMMENTS

Chairman Thurman Swain – Not Present

Vice-Chairman Richard Tincknell – He had nothing at this time.

Board Member Tim Goode – He brought up that Josh Cavaness has not participated for several months and Karen said she would send him a letter about his absenteeism.

Board Member Josh Cavaness – Not Present

Board Member Tony Hawkins – He had nothing at this time.

Board Member Ernie Wulf – He had nothing at this time.

PRESENTATIONS

AGENDA ITEMS

1. **Vacant Board Position** – One application from Nickolas “Nick” Wadman was received. **Tim Goode made a motion to recommend to the City Council appointment of Nick Wadman to the vacant board position; seconded by Tony Hawkins.** Votes all aye.
2. **Home Occupation Application – Greg Wilson, 900 E. 5th – Gunsmith** - Mr. Wilson presented his request and stated that he would mainly be working on guns making stocks, etc. He will not be stocking ammunition or firearms for sale; he may special order firearms from time to time. **Tim Goode made a motion to recommend to the City Council the approval of this Home Occupation Application for Greg Wilson; seconded by Tony Hawkins.** Votes all aye.
3. **Review and revise Appendix A to the City of Cherryvale Zoning Regulations – Tony Hawkins made a motion to have a work session on Thursday, May 26th at 6:00 p.m. at the fire department; seconded by Ernie Wulf.** Votes all aye.

ADJOURNMENT

Tim Goode made a motion to adjourn; seconded by Tony Hawkins. Votes all aye.

NOTICE TO BIDDERS

Sealed proposals for 2011 Main Street Sidewalk Replacement will be received at the Office of the City Clerk in Cherryvale, Kansas, at 123 Main Street, Cherryvale, Kansas, 67335 until May 20, 2011 at 10:00 a.m. local time. At which time all sealed bids will be opened publicly and read aloud. Any bid received after the designated closing time will be returned unopened.

All proposals shall be submitted in sealed envelopes addressed to City of Cherryvale, Kansas, at the Office of the City Clerk, 123 Main Street, Cherryvale, Kansas, 67335, and marked "Proposal for: Bid for 2011 Main Street Sidewalk Replacement". Plans, specifications, bid documents and other contract documents are on file at the office of TranSystems Corporation, 115 South Sixth Street, Suite D, Independence, Kansas 67301. Copies of bid documents may be obtained from the City of Cherryvale or TranSystems Corporation office.

The project consists of the following:

Base Bid		Alternate Bids	
Remove and Replace 4" Sidewalk	2759 Sq Ft	Remove and Replace 4" Sidewalk	4870 Sq Ft
Remove and Replace 6" Entrance	680 Sq Ft	Remove and Replace 6" Entrance	672 Sq Ft
Remove and Replace Curb	70 Lineal Ft	Remove and Replace Curb	10 Lineal Ft
Remove and Replace ADA Ramp	1 Each	Remove and Replace ADA Ramp	1 Each
Remove Existing and Replace w/ Top Soil	1310 Sq Ft	Remove Existing and Replace w/ Top Soil	65 Sq Ft

The City reserves the right to add or not to add any or all the alternate bids.

Contractors can schedule an appointment for a walk through with the City prior to bidding by calling City hall 620-336-2776 or e-mail at gmcDaniel@cherryvaleusa.com. There will be a mandatory pre-construction walk thru prior to starting the project.

The Owner reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. No bidder may withdraw his bid for a period of sixty (60) days from the date set for opening thereof.

Each bid shall be accompanied by a cashier's check, certified check or bid bond payable to the City of Cherryvale, Kansas, in the amount not less than five percent (5%) of the total amount of the bid.

Nonresident contractors or nonresident subcontractors desiring to engage in, prosecute, follow, or carry on the business of contracting in the State of Kansas shall register with the Director of Revenue for each contract where the total contract price or compensation received amounts to more than one thousand dollars, (\$1,000.00). Provided, a foreign corporation authorized to do business in this state shall not be required to register.

Each contractor or subcontractor required to register any contract shall before entering the performance of such contract, execute and file with the Director of Taxation, a good and valid bond in surety company authorized to do business in Kansas, of with sufficient sureties to be approved by the Director of Taxation. The bond must be filed before beginning any contract in the State of Kansas.

Bidders on this work, including sub-contractors or vendors, will be required to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et. seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et. seq.).

