

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, September 21, 2015

7:00 p.m.

MEETING #5015

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Jerre Nolte of First United Methodist Church

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC HEARING**

Close out Boothill Distillery Community Development Block Grant

## **PETITIONS & PROCLAMATIONS**

Proclamation for Constitution Week

**VISITORS** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

## **CONSENT CALENDAR**

1. Approval of City Commission Work Session, September 8, 2015;
2. Approval of City Commission Meeting Minutes, September 8, 2015;
3. Appropriation Ordinance No. 18, September 21, 2015;
4. Cereal Malt Beverage License:
  - a. Boot Hill Museum, Inc, 500 W. Wyatt Earp Blvd.
5. Approval of Subordination of Agreement with David Inc.
6. Approval of Change Order No. 3 for the McCownGordon Contract.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2015-23:** A Resolution authorizing the Improvement or Reimprovement of Certain Main Trafficways Within the City of Dodge City, Kansas; and Providing for the Payment of the Costs Thereof. Report by Finance Director/City Clerk, Nannette Pogue.

## **UNFINISHED BUSINESS**

1. Approval and Adoption of previously Tabled Ordinances:

**Ordinance No. 3610:** An Ordinance Vacating Maple Street Right-of-Way between 5<sup>th</sup> Avenue and 7<sup>th</sup> Avenue. Report by Planning, Zoning, Storm Water Coordinator, Nathan Littrell.

**Ordinance No. 3611:** An Ordinance Vacating Park Street Right-of-Way between 5<sup>th</sup> Avenue and 7<sup>th</sup> Avenue. Report by Planning, Zoning, Storm Water Coordinator, Nathan Littrell.

## **NEW BUSINESS**

1. Approval to Appointment of Dodge City Planning Commission Vacancy. Report by Public Information Officer, Jane Longmeyer

## **OTHER BUSINESS**

## **ADJOURNMENT**

**PROCLAMATION  
FOR  
CONSTITUTION WEEK**

**WHEREAS**, September 17, 2015, marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE**, I, Joyce Warshaw by virtue of the authority vested in me as Mayor of the City of Dodge City, Kansas do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

**AND** ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of Dodge City, Kansas to be affixed this 21<sup>st</sup> day of September, 2015.

\_\_\_\_\_  
Joyce Warshaw, Mayor

**SEAL**

\_\_\_\_\_  
Nannette Pogue, City Clerk

# **CITY COMMISSION WORK SESSION**

City Hall Commission Chambers

Tuesday, September 8, 2015

6:30 p.m.

**ROLL CALL:** Mayor Joyce Warshaw, Commissioners Kent Smoll, Jan Scoggins, Rick Sowers, and Brian Delzeit.

## **WORK SESSION**

John Hendrickson, Kennedy McKee & Company LLP, the City's Auditor,  
Presented the 2014 Audited Financial Statements.

## **ADJOURNMENT**

Commissioner Rick Sowers moved to adjourn the meeting. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.

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Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Tuesday, September 8, 2015

7:00 p.m.

MEETING #5014

## **CALL TO ORDER**

**ROLL CALL** – Mayor Joyce Warshaw, Commissioner Brian Delzeit, Rick Sowers, Jan Scoggins, and Kent Smoll

**INVOCATION** by Pastor Kirk Larson, of Grace Community Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Mayor Joyce Warshaw read the Welcoming City Proclamation and proclaimed that the City of Dodge City is a “Welcoming City”. Eloy Gallegos spoke to the Commission regarding the proclamation and looks forward to building relationships in the City.

Mayor Joyce Warshaw read the Suicide Prevention Week Proclamation and proclaimed September 7-12, 2015 as Suicide Prevention Week.

Mayor Joyce Warshaw read the Walk to End Alzheimer’s Proclamation and proclaimed the week of September 14-18 as Alzheimer’s Awareness Week and encouraged everyone to join the walk on Saturday, September 19, 2015 at the Sheridan Activity Center. Debbie Morgan spoke about the activities.

**VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).**

Corey Keller, Public Works Director spoke about the Fly Kansas Air Tour which will be at the Dodge City Regional Airport on September 29 between 1:00 p.m. and 3:00 p.m. Commissioner Kent Smoll asked that Corey would give an update about the Airport at a future Commission Meeting.

Jessie Rabe, Director of Marketing at Boot Hill Casino talked about the events that will be sponsored by the Wild West Heritage Foundation with the Boot Hill Casino and Resort to commemorate the 60<sup>th</sup> Anniversary of Gunsmoke. Stars that will be in Dodge City during this celebration will be Burt Reynolds, Jess Walton, Lane Bradbury, Bruce Boxleitner, Jim Byrnes and of course Buck Taylor who is a frequent Dodge City and Boot Hill Casino and Resort visitor. There will be Gunsmoke episodes playing at the Drive In on Friday night, September 25.

