

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**APRIL 30, 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.*

**MAY 5, 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
    - April 21, 2015 Regular Council Meeting p 5
  - B. Appropriation Ordinance p 11
7. **PRESENTATIONS / PROCLAMATIONS p 16**
  - A. 2015 Law Enforcement Memorial Day p 17
8. **PUBLIC FORUM (Citizen input and requests) p 18**
9. **APPOINTMENTS p 18**
10. **COMMITTEES, COMMISSIONS p 18**
11. **OLD BUSINESS p 18**
12. **NEW BUSINESS p 18**
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  - B. Establish Budget Workshop, 6:00 P.M. May 12, 2015 p 22
  - C. Approval of Developers Agreement Valley Creek Estates and Valley Creek Estates 3<sup>rd</sup> Addition p 23
13. **CONSENT AGENDA p 28**
14. **STAFF REPORTS p 28**
15. **GOVERNING BODY REPORTS p 30**
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 April 21, 2015 Regular City Council Meeting as prepared by the City Clerk.

REGULAR COUNCIL MEETING  
APRIL 21, 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, Ben Anderson and Al Hobson.

Members Absent: None

Staff Present: Kristine A. Polian, Finance and Admin Director  
Mark Hephner, Police Chief  
Robert Tormey, Fire Captain  
Warren Utecht, Community Development Director  
Brenton Holper, City Superintendent  
Joshua Golka, City Engineer  
Barry Arbuckle, City Attorney

Press present: The Ark Valley News

### **APPROVAL OF THE AGENDA**

Mayor McNown added the election of a new Council President to the Agenda as Item A under New Business and an Executive Session to the Agenda as Item B under New Business.

Cicirello moved, second by Hobson, to approve the Agenda as amended. Vote yea: unanimous. Motion carried.

### **ADMINISTRATION AGENDA**

#### MINUTES – April 7, 2015 REGULAR CITY COUNCIL MEETING

Hobson requested correction to the Minutes under "Appropriation Ordinance" as it stated "Hobson moved, seconded by Hobson." To be correct to state "Hobson moved, seconded by Jackson."

Ben Anderson requested correction to the Minutes under "Members Absent: Terry Ishman and Ben Anderson," and stated that was incorrect and both Anderson and Ishman were present.

Jackson moved, second by Ishman, to approve the April 7, 2015 Council Minutes as amended. Vote yea: unanimous. Motion carried.

#### APPROPRIATION ORDINANCE – 04/21/2015

Hobson moved, seconded by Ishman, to approve the April 21, 2015, Appropriation Ordinance as presented. Vote Yea: Unanimous. Motion carried.

#### TREASURERS REPORT – MARCH 2015

Cicirello moved, seconded by Maschino to approve the Treasurers Report - March 2015. Vote Yea: Unanimous. Motion carried.

**PRESENTATIONS/PROCLAMATIONS**

2015 Arbor Day Proclamation. Mayor McNown presented the 2015 Arbor Day Proclamation

**PUBLIC FORUM**

Bill Arick, 201 S. Meridian, stated his concerns regarding how the businesses on Meridian are down due to the construction. He stated that paying \$30 for signs does not seem appropriate. He stated the side streets and alleys are getting really bad from drivers using these routes due to construction. He stated that new customers cannot get into the businesses in the area. He wants the business to get better updates as to what construction is next. He stated that he did not know gas lines and cable lines would be effected.

Angie Basden, who lives in the area that was annexed, wanted to get a quote for water and sewer in that area. She wanted to know the process to have street lights put up in the dark areas. She stated that snow removal only goes to Bella Vista and they are left out. She stated that she wants Valley Center police patrolling that area more. She stated that her neighbor has children and wanted to get the bus stop changed.

Nikki Hipps, 446 Meeds, stated that on Friday, April 10th, an ambulance was called to come to her neighbor's house and that she could see the ambulance passing their street. She stated that she yelled for people to keep calling 911 until they find the house while she performed CPR on the resident. She stated that she wants to know why the ambulance could not find the house and that this has happened before on her street.

