

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers
Monday, December 21, 7:00 p.m.
MEETING #5024

CALL TO ORDER

ROLL CALL

INVOCATION BY Minister of Nazarene Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

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).

Cub Scout Pack 162

CONSENT CALENDAR

1. Approval of Joint City/County Commission Meeting, December 7, 2015;
2. Approval of City Commission Meeting Minutes, December 7, 2015;
3. Appropriation Ordinance No. 24, December 21, 2015;
4. Cereal Malt Beverage License:
 - a. Casa Alvarez Restaurant, 1701 W. Wyatt Earp Blvd.

ORDINANCES & RESOLUTIONS

Resolution No. 2015-30: A Resolution Describing and Defining the Boundary of the City of Dodge City, Kansas. Report by Director of Engineering, Ray Slattery.

Resolution No. 2015-31: A Resolution Requesting Support of an Application for Housing Tax Credits to be Utilized for the Development of Affordable Rental Housing Units in Phase II of the Santa Fe Townhomes Development on Brier Street, Dodge City, Kansas. Report by City Manager, Cherise Tieben.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of 2016 State and Federal Legislative Policy. Report by Assistant to the City Manager Ernestor De La Rosa.
2. Approval of Allocation of 2015 Alcohol & Drug Tax Funds. Report by Finance Director/City Clerk, Nannette Pogue.
3. Discussion of City Commission Election Cycle. Report by Finance Director/City Clerk, Nannette Pogue.

OTHER BUSINESS

ADJOURNMENT

Joint City/County Commission Meeting Minutes
Monday, December 7, 2015
Ford County Government Center
5:30 PM
Meeting #5022

CALL TO ORDER

Ford County: Chairman Danny Gillum, Commissioners Chris Boys and Shawn Tasset

City of Dodge City: Mayor Joyce Warshaw, Commissioners Jan Scoggins, Brian Delzeit, Kent Smoll, Rick Sowers.

NEW BUSINESS:

1. Long Branch Lagoon Aquatics Park Operator/ Management Recommendation-Report by Director of Parks and Recreation Paul Lewis

City Action: Commissioner Kent Smoll moved to approve the contract with StandGuard Aquatics for Management of the Long Branch Lagoon Aquatics Park subject to Attorney review of references. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.

County Action: Commissioner Danny Gillum moved to approve the contract with StandGuard Aquatics for Management of the Long Branch Lagoon Aquatics Park subject to Attorney review of references. Commissioner Boys seconded the motion. The motion carried unanimously.

2. Approval for Concrete Parking Lot at Long Branch Lagoon Aquatics Park- Report by Director of Parks and Recreation Paul Lewis.

City Action: Commissioner Jan Scoggins moved to approve changing the construction of the parking lot at Long Branch Lagoon Aquatics Park from asphalt to concrete and allow McCown Gordon, the contractor to use contingency funds in an amount not to exceed an additional \$45,000 for this change. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously

County Action: Commissioner Danny Gillum moved to approve changing the construction of the parking lot at Long Branch Lagoon Aquatics Park from asphalt to concrete and allow McCown Gordon, the contractor to use contingency funds in an amount not to exceed an additional \$45,000 for this change. Commissioner Chris Boys seconded the motion. The motion carried unanimously.

UPCOMING MEETINGS:

1. Monday, February 8 , 2016 6:00 pm -Joint Commission Meeting- Rose Room, Ford County Government Center
2. Monday, May 9, 2016-6:00 pm-Joint Commission Meeting- City Commissioners Chambers City Hall
3. Monday, August 8, 2016 6:00 pm -Joint Commission Meeting-Rose Room, Ford County Government Center
4. Monday, November 14, 2016 6:00 pm -Joint Commission Meeting- City Commissioners Chambers City Hall

ADJOURNMENT

County Action: Commissioner Danny Gillum moved and Commissioner Chris Boys seconded the motion to adjourn the meeting. The motion carried unanimously.

City Action: Commissioner Jan Scoggins moved and Commissioner Brian Delzeit seconded the motion to adjourn the meeting. The motion carried unanimously.

Mayor

ATTEST:

Nannette Pogue, City Clerk

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, December 7, 7:00 p.m.

MEETING #5023

CALL TO ORDER

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

INVOCATION BY Minister of Nazarene Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

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).

Mayor Joyce Warshaw recognized Deputy Fire Chief Robert Heinz and Police Lieutenant Jeff Mooradian for completing the Certified Public Manager Program.

