

# CITY OF VALLEY CENTER

## FINAL AGENDA

JULY 31, 2014

*THE CITY COUNCIL SHALL HOLD ITS REGULAR MEETINGS IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN, BEGINNING AT 7:00 P.M.*

## AUGUST 5, 2014

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
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  - C. Ordinance 1278-14; Special Use for Library, 1<sup>st</sup> Reading p 46
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14. **STAFF REPORTS** p 77

**15 GOVERNING BODY REPORTS p 80****16. ADJOURN**

*All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice.*

*At anytime during the regular City Council meeting, the City Council may meet in executive session for consultation concerning several matters (real estate, litigation, non-elected personnel and security).*

*This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the City Clerk in a timely manner, at [cityclerk@valleycenter-ks.gov](mailto:cityclerk@valleycenter-ks.gov) or by phone at (316)755-7310.*

*For additional information on any item on the agenda, please visit [www.valleycenter-ks.gov](http://www.valleycenter-ks.gov) or call (316) 755-7310.*

## **APPROVAL OF AGENDA**

### **RECOMMENDED ACTION:**

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

## **CLERK'S AGENDA**

### **A. MINUTES:**

Attached are the Minutes from the July 8, 2014 Joint City Council / Library Board Meeting as prepared by the City Clerk

And

the July 15, 2014 Regular City Council Meeting as prepared by the Assistant City Clerk.

SPECIAL JOINT MEETING: VALLEY CENTER CITY COUNCIL AND LIBRARY BOARD  
 JULY 8, 2014  
 LE VENUE  
 109 W. MAIN

Mayor McNown called the meeting to order at 6:00 p.m. with the following members present: Lou Cicirello, Terry Ishman, Laurie Dove (arrived 6:05), Marci Maschino, Lionel Jackson, Benjamin Anderson and Al Hobson.

Members Absent: Judith Leftoff (arrived at 6:59 pm).

Staff Present: Joel Pile, City Administrator  
 Kristine Polian, City Clerk  
 Warren Utecht, Community Development Director

Library Board Members Present:  
 Amy Patricia Stamm  
 Chad Dove  
 Kay Thrasher  
 Matt Cox  
 Spencer Percival  
 Wanda Jean Jones

Staff Present: Janice Sharp, Library Director

Press present: The Ark Valley News

### **APPROVAL OF THE AGENDA**

Cicirello moved, seconded by Anderson, to approve the Agenda as presented. Vote ye: unanimous. Motion carried.

### **DISCUSSION- LAND ACQUISITION**

Amy Stamm, Library Board President, provided a plan description of the proposed Library if located to Le Venue, to include the layout of the building, book space and planned programs for the auditorium.

Mayor paused meeting to allow time for a tour of both Le Venue and All Saints buildings at 6:27 p.m.

After tour, discussion reconvenes at 6:53 pm.

Councilmember Cicirello stated he believes the Board should consider a new building, versus a remodel of an existing building.

President Stamm indicated the Board lacked confidence in being put on the CIP, fearful the library would get moved down the list as it has in the past.

Council consensus is there are strong concerns about the cost of remodeling, specifically bringing the building into ADA compliance, as it has not been addressed in any of the Library Board's current plans; estimates will need to be provided before anything can be approved.

President Stamm stated the Board was of the belief there was no ADA compliance necessary, as the building would be grandfathered.

Mayor McNown stated though it will cost more money, which he understands the Board is hesitant to spend, true estimates will need to be provided as prepared by an architect before the purchase of the Le Venue property should occur. In addition, he asked to get a financial plan from the Board, to include something in writing, if possible, from the benefactors who have committed to donations to bring this project to fruition.

L. Jackson moved, second by Maschino, to adjourn the meeting at 7:28 pm. Vote yea: unanimous. Motion carried.

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Kristine A. Polian, City Clerk

REGULAR COUNCIL MEETING  
JULY 15, 2014  
CITY HALL  
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 p.m. with the following members present: Judith Leftoff, Lou Cicirello, Terry Ishman, Laurie Dove, Marci Maschino, Lionel Jackson, Benjamin Anderson, and Al Hobson.

Members Absent: None

Staff Present: Joel Pile, City Administrator  
Kristine Polian, City Clerk  
Jose Santiago, Assistant City Clerk  
Lonnie Tormey, Fire Chief  
Warren Utecht, Community Development Director  
Brenton Holper, City Superintendent  
Neal Owings, Parks and Public Buildings Superintendent  
Mike Kelsey, City Engineer  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

#### **APPROVAL OF THE AGENDA**

Pile stated originally there was an item under New Business, Item A, about a "Developer Request for Utility Waiver", and now it is removed from the Agenda.

Jackson moved, seconded by Maschino, to approve the Agenda as amended. Vote Yea: Unanimous. Motion carried.

#### **CLERK'S AGENDA**

##### **A. MINUTES – JULY 01, 2014 REGULAR COUNCIL MEETING**

Hobson moved, seconded by Anderson, to approve the Minutes of the July 01, 2014 Regular Council Meeting as presented. Vote Yea: Unanimous. Motion carried.

##### **B. APPROPRIATION ORDINANCE – 07/15/2014**

Cicirello moved, seconded by Ishman, to approve the July 15, 2014 Appropriation Ordinance as presented. Vote Yea: Unanimous. Motion carried.

##### **C. TREASURER'S REPORT – JUNE 2014**

Maschino moved, seconded by Cicirello, to receive and file the June 2014 Treasurer's Report. Vote Yea: Unanimous. Motion carried

**PRESENTATIONS/PROCLAMATIONS** - None

**PUBLIC FORUM** – None

**CLERK'S AGENDA (CONTINUED)****APPOINTMENTS** – None**COMMITTEES, COMMISSIONS** – No Questions/Comments.**OLD BUSINESS****A. ORDINANCE 1275-14; COMPREHENSIVE DEVELOPMENT PLAN, 2<sup>ND</sup> READING**

Utecht stated the Comprehensive Development Plan will be kept current and revised on an annual basis.

Ishman moved, seconded by Dove, to adopt Ordinance 1275-14, approving the Comprehensive Development Plan for The City of Valley Center, Kansas area: 2014-2023, for 2<sup>nd</sup> reading. Vote Yea: Unanimous. Motion carried.

**NEW BUSINESS****A. PRESENTATION OF 2015 DRAFT BUDGET**

Pile stated, we received from the County the estimated assessed valuation information as of July 01, 2014 for the 2015 Budget. It reflects a 1.82% increase, according to the valuation due to commercial and personal property growth. Pile stated the General Fund is where the majority of the City operation expenses are allocated, and major changes were unexpected. Pile stated the Sewer department increased by 2.5 %, the Water department increased by 4 %, and the stormwater for residential units increased by 5%; and the proposed 2014 Ad Valorem Tax is \$2,554,000.

The Governing Body motioned the allocation of the following funds and approval of the maximum expenditures:

- Cicirello stated he would have preferred the funds be used for equipments.

Maschino moved, seconded by Anderson, to allocate \$17,500 for the Sidewalk Project in Lion's Park from General Funds to the Special Parks and Recreation Funds. Vote Yea: Ishman, Dove, Maschino, Jackson, and Anderson. Opposed: Leftoff, Cicirello, and Hobson.

- Hobson stated the funds for the replacement of the fence will be helpful in preventing possible future thefts of equipment and materials.

Jackson moved, seconded by Maschino, to remove funding for the replacement of the fence at the old Public Works building from the budget. Vote Yea: Ishman, Dove, Maschino, Jackson, and Anderson. Opposed: Leftoff, Cicirello, and Hobson.

Cicirello moved, seconded by Hobson, to approve a 10 minute recess, so Pile can calculate changes and present them with a revised draft of the budget. Vote Yea: Unanimous. Motion carried.

**Recess started 7:51PM and ended at 8:01PM**

**NEW BUSINESS (CONTINUED)**

Cicirello moved, seconded by Hobson, to approve the maximum expenditures of \$9,841,370.00 and the mill levy not to exceed \$2,511,360.00 as presented which should be published for Public Hearing on August 5<sup>th</sup>, 2014. Vote Yea: Unanimous. Motion carried.

**B. NOTICE OF PUBLIC HEARING RE: 2015 BUDGET**

Maschino moved, seconded by Jackson, to establish a Public Hearing August 05, 2014 at 7:00 PM at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of Ad Valorem Tax. Vote Yea: Unanimous. Motion carried.

**C. RESOLUTION 629-14: CALLING FOR A SPECIAL QUESTION ELECTION RE: 1% SALES TAX**

Pile state a reason why a 1% sales tax should be considered is that it will take the City approximately 30 mills to pay for the ten public street improvement projects without it. These projects may be 80% paid by government funds, but the remaining 20% is the responsibility of the City. Pile believes pursuing these projects will give the streets a 20 year life span, compared to temporary repairs. Pile stated 3 or 4 projects will be scheduled at a time to monitor the revenues versus expenditures.

Cicirello moved, seconded by Anderson, to approve Resolution 629-14, authorizing and providing for the calling of a Special Question Election in The City of Valley Center, Kansas, for the purpose of submitting to the electors of The City the question of imposing a one percent (1%) Citywide Retailers' Sales Tax for the purpose of financing the cost of certain Public Street Improvements; and providing for the giving of notice of said election. Vote Yea: Cicirello, Ishman, Dove, Maschino, Jackson, and Anderson. Opposed: Leftoff and Hobson. Motion carried.

**CONSENT AGENDA**

- A. REVENUE AND EXPENSE SUMMARIES – JUNE 2014**
- B. DELINQUENT ACCOUNTS FOR COLLECTION**
- C. CHECK RECONCILIATION – JUNE 2014**

Maschino moved, seconded by Anderson, to approve the Consent Agenda as presented. Vote Yea: Unanimous. Motion carried.

**STAFF REPORTS - None**

**GOVERNING BODY REPORTS****COUNCILMEMBER CICIRELLO**

Cicirello stated the route north of 5<sup>th</sup> street was just redone and "No Parking" signs were installed. Does this mean there should not be any parking allowed during 7:30AM to 4:30PM hours; if, this is the case, then a follow up is needed to enforce it since citizens are parking there.

**GOVERNING BODY REPORTS (CONTINUED)**

COUNCILMEMBER HOBSON

Hobson thanked Mr. Utecht, the Planning Commission members, and staff for all your hard work.

Hobson moved, seconded by Maschino, to adjourn the meeting. Vote Yea: Unanimous. Motion carried.

**Meeting adjourned at 8:25 PM.**

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**Jose A. Santiago, Assistant City Clerk**

**CLERK'S AGENDA**  
**RECOMMENDED ACTION**

**A. MINUTES:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the minutes of the July 8, 2014 Joint City Council / Library Board Meeting and the July 15, 2014 Regular Council Meeting as presented / amended**

**CLERK'S AGENDA**

**B. APPROPRIATION ORDINANCE:**

Below is the proposed Appropriation Ordinance for August 5, 2014 as prepared by City Staff.

