

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**FEBRUARY 26, 2015**

*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.*

**MARCH 3, 2015**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA p 3**
6. **ADMINISTRATION AGENDA p 4**
  - A. Minutes p 4
    - February 17, 2015 Regular Council Meeting p 5
  - B. Appropriation Ordinance p 11
7. **PRESENTATIONS / PROCLAMATIONS p 19**
8. **PUBLIC FORUM (Citizen input and requests) p 19**
9. **APPOINTMENTS p 19**
10. **COMMITTEES, COMMISSIONS p 19**
11. **OLD BUSINESS p 20**
12. **NEW BUSINESS p 20**
  - A. Request to approve 'Letter of Intent' for Apartment Project p 21
  - B. Consideration of Vehicle Purchase for Water Utility p 25
  - C. Executive Session for Non-Elected Personnel p 28
13. **CONSENT AGENDA p 30**
14. **STAFF REPORTS p 39**
15. **GOVERNING BODY REPORTS p 42**
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.**

## **ADMINISTRATION AGENDA**

### **A. MINUTES:**

Attached are the Minutes from the February 17, 2015 Regular City Council Meeting as prepared by the City Clerk.

REGULAR COUNCIL MEETING  
FEBRUARY 17, 2015  
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, and Benjamin Anderson.

Members Absent: Al Hobson

Staff Present: Joel Pile, City Administrator  
Kristine Polian, Finance and Administration Director  
Jose Santiago, City Clerk  
Mark Hephner, Police Chief  
Lonnie Tormey, Fire Chief  
Warren Utecht, Community Development Director  
Brenton Holper, City Superintendent  
Neal Owings, Parks and Public Buildings Superintendent  
Joshua Golka, City Engineer  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

**APPROVAL OF THE AGENDA**

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

**CLERK'S AGENDA**

**A. MINUTES – FEBRUARY 03, 2015 REGULAR CITY COUNCIL MEETING**

Jackson moved, seconded by Ishman, to approve the Minutes of the February 03, 2015 Regular City Council Meeting Minutes as presented. Vote Yea: Unanimous. Motion carried.

**B. APPROPRIATION ORDINANCE – 02/17/2015**

Jackson moved, seconded by Cicirello, to approve the February 17, 2015 Appropriation Ordinance as presented. Vote Yea: Unanimous. Motion carried.

**C. TREASURER'S REPORT – YTD DECEMBER 2014**

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

**D. TREASURER'S REPORT – JANUARY 2015**

Cicirello moved, seconded by Ishman, to receive and file the January 2015 Treasurer's Report. Vote Yea: Unanimous. Motion carried.

**PRESENTATIONS/PROCLAMATIONS****A. PRESENTATION BY THE VALLEY CENTER AMERICAN LEGION POST**

Mr. Gary Hauck, Service Officer A.L. Post 73, honored the following Fireman and Policeman with man of the year awards for outstanding service to the City of Valley Center:

- Joshua Tormey, Volunteer Fireman
- Jay Grayson, Detective

Their names will be presented to state American Legion officials for consideration at the state level.

Police Chief Hephner and Fire Chief Lonnie were present for the rewards presentation.

**PUBLIC FORUM** - None

**APPOINTMENTS****A. Economic Development Board Appointments**

- Mayor McNown re-appointed the following members for an additional 2-year term:
  - ❖ Casey Carlson
  - ❖ Mike Bonner

Cicirello moved, seconded by Anderson, to concur with the Mayor's re-appointments to the Economic Development Board. Vote Yea: Unanimous. Motion carried.

**COMMITTEES, COMMISSIONS** – No Comments

**OLD BUSINESS** – None

**NEW BUSINESS****A. 2015 TAX ABATEMENT REVIEW**

- National Plastics Color, Inc.

Cicirello moved, seconded by Dove, to adopt the findings of the Economic Development Committee and renew National Plastic Color Inc. Abatement Request for 2015. Vote Yea: Unanimous. Motion carried.

- Retro Systems

Cicirello moved, seconded by Dove, to adopt the findings of the Economic Development Committee and renew Retro Systems Abatement Request for 2015. Vote Yea: Unanimous. Motion carried.

**NEW BUSINESS (CONTINUED)****B. FY 2014 POOL REPORT & PAY REQUEST**

Pile said the Valley Center Recreation Commission provided him with the financial summary of the revenues and expenditures for the operation of the pool during the 2014 season; he stated, any deficits of revenues over expenditures becomes an amount due from the City to the Recreation Commission. The amount due is \$15,709.82. This amount increased by \$6,285.11 from the amount due from the City the prior season. Possible reasons for the decrease in revenue are: Unseasonable cool weather, two occasions of equipment malfunctions, causing the pool to close during peak attendance periods. Attendance during mid-June and late-July were low which coincides with the cool weather and pool closures.

Anderson moved, seconded by Jackson, to accept the financial report provided by the Recreation Commission and authorize payment to the Valley Center Recreation Commission for \$15,709.82. Vote Yea: Unanimous. Motion carried.