CONSENT CALENDAR

1. Approval of City Commission Work Session Minutes, November 16, 2015;
2. Approval of City Commission Meeting Minutes, November 16, 2015;
3. Approval of City Commission Special Meeting Minutes, November 19, 2015;
4. Appropriation Ordinance No. 23, December 7, 2015;
5. Cereal Malt Beverage License:
 - a. Circle K Store #1624, 2615 E. Trail St.
 - b. Circle K Store #1625, 609 S. 2nd Avenue.
6. Approval of Change Order No. 1 for Old City Hall Sidewalk and Retaining Wall;
7. Approval of Hennessey Hall Lease with Russel Child Development.

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

ORDINANCES & RESOLUTIONS

Ordinance No. 3619: An Ordinance Authorizing the Issuance by the City of Dodge City Kansas, of not to Exceed \$18,000,000 Aggregate Principal Amount of Taxable Industrial Revenue Bonds (Inn Vestments II L.L.C. Project), Series 2015, to Provide Funds to Acquire,

Construct and Equip a Project for Inn Vestments II, L.L.C. and Authorizing and Approving Certain Documents and Actions In Connection With the Issuance of the Bonds was approved on a motion by Commissioner Brian Delzeit. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

Resolution No. 2015-29: A Resolution of the Governing Body of the City of Dodge City, Kansas, Giving Notice of a Public Hearing on the Advisability of creating a Community Improvement District was approved on a motion by Commissioner Rick Sowers. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

Commissioner Rick Sowers moved to approve the Submission of Application for 5311 Public Transportation Grant with the local match being \$399,616 which includes \$78,670 for dispatch with the stipulation that staff continue to work with KDOT and Finney County Transit. Commissioner Jan Scoggins seconded the motion. The motion carried 4-1, with Commissioner Smoll voting no.

NEW BUSINESS

1. Commissioner Rick Sowers moved to approve a bid from Lewis Chevrolet in the amount of \$45,373 for a new $\frac{3}{4}$ ton Extended Cab Utility Truck Box for the Water Department. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.
2. Commissioner Brian Delzeit moved to approve a bid from DCI/Labrie in the amount of \$225,891.88 for a Solid Waste Collection Truck for Sanitation Department. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.
3. Commissioner Brian Delzeit moved to approve a bid from DCI in the amount of \$142,273.34 for a new Medium Duty Single Axle Dump Truck with snow plow for Utilities Department. Commissioner Rick Sower seconded the motion. The motion carried unanimously.
4. Commissioner Kent Smoll moved to approve to Amend 2016 Membership Rates and Program Fees for the Dodge City Family YMCA as presented. DeWayne Donaldson, Executive Director of the Dodge City YMCA presented the proposed rates and answered questions. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.
5. Commissioner Jan Scoggins moved to approve the Engineering Services with SMH Consulting for Heritage District STAR Bonds Project parking lot, landscape design and other services in an amount not to exceed \$28,317. Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.

OTHER BUSINESS

City Manager, Cherise Tieben:

Will be meeting with Chris Ragland, United Wireless Arena, Melissa McCoy and several others about the Jr. Hockey League wanting to utilize the United Wireless Arena for their league;

- A retirement reception will be held on December 17 from 3:00 TO 6:00 at the Depot for Ken Strobel and Kevin Norton;
- The Public Officials Exchange will be held Thursday at 6:30 at the Boot Hill Occident.

Commissioner, Kent Smoll:

- Jane Longmeyer is the most impressive person I know. She is very dedicated to cleaning up Dodge City and saw that she was out picking up trash on a Sunday morning. We all appreciate everything that she does;
- Merry Christmas to all;
- Shop local and support your local businesses.

Commissioner, Jan Scoggins:

- Congratulations to Jeff Moordian and Robert Heinz for achieving the Certified Public Manager Certificate;
- Several people have told her how much they appreciate the Public Transportation Program. She wanted to publicly acknowledge to Gary that she was relaying that information;
- The Parade of Lights that was held in downtown earlier in the evening was very nice. Thanks to the organizers of this event;
- Will not be at the next City Commission meeting, so wanted to wish everyone a Merry Christmas and Happy New Year.

Commissioner, Rick Sowers:

- Attended the City employee Christmas party on Friday night. Wanted to congratulate all of the employees who reached their milestones. Thanks for the party.

Commissioner, Brian Delzeit:

- There is a few days of shopping before Christmas. Please shop local if possible.
- Merry Christmas!

Mayor, Joyce Warshaw:

- Great turn out for the Christmas Parade;
- Be generous to the Salvation Army with your time and your treasure this Christmas season. Everything stays local;
- As it is getting cold, remember your pets;
- School is out from December 17 – January 4;
- Merry Christmas and Happy New Year, be nice to each other.

ADJOURNMENT

Commissioner Rick Sowers moved and Commissioner Kent Smoll seconded the motion to adjourn the meeting. The motion carried unanimously.