**August 5, 2014 Appropriation**

Total \$ 721,824.11

7/29/2014 4:04 PM

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR SET: 02 City of Valley Center

BANK: APBK INTRUST CHECKING

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0032	AFLAC							
	I-AF 201406105449		SUPPLEMENTAL INSURANCE	R	7/11/2014	98.38	044706	
	I-AF 201406245452		SUPPLEMENTAL INSURANCE	R	7/11/2014	98.38	044706	
	I-AFC201406105449		SUPPLEMENTAL INSURANCE	R	7/11/2014	104.56	044706	
	I-AFC201406245452		SUPPLEMENTAL INSURANCE	R	7/11/2014	104.52	044706	
	I-AFD201406105449		SUPPLEMENTAL INSURANCE	R	7/11/2014	86.79	044706	
	I-AFD201406245452		SUPPLEMENTAL INSURANCE	R	7/11/2014	86.79	044706	
	I-AFO201406105449		SUPPLEMENTAL INSURANCE	R	7/11/2014	21.58	044706	
	I-AFO201406245452		SUPPLEMENTAL INSURANCE	R	7/11/2014	21.58	044706	622.58
0085	LAURIE B WILLIAMS							
	I-REB201407085455		CASE # 13-12943	R	7/11/2014	200.00	044707	200.00
0210	SECURITY BENEFIT							
	I-SCB201407085455		DEFERRED COMPENSATION	R	7/11/2014	63.00	044708	63.00
0313	VANTAGEPOINT TRANS AGENTS							
	I-ICM201407085455		PLAN NUMBER 302196 457 D.C.	R	7/11/2014	15.00	044709	15.00
0372	U S DEPT OF EDUCATION							
	I-JED201407085455		ACCT # 1002461211	R	7/11/2014	175.37	044710	175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
	I-JHC201407085455		CASE # 11LWAD00059	R	7/11/2014	67.00	044711	67.00
0445	DELTA DENTAL OF KANSAS, INC.							
	I-DDS201406105449		DENTAL INSURANCE	R	7/11/2014	142.65	044712	
	I-DDS201406245452		DENTAL INSURANCE	R	7/11/2014	174.35	044712	
	I-DEC201406105449		DENTAL INSURANCE	R	7/11/2014	154.60	044712	
	I-DEC201406245452		DENTAL INSURANCE	R	7/11/2014	154.60	044712	
	I-DES201406105449		DENTAL INSURANCE	R	7/11/2014	156.85	044712	
	I-DES201406245452		DENTAL INSURANCE	R	7/11/2014	156.85	044712	
	I-DFM201406105449		DENTAL INSURANCE	R	7/11/2014	938.75	044712	
	I-DFM201406245452		DENTAL INSURANCE	R	7/11/2014	1,094.14	044712	2,972.79
0555	JORDAN NOONE							
	I-1142		MOWED 361 N. BIRCH	R	7/11/2014	120.00	044713	120.00
0566	SURENCY LIFE AND HEALTH							
	I-VEC201405285447		VISION INSURANCE	R	7/11/2014	7.59	044714	
	I-VEC201406105449		VISION INSURANCE	R	7/11/2014	37.95	044714	
	I-VEC201406245452		VISION INSURANCE	R	7/11/2014	37.95	044714	
	I-VES201406105449		VISION INSURANCE	R	7/11/2014	44.20	044714	
	I-VES201406245452		VISION INSURANCE	R	7/11/2014	44.20	044714	
	I-VFM201406105449		VISION INSURANCE	R	7/11/2014	103.18	044714	
	I-VFM201406245452		VISION INSURANCE	R	7/11/2014	126.61	044714	
	I-VSS201406105449		VISION INSURANCE	R	7/11/2014	25.32	044714	
	I-VSS201406245452		VISION INSURANCE	R	7/11/2014	25.32	044714	452.32

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0025	MIKE JOHNSON SALES, INC.							
I-4451	FIRE DEPT UNIFORMS	R	7/11/2014	762.34		044715		762.34
0198	P S I							
I-1406046-IN	JUN'14 MONTHLY SERVICES	R	7/11/2014	1,991.25		044716		1,991.25
0542	GIANT COMMUNICATIONS							
I-ACCT 11302	JUL'14 PHONE-LONGDISTANCE	R	7/11/2014	1,647.94		044717		1,647.94
0582	LAUTZ LAW, LLC							
I-CASE 118095- KRUSE	REPRESENTED CASE-118095	R	7/11/2014	150.00		044718		150.00
0196	P E C (PROFESSIONAL ENGINEERIN							
I-511592	MAY'14 MONTHLY RETAINER	R	7/11/2014	524.29		044719		
I-511593	VC INDUSTRIALPAVING ADMIN	R	7/11/2014	3,614.96		044719		
I-511594	VC INDUSTRIALPAVINSPECTIO	R	7/11/2014	10,328.57		044719		
I-511595	SEWARD/SENECAWATERLINES	R	7/11/2014	10,671.28		044719		25,139.10
0323	CONSPEC, INC. (DBA KANSAS PAVI							
I-35-13436-001-2502	INDUSTRIALPKPAVING/DRAINA	R	7/11/2014	256,774.36		044720		256,774.36
0509	NOWAK CONSTRUCTION CO., INC.							
I-35-13661-001-2502	SENECA/SEWARD WATERMAIN	R	7/11/2014	271,263.94		044721		271,263.94
0083	KHP PARTNERS PROGRAM							
I-CONCEALABLE VESTS	NEW VESTS AND ACCESSORIES	R	7/11/2014	2,100.00		044722		2,100.00
0153	THE ARK VALLEY NEWS							
I-JUN'14 PUBLICATION	JUNE'14-ORDINANCE, HEARING	R	7/18/2014	303.36		044724		303.36
0179	INTERLINGUAL SERVICE							
I-ANAYA 6/11/14	SPANISH INTERPRETER	R	7/18/2014	45.00		044725		45.00
0183	KANSAS ONE-CALL SYSTEM, INC							
I-4060493	88 LOCATES JUNE 2014	R	7/18/2014	105.60		044726		105.60
0190	MIZE HOUSER & COMPANY P.A.							
I-AUDIT'13 FINANCIAL	AUDIT 2013 FINANCIALS	R	7/18/2014	4,000.00		044727		4,000.00
0198	P S I							
I-0007689	SONICGSTZ210 YR RENEWAL	R	7/18/2014	714.00		044728		714.00
0204	PITNEY BOWES							
I-MAY 2014 USAGE	MAY THRU JUNE 2014	R	7/18/2014	600.00		044729		600.00

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PAGE: 3

VENDOR SET: 02 City of Valley Center

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DATE RANGE: 0/00/0000 THRU 99/99/9999

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0254	CITY OF WICHITA							
I-273174-900156	DEC'13-JUN'14 STORMWATER	R	7/18/2014	21.60		044730		21.60
0306	SEDGWICK COUNTY							
I-1800038921	JUNE'14 PRISONER HOUSING	R	7/18/2014	423.54		044731		
I-MAY'14 JAILHOUSING	MAY'14 PRISONER HOUSING	R	7/18/2014	269.10		044731		692.64
0315	WASTE MANAGEMENT OF WICHITA							
I-6211413-2738-0	JUNE'14 TRASH SERVICES	R	7/18/2014	29,485.38		044732		29,485.38
0354	LOYAL AMERICAN LIFE INSURANCE							
I-ACC201406245452	LOYAL AMERICAN ACCIDENT	R	7/18/2014	6.35		044733		
I-ACC201407085455	LOYAL AMERICAN ACCIDENT	R	7/18/2014	6.35		044733		
I-CNC201406245452	LOYAL AMERICAN CANCER	R	7/18/2014	13.97		044733		
I-CNC201407085455	LOYAL AMERICAN CANCER	R	7/18/2014	13.97		044733		40.64
0511	COVENTRY HEALTH CARE, INC.							
I-57982985	COVENTRY AUG'14 PREMIUM	R	7/18/2014	41,808.83		044734		
I-M1F201406245452	MEDICAL INSURANCE- EMP COST	R	7/18/2014	331.20		044734		
I-M1F201407085455	MEDICAL INSURANCE- EMP COST	R	7/18/2014	331.20		044734		
I-M1S201406245452	MEDICAL INSURANCE- EMP COST	R	7/18/2014	113.02		044734		
I-M1S201407085455	MEDICAL INSURANCE- EMP COST	R	7/18/2014	113.02		044734		42,697.27
0555	JORDAN NOONE							
I-1152	MOWED 451 ELM	R	7/18/2014	250.00		044735		
I-1157	MOWED 6204 SULLIVAN RD	R	7/18/2014	120.00		044735		370.00
0575	3D ELECTRIC							
I-1138	5TH/MERIDIAN RELAMP LIGHT	R	7/18/2014	105.00		044736		105.00
0578	PHILIP L. WEISER, J.D.							
I-6/25/14JUDGEPROTEM	JUDGE PRO-TEM 6/25/14	R	7/18/2014	150.00		044737		150.00
0603	CLAY OSTROM							
I-TREE INCENTIVE2014	TREE INCENTIVE REFUND	R	7/18/2014	200.00		044738		200.00
0604	RANDALL LANCE							
I-INV DATE 7-03-2014	F550 TRUCK REPAIR	R	7/18/2014	838.60		044739		
I-SRVC DATE 7-3-2014	F550 TRUCK REPAIR	R	7/18/2014	408.00		044739		1,246.60
0085	LAURIE B WILLIAMS							
I-REB201407215457	CASE # 13-12943	R	7/25/2014	200.00		044740		200.00

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VENDOR SET: 02 City of Valley Center

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0210	SECURITY BENEFIT							
I-SCB201407215457	DEFERRED COMPENSATION	R	7/25/2014	63.00		044741		63.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201407215457	PLAN NUMBER 302196 457 D.C.	R	7/25/2014	15.00		044742		15.00
0372	U S DEPT OF EDUCATION							
I-JED201407215457	ACCT # 1002461211	R	7/25/2014	175.37		044743		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201407215457	CASE # 11LWAD00059	R	7/25/2014	67.00		044744		67.00
0473	ADRIAN & PANKRATZ, P.A.							
I-JBN201407215457	CASE # 14-LM-286	R	7/25/2014	207.67		044745		207.67
0239	A T & T KANSAS							
I-#31675520750409	VALLEYCREEKPUMPHONESRVCS	R	7/25/2014	78.70		044746		
I-#31675535049227	JUL'14DES SUBSTATIONPHONE	R	7/25/2014	82.40		044746		161.10
0254	CITY OF WICHITA							
I-#273174-162006	WATER 6/16-7/11/14 USAGE	R	7/25/2014	28,785.15		044747		28,785.15
0270	INTRUST CARD CENTER							
I-JUNE'14TRANSACTION	INTRUST P-CARD JUNE 2014	R	7/25/2014	43,979.02		044748		43,979.02
0555	JORDAN NOONE							
I-6345 N SULLIVAN	MOWED: 6345 N SULLIVAN	R	7/25/2014	60.00		044749		60.00
0156	BEALL, MITCHELL AND SULLIVAN,							
I-JUNE'14 PROSECUTOR	JUN'14 PROSECUTOR FEES	R	7/25/2014	1,500.00		044751		1,500.00
0239	A T & T KANSAS							
I-#31675573397207	JULY 2014 ATT PHONE SRVCS	R	7/25/2014	946.23		044752		946.23
0299	PITNEY BOWES INC							
I-3961042-JY14	APR-JUL'14-POSTAGE RENTAL	R	7/25/2014	195.74		044753		195.74

