



CITY COUNCIL AGENDA

September 5, 2023

***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.***

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION: MINISTERIAL ALLIANCE**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA p 4**
- 6. ADMINISTRATION AGENDA p 5**
 - A. City Council Meeting Minutes – August 15, 2023
- 7. PRESENTATIONS / PROCLAMATIONS p 11**
 - A. Allison Clubb- Valley Center Chamber of Commerce
 - B. Ryan Baty- Sedgwick County Commissioner-REMOVED
- 8. PUBLIC FORUM (Citizen input and requests) p 11**
- 9. APPOINTMENTS p 11**
- 10. OLD BUSINESS p 11**
- 11. NEW BUSINESS p 12**
 - A. Public Hearing regarding the 2024 Valley Center Proposed Property Tax Levy in Excess of the Revenue Neutral Rate and adoption of Resolution 739-23 p 12
 - B. Public Hearing regarding the 2024 Valley Center Budget and adoption of the 2024 Budget p 34
 - C. Resolution 740-23; G.O. Temporary Notes, series 2023-1 p 49
 - D. Ordinance 1395-23: Re-zone 116 S. Ash Ave. p 78
 - E. Approval of purchase and new contract for Flock Cameras p 85
 - F. Approval of creation of Stormwater Citizens Advisory Committee p 93
- 12. CONSENT AGENDA p 96**
 - A. Appropriation Ordinance – September 5, 2023 p 97-(MOVED TO NB-G)
 - B. Delinquent Account Report – June 2023 p 106
 - C. Planning and Zoning Board Minutes – August 22, 2023 p 112
 - D. Alcohol waiver request-Victoria Stoll - October 7, 2023 p 116
 - E. Lions Park Special Use Request – Life Point Church-Kids Fest - Sept. 23,2023 p 118
 - F. Lions Park Special Use Request- Faith and Blue Event – October 7, 2023 p 124
 - G. Lions Park Special Use Request – VC Public Library – October 10, 2023 p 127

- 13. STAFF REPORTS p 130**
- 14. GOVERNING BODY REPORTS p 131**
- 15. 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 any time 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@valleycenterks.org or by phone at (316)755-7310.

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

CALL TO ORDER

ROLL CALL

INVOCATION – MINISTERIAL ALLIANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

RECOMMENDED ACTION:

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

ADMINISTRATION AGENDA

A. MINUTES:

Attached are the Minutes from the August 15, 2023, regular City Council Meeting as prepared by the City Clerk.

REGULAR COUNCIL MEETING
August 15, 2023
CITY HALL
121 S. MERIDIAN

Mayor Cicirello called the council meeting to order at 7:00 p.m. with the following members present: Chris Matt Stamm, Chris Evans, Clint Bass, Ben Anderson, Gina Gregory, Dale Kerstetter, Robert Wilson, and Ronald Colbert.

Members Absent: None

Staff Present: Ryan Shrack, Community Development Director
Rodney Eggleston, Public Works Director
Lloyd Newman, Public Safety Director
Gage Scheer, City Engineer
Barry Arbuckle, City Attorney
Barry Smith, Assistant City Administrator
Brent Clark, City Administrator
Kristi Carrithers, City Clerk

Press present: The Ark Valley News

APPROVAL OF AGENDA

Gregory moved to approve the agenda as presented, seconded by Kerstetter. Vote yea: unanimous. Motion carried.

ADMINISTRATION AGENDA –

AUGUST 1, 2023, CITY COUNCIL MINUTES-

Evans moved to approve the minutes of the August 1, 2023, City Council meeting as presented, seconded by Bass. Vote yea: Unanimous Motion Carried.

PRESENTATIONS/PROCLAMATIONS –

GREG LEHR-USD 262 SUPERINTENDENT

Superintendent Lehr presented information regarding the upcoming school district bond special election.

PUBLIC FORUM – None

APPOINTMENTS – None

OLD BUSINESS –

A. ORDINANCE 1393-23; STANDARD TRAFFIC ORDINANCE

Public Safety Director Newman presented Ordinance 1393-23 for 2nd reading approval. This is the annual update to the Standard Traffic Ordinance.

Wilson moved to adopt Ordinance 1393-23, amending Chapter 10.04, section 10 of the Valley Center Municipal Code and amendments thereto related to the Regulation of Traffic within the corporate limits of the City of Valley Center, Kansas, for 2nd reading Seconded by Stamm. Vote Yea: unanimous. Motion carried.

B. ORDINANCE 1394-23; UNIFORM PUBLIC OFFENSE CODE

Public Safety Director Newman presented Ordinance 1394-23 for 2nd reading approval. This is the annual update to the Uniform Public Offense Code.

Bass moved to adopt Ordinance 1394-23, amending Chapter 9.01 of the Valley Center Municipal Code and amendments thereto, for 2nd reading. Motion seconded by Evans. Vote Yea: unanimous. Motion carried

NEW BUSINESS-

A. RESOLUTION 738-23; REQUEST TO SEDGWICK COUNTY FOR ISLAND ANNEXATION

City Administrator Clark stated that a request by property owners to be annexed into the City of Valley Center has been received. The area is approximately 306 acres located east of 71st between 77th and 85th Streets. The area would require approval from Sedgwick County as it would be an island annexation.

Kelly Parks, 8005 N Hoover Rd. addressed Council with concerns on water table levels to existing wells with development of a sand pit. Mr. Parks inquired whether a hydrologist has been contacted. He also stated that Sedgwick County recently denied a request to develop a sand pit in that area.

Council discussed the resolution process and how it would be zoned. Mayor Cicirello stated that this resolution authorizes the request to Sedgwick County to approve the island annexation. Final approval of an annexation would have to be approved by Council by 1st and 2nd reading of Ordinance at later meetings.

Bass moved to approve Resolution 738-23 regarding island annexation approval from Sedgwick County, seconded by Anderson. Vote yea: unanimous. Motion carried.

B. FINAL PAY APP FOR FORD STREET

Gage Scheer, PEC presented final pay app for the Ford Street project. The amount due is \$610,539.46.

Stamm moved to approve payment of final pay application for Ford Street project in the amount of \$610,539.46, seconded by Evans. Vote Yea: unanimous. Motion carried.

C. FINAL PAY APP FOR CEDAR RIDGE

Gage Scheer, PEC presented the final pay app for the Cedar Ridge. The amount due is \$47,707.00. Ligated Damages for days over totals \$15,000.00 and \$33,689.10 in overages from field services have been withheld. He explained that the supplemental agreement under New Business-D is for those inspections still needed at Cedar Ridge.

Evans moved to approve final pay application for Cedar Ridge in the amount of \$47,707.00. Seconded by Stamm. Vote Yea: unanimous. Motion carried.

D. SUPPLEMENTAL AGREEMENT FOR CEDAR RIDGE INSPECTION

Engineer Scheer presented Supplement Agreement No.1 for additional inspection services on the Cedar Ridge Estates project. Additional Inspection Services are needed by PEC Field Services due to the Contractor exceeding Contract Time. The contractor is over the contract time by approximately three months.

Bass moved to approve Supplemental Agreement for additional inspection services in the Cedar Ridge Estates in the amount of \$33,689.10 and authorize Mayor or City Administrator to sign. Motion seconded by Evans. Vote Yea: Unanimous Motion carried.

E. APPROVAL OF DEBT POLICY

Asst. City Administrator Smith presented for approval City of Valley Center Debt policy and stood for questions. Gregory asked if this was a new "formal" policy and if we had been following the procedures. Smith confirmed that is the case.

Anderson moved to approve the City of Valley Center Debt Policy, seconded by Gregory. Vote Yea: Unanimous Motion carried.

F. APPROVAL OF INVESTMENT POLICY

Asst. City Administrator Smith presented the City of Valley Center Investment policy. Kerstetter asked for clarification regarding Section 1, on consolidation of cash and reserve balances. Smith stated that funds are consolidated into CD's and other investments to maximize interest rates.

Kerstetter moved to approve City of Valley Center Investment Policy. Motion seconded by Gregory. Vote Yea: Unanimous. Motion carried.

CONSENT AGENDA

- A. APPROPRIATION ORDINANCE – AUGUST 15, 2023
- B. CHECK RECONCILIATION – JULY 2023
- C. TREASURER'S REPORT – JULY 2023
- D. REVENUE AND EXPENSE SUMMARY – JULY 2023
- E. PLANNING AND ZONING BOARD MINUTES – JULY 25, 2023
- F. ECONOMIC DEVELOPMENT BOARD MINUTES – AUGUST 2, 2023
- G. LIONS PARK USAGE REQUEST FROM VALLEY CENTER BOOSTER CLUB-AUGUST 19, 2023
- H. TEMPORARY CLOSURE OF MCLAUGHLIN POND-SEPTEMBER 20TH-23RD.

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

STAFF REPORTS**PUBLIC WORKS DIRECTOR EGGLESTON**

Reported that a new employee will begin in the streets department on Monday. That only leaves the Utility Manager position open in the public works department.

ASST. CITY ADMINISTRATOR SMITH

The September 5th Council meeting will include the Revenue Neutral Rate hearing and approval of the fiscal year 24 budget.

CITY ADMINISTRATOR CLARK

Farmer's Market will be this Thursday from 4:00-8:00pm, with music provided from 5:30-7:30pm. The groundbreaking for the Aquatic Center will be held on August 24th at 7:00pm Ice Cream will be provided by McGown, Gordon.

GOVERNING BODY REPORTS-**COUNCILMEMBER ANDERSON**

Invited everyone to attend the VC Booster Club BBQ on Saturday, August 19th. Tickets may be purchased in advance at Anne's Attic or Nick's Barbershop. It will be held from 6:00-9:00pm in Lions Park.

COUNCILMEMBER COLBERT

Would like to gather 25 individuals to schedule a bus tour of McConnell Air Force Base. No date is set but hope to have it in the next 2 months.

Inquired who receives ballots for the school bond election. Clark stated that all registered voters that live within the USD 262 boundaries should receive a ballot in the mail.

Colbert moved to adjourn, second by Kerstetter. Vote Yea: Unanimous.

ADJOURN -

Meeting adjourned at 7:43 PM.

Kristi Carrithers, City Clerk

ADMINISTRATION AGENDA
RECOMMENDED ACTION

A. MINUTES:

RECOMMENDED ACTION:

Staff recommends motion to approve the minutes of the August 15, 2023, Regular Council Meeting as presented/ amended.

PRESENTATIONS / PROCLAMATIONS

A. Allison Club – Valley Center Chamber of Commerce

B. Ryan Baty – Sedgwick County Commissioner

PUBLIC FORUM

APPOINTMENTS

OLD BUSINESS

NEW BUSINESS

**A. PUBLIC HEARING REGARDING THE 2024 VALLEY CENTER
PROPOSED PROPERTY TAX LEVY IN EXCESS OF THE REVENUE
NEUTRAL RATE AND ADOPTION OF RESOLUTION 739-23:**

Assistant City Administrator Smith will give a brief presentation on the Revenue Neutral Rate and the next steps in the budget process.

Notice of the intent to exceed the revenue neutral rate was published in the August 10, 2023, edition of the Ark Valley News and to the City of Valley Center website on August 16, 2023.

- Revenue Neutral Rate Hearing Notice
- Revenue Neutral Rate Hearing Presentation
- Resolution 739-23

NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARING

2024

The governing body of

City of Valley Center

will meet on September 5, 2023 at 7:00 PM at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds, the amount of ad valorem tax and the Revenue Neutral Rate. Detailed budget information is available at City Hall and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2024 Expenditures and Amount of 2023 Ad Valorem Tax establish the maximum limits of the 2024 budget.

Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2022		Current Year Estimate for 2023		Proposed Budget for 2024		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	Proposed Estimated Tax Rate*
General	3,530,650	21.626	3,710,221	22.413	5,042,595	1,571,643	22.483
Debt Service	2,068,934	14.471	2,166,000	14.131	3,300,387	986,870	14.118
Library	301,474	4.487	315,258	4.382	345,000	302,845	4.332
Employee Benefit	1,068,616	13.267	1,168,672	12.956	1,465,841	905,966	12.960
Emergency Equipment	62,916	0.997	63,000	0.974	223,951	67,298	0.963
Special Highway	1,192,201		977,350		1,279,920		
TIF	2,529,256		183,550		2,659,310		
Special Alcohol	255		1,000		1,000		
Special Parks and Rec			20,000		16,459		
Pool/Rec Sales Tax	42,124		1,700,000		21,049,903		
Water Utility	2,163,950		2,079,280		2,303,971		
Sanitary Sewer	1,352,452		1,409,368		1,531,697		
Storm Water Utility	317,620		328,600		359,200		
Solid Waste Utility	579,767		579,280		588,820		
Non-Budgeted Funds-A	4,301,684						
Non-Budgeted Funds-B	2,172,556						
Non-Budgeted Funds-C							
Non-Budgeted Funds-D	57,436						
Totals	21,741,890	54.848	14,701,579	54.856	40,168,054	3,834,623	54.856
<i>Revenue Neutral Rate**</i>							49.947
Less: Transfers	1,217,210		1,349,600		1,406,550		
Net Expenditure	20,524,680		13,351,979		38,761,504		
Total Tax Levied	14,988,940		3,492,559		xxxxxxxxxxxxxxxxxx		
Assessed Valuation	59,371,877		63,669,317		69,902,858		

Outstanding Indebtedness,

	<u>2021</u>	<u>2022</u>	<u>2023</u>
January 1,			
G.O. Bonds	22,620,000	21,160,000	29,980,000
Revenue Bonds	0	0	0
Other	1,503,765	1,331,790	1,155,471
Lease Purchase Principal	150,004	121,691	92,676
Total	24,273,769	22,613,481	31,228,147

*Tax rates are expressed in mills

**Revenue Neutral Rate as defined by KSA 79-2988

Barry Smith

City Official Title: Assistant City Administrator

Valley Center Revenue Neutral Rate Public Hearing

Sep 5th, 2023



How are my
property
taxes
determined?

Determining Property Tax Example

- To determine your assessed valuation, you must multiply the appraised value of your home by 11.5%
- VC Median appraised value = \$166,300 (Census)
- VC Median assessed value = $\$166,300 \times 11.5\%$ or \$19,124.50
- To determine city tax liability, multiply your assessed valuation by the current mill levy for the city
- $\$19,124.50 \times .054856 = \$1,049.09$
- City tax liability = \$1,049.09

How is my
home value
determined?

How is my home valued?

- Each property is appraised by the Sedgwick County Appraiser's Office based on statutory guidelines
- Values are based on market rates and are updated annually
- Your home value can be appealed if you follow the procedure on your valuation notice that is sent out on March 1st of each year. Homeowners have a 30-day window to file an appeal

Property Tax Collection - Budgeting

- Home value appraisal estimates from Jan 1st of the current year are due to Cities by June 15th of the same year
- Those values are finalized in November of each year
- The first half of your property taxes are due in December and the second half are due in May of the following year
- This means the City must budget through 2024 using 2023 values that are estimated as of June 15th 2023
- This makes budgeting for Cities challenging because we are budgeting approximately 18 months in the future with the value of property as of June 15th of the current year
- Forecasting revenue projections is CRITICAL

When are
my property
taxes
collected?

What is the Revenue Neutral Rate?

- The Revenue Neutral Rate is the tax rate, in mills, that would generate the same property tax revenue in dollars as levied in the previous tax year using the current tax year's valuation
- 2023 Dollars Levied— \$3,492,645 of property tax revenue
- 2024 Valuation – \$69,926,337 or \$69,926 per mill
- 2024 Revenue Neutral Rate – $\$3,492,644 / \$69,926$ or 49.947 mills
- 2024 Proposed Levy – 54.856 mills that generate \$3,834,623 resulting in an increase of **\$341,978** in property tax revenue over 2023
- Average increase per property of \$9.47 per month or \$113.95 per year

FY24 Budget for all Taxing Funds

2024 Mill Levy Estimate		Ad Valorem Tax Revenue / Fund	
General Fund	22.476	General Fund	\$1,571,643
Emp. Benefit	12.956	Emp. Benefit	\$905,966
Bond & Interest	14.131	Bond & Interest	\$986,870
Library	4.331	Library	\$302,845
Emergency Equip.	0.962	Emergency Equip.	\$67,298
Total Mills	54.856	Total Tax Revenue	\$3,834,623*

*City portion of Ad Valorem property taxes -
\$3,531,778

Tax dollars
to be
received
over FY23
totals per
taxing fund

General Fund	\$144,623
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Employee Benefit	\$81,066
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Bond & Interest	\$87,159
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Library	\$23,846
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Emergency Equipment	\$5,284
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What are the revenues from the valuation increase being used for in 2024?

