

# CITY OF VALLEY CENTER

**FINAL AGENDA**

**FEBRUARY 25, 2016**

*THE CITY COUNCIL SHALL HOLD ITS REGULAR MEETINGS IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN, BEGINNING AT [6:00 P.M.](#)*

**MARCH 1, 2016**

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 16, 2016 Regular Council Meeting p 5
7. **PRESENTATIONS / PROCLAMATIONS p 10**
  - A. Police Department Year End Report p 11
  - B. Recognition of Darrell Rogers Retirement after 28 years of service p 23
8. **PUBLIC FORUM (Citizen input and requests) p 23**
9. **APPOINTMENTS p 23**
10. **COMMITTEES, COMMISSIONS p 23**
11. **OLD BUSINESS p 24**
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  - B. Approval of Master Cost Sharing Agreement with Valley Center School Board for School Resource Officers p 31
  - C. Ordinance 1291-16; regarding Temporary Construction Easements p 40  
(to be distributed at Council Meeting)
12. **NEW BUSINESS p 42**
  - A. Request to Purchase Tractor for Park & Public Building Department p 43
13. **CONSENT AGENDA p 45**
  - A. Appropriation Ordinance; March 1, 2016 p 46
14. **STAFF REPORTS p 53**
15. **GOVERNING BODY REPORTS p 56**
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 16, 2016 Regular City Council Meeting as prepared by the City Clerk.

REGULAR COUNCIL MEETING  
February 16, 2016  
CITY HALL  
121 S. MERIDIAN

Mayor Laurie Dove called the meeting to order at 7:00 p.m. with the following members present: Dale Kerstetter, Lou Cicirello, Gina Gregory, Brendan McGettigan, Marci Maschino, Lionel Jackson, Ben Anderson and Al Hobson.

Members Absent: None

Staff Present: George Kolb, Interim City Administrator  
Mark Hephner, Police Chief  
Rob Tormey, Fire Captain  
Brent Holper, City Superintendent  
Neil Owings, Parks and Public Buildings Superintendent  
Ryan Shrack, Community Development Director  
Joshua Golka, City Engineer  
Barry Arbuckle, City Attorney  
Kristi Carrithers, City Clerk  
Ted Henry, Asst. City Treasurer

Press present: The Ark Valley News

**APPROVAL OF THE AGENDA**

Maschino moved to approve the amended Agenda, second by Jackson. Vote yea: unanimous. Motion carried.

**ADMINISTRATION AGENDA**

MINUTES – FEBRUARY 2, 2016 REGULAR CITY COUNCIL MEETING

Gregory moved to accept the minutes of the February 2, 2016, regular City Council meeting, seconded by Cicirello. Vote yea: unanimous. Motion carried.

2015 YEAR IN REVIEW

Henry presented to the Council a summary of the 2015 Budget. Regarding the expense for housing inmates, Cicirello questioned whether the fees could be charged back to the inmates. Kolb stated that they could look into that possibility.

Hobson moved to accept the 2015 budget summary, seconded by Cicirello. Vote yea: unanimous. Motion carried.

**PRESENTATIONS/PROCLAMATIONS** –None

**PUBLIC FORUM** – None

**APPOINTMENTS** – None

**COMMITTEES, COMMISSIONS** – None

**OLD BUSINESS** –

A) TAX LID DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION AS RECOMMENDED BY REAP

Kolb has met with members of the Regional Economic Area Partnership (REAP) regarding HB 2109 addressing a tax lid for City and County governments. Kolb presented to Council a proposed Resolution to oppose the tax lid and the restrictions it places on local government.

Cicirello pointed out that he feels that local governments have been much better with their budgets than the State.

Maschino moved to adopt Resolution 648-16, as recommended by REAP in opposition to Tax Lid Legislation HB 2109. Hobson seconded the motion. Vote yea: unanimous. Motion carried.

**NEW BUSINESS-**

A. DISCUSSION REGARDING LEEKERS PAVING IMPROVEMENTS

Citing a conflict of interest, Maschino excused herself from the discussion.

Golka presented to Council some of the background of a previous traffic study and proposed options presented to Leeker's Family Food Store. In order to have the least disruptive impact upon the store, yet improve the safety of traffic, bids were obtained for a proposal to install a 2" lip curb at the north entrance into the Leeker's Family Food Store. This proposal would allow right turn in and right turn out of the north entrance. Varga had the successful bid for the project at a cost of \$5250.00. The project would take approximately two weeks to complete.

Council members discussed the project and raised concerns whether this is the best option or even necessary. Kolb and City Attorney Arbuckle both stated that not doing anything could leave the City liable. Cicirello wondered if simply installing "No Left Turn" signs would be sufficient. Hobson questioned when this driveway became "un-safe." Anderson noted that the City should do everything possible to minimize liability.

Chris Steindler, manager of Leeker's Family Foods, addressed Council. He opposed the proposal for the 2" lip curb. He feels that delivery trucks could be damaged turning into the north driveway, and worries about customer safety if trucks are forced to use the south entrance and then pass directly in front of the store to make deliveries. Steindler couldn't say for certain whether the "large" delivery trucks currently make right or left turns into the north entrance.

No formal action taken by council.

B. DISCUSSION ON REQUEST OF ANNEXATION VALLEY CENTER HIGH SCHOOL

Arbuckle presented to Council the legal requirements to complete an island annexation of the Valley Center High School. The agriculture land south of the High School would not be included with annexation at this time. Kolb has had requests for other annexation.

Council discussed how the cooperative 93<sup>rd</sup> Street project with the county would be effected by an annexation of the High School. Holper stated the 93<sup>rd</sup> St. project is scheduled to be completed before any annexation would be approved, and would not be effected.

Kerstetter asked about benefits to package all annexation requests at one time. Kolb stated that because it is very early in the request process, the City can go either way.

Hobson moved to proceed with an island annexation of the Valley Center High School. Cicirello seconded the motion. Vote Yea: Cicirello, Gregory, McGettigan, Maschino, Jackson, Anderson, and Hobson. Opposed: Kerstetter Motion carried.

C. 2016 ABATEMENT REVIEW

Shrack reported that the Economic Development Board met to review the Tax Abatement renewal petitions. Shrack also requested that the Council renew the tax abatement for Retro-Systems.

Cicirello moved to adopt the findings of the Economic Development Committee. Kerstetter seconded the motion. Vote Yea: Kerstetter, Cicirello, Gregory, McGettigan, Maschino, Jackson, Anderson. Opposed: Hobson Motion carried.

Cicirello moved to renew Retro System tax abatement request for 2016. Kerstetter seconded the motion. Vote Yea: Kerstetter, Cicirello, Gregory, McGettigan, Maschino, Jackson, Anderson. Opposed: Hobson Motion carried

D. ADOPTION OF RESOLUTION OF NECESSITY TO CONDEMN PROPERTY FOR GOFF STREET SIDEWALK

Holper stated that approximately one half of the property owners effected by the Goff Street sidewalk project have accepted the easement offer. The next step in the process is a Resolution to authorize under eminent domain, temporarily take real estate for the construction of pedestrian sidewalks. All property owners have been contacted regarding the process and will receive monetary compensation regardless if they sign the contract or if the easement is taken by eminent domain.

Cicirello moved to adopt Resolution 649-16 to begin necessary condemnation process for temporary easement for the Goff Street Sidewalk project. Anderson seconded the motion. Vote yea: unanimous. Motion carried.

E. EXECUTIVE SESSION TO DISCUSS LAND PURCHASE

Cicirello moved, seconded by Anderson, to recess into Executive Session for a period of 10 minutes, to discuss Land Acquisition. Vote Yea: Unanimous. Motion carried.

Recess started at 8:29 PM

Recess ended at 8:39 PM

- Cicirello reported no action was taken during Executive Session.

Cicirello moved, seconded by Anderson, to approve the purchase of property located at 1559 S. Meridian for a purchase price of \$20,000.00. Vote Yea: Unanimous. Motion carried.

**CONSENT AGENDA**

- A. APPROPRIATION ORDINANCE
- B. TREASURER'S REPORT
- C. REVENUE AND EXPENSE SUMMARIES, JANUARY 2016
- D. DELINQUENT ACCOUNTS FOR COLLECTION
- E. CHECK RECONCILLATION, JANUARY 2016

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

**STAFF REPORTS**

CITY SUPERINTENT HOLPER

Reported that KDHE inspected the wastewater treatment plant on January 20, 2016. The inspection was favorable with few recommended improvements. The department is working with Westar Energy on intersection lights. Westar is in the process of replacing lights with LED lights as current lights go out. His crew has not found any damage from the recent earthquakes.

PARK AND PUBLIC BUILDING SUPERINTENDENT OWINGS

Owings is getting price quotes and options for a tractor for his department. The current tractor being used to pull the 11' mower will need significant repairs, and would be cost effective to replace instead of repair; He is also receiving quotes to trade the old tractor for the new tractor. Funding will come from the equipment reserve account.