**C. CONSIDERATION OF BIDS REF: FORD & MERIDIAN DRAINAGE/PAVEMENT**

- Golka stated the bid packets Ford & Meridian Drainage/Pavement were received and opened at 10:00AM on February 11, 2015 at Valley Center City Hall. Engineer's Estimate was \$6,102,084.75; and Utility Contractor, Inc. had the lowest base bid, \$5,241,544.50.

After discussion, it was the Council consensus to move the project forward and select pavement Option 2, the concrete pavement, for \$6,090,491.00.

Jackson moved, seconded by Dove, to accept the bids for Ford & Meridian Drainage (Concrete Pavement - Option 2), and award the contract to Utility Contractor, Inc.; and authorize the Mayor to sign the Notice of Award. Vote Yea: Unanimous. Motion carried.

**CONSENT AGENDA**

- A. REVENUE AND EXPENSE SUMMARIES – JANUARY 2015**
- B. DELINQUENT ACCOUNTS FOR COLLECTION**
- C. CHECK RECONCILIATION – JANUARY 2015**

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

**STAFF REPORTS****FINANCE AND ADMINISTRATION DIRECTOR POLIAN**

Polian presented the Valley Center High School After-Prom Committee request for a donation this year of \$500.00. This organization has received an average of an annual donation of \$50.00 from the City in previous years. Polian asked the Council if there was a desire to contribute for this year's request.

**STAFF REPORTS (CONTINUED)**

Maschino moved, seconded by Cicirello, to approve a \$50.00 contribution to the Valley Center High School After-Prom Committee. Vote Yea: Unanimous. Motion carried.

**CHIEF OF POLICE HEPHNER**

Chief Hephner thanked the Valley Center American Legion for their efforts to recognize Officers and Firefighters in the City. Also, Hephner said research about narcotic canine (drug dog) was done. Hephner and school officials discussed the possibility of getting one of this narcotic dogs, and they agreed about splitting the cost of getting one. The cost of the dog will be \$5,500.00. This dog is also a therapy dog.

Pile stated half of the funding for this purchase will be from the Special Drug and Alcohol Fund, and school will pay half of its cost.

**FIRE CHIEF TORMEY**

Tormey stated the fire department filed for a grant back in December 2014. They were awarded \$5,800.00 to purchase equipment and pay for training. Polian stated the money was received today.

**GOVERNING BODY REPORTS****MAYOR MCNOWN**

Congratulated public safety employees for their recognition of good work.

**COUNCILMEMBER LEFTOFF**

Leftoff said she is proud to be a Valley Center resident.

**COUNCILMEMBER CICIRELLO**

Cicirello said he is proud to have these public safety employees, Joshua Tormey and Jay Grayson, with us.

Cicirello made a comment to Hephner about the church being vandalized. Cicirello drove by the church and noticed it did not have exterior lighting and had a window opened. Chief Hephner said it will be addressed with Church officials to prevent another vandalism.

**COUNCILMEMBER ISHMAN**

Happy to have the American Legion here and hope to have them back again.

**COUNCILMEMBER DOVE**

Dove said she is so pleased to see this recognition for the first time and looks forward to seeing them again for years to come.

**GOVERNING BODY REPORTS (CONTINUED)**

COUNCILMEMBER MASCHINO

Maschino agreed with previous comments.

COUNCILMEMBER JACKSON

Jackson is proud of people getting these awards and also recognized Chief Hephner and Chief Tormey for a job well done.

COUNCILMEMBER ANDERSON

Anderson agreed with previous comments.

Anderson moved, seconded by Maschino, to adjourn the meeting at 8:21 pm. Vote Yea: Unanimous. Motion carried.

**Meeting adjourned at 8:21 PM.**

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**Jose A. Santiago, City Clerk**

**ADMINISTRATION AGENDA**  
**RECOMMENDED ACTION**

**A. MINUTES:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the minutes of the February 17, 2015 Regular Council Meeting Minutes as presented / amended.**

## **ADMINISTRATION AGENDA**

### **B. APPROPRIATION ORDINANCE:**

Below is the proposed Appropriation Ordinance for March 3, 2015 as prepared by City Staff.