Mayor

ATTEST:

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

SECTION 1 - LICENSE TYPE	
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.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>10350577Q</u>			
Name	Phone No.	Date of Birth	
<u>Rocio Alvarez</u>	<u>620 225-7164</u>	<u>5-10-60</u>	
Residence Street Address	City	Zip Code	
<u>1204 Shira St</u>	<u>Dodge City, KS</u>	<u>67801</u>	
Applicant Spousal Information			
Spouse Name	Phone No.	Date of Birth	
<u>Javier Alvarez</u>	<u>620 225-7164</u>	<u>10-7-52</u>	
Residence Street Address	City	Zip Code	
<u>1204 Shira St</u>	<u>Dodge City, KS</u>	<u>67801</u>	

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name	Name		
<u>CASA ALVAREZ</u>			
Business Location Address	Address		
<u>1701 W Wyatt Earp Blvd</u>			
City	City	State	Zip
<u>Dodge City</u>	<u>Kansas</u>	<u>67801</u>	
Business Phone No.	<input type="checkbox"/> I own the proposed business or special event location. <input type="checkbox"/> I do not own the proposed business or event location.		
<u>620 227-2164</u>			
Business Location Owner Name(s)			
<u>Javier & Rocio Alvarez</u>			

SECTION 4 - APPLICANT QUALIFICATION	
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>32</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Within 2 years immediately preceding the date of this application, neither I nor my spouse ¹ 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 <input checked="" type="checkbox"/> No Have 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: City Manager
City Commissioners*
*From: Ray Slattery, P.E.
Director of Engineering Services*
Date: December 14, 2015
*Subject: Resolution 2015-30
Boundary Resolution Describing
the City Limits of Dodge City*
Agenda: Ordinances and Resolutions

Recommendation: Approval of Boundary Resolution 2015-30.

Background: Each year the City must adjust the boundary resolution that describes the City limits of the City to account for any additional land that has been annexed in the past year or correct any errors found in the description. The only change to the Boundary was the annexation of the US 50 Highway Right-of-Way east of Central Ave. to just beyond the US 50 & Ave. P intersection.

Justification: Additional land has been annexed by the City and the City is required by KSA 12-517 to adjust the City's boundary by resolution.

Financial Considerations: None

Purpose/Mission: The City is responsible for following State laws. By updating our boundaries, we have identified what properties should be served by the City and can plan for long-term improvements to those areas.

Legal Considerations: The City is obligated under state statute to update the boundary of the City.

Attachments: Boundary Resolution and map showing the property annexed in 2015.

RESOLUTION NO. 2015-30

A RESOLUTION DESCRIBING AND DEFINING
THE BOUNDARY OF THE CITY OF DODGE CITY

WHEREAS, the City of Dodge City must define the corporate limits of said City by virtue of K.S.A. 12-517 of the General Statutes of Kansas:

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

SECTION 1: That the Corporate limits of the City of Dodge City, Kansas shall be and are as follows, to wit:

(A) Beginning at a point on the south line of Military Avenue, in Riverview Addition, and the east line of Section 25, Township 26 South, Range 25 West of the 6th P.M.; thence East along the south line of said Military Avenue to the northeast corner of Shuman Tracts; thence South along the east line of Shuman Tracts to the southeast corner of Tract 7, Shuman Tracts; thence East and perpendicular to the east line of said Tract 7 to a point on the east right-of-way line of Road 113; thence South along the east right-of-way line of the Road 113 to a point that intersects the north right-of-way line of Wyatt Earp Blvd; thence East along the north right-of-way line of said Wyatt Earp Blvd to a point that intersects the northerly extension of the east right-of-way line of U.S. Highway 56-283; thence South along the extended east right-of-way line of U.S. Highway 56-283 to a point on the south line of Section 29; thence West along the south line of Section 29 to the west right-of-way line of U.S. Highway 56-283 Overpass; thence South along the west line of the U.S. Highway 56-283 Overpass to the south right-of-way line of the A.T. & S.F. Railroad; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 1904.07 feet; thence North along the right-of-way line of said A.T. & S.F. Railroad for a distance of 50.00 feet; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 250.45 feet; thence South to a point that is 360.00 feet North of the north right-of-way line of U.S. Highway 400; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 400 to a point on the west line of Tract 15 of Wilkinson Place No. 2; thence South along the west line of said Tract 15 of Wilkinson Place No. 2 to a point that is 205.00 feet North of the north right-of-way line of U.S. Highway 400; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 400 to a point on the east line of Tract 17 of said Wilkinson Place No. 2; thence South along the east line of said Tract 17 of Wilkinson Place No. 2 to the south right-of-way line of said U.S. Highway 400; thence Southeasterly along the south right-