Impact on Taxing Funds

- General Fund – Total ad valorem tax revenue increase above FY23 ad valorem tax revenue - \$144,623
 - Additional annual costs for additional street lighting \$20,000
 - Employee 1.5% COLA/ 2.5% Merit increases \$90,000
 - Additional HIP/CHIP Rebates \$34,623
- Bond and Interest – Total ad valorem tax revenue increase above FY23 ad valorem tax revenue - \$87,159
 - The entire increase will go toward paying the interest costs of the 2023-1 Temp Note for the Ford and Meridian projects

What are the revenues from the valuation increase being used for in 2024?

- Employee Benefit Fund– Total ad valorem tax revenue increase above FY23 ad valorem tax revenue - \$81,066
 - The increased revenue will be used to replenish fund balanced used in 2021 and 2022 for higher than anticipated claims
- Emergency Equipment – Total ad valorem tax revenue increase above FY23 ad valorem tax revenue - \$5,284
 - The increase has been added to the equipment line item for various purchases and replacement of police and fire equipment
- Library – Total ad valorem tax revenue increase above FY23 ad valorem tax revenue - \$23,846
 - These funds are passed through to the Library for operations and programming

FY24 Taxing Funds Budgeted Revenues & Expenditures

2024 Budgeted Revenues		2024 Budgeted Expenditures		Fund Balance 12/31/24*
General Fund	\$3,760,958	General Fund	\$4,006,434	\$1,036,179
Emp. Benefit	\$1,153,528	Emp. Benefit	\$1,354,650	\$111,215**
Bond & Interest	\$2,258,764	Bond & Interest	\$2,287,000	\$1,071,448
Library	\$337,221	Library	\$345,000	\$0
Emergency Equip.	\$80,095	Emergency Equip.	\$71,896	\$112,045
Total	\$7,590,566	Total	\$8,064,980	\$2,330,887

*City policy states the General Fund fund balance should not drop below 25% of annual expenditures. 12/31/24 General Fund fund balance is estimated to be 25.9% of FY24 expenditures

**Employee Benefit is intentionally budgeted high due to potential spikes in health claims. Estimated fund balance using average claims results in approx. \$312,000 in fund balance remaining at the end of FY24

10 Year Mill Levy Comparison

Levy Year	Budget Year	Library	City	Total
2014	2015	4.507	50.936	55.443
2015	2016	4.507	50.939	55.446
2016	2017	4.507	51.144	55.651
2017	2018	4.445	51.144	55.589
2018	2019	4.506	50.471	54.977
2019	2020	4.506	50.471	54.977
2020	2021	4.506	50.506	55.012
2021	2022	4.487	50.361	54.848
2022	2023	4.382	50.474	54.856
2023	2024	4.382	50.474	54.856

10 Year Valuation Comparison

Budget Year	Assessed Valuation	% Change
2015	\$45,726,703	1.93%
2016	\$45,729,797	0.01%
2017	\$46,311,594	1.26%
2018	\$48,269,842	4.26%
2019	\$50,899,065	4.22%
2020	\$53,746,894	5.60%
2021	\$57,295,563	6.60%
2022	\$59,371,877	3.31%
2023	\$63,677,066	7.25%
2024	\$69,926,337	9.81%

10 Year Valuation Comparison		
Budget Year	Assessed Valuation	Property tax Collected
2015	\$45,726,703	\$2,486,358
2016	\$45,729,797	\$2,535,317
2017	\$46,311,594	\$2,577,277
2018	\$48,269,842	\$2,647,362
2019	\$50,899,065	\$2,796,955
2020	\$53,746,894	\$2,953,446
2021	\$57,295,563	\$3,148,689
2022	\$59,371,877	\$3,256,429
2023	\$63,677,066	\$3,492,614
2024	\$69,926,337	\$3,835,881

According to the U.S. Bureau of Labor Statistics Inflation Calculator, the buying power of \$1 in January of 2015 has the same buying power as \$1.27 in December of 2022.

This is an increase of approx. 27%.

The increase in property tax dollars received from 2015 through 2022 is 31% or 4% over the cumulative inflation during the same period.

CPI Inflation Calculator

\$

in

has the same buying power as

in

https://www.bls.gov/data/inflation_calculator.htm

Mill Levy Comparison – All Taxing Entities

- VC portion of total taxing entity levy is 54.856 or 36%
- The total taxing entity levy is comprised of:
- State of Kansas – 1.5 mills
- Sedgwick County – 29.368 mills
- USD262 – 58.394 mills
- Rec Commission – 7 mills
- City of Valley Center – 54.856 mills

City - *2022 Ad Valorem Tax Levies	Total Taxing Entities Levy
Goddard	135.038
Colwich	136.660
Kechi	139.166
Park City	144.723
Derby	144.898
Bel Aire	144.955
Eastborough	145.195
Mount Hope	149.762
Haysville	150.988
Valley Center	151.118
Mulvane	151.573
Cheney	152.296
Andale	153.930
Maize	154.894
Andover	158.512
Clearwater	162.131
Garden Plain	163.864
Bentley	166.320

Mill Levy Comparison – City/Library Levy

City - *2022 Ad Valorem Tax Levies	Valuation	City Levy	Library Levy	Total City / Library Levy
Goddard	\$ 57,924,666	28.307	3.002	31.309
Kechi	\$ 26,227,755	36.687	1.229	37.916
Andover	\$ 199,146,832	40.730	2.997	43.727
Maize	\$ 73,369,106	43.008	1.229	44.237
Park City	\$ 128,677,323	41.471	2.988	44.459
Bel Aire	\$ 85,144,838	43.462	1.229	44.691
Haysville	\$ 76,146,448	40.183	5.249	45.432
Derby	\$ 286,135,251	42.416	4.135	46.551
Andale	\$ 9,443,036	48.693	1.171	49.864
Colwich	\$ 15,794,558	47.256	3.214	50.470
Valley Center	\$ 63,669,317	50.474	4.382	54.856
Mulvane	\$ 41,855,385	52.572	4.998	57.570
Garden Plain	\$ 8,470,713	55.329	4.000	59.329
Cheney	\$ 17,023,934	56.049	3.733	59.782
Eastborough	\$ 16,433,613	59.989	1.229	61.218
Bentley	\$ 3,115,890	61.789	1.229	63.018
Clearwater	\$ 23,483,560	59.710	4.296	64.006
Mount Hope	\$ 5,087,849	62.806	3.506	66.312

Mill Levy Comparison – City/Library/Fire

City - *2022 Ad Valorem Tax Levies	Valuation	City Levy	Library Levy	FD1 Levy	Total City/Library/FD1 Levy	Population
Andover	\$ 199,146,832	40.730	2.997		43.727	15,425
Derby	\$ 286,135,251	42.416	4.135		46.551	25,939
Goddard	\$ 57,924,666	28.307	3.002	17.912	49.221	5,559
Colwich	\$ 15,794,558	47.256	3.214		50.470	1,457
Valley Center	\$ 63,669,317	50.474	4.382		54.856	7,348
Kechi	\$ 26,227,755	36.687	1.229	17.912	55.828	2,322
Mulvane	\$ 41,855,385	52.572	4.998		57.570	6,763
Cheney	\$ 17,023,934	56.049	3.733		59.782	2,161
Eastborough	\$ 16,433,613	59.989	1.229		61.218	746
Maize	\$ 73,369,106	43.008	1.229	17.912	62.149	6,405
Park City	\$ 128,677,323	41.471	2.988	17.912	62.371	8,656
Bel Aire	\$ 85,144,838	43.462	1.229	17.912	62.603	8,822
Haysville	\$ 76,146,448	40.183	5.249	17.912	63.344	11,287
Clearwater	\$ 23,483,560	59.710	4.296		64.006	2,642
Mount Hope	\$ 5,087,849	62.806	3.506		66.312	802
Andale	\$ 9,443,036	48.693	1.171	17.912	67.776	928
Garden Plain	\$ 8,470,713	55.329	4.000	17.912	77.241	943
Bentley	\$ 3,115,890	61.789	1.229	17.912	80.930	565

Valley Center – Valuation by Use

Residential	54,259,261	82.79%
Farm Homesites	1,259,708	1.92%
Agricultural	191,133	0.29%
Commercial & Industrial	9,623,570	14.68%
Vacant	168,540	0.26%
Not for Profit	36,721	0.06%
Other	0	0.00%

Source: Sedgwick County Appraiser's Office

The Importance of Commercial Property

For example: What If the Amazon Fulfillment Center was inside the City of Valley Center boundary?

Having commercial property within the City's boundary is a major factor in the ability to lower the overall mill levy. Valley Center commercial and industrial property makes up 14.68% of the City's total valuation

Assessment Values

Year	Class	Values
2023	Commercial / Industrial	\$937,375 Land
		\$16,276,125 Improvements
		<hr/>
		\$17,213,500 Total (+4%)

$$\begin{aligned}
 \$17,213,500 / 1000 &= \$17,213.5 / \text{Mill} \\
 54.856 \times \$17,213.5 &= \\
 \$944,263.76 & \\
 \$944,263.76 / \$1049.09 &= 900.08
 \end{aligned}$$

It would be equal to approximately 900 homes valued at the median home price of \$166,300!

Next Steps

- Open the Revenue Neutral Rate Public Hearing
- Receive comments from anyone in attendance who would like to speak regarding the intent to levy property taxes in excess of the Revenue Neutral Rate
- Close the Revenue Neutral Rate Hearing
- Consider Resolution 739-23 utilizing a roll call vote

Resolution No. 739-23

A RESOLUTION OF THE CITY OF VALLEY CENTER, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;

WHEREAS, the Revenue Neutral Rate for the City of Valley Center was calculated as 49.947 mills by the Sedgwick County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the City of Valley Center will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on September 5th, 2023 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the City of Valley Center, having heard testimony, still finds it necessary to exceed the Revenue Neutral Rate.

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

The City of Valley Center shall levy a property tax rate exceeding the Revenue Neutral Rate of 49.947 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED this 5th day of September 2023 and **SIGNED** by the Mayor.

Roll Call Vote

	Councilmember	AYE/NAY
_____ Mayor	Matt Stamm	_____
	Chris Evans	_____
	Clint Bass	_____
Attested:	Ben Anderson	_____
	Gina Gregory	_____
	Dale Kerstetter	_____
_____ City Clerk	Robert Wilson	_____
	Ron Colbert	_____

NEW BUSINESS

RECOMMENDED ACTION

**A. PUBLIC HEARING REGARDING THE 2024 VALLEY CENTER
PROPOSED PROPERTY TAX LEVY IN EXCESS OF THE REVENUE
NEUTRAL RATE AND ADOPTION OF RESOLUTION 739-23:**

Should Council choose to proceed

RECOMMENDED ACTION:

Staff recommends motion to:

- 1. Open the Revenue Neutral Rate Public Hearing**
 - Receive Public Comment**
- 2. Close the Revenue Neutral Rate Public Hearing.**
- 3. Approval of Resolution 739-23 to levy a property tax rate exceeding the revenue neutral rate (with a roll call vote)**

NEW BUSINESS

**B. PUBLIC HEARING REGARDING THE 2024 VALLEY CENTER
BUDGET AND ADOPTION OF THE 2024 BUDGET:**

Assistant City Administrator Smith will give a brief overview of the FY24 budget certificate page. Notice of 2024 Budget Hearing was published in the August 10, 2023, edition of the Ark Valley News and to the City of Valley Center website on August 16, 2023

- 2024 Budget Letter
- FY24 Budget Certificate



September 5th, 2023

To: Honorable Mayor Lou Cicirello & City Council

RE: 2024 Budget – Department Updates/Requests, Financial Overview, and Opportunities/Challenges

Dear Mayor Cicirello and City Council Members,

It is the responsibility of the Assistant City Administrator for Finance and Administration, along with the City Administrator, to prepare and present an annual budget to the Valley Center City Council. The following letter recaps the SB13 budgeting process now in its second full year, department updates/requests, and current/future challenges facing the City.

The City received its estimated valuation information on June 6th. The City's overall estimated assessed valuation increased by 9.827% from \$63,677,066 to an estimated \$69,926,337. The value of each mill is estimated to be \$69,926.

Revenue Neutral Rate

SB13 repealed the tax lid and implemented a new budgeting process for any entity that levy's ad valorem property taxes. The new process establishes what is called the Revenue Neutral Rate (RNR). The RNR shows what the City would need to levy to generate the same number of ad valorem tax dollars as the previous years' budget. The City's RNR for the FY24 budget is calculated at 49.947. The RNR is calculated by taking the total property taxes billed for FY23 and dividing that by the City's estimated assessed valuation for the FY24 budget and multiplying by 1,000 to express the rate in mills:

$$\frac{\$3,492,644.05 \text{ (property taxes billed for FY23)}}{\$69,926,337 \text{ (estimated valuation for FY24 budget)}} = .049947 \times 1,000 \text{ or } 49.947 \text{ mills}$$

After establishing the revenue neutral rate, the City must put together its budget to determine if the RNR needs to be exceeded to maintain its high level of service offered to its residents. The City must notify Sedgwick County by July 20th if we plan on exceeding the RNR which leaves the July 11th and July 18th City Council Meetings to make this determination once the first draft is presented on June 20th.

City staff are recommending notifying Sedgwick County of our intent to exceed the RNR

with a proposed mill rate of 54.856 mills, mirroring the final assessed valuation from FY23, abstract outlined on our valuation notice. By notifying Sedgwick County of our intent to exceed the RNR, it allows the City more time to discuss items like critical personnel, equipment, and overall funding for the FY24 budget. This step in the process is similar to how we would set our maximum ad valorem tax dollar amount in budget years prior to FY23. The notification process to Sedgwick County essentially sets our “cap” in total maximum dollars we plan to levy.

The notification will also signal Sedgwick County to include this information on a notification that will be sent to every property owner in our taxing jurisdiction of when and where we plan on holding our RNR and budget hearings along with the financial information on how much ad valorem tax the individual will pay at the proposed mill rate of 54.856 mills compared to the current fiscal year.

Staff recommends having this hearing each year regardless of our decision to exceed the RNR or not. Conducting the tax rate hearing will ensure we are able to capture, at minimum, the same amount of taxes levied the year prior.

It will be the duty of the City Council to ultimately decide what the City’s mill levy will be. If the revenue neutral rate will not be exceeded, the remaining budget calendar looks like:

- Publish the FY24 budget hearing notification on Aug 10th, informing residents of the public hearing for the FY24 budget on Sept 5th, 2023.
- Hold public hearing for the FY24 budget on Sept 5th and approve the FY24 budget.
- Send certified documentation and affidavit of public hearing notification to Sedgwick County on or before Sept 29th for review and submission to the state.

If the revenue neutral rate will be exceeded, the remaining budget calendar looks like:

- Send notification of exceeding the revenue neutral rate along with the date, time, and location of the revenue neutral rate hearing to Sedgwick County by July 20th, 2023. The hearing will be held on September 5th, 2023, at 7:00 p.m. located at City Hall, 121 S. Meridian Valley Center KS, 67147.
- Publish notification for the FY24 budget hearing and FY24 revenue neutral rate hearing on Aug 10th, 2023, and place notification on the City website with the details of the time, date, and location of said hearings.
- Hold FY24 budget public hearing and FY24 budget revenue neutral rate hearing on September 5th, 2023 (hearing must be held between Aug 20th and Sep 20th)
- Approve resolution to exceed the revenue neutral rate and certify the FY24 budget no later than Sept 29th, 2023, once the public hearing and tax rate hearings have concluded. **The vote to exceed the RNR must be a Roll Call vote.**
- Send certified documentation, copy of resolution exceeding the RNR, and affidavit of public hearing notifications to Sedgwick County by Sept 29th, 2023, for review and submission to the state.