#### **March 3, 2015 Appropriation**

<b>Total</b>	<b>\$ 70,158.62</b>
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2/24/2015 2:34 PM

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR SET: 02 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
0009	VERIZON WIRELESS SERVICES, LLC							
I-9739326092	FEB 2015 WIRELESS	R	2/13/2015	523.53		045304		523.53
0077	KANSAS OFFICE OF THE TREASURER							
I-201502115748	JAN 2015 COURT REVENUE	R	2/13/2015	1,761.00		045305		1,761.00
0127	HAMPEL OIL DISTRIBUTIONS, INC.							
I-90652092	DEC THRU FEB FUEL	R	2/13/2015	11,072.50		045306		11,072.50
0131	KUNSHAK CHAT & COAL INC							
I-6862	SALT & HAUL	R	2/13/2015	1,388.40		045307		1,388.40
0133	MAYER SPECIALTY SERVICES							
I-2015047	WASH/VACUUM DEBRIS	R	2/13/2015	1,600.00		045308		1,600.00
0179	INTERLINGUAL SERVICE							
I-10933	INTERPRETER SERVICES	R	2/13/2015	60.00		045309		60.00
0198	P S I							
I-1501060-IN	JAN 2015 SERVICES	R	2/13/2015	980.00		045310		980.00
0241	COX COMMUNICATIONS KANSAS LLC							
I-201502115743	FEBRUARY 2015 BUSINESS TV	R	2/13/2015	34.06		045311		
I-201502115744	FEBRUARY 2015 INTERNET	R	2/13/2015	129.95		045311		
I-201502115749	COM BLDG INTERNET	R	2/13/2015	59.95		045311		
I-201502115750	PUBLIC WORKS INTERNET	R	2/13/2015	81.95		045311		305.91
0315	WASTE MANAGEMENT OF WICHITA							
I-6356575-2738-1	FEB 2015 SOLID WASTE	R	2/13/2015	30,075.01		045312		30,075.01
0321	DECKER ELECTRIC							
I-309313	VALLEY CREEK LIFT STATION	R	2/13/2015	308.75		045313		
I-309325	61ST ST WATER VAULT	R	2/13/2015	362.00		045313		670.75
0542	GIANT COMMUNICATIONS							
I-201502115741	FEB 2015 GIANT PHNE SRVCS	R	2/13/2015	1,521.91		045314		1,521.91
0582	LAUTZ LAW, LLC							
I-201502115745	JAN 2015 SERIVCES	R	2/13/2015	150.00		045315		150.00
0587	DELL BUSINESS CREDIT AKA FINAN							
I-201502115739	KP DELL COMPUTER	R	2/13/2015	1,790.31		045316		1,790.31

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A/P HISTORY CHECK REPORT

PAGE: 2

VENDOR SET: 02 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
0601	JOY K. WILLIAMS, ATTORNEY AT L							
I-201502115740	JAN 2015 SERVICES	R	2/13/2015	1,000.00		045317		1,000.00
0629	CUMMINS CENTRAL POWER, LLC							
I-005-1023	FORD/77TH LIFT STATION	R	2/13/2015	136.43		045318		136.43
0637	WATCH GUARD VIDEO							
I-ACCONV0003437	BLANK DVD RW	R	2/13/2015	174.00		045319		174.00
0638	WORLWIDE CANINE, INC.							
I-358	NARCOTICS CANINE	R	2/17/2015	5,500.00		045320		5,500.00
0153	THE ARK VALLEY NEWS							
I-201502195754	LEGALS	R	2/20/2015	199.04		045323		199.04
0156	BEALL & MITCHELL, LLC							
I-201502195756	JAN 2015 PROSECUTION	R	2/20/2015	1,500.00		045324		1,500.00
0306	SEDGWICK COUNTY							
I-1800039963	JAN 2015 HOUSING FEES	R	2/20/2015	1,432.08		045325		1,432.08
0307	SEDGWICK COUNTY							
I-201502195755	DEEDS FOR EASEMENTS	R	2/20/2015	72.00		045326		72.00
0530	GALLAGHER BENEFIT SERVICES, IN							
I-201502195757	FEB 2015 BENEFITS	R	2/20/2015	278.50		045327		278.50
0592	MID-STATES HEALTH PRODUCTS, IN							
I-12952	ELLIPTICAL	R	2/20/2015	3,299.00		045328		3,299.00
0623	HD SUPPLY WATERWORKS, LTD.							
I-D475944	13 ITRON METERS	R	2/20/2015	1,625.00		045329		1,625.00
0639	ARMSCOR CARTRIDGE INCORPORATED							
I-3115	AMMO	R	2/20/2015	2,514.00		045330		2,514.00
0085	LAURIE B WILLIAMS							
I-REB201502185751	CASE # 13-12943	R	2/20/2015	200.00		045331		200.00
0210	SECURITY BENEFIT							
I-SCB201502185751	DEFERRED COMPENSATION	R	2/20/2015	63.00		045332		63.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201502185751	PLAN NUMBER 302196 457 D.C.	R	2/20/2015	15.00		045333		15.00

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A/P HISTORY CHECK REPORT

PAGE: 3

VENDOR SET: 02 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
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201502185751	CASE # 11LWAD00059	R	2/20/2015	67.00		045334		67.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	29	69,974.37	0.00	69,974.37
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:	29	69,974.37	0.00	69,974.37

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A/P HISTORY CHECK REPORT

PAGE: 4

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
0014	JOEL D PILE							
	I-JAN'15MILEREIMBURS JAN'15 MILEREIMBURSEMENT	R	2/20/2015	109.25		045322		109.25

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	109.25	0.00	109.25
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	109.25	0.00	109.25