INTERIM CITY ADMINISTRATOR KOLB

Kolb reported that the joint meeting with the School Board and Legislators scheduled for February 29, 2016 has been cancelled.

Two architects have expressed interest regarding development of a concept study for the un-developed Ford Street Property. Kolb asked how the Council would like to proceed with the project. Maschino recommended that each architect present to full Council prior to the next Council meeting. The March 1, 2016 regular City Council meeting will begin at 6:00pm. Each architect will be allotted 30 minutes on the agenda for presentations at the beginning of the meeting.

**GOVERNING BODY REPORTS - None**

Hobson moved to adjourn, second by Anderson. Vote Yea: Unanimous.

**ADJOURN -**

**Meeting adjourned at 8:57 PM.**

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**Kristi Carrithers, City Clerk**

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

**A. MINUTES:**

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the minutes of the February 16, 2016 Regular Council Meeting as presented / amended.**

## **PRESENTATIONS / PROCLAMATIONS**

### **A. POLICE DEPARTMENT YEAR END REPORT:**

# POLICE DEPARTMENT



2/18/2016

Year End Report 2015 Edition

This is the yearly information regarding activities of the police department for 2015

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# Police Department

## YEAR END REPORT 2015 EDITION

### MISSION STATEMENT

THE VALLEY CENTER POLICE DEPARTMENT WILL OFFER ETHICAL AND RELIABLE LAW ENFORCEMENT FOR ITS CITIZENS. THE OFFICERS OF VALLEY CENTER WILL PROVIDE FAIR AND PROFESSIONAL SERVICE TO CITIZENS REGARDLESS OF AGE, RACE, SEX, OR RELIGION. WE WILL WORK WITH THE CITIZENS OF VALLEY CENTER TO PROVIDE A SAFE NURTURING ENVIRONMENT FOR THE COMMUNITY. OFFICERS WILL STRIVE TO BE GOOD ROLE MODELS AND MENTORS TO OUR CITIZENS. WE WILL DISPLAY A POSITIVE ATTITUDE REGARDLESS OF THE SITUATION. THE PROTECTION OF EACH PERSON'S RIGHTS UNDER THE LAW IS PARAMOUNT.

### Accomplishments

The Valley Center Police Department has accomplished a lot in 2015. Detective Jay Grayson was recognized as Police Officer of the Year by the State American Legion. He was recognized for his many community policing initiatives and his mentorship with local youth.

The department started with the Guardian Program. This program allows documentation of records for employees in a more efficient manner. The program allows tracking of positive work, use of force incidents, community policing activities, complaints, attendance and accomplishments.

The department also started with Lexipol to help the department and officers stay current on policies. The program also provides daily training and testing on policy. This will ensure officers are up to date on critical issues and policy such as use of force. This is a program that is recommended by KACP.

The police and fire departments were required to update MDT's because of updates to the CAD system at Sedgwick County. We began a three year lease program with Dell in order to keep our equipment up to date.

The department is back to full staffed. We had two officers leave and go to Bel Aire. We have since hired Ryan Mumma and Erik Nygaard, they attended KLETC and have completed FTO. Sara Schaller was recently hired and is currently attending KLETC. With the adding of an SRO at the High School another officer will have to be hired.

## **Community Relations**

It is important the department considers issues ongoing across the nation regarding police community relations. One of the top issues raised has been the issue of police worn body cameras. Citizens want to be sure police are treating all citizens fairly. The Valley Center Police Department was one of the first departments in this area to have its patrol officers wear body cameras. The department first experimented with body worn cameras in 2008 and was able to purchase enough for patrol officers through a Byrnes grant in 2011. Virtually all citizen complaints have been successfully resolved because of the body worn cameras.

The department was able to put an SRO back in the schools (Middle & Intermediate) by applying for and receiving a COPS grant. The SRO started back in the schools in the second semester of the 2013 school year. Officer Adams has been able to establish positive relationships with students, help deal with problem students, and aggressively deal with tardy and absent students. The SRO in the schools also provides an extra level of security for students. Officer Adams has been the driving force in making this program a success. Officer Easley is to be commended for his efforts in writing the grant application. Officer Adams has started the SHOW program this past year. Students Honoring Out Warriors is a club where students have sent goodie bags to troops overseas, visit veterans at the VA hospital, welcoming home senior veterans from Honor Flights, and hosting the first annual Veterans Day breakfast at the Middle School.

Valley Center will soon be placing an SRO in the high school. The chief and the sheriff came to an agreement of terms to allow this to happen. The city and the school district have come to terms to make this happen. This will allow the SRO program to continue on with programs started in the Intermediate and Middle Schools.

The department now has a Facebook page. The department has just gone over 1000 likes. We will continue to find innovative ways to get more community members to follow us at: [https://www.facebook.com/VCPoliceandFire?hc\\_location=timeline](https://www.facebook.com/VCPoliceandFire?hc_location=timeline). Citizens can now check the crime rate in their own neighborhood. In August the department has begun posting interactive pin maps on Facebook showing crimes that have occurred in their neighborhood.

The department has four officers that are CIT trained in dealing with persons with mental illness. CIT International is a non-profit membership organization whose primary purpose is to facilitate understanding, development and implementation of Crisis Intervention Team CIT programs throughout the United States and in other nations worldwide in order to promote and support collaborative efforts to create and sustain more effective interactions among law enforcement, mental health care providers, individuals with mental illness, their families and communities and also to reduce the stigma of mental illness. The department will move forward to get more officers CIT trained to provide better service to our community.

Detective Grayson has worked hard at identifying resources available to our citizens as different needs arise. The more resources the department has available the more effective we are. Detective Grayson has made personal contacts with persons at many of these agencies such as The Salvation Army, Women's Crisis Center, Wichita Police Department Domestic Violence Section, Exploited and Missing Childs Unit,

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**Police Department**

Union Rescue Mission, Youth Horizons, Lady Bug House (adolescent female group home), and Operation Holiday. He has served on the Anti-Bullying Taskforce for the school district. Accessing these resources and making proper referrals makes the department more effective. The department takes pride in working on the true issues, problems and root causes for a more successful long term outcome. Detective Grayson has also worked hard at establishing good relationships with the elderly by regularly visiting Sunflower Gardens and at the Community Center. He also has done the same thing at New Hope.

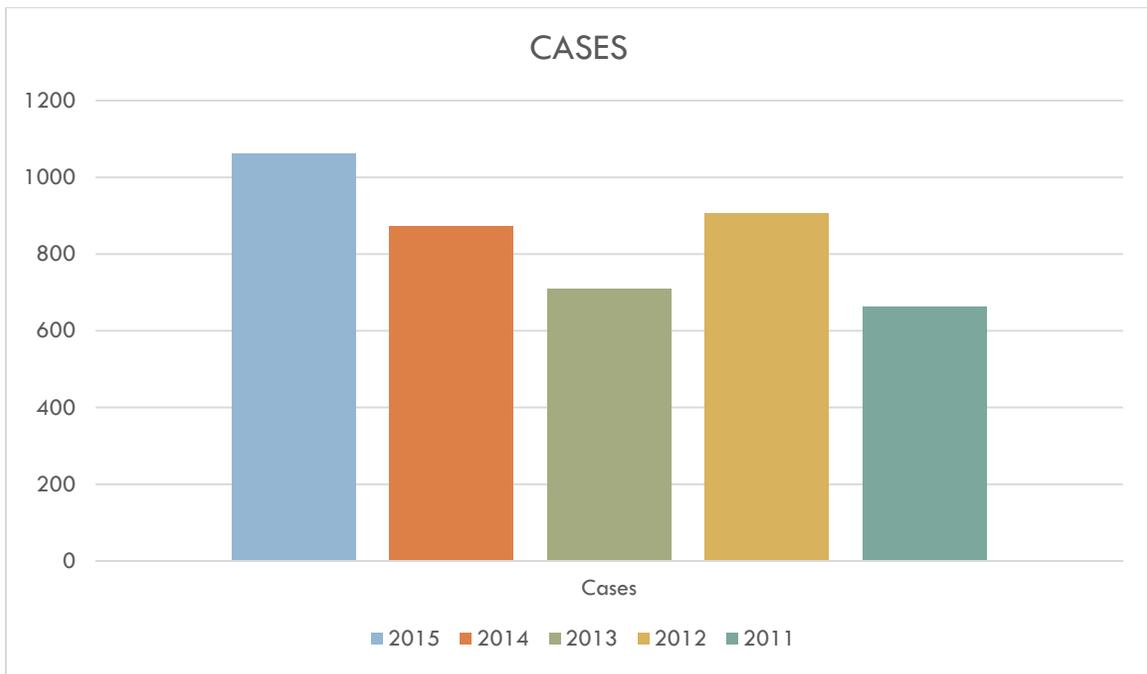
The department has worked on several Traffic Safety Projects with the state sponsored Special Traffic Enforcement Program (STEP) and Operation Impact where we have identified traffic issues and worked special enforcement in those areas to prevent car crashes. Also this has promoted study of traffic flow issues around the schools to help make traffic and pedestrian flow more smoothly and safer. VCPD was able to get a new Lidar (handheld radar) partially funded by participating in state wide traffic enforcement programs. Sgt Vogt has been taking the leadership in implementing these programs

Sgt. Vogt continued work with the Operation Lifesaver Rail Safety Education Program by giving programs to all age groups and participating in special enforcement projects in the Valley Center and Wichita area to promote railroad crossing safety awareness and the prevention of trespassing. Sgt. Vogt also serves as President for the Kansas Operation Lifesaver Board of Directors.