Department Updates / Requests

Public Works

Over the past three years, Public Works has been aggressive in terms of equipment replacement and developing new ideas and procedures. Public Works staff should be commended for their forward thinking, as they continue to seek new strategies to improve efficiencies in service through better project management and tackling some projects in-house.

Public Works functions play an integral role in the City, providing essential services for streets, water, wastewater, and stormwater.

FY24 will bring more opportunities for updating the City's new GIS system, which will enhance our tracking and maintenance efforts across all current infrastructure.

Public Works has a major initiative to tackle over the next 4 years. This major initiative is the proposed water treatment plant. It remains a goal for the City to find ways to make the overall monthly bill for our residents as low as it possibly can be. Public Works continues to move forward on the water treatment plant project, which is reaching 30% completion on the preliminary engineering and design. Staff are currently researching and applying for available funding to assist with the overall cost of the water treatment plant project. By constructing our own water treatment plant, we will be able to reduce rates overall and provide the same or better quality of water to our residents.

Community Development

The City Council must remain forward-thinking and committed to continued support of Main Street initiatives and development opportunities throughout the City. Continued support will be necessary to ensure progress is not stifled which is why City staff are proposing to continue the \$10,000 allocation for Main Street Valley Center and additional funds built into the operating budget for sub-division marketing and City marketing.

In Spring of 2021, over 400 residential lots were announced throughout three development projects in Valley Center. The three developments (Arbor Valley, Strattera, and Sunflower Valley) will reach the completion of all water, wastewater, streets, and drainage infrastructure construction near the end of 2023, priming the growth process the City has planned for over the past several budget cycles.

In FY24 the Community Development Department has also requested the City update its comprehensive plan. The comprehensive plan will provide enhanced direction and guidance to the community, governing body, and staff throughout the next 20 years.

FY24 Budget requests include \$50,000 for the comprehensive plan, \$10,000 for

economic development incentives, and \$10,000 for Main Street Valley Center.

Parks and Public Buildings

The Parks and Public Buildings staff work hard to improve many amenities for the City. In 2019, a new master pedestrian/bike plan for the City was completed. This will allow interconnectivity throughout the City for residents who like to walk, run, and bike through Valley Center. This will aid in future CIP projects regarding City parks and outdoor spaces.

The Parks and Public Buildings Department has been an integral part of the new Pool/Rec center scheduled for construction in 2023. Staff has done a great job in presenting information throughout the Steering Committee's process of selecting a Construction Manager and Architect Firm to work with. This project will be completed by the end of FY24.

Like the Community Development Department, The Parks and Public Buildings department will be relied upon heavily as the City experiences growth and the potential addition of a 62-acre park.

The Parks and Public Buildings budget requests for 2024 include upgrades to McLaughlin park restrooms, sidewalks in Lions Park, Trees to complete the street scaping on North Meridian St., and the installation of irrigation, electrical, and landscaping for the new Entry Sign at the intersection of Ford St. and Broadway. These requests total \$52,000.

Public Safety

The Public Safety Department in FY23 added two additional firefighters to the department. FY22 staffing levels were creating hardships when it comes to taking vacations and the long hours took their toll on our firefighters. The addition of two full-time firefighters has made a beneficial impact on employee wellbeing in the department through FY23. The additional personnel are providing much needed relief for our tenured firefighters and added coverage for the residents of the City.

The Public Safety Department is currently in a position of growth, adaptation, and change when it comes to infrastructure for the Department. Over the past three budget cycles the Department has secured funding to obtain new digital radios, new car and body cameras, a firetruck, new air packs and SCBA's, computers, new vehicles through a partnership with Enterprise Fleet, new evidence processing software, software to manage the Departments mission to receive accreditation through the States' recently adopted accreditation program, and most recently transitioning to a new records management system and computer aided dispatch system through a partnership with Sedgwick County. FY24 will be a time to settle in and manage all the changes and challenges of essentially switching an entire department into a more electronic and digital era.

The only request for the FY24 budget is for new fire hoses in the amount of \$14,000.

Administration

The Administration Department plays a major supporting role for all other departments throughout the City. Administration handles all financial duties, payroll, accounts payable, treasury services, IT services, municipal court services, human resources, senior services, and serves as the secretary of the City Council. Each unit within the Administration Department continues to strive for efficiency by implementing and utilizing new technologies. Technology upgrades continue to add to the efficiency of the department. Staff recently presented a new electronic records management system that will allow all employees to scan and store information within the City's ERP system for access anywhere within the city.

No personnel requests or major equipment purchases/upgrades are requested by the Administration Department for the FY24 budget.

Financial Overview

General Fund

The City's General Fund is currently in a strong position.

The increase in fund balance at the end of FY20 and FY21 was due to the receipt of CARES funding from Sedgwick County. The General Fund fund balance appears to be declining as of FY23 and FY24, however, an unexpected increase in sales tax collections is projected to reduce the budgeted loss for FY23 by approx. \$25,000. FY24 revenues were budgeted consistently with FY23, therefore, staff anticipate a similar situation for FY24.

Expenditures:	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 BUDGETED	2024 REQUESTED
Revenues:					
TOTAL REVENUE	\$ 3,372,955.11	\$ 3,379,530.40	\$ 3,538,289.35	\$ 3,572,314.40	\$ 3,799,458.37
Administration Department	\$ 601,482	\$ 687,414	\$ 793,317	\$ 793,104	\$ 921,719
Community Development Department	\$ 190,677	\$ 220,388	\$ 233,239	\$ 231,690	\$ 265,540
Park & Public Grounds Department	\$ 494,997	\$ 472,425	\$ 539,401	\$ 578,562	\$ 633,642
Police Department	\$ 1,241,149	\$ 1,222,690	\$ 1,374,227	\$ 1,412,560	\$ 1,486,374
Fire Department	\$ 374,969	\$ 409,556	\$ 418,057	\$ 518,105	\$ 520,458
Legal & Court Department	\$ 156,829	\$ 167,268	\$ 172,409	\$ 176,201	\$ 178,700
TOTAL EXPENDITURES	\$ 3,060,103	\$ 3,179,740	\$ 3,530,651	\$ 3,710,222	\$ 4,006,434
Budgeted Income (Gain/Loss)	\$ 312,852	\$ 199,790	\$ 7,639	\$ (137,908)	\$ (206,975)
Fund Balance - January 1	\$ 860,781	\$ 1,173,633	\$ 1,373,423	\$ 1,381,062	\$ 1,243,154
Fund Balance - December 31	\$ 1,173,633	\$ 1,373,423	\$ 1,381,062	\$ 1,243,154	\$ 1,036,179*

Currently for FY23 the General Fund is budgeted to reduce fund balance by \$(137,908)

which includes new updates to the employee policy handbook that took effect January 1st of this year. One of the added benefits includes a sick leave payout upon retirement or resignation of employment. The sick leave payout benefit must be budgeted but is not anticipated to be paid out during the remainder of FY23 or all of FY24. If the sick leave payout benefit is not utilized, the decrease in expenditures is projected at \$(63,000) for FY23 and FY24.

If the sick leave payout is fully utilized, the projected fund balance for FY23 is \$1,243,154. The end of FY24 projects a General Fund fund balance of \$1,036,179 or 26% of total FY24 expenditures. Current City policy states a fund balance of at least 25% of annual General Fund expenditures must be retained as fund balance. The FY24 budget continues to adhere to this policy.

Employee Benefit Fund

The Employee Benefit Fund is responsible for all expenditures related to employee income taxes and benefits for all employees within the General Fund. Budgeting for these expenditures has been difficult over the years, predominantly due to the increase and volatility of health care costs. The City embarked on a partially self-funded health insurance plan in 2017. The overall volatility regarding health insurance has stabilized since the City started the partially self-funded plan, making estimates more reliable.

FY21 and FY22 were high-cost years in terms of healthcare costs for the City. The backlog of medical procedures due to COVID-19 nationwide and the major reduction in office visits created a surge in usage once COVID restrictions started to subside throughout FY21. Prescription costs were also high in FY21 and remained high in FY22. City staff are currently looking at different ways to reduce prescription costs by looking at newer mail-order systems or utilizing other purchasing methods. The City's health insurance broker conducted a lunch-and-learn for city staff in the summer of FY23 regarding trends in employee healthcare costs and provided education on how to sign up for cost reduction options already in place. Employees now have access to free Teladoc and wellness services. Both options save the employees on office visit co-pays and assist in keeping premiums and claims lower through easier access to care and a focus on preventative care.

The Employee Benefit Fund also funds the employer contributions for the Kansas Public Employee Retirement System (KPERS) and the Kansas Police and Fire Retirement System (KP&F). Retirement contributions are budgeted at a slight increase from FY23 to FY24 due to the increase in employer contribution rates for KP&F moving from 22.9% to 23.1%.

Emergency Equipment Fund

The Emergency Equipment fund is allocated at approximately one mill per year, for FY23 it is at .974 for FY24 it is set at .962. The Emergency Equipment fund will still see an approximate \$5,000 increase due to property taxes coming in higher than projected.

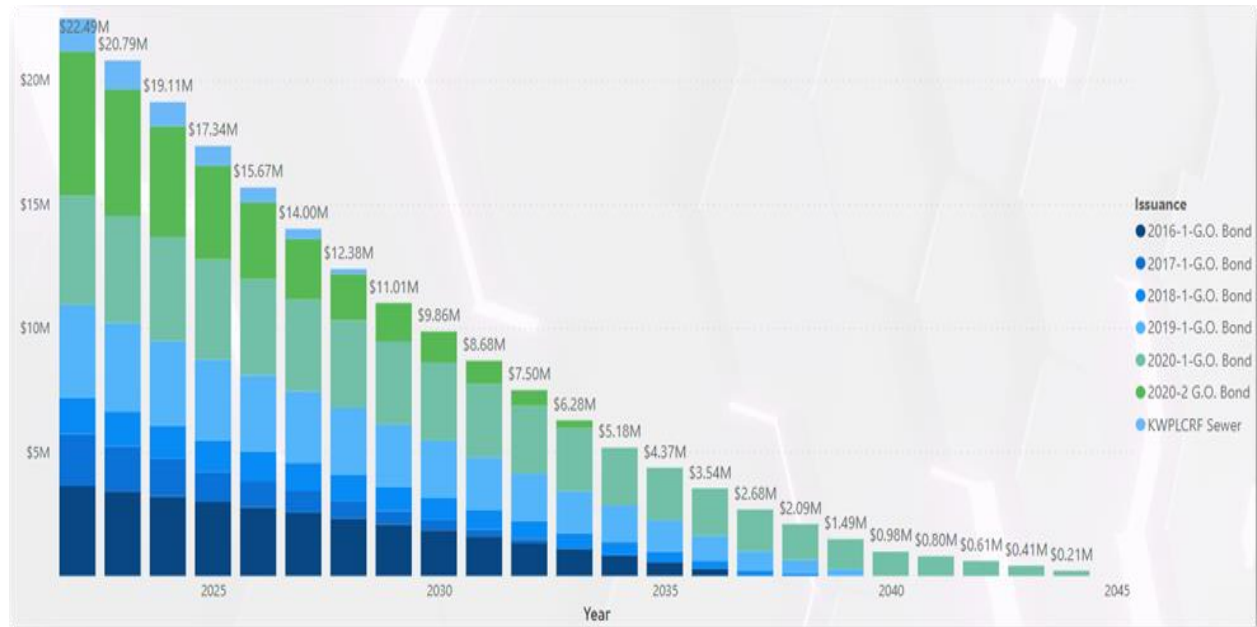
This fund is used to purchase emergency equipment for the Public Safety department.

Historically, it has been used for purchasing a new police vehicle every year. The agreement with Enterprise has allowed this fund to allocate additional funding to equipment such as additional flock cameras. The annual transfer for fleet management has continued for FY23 and FY24. We have been able to increase the amount transferred to the Fleet Management fund by \$18,000.

Bond and Interest Fund

Long Term Debt

Overall debt through maturity and total principal and interest payments due per year



With recent jumps in the assessed value of the City, from 3.3% in FY22, to 7.25% for FY23, and 9.8% for FY24, along with lowering interest rates for new debt and refunding's, the City has increased its fund availability by approximately \$88,400 without pulling mills away from the General Fund to the Bond and Interest Fund as previously proposed. The Bond and Interest Fund will be reviewed annually as new projects and developments start to build out and special assessment improvements are needed.

Special Streets and Highway Fund

The Special Streets and Highway Fund is dedicated to maintenance and construction of roads in Valley Center. Funding is provided through gas taxes distributed by the State and Sedgwick County along with 50% of local sales tax distributions. The increase in inflation since FY21 has increased annual sales tax revenue projections through FY24.

Mirroring the General Fund in terms of sales tax revenue budgeting, sales tax revenue was increased for FY24 to account for the increase realized over the past two years. Sales tax revenue is still budgeted conservatively to account for changes in the economy due to inflation and rising interest rates.

Decisions in previous years for the City to shift focus from extensive patching to a mill and overlay strategy have proved to reduce our street patching and will be a long-term solution, freeing up future funds for other projects.

Stormwater

The Stormwater Fund continues to maintain its debt service payments toward the 2016 Ford/Meridian project. In addition to debt service payments, \$75,000 is budgeted annually for system improvements to the Stormwater system.

Staff is recommending this \$75,000 annual expenditure be put towards the Ford, North Meridian and South Meridian projects scheduled to be constructed through FY25 when no smaller projects are available. An estimated reduction of \$195,000 in debt issued will be realized using this strategy through FY24 and FY25.

Solid Waste

The City recently partnered with Waste Connections in early 2021. Waste Connections is now the sole source solid waste hauler for all residential properties in Valley Center. Waste Connections was chosen due to the pricing provided for our residents as well as their commitment to communication and service by providing multiple avenues to engage and interact with our residents. Revenues and expenditures for 2023 have been adjusted to reflect the rates outlined in the contract between the City and Waste Connections. By partnering with Waste Connections, the time-consuming task of picking up, removing, and replacing carts has been removed from the duties of our public works employees allowing more time and energy to be spent on other public works activities.

FY23 budget requests include the purchase of a new bill folding and stuffing machine. The current bill folder is over 10 years old and needs to be repaired more frequently. The bill folder and stuffing machine is budgeted at \$15,000.