\* \* T O T A L S \* \*

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	46	721,649.36	0.00	721,649.36
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 02 BANK: APBK TOTALS:	46	721,649.36	0.00	721,649.36

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VENDOR SET: 03 City of Valley Center

BANK: APBK INTRUST CHECKING

DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0029	CINDY PLANT							
	I-EYEGGLASS REIMBURSE EYE GLASSES REIMBURSEMENT	R	7/18/2014	114.75		044723		114.75

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	114.75	0.00	114.75
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 03 BANK: APBK TOTALS:	1	114.75	0.00	114.75

7/29/2014 4:04 PM

A/P HISTORY CHECK REPORT

PAGE: 6

VENDOR SET: 04 City of Valley Center

BANK: APBK INTRUST CHECKING

DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0081	MARSHA HUEBERT							
	I-CK # 2079 REFUNDED REFUND-COMMBLDG-CK2079	R	7/25/2014	60.00		044750		60.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	60.00	0.00	60.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00		
	VOID CREDITS	0.00	0.00	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 04 BANK: APBK TOTALS:	1	60.00	0.00	60.00
BANK: APBK TOTALS:	48	721,824.11	0.00	721,824.11
REPORT TOTALS:	48	721,824.11	0.00	721,824.11

7/29/2014 4:04 PM

A/P HISTORY CHECK REPORT

PAGE: 7

SELECTION CRITERIA

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VENDOR SET: \* - All  
 VENDOR: ALL  
 BANK CODES: All  
 FUNDS: All

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CHECK SELECTION

CHECK RANGE: 044706 THRU 044753  
 DATE RANGE: 0/00/0000 THRU 99/99/9999  
 CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
 INCLUDE ALL VOIDS: YES

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PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES  
 PRINT G/L: NO  
 UNPOSTED ONLY: NO  
 EXCLUDE UNPOSTED: NO  
 MANUAL ONLY: NO  
 STUB COMMENTS: NO  
 REPORT FOOTER: NO  
 CHECK STATUS: NO  
 PRINT STATUS: \* - All

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**CLERK'S AGENDA**  
**RECOMMENDED ACTION**

**B. APPROPRIATION ORDINANCE:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the August 5, 2014 Appropriation Ordinance as presented / amended.**

## **PRESENTATIONS / PROCLAMATIONS**

### **PUBLIC FORUM**

### **APPOINTMENTS**

### **COMMITTEES, COMMISSIONS**

#### **A. ITEMS FOR COUNCIL REVIEW**

- Valley Center Planning Commission / Board of Appeals,  
July 22, 2014 Minutes

## VALLEY CENTER PLANNING COMMISSION MINUTES

7:00 P.M., Tuesday, July 22, 2014

Valley Center City Hall at 121 S. Meridian Avenue

**CALL TO ORDER:** Chairperson Park called the meeting to order at 7:00 p.m. with the following members present: Danny Park, Ronald Colbert Sr., Del James, Scot Phillips, Terry Nantkes, Matt Stamm, and Ben Neaderhiser.

Members absent: Gary Janzen and Don Bosken

Staff Present: Warren Utecht and Deby Taylor

Meeting started with the Pledge of Allegiance to the American Flag.

**AGENDA:** A Motion was made by Commissioner Stamm, seconded by Commissioner Colbert to set the agenda as presented. Motion passed unanimously.

### **APPROVAL OF DRAFT MINUTES:**

A motion was made by Commissioner Colbert, seconded by Commissioner Nantkes to accept the June 24, 2014 draft minutes as written. Motion passed unanimously.

**PUBLIC COMMENT:** None

**COMMUNICATIONS:** None

### **BOARD OF APPEALS PUBLIC HEARING:**

#### **Special Use Application SU-2014-01: LeVenue Building at 109 W Main Street**

Consideration of land use from a banquet and reception facility to Public Library Use

### **DISQUALIFICATION DECLARED AND QUORUM DETERMINED:**

Chairperson Park asked the Board of Appeals if any members intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have a conflict of interest. Let the minutes show that Del James has disqualified himself because of his involvement with the Library Board. (According to the Bylaws, those members who only abstain from voting are still part of the quorum). Matt Stamm stated that even though his wife Amy is the president of the Library Board he felt it was not a conflict of interest and was not disqualifying himself. Chairperson Park declared there was a quorum of 7 present for this hearing.

According to the Recording Secretary, a notice to this hearing had been published in the Ark Newspaper on June 26, 2014, and notices were mailed to 15 property owners of record within 200 feet of the subject property on June 26, 2014. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There was no evidence to the contrary from anyone present, thus proper notification has been given.

Chairperson Park asked the Commission if any of them have received any ex-parte verbal or written communication from a third party prior to this hearing which they would like to share with all the members. There was none.

**ZONING ADMINISTRATOR'S REPORT:**

Chairperson Park called on the Zoning Administrator, Warren Utecht, to provide the commissioners with his staff review on the request. Mr. Utecht's report is as follows...

**Applicant's reasons for Special Use Request:**

The Valley Center Public Library has "outgrown" its present location and wants to move its operations to the "LeVenue" building.

***Review Criteria for a Zoning Amendment per 17.11.01.H (criteria in italics)***

1. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?*

The character of the surrounding area is predominantly retail and office space to the north, east and west. Governmental/Public buildings exist to the south. An animal slaughter and meat processing facility is 125 feet south of the "theater" entrance on S. Park Street. The condition of the surrounding properties is of similar age to the Theater, with some buildings within the notification area being vacant and unkempt, creating a blighting influence on the area.

- Entrances to the theater and banquet area front W. Main Street, which has moderate traffic counts.
- This section of Main Street also has a number of daily semi-truck traffic movements going to and from Valley Truss/Continental (202 S Cedar).

2. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning is C-1 Central Business District. The surrounding zoning and land uses are as follows:

- North: C-1 Central Business District-Office and services
- South: C-2 General Commercial District-Government offices
- East: C-1 Central Business District-Auto Dealership
- West: C-1 Central Business District-Office uses

3. *Is the length of time the subject property has remained undeveloped or vacant as zoned a factor in the consideration?*

No. The property is an operating banquet and marriage chapel

4. *Would the request correct an error in the application of these regulations?* No

5. *Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?*

No, there are no changing conditions. The downtown has viable businesses that have been operating for a number of years.

6. *Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?*

Yes, all utilities are available and the building in question is connected to all of them.

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?*

No, the land is platted and there is no need for additional platting.

8. *Would a screening plan be necessary for existing and/or potential uses of the subject property?* No

9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?*

Yes, the Kasselmann property directly north of LeVenue is also available with 6,000 sq. ft. of floor space all on one level and 20 off-street parking spaces close by. This building is more accessible to most residential areas of the city without having to cross Main Street and is a 30 year old building as opposed to a nearly 70 year old building.

10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?*

This is a public entity, so this question is not relevant.

11. *Is the subject property suitable for the uses in the current zoning to which it has been restricted?*

- If a library is approved as a special use, the hours of operation and occupancy of the building will change from evenings and weekends typical of present and past uses to daytime hours (10:00 a.m. to 6:00 p.m. Monday-Wednesday; 10:00 a.m. to 8:00 p.m. Thursday; 10:00 a.m. to 4:00 p.m. Saturday).

- This shift in peak hours will create competition with businesses downtown for on-street parking because the LeVenue Building presently has no off-street parking spaces available. This has never been an issue in the past because at the time it was a theater and a wedding/reception center, peak use was in the evenings and weekends when most businesses are not open.

- Parking will also be an important issue for elderly and handicap patrons since such parking spaces need to be close to the Library's front door (Main Street has a limited number of handicap spaces). A consultant's study is calling for re-designation of regular parking stalls to handicap stalls.

- During summer months, mothers of small children will not want to walk blocks to get to the library, and especially if they must cross Main Street given the extra-wide pavement. Cars turning from Meridian can come very quickly to the intersection of Park Avenue (exit from theater). A picture at the end of this staff review taken of a mother carrying a child flanked by two other children illustrates how two cars had to come to complete stop because it was impossible for the mother and her three young children to across the street with no traffic signal at Main and Ash. This kind of situation could become a safety hazard unless the City installs ADA compliant crosswalks and pedestrian traffic signals at the corner of W Main Street and Park Avenue which could be activated by pedestrians.

- If Children bike to a downtown library, the safest place to cross Meridian (if they live east of Meridian) will be a traffic light at Main and Meridian. The present traffic light has no pedestrian signals. However new traffic signals associated with the Meridian stormwater drainage and street reconstruction project will have full ADA compliant crosswalk and signals in 2015.

- Main Street has exclusively been devoted to retail, office and service type uses typical of downtown commercial districts. A public building used by all ages is a service type entity which will bring people to the downtown, but will take the property off the tax-roll as a private business location. It can be argued there are a limited number of commercial uses able to utilize an old theater, which is the predominant use and square footage of LeVenue.

12. *To what extent would the removal of restrictions, i.e., approval of a Special Use request, have detrimental effects on other property in the neighborhood?*

If the Library occupied LeVenue, on-street parking within a one block area and off-street parking on City Hall and school district property during “peak” summer library programs could result in serious parking shortage for downtown businesses. This may have a detrimental effect, not only for business clients, but also public parking spaces for people visiting City Hall, or anyone attending meetings at City Hall or the School District office.

13. *Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?*

The Library is not a retail or office establishment and is tax exempt. The services it will provide will attract people to the downtown area. Whether businesses nearby would benefit from library patrons is assumed but is not a known fact.

14. *Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?*

The Comprehensive Development Plan shows predominantly commercial development, in the C-1 Downtown Commercial District area. A public use of the LeVenue was not anticipated or identified in the 2007 Plan. In 2009, the City Planning Commission approved a more detailed Downtown Area Plan, which states “A new library is in the planning stages. Its location should be in the downtown area, have convenient access for all ages and away from the railroad tracks”. In its present form, the 2014-2023 Comprehensive Plan does not specifically identify LeVenue as a public land use but is shown as a commercial land use. If the Planning Commission recommends a Special Use to allow a Library in a commercial building, and the Council agrees to the acquisition, the 2014-2023 Comprehensive Plan should be amended to reflect its location as a public use in the 2015 update.

15. *What is the nature of the support or opposition of the request?*

The initial May 20th, 2013 presentation by the Library Board asking the City Council to consider partnering with the Library (who would like to purchase the LeVenue and transfer it to City Ownership) was well attended by supporters. A comment was made since the May meeting in the ARK newspaper questioning the purchase of an old building, stating any funding available should be applied to a new library. Another comment by the owner of the “All-Saints” building across Main Street questioned why his building was not being considered; given it is equivalent in size to the actual library footprint planned for LeVenue except, the theater space.

Additional public input is anticipated at the Special Use Public Hearing.

16. *Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?*

Yes, PEC has conducted a Pre-Purchase Assessment to determine the condition of the building and any shortfalls regarding parking spaces. A reference was made to the need for four additional handicap parking spaces, possibly located on S. Park Street.