**APPOINTMENTS** – None

**COMMITTEES, COMMISSIONS**

Maschino gave an update on the Community Center Commission. She stated that they met last Thursday with the architect and put together a concept plan that would include a new community building, library and meeting spaces. She expects a good draft of it at our next meeting in May.

**OLD BUSINESS**- None

**GOVERNING BODY REPORTS**COUNCILMEMBER LEFTOFF

Stated "I'm leaving and I learned a lot." She stated her one word of advice for the council is "collusion." She stated that council members are here for the community and not for each other. She also advised to the council that "if you have a question as to what the community wants, ask. Go around and ask. And appreciate them."

COUNCILMEMBER ISHMAN

Stated that his tenure as a council member has been short and he has been a man of few words. He thanked the community and the administration for the opportunity to serve. Then stated, "Thank you Mayor McNown for all of your service and a lot, a lot of years, sweat and tears. I believe that this council is headed in the right direction, continue to be visionary and thank you for this opportunity."

MAYOR MCKOWN

Stated that he extends his congratulations to the new mayor and council members. Then made the following statement:

"You will learn that public service is seldom glamorous and you rarely, if ever, succeed in pleasing everyone. To the governing body, always make it your goal to always make decisions that are in the best interest of the community at large. It may sound like an easy task but trust me that is not the case. I encourage you to always argue your point of view even when you know your view is in the minority. Fight hard for your position but at the end of the night, when the meeting adjourns, rest secured in the knowledge that the majority of members made the decision and that decision is the official decision of the city. Seize every opportunity to improve your knowledge of municipal government. It is complex and often times confusing. The good news is formal training opportunities are available. Difficult issues will arise and you will question why you ever signed up for this job. But if not for you, who would make the tough decisions? The voters have placed their trust in you to do their business, make sure you do not let them down."

Stated that from his prior career as a Wichita Police Officer, he heard a memorable poem entitled "What Cops Are Made Of," by Paul Harvey. He stated that there are two lines from that poem that all public servants should know. "A police officer must now everything and not tell. He must know where the sin is and not partake."

Stated that it is the council's job to set the goals and decide where the community should be at in ten years and that it is the job of city staff to make those goals a reality.

Stated that it has been a pleasure serving the community of Valley Center and he thanked the voters of Valley Center for entrusting him with this responsibility that began 14 years ago. He stated his wish for the new Council and Mayor is that, "you work together for the betterment of this outstanding community." Lastly, stated that Valley Center is in good hands and will continue to thrive.

FINANCE AND ADMIN DIRECTOR POLIAN

Stated the following:

"It has been an absolute pleasure working with you, Councilmember Lefttoff, and an absolute pleasure working with you Councilmember Ishman and certainly working with you Mayor McNow. Mayor McNow was on the committee that hired me, good, bad or indifferent. So to you, Mayor McNow, it has been an absolute pleasure, I've learned a great deal from you and I thank you."

**RECESS**

Mayor McNow motioned for a 10 minutes recess. Maschino moved, seconded by Jackson. Vote yea: unanimous. Motion carried.

**CALL TO ORDER**

Councilmember President Jackson called the meeting back to order at 7:45 p.m. with the following members present: Mayor Dove, Dale Kerstetter, Lou Cicerillo, Gina Gregory, Marci Maschino, Lionel Jackson, Ben Anderson and Al Hobson.

## **SWEARING IN OF THE NEW MAYOR AND COUNCIL**

Finance and Admin Director Polian swore in Dove as Mayor and then swore in Kerstetter, Gregory, Maschino and Anderson as Council Members.

## **NEW BUSINESS**

### ELECTION FOR COUNCIL MEMBER PRESIDENT

Kerstetter moved to nominate Maschino as President of the Council. Kerstetter moved, second by Jackson. Vote yea: unanimous. Motion carried.

