

**AGENDA
CITY OF VALLEY CENTER
7:00 pm
December 15, 2009
CITY HALL - 121 S. Meridian**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION: LOREN KURTZ**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA** p 3
- 6. CLERKS AGENDA** p 4
 - A. Minutes p 5
 - B. Appropriation Ordinance p 8
 - C. Treasurers November 2009 Report p 17
- 7. PRESENTATIONS / PROCLAMATIONS** p 19
- 8. PUBLIC FORUM** (*Citizen input and requests*) p 19
- 9. COMMITTEES, COMMISSIONS and APPOINTMENTS** p 19
- 10. OLD BUSINESS** p 20
 - A. Cell Phone Usage p 20
 1. Ordinance 1187-09; Cell Phone (Revised), 1st Reading p 21
 2. Resolution 566-09; Letter to State Legislature p 24
 - B. Noise Ordinance 1188-09, 1st Reading p 27
 - C. Railroad Quiet Zone Discussion p 35
- 10. NEW BUSINESS** p 57
 - A. Valley Creek Estates, 2nd Addition; Additional Improvements Petitions p 57
 1. Paving & Incidental Drainage Petition p 58
 2. Water Main Petition p 61
 - B. Valley Creek Estates, 2nd Addition; Proposed Improvements Authorizing Resolutions p 64
 1. Resolution 567-09; Paving Incidental Drainage p 65
 2. Resolution 568-09; Water Main p 68
 - C. Valley Creek Estates, 2nd Addition; Proposed Improvement Design Contract with P.E.C. p 71

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- 10. NEW BUSINESS (cont'd)**
 - D. Neighborhood Plans p 81
 - 1. Neighborhood Plans Regulations Memo p 82
 - 1. Minutes Valley Center Planning Commission p 83
 - 2. Plan Adoption Certificate p 85
 - 3. Ordinance 1189-09; Amending Comprehensive Development Plan, 2007-2013 p 86
- 12. CONSENT AGENDA p 88**
 - A. November 2009 Financial Statement p 89
 - B. Cereal Malt Beverage Licenses p 100
 - C. Proposed 2010 Agreement-Planning Services: Foster & Associates p 101
- 14. STAFF REPORTS p 106**
- 15. GOVERNING BODY REPORTS p 114**
- 16. ADJOURN**

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

CLERK'S AGENDA

A. MINUTES:

Attached are the minutes from the meeting of December 1, 2009 regular Council Meeting as prepared by the City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the December 1, 2009 Council Meeting Minutes as presented / amended.

REGULAR COUNCIL MEETING
DECEMBER 1, 2009
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 p.m. with the following members present: Kate Jackson, Marci Maschino, Cheryl Nordstedt, Bruce Campbell, Lou Cicirello, Harrison Gerling, Al Hobson and Lionel Jackson.

Members absent: None

Staff Present: Joel Pile, City Administrator
Kristine Polian, City Clerk
Richard Dunn, City Superintendent
Robert Tormey, Fire Captain
Mark Hephner, Police Chief
Neal Owings, Parks Superintendent
Eldon Miller, Community Development Officer
Mike Kelsey, City Engineer
Barry Arbuckle, City Attorney

Press present: The Ark Valley News, KSN, KAKE

APPROVAL OF THE AGENDA

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

CLERK'S AGENDA

MINUTES - NOVEMBER 17, 2009

Hobson moved, second by Cicirello, to approve the minutes of November 17, 2009 as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE- 12/01/09

Hobson moved, second by Cicirello, to approve Appropriation Ordinance No. 12/01/09 as presented. Vote yea: unanimous. Motion carried.

NEW BUSINESS

ORDINANCE 1187-09: OPERATION OF CELL PHONE IN MOVING VEHICLE

Councilmember Gerling stated he has concerns about safety, which is why he is in support of the ban on cell phone usage while driving. Said State Legislators have been talking about implementing on the State level, but has done nothing up to this point.

Councilmember Cicirello stated he would like to see the Council adopt a Resolution to be sent to the State indicating their wish for something to be done at the State level.

Gerling moved, second by K. Jackson, to clean up the language and have Staff present the Ordinance at the next meeting. Vote yea: K. Jackson, Maschino, Nordstedt, Cicirello, Gerling and Hobson. Opposed: Campbell and L. Cicirello. Motion carried.

Changes to be made:

Section (A) (1) (a) needs to be more defined.

Section (C) (3) "during an emergency" needs to be removed.

DISCUSSION OF NOISE ORDINANCE

The following citizens spoke regarding the noise ordinance:

Jeff Prichard, 205 Fiddler's Creek Ct.

Lee Ryglinski, 2001 Windsor Ct.

Ray Peavey, 114 Northwind Dr.

Terry Ellis, 2559 E. 5th

The majority of the citizens above stated their concerns with the horse track on 77th Street, as the music could be heard from their homes around 85th Street. All indicated their desire for the City to implement a noise ordinance.

Nordstedt moved, second by Maschino, to direct Staff to draft a noise ordinance to be considered at the next Council meeting.

DISCUSSION OF SPECIAL ASSESSMENT POLICY

Nordstedt moved, second by L. Jackson, to amend the policy for special assessments to allow developers to submit 20-year petitions before going to the Committee for evaluation instead of amending the petitions after the Committee agrees to allow 20-year petitions. Vote yea: unanimous. Motion carried.

STAFF REPORTS

POLICE CHIEF HEPHNER

Stated the 3rd grade students from West and Abilene Elementary schools will be at the Public Safety Building to decorate the Christmas tree on December 4 at 2:15 p.m.

GOVERNING BODY REPORTS

K. JACKSON

Asked if the City Council would be able to attend the Chamber tree-lighting event without causing problems with the City Holiday party.

City Clerk Polian stated it would be fine for the Council to go to the event without causing any problems.

COUNCILMEMBER GERLING

Asked what the procedure was for appointing Council members when the elected Council was not able to finish their term.

Mayor McNown stated the Mayor appoints the individual to fill the position and the Council approves the appointment.

Gerling said, given the procedure the Mayor just described, this individual would not be elected and therefore not a good representation of the people.

Mayor McNown said because the Council approves the appointment, and they are elected by the people, the individual is still being chosen by representatives of the people.

Maschino moved, second by Hobson, to adjourn the meeting.

Meeting adjourned at 7:57 p.m.

Kristine Polian, City Clerk

CLERK'S AGENDA

B. APPROPRIATION ORDINANCE:

Below is the proposed Appropriation Ordinance for December 15, 2009 as prepared by City Staff.

December 15, 2009 Appropriation	<u>\$ 1,455,333.54</u>
Total	\$ 1,455,333.54

RECOMMENDED ACTION:

Staff recommends motion to approve the December 15, 2009 Appropriation Ordinance as presented / amended.

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
NON-DEPARTMENTAL	GENERAL FUND	AFLAC	DEC 2009 PREM-P6996294AC	32.20			
			DEC 2009 PREM-PU342670ST	37.96			
			DEC 2009 PREM-P7215449AC	24.10			
			DEC 2009 PREM-PU215450CA	32.11			
			INTRUST BANK N.A.	FSA KP 9302	39.00		
			ALL AMERICAN ADMINISTRATORS	DEC 2009 LY0053572L	27.94		
			DEC 2009 LY0053573L	27.94			
			DEC 2009 LY0054799L	12.70			
			DEC 2009 LY0054783L	12.70			
			TOTAL:	246.65			
			ADMINISTRATION	GENERAL FUND	INTRUST CARD CENTER	ADMIN-LKM CONF: PILE	199.28
						ADMIN-LKM CONF: CICIRELLO	199.28
						ADMIN-LKM CONF: POLIAN	199.28
						ADMIN-LKM CONF: McNOWN	199.28
ADMIN-KSGFOA CONF: POLIA	370.96						
ADMIN-AAPA GUIDE/REF MAT	249.00						
ADMIN-PRINTER MAINT/OVR	115.54						
ADMIN-CH PHONE SYS BATT	92.50						
ADMIN-8.5 x 11" PAPER	187.50						
ADMIN-BINDER COVERS: WA	102.96						
ADMIN-VETERAN'S DAY EVEN	79.35						
ADMIN-FLASH DRIVE	14.02						
ADMIN-CONF SUPPLIES	78.47						
ADMIN-CANX CHK BOXES	106.21						
ADMIN-FLOWERS: VETERAN	56.15						
EC-OFFICE CHAIR: DISPATCH	595.00						
ADMIN-FACILITY DEPOSIT	250.00						
OCT 09 CR-% CR DUE TO SALE	141.82-						
HUGO WALL SCHOOL-URBAN STUDIES & PUBLI	MMC INSTITUTE-NOV 9-13	350.00					
CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	55.25					
TYLER TECHNOLOGIES INC - INCODE DIVISI	MO WEB PUBLISHING FEE	25.00					
	ANNUAL MAINTENANCE	77.70					
LOCKWOOD COMPANY INC	2010 CMB LICENSES	25.56					
VALLEY CENTER CHAMBER OF COMMERCE	SPONSOR WINTER FESTIVAL	150.00					
MUNICIPAL CODE CORPORATION	VC CODE SUPPLEMENTS	2,371.83					
KUTAK ROCK LLP	FMLA COMPLI-LEGAL SVCS	752.20					
TOTAL:	6,760.50						
LEGAL & MUNICIPAL COUR	GENERAL FUND	INTRUST CARD CENTER				LEGAL-PRINTER MAINT	64.93
						COURT-OFFICE SUPPLIES	162.97
						CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	8.50
			TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	11.10		
			TOTAL:	247.50			
COMMUNITY DEVELOPMENT	GENERAL FUND	INTRUST CARD CENTER	CODE-VET SVCS/EUTHANAS	80.00			
			CODE-OCT 09 ANIMAL P/U	29.00			
			CD-GREENSBURG MOBILE	65.00			
			CD-KS APA CONF-G SHARP	300.00			
			CODE-VEH MAINT & REPAIR	209.08			
			CODE-PRINTER MAINT	64.94			
			CD-EXTERNAL DRIVE/INK	253.97			
			CODE-PET FOOD/SHELTER	21.87			
			CODE-PET FOOD/SHELTER	40.76			
			CODE-OFFICE SUPPLIES	163.20			
			FOSTER & ASSOCIATES,	10/29-11/23 PLNG SVCS	865.20		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT_
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	25.50
		CINDY PLANT	TRNG-WINFIELD 11/13/09	57.65
			KACA BOARD MTG 11/12	103.00
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	33.30_
			TOTAL:	2,312.47
POLICE	GENERAL FUND	INTRUST CARD CENTER	PD-IACP CONF - TRANSPORT	211.70
			PD-IACP CONF - LODGING	863.68
			PD-TRNG EVIDENCE/PROP	150.00
			PD-TRNG BASIC SPAN/LE	75.00
			PD-IACP CONFERENCE 2009	275.00
			PD-REFERENCE MATERIAL	26.58
			PD-BUSINESS CARDS	79.00
			PD-PRINTING SERVICES	205.00
			PD-TICKET BOOKS	470.80
			PD-VEH REPAIRS: #S 6-8-10	198.16
			PD-VEH REPAIRS: # 9	28.45
			PD-PRINTER MAINT	64.94
			PD-INK CARTRIDGES/CD/SLV	88.95
			PD-GUN SAFE PUB SAFETY	529.99
			PD-GUN CLNG SUPPLIES	4.54
			PD-RIFLE SLINGS	106.43
			PD-GUN RANGE MRKG PAINT	5.49
			PD-GUN LOCK TIMER	41.98
			PD-GUN CLNG SUPPLIES	4.54
			PD-PLASTIC SHEETING	7.24
		MEDICAL PLAZA OF VALLEY CENTER	10/27/09 E15351 MED SVCS	80.00
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	106.25
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	122.10
		KANSAS PEACE OFFICERS ASSN	2010 KPOA ANNUAL-13 OFFIC	195.00
		J. C. KIRK	UNIFORM REIMBURSEMENT	100.00_
			TOTAL:	4,040.82
FIRE	GENERAL FUND	INTRUST CARD CENTER	FIRE-BATTERIES FOR E-411	302.07
			FIRE-MISC HARDWARE	7.59
			FIRE-PRINTER MAINT	64.93
			FIRE-ONBRD BATT CHRGR	525.53
			FIRE-PREVENTION MEALS	81.76
			FIRE-PREVENTION MEALS	69.36
			FIRE-OPEN HOUSE REFRESH	70.96
			FIRE-BATT; FLASHDRIVE; GL	81.28
			FIRE-SMOKE ALARMS	34.74
			FIRE-PRINTER CARTRIDGES	35.94
			FIRE-FALL FEST HANDOUTS	396.60
			FIRE-ID CARDS/RIBBONS	170.50
			FIRE-LIGHT BULBS	13.45
			FIRE-USED PAGERS & CHRGR	630.53
			FIRE-911 PAGERS	199.30
			FIRE-TOOL BOX FOR E-41	39.31
			FIRE-BATT & FIRE CAM	132.99
			FIRE- BOOTS	232.50
			FIRE-BADGE HOLDERS	116.99
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	8.50
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	11.10
		EMERGENCY FIRE EQUIPMENT CO	NOZZLES; HOSES; LTS; MON	6,556.30
		LONNIE TORMEY	REFRESHMENTS FOR MTG	245.24

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	10,027.47
EMERGENCY COMMUNICATIO	GENERAL FUND	INTRUST CARD CENTER	EC-BALLONS/FLWRS: BRANS	26.56
			EC-PRINTER MAINT	64.93
			EC-TYPEWRITER RIBBONS	202.90
			EC-REPLENISH SUPPLIES	156.14
			EC-ADD'L OFFICE SUPPLIES	72.86
			EC-OFFICE CHAIR: DISPATCH	349.00
			PD-COMP EQUIP-EMER COMM	893.00
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	42.50
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	55.50
			TOTAL:	1,863.39
COMMUNITY BUILDING	GENERAL FUND	INTRUST CARD CENTER	COMM BLDG-SENIORS PART	25.00
			COMM BLDG-SENIORS SUMM	73.98
			COMM BLDG-SENIORS FNDR	25.00
			TOTAL:	123.98
SWIMMING POOL	GENERAL FUND	INTRUST CARD CENTER	POOL-ANTIFREEZE/WINTERZ	10.47
			POOL-BLACK PAINT; OIL	194.89
			POOL-TAPE, ADHESIVE, FILL	48.15
			POOL-PLYWOOD	16.25
			OCT 09 CR-LOCKER BASKET	85.20
			TOTAL:	184.56
PARKS	GENERAL FUND	INTRUST CARD CENTER	PARKS-MOWER TIRE REPAIR	6.00
			PARKS-ROUNDUP & FERTIL	735.00
			PARKS-FLAG POLE REPAIR	239.00
			PARKS-TRIM, MULCH, MAINT	175.00
			PARKS-UNIFORMS	84.96
			PARKS-VARIOUS FILTERS	3.19
			PARKS-VARIOUS FILTERS	6.36
			PARKS-VARIOUS FILTERS	63.45
			PARKS-NUTS & BOLTS	2.08
			PARKS-NUTS & BOLTS	6.26
			PARKS-VARIOUS FILTERS	76.61
			PARKS-PVC COUPLING	3.89
			PARKS-PROPANE TORCH	49.57
			PARKS-TRIM, MULCH, MAINT	3,051.00
			PARKS-REPLACE ADD'L TREE	81.00
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	25.50
		COX COMMUNICATIONS	DEC 09 P WKS INTERNET SV	19.98
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	33.30
			TOTAL:	4,662.15
PUBLIC BUILDINGS	GENERAL FUND	INTRUST CARD CENTER	P BLDG-SECURITY SYS: CH	77.00
			P BLDGS-GENERATOR RPR	1,202.42
			P BLDGS-ROUNDUP & FERT	267.00
			P BLDG-FERTILIZER APP	35.00
			P BLDGS-NUTS & BOLTS	5.97
			P BLDG-SURGE PROTECTOR	19.98
			P BLDGS-NUTS & BOLTS	3.73
			P BLDGS-OP UP DRAIN EMITT	9.99
			P BLDGS-GRASS SEED	95.00
			P BLDGS-CLNG SUPPLIES	358.99
			P BLDGS-ELEC MTR PUMP ST	90.15

CITY COUNCIL MEETING DECEMBER 15, 2009

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			P BLDGS-SUMP PUMP	99.99
			P BLDGS-TRIM, MULCH, MAIN	2,615.00
			P BLDGS-COMM BLDG CARP	379.75
			P BLDGS-LANDSCAPE ROCK	359.60
			P BLDGS-CEILING FANS	1,006.00
			P BLDG-SECURITY SYS: CH	2,140.00
			OCT 09 CR-CEILING FAN	35.98-
			TOTAL:	8,729.59
CEMETERY	GENERAL FUND	INTRUST CARD CENTER	CEM-ROUNDUP & FERTILIZE	81.00
			TOTAL:	81.00
NON-DEPARTMENTAL	EMPLOYEE BENEFITS	PREFERRED PLUS OF KANSAS	DEC 2009 HEALTH INSUR PR	26,442.78
			TOTAL:	26,442.78
NON-DEPARTMENTAL	EQUIPMENT RESERVE	TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	555.00
			TOTAL:	555.00
NON-DEPARTMENTAL	SPECIAL HIGHWAY	AFLAC	DEC 2009 PREM-PJ720568AC	24.10
			DEC 2009 PREM-PJ720569CA	22.70
			TOTAL:	46.80
SPECIAL HIGHWAY	SPECIAL HIGHWAY	PREFERRED PLUS OF KANSAS	DEC 2009 HEALTH INSUR PR	2,189.86
		INTRUST CARD CENTER	STS-ROUTINE TESTING	235.00
			STS-REPLACE WIPER ARM	225.59
			STS-REPAIRS TO LOADER	172.96
			STS-UNIFORMS	120.68
			STS-3/4 CLEAR HOSE	7.14
			STS-SPRAY NOZZLE	11.39
			STS-WINDOW CLEANER	24.95
			STS-1/2" GROMMET KIT	11.99
			STS-TRBLSHT SCH ZONE LT	247.50
			STS-CUPS, UTENSILS-BRK RM	37.68
			STS-UZ ENGINEERED PROD	128.66
			STS-GRINDER W/HLDR & DIS	131.55
			STS-BAT FOR WX MONITOR	6.98
			STS-SNAP PINS; TAP & DIE	101.95
			STS-PLANT STAKE, NIPPLES	49.29
			STS-POST HOLE DIGGER	28.79
			STS-COUPLER SET; BLOW GU	58.93
			STS-BRUSH AND WASH MITT	12.98
			STS-PARTS	16.77
			STS-NUT & BOLTS FOR #45	3.12
			STS-#45 SWPR BROOMS	951.14
			STS-GRADER BLADES #41	1,060.32
			STS-(4) STEEL RUNNERS &	1,921.03
			STS-REPLACE SNOW PLOW	289.00
			STS-TIRES REPAIR #34	351.42
			STS-XMISSION & HEATR RPR	2,000.00
			STS-SALT/SAND SPREADER	4,377.00
			OCT 09-INADVERTANT CHR G HS	7.00-
		B & B KLASSEN ENTERPRISES INC	KGE 1-1/2 51.72	852.35
			HAUL RATE-GRAY COURSE	600.36
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	55.25
		CRAIN CHEMICAL	OIL BASE FLOOR SWEEP	106.60
		COX COMMUNICATIONS	DEC 09 P WKS INTERNET SV	19.99

