

CITY OF VALLEY CENTER

FINAL AGENDA

AUGUST 1, 2013

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

August 6, 2013

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** p 3
6. **CLERK'S AGENDA** p 4
 - A. Minutes p 4
 - July 16, 2013 Regular Council Meeting p 5
 - B. Appropriation Ordinance p 9
7. **PRESENTATIONS / PROCLAMATIONS** p 19
8. **PUBLIC FORUM** (*Citizen input and requests*) p 19
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 - A. Public Hearing: Proposed FY 2014 Budget p 23
 - B. 2014 Budget Discussion / Approval p 24
12. **NEW BUSINESS** p 26
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 - B. Resolutions 614-13, Authorizing Paving and Incidental Drainage Improvements Replat of Valley Creek Estates 2nd p 29
 - C. Resolutions 615-13, Authorizing Waterline Improvements Replat of Valley Creek Estates 2nd p 33
 - D. Consideration of Engineering Contract, Street and Incidental Drainage and Waterline Improvements to serve Replat of Valley Creek Estates 2nd p 37
13. **CONSENT AGENDA** p 47
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15. **GOVERNING BODY REPORTS** p 52
16. **ADJOURN**

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

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

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

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

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

CLERK'S AGENDA

A. MINUTES:

Attached are the Minutes from the July 16, 2013 Regular City Council Meeting as prepared by the Assistant City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the minutes of the July 16, 2013 Regular Council Meeting Minutes as presented / amended

REGULAR COUNCIL MEETING
JULY 16, 2013
CITY HALL
121 S. MERIDIAN

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

Members Absent:

Staff Present: Joel Pile, City Administrator
 Kristine Polian, City Clerk
 Jose Santiago, Assistant City Clerk
 Mark Hephner, Chief of Police
 Neil Owings, Parks and Public Buildings Superintendent
 Robert Tormey, Fire Captain
 Richard Dunn, City Superintendent
 Mike Kelsey, City Engineer
 Barry Arbuckle, City Attorney

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Cicirello moved, seconded by Ishman, to approve the Agenda as presented. Vote yea: Unanimous. Motion carried.

CLERK'S AGENDA

A. MINUTES – JULY 02, 2013 REGULAR CITY COUNCIL MEETING

Jackson moved, seconded by Anderson, to approve the Minutes of the July 02, 2013 Regular Council Meeting as presented. Vote yea: Unanimous. Motion carried.

B. APPROPRIATION ORDINANCE – 07/16/2013

Hobson moved, seconded by Dove, to approve the July 16, 2013 Appropriation Ordinance as presented. Vote yea: Unanimous. Motion carried.

C. TREASURER'S REPORT, JUNE 2013

Hobson moved, seconded by Cicirello, to receive and file the June 2013 Treasurer's Report. Vote yea: Unanimous. Motion carried

PRESENTATIONS/PROCLAMATIONS - None

PUBLIC FORUM – None

APPOINTMENTS

- Mayor McNown appointed Kay Thrasher to the Library Board.

Maschino moved, seconded by Ishman, to appoint Kay Thrasher to the Library Board. Vote yea: Unanimous. Motion carried.

COMMITTEES, COMMISSIONS – No Questions/Comments.

OLD BUSINESS

A. ORDINANCE 1263-13, DEDICATION OF STREET RIGHT OF WAY, 2ND READING

An Ordinance accepting the dedication of the South 32 feet of Lot 2 Leeker Valley Center Addition Replat as public street right-of-way into the City of Valley Center, Kansas.

Hobson moved, seconded by Dove, to adopt Ordinance 1263-13, accepting the dedication of the south 32 feet of Lot 2 Leeker Valley Center Addition Replat as public street right-of-way into the City of Valley Center, Kansas, for 2nd reading. Vote yea: Unanimous. Motion carried.

B. MERIDIAN & FORD STORMWATER PROJECT UPDATE

City Engineer Kelsey stated the following are some of the completed work: Field survey, Phase #1 of environmental assessment for the property of the 69 acres down south, Sessions layout, Drainage analysis. The following need completion: Phase #2 for the 69 acres down south analysis, Set street storm surveys after concessional land is approved.

NEW BUSINESS

A. PETITION FOR PUBLIC IMPROVEMENT; REPLAT OF VALLEY CREEK ESTATES 2ND, PAVING AND INCIDENTAL DRAINAGE

Hobson moved, seconded by Anderson, to approve the Replat of Valley Creek Estates 2nd, Paving and Incidental Drainage Improvement petition as presented.

B. PETITION FOR PUBLIC IMPROVEMENT; REPLAT OF VALLEY CREEK ESTATES 2ND, WATERLINE IMPROVEMENTS

Hobson moved, seconded by Cicirello, to approve the Replat of Valley Creek Estates 2nd, Waterline Improvements as presented.

C. PRESENTATION OF 2014 PROPOSED BUDGET

NEW BUSINESS (CONTINUED)

Councilmember Jackson thanked all the employees for participating in the health insurance survey. The City will get back with them.

Cicirello moved, seconded by Leftoff, to approve the Police Department an additional \$5,300.00 shift differential. Vote yea: Leftoff and Cicirello. Opposed: Ishman, Dove, Maschino, Jackson, Anderson, and Hobson. Motion defeated.