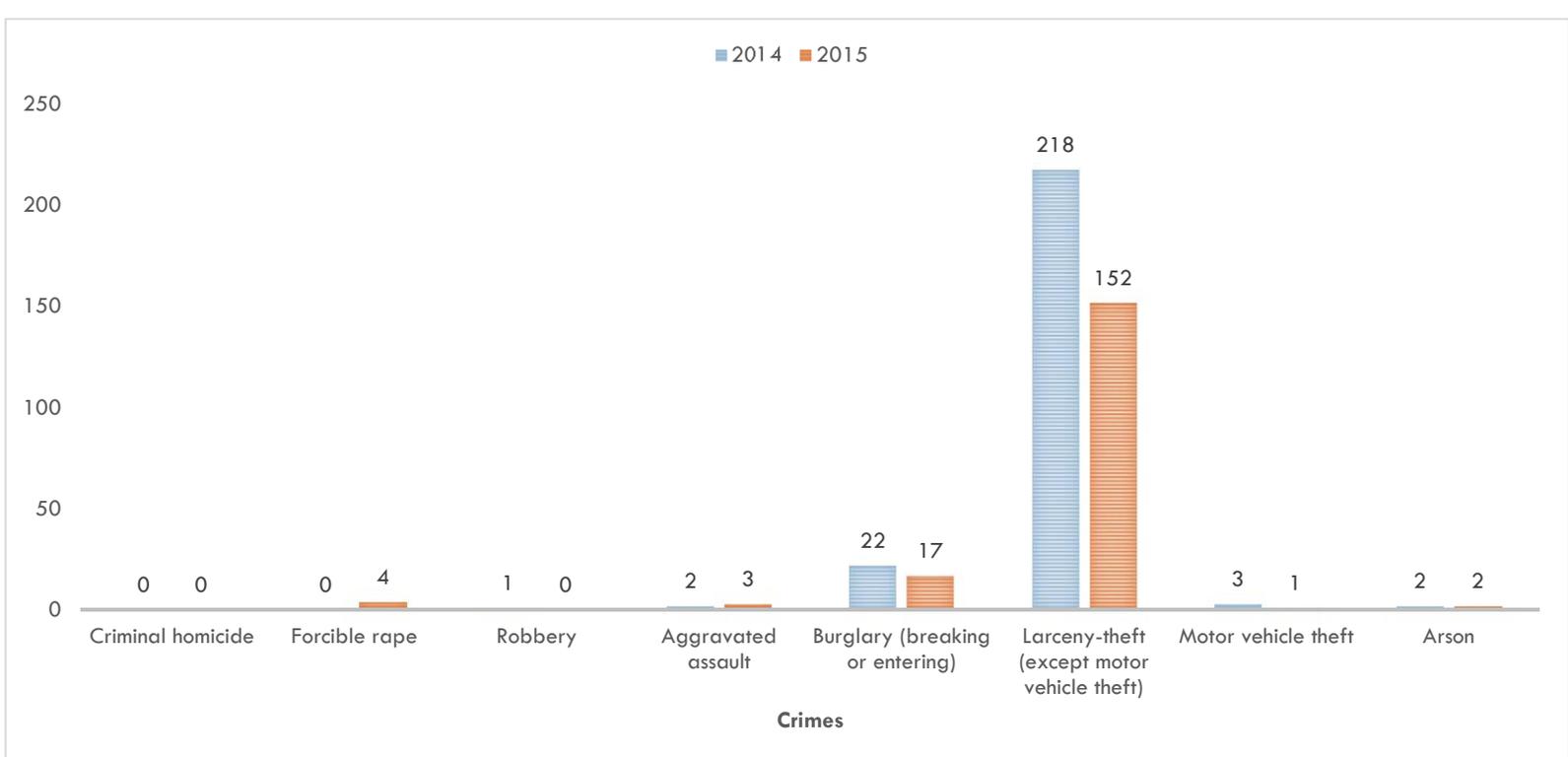
**Patrol**

1. In 2015 the police department documented 1061 cases. This compares to 872 for 2014, 710 for 2013, 905 in 2012 and 661 in 2011. (charted below)
2. Serious traffic accidents usually involve persons under the influence of drugs or alcohol. The department has steadily increased its DUI enforcement under the direction of our new night supervisor (Sgt Delgado). In **2015** the department made **18** arrests. This is an increase from 8 in 2014, 6 in 2013 and 2 in 2012.
3. Response times to calls are divided into two categories emergency and non-emergency. In 2015 the average emergency response time is 1.97 minutes. Non-emergency average response time is 7.73.
4. Patrol officers have also focused on illegal drug enforcement. In **2015** VCPD made **43** drug arrests. This compares to 22 in 2014, 17 in 2013 and 19 in 2012.

Police Department



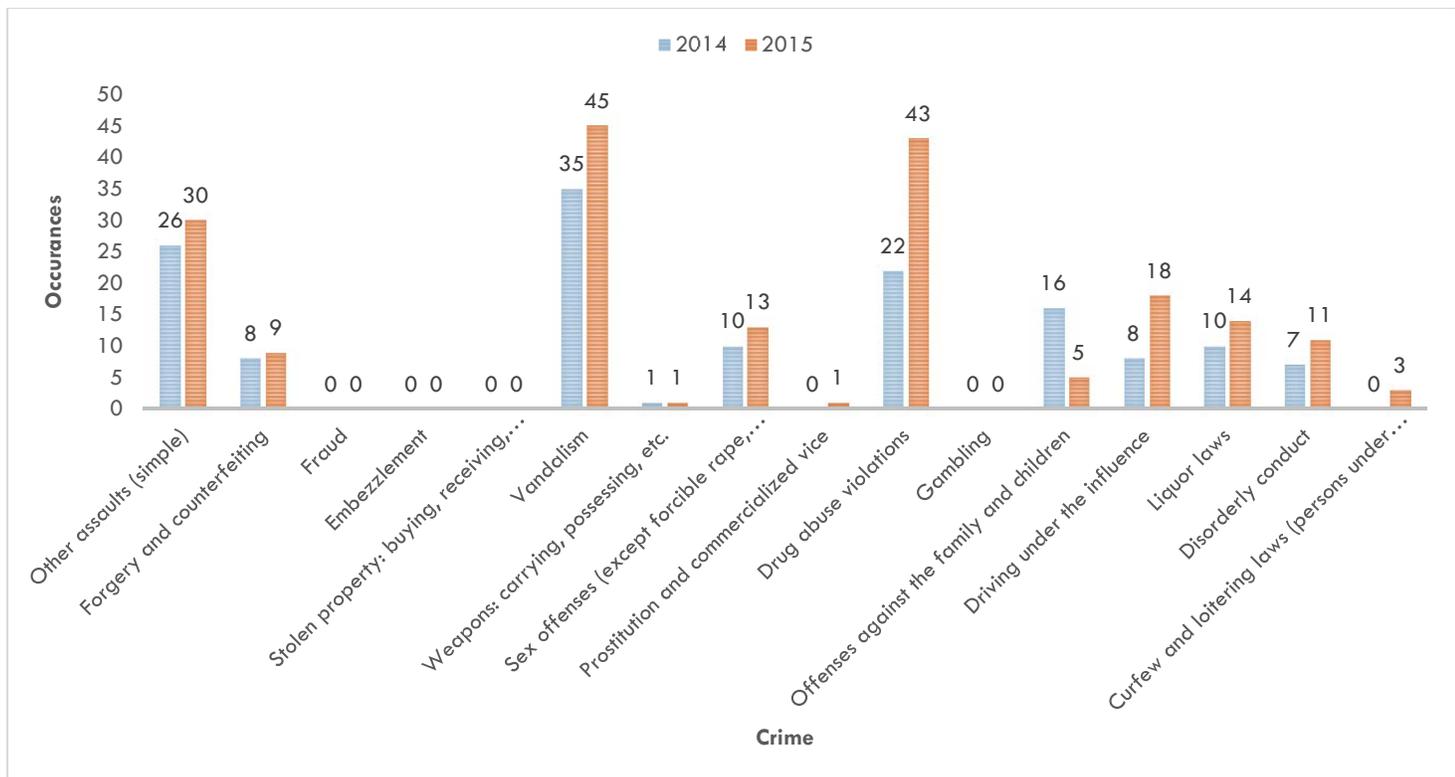
Part 1 Offenses for 2014 and 2015



**Crime**

- Criminal homicide
- Forcible rape
- Robbery
- Aggravated assault
- Burglary (breaking or entering)
- Larceny-theft (except motor vehicle theft)
- Motor vehicle theft
- Arson