of-way line of said U.S. Highway 400 to the east line Happy Trails Subdivision a replat lots 12&14 of Wilkinson Place No. 1; thence South along the east line of said Happy Trails Subdivision to the southeast corner thereof; thence West along the south line of said Happy Trails Subdivision and continuing to the southwest corner of Tract 9 of Wilkinson Place No. 1; thence North along the west line of said Tract 9 to the south right-of-way line of U.S. Highway 400; thence Northwesterly along the south right-of-way line of said U.S. Highway 400 to a point that is 770.45 feet East of the west line of Section 32, Township 26 South, Range 24 West, thence South for a distance of 200.00 feet; thence West for a distance of 140.00 feet; thence North for a distance of 252.81 feet to the south right-of-way line of U.S. Highway 400; thence Northwesterly along the south right-of-way line of said U.S. Highway 400 to the east right-of-way line of U.S. Highway 56/283; thence South along the east right-of-way line of said U.S. Highway 56/283 a distance of 668.85 to a point on the north line of Lot 1, Block 2 of Gladden Addition No.2, said point being 113.94 feet east of the west quarter corner of Section 32, Township 26 South, Range 24 West; thence East along the north line of said Lot 1, Block 2 of Gladden Addition No.2 to the northeast corner thereof; thence South along the east line of said Lot 1, Block 2 to the southeast corner thereof; thence West along the south line of Lot 1, Block 2 and Lot 1, Block 1 of Gladdens Addition No. 2 to the southwest corner thereof; thence North along the west line of said Lot 1, Block 1 of Gladdens Addition No. 2 to the northwest corner thereof, said corner being of the south line of the Northeast Quarter of Section 31, Township 26 South, Range 24 West; thence west along the south line of the northeast quarter of said Section 31 to a point 651.58 west of the southeast corner thereof; thence North a distance of 922.02 feet to a point on the south right-of-way line of East Trail Street 605.87 west of the west right-of-way of U.S. Highway 56/283; thence west along the south right-of-way line of East Trail Street a distance of 142.46 feet; thence South for a distance of 920.00 feet; thence West for a distance of 560.00 feet to the east line of McCaustland Place; thence South along the east line of said McCaustland Place to the southeast corner thereof; thence West along the south line of said McCaustland Place to a point on the east line of the northeast drain of the Dodge City Flood Control Project; thence South along the east line of said northeast drain a distance of 1,601.50 feet; thence Southeasterly along a line having a deflection angle of 54 degrees 13 minutes a distance of 424.98 feet to the west line of McCaustland Road No. 2; thence South along the west line of said McCaustland Road No. 2 for a distance of 150 feet to the north bank of the Arkansas River; thence Northwesterly along the north bank of the Arkansas River to a point on the east line of Section 36, Township 26 South, Range 25 West of the 6th P.M.; thence South along the east line of said Section 36 to the southeast corner thereof; thence West along the south line of said Section 36 to the west line of Minneola Road; thence South along the west line of said Minneola Road to a point that is approximately 1314 feet North of the south line of Section 2; thence West and parallel to the south line of said Section 2 to a point that is 748.70 feet West of the west line of

South Second Avenue; thence Northwesterly and parallel to the west line of said South Second Avenue for a distance of 1265.60 feet; thence North for a distance of 200 feet to the East-West half section line of Section 2; thence West along the said half section line of Section 2 to the east line of Veeann Avenue; thence South along the east line of said Veeann Avenue to the south line of Merrit Road; thence West along the south line of said Merrit Road to the west line of Section 2 and the east line of Section 3, Township 27 South, Range 25 West; thence South along the east line of said Section 3 to the north right-of-way line of U.S. Highway 56; thence West along said north right-of-way line of U.S. Highway 56 to the east right-of-way line of Road 109; thence North along said east right-of-way line of Road 109 to the southerly right-of-way line of McArtor Road; thence Northeasterly along said southerly right-of-way line of McArtor Road to the north line of the south half of Section 3, Township 27 South, Rang 25 West; thence East along the north line of the south half of said Section 3 to the center corner thereof; thence North along the west line of the northeast quarter of said Section 3 to a point on the north right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence Southwesterly along the north right-of-way of said Atchison, Topeka and Santa Fe Railroad to the west line of Lewis Addition No. 2; thence North along the west line of said Lewis Addition No. 2 to the south line of Section 34; thence West along the south line of said Section 34 to the west line of June Avenue; thence North along the west line of said June Avenue to the north line of Boley Morgison Addition; thence East along the north line of said Boley Morgison Addition to the northeast corner thereof; thence North along the half section line of Section 34 a distance of 432 feet; thence East parallel with the south line of said Section 34 a distance of 1,676 feet; thence South parallel with the said half section line to the north line of Beeson Road; thence East along the north line of said Beeson Road to the west line of Sunset Tracts; thence North along the west line of said Sunset Tracts to the northwest corner thereof; thence Northeasterly along the south bank along the Arkansas River to the extended east line of Tract 15 and Tract 88 of Westview Place No. 1; thence North along the extended east line of said Tract 15 and Tract 88 of Westview Place No. 1 to the northeast corner of said Tract 15; thence West along the north line of said Westview Place No. 1 to the east line of Moncrief Place No. 2; thence South along the east line of said Moncrief Place No. 2 to the southeast corner thereof; thence West along the south line of said Moncrief Place No. 2 to the southwest corner thereof; thence North along the west line of said Moncrief Place No. 2 to the south line of West Park Street; thence East along the south line of said Park Street to a point on the east line of Matt Down Lane; thence North along the east line of said Matt Down Lane to a point intersecting the extended south line of Access Road; thence westerly along the south line of said Access Road and parallel to the south line of Blocks 1 and 2 Allphin Addition No. 2 to the east line of Glenridge Estates; thence continuing Westerly along the south line of said Access Road and parallel to the south line of Block 1 of Glenridge Estates for a distance of 287.20 feet; thence Westerly along the south line of said Access Road and