Hobson moved, seconded by Leftoff, to approve the maximum expenditures of \$8,455,070.00 as presented which should be published for Public Hearing on August 6th, 2013. Vote yea: Leftoff, Ishman, Dove, Anderson, and Hobson. Opposed: Cicirello, Maschino, and Jackson. Motion carried.

D. NOTICE OF PUBLIC HEARING Re: 2014 BUDGET

- Council must establish the maximum limits of the 2014 Budget.
- Once the maximum limits have been established, a Public Hearing must be set and The Budget Summary must be published (10 days prior to THE hearing).
- After publication, expenditures may be decreased, but cannot be increased without re-publication.

Hobson moved, seconded by Leftoff, to establish a Public Hearing August 6, 2013 at 7:00PM at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of Ad Valorem Tax. Vote yea: Leftoff, Ishman, Dove, Anderson, and Hobson. Opposed: Cicirello, Maschino, and Jackson. Motion carried.

CONSENT AGENDA

- A. REVENUE / EXPENSE SUMMARIES, JUNE 2013**
- B. BAD DEBT REPORT, JUNE 2013**
- C. CHECK RECONCILIATION REPORT, JUNE 2013**

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

STAFF REPORTS**POLICE CHIEF HEPHNER**

Hephner stated there is no parking available in front of the Public Safety building; and the back door is unlocked during business hours.

CITY ADMINISTRATOR PILE

Pile stated at Councilmembers' desk there is a letter about the Rio Grande de-annexation request he sent to the Mayor outlining the remaining proceeding that is going to take place; if anyone has a question to contact him.

GOVERNING BODY REPORTS

MAYOR MCNOWN

McNown recommended Laurie Dove as WAMPO City's voting representative and Warren Utecht as the alternate representative.

Jackson moved, seconded by Maschino, to accept elected recommendations of selecting Dove as WAMPO City's voting representative and Utecht as the alternative representative as recommended by Mayor McNown. Vote Yeah: Unanimous. Motion carried.

McNown thanked the elected representatives for stepping forward.

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

Meeting adjourned at 8:11 PM

Jose A. Santiago, Assistant City Clerk

7/31/2013 11:15 AM

A/P HISTORY CHECK REPORT

PAGE: 1

VENDOR SET: 03 City of Valley Center
 BANK: * ALL BANKS
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0048	VOID CHECK	V	7/19/2013			043844		
	DEBORAH TAYLOR							
	DEBORAH TAYLOR	VOIDED	V 7/19/2013			043845		47.07CR

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

VOID CHECKS:	2 VOID DEBITS	0.00		
	VOID CREDITS	47.07CR	47.07CR	0.00

TOTAL ERRORS: 0

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BANK: *		TOTALS:	2	0.00	0.00	0.00

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A/P HISTORY CHECK REPORT

PAGE: 2

VENDOR SET: 01 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0237	LKM - LEAGUE OF KANSAS MUNICIP							
I-864313	UNLEAD FUEL 4/24-6/24/13	R	7/18/2013	10,244.95		043844		10,244.95

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1	10,244.95	0.00	10,244.95
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 01	BANK: APBK	TOTALS:	1	10,244.95	0.00	10,244.95
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A/P HISTORY CHECK REPORT

PAGE: 3

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

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0295	PETTY CASH							
I-PETTY CASH REPLENI	PETTY CASH REPLENISHMENT	R	7/12/2013	68.50		043829		68.50
0085	LAURIE B WILLIAMS							
I-BJE201307095207	CASE # 09-14039	R	7/12/2013	55.00		043830		
I-GJB201307095207	CASE # 11-13654	R	7/12/2013	172.00		043830		227.00
0210	SECURITY BENEFIT							
I-SCB201307095207	DEFERRED COMPENSATION	R	7/12/2013	63.00		043831		63.00
0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201307095207	RETIREMENT 457 DEFERRED COMP	R	7/12/2013	65.00		043832		65.00
0372	U S DEPT OF EDUCATION							
I-JED201307095207	ACCT # 1002461211	R	7/12/2013	175.37		043833		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201307095207	CASE # 11LWAD00059	R	7/12/2013	67.00		043834		67.00
0009	VERIZON WIRELESS SERVICES, LLC							
I-9707036647	VERIZON WIRELESS JUNE'13	R	7/12/2013	560.14		043835		560.14
0153	THE ARK VALLEY NEWS							
I-ACCT # 06-1124	JUNE'13 LEGALS	R	7/12/2013	107.82		043836		107.82
0154	ASSESSMENT STRATEGIES, LLC							
I-JUNE'13PHYSICALEXA	PERSONNEL/STAFF TESTING	R	7/12/2013	350.00		043837		350.00
0156	BEALL, MITCHELL AND SULLIVAN,							
I-JUNE'13 DEFENDER	JUNE'13 PUBLIC DEFENDER	R	7/12/2013	1,000.00		043838		1,000.00
0254	CITY OF WICHITA							
I-ACCT#273174-900156	DEC'12-JUN'13 STORMWATER	R	7/12/2013	21.60		043839		21.60
0306	SEDGWICK COUNTY							
I-1800036754	JUNE'13 JAIL HOUSING FEES	R	7/12/2013	1,979.64		043840		1,979.64
0371	M & M REPAIR							
I-0045718	STICKS TO HOLD ERTS	R	7/12/2013	50.00		043841		50.00
0069	KANSAS DEPT REVENUE							
I-2-0239 1000(7)0613	2ND QTR 2013 FEES	R	7/19/2013	1,887.46		043847		1,887.46