The contract will be awarded to the lowest responsive, responsible bidder and the Owner reserves the right to reject any or all bids and to waiver irregularity in the bids and in the bidding.

**CITY OF CHERRYVALE, KANSAS
2011 MAIN STREET SIDEWALK REPLACEMENT**

TO: City of Cherryvale, Kansas
123 West Main Street
Cherryvale, Kansas 67335

The undersigned bidder hereby proposes to furnish all materials, supplies, tools, equipment and plant, perform all necessary labor and construct, install and complete all work stipulated in, required by, and in conformity with the proposed Contract Documents and Instructions to Bidders attached thereto, for and in consideration of prices as follows:

BASE BID

ITEM NO.	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT
1.	Sidewalk Remove and Replacement (4")	2,759	SQ. FT.	\$ _____	\$ _____
2.	Driveway/Alley Remove And Replace (6")	680	SQ. FT.	\$ _____	\$ _____
3.	Curb Remove and Replace	70	LINEAL FT.	\$ _____	\$ _____
4.	ADA Ramp	1	EACH	\$ _____	\$ _____
5.	Remove Existing and Replace with Top Soil	1,310	SQ. FT.	\$ _____	\$ _____
Total Base Bid				\$ _____	
Total Base Bid Written:					

ALTERNATE#1 BID

ITEM NO.	ITEM DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
6.	Sidewalk Remove and Replacement (4")	1,270	SQ. FT.	\$ _____	\$ _____
Total Alternate Bid #1				\$ _____	
Total Alternate Written:					

ALTERNATE #2 BID

ITEM NO.	ITEM DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
7.	Sidewalk Remove and Replacement (4")	2544	SQ. FT.	\$ _____	\$ _____
8.	Driveway/Alley Remove & Replace	352	SQ. FT	\$ _____	\$ _____

Total Alternate Bid #2 \$ _____
Total Alternate Written:

ALTERNATE #3 BID

ITEM NO.	ITEM DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
9.	Sidewalk Remove and Replacement (4")	1,076	SQ. FT.	\$ _____	\$ _____
10.	Driveway/Alley Remove & Replace	320	SQ. FT	\$ _____	\$ _____
11.	Curb Remove and Replace	10	LINEAL FT.	\$ _____	\$ _____
12.	ADA Ramp	1	EACH	\$ _____	\$ _____
13.	Remove Existing and Fill With Top Soil	65	SQ. FT.	\$ _____	\$ _____

Total Alternate Bid #3 \$ _____
Total Alternate Written:

Alternate items will be used on a per block area measured in the field as directed by the engineer. The quantity determined by the engineer will be all that will be used in this contract. The quantity shown is the maximum quantity available to be used in this contract, but does not guarantee any will be used.

1. The undersigned further agrees to begin work within ten (10) calendar days stated in the Notice to Proceed, and to complete the work, if this Proposal is accepted, in conformance with the schedule stated in the "Instructions to Bidders".
2. The undersigned also declares he understands that the time to begin construction and to complete the work will be one factor considered in determining the lowest and best bid.
3. In submitting this bid, the undersigned declares that he is of lawful age and that he executed the accompanying bid on behalf of the Bidder therein named, and that he had lawful authority to do so, and said Bidder has not directly or indirectly entered into any agreement, expressed or implied, with any Bidder or Bidders, having for its object the controlling of the price or amount of such bids or any bids, the limiting of the bid or bidders, the parceling or farming out to any bidder or bidders, or other persons or any part of the contract or any person whomsoever, except those having a partnership or other financial interest with him in said bid or bids, until after said sealed bid or bids are opened.
4. The undersigned further declares that he has carefully examined the Notice to Bidders, Instructions to Bidders, Plans, Specifications, Contracts, General and Special Conditions, and that he has inspected the actual location of the work, together with the local sources of supply, and has satisfied himself as to all quantities, and understands that in signing this Proposal he waives all right to plead any misunderstanding regarding the same.
5. The undersigned hereby agrees to furnish the required bonds and insurance certificates and execute a contract within ten (10) calendar days from and after Notice of Award of the contract and failure of the bidder to do so shall constitute a default and breach of contract and the Owner may thereafter declare the contract void.

1. It is understood the Owner will pay in a prompt and timely manner pay estimates when submitted and approved.

DATED in _____ this _____ day of _____, 2011.

Contractor (Company)

by:

Name Title

Seal

Address and Phone Number