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A/P HISTORY CHECK REPORT

PAGE: 5

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
0084	ED H PAVEY							
	I-COMMUNITY RENTAL							
	COMMUNITY BLDG REFUND	R	2/20/2015	75.00		045321		75.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	75.00	0.00	75.00
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	75.00	0.00	75.00
BANK: APBK TOTALS:	31	70,158.62	0.00	70,158.62
REPORT TOTALS:	31	70,158.62	0.00	70,158.62

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A/P HISTORY CHECK REPORT

PAGE: 6

SELECTION CRITERIA

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

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CHECK SELECTION

CHECK RANGE: 045304 THRU 045334  
 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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**ADMINISTRATION AGENDA**  
**RECOMMENDED ACTION**

**B. APPROPRIATION ORDINANCE:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the March 3, 2015 Appropriation Ordinance as presented / amended.**

**PRESENTATIONS / PROCLAMATIONS**

**PUBLIC FORUM**

**APPOINTMENTS**

**COMMITTEES, COMMISSIONS**

**OLD BUSINESS**

**NEW BUSINESS**

**A. REQUEST TO APPROVE 'LETTER OF INTENT' FOR APARTMENT PROJECT:**

- Letter of Intent
- Map

## LETTER OF INTENT

March 3<sup>rd</sup>, 2015

THIS AGREEMENT is entered into this 3<sup>rd</sup> day of March, 2015, by and between the City of Valley Center, Kansas (the "City"), and J Van Sickle & Company, LLC ("Developer"), and is as follows:

**WHEREAS**, Developer has been investigating locations in the City of Valley Center for the construction and operation of a residential apartment complex project (the "Project"); and

**WHEREAS**, Developer has been engaged in discussions with the City for the possible location of the Project on a portion of the land purchased for the development of a major detention pond, a portion of which was set aside in a PUD Site Plan for apartment development as illustrated on the attached Exhibit A (the "City Property"); and

**WHEREAS**, Developer will work with the City to write a Development Agreement which will identify specific terms and conditions, including: price of land and timeline for property acquisition, PUD amendment process, required public infrastructure improvements, fill to develop building sites, and any other aspects required to facilitate development; and

**WHEREAS**, the City is willing to sell to Developer a portion of the City Property under the terms and conditions hereinafter set forth in a Development Agreement;

**NOW, THEREFORE**, the parties hereby enter into this letter of intent as an expression of their general agreement and good faith so as each to induce the other toward the commitment by each for further effort in research and planning toward a more extensive Development Agreement and real estate sale and purchase agreement, to wit:

A. **General Description of Terms of Agreement.** The parties hereby agree the final real estate sale and purchase agreement shall be pursuant to the following general terms and conditions:

1. The City will provide for the Project a "Project Site" of approximately 6.24 acres abutting the proposed detention pond to be built in 2015. The City will at all times retain all rights to the City Property less the said Project Site.
2. The parties will agree for all purposes associated with this Agreement a property value which will be specified in the Development Agreement.
3. The Development Agreement will identify responsibility for platting the project site and all public right-of-way leading to the site. Provision shall be made as to the layout phased development, with each phase having no less than 48 residential apartment units. The City shall have complete and unrestricted authority and discretion regarding the platting of the balance of the City Property, except that the parties agree in principle that the northern end of the City Property will be platted for commercial uses in a manner which will be complementary and accommodating to the needs of future residents.
4. At the beginning of each phase of the Project, and upon the issuance of building permits for the construction of such phase, the City will convey title to Developer for the portion of the Project Site to be developed in that phase. Developer will convey to the City a mortgage for the purchase price (defined in the Development Agreement) of each

phase, however, the Developer shall also be entitled to convey a mortgage to such portion of each phase in relation to its financing for such construction, and the City agrees to subordinate its mortgage to such financing mortgage.

- 5. Nothing in the agreement of the parties shall be construed as a waiver or forgiveness of any of the City permitting, building, construction or land development codes and regulations, or of any of the fees or costs associated therewith, or the policies of the City regarding the levying of special assessments as to infrastructure improvements related to the Project. The Project shall be developed in full conformance with such codes, regulations and policies.
- 6. The construction and development of the Project shall be the sole responsibility of Developer, and nothing in the agreement of the parties shall be construed or operate such that the parties would be regarded as partners or other joint venturers as to the Project.

**B. Development Agreement.** Within 60 days from execution of this Letter of Intent, the parties shall proceed with formulation of a Development Agreement setting forth terms and conditions in more detail. The Development Agreement, once approved and executed by each of the parties, shall then constitute the full and complete agreement of the parties, and this Letter of Intent shall lapse.

**C. Assignment.** The City acknowledges and agrees the Developer and its investors intend to create a limited liability company under the laws of the State of Kansas for all purposes associated with the Project, and Developer shall have the right to assign its rights and obligations as to the Project to such entity, which entity shall then be the sole obligor to the City.