parallel to the south line of Block 3 of Glenridge Estates for a distance of 319.90 feet; thence North for a distance of 45.00 feet; thence Westerly and parallel to the south line of said Block 3 to the southeast corner of Lot 4 West Hwy 50 Addition; thence continuing Westerly along the south line of Lot 4 of said West Hwy 50 Addition a distance of 40.88 feet; thence South a distance of 20 feet; thence westerly along the south line of said Lot 4 West Hwy 50 Addition to the southwest corner thereof; thence North along the west line of said Lot 4 to the northwest corner thereof; thence East along the north line of said Lot 4 to the northeast corner thereof; thence North along the west line of Block 3 and Block 7 of Glenridge Estates to the northwest corner of Lot 36, Block 7 of said Glenridge Estates; thence East along the north line of said Block 7 to the northeast corner of Lot 29 of said Block 7; thence South along the east line of said Block 7 to the northeast corner of Lot 22 of said Block 7; thence East along the north line of said Block 7 to the east line of Matt Down Lane; thence North along the east line of said Matt Down Lane to a point on the south line of U.S. Highway 50; thence Northeasterly along the south line of said U.S. Highway 50 to a point intersecting the east-west half section line of Section 22; thence East along the half section line of said Section 22 for a distance of 110.0 feet to the northeast corner of Lot 3, Block 1, J.S. & L. Subdivision; thence North 73 degrees 7 minutes 19 seconds east for a distance of 204.45 feet; thence South 89 degrees 53 minutes 58 seconds east for a distance of 196.02 feet to the northeast corner of Lot 1, Block 1, of said J.S. & L. Subdivision; thence South 5 degrees 47 minutes 43 seconds west for a distance of 60 feet to a point on the east-west half section line of said Section 22; thence East along the half section line of said Section 22 to the center thereof; thence North along the north-south half section line of Section 22 to the South Quarter corner of Section 15; thence West along the south section line of said Section 15 to the Southwest corner thereof; thence North along the west section line of said Section 15 to the West Quarter corner thereof; thence East along the east-west half section line of said Section 15 to a point 160 feet east of the Southwest corner of the Northeast Quarter of said Section 15; thence North 30 feet to the extended north line of Ross Blvd.; thence East along the north line of said Ross Blvd. to the west line of the Northeast Quarter of said Section 15; thence continuing East along said north line of Ross Blvd. for a distance of 627.40 feet; thence North 40 feet; thence East 40 feet parallel to the north line of said Ross Blvd.; thence South 40 feet to the north line of said Ross Blvd. thence East along the north line of said Ross Blvd. to the west line of the Southeast Quarter of the Northeast Quarter of said Section 15; thence North along the west line of said Southeast Quarter of the Northeast Quarter of Section 15 to the northwest corner thereof; thence East along the north line of said Southeast Quarter of the Northeast Quarter of Section 15 said line being the south line of Lot1, Block1, Church Subdivision on an assumed bearing of South 89 degrees 52 minutes 40 seconds east to a point 374.24 feet west of the southeast corner of said lot1; thence North 00 degrees 07 minutes 20 seconds east for a distance of 415.64 feet; thence South 47 degrees 41 minutes 14 seconds east for