There will be a meet and greet Sunday morning, September 27. Would like to invite all of the Commissioners to attend festivities during the weekend of September 25, 26 and 27, 2015.

#### **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, August 17, 2015;
2. Appropriation Ordinance No. 17, September 8, 2015;
3. Cereal Malt Beverage License:
  - a. Taylor's Roadhouse #2, 302 S. 2<sup>nd</sup> Avenue;
  - b. Dillon's Store #1, 1700 N. 14<sup>th</sup> Avenue;
  - c. Circle K Stores, 609 S. 2<sup>nd</sup> Avenue;
  - d. Circle K Stores, 2615 E. Trial Street;
4. Approval of Change Order No. 2 for 14<sup>th</sup> Avenue Reconstruction;
5. Professional Service Agreement for Airport Consultant.

Commissioner Jan Scoggins moved to approve the Consent Calendar as presented; Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

#### **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3612:** An Ordinance Regulating Traffic Within the Corporate Limits of the City of Dodge City, Kansas; Incorporating by Reference the "Standard Traffic Ordinance for Kansas Cities, Edition 2015" and Repealing Ordinance No. 3587 was approved on a motion by Commissioner Brian Delzeit. The motion was seconded by Commissioner Jan Scoggins. The motion carried unanimously.

**Ordinance No. 3613:** An Ordinance Regulating Public Offenses within the Corporate Limits of the City of Dodge City, Kansas; Incorporating by Reference the "Uniform Public Offense Code for Kansas Cities, Edition 2015" and Repealing Ordinance No. 3588 was approved on a motion by Commissioner Brian Delzeit. The motion was seconded by Commissioner Jan Scoggins. The motion carried unanimously.

**Ordinance No. 3614:** An Ordinance Rezoning of 97 ½ N. 14<sup>th</sup> Avenue from R-2 Medium Residential to C-2 Highway Commercial was approved on a motion by Commissioner Brian Delzeit. The motion was seconded by Commissioner Jan Scoggins. The motion carried unanimously.

**Resolution No. 2015-22:** A Resolution approving the Kansas Department of Transportation (KDOT) Enhancement TEA-21 Program to Design and Construct an Extension of the Gunsmoke Trail was approved on a motion by Commissioner Jan Scoggins. The motion was seconded by Commissioner Kent Smoll. The motion carried unanimously.

#### **NEW BUSINESS**

1. Commissioner Kent Smoll moved to accept the 2014 Audited Financial Statements. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

2. Mayor Joyce Warshaw, Commissioner Jan Scoggins, Cherise Tieben and Ernestor DeLaRosa were appointed as delegates and Melissa McCoy and Brad Ralph were appointed as alternate delegates to the League of Kansas Municipalities on a motion by Commissioner Jan Scoggins. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.
3. Commissioner Kent Smoll moved to approve the Amendment to the Leisure Development Agreement. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.
4. Commissioner Kent Smoll moved to give authorization to give notice of closing to Post-Vac and to Boot Hill Museum. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.
5. Commissioner Jan Scoggins moved to approve the Building Relocation Plans as presented by Paul Lewis and authorize staff to develop necessary bids and agreements to implement the program. Commissioner Brian Delzeit seconded the motion. The motion carried 4-1, with Kent Smoll voting no.

#### **OTHER BUSINESS**

City Manager, Cherise Tieben:

- City flags are available for purchase for \$45.00 at the water counter
- Reminder of meetings: September 14 – Individual meetings with Dial Properties; September 29 – Fly Kansas Tour; October 8 – 1 or 2 elected officials to attend a TIAK round table at the Expo Center at noon, Joyce and Brian will attend; October 10-12 – League of Kansas Municipalities meeting in Topeka; October 15 – SKC meeting in Garden City; October 22 – Economic Outlook Conference; and Regional suppers in Ulysses sponsored by the League of Kansas Municipalities.

Commissioner, Kent Smoll:

- Reported on the sales tax collections. They are negative year to date. He believes this is a direct result of people not shopping local. Would encourage everyone to shop local.

Commissioner, Jan Scoggins:

- Remind everyone that the ice skating rink at the United Wireless Arena is open;
- Thanks to Cherise for making the flags accessible;
- Encourage everyone to take part in the Walk to End Alzheimer's.

Commissioner, Rick Sowers - none

Commissioner, Brian Delzeit:

- 9-11 ceremonies will be held at memorial stadium on Friday, September 11 prior to the football game;

- Thanks to Jessie Rabe and Sharon Stroberg for their involvement and support of the 60<sup>th</sup> anniversary Gunsmoke Celebration.

Mayor, Joyce Warshaw:

- Don Williams will be in concert at the United Wireless Arena on Wednesday;
- Boston concert was phenomenal;
- Wants to recognize Cherise Tieben for being appointed to the Kansas City-County Manager's Association board;
- Grand opening of Boot Hill Antiques and 2<sup>nd</sup> Avenue Lunch Company was held this weekend and are very nice additions to the downtown;
- Watch out for children in the School Zone.