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PAGE: 4

VENDOR SET: 02 City of Valley Center

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

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0131	KUNSHAK CHAT & COAL INC							
I-TICKET # 93761	26.9 TONS SALT	R	7/19/2013	1,291.20		043848		1,291.20
0198	P S I							
I-1306055-IN	JUNE '13 SUPPORT SRVCS	R	7/19/2013	168.75		043849		168.75
0237	MANSFIELD OIL CO							
I-864313	4/24-6/24/13 UNLEAD FUEL	R	7/19/2013	10,244.95		043850		10,244.95
0249	APAC - KANSAS INC							
I-8000118479	MILL & OVERLAY & PATCHING	R	7/19/2013	130,275.66		043851		130,275.66
0288	LAYNE CHRISTENSEN COMPANY							
I-89051148	WELL # 10 R&I W/REHAB	R	7/19/2013	30,658.63		043852		30,658.63
0299	PITNEY BOWES INC							
I-3961042-JY13	POSTAGE MACHINE RENTAL	R	7/19/2013	195.74		043853		195.74
0445	DELTA DENTAL OF KANSAS, INC.							
I-JULY 2013 PREMIUMS	DELTA/DENTAL JULY 2013	R	7/19/2013	3,018.92		043854		3,018.92
0495	CANDACE B. DECKER							
I-1041 MEADOW MOWED	MOW/WEED 1041 MEADOW RD	R	7/19/2013	65.00		043855		65.00
0511	COVENTRY HEALTH CARE, INC.							
I-49557139	AUGUST 2013 PREMIUM	R	7/19/2013	41,675.65		043856		41,675.65
0530	GALLAGHER BENEFIT SERVICES, IN							
I-35746	JULY '13FSA&COBRA ADMINFEE	R	7/19/2013	169.00		043857		169.00
0549	UNLIMITED CLEANING AND RESTORA							
I-INV 5 - CHAPPAREL	MOWING SRVCS CHAPPAREL	R	7/19/2013	375.00		043858		
I-INV 6-1211 APPLETO	MOWED 1211 APPLETON	R	7/19/2013	60.00		043858		435.00
0098	VALLEY CENTER POSTMASTER							
I-UTILITY USPS FUNDS	UTILITY POSTAL FUNDS	R	7/22/2013	6,000.00		043859		6,000.00
0085	LAURIE B WILLIAMS							
I-BJE201307245223	CASE # 09-14039	R	7/26/2013	55.00		043860		
I-BJS201307245223	CASE # 11-13127-13	R	7/26/2013	132.50		043860		
I-GJB201307245223	CASE # 11-13654	R	7/26/2013	172.00		043860		359.50
0210	SECURITY BENEFIT							
I-SCB201307245223	DEFERRED COMPENSATION	R	7/26/2013	63.00		043861		63.00

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VENDOR SET: 02 City of Valley Center

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

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0313	VANTAGEPOINT TRANS AGENTS							
I-ICM201307245223	RETIREMENT 457 DEFERRED COMP	R	7/26/2013	65.00		043862		65.00
0372	U S DEPT OF EDUCATION							
I-JED201307245223	ACCT # 1002461211	R	7/26/2013	175.37		043863		175.37
0421	FAMILY SUPPORT PAYMENT CENTER							
I-JHC201307245223	CASE # 11LWAD00059	R	7/26/2013	67.00		043864		67.00
0142	SOUTHWEST BUTLER QUARRY, LLC.							
I-38038	ROCK ONLY 1 1/2 BASECREAM	R	7/26/2013	1,329.34		043869		
I-38039	ROCK ONLY CS GREY	R	7/26/2013	436.92		043869		1,766.26
0153	THE ARK VALLEY NEWS							
I-JUL'13PUBLICNOTICE	JULY'13 LEGAL,ORDINANCES	R	7/26/2013	193.92		043870		
I-OUOLDERYOUTH	OUR OLDER YOUTH SUBSCRIPT	R	7/26/2013	6.00		043870		199.92
0239	A T & T KANSAS							
I-316 75520750409	VALLEY CK PUMP STATION	R	7/26/2013	58.97		043871		
I-316 75535049227	AT&TJULY'13DES SUBSTATION	R	7/26/2013	64.10		043871		
I-316 75573397207	AT&T SRVCS 7/9-8/8/2013	R	7/26/2013	1,151.44		043871		1,274.51
0270	INTRUST CARD CENTER							
I-PCARDJUN'13TRANSAC	JUN'13 P-CARD TRANSACTION	R	7/26/2013	25,423.98		043872		25,423.98
0314	W D CLEANING INC							
I-5940	STRIP/WAX PS,PW&SEWER	R	7/26/2013	1,349.35		043873		1,349.35
0458	DELANGE SEED							
I-13-02103	BOUNDLE FOWER, BERMUDA	R	7/26/2013	422.75		043874		422.75
0550	BANNON TRUCKING, LLC							
I-74654	JUNE'13 HAUL SRVCS ONLY	R	7/26/2013	1,563.92		043875		
I-74657	JUNE'13 HAUL SRVCS	R	7/26/2013	873.84		043875		
I-74668	JULY'13 HAUL ROCK	R	7/26/2013	1,570.48		043875		4,008.24
0551	ALISON MCKENNEY BROWN, ATTORNE							
I-JUN'13JUDGEPROTEMP	JUDGE PRO TEMPORE	R	7/26/2013	600.00		043876		600.00