Five Year Forecast (Taxing Funds)

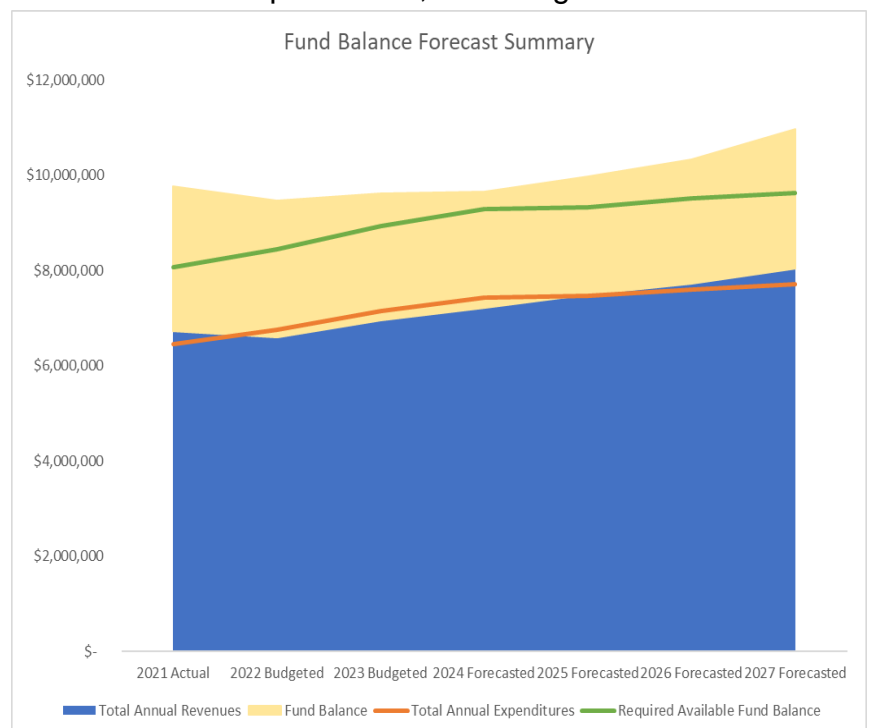
Financial Outlook 5-Year Forecast

To aid finance staff and City Council in future decision making, staff has created a 5-year forecast for all taxing funds the City operates. The taxing funds include the General Fund, Employee Benefit Fund, Library Fund, Bond and Interest Fund, and the Emergency Equipment Fund. The 5-year forecast allows staff to stress test future budgetary requests against what staff projects and assumes will happen in terms of revenues and expenses. The 5-year table and chart are below:

Revenues	2021 Actual	2022 Budgeted	2023 Budgeted	2024 Forecasted	2025 Forecasted	2026 Forecasted	2027 Forecasted
General Fund	\$ 3,379,530	\$ 3,098,876	\$ 3,364,846	\$ 3,526,690	\$ 3,704,540	\$ 3,814,248	\$ 4,008,740
Employee Benefits Fund	\$ 955,024	\$ 1,007,486	\$ 1,078,079	\$ 1,120,158	\$ 1,164,130	\$ 1,210,080	\$ 1,258,099
Library Fund	\$ 290,114	\$ 302,634	\$ 315,252	\$ 329,438	\$ 344,263	\$ 359,755	\$ 375,944
Bond and Interest Fund	\$ 2,026,207	\$ 2,112,879	\$ 2,113,817	\$ 2,159,704	\$ 2,207,656	\$ 2,257,766	\$ 2,310,131
Emergency Equipment Fund	\$ 65,127	\$ 67,408	\$ 72,408	\$ 75,441	\$ 78,611	\$ 81,924	\$ 85,385
Total Annual Revenues	\$ 6,716,002	\$ 6,589,283	\$ 6,944,402	\$ 7,211,431	\$ 7,499,201	\$ 7,723,773	\$ 8,038,300
Expenditures	2021 Actual	2022 Budgeted	2023 Budgeted	2024 Forecasted	2025 Forecasted	2026 Forecasted	2027 Forecasted
General Fund	\$ 3,179,740	\$ 3,166,160	\$ 3,512,189	\$ 3,640,956	\$ 3,774,523	\$ 3,913,070	\$ 4,056,786
Employee Benefits Fund	\$ 839,959	\$ 1,054,248	\$ 1,167,922	\$ 1,202,960	\$ 1,239,048	\$ 1,276,220	\$ 1,314,507
Library Fund	\$ 289,555	\$ 325,500	\$ 335,000	\$ 345,050	\$ 355,402	\$ 366,064	\$ 377,045
Bond and Interest Fund	\$ 2,057,091	\$ 2,107,136	\$ 2,067,002	\$ 2,175,097	\$ 2,034,502	\$ 1,985,857	\$ 1,892,509
Emergency Equipment Fund	\$ 86,236	\$ 104,663	\$ 63,000	\$ 63,000	\$ 63,000	\$ 63,000	\$ 63,000
Total Annual Expenditures	\$ 6,452,581	\$ 6,757,707	\$ 7,145,113	\$ 7,427,063	\$ 7,466,475	\$ 7,604,211	\$ 7,703,847
Expenditure +/- Revenue	\$ 263,421	\$ (168,424)	\$ (200,711)	\$ (215,632)	\$ 32,726	\$ 119,563	\$ 334,453
Fund Balance	\$ 3,055,848	\$ 2,876,745	\$ 2,662,757	\$ 2,447,125	\$ 2,479,851	\$ 2,599,414	\$ 2,933,867
Required Available Fund Balance	\$ 8,065,726	\$ 8,447,134	\$ 8,931,391	\$ 9,283,829	\$ 9,333,094	\$ 9,505,263	\$ 9,629,809

The table and chart visualizing the 5-year forecast includes revenue and expenditure assumptions. The revenue and expense assumptions will be reviewed annually to ensure the forecast stays up to date and can be used to stress test our taxing funds in

The Fund Balance Forecast Summary chart shows total revenues in blue and available fund balance in tan. The orange line is our annual expenditures, and the green line shows how much fund balance we need to stay within our City policy limit of 25% fund balance of annual expenditures. As shown, the City will have budgeted uses of fund balance through FY24. The budgeted use of fund balance is due to the Library Fund and the Employee Benefit Fund intentionally being overbudgeted due to volatile healthcare costs and ensuring the Library receives the maximum amount of funding provided. FY25 through FY27 shows revenues meeting or exceeding annual expenditures.



Opportunities & Challenges

The City is ripe with opportunities that benefit the quality of life for residents while establishing sustained and managed growth over the next several years. The growth that the City is set to experience will need to be managed strategically utilizing our strategic plan to assist in guiding the City in the best direction possible.

Capital Improvement Plan - Projects

The City has made several announcements over the past 2 fiscal years regarding new developments occurring in the city. The expected growth is exciting and will add several new elements to our beloved city. Growth brings many opportunities, but it also presents several challenges as well. The current CIP projects are shown in the table below:

Project Name	Prior Expenses	2023 Estimate	2024 Budget	2025 Budget	2026 Budget	2027 Budget	Project Total
Meridian: Railroad to 69th	\$379,398	\$1,453,193	\$3,965,016	\$0	\$0	\$0	\$5,797,607
Meridian: Main to 5th	\$270,528	\$1,799,140	\$3,965,016	\$0	\$0	\$0	\$6,034,684
Ford Street: Bridge to Broadway	\$2,681,489	\$3,427,334	\$0	\$0	\$0	\$0	\$6,108,823
Ford St and Dexter—Utility Extensions	\$0	\$702,100	\$0	\$0	\$0	\$0	\$702,100
Pool/Rec Center	\$42,124	\$1,704,276	\$19,133,808	\$0	\$0	\$0	\$20,880,208
Engine 41—Fire Truck	\$775,212	\$0	\$0	\$0	\$0	\$0	\$775,212
City Entryway Signs	\$33,706	\$29,294	\$0	\$0	\$0	\$0	\$63,000
Seneca: Ford to 5th	\$0	\$0	\$0	\$1,000,000	\$5,158,614	\$0	\$6,158,614
Water Treatment Plant	\$66,638	\$0	\$300,000	\$1,300,000	\$4,400,000	\$0	\$6,066,638
TIF	\$2,534,252	\$500,000	\$1,965,748	\$0	\$0	\$0	\$5,000,000
Totals	\$6,783,347	\$9,615,337	\$29,329,588	\$2,300,000	\$9,558,614	\$0	\$57,586,885

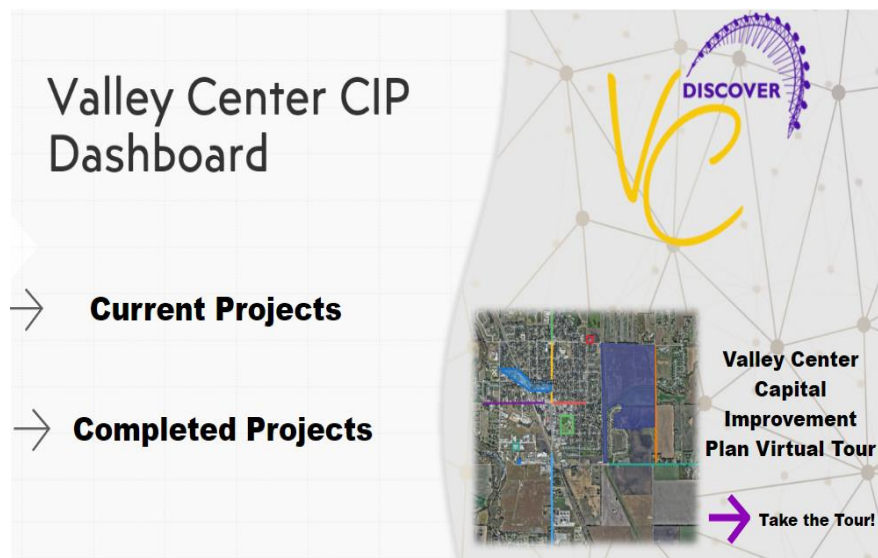
The current CIP plan is the largest capital investment in the City's history over a 5-year period. The importance of diversifying the revenue sources for all these projects cannot be overlooked. The challenge that presents itself with such a large capital investment is the City's statutory debt capacity. The City's debt capacity forces staff to plan and forecast projects based on the revenue source needed to fund the projects as well as what projects to include or exclude based upon the exempt or nonexempt status of the project in relation to debt capacity. Doing this results in the best possible mixture of infrastructure and quality of life projects to be planned and completed.

Through FY27, the City anticipates funding \$57,586,885 in projects. \$38,254,560 of this total is anticipated to be financed using long term debt. The current CIP projects are funded by various revenue sources including:

Property taxes -	\$11,235,203
Tax Increment Financing -	\$5,000,000
Local Option Sales Tax -	\$20,767,208
General Fund -	\$63,000
Streets Funding -	\$696,144
Water Funding -	\$6,544,305
Wastewater Funding -	\$153,518
Stormwater -	\$447,146
Federal/Grant Funding	\$12,438,816
Land Proceeds -	\$241,546

Staff have incorporated the CIP plan into a dashboard and also a virtual tour of the City. Please click on the image below to be directed to the CIP dashboard located on the City's website for more information.

Along with the capital investment being made into the City's infrastructure and quality of life, the City still has other areas that need focus as well. The City's Tax Increment Financing District (TIF) is approximately 12 months behind schedule due to the permitting delays but some development is starting to occur. A group of 20 lots within the TIF district have been removed from the flood plain and are now currently having infrastructure constructed to begin the home building process.



The City has completed its feasibility study with the consultants hired to assess the possibility of municipalizing the electric system for the City. Now that the feasibility study is complete, the City can begin assessing if owning and operating its own system would be a benefit to the community and the City.

Conclusion

Over the past three budget cycles the City has taken tremendous strides in replacing equipment, maintaining what we currently have instead of waiting for items to fail, creating replacement programs to avoid the future burden of major one-time purchases, and sought out grant funding and alternative revenue sources. City Council should be commended for their forward thinking and their willingness to explore new ideas such as the public power project and the water treatment facility.

The FY23 budget is the time to focus on personnel and prepare for the growth the City is going to experience. The FY23 budget strengthens the City's foundation through capital planning and effective cash management while solidifying the City's commitment to our personnel. The approval of the compensation adjustments assists in retaining our tenured employees during an unprecedented time of turnover in the government field while making the City extremely competitive with surrounding public and private entities in the recruitment of new talent.

It is a great time to be living and working in Valley Center. Excitement for what the next few years will bring is abundant, and now, more than ever, is the best time to discover what Valley Center has to offer.

Respectfully submitted,

Barry Smith
Assistant City Administrator for Finance and Administration

State of Kansas
City

2024

CERTIFICATE

To the Clerk of Sedgwick County, State of Kansas

We, the undersigned, officers of

City of Valley Center

- certify that: (1) the hearing mentioned in the attached publication was held;
 (2) after the Budget Hearing this budget was duly approved and adopted as the
 maximum expenditures for the various funds for the year 2024; and
 (3) the Amounts(s) of 2023 Ad Valorem Tax are within statutory limitations.

		Page No.	2024 Adopted Budget		
			Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	Final Tax Rate (County Clerk's Use Only)
Table of Contents:					
Allocation of MVT, RVT, 16/20M Vehicle Tax		2			
Schedule of Transfers		3			
Statement of Indebtedness		4			
Statement of Lease-Purchases		5			
Computation to Determine State Library Grant		6			
Fund	K.S.A.				
General	12-101a	7	5,042,595	1,571,643	
Debt Service	10-113	8	3,300,387	986,870	
Library	12-1220	8	345,000	302,845	
Employee Benefit	12-16,102	9	1,465,841	905,966	
Emergency Equipment	12-110b	9	223,951	67,298	
Special Highway		10	1,279,920		
TIF		10	2,659,310		
Special Alcohol		11	1,000		
Special Parks and Rec		11	16,459		
Pool/Rec Sales Tax		12	21,049,903		
		12			
Water Utility		13	2,303,971		
Sanitary Sewer		14	1,531,697		
Storm Water Utility		15	359,200		
Solid Waste Utility		16	588,820		
Non-Budgeted Funds-A		17			
Non-Budgeted Funds-B		18			
Non-Budgeted Funds-C		19			
Non-Budgeted Funds-D		20			
Totals	xxxxxx		40,168,054	3,834,623	
Budget Hearing Notice		21			County Clerk's Use Only
Combined Rate and Budget Hearing Notice		22			
RNR Hearing Notice		23			
Neighborhood Revitalization					Nov 1, 2023 Total Assessed Valuation
TIF District					

Assisted by:

Revenue Neutral Rate

49.947

Address: _____

Email: _____

Attest: _____, 2023

County Clerk

Governing Body

CPA Summary

NEW BUSINESS

RECOMMENDED ACTION

**B. PUBLIC HEARING REGARDING THE 2024 VALLEY CENTER
BUDGET AND ADOPTION OF THE 2024 BUDGET:**

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion to

- 1. Open the Public Hearing for the 2024 City of Valley Center Budget**
 - Receive Public Comment**
- 2. Close the Public Hearing for the 2024 City of Valley Center Budget**
- 3. Adopt the 2024 Budget as presented. (All council members present must sign the budget certificate page)**

NEW BUSINESS

C. RESOLUTION 740-23 G.O.TEMPORARY NOTES, SERIES 2023-1:

Clayton Kelley, Piper Sandler will present bids received August 30, 2023, for GO Temp notes, series 2023-1 dated September 20, 2023 in the amount of \$27,370,000.00. Resolution 740-23 will authorize and direct the issuance, sale and delivery of General Obligation Temporary Notes, Series 2023-1

- Bid Tabulation
- Resolution 740-23

EXHIBIT A
BID TABULATION

\$27,370,000 CITY OF VALLEY CENTER, KANSAS
GENERAL OBLIGATION TEMPORARY NOTES

Dated: September 20, 2023
Series 2023-1

Sale Date: August 30, 2023
11:00 a.m., Central Time
Max Interest Rate: 7.248%

BIDDERS

Account Manager:	KeyBanc Capital Market	Oppenheimer & Co., Inc.	Loop Capital Markets, LLC	Robert W. Baird & Co., Inc.	Wells Fargo Bank, National Association
Contact:	Robert Bond	Al Fleitas	Jim Van Metre	Geoff Kuczmarski	Will Illingworth
Phone Number:	720-904-4571	401-277-0109	312-913-2257	414-765-7331	704-410-4092
Total Interest Cost to Maturity at Rates Specified:	\$2,631,036.28	\$2,706,208.75	\$2,706,208.75	\$2,706,208.75	\$2,856,553.68
Less Premium (if any):	\$13,685.00	\$24,906.70	\$20,527.50	\$2,737.00	\$0.00
Plus Discount (if any):	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Interest Cost to City:	\$2,617,351.28	\$2,681,302.05	\$2,685,681.25	\$2,703,471.75	\$2,856,553.68
True Interest Cost (TIC):	4.344806%	4.449651%	4.457360%	4.488695%	4.742770%

RESOLUTION NO. 740-23

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2023-1, OF THE CITY OF VALLEY CENTER, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the City of Valley Center, Kansas (the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (collectively the “Improvements”) to be made in the City, to-wit:

Project Description	Res. No.	Authority (K.S.A.)	Authorized Amount¹
Sunflower Valley Addition – Drainage Improvements Phase 1	725-22	12-6a01 <i>et seq.</i>	\$ 1,281,000
Sunflower Valley Addition – Sanitary Sewer Improvements Phase 1	726-22/ 736-23	12-6a01 <i>et seq.</i>	850,000
Sunflower Valley Addition – Paving Improvements Phase 1	727-22	12-6a01 <i>et seq.</i>	2,541,000
Sunflower Valley Addition – Water Improvements Phase 1	728-22	12-6a01 <i>et seq.</i>	795,000
Prairie Lakes Addition – Drainage Improvements Phase 3A	731-23	12-6a01 <i>et seq.</i>	250,000
Prairie Lakes Addition – Sanitary Sewer Improvements Phase 3A	732-23	12-6a01 <i>et seq.</i>	170,000
Prairie Lakes Addition – Paving Improvements Phase 3A	733-23	12-6a01 <i>et seq.</i>	300,000
Prairie Lakes Addition – Water Improvements Phase 3A	734-23	12-6a01 <i>et seq.</i>	150,000
CIP Projects – The Meridians (Meridian from Main to 5th and Railroad track to 69 th)	713-22	14-570 <i>et seq.</i> / Charter No. 27-2009	9,800,000
CIP Projects – Ford – Broadway to Floodway ²	713-22	14-570 <i>et seq.</i> / Charter No. 27-2009	6,500,000
CIP Projects – Pool/Rec Center	713-22	14-570 <i>et seq.</i> / Charter No. 27-2009	<u>20,000,000</u>
Total:			\$42,637,000

¹ Plus interest on interim financing and costs of issuance

² The Issuer’s Series 2022-1 Notes financed approximately \$1,135,000 of this project

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, the Issuer has previously issued its General Obligation Temporary Notes, Series 2022-1, of which approximately \$1,135,000 was issued to finance a portion of the costs of the Improvements as described above, and the Issuer proposes to issue its temporary notes to pay a portion of the remaining costs of the Improvements; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and awarded the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$27,370,000 to pay a portion of the costs of the Improvements.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, K.S.A. 12-6a01 *et seq.*, and K.S.A. 14-570 *et seq.*, as amended by Charter Ordinance No. 27-2009, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“City” means the City of Valley Center, Kansas.