**EXECUTIVE SESSION** – At 8:28 Kent Smoll moved to adjourn to executive session not to exceed 60 minutes to discuss confidential data relating to financial affairs, Non-elected personnel, Attorney Client matters and Land Acquisition. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.

At 9:28, Commissioner Kent Smoll moved to extend the Executive Session 15 minutes. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

At 9:43 the Commission reconvened to Regular Session.

**ADJOURNMENT**

Commissioner Jan Scoggins moved to adjourn the meeting; Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

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Mayor, Joyce Warshaw

ATTEST:

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Nannette Pogue, City Clerk

**INDIVIDUAL/SOLE PROPRIETOR  
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**

(This form has been prepared by the Attorney General's Office)

City or  County of Dodge City

<b>SECTION 1 - LICENSE TYPE</b>
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License <input type="checkbox"/> Special Event Permit
Check One: <input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licenses premises.

<b>SECTION 2 - APPLICANT INFORMATION</b>		
Kansas Sales Tax Registration Number (required): <u>48-0629167</u>		
Name <u>Boot Hill Museum, Inc</u>	Phone No. <u>620.227.8188</u>	Date of Birth
Residence Street Address <u>500 W. Wyatt Earp</u>	City <u>Dodge City, KS</u>	Zip Code <u>67801</u>
<b>Applicant Spousal Information</b>		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

<b>SECTION 3 - LICENSED PREMISE</b>			
<b>Licensed Premise (Business Location or Location of Special Event)</b>		<b>Mailing Address (If different from business address)</b>	
DBA Name <u>Boot Hill Museum, Inc</u>	Name		
Business Location Address <u>500 W. Wyatt Earp</u>	Address		
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City	State	Zip
Business Phone No. <u>620.227.8188</u>	<input type="checkbox"/> I own the proposed business or special event location. <input checked="" type="checkbox"/> I do not own the proposed business or event location.		
Business Location Owner Name(s)			

<b>SECTION 4 - APPLICANT QUALIFICATION</b>	
I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have resided within the state of Kansas for <u>53</u> years.	
I am at least 21 years old.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of this county for at least 6 months.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 2 years immediately preceding the date of this application, neither I nor my spouse <sup>1</sup> has been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes Have <input checked="" type="checkbox"/> No Have Not
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

# *Memorandum*

*To: Cherise Tieben, City Manager*  
*From: Ken Strobel, City Attorney*  
*Date: September 16, 2015*  
*Subject: Subordination Agreement*  
*Consent Calendar*

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**Recommendation:** Staff recommends approval of the attached Subordination Agreement with Alva State Bank and Trust Company and David, Inc.

**Background:** The proposed Subordination Agreement is part of the refinancing of an Industrial Revenue Bond issuance in 2007 in conjunction with construction of a local motel owned by David, Inc. The Agreement is a requirement of the new lender to secure its first mortgage position and to complete the refinancing plan.

**Justification:** A Subordination Agreement is normally required in connection with the refinancing of an IRB project. Approval of the proposed Agreement leaves the City in the same position it presently holds with the current lender. The City assumes no additional risk by approval of the Agreement.

**Financial Consideration:** None

**Legal Considerations:** The proposed Subordination Agreement was prepared by Gilmore & Bell, the City's bond counsel which is facilitating the refinancing plan.

**Attached:** Copy of Subordination Agreement

## SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT made by and among **Alva State Bank & Trust Company**, Alva, Oklahoma (“Lender”), **David, Inc.**, a Kansas corporation (“Tenant”), and the **City of Dodge City, Kansas**, a municipal corporation, duly organized and existing under the laws of the State of Kansas (“Landlord”).

### WITNESSETH:

WHEREAS, pursuant to that certain Lease between Landlord and Tenant, dated December 7, 2007, a notice of which was recorded in the records of the Register of Deeds of Ford County, Kansas at Book 122, Pages 12-13 (together with any amendments, modifications, extensions, renewals, substitutions or assignments thereof, collectively referred to as the “Lease”) with respect to the real property legally described on *Exhibit A* attached hereto (the “Demised Premises”), Tenant leases the Demised Premises;

WHEREAS, Lender has made, or may agree to make, a loan to Tenant (the “Loan”) conditioned on, among other conditions, the full execution of this Subordination Agreement;

WHEREAS, the Loan will or may be secured by, among other things, a leasehold mortgage, assignment of the Lease and rents, and/or a security agreement (collectively the “Mortgage”) made by Tenant to or for the benefit of Lender covering, among other things, Tenant’s interest under the Lease, and Tenant’s right, title and interest in and to the improvements constructed on the Demised Premises;

WHEREAS, the parties desire to make the Landlord’s fee interest in the Demised Premises and Landlord’s interest in the collateral assigned under that certain Assignment of Rents and Leases dated December 7, 2007, made and given by Tenant to RCB Bank (as successor to Home National Bank), the depository, fiscal and paying agent for the Landlord, for the purpose of securing the Tenant’s obligations under the Lease (the “Assignment”), subject and subordinate to the Mortgage, pursuant to the terms hereof.