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PAGE: 6

VENDOR SET: 02 City of Valley Center
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 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
* * T O T A L S * *								
		NO		INVOICE AMOUNT		DISCOUNTS		CHECK AMOUNT
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	HAND CHECKS:	0		0.00		0.00		0.00
	DRAFTS:	0		0.00		0.00		0.00
	EFT:	0		0.00		0.00		0.00
	NON CHECKS:	0		0.00		0.00		0.00
	VOID CHECKS:	0	VOID DEBITS	0.00				
			VOID CREDITS	0.00	0.00	0.00		
TOTAL ERRORS: 0								
VENDOR SET: 02	BANK: APBK	TOTALS:	39	266,595.91		0.00		266,595.91

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PAGE: 7

VENDOR SET: 03 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0048	DEBORAH TAYLOR							
	I-MILEAGE REIMBURSEM MILEAGE REIMBURSEMENT	V	7/19/2013	31.07		043845		
	I-S.HUNRUH-LOT SPLIT S.UNRUH-LOT SPLIT COVENAN	V	7/19/2013	16.00		043845		47.07
0048	DEBORAH TAYLOR							
	M-CHECK DEBORAH TAYLOR	VOIDED V	7/19/2013			043845		47.07
0048	DEBORAH TAYLOR							
	I-MILEAGE REIMBURSEM MILEAGE REIMBURSEMENT	R	7/19/2013	Reissue		043846		
	I-S.HUNRUH-LOT SPLIT S.UNRUH-LOT SPLIT COVENAN	R	7/19/2013	Reissue		043846		47.07
0014	JOEL D PILE							
	I-JUNE'13 MILEAGE MILEAGE JUNE 2013	R	7/26/2013	119.78		043865		119.78
0017	KRISTINE POLIAN							
	I-JAN-JUN'13 MILEAGE JAN-JUN'13 MILEAGE	R	7/26/2013	186.73		043866		186.73
0027	JAMES D GRAYSON							
	I-TRAINING/TRAVEL TRAINING-TRAVEL	R	7/26/2013	80.00		043867		80.00
0050	LLOYD C. NEWMAN							
	I-TRAINING/TRAVEL TRAINING/TRAVEL	R	7/26/2013	80.00		043868		80.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	5	513.58	0.00	513.58
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	47.07		
	VOID CREDITS	47.07	94.14	0.00

TOTAL ERRORS: 0

VENDOR SET: 03 BANK: APBK TOTALS: 5 544.65 0.00 513.58

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PAGE: 8

VENDOR SET: 04 City of Valley Center
 BANK: APBK INTRUST CHECKING
 DATE RANGE: 0/00/0000 THRU 99/99/9999

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0077	JUDY L. BERGER							
	I-ADOPTION FEE REFUN JUDY L. BERGER	R	7/12/2013	50.00		043842		50.00
0076	BOBBIE S. LAMM							
	I-COMM BLDG REFUND BOBBIE S. LAMM	R	7/12/2013	30.00		043843		30.00
1	DENIS ALEXANDER							
	I-201307265224 KS GAS SRVC	R	7/26/2013	50.00		043877		50.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	3	130.00	0.00	130.00
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
EFT:	0	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS 0.00		
		VOID CREDITS 0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 04	BANK: APBK	TOTALS:	3	130.00	0.00	130.00
BANK: APBK	TOTALS:		48	277,515.51	0.00	277,484.44
REPORT TOTALS:			50	277,515.51	0.00	277,484.44

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SELECTION CRITERIA

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

CHECK SELECTION

CHECK RANGE: 043829 THRU 043877
DATE RANGE: 0/00/0000 THRU 99/99/9999
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

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

PRESENTATIONS / PROCLAMATIONS

PUBLIC FORUM

APPOINTMENTS

COMMITTEES, COMMISSIONS

A. ITEMS FOR COUNCIL REVIEW:

- Valley Center Planning Commission / Board of Appeals July 23, 2013 Minutes

**VALLEY CENTER
PLANNING COMMISSION/BOARD OF APPEALS
MINUTES**

7:00 P.M., Tuesday, July 23, 2013
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER: Chairperson Park called the meeting to order at 7:00 p.m. with the following members present: Don Bosken, Del James, Ronald Colbert Sr., Dee Wretberg, Danny Park and Matt Stamm.