“Clerk” means the duly elected/appointed and acting Clerk of the Issuer, or in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“Compliance Account” means the Compliance Account created pursuant to *Section 501* hereof.

“Consulting Engineer” means an independent engineer or engineering firm, having a favorable reputation for skill and experience in the construction, financing and operation of public facilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by this Note Resolution.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Costs of Issuance Account” means the Costs of Issuance Account for General Obligation Temporary Notes, Series 2023-1 created pursuant to *Section 501* hereof.

“Dated Date” means September 20, 2023.

“Debt Service Account” means the Debt Service Account for General Obligation Temporary Notes, Series 2023-1 (within the Bond and Interest Fund) created pursuant to *Section 501* hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and

redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Director of Finance” means the duly appointed and acting Director of Finance of the Issuer or, in the Director's absence, the duly appointed Deputy, Assistant or Acting Director of Finance of the Issuer.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and

such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer's Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Temporary Notes, Series 2023-1 created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to the Ordinance and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Note which shall be June 1 and December 1 of each year, commencing June 1, 2024.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the Issuer.

“Moody's” means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody's” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the State Treasurer and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the General Obligation Temporary Notes, Series 2023-1, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

City Hall
121 S. Meridian
P.O. Box 188
Valley Center, Kansas 67147-0188
Fax: (316) 755-7319

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

KeyBanc Capital Markets Inc.
127 Public Square
Cleveland, Ohio 44114

(d) To the Rating Agency(ies):

Moody's Municipal Rating Desk
7 World Trade Center
250 Greenwich Street
23rd Floor
New York, New York 10007

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

“Notice Representative” means:

(a) With respect to the Issuer, the Clerk.

(b) With respect to the Note Registrar and Paying Agent, the Director of Fiscal Services.

(c) With respect to any Purchaser, the manager of its Municipal Bond Department.

(d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Notes.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

(a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and

(c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Notes plus accrued interest to the date of delivery, plus a bid premium of \$13,685.00.

“Purchaser” means KeyBanc Capital Markets Inc., Cleveland, Ohio, the original purchaser of the Notes, and any successors and assigns.

“Rating Agency” means any company, agency or entity that provides financial ratings for the Notes.

“Rebate Fund” means the Rebate Fund for General Obligation Temporary Notes, Series 2023-1 created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

“Redemption Price” when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Notes” means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor's” means Standard & Poor's Ratings Services, a division of McGraw Hill Financial Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the General Obligation Temporary Notes, Series 2023-1, of the Issuer in the principal amount of \$27,370,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; and (b) pay Costs of Issuance.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine. All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, subject to redemption and payment prior to the Stated Maturity as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

Stated Maturity <u>December 1</u> 2025	Principal <u>Amount</u> \$27,370,000	Annual Rate <u>of Interest</u> 4.375%
--	--	---

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in *Section 204* hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as *EXHIBIT A* or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Note Registrar and Paying Agent for the Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then

performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. The interest payable on each Note on any Interest Payment Date shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 45 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required (a) to register the transfer or exchange of any Note that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to *Article III* hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this *Article II*.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual, electronic or facsimile signature of the Mayor, attested by the manual, electronic or facsimile signature of the Clerk and the seal of the Issuer shall be

affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual, electronic or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual, electronic or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual, electronic or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying

Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of

the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement dated August 22, 2023, is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the Mayor or chief financial officer of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor or chief financial officer of the Issuer are hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser and the execution of the official bid form are hereby ratified and confirmed. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on June 1, 2024, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

Section 302. Selection of Notes to be Redeemed. Notes shall be redeemed only in an Authorized Denomination. When less than all of the Notes are to be redeemed and paid prior to their Stated Maturity, such Notes shall be redeemed in such manner as the Issuer shall determine. Notes of less than a full Stated Maturity shall be selected by the Note Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Note Registrar may determine.

In the case of a partial redemption of Notes by lot when Notes of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each minimum Authorized Denomination of face value shall be treated as though it were a separate Note of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Note is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Note to the Note Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Notes for redemption prior to maturity, written notice of such intent shall be provided to the Note Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Note Registrar shall call Notes for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Note Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Notes to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in this Section are met.

Unless waived by any Owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar and the Purchaser. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Notes or portions of Notes that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Notes, the Note Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Note (having been mailed notice from the Note Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Note so affected, shall not affect the validity of the redemption of such Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with such notice, the Redemption Price of such Notes shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Note, there shall be prepared for the Owner a new Note or Notes of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Notes that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Note Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

- (a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Notes being redeemed; (2) the date of issue of the Notes as originally issued; (3) the rate of interest borne by each Note being redeemed;

(4) the maturity date of each Note being redeemed; and (5) any other descriptive information needed to identify accurately the Notes being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Note Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Notes and to one or more national information services that disseminate notices of redemption of obligations such as the Notes.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Notes being redeemed shall bear or have enclosed the CUSIP number of the Notes being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the Improvements, or from general obligation bonds of the Issuer, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following funds and accounts:

- (a) Improvement Fund for General Obligation Temporary Notes, Series 2023-1.
- (b) Debt Service Account for General Obligation Temporary Notes, Series 2023-1.
- (c) Rebate Fund for General Obligation Temporary Notes, Series 2023-1.
- (d) Costs of Issuance Account for General Obligation Temporary Notes, Series 2023-1.
- (e) Compliance Account.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes as follows:

- (a) Excess proceeds, if any, received from the sale of the Notes shall be deposited in the Debt Service Account.
- (b) An amount necessary to pay the Costs of Issuance shall be deposited in the Costs of Issuance Account.
- (c) The remaining balance of the proceeds derived from the sale of the Notes shall be deposited in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor prepared by the Consulting Engineer heretofore approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the Consulting Engineer and approved by the governing body of the Issuer; (b) paying interest on the Notes during construction of the Improvements; (c) paying Costs of Issuance; and (d) transferring any amounts to the Rebate Fund required by this *Article V*.

Withdrawals from the Improvement Fund shall be made only when authorized by the governing body of the Issuer and only on duly authorized and executed warrants therefor accompanied by a certificate executed by the Consulting Engineer that such payment is being made for a purpose within the scope of this Note Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Authorizations for withdrawals for other authorized purposes shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Note Resolution.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section, (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Notes to include the Substitute Improvements; and (4) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Notes allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds shall be credited to the Debt Service Account.

Section 508. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Account shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Account, after payment of all Costs of Issuance, but not later than the later of 90 days after the issuance of the Notes, shall be transferred to the Improvement Fund until completion of the Improvements and thereafter to the Debt Service Account.

Section 509. Application of Moneys in the Compliance Account. Moneys in the Compliance Account shall be used by the Issuer to pay the to pay fees and expenses relating to compliance with federal arbitrage law and state or federal securities laws. Any funds remaining in the Compliance Account on the sixth anniversary of the Issue Date shall be transferred to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal

amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been

paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Notes, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Notes, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Note Registrar to give such notice of redemption in compliance with **Article III**. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that: it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor and Director of Finance are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant to **Article VII** hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the

Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution or ordinance of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) Extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;
- (c) permit preference or priority of any Note over any other Note; or
- (d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution or ordinance duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note

Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution or ordinance, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or ordinance or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution or ordinance of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by

registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The transactions described in this Note Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on September 5, 2023.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Note Resolution of the Issuer adopted by the governing body on September 5, 2023, as the same appears of record in my office.

DATED: September 5, 2023.

Clerk

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NEW BUSINESS
RECOMMENDED ACTION

C. RESOLUTION 740-23 G.O.TEMPORARY NOTES, SERIES 2023-1:

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion that the bid be accepted, and that the City's execution of the bid form be ratified and confirmed and Resolution 740-23 regarding G.O. Temporary Notes, series 2023-1 be adopted.

NEW BUSINESS

D. ORDINANCE 1395-23: RE-ZONE 116 S. ASH STREET:

Comm. Dev. Director Shrack will present Ordinance No. 1395-23, which rezones property from C-2 to R-1B for 1st reading. This request for re-zoning has been reviewed by the Valley Center Planning and Zoning Board.

- Staff Memo
- Ordinance 1395-23



Date: August 17, 2023

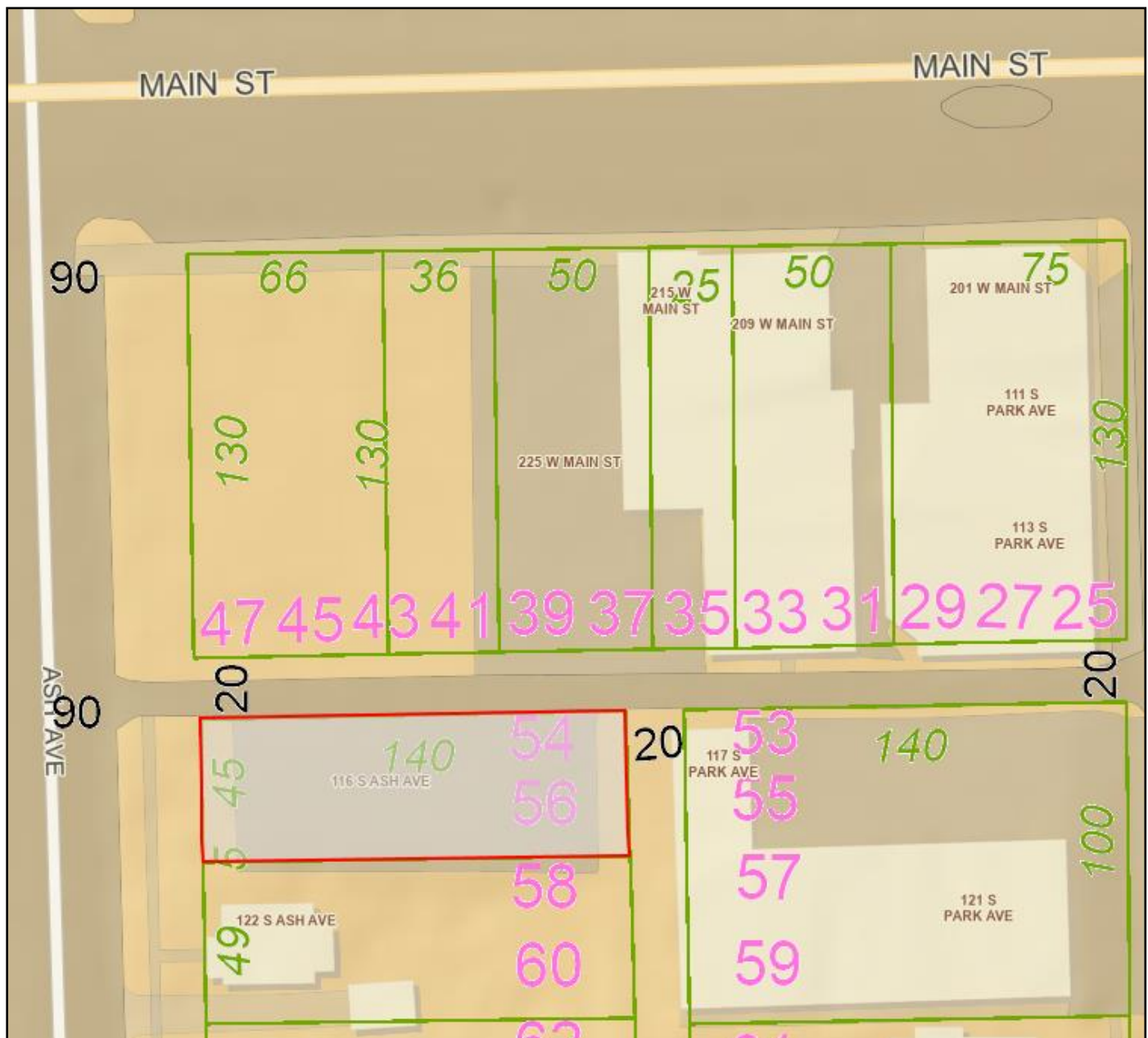
Present Zoning: C-2 (General Business District)

Proposed Zoning: R-1B (Single-Family Residential District)

Rezoning Application Case Number: RZ-2023-04

Applicant: Jason Febres

Property Address: 116 S. Ash Avenue, Valley Center, KS 67147 (outlined in red below)



Applicants' Reasons for Rezoning: The applicant is requesting a rezoning from C-2 to R-1B to allow for a new single-family house to be constructed on this property (see applicant's request letter at the end of this staff report). Currently, this property is vacant and has been for over twenty years. Upon approval of this rezoning application, the applicant plans to submit a building permit application and construct a small single-family house on this property.

Review Criteria for a Zoning Amendment per 17.11.01.H (*criteria in italics*)

1. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?*

The subject property is vacant. This property is located in a mixed-use neighborhood, with commercial properties and uses to the north, east, and west and single-family residential uses to the south. At one time, there was a single-family house on this property, but it was demolished many years ago.

2. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning of the subject property is R-1B (Single-Family Residential District). The surrounding zoning and land uses are as follows:

- North: C-1 (Central Business District)
- South: C-2 (General Business District)
- East: C-2 (General Business District)
- West: C-2 (General Business District)

3. *Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?*

No

4. *Would the request correct an error in the application of these regulations?*

No

5. *Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?*

The rezoning request is the direct result of the applicant wanting to build a single-family house on this lot, which is not allowed under its current commercial zoning.

6. *Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?*

Yes, public water and sanitary sewer are available to this property.

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?*

No

8. *Would a screening plan be necessary for existing and/or potential uses of the subject property?*

No

9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?*

There is other land in the community on which single-family houses could be built, but the applicant already owns this land and would like the opportunity to built on this lot.

10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?*

Not applicable

11. *Is the subject property suitable for the uses in the current zoning to which it has been restricted?*

The subject property could be used for commercial purposes. Right now, the property is vacant, so there are no existing buildings that could be used for commercial purposes.

12. *To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?*

The rezoning request should not have a negative impact on the surrounding properties. There are existing single-family houses to the south of this property, a commercial property to the east, the grain elevator to the west, and a vacant lot to the north that is used for the seasonal Main Street Valley Center Farmers Market, Fall Festival, and other community events. The addition of a small single-family homes will not have a detrimental impact on the surrounding neighborhood.

13. *Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?*

Yes

14. *Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?*

Yes

15. *What is the nature of the support or opposition of the request?*

- City staff supports this rezoning. The standard public notice was published in *The Ark Valley News* and notices were sent out to surrounding property owners. Two responses have been received to date and both were not opposed to this rezoning request.
- Other public comments in support or opposition will not be known until the public hearing.

16. *Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?*

No

17. *By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?*

No

City staff recommends approval of this rezoning application.