CITY COUNCIL MEETING DECEMBER 15, 2009

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT_
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	77.70
		SOUTH WEST BUTLER QUARRY LLC	GREAY COURSE ROCK	390.23_
			TOTAL:	16,869.15
NON-DEPARTMENTAL	BOND & INTEREST	KANSAS OFFICE OF THE TREASURER	SERIES 1997-1 FEES DUE	3.75
			SERIES 1997-2 FEES DUE	6.25
			SERIES 1998-1 FEES DUE	2.50
			1997-1 BI# 4362060197454	55,000.00
			1997-2 BI# 4362100197573	40,000.00
			1998-1 BI# 4362120198988	40,000.00
			2001-1 BI# 4362020101819	60,000.00
			2002-1 BI# 4362080102538	505,000.00
			2001-2 BI# 4362110101188	85,000.00
			2003-1 BI# 4362120103157	45,000.00
			2006-1 BI# 4362060106139	75,000.00
			2006-2 BI# 4362120106295	70,000.00
			2009-2 BI# 4362091009307	155,000.00
			1997-1 BI# 4362060197454	6,261.25
			1997-2 BI# 4362100197573	4,045.00
			1998-1 BI# 4362120198988	8,990.00
			2001-1 BI# 4362020101819	14,707.50
			2002-1 BI# 4362080102538	34,878.12
			2001-2 BI# 4362110101188	19,985.00
			2003-1 BI# 4362120103157	31,168.13
			2006-1 BI# 4362060106139	27,750.45
			2006-2 BI# 4362120106295	33,358.13
			2007-1 BI# 4362111507653	14,803.75
			2009-2 BI# 4362091009307	6,783.75_
			TOTAL:	1,332,743.58
NON-DEPARTMENTAL	WATER OPERATING	AFLAC	DEC 2009 PREM-P6996300AC	26.20_
			TOTAL:	26.20
NON-DEPARTMENTAL	WATER OPERATING	PREFERRED PLUS OF KANSAS INTRUST CARD CENTER	DEC 2009 HEALTH INSUR PR	3,362.59
			WA-POSTAGE FOR SAMPLES	4.95
			WA-POSTAGE FOR SAMPLES	4.95
			WA-POSTAGE FOR SAMPLES	4.95
			WA-DUTY PHONE 8/19-9/18	27.13
			WA-COPIER MAINTENANCE	69.40
			WA-XMISSION & HEATR REP	2,000.00
			WA-BRAKE FLUID #21	2.65
			WA-GENERATOR SVC & INSPE	593.26
			WA-UNIFORMS	120.68
			WA-UNIFORM JACKET	52.08
			WA-OFFICE SUPPLIES	271.53
			WA-OFFICE SUPP & PAPER	80.33
			WA-REPLACE BLADES #50	610.42
			WA-COFFEE & LYSOL SPRAY	39.93
			WA-SQ TUBING; STEEL CUT	22.88
			WA-PAINT SPRAY GUN	66.96
			WA-PAINT #21; PRIMER; TAP	166.27
			WA-SPRAY GUN HOSE CONN	37.77
			WA-POLE CONNECT KIT	12.49
			WA-WELDING RODS; SPRAY	46.84
			WA-METER RESETTERS	527.35
			WA-2 CURB STOP KEY & PRO	134.00

CITY COUNCIL MEETING DECEMBER 15, 2009

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT_
			WA-STRAP STEEL #21	21.65
			WA-ICE; PLATES; BOWLS	27.26
			WA-HOSE DISCHRG; CLAMPS	9.96
			WA-BOLTS FOR #21	54.86
			WA-17 ASSORTED FILTERS	386.17
			WA-HAND HELD RADIOS & HO	970.00
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	55.25
		CIERO COMMUNICATIONS	RADIO REPAIRS - #209051	60.00
			RADIO REPAIRS - #209050	60.00
			RADIO REPAIRS - #209052	60.00
		COX COMMUNICATIONS	DEC 09 P WKS INTERNET SV	19.99
		TYLER TECHNOLOGIES INC - INCODE DIVISI	UTILITY BILLING COMPONEN	80.00
			ANNUAL MAINTENANCE	77.70
		LAYNE CHRISTENSEN COMPANY	WELL #7 REHABILITATION	13,588.00_
			TOTAL:	23,730.25
INVALID DEPARTMENT	STORMWATER UTILITY	INTRUST CARD CENTER	STWTR-GENERATOR SVC &	430.34_
			TOTAL:	430.34
NON-DEPARTMENTAL	SEWER OPERATING	INTRUST BANK N.A.	FSA TF 9281	21.23_
			TOTAL:	21.23
NON-DEPARTMENTAL	SEWER OPERATING	PREFERRED PLUS OF KANSAS	DEC 2009 HEALTH INSUR PR	3,239.83
		INTRUST CARD CENTER	SWR-LAB TESTING; SEP 09	453.60
			SWR-OCT 2009 LAB TESTING	453.60
			SWR-XMISSION & HEATR RPR	2,529.80
			SWR-GENERATOR SVC & INS	1,659.37
			SWR-UNIFORMS	120.68
			SWR-SPREADERS & HARDNR	5.98
			SWR-FIBERGLASS REPAIR	9.33
			SWR-REPAIR FIBERGLASS BL	3.79
			SWR-DUCT TAPE; SANDG DIS	17.38
			SWR-32 OZ FBRGLS RESIN	12.17
			SWR-ICE: CLN SCREEN UNIT	33.75
			SWR-CHOP SAW BLADES	130.72
			SWR-TEST KITS & GLOVES	286.31
			SWR-TRASH CAN	15.79
			SWR-GREASE	150.66
			SWR-SS BOLTS, NUTS, WASH	177.09
			SWR-PUMP FILTER ELEMENT	6.62
			SWR-MECHANICAL SEAL KITS	856.06
			SWR-BAR CLAMPS; C CLAMP	47.36
			SWR-REPAIR PARTS: UV SYS	3,460.25
		CIVIC PLUS	DEC 2009 EMAIL HOST/FEES	42.50
		COX COMMUNICATIONS	DEC 09 P WKS INTERNET SV	19.99
		TYLER TECHNOLOGIES INC - INCODE DIVISI	ANNUAL MAINTENANCE	55.50
		MAYER SPECIALTY SERVICES LLC	WETWELLS CLEANED	1,400.00_
			TOTAL:	15,188.13