Members absent: Terry Nantkes, Gary Janzen and Ricky Shellenbarger

Staff Present: Warren Utecht, Community Development Department, Joel Pile, City Administrator, and Mark Hephner, Police Chief

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

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

APPROVAL OF June 25, 2013 DRAFT MINUTES: A motion was made by Commissioner Colbert, seconded by Commissioner Stamm to accept the June 25, 2013 minutes as written. Motion passed unanimously.

COMMITTEE AND STAFF REPORTS: None

COMMUNICATIONS: None

OLD BUSINESS: None

UNFINISHED BUSINESS: None

NEW BUSINESS: Review of the 2014-2015 Capital Improvement Plan (CIP).

Joel Pile, the City Administrator, explained the purpose of the CIP and the importance that the capital projects, which are at least \$50,000 or more, be consistent and in conformity with the City's adopted Comprehensive Plan. Joel added that Commissioners not consider project dollar value or priority. Warren Utecht went into more detail with the three path/sidewalk projects that will be 75% funded under either the TE Transportation Enhancement or TA Transportation Alternatives Federal Grant programs. A map was shown on the screens that show the location of these path/sidewalk projects, along with an explanation of the timing when they would be built. Commissioner Colbert pointed out that a number of children walk in Southwind Drive, and would have liked to see this street get a sidewalk. Mr. Utecht suggested more sidewalk projects would be added to the next WAMPO Transportation Improvement Plan (TIP) in May, 2014, and that the City could possibly look at Southwind as a future project.

RECOMMENDED CIP MOTION: Based on City Staff recommendations and discussion by the Planning Commission, I Commissioner Colbert, make a motion to send the Planning Commission's support for the 2014-2015 Capital Improvement Program to the City Council. Seconded by Wretberg. Motion passed unanimously.

COMMITTEE AND STAFF REPORTS

A. Report on progress of letters to property owners who have Recreational Vehicles parked in the front yard

Mr. Utecht outlined the Community Development Department's effort to enforce the Recreational Vehicle (RV) regulations adopted by the City Council in January, 2013.

1. Mr. Utecht and his assistant traveled through neighborhoods where lots are generally confining and made a list of RV violations.
2. Mr. Utecht noted there were far fewer RV's in front yards as compared to last year. This could be due to the publicity of the new regulations and the flyer that went out in all water bills this spring that visually showed where recreational vehicles could be placed on lots.
3. After observing aerial GIS maps of each property in question, 18 property owners were sent letters with a "nonconforming certificate" for the owner to sign and send back, due to the fact that it would be physically impossible to move the RV to the side or rear property. Eight property owners were sent a notice saying they had 90 days to make arrangements to move their RV's to side or rear yards, but also included an appeal notice of the Zoning Administrator's decision (no administrative fee would be charged, per planning commission directive).
4. As of July 23, 2013, only one property has filed paperwork for an appeal. Several have called but have not filed paperwork yet.

B. Roll of Planning Commissioner's Responsibilities and Duties Discussion

Mr. Utecht summarized what he thought were the relevant portions of the 13 page document entitled "Just what is the Job of a Planning Commissioner?", published by the American Planning Association. Points talked about were:

1. The importance of asking questions
2. Contacting the Community Development Department if any commissioner had questions regarding the agenda items and the packet of information sent out prior to the meeting
3. Putting aside personal bias
4. Patiently listening to the concerns of residents at public hearings, and making the right decision, not the popular one
5. When needed, table an item when contentious or controversial issues come before the Planning Commission. This would avoid a quick decision and enable Commissioner's to "think-through" the issues. It would also allow staff time to recommend "compromise" solutions.
6. The different roles and responsibilities of the Planning Commission (recommending body entrusted to apply all decisions based on the adopted Comprehensive Plan and land use regulations), and the City Council, which is the body that determines policy and has final say on all land use matters.

There was a suggestion made that it may be helpful if the City Planning Commission and City Council hold a joint once-a-year workshop to better understand their roles and responsibilities. This could also be an opportunity to talk about the vision of the community (Comprehensive Plan).

Commissioner Colbert asked Commissioners to state what they considered their role to be on the Planning Commission. Some answered the question by stating their concern for orderly city land use and community appearance, enforcement of land use regulations, and serving the community (civic duty).

ITEMS BY PLANNING COMMISSIONERS:

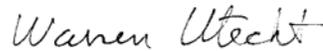
- Ronald Colbert Sr. – Nothing
- Matt Stamm – Nothing
- Dee Wretberg – Nothing
- Don Bosken-Nothing
- Del James – Nothing
- Danny Park – Nothing

ADJOURNMENT:

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

Time of Adjournment 7:59 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission on August 27, 2013.

/Danny Park/
Danny Park, Chairperson
WU/dt

OLD BUSINESS**A. PUBLIC HEARING: PROPOSED FY 2014 BUDGET:**

- Under K.S.A. 79-2929, a Public Hearing must be held prior to filing an Adopted Budget.
- City Council Authorized publication of the Notice of Budget Hearing and notice was published July 18, 2013.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to:

1. Open Public Hearing
 - Receive Public Comment
2. Close Public Hearing

OLD BUSINESS**B. 2014 BUDGET DISCUSSION / APPROVAL:**

- After Closing the Public Hearing, The Council shall consider Amendments to the 2014 Budget.
- If / after Amendments are made, The Council shall vote to adopt the 2014 Budget.
- The Published Notice of Budget established a maximum Expenditure level for 2014 of \$ 8,455,070. This level may be lowered, but cannot be increased without republication and conducting another Public Hearing.
- Budget Summary and Fund Pages

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to...