**D. Cancellation of Letter of Intent.** If for any reason the City and Developer cannot come to terms with a Development Agreement, this "Letter of Intent" will become null and void.

IN WITNESS WHEREOF, the parties have executed this Letter of Intent this 3<sup>rd</sup> day of March, 2015.

CITY OF VALLEY CENTER, KANSAS

J VAN SICKLE & COMPANY, LLC

BY \_\_\_\_\_  
Michael McNown, Mayor

By \_\_\_\_\_  
President

Attest:

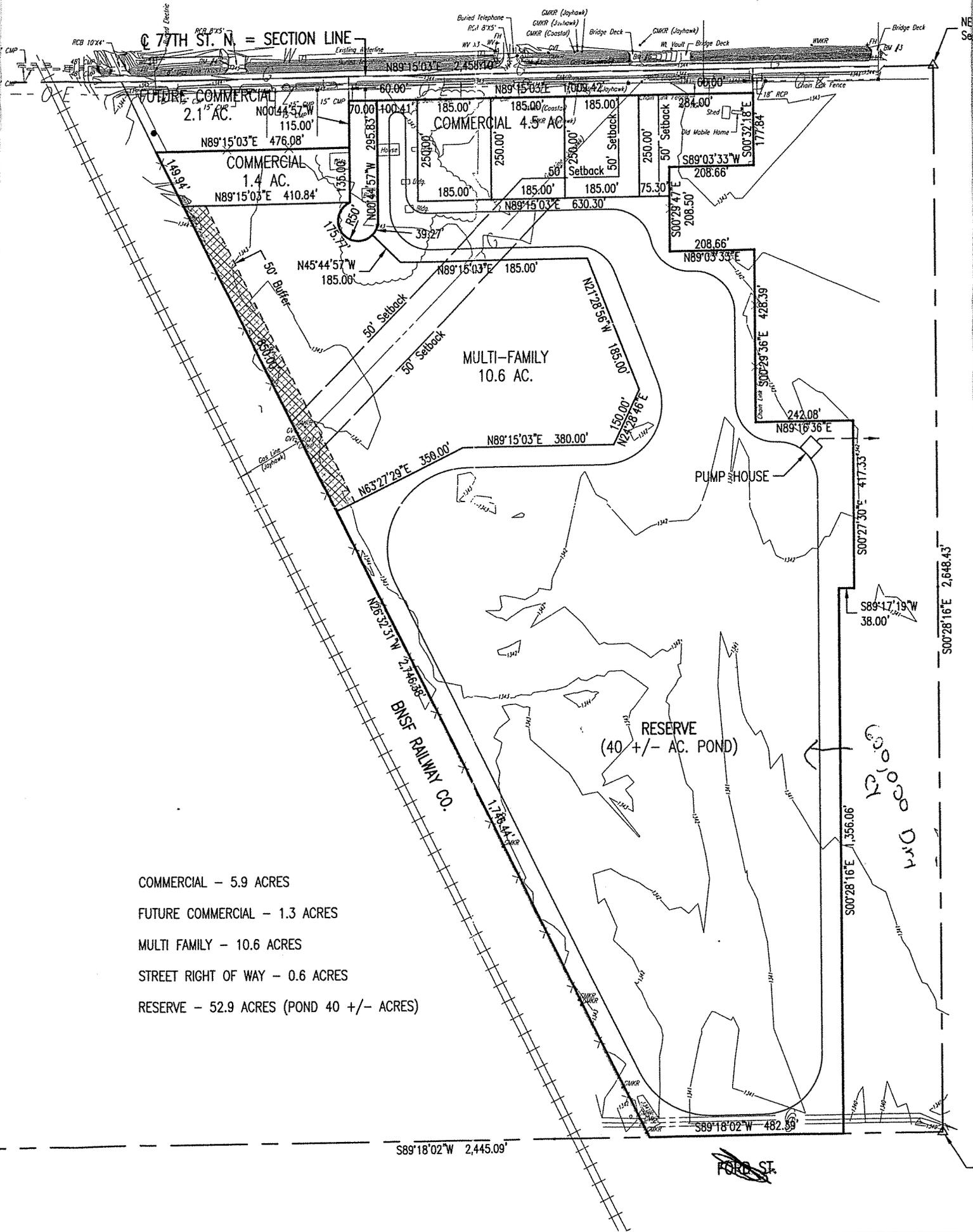
Attest:

{SEAL}

{SEAL}

\_\_\_\_\_  
Jose Santiago, City Clerk

\_\_\_\_\_  
Secretary



- COMMERCIAL - 5.9 ACRES
- FUTURE COMMERCIAL - 1.3 ACRES
- MULTI FAMILY - 10.6 ACRES
- STREET RIGHT OF WAY - 0.6 ACRES
- RESERVE - 52.9 ACRES (POND 40 +/- ACRES)

S89°18'02"W 2,445.09'

77TH ST

12,000.00' Driv

S00°28'16"E 2,648.43'

S00°28'16"E 1,356.06'

S89°17'19"W 38.00'

N89°16'36"E

PUMP HOUSE

MULTI-FAMILY  
10.6 AC.