**Part 2 Offenses for 2014 and 2015**



**Police Department**

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<b>Crime</b>	<b>Occurrences</b>			<b>Occurrences</b>	
	<b>2014</b>	<b>2015</b>		<b>2014</b>	<b>2015</b>
Other assaults (simple)	26	30	Drug abuse violations	22	43
Forgery and counterfeiting	8	9	Gambling	0	0
Fraud	0	0	Offenses against the family and children	16	5
Embezzlement	0	0	Driving under the influence	8	18
Stolen property: buying, receiving, possessing	0	0	Liquor laws	10	14
Vandalism	35	45	Drunkenness	0	0
Weapons: carrying, possessing, etc.	1	1	Disorderly conduct	7	11
Sex offenses (except forcible rape, prostitution, and commercialized vice)	10	13	Curfew and loitering laws (persons under age 18)	0	3
Prostitution and commercialized vice	0	1			

## VALLEY CENTER CRIME STATISTICS

<b><u>Type of Crime</u></b>	<b><u>2015</u></b>	<b><u>2014</u></b>	<b><u>2013</u></b>	<b><u>2012</u></b>	<b><u>2011</u></b>
Violent Crime	7	4	15	8	9
Murder	0	0	0	0	0
Rape	4	2	3	1	0
Individual Robbery	0	1	0	0	0
Business Robbery	0	0	0	1	1
Aggravated Assault	3	1	12	7	8
Burglary	17	20	11	40	24
Theft	152	162	69	90	80
Auto Theft	1	3	2	8	8
Arson	2	2	0	0	0
Population	7011	7009	7009	6896	6865

## Investigations/Clearance Rate

Clearance rates are based on the Part one and Part two crimes listed in the previous graphs. A case can be considered cleared several ways which includes the arrest of a suspect, the case is either prosecuted or prosecution is denied, the victim refuses to cooperate or by death of the offender. The clearance rates in this section are based on cases taken January 1, 2015 through December 31, 2015.

**Part one offenses** for this report include 179 cases with 115 cases being cleared for a **64.3% clearance rate**. (90 of these cases were multiple counts of the same theft. A suspect is identified and the investigation is ongoing)

**Part two offenses** for this report include 213 cases with 167 being cleared for a 78% clearance rate which gives an overall **clearance of 71.2%**.

The **national average for violent crimes is 47.4%**, theft cases is 23% and other **property crimes is 20.2%**.

## Community Activities

1. The police department made seventy-nine posts to Facebook in 2015. Many community related events were shared on our Facebook page. We utilize the page as a means of staying in contact with the community. We like sharing a variety of things including safety, weather, informational, pictures of us interacting with citizens and the occasional light hearted post to show we are like everyone else. We are currently have over 1,000 page likes but often reach thousands more when our posts are shared onto other pages. Looks for more posts in 2016 along with other ideas to reach as many citizens as possible.



## Police Department

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November 2015 Veterans Breakfast

1. Valley Center's big event for the year, Fall Festival went off without any major problems. We had our usual number of lost children separated from parents. The department had a total of 138 man hours working the two day event.





**Vehicle Inventory**

Car Number	Year/Make	Mileage	USE
1	2012 Dodge	39,500	Det.
2	2013 Dodge	33,500	Patrol
3	2008 Ford	90,000	Chief
4	2012 Dodge	32,500	patrol
5	2008 Ford	96,000	Patrol
6	2009 Ford	58,500	Det Sgt
7	2010 Ford	75,000	patrol
8	2011 Ford	56,500	Patrol Sgt
9	2012 Dodge	69,000	patrol
10	2010 Ford	81,500	patrol
11	2015 Ford	10,500	Patrol Sgt

**Challenges**

We continue to have overcrowding issues in the courtroom on court nights. We do not have enough room for all persons subpoenaed, the overflow of persons goes out into the hallway and at times even out to the front lobby. We do have a CIP proposal for an addition onto the Public Safety Building for a new

**Police Department**

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courtroom that doubles as a FEMA safe room for citizens during weather alerts. We have implemented some stop-gap changes in appearance times that have helped however the overall problem still exists.

Valley Center crime rates have not varied much over the last several years. One of our ongoing crime problems has been vehicle burglaries. Over the last several year several groups of juveniles have been arrested for getting into unlocked vehicles and stealing unsecured items. Education efforts have been ongoing in an effort to minimize those opportunities. I also think our SRO in the schools has had a positive effect. Vehicle burglaries were down significantly this year.

Domestic violence cases are also a continuing problem in our community. The department has aggressively prosecuted DV cases, however because of the dynamics of these cases they are difficult. Detective Grayson has worked hard to educate and give moral support to victims. I am researching a possible grant that would partially fund a part-time person to council and assist victims of domestic violence.

The city needs to constantly evaluate pay and benefits for officers to help slow turnover. The hiring of new officers is an expensive process. When a new officer is hired they must attend the state academy which is 14 weeks long, they then go into field training which will last from 8 to 12 weeks. The initial upfront costs include the purchase of uniforms, bullet proof vest and other miscellaneous equipment. During the hiring process we are required to have a psychological test and a physical exam, these are also expensive. Some turnover is normal, sometimes some persons are not a good fit to our organization, however this needs to be monitored. The city has taken steps over the last several years to increase starting pay for officers, which has helped.

**PRESENTATIONS / PROCLAMATIONS**

**B. RECOGNITION OF DARRELL ROGERS RETIREMENT  
AFTER 28 YEARS OF SERVICE:**

**PUBLIC FORUM**

**APPOINTMENTS**

**COMMITTEES, COMMISSIONS**

## **OLD BUSINESS**

### **A. FURTHER DISCUSSION and POSSIBLE ACTION REGARDING LEEKERS DRIVEWAY PROJECT:**

- Memo from Attorney Arbuckle
- Municipal Liability information

**BARRY ARBUCKLE, ATTORNEY  
5565 NORTH SAINT CLAIR STREET  
WICHITA KANSAS 67204  
316-263-8882**

**February 22, 2016**

**TO:** Mayor Dove, Council Members, George Kolb  
**FROM:** Barry Arbuckle, Attorney  
**RE:** Leekers' Drive Access Design at Ford Street

Find attached portions of a 1992 Kansas League lecture for city attorneys regarding city liability in street design matters. I have bracketed the critical information.

Encl: Municipal Liability for Vehicular Accidents

## MUNICIPAL LIABILITY FOR VEHICULAR ACCIDENTS

by

James D. Conkright\*

### A. Overview.

The search for deep pocket defendants is a time honored tradition in our legal system. A recent trend has seen litigants in vehicular collisions claiming fault on the governmental body having jurisdiction of the accident site. Such claims against the municipality generally fall into two categories: (1) improper or removed signage; and (2) negligent design, maintenance or inspection of roads and intersections. The most common accident locations are construction sites, busy intersections and railroad crossings.

The principal defense asserted by municipalities to such suits is the Kansas Tort Claims Act. K.S.A. § 75-6104 contains five immunities (discretionary, design, inspection, natural condition, and sign removal) that may apply to vehicular claims. In particular, discretionary immunity under § 6104(e) has been hotly contested in the Kansas courts.

A second defense involves lack of proximate cause. A key example is Baker v. City of Garden City, 240 Kan. 554, 731 P.2d 278 (1987), finding that the governmental entity's design and signage decisions (even if not producing immunity) were not the proximate cause of the roadway accident.

Although municipalities have been fairly successful in defending vehicular suits, the claims keep coming, and the law is still uncertain in many areas. This article explores the types of claims brought, the immunities available, and the status of the case law in Kansas.

### B. Tort Claims Act Immunity.

The Kansas Tort Claims Act § 75-6101 et seq., provides for liability of governmental entities under the same theories as recognized at common law. However, there are specified statutory exceptions from liability. In particular, five provisions of § 6104 may produce municipal immunity in a vehicular accident claim.

"Discretionary function" immunity is contained in § 6104(e), which grants governmental entities and their employees immunity for damages resulting from:

\*James D. Conkright is an Attorney with the Law Firm of Blackwell, Sanders, Matheny, Weary & Lombardi in Overland Park. This paper was presented at the June 5, 1992 City Attorneys Association meeting.