17. *By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?*

There is no question the Public Library has for years needed to move to a larger facility. Few options have been available to find the right location due to limited options. A new facility is considered too expensive, but having a library in the heart of the downtown raises the issue of competing parking spaces and public health, safety and general welfare of mothers and their children having to cross busy downtown streets.

**Situation:**

The purpose of a Special Use review for a public facility is to answer the question whether the land use itself is consistent with the future land use plan in an adopted Comprehensive Plan, and whether the land use itself will be of “like nature” to surrounding land uses.

The 2007 Comprehensive Plan mentioned the need for a larger facility. It also referenced a questionnaire related to library usage. A comment was made of “a public meeting room and paved parking to make the Library more useful to the community and better support summer reading programs and other library programs.” The Downtown Neighborhood Plan makes a reference to having a library being in the downtown area with a condition it have convenient access for all ages and away from the railroad tracks.

The new Comprehensive Plan mentions the need for a larger facility by either building a new Library or finding an existing facility adaptable for a library with ample parking but does not mention the exact location. A public facilities land use is not shown on the 100 block of E Main at this time.

From a land use planning standpoint, the LeVenue building is not an ideal location for a public library, mainly because it has no off-street parking. The public will be dependent upon on-street parking or find off-street parking in nearby public building parking lots (City Hall and School District administrative offices). If library patrons park in existing off-street public spaces, conflict may occur if a meeting or event is taking place at either City Hall or the School District office. If it decided the LeVenue should be purchased, a parking agreement should be retained between the Library, City and School District to coordinate into perpetuity a common “usage” calendar of the three facilities to avoid conflicts. A longer term goal of the Library Board should be to purchase surrounding abutting properties to establish their own off-street parking spaces.

If the Planning Commission approves this Special Use, the Planning Commission will need to amend the recently approved Comprehensive Plan in January, 2015 by showing a public use designation on the Future Land Use Plan for 109 W. Main.

Pictures of LeVenue during the end of summer reading hour





Pictures of "All Saints" on North side of W. Main



All Saints off-street parking lot



Chairperson Park asked if the Commissioners had any questions. Commissioner Stamm questioned the street crossing concern, stating that to get to the existing library many cross Meridian Street and there has not been any problem. Commissioner James stated that there were other options for parking on South Park on the west side of the street. A comment was made some businesses near LeVenue open late or not open some days, thus mitigating parking conflict. Mr. Utecht urged the Commission to think long term, realizing businesses will change hands and demand for on-street parking may increase, depending upon new businesses. Commissioner Colbert said he had several ADA requirement concerns, both inside and outside the building.

Chairperson Park opened the hearing for comments from the public at 7:28 p.m.

- 7:28-7:31 pm: Chairperson Park called the petitioner, Amy Stamm, President of the Library Board, to make a presentation. Mrs. Stamm, 308 Valley Park Dr, stated she didn't have a prepared presentation but said she would be available for any questions. It was decided to hold questions after everyone else got a chance to share. The Chairperson opened the meeting to others who wanted to speak on the issue.
- 7:31-7:39 pm: Al Hobson, 531 W. 3<sup>rd</sup> St., stated that as a Council member he was representing several residents in his district whom he had spoken with concerning the Zoning Administrator's review. Mr. Hobson critiqued various points Mr. Utecht had noted, stating a yes/no answer to the 17 criteria listed in the zoning regulations would be all that is needed.
- 7:39-7:42 pm: Gene Sharp, 417 S. Sheridan Ave. (Site-Plan Member) Mr. Sharp commented on the street crossing issue saying the speed limit on Main Street was 20 mph rather than the normal 30 mph speed limit in other areas of the city. He also noted he had attended the summer reading program during the summer and there were no parking problems. He assured the committee that the ADA issues were being addressed and this location fit into the goal of having the new library in a central location.
- 7:42-7:45 pm: Andria Sharp, 417 S. Sheridan Ave., (previous employee & daughter of the director). Andria stated the present Library building has many more OSHA and ADA issues than the LeVenue building. She also noted that it was the driver's responsibility to be attentive as they turn west on Main Street and with the big dip at that corner no one could get through there very fast. Mr. Utecht pointed out the big dip will be gone when the intersection is rebuilt next year.
- 7:45-7:46 pm: Nancy Anderson, 8701 N. Kessler. Nancy stated she attends the library daily. She feels the LeVenue location would be a good move for the library and would

be put to good use at this property. She said with a parking agreement, it would be good for Valley Center.

- 7:46-7:48 pm: Ginger Bynorth, 214 N. Miles. Ms. Bynorth stated she and her grandchildren walk to the library on a regular basis. She feels the LeVenue location would be a good choice and is confident they will get the ADA issues worked out.
- 7:48-7:56 pm: Closing comments: Lisa Stamm & Janice Sharp (Library Director) 417 S. Sheridan Ave. Janice said an architect is working on remodeling plans and assured the commissioners the ADA requirements would be addressed in the building improvement list and there would be 3 wheelchair accessible entrances available to the library facility.

Chairperson closed the public hearing at 7:56 pm.

**DELIBERATION:** Commissioner Colbert expressed his concern over the Main Street crossing. He stated this is a truck route and based on his experience as a truck driver, he was very concerned the number of parents with their children would be crossing at Park and Main with no warning lights or designated crossing. The upcoming street improvements at Main and Meridian will eliminate the dip in the road and will not slow drivers down, and Valley Truss Company on S Cedar has loaded lumber trucks coming and going through Main Street daily. Chairperson Park noted that the decision the commissioners are making is for Land Use only.

**RECOMMENDED MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Park made a motion to approve the petition by the Valley Center Public Library to grant a Special Use Permit for a Library land use at 109 W Main Street, with the condition that representatives from the Library, City Hall and School District meet annually to coordinate off-street parking space allocation based on planned activities at their respective locations and noted a library was referenced in the 2009 Neighborhood Area Plan for the Central Business District. Motion was seconded by Ben Neaderhiser. Vote was 5 in favor with Commissions Colbert and James abstaining. Motion passed.

There was a short recess from 7:59-8:05 pm.

#### **PUBLIC HEARING BEFORE PLANNING COMMISSION**

**Rezoning Petition Z 1014-02:** filed by the Recreation Commission to amend the zoning from a PUD District to R-1B One Family Residential District for a 30 acre parcel generally described as being north of E 5<sup>th</sup> Street and east of McLaughlin Park and the Valley Center Middle School Property.

#### **DISQUALIFICATION DECLARED AND QUORUM DETERMINED:**

Chairperson Park asked the Board of Appeals if any members intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have a conflict of interest. Let the minutes show that Danny Park has disqualified himself because of his involvement with the Recreation Board. (According to the Bylaws, those members who only abstain from voting are still part of the quorum). Chairperson Park declared there was a quorum of 7 present for this hearing.

According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on June 26, 2014, and notices were mailed on the same date to **10** property owners of record within the 200 foot notification area in the City Limits or within 1,000 feet outside the City Limits. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There was no evidence to the contrary from anyone present, thus proper notification has been given.

Chairperson Park asked the Commission if any of them have received any ex-parte verbal or written communication from a third party prior to this hearing which they would like to share with all the members. There was none.

**ZONING ADMINISTRATOR'S REPORT:**

Chairperson Park called on Zoning Administrator, Warren Utecht, to provide the commissioners with his staff report on the request. Mr. Utecht's report is as follows...

**Applicant:** Valley Center Recreation Commission

**Property Location** A 30 acre parcel west of the levy, north of the Public Safety detention pond and generally east of McLaughlin Park and the Middle School.

**Applicant's reasons for the Rezoning:** Because the PUD land uses associated with a previous site plan is changing to a proposed golf course, which is a permitted use in the R-1B zoning category, there is no longer a need for PUD zoning.

**Review Criteria for a Zoning Amendment per 17.11.01.H (criteria in italics)**

2. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?* The land in this rezoning is undeveloped as well as the land surrounding it. The only improvement on the south end of the subject property is a concrete paved sidewalk on the outer borders of athletic fields to be built by the Park Commission this fall.

3. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning is PUD. The surrounding zoning and land uses are as follows:

- North: R-1B Single-Family Residential-Vacant
- South: R-1B Single-Family Residential-Detention Pond
- East: County zoned land-Agricultural
- West: R-1B Single-Family Residential-McLaughlin Park

4. *Would the request correct an error in the application of these regulations? No*

5. *Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?* No, there are no changing conditions. The land in this rezoning and the surrounding properties has been unchanged for many years.

6. *Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?* No, to facilitate a clubhouse on the par-3 golf course, a public water line and a long sewer extension will need to be installed prior to a building permit. Additional Emporia Avenue right-of-way (which will occur with the plat under review)

and additional roadbed material will need to be added to allow the opening of the golf course.

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?* Yes, this rezoning application is accompanied by a one lot plat and dedication of Emporia extending north to the north property line of the School District property.
8. *Would a screening plan be necessary for existing and/or potential uses of the subject property?* No
9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?* Other vacant land could be available, but the Recreation Commission already owns the land in question and is getting support from the school district via the use of district land to facilitate development of the Par 3 Golf Course
10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?* This is a public entity, so this question is not relevant.
11. *Is the subject property suitable for the uses in the current zoning to which it has been restricted?* Yes, this area of the City is on the fringe of development and has become the "focal point" for many athletic fields and outdoor recreation.
12. *To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?* Removal of the PUD overlay will not hinder a use already permitted by right in the R-1B Zoning District.
13. *Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?* Yes, a golf course is a permitted use by right.
14. *Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?* Yes, a golf course is a public use as shown on the Comprehensive Plan.
15. *What is the nature of the support or opposition of the request?*
  - No objections have been voiced by those who were sent a notice and no comments have been heard from the public hearing notice.
  - Additional public input may come at the Special Use Public Hearing.
16. *Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?* No
17. *By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?* Removal of the PUD overlay has no relevance to this question. The PUD only

hinders the Recreation Department to build a golf course as permitted in the underlying zoning district.

Chairperson Park opened the hearing for comments from the public at 8:09 pm.

- 8:09-8:10 pm: Recreation Commission representative, Josh Golka of PEC asked if the commission had any questions. Commissioner Colbert asked for clarification on one of dimensions the map. Josh was able to explain the dimension as a slight jog on the east side of the property.

Chairperson Park closed the public hearing at 8:10 pm.

**RECOMMENDED MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Stamm made a motion to approve the petition by the Recreation Commission to amend the zoning from a PUD District to R-1B One Family Residential District for a 30 acre parcel generally described as being north of E 5<sup>th</sup> Street and east of McLaughlin Park and the Valley Center Middle School Property. Motion was seconded by Commissioner Colbert. Vote was 6 in favor with Commissioner Park abstaining. Motion passed.

**NEW BUSINESS:** Recreation District's "Valley Center Sports Center" Preliminary and Final Subdivision for purposes of developing a golf course and dedication of Emporia Avenue right-of-way

Chairperson Park called on the Zoning Administrator, Warren Utecht, to provide the commissioners with his staff report on the request. Mr. Utecht's report is as follows...

**Applicant's reasons for Platting:** The petitioners' desire is to create a two lot plat with dedication of Emporia Avenue to the north line of the plat. Lot 1 is owned by the school district and lot 2 is owned by the Valley Center Recreation Commission.