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT_
------------	------	-------------	-------------	---------

```

===== FUND TOTALS =====
010 GENERAL FUND                39,280.08
110 EMPLOYEE BENEFITS           26,442.78
127 EQUIPMENT RESERVE           555.00
150 SPECIAL HIGHWAY             16,915.95
410 BOND & INTEREST             1,332,743.58
610 WATER OPERATING             23,756.45
612 STORMWATER UTILITY FUND     430.34
620 SEWER OPERATING             15,209.36
-----
GRAND TOTAL:                    1,455,333.54
-----

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TOTAL PAGES: 7

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF VALLEY CENTER
 VENDOR: THRU ZZZZZZ
 ITEM DATE: 0/00/0000 THRU 99/99/9999
 GL POST DATE: 11/24/2009 THRU 12/08/2009
 CHECK DATE: 0/00/0000 THRU 99/99/9999
 INCLUDE REFUNDS: YES
 INCLUDE OPEN ITEM:NO

PAYROLL SELECTION

PAYROLL EXPENSES: NO
 CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: None
 SEQUENCE: By Department
 DESCRIPTION: Distribution
 GL ACCTS: NO
 REPORT TITLE: COUNCIL REPORT 12-15-09 MTG PKT
 SIGNATURE LINES: 0

CLERK'S AGENDA

C. TREASURER'S REPORT – NOVEMBER 2009:

RECOMMENDED ACTION:

Staff recommends motion to receive and file the November 2009 Treasurer's Report.

12-10-2009 11:31 AM

CITY OF VALLEY CENTER
 PERIOD CASH FLOW REPORT
 AS OF: NOVEMBER 30TH, 2009

PAGE: 1

FUND	BEGINNING CASH BALANCE	RECEIVABLES & NET ASSETS	PERIOD REVENUES	PAYABLES & NET LIABILITIES	PERIOD EXPENDITURES	ENDING CASH BALANCE	Y-T-D ENCUMBRANCE	UNENCUMBERED CASH BALANCE
GENERAL FUND	578,753.33	0.00	94,194.18 (	127.00)	195,515.06	477,559.45	5,604.79	471,954.66
EMPLOYEE BENEFITS	10,874.21	0.00	0.00	0.00 (	2,827.00)	13,701.21	0.00	13,701.21
FLEXIBLE SPENDING ACCT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FIRE VEHICLE REPLACEMENT	640.30	0.00	0.00	0.00	0.00	640.30	0.00	640.30
BUILDING EQUIP RESERVE	111,177.90	0.00	0.00	0.00	0.00	111,177.90	0.00	111,177.90
EQUIPMENT RESERVE	195,236.02	0.00	0.00	0.00	0.00	195,236.02	0.00	195,236.02
PUBLIC WORKS BUILDING	8,627.24	0.00	0.00	0.00	0.00	8,627.24	0.00	8,627.24
LIBRARY	13,987.50	0.00	0.00	0.00	3,814.10	10,173.40	0.00	10,173.40
SPECIAL HIGHWAY	328,322.69	0.00	36,876.46	2,599.65	41,532.63	321,066.87	0.00	321,066.87
EMERG EQUIPMENT RESERVE	68,239.04	0.00	0.00	0.00	0.00	68,239.04	0.00	68,239.04
PAYROLL CLEARING FUND	37.62	0.00	0.00	0.00	0.00	37.62	0.00	37.62
ACTIVE AGING GRANT	0.77	0.00	0.00	3.84 (	6.58)	3.51	0.00	3.51
PARK BEAUTIFICATION	1,967.87	0.00	0.00	0.00	0.00	1,967.87	0.00	1,967.87
BUSINESS IMPROVEMENT DIST	1,143.50	0.00	0.00	0.00	0.00	1,143.50	0.00	1,143.50
D.A.R.E.	551.15	0.00	200.00	0.00	0.00	751.15	0.00	751.15
VETERANS FLAG REWARD FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DRUG TAX DIST	4,923.53	0.00	0.00	0.00	0.00	4,923.53	0.00	4,923.53
LAW ENFORCEMENT BLOCK GR	2,500.00	0.00	0.00	0.00	0.00	2,500.00	0.00	2,500.00
ADSAP	2,160.06	0.00	8.93	0.00	0.00	2,168.99	0.00	2,168.99
CAPITAL IMPROVEMENT FUND	3,318.14	0.00	0.00	0.00	0.00	3,318.14	0.00	3,318.14
PROJECTS FUND	1,528,197.19	0.00	0.00	54,239.80	15,428.75	1,458,528.64	0.00	1,458,528.64
G O BOND & INTEREST	1,224,629.06	0.00	0.00	0.00	1,156,156.08	68,472.98	0.00	68,472.98
WATER OPERATING	464,466.35 (	5,193.52)	88,896.50	1,384.81	93,954.93	452,829.59	0.00	452,829.59
METER DEPOSIT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WATER MAINTENANCE RESERVE	7,780.37	0.00	0.00	0.00	0.00	7,780.37	0.00	7,780.37
WATER IMPROVEMENT FUND	146,497.48	0.00	0.00	0.00	0.00	146,497.48	0.00	146,497.48
WATER LOAN P & I 2000	32.17	0.00	0.00	0.00	0.00	32.17	0.00	32.17
WATER LOAN P & I 2007	1.49	0.00	0.00	0.00	0.00	1.49	0.00	1.49
WATER SURPLUS RESERVE	567,812.42	0.00	0.00	0.00	0.00	567,812.42	0.00	567,812.42
SEWER OPERATING	495,974.24 (	513.49)	61,307.20	310.99	40,852.75	515,604.21	0.00	515,604.21
SEWER OPERATION & MAINT	14,795.22	0.00	0.00	0.00	0.00	14,795.22	0.00	14,795.22
1993 SEWER BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1993 SEWER BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SEWER DEPRECIATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SEWER BOND RESERVE	334,181.58	0.00	0.00	0.00	0.00	334,181.58	0.00	334,181.58
1997 SEWER BOND P & I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997 SW BOND DEPR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1997 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001 SW BOND P & I	174,307.06	0.00	0.00	0.00	161,783.75	12,523.31	0.00	12,523.31
2001 SW REV BOND DEPR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GRAND TOTAL	6,291,135.50 (	5,707.01)	281,483.27	58,412.09	1,706,204.47	4,802,295.20	5,604.79	4,796,690.41
	=====	=====	=====	=====	=====	=====	=====	=====

*** END OF REPORT ***

PRESENTATIONS / PROCLAMATIONS

PUBLIC FORUM

COMMITTEES, COMMISSIONS and APPOINTMENTS

OLD BUSINESS

A. CELL PHONE USAGE:

1. ORDINANCE 1187-09, 1st Reading:

An Ordinance of the Valley Center City Council amending the Valley Center Municipal Code Title 10, entitled "Vehicles and Traffic", Chapter 10.040 prohibiting the use of hand-held mobile telephones and other electronic communication devices while simultaneously operating a motor vehicle or a bicycle on a public roadway.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1187-09 amending the Valley Center Municipal Code Title 10, entitled "Vehicles and Traffic" for 1st Reading.

ORDINANCE NO. 1187-09**AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL AMENDING THE VALLEY CENTER MUNICIPAL CODE TITLE 10, ENTITLED "VECHICLES AND TRAFFIC", CHAPTER 10.40 PROHIBITING THE USE OF HAND-HELD MOBILE TELEPHONES AND OTHER ELECTRONIC COMMUNICATION DEVICES WHILE SIMULTANEOUSLY OPERATING A MOTOR VEHICLE OR A BICYCLE ON A PUBLIC ROADWAY.**

BE IT ORDAINED, by the Governing Body of Valley Center, Kansas that Title 10, Chapter 10.040, Section 10.04.065 of the Valley Center Municipal Code be adopted as follows:

Section 1.

10.04.065 Prohibition of hand-held mobile telephone and other electronic communication device use while operating a motor vehicle or riding a bicycle on a public roadway.

- (A) No person operating a motor vehicle or a bicycle on any street or highway within the city limits of Valley Center shall use a hand-held mobile telephone or other communication device to engage in a call or create, send, or read text messages while such vehicle is in motion.
- (1) For purposes of this subsection the following definitions apply:
- (a) "Engage in a call" shall mean talking into, dialing or listening on a hand-held mobile telephone, but shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.
 - (b) "Hands-free mobile telephone" shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person), whether or not the use of either hand (or prosthetic device) is necessary to activate, deactivate or initiate a function of such telephone.
 - (c) "Hand-held mobile telephone" shall mean a mobile telephone with which a user engages in a call using a least one hand (or prosthetic device or aid in the case of a physically disabled person).
 - (d) "Mobile telephone" shall mean the device used by subscribers and other users of wireless telephone service to access such service and shall include Personal Digital Assistants, commonly referred to as PDAs.

- (e) “Personal Digital Assistant” shall mean a device operated using a wireless telecommunications service that provides for data communication other than by voice.
- (f) “Wireless telephone service” shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network and commonly referred to as cellular service or personal communication service.

(B) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaged in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call. “Immediate proximity” shall mean that distance as permitted by the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator’s ear.

(C) The provisions of this section shall not apply to the following factual circumstances:

- (1) Emergency use of a hand-held mobile telephone or other electronic communication devices, including calls to 911, a hospital, an ambulance service provider, a fire department, or a law enforcement agency.
- (2) Persons using a telephone with a “hands-free” device allowing the driver to talk into and listen to the other party without the use of hands.
- (3) Use of a hand-held mobile telephone or other electronic communication device by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle acting within the scope of official duties.
- (4) Use of a device that does not support duplex communications such as two way mobile transmitter or receiver.

(D) Law enforcement officers may not require a person operating a motor vehicle or bicycle who may be in violation of this section to stop except:

- (1) upon reasonable cause to believe the operator has violated another traffic regulation or the driver’s vehicle is unsafe or not equipped as required by law; or
- (2) upon reasonable cause to believe the operator is using an electronic communication device to write, send, or read text messages.

Section 2. **Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage and after publication according to law.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this ____ day of _____ 2010.

First Reading December 15, 2009

Second Reading January 5, 2010

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

OLD BUSINESS

A. CELL PHONE USAGE:

2. RESOLUTION 566-09, Encouraging State Legislators to take Action

A resolution proposed by Councilmember Cicirello encouraging State Legislators to take action on cell-phone usage while operating a vehicle.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 566-09 encouraging State Legislators to take action.

RESOLUTION NO. 566-09**RESOLUTION ENCOURAGING THE KANSAS STATE LEGISLATURE TO PASS LEGISLATION BANNING THE USE OF MOBILE TELEPHONES AND OTHER ELECTRONIC COMMUNICATION DEVICES WHILE SIMULTANEOUSLY OPERATING A MOTOR VEHICLE ON A PUBLIC ROADWAY.**

WHEREAS, the issue of using mobile telephones and other electronic communication devices while driving has received increased attention in recent months, following high-profile accidents attributed to drivers distracted by text messaging;

WHEREAS, while there is ample research regarding the dangers of distracted driving generally, there is increasing evidence that mobile telephone use is the most dangerous driver distraction of all;

WHEREAS, University of Utah researchers found that a driver who is using a mobile telephone and/or other electronic communication device is *twice as likely as a drunk driver* to cause an accident (and eight times more likely than a sober, non-distracted driver). This research was based on simulator tests, however, and not actual, recorded driving habits;

WHEREAS, a study released from the Virginia Tech Transportation Institute on July 27, 2009, which entailed outfitting the cabs of long-haul trucks with video cameras over 18 months, found that when the drivers used electronic communications devices, their collision risk was 23 times greater than when not the devices;

WHEREAS, several cities and states have recently imposed mobile phone use/texting bans or are considering doing so. For example, just in the last few weeks Cleveland, Ohio; Austin, Texas; Toledo, Ohio; Wilmington, Delaware; Cheyenne, Wyoming; and Missoula, Mississippi, have enacted, or are considering, bans on texting while driving; eight states, including Arkansas, have banned texting while driving and nine other states, including Kansas, have imposed partial bans prohibiting teenage drivers from texting, and federal legislators are now proposing a nation-wide ban;

WHEREAS, the use of mobile telephones and other electronic communication devices while operating a motor vehicle constitutes a proven immediate and direct threat to public safety and, except when shown to be in the public interest, should be outlawed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF VALLEY CENTER, KANSAS:

Section 1: The City of Valley Center, Kansas, respectfully encourages the Kansas State

Legislature to adopt a "Mobile Telephone and Other Electronic Communication Device Usage While Driving Ban" for the State of Kansas that would prohibit the use of mobile telephones and other electronic communication devices by an individual who is concurrently operating a motor vehicle.

Section 2: The City of Valley Center, Kansas, directs the City Clerk or her designee, to deliver an executed copy of this Resolution to the Speaker of the Kansas House of Representatives, the President of the Kansas Senate, and the entire South-Central Kansas legislative delegation.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this ____ day of _____ 2009.

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

OLD BUSINESS

B. NOISE ORDINANCE 1188-09, 1st READING:

An Ordinance of the Valley Center City Council Prohibiting noise pollution within the City of Valley Center, Kansas

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1188-09 for 1st Reading.



MEMO

TO: Honorable Mayor McNown & Valley Center City Council

FROM: Joel Pile, City Administrator

DATE: December 10, 2009

RE: *Ordinance No. 1188-09*

Background: Ordinance No. 1188-09 was drafted at the request of the City Council after discussion at the December 1, 2009 City Council Meeting. This item was first presented to Council in the fall of 2007. Council passed first reading of Ordinance 1152-07 at the October 16, 2007 Council Meeting, the second reading on November 6, 2007 failed to pass.

Analysis: Attached is an ordinance which prohibits noise pollution within the City of Valley Center. The purpose of the attached ordinance is to secure and promote public health, comfort, convenience, safety, welfare, peace and quiet by preventing or minimizing noise pollution as defined within the ordinance.

The Ordinance includes a noise standard. As much as possible, regulations reference specific requirements instead of a more subjective standard, such as that noise cannot create an undue adverse impact. The Ordinance references specific numerical decibel levels and relates those levels to zoning districts.

Considerations: Enforcement of the Ordinance will require law enforcement officers/code enforcement officer to have specific equipment (hand-held sound level meter). The average cost of a sound level meter meeting the specifications of the Ordinance is \$250. Staff anticipates the need to purchase 4 meters (4 x \$250= \$1,000) if this Ordinance is passed into law.

Recommendation: Staff recommends the Council approve Ordinance 1188-09 for first reading at the December 15, 2009 City Council Meeting and have it placed on the Agenda for second reading at the January 5, 2010 City Council Meeting.

Appendix C

Decibel Scale of Common Sounds

EXAMPLE NOISE LEVELS IN DECIBELS

Noise Source	Decibel Level	Noise Effect
Jet takeoff (25 M)	150	Eardrum rupture
Aircraft carrier deck	140	Earphones at high level
Jet takeoff (100 M)	130	
Thunderclap, live rock music,	120	Human pain threshold
Chain Saw Steel Mill, Riveting, auto horn at 1 M	110	
Jet takeoff (305 M), outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck	100	Serious hearing damage (8 hrs)
Busy urban street, diesel truck, food blender	90	Hearing damage (8 hrs)
Garbage disposal, dishwasher, average factory, freight train (15 M)	80	Possible hearing damage
Freeway traffic at 15 M, vacuum cleaner	70	Annoying
Conversation in restaurant, office, background music	60	
Quiet suburb, conversation at home	50	Quiet
Library	40	
Quiet rural area	30	
Whisper, rustling leaves	20	Very Quiet
Breathing	10	
	0	Threshold of hearing



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1.5 dB Sound Level Meter

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Regular Price \$249.99

Ship Weight 1.00 lbs.

Quantity 1

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Origin

Model 407736

Part Number 6690-0025

Master Catalog Page: 683



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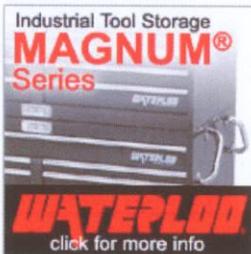
Description

- Provides 1.5-decibel accuracy
- A and C weighting
- High and low measuring ranges: 35 to 90 decibels low; 75 to 130 decibels high
- 0.1dB resolution
- Fast/slow response
- Max hold with reset button
- Meets ANSI and IEC 651 Type II standards
- Large 0.5-inch, 3-1/2 digit LCD display
- Built-in calibration check (94 decibels)
- Tripod mount and analog DC/AC conditioned outputs of 10mV/dB
- Utilizes 0.49 inch (12.3-millimeter) condenser microphone
- Includes hard vinyl case and 9-volt battery

Product Specifications

Warranty: 1 year
Net Weight: 7.6 oz.
Range: 35 to 90 dB low; 75 to 130 dB high
Size: 9.5 x 2.7 x 1"

* INCLUDES WIND SCREEN



ORDINANCE NO. 1188-09**AN ORDINANCE OF THE VALLEY CENTER CITY COUNCIL
PROHIBITING NOISE POLLUTION WITHIN THE CITY OF VALLEY
CENTER, KANSAS.**

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

Section 1. Purpose. The purpose of this Ordinance is to secure and promote public health, comfort, convenience, safety, welfare, peace and quiet by preventing or minimizing noise pollution as herein defined.

Section 2. Definitions. Whenever used in this ordinance, the following words and phrases shall have the meaning ascribed to them in this section unless the context clearly requires another meaning:

- a. "ANSI" means the American National Standards Institute or its successor bodies.
- b. "Boundary" means the line of demarcation which separates the real property owned by one person from that owned by another person.
- c. "City" means the City of Valley Center, Kansas.
- d. "Daytime hours" means 7 a.m. to 10 p.m., local time.
- e. "dB (A)" represents the abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter.
- f. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- g. "Emergency signal equipment" means any siren, whistle, air horn or similar device when used on any vehicle designated as an emergency vehicle by Kansas law, used in connection with an emergency warning system, or used in connection with an alarm or warning system intended to produce an audible signal upon unauthorized entrance by a person into a building, structure or motor vehicle.
- h. "Emergency work" means any work necessary to restore real property to a safe condition following a public calamity, or work required to protect persons or real property from an imminent exposure to danger.
- i. "Nighttime hours" means 10 p.m. of one day through 7 a.m. of the next day, local time.
- j. "Noise" means loud, harsh or discordant sound.
- k. "Noise pollution" means the presence of noise, whether from a single source or from multiple sources, the intensity, loudness or character of which is, or may be predicted with reasonable certainty to be, injurious to human health or which unreasonably interferes with the quiet enjoyment of property or with any lawful business or activity. Noise at sound pressure levels exceeding those permitted in any zone pursuant to this ordinance are conclusively presumed to constitute noise pollution.

- l. "Person" means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, or operator and shall include municipalities and their officers or employees.