Any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee, whether or not the discretion is abused and regardless of the level of discretion involved.

"Design" immunity is contained in § 6104(m), which grants governmental entities and their employees immunity for damages resulting from:

The plan or design for the construction of or an improvement to public property, either in its original construction or any improvements thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval and if the plan or design was prepared in conformity with the generally recognized and prevailing standards in existence at the time such plan or design was prepared.

"Inspection" immunity is contained in § 6104(k), which grants governmental entities and their employees immunity for damages resulting from:

The failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or regulation or contains a hazard to public health or safety.

"Natural condition" immunity is contained in § 6104(l), which grants governmental entities and their employees immunity for damages resulting from:

Snow or ice conditions or other temporary or natural conditions of any publicway or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity.

"Sign malfunction or removal" immunity is contained in § 6104(h), which grants governmental entities and their employees immunity from damages resulting from:

The malfunction, destruction or unauthorized removal of any traffic or road sign, signal or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction or removal. Nothing herein shall give rise to liability rising from the act or omission of any governmental entity in placing or removing any of the above signs, signals or warning devices when such placement or removal is the result of a discretionary act of the governmental entity.

The burden is firmly on the governmental entity to fit within a specific immunity provision of § 75-6104.

#### F. Design and Maintenance Cases.

The most common design issues in vehicular accident cases involve bridges, curbs, shoulders, and intersections. A classic example of a "design and maintenance" issue are edge drop-off claims, involving accidents where a motorist loses control when his wheels drop into a sunken shoulder.

The first factor in establishing § 6104(m) design immunity is that the design met the recognized standards "in existence at the time such plan was prepared." Thus, if a bridge was built in 1960, the municipal defendant must locate the applicable standards for that era to determine compliance. If the design meets 1960 criteria, the municipality is immune even though the bridge fails to meet current standards. A governmental body cannot be expected to redesign bridges and other structures each time the standards change.

While no reported law exists, the same philosophy would probably not be applied to signage cases. Because signs do not represent a substantial cost burden to municipalities, a court would likely rule that new signage is required when MUTCD signage standards are amended.

The second factor in § 6104(m) design immunity is that the plan must have been approved in advance by the proper authority. This could mean the city council, or another entity having jurisdiction over the project (such as KDOT or the Federal Highway Commission). Often, the proper authority is the governmental entity who had jurisdiction over the property prior to annexation by a city. It would appear that city can "borrow" the original design and approval discretion of that governmental entity.

As made clear in the Husbey case, supra, a governmental entity is not likely to receive immunity for pure maintenance activities. Thus, in order to circumvent 6104(m), a plaintiff may attempt to assert that his case involves maintenance facts, rather than design or signage facts.

#### G. Natural Conditions.

K.S.A. § 75-6104(l) grants governmental bodies immunity for vehicular accidents occurring as a result of natural conditions on the public road (unless the condition is caused by the negligent act of the municipality). For instance, in Taylor v. Reno County, 242 Kan. 307, 747 P.2d 100 (1987), the plaintiff unsuccessfully brought suit for injuries caused by the city's failure to clear ice accumulation on a public bridge after a storm. Conversely, in Draskowitch v. City of Kansas City, 242 Kan. 734, 750 P.2d 411 (1988), the court held that the city's failure to warn drivers about accumulated ice from a broken city water main broke was an affirmative act caused by the governmental entity and therefor immunity did not apply.

#### H. Inspection of Property.

While a municipality may be liable for failure to inspect its own property, K.S.A. § 75-6104(k) grants immunity for inspection of the property of others.

This provision often comes into play in cases involving safety inspections by city officials. For instance, in Siple v. City of Topeka, 235 Kan. 167, 679 P.2d 190 (1984), a tree fell and damaged a car. The city was held immune, despite prior city inspections of the tree, because it was on private rather than city property.

warning approaching traffic of a reduced speed zone and traffic controls ahead. Why Tyson ignored them will probably never be known. There is nothing in the record to indicate there would have been any different result if the signals had been properly installed and if the yellow sequence on the signal had been longer. It is indeed unfortunate that the plaintiff has suffered severe injury and damage, but that alone does not justify a recovery from these defendants.

Id. at 282-283.

K. Conclusion.

The number of vehicular claims against municipalities has been increasing for several years. In defending such suits, the city should look to the available immunities under the Tort Claims Act, and to the issue of proximate cause. From these two legal sources, summary judgement or directed verdict is often available.

If a dispositive defense is not granted, the city needs to retain an expert on design, maintenance, or signage. It also needs to build its case against the driver defendant, whose negligence is typically the actual cause of the collision. In many cases, juries quickly recognize that the presence of the governmental entity is simply the other litigant's search for a deep pocket.

There is much that a city can do to minimize the risk of such suits. A city attorney who knows the law, working with a traffic engineer who knows the MUTCD, make a strong preventative team. At the direction of these two city officials, traffic and safety studies can be conducted and maintenance systems can be developed that will keep litigation to a minimum.

**OLD BUSINESS**

**RECOMMENDED ACTION**

**A. FURTHER DISCUSSION and POSSIBLE ACTION  
REGARDING LEEKERS DRIVEWAY PROJECT:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to:**

**1. Direct staff to proceed with proposed project**

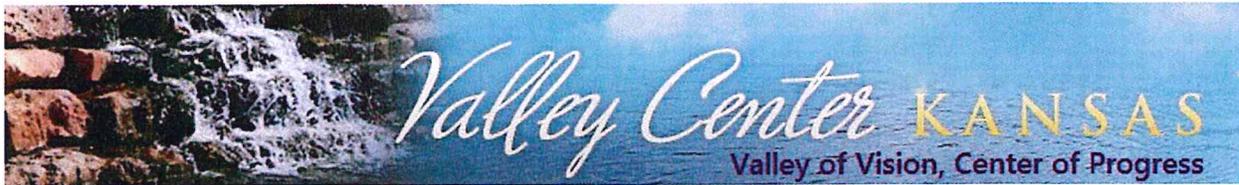
**OR**

**2. Direct staff not to proceed with proposed project**

**OLD BUSINESS**

**B. APPROVAL OF MASTER COST SHARING AGREEMENT  
WITH VALLEY CENTER SCHOOL BOARD FOR SCHOOL  
RESOURCE OFFICERS:**

- Memo from Interim City Administrator
- Agreement



February 25, 2016

To: Mayor Laurie Dove  
Members of City Council

From: George R. Kolb  
Interim City Administrator

Subject: Master Agreement for School Resource Officers

**Recommendation:** Staff Recommends a motion to approve the Master Agreement between the City and Valley Center USD 262 for the governance of the School Resource Officer Program

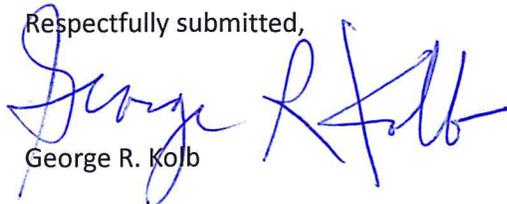
**Background:** Recently, USD 262 approached the City about providing a School Resource Officer to serve the high school, which is located outside of the City limits. The County declined to provide that service to them for financial reasons, but through the Sheriff's office gave Valley Center authority to place an officer there. After consideration by City Council, they approved the hiring of an additional police officer and the school's request for an SRO.

The City already employs an SRO at the middle school. That position is currently 100% funded by the federal government. That grant runs out in January of 2017 and the cost responsibility will fall to the City and the School District. A contract for cost sharing is recommended along with a delineation of roles the City, District and officer have. A master agreement has been drafted and approved by the District. Staff has reviewed the contract and agree in principal and form to it. We recommend that the Council review, comment and approve the attached document.

**Financial Consideration:** The cost for the remainder of 2016 is estimated to be \$50,000. The City's share would be roughly \$15,000. In 2017, the cost is estimated to be roughly \$150,000 since there will be two SROs locally funded. The City's share is estimated to be \$43,500. The cost share formula in the agreement assesses 29% of the cost to the City. The cost is solely dependent on the number of SRO the district desires to have. If the District determines it only needs one SRO, that officer will be assigned to schools within the City limits.

**Conclusion:** Should the City Council choose to move forward with the SRO Program, it should approve the Master Agreement between the City and the USD262.

Respectfully submitted,

  
George R. Kolb

## Valley Center School Resource Officer Agreement

THIS AGREEMENT entered in this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Valley Center, Kansas, hereinafter referred to as “City”; and Valley Center Public Schools, USD No. 262, hereinafter referred to as “District”.

