

CITY OF CHERRYVALE

MEETING OF THE CITY COUNCIL REGULAR MEETING NOVEMBER 6, 2008 7:00 PM

Working for a better tomorrow... today.

ORDER OF BUSINESS

CALL MEETING TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

NEW BUSINESS

A. **CONSENT AGENDA**

Presented by Trey Cocking, City Administrator

RECOMMENDED ACTION: Adopt consent agenda.

Consent Agenda:

1. Regular Meeting Minutes – October 20, 2008
2. Appropriations Ordinance No. 08-1031 \$182,158.29
 - a. Approval of Purchases over \$5,000
 - i. Allied Waste Services \$ 11,050.95
 - ii. McCarty's (Furniture for PD and Office Supplies) \$5,255.27
 - iii. Public Wholesale Water District #4 \$21,170.00
 - iv. Tri-Star Utilities \$92,615.00
3. G&G Dozer
 - a. Demolition of 300 East Main Street \$15,370
 - b. Clean-up of 726 E. Third Street \$2,500
4. Adoption of Resolution 08-34 Approving Brownfield Assessment Grant

INFORMATIONAL ITEMS

1. League of Kansas Municipalities Regional Dinner-November 20, 2008 at 6:00 pm
2. Veteran's Day Activities on November 11, 2008

ADJOURNMENT TO WORK SESSION

CITY OF CHERRYVALE

MEETING OF THE CITY COUNCIL WORK SHOP AGENDA NOVEMBER 3, 2008 7:00 PM

Working for a better tomorrow... today.

1. EPA Brownfield Assessment Grant
2. Water Project Review
3. Fire Department Pick-Up Truck
4. Donation Policy
5. Ordinance Recodification
6. Other

CITY OF CHERRYVALE

MEETING OF THE CITY COUNCIL REGULAR MEETING OCTOBER 20, 2008 7:00 PM

Working for a better tomorrow... today.

ORDER OF BUSINESS

CALL MEETING TO ORDER

Present: Mayor Wright, Council President Wickham, Council Member Crain, Council Member Wallace, Council Member Wagoner, Administrator Cocking, City Clerk Becky Swain, Public Works Director Wade Webber, Fire Chief Ron Davis, Police Chief Matt Dennis, Assistant Police Chief Perry Lambert, Ryon Knop, Carmen Duroni, and Randy Kaufman.

INVOCATION

Council Member Wagoner gave the invocation.

PLEDGE OF ALLEGIANCE

Everyone present participated in the Pledge of Allegiance.

ROLL CALL

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

RIBBON CUTTING CEREMONY

CONSIDERATION OF MINUTES

Regular Meeting, October 6, 2008: **Council Member Wagoner made a motion to approve the minutes of the October 6, 2008 regular meeting; seconded by Council Member Cran. All votes aye.**

GOVERNING BODY COMMENTS

Mayor John Wright – He dedicated the ribbon cutting to the citizens of Cherryvale.

Council Member Chad Wickham – He had nothing to discuss.

Council Member Kevin Crain – He said he thought the Phase II Remodel of City Hall was a success and that everything came together well.

Council Member Randy Wagoner – **He commended Council Member Wallace for completing the LKM leadership training and made a motion to allow him to attend a meeting next May to receive an award for completing the program; seconded by Council Member Crain. All votes aye.** Council Member Wallace said he appreciated the support of the governing body and the citizens of Cherryvale.

Council Member Jerry Wallace – He said that he heard the LKM annual conference went well and was a worthwhile event. Mayor Wright said that it was an informative conference at which he caught up on KOMA/KORA changes, networked, and attended several training sessions.

NEW BUSINESS

A. VETERAN'S DAY EVENT UPDATE

Presented by Ryon Knop

RECOMMENDED ACTION: Receive & file.

Mr. Knop said that enthusiasm for the upcoming event was growing. He said the parade route was set up and most of the planning for the event was complete. He gave the Mayor a draft of the ceremony and said he would do a brief history of Veterans Day, and then have the Mayor do a history of the pledge of allegiance and lead attendees in the pledge. He went into more detail about the day's events and said there would be a memory wall and bean feed. He also showed the Council a banner that Best Beverage made for the event and said they had received 80 radio advertisements funded by local businesses. Mr. Knop asked Mayor Wright to be on radio the day before to advertise the event and the Mayor agreed. Council Member Wagoner said he appreciated all of Mr. Knop's work on the event.

B. 2007 AUDIT REPORT

Presented by Carmen Duroi, CPA, Yerkes & Michels

RECOMMENDED ACTION: Receive & file.