- m. "Sound level" or "noise level" means the weighted sound pressure level, in decibels, measured by the use of a sound level meter satisfying the requirements of ANSI SI.4, 1971, Specifications for Sound Level Meters."
- n. "Sound level meter" means an instrument meeting ANSI SI.4, 1971, Specifications for Sound Level Meters, consisting of a microphone, an amplifier, an output meter and frequency weighting network or networks, used for the measurement of sound pressure levels in a specified manner.
- o. "Source" means any person or property, real or personal, contributing to noise pollution.

Section 3. Prohibited noise levels.

- a. Except as otherwise provided herein, noise from any source, when measured as provided herein at a level equal to or in excess of the maximums established for the following zones and time periods, is hereby declared to constitute noise pollution in violation of this ordinance:

Zone	Daytime Hours – dB(A)	Nighttime Hours – dB(A)
Residential (Zoned R-1, R-2, R-3, R-4, and MH-1)	65	50
Business (Zoned C-1 and C-2)	65	50
Suburban Residential and Agricultural District (Zoned RR-1 and A-1)	80	50
Industrial (Zoned I-1 & I-2)	80	50

- b. When noise can be measured from more than one zone, the maximum permissible sound level of the more restrictive zone shall apply.

Section 4. Noise measurement. For the purposes of this ordinance:

- a. Noise shall be measured at the property line of the property on which the noise source is located.
- b. Measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than ten miles per hour, or twenty-five miles per hour if a wind screen is used.
- c. In all sound level measurements, consideration shall be given to the effect of the ambient noise level of the environment from all sources at the time and place of such sound level measurement.

- d. Noise shall be measured on the "A" weighting scale on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

Section 5. Exemptions. This ordinance shall not apply to:

- a. Devices used solely for the purpose of warning, protecting or alerting persons in case of emergency.
- b. Operation of municipally owned or operated equipment used to clean, clear or repair streets.
- c. Operations by, or sanctioned by, the proper City, state or federal authorities for the protection of persons or property, where imminent physical trauma or property damage demands immediate action.
- d. Sound emanating from duly authorized athletic contests, parades, and municipally sanctioned public events.
- e. Household tools in normal usage during daytime hours.
- f. Normal daytime use of lawn care equipment if used and maintained in accordance with the manufacturer's recommendations.
- g. Motor vehicles on public roads with loud sound amplification (enforced by Uniform Public Offense Code, Article 9.1: Disorderly Conduct).
- h. Trains and aircraft.
- i. Emergency utility operation.
- j. Commercial construction noise.
- k. Repair of personal use vehicles during daytime hours.
- l. Home repair of place of residence during daytime hours.

Section 6. Penalty. Violation of any provision of this ordinance shall be punishable by a fine not to exceed five hundred dollars.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after its passage and after publication according to law.

{Remainder of page intentionally left blank}

**PASSED AND APPROVED by the Governing Body of the City of Valley Center,
Kansas, this ____ day of _____ 2010.**

First Reading

December 15, 2009

Second Reading

January 5, 2010

{SEAL}

Michael McNown, Mayor

ATTEST:

Kristine A. Polian, City Clerk

OLD BUSINESS

C. RAILROAD QUIET ZONE DISCUSSION:

RECOMMENDED ACTION:

Review and Discuss



MEMO

TO: Honorable Mayor McNown & Valley Center City Council

FROM: Joel Pile, City Administrator

DATE: December 10, 2009

RE: *Railroad Quiet Zone*

Background: About March 2007, the City appointed the Valley Center Railroad Task Force to look at what could be done about the amount of train traffic, noise and safety. The task force was comprised of members who represented citizens, Federal Railroad Administration, BNSF, Police Department, Planning Commission, WAMPO and KDOT. (*Attached is the full report from the Task Force*)

Analysis: Specifically the task force looked at different ways to reduce the train noise as trains pass through the City. The task force concluded the only effective way to reduce most of the train noise (warning horns) was to enact a quiet zone.

The Federal Railroad Administration (FRA) requires that trains sound horns 20 seconds prior to reaching public crossings unless a quiet zone has been approved.

A quiet zone is a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities. The train horns can be silenced only when other safety measures compensate for the absence of the horns.

The Federal Railroad Administration (FRA) train horn rule provides localities nationwide with the opportunity to establish quiet zones. The federal rule pre-empts all applicable state laws. To qualify, communities wishing to establish quiet zones must equip proposed grade crossings with adequate safety measures to overcome the decrease in safety created by silencing the train horns. The additional safety measures must be constructed at the community's own expense and must meet federal specifications. The federal rule also contains language which for the first time restricts the volume of train horns.

- The minimum length of a quiet zone is one-half mile along the length of a railroad right-of-way.
- All crossings equipped with warning devices comprised of flashing lights, bell and gates that conform to current standards.
- Advance warning signs at each crossing advising traffic that train horns are not sounded.

In order for a quiet zone to be qualified under the rule, it must be shown that the lack of a train horn does not present a significant risk with respect to loss of life or serious personal injury, or that significant risk has been compensated for by other means.

Considerations: The 2007 Railroad Task Force presented approximate cost estimates for enacting a railroad quiet zone which totaled \$712,000. The project was broken into phases and placed in the Capital Improvement Projects Plan (CIP). Phase I of the project includes road and signal upgrades at the Meridian crossing for \$375,000 and is scheduled for 2020.

Recommendation: Staff recommends the Council continue to review the merits of enacting a railroad quiet zone annually during the CIP process.

VALLEY CENTER RAILROAD TASK FORCE

Committee Members:

Andy Quandt: Citizen-Chairman
Adam Dunn: Citizen
Jim Cochran: Citizen
Larry Toerber: Federal Railroad Administration
William Thompson: BNSF Railroad
Scott Dunakey: WAMPO
Al Cathcart: KDoT
Kelly Parks: Sedgwick County Commissioner
Kate Jackson: Council Member Ward 4
Matt Vogt: Valley Center Police Department
Eldon G. Miller: Valley Center Community Development

The Valley Center Railroad Task Force was appointed to look at what could be done about the amount of train traffic, noise and safety in Valley Center. The task force had members who represented citizens, Federal Railroad Administration, BNSF, Police Department, Planning Commission, WAMPO, KDoT, City Council and staff.

The task force was advised that every 12 days a cargo ship lands in the ports and carries enough cargo for 23 miles of trains. With south central Kansas a land bridge for the United States traffic will increase as more cargo is imported. Also some of this cargo is transported from one coast to the other for shipping to another country. When the task force started there were 32 trains a day going through Valley Center. When the overpasses are completed in Wichita traffic will double. Also the traffic going through Valley Center is directional and it is only eastbound traffic.

The Task Force looked at several issues that dealt with these items. There were noise, blocked crossings, safety, emergency services, signal malfunctions, speed and children. The task force came up with several different solutions to each of these concerns and reviewed them before coming to it final recommendation. Each one of these concerns is both separate and intertwined.

TRAIN NOISE

The task force looked at different ways to reduce the train noise as the train passes through the city. By federal law, trains must sound their horns when they are approaching a crossing to alert drivers and pedestrians. The only way to eliminate some of the horn noise is to enact a quiet zone. This zone must be at least ¼ mile long, have active warning devices and be constructed in such a way that the vehicles can not go around the gates. Also the city, BNSF and FRA must all agree to this option. The task force decided to look into this option further. We then had a site visit with KDoT, BNSF,

FRA, PEC, WAMPO, Sedgwick County Public Works, Police Department and staff. We reviewed all of the railroad crossings from 61st North to 93rd North. Both PEC and BNSF worked on cost estimates to improve the crossings to meet quiet zones standards. Further discussion by the task force decided that any quiet zone recommendation would be from Ford (77th) to 93rd. Since there were not complaints of train traffic noise south of Ford, a quiet zone is not recommended for that area at this time. The costs of the quiet zone are included in the recommendations.

BLOCK CROSSINGS

The most common reason for block crossings is that trains are on the siding waiting for other traffic to pass. The siding in Valley Center is from just south of 93rd to south of Allen. So whenever there is a train waiting on the siding, Main Street, 2nd, and 5th is blocked. This leaves only 93rd Street and Meridian open for emergency services, to get to the west side of Valley Center. The Task Force did look at the options of a railroad overpass but decided against it because of cost and that it would divide the city in half with a barrier. The cost for the overpasses was included in the *WAMPO Railroad Crossing Plan*. Transystems engineers estimated that the cost for a grade separation at 61st and Seneca would cost \$14,500,000. And the cost for a grade separation at Ford (77th) and Meridian was estimated at \$19,500,000. Both costs are in 2007 dollars. The Task Force felt that the cost of the separation divided by the time savings was not cost effective to recommend the overpasses.

SAFETY

Safety is a concern for the task force because of block crossings, children crossing the track and people walking on the tracks. The task force looked at different options on how to improve safety around the railroad. Sergeant Matt Vogt of the Valley Center Police Department is a certified Operation Lifesaver Instructor. This program presents training to all ages from youth to adults. Sergeant Vogt stated that he or another instructor would give the presentation to any group that wants it. The task force felt that this program should be present to the schools. For people walking on the tracks the task force discussed a fence along the tracks to separate people from them. This is also included in the Linear Trail system for Valley Center. \$935,000 was the price for wrought iron and continuous on both sides of the tracks. During the site visit, it was discussed about consolidation of the crossing on Seneca with the 61st crossing. The cost for the consolidation was included in the *WAMPO Railroad Crossing Plan*. Transystems engineers estimated that the cost for a consolidation at 61st and Seneca would cost \$1,500,000. This would eliminate the crossing on Seneca. And the cost for a consolidation at Ford (77th) and Meridian was estimated at \$450,000. This would eliminate the crossing on Ford (77th). Both costs are in 2007 dollars. If crossings are consolidated, the railroad and KDoT may have some money that could be used for improving the existing crossings. Also BNSF discussed closing the crossing at 93rd and Interurban. PEC and city staff stated that we needed a crossing north of 5th Street for the growth of the area and emergency services. This crossing has a very high approach point and is on top of the levee. Preliminary discussion at the meeting was held on moving the

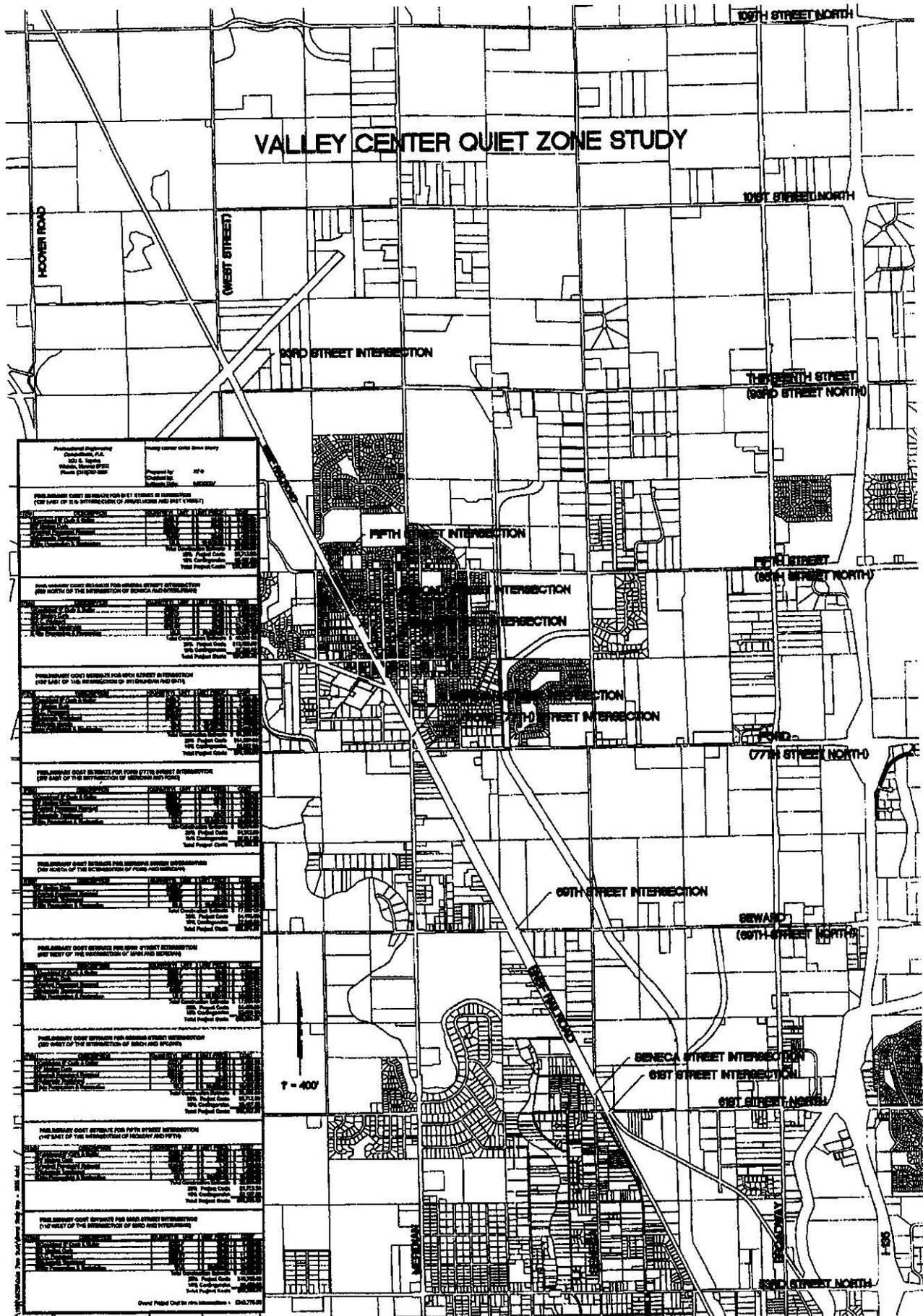
crossing south. The crossing would have to be north of the siding. PEC is working on cost for this new crossing.

RECOMMENDATIONS

The task force is recommending that the city look at relocating the crossing at 93rd and Interurban. Also work on a quiet zone from Ford (77th) to 93rd Street. The detailed cost for this is included in the report at the end with the map. Also the consolidation of the crossing at 61st and Seneca should be looked. It would involve buying right-of-way. The ideal location would be along the abandoned railroad right-of-way to 61st Street.

Location	Roadway Costs	Signal Costs	Total Costs
Ford Street	\$ 24,562.50	\$208,911.00	\$233,473.50
Meridian Avenue	\$ 22,075.00	\$352,703.00	\$374,778.00
Main Street*	\$ 22,250.00	\$ 0.00	\$ 22,250.00
2 nd Street*	\$ 28,562.50	\$ 0.00	\$ 28,562.50
5 th Street*	\$ 28,562.50	\$ 0.00	\$ 28,562.50
93 rd Street**	\$ 53,500.00	No cost given	\$ 53,500.00
Total Costs for all	\$126,165.90	\$561,614.00	\$712,663.50

- * These crossings already have consent warning signals, so they do not need to be upgrades.
- **93rd Street has been discussed as a crossing to be relocated. If relocated then the upgrades to the crossing and signal should be done at that time. BNSF would like to close this crossing.





William D. Thomson
Manager Public Projects

BNSF Railway Company
4515 Kansas Avenue
Kansas City, KS 66106

913-551-4484
913-551-4285 (fax)
William.Thomson@bnsf.com

October 22, 2007

File: Valley Center Quiet Zone

Mr. Eldon G. Miller, AICP
Community Development Officer
City of Valley Center
P.O. Box 188
Valley Center, KS 67147

Dear Mr. Miller:

Reference is made to the City's request for cost estimates based upon the on-site review of March 22, 2007 for the proposed Quiet Zone at Valley Center, Kansas.

As a result of the on-site meeting, attached for the City's review, are force account estimates covering BNSF's signal work at the 69th Street, 77th Street, Meridan Avenue, 61st Street and Seneca Avenue at grade crossings. These estimates include all the necessary Railway labor, material and additives to adequately address a portion of the requirements needed to make an effective Quiet Zone through Valley Center. Of course, there will be additional work required by the City in order to cover all aspects of a Quiet Zone as required and indicated at the on-site review.

If you have any questions, please feel free to contact me.

Yours truly,

William D. Thomson

Cc: Lyn Hartley – Kansas City
Spencer Arndt – Minneapolis

Al Cathcart, P.E.
Coordinating Engineer
Kansas Department of Transportation
700 SW Harrison Street
12th Floor Tower
Topeka, KS 66603-3754

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
 FHPM ESTIMATE FOR
 CITY OF WICHITA

LOCATION:- WEST VALLEY CENTER TO CP DETAILS OF ESTIMATE PLAN ITEM: PSI009251A VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

MONTHLY POWER UTILITY COST CENTER : 61829
 INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT 61ST STREET IN WICHITA, KS. KANSAS
 DIV., ARKANSAS CITY SUBDIV., L/S 7400, M.P. 204.46, DOT # 009251A.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.
 CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
 THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
 THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE CITY OF WICHITA IS FUNDING THIS PROJECT 100%.
 MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	1280.00	MH	27.930	
SIGNAL SHOP LABOR - CAP	64.00	MH	1.447	
PAYROLL ASSOCIATED COSTS			21.514	
EQUIPMENT EXPENSES			7.766	
DA LABOR OVERHEADS			29.470	
INSURANCE EXPENSES			4.625	
TOTAL LABOR COST			92.752	92.752

MATERIAL				

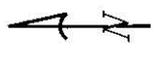
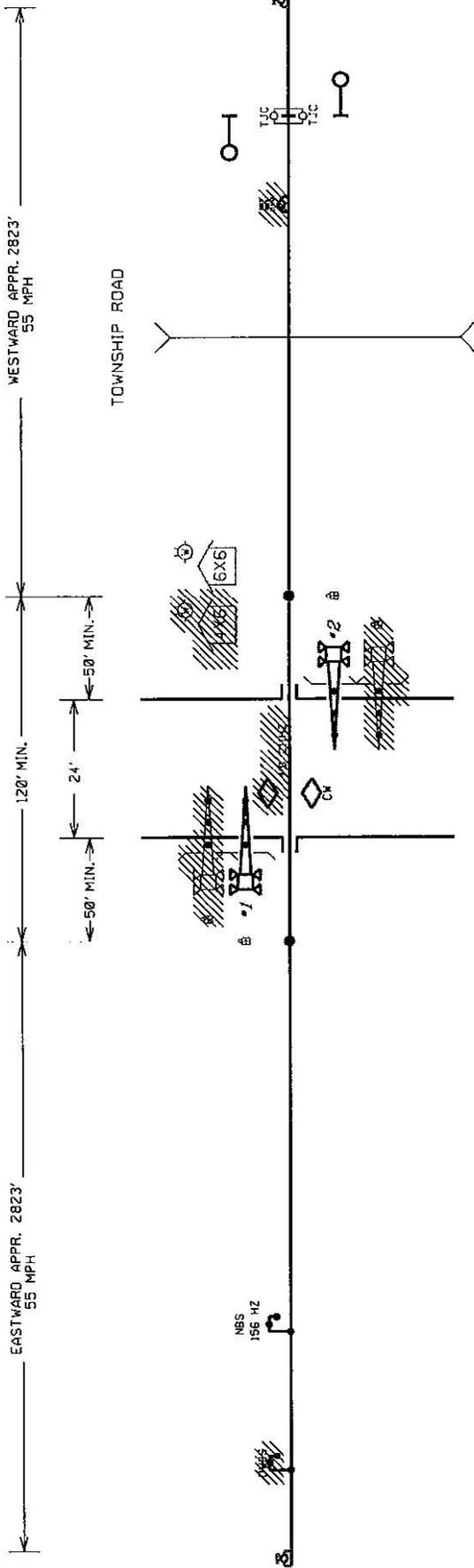
BATTERY	1.00	EA N	4.120	
BUNGALOW 6X6	1.00	EA N	8.612	
BUNGALOW MATERIAL	1.00	LS N	4.399	
CABLE	1.00	EA N	3.096	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	18.163	
FIELD MATERIAL	1.00	LS N	4.073	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3.550	
GATE MECH. MODEL S-60	2.00	EA N	14.486	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	8.00	EA N	1.792	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL RECORDER	1.00	EA	1.500	
RECORDER	1.00	EA N	2.220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2.060	
SHUNT, NBS	2.00	EA N	1.696	
TJC COMPLETE	2.00	EA N	2.152	
MATERIAL HANDLING			75	
USE TAX			4.820	
OFFLINE TRANSPORTATION			948	

*****	TOTAL MATERIAL COST		81.951	81.951
*****	OTHER			
*****	*****			
	AC POWER SERVICE	1.00 EA	5.000	
	CONTRACT ENGR.	1.00 EA N	5.000	
	FILL DIRT	50.00 CY N	1.250	
	SURFACE ROCK	10.00 CY N	250	
	TOTAL OTHER ITEMS COST		11.500	11.500
	PROJECT SUBTOTAL			186.203
	CONTINGENCIES			18.620
	BILL PREPARATION FEE			1.025
	GROSS PROJECT COST			205.848
	LESS COST PAID BY BNSF			0
	TOTAL BILLABLE COST			205.848

The Burlington Northern & Santa Fe Railway Company

TO NEWTON

TO ARKANSAS CITY



61ST STREET
DOT # 009 251 A

INSTALL: LED'S
CONTROL DEVICES: CONSTANT WARNING
●●●● - IN
▨▨▨▨ - OUT
SALVAGE: NONE

	INSTRUMENT HOUSE
	BELL
	METER
	CROSSING CONTROL CONNECTIONS
	BIDIRECTIONAL CROSSING CONTROL
	UNIDIRECTIONAL CROSSING CONTROL
	COUPLER OR TERMINATION
	GUARD RAIL

BNSF RAILWAY CO.
 (LOCATION) WICHITA, KS.
 (STREET) 61ST STREET
 LS: 7400
 M.P. 204.45
 DOT # 009251A
 DIVISION: KANSAS
 SUBDIVISION: ARKANSAS CITY
 KANSAS CITY
 NO SCALE
 DATE: 20070927
 FILE: 7400204_45.dgn
 SJS

Warning device placement:
 Clearance to C.L. Track = Min. 12'
 Edge of Road to C.L. Foundation:
 Min. 4'3" with curb,
 Min. 8'3" without curb,
 Max. 12'
 House Clearance:
 25' Min. to Near Rail
 30' Min. to Edge of Road
 ALL LIGHTS TO BE LED

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
CITY OF WICHITA

LOCATION:- WEST VALLEY CENTER TO CP DETAILS OF ESTIMATE PLAN ITEM: PSI009250T VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AND A 1 TK REMOTE BUNGALOW AT SENECA ST IN WICHITA, KS. KANSAS DIV., ARKANSAS CITY SUBDIV., L/S 7400, M.P. 204.32. DOT # 009250T. MONTHLY POWER UTILITY COST CENTER : 61829

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY. THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED. CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD. THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE CITY OF WICHITA IS FUNDING THIS PROJECT 100%.
MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	1408.00	MH	30,723	
SIGNAL SHOP LABOR - CAP	128.00	MH	2,893	
PAYROLL ASSOCIATED COSTS			24,619	
EQUIPMENT EXPENSES			8,887	
DA LABOR OVERHEADS			33,723	
INSURANCE EXPENSES			5,293	
TOTAL LABOR COST			106,138	106,138

MATERIAL				

1 TK REMOTE	1.00	LS N	39,427	
BATTERY	1.00	EA N	4,120	
BUNGALOW 6X6	1.00	EA N	8,612	
BUNGALOW MATERIAL	1.00	LS N	4,399	
CABLE	1.00	EA N	3,096	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	18,163	
DAX CABLE	1.00	EA N	8,650	
FIELD MATERIAL	1.00	LS N	4,073	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL S-60	2.00	EA N	14,486	
GUARD RAIL 1/2 OVAL	2.00	EA N	886	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	8.00	EA N	1,792	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL RECORDER	1.00	EA	1,500	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,220	