COMMERCIAL 4.5 AC.

COMMERCIAL  
1.4 AC.

FUTURE COMMERCIAL  
2.1 AC.

77TH ST. N = SECTION LINE

**NEW BUSINESS**

**RECOMMENDED ACTION**

**A. REQUEST TO APPROVE 'LETTER OF INTENT' FOR  
APARTMENT PROJECT:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to Approve or Deny request.**

## **NEW BUSINESS**

### **B. CONSIDERATION OF VEHICLE PURCHASE FOR WATER UTILITY:**

- Public Works Director Memo

**February 24, 2015**

**To: Joel Pile, City Administrator**

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

**Subject: Public Works Vehicle Purchase – Water Department**

## RECOMMENDATION

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The Public Works Department recommends that the City Council authorizes the purchase of a 2015 ½ ton extended cab truck for an estimated total price of \$23,000. This purchase would be paid in full upon delivery of the vehicle. Funds for this purchase would be from the 2015 water budget – vehicle replacement line item.

## BACKGROUND

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On January 27, 2015, a VCPW employee and vehicle were involved in an accident near the 1100 block of Meridian. The VCPW employee was parked on the side of the road with hazards and work beacon lit. A vehicle north bound on Meridian collided with the VCPW truck, which resulted in a total loss of both vehicles involved.

A settlement for the replacement of the VCPW vehicle has been reached for a total of \$9,623.63 (\$9,523.63 for the truck and \$100 for towing expense reimbursement). These funds are intended to be used towards the replacement of the truck involved in accident. In order to be consistent with the VCPW Vehicle & Equipment Replacement Program, new vehicles have been priced. When taking into account the funds from the settlement, VCPW can purchase a 2015 truck that would be sufficient for approx. \$23,000. Currently, the Water Department is down to one vehicle (which is 22 years old) and is using vehicles from other divisions of VCPW until a replacement can be found.

Purchase price of new vehicle	\$23,000.00
Settlement from insurance	\$9,523.63
Total impact on FY 2015 water – vehicle replacement line item	\$13,476.37

It is VCPW's intentions to replace this vehicle (½ ton regular cab truck) with a 2015 ½ ton extended cab truck.

## FINANCIAL CONSIDERATION

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VCPW is requesting the approval to use up to \$23,000 for the purchase of a vehicle. This expense would be paid for through the FY 2015 water – vehicle replacement line item.

**NEW BUSINESS**

**RECOMMENDED ACTION**

**B. CONSIDERATION OF VEHICLE PURCHASE FOR WATER  
UTILITY:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to Approve or Deny Request as specified in Public Works Director's Memo.**

**NEW BUSINESS**

**C. EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

**NEW BUSINESS**

**RECOMMENDED ACTION**

**C. EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to recess into Executive Session for a period of 25 minutes, to discuss Non-Elected Personnel; to include the Governing Body and City Administrator.**

## **CONSENT AGENDA**

**A. KDOT 1302 REQUEST FOR PROJECT AUTHORIZATION; 5<sup>th</sup> STREET REPLACEMENT:**

**B. KDOT 1302 REQUEST FOR PROJECT AUTHORIZATION ; EMPORIA WALK PATH:**

### **RECOMMENDED ACTION:**

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

## **CONSENT AGENDA**

### **A. KDOT 1302 REQUEST FOR PROJECT AUTHORIZATION; 5<sup>th</sup> STREET REPLACEMENT:**

- KDOT REQUEST FOR CONSTRUCTION PROJECT

Print Form

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF LOCAL PROJECTS
REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map

City Valley Center

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for County under an agreement dated, or,

WHEREAS: The Secretary's agency for the City of Valley Center will be designated under an agreement to be executed, and,

WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,

WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,

BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a Major Collector on Route Number located: 5th st. (85th St.): Bridge over Wichita-Valley Center Floodway to Broadway

Total Project Length (Km) 1.50 (Mi) Est. Let Date September 2017

ESTIMATED costs of such improvements are as follows:

Table with 2 columns: Description and Amount. Rows include Grading / Culverts / Storm Sewer, Surfacing (Type) Asphalt/concrete, Bridges (Number), Seeding, Other, and ESTIMATED Total for Project.

Surveys and plans will be prepared by: Professional Engineering Consultants (PEC)

BE IT FURTHER RESOLVED: That sufficient funds of Valley Center City are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project.

Day 3 Month March Year 2015, at Valley Center, Kansas.