### EXECUTIVE SESSION

Cicirello moved to have an Executive Session for 15 minutes, to include Finance and Admin Director Polian. Cicierllo moved, second by Hobson, Vote yea: unanimous. Motion carried.

Cicirello reported that no action was taken.

Cicirello moved to accept the resignation and severance package for Joel Pile and appoint George Kolb to be interim City Administrator. Cicierllo moved, second by Hobson, Vote yea: unanimous. Motion carried.

## **CONSENT AGENDA**

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

## **STAFF REPORTS**

### COMMUNITY DEVELOPMENT DIRECTOR UTECHT

Stated that there will be 400 letters being mailed to residents regarding the new flood plain map. He stated that there will be a hearing on May 11th at Valley Center Middle School from 1-8PM to address concerns and questions for residents that are now in the flood plain and what that means. He stated that he will address flood plain insurance and insurance discounts.

### CITY ENGINEER GOLKA

Stated that he continues to give Monday morning construction status report to the Governing Body, Ark Valley News and the Chamber of Commerce. Those updates include: what is closed, how to get around, current construction and what is planned for construction in the next week. He stated that the sequence of drive completion is to have Veterans Park drive, Arick & Sons drive, North Mall drive and North City Hall drive done first. Then they will work on completing the South Mall drive, South City Hall drive and the School District Office drive.

### FINANCE AND ADMIN DIRECTOR POLIAN

Stated that it should be a short transition for Mr. Kolb. She stated that she is the point of contact and that the new council members have email addresses.

## **GOVERNING BODY REPORTS**

### MAYOR DOVE

Stated that she wanted to thank the voters and is looking forward to being Valley Center's Mayor. She wanted to welcome the new members of council. She stated her thanks to the outgoing Mayor for the service he provided to the city and that she is looking forward to serving the city.

### COUNCILMEMBER KERSTETTER

Stated his thanks to the voters for this opportunity and wonders what he has gotten in to.

### COUNCILMEMBER CICIERLLO

Stated his welcome to the new Mayor and new council members. He stated to Kerstetter that he had the same feeling when he first started.

### COUNCILMEMBER GREGORY

Stated that she echoed the statements of Kerstetter. She appreciates the confidence the voters have placed in her and she wants to make sure that they know to contact her.

### COUNCILMEMBER MASCHINO

Stated her welcome to the two new council members. She stated that there is a lot of serious work to be done.

### COUNCILMEMBER JACKSON

Stated his welcome to the new members of the council and agreed that there is a lot of work to do. He stated that he agreed with Mr. Arick and that there are major holes in the roads that need to be fixed.

### COUNCILMEMBER ANDERSON

Stated that he echoes what everyone else had said.

### COUNCILMEMBER HOBSON

Stated his welcome and offered his advice to the new members: keep aspirin and Tylenol nearby and have a towel to cry on and to let your constituents cry on. Stated that this is a lot tougher than you think. He stated that he wanted to address what Mr. Arick said and wanted to know if we could address the alleys.

### **ADJORN -**

Hobson moved to adjourn, seconded by Maschino. Vote Yea: Unanimous.

**Meeting adjourned at 8:45 PM.**

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

**A. MINUTES:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the minutes of the April 21, 2015 Regular Council Meeting Minutes as presented / amended.**

## **ADMINISTRATION AGENDA**

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

Below is the proposed Appropriation Ordinance for May 5, 2015 as prepared by City Staff.