NOW, THEREFORE, the parties, in consideration of the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. The Landlord’s fee interest in the Demised Premises, and any right, title and interest of Landlord in and to the improvements thereon, and Landlord’s interest in and to the collateral assigned under the Assignment, are and shall be subject and subordinate to the Mortgage and the lien thereof, to all the terms, conditions and provisions of the Mortgage and to each and every advance made or hereafter made under the Mortgage, and to all renewals, modifications, consolidations, replacements, substitutions and extensions of the Mortgage; provided, however, and Lender agrees, that in the event of any act, omission or default by Tenant that would give Lender the right, either immediately or after the lapse of a period of time, to declare a default or breach under the Mortgage and elect one or more remedies, including but not limited to foreclosure of the Mortgage, Lender will not exercise any such right until it has given written notice of such act, omission or default to Landlord and provided Landlord the right to cure for any applicable cure period set forth in the Mortgage.

2. Any notice, demand, statement, request or consent made hereunder shall be effective and valid only if in writing, referring to this Subordination Agreement, signed by the party giving such notice,

and delivered by: (a) hand-delivery, and considered delivered upon receipt; (b) certified mail, and considered delivered upon signed receipt or refusal to accept delivery; or (c) nationally-recognized overnight delivery service, and considered delivered the next business day after the notice is deposited with that service for delivery, and addressed to the other parties as follows (or to such other address or person as any party or person entitled to notice may by notice to the other parties specify):

To Lender: Alva State Bank & Trust Company  
518 College  
P. O. Box 37  
Alva, Oklahoma 73717  
Attention: Commercial Loan Department

To Tenant: David, Inc.  
2400 W. Wyatt Earp Blvd.  
Dodge City, Kansas 67801  
Attention: President

To Landlord: City of Dodge City, Kansas  
806 2<sup>nd</sup> Avenue  
Dodge City, Kansas 67801  
Attention: City Clerk

3. Landlord and Tenant hereby represent, covenant and warrant to Lender:

(a) That the Lease is in full force and effect and unmodified;

(b) That all Basic Rent and Additional Rent (as defined in the Lease) have been paid to the extent they were payable prior to the date hereof;

(c) That the Agreement for Payment in Lieu of Taxes dated March 5, 2007 is in full force and effect and unmodified;

(d) That there is no existing Event of Default (as defined in the Lease) under the provisions of the Lease or in the performance of any of the terms, covenants, conditions or warranties thereof on the part of the Landlord or Tenant to be observed and performed; and

(e) That the Landlord and Tenant shall not modify, extend or in any way alter the terms of the Lease or cancel, terminate or surrender the Lease, without the prior written consent of Lender.

(e)

4. This Subordination Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Kansas.

5. A fully-executed original of this Subordination Agreement may be recorded with the Ford County, Kansas, Register of Deeds against the Demised Premises by any party or their successors and assigns.

6. Signatures to this Subordination Agreement may be signed in counterpart, on separate pages, which may then be assembled as the complete agreement of the parties.







EXHIBIT A  
(Description of Property)

Exhibit A to Subordination Agreement by and among **Alva State Bank & Trust Company**, Alva, Oklahoma (“Lender”), **David, Inc.**, a Kansas corporation (“Tenant”), and the **City of Dodge City, Kansas**, a municipal corporation, duly organized and existing under the laws of the State of Kansas (“Landlord”).

Demised Premises

The following described real estate in Ford County, Kansas:

Lots Three (3) and Four (4), Block One (1), Final Plat of Central Properties Two Addition, a Replat of a Portion of Block 6, Maple Grove Addition to Dodge City, Ford County, Kansas, Part of Spruce Street Vacated, and a Tract lying between Spruce Street and West Wyatt Earp Boulevard in the Southwest Quarter of Section 27, Township Twenty-six (26) South, Range 25 West of the 6<sup>th</sup> P.M.



# Parks and Recreation

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PO Box 880 • Dodge City KS 67801 • Phone: 620/225-8160 • Fax: 620/225-8144

## *Memorandum*

To: Cherise Tieben, City Manager  
City Commissioners  
From: Paul Lewis, Parks & Recreation Director   
Date: September 17, 2015  
Subject: McCownGordon Change Order  
Agenda Item: Consent Calendar

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**RECOMMENDATION:** Staff recommends approval of Change Order #3 for the McCownGordon contract regarding the Long Branch Lagoon water park.

**BACKGROUND:** Change Order #3 relates to the cost for the interactive play structure in the children's play pool at Long Branch Lagoon. The budget for that component the City and McCownGordon agreed upon in the GMP price was \$400,000. McCownGordon solicited proposals from multiple providers based on that budget. Vortex provided a proposal that offered the theming elements that are required for this application and will supply the end product we are expecting. The Vortex proposal was over the budget by \$20,727 so a change order is necessary to amend the McCownGordon contract.