Applicant's Request Letter

Ryan Shrack

From: Chef Jason Febres <jasonfebres@gmail.com>
Sent: Monday, July 3, 2023 4:22 PM
To: Ryan Shrack
Subject: Request to rezone 116 s Ash

Hey Ryan,

Here is the letter requested for rezoning purposes.

-

In a nutshell I am petitioning to rezone the 116 s ash lot that I just purchased, from commercial to residential, so I can build my mom a house to live and also for her to help maintain and tend to our new building right next to it.

My name is Jason Febres I was born in the states, but I was raised in Venezuela. I became a chef and told my mom I wanted to return to United States to launch my career, and she literally gave me her lifetime savings so I could come here and create a life of my own.

After I left, the Venezuela economic and social situation took a dive, hyperinflation and crime skyrocketed. I automatically petitioned my mom and dad and they were able to come here to the states. Mom has US citizenship but had to leave behind everything, her apartment and a house and got here with nothing.

So as I reflect, because of my moms sacrifice I have everything I need and more including a very successful business and a home. So please understand my need and duty to love and repay her back with at least a home for her to live.

I love my mom and this is a dream of hers to have her own house. Wouldn't you do the same for your mom?

Sincerely,
Jason Febres

--

Chef Jason Febres

RENT THE CHEF 🧑🍳 🍲 🍰 🥤 🍷 🍹 🍸

CATERING • EVENTS • COOKING CLASSES

C. (316) 308.5556

<https://m.facebook.com/RentTheChefICT/>

ORDINANCE NO. 1395-23

**AN ORDINANCE CHANGING THE ZONING DISTRICT
CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY
OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED
BY THE ZONING REGULATIONS OF THE CITY.**

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

SECTION 1. Having received a recommendation from the Valley Center City Planning and Zoning Board on Case No. RZ-2023-04, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1279-14, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from C-2 (General Business District) to R-1B (Single-Family Residential District).

Legal Description: LOTS 54 & 56 AVENUE B NOW ASH AVENUE CITY OF
VALLEY CENTER

Legal Address: 116 S. Ash Ave., Valley Center, KS 67147

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED by the Governing Body and signed by the Mayor of the City of Valley Center, Kansas, on this 19th day of September, 2023.

First Reading: September 5, 2023
Second Reading: September 19, 2023

(SEAL)

/s/ _____
Louis Cicirello, Mayor

ATTEST:

/s/ _____
Kristi Carrithers, City Clerk

NEW BUSINESS

RECOMMENDED ACTION

D. ORDINANCE 1395-23: RE-ZONE 116 S. ASH STREET:

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion to approve Ordinance 1395-23; to re-zone property at 116 S. Ash from C-2 to R-1B for 1st reading.

NEW BUSINESS

E. APPROVAL OF PURCHASE AND NEW CONTRACT FOR FLOCK CAMERAS:

Public Safety Director Newman will request purchase of third Flock camera and enter into a new contract with Flock Safety.

- Staff Memo
- Flock Safety Contract



September 5, 2023

To: Mayor Cicirello & Members of Council

From: Lloyd Newman, Public Safety Director

Subject: Flock Camera

RECOMMENDATION

City staff is recommending the purchase of a third Flock Camera and authorization for the Public Safety Director to enter a 60-month contract with Flock Safety.

BACKGROUND

We currently have Flock Cameras covering two of the five main entries into the city. The two cameras have led to the successful recovery of stolen vehicles, the arrests of numerous individuals with warrants, both local and area warrants. They have led to the arrest of a sexual assault suspect as well as a homicide suspect. Currently we have had over 167,000 plate reads on just the two cameras. When we installed the first two cameras, we were interested in placing a third camera on Ford Street but waited due to the planned construction project. Now that the project is complete, we believe Ford Street would be an ideal location for a third camera, as it provides access to the city from a high volume of traffic on the Interstate.

FINANCIAL CONSIDERATION

A third camera has been requested in next years budget. We currently have the money in this year's budget to have it placed now. Purchasing the third camera this year and signing a 60-month contract will lock us in at the current pricing. Flock is anticipating a \$500 per camera increase later this year or early next year. A contract now will save us \$7,500 over the next five years. We are approaching the due date of this year's annual invoice so by signing the contract we would pay the current invoice plus a third camera at \$2500 and an installation fee up to \$650.

Flock Safety + KS - Valley Center PD

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Libby Landers
libby.landerson@flocksafety.com
7022057467

flock safety



EXHIBIT A ORDER FORM

Customer: KS - Valley Center PD
 Legal Entity Name: KS - Valley Center PD
 Accounts Payable Email: lnewman@valleycenterks.org
 Address: 616 E 5th St Valley Center, Kansas 67147

Initial Term: 60 Months
 Renewal Term: 24 Months
 Payment Terms: Net 30
 Billing Frequency: Annual Plan - First Year Invoiced at Signing.
 Retention Period: 30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$7,500.00
Flock Safety Flock OS			
FlockOS™	Included	1	Included
Flock Safety LPR Products			
Flock Safety Falcon®	Included	3	Included

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			
Flock Safety Professional Services			
Professional Services - Existing Infrastructure Implementation Fee	\$150.00	1	\$150.00
Subtotal Year 1:			\$7,650.00
Annual Recurring Subtotal:			\$7,500.00
Discounts:			\$7,500.00
Estimated Tax:			\$0.00
Contract Total:			\$37,650.00

*Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a "**Renewal Term**") unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.*

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$7,650.00
Annual Recurring after Year 1	\$7,500.00
Contract Total	\$37,650.00

*Tax not included

Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$7,500.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety's maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect's license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees all of the terms and conditions contained in the Terms of Service located at <https://www.flocksafety.com/terms-and-conditions>

The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

Customer: KS - Valley Center PD

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____

NEW BUSINESS

RECOMMENDED ACTION

**E. APPROVAL OF PURCHASE AND NEW CONTRACT FOR FLOCK
CAMERAS:**

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion to approve request for purchase of additional Flock camera and authorize new 60-month contract with Flock Safety.

NEW BUSINESS

**F. APPROVAL OF CREATION OF STORMWATER CITIZENS
ADVISORY COMMITTEE:**

Public Works Director Eggleston will request Council create a Stormwater Citizens Advisory Committee. If Council chooses to create committee, it will then appoint the sitting Planning and Zoning Board members to serve on the committee.

➤ Staff Memo



September 5, 2023

To: Mayor Cicirello & Members of Council

From: Rodney Eggleston – Public Works Director

Subject: Establishment of a Stormwater Citizens Advisory Committee

BACKGROUND

Effective in the year 2021, KDHE issued updated NPDES(Stormwater) permits for communities operating a separate stormwater sewer system. In this permit, communities were tasked with achieving a minimum point value by performing chosen BMPs (Best Management Practices) from a list provided by KDHE. Effective in the year 2023, these point values increased. One of the Goals (BMPs) for the Public Involvement & Participation category was to establish a Citizens Advisory Committee. This committee would be tasked with meeting twice per year to offer comments and/guidance on our Stormwater Management Plan.

ACTION NEEDED

We are requesting 2 action items from the council for this.

1. Approve the establishment of a Stormwater Citizens Advisory Committee.
2. Appoint the members of the Planning & Zoning Board to the Stormwater Citizens Advisory Committee.

SUMMARY

Staff is requesting the establishment of a Stormwater Citizens Advisory Committee, and then appoint the members of the planning & Zoning board to serve as members of said committee.

Sincerely,
Rodney Eggleston
Public Works Director

NEW BUSINESS

RECOMMENDED ACTION

**F. APPROVAL OF CREATION OF STORMWATER CITIZENS
ADVISORY COMMITTEE:**

Should Council choose to proceed

RECOMMENDED ACTION

Staff recommends motion to create Stormwater Citizens Advisory Committee.

And

Staff recommends motion to approve the appointment of sitting members of the Planning and Zoning Board to serve on the committee.

CONSENT AGENDA

- A. APPROPRIATION ORDINANCE – SEPTEMBER 5, 2023**
- B. DELINQUENT ACCOUNT REPORT–JUNE 2023**
- C. PLANNING AND ZONING BOARD MINUTES – AUGUST 22, 2023**
- D. ALCOHOL WAIVER REQUEST-VICTORIA STOLL-OCTOBER 7, 2023**
- E. LIONS PARK SPECIAL USE REQUEST–LIFE POINT CHURCH-KIDS FEST-SEPT. 23, 2023**
- F. LIONS PARK SPECIAL USE REQUEST-FAITH AND BLUE EVENT–OCTOBER 7, 2023**
- G. LIONS PARK SPECIAL USE REQUEST-VC PUBLIC LIBRARY OCTOBER 14, 2022**

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. APPROPRIATION ORDINANCE:

Below is the proposed Appropriation Ordinance for September 5, 2023, as prepared by City Staff.

September 5, 2023, Appropriation

Total	\$ 1,571,756.04
--------------	------------------------

VENDOR SET: 02 City of Valley Center

September 5, 2023 City Council Agenda Page 98

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
0090	MCCULLOUGH EXCAVATION INC							
C-CHECK	MCCULLOUGH EXCAVATION INVOICED	V	8/18/2023			055665		547,482.48CR

* * 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:	1 VOID DEBITS	0.00		
	VOID CREDITS	547,482.48CR	547,482.48CR	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 02 BANK: * TOTALS:	1	547,482.48CR	0.00	0.00
BANK: * TOTALS:	1	547,482.48CR	0.00	0.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0050	CITY OF NEWTON							
I-202308080658	CITY OF NEWTON	R	8/11/2023	200.00		055639		200.00
0141	SOUTH CENTRAL SEALING LLC							
I-202308080655	SOUTH CENTRAL SEALING LLC	R	8/11/2023	3,650.00		055640		3,650.00
0153	ARK VALLEY NEWS							
I-202308090678	ARK VALLEY NEWS	R	8/11/2023	431.18		055641		431.18
0236	VALLEY CENTER CHAMBER OF COMME							
I-202308090673	VALLEY CENTER CHAMBER OF COMME	R	8/11/2023	4,000.00		055642		4,000.00
0306	SEDGWICK COUNTY							
I-202308100679	SEDGWICK COUNTY	R	8/11/2023	1,272.00		055643		1,272.00
0572	ECONO SIGNS LLC							
I-202308080656	ECONO SIGNS LLC	R	8/11/2023	805.28		055644		805.28
0623	CORE & MAIN							
I-202308080660	CORE & MAIN	R	8/11/2023	606.78		055645		606.78
0656	DRAGONFLY LAWN & TREE CARE LLC							
I-202308100680	DRAGONFLY LAWN & TREE CARE LLC	R	8/11/2023	1,630.00		055646		1,630.00
0807	GADES SALES CO, INC.							
I-202308090670	GADES SALES CO, INC.	R	8/11/2023	14,667.00		055647		14,667.00
0809	VALLEY CENTER SENIOR ASSOCIATI							
I-202308100681	VALLEY CENTER SENIOR ASSOCIATI	R	8/11/2023	364.00		055648		364.00
0817	H.M.S. LLC							
I-202308080661	H.M.S. LLC	R	8/11/2023	489.90		055649		489.90
0824	GALLS, LLC							
I-202308080663	GALLS, LLC	R	8/11/2023	88.87		055650		88.87
0988	FELD FIRE							
I-202308080657	FELD FIRE	R	8/11/2023	91.52		055651		91.52
1039	GRAINGER							
I-202308080659	GRAINGER	R	8/11/2023	103.68		055652		103.68
1072	NU LINE COMPANY INC.							
I-202308090675	NU LINE COMPANY INC.	R	8/11/2023	390.00		055653		390.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1084	DCF							
I-202308090669	DCF	R	8/11/2023	1,247.35		055654		1,247.35
1137	WASTE CONNECTIONS OF KANSAS, I							
I-202308100682	WASTE CONNECTIONS OF KANSAS, I	R	8/11/2023	44,987.82		055655		44,987.82
1210	ZACHARY HARRIS							
I-202308090665	ZACHARY HARRIS	R	8/11/2023	610.00		055656		610.00
1247	NEWGEN STRATEGIES & SOLUTIONS,							
I-202308090667	NEWGEN STRATEGIES & SOLUTIONS,	R	8/11/2023	810.00		055657		810.00
1268	SARGENT DRILLING							
I-202308090674	SARGENT DRILLING	R	8/11/2023	1,000.00		055658		1,000.00
1286	MCCOWNGORDON CONSTRUCTION, LLC							
I-202308090668	MCCOWNGORDON CONSTRUCTION, LLC	R	8/11/2023	39,673.07		055659		39,673.07
1297	BURNS & MCDONNELL/CAS CONSTRUC							
I-202308090666	BURNS & MCDONNELL/CAS CONSTRUC	R	8/11/2023	12,000.00		055660		12,000.00
1298	AUTOMATION DESIGNS LLC							
I-202308080662	AUTOMATION DESIGNS LLC	R	8/11/2023	3,096.00		055661		3,096.00
0270	INTRUST CARD CENTER							
I-202308090676	INTRUST CARD CENTER	R	8/11/2023	9,146.67		055662		9,146.67
1	MORALES-VASQUEZ, FRANCISCO JA							
I-000202308160702	MORALES-VASQUEZ, FRANCISCO JA:	R	8/18/2023	1,000.00		055663		1,000.00
0080	KDHE-BUREAU OF WATER							
I-202308150694	KDHE-BUREAU OF WATER	R	8/18/2023	104,323.57		055664		104,323.57
0090	MCCULLOUGH EXCAVATION INC							
I-202308160699	MCCULLOUGH EXCAVATION INC	V	8/18/2023	547,482.48		055665		547,482.48
0090	MCCULLOUGH EXCAVATION INC							
M-CHECK	MCCULLOUGH EXCAVATION INVOIDED	V	8/18/2023			055665		547,482.48CR
0110	LKM - LEAGUE OF KANSAS MUNICIP							
I-202308160703	LKM - LEAGUE OF KANSAS MUNICIP	R	8/18/2023	275.00		055666		275.00
0113	VALLEY PRINT LOGISTICS							
I-202308160704	VALLEY PRINT LOGISTICS	R	8/18/2023	116.34		055667		116.34

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
0150	AT&T MOBILITY							
I-202308170707	AT&T MOBILITY	R	8/18/2023	783.56		055668		783.56
0204	PITNEY BOWES							
I-202308150695	PITNEY BOWES	R	8/18/2023	604.50		055669		604.50
0656	DRAGONFLY LAWN & TREE CARE LLC							
I-202308170708	DRAGONFLY LAWN & TREE CARE LLC	R	8/18/2023	1,714.75		055670		1,714.75
0784	MERIDIAN ANALYTICAL LABS, LLC							
I-202308150693	MERIDIAN ANALYTICAL LABS, LLC	R	8/18/2023	370.00		055671		370.00
1004	IMAGINE IT, INC.							
I-202308160701	IMAGINE IT, INC.	R	8/18/2023	6,680.61		055672		6,680.61
1078	FLEXIBLE BENEFIT SERVICE CORPO							
I-202308160697	FLEXIBLE BENEFIT SERVICE CORPO	R	8/18/2023	246.00		055673		246.00
1094	EMC INSURANCE COMPANIES							
I-202308160696	EMC INSURANCE COMPANIES	R	8/18/2023	1,398.00		055674		1,398.00
1236	SHORT ELLIOT HENDRICKSON, INC.							
I-202308140689	SHORT ELLIOT HENDRICKSON, INC.	R	8/18/2023	44,636.73		055675		44,636.73
1258	WILDCAT CONSTRUCTION CO., INC							
I-202308160698	WILDCAT CONSTRUCTION CO., INC	R	8/18/2023	610,539.46		055676		610,539.46
1360	ABCD TECH							
I-202308150692	ABCD TECH	R	8/18/2023	45.00		055677		45.00
0090	MCCULLOUGH EXCAVATION INC							
I-202308210713	MCCULLOUGH EXCAVATION INC	R	8/21/2023	416,864.37		055680		416,864.37
0032	AFLAC							
I-AF 202308090672	SUPPLEMENTAL INSURANCE	R	8/25/2023	52.53		055681		
I-AF 202308220720	SUPPLEMENTAL INSURANCE	R	8/25/2023	52.52		055681		
I-AFC202308090672	SUPPLEMENTAL INSURANCE	R	8/25/2023	51.89		055681		
I-AFC202308220720	SUPPLEMENTAL INSURANCE	R	8/25/2023	51.89		055681		
I-AFD202308090672	SUPPLEMENTAL INSURANCE	R	8/25/2023	55.77		055681		
I-AFD202308220720	SUPPLEMENTAL INSURANCE	R	8/25/2023	55.77		055681		
I-AFL202308090672	SUPPLEMENTAL LIFE INSURANCE	R	8/25/2023	60.10		055681		
I-AFL202308220720	SUPPLEMENTAL LIFE INSURANCE	R	8/25/2023	60.10		055681		
I-AFO202308090672	SUPPLEMENTAL INSURANCE	R	8/25/2023	29.12		055681		
I-AFO202308220720	SUPPLEMENTAL INSURANCE	R	8/25/2023	29.12		055681		498.81