#### **May 5, 2015 Appropriation**

<b>Total</b>	<b>\$ 35,104.51</b>
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4/28/2015 2:42 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
0032	AFLAC							
	I-AF 201504025889		SUPPLEMENTAL INSURANCE	H	4/17/2015	73.22	045472	
	I-AF 201504165904		SUPPLEMENTAL INSURANCE	H	4/17/2015	73.22	045472	
	I-AFC201504025889		SUPPLEMENTAL INSURANCE	H	4/17/2015	68.16	045472	
	I-AFC201504165904		SUPPLEMENTAL INSURANCE	H	4/17/2015	68.16	045472	
	I-AFD201504025889		SUPPLEMENTAL INSURANCE	H	4/17/2015	86.79	045472	
	I-AFD201504165904		SUPPLEMENTAL INSURANCE	H	4/17/2015	86.79	045472	
	I-AFO201504025889		SUPPLEMENTAL INSURANCE	H	4/17/2015	12.35	045472	
	I-AFO201504165904		SUPPLEMENTAL INSURANCE	H	4/17/2015	12.35	045472	481.04
0354	LOYAL AMERICAN LIFE INSURANCE							
	I-ACC201504025889		LOYAL AMERICAN ACCIDENT	H	4/17/2015	6.35	045473	
	I-ACC201504165904		LOYAL AMERICAN ACCIDENT	H	4/17/2015	6.35	045473	
	I-CNC201504025889		LOYAL AMERICAN CANCER	H	4/17/2015	13.97	045473	
	I-CNC201504165904		LOYAL AMERICAN CANCER	H	4/17/2015	13.97	045473	40.64
0445	DELTA DENTAL OF KANSAS, INC.							
	I-DDS201504025889		DENTAL INSURANCE	H	4/17/2015	215.55	045474	
	I-DDS201504165904		DENTAL INSURANCE	H	4/17/2015	142.65	045474	
	I-DEC201504025889		DENTAL INSURANCE	H	4/17/2015	61.84	045474	
	I-DEC201504165904		DENTAL INSURANCE	H	4/17/2015	61.84	045474	
	I-DES201504025889		DENTAL INSURANCE	H	4/17/2015	156.85	045474	
	I-DES201504165904		DENTAL INSURANCE	H	4/17/2015	156.85	045474	
	I-DFM201504025889		DENTAL INSURANCE	H	4/17/2015	735.84	045474	
	I-DFM201504165904		DENTAL INSURANCE	H	4/17/2015	735.84	045474	2,267.26
0511	COVENTRY HEALTH CARE, INC.							
	I-M1E201504025889		MEDICAL INSURANCE- EMP COST	H	4/17/2015	20.10	045475	
	I-M1E201504165904		MEDICAL INSURANCE- EMP COST	H	4/17/2015	20.10	045475	
	I-M1F201504025889		MEDICAL INSURANCE- EMP COST	H	4/17/2015	189.96	045475	
	I-M1F201504165904		MEDICAL INSURANCE- EMP COST	H	4/17/2015	189.96	045475	
	I-M1S201504025889		MEDICAL INSURANCE- EMP COST	H	4/17/2015	43.22	045475	
	I-M1S201504165904		MEDICAL INSURANCE- EMP COST	H	4/17/2015	30,116.17	045475	30,579.51
0566	SURENCY LIFE AND HEALTH							
	I-VMF201504025889		VISION INSURANCE	H	4/17/2015	129.05	045476	
	I-VSS201504165904		VISION INSURANCE	H	4/17/2015	4.21	045476	133.26
0566	SURENCY LIFE AND HEALTH							
	I-VES201504025889		VISION INSURANCE	R	4/17/2015	8.84	045477	
	I-VES201504165904		VISION INSURANCE	R	4/17/2015	8.84	045477	
	I-VMC201504025889		VISION INSURANCE	R	4/17/2015	16.62	045477	
	I-VMC201504165904		VISION INSURANCE	R	4/17/2015	16.62	045477	
	I-VME201504025889		VISION INSURANCE	R	4/17/2015	23.10	045477	
	I-VME201504165904		VISION INSURANCE	R	4/17/2015	23.10	045477	
	I-VMF201504165904		VISION INSURANCE	R	4/17/2015	96.84	045477	
	I-VMS201504025889		VISION INSURANCE	R	4/17/2015	38.72	045477	
	I-VMS201504165904		VISION INSURANCE	R	4/17/2015	38.72	045477	
	I-VSS201504025889		VISION INSURANCE	R	4/17/2015	4.22	045477	275.62