Recommended for Approval: APPROPRIATE LOCAL OFFICIAL(S)

County/City Engineer or Administrator

Chairperson/Mayor

ATTEST:

Member

County/City Clerk

Member

### REQUEST FOR CONSTRUCTION PROJECT

RR within 1/2 mile Yes RR Owner BNSF City Valley Center

Area Served: General Farming  Livestock  Oil/Gas  Industrial  Suburban  Urban   
 Others:

Utilities to be adjusted: Water, Sewer, Gas, & Electric

Environmental Concerns: Parks No Wetlands No Other No

Traffic Data: Present AADT 7,360 Year Estimated Future AADT 10,213 Year 2040

Existing Facilities:					Curb & Gutter	Storm Sewer		
Roadbed Width	Surface Type	Surface Width	Condition	Surface Thickness				
(M) 22.00	Asphalt	(M) 22.00	Poor	Varies	No	No		
(Ft)		(Ft)						
Proposed Facilities:					Curb & Gutter	Storm Sewer		
Roadbed Width	Surface Type	Surface Width	Surfacing By:	Surface Thickness or Rate/Km or /Mi				
(M) 26.00	Asphalt/Concrete	(M) 26.00		8"	Yes	Yes		
(Ft)		(Ft)						
Existing Bridges:				Safe Load	Suff. Rating	Rating Year	Posted	
NBIP Structure Number	Structure Type	Over-all Length						Clear Roadway
		(M)	(Ft)	(M)	(Ft)			
		(M)	(Ft)	(M)	(Ft)			
Proposed New Bridges:				Clear Roadway				
Structure Type		Over-all Length						
		(M)	(Ft)	(M)	(Ft)			
		(M)	(Ft)	(M)	(Ft)			
Railroad Crossings:		No. of Tracks	Main Tracks	Other Tracks	Avg. Trains Daily	Min. Vis. @ 300'	Present Protection	Proposed Protection
Company Name								
		2	2	2	200002	30000'	None	

Comments: Under proposed facility, road width ranges from 26' to 38' depending on location within the project. AADT information is based on figured from WAMPO's travel demand model.

## REQUEST FOR CONSTRUCTION PROJECT

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP) to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments.

Please show below your estimate of the cost of any of the following non-participating work phases for this proposed project.

**Preliminary Engineering (PE)**

Please estimate the payments you will make to your consultant. If your agency will perform its own PE, include your estimated direct costs plus overhead.

**Rights of Way (R/W)**

Please estimate the payments you will make to landowners.

**Utility Adjustments (UTIL)**

Please estimate the total of any payments you will make to utility companies for adjustments to utilities located on private easements.

**ESTIMATED** non-construction costs are as follows:

Preliminary Engineering _____	\$	193,336
Rights of Way _____	\$	96,668
Utility Adjustments _____	\$	_____
Other <u>CE</u> _____	\$	193,336
ESTIMATED Total for Project	\$	483,340

## **CONSENT AGENDA**

### **B. KDOT 1302 REQUEST FOR PROJECT AUTHORIZATION ; EMPORIA WALK PATH:**

- KDOT REQUEST FOR CONSTRUCTION PROJECT

Print Form

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF LOCAL PROJECTS
REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map

City Valley Center

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for County under an agreement dated , or,

WHEREAS: The Secretary's agency for the City of Valley Center will be designated under an agreement to be executed, and,

WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,

WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,

BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a 10' Wide Path on Route Number located:

Emporia St.: Main to 5th St.
Total Project Length (Km) 0.54 (Mi) Est. Let Date September 2016

ESTIMATED costs of such improvements are as follows:

Table with 2 columns: Description and Amount. Rows include Grading / Culverts / Storm Sewer, Surfacing (Type) Concrete, Bridges (Number), Seeding, Other, and ESTIMATED Total for Project.

Surveys and plans will be prepared by: Professional Engineering Consultants (PEC)

BE IT FURTHER RESOLVED: That sufficient funds of Valley Center City are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project.

Day 3 Month March Year 2015 , at Valley Center , Kansas.

Recommended for Approval: APPROPRIATE LOCAL OFFICIAL(S)

County/City Engineer or Administrator

Chairperson/Mayor

ATTEST:

Member

County/City Clerk

Member

## REQUEST FOR CONSTRUCTION PROJECT

RR within 1/2 mile Yes RR Owner BNSF City Valley Center

Area Served: General Farming      Livestock      Oil/Gas      Industrial      Suburban      Urban       
 Others:                     

Utilities to be adjusted: None

Environmental Concerns: Parks No Wetlands No Other No

Traffic Data: Present AADT              Year              Estimated Future AADT              Year             

<b>Existing Facilities:</b>					Curb & Gutter	Storm Sewer		
Roadbed Width	Surface Type	Surface Width	Condition	Surface Thickness				
(M)		(M)	Poor					
(Ft)		(Ft)						
<b>Proposed Facilities:</b>								
Roadbed Width	Surface Type	Surface Width	Surfacing By:	Surface Thickness or Rate/Km or /Mi	Curb & Gutter	Storm Sewer		
(M)		(M)						
(Ft)		(Ft)						
<b>Existing Bridges:</b>								
NBIP Structure Number	Structure Type	Over-all Length		Clear Roadway	Safe Load	Suff. Rating	Rating Year	Posted
		(M)	(Ft)	(M) (Ft)				
		(M)	(Ft)	(M) (Ft)				
<b>Proposed New Bridges:</b>								
Structure Type		Over-all Length		Clear Roadway				
		(M)	(Ft)	(M)	(Ft)			
		(M)	(Ft)	(M)	(Ft)			
<b>Railroad Crossings:</b>								
Company Name	No. of Tracks	Main Tracks	Other Tracks	Avg. Trains Daily	Min. Vis. @ 300'	Present Protection	Proposed Protection	
	2	2	2	200002	30000'	None		

Comments:

## REQUEST FOR CONSTRUCTION PROJECT

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP) to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments.