a distance of 326.15 feet; thence South 89 degrees 42 minutes 28 seconds for a distance of 130.05 feet to a point on the east line of said lot 1; thence South along the east line of said Lot 1, Block 1 to the southeast corner thereof; thence East along the north line of said Southeast Quarter of the Northeast Quarter of Section 15 a distance of 55 feet to the northeast corner thereof; thence North along the east section line of said Section 15 to the southwest corner of the west half of section 11, Township 26 South, Range 25 West; thence continuing North along the west line of the west half of said Section 11 to the northwest corner thereof; thence East along the north line of the west half of said Section 11 to the northeast corner thereof; South along the east line of the west half of said Section 11 to the southeast corner thereof said corner being the north quarter corner of Section 14, Township 26 South, Range 25 West; thence East along the north line of said Section 14 to the northeast corner thereof; thence South along the east line of said Section 14 to the extended north line of Canterbury Road; thence East along the north line of said Canterbury Road to the west line of Joel Avenue; thence North along the west line of said Joel Avenue to the north line of William Street; thence East along the north line of said William Street to a point on the extended east line of the alley in Block 5, Kliesen Subdivision; thence South along the east line of said alley to a point on the south line of Anna Avenue; thence West along the south line of said Anna Avenue to the northeast corner of Lot 3, Block 6, Kliesen Subdivision; thence South along the east line of said Lot 3 to a point on the south line of the alley in Block 6, Kliesen Subdivision; thence West along the south line of said alley to the northeast corner of Lot 2, Block 7, Kliesen Hills Subdivision; thence South along the east line of said Lot 2 to the southeast corner thereof; thence East along the north line of Ross Boulevard to a point on the extended east line of Lot 11, Block 6, Kliesen Hills Subdivision; thence South along the said east line of Lot 11 to the southeast corner thereof; thence South along the extended east line of Lots 1 through 8, Block 6, Kliesen Hills Subdivision to a point on the south line of Saint Joseph Street; thence West along the said south line of Saint Joseph Street extended to the west line of Section 13, Township 26 South, Range 25 West, being the center of Avenue "A"; thence South along the west line of said Section 13 to a point on the extended north line of Wagon Wheel Addition #1; thence East along the north line of said Wagon Wheel Addition #1 for a distance of 511.5 feet to the northeast corner thereof; thence South along the east line of said Wagon Wheel Addition #1 for a distance of 643.5 feet to a point on the north line of Lot 10, Block 14, Kliesen Subdivision; thence East along the north line of said Lot 10, Block 14, Kliesen Subdivision to the northeast corner thereof; thence South along the east line of said Lot 10, Block 14, Kliesen Subdivision extended to the north right of way line of U.S. Highway 50; thence East along the north line of said U.S. Highway 50, said line being the south line of Kliesen Street as platted by Kliesen Subdivision, and Kliesen Subdivision No.2 to a point on the east line of Sec.13,T26S,R25W; thence continuing East 130 feet along said north line of U.S. Highway 50; thence South 240 feet to the south line of said U.S.

Highway 50; thence West 130 along said south line U.S. Highway 50 to a point on the east line of Sec.24,T26S,R25W; thence South along the east line of said Section 24 to the point of beginning, except Lots 3 through 6 Blocks 1 and 2, Allphin Addition, along with that portion of the 20 foot alley, 26th Avenue, and Matt Down Lane adjacent to said Lots 3 through 6, Allphin Addition No.2.

(B) Excel Main Plant No. 1 described as follows:

From the southwest corner, Section 33, Township 26 South, Range 24 West of the 6th P.M. and the northwest corner, Section 4, Township 27 South, Range 24 West of the 6th P.M.; thence Easterly 1,190 feet to a point "A" which is a point on a west building line. Point "A" will be the starting point of this building description; thence Southerly from point "A" along a west line 30 feet to point "B" of said building; thence Easterly along a south line, 270 feet to point "C" of said building; thence along an east line, Northerly 20 feet to a point "D" of said building; thence along a south line Easterly 400 feet to point "E" of said building; thence along an east line Northerly 50 feet to point "F" of said building; thence Westerly along a north line 275 feet to point "G" of said building; thence Northerly along an east line 15 feet to point "H" of said building; thence Westerly along a north line 48 feet to point "I" of said building; thence Northerly along an east line 35 feet to point "J" of said building; thence Easterly along a south line 25 feet to point "K" of said building; thence Northerly along an east line 35 feet to point "L" of said building; thence Westerly along a north line 23 feet to a point "M" of said building; thence Northerly along an east line 20 feet to point "N" of said building; thence Easterly along a south line 80 feet to point "O" of said building; thence Northerly along an east line 20 feet to point "P" of said building; thence Westerly along a north line 90 feet to point "Q" of said building; thence Northerly along an east line 60 feet to point "R" of said building; thence Westerly along a north line 95 feet to point "S" of said building; thence Northerly along an east line 30 feet to point "T" of said building; thence Westerly along a north line 40 feet to point "U" of said building; thence Northerly along an east line 33 feet to point "V" of said building; thence Westerly along a north line 390 feet to point "W" of said building; thence Southerly along a west line 170 feet to point "X" of said building; thence Easterly along a south line 170 feet to point "Y" of said building; thence Southerly along a west line 113 feet to point "A" of said building.