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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
0085	LAURIE B WILLIAMS							
I-REB201504165904	CASE # 13-12943	R	4/17/2015	200.00		045478		200.00
0210	SECURITY BENEFIT							
I-SCB201504165904	DEFERRED COMPENSATION	R	4/17/2015	377.38		045479		377.38
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201504165904	CASE # 11LWAD00059	R	4/17/2015	67.00		045480		67.00
0658	LINEBARGER GOGGEN BLAIR & SAMP							
I-JGK201504165904	CASE NO. 14ST2345IC	R	4/17/2015	682.80		045481		682.80

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	5	1,602.80	0.00	1,602.80
HAND CHECKS:	5	33,501.71	0.00	33,501.71
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:	10	35,104.51	0.00	35,104.51
BANK: APBK TOTALS:	10	35,104.51	0.00	35,104.51
REPORT TOTALS:	10	35,104.51	0.00	35,104.51

4/28/2015 2:42 PM

A/P HISTORY CHECK REPORT

PAGE: 3

SELECTION CRITERIA

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VENDOR SET: \* - All

VENDOR: ALL

BANK CODES: All

FUNDS: All  
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CHECK SELECTION

CHECK RANGE: 045472 THRU 045491

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 May 5, 2015 Appropriation Ordinance as presented / amended.**

## **PRESENTATIONS / PROCLAMATIONS**

### **A. PROCLAMATION:**

- **2015 LAW ENFORCEMENT MEMORIAL DAY**

## PROCLAMATIONS

### Proclamation for Law Enforcement Memorial Day

**WHEREAS**, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

**WHEREAS**, the members of the law enforcement agency of Valley Center play an essential role in safeguarding the rights and freedoms of the citizens of Valley Center, Kansas; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, the Police Department of Valley Center has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

**NOW, THEREFORE**, I, Laurie Dove, Mayor, call upon all citizens of Valley Center and upon all patriotic, civil and educational organizations to observe the week of May 11 through 15<sup>th</sup>, 2015, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**I FURTHER** call upon all citizens of Valley Center, Kansas to observe May 15<sup>th</sup>, 2013 as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Valley Center to be affixed.

Done at the City of Valley Center, Kansas this May 5, 2015.

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Laurie Dove, Mayor

Attest: \_\_\_\_\_  
                     Kristine A Polian,  
                     Finance and Administration Director

**PUBLIC FORUM**

**APPOINTMENTS**

**COMMITTEES, COMMISSIONS**

**OLD BUSINESS**

**NONE**

**NEW BUSINESS**

**A. APPROVAL OF FY 2016 BUDGET CALENDAR:**

- 2016 Budget Calendar

## **2016 Budget Process Calendar**

### **2015**

May 12 <sup>th</sup>	Council Goal Setting & Current Issue Discussion – Department Heads / City Council / Mayor - 6:00pm <i>(special workshop)</i>
May 20 <sup>th</sup>	Department Budgets Requests & Outcomes Due to City Administrator (Discussion at Staff Meeting)
May 21 <sup>st</sup> – May 29 <sup>th</sup>	Individual Meetings with Departments / City Administrator
May 27 <sup>th</sup>	Budget Meeting (Review Draft Budget) – Department Heads (Staff Meeting)
June 16 <sup>th</sup>	Budget Update (City Administrator & City Staff Presentation) – Full Council (Council Mtg.)7:00pm
June 20 <sup>th</sup>	Statement of Bonded Indebtedness Due to County Clerk
July 21 <sup>st</sup>	Presentation of Draft Budget & Approve Publication of Notice of Hearing (Council Mtg.) 7:00pm
July 23 <sup>rd</sup>	Publication of Budget and Hearing in Ark Valley News <i>*10 days prior to hearing (K.S.A. 79-2929).</i>
August 4 <sup>th</sup>	Public Hearing (Council Mtg.) 7:00pm
August 18 <sup>th</sup>	Approval 2014 Budget (Council Mtg.) 7:00pm
August 25 <sup>th</sup>	Last Day for Filing Budget Certification (K.S.A. 79-1801, 79-2930)
September 12 <sup>th</sup>	Budget posted on the web
October 24 <sup>th</sup>	Budget Submitted to GFOA for review