**JUSTIFICATION:** The interactive play structure is the cornerstone of the theming being done at the water park. The other options proposed failed to create the western heritage appearance that is the goal with the park. This structure allows other amenities and fixtures to reinforce the theme and create a destination facility.

**FINANCIAL CONSIDERATIONS:** Although this change order increases the contact amount by \$20,727, a project contingency still remains. The contingency amount is \$200,000 and it is expected this cost can be made up in that line item so the actual final dollars spent may not increase.

**PURPOSE/MISSION:** This change order is consistent with the City's Mission Statement of Enhancing Quality of Life and Preserving Our Heritage.

**LEGAL CONSIDERATIONS:** N/A

**ATTACHMENTS:** Change Order #3





McCownGordon  
 227 Blue Earth Place Suite 205  
 Manhattan, Kansas 66502  
 Phone: (785) 789-3100

**Project:** 1-07-0557 - DodgeCity Regional Aquatic  
 111 S. 4th Street  
 Dodge City, Kansas 67801  
 Phone: 785-789-3100  
 Fax: 785-789-3096

**Prime Contract Change Order #OCO003: OCO003 Vortex Cost Overruns**

<b>TO:</b>	City of Dodge City & Ford County 806 N 2nd Ave Dodge City, Kansas 67801	<b>FROM:</b>	McCownGordon Construction, LLC - KS Office 227 Blue Earth Place, Suite 205 Manhattan Kansas 66502
<b>DATE CREATED:</b>	8/03/2015	<b>CREATED BY:</b>	Barry Schmidt (McCownGordon Construction, LLC - KS Of)
<b>CONTRACT STATUS:</b>	Pending - In Review	<b>REVISION:</b>	0
<b>DESIGNATED REVIEWER:</b>		<b>REVIEWED BY:</b>	
<b>DUE DATE:</b>		<b>REVIEW DATE:</b>	
<b>INVOICED DATE:</b>		<b>PAID DATE:</b>	
<b>SCHEDULE IMPACT:</b>		<b>EXECUTED:</b>	No
<b>CONTRACT FOR:</b>	1:DodgeCity Regional Aquatic Prime Contract	<b>TOTAL AMOUNT:</b>	\$22,871.91

**DESCRIPTION:**  
 OCO003: Vortex Cost Overruns includes costs for the Vortex Play Structure and Vertical Play Features in excess of the GMAX budgeted amount. Per cost option selection 5/27/15, the Vortex play structure was selected and resulted in \$22,872 cost overrun.

**ATTACHMENTS:**

**CHANGE ORDER REQUESTS IN THIS CHANGE ORDER:**

COR #	Title	Schedule Impact	Amount
OCO003	OCO 003 Vortex Overages	0 days	\$22,871.91
<b>TOTAL:</b>			<b>\$22,871.91</b>

**CHANGE ORDER LINE ITEMS:**

**PCO #OCO003:OCO003 Vortex Play Structure Overage**

#	Cost Code	Description	Type	Amount
1	13-15001 - Aquatic Facilities	Vortex Play Structure Overage	Subcontractor	\$20,727.00
<b>Subtotal:</b>				<b>\$20,727.00</b>
<b>Subguard: 1.50%</b>				310.91
<b>General Liability Insurance: 0.95%</b>				199.86
<b>Builder's Risk Insurance: 0.35%</b>				74.33
<b>Warranty: 0.50%</b>				106.56
<b>Performance and Payment Bond: 0.90%</b>				192.77
<b>Construction Contingency: 3.00%</b>				648.34
<b>Contractor's Fee: 2.75%</b>				612.14
<b>Grand Total:</b>				<b>\$22,871.91</b>




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The original (Contract Sum)	\$1,742,561.00
Net change by previously authorized Change Orders	\$12,293,667.48
The contract sum prior to this Change Order was	\$14,036,228.48
The contract sum will be increased by this Change Order in the amount of	\$22,871.91
The new contract sum including this Change Order will be	\$14,059,100.39
The contract time will by this Change Order by	

**Dave Schwartz (Waters Edge Aquatic Design)**  
 11205 W 79th St  
 Lenexa Kansas 66214

**City of Dodge City & Ford County**  
 806 N 2nd Ave  
 Dodge City Kansas 67801

**McCownGordon Construction, LLC - KS Office**  
 227 Blue Earth Place, Suite 205  
 Manhattan Kansas 66502

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SIGNATURE DATE

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SIGNATURE DATE

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SIGNATURE DATE

July 23, 2015

McCownGordon  
 Attn: Barry  
 422 Admiral Boulevard  
 Kansas City MO 64106

RE: Vortex Play Structure

Barry

Capri is requesting a formal change order for the Vortex Play Equipment since the manufacturer is unable to get the cost below the Owner's requested \$400,000.00 budget. See the below recap of costs and copy of the manufacturers quote to Capri.