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
0445	DELTA DENTAL OF KANSAS, INC.							
I-DDS202308090672	DENTAL INSURANCE	R	8/25/2023	172.57		055682		
I-DDS202308220720	DENTAL INSURANCE	R	8/25/2023	172.90		055682		
I-DEC202308090672	DENTAL INSURANCE	R	8/25/2023	303.75		055682		
I-DEC202308220720	DENTAL INSURANCE	R	8/25/2023	303.75		055682		
I-DES202308090672	DENTAL INSURANCE	R	8/25/2023	239.61		055682		
I-DES202308220720	DENTAL INSURANCE	R	8/25/2023	239.61		055682		
I-DFM202308090672	DENTAL INSURANCE	R	8/25/2023	803.32		055682		
I-DFM202308220720	DENTAL INSURANCE	R	8/25/2023	803.32		055682		3,038.83
0566	SURENCY LIFE AND HEALTH							
I-VEC202308090672	VISION INSURANCE	R	8/25/2023	7.93		055683		
I-VEC202308220720	VISION INSURANCE	R	8/25/2023	7.93		055683		
I-VFM202308090672	VISION INSURANCE	R	8/25/2023	15.41		055683		
I-VFM202308220720	VISION INSURANCE	R	8/25/2023	15.41		055683		
I-VMC202308090672	VISION INSURANCE	R	8/25/2023	86.80		055683		
I-VMC202308220720	VISION INSURANCE	R	8/25/2023	86.80		055683		
I-VME202308090672	VISION INSURANCE	R	8/25/2023	38.64		055683		
I-VME202308220720	VISION INSURANCE	R	8/25/2023	38.64		055683		
I-VMF202308090672	VISION INSURANCE	R	8/25/2023	168.45		055683		
I-VMF202308220720	VISION INSURANCE	R	8/25/2023	168.70		055683		
I-VMS202308090672	VISION INSURANCE	R	8/25/2023	50.60		055683		
I-VMS202308220720	VISION INSURANCE	R	8/25/2023	50.60		055683		735.91
0162	CIVIC PLUS							
I-202308230724	CIVIC PLUS	R	8/25/2023	4,094.10		055684		4,094.10
0179	INTERLINGUAL INTERPRETING SERV							
I-202308220715	INTERLINGUAL INTERPRETING SERV	R	8/25/2023	63.34		055685		63.34
0550	BANNON TRUCKING, LLC							
I-202308240726	BANNON TRUCKING, LLC	R	8/25/2023	901.97		055686		901.97
0680	FLUID EQUIPMENT							
I-202308230725	FLUID EQUIPMENT	R	8/25/2023	3,584.29		055687		3,584.29
0784	MERIDIAN ANALYTICAL LABS, LLC							
I-202308230723	MERIDIAN ANALYTICAL LABS, LLC	R	8/25/2023	80.00		055688		80.00
0796	BARDAVON HEALTH INNOVATIONS							
I-202308210711	BARDAVON HEALTH INNOVATIONS	R	8/25/2023	110.00		055689		110.00
0824	GALLS, LLC							
I-202308220717	GALLS, LLC	R	8/25/2023	175.55		055690		175.55

VENDOR SET: 02 City of Valley Center

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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
0905	COPRO EMERGENCY FIRE PRODUCTS							
I-202308220718	COPRO EMERGENCY FIRE PRODUCTS	R	8/25/2023	14,549.43		055691		14,549.43
1039	GRAINGER							
I-202308220714	GRAINGER	R	8/25/2023	152.82		055692		152.82
1162	CUT RATES LAWN CARE LLC							
I-202308210712	CUT RATES LAWN CARE LLC	R	8/25/2023	400.00		055693		400.00
1173	SIMPLE VENTURES LLC DBA SIMPLE							
I-202308240727	SIMPLE VENTURES LLC DBA SIMPLE	R	8/25/2023	2,490.00		055694		2,490.00
1286	MCCOWNGORDON CONSTRUCTION, LLC							
I-202308220716	MCCOWNGORDON CONSTRUCTION, LLC	R	8/25/2023	194,197.10		055695		194,197.10
1303	INNOVATIVE ELECTRIC LLC							
I-202308220719	INNOVATIVE ELECTRIC LLC	R	8/25/2023	305.00		055696		305.00
1361	TRAVELERS							
I-202308210710	TRAVELERS	R	8/25/2023	413.00		055697		413.00
1362	STANDARD CONSTRUCTION LLC							
I-202308230722	STANDARD CONSTRUCTION LLC	R	8/25/2023	14,670.00		055698		14,670.00

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	57	2,118,901.64	0.00	1,571,419.16
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	547,482.48CR	547,482.48CR	0.00

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 02 BANK: APBK TOTALS:	57	1,571,419.16	0.00	1,571,419.16

VENDOR SET: 03 City of Valley Center

September 5, 2023 City Council Agenda Page 104

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
0117	WILLIAM ANDREWS							
I-202308090671	WILLIAM ANDREWS	R	8/11/2023	107.99		055638		107.99
0103	RONALD COLBERT							
I-202308160700	RONALD COLBERT	R	8/18/2023	161.13		055678		161.13
0148	DESIRAE WOMACK							
I-202308140688	DESIRAE WOMACK	R	8/18/2023	67.76		055679		67.76

* * T O T A L S * *	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	3	336.88	0.00	336.88
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	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 03 BANK: APBK TOTALS:	3	336.88	0.00	336.88
BANK: APBK TOTALS:	60	1,571,756.04	0.00	1,571,756.04
REPORT TOTALS:	60	1,571,756.04	0.00	1,571,756.04

SELECTION CRITERIA

VENDOR SET: * - All

VENDOR: ALL

BANK CODES: All

FUNDS: All

CHECK SELECTION

CHECK RANGE: 055638 THRU 055698

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

CONSENT AGENDA

B. DELINQUENT ACCOUNT REPORT – JUNE 2023:

ZONE: ALL
STAT: Disconnect, Final, Inactive
START DATES: 0/00/0000 THRU 99/99/9999
LAST BILL DATES: 0/00/0000 THRU 99/99/9999
FINAL DATES: 6/01/2023 THRU 6/30/2023