WHEREAS, the parties desire that the City of Valley Center, Kansas hire an additional law enforcement officer whose primary responsibility will be those of a School Resource Officer (SRO); and,

WHEREAS, it is the mutual desire of the parties to reduce to writing their agreement as to their expectation of services together with the expenses and liabilities associated with such officer;

NOW, THEREFORE, it is agreed as follows:

1. **CITY TO HIRE OFFICER:** The City of Valley Center hereby agrees to hire an additional law enforcement officer (“SRO”) who at all times will be considered an employee of the City of Valley Center, Kansas and not of the District. The City shall be responsible for all worker’s compensation, unemployment, withholding, social security, income taxes, vacation, sick leave and other benefits for the SRO, subject to the division of expenses in Paragraph 5. The City shall hold the District, its agents, board members and employees harmless and indemnifies each of them from and against any and all claims, suits or causes of actions arising out of allegations of unfair or unlawful employment practices brought by the SRO. The officer must be accepted by the District’s Superintendent of Schools or designee; said acceptance may be withdrawn by the District’s Superintendent of Schools in his/her reasonable discretion at any time with written notice to City. No substitute officer may be employed under this Agreement without the prior consent of District’s Superintendent of School’s or designee. The position to be created shall be funded by the two parties as set forth in this Agreement.
2. **OFFICER’S QUALIFICATIONS:** The officer to be hired shall meet the minimum qualifications for training and experience as established by the City and the District. The District has the right of refusal of a finalist.
3. **OFFICER’S RESPONSIBILITIES:** The officer to be hired by the City shall be selected by mutual decision of both the District and City. The officer shall be under the direct supervision of the Chief of Police or his designee. The officer shall enforce the law and will not be used to enforce school discipline. The City and the District will be responsible for evaluation of the officer and determination of continued placement with the District. After consultation with the other party, should either party determine that a change of placement is warranted, a new officer will be obtained for this position. His/her duties and responsibilities to the parties shall be allocated generally as follows:
  - a. **Regular School Session-** During the regular fall and spring school terms, the officer shall devote his/her full-time activities to District. Those duties shall be those set out in the attached Exhibit “A” with the understanding that the District may redefine those duties from time to time as they shall deem appropriate. Notwithstanding the full-time allocation of the officer’s time to the affairs of the District during the regular school term, the officer may be called out by the City to respond to emergency situations and/or to provide backup to other regular officers in emergency situations.

- b. Summer Recess- During the traditional summer recess the officer shall devote his/her full-time activities to the City. Those duties shall be defined and directed by the Valley Center Chief of Police provided, however, that the officer will be made available to the District for necessary training programs and as would be the case with any other regular City officer, if called upon by the District.
4. INFORMATION SHARING: The SRO access and use of student records shall be prohibited except under regulated conditions and only to the extent that such is allowed under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, as amended, and its implementing regulations, 34 C.F.R. § 99.1 et seq. (FERPA) and Kansas state law. When the SRO reasonably determines it necessary to utilize any school record or access security camera recordings in furtherance of the duties in this Agreement, such access shall be permitted only with the Superintendent's or his designee's approval in accordance with applicable federal and state law. The school records of children and their families, which include personal histories, clinical evaluations, agency reports, and other relevant private details, fall within the same category of privacy as do Juvenile Court Records and should be restricted to authorized persons only. The SRO shall not disclose confidential information to any person other than those expressly permitted to receive it. Notwithstanding the restrictions above, the SRO will have access to student Directory Information as defined in District board policy and FERPA.
5. DIVISION OF EXPENSES: In general, the parties agree that all annual salary expenses associated with the officer to be hired pursuant to the terms of this Agreement will be allocated 29% to the City and 71% to the District. Should the officer's allocation of time be substantially disproportionate to the expectations of the parties, it is agreed that the parties shall mutually negotiate a modification of the allocation of expenses as provided for herein. The allocation of expenses, unless modified as set forth above, shall be as follows:
  - a. Officers Salary and Compensation-To the extent that the officer is paid a salary, District shall reimburse to the City 71% of that annual amount. The reimbursement shall be on a monthly basis upon receipt by the District of the detail expenses by the City.
  - b. Miscellaneous Expenses-Other expenses which are the responsibility of the City include uniforms, radios, automobile, equipment (non SRO educational supplies) training not directly associated with SRO training and major vehicle expenses. Expenses which are the responsibility of the District include all educational supplies and training associated with SRO functions and vehicle mileage expenses during the sessions when the officer is working with the schools.
  - c. Clarification of Expenses-Any expenses that are not specifically defined shall be determined by mutual agreement between the two parties.
6. ANNUAL EVALUATION AND RENEWAL: No later than May 15 of each year, the parties will conduct an evaluation of the SRO program and determine if they desire to continue with the program for the following year. The current written Agreement will continue in force unless one or both of the parties desire to submit changes or terminate the Agreement. Substitutes- In the event the assigned SRO is absent, VCPD will work with the District to provide necessary replacement(s).
7. TERMINATION: This Agreement may be terminated by either party, by giving the other party ninety (90) days advance written notification of such intent.

8. **CHOICE OF LAW:** This Agreement shall be deemed to have been entered into in the State of Kansas, and all questions concerning the validity, interpretation or performance of any of its terms or provisions, or of any rights or obligations of the parties hereof, shall be governed by and resolved in accordance with the internal laws of the State of Kansas, including, without limitation, the statute of limitations.
9. **CHOICE OF VENUE:** All disputes arising under this Agreement shall be submitted to the Kansas State Court for the County of Sedgwick which shall have subject matter jurisdiction over the claim or controversy or to the United States District Court for the District of Kansas, sitting in Wichita, Kansas. The City and the District expressly consent to the exercise of personal jurisdiction by the Sedgwick County, Kansas State Court or by the United States District Court for the District of Kansas, sitting in Wichita, Kansas, and expressly consent to service of process by either certified mail or registered mail and waive any objections to venue.
10. **ADMINISTRATIVE ENTITY:** The City and District do not contemplate, nor intend to establish a separate legal entity under the terms of this Agreement.
11. **NOTICE OF DEFAULT; CORRECTIVE ACTION:** The failure of either party to comply with each and every term and condition of this Agreement shall constitute a breach of this Agreement. Either party shall have thirty (30) days after receipt of written notice from the other of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice.
12. **RIGHTS AND REMEDIES:** In the event of any breach hereunder and after the lapse of the cure period as set forth in paragraph 11 above, the non-breaching party shall have all the rights and remedies available under the laws of the State of Kansas in effect. The rights and remedies of the parties hereto shall not be mutually exclusive, but shall be cumulative in all respects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law.
13. **NOTICE:** Any written notice which must or may be given relating to this Agreement shall be sufficient if mailed postage prepaid, certified mail, in the United States mail addressed to a party at the address given above. In the case of the District, notice shall be mailed to the attention of the Superintendent. In the case of the City, notice shall be mailed to the attention of the City Administrator. Either party may notify the other to designate a different address for mailing.
14. **HOLD HARMLESS:** The City agrees to hold the District, its agents, board members and employees harmless, and indemnifies each of them from and against any and all claims, suits or cause of action arising from or in any way out of the performance of the duties of the SRO officers or the SRO program.
15. **BOARD POLICY:** The SRO shall abide by all policies, rules and regulations of the District, specifically, but not limited to, those regarding the use of District property or facilities, and the conduct of persons in or on District property or facilities, whether now or hereafter adopted.
16. **NO THIRD-PARTY BENEFICIARY:** Nothing in this Agreement (whether expressed or implied) is intended to confer upon any person other than the parties and their respective successors and assigns, any rights or remedies under or by reason of this Agreement, nor is anything in this Agreement intended to relieve or discharge the liability of any party hereto, nor shall any provisions hereof give any person any right of subrogation against, or action over any party.

IN WITNESS WHEREOF, the parties hereto have set their hand to this Agreement on the date and year first written above.

\_\_\_\_\_

For the District

\_\_\_\_\_

Date

\_\_\_\_\_  
LAURIE DOVE  
VALLEY CENTER MAYOR

\_\_\_\_\_

Date

ATTEST:

\_\_\_\_\_  
KRISTI CARRITHERS,  
VALLEY CENTER CITY CLERK

\_\_\_\_\_

Date

Exhibit "A"

**Valley Center Public Schools-USD 262 School Resource Officer Responsibilities**

1. Handling all criminal activity at all school facilities and called upon functions
2. Conduct comprehensive safety and security assessments
3. Develop and implement safety plans or strategies
4. Student support for problems in and out of school
5. Professional support for USD staff members
6. Crisis Management Plan involvement for all schools
7. Resource for classes in Government, Law, etc.
8. Council on Law related offenses
9. Liaison between community corrections, probation, County law enforcement and school
10. Crime prevention programs for all grade levels
11. Officer involvement in special interest areas (SADD, FCD, DARE, SHOW, etc.)
12. Link between local law enforcement, school and students
13. Monitor parking lot and other suspicious activity areas
14. School truancy issues
15. Investigation of abuse and suspicious activities around schools
16. Work directly with DCF in children in need of care cases
17. School based crime-stoppers program
18. Advise administration on school law issues and changes
19. Assist with peer mediation
20. Intervention programs for gangs, drugs and violence
21. Attend Board meetings when requested
22. Foster educational programs and activities that will increase students' knowledge of, and respect for, the law and the function of law enforcement agencies
23. Other duties as assigned

## **School Resource Officer (S.R.O.) Job Description**

- Qualifications:**
1. High School Diploma
  2. Police Certificate for State of Kansas
  3. A minimum of two years of successful police experience
- Reports to:**
1. Valley Center Police Department
  2. School Principal & other School Administration
- Job Goal:** To organize, develop, implement and work the S.R.O. program for USD 262 and City of Valley Center.