Cost of play structure and vertical features:	\$345,000.00
Supervision deduct:	<u>(\$ 2,500.00)</u>
Subtotal of Vortex costs	\$342,500.00
Cost of Install	<u>\$ 23,487.00</u>
Subtotal	\$365,987.00
O&P	<u>\$ 54,740.00</u>
TOTAL COSTS	\$420,727.00
Original Budget Amount	<u>(\$400,000.00)</u>
Amount of Change Order request	\$ 20,727.00

Vortex was selected manufacturer per cost option meeting 5/27/2015. Total cost of Vortex was agreed upon at that time. This change is to reconcile the budget overrun.

Stephanie Guion  
 Capri Pools & Aquatics  
 314-351-6020 x110 phone  
 618-219-4890 direct  
 314-865-9393 cell



# QUOTATION



Account Name City of Dodge City - Parks & Recreation  
 Project Name Dodge City Splashpad, KS  
 Project ID 16605

Created Date 07/07/2015  
 Quote Number 00010260  
 Quote Name Rev 02

Prepared By Julie Mastervich  
 E-mail [jmastervich@vortex-intl.com](mailto:jmastervich@vortex-intl.com)

Quantity	Item No.	Product Description
1.00	8537.0000R01	CUSTOM ELEVATION - See Description Below
2.00	7390.0000R02	CACTUS (SW,PC)
2.00	220.2008R01	TUBE N°1 (SW, PC)
1.00	7563.2008R01	WATERMILL (SW,PC)
1.00	103.2000R01	BUCKET TRIO (SW,PC)
1.00	7782.2008R01	Cattail Twirl(SW,PC)
1.00	7661.2008R01	WATERBUG No4 (SW,PC)

See following page for base bid feature vs. final selection comparison.

### Custom Product Information

Product Description CUSTOM ELEVATION: modified L4 w/ theming  
 theming added to Bucket Trio  
 Waterbug No4 w/ cow graphic

### Terms & Totals

Ship Via	Best Way	Total Price	USD 341,500.00
Incoterm	CFR	Freight	USD 3,000.00
		Embed Freight	USD 500.00
		Grand Total	USD 345,000.00

**Lead Time:** Standard lead time of 6-8 weeks for Play Products, 10 weeks for Water Recirculation Equipment and 16 weeks for Elevations. These times are contingent upon receipt of purchase order, approved drawings and all applicable color selections  
**Excludes:** Unloading, storage, installation, fees and permits, taxes, Health Department approval, electrical, site work, surfacing, stamped drawings, OSHA paper work, anything not specifically included above.  
**Material Handling:** Equipment may be required for off loading.  
**Deposit:** Should a deposit be required, production begins upon receipt of the deposit.  
**Taxes:** All applicable taxes are the responsibility of the purchaser  
**Warranty:** See standard Vortex Aquatic Structures International warranty for full detail.

**Conditions of sales:** Prices quoted above are valid for a period of 60 days, upon which they are subject to change without notice. Freight charge applies to complete shipment. Please note: freight charge is an estimate and is subject to change without notice. Should embed equipment be required ahead of scheduled delivery date, additional freight charges will apply. Taxes not included, and will be invoiced if applicable. In the event of non-payment, Vortex Aquatic Structures International reserves the right to cease manufacturing or shipping until such payments with penalties, if any, is made by the purchaser with no liability on the part of Vortex Aquatic Structures International. Should said purchaser fail to make subsequent payments as required, Vortex Aquatic Structures International shall be entitled to

**Vortex USA Inc.**  
 2605 Sagebrush Dr Suite 208, Flower Mound, TX 75028  
 Tel: +1-(877) 586-7839 Fax: (972) 410-3697  
 email: [sfax@vortex-intl.com](mailto:sfax@vortex-intl.com)

[vortex-intl.com](http://vortex-intl.com)

Enquire about our cooperative purchasing programs!



Vortex Vertical Play Feature Recap

<b>Base Bid Feature</b>	<b>Qty</b>	<b>Revised Feature</b>	<b>Qty</b>
Water Chicken No. 1	2	Cattail Twirl	1
Water Chicken No. 2	1	Water Bug No. 4	1
Horse Cannon	2	Tube No. 1	2
Bucket Trio	1	Bucket Trio	1
Cactus	3	Cactus	2
Water Mill	1	Water Mill	1



## *Memorandum*

*To: Cherise Tieben, City Manager*  
*From: Nannette Pogue*  
*Date: September 17, 2015*  
*Subject: Resolution No. 2015-23*

*Agenda Item: Ordinances and Resolutions*

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**Recommendation:** I recommend the approval of Resolution No. 2015-23

**Background:** So that the City can obtain financing for construction projects in the form of general obligation bonds or temporary notes, the project first needs to be authorized by Resolution of the City of Dodge City. During the 2016 budget process, the City Commission discussed proceeding with the Central Avenue – Wyatt Earp to Comanche Project in 2016 and include the financing of the project in the 2015 bonds. The estimate for the entire project is \$8,360,000. However, when the bonds are issued we will only bond for \$4,100,000 which was the amount discussed during 2016.