Please show below your estimate of the cost of any of the following non-participating work phases for this proposed project.

**Preliminary Engineering (PE)**

Please estimate the payments you will make to your consultant. If your agency will perform its own PE, include your estimated direct costs plus overhead.

**Rights of Way (R/W)**

Please estimate the payments you will make to landowners.

**Utility Adjustments (UTIL)**

Please estimate the total of any payments you will make to utility companies for adjustments to utilities located on private easements.

**ESTIMATED** non-construction costs are as follows:

Preliminary Engineering _____	\$	<u>26,711</u>
Rights of Way _____	\$	<u>0</u>
Utility Adjustments _____	\$	<u>0</u>
Other <u>CE</u> _____	\$	<u>39,417</u>
ESTIMATED Total for Project	\$	<u><u>66,128</u></u>

## **STAFF REPORTS**

**A. Finance and Administration Director Polian**

**B. Chief of Police Hephner**

**C. Fire Chief Tormey**

**D. Community Development Director Utecht**

- Code Enforcement January 2015 Report

**E. City Superintendent Holper**

- Public Works Report

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

**G. City Engineer Golka**

**H. City Attorney Arbuckle**

**I. City Administrator Pile**

**Code Enforcement January 2015**  
**Reported by Officer Cindy Plant, Code Enforcement Officer**

- Impounding activity that occurred January, 2015 is as follows:

Date	Time	Type of Dog	Results
9	4:10	Male Shiba Inu	Taken to the Ark Valley Animal Hospital – 4:25. This dog was transferred to the VC Animal League.
19	2:44	Female Pit bull	Taken to the Ark Valley Animal Hospital – 2:59. This dog was reclaimed the same day.
20	10:00	Male Mastiff	Taken to Ark Valley Animal Hospital – 10:05. This dog was claimed on the 1/21/15.
20	10:00	Male Lab mix	Taken to Ark Valley Animal Hospital – 10:00 This dog was claimed on 1/21/15.
23	4:28	Female Pit Bull	Taken to Ark Valley Animal Hospital – 4:33 This dog was claimed on the same day.
28	4:10	Feline Male	Taken to the Ark Valley Animal Hospital – 4:20 This cat was transferred to the VCAL.

- Answered Forty–nine calls for service during the month of January.
- Three dogs were impounded at the Ark Valley Animal Hospital.
- One cat was impounded at the Ark Valley Animal Hospital.
- Two barking reports were addressed.
- Four cruelty complaints were addressed.
- Thirteen calls were received for dogs at large.
- One call was received for livestock at large.
- One inspection was done for a livestock renewal license.
- Six dead animals were disposed of.
- One call was received for a skunk out in the daytime.
- Three traps were set for skunks and one trap was set for a raccoon.
- Two calls were received for sick or injured animals.
- Twenty–seven dog license renewal letters were sent to dog owners.
- Eleven letters were sent to homeowners for trash and debris in their yards.
- One letter was sent for an inoperable vehicle.
- One garage without a door complaint has been addressed.
- Attended the Valley Center Animal League Board Meeting.
- Attended court twice during the month.

# Public Works Update



VALLEYCENTER

## ADMINISTRATIVE

- Meetings with USD 262 to improve safety related to signage and lights
- Sold Tennet Sweeper to the City of Haysville
- 2014 NPDES Annual Report submitted to KDHE
- NPDES Stormwater Plan for 2014-2019 submitted to KDHE
- Conversions to new Valley Center logo on trucks & equipment

## STREETS

- 15,000 lb 2 post vehicle lift installed
- Storage shed for brine mixer installed
- Upgrades to vehicle safety lights

## WATER

- 2014 Water Usage Report submitted to KDHE
- Water main leak at 4th & Meeds

## WASTEWATER

- Point repairs. complete at 7 locations throughout the city
- 2014 Sludge Report submitted to KDHE
- New mixer has been installed in the Anoxic basin
- All lift stations have been cleaned by Mayer Specialty Services



### 2014 Facts

Sweeping	875 cubic ft .
Sludge Hauled	56,700 gallons
Locates	1,075
Grading	140 miles 400 times 277 hours
Meters replaced	136

### Spring Clean Up!

**April 18th**

**New this year,  
there will be a  
compost area  
available!**

## **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**