Ms. Duroi discussed the audit opinion. She said there was a new section on the audit that was not on last year's audit because the City had to comply with government audit standards due to the level of federal funds it expended. She explained that the audit opinion stated that cash and unencumbered cash balances of individual funds of the City for year ended December 31, 2007 and their respective cash receipts, expenditures, and budgetary results for such funds all presented fairly. Randy Hoffman then went through the financial statements. He noted that there was a \$103,000 increase in the General Fund balance for the year, but an overall decrease in total fund balances due to the temporary notes from the Phase II Sewer Project. He then discussed the cash balances in the bank accounts and stated that the City did not exceed any of its fund budgets. Ms. Duroi then discussed the footnotes and said there were no statutory violations and the City had received an unqualified audit. She stated that the auditors found no material deficiencies in internal controls, no material instances of noncompliance, and no significant deficiencies related to the federal award program. She explained that her firm had also audited the Cherryvale Public Library and the Fireman's Relief Association. She then went through the audits of those two entities, noting that internal control deficiencies were cited because there was no segregation of duties due to limited staff size. Mayor Wright clarified that there were no discrepancies in the financial records of two entities and there was no financial malfeasance cited. He said the only finding stated was a lack of segregation of duties. Ms. Duroi confirmed this and said the auditors believed it was too cost prohibitive to remedy the internal control issue by hiring additional staff.

C. CHARTER ORDINANCE 08-22

Presented by Trey Cocking, City Administrator

RECOMMENDED ACTION: Adopt Charter Ordinance No. 08-22.

Administrator Cocking said the proposed charter ordinance was discussed at the previous meeting workshop. He said that because it was a charter ordinance, it was a big deal. He also explained that the election of the Mayor was added to the proposed ordinance, as it was left off the previously proposed ordinance, but the proposed ordinance would not change the current Council composition. Administrator Cocking noted that because it was a charter ordinance, Mayor Wright would vote and it needed four votes to pass. **Council Member Wallace made a motion to adopt Charter Ordinance No. 08-22; seconded by Council Member Wagoner. City Clerk Swain took roll for the vote. Aye votes: Mayor Wright, CW, JW, RW, KC. Nay votes: none.** Administrator Cocking said that the ordinance would become law in 61 days unless a sufficient petition was filed.

“A CHARTER ORDINANCE OF THE CITY OF CHERRYVALE, KANSAS,
EXEMPTING THE CITY OF CHERRYVALE FROM PROVISIONS KSA 14-201 and 14-205 AND
PROVIDING SUBSTITUTES AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

Be it Ordained by the Governing Body of the City of Cherryvale, Kansas:

Section 1. The City of Cherryvale, Kansas, a city organized under the laws of the State of Kansas as a city of the second class, by virtue of its home rule power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt and does exempt itself from KSA 14-201 as amended by Chapter 163 of the 2008 Kansas Session Laws and 14-205 which are not uniformly applicable to all cities as the legislature of the State of Kansas has made special statutory provision applying to certain classes of cities in Statutes of the State of Kansas. This exemption applies to KSA 14-201 and 14-205 as it now exists or is hereafter amended.

Section 2, substitution for K.S.A. 12-201. (a) There shall be an election on the first Tuesday in April 2009, and every four years afterward for Ward 1 Position 1 Council Member and Ward 2 Position 1 Council Member who shall hold office until a successor is elected and qualified, and

(b) There shall be an election on the first Tuesday in April 2011, and every four years afterward for Mayor, Ward 1 Position 2 Council Member, and Ward 2 Position 2 Council Member who shall hold office until a successor is elected and qualified, and

(c) The city council shall develop and implement policies and procedures by regular ordinance for employing, evaluating, and retaining or not retaining in employment all non-elected and appointed personnel, including those enumerated in K.S.A. 14-201 and a non-elected City Treasurer.

(d) Further the City of Cherryvale shall also provide by regular ordinance procedures for any appointment to any board, commission, advisory group or other body made by the mayor of Cherryvale.

Section 3, substitution for K.S.A. 12-205. (a) All officers elected shall be qualified electors of the City of Cherryvale.

(b) The city council shall develop and implement policies and procedures by regular ordinance for employing, evaluating, and retaining or not retaining in employment all non-elected and appointed personnel.

Section 3. Section 4 of Charter Ordinance 96-20 is hereby repealed.

Section 4. This ordinance shall be published once a week for two (2) consecutive weeks in the official newspaper of the City of Cherryvale.

Section 5. This is a Charter Ordinance and shall take effect sixty one (61) days after its final publication, unless a sufficient petition for referendum is filled and a referendum held on this ordinance as provided in Article 12, Section 5, subdivision (c) 3 of the Constitution of Kansas, in which case this ordinance shall become effective if approved by a majority of electors voting thereon.

Passed and Adopted by the said Governing Body, not less than two-thirds of the members elect voting in favor thereof, the 20th day of October, 2008.”

D. ORDINANCE 08-4569: SIDEWALK ORDINANCE

Presented by Becky Swain, City Clerk

RECOMMENDED ACTION: Adopt Ordinance No. 08-4569.