Excel Secondary Plant No. 2 described as follows:

From point "B" of Excel Main Plant Easterly along a south building line 90 feet to point "A1" of said building; thence Southerly and on a perpendicular line between Main Plant No. 1 and Secondary Plant No. 2, 30 feet to point "B1" of Secondary Plant No. 2. Point "B1" of said exhibit will be the starting point of this building description; thence from point "B1" Southerly along a west line 35

feet to point "C1" of said building; thence Easterly along a south line 60 feet to point "D1" of said building; thence Southerly along a west line 90 feet to point "E1" of said building; thence Easterly along a south line 265 feet to point "F1" of said building; thence Northerly along an east line 20 feet to point "G1" of said building; thence Easterly along a south line 60 feet to point "H1" of said building; thence Northerly along an east line 55 feet to point "I1" of said building; thence Westerly along a north line 60 feet to point "J1" of said building; thence Northerly along an east line 50 feet to point "K1" of said building; thence from point "K1" Westerly along a north line 325 feet to point "B1" of said building.

(C) Part of the east half of Section 21, Township 26 South, Range 24 West and part of the west half of Section 22, Township 26 South, Range 24 West, Ford County, Kansas, referred to as Chaffin Industrial Park, more fully described as follows:
Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 102.85 feet to a point of beginning, said point being at the intersection of the north right-of-way of the Atchinson, Topeka and Santa Fe Railway with the east right-of-way line of U.S. Hwy 56-283; thence continuing North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 110.88 feet; thence North 31 degrees 57 minutes East along the east right-of-way line of said U.S. Hwy 50 for 4,378.95 feet; thence North 33 degrees 10 minutes East along the east right-of-way line of said U.S. Hwy 56-283 for 295 feet; thence Northeasterly along a curve to the right having a radius of 2,292.01 feet along the south right-of-way line of said U.S. Hwy 50 for 1,722.53 feet; thence South 0 degrees 38 minutes East for 3,594.2 feet to a point on the north right-of-way line to the Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the north right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 2,510.63 feet; thence North 12 degrees 49 minutes West for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having a radius of 2,694.93 feet along the north right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,722.6 feet to the point of beginning, containing 194.28 acres.

AND

Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 174.87 feet to a point of beginning, said point being on the south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 1,170.62 feet to a point on right-of-way; thence Northeasterly on a curve to the right having a radius of

8,594.42 feet along the center line of the abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 1,542.0 feet to a point on the east boundary line of the southeast quarter of said Section 21, said point being 883.0 feet North of the southeast corner of the southeast quarter of said Section 21; thence North 0 degrees 26 minutes East along the east boundary line of the southeast quarter of said Section 21 for 230.15 feet to a point on the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,130.42 feet; thence South 12 degrees 49 minutes East for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having a radius of 2,764.93 feet along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,164.4 feet to the point of beginning, containing 25.63 acres.

Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas, except railroad right-of-way, more fully described as follows:

Commencing at the northwest corner of Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the north boundary line of said Lot 7 for 134.33 feet to a point of beginning, said point being on the present south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the north boundary line of said Lot 7 for 1,170.62 feet to a point on the centerline of an abandoned Atchinson, Topeka and Santa Fe Railway right-of-way; thence Southwesterly on a curve to the left having a radius of 8,594.42 feet along the centerline of said abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 395.1 feet to a point on the south boundary line of said Lot 7; thence North 89 degrees 56 minutes West along the south boundary line of said Lot 7 for 1,043.7 feet to the southwest corner of said Lot 7; thence North 0 degrees 50 minutes East along the west boundary line of said Lot 7 for 59.7 feet to a point on the present south right-of-way of the Atchinson, Topeka and Santa Fe Railway; thence Northeasterly along a curve to the right, having a radius of 2,964.93 feet for 263.5 feet to the point of beginning, containing 6.63 acres, more or less.

(D) A tract of land located in the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as Millard Warehouse, more fully described as follows:

Beginning at the southwest corner of the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas; thence North 0 degrees 15 minutes 38 seconds West along the west line of the southwest quarter of said Section 33 for 600 feet; thence North 89 degrees 44 minutes 22 seconds East at right angles to the west line of the southwest quarter of said Section 33 for 350 feet; thence South 0 degrees 15 minutes 38 seconds East parallel with the west line of the southwest quarter

of said Section 33 for 605.84 feet; thence North 89 degrees 18 minutes 15 seconds West for 350.05 feet to the point of beginning; containing 211,022 square feet or 4.84 acres, more or less.