1. Consider any Budget Amendments
2. Adopt the 2014 Budget for the City of Valley Center

NOTICE OF BUDGET HEARING

The governing body of
Valley Center

will meet on August 6, 2013 at 7:00 PM at City Hall, 121 S. Meridian for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax. Detailed budget information is available at City Hall, 121 S. Meridian and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2014 Expenditures and Amount of 2013 Ad Valorem Tax establish the maximum limits of the 2014 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2012		Current Year Estimate for 2013		Proposed Budget for 2014		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2013 Ad Valorem Tax	Estimate Tax Rate *
General	2,226,950	18.094	2,149,160	18.101	2,280,480	798,895	18.101
Debt Service	1,702,060	16.248	2,094,545	16.254	2,452,490	717,597	16.259
Library	220,630	4.500	229,300	4.502	230,000	198,617	4.500
Employee Benefit	591,360	13.767	686,000	13.772	704,500	607,370	13.761
Emergency Equipment	57,900	1.000	47,700	1.000	49,500	44,156	1.000
Special Highway	757,760		794,400		833,800		
Equipment Reserve	31,100		49,000		10,000		
ADSAP					1,000		
Active Aging	5,000		5,000		5,000		
Special Alcohol & Drug			1,000		1,000		
Special Park & Recreation			1,000		1,000		
Drug Tax Distribution			1,000		1,000		
Water Utility	1,404,840		1,316,800		1,388,000		
Sewer Utility	909,730		1,036,600		1,024,350		
Storm Water Utility	40,090		75,350		79,350		
Solid Waste Utility	342,790		332,500		376,000		
Non-Budgeted Funds-A	379,750						
Non-Budgeted Funds-B	620						
Totals	8,670,580	53.609	8,819,355	53.629	9,437,470	2,366,635	53.621
Less: Transfers	873,790		932,400		982,400		
Net Expenditure	7,796,790		7,886,955		8,455,070		
Total Tax Levied	2,309,557		2,309,557		xxxxxxxxxxxxxxxxxxxxxx		
Assessed Valuation	43,081,575		43,065,035		44,135,675		
Outstanding Indebtedness, January 1,	2011		2012		2013		
G.O. Bonds	11,570,000		10,415,000		17,805,000		
Revenue Bonds	0		0		0		
Other	5,492,797		5,173,771		2,735,497		
Lease Purchase Principal	47,418		23,147		0		
Total	17,110,215		15,611,918		20,540,497		

*Tax rates are expressed in mills

Kristine Polian

City Official Title: City Clerk

NEW BUSINESS**A. SPECIAL USE REQUEST – VALLEY CENTER CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION – FLAG BURNING CEREMONY:**

In observance of Veterans Day, The Valley Center Daughters of the American Revolution are requesting a Special Use Permit to hold a Flag Burning Ceremony in Lions Park on November 2, 2013, 10:00 a.m. to 12:00 p.m.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve the Special Use Request and authorize use of City resources as requested.

Joel Pile

From: Becky Hunter [littlearkansasdar@hotmail.com]
Sent: Friday, July 12, 2013 3:03 PM
To: Joel Pile; Michael McKnown
Cc: Pam Porter; JWis@kansasgirlscouts.org; Idcroflyer@cox.net; Riley Greenwood; Heather Blankinship
Subject: Veterans Flag Retirement Nov 1st
Attachments: Veterans day call..docx

Members of Valley Center Council, Mayor McKnown, and guests.

For the past several years the Valley Center Chapter of the Daughters of the American Revolution has been an active participant in the Valley Center Veterans Program. This program has earned Valley Center as one of the few cities designated by the Veteran's Administration as a Designated Veteran City. The city of Valley Center has chosen not to do a Veterans day program this year.

The Daughters of the American Revolution has honored Veterans since it's founding in 1890. Our three main objectives are Patriotism, Education and Historic Preservation. We honor those patriots who fought for American Freedom. With respect to our American History, our active volunteers working with Veterans, and honoring those men and women who fought for American Freedom, we are requesting to hold a Flat Retirement Ceremony on **Saturday November 2nd, at 10 a.m. to 12:00 pm** in Lyons Park. We have asked several youth organizations to assist us with this educational opportunity. Boy Scout troop 494, Girl Scout Troop 40103 from Valley Center will be active participants in this educational opportunity for youth, adults and Veterans. Every Veteran who has been on active duty, deployed or even our KS National & Air Guard have worn the Flag of the United States on their uniforms. Defending our country, keeping our county safe, assisting our state & country in times of need has been the duty of all Veterans and active military personnel.

The ceremony will more than likely take about 45 minutes. The burning of the flags will take longer than the ceremony. We will need the following equipment, etc.