SHUNT, NBS	4.00	EA N	2,060	
MATERIAL HANDLING			3,392	
USE TAX			75	
			7,897	

OFFLINE TRANSPORTATION		1.557	

TOTAL MATERIAL COST		134,144	134,144

OTHER			

AC POWER SERVICE	1.00 EA	5.000	
CONTRACT ENGR.	1.00 EA N	7.500	
FILL DIRT	50.00 CY N	1.250	
SURFACE ROCK	50.00 CY N	1.250	

TOTAL OTHER ITEMS COST		15.000	15.000

PROJECT SUBTOTAL			255,282
CONTINGENCIES			25,528
BILL PREPARATION FEE			1,405

GROSS PROJECT COST			282,215
LESS COST PAID BY BNSF			0

TOTAL BILLABLE COST			282,215

The Burlington Northern & Santa Fe Railway Company

TO NEWTON

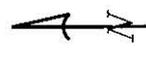
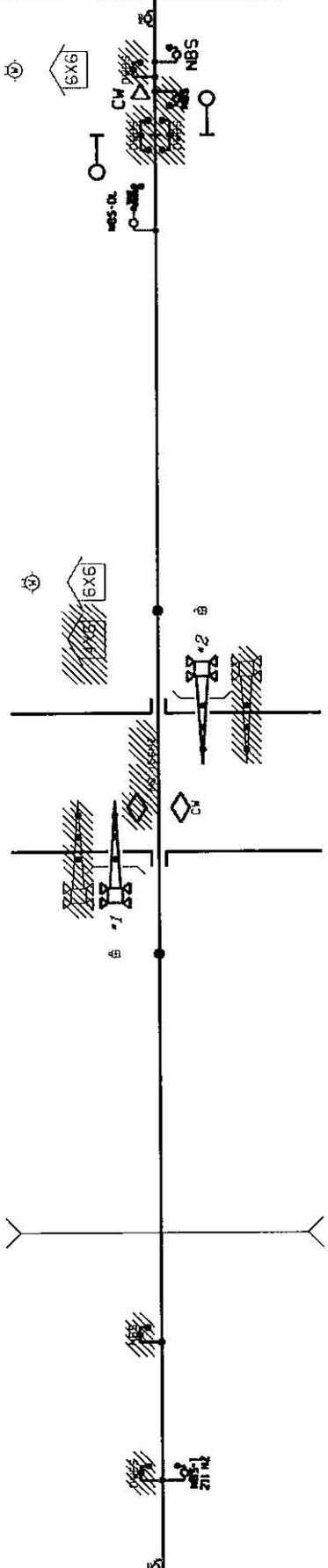
WESTWARD APPR. 3550' 55 MPH

120' MIN.

EASTWARD APPR. 3550' 55 MPH

61ST STREET

50' MIN. 24' 50' MIN.



SENECA STREET
DOT # 009 250 T

INSTALL: LED'S
CONTROL DEVICES: CONSTANT WARNING
80.0 - IN
- OUT
SALVAGE: NONE

	INSTRUMENT HOUSE
	BELL
	METER
	CROSSING CONTROL CONNECTIONS
	BIDIRECTIONAL CROSSING CONTROL
	UNIDIRECTIONAL CROSSING CONTROL
	COUPLER OR TERMINATION
	GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb,
Min. 8'3" without curb,
Max. 12'
House Clearance:
25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

BNSF RAILWAY CO.
(LOCATION) WICHITA, KS.
(STREET) SENECA ST
LS: 7400
M.P. 204.32
DOT # 009250T
DIVISION: KANSAS
SUBDIVISION: ARKANSAS CITY
KANSAS CITY
NO SCALE
DATE: 20070917
FILE: 7400204_32.dgn
SJS

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
 FHPM ESTIMATE FOR
 VALLEY CENTER

LOCATION:- VALLEY CENTER TO WEST VAL DETAILS OF ESTIMATE PLAN ITEM: PS1009247K VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND (2) CANTILEVER GATE COMBOS AND A 2 TK REMOTE AT MERIDIAN AVE IN VALLEY CENTER, KS. L/S 7400, MP 202.11, KANSAS DIV., ARKANSAS CITY SUBDIV., DOT # 009247K

MONTHLY POWER UTILTIY COST CENTER: 61829

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS. DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE CITY OF VALLEY CENTER IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	1400.00	MH	30,548	
SIGNAL SHOP LABOR - CAP	144.00	MH	3,255	
PAYROLL ASSOCIATED COSTS			24,756	
EQUIPMENT EXPENSES			8,936	
DA LABOR OVERHEADS			33,910	
INSURANCE EXPENSES			5,323	
TOTAL LABOR COST			106,728	106,728

MATERIAL				

2 TK REMOTE	1.00	LS N	55,328	
BATTERY	1.00	EA N	4,893	
BUNGALOW 6X6	1.00	EA N	8,612	
BUNGALOW MATERIAL	1.00	LS N	3,620	
CABLE	1.00	EA N	3,253	
CANT GATE COMBO	2.00	EA N	58,050	
CHARGER	1.00	EA N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	18,268	
DAX CABLE	1.00	LS N	6,920	
DUMMY LOAD	4.00	EA N	1,684	
ELECTRICAL MTRL	1.00	EA	1,500	
FIELD MATERIAL	1.00	LS N	3,060	
GATE KEEPER	2.00	EA N	3,550	
GAURD RAIL DUAL	2.00	EA N	1,284	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	12.00	EA N	2,688	
LED LIGHT GATE KIT	2.00	EA N	730	
LIGHT OUT DETECTOR	1.00	EA N	709	
RECORDER	1.00	EA N	2,220	
RTU CELLULAR MONITCR	1.00	EA N	2,060	
SHUNT, NBS	2.00	EA N	1,696	
MATERIAL HANDLING			75	
USE TAX			11,531	
OFFLINE TRANSPORTATION			2,280	
TOTAL MATERIAL COST			195,816	195,816

OTHER				

AC SERVICE	1.00	EA	N	5.000
CONCRETE/FOUNDATION CANT.	2.00	LS	N	2.000
CONTRACT ENGR.	1.00	EA	N	7.500
FILL DIRT	30.00	CY	N	750
SURFACE ROCK	50.00	CY	N	1.250

TOTAL OTHER ITEMS COST

16,500 16,500

PROJECT SUBTOTAL

319.044

CONTINGENCIES

31.904

BILL PREPARATION FEE

1.755

GROSS PROJECT COST

352.703

LESS COST PAID BY BNSF

0

TOTAL BILLABLE COST

352,703

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The Burlington Northern & Santa Fe Railway Company

TO WICHITA

TO NEWTON

EASTWARD APPR. 3873'
55 MPH 48 SEC.

WESTWARD APPR. 3873'
55 MPH 48 SEC.

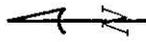
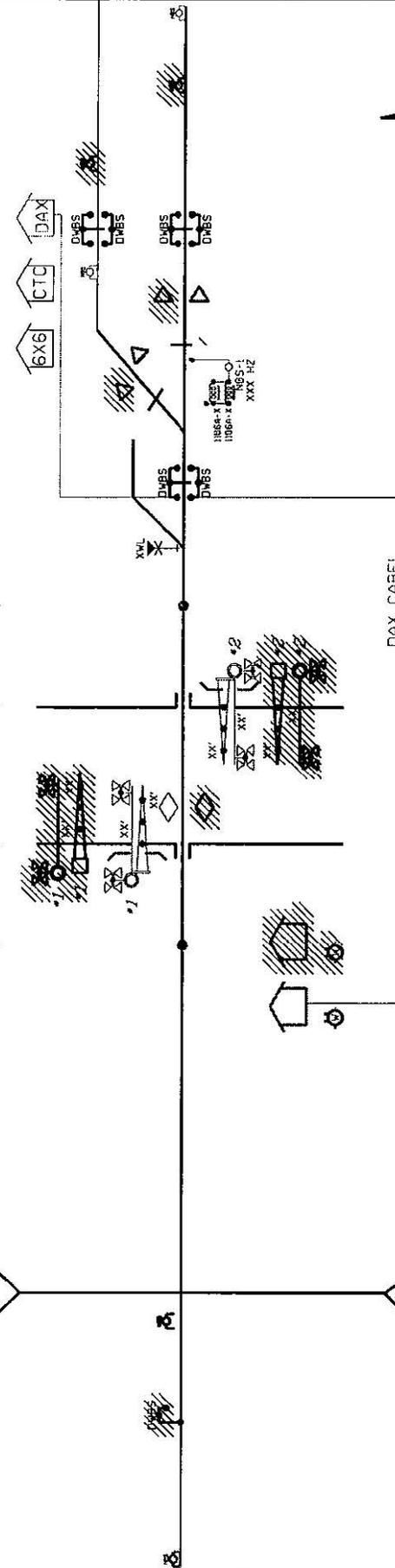
77TH ST.

120' MIN.

48'

50' MIN.

50' MIN.



INSTALL: CANTILEVERS, GATES & FLASHERS
CONTROL DEVICES: CONSTANT WARNING

00.0 - 14
FLASH - OUT
SALVAGE: NONE

	INSTRUMENT HOUSE
	BELL
	METER
	CROSSING CONTROL CONNECTIONS
	BIDIRECTIONAL CROSSING CONTROL
	UNIDIRECTIONAL CROSSING CONTROL
	COUPLER OR TERMINATION
	GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb,
Min. 8'3" without curb,
Max. 12'
House Clearance:
25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

BNSF RAILWAY CO.
(LOCATION) VALLEY CENTER, KS.
(STREET) MERIDIAN AVE.
LS: 7400
M.P. 202.11
DOT # 009247K
DIVISION: KANSAS
SUBDIVISION: ARKANSAS CITY
KANSAS CITY
NO SCALE
DATE: 20070917
FILE: 7400202.11.dgn
SJS

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
 FHPM ESTIMATE FOR
 CITY OF WICHITA

LOCATION:- VALLEY CENTER TO WEST VAL DETAILS OF ESTIMATE PLAN ITEM: PS1009248S VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT 77TH STREET IN VALLEY CENTER, KS.
 KANSAS DIV., ARKANSAS CITY SUBDIV., L/S 7400, M.P. 202.22, DOT # 009248S.
 MONTHLY POWER UTILITY COST CENTER : 61829

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.
 CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
 THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
 THIS ESTIMATE IS GOOD FOR 90 DAYS, THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE CITY OF VALLEY CENTER IS FUNDING THIS PROJECT 100%.
 MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	1050.00	MH	22.911	
SIGNAL SHOP LABOR - CAP	128.00	MH	2.893	
PAYROLL ASSOCIATED COSTS			18.898	
EQUIPMENT EXPENSES			6.821	
DA LABOR OVERHEADS			25.886	
INSURANCE EXPENSES			4.063	
TOTAL LABOR COST			81.472	81.472

MATERIAL				

BATTERY	1.00	EA N	4.120	
BERM WALL	1.00	LS N	2.946	
BUNGALOW 6X6	1.00	EA N	8.612	
BUNGALOW MATERIAL	1.00	LS N	4.399	
CABLE	1.00	EA N	3.096	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	18.278	
DAX CABLE	1.00	LS N	10.380	
DUMMY LOAD	2.00	EA N	842	
FIELD MATERIAL	1.00	LS N	4.073	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3.550	
GATE MECH. MODEL S-60	2.00	EA N	14.486	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	8.00	EA N	1.792	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL	1.00	EA	1.500	
RECORDER	1.00	EA N	2,220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	2.00	EA N	1,696	
MATERIAL HANDLING			75	
USE TAX			5,588	

OFFLINE TRANSPORTATION			1.100	

	TOTAL MATERIAL COST		95.002	95.002

	OTHER			

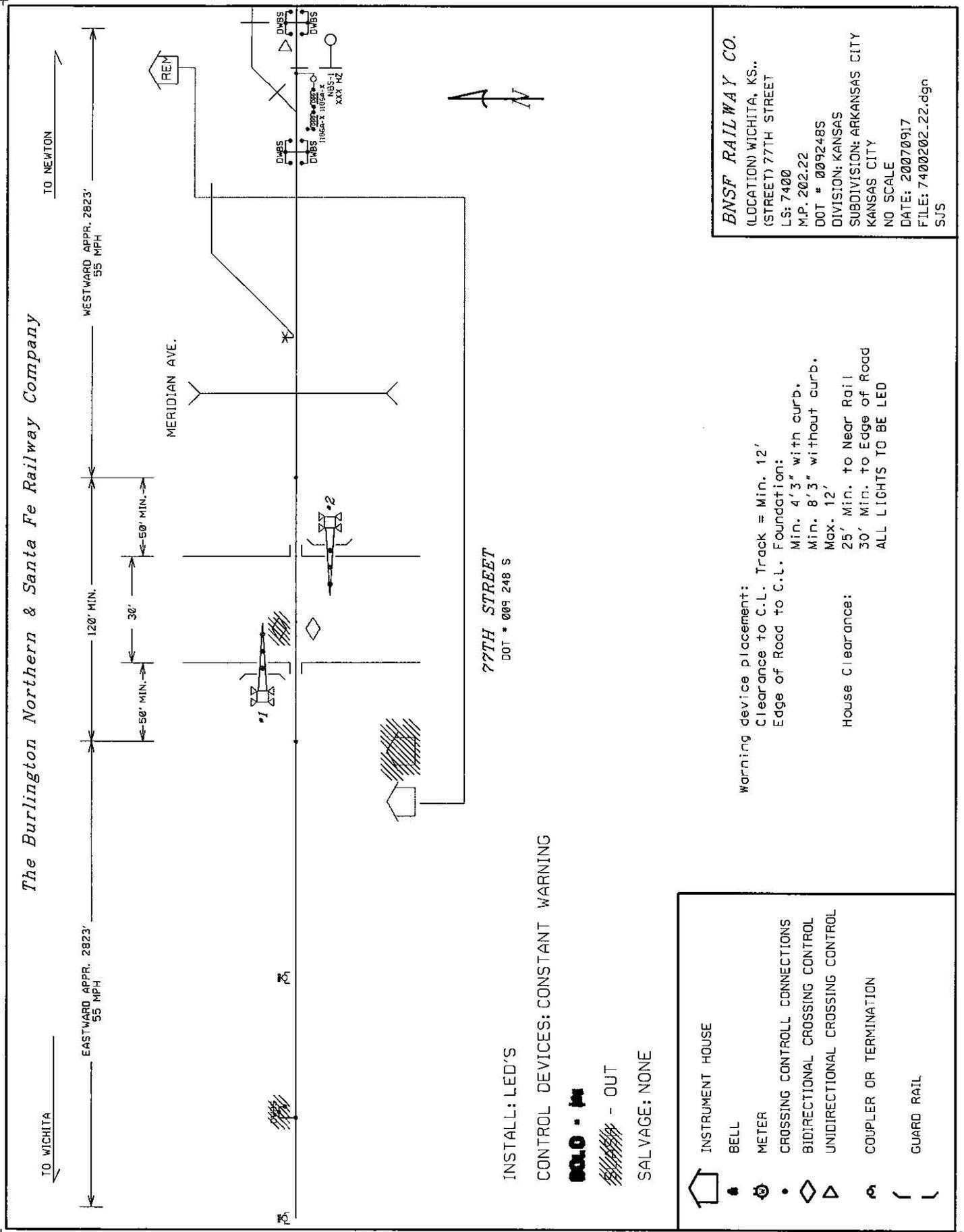
AC POWER SERVICE	1.00 EA		5.000	
CONTRACT ENGR.	1.00 EA N		5.000	
FILL DIRT	50.00 CY N		1.250	
SURFACE ROCK	50.00 CY N		1.250	

	TOTAL OTHER ITEMS COST		12.500	12.500

	PROJECT SUBTOTAL			188.974
	CONTINGENCIES			18.897
	BILL PREPARATION FEE			1.040

	GROSS PROJECT COST			208.911
	LESS COST PAID BY BNSF			0

TOTAL BILLABLE COST				208.911



The Burlington Northern & Santa Fe Railway Company

TO NEWTON

TO WICHITA

EASTWARD APPR. 2823' 55 MPH

WESTWARD APPR. 2823' 55 MPH

120' MIN.

50' MIN.

30'

50' MIN.

MERIDIAN AVE.

77TH STREET
DOT * 009 248 S

INSTALL: LED'S

CONTROL DEVICES: CONSTANT WARNING

NO. 0 - 14

OUT

SALVAGE: NONE

	INSTRUMENT HOUSE
	BELL
	METER
	CROSSING CONTROL CONNECTIONS
	BIDIRECTIONAL CROSSING CONTROL
	UNIDIRECTIONAL CROSSING CONTROL
	COUPLER OR TERMINATION
	GUARD RAIL

BNSF RAILWAY CO.
 (LOCATION) WICHITA, KS..
 (STREET) 77TH STREET
 LS: 7400
 M.P. 202.22
 DOT # 009248S
 DIVISION: KANSAS
 SUBDIVISION: ARKANSAS CITY
 KANSAS CITY
 NO SCALE
 DATE: 20070917
 FILE: 7400202-22.dgn
 SJS

Warning device placement:
 Clearance to C.L. Track = Min. 12'
 Edge of Road to C.L. Foundation:
 Min. 4'3" with curb.
 Min. 8'3" without curb.
 Max. 12'
 House Clearance:
 25' Min. to Near Rail
 30' Min. to Edge of Road
 ALL LIGHTS TO BE LED

AC POWER SERVICE	1.00	EA	5.000
CONTRACT ENGR.	1.00	EA N	5.000
FILL DIRT	50.00	CY N	1.250
SURFACE ROCK	50.00	CY N	1.250

TOTAL OTHER ITEMS COST	12.500	12.500
PROJECT SUBTOTAL		151.068
CONTINGENCIES		15.106
BILL PREPARATION FEE		831
GROSS PROJECT COST		167.005
LESS COST PAID BY BNSF		0
TOTAL BILLABLE COST		167.005

The Burlington Northern & Santa Fe Railway Company

TO WICHITA

TO NEWTON

EASTWARD APPR. 2823'
55 MPH

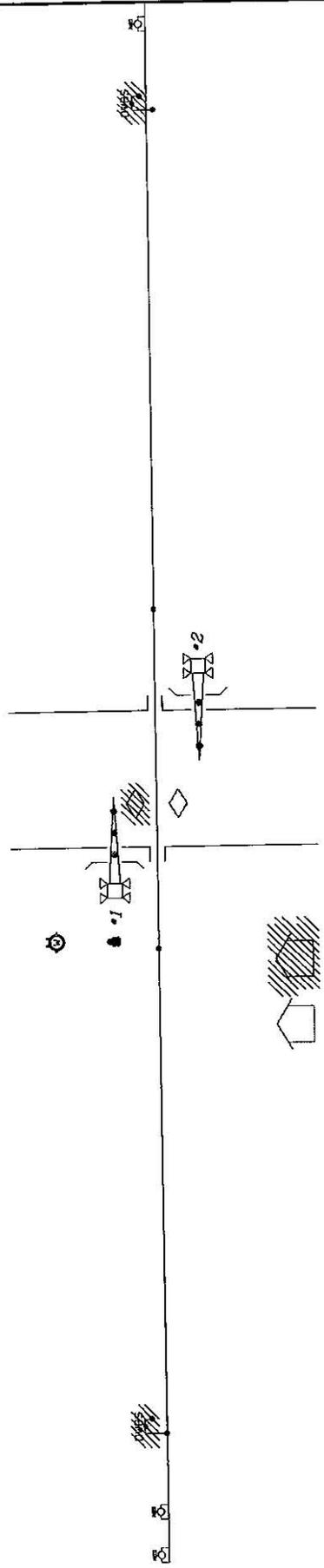
WESTWARD APPR. 2823'
55 MPH

120' MIN.

50' MIN.

30'

50' MIN.



69TH STREET
DOT # 009 249 Y

INSTALL: LED'S
CONTROL DEVICES: CONSTANT WARNING
DOT - M
- OUT
SALVAGE: NONE

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- BIDIRECTIONAL CROSSING CONTROL
- UNIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:
Clearance to C.L. Track = Min. 12'
Edge of Road to C.L. Foundation:
Min. 4'3" with curb.
Min. 8'3" without curb.
Max. 12'
25' Min. to Near Rail
30' Min. to Edge of Road
ALL LIGHTS TO BE LED

House Clearance:

BNSF RAILWAY CO.
(LOCATION) WICHITA, KS.,
(STREET) 69TH STREET
LS: 7400
M.P. 203.34
DOT # 009249Y
DIVISION: KANSAS
SUBDIVISION: ARKANSAS CITY
KANSAS CITY
NO SCALE
DATE: 20070917
FILE: 7400203.34.dgn
SJS

NEW BUSINESS

A. VALLEY CREEK ESTATES, 2ND ADDITION; IMPROVEMENT PETITIONS:

1. Paving and Incidental Drainage Petition
2. Water Main Petition

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve Valley Creek Estates, 2nd Addition Improvements Petitions as presented.

**PAVING AND INCIDENTAL DRAINAGE IMPROVEMENTS
VALLEY CREEK ESTATES 2ND ADDITION
VALLEY CENTER, KANSAS**

P E T I T I O N

To: The Governing Body of the
City of Valley Center, Sedgwick County, Kansas

We, the undersigned, being owners of record of property liable for assessment for the following proposed improvements: paving and incidental drainage improvements to serve Valley Creek Estates 2nd Addition according to plans and specifications to be furnished by the City Engineer of the City of Valley Center, Kansas and hereby propose that such improvement be made in the manner provided by K.S.A. 12-6a01 et seq.

The extent of the proposed improvements district to be assessed in Valley Creek Estates 2nd Addition is as follows:

VALLEY CREEK ESTATES 2ND ADDITION

Lots 1 through 9, Block A

Lot 2, Block B

Lot 10, Block B

Proposed improvement:

Construct asphalt pavement and curb and gutter measuring 31 feet back to back along Cottonwood Drive from the east line of Redbud Lane to the west line of Sheridan Street; drainage to be installed where necessary. All construction shall be done in accordance with the City of Valley Center Standards.

The estimated or probable cost of such improvement is Two Hundred Thirty Five Thousand Dollars (\$235,000.00). The estimated cost as above set forth, is hereby increased at the pro-rata rate of 1% per month from and after the date of approval of the resolution for this project.

The proposed method of assessment to the improvement district is on a fractional basis as follows: Lots 1 through 9, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition shall pay 1/11 of the total project costs.

The proposed apportionment of cost between the improvement district and the City at large is one hundred per cent (100%) to be assessed against the improvement district and zero per cent (0%) to be paid by the City at large.

Special taxes will be assessed over a time period to be determined. The yearly payments will be the same amount each year with the interest and principal portions of the payments fluctuating to make the yearly payments equal.

PEC Project No. 35-04122-001-2502
Paving and Incidental Drainage Petition

We further request that such improvements be made without notice and hearing as required in Subsection 1 of Sec. 12-6a04.

Names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition, or, later than seven (7) days after such filing, whichever occurs first.

Respectfully submitted,

<u>LEGAL DESCRIPTION</u>	<u>SIGNATURE</u>	<u>DATE</u>
<u>VALLEY CREEK ESTATES 2ND ADD'N</u>	ISHAM-ALEXANDER, L.L.C.	
<u>BLOCK A</u> Lots 1 through 8	By: <u><i>Glenna Isham</i></u>	<u>12/1/09</u>
<u>BLOCK B</u> Lots 2 and 10	Glenna Isham, Managing Partner	
<u>VALLEY CREEK ESTATES 2ND ADD'N</u>	VALLEY CREEK, L.L.C.	
<u>BLOCK A</u> Lot 9	By: _____	
	James G. Goentzel, Managing Member	

Project: Valley Creek Estates 2nd Addition
 Type: Paving & Drainage
 Date: 11/10/2009
 Prep. By: BMM

Total Lot Equivalent 10

Benefit District: Lots 1 - 9, Blk. A and Lot 10, Blk. B, Valley Creek Estates 2nd Addition

Item No.	Description	Unit	Quantity	Unit Price	Extension
1	7" A.C. Pvmnt. (5" Bituminous Base)	S.Y.	2,500	\$20.00	\$50,000.00
2	6" Reinf. Crushed Rock Base	S.Y.	3,150	\$9.00	\$28,350.00
3	Comb. Curb & Gutter (3 5/8" Roll)	L.F.	1,700	\$10.00	\$17,000.00
4	Comb. Curb & Gutter (6 5/8" Std)	L.F.	70	\$10.00	\$700.00
5	Contractor Furnished Borrow	C.Y.	4,500	\$5.00	\$22,500.00
6	Unclassified Excavation	C.Y.	2,500	\$3.00	\$7,500.00
7	Site Grading	L.S.	1	\$5,000.00	\$5,000.00
8	15" RCP	L.F.	610	\$30.00	\$18,300.00
9	Remove Existing Curb and Area Inlet	Ea.	1	\$2,000.00	\$2,000.00
10	Type 1A Curb Inlet	Ea.	2	\$3,500.00	\$7,000.00
11	Std. Area Inlet	Ea.	4	\$3,500.00	\$14,000.00
12	R.C. Manhole	Ea.	1	\$3,000.00	\$3,000.00
13	Curb Inlet Protection	Ea.	2	\$100.00	\$200.00
14	Area Inlet Protection	Ea.	4	\$100.00	\$400.00
15	Back of Curb Protection	L.F.	1,800	\$1.00	\$1,800.00
16	Silt Fence Barrier	L.F.	1,000	\$1.00	\$1,000.00
17	Temporary Project Seeding	ACRE	3	\$900.00	\$2,700.00
18	Signing	L.S.	1	\$1,500.00	\$1,500.00
19	Site Preparation & Restoration	L.S.	1	\$5,000.00	\$5,000.00

Construction Cost \$187,950.00
 25% Project Cost \$46,987.50

Estimated Project Total \$234,937.50

Petition Amount \$235,000.00

Cost per Lot \$ 23,500.00

Estimated Assessment (@ 5% for 15 years) \$189

Estimated Assessment (@ 5% for 20 years) \$157

**WATER MAIN IMPROVEMENTS
VALLEY CREEK ESTATES 2ND ADDITION
VALLEY CENTER, KANSAS**

P E T I T I O N

To: The Governing Body of the
City of Valley Center, Sedgwick County, Kansas

We, the undersigned, being owners of record of property liable for assessment for the following proposed improvement: water main improvements to serve Valley Creek Estates 2nd Addition according to plans and specifications to be furnished by the City Engineer of the City of Valley Center, Kansas and hereby propose that such improvement be made in the manner provided by K.S.A. 12-6a01 et seq.

The extent of the proposed improvements district to be assessed in Valley Creek Estates 2nd Addition is as follows:

VALLEY CREEK ESTATES 2ND ADDITION

Lots 1 through 9, Block A
Lot 2, Block B
Lot 10, Block B

The estimated or probable cost of such improvement is Fifty Five Thousand Dollars (\$55,000.00). The estimated cost as above set forth, is hereby increased at the pro-rata rate of 1% per month from and after the date of approval of the resolution for this project.

The proposed method of assessment to the improvement district is on a fractional basis as follows: Lots 1 through 9, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition shall pay 1/11 of the total project costs.

The proposed apportionment of cost between the improvement district and the City at large is one hundred per cent (100%) to be assessed against the improvement district and zero per cent (0%) to be paid by the City at large.

Special taxes will be assessed over a time period to be determined. The yearly payments will be the same amount each year with the interest and principal portions of the payments fluctuating to make the yearly payments equal.

We further request that such improvements be made without notice and hearing as required in Subsection 1 of Sec. 12-6a04.

Names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition, or, later than seven (7) days after such filing, whichever occurs first.

PEC Project No. 35-04122-001-2502
Water Main Petition

Respectfully submitted,

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>VALLEY CREEK ESTATES 2ND ADD'N</u> <u>BLOCK A</u> Lots 1 through 8 <u>BLOCK B</u> Lots 2 and 10	ISHAM-ALEXANDER, L.L.C. By:  Glenna Isham, Managing Partner	 12/1/09
<u>VALLEY CREEK ESTATES 2ND ADD'N</u> <u>BLOCK A</u> Lot 9	VALLEY CREEK, L.L.C. By: _____ James G. Goentzel, Managing Member	

Project: Valley Creek Estates 2nd Addition
 Valley Center, Kansas
 Project No. 35-04122-001-2502
 Type: Waterline Improvements
 Date: 11/10/2009
 Prep. by Hameed

Total Lot Equivalent 10

Benefit District: Valley Creek Estates 2nd Addition, Lots 1 - 9, Blk. A.
 Lot 10, Blk. B. Valley Creek Estates 2nd Addition

Item No.	Item	Approx. Quantity	Unit	Unit Cost	Total Cost
1	8" Water Main	825	L.F.	\$19.00	\$15,675.00
2	8" Valve Assembly	2	Ea.	\$1,200.00	\$2,400.00
3	8" Tapping Sleeve and Valve	1	Ea.	\$2,400.00	\$2,400.00
4	Fire Hydrant Assembly	2	Ea.	\$2,500.00	\$5,000.00
5	1 1/4" Dual Service Connection	7	Ea.	\$1,500.00	\$10,500.00
6	Long 3/4" Service Connection (greater than 10')	1	Ea.	\$1,000.00	\$1,000.00
7	Erosion Protection	1	L.S.	\$2,000.00	\$2,000.00
8	Site Clearing & Restoration	1	L.S.	\$5,000.00	\$5,000.00
Construction Estimate					\$43,975.00
Project Costs @				25%	\$10,993.75
Total Project Cost					\$54,968.75

Petition Amount \$55,000.00

Cost per Lot \$ 5,500.00

Estimated Assessment (@ 5% for 15 years) \$44

Estimated Assessment (@ 5% for 20 years) \$37

NEW BUSINESS

A. VALLEY CREEK ESTATES, 2ND ADDITION; **PROPOSED IMPROVEMENTS AUTHORIZING** **RESOLUTIONS:**

1. Resolution 567-09; Paving and Incidental Drainage Improvement
2. Resolution 568-09; Water Main Improvement

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motions to adopt Resolutions 567-09 and 568-09 authorizing Paving & Incidental Drainage and Water Main Improvements for Valley Creek Estates, 2nd Addition.

GILMORE & BELL, P.C.
12/09/2009

(Published in *The Ark Valley News*, on December 17, 2009).

RESOLUTION NO. 567-09

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF VALLEY CENTER, KANSAS, MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING AND DRAINAGE IMPROVEMENTS/VALLEY CREEK ESTATES 2ND ADDITION).

WHEREAS, a Petition was filed with the Clerk of the City of Valley Center, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by all of the owners of record of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construct paving and incidental drainage improvements to serve Lots 1 through 9, inclusive, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas, in accordance with plans and specifications furnished by the City Engineer (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$235,000, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 through 9, inclusive, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is: equally per lot (11 lots).

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The above said Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

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ADOPTED by the governing body of the City on December 15, 2009.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 15, 2009 as the same appears of record in my office.

DATED: December 15, 2009.

Clerk

GILMORE & BELL, P.C.
12/09/2009

(Published in *The Ark Valley News*, on December 17, 2009).

RESOLUTION NO. 568-09

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF VALLEY CENTER, KANSAS, MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER MAIN IMPROVEMENTS/VALLEY CREEK ESTATES 2ND ADDITION).

WHEREAS, a Petition was filed with the Clerk of the City of Valley Center, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a04(1) (the "Act"); and

WHEREAS, the governing body of the City hereby finds and determines that said Petition was signed by all of the owners of record of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

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