**Technical Review of Plat:**

PEC is showing the following information on the face of the preliminary and final plat maps:

- Lot 1: 15.08 acres owned by the Unified School District No. 262 Zoned R-1B
- Lot 2: 28.24 acres owned by the Valley Center Recreation Commission Zoned R-1B with a PUD Overlay (being removed by rezoning being processed)
- Dedication of Emporia Avenue (70 wide right-of-way) starts from an already dedicated north-south portion of Emporia Avenue (110 feet wide) to the north line of the school property. The road jogs to the west side of the golf course and will be built once development occurs north of the plat.
- The golf course map shows how the City and Recreation Commission will extend a water main following the west line of Emporia Extended, then turn west along the north line of the middle school property to Meridian in order to "loop" the water service. Water service will not be extended to the golf course until permanent bathrooms or a clubhouse is constructed.
- A drainage plan is not being required at this time until a new topographic map is created based on the golf course layout. At that time, a site plan will be reviewed by the Site Plan Committee and Planning Commission before the golf course is built, at which time drainage issues will be addressed.

The information on this plat was reviewed and found acceptable by the Community Development Department and the Public Works Department.

**RECOMMENDED MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Nantkes made the motion to approve the Recreation Commission's Preliminary and Final Subdivision. Motion was seconded by Commissioner Neaderhiser. Vote was 6 in favor with Commission Park abstaining. Motion passed.

**NEW BUSINESS: S/D 2014-01**

Air Park Estates Preliminary and Final Subdivision, filed by Robert Davis, to create a 3 lot plat on the northeast intersection of W 5<sup>th</sup> Street (85<sup>th</sup> N) and Seneca.

Chairperson Park called on the Zoning Administrator, Warren Utecht, to provide the commissioners with his staff report on the request. Mr. Utecht's report is as follows...

**Applicant's reasons for Platting:** The petitioners' desire is to create three buildable lots on a 6.06 acre vacant parcel across from the Valley Center Clinic.

**Technical Review of Plat:**

Ruggles & Bohm, PA are showing the following aspects on the face of the plat:

- The three lots range from 1.9 to 2.2 acres.
- Lots 1 and 2 have a depth and width ratio that exceeds the typical ratio standards. However, due to restrictions on surrounding property ownership, the subdivider has little choice in lot ratio.
- Additional street right-of-way has been dedicated on both Seneca and Fifth to accommodate future turning lanes at the intersection of the two streets.
- According to the Suburban Residential zoning requirements, the 3 lots exceed 40,000 square feet, but are less than 5 acres. As a result, they must be able to support an alternate sewer system or septic tank system. The distance to the closest city sewer line would be cost prohibitive to connect.
- Even though these lots are in the Rural Water District #2, the City has a water line and fire hydrant directly across Seneca. According to a 2001 agreement with the Rural Water District, the City has the right to serve lots when city water is available at a fee of \$150 per lot. For this reason, the utility plan shows services installed under two locations on Seneca; the north 1½ inch service would split into two services for lots 1 and 2. The south 1 inch service would just serve lot 3.
- On the Drainage Plan, the surveyor has noted that *"due to the large size of the proposed lots, a grading plan and drainage plan shall be submitted for each parcel to the City of Valley Center to determine the need for detention"*, and that the *"Plan should be submitted prior to building permit application and stamped by a professional engineer"*.
- On the Grading Plan, arrows indicate direction of stormwater flow. Notes on the Grading Plan are as follows:
  1. Regrade rear yards and swales in side yards in areas around proposed homes to provide positive drainage away from structures.

2. House grades indicated represent one option at that location on the lot. A grading plan stamped by a professional engineer should be submitted with the building permit request.
3. Silt fence or other erosion control devices should be installed on the downhill side of any disturbed areas to prevent offsite silt transport.
4. A construction entrance should be installed on each property during home construction to prevent dirt tracking onto adjacent roadways. Alternate means for sediment control may be submitted to the City of Valley Center for approval.
5. Silt fence ditch checks should be installed at 100' intervals in side yard swales that are created during construction.

The information on this plat was reviewed and found acceptable by the Community Development Department, Public Works Department, and Mike Kelsey from PEC (City's Engineer).

**DELIBERATION:** Commissioner Colbert questioned how far water hookup would have been for the Rural Water District to serve the three lots. Warren estimated it would be over 550 feet to reach the third lot.

**RECOMMENDED MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Colbert made the motion to approve the Air Park Estates Preliminary and Final Subdivision. Commissioner Colbert amended his previous motion to include the Grading Plan recommendations by Mike Kelsey from PEC (City's Engineer). Motion was seconded by Commissioner Nantkes and passed unanimously.

#### COMMITTEE AND STAFF REPORTS-None

#### ITEMS BY PLANNING COMMISSIONERS:

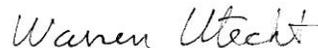
- Del James – Nothing
- Ben Neaderhiser – Nothing
- Scot Phillips - Nothing
- Ronald Colbert Sr. – Nothing
- Terry Nantkes – Nothing
- Danny Park – Thanked everyone for coming
- Matt Stamm – Nothing

#### ADJOURNMENT:

Motion made by Commissioner Stamm and seconded by Commissioner Colbert to adjourn. Motion passed unanimously.

Time of Adjournment: 8:24 p.m.

Respectfully submitted,



Warren Utecht,  
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission at the next meeting.

        /Danny Park/          
Danny Park, Chairperson

**OLD BUSINESS****A. PUBLIC HEARING: PROPOSED FY 2015 BUDGET:**

- Under K.S.A. 79-2929, a Public Hearing must be held prior to filing an Adopted Budget.
- City Council Authorized publication of the Notice of Budget Hearing and notice was published July 17, 2014.

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to:**

**1. Open Public Hearing**

- **Receive Public Comment**

**2. Close Public Hearing**

**OLD BUSINESS****B. 2015 BUDGET DISCUSSION / APPROVAL:**

- After Closing the Public Hearing, The Council shall consider Amendments to the 2015 Budget.
- If / after Amendments are made, The Council shall vote to adopt the 2015 Budget.
- The Published Notice of Budget established a maximum Expenditure level for 2015 of \$ 8,936,970. This level may be lowered, but cannot be increased without republication and conducting another Public Hearing.
- Budget Summary

**NOTICE OF BUDGET HEARING**

The governing body of  
**City of Valley Center**

will meet on August 5, 2014 at 7:00 P.M. at Valley Center City Hall, 121 S. Meridian for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.

Detailed budget information is available at Valley Center, KS City Hall and will be available at this hearing.

**BUDGET SUMMARY**

Proposed Budget 2015 Expenditures and Amount of 2014 Ad Valorem Tax establish the maximum limits of the 2015 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2013		Current Year Estimate for 2014		Proposed Budget for 2015		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2014 Ad Valorem Tax	Estimate Tax Rate *
General	2,109,080	18.101	2,280,480	18.104	2,416,730	895,829	19.938
Debt Service	1,974,530	16.254	2,417,490	16.261	2,360,000	731,664	16.284
Library	228,750	4.502	230,000	4.501	232,000	202,132	4.499
Employee Benefit	639,290	13.772	704,500	13.764	741,000	640,321	14.251
Emergency Equipment	27,900	1.000	58,500	1.000	61,000	41,414	0.922
Special Highway	727,500		833,800		896,650		
Equipment Reserve	11,480		10,000		10,000		
ADSAP			1,000		1,000		
Active Aging	5,000		5,000		5,000		
Special Alcohol & Drug			1,000		10,000		
Special Park & Recreation			1,000		22,000		
Drug Tax Distribution			1,000		1,000		
Water Utility	1,347,650		1,388,000		1,461,200		
Sanitary Sewer Utility	962,640		1,024,350		1,042,840		
Storm Water Utility	50,720		79,150		138,450		
Solid Waste Utility	331,550		376,000		442,500		
Totals	8,416,090	53.629	9,411,270	53.630	9,841,370	2,511,360	55.894
Less: Transfers	771,400		861,400		904,400		
Net Expenditure	7,644,690		8,549,870		8,936,970		
Total Tax Levied	2,309,557		2,366,650		xxxxxxxxxxxxxxx		
Assessed Valuation	43,065,035		44,128,717		44,930,960		
Outstanding Indebtedness,							
January 1,	<u>2012</u>		<u>2013</u>		<u>2014</u>		
G.O. Bonds	11,570,000		10,415,000		22,415,000		
Revenue Bonds	0		0		0		
Other	5,492,797		5,173,771		2,594,632		
Lease Purchase Principal	47,418		23,147		0		
Total	17,110,215		15,611,918		25,009,632		

\*Tax rates are expressed in mills

**Kristine Polian**

City Official Title: City Clerk

**OLD BUSINESS**  
**RECOMMENDED ACTION**

**B. 2015 BUDGET DISCUSSION / APPROVAL:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to:**

- 1. Consider any Budget Amendments**
- 2. Adopt the 2015 Budget for the City of Valley Center**

**NEW BUSINESS****A. ORDINANCE 1276-14; REVISING COURT COSTS  
ASSESSED BY VALLEY CENTER MUNICIPAL COURT,  
1<sup>st</sup> READING:**

An Ordinance of The City of Valley Center, Kansas providing for revised Court Costs assessed by the Municipal Court of The City of Valley Center amending Title 2 of the Valley Center, Kansas, Municipal Code by amending Chapter 2.24 "Municipal Court."

- Ordinance 1276-14

**ORDINANCE NO. 1276-14****AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS PROVIDING FOR REVISED COURT COSTS ASSESSED BY THE MUNICIPAL COURT OF THE CITY OF VALLEY CENTER AMENDING TITLE 2 OF THE VALLEY CENTER, KANSAS, MUNICIPAL CODE BY AMENDING CHAPTER 2.24 "MUNICIPAL COURT"**

**BE IT ORDAINED**, by the Governing Body of Valley Center, Kansas:

**Section 1.** The Valley Center Municipal Code, Title 2, "Administration and Personnel," Chapter 2.24, "Municipal Court," Section 2.24.270, "Costs-Designated," is hereby amended to read as follows:

**2.24.270 Costs-Designated**

There shall be charged as costs in all cases commenced in the Municipal Court of the City of Valley Center, Kansas, upon uniform notice to appear and recognizance for appearance, of the filing of complaint and issuance of warrant or notice to appear, charging violations of the ordinances of the City of Valley Center, the sum of seventy-five dollars (\$75.00). Such court costs shall be entered on the Court docket and assessed by the Municipal Court Judge of the City in all cases after entry of a plea of guilty, a plea of nolo contendere, or upon conviction after formal trial. Said costs shall be assessed and be in addition to any fines, fees, penalties or other orders of the Valley Center Municipal Court. The Municipal Court Judge shall assess the jail costs the City incurs for each day or portion of a day the convicted person serves in jail at the rate the City is charged for the jail time by Sedgwick County. In addition thereto, the Judge of the Municipal Court shall assess all State imposed fees as required by statute.

**Section 2. Severability.** Those sections, paragraphs, and provisions of Chapter 2.24 of the City of Valley Center Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the City of Valley Center Municipal Code other than those expressly amended or repealed in Section 1 of this Ordinance.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

**Section 3. Applicability and Effective Date** This ordinance shall be included in the code of the City of Valley Center, Kansas and shall be in full force and effect from and after its passage and after publication according to law.

**PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this \_\_\_\_ day of \_\_\_\_\_ 2014.**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

{SEAL}

\_\_\_\_\_

Michael McNown, Mayor

ATTEST:

\_\_\_\_\_

Kristine A. Polian, City Clerk

**NEW BUSINESS**

**RECOMMENDED ACTION**

**A. ORDINANCE 1276-14; REVISING COURT COSTS  
ASSESSED BY VALLEY CENTER MUNICIPAL COURT,  
1<sup>st</sup> READING:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to adopt Ordinance 1276-14, providing for revised Court Costs assessed by the Municipal Court of The City of Valley Center amending Title 2 of the Valley Center, Kansas, Municipal Code by amending Chapter 2.24 “Municipal Court”, for 1<sup>st</sup> reading.**

**NEW BUSINESS****B. ORDINANCE 1277-14, CHANGING ZONING DISTRICT CLASSIFICATION, 1<sup>st</sup> READING:**

An Ordinance Changing the Zoning District Classification of certain property located in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulation of The City.

- Ordinance 1277-14

**ORDINANCE NO. 1277-14**

**AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.**

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

**SECTION 1.** Having received a recommendation from the Valley Center City Planning Commission on Case No. Z-2014-02, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1269-13, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from PUD Planned Unit Development District to R-1B Single Family Residential District

Legal description: Begin 90.08' W & 555' S of the NE of the SW/4; th. W 370'; th. SW 90'; th. W 270'; th. NW 145'; th. W 386.22' to the W line of the NE/4 of the SW/4; th. S 758.93' to the SW cor. of the NE/4 of the SW/4; th. E 1195.32'; th. N 770.88' to begin, 30-25- I E AND Begin 95.09' W of the NE cor. of the SE/4 of the SW/4; th. W to a point 1833' E of the W line of the SW/4; th. S 660'; th. E to a point S of begin; th. N to point of beginning, 30-25-IE, City of Valley Center, Sedgwick County, KS.

Size and General location: 28.24 acres of land having an address of 702 Emporia

**SECTION 2.** Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

**SECTION 3.** This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

**PASSED** by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this \_\_\_\_ day of \_\_\_\_\_, 2014.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

(SEAL)

/s/ \_\_\_\_\_  
Michael D. McNown, Mayor

ATTEST:

/s/ \_\_\_\_\_  
Kristine A. Polian, City Clerk

**NEW BUSINESS**

**RECOMMENDED ACTION**

**B. ORDINANCE 1277-14, CHANGING ZONING DISTRICT CLASSIFICATION, 1<sup>st</sup> Reading:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to adopt Ordinance 1277-14, changing certain Zoning District Classifications, for 1<sup>st</sup> reading.**

**NEW BUSINESS****C. ORDINANCE 1278-14; SPECIAL USE FOR LIBRARY,**  
**1<sup>st</sup> Reading:**

An Ordinance approving a Special Use to establish a Public Building (Library) in the C-1 Central Business District at 109 W Main Street in the City of Valley Center, Kansas, under the authority granted by the Zoning Regulations of The City.

- Ordinance 1278-14

ORDINANCE NO. 1278-14

AN ORDINANCE APPROVING A SPECIAL USE TO ESTABLISH A PUBLIC BUILDING (LIBRARY) IN THE C-1 CENTRAL BUSINESS DISTRICT AT 109 W MAIN STREET IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

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

SECTION 1. Having received a recommendation from the Valley Center City Planning Commission on Case No. SU-2014-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No.1269-13, a Special Use is hereby approved to establish a Public Building (Library) in the “LeVenue Building” in the C-1 Central Business District.

Legal description: Lots 11-13-15 17-19 & lots 21-23, Exc. S 50’, Third St Now Main, City of Valley Center, Sedgwick County, Kansas

General location: 109 W Main Street

Such Special Use is subject to the following condition:

1. Representatives from the Library, City Hall and School District meet annually to coordinate off-street parking space allocation based on planned activities at their respective locations.

SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED by the Governing Body and approved by the Mayor of the City of Valley Center, Kansas, on this \_\_\_\_ day of \_\_\_\_\_, 2014.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Mike McNow, Mayor

ATTEST:

\_\_\_\_\_  
Kristine A. Polian, City Clerk

**NEW BUSINESS**

**RECOMMENDED ACTION**

**C. ORDINANCE 1278-14; SPECIAL USE FOR LIBRARY,**  
**1<sup>st</sup> Reading:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to adopt Ordinance 1278-14, approving a Special Use to allow a Public Library in the Central Business District, for 1<sup>st</sup> reading.**

## **CONSENT AGENDA**

### **A. FEDERAL-AID STATE-WIDE BRIDGE INSPECTION MASTER AGREEMENT.**

### **B. VALLEY CENTER LIONS CLUB STREET CLOSURE REQUEST.**

- Valley Center Lions Club 9<sup>th</sup> Annual Car Show
  - ✓ Friday, September 26, 2014, 3PM – 9PM
  - ✓ Close Main Street (Meridian to eastern edge of Ash street intersection)

### **C. RECOMMENDATION TO APPROVE PUBLIC WORKS EMPLOYEE EVALUATIONS FORMS.**

- City Superintendent Holper Memo
- 360 Peer Evaluation Form
- Self-Evaluation Form
- Personnel Evaluation Form

### **RECOMMENDED ACTION:**

**Staff recommends motion to approve the Consent Agenda as presented.**

## **CONSENT AGENDA**

### **A. FEDERAL-AID STATE-WIDE BRIDGE INSPECTION MASTER AGREEMENT.**

Agreement No. 141-14  
City of Valley Center

**FEDERAL - AID  
STATE-WIDE BRIDGE INSPECTION  
MASTER AGREEMENT**

THIS MASTER AGREEMENT is between **MICHAEL S. KING, Secretary of Transportation,** Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Valley Center, Kansas** (“City”), **collectively,** the “Parties.”

**RECITALS:**

- A. Counties, cities and political subdivisions of Kansas are authorized under K.S.A. 68-402b to enter into agreements with the Secretary to enable such entities to participate fully in the benefits to be secured from federal-aid funds, or funds made available from the federal government through the Federal-Aid Transportation Act.
- B. The City desires to comply with 23 C.F.R. Part 650, Subpart C - National Bridge Inspection Standards (NBIS) in the inspection and evaluation of City bridges on public streets and roadways within its jurisdiction which are off of the State Highway System.
- C. The City has requested that the Secretary take the steps necessary to complete Critical Feature Inspections and/or Element Level Inspections, as applicable, on designated bridges or bridge structures within the City by obtaining the services of a Consultant to perform such Inspections.
- D. The Parties have determined that such Inspections for the City would be most efficiently administered under this Master Agreement.

**NOW THEREFORE,** in consideration of these premises and the mutual covenants set forth herein, the Parties agree to the following terms and provisions.

**ARTICLE I**

**DEFINITIONS:** The following terms as used in this Master Agreement have the designated meanings:

- 1. “**City**” means the City of Valley Center, Kansas.
- 2. “**Consultant**” means any engineering firm or other qualified entity retained by the Secretary to perform the Critical Feature Inspections and/or Element Level Inspections, as applicable, on behalf of the City.
- 3. “**Critical Feature Inspection(s)**” includes inspection of bridge hinge pins and hangers on City bridges or bridge structures, underwater inspections on City bridges or bridge structures, and fracture critical members inspections on City bridges or bridge structures to be performed by the Consultant, as and when authorized by the Secretary on behalf of the City, on those bridges or bridge structures specifically identified by the Secretary in the “Structure List” - Special Attachment No. 2 for the year designated therein.

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City of Valley Center

4. **“Element Level Inspection(s)”** is a bridge condition assessment process based on the use of the AASHTO commonly recognized (CoRe) elements and agency non-CoRe elements, their description, definition, units of measure, condition states and feasible actions on City bridges or bridge structures to be performed by the Consultant, as and when authorized by the Secretary on behalf of the City, on those bridges or bridge structures specifically identified by the Secretary in the “Structure List” - Special Attachment No. 2 for the year designated therein.
5. **“Effective Date”** means the date this Master Agreement is signed by the Secretary or the Secretary’s designee.
6. **“FHWA”** means the Federal Highway Administration, a federal agency of the United States.
7. **“KDOT”** means the Kansas Department of Transportation, an agency of the state of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.
8. **“Master Agreement”** means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
9. **“Non-Participating Costs”** means the costs of any items or services which the Secretary, acting on the Secretary’s own behalf and on behalf of the FHWA, reasonably determines are not Participating Costs.
10. **“Participating Costs”** means expenditures for items or services which are an integral part of Critical Feature Inspection or Element Level Inspection activity as reasonably determined by the Secretary.
11. **“Parties”** means the Secretary of Transportation and KDOT, individually and collectively, and the City.
12. **“Secretary”** means Michael S. King, in his official capacity as Secretary of Transportation of the state of Kansas, and his successors.

## ARTICLE II

### SECRETARY RESPONSIBILITIES:

1. **Administration by KDOT.** The Secretary shall select and retain the Consultant to perform Critical Feature Inspections and/or Element Level Inspections, as applicable, under the terms of this Master Agreement. The Secretary further agrees, as agent for the City, to administer each inspection activity in accordance with this Master Agreement, to negotiate with and report to the FHWA and administer the payments due the Consultant, including the portion of the cost borne by the City.
2. **Consultant Contract.** The Consultant’s costs for inspections will be based on rates negotiated and approved by the Secretary, for services rendered, to include actual time of field Critical Feature Inspections and/or Element Level Inspections at each bridge or bridge structure and office evaluation, plus depreciation of equipment, per diem, and other related expenses.

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City of Valley Center

3. **Critical Feature Inspection and/or Element Level Inspections List(s)**. On an annual basis, the Secretary will provide to the City the list of bridges or bridge structures within the City that will be subject to Critical Feature Inspections and/or Element Level Inspections, as applicable, for the designated year, identifying the bridges or bridge structures to be inspected and their location, the type of inspection, and the associated estimated cost to the City. The list and cost estimate will be provided in the form shown in "Structure List" - Special Attachment No. 2, the current approved form being attached to this Master Agreement for reference purposes.

4. **Final Inspections Reports**. The Secretary will require the Consultant to provide the City with a copy of a final inspections report for each bridge or bridge structure inspected under this Master Agreement.

5. **Payment of Costs**. The Secretary agrees to be responsible for eighty percent (80%) of the total actual costs of each inspection per bridge structure as identified in the "Structure List" - Special Attachment No. 2 for the designated year. The Secretary shall not be responsible for any Non-Participating Costs.

6. **Final Billing**. After receipt of FHWA acknowledgement of final voucher claim, the Secretary's Chief of Fiscal Services will, in a timely manner, prepare a complete and final billing of all inspection costs for which the City is responsible and shall then transmit the complete and final billing to the City.