### **Program Description:**

School Resource Officers are not security officers; they are Law Enforcement Officers that work in coordination with the faculty of the school district. S.R.O.'s provide education counseling and participate in the following programs for the school year on the school campuses.

1. Works cooperatively with all police officers, sheriff's deputies, school administrators, principals, counselors and teaching staff.
2. Works cooperatively with all school staff by informing them and assisting them through the Valley Center Police Department.
3. Will communicate effectively with all officers, deputies, school administrators, school faculty and staff, students and the community.
4. Will use skills in conflict resolution with school staff and students.
5. Actively supports efforts of others to achieve school safety, education and district goals and objectives.
6. Will handle criminal matters that are brought forward on the school campus assigned or other school campuses as needed.
7. Conduct arrests as needed.
8. Conduct criminal investigations. When conducting formal police interviews on school campus with a student, S.R.O. shall abide by school board policy concerning such interviews.
9. S.R.O. shall not be a monitor of students in classes', hallways, or lunchroom's when school staff is lacking.
10. Facilitate site, culture and climate, school behavioral threat, and capacity assessments to enrich Emergency Operations Plans.

**OLD BUSINESS**

**RECOMMENDED ACTION**

**B. APPROVAL OF MASTER COST SHARING AGREEMENT  
WITH VALLEY CENTER SCHOOL BOARD FOR SCHOOL  
RESOURCE OFFICERS:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to approve the Master Agreement between the City and Valley Center USD 262 for the governance of the School Resource Officer Program.**

**OLD BUSINESS**

**C. ORDINANCE 1291-16; TEMPORARY CONSTRUCTION  
EASEMENTS, 1<sup>st</sup> READING:**

City will not be receiving Ordinance 1291-16 from Attorney Arbuckle until Friday so it will be distributed at Council Meeting.

**OLD BUSINESS**

**RECOMMENDED ACTION**

**C. ORDINANCE 1291-16; TEMPORARY CONSTRUCTION  
EASEMENTS, 1<sup>st</sup> READING:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to approve Ordinance 1291-16, Temporary Construction Easements, for 1<sup>st</sup> Reading**

**NEW BUSINESS**

**A. REQUEST TO PURCHASE TRACTOR FOR PARK and PUBLIC BUILDING DEPARTMENT:**

- Memo from Director of Park & Public Buildings

**March 1, 2016**

**To: Mayor Dove & Members of Council**

**From: Neal Owings, Director of Park & Public Buildings**

**Subject: Recommendation to purchase tractor**

## RECOMMENDATION

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The Department of Parks & Public Buildings is recommending that the Governing Body authorizes the purchase of a compact tractor for an estimated total price of \$30,000.

## BACKGROUND

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The Park & Public Buildings department currently operates a 2006 Kioti model compact tractor that is used for mowing large parks and public properties such as McLaughlin Park, Lions Park and the Cemetery. When it is not being used for mowing it is used for landscaping projects and snow removal. Weekly mowing operations take an average of 4 days to complete one mowing cycle. This piece of equipment plays a significant role in our mowing operations, on average cutting nearly three quarters of the maintained acreage each week. By not replacing this tractor, mowing operations and other important tasks would be significantly affected, at a minimum doubling the time it would take to complete one mowing cycle.

Over the last several years we have seen an increase in overall maintenance and repair costs to the tractor totaling nearly \$11,000 and resulting in significant downtime. During the annual maintenance inspection we found that the tractor is in need of substantial repairs (mainly to the hydraulic system) totaling over half of the value of the tractor.

Under the approved Vehicle and Equipment replacement program, routine replacement intervals of vehicles and equipment to maintain reliability of operations, as well as keep maintenance costs and down time to a minimum are recommended. On average, useful life of a tractor used in this capacity is typically 10 years. We have been comparing compact tractors from a variety of dealers to develop a comparable replacement option and determine what we kind of trade/purchase package options would be available. We currently have dealers that are offering a favorable trade in price for the tractor should the Governing Body choose to proceed with the purchase.

## FINANCIAL CONSIDERATION

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Due to the significant costs associated with the combined past and pending repairs and high potential for other significant repairs, the Parks and Public Buildings Department is recommending purchase of a new tractor for \$30,000. The expense for this purchase would be paid from the Equipment Reserve Fund.

<b>Current Tractor - 2006 Kioti</b>	<b>New 2016 Tractor Purchase</b>	
<b>\$21,000 Total Repairs</b> (\$10,000 repairs pending) + (\$11,000 previous repairs)	<b>New Tractor</b>	<b>\$ 44,000</b>
	<b>Minus discounts &amp; trade-in</b>	<b>- \$14,000</b>
	<b>Final Cost Estimate of New Tractor</b>	<b>\$30,000</b>

**NEW BUSINESS**

**RECOMMENDED ACTION**

**A. REQUEST TO PURCHASE TRACTOR FOR PARK and PUBLIC BUILDING DEPARTMENT:**

Should Council choose to proceed,

**RECOMMENDED ACTION:**

**Staff recommends motion to authorize the purchase of a compact tractor for the Parks and Public Building Department from \_\_\_\_\_, in the amount of \$ \_\_\_\_\_.**

## **CONSENT AGENDA**

### **A. APPROPRIATION ORDINANCE – MARCH 1, 2016**

#### **RECOMMENDED ACTION:**

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

**CONSENT AGENDA****A. APPROPRIATION ORDINANCE:**

Below is the proposed Appropriation Ordinance for March 1, 2016 as prepared by City Staff.

**March 1, 2016 Appropriation**

<b>Total</b>	<b>\$ 334,462.00</b>
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 DATE RANGE: 0/00/0000 THRU 99/99/9999

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0009	VERIZON WIRELESS SERVICES, LLC	R	2/12/2016	800.24		046278		800.24
0025	MIKE JOHNSON SALES, INC.	R	2/12/2016	25.91		046279		25.91
0061	EDNA BUSCHOW	R	2/12/2016	117,541.19		046280		117,541.19
0196	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	1,750.00		046281		
	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	8,212.50		046281		
	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	3,500.00		046281		
	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	2,332.42		046281		
	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	1,500.00		046281		
	P E C (PROFESSIONAL ENGINEERIN	R	2/12/2016	642.06		046281		17,936.98
0198	P S I	R	2/12/2016	2,107.99		046282		2,107.99
0259	CRAIN CHEMICAL COMPANY	R	2/12/2016	161.20		046283		161.20
0262	DELL MARKETING I.P.	R	2/12/2016	784.21		046284		814.19
	DELL MARKETING I.P.	R	2/12/2016	29.98		046284		
0280	KANSAS JUDICIAL COUNCIL	R	2/12/2016	40.00		046285		40.00
0306	SEDGWICK COUNTY	R	2/12/2016	857.94		046286		857.94
0315	WASTE MANAGEMENT OF WICHITA	R	2/12/2016	31,418.15		046287		31,418.15
0351	WICHITA STATE UNIVERSITY	R	2/12/2016	130.00		046288		260.00
	WICHITA STATE UNIVERSITY	R	2/12/2016	130.00		046288		
0371	M & M REPAIR, INC.	R	2/12/2016	56.26		046289		56.26
	METAL							