1. Permission to hold it in Lyons Park. Due to the wind, the train, youth, and parking at Veteran's park, this would be a better location for everyone. Veterans will be able to park close.
2. Burn barrels, to burn several flags. I will deviate to the boy scouts how many burn barrels, three at the most is what I am thinking. The Girl Scouts & the Boy Scouts will be flag bearers & participants in the ceremony, along with DAR & a yet to be determined Veteran.
3. Fire department permission, awareness of a flag retirement ceremony going on, in case of emergency, security, etc.
4. The Boy Scout troop does have flags to burn, but if a citizen wants to donate flags, a collection point locations for this event. We will only burn for 2 hours, so we will not be able to burn every flag. But we can collect the flags for another day/ time.
5. Roped off area & bleachers seating for visitors who will want to attend. Speaker system for the ceremony so people can hear the solemn memorial service.
6. Advertising to let citizens of Valley Center know that we will be honoring the work of the Veterans who have carried our flag into war, deployment & work with them every day. We will retire our used, worn flags that have honored our country and our veterans. \$250.00 for advertising, printing an informational leaflet of participants for people involved, miscellaneous unforeseen expenses. Anything that we don't use will return with the city. IF we can get someone willing to donate printing a small leaflet 4x8" for anyone who might like more information and organizations involved in the ceremony

7. The DAR does have some flags to sell, that people will be able to replace their retired flags. US Flags & Kansas State Flags.
8. It will also be an awareness of the youth organizations in Valley Center, Boy Scouts, Cub Scouts, Girl Scouts and Children of the American Revolution chapter – from Wichita.
9. I don't know if there is any organization in VC that has flags on poles, but it would be neat to line the park with flags, over to main street & Veterans Park in honor of upcoming Veteran's Day. Just an idea.

Attached is a call for the Flag Retirement Ceremony.

Sincerely,

Becky Hunter
Regent
Little "Arkansas Chapter DAR

cc: Pam Porter, Jennifer Wise – GS, Riley Greenwood – BS, Adam Dunn – BS



NEW BUSINESS

B. RESOLUTION 614-13, AUTHORIZING PAVING AND INCIDENTAL DRAINAGE IMPROVEMENTS, REPLAT OF VALLEY CREEK ESTATES 2ND:

- Resolution 614-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 614-13 authorizing Paving and Incidental Drainage Improvements for Replat of Valley Creek Estates, 2nd.

Gilmore & Bell, P.C.
07/22/2013

(Published in *The Ark Valley News*, on August 15, 2013)

RESOLUTION NO. 614-13

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 IMPROVEMENTS-REPLAT OF VALLEY CREEK ESTATES 2ND ADDITION).

WHEREAS, a Petition was filed with the City 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(b) (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 (the “Improvements”):

Construct paving and incidental drainage improvements to serve Lots 6 and 7, Block 2 and Lots 1 through 3, Block 3, Replat of Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas, and shall include 29’ wide B-B Pavement on Poplar Court from Cottonwood Drive to the south line of said plat, all in accordance with plans and specifications furnished by the City Engineer.

(b) The estimated or probable cost of the Improvements is: One Hundred Forty Thousand Dollars (\$140,000.00), 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 6 and 7, Block 2 and Lots 1 through 3, Block 3, Replat of Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is on a fractional basis as follows:

Lot 6, Block 2, shall pay 2/13 of the total cost of the Improvements;
Lot 7, Block 2, shall pay 3/13 of the total cost of the Improvements;
Lot 1, Block 3, shall pay 3/13 of the total cost of the Improvements;
Lot 2, Block 3, shall pay 2/13 of the total cost of the Improvements; and
Lot 3, Block 3, shall pay 3/13 of the total cost of the Improvements.

(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 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 or special 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 August 6, 2013.

(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 August 6, 2013, as the same appears of record in my office.

DATED: August 6, 2013.

Clerk

NEW BUSINESS

C. RESOLUTION 615-13, AUTHORIZING WATERLINE IMPROVEMENTS, REPLAT OF VALLEY CREEK ESTATES 2ND:

- Resolution 615-13

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Resolution 615-13 authorizing Waterline Improvements for Replat of Valley Creek Estates, 2nd.

Gilmore & Bell, P.C.
07/22/2013

(Published in *The Ark Valley News*, on August 15, 2013)

RESOLUTION NO. 615-13

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 (WATERLINE IMPROVEMENTS-REPLAT OF VALLEY CREEK ESTATES 2ND ADDITION).

WHEREAS, a Petition was filed with the City 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(b) (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 (the “Improvements”):

Construct waterline improvements to serve Lots 6 and 7, Block 2 and Lots 1 through 3, Block 3, Replat of Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas, and shall include 8” waterline on Poplar Court from Cottonwood Drive to the south line of said plat, all in accordance with plans and specifications furnished by the City Engineer.

(b) The estimated or probable cost of the Improvements is: Thirty-Four Thousand Dollars (\$34,000.00), 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 6 and 7, Block 2 and Lots 1 through 3, Block 3, Replat of Valley Creek Estates 2nd Addition to the City of Valley Center, Sedgwick County, Kansas.

(d) The method of assessment is on a fractional basis as follows:

Lot 6, Block 2, shall pay 2/13 of the total cost of the Improvements;
 Lot 7, Block 2, shall pay 3/13 of the total cost of the Improvements;
 Lot 1, Block 3, shall pay 3/13 of the total cost of the Improvements;
 Lot 2, Block 3, shall pay 2/13 of the total cost of the Improvements; and
 Lot 3, Block 3, shall pay 3/13 of the total cost of the Improvements.