City Clerk Becky Swain noted that the proposed ordinance had been discussed in the previous council workshop and the suggested changes had been made. She said she wanted to point out new language in section (b) that was not discussed previously, which would allow businesses to display new merchandise on the sidewalk in front of their building as long as it didn't cover more than 25% of the sidewalk and was displayed on the section of the sidewalk nearest the building. She said that this was added because there were businesses downtown that displayed new merchandise in a tasteful manner and they did not want to discourage this, but also wanted to ensure that cars could no longer be parked on sidewalks. She said that section (d) of the ordinance would assess a \$100 per day fine for violators of the ordinance. **Council Member Crain made a motion to adopt Ordinance No. 08-4569; seconded by Council Member Wagoner. City Clerk Swain took roll for the vote. Aye votes: Council Member Wallace, Council President Wickham, Council Member Wagoner, Council Member Crain. Nay votes: none.**

“ORDINANCE NO. 08-4569

AN ORDINANCE AMENDING THE REGULATION OF SIDEWALKS AND ALLEYS IN THE CITY OF CHERRYVALE, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Cherryvale, Kansas:

5-822. SIDEWALKS AND ALLEYS, LIMITATION OR OBSTRUCTION OF USE.

(a) It is unlawful for any person owning, occupying or having control of any premises, to place or permit upon the sidewalk, curb ramp or the half of the street next to such premises:

1. Any broken ware, glass, filth, rubbish, refuse matter, ice, water, mud, garbage, ashes, aluminum cans or other substances;
2. Any vehicle, lumber, wood, boxes, fencing, building material, dead trees, tree stumps, merchandise, or other thing that obstructs the public street, curb ramp or sidewalk or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof.

. (b) The following shall be exemptions to section (a):

1. The obstruction or limitation of use of the sidewalk is in conjunction with a bona fide sidewalk sale or business promotion, and the business has obtained a permit from the City Clerk for a limited time event not to exceed 48 hours, or
2. A business located in an area zoned for business may display new merchandise in an aesthetically pleasing manner on no more than 25% of the sidewalk positioned closest to the building in which the business operates; or
3. The obstruction or limitation of use of the alley or sidewalk is done in conjunction with repair, maintenance or construction of utility services; or
4. The obstruction or limitation of use of the alley or sidewalk is done in conjunction with the repair, maintenance or construction of improvements upon adjoining property; and
5. If item three or four applies, the obstruction or limitation shall not exist for a time period exceeding seven consecutive days, unless a greater time period is permitted in writing by the City Building Inspector;

6. If item three or four applies, the obstruction or limitation shall be marked with appropriate barricades or warning devices.

(c) Nothing in this ordinance shall limit the authority of the Chief of the Fire Department, which authority is hereby granted, to demand and order immediate cessation of any limitation or obstruction which is determined to be a threat or hindrance to the ability of the fire department to respond to an emergency.

(d) Violation of this ordinance shall carry a fine of \$100. Each day any violation of this ordinance continues shall constitute a separate offense.

REPEALED. All ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

PASSED AND APPROVED By the Governing Body of the City of Cherryvale, Kansas, this 20th day of October, 2008.”

E. ORDINANCE 08-4570: CARGO CONTAINERS

Presented by Ron Davis, Fire Chief

RECOMMENDED ACTION: Adopt Ordinance No. 08-4570.

Fire Chief Ron Davis explained that he had concerns about property owners within the city moving cargo containers in to use as accessory buildings. He said the City currently had two permits out for these containers, and there was nothing he could do to stop them because the City had no related ordinance. Council Member Crain asked if existing containers would be grandfathered in and Chief Davis confirmed that they would, but that existing semi trailers and other cargo containers on wheels would have to go with the passage of the ordinance. He said that the Planning & Zoning Commission voted five to one to recommend the Council adopt the ordinance. **Council Member Wallace made a motion to adopt Ordinance No. 08-4570; seconded by Council Member Wagoner. City Clerk Becky Swain took roll for the vote. Aye votes: Council Member Crain, Council Member Wallace, Council Member Wagoner, Council President Wickham. Nay votes: none.**

“ORDINANCE NO 08-4570

AN ORDINANCE REGULATING CARGO CONTAINERS IN THE CITY OF CHERRYVALE, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Cherryvale, Kansas:

SECTION I. DEFINITION. “Cargo Container” means a standardized, reusable vessel that was:

1. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,
2. Designed for or capable of being mounted or moved on a rail car, and/or
3. Designed for or capable of being mounted on a chassis or trailer for movement by tractor trailer, railroad or loaded on a ship. Examples include, but are not limited to: sea cargo containers, railroad boxcars, tractor trailers, and freight trailers.