**Justification:** To issue General Obligation Bonds the specific street projects need to be authorized by Resolution.

**Financial Considerations:** Once the projects are authorized, funding will be issued to fund these projects.

**Purpose/Mission:** To maintain and improve the infrastructure in Dodge City.

**Legal Considerations:** None

**Attachments:** Resolution No. 2015-23

**RESOLUTION NO. 2015-23**

**A RESOLUTION AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF DODGE CITY, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 *et seq.* (the “Act”), and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

**WHEREAS**, the Act provides that all costs of improvements or reimprovements authorized thereunder, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large and may be funded, among others, by the issuance of general obligation bonds; and

**WHEREAS**, the governing body of the City of Dodge City, Kansas (the “City”), has heretofore designated certain streets within the City as main trafficways, as provided by and under the authority of the Act; and

**WHEREAS**, said governing body hereby finds and determines that it is necessary to improve or reimprove said main trafficways, and to provide for the payment of the costs thereof, all as provided by and under the authority of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS:**

**Section 1. Project Authorization.** It is hereby deemed and declared to be necessary to improve or reimprove the main trafficways hereinafter set forth (collectively the “Project”) under the authority of the Act, in accordance with plans and specifications therefor prepared or approved by the City Engineer:

<u>Project Description</u>	<u>Main Trafficway Designation</u>	<u>Cost Estimate</u>
Central Avenue – Central Avenue Reconstruction from Wyatt Earp Boulevard to Comanche	Ord. 3169	\$8,360,000

**Section 2. Financing Authority.** The costs of the Project, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the “Bonds”).

**Section 3. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**ADOPTED AND APPROVED** by the governing body of the City of Dodge, Kansas, on September 21, 2015.

(Seal)

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Mayor

ATTEST:

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Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2015-23 of the City of Dodge City, Kansas adopted by the governing body on September 21, 2015, as the same appears of record in my office.

DATED: September 21, 2015

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Clerk

# *Memorandum*

*To: City Manager  
City Commissioners  
From: Nathan Littrell  
Date: September 21, 2015  
Subject: Vacation of Right-of-Way  
Ordinance Nos. 3610 & 3611*

*Agenda Item: Ordinances and Resolutions*

---

**Recommendation:** City staff recommends approval of these vacation ordinances, contingent upon the finalization of the purchase of the adjacent property.

**Background:** The City of Dodge City has requested the Right-Of-Way of Park Street and Maple Street, between 4<sup>th</sup> Ave. and 5<sup>th</sup> Ave., to be vacated to allow development in the area to take place.

**Justification:** All of the utility companies have been notified and they have no objection to this Right-Of-Way being vacated. There are no City utilities located in the Right-Of-Way.

**Financial Considerations:** None

**Purpose/Mission:**

**Legal Considerations:** None

**Attachments:** Petition, Vacation Ordinances and Map

ORDINANCE NO. 3610

AN ORDINANCE VACATING MAPLE STREET RIGHT-OF-WAY BETWEEN 4<sup>TH</sup> AVENUE  
AND 5<sup>TH</sup> AVENUE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

SECTION 1: The following described property in Dodge City, Ford County, Kansas is hereby vacated: Maple Street Right-Of-Way, between the East Right-Of-Way Line of 5<sup>th</sup> Ave. to the West Right-Of-Way Line of 4<sup>th</sup> Ave., Dodge City, Ford County, Kansas. Vacation of this Right-Of-Way is subject to development agreements being finalized.

SECTION 2: This vacation is granted pursuant to Section 12-504 K.S.A. and is made subject to the existing rights of all present public or private utilities or uses located under, on, upon or over said property.

SECTION 3: No protest to the vacation has been filed, as provided by law.

SECTION 4: This ordinance shall take effect, from and following its publication in the official paper, as provided by law.

SECTION 5: The City Clerk shall file a certified copy of this ordinance in the offices of the County Register of Deeds and County Clerk for Ford County, Kansas.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION,  
AND APPROVED BY THE MAYOR, THIS TWENTY FIRST DAY OF SEPTEMBER, 2015.

\_\_\_\_\_  
JOYCE WARSHAW, MAYOR

ATTEST:

\_\_\_\_\_  
NANNETTE POGUE, CITY CLERK

ORDINANCE NO. 3611

AN ORDINANCE VACATING PARK STREET RIGHT-OF-WAY BETWEEN 4<sup>TH</sup> AVENUE  
AND 5<sup>TH</sup> AVENUE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

SECTION 1: The following described property in Dodge City, Ford County, Kansas is hereby vacated: Park Street Right-Of-Way, between the East Right-Of-Way Line of 5<sup>th</sup> Ave. to the West Right-Of-Way Line of 4<sup>th</sup> Ave., Dodge City, Ford County, Kansas. Vacation of this Right-Of-Way is subject to development agreements being finalized.