### ARTICLE III

#### CITY RESPONSIBILITIES:

1. **General Authorization**. All inspections under this Master Agreement shall be undertaken, prosecuted and completed for and on behalf of the City by the Secretary acting in all things as its agent, and the City hereby constitutes and appoints the Secretary as its agent, and all things hereinafter done by the Secretary in connection with the inspections are hereby authorized, adopted, ratified and confirmed by the City to the same extent and with the same effect as though done directly by the City acting in its own individual corporate capacity instead of by its agent. The Secretary is authorized by the City to take such steps as are deemed by the Secretary to be necessary or advisable for the purpose of securing the benefits of the current Federal-Aid Transportation Act for the inspections.

2. **Inspection Authorization**. The City authorizes the Secretary to utilize the City's federal aid for purposes of obtaining Consultant services to complete the inspections of the bridges or bridge structures identified in the "Structure List" - Special Attachment No. 2 for the year designated therein.

3. **Legal Authority**. The City agrees to adopt all necessary ordinances or resolutions and to take such administrative or legal steps as may be required to give full effect to the terms of this Master Agreement.

4. **Authorization of Signatory**. The City shall authorize a duly appointed representative to sign for the City any or all routine reports as may be required or requested by the Secretary in the completion of the inspections.

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City of Valley Center

5. **Critical Feature Inspection and/or Element Level Inspection List- Additional Bridges.** In any given year, additional bridges or bridge structures in need of Critical Feature Inspection and/or Element Level Inspections may be identified by the Secretary, the City, or the Consultant. The City agrees the additional bridges or bridge structures will be included in a revised “Structure List” - Special Attachment No. 2, to be issued by the Secretary for the year designated therein. The City’s share of costs for inspections of the additional bridges or bridge structures will be determined in the same manner as the initial list for that designated year, and such additional inspections will be subject to the terms in this Master Agreement in all respects.
6. **Drift and Debris Removal.** The City shall initiate and proceed with diligence to remove or require the removal of any drift and debris from the bridges or bridge structures identified in the “Structure List” - Special Attachment No. 2, prior to any inspection occurring and will accomplish any drift and debris removal within a time sufficiently short to allow any scheduled inspections to occur without delay.
7. **Repair Action.** If the Consultant discovers any bridge conditions that require repair, the Secretary will require the Consultant to promptly inform the City of the discovered conditions. The Consultant will be available to the City to prepare repair action documents, assist in selecting a contractor and to inspect the actual repair operation. Any use of the Consultant’s services to perform the tasks outlined in this paragraph must be approved by the City and will be deemed Non-Participating Costs by the Secretary under this Master Agreement.
8. **Financial Obligation.** For any given year, the City will be responsible for twenty percent (20%) of the total actual costs of Critical Feature Inspection and/or Element Level Inspection services per bridge or bridge structure as identified in a “Structure List” - Special Attachment No. 2 for the year designated therein. Further, the City agrees to pay any Non-Participating Costs incurred for such inspections.
9. **Remittance of Estimated Share.** The City shall deposit with the Secretary the City’s estimated share of the total inspection expenses for the designated year as identified in the “Structure List” - Special Attachment No. 2 within thirty (30) days of receipt of the “Structure List” – Special Attachment No. 2.
10. **Payment of Final Billing.** If any payment is due to the Secretary, such payment shall be made within thirty (30) days after receipt of a complete and final billing from the Secretary’s Chief of Fiscal Services.
11. **Accounting.** Upon request by the Secretary and in order to enable the Secretary to report all costs of the inspections to the legislature, the City shall provide the Secretary an accounting of all actual Non-Participating Costs which are paid directly by the City to any party outside of the Secretary and all costs incurred by the City not to be reimbursed by the Secretary for any major expense associated with the inspections.
12. **Cancellation by City.** If the City cancels an inspection activity, the City will reimburse the Secretary for any costs incurred by the Secretary prior to the cancellation. The City agrees to reimburse the Secretary within thirty (30) days after receipt by the City of the Secretary’s statement of the cost incurred by the Secretary prior to the cancellation.

**ARTICLE IV****GENERAL PROVISIONS:**

1. **Term and Termination.** This Master Agreement will remain in effect for one (1) year from Effective Date, at which time this Master Agreement will automatically renew for an additional one (1) year term on every anniversary of the Effective Date of this Master Agreement unless a party notifies the other party in writing not less than sixty (60) days prior to the anniversary of the Effective Date of its intent to terminate this Master Agreement. If this Master Agreement is so terminated, the Parties shall be liable only for the performance rendered or costs incurred in accordance with the terms of this Master Agreement prior to the effective date of termination, including all non-cancellable obligations.
2. **Inspection Standards.** All Critical Feature Inspections and Element Level Inspections will be performed in accordance with 23 C.F.R. Part 650, Subpart C - National Bridge Inspection Standards (NBIS), the latest version of KDOT Bridge Inspection Program Manual, and the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), and with the rules and regulations of the FHWA pertaining to such inspections.
3. **Incorporation of Structure Lists.** Each "Structure List" - Special Attachment No. 2 issued by the Secretary, to include any revised or corrected list, will be deemed incorporated into and made a part of this Master Agreement without the need for a separate written amendment.
4. **Cash Basis and Budget Laws.** Nothing in this Master Agreement is intended to violate the provisions of the Kansas Cash Basis Law (K.S.A. 10-1100 et seq.) and the Kansas Budget Law (K.S.A. 7925 et seq.) and at all times should be construed and interpreted so as to ensure that the City is at all times in compliance with such laws.
5. **Civil Rights Act.** The Special Attachment No. 1, pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Master Agreement.
6. **Contractual Provisions.** The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part hereof.
7. **Headings.** All headings in this Master Agreement have been included for convenience of reference only and are not be deemed to control or affect the meaning or construction or the provisions herein.
8. **Binding Agreement.** This Master Agreement and all contracts entered into under the provisions of this Master Agreement shall be binding upon the Secretary and the City and their successors in office.
9. **No Third Party Beneficiaries.** No third party beneficiaries are intended to be created by this Master Agreement and nothing in this Master Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Master Agreement.

***The signature page immediately follows this paragraph.***

Agreement No. 141-14  
City of Valley Center

**IN WITNESS WHEREOF** the Parties have caused this Master Agreement to be signed by their duly authorized officers as of the Effective Date.

ATTEST:

CITY OF VALLEY CENTER, KANSAS

\_\_\_\_\_  
CITY CLERK (Date)

\_\_\_\_\_  
MAYOR

(SEAL)

Michael S. King, Secretary of Transportation  
Kansas Department of Transportation

By: \_\_\_\_\_  
Jerome T. Younger, P.E. (Date)  
Deputy Secretary and  
State Transportation Engineer

**FEDERAL - AID  
STATE - WIDE BRIDGE INSPECTION  
MASTER AGREEMENT**

Project No. \\_\_\_\_\_

20\\_\_\_\_\_

**Structure List**

“Special Attachment No. 2”

BRIDGE NUMBER   TYPE   LOCATION DESCRIPTION   ESTIMATED COST

TYPE- UW (Underwater), P&H (Pin and Hanger), FC (Fracture Critical), CoRe (Element Level)

Issued: \\_\_\_\_\_ (date)

By: \_\_\_\_\_

Bridge Section, Bureau of Local Projects

## KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment  
To Contracts or Agreements Entered Into  
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,  
REHABILITATION ACT OF 1973, and any amendments thereto,  
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,  
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,  
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY  
POPULATIONS AND LOW INCOME POPULATIONS 1994, and any amendments thereto,  
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

### NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 355) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such Act, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following “Nondiscrimination Clauses”.

### CLARIFICATION

Where the term “Consultant” appears in the following “Nondiscrimination Clauses”, the term “Consultant” is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

#### Nondiscrimination Clauses

During the performance of this contract, the Consultant, or the Consultant’s assignees and successors in interest (hereinafter referred to as the “Consultant”), agrees as follows:

- 1) Compliance with regulations: The Consultant will comply with the regulations of the U.S. Department of Transportation relating to nondiscrimination in its federally-assisted programs and codified at Title 49, Code of Federal Regulations, Parts 21, 23 and 27, (hereinafter referred to as the “Regulations”). The Regulations are herein incorporated by reference and made a part of this contract.
  - 2) Nondiscrimination: The Consultant, with regard to the work performed by the Consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including in the procurements of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
  - 3) Solicitations for Subcontractors, including Procurements of Material and Equipment: In all solicitations, either competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the Consultant of the Consultant’s obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.
  - 4) Information and Reports: The Consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the Consultant’s books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such
- (Revised 9/29/11)

Regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.

- 5) Employment: The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.
- 6) Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,
  - (a) withholding of payments to the Consultant under the contract until the Consultant complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.
- 7) Disadvantaged Business Obligation
  - (a) Disadvantaged Business as defined in the Regulations shall have a level playing field to compete for contracts financed in whole or in part with federal funds under this contract.
  - (b) All necessary and reasonable steps shall be taken in accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
  - (c) The Consultant, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of Federally-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.
- 8) Executive Order 12898
  - (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation of the State of Kansas and use such information in complying with Executive Order 12898.
- 9) Incorporation of Provisions: The Consultant will include the provisions of paragraphs (1) through (8) in every subcontract, including procurements of materials and equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that, in the event a Consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Consultant may request the State to enter into such litigation to protect the interests of the State.

State of Kansas  
 Department of Administration  
 DA-146a (Rev. 06-12)

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges-hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) 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.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Contractor agrees to comply with all applicable state and federal anti-discrimination laws.

The provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting State agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

**CONSENT AGENDA**

**B. VALLEY CENTER LIONS CLUB STREET CLOSURE REQUEST.**



## **Valley Center Lions Club Car Show**

c/o Ron Black 217 S. Miles, Valley Center, KS 67147 (316) 755-3351

July 10, 2014

To: Valley Center City Council

RE: 2014 Valley Center Lions Club Car Show

The Valley Center Lions Club is requesting the use of Main Street once again for our 9th annual car show. The date is Friday, September 26, 2014 from 3pm to 9pm. Main Street would be closed from Meridian to the eastern edge of Ash street intersection. Traffic on Ash is not affected.

Last years' show was a great success and drew the largest crowd of spectators we've ever seen, along with more entries from all over the state than we've ever hosted before. The downtown main street location seems to be extremely popular with Valley Center citizens and visitors to the city, as well as automobile hobby enthusiasts.

We have been advised by Chief Mark Hephner that we should work with the City Council as the Police Department has no issues with our show using the two blocks of Main Street as was done last year.

We will coordinate with city personnel as we did last year for traffic barriers and setup prior to the event. We will also be responsible, once again, to coordinate with merchants on Main Street with regard to the Show.

The Valley Center Lions Club appreciates the City Council's support for this event which helps us continue our charitable efforts for Valley Center and its' citizens.

Ron Black

A handwritten signature in black ink that reads 'Ron Black'.

Co-Chairman,

Valley Center Lions Club Car Show

**CONSENT AGENDA**

**C. RECOMMENDATION TO APPROVE PUBLIC WORKS  
EMPLOYEE EVALUATIONS FORMS.**

**July 30, 2014**

**To: Joel Pile, City Administrator**

**From: Brenton Holper, Public Works Director**

**Subject: Recommendation to Approve Employee Evaluation Forms**

## RECOMMENDATION

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The Public Works Department recommends that the City Council approves the use of the employee evaluation forms attached, as required in the Personnel Policy on p.3, Article D, 3. Performance Evaluations, b.