SECTION II. REQUIREMENTS. The requirements for placing a cargo container onto a private lot are as follows:

1. On sites of less than 2 acres (gross) where the primary use is residential only, one Cargo Container is allowed; not exceeding 320 square feet and the container is only permitted for up to 180 consecutive days, starting from the date of permit issuance.
2. On sites of more than 2 acres (gross) with a legally established primary use, a Cargo Container is allowed if it complies with all other requirements for an accessory building within that zoning area.
3. Cargo Containers must meet setback requirements for accessory structures.
4. The square footage of the Cargo Container shall be added to the allowable combined square footage of all existing and/or proposed accessory structures.
5. Cargo Containers can only be used for storage. Use of the container for residential or business purposes is not permitted.
6. Cargo Containers may be allowed in commercial and industrial zoned areas I1 and I2 as permitted uses, and B2, B3, B4 as conditional use. Permitted and Conditional uses apply only if there is a legally established primary use on-site and all parking requirements are maintained. Cargo Containers are not permitted on frontages of commercial or industrial zoned property.
7. Cargo Containers may not occupy any required off-street parking spaces.
8. If located adjacent to a building, the cargo container must be painted to match the building's color.
9. Cargo Containers are allowed in all zones temporarily to store building materials during the construction pursuant to an active building permit. If the building permit is expired, the Cargo Container shall be removed.
10. All current containers fixed to property will be considered legal structures and may remain in place so long as the location and screening are not altered. All trailer designed cargo containers, with wheels and tires in place, must be removed. If an approved cargo container is moved off a residential zoned property containing a residential use, no new container may be moved onto the property.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect and be in force upon its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas this 20th day of October, 2008.”

EXECUTIVE SESSION

1. Executive session for matters of attorney-client privilege
At 8:00 p.m., Council Member Crain made a motion to go into executive session for 15 minutes with the Governing Body, City Administrator, and Attorney Theresa Woody via telephone to discuss matters of attorney client privilege; seconded by Council Member Wagoner. All votes aye.

Mayor Wright declared the meeting back in regular session at 8:30 p.m. and no action was taken.

F. DISPOSAL OF CITY PROPERTY

Presented by John Wright, Mayor

RECOMMENDED ACTION: Take appropriate action.

Mayor Wright said that he was interested in purchasing one of the old Council chairs and wanted to make sure the rest of the Governing Body was okay with it. Council Member Crain asked how much Administrator Cocking would charge for the chair and he responded that he had proposed \$20 as a starting negotiation point. Council Member Crain asked what the normal process followed was and Mr. Cocking said that if someone was interested in a minor piece of property he'd tell them to make an offer. The

Governing Body members concurred that they did not have a problem with Mayor Wright purchasing one of the chairs.

G. EMPLOYEE ASSISTANCE PROGRAM

Presented by Trey Cocking, City Administrator

RECOMMENDED ACTION: Receive & file.

Administrator Cocking said that the City had been enrolled in the employee assistance program (EAP) for one year and 46 employees had used the program for 49 different matters. He said supervisors had taken 31 online class over the past year and he felt the program was well worth the price. **Council Member Wallace made a motion to renew the City's participation in the EAP; seconded by Council Member Crain. All votes aye.**

H. RESOLUTION 08-32: CITY OF CHERRYVALE ORGANIZATIONAL CHART

Presented by Trey Cocking, City Administrator

RECOMMENDED ACTION: Adopt Resolution 08-32.

Administrator Cocking explained that the auditors recommended the City adopt an organizational chart and Resolution 08-32 was being proposed to conform with the auditors' request. Mayor Wright said he liked that the voters were at the top of the chart. Council Member Wagoner suggested that the term "voters" be changed to "citizens".

Council Member Wagoner made a motion to adopt resolution 08-32 with the amendment of changing "voters" to "citizens"; seconded by Council President Wickham. All votes aye.

I. ORDINANCE 08-4571: CHANGE IN UTILITY ACCOUNT HOLDER

Presented by Trey Cocking, City Administrator

RECOMMENDED ACTION: Adopt Ordinance No. 08-4571.

Administrator Cocking said the ordinance reflected what was discussed at the work session and asked that a minor amendment be added to the last sentence in section (e), as the word "by" was left out. **Council Member Wallace made a motion to adopt Ordinance No. 08-4571, with the noted change; seconded by Council Member Wagoner. City Clerk Swain took roll for the vote. Aye votes: Council Member Wagoner, Council Member Crain, Council President Wickham, Council Member Wallace. Nay votes: none.**

"ORDINANCE NO. 08-4571

AN ORDINANCE AMENDING THE RULES AND REGULATIONS OF UTILITY SERVICE ACCOUNTS

4-201. METER BASIS: METER CONNECTION & SERVICE FEES.

(e) The Meter Connection & Service Account Initiation fees heretofore provided, and required, shall not be transferable from one consumer's service account to another consumer's service account. The only exception may be granted by the City Administrator when service transfer is required because of a death.

REPEAL. All other ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE. This ordinance shall take effect and be in force upon its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas, this 20th day of October, 2008.”

J. RESOLUTION 08-33: RED FLAG POLICY

Presented by Becky Anderson, City Clerk

RECOMMENDED ACTION: Adopt Resolution 08-33.

City Clerk Swain said that the proposed policy and accompany policy had not been changed since it was presented in the Council work session and its adoption would put the City in compliance with new federal regulations. Administrator Cocking noted that the policy was reviewed and approved by the City Attorney, per the Mayor’s request.