SECTION 2: This vacation is granted pursuant to Section 12-504 K.S.A. and is made subject to the existing rights of all present public or private utilities or uses located under, on, upon or over said property.

SECTION 3: No protest to the vacation has been filed, as provided by law.

SECTION 4: This ordinance shall take effect, from and following its publication in the official paper, as provided by law.

SECTION 5: The City Clerk shall file a certified copy of this ordinance in the offices of the County Register of Deeds and County Clerk for Ford County, Kansas.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION,  
AND APPROVED BY THE MAYOR, THIS TWENTY FIRST DAY OF SEPTEMBER, 2015.

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JOYCE WARSHAW, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

# *Memorandum*

*To: City Manager  
City Commissioners*  
*From: Jane Longmeyer*  
*Date: September 16, 2015*  
*Subject: Dodge City Planning Commission*  
*Agenda Item: New Business*

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**Recommendation:** Appointment to fill a vacancy on the Dodge City Planning Commission.

**Background:** A vacancy occurred on the Dodge City Planning Commission with the resignation of Jeff Turner. Notification through the media, website and social media was made to solicit applications from interested parties. Two applications were received and are included for your consideration.

**Justification:** The Dodge City Planning Commission, by ordinance, consists of a seven member board.

**Financial Considerations:** None.

**Purpose/Mission:** The Boards and Commissions make recommendations to the City Commission regarding various phases of municipal operations.

**Legal Considerations:** None.

**Attachments:** Applications.

APPLICATION FOR CITY OF DODGE CITY ADVISORY BOARDS

NAME: Braul Droste OCCUPATION: HR Manager

ADDRESS: 2303 N. 2nd St. TELEPHONE: 620-408-8736

Advisory Board(s) you wish to be considered for:

Planning Commission

Tell us about your educational background:

School	Dates Attended	Major
<u>Dodge City High School</u>	<u>1998-2002</u>	<u>N/A</u>
<u>Dodge City Community College</u>	<u>2002-2003</u>	<u>N/A</u>
<u>Fort Hays State University</u>	<u>2003-2007</u>	<u>Rec + Sports Management</u>

Work history:

Job and Title	Dates of Employment
<u>City of Dodge City - Maintenance Worker - AFM</u>	<u>5-2008 - 9-2011</u>
<u>Western Beverage - Relief driver - delivery</u>	<u>9-2011 - 5-2012</u>
<u>Boothill Casino - Surveillance Supervisor</u>	<u>5-2012 - 5-2015</u>
<u>Kansas Soldiers Home - HR Manager</u>	<u>5-15 to present</u>

To the best of your knowledge, would the appointment of you to the Planning Commission advisory board create any conflicts of interest due to your employment or business endeavors? If yes, please explain:

NO

Have you ever served on any advisory board, committee, etc. of another public body? If you have, please tell us something about it.

Board of Directors, Dodge City Chapter - United States Bowling Congress  
Electred in 2015. Duties are now starting.

Tell us about other qualifications you have which you feel qualify you for appointment.

Though lacking in qualifications, I have called Dodge City my home for 32 years and intend on doing so for my duration. I want the best for this great City and the residents that call it home. I am knowledgeable in multiple fields, have a broad outlook and feel I would be an Asset to the Planning Committee. I would like to be a part of building this City's future.

Signature: Braul Droste Date: 9-16-15

Please return to: City Manager's Office, City Hall, P.O. Box 880, Dodge City, Kansas 67801-0880.

Thank you for your interest!

APPLICATION FOR CITY OF DODGE CITY ADVISORY BOARDS

NAME: Penny Alger OCCUPATION: Retired 1/2 part time WalMart  
ADDRESS: 1701 E. Trail St. TELEPHONE: 620 227 2591

Advisory Board(s) you wish to be considered for:

Dodge City Planning Commission

Tell us about your educational background:

School	Dates Attended	Major
USD 443	1945 - 1960	
DCCC	1960 - 1962	Education
Fort Hays Ks. State College	1962 - 1964	IT
Post Graduate		

Work history:

Job and Title	Dates of Employment
USD 443 196 Teacher	1966 - 2005
Walmart Pharmacy Clerk	2005 - -

To the best of your knowledge, would the appointment of you to the Dodge City Planning advisory board create any conflicts of interest due to your employment or business endeavors? If yes, please explain:

no

Have you ever served on any advisory board, committee, etc. of another public body? If you have, please tell us something about it.

no

Tell us about other qualifications you have which you feel qualify you for appointment.

I am very interest and concerned about the future of Dodge City.

Signature: Penny Alger Date: 9-10-15

Please return to: City Manager's Office, City Hall, P.O. Box 880, Dodge City, Kansas 67801-0880.

Thank you for your interest!