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construct water main improvements to serve Lots 1 through 9, inclusive, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas, in accordance with plans and specifications furnished by the City Engineer (the "Improvements").

(b) The estimated or probable cost of the Improvements is: \$55,000, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 through 9, inclusive, Block A; Lot 2, Block B; and Lot 10, Block B, Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is: equally per lot (11 lots).

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

Section 2. Authorization of Improvements. The above said Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

Section 3. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 4. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City on December 15, 2009.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on December 15, 2009 as the same appears of record in my office.

DATED: December 15, 2009.

Clerk

NEW BUSINESS

C. VALLEY CREEK ESTATES, 2nd ADDITION; **PROPOSED IMPROVEMENT DESIGN CONTRACT WITH P.E.C.:**

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve Valley Creek Estates, 2nd Addition Proposed Improvement Design Contract with P.E.C.

CONTRACT

for

ENGINEERING SERVICES

between

THE CITY OF VALLEY CENTER, KANSAS

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

THIS CONTRACT, made this ___ day of _____, 2009, by and between

THE CITY OF VALLEY CENTER, KANSAS

Party of the First Part, hereinafter called the

"CITY"

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

303 South Topeka, Wichita, Kansas

Party of the Second Part, hereinafter called the

"CONSULTANT"

WITNESSETH:

WHEREAS the CITY intends to construct:

STREET and INCIDENTAL DRAINAGE (Cottonwood Drive), and WATERLINE IMPROVEMENTS to serve Valley Creek Estates Phase 2, Lots 1 through 9, Block A; and Valley Creek Estates 2nd Addition, Lot 6, Block B, said improvements, all of which are within the corporate limits of Valley Center, hereinafter referred to as the "PROJECT", AND

WHEREAS, the CITY is authorized by law to employ Consulting Engineers to assist in the preparation of plans and specifications, and provide construction administration for the PROJECT:

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT

A. PROJECT DESIGN REQUIREMENTS

1. Conduct field surveys as required to allow development of plans and legal description of property acquisitions.
2. Prepare plans and specifications in accordance with current design criteria of the Kansas Department of Health and Environment, and the City of Valley Center.
3. Conduct soil borings that are required during development of plans and specifications.
4. Complete plans, specifications and contract documents in accordance with comments received from the CITY after review of the preliminary plans and specifications. Submit one (1) set of plans and specifications to the Kansas Department of Health and Environment and to the CITY for office review and approval, including a preliminary construction cost estimate. The Consultant shall revise the plans and specifications in accordance with office review and comments received.
5. Prepare easement, right-of-way and property descriptions required for construction of the PROJECT. Advise the CITY of any utility conflicts and construction permits that may be required. Propose a construction sequence when required for orderly construction of the PROJECT. Assist the CITY in the conduct of meetings as required.

6. Provide final plans, specifications and contract documents for letting the PROJECT. Assist the CITY in advertising or notification of prospective bidders, taking of bids and awarding of the work in the PROJECT.

B. CONSTRUCTION PHASE SERVICES

1. During the construction phase the CONSULTANT shall provide administration services for the PROJECT when requested by the CITY. The scope of services will be as follows:
 - (a) Review Contractor's shop drawings and material test certifications for compliance with plans and specifications.
 - (b) Make periodic visits to the PROJECT site to determine Contractor's progress and general character of the work.
 - (c) Consult with the Resident Inspector regarding interpretations or clarifications of the plans and specifications.
 - (d) Provide decisions in accordance with the Contract Documents on questions regarding this work.
 - (e) Review materials test reports as submitted by the Resident Inspector.
 - (f) Prepare Change Orders covering modifications or revisions necessitated by field conditions.
 - (g) Meet with the CITY as requested during construction to review progress on each part of the PROJECT.
 - (h) Issue Certificate of Substantial Completion when each separate part of the PROJECT has been completed.
 - (i) Conduct final inspection of the work.

2. During the construction phase the CONSULTANT shall provide resident engineering services when authorized by the CITY. The CONSULTANT shall provide personnel acceptable to the CITY to perform technical observation of construction on the various parts of the PROJECT by a part-time Project Representative. Through these on-site observations of the work in progress and field checks of materials and equipment by the Project Representative, the CONSULTANT will endeavor to provide further protection for the CITY against defects and deficiencies in the work, but the furnishing of such project representative shall not make the CONSULTANT responsible for the Contractor's failure to perform the construction work in accordance with the Contract Documents. Engineering services for Project Representation shall consist of the following items:
 - (a) Re-establishment of benchmarks, baselines and other control points as requested by the Contractor, and approved by the CITY.
 - (b) Supervise testing and inspection; arrange for, conduct, or witness field, laboratory, or shop tests of construction materials as required by the plans and specifications; determine the suitability of materials on the site and brought to the site to be used in the construction; assist in interpreting the contract plans and specifications; check the construction activities to determine compliance with the intent of the design; measure, compute, or check quantities of work performed and quantities of materials in-place for

partial and final payments to the Contractor; and maintain project records to document the work.

- (c) Prepare elementary and supplementary sketches required and preliminary negotiations necessary to resolve actual field conditions encountered.
- (d) Review and prepare recommendations for all construction schedules, material certifications and detailed construction shop and erection drawing as submitted by the Contractor.
- (e) Review requests for monthly and final payments to the Contractor and forward same with recommendations for approval.
- (f) Prepare initial drafts of, and conduct preliminary negotiation for, all Change Orders or Supplemental Agreements covering work on the PROJECT.

II. THE CONSULTANT AGREES:

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in SCOPE OF SERVICES TO BE PERFORMED BY THE CONSULTANT.
- B. To attend meetings with the CITY and other State and Federal Agencies as necessitated by the PROJECT.
- C. To make available during regular office hours at its Wichita office, all reports, calculations, sketches and drawings relating to the PROJECT such as the CITY may wish to examine periodically during performance of this agreement.

- D. To save harmless the CITY from all damages to persons or property caused by him, his agents or employees which may result from their operations in connection with the PROJECT and agrees to obtain such insurance coverage, and workers compensation as may be required.
- E. To comply with all Federal, State, and Local laws, ordinances, and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964.
- F. To accept compensation for the services herein described in such amounts and at such periods as hereinafter provided and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with the PROJECT.
- G. To commence work on the project within ten (10) days following receipt of Notice to Proceed and to complete the services outlined in paragraph I.A.1. through I.A.6. within 30 calendar days thereafter. The CONSULTANT shall not be liable or held responsible for delays occasioned by the actions or inactions of the CITY or other agencies or for unavoidable delays beyond the control of the CONSULTANT.

III. THE CITY AGREES:

- A. To furnish the CONSULTANT for his use all prior data developed relative to the PROJECT including applications, reports, design calculations, drawings and pertinent correspondence with State and Federal agencies.
- B. To provide right of entry for CONSULTANT'S personnel in performing field operations, inspections and measurements.
- C. To promptly review all preliminary submittals from the CONSULTANT and to transmit any suggested revisions, modifications or changes to be made.

- D. To provide a full-time inspector on the PROJECT to work with the CONSULTANT'S Project Representative.
- E. To pay the CONSULTANT for his services in accordance with the requirements of the Agreements.

IV. PAYMENT PROVISION

- A. The fee for engineering services for Items I.A.1. thru I.A.6. will be based on a lump sum fee amount as specified below:

1. Paving and Incidental Drainage	\$ 8,800
2. Water Distribution	<u>\$ 2,900</u>
TOTAL – Design Services	\$ 11,700

In the event the PROJECTS or any portion thereof are not constructed or awarded within one (1) year after the completion of the final plans, the fees will become due.

- B. Contract Administration (I.B.1) and Project Representation Service (I.B.2) during construction of the PROJECT will be charged on a direct payroll cost (hourly basis) times a factor of 2.9 and at direct costs at direct costs for reimbursable expenses such as compaction tests, concrete cylinders, and asphalt testing, travel and lodging. The fee shall not exceed the amounts as specified below:

1. Paving and Incidental Drainage	\$ 19,000
2. Water Distribution	<u>\$ 8,200</u>
TOTAL – Const. Admin. and Inspection	\$ 27,200

- D. Billings will be made and become due as follows for services outlined above:

Delivery of Final Plans ----- 100%

- E. Fees for Project Representation services and Contract Administration Services during the Construction Phase will be billed and become due on monthly periods.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the CONSULTANT'S inability to proceed with the work, or because the services of the CONSULTANT are unsatisfactory, PROVIDED, however, that in any case the CONSULTANT shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the CONSULTANT'S actual costs plus a reasonable sum for fixed fee profit.
- B. That the original tracings for the final engineering plans and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the CONSULTANT'S services in accordance with this Agreement.
- C. That the services to be performed by the CONSULTANT under the terms of this Agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this Agreement, reasonable extensions in the time

allotted for the work will be granted by the CITY, provided however, that the CONSULTANT shall request extensions in writing giving the reasons therefore.

E. It is further agreed that this Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the parties hereto and their successors and assigns.

F. If additional work should be necessary by virtue of a major change in the scope of the proposed PROJECT, the CONSULTANT will be given written notice by the CITY along with a request for an estimate of CONSULTANT'S fee for performance of such additions; but no additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

IN WITNESS WHEREOF, the CITY and the CONSULTANT have executed this Agreement as of the date first written above.

SEAL

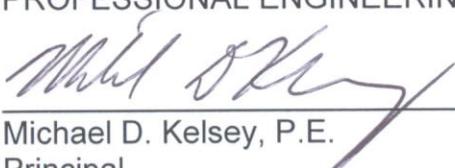
CITY OF VALLEY CENTER, KANSAS

Michael McNown, Mayor

ATTEST:

Kristine Polian, City Clerk

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.



Michael D. Kelsey, P.E.
Principal

ATTEST:



NEW BUSINESS

D. NEIGHBORHOOD PLANS:

- Neighborhood Plans Regulations Memo
- Minutes Valley Center Planning Commission / Board of Zoning Appeals
- Plan Adoption Certification
- Ordinance 1189-09; Amendment for Comprehensive Development Plan, 2007-2013

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve Amendment for the Comprehensive Development Plan, 2007-2013, as recommended by the Planning Commission.

DATE: December 8, 2009

TO: Honorable Mayor McNown
City Council

FROM: Eldon G. Miller, AICP, CFM, Community Development Officer

RE: Neighborhood Plans Regulations

Proposed Agenda Date: December 15, 2009

Background:

- Planning Commission is to review the Comprehensive Development Plan yearly.
- 3 groups have worked on the Neighborhood Plans since 2008.
- Planning Commission appointed a committee to work with the residences of the neighborhoods.
- Planning Commission received the Draft of the Neighborhood Plans in October.

Financial Considerations:

- None

Legal Considerations:

- The City has the authority to amend the Comprehensive Development Plan.

Policy Considerations:

- The City has authority to the Comprehensive Development Plan.
- Planning Commission received the Draft in October 2009.

Recommendation:

Approve the Neighborhood Plans as an element of the Comprehensive Development Plan for the Valley Center, Area Kansas 2007 – 2013 and waive first reading.

VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
NOVEMBER 12, 2009
121 S. MERIDIAN

Chairman Steve Jackson called the meeting to order at 7:00 p.m. with the following members present: John Dailey, Jaque Davis, Danny Park and Kathryn Schroeder.

Members Absent: Bart Balthazar, Gary Janzen, Bryon Mackey and Ricky Shellenbarger

Staff Present: Eldon G. Miller, AICP, CFM, Secretary
 David Foster, Planning Consultant

APPROVAL OF THE AGENDA

Vice-Chairman Dailey moved, seconded by Davis to approve the agenda as presented. Vote
 Yea: Unanimous.

MINUTES OF OCTOBER 27, 2009 REGULAR MEETING

Commissioner Park moved, seconded by Schroeder to approve the minutes as presented. Vote
 Yea: Unanimous

COMMUNICATIONS

ITEMS BY RECORDING SECRETARY

Nothing

SUBDIVISION COMMITTEE REPORT

Nothing

SITE PLAN REVIEW COMMITTEE REPORT

Report in packet.

CONSENT AGENDA

None.

PUBLICC HEARING

NEIGHBORHOOD PLANS

Chairman Jackson opened the public hearing at 7:03 p.m.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

None.

NOTIFICATION:

According to the Secretary, a notice for this hearing was published in the Ark Valley News on October 22, 2009 and notices were mailed to the County and townships on November 2, 2009. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

ZONING ADMINISTRATOR'S REPORT:

Eldon G. Miller, AICP, CFM, gave a report on the proposed neighborhood plans

Dee Wretberg, 9929 N Meridian; stated that they liked the plan.

The public hearing was closed at 7:52 pm.

DISCUSSION BY THE BOARD:

I, Jacque Davis, move that the proposed Neighborhood Plans (as amended) as an amendment to the Comprehensive Development Plan for the Valley Center, Area, Kansas: 2007 – 2013 and the Park Master Plan, be adopted and that they recommend to the City Council for approval by incorporation into an effectuating ordinance for publication. Note who seconded it and call motion for a vote. 2nd John Dailey Vote Yea: Unanimous

OLD BUSINESS**PROPOSED 2010 – 2020 CAPITAL IMPROVEMENT PLAN**

Chairman Jackson moved 2nd by Dailey to postpone until the December 8th meeting. Vote Yea: Unanimous

NEW BUSINESS**ELECTION OF OFFICERS FOR 2010**

Commissioner Park moved, 2nd by Davis to postpone until the December 8th meeting. Vote Yea: Unanimous

ITEMS BY COMMISSIONERS

Commissioner Davis stated that the Mormon Church had an Open House on November 7th.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Eldon G. Miller, AICP, CFM, Recording
Secretary

Approved by the Valley Center Planning Commission on December 8, 2009.

Steve Jackson, Chairman

PLAN ADOPTION CERTIFICATION

I, Eldon G. Miller, AICP, CFM, duly elected, authorized and acting as Secretary of the Valley Center City Planning Commission, do hereby certify to the City Council of the City of Valley Center, Kansas that the accompanying Comprehensive Development Plan for the Valley Center Area, Kansas: 2007-2013 and the Park System Master Plan as an element thereof dated November 13, 2007 as the official Plan has added the Neighborhood Plans as an element; such Neighborhood Plans include The 93rd and Meridian Area; Central Business District Area and South Meridian Area. The Plan Adoption Resolution was adopted by the Planning Commission on November 12, 2009, following an advertised public hearing.

Also certified is the accompanying copy of the unapproved minutes of November 12, 2009 which includes a summary of the public hearing. The Planning Area jurisdiction for said Plan as described therein includes the City of Valley Center plus certain surrounding area of 36 square miles in Grant, Valley Center, Park and Kechi Townships of Sedgwick County, all in the State of Kansas.

CERTIFIED as of this 13 day of November 2009.

/s/ _____
Eldon G. Miller, AICP, CFM, Secretary
Valley Center City Planning Commission

(Published in The Ark Valley News on December 17, 2009.)

ORDINANCE NO. 1189-09

AN ORDINANCE APPROVING THE AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE VALLEY CENTER AREA, KANSAS: 2007-2013.

WHEREAS, pursuant to K.S.A. 12-747, et seq., the Valley Center City Planning Commission is authorized to make and amend a Comprehensive Plan for the Valley Center Planning Area; and

WHEREAS, pursuant to provisions of K.S.A. 12-747, the Planning Commission did give published notice on October 22, 2009 and hold a public hearing on November 12, 2009 to consider the amendment to the Comprehensive Development Plan for the Valley Center Area, Kansas: 2007-2013 and the Park System Master Plan as an element thereof dated November 13, 2007 as the official Plan to add the Neighborhood Plans as an element. Such Neighborhood Plans include the 93rd and Meridian Area; Central Business District Area and South Meridian Area; and

WHEREAS, proper written notice as required by K.S.A. 12-743 (a) has been given to the Sedgwick County Board of Commissioners and the Grant, Kechi, Park and Valley Center Township Trustees of the City's intent to adopt such a comprehensive plan; and

WHEREAS, on November 12, 2009, the Planning Commission approved a resolution amending the Comprehensive Development Plan for the Valley Center Area, Kansas: 2007-2013 and the Park System Master Plan as an element thereof dated November 13, 2007 as the official Plan to add the Neighborhood Plans as an element. Such Neighborhood Plans include the 93rd and Meridian Area; Central Business District Area and South Meridian Area. Said resolution and a certified copy of the Plan document has been submitted to the governing body of the City for consideration.

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