Council Member Wagoner made a motion to approve Resolution 08-33, adopting the City’s Red Flag Policy; seconded by Council Member Crain. All votes aye.

CONSENT AGENDA

Presented by Trey Cocking, City Administrator.

- | | |
|--|--------------|
| 1. Appropriations Ordinance No. 08-1017 | \$ 67,038.51 |
| a. Approval of Purchases over \$5,000 | |
| i. Blue Cross-Blue Shield (November Premium) | \$ 7,097.32 |
| ii. Card Services (September P-Card Statement) | \$ 5,838.35 |
| 2. Tri-Star Utilities – Sewer Project – Sections 1 & 2 | \$ 92,615.00 |

RECOMMENDED ACTION: Approve consent agenda as presented.

Administrator Cocking asked Mayor Wright to remove item two from the consent agenda. **Council Member Wagoner made a motion to approve the consent agenda with the exclusion of item two; seconded by Council Member Wallace. All votes aye.**

INFORMATIONAL ITEMS

1. Mill Levy

Administrator Cocking explained that the 2009 budget submitted by the City was expected to result in a 40.39 mill levy, but the certified budget returned by the County was only 39.730, due to higher property valuations in the City. As a result, the one mill increase that was expected to finance the library lift project actually resulted in only a .719 mill increase. Council Member Crain asked about the status of the library lift project. Administrator Cocking said it was a 16 week project which began September 29th. He noted that contractors had encountered unexpected problems that day when they discovered that the building’s water lines ran around the building and not through it, which could push back the completion date.

2. Flu Shots: October 24, 2008, Cherryvale Fire Department, 10 a.m. – 4 p.m.

Administrator Cocking announced that there would be flu shots administered at the Fire Department on October 24th from 10 a.m. – 4 p.m. He said the service would be provided to all Cherryvale residents for a cost of \$25, and the City would provide free shots to all employees.

3. LKM Regional Supper – November 20th at 6:00 p.m., Coffeyville Recreation Center.

Administrator Cocking announced the event and encouraged governing body members to attend. Council Member Wallace noted that the League was also hosting an ethics class in Shawnee on November 21st. Administrator Cocking said that he and City Clerk Becky Swain would be attending the class.

ADJOURNMENT

Council President Wickham made a motion to adjourn; seconded by Council member Wagoner. All votes aye.

CITY OF CHERRYVALE

Warrant Ordinance Number: 08-1031 Date: Friday, October 31, 2008
 Detail of Checks Processed On Friday, October 31, 2008