(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 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 or special 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 August 6, 2013.

(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 August 6, 2013, as the same appears of record in my office.

DATED: August 6, 2013.

Clerk

NEW BUSINESS

D. CONSIDERATION OF ENGINEERING CONTRACT - STREET AND INCIDENTAL DRAINAGE AND WATERLINE IMPROVEMENTS TO SERVE REPLAT OF VALLEY CREEK ESTATES 2nd:

- P.E.C Contract

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve the Engineering Contract with P.E.C. for Street and Incidental Drainage and Waterline Improvements to serve Replat of Valley Creek Estates 2nd.

CONTRACT

for

ENGINEERING SERVICES

between

THE CITY OF VALLEY CENTER, KANSAS

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

THIS CONTRACT, made this ___ day of _____, 2013, 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 and WATERLINE IMPROVEMENTS

on Poplar Court from Cottonwood Drive to the south line of the plat to serve Replat of

Valley Creek Estates 2nd, Lots 6 and 7, Block 2 and Lots 1 through 3, Block 3, said

improvements, being 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	\$ 10,500
2. Water Distribution	<u>\$ 3,000</u>
TOTAL – Design Services	\$ 13,500

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	\$ 14,900
2. Water Distribution	<u>\$ 3,500</u>
TOTAL – Const. Admin. and Inspection	\$ 18,400

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

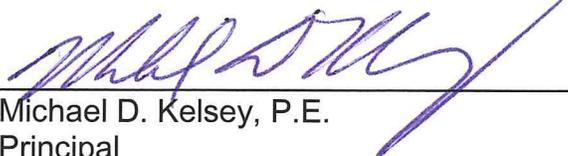
CITY OF VALLEY CENTER, KANSAS

 Michael McNown, Mayor

ATTEST:

 Kristine Polian, City Clerk

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.



 Michael D. Kelsey, P.E.
 Principal

ATTEST:



 Charles S. Brown, P.E.
 Project Manager

CONSENT AGENDA

A. SPECIAL USE PERMIT REQUEST – FAITH CHURCH:

RECOMMENDED ACTION:

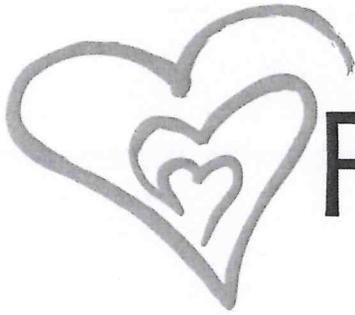
Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. SPECIAL USE PERMIT REQUEST – FAITH CHURCH:

Faith Church is requesting a Special Use Permit to hold a free Movie in the Park Event in Lion's Park on September 14, 2013 from 6:00 p.m. to 9:30 p.m.

Faith Church has provided staff with the necessary Certificate of Liability Insurance for this event.



FAITHCHURCH

LOVE.GROW.SERVE.

Information Concerning Our Movie in the Park Event: September 14th from 6:00 p.m. to 9:30 p.m.

Areas of Use:

- Grill in the parking lot of the canopy
- North Central Field of the Park
- South East Corner Field of the Park
- The Electrical Boxes (10 Outlets)
- The Pavilion
- The Bathrooms
- The Gazebo

Products Used for Event:

- 22 Foot Slide (South West Corner) 22x13x35
- Extreme Obstacle Course (South West Corner)17x13x68
- Bungee Run (South West Corner)35x15
- Castle Play Center (North West Corner by the Gazebo)9x15x22
- Bounce House (North West Corner by the Gazebo)13x13
- Rock N Roller (North West Corner)20x2
- Big Grill (Parking Lot of Pavilion)
- Projector
- Sound Equipment

We need the electric unlocked 4:00 p.m.

We are willing to pay any additional electrical expenses incurred.

We are working with the city to make sure that we are in compliance with city regulations.

We do not need to stake anything down.

We have our million dollar Insurance policy through Brotherhood Mutual.

The contact number for those in charge:

Pastor Danny Crawford – 209-1237

Pastor Stephen Healy – 755-0687



To Whom It May Concern:

The following is a short synopsis of our event planned for September 14th.

Details of the Event:

We are providing a free community wide event. Our church people have graciously volunteered their time and resources to reach out in friendship with the Love of Christ. This event will offer free food, drink, and various entertainments to all age groups.

(We will be hand delivering a sketch to you today.)

Sincerely,

Pastor Danny

Faith Church

STAFF REPORTS

A. City Clerk Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Community Development Director Utecht

E. City Superintendent Dunn

F. Parks & Public Buildings Superintendent Owings

G. City Engineer Kelsey

H. City Attorney Arbuckle

I. City Administrator Pile

GOVERNING BODY REPORTS

- A. Mayor McNown**
- B. Councilmember Leftoff**
- C. Councilmember Cicirello**
- D. Councilmember Isham**
- E. Councilmember Dove**
- F. Councilmember Maschino**
- G. Councilmember L. Jackson**
- H. Councilmember Anderson**
- I. Councilmember Hobson**

ADJOURN