Section 1. Plan Approval. The Comprehensive Development Plan for the Valley Center Area, Kansas: 2007 -2013 dated November 13, 2007 with the accompanying elements described above as adopted by the Valley Center City Planning Commission which is certified and on file in the City Clerk's office, is hereby approved as the official comprehensive plan for the City of Valley Center.

Section 2. Distribution. An attested copy of the Plan document shall be sent to all other taxing subdivisions in the Planning Area which request a copy as required by K.S.A. 12-747(c).

Section 3. Annual Review. At least once a year, the Planning Commission shall review or reconsider the Plan or any part thereof and may propose amendments, extensions or additions which shall be adopted in the same manner as the original comprehensive plan as required by K.S.A. 12-747(d).

Section 4. Effective Date. This Ordinance shall be effective upon its passage and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2009.

APPROVED BY THE MAYOR this ____ day of _____, 2009.

Michael N. McNown, Mayor

(S E A L)

ATTEST:

Kristine A. Polian, City Clerk

APPROVED AS TO FORM: _____
Barry Arbuckle, City Attorney

CONSENT AGENDA

- A. REVENUE and EXPENSE FINANCIAL SUMMARIES for November 2009:**

- B. 2010 CEREAL MALT BEVERAGE LICENSES:**

- C. 2010 AGREEMENT with FOSTER & ASSOCIATES:**

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. REVENUE and EXPENSE FINANCIAL SUMMARIES for November 2009:

- **GENERAL FUND**
- **EMPLOYEE BENEFITS FUND**
- **LIBRARY**
- **SPECIAL HIGHWAY**
- **EMERGENCY EQUIPMENT RESERVE**
- **BOND AND INTEREST**
- **WATER OPERATING**
- **STORMWATER OPERATING**
- **SEWER OPERATING**

12-02-2009 10:28 AM

CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: NOVEMBER 30TH, 2009

PAGE: 1

010-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	1,296,543.00	0.00	0.00	1,110,117.76	0.00	186,425.24	85.62
INTERGOVERNMENTAL	443,650.00	36,876.47	0.00	416,837.05	0.00	26,812.95	93.96
LICENSES & PERMITS	532,100.00	41,636.50	0.00	413,710.54	0.00	118,389.46	77.75
CHARGES FOR SERVICES	6,900.00	995.00	0.00	7,331.00	0.00 (	431.00	106.25
FINES & FORFEITURES	49,000.00	5,453.86	0.00	61,732.32	0.00 (	12,732.32	125.98
USE OF MONEY & PROPERTY	20,000.00	275.00	0.00	6,945.25	0.00	13,054.75	34.73
OTHER REVENUES	34,936.00	8,957.35	0.00	36,820.80	0.00 (	1,884.80	105.40
MISCELLANEOUS	96,480.00	0.00	0.00	8,738.04	0.00	87,741.96	9.06
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	2,479,609.00	94,194.18	0.00	2,062,232.76	0.00	417,376.24	83.17
EXPENDITURE SUMMARY							
ADMINISTRATION							
PERSONNEL SERV. & BENEF.	218,720.00	18,053.56	0.00	225,267.59	0.00 (	6,547.59	102.99
CONTRACTUAL SERVICES	109,900.00	7,755.86	0.00	134,270.40	0.00 (	24,370.40	122.18
COMMODITIES	11,900.00	426.69	0.00	10,476.84	0.00	1,423.16	88.04
CAPITAL OUTLAY	11,150.00	0.00	0.00	17,593.04	0.00 (	6,443.04	157.79
OTHER COSTS/MISC.	458,000.00	17,955.83	0.00	90,362.44	0.00	367,637.56	19.73
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	809,670.00	44,191.94	0.00	477,970.31	0.00	331,699.69	59.03
LEGAL & MUNICIPAL COURT							
PERSONNEL SERV. & BENEF.	60,810.00	4,754.45	0.00	53,522.55	0.00	7,287.45	88.02
CONTRACTUAL SERVICES	8,760.00	928.20	0.00	11,672.12	0.00 (	2,912.12	133.24
COMMODITIES	850.00	162.97	0.00	329.59	0.00	520.41	38.78
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	28,000.00	894.52	0.00	11,517.99	0.00	16,482.01	41.14
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL LEGAL & MUNICIPAL COURT	98,420.00	6,740.14	0.00	77,042.25	0.00	21,377.75	78.28
COMMUNITY DEVELOPMENT							
PERSONNEL SERV. & BENEF.	81,195.00	6,310.49	0.00	71,065.04	0.00	10,129.96	87.52
CONTRACTUAL SERVICES	35,990.00	2,080.98	0.00	43,142.24	0.00 (	7,152.24	119.87
COMMODITIES	5,700.00	316.60	0.00	2,917.05	0.00	2,782.95	51.18
CAPITAL OUTLAY	0.00	163.20	0.00	233.85	0.00 (	233.85	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY DEVELOPMENT	122,885.00	8,871.27	0.00	117,358.18	0.00	5,526.82	95.50

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CITY OF VALLEY CENTER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: NOVEMBER 30TH, 2009

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010-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
POLICE							
PERSONNEL SERV. & BENEF.	501,931.00	39,008.20	0.00	436,645.63	0.00	65,285.37	86.99
CONTRACTUAL SERVICES	56,000.00	3,305.13	0.00	49,009.17	0.00	6,990.83	87.52
COMMODITIES	31,000.00	789.16	0.00	18,154.36	0.00	12,845.64	58.56
CAPITAL OUTLAY	42,230.00	0.00	0.00	31,890.06	0.00	10,339.94	75.52
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL POLICE	631,161.00	43,102.49	0.00	535,699.22	0.00	95,461.78	84.88
FIRE							
PERSONNEL SERV. & BENEF.	106,294.00	45,297.21	0.00	119,069.96	0.00 (	12,775.96	112.02
CONTRACTUAL SERVICES	35,610.00	1,268.74	0.00	35,788.39	0.00 (	178.39	100.50
COMMODITIES	8,400.00	455.72	0.00	5,106.19	0.00	3,293.81	60.79
CAPITAL OUTLAY	19,000.00	2,084.13	0.00	9,812.77	0.00	9,187.23	51.65
OTHER COSTS/MISC.	1,000.00	0.00	0.00	1,116.85	0.00 (	116.85	111.69
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL FIRE	170,304.00	49,105.80	0.00	170,894.16	0.00 (	590.16	100.35
EMERGENCY COMMUNICATIONS							
PERSONNEL SERV. & BENEF.	153,488.00	9,875.22	0.00	114,032.67	0.00	39,455.33	74.29
CONTRACTUAL SERVICES	16,660.00	913.38	0.00	16,135.94	0.00	524.06	96.85
COMMODITIES	680.00	431.90	0.00	1,018.28	0.00 (	338.28	149.75
CAPITAL OUTLAY	4,150.00	1,242.00	0.00	2,047.94	0.00	2,102.06	49.35
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EMERGENCY COMMUNICATIONS	174,978.00	12,462.50	0.00	133,234.83	0.00	41,743.17	76.14
STREET							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL STREET	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMUNITY BUILDING							
PERSONNEL SERV. & BENEF.	6,500.00	0.00	0.00	1,590.00	0.00	4,910.00	24.46
CONTRACTUAL SERVICES	7,920.00	129.03	0.00	9,623.22	0.00 (	1,703.22	121.51
COMMODITIES	1,100.00	123.98	0.00	2,149.46	0.00 (	1,049.46	195.41
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY BUILDING	15,520.00	253.01	0.00	13,362.68	0.00	2,157.32	86.10

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CITY OF VALLEY CENTER
 REVENUE & EXPENSE REPORT (UNAUDITED)
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110-EMPLOYEE BENEFITS
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	521,670.00	0.00	0.00	510,575.05	0.00	11,094.95	97.87
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	17,000.00	0.00	0.00	0.00	0.00	17,000.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	538,670.00	0.00	0.00	510,575.05	0.00	28,094.95	94.78
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
PERSONNEL SERV. & BENEF.	529,020.00	45,184.64	0.00	560,074.84	0.00 (	31,054.84	105.87
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	26,450.00	0.00	0.00	0.00	0.00	26,450.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	555,470.00	45,184.64	0.00	560,074.84	0.00 (	4,604.84	100.83
ADMINISTRATION							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	555,470.00	45,184.64	0.00	560,074.84	0.00 (	4,604.84	100.83
** REVENUE OVER (UNDER) EXPENDITURES *	16,800.00) (	45,184.64)	0.00 (	49,499.79)	0.00	32,699.79	294.64
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	16,800.00) (45,184.64)	0.00 (49,499.79)	0.00	32,699.79	294.64

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CITY OF VALLEY CENTER
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140-LIBRARY
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	216,300.00	0.00	0.00	213,324.69	0.00	2,975.31	98.62
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	216,300.00	0.00	0.00	213,324.69	0.00	2,975.31	98.62
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
OTHER COSTS/MISC.	216,300.00	3,814.10	0.00	213,324.69	0.00	2,975.31	98.62
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	216,300.00	3,814.10	0.00	213,324.69	0.00	2,975.31	98.62
ADMINISTRATION							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	216,300.00	3,814.10	0.00	213,324.69	0.00	2,975.31	98.62
** REVENUE OVER (UNDER) EXPENDITURES **	0.00 (	3,814.10)	0.00	0.00	0.00	0.00	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/ (USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	0.00 (3,814.10)	0.00	0.00	0.00	0.00	0.00

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CITY OF VALLEY CENTER
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150-SPECIAL HIGHWAY
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
INTERGOVERNMENTAL	707,800.00	36,876.46	0.00	654,826.98	0.00	52,973.02	92.52
USE OF MONEY & PROPERTY	1,609.00	0.00	0.00	0.00	0.00	1,609.00	0.00
OTHER REVENUES	0.00	0.00	0.00	169.00	0.00 (	169.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	449.01	0.00 (	449.01	0.00
TOTAL REVENUES	709,409.00	36,876.46	0.00	655,444.99	0.00	53,964.01	92.39
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
PERSONNEL SERV. & BENEF.	190,171.00	13,124.70	0.00	150,667.20	0.00	39,503.80	79.23
CONTRACTUAL SERVICES	47,500.00	972.42	0.00	43,114.58	0.00	4,385.42	90.77
COMMODITIES	81,100.00	5,933.41	0.00	47,738.73	0.00	33,361.27	58.86
CAPITAL OUTLAY	377,808.00	6,377.00	0.00	314,194.50	0.00	63,613.50	83.16
OTHER COSTS/MISC.	99,360.00	0.00	0.00	0.00	0.00	99,360.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	795,939.00	26,407.53	0.00	555,715.01	0.00	240,223.99	69.82
TOTAL EXPENDITURES	795,939.00	26,407.53	0.00	555,715.01	0.00	240,223.99	69.82
** REVENUE OVER (UNDER) EXPENDITURES *	(86,530.00)	10,468.93	0.00	99,729.98	0.00 (	186,259.98	115.25-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES / (USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	(86,530.00)	10,468.93	0.00	99,729.98	0.00 (186,259.98	115.25-

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CITY OF VALLEY CENTER
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160-EMERGENCY EQUIPMENT
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	48,010.00	0.00	0.00	47,350.86	0.00	659.14	98.63
OTHER REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	48,010.00	0.00	0.00	47,350.86	0.00	659.14	98.63
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
CAPITAL OUTLAY	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
TOTAL EXPENDITURES	117,670.00	0.00	0.00	28,394.12	0.00	89,275.88	24.13
** REVENUE OVER (UNDER) EXPENDITURES * (	69,660.00)	0.00	0.00	18,956.74	0.00 (	88,616.74	27.21-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/ (USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/							
(UNDER) EXPENDITURES & OTHER (USES) (69,660.00)	0.00	0.00	18,956.74	0.00 (88,616.74	27.21-

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410-BOND & INTEREST
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	389,490.00	0.00	0.00	382,797.61	0.00	6,692.39	98.28
USE OF MONEY & PROPERTY	13,000.00	0.00	0.00	1,640.02	0.00	11,359.98	12.62
OTHER REVENUES	907,400.00	0.00	0.00	880,865.82	0.00	26,534.18	97.08
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISC TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	1,309,890.00	0.00	0.00	1,265,303.45	0.00	44,586.55	96.60
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
CONTRACTUAL SERVICES	0.00	12.50	0.00	12.50	0.00 (	12.50	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	75,970.00	0.00	0.00	0.00	0.00	75,970.00	0.00
DEBT SERVICE	1,419,390.00	1,332,731.08	0.00	1,614,820.37	0.00 (	195,430.37	113.77
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,495,360.00	1,332,743.58	0.00	1,614,832.87	0.00 (	119,472.87	107.99
ADMINISTRATION							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,495,360.00	1,332,743.58	0.00	1,614,832.87	0.00 (	119,472.87	107.99
** REVENUE OVER (UNDER) EXPENDITURES *	(185,470.00)	(1,332,743.58)	0.00 (	349,529.42)	0.00	164,059.42	188.46
OTHER FINANCING SOURCES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/ (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	(185,470.00)	(1,332,743.58)	0.00 (349,529.42)	0.00	164,059.42	188.46

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610-WATER OPERATING
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	0.00	0.00	0.00	259.80	0.00 (	259.80	0.00
CHARGES FOR SERVICES	1,069,430.00	88,896.50	0.00	962,225.99	0.00	107,204.01	89.98
USE OF MONEY & PROPERTY	3,435.00	0.00	0.00	0.00	0.00	3,435.00	0.00
OTHER REVENUES	0.00	0.00	0.00	6.93	0.00 (	6.93	0.00
MISCELLANEOUS	0.00	0.00	0.00	1,908.29	0.00 (	1,908.29	0.00
TOTAL REVENUES	1,072,865.00	88,896.50	0.00	964,401.01	0.00	108,463.99	89.89
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
PERSONNEL SERV. & BENEF.	277,320.00	19,487.94	0.00	189,691.13	0.00	87,628.87	68.40
CONTRACTUAL SERVICES	516,410.00	45,714.84	0.00	410,327.23	0.00	106,082.77	79.46
COMMODITIES	48,000.00	4,589.05	0.00	17,072.86	0.00	30,927.14	35.57
CAPITAL OUTLAY	84,135.00	970.00	0.00	13,926.35	0.00	70,208.65	16.55
OTHER COSTS/MISC.	296,270.00	0.00	0.00	275,139.93	0.00	21,130.07	92.87
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,222,135.00	70,761.83	0.00	906,157.50	0.00	315,977.50	74.15
ADMINISTRATION							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,222,135.00	70,761.83	0.00	906,157.50	0.00	315,977.50	74.15
** REVENUE OVER (UNDER) EXPENDITURES *	(149,270.00)	18,134.67	0.00	58,243.51	0.00 (	207,513.51	39.02-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/ (USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (
	149,270.00)	18,134.67	0.00	58,243.51	0.00 (207,513.51	39.02-

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612-STORMWATER UTILITY FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	63,880.00	2,929.00	0.00	34,500.00	0.00	29,380.00	54.01
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	63,880.00	2,929.00	0.00	34,500.00	0.00	29,380.00	54.01
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
PERSONNEL SERV. & BENEF.	39,540.00	0.00	0.00	136.50	0.00	39,403.50	0.35
CONTRACTUAL SERVICES	1,060.00	430.34	0.00	443.39	0.00	616.61	41.83
COMMODITIES	11,000.00	0.00	0.00	0.00	0.00	11,000.00	0.00
CAPITAL OUTLAY	12,280.00	0.00	0.00	0.00	0.00	12,280.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	63,880.00	430.34	0.00	579.89	0.00	63,300.11	0.91
TOTAL EXPENDITURES	63,880.00	430.34	0.00	579.89	0.00	63,300.11	0.91
** REVENUE OVER (UNDER) EXPENDITURES **	0.00	2,498.66	0.00	33,920.11	0.00 (	33,920.11	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	0.00	2,498.66	0.00	33,920.11	0.00 (33,920.11	0.00

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620-SEWER OPERATING
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CHARGES FOR SERVICES	732,150.00	61,107.20	0.00	663,860.91	0.00	68,289.09	90.67
USE OF MONEY & PROPERTY	2,278.00	0.00	0.00	0.00	0.00	2,278.00	0.00
OTHER REVENUES	6,000.00	200.00	0.00	2,739.00	0.00	3,261.00	45.65
MISCELLANEOUS	0.00	0.00	0.00	2,806.30	0.00	2,806.30	0.00
TOTAL REVENUES	740,428.00	61,307.20	0.00	669,406.21	0.00	71,021.79	90.41
EXPENDITURE SUMMARY							
NON-DEPARTMENTAL							
PERSONNEL SERV. & BENEF.	213,009.00	11,494.90	0.00	163,893.95	0.00	49,115.05	76.94
CONTRACTUAL SERVICES	292,960.00	14,525.39	0.00	186,538.28	0.00	106,421.72	63.67
COMMODITIES	27,500.00	1,753.01	0.00	15,931.63	0.00	11,568.37	57.93
CAPITAL OUTLAY	32,239.00	3,460.25	0.00	5,460.25	0.00	26,778.75	16.94
OTHER COSTS/MISC.	602,690.00	0.00	0.00	203,016.70	0.00	399,673.30	33.69
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,168,398.00	31,233.55	0.00	574,840.81	0.00	593,557.19	49.20
ADMINISTRATION							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,168,398.00	31,233.55	0.00	574,840.81	0.00	593,557.19	49.20
** REVENUE OVER (UNDER) EXPENDITURES *	(427,970.00)	30,073.65	0.00	94,565.40	0.00	522,535.40	22.10-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/ (USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)							
	(427,970.00)	30,073.65	0.00	94,565.40	0.00	522,535.40	22.10-

CONSENT AGENDA

B. CEREAL MALT BEVERAGE LICENSES:

The following businesses have made application for a Cereal Malt Beverage License for the year 2010. Applications were received by the City Clerk and recommended for approval by the Chief of Police, Mark Hephner.

Package Sales: Valley Shortstop, 100 S Meridian, Valley Center, Ks

Kwik Shop, Inc., 110 E. 5th, Valley Center, Ks

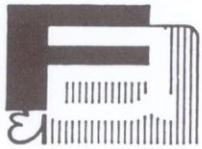
Pizza Hut, 344 S Meridian, Valley Center, Ks

Leeker's Family Foods, 801 S Meridian, Valley Center, Ks

CONSENT AGENDA

C. FOSTER & ASSOCIATES 2010 AGREEMENT:

Below is the proposed 2010 Agreement for planning assistance services with Foster & Associates.



City
clerk

FOSTER & ASSOCIATES - PLANNING CONSULTANTS
2818 N. EDWARDS STREET • WICHITA, KS 67204-4621 • PHONE 316/838-7563 • FAX 316/838-7708
C. BICKLEY FOSTER, J.D., AICP

AGREEMENT

THIS AGREEMENT becomes effective on January 1, 2010 by and between the City of Valley Center, Kansas, hereinafter called the "City" and Foster & Associates, Planning Consultants of Wichita, Kansas, hereinafter called the "Consultant."

WITNESSETH THAT:

WHEREAS, the City desires to engage the Consultant to render certain services, hereinafter described, to supplement the work of the City's staff in providing the Valley Center City Planning Commission, hereinafter called the "Commission," with various planning advisory services on an assignment basis related to their Comprehensive Plan, Zoning and Subdivision Regulations and other planning and regulatory matters; and

WHEREAS, the Consultant is ready and willing to provide such services for the City as called for in this Agreement;

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. Employment of Consultant. The City hereby agrees to engage the Consultant and the Consultant agrees to perform the services hereinafter set forth in the Scope of Services.

2. Scope of Services. The Consultant shall perform and carry out in a satisfactory manner the Scope of Services described in Appendix A which is a part of this Agreement.

3. Personnel. The professional planning services required herein will be performed by C. Bickley Foster, Project Planner, acting for the Consultant and by other qualified persons under his supervision selected by the Consultant as associates including personnel from Rice Foster Associates, P.A., Landscape Architects Planners of Wichita, Kansas when specifically approved by the City.

4. Time of Performance. The services of the Consultant will be performed during the period from the effective date of this Agreement until December 31, 2010. Due to the cooperative nature of this Agreement, it is understood that no specific completion date can be established for each individual work item. A schedule for completion of specific work items assigned within the Scope of Services will be agreed upon cooperatively between the Consultant and the Commission in joint periodic communications so that the services may proceed without undue delay.

5. Compensation. Upon faithful performance of the professional services rendered based on specific assignment of work items, the City shall periodically receive a statement from the Consultant for work completed based on the charges