| Bk | Chk Numbr and Date | Vendor Number & Name | Voucher Num and Date | Voucher Amt | Memo |
|----|----------------------|--------------------------------|----------------------|-------------|---|
| 10 | 28671 10/31/08 00115 | ALLIED WASTE SERVICES #376 | 20080901 10/28/08 | 11,050.95 | POLYCARTS AND COLLECTIONS |
| | 28672 00121 | ALL TEL | 20080927 10/30/08 | 25.24 | ACCT#3400329257-404; |
| | 28673 00002 | AT&T | 20080914 10/29/08 | 551.38 | ACCT# 620 336-2121 165 1; LOCAL SERVICE |
| | 28674 00391.5 | B & L TRENCHING | 200808889 10/23/08 | 175.00 | INVOICE # 1660 & 1661; AMBULANCE REPAIRS |
| | 28675 00740 | BRAUN INDUSTRIES, INC | 20080890 10/23/08 | 516.75 | INVOICE # 75027; NEW BUMPER FOR AMBULANCE |
| | 28676 00763 | BROTHERS EQUIPMENT | 20080802 09/22/08 | 4,800.00 | 1991 SUZUKI K TRUCK |
| | 28677 01250 | CHERRYVALE LIBRARY TREASURER | 20080928 10/31/08 | 1,368.66 | 5TH DISTRIBUTION |
| | 28678 00866 | CJ's THREADS EMBROIDERY | 20080918 10/29/08 | 15.50 | INVOICE# 5410; 2 T-SHIRTS |
| | 28679 01738 | Conrad Fire Equipment | 20080919 10/29/08 | 223.60 | INVOICE# 456473; HORIZONTAL TOOL BRACKET; INVOICE# 456148-Tool Bracket; spot beam |
| | 28680 02087 | DIGITAL CONNECTIONS | 20080902 10/28/08 | 71.15 | INVOICE# 18013; COPIES FROM 9/18/08 TO 10/17/08 |
| | 28681 03745 | DIVISION OF ENVIRONMENT | 20080891 10/23/08 | 48.00 | ACCT # E8000; TESTING JULY - SEPTEMBER 2008 |
| | 28682 02195 | DUAL COUNTY SANITATION, INC. | 20080903 10/28/08 | 28.57 | COLLECTIONS |
| | 28683 02337.5 | ENVIRONMENTAL LABORATORIES INC | 20080892 10/23/08 | 120.00 | INVOICE # 32072 ; SEWER TESTING |
| | 28684 02575 | FOUR STATE MAINTENANCE SUPPLY | 20080917 10/29/08 | 184.00 | INVOICES# 355460; 354981;-JANITORIAL SUPPLIES |
| | 28685 03205 | HOUSE DOCTORS | 20080909 10/28/08 | 60.00 | CONTRACT LABOR 10/11/08 TO 10/24/08 |
| | 28686 03412 | INVESTIGATIONS, LLC | 20080922 10/29/08 | 100.00 | INVOICE# 5972-PRE-EMP POLYGRAPH |
| | 28687 03733 | KANSAS DEPARTMENT OF REVENUE | 20080908 10/28/08 | 148.07 | Water Protection Fee - October 2008 |
| | 28688 03734 | KANSAS GAS SERVICE | 20080905 10/28/08 | 461.49 | 3RD QUARTER 2008 - CLEAN DRINKING WATER FEE |
| | 28689 03755 | KANSAS GAS SERVICE | 20080915 10/29/08 | 231.70 | ACCT# 510668573 1002301 82; NATURAL GAS |
| | 28690 03650 | KC 24 HR. TRUCK REPAIR | 20080925 10/29/08 | 22.42 | INVOICE# 5721; Clearance lights & filters |
| | 28691 04300 | LEAGUE/KANSAS MUNICIPALITIES | 20080911 10/29/08 | 280.00 | INVOICE# 08-2260- Recycling; 08-2271- Retirement; 08-2350-LKM Tournament |
| | 28692 05019 | MAFFEL, ARTHUR JR. | 20080893 10/23/08 | 820.00 | INVOICE # 664755; INSTALLATION OF COUNCIL SEATING |
| | 28693 05010 | MCCARTY'S | 20080921 10/29/08 | 5,255.27 | ACCT# 10480; OFFICE SUPPLIES AND FURNITURE FOR PD DEPT; |
| | 28694 05033 | MEDICLAIMS, INC. | 20080906 10/28/08 | 1,084.93 | INVOICE# 08-13489; AMBULANCE BILLING |
| | 28695 05035 | MEDLEY, RICHARD | 20080910 10/28/08 | 300.00 | CONTRACT LABOR FOR OCTOBER 2008 |
| | 28696 01100 | MONTGOMERY COUNTY CHRONICLE | 20080894 10/23/08 | 252.75 | NOTICE OF HEARING 10/16; CHARTER ORDINANCE; ORDINANCE 08-4569 AND 08-4570; |
| | 28697 06285 | PUBLIC WHOLESAL E WATER | 20080907 10/28/08 | 21,170.00 | TREATED WATER |
| | 28698 06308 | QUALITY CAR CARE | 20080926 10/30/08 | 230.00 | INVOICE# 20659; BACKHOE |
| | 28699 06375 | QUALITY MOTORS | 20080924 10/29/08 | 155.72 | ACCT#1120-3315; CHARGER UNIT#4 |
| | 28700 06808 | SELLERS EQUIPMENT, INC. | 20080762 09/12/08 | 578.04 | INV # 15620; GLASS FRONT SCREEN; GLASS RH FRONT |
| | 28701 06850 | SHANKS OIL COMPANY | 20080876 10/15/08 | 430.95 | INVOICE# 208591; Anti-Freeze |
| | 28702 06910 | SHERWIN-WILLIAMS CO. | 20080895 10/23/08 | 55.55 | INVOICE # 2515-1; PAINT |

CITY OF CHERRYVALE

Warrant Ordinance Number: 08-1031 Date: Friday, October 31, 2008
 Detail of Checks Processed On Friday, October 31, 2008

| Bk | Chk Num and Date | Vendor Number & Name | Voucher Num and Date | Voucher Amt Memo |
|----|----------------------|--------------------------------|----------------------|---|
| 10 | 28703 10/31/08 07380 | SUNFLOWER FARMS | 20080896 10/23/08 | 30.00 INVOICE # 3867FLOWERS |
| | 28704 | TRI-STAR UTILITIES, INC. | 20080887 10/17/08 | 92,615.00 PARTIAL PAY ESTIMATE #2 - SEWER PROJECT, SECTIONS 1 & 2 |
| | 28705 | ULTRA-CHEM | 20080923 10/29/08 | 201.15 ACCT#C8081B: CAR WASH/CLEANER |
| | 28706 | UNITED STATES CELLULAR | 20080913 10/29/08 | 96.65 ACCT#/INVOICE# 941908125-092 |
| | 28707 | UNITED STATES POSTAL SERVICE | 20080912 10/29/08 | 300.00 ACCT# 19100676: POSTAGE FOR MACHINE |
| | 28708 | VISION WOODWORKS | 20080897 10/23/08 | 775.00 INVOICE # 2445 & 2446: PODIUM, STAINED DOORS; PHASE II REMODEL |
| | 28709 | WESTAR ENERGY | 20080916 10/29/08 | 1,573.35 ACCT# 2003063047: 0947683669; 9283692909; 6245324605; |
| | 28710 | WESTERN COMMUNICATIONS SERVICE | 20080920 10/29/08 | 30.00 INVOICE# 13529; |
| | 28711 | WINWATER WORKS | 20080841 10/10/08 | 617.80 INVOICE# 158675; Water Supply Parts |
| | 28712 | YERKES & MICHELS, CPA, LLC | 20080898 10/23/08 | 3,785.12 INVOICE # 15729; 2007 AUDIT SERVICES |
| | | Grand Total | 150,839.76 | |