## BACKGROUND

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Employee evaluations are an essential function in the management of staff. This provides, not only management, but the employee a venue for constructive feedback about their overall job performance. Evaluations should be completed on an annual basis per the Personnel Policy. The use of these forms would establish an evaluation process consistent with approximately 90% of the Fortune 1000 companies and many governmental agencies across the country.

## ATTACHMENTS

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- 360 Peer Evaluation Form
- Self-Evaluation Form
- Personnel Evaluation Form

### 360 Performance Evaluation

Using the scale below rate the person being evaluated for each of the following questions. (5 = Excellent, 3 = Average, & 1 = Poor). After rating the person under each category, please provide any additional comments in the space provided to the right. For each question, provide at least a comment regarding your peer.

**Date:**

**Employee Evaluated:**

Question	Rating (1-5)	Comments
How reliable is the person?		
Is the person a team player?		
Does the person show a positive attitude towards other team members?		
Are the person's skills a valuable asset to the team?		
Does the person show a positive attitude towards their work?		
Is this person someone you would be happy to have leading you?		
Does this person suggest innovative ideas that help the team?		
Is this person supportive of others?		
Does this person carry their fair share of the workload?		

## PERFORMANCE APPRAISAL – EMPLOYEE SELF-EVALUATION

**Employee Name:**

**Job Title:**

**Dept. & Division:**

**Appraisal Period:**

An important part of the appraisal process is your own view of your work. Please complete this worksheet and give it to your supervisor.

Attach more pages to this sheet if you need more space.

The worksheet will be placed in your personnel file along with the Performance Appraisal Form and Summarized 360 Peer Reviews.

**1. What are the most important duties of your job?**

**2. What parts of your job do you perform best?**

**3. On what parts of your job could you improve, and what do you need to do that?**

**4. In the last year, what new work skills have you learned?**

## PERFORMANCE APPRAISAL – EMPLOYEE SELF-EVALUATION

5. What skills do you have that you would like to use more in your job?

6. What training would help you in your job?

7. Any other comments about your job?

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Job Performance Evaluation Form

Name: \_\_\_\_\_  
 Evaluation Period: \_\_\_\_\_  
 Position: \_\_\_\_\_ Date: \_\_\_\_\_

### Performance Planning & Results

#### Performance Review

- Use a current job description (job descriptions are available in the Personnel Policy).
- Rate the person’s level of performance, using the definitions below.
- Review with employee each performance factor used to evaluate his/her work performance.
- Give overall rating in the space provided, using definitions below as a guide.

### Performance Rating Definitions

The following ratings must be used to ensure commonality of language and consistency on overall ratings: (There should be supporting comments to justify ratings of “Outstanding”, “Below Expectations”, and “Unsatisfactory”).

Outstanding	Performance is consistently superior
Exceeds Expectations	Performance is routinely above job requirements
Meets Expectations	Performance is regularly competent and dependable
Below Expectations	Performance fails to meet job requirements on a frequent basis
Unsatisfactory	Performance is consistently unacceptable

A. Performance Factors

<b>Administration</b> – Measures effectiveness in planning, organizing, and efficiently handling activities and eliminating unnecessary activities.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	

Comments: \_\_\_\_\_

<b>Knowledge of Work</b> – Consider employee’s skill level, knowledge and understanding of all phases of the job and those requiring improved skills and/or experience.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Communication</b> – Measures effectiveness in listening to others, expressing ideas, both orally and in writing and providing relevant and timely information to management, co-workers, subordinates and customers.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Team Work</b> – Measures how well this individual gets along with fellow employees, respects the rights of other employees and shows a cooperative spirit.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Decision Making/Problem Solving</b> – Measures effectiveness in understanding problems and making timely, practical decisions.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
N/A		
Comments:		

<b>Human Resource Management</b> – Measures effectiveness in selecting qualified people; evaluating subordinates’ performance; strengths and development needs; providing constructive feedback, and taking appropriate and timely action with marginal or unsatisfactory performers. <b>(Management Only)</b>	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
N/A		
Comments:		

<b>Independent Action</b> – Measures effectiveness in time management; initiative and independent action within prescribed limits.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
N/A		
Comments:		

<b>Job Knowledge</b> – Measures effectiveness in keeping knowledgeable of methods, techniques and skills required in own job and related functions, remaining current on new developments affecting Public Works and its work activities.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Leadership</b> – Measures effectiveness in accomplishing work assignments through subordinates; establishing challenging goals; delegating and coordinating effectively; promoting innovation and team effort. <b>(Management Only)</b>	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Customer Responsiveness</b> – Measures responsiveness and courtesy in dealing with internal staff, external customers and vendors; employee projects a courteous manner.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Personal Appearance</b> – Measures neatness and personal hygiene appropriate to position.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Dependability</b> – Measures how well employee complies with instructions and performs under unusual circumstances; consider record of attendance and punctuality.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Safety</b> – Measures individual’s work habits and attitudes as they apply to working safely. Consider their contribution to accident prevention, safety awareness, ability to care for Public Works property and keep workspace safe and tidy.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Employee's Responsiveness</b> – Measures responsiveness in completing job tasks in a timely manner.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Flexibility</b> – Measures employees' abilities to deal with new procedures and/or changing work conditions, as well as variable work conditions.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

<b>Interpersonal Skills</b> – Measures employee's willingness and ability to establish effective working relationships with supervisors, other City employees and the public.	Outstanding	
	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	Unsatisfactory	
	N/A	
Comments:		

**B. Employee Strengths & Accomplishments:** Include those which are relevant during this evaluation period. This should be related to performance or behavioral aspects you appreciated in their performance.

**C. Performance Areas Which Need Improvement:**

**D. Plan of Action toward Improved Performance:**

**E. Employee Comments:**

**F. Scoring Sheet:**

<b>Peer Evaluation Scores</b>	<b>W*1</b>
Reliability	
Team Player	
Attitude towards peers	
Skills	
Attitude towards work	
Leadership	
Innovation	
Supportive	
Workload	

<b>Performance Evaluation Scores</b>	<b>W*2</b>
Administration	
Knowledge of Work	
Communication	
Team Work	
Decision Making/Problem Solving	
Human Resource Management (mgt. only)	
Independent Action	
Job Knowledge	
Leadership (mgt. only)	
Customer Responsiveness	
Personal Appearance	
Dependability	
Safety	
Employee's Responsiveness	
Flexibility	
Interpersonal Skills	

Peer Evaluation Score (weight \* 1) \_\_\_\_\_ + Performance Evaluation Score (weight \*2) \_\_\_\_\_

= Total Evaluation Score \_\_\_\_\_

Divided by the total number of Duties & Factors a score was given for = **FINAL AVERAGE SCORE** \_\_\_\_\_

Score	Non-Exempt
0 to 1.4 = Unsatisfactory	Recommendation for termination or Employee Improvement Plan
1.5 to 1.9 = Improvement Required	Employee Improvement Plan
2 to 3.9 = Performs Well	Employee Development Plan
4 - 5 = Exceptional Performance	Employee Development Plan

**G. Signatures:**

Employee \_\_\_\_\_ Date \_\_\_\_\_  
 (Signature does not necessarily denote agreement with official review and means only that the employee was given the opportunity to discuss the official review with the supervisor).

Evaluated by \_\_\_\_\_ Date \_\_\_\_\_

Evaluated by \_\_\_\_\_ Date \_\_\_\_\_

## **STAFF REPORTS**

**A. City Clerk Polian**

**B. Chief of Police Hephner**

**C. Fire Chief Tormey**

**D. Community Development Director Utecht**

- Code Enforcement June 2014 Report

**E. City Superintendent Holper**

- Public Works Update May – July 2014

**F. Parks & Public Buildings Superintendent Owings**

**G. City Engineer Kelsey**

**H. City Attorney Arbuckle**

**I. City Administrator Pile**

**Code Enforcement June 2014**  
**Reported by Officer Cindy Plant, Code Enforcement Officer**

- Impounding activity that occurred June, 2014 is as follows:

Date	Time	Type of Dog	Results
11	8:30	Female Pug	Taken to the Valley Center Vet Clinic – 8:35. This dog was claimed the same day.
13	4:10	Neutered Male Shepherd mix	Taken to the Valley Center Vet Clinic – 4:15. This dog was claimed.
16	3:04	Horse	Impounded a Sorrow mare. The owner claimed the same day.

- Answered one hundred–nine calls for service during the month of June.
- Two dogs were impounded at the Valley Center Vet Clinic.
- Eleven calls were received for dogs at large.
- Two miscellaneous called for animal were received and addressed.
- Four dead animals were disposed of.
- Two traps were set for skunks.
- Two cruelty reports were addressed.
- Sixty dog license renewal letters were sent to dog owners.
- Six letters were sent to homeowners for trash and debris in their yards.
- Seventy-one letters were sent to home owners for tall grass.
- Three letters were sent for no fence around pools.
- Two letters were sent for inoperable vehicles.
- Two zoning violations were addressed.
- One home was placarded for no running water.
- Dog licenses were delivered to Ark Valley Animal Hospital.
- Attended the Valley Center Animal League Board Meeting.
- Attended court twice during the month.

# Public Works Update

## ADMINISTRATIVE

- Office update (painting & reorganizing office)
- Permit preparation (working w/Community Development to assist in smooth transition of PW taking on permits)
- New uniforms (changed from Cintas' to UniFirst) starting in Mid/late August
- Staff reviewed power outage & emergency generator procedures for Public Works Facility

## STREETS

- Rhino mower delivered, has been in use since mid-June
- Pothole patching throughout city
- Grading frequency (May—22 times, June— 32 times, July—24 times)
- Drainage—3 resident calls for standing water in curbs that are causing odors in May
- Completed NPEDS testing for 2014
- Elgin Pelican Street Sweeper anticipated delivery date of Aug. 11th., Council preview opportunity tentatively scheduled for 6pm Aug. 19th at City Hall.

## WATER

- Replaced 37 water meters w/AMR units
- Current on monthly bacteria sample collections that are sent to KDHE
- Moving of fire hydrant near McLaughlin Park.

## WASTEWATER

- ABS pump replaced @ Ford Lift Station
- Blower replacement
- Replaced Mixer #5 in anoxic aeration basin
- Repaired ABS pump connections at Valley Creek Lift Station
- Repaired ABS pump @ Colby Lift Station
- WWTP Plant review from PEC on Aug. 6th
- WWTP tours of Wichita, Chisholm Creek Utility Authority, & Andover
- Starting to review conversion of ABS pumps to Flight pumps & overall conditions of the Sewer Plant for maintenance/repairs



Clay Construction Progress



Rhino mower

	Locates	Water Shut-offs
May	97	34
June	88	33
July	96	40
Total	281	107



Moving Fire Hydrant on McLaughlin

	Gallons of water bought from Wichita
May	21,882,750
June	14,065,500

## **GOVERNING BODY REPORTS**

**A. Mayor McNown**

**B. Councilmember Leftoff**

**C. Councilmember Cicirello**

**D. Councilmember Ishman**

**E. Councilmember Dove**

**F. Councilmember Maschino**

**G. Councilmember L. Jackson**

**H. Councilmember Anderson**

**I. Councilmember Hobson**

**ADJOURN**