**NEW BUSINESS**

**RECOMMENDED ACTION**

**A. APPROVAL OF FY 2016 BUDGET CALENDAR:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to approve FY 2016 Budget Calendar.**

**NEW BUSINESS**

**B. ESTABLISH BUDGET WORKSHOP, 6:00 P.M. MAY 12, 2015:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to set 6:00 P.M., May 12, 2015 at City Hall as the time, date and place to conduct a workshop re: the FY 2016 Budget.**

## **NEW BUSINESS**

### **C. APPROVAL OF DEVELOPERS AGREEMENT INVOLVING LOTS IN VALLEY CREEK ESTATES AND VALLEY CREEK ESTATES 3<sup>rd</sup>:**

- Developers Agreement

**Developers Agreement involving lots in  
Valley Creek Estates and Valley Creek Estates 3<sup>rd</sup> Addition  
Between Valley Creek LLC and the City of Valley Center, Kansas**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between Valley Creek LLC hereinafter referred to as the "DEVELOPER" and the City of Valley Center, Kansas, hereinafter referred to as the "CITY" involves public improvements to 24 platted lots as legally described:

- Lots 10,11,12,13,14,15,16,17,32,33,34,35,36,37,38,39 Block A, Valley Creek Estates Addition
- Lots 5,6,7,8 Block E, Valley Creek Estates Add.
- Lots 1,2,3,4, Block A, Valley Creek Estates 3<sup>rd</sup>. Addition

WHEREAS, The City has approved the final plat of Valley Creek Estates and Valley Creek Estates 3<sup>rd</sup> Addition, and

WHEREAS, the Developer has requested the City construct streets, storm sewer, sanitary sewer, and water services, to make the 24 lots saleable for single-family homes, and

WHEREAS, the developer desires to move ahead with said improvements funded by short term borrowing on the part of the City of Valley Center, which will transition into special assessments spread against each of the 24 lots, and

WHEREAS, payment of these special assessments will be divided over a 20 year period, and become part of the annual taxes on each of the 24 lots, and

WHEREAS, if any of the lots are not sold after special assessments become due, the Developer will responsible to pay for any outstanding special assessments on unsold lots.

IN ADDITION, the parties agree to the following stipulations:

1. The Developer shall furnish an irrevocable letter of credit upon which the City can draw from in case the Developer fails to complete the project or does not have the financial capability to make payments to contractors involved in the project. Notwithstanding the expiration date of issuance, it is understood the letter of credit shall be automatically renewed for additional 2 year periods unless the City notifies the Developer in writing at least sixty (60) days prior to the then relevant expiration date that it will not be renewed, at which time the Developer may draw up to the full amount to credit available at the time. Upon development (issuance of certificate of completion permits by the City of Valley Center) of 50% of the above described lots, the City of Valley Center will, by written instruction, authorize the release of this letter of credit, provided however, that before it is released, the City of Valley Center shall be entitled to a partial drawing against the credit in the amount of any delinquent special assessments then outstanding against the lots involved in this agreement.

2. The City Engineer will prepare construction documents, bid the work and award contracts subject to approval of the City Council.
3. The Developer does hereby agree to hold the City harmless from any liability of damages that may occur during construction. All contractors shall provide proof of coverage for builder's risk, public liability and property damage insurance satisfactory to the City prior to starting construction.
4. The Developer will be responsible to provide all original purchasers of lots a copy of the Developer's Agreement at the time of purchase.
5. The Developer shall keep all lots covered by this Agreement clean and mowed to a height not to exceed twelve (12) inches, and proper BMP installed and maintained throughout the construction period.
6. No construction will be allowed on any portion of the lots involved in this agreement until all road construction and utility installation has been completed and inspected by the City Engineer, and a building permit has been issued to a licensed contractor.
7. The City will file this Developer's Agreement, as approved by the Valley Center City Council with the Sedgwick County Register of Deeds. A copy of this Developer's Agreement showing said recording shall be furnished to the Developer.
8. The terms and conditions set forth herein shall be binding upon the heirs, personal representatives, trustees, successor's, and assigns of the parties hereto.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015