31,345.52 Payroll

182,158.28

Passed this _____ day of _____.

Mayor

Attest:

City Clerk

BID SCHEDULE

Location

Bid Price

300 East Main Street, Cherryvale, KS 67335

\$ 15,370.⁰⁰

726 East 3rd Street, Cherryvale, KS 67335

\$ 2,500.⁰⁰

212 South Wilson, Cherryvale, KS 67335

\$ _____

TOTAL BID PRICE

Seventeen thousand eight hundred
Seventy and no/100

\$ 17,870.⁰⁰

G & G Dozer

Company Julie Gorby / Gary Gorby

1875 Hwy 75 North, PO Box 6 Cherryvale KS
Address 67333

Julie Gorby
Principal Officer

Oct. 24, 2008
Date

Owner
Title

ACORD TM.

CERTIFICATE OF LIABILITY INSURANCE

10/17/2008

PRODUCER Phone: (620) 251-1970 Fax: (620) 251-7810
NDB - COFFEYVILLE
 P O BOX 494
 210 W 9TH
 COFFEYVILLE KS 67337

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURED
G & G DOZER COMPANY LLC
 C/O GARY GORBY
 PO BOX 6
 1875 HWY 75 NORTH
 CANEY KS 67333

INSURER A: **ADMIRAL**
 INSURER B: **ARD - CONTINENTAL WESTERN**
 INSURER C: **CONTINENTAL WESTERN**
 INSURER D:
 INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | ADDL INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YYYY) | POLICY EXPIRATION DATE (MM/DD/YYYY) | LIMITS | |
|----------|--|---|-----------------|------------------------------------|-------------------------------------|---|--------------|
| A | | GENERAL LIABILITY | CA00000549605 | 08/10/08 | 08/10/09 | EACH OCCURRENCE | \$ 1,000,000 |
| | <input checked="" type="checkbox"/> | COMMERCIAL GENERAL LIABILITY | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 50,000 |
| | <input type="checkbox"/> | CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | MED. EXP (Any one person) | \$ Excluded |
| | GEN'L AGGREGATE LIMIT APPLIES PER. | | | | | PERSONAL & ADV INJURY | \$ 1,000,000 |
| | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | GENERAL AGGREGATE | \$ 2,000,000 |
| | | | | | | PRODUCTS-COMP/OP AGG | \$ 2,000,000 |
| C | | AUTOMOBILE LIABILITY | CWP260524722 | 12/01/07 | 12/01/08 | COMBINED SINGLE LIMIT (Ea accident) | \$ 1,000,000 |
| | <input type="checkbox"/> | ANY AUTO | | | | BODILY INJURY (Per person) | \$ |
| | <input checked="" type="checkbox"/> | SCHEDULED AUTOS | | | | BODILY INJURY (Per accident) | \$ |
| | <input checked="" type="checkbox"/> | HIRED AUTOS | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | <input checked="" type="checkbox"/> | NON-OWNED AUTOS | | | | | |
| | | GARAGE LIABILITY | | | | AUTO ONLY - EA ACCIDENT | \$ |
| | | <input type="checkbox"/> ANY AUTO | | | | OTHER THAN EA ACC | \$ |
| | | | | | | AUTO ONLY: AGG | \$ |
| | | EXCESS / UMBRELLA LIABILITY | | | | EACH OCCURRENCE | \$ |
| | | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE | | | | AGGREGATE | \$ |
| | | <input type="checkbox"/> DEDUCTIBLE | | | | | \$ |
| | | <input type="checkbox"/> RETENTION \$ | | | | | \$ |
| B | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | WC1516020715-00 | 08/13/08 | 08/10/09 | WC STATL-TORY LIMITS | OTHER |
| | <input type="checkbox"/> | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? | | | | E.L. EACH ACCIDENT | \$ 1,000,000 |
| | If yes, describe under SPECIAL PROVISIONS below | | | | | E.L. DISEASE-EA EMPLOYEE | \$ 1,000,000 |
| | | | | | | E.L. DISEASE-POLICY LIMIT | \$ 1,000,000 |
| | | OTHER: | | | | | |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/ SPECIAL PROVISIONS

CERTIFICATE HOLDER

CITY OF CHERRYVALE
 123 W MAIN
 CHERRYVALE KS 67335

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Beverly Jo Russell
 Beverly Jo Russell

Attention:

THE CITY OF CHERRYVALE, KANSAS

RESOLUTION NO. 08-34

RESOLUTION CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE EPA BROWNFIELD COMMUNITY ASSESSMENT GRANT
AND AUTHORIZING THE MAYOR
TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City of Cherryvale, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City of Cherryvale, Kansas, intends to submit an application for assistance from the EPA HAZARDOUS SUBSTANCE AND PETROLEUM ASSESSMENT GRANT.