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0498	BRYAN'S HEATING & AIR CONDITIO BLOWER ASSEMBLY -LABOR & PARTS	R	2/12/2016	1,253.17		046290		1,253.17
0623	HD SUPPLY WATERWORKS, LTD. 25 IPERL METERS	R	2/12/2016	7,335.00		046291		7,335.00
0685	EPP'S SERVICE INC. EPP'S SERVICE INC.	R	2/12/2016	5,265.03		046292		5,265.03
0723	ENGINEERED DOOR PRODUCTS DOORS, HARDWARE & LABOR, WWTP	R	2/12/2016	4,137.00		046293		4,137.00
0724	MATTHEW STAMM GIS SERVICES - 50 HOURS	R	2/12/2016	2,250.00		046294		2,250.00
0085	LAURIE B WILLIAMS CASE # 15-10010-13	R	2/19/2016	227.00		046296		227.00
0085	LAURIE B WILLIAMS CASE # 13-12943	R	2/19/2016	200.00		046297		200.00
0210	SECURITY BENEFIT DEFERRED COMPENSATION	R	2/19/2016	50.00		046298		50.00
0313	VANTAGEPOINT TRANS AGENTS PLAN NUMBER 302196 457 D.C. RETIREMENT 457 DEFERRED COMP	R	2/19/2016	211.54		046299		507.69
0059	CITY OF WICHITA JANUARY 2016 SLUDGE HAULING	R	2/19/2016	5,280.00		046300		5,280.00
0087	BARKLEY CONSTRUCTION SIDEWALK	R	2/19/2016	3,362.00		046301		3,362.00
0133	MAYER SPECIALTY SERVICES EMERGENCY LINE CLEANING	R	2/19/2016	350.00		046302		350.00
0196	P E C (PROFESSIONAL ENGINEERIN P E C (PROFESSIONAL ENGINEERIN P E C (PROFESSIONAL ENGINEERIN	R	2/19/2016	1,601.41		046303		2,332.65
0243	WESTAR ENERGY, INC. WESTAR ENERGY, INC.	R	2/19/2016	144.08		046304		144.08

A/P HISTORY CHECK REPORT

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0321	DECKER ELECTRIC LIGHTS & CONTROLS - PSB & PW LIGHTS & CONTROLS - PW & PSB LIGHTS & CONTROLS - PSB & PW	R R R	2/19/2016 2/19/2016 2/19/2016	32,894.55 850.48 21,854.45		046305 046305 046305		55,599.48
0661	DOUBLE CHECK COMPANY DOUBLE CHECK COMPANY	R	2/19/2016	349.18		046306		349.18
0725	HOOVER THE MOVER HOOVER THE MOVER	R	2/19/2016	3,715.20		046307		3,715.20
0270	INTRUST CARD CENTER INTRUST CARD CENTER	R	2/19/2016	37,864.09		046308		37,864.09
0032	AFLAC SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE SUPPLEMENTAL INSURANCE	R R R R R R R R R	2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016	48.04 48.06 33.06 33.06 69.82 69.82 12.35 12.35		046309 046309 046309 046309 046309 046309 046309 046309 046309		326.56
0445	DELTA DENTAL OF KANSAS, INC. DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE DENTAL INSURANCE	R R R R R R R R R	2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016	119.22 206.05 154.60 154.60 219.59 219.59 473.04 473.04		046310 046310 046310 046310 046310 046310 046310 046310 046310		2,019.73
0566	SURENCY LIFE AND HEALTH VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE VISION INSURANCE	R R R R R R R R R R R	2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016 2/19/2016	18.07 8.84 24.93 24.93 32.24 32.34 96.84 96.84 29.04 29.04		046311 046311 046311 046311 046311 046311 046311 046311 046311 046311 046311		393.11

A/P HISTORY CHECK REPORT

2/24/2016 11:36 AM  
 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
0705	UNITED HEALTHCARE							
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	28,265.63		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	56.29		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	84.42		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	84.42		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	354.60		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	354.60		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	60.51		046312		
	MEDICAL INSURANCE- EMP COST	R	2/19/2016	60.51		046312		29,320.98

\* \* T O T A L S \* \*  
 REGULAR CHECKS: 34  
 HAND CHECKS: 0  
 DRAFTS: 0  
 EFT: 0  
 NON CHECKS: 0  
 VOID CHECKS: 0

INVOICE AMOUNT 334,302.00  
 DISCOUNTS 0.00  
 CHECK AMOUNT 334,302.00

TOTAL ERRORS: 0

0 VOID DEBITS  
 0 VOID CREDITS

VENDOR SET: 02 BANK: APBK TOTALS: INVOICE AMOUNT 334,302.00  
 DISCOUNTS 0.00  
 CHECK AMOUNT 334,302.00

A/P HISTORY CHECK REPORT

2/24/2016 11:36 AM  
 VENDOR SET: 03 City of Valley Center  
 BANK: APBK INTRUST CHECKING  
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D. NAME  
 0077 I-201602107113 RYAN J MUMMA  
 RYAN J MUMMA

\* \* T O T A L S \* \*  
 REGULAR CHECKS:  
 HAND CHECKS:  
 DRAFTS:  
 EFT:  
 NON CHECKS:  
 VOID CHECKS:

NO INVOICE AMOUNT DISCOUNTS CHECK AMOUNT  
 1 160.00 0.00 160.00  
 0 0.00 0.00 0.00  
 0 0.00 0.00 0.00  
 0 0.00 0.00 0.00  
 0 0.00 0.00 0.00  
 0 VOID DEBITS 0.00  
 VOID CREDITS 0.00

TOTAL ERRORS: 0

VENDOR SET: 03 BANK: APBK TOTALS:  
 BANK: APBK TOTALS:  
 REPORT TOTALS:

NO INVOICE AMOUNT DISCOUNTS CHECK AMOUNT  
 1 160.00 0.00 160.00  
 35 334,462.00 0.00 334,462.00  
 35 334,462.00 0.00 334,462.00

STATUS CHECK DATE INVOICE AMOUNT DISCOUNT CHECK NO CHECK STATUS CHECK AMOUNT  
 R 2/12/2016 160.00 046295 06295 160.00

SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 046278 THRU 046312  
DATE RANGE: 0/00/0000 THRU 99/99/9999  
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99  
INCLUDE ALL VOIDS: YES

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

## **STAFF REPORTS**

**A. Finance and Administration Director Polian**

**B. Chief of Police Hephner**

**C. Fire Chief Tormey**

**D. Community Development Director Ryan Shrack**

**E. City Superintendent Holper**

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

**G. City Engineer Golka**

- Project Status Update

**H. City Attorney Arbuckle**

**I. Interim City Administrator Kolb**

**MEMO****TO:** City of Valley Center**DATE:** March 1, 2016**PROJECT NO.:** 35-13208-2502**PROJECT:** Valley Center – City Engineer**ATTENTION:** Mayor Dove and Members of Council**FROM:** Josh Golka, P.E.**REFERENCE:** Project Status Update**COPIES TO:** George Kolb, Brent Holper, MDK

Please advise immediately of any misconceptions or omissions you believe to be contained herein.

Shown below is a list of current PEC projects with status updates:

**Projects:**

Ford, Ramsey, and Meridian Paving, Drainage, and Pump Station (12486)

- UCI working to resolve remaining punch list items.
- Retainage reduced to remaining items of work.

Leeker's North Driveway (12486-002)

- Received contractor proposals. Three proposals received with Vogts-Parga as the low bidder.

Standard Construction Specifications (13208-003)

- Final draft construction specifications provided for staff review.

Goff, Fieldstone, and Clover Safe Routes to School (13692)

- Final Check Comments Received from KDOT.
- Notification properties still requiring easements provided to staff based on recommendation of City Attorney.
- Bid summer 2016.

Emporia Bicycle and Pedestrian Path (13800)

- Office check comments received from KDOT.
- Review comments with staff and update plans for next submittal to KDOT.
- Bid summer 2016.

Emporia Waterline Improvements (14122-005)

- Final inspection February 24.

5th Street Paving Improvements (14323)

- PEC internal kickoff meeting February 26.
- Construction programmed for FY 2017.

Water Supply Study (15454)

- Final draft for review with updates requested by staff.
- Ongoing negotiations with City of Wichita on water contract.

Waste Water Treatment Plant Evaluation (15454-001)

- KDHE inspection of WWTP end of January.
- Discussion on dedicated funding for point repairs with staff.

Master Drainage Plan (15665)

- PEC submitted preliminary draft of drainage areas of concern for staff review.
- Open house meeting to follow staff review.

**Miscellaneous Items:**

- Reviewed preliminary plans on 93<sup>rd</sup> Street paving improvements prepared by Sedgwick County. Provided comments to staff with discussion on City standards versus County standards.
- Reviewed Proseal asphalt rejuvenation specifications for viability in street maintenance program.

**Warranty Dates for Construction Projects:**

March 31, 2016 McLaughlin Bicycle and Pedestrian Path (13386)  
August 26, 2016 Industrial Park Paving and Drainage (13436)  
May 8, 2017 Valley Creek Waterline and Sanitary Sewer (14899-001/002)  
July 8, 2017 Valley Creek Paving and Drainage (14899-000)  
February 12, 2018 Waterline Improvements along Emporia Avenue (14122-005)

## **GOVERNING BODY REPORTS**

**A. Mayor Dove**

**B. Councilmember Kerstetter**

**C. Councilmember Cicirello**

**D. Councilmember Gregory**

**E. Councilmember McGettigan**

**F. Councilmember Maschino**

**G. Councilmember L. Jackson**

**H. Councilmember Anderson**

**I. Councilmember Hobson**

**ADJOURN**