described in this section. The total compensation of such statements during the time of performance shall not exceed \$ 5,000.00. Services of the Project Planner rendered when assigned will be charged at the rate of \$76.57 per hour. Associate Planner services will be charged at the rate of \$58.38 per hour, Planning Technician services at \$43.46 per hour and Secretary services including use of computer at \$36.16 per hour. Direct and indirect overhead expenses are included in the per hour personnel charges. All reproduction of maps and printing of written materials will be charged at direct cost plus handling charges. Evening meetings will be billed on the basis of \$207.00 per meeting which includes travel time. Travel expenses will be calculated at the rate of the IRS standard for mileage in 2010. If personnel from Rice Foster Associates are authorized by the City for a specific assignment, current fees of their firm will require prior approval by the City.

6. **Method of Payment.** The Consultant will provide the City periodically with a statement for services rendered during the Agreement period. Such statement shall briefly describe the nature of the services performed and the amount of payment shall be based on the method of compensation as agreed to in Section 5 above. The City agrees to pay the Consultant within thirty (30) days after receipt of the statement.

7. **Termination of Agreement for Cause.** If the Consultant shall fail to fulfill in a timely and proper manner his obligations under this Agreement or if the Consultant shall violate any of the provisions or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Consultant of such termination and specifying the effective date thereof at least fifteen (15) days prior to the effective date of such termination. In such event all finished or unfinished documents or data assembled or prepared by the Consultant under this Agreement shall become the City's property and the Consultant shall be proportionally and reasonably compensated for services which were performed satisfactorily prior to the effective date of termination.

Notwithstanding the above, the Consultant shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the Consultant, and the City may withhold any payments due the Consultant for the purpose of setoff until such time as the exact amount of damages due the City from the Consultant is determined. The Consultant shall not be liable to the City for damages if his failure to perform the Agreement arises out of causes beyond the control or without the fault or negligence of the Consultant.

8. **Equal Employment Opportunity.** There shall be no discrimination against any personnel employed in the work covered by this Agreement or against any applicant for such employment because of race, color, religion, age, sex, national origin or ancestry.

9. **Interest of Consultant.** The Consultant covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Consultant further covenants that in the performance of this Agreement no person having any such interest shall be employed.

10. Assignability. The Consultant shall not assign any interest in this Agreement and shall not transfer any interest in same without the prior consent of the City thereto.

11. Findings Confidential. Any reports, information, maps, etc., given to or prepared or assembled by the Consultant under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the Consultant without prior approval of the City.

12. Copyright. No reports, maps or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Consultant, except that prototype zoning and subdivision regulations and the accompanying Administrative Forms provided are a proprietary product of Foster & Associates, Planning Consultants, produced under contract solely for the use of the client named herein and any reproduction in any form or by any means, mechanical or electronic, by another party is prohibited without prior agreement and written permission from the consultants.

13. Changes. If the City requires changes in the Scope of Services of the Consultant to be performed hereunder, such changes, including any increase or decrease in the amount of the Consultant's compensation which are mutually agreed upon by and between the City and the Consultant, shall be incorporated in written amendments to this Agreement.

IN WITNESS THEREOF the City and the Consultant have executed this Agreement as of December, 2009.

FOSTER & ASSOCIATES

CITY OF VALLEY CENTER, KANSAS

By C. Bickley Foster
C. Bickley Foster, J.D., AICP
11/23/09

By _____
Michael D. McNow, Mayor

ATTEST:

By _____
Kristine Polian, City Clerk

APPENDIX A

This is part of an Agreement between the City and the Consultant.

SECTION A -- SERVICES TO BE PROVIDED BY THE CITY

1. Reports, studies, ordinances, maps and other data related to the current assigned project will be made available to the Consultant, if needed.
2. Copies of materials in preparation for meetings such as agendas, minutes, reports, etc., will be distributed to the Consultant.
3. Local telephone service and work space will be made available to the Consultant periodically in the City, if needed, to facilitate the work.
4. Personnel of the City including the City Attorney will be periodically available to the Consultant for mutual consultation on the assigned projects.

SECTION B -- SCOPE OF SERVICES

The following work items on an assignment basis will be undertaken by the Consultant and coordinated with the Planning Commission through the Chairperson or his or her assigned staff liaison person:

1. The Consultant will undertake specific work assignments to assist the Planning Commission on projects related to revising, amending or preparing Comprehensive Plans, Zoning or Subdivision Regulations and other planning or regulatory matters which may involve the compiling of research data; the writing of reports, studies, ordinances, regulations or grant applications; and the drafting of land use designs, base mapping or map revisions.
2. The Consultant will attend specific meetings of the Planning Commission or other groups, as requested, to present information and/or serve in a resource advisory capacity.
3. The Consultant will be available to verbally respond to inquiries of a planning or regulatory nature, especially those relating to the administration, enforcement and revision of zoning and subdivision and other regulations. To provide this service, the Consultant will maintain a reference file of information of the City.
4. The Consultant will periodically distribute to City officials planning literature, legislative amendments, grant information and other materials related to the City's planning and regulatory efforts.
5. The Consultant when requested will provide selected audio visual materials and various training aids in order to conduct training sessions for local officials and their staff on planning matters and the administration of zoning and subdivision regulations.

STAFF REPORTS

A. City Clerk

B. Chief of Police

- Police Department November 2009 Report
- Municipal Court November 2009 Report

C. Fire Chief

- Fire Department November 2009 Activity Report

D. Community Development

E. City Superintendent

F. Parks Superintendent

- Public Works November 2009 Report

G. City Engineer

- Project Status Report

H. City Attorney

I. City Administrator

Officer's Report

December 4, 2009

Chief Mark V. Hephner #1

Attention: Joel Pile
City Administrator
Valley Center Kansas

Subject: Valley Center Police November Monthly Report

The Police Department answered 296 calls for service during November 2009. Of those calls, 72 generated police cases. Emergency Communications/Records recorded 41 Fire Department calls for service, 112 records dissemination requests, 1054 telephone calls and 151 citizen contacts. The following is a break down of the police department cases:

Calls for Service: Three 911 hang ups; two aggravated assault cases reported; twenty-three alarm calls; ten animal calls; one assault call; eight assist citizen calls; nineteen assist EMS calls; four assist fire; forty-eight assist other agency calls; one auto theft case with arrest; three battery calls; two burglary report; three battery cases; eight criminal damage to property cases; two check business/residence calls; seven check the welfare calls; one child in need of care case; one CIT call; one criminal restraint case; one death investigation; nine disturbance/domestic calls; five driving complaints, three DUI cases; one fraud case; three found property calls; three funeral escort; two harassment/phone call complaints; one larceny report; one lewd behavior report; one injury accident case; one loud music calls, twenty-nine misc reports; two missing child report; nine non-injury accident reports; three parking complaints; four PFA cases; one prowler call; one recovered stolen vehicle; two runaway reports; one shoplifting case; one sick and cared for case; twenty-one suspicious activity/persons/vehicle calls; four theft reports; one threat report; one traffic hazard calls; and three trespass cases. Officers wrote forty-nine citations with seventy-four violations during the month.

During the month of November, Sedgwick County Emergency 911 Dispatch covered for the City of Valley Center 128 hours.

The chief attended the area Chief's Meeting in Clearwater on November 12. The chief was a guest instructor at KLETC November 16-19 on the firearms range.

During the month, Detective Sergeant Lloyd Newman II completed the monthly fuel report. He and Detective Grayson attended the monthly KIA meeting. He presented several cases to the City Attorney. He along with Sgt Vogt supervised Municipal Court sessions during the month. He has represented the police department on the city policy committee. He also attended the weekly staff meeting, as the chief was in Hutch assisting KLETC.

Detective Grayson wrote six affidavits, interviewed three suspects and six witnesses. He presented two cases to the DA's Office and three to Juvenile DA.

Sgt Vogt attended the city council meeting on October 6, as the chief was out of town for training. Sgt Vogt charged two felony DUI cases with the District Attorney's Office.

SRO Activities-The SRO was on light duty this month.

Training: The chief assisted the KLETC staff training recruits on firearms November 16-19. Sgt Vogt did four Operation Lifesaver presentations during the month and attended the 4th quarter board of director's and committee meeting in Topeka on November 18. Sgt Vogt attended training on school related incidents on November 19. All officers attended training on new state accident report forms and new form software on November 24. Officer Sheffler completed his field training to become a part-time officer. Officer Gordon attended a weeklong training at KLETC to become our second certified CIT officer. CIT officers are specifically trained to deal with persons in crisis.

Community Outreach Programs Presented: The Public Safety Building hosted the Sedgwick County Health Department giving the H1N1 shots on November 10. Officers' Easley and Harper assisted with the Veteran's Day events. Sgt Vogt conducted a Explorer Meeting on November 12. Sgt Newman talked to students from the Learning Center about career choices in Law Enforcement. Detective Grayson spoke to a Boy Scout group on Nov 3. Detective Grayson attended Myles Varn's Eagle Scout Presentation on Nov 11. Detective Grayson visited the Library and New Hope on Nov 12. Detective Grayson had lunch at the Middle School as well as Abilene and West on Nov 5, 10, 11, 18 and the 24th.

Response Times Average:

Priority calls-4 minutes

Non-priority calls (Report calls)-12 minutes

Miscellaneous items: Officer Easley has been selected to represent the Valley Center Police Department on the Wichita/Sedgwick County Gang task force.

Chief Mark Hephner
Valley Center Police Chief
December 4, 2009

NOVEMBER 2009

109 TOTAL CASES

- 6 CASES WITH NO STATUS CHG.
- 38 CONTINUED TO NEW DATE
- 23 CONTINUED
- 1 DISMISSED/PRESENTED INSURANCE
- 3 DIVERSION

- 3 DISMISSED WITHOUT COST
 - 2 PAYMENT PLAN
 - 6 TRIAL TO NEW DATE
 - 2 TRIAL
 - 5 EXTENSION OF TIME TO PAY
 - 3 LATE NOTICE
 - 4 WARRANT ISSUED
 - 3 FINALIZED - FOUND GUILTY
 - 1 REVIEW HEARING TO NEW DATE
 - 2 REVIEW HEARING
 - 3 INITIAL APPEARANCE TO NEW DATE
 - 1 COMMUNITY SERVICE ORDERED
 - 3 SENTENCING

2009 Activity Report

The Fire Department responded to 41 calls for service in November; these are broken down as follows.

<u>Calls For Service</u>	<u>City</u>	<u>Townships</u>
Building Fire	0	1 Mutual Aid Sedgwick Co.
Building Fire	0	1
Authorized Controlled Burn	2	0
Motor Vehicle Accident With Injuries	1	0
Medical Assist, Assist EMS Crew	7	0
Gas Leak (Natural Gas or LPG)	0	1
Alarm System Sounded Due to Malfunction	1	0
System Malfunction, Other	2	0
CO Detector Activation Due to Malfunction	1	0
Good Intent Call, Other	2	0
Dispatched & Cancelled En Route	0	4
Burn Permit	18	0

2 Firefighters Taught Fire Prevention at the Methodist Church Preschool; 125 Children were Present (November 4th and 5th 2009).

15 Firefighters Attended Training in Valley Center
Training Consisted of a Lecture and a Multiple Choice Quiz for Firefighters (November 9th 2009).

5 Firefighters Attended the Sedgwick County Area Fire Chiefs Meeting Hosted in Valley Center (November 21st 2009).

18 Firefighters Attended Training in Valley Center
Training Consisted of FDC Connection Operations, CAD Mobile Operations, and Unmanned Monitor Orientation (November 30th 2009).

CHIEF TORMEY

Administration

Approach Inspections: 5
Final NPDES-BMP's: 0
Sewer Inspections: 2
Continued sewer inspections for the new High School at 93rd.
Took care of dogs in dog pound during Cindy's absence.

The Wastewater Treatment & Collections Department

Wichita hauled sludge: 19 loads
Decanted both holding tanks and transferred between tanks.
Replaced rope on the south end of decant line on south holding tank.
Ran Control Tests and drew samples for required testing for State.
Power washed clarifier weirs, rack arms and scum trough.
Power washed U.V. channels and checked for bad bulbs.
Reinstalled the floating aerator in the north holding tank.
Annual oil change on gear box on new clarifier and greased bearings was done.
Lift Stations:
Daily rounds and maintenance was done.
High water alarm at Abilene lift station fixed.
Pulled both pumps at Colby lift station and unplugged east pump.
Contractors cleaned Colby, Junior High Ford and Sheridan Lift Stations.
Replaced vacuum tubing on #1 pump at Junior High lift station.

The Street Department

Storm drains cleaned.
Sweeping: 273 miles swept and 195 cubic yards of debris. Fall Leaves.
Graded: 44.5 miles graded and 246 tons of material used on sand roads.
Picked up a dead deer.
Repaired barricades that were vandalized at north end of Longview Drive.
Veteran's Day Celebration: barricaded streets for parade.
Put Christmas decorations up.

The Water Department

Read water meters
5 new meter and 1 meters replaced for automated reading or dead meters.
7 (each month) Routine bacteria samples collected and sent to State in September.
Daily rounds: Booster Station, Wells, Wichita Meter Pits, Water Tower
Kansas One Call: 60 locates were completed for water, sewer and stormwater. (23.5 hours)
Completed 76 City Hall generated service-orders.
Disconnect 17 water services then restored service when paid. Follow-up checks are done the next day.

DATE: December 10, 2009
Professional Engineering Consultants, P.A.

303 S. TOPEKA ■ WICHITA, KANSAS 67202 ■ 316-262-2691 ■ FAX 316-262-3003 ■ www.pec1.com ■ designers@pec1.com

MEMO

TO: City of Valley CenterFROM: Michael D. Kelsey, P.E.PROJECT NO.: 35-89355-2502PROJECT: Valley Center City Engineer

ATTENTION: _____

COPIES TO: Joel Pile-City Administrator,REFERENCE: Project Status UpdateRichard Dunn-City Supt, Kristine Polian-City Clerk,BMM

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Shown below is a list of projects that PEC is working on along with the project status.

Ford Street Bridge: The bid letting for the project is scheduled for December 11, with anticipated start of construction in January or February 2010.

Prairie Lakes-Phase 4 Grading: Most of the berm work is completed, and we are currently held up with permits for completion of the project with the Corp of Engineers and the Division of Water Resources. The agencies have requested additional hydraulic modeling information on the creek, and have received some preliminary information from Ruggles and Bohm, who is performing the modeling. Ruggles and Bohm is waiting on additional information to complete the hydraulic modeling.

Unruh Excavating-contractor

6th and Meridian Lift Station Replacement: We have completed field surveys for the project, and are currently proceeding with the design of the improvements. Design concept has been completed, and plan to review with public works on December 16th.

Sanitary Sewer Rehabilitation: We are in the process of verifying all locations to be corrected, and have requested field surveys. Once field surveys are complete, we will proceed forward with development of the project plans.

5th to 6th Street SWS: We met with Public works to review the proposed locations of the inlets for the project. We have completed preliminary plans, and plan to review these with public works on December 16th.

Library Site Evaluation: We have begun to compile information regarding 4 potential sites for a potential library. We have requested record utility information for all the sites, and have put together aerial mapping on contour mapping.

Meadow Road Sidewalk: We are just beginning the design on the proposed sidewalk which was part of the 2010 Capital Improvement Plan. We are planning to begin field surveys after the first of the year.

Ford Street PUD: We have requested field surveys for the property, and have requested and received information from the title company. We have also requested the record utility information for the property, and are researching easements on the property.

Other Items:

- We have completed preliminary plans for the new high school sanitary sewer improvements. Easement negotiations are on-going for the project.
- We have completed the final plans for the new high school water line project, and received bids on 10/14/09, with Utilities Plus being the low bidder. The preconstruction conference for this project was held on November 18th, and the project has started. The project should be completed by the end of January, depending on the weather.
- Reviewed a plan from the engineer for the school district to lower the water line at their proposed drive to the administration building, and provided comments.
- Have prepared petitions, cost estimates, and maps for water and paving improvements for this potential development for review by the City, bond counsel, and the developer.
- Reviewed a proposed wall for a private property owner.
- Compiling maps and information to establish a preliminary layout and finished floor elevation for the public works storage building.
- Final punch list inspection was performed on Ridgefield Addition, and the project has been completed.

GOVERNING BODY REPORTS

- A. Mayor McNown**
- B. Councilmember K. Jackson**
- C. Councilmember Maschino**
- D. Councilmember Nordstedt**
- E. Councilmember Campbell**
- F. Councilmember Cicirello**
- G. Councilmember Gerling**
- H. Councilmember Hobson**
- I. Councilmember L. Jackson**

ADJOURN