THE APPLICANT hereby certifies that the City of Cherryvale, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the EPA HAZARDOUS SUBSTANCE AND PETROLEUM ASSESSMENT GRANT.

THE APPLICANT hereby authorizes the MAYOR of CHERRYVALE, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the EPA HAZARDOUS SUBSTANCE AND PETROLEUM ASSESSMENT GRANT. The Mayor shall also be authorized to sign any grant agreement if funding is approved.

APPROVED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE,
KANSAS, this 3rd of November, 2008.

APPROVED _____
JOHN WRIGHT, MAYOR

ATTEST _____
REBECCA SWAIN, CITY CLERK

(SEAL)

THE CITY OF CHERRYVALE, KANSAS

November 14, 2008

Environmental Management Support, Inc.
Attn: Mr. Don West
8601 Georgia Avenue, Suite 500
Silver Spring, Maryland 20910
Phone 301-589-5318

United States Environmental Protection Agency
Attn: Ms. Susan Klein
901 North 5th Street
Kansas City, Kansas 66101
Phone 913-551-7786

Dear Mr. West and Ms. Klein:

The City of Cherryvale is pleased to submit this application seeking \$400,000 in community-wide assessment funding for hazardous substance and petroleum sites in Cherryvale, Kansas. A former mining town, Cherryvale was a leader in zinc smelting and brick production in the early 1900s. Industry in town at that time included the Edgar Zinc Factory, a glass factory, shovel and barrel factories, a marble works, an iron works, two grain elevators serviced by the railroads, and a bicycle factory. The population of Cherryvale was at its peak in 1906 when the population soared to nearly 7,000. Many of the industrial and manufacturing companies ceased operations in Cherryvale in the 1930s, leaving a legacy of high unemployment, mine-scarred land, and vacant buildings. Currently, the population of Cherryvale is approximately 2,386.

Although many of the former smelter properties have been assessed and the contaminated material stabilized in place, the legacy of smelter operations continues to stigmatize adjacent properties, causing them to remain idle. Cherryvale intends to use the assessment funds to hire an environmental consulting company to perform Phase I and Phase II environmental assessments on eligible sites and develop the corresponding reports documenting assessment results. The City also intends to use the funds to enroll eligible sites in Kansas' Voluntary Cleanup Program, conduct cleanup planning, and provide neighborhood outreach including public meetings and articles in community publications.

The extent of contamination found on assessed sites will determine whether Cherryvale will seek additional funds for cleanup or seek private developers to finance clean-up and demolition as necessary.

REQUIRED INFORMATION

1. Applicant Identification: City of Cherryvale
123 West Main
Cherryvale, Kansas 67335
Phone: 620.336.2776 Fax: 620.336.2104
2. Funding Requested:
 - i. Assessment
 - ii. \$400,000
 - iii. \$200,000 Hazardous Substances & \$200,000 Petroleum
 - iv. Community-Wide
3. Location: City of Cherryvale, Montgomery County, Kansas
City Administrator: Trey Cocking
123 West Main, Cherryvale, Kansas 67335
Phone: 620.336.2776
4. Property Name/Address: Not Applicable, Community-Wide Grant
5. Contacts: Project Director
Trey Cocking
123 West Main
Cherryvale, Kansas 67335
Phone: 620.336.2776 Fax: 620.336.2104
Email: tcocking@cherryvaleusa.com

Mayor
John Wright
23 West Main
Cherryvale, Kansas 67335
6. Date Submitted: November 14, 2008
7. Project Period: 3 Years from the date of grant award
8. Population: 2,386 (According to the 2000 US Census)

Sincerely,

Trey Cocking
City Administrator

Donation Policy Possible Guidelines

Issue #1 Review of Request

1. Annual Review of Requests
2. Quarterly
3. Ad Hoc (Status Quo)
4. Other

Issue #2 Amounts per Request

1. Line Item Budget for Donations
2. Only take Annual Request and Create a Line Item for Each Approved Item
3. Ad Hoc
4. Other

Issue #3 Types of Groups Funded

1. Cherryvale Betterment Groups (Beautification Committee and Chamber)
2. Special Events
3. Subsidize other Groups funded by another Governmental Entity
4. Community Charitable Groups
5. Community Outreach Groups
6. Other Groups
7. Ad Hoc
8. Other

Issue #4 Performance

1. Require Written Report to the City
2. Require Verbal Report to City Council
3. Require Performance Contracts
4. Other
5. None