ACCOUNT NO#	NAME	LAST PAY ST	--CURRENT--	+1 MONTHS	+2 MONTHS	+3 MONTHS	+4 MONTHS	--BALANCE--	
02-0032-06	SHEWMAKE, SHANE	3/31/2023	F	55.08	95.64	98.54		249.26	
02-0078-02	WARREN, NICHOLAS	6/07/2023	F	72.65				72.65	
=====									
**** BOOK # :0002	TOTAL ACCOUNTS:	2		0.00	127.73	95.64	98.54	0.00	321.91
=====									
03-0081-91	ROY & JOHNSON INVESTMENT	6/05/2023	F	65.21					65.21
=====									
**** BOOK # :0003	TOTAL ACCOUNTS:	1		0.00	65.21	0.00	0.00	0.00	65.21
=====									
=====									
**** BOOK # :0005	TOTAL ACCOUNTS:	0		0.00	0.00	0.00	0.00	0.00	0.00
=====									
=====									
**** BOOK # :0006	TOTAL ACCOUNTS:	0		0.00	0.00	0.00	0.00	0.00	0.00
=====									
07-0246-03	BROTHERS KIEFFERS LLC	6/20/2023	F	60.56	105.02				165.58
=====									
**** BOOK # :0007	TOTAL ACCOUNTS:	1		60.56	105.02	0.00	0.00	0.00	165.58
=====									
=====									
**** BOOK # :0008	TOTAL ACCOUNTS:	0		0.00	0.00	0.00	0.00	0.00	0.00
=====									
=====									
**** BOOK # :0009	TOTAL ACCOUNTS:	0		0.00	0.00	0.00	0.00	0.00	0.00
=====									
11-0099-14	BASGALL, BETH ANN	6/14/2023	F	67.70					67.70
=====									
**** BOOK # :0011	TOTAL ACCOUNTS:	1		0.00	67.70	0.00	0.00	0.00	67.70
=====									
=====									
**** BOOK # :0014	TOTAL ACCOUNTS:	0		0.00	0.00	0.00	0.00	0.00	0.00

```

ZONE:    ALL
STAT:    Disconnect, Final, Inactive
START DATES:    0/00/0000 THRU 99/99/9999
LAST BILL DATES: 0/00/0000 THRU 99/99/9999
FINAL DATES:    6/01/2023 THRU 6/30/2023

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ACCOUNT NO#	NAME	LAST PAY ST	--CURRENT--	+1 MONTHS	+2 MONTHS	+3 MONTHS	+4 MONTHS	--BALANCE--
=====								
**** BOOK # :0015	TOTAL ACCOUNTS:	0	0.00	0.00	0.00	0.00	0.00	0.00
=====								
=====								
**** BOOK # :0017	TOTAL ACCOUNTS:	0	0.00	0.00	0.00	0.00	0.00	0.00
=====								
18-0123-00	MELLARD, MEGAN	6/04/2023 F	60.91	152.23				213.14
=====								
**** BOOK # :0018	TOTAL ACCOUNTS:	1	60.91	152.23	0.00	0.00	0.00	213.14
=====								
20-0115-04	D'ALMADA REMEDI, LAWRENC	6/07/2023 F	8.00	116.19				124.19
20-0219-04	ADDIS, ETHAN	6/14/2023 F		76.47				76.47
=====								
**** BOOK # :0020	TOTAL ACCOUNTS:	2	8.00	192.66	0.00	0.00	0.00	200.66
=====								
=====								
**** BOOK # :0080	TOTAL ACCOUNTS:	0	0.00	0.00	0.00	0.00	0.00	0.00
=====								
=====								
REPORT TOTALS	TOTAL ACCOUNTS:	8	129.47	710.55	95.64	98.54	0.00	1034.20
=====								

===== R E P O R T T O T A L S =====

==== R E V E N U E C O D E T O T A L S ====

REVENUE CODE:	--CURRENT--	+1 MONTHS	+2 MONTHS	+3 MONTHS	+4 MONTHS	--BALANCE--
100-WATER	37.20	275.87	33.46	34.47	0.00	381.00
200-SEWER	52.88	315.05	35.86	36.95	0.00	440.74
300-PROT	0.03	0.42	0.01	0.01	0.00	0.47
600-STORMWATER UTILITY FEE	38.00	69.93	9.21	9.49	0.00	126.63
610-SOLID WASTE	0.00	44.49	13.98	14.41	0.00	72.88
700-STATE TAX RATE	1.36	2.99	0.00	0.00	0.00	4.35
850-PENALTY	0.00	1.80	3.12	3.21	0.00	8.13
TOTALS	129.47	710.55	95.64	98.54	0.00	1034.20

TOTAL REVENUE CODES: 1,034.20
TOTAL ACCOUNT BALANCE: 1,034.20
DIFFERENCE: 0.00

===== R E P O R T T O T A L S =====

==== B O O K C O D E T O T A L S =====

BOOK:	--CURRENT--	+1 MONTHS	+2 MONTHS	+3 MONTHS	+4 MONTHS	--BALANCE--
02-BOOK 02	0.00	127.73	95.64	98.54	0.00	321.91
03-BOOK 03	0.00	65.21	0.00	0.00	0.00	65.21
05-BOOK 05	0.00	0.00	0.00	0.00	0.00	0.00
06-BOOK 06	0.00	0.00	0.00	0.00	0.00	0.00
07-BOOK 07	60.56	105.02	0.00	0.00	0.00	165.58
08-BOOK 08	0.00	0.00	0.00	0.00	0.00	0.00
09-BOOK 09	0.00	0.00	0.00	0.00	0.00	0.00
11-BOOK 11	0.00	67.70	0.00	0.00	0.00	67.70
14-BOOK 14	0.00	0.00	0.00	0.00	0.00	0.00
15-BOOK 15	0.00	0.00	0.00	0.00	0.00	0.00
17-BOOK 17	0.00	0.00	0.00	0.00	0.00	0.00
18-BOOK 18	60.91	152.23	0.00	0.00	0.00	213.14
20-BOOK 20	8.00	192.66	0.00	0.00	0.00	200.66
80-STORMWATER YEARLY	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	129.47	710.55	95.64	98.54	0.00	1034.20

ERRORS: 000

SELECTION CRITERIA

REPORT OPTIONS

ZONE: * - All
ACCOUNT STATUS: DISCONNECT, FINAL, INACTIVE
CUSTOMER CLASS: ALL
COMMENT CODES: All

BALANCE SELECTION

SELECTION: ALL
RANGE: 9999999.99CR THRU 9999999.99
AGES TO TEST: ALL
INCLUDE ZERO BALANCES: Include Accts w/Revenue Code balances

DATE SELECTION

CUSTOMER DATES: YES
START DATE: 0/00/0000 THRU 99/99/9999
LAST BILL DATE: 0/00/0000 THRU 99/99/9999
FINAL DATE: 6/01/2023 THRU 6/30/2023

TRANSACTION DETAIL

PRINT TRANSACTION DETAIL: NO
OLDEST TRANSACTION DATE: 99/99/9999

PRINT OPTION

TOTALS ONLY: NO
CONTRACTS: NO
PRINT SEQUENCE: ACCOUNT NUMBER
COMMENT CODES: None
*** END OF REPORT ***

CONSENT AGENDA

C. PLANNING AND ZONING BOARD MINUTES – AUGUST 22, 2023:

PLANNING AND ZONING BOARD MEETING MINUTES
CITY OF VALLEY CENTER, KANSAS

Tuesday, August 22, 2023, 7:00 P.M.

CALL TO ORDER: Chairperson Janzen called the meeting to order at 7:00 P.M. with the following board members present: Steve Conway, Brian Shelton, Scot Phillips, and Dalton Wilson

Members Absent: Rick Shellenbarger and Paul Spranger

City Staff Present: Ryan Shrack and Brent Clark

Audience: Jason Febres, Haria Urosa, Gonzalo Silva, Sam Ghareeb, and Jake Vasa

AGENDA: A motion was made by Chairperson Janzen and seconded by Board Member Shelton to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Chairperson Janzen made a motion to approve the July 25, 2023, meeting minutes. The motion was seconded by Board Member Conway. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD:

1. Review of SP-2023-02, application of the City of Valley Center, pursuant to City Code 17.12, who is petitioning to build a 44,800 sq. ft. aquatic and recreation center on property currently addressed as 9014 N. Meridian Ave., Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant will be building a new aquatic and recreation center that will consist of an indoor swimming pool, gymnasium, workout area/running track, and office space. The building will be owned by the City of Valley Center and operated by the Valley Center Recreation Commission. A unique feature of this complex will be a few charging stations erected in the parking lot for electric vehicles. A public notice was published in *The Ark Valley News*, as well as sent to the surrounding property owners. There have been no responses received regarding the proposed building project. City staff is recommending approval of this site plan application. Chairperson Janzen asked a few questions regarding the parking lot entrance on Meridian Ave. being in alignment with Southwind Drive, potential signage, and if construction has started on site. These questions were answered by R. Shrack and B. Clark. Chairperson Janzen also asked about the proposed retention pond and potential runoff and all questions were answered by Jake Vasa with SEH. Board Member Phillips inquired about the electric vehicle charging stations and B. Clark answered his questions regarding this aspect of the project.

Chairperson Janzen opened the hearing for comments from the public: 7:04 PM

Chairperson Janzen closed the hearing for comments from the public: 7:11 PM

No comments received from the public. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SP-2023-02. Motion was seconded by Board Member Wilson. The vote was unanimous.

2. Review of RZ-2023-04, application of Jason Febres, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned C-2, which is the City's designation for a general business district, to R-1B, which is the City's designations for a single-family residential district. The property is currently addressed as 116 S. Ash Avenue, Valley Center, KS 67147.

R. Shrack provided a summary of the staff report regarding this rezoning application. The applicant is requesting this change in zoning to allow for the construction of a new single-family house on the property in question. A public notice was published in *The Ark Valley News*, as well as sent to the surrounding property owners. There have been three responses received regarding the proposed rezoning, but none of these responses were opposed to the rezoning.

Chairperson Janzen opened the hearing for comments from the public: 7:16 PM

Chairperson Janzen closed the hearing for comments from the public: 7:25 PM

Board Member Phillips asked about this property being used for the Main Street Valley Center Farmers Market and Fall Festival events. While the property is not used during the farmers market events, it is used during Fall Festival. The applicant stated that he is looking to build a small home towards the western side of the property and that there should still be room on the east side for potential use during Fall Festival. Mr. Febres wants to maintain good relations with the community and allow the property to be used as it has been in the past. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve RZ-2023-04. Motion was seconded by Board Member Shelton. The vote was unanimous.

OLD OR UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Establishment of Stormwater Citizens Advisory Committee

R. Shrack presented information on the creation of the Valley Center Stormwater Citizens Advisory Committee, which is a goal found within the City's Stormwater Management Plan. Rather than create another committee, City staff is recommending the Planning and Zoning Board serve as this committee's members. The committee will meet twice a year to review the City's stormwater management plan and provide input on the plan and the City's stormwater fund. Public Works Director Rodney Eggleston will be in attendance at committee meetings and the first one will probably be held immediately after the Sept. Planning and Zoning Board meeting. The Planning and Zoning Board members agreed to serve on this committee and formal appointment will take place at the Sept. 5th City Council meeting.

2. Summer Walk Plat Discussion

R. Shrack introduced Jake Vasa with SEH, who is working with a developer on the creation of a new residential and commercial development tentatively called Summer Walk. This development will be built on land in between the high school and middle school and adjacent to the new aquatic and recreation center. J. Vasa presented information on the street layout, utilities, zoning, and drainage. The board members asked a few questions, which were all answered by J. Vasa, R. Shrack, and B. Clark. The plan right now is to formally submit the preliminary plat to be reviewed at the Sept. Planning and Zoning Board meeting.

STAFF REPORTS: R. Shrack reminded the board that the next meeting will be held on September 26, 2023. There will be at least one item to review and the board will probably also meet as the new Stormwater Citizens Advisory Committee.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-none

Paul Spranger-absent

Brian Shelton-none

Rick Shellenbarger-absent

Scot Phillips-none

Steve Conway-none

Dalton Wilson-none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 8:00 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Board Member Conway. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

/s/ Ryan Shrack, Secretary

Gary Janzen, Chairperson

CONSENT AGENDA

D. ALCOHOL WAIVER REQUEST-VICTORIA STOLL-OCTOBER 7, 2023:



Request for Special Permit for the Consumption of Alcohol on City Owned Property

Victoria Stoll
 NAME: _____
3737 W. Rushwood St. Apt. 207
 ADDRESS: _____
Wichita KS 67226
 CITY: _____ STATE: _____ ZIP: _____
316-755-8382
 PHONE NUMBER: _____ NAME OF ORGANIZATION (IF APPLICABLE): _____
Wedding Reception
 TYPE OF FUNCTION: _____
10-07-2023 3:30pm 9:00pm
 DATE OF FUNCTION: _____ TIME: _____ TO: _____

1. There is a \$25.00 non-refundable application fee.
2. An additional \$150.00 damage/cleaning deposit is required. The applicant is responsible for damage to facilities of grounds by any person in attendance.
3. The applicant is responsible to assure that no one under the age of 21 will be served or consume alcohol.
4. The consumption of alcohol will be limited to the areas reserved and adjoining patio. Alcohol is not to be consumed in the park grounds.
5. The applicant assumes responsibility for any person whose conduct is objectionable, disorderly, or disruptive, and shall further be financially responsible of any loss, damage, or injury to person or property during the function. The City of Valley Center reserves the right to remove any persons for any reason.
6. The use of alcoholic beverages on city owned property shall be in conformance with Kansas State laws and the Code of the City of Valley Center.
7. Applicants granted a permit will be required to provide the City with a certificate of liability insurance in the amount of \$1,000,000.00 with the City of Valley Center additionally insured.

I understand and assume all responsibility and liability and agree to all rules and regulations provided by the City of Valley Center for the rental of said facility.

SIGNATURE:

DATE:

Attach a copy of the facility reservation form and the signed Policy Use Agreement.

CONSENT AGENDA

**E. LIONS PARK SPECIAL USE REQUEST-LIFE POINT
CHURCH(KID FEST) – SEPTEMBER 23, 2023:**

Special Use Request of City Parks

Special Use Request of City Parks

Special Use Request Information:

1. List the purpose of your event and all planned activities. (Site use and set up must be approved and coordinated by the Department of Parks & Public Buildings). Attach separate sheets as needed.	Kids Fest
1.A Attach additional information if needed	KidsFestMap.jpeg
2. Include a map or description of the park area requested and include a list of park facilities you will use.	Let me know if you have any questions. (3166)871-4910. (Also, our insurance agent will issue an updated liability insurance with the city as the lienholder as well tomorrow, I can email that to whomever needs it. I just wanted to make sure I got the request in early enough).
2.A Attach map if applicable	KidsFestMap_1.jpeg
Event Date	9/24/2023
Event Set Up Time	12:00 PM
Event Hours	2:00 PM - 4:00 PM
Event Clean Up Time	4:00 PM
Description of Clean Up Procedure	I'll remove all the items we bring over.
Sponsoring Organizations	Llifepoint Church

Certificate of Liability
Insurance

[Emailed Package 15M5A0270460 08-21-2023 09-52.PDF](#)

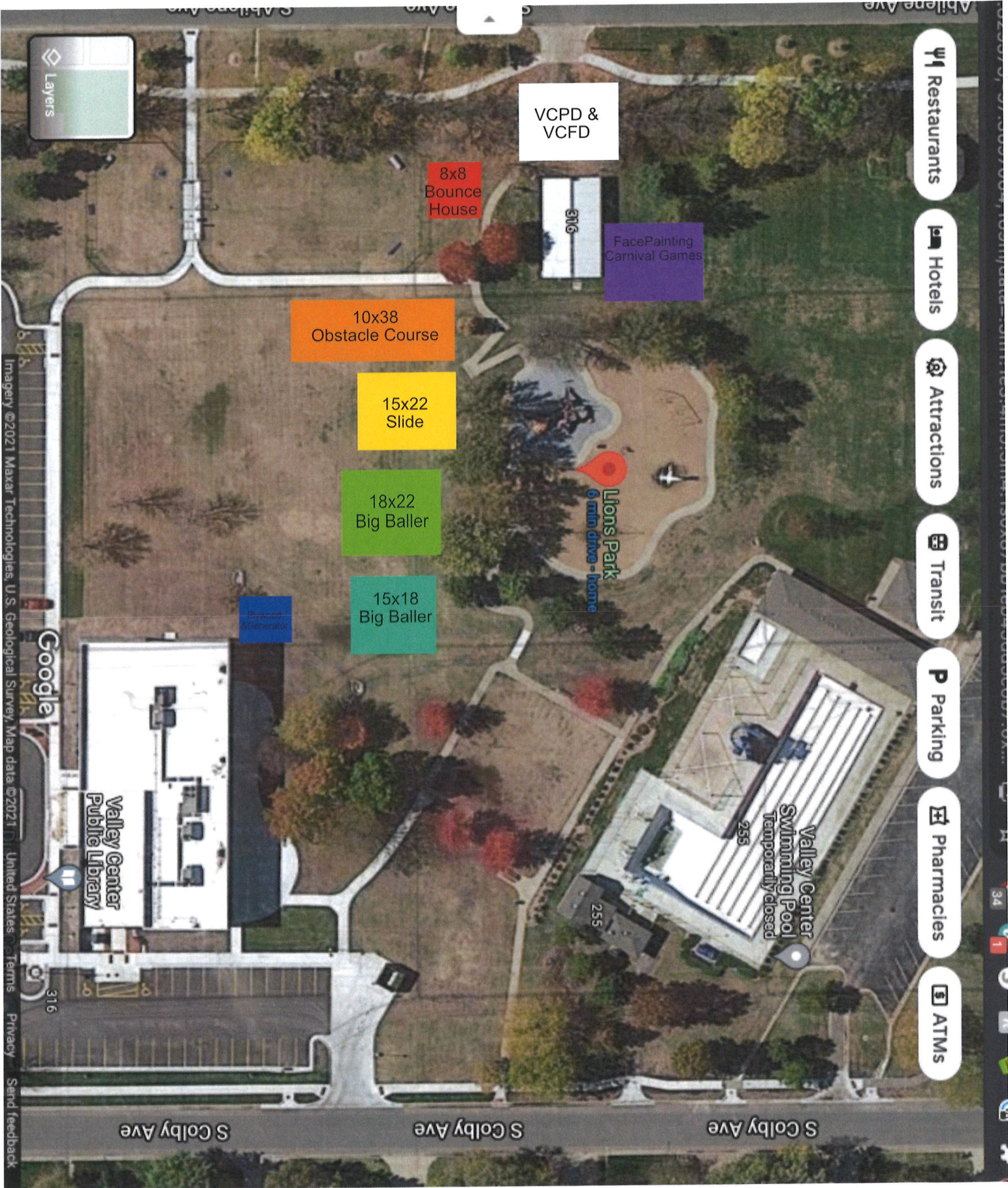
Applicant Information

First Name	Nathanial
Last Name	Thurman
Address1	400 S Abilene
City	Valley Center
State	KS
Zip	67147
Park Regulations.	I have read, acknowledged, and understand all City of Valley Center Park Regulations provided below.

This request is not a reservation to hold or occupy any park structure or facility other than what is identified and approved by the governing body for in the special use request.

For questions or further information, please email parks@valleycenterks.org or call 316-755-7320 x205.

Neal Owings, Director of Parks & Public Buildings





CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
08/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Loomis Insurance Agency Inc 1758 S Kentwood Ave Springfield MO 65804-1321	CONTACT NAME: Debby Fausett, CISR PHONE (A/C, No, Ext): (417)881-1661 FAX (A/C, No): (417)883-7272 E-MAIL ADDRESS: dfausett@loomisinsurance.com														
INSURED Lifepoint Church 400 S Abilene Ave Valley Center KS 67147-2149	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Brotherhood Mutual Insurance</td> <td>13528</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Brotherhood Mutual Insurance	13528	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Brotherhood Mutual Insurance	13528														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	15M5A0270460	11/26/2021	11/26/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 10,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 The church will host a kids outreach at 400 S Abilene Avenue Valley Center KS 67147-2149 on September 24, 2023. Riverlawn Christian Church is listed as Additional Insured and Certificate Holder for this event. Coverage is strictly subject to the terms of the policy.

CERTIFICATE HOLDER

CANCELLATION

AI 006929

Riverlawn Christian Church 4243 N Meridian Wichita KS 67204-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Loomis Insurance Agency Inc 1758 S Kentwood Ave Springfield MO 65804-1321		CONTACT NAME: Debby Fausett, CISR PHONE (A/C, No, Ext): (417)881-1661 FAX (A/C, No): (417)883-7272 E-MAIL: dfausett@loomisinsurance.com ADDRESS:	
INSURED Lifepoint Church 400 S Abilene Ave Valley Center KS 67147-2149		INSURER(S) AFFORDING COVERAGE INSURER A: Brotherhood Mutual Insurance NAIC # 13528 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		15M5A0270460	11/26/2021	11/26/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 10,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below					<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 The church will host a kids outreach at 400 S Abilene Avenue Valley Center KS 67147-2149 on September 24, 2023. City of Valley Center is listed as Certificate Holder. All coverage is subject to the terms of the policy.

CERTIFICATE HOLDER

CANCELLATION

AI 007258

City of Valley Center 121 S Meridian Avenue Valley Center KS 67147-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CONSENT AGENDA

**F. LIONS PARK SPECIAL USE REQUEST-FAITH AND BLUE
EVENT– OCTOBER 7, 2023:**

Special Use Request of City Parks

Special Use Request Information:

1. List the purpose of your event and all planned activities. (Site use and set up must be approved and coordinated by the Department of Parks & Public Buildings). Attach separate sheets as needed.	Faith and Blue annual event. Hosted by Valley Center PD and VC ministerial alliance.
1.A Attach additional information if needed	<i>Field not completed.</i>
2. Include a map or description of the park area requested and include a list of park facilities you will use.	Lions park, open area west of the community building and part of the parking lot of the community building.
2.A Attach map if applicable	<i>Field not completed.</i>
Event Date	10/7/2023
Event Set Up Time	10:00 AM
Event Hours	11:00 AM - 2:00 PM
Event Clean Up Time	2:00 PM
Description of Clean Up Procedure	Pick up all equipment used, pick up any remaining trash. Leave the park in the condition it was when we arrived.
Sponsoring Organizations	VCPD, VC ministerial alliance. Faith and Blue weekend
Certificate of Liability Insurance	Document (1).docx

Applicant Information

First Name	Erik
Last Name	Nygaard
Address1	616 E 5th St
City	Valley Center
State	KS
Zip	67147
Park Regulations.	I have read, acknowledged, and understand all City of Valley Center Park Regulations provided below.

This request is not a reservation to hold or occupy any park structure or facility other than what is identified and approved by the governing body for in the special use request.

For questions or further information, please email parks@valleycenterks.org or call 316-755-7320 x205.

Neal Owings, Director of Parks & Public Buildings

CONSENT AGENDA

**G. LIONS PARK SPECIAL USE REQUEST-VC PUBLIC LIBRARY–
OCTOBER 14, 2023**

Special Use Request of City Parks

Special Use Request Information:

1. List the purpose of your event and all planned activities. (Site use and set up must be approved and coordinated by the Department of Parks & Public Buildings). Attach separate sheets as needed.	Free Library-sponsored Solar Eclipse Watch Party and Hot Dog Cookout
1.A Attach additional information if needed	<i>Field not completed.</i>
2. Include a map or description of the park area requested and include a list of park facilities you will use.	Lions Park - west of Community building, north of Community building, and parking lot areas, plus patio and grill
2.A Attach map if applicable	<i>Field not completed.</i>
Event Date	10/14/2023
Event Set Up Time	8:00 AM
Event Hours	12:00 PM - 2:30 PM
Event Clean Up Time	2:30 PM
Description of Clean Up Procedure	Library staff and volunteers will pick up trash in the park and dispose of it.
Sponsoring Organizations	Valley Center Public Library

Certificate of Liability Insurance [certificate of insurance info.pdf](#)

Applicant Information

First Name	Terry
Last Name	Foster
Address1	314 E Clay
City	Valley Center
State	KS
Zip	67147
Park Regulations.	I have read, acknowledged, and understand all City of Valley Center Park Regulations provided below.

This request is not a reservation to hold or occupy any park structure or facility other than what is identified and approved by the governing body for in the special use request.

For questions or further information, please email parks@valleycenterks.org or call 316-755-7320 x205.

Neal Owings, Director of Parks & Public Buildings

STAFF REPORTS

A. Community Development Director Shrack

B. Parks & Public Buildings Director Owings

C. Public Safety Director Newman

D. Public Works Director Eggleston

E. City Engineer Scheer

F. City Attorney Arbuckle

G. Asst. City Administrator of Finance Smith

H. City Administrator Clark

GOVERNING BODY REPORTS

A. Mayor Cicirello

B. Councilmember Stamm

C. Councilmember Evans

D. Councilmember Bass

E. Councilmember Anderson

F. Councilmember Gregory

G. Councilmember Kerstetter

H. Councilmember Wilson

I. Councilmember Colbert

ADJOURN