Valley Creek, LLC

By: \_\_\_\_\_  
James G. Goentzel, General Manager

City of Valley Center, Kansas

By: \_\_\_\_\_  
Laurie Dove, Mayor

Attest:

\_\_\_\_\_  
Kristine Polian, City Clerk

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned a Notary Public in and for the County and State aforesaid, James G. Goentzel as General Manager of Valley Creek, L.L.C., a Kansas Limited Liability Company, personally known to me to be the same person who has agreed to the terms of this Developer's Agreement, and such person duly acknowledged the execution of the same, for and behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

\_\_\_\_\_  
Notary Public

(My Commission Expires: \_\_\_\_\_)

**NEW BUSINESS**

**RECOMMENDED ACTION**

**C. APPROVAL OF DEVELOPERS AGREEMENT INVOLVING  
LOTS IN VALLEY CREEK ESTATES AND VALLEY  
CREEK ESTATES 3<sup>rd</sup>:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to approve Developers Agreement involving lots in Valley Creek Estates and Valley Creek Estates 3<sup>rd</sup> and authorize Mayor to sign.**

## **CONSENT AGENDA**

**NONE::**

## **STAFF REPORTS**

**A. Finance and Administration Director Polian**

**B. Chief of Police Hephner**

**C. Fire Chief Tormey**

**D. Community Development Director Utecht**

➤ Code Enforcement March 2015 Report

**E. City Superintendent Holper**

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

**G. City Engineer Kelsey**

**H. City Attorney Arbuckle**

**I. Interim City Administrator Kolb**

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

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

Date	Time	Type of Dog	Results
3	3:30	Female Dachshund	Taken to the Ark Valley Animal Hospital –3:35. This dog was claimed the same day.
9	2:06	Female Beagle	Taken to the Ark Valley Animal Hospital – 2:10. This dog was reclaimed the same day.
24	3:42	Male Maltese	Taken to the Ark Valley Animal Hospital – 3:50 This dog was claimed the following day.
24	10:00	Female Bassett Hound	Taken to the Ark Valley Animal Hospital – 10:10 This dog was claimed the same day.
26	12:24	Female Pit Bull	Taken to the Ark Valley Animal Hospital – 12:35 This dog was claimed the following day.

- Answered fifty–seven calls for service during the month of March.
- Seven dogs were impounded at the Ark Valley Animal Hospital.
- Two skunk complaints were addressed.
- Two bite reports were addressed.
- Fifteen calls were received for dogs at large.
- One cruelty complaint was addressed.
- One barking dog complaint was addressed.
- Four dead animals were disposed of.
- Addressed one call of a home with too many animals.
- Three sewer complaints were addressed.
- Two traps one for a skunk, and one trap was set for raccoon.
- Two citations were issued for failure to pay for solid waste.
- One letter was sent for an inoperable vehicle.
- Legal papers were served.
- Seven zoning complaints were addressed.
- Seventy-eight dog license renewal letters were sent to dog owners.
- Seventeen letters were sent to homeowners for trash and debris in their yards.
- Attended the Valley Center Animal League Board Meeting.
- Attended court twice during the month.

## **GOVERNING BODY REPORTS**

**A. Mayor Dove**

**B. Councilmember Kerstetter**

**C. Councilmember Cicirello**

**D. Councilmember Gregory**

**E. VACANT**

**F. Councilmember Maschino**

**G. Councilmember L. Jackson**

**H. Councilmember Anderson**

**I. Councilmember Hobson**

**ADJOURN**