(E) A tract of land being part of Sections 20, 21, 28 and 29, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as the Dodge City Municipal Airport, more fully described as follows:

Commencing at the northeast corner of Section 29; thence South 0 degrees 12 minutes 04 seconds West along the east line of Section 29 for 894.76 feet to the point of beginning; thence continuing South 0 degrees 12 minutes 04 seconds West along said east line of Section 29 for 1,060.53 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 750 feet easterly of the centerline of Runway 14-32 to the northerly right-of-way line of US Highway 56-283; thence Westerly along said northerly right-of-way line of US Highway 56-283 to a point on the west line of the east half of Section 29; thence North 0 degrees 00 minutes 41 seconds West along said west line of the east half of Section 29 to the North Quarter Corner of Section 29; thence North 0 degrees 14 minutes 05 seconds West along the west line of the Southeast quarter of Section 20 for 28 feet; thence North 29 degrees 10 minutes 18 seconds West parallel with and 750 feet westerly of the centerline of Runway 14-32 for 2,928.26 feet to a point on the north line of the southwest Quarter of Section 20; thence South 89 degrees 15 minutes 43 seconds East along said north line of the southwest quarter of Section 20 for 279.5 feet; thence North 26 degrees 10 minutes 18 seconds West for 1,228.08 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence North 26 degrees 10 minutes 18 seconds West for 500 feet; thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence North 26 degrees 10 minutes 18 seconds West for 961.60 feet to the south right-of-way line of US Highway 50; thence South 89 degrees 16 minutes 23 seconds East along said south right-of-way line of US Highway 50 for 112.13 feet; thence South 26 degrees 10 minutes 18 seconds East for 910.87 feet; thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence South 26 degrees 10 minutes 18 seconds East for 500 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence South 26 degrees 10 minutes 18 seconds East for 900 feet; thence North 63 degrees 49 minutes 42 seconds East for 100 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 600 feet easterly of the centerline of Runway 14-32 for 2,361.81 feet; thence South 89 degrees 03 minutes 34 seconds East for 1,785.95 feet to a point on the east line of Section 20; thence South 89 degrees 06 minutes 17 seconds East parallel to the south line of Section 21 for 700 feet; thence South 57 degrees 39 minutes 37 seconds East for 464.77 feet; thence South 32 degrees 20 minutes 23 seconds West for 719.66 feet; thence South 0 degrees 30 minutes 56 seconds East parallel to the west line of Section 21 for 462.45 feet to a point on the south line of said Section 21; thence South 0 degrees 12 minutes 04 seconds West parallel to the west line of Section 28 for 254.76 feet; thence South 89 degrees 06 minutes 17 seconds East parallel to the north line of said Section 28 for 457

feet; thence South parallel to said west line of Section 28 for 640 feet; thence west parallel to said north line of Section 28 for 1,157 feet to the point of beginning.

(F) A tract of land being part of Sections 21 and 28, Township 26 South, Range 25 West of the 6th P.M. Ford County, Kansas, referred to as Casino and Event Center, more fully described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 21; thence on an assumed bearing of North 89 degrees 39 minutes 54 seconds West along the north line of the Southeast Quarter of said Section 21 for a distance of 222.21 feet to the Northwestern right of way line of U.S. Highway 50; thence South 34 degrees 50 minutes 32 seconds West along said right of way for a distance of 402.92 feet to the Point of Beginning; thence South 26 degrees 58 minutes 43 seconds East along said right of way line for a distance of 158.82 feet; thence South 34 degrees 50 minutes 32 seconds West along said right of way line for a distance of 6,241 feet more or less, to the Northeast corner of a tract recorded in the Ford County Register of Deeds, Book 176, page 274; thence West along the North line of two tracts described in the Ford County Register of Deeds Book 176, page 274 and Book 188, page 563, a distance of 807.95 to a point on the East line of a tract described in Ford County Register of Deeds, Book 151, page 233; thence North along the east line of and the projection thereof of said tract a distance of 749.23 feet; thence West a distance of 539.03 to the West line of said section 28, said point being 440 feet north of the West Quarter corner of said section 28; thence North along the west line of said Section 28 a distance of 1,784.58 feet; thence East parallel to the north line of said Section 28 a distance of 417.59 feet; thence North parallel to the west line of said Section 28 a distance of 417.42 to the north line thereof; thence West along the north line of said Section 28 to the northwest corner thereof; thence North along the west line of Section 21 to the West Quarter corner of said Section 21; thence South 89 degrees 39 minutes 54 seconds East along the east-west half section line of said Section 21 to a point 1,332.5 feet west of the East Quarter corner of said Section 21; thence South 0 degrees 20 minutes 06 seconds West a distance of 80 feet; thence South 55 degrees 09 minutes 28 seconds East a distance of 869.61; thence North 34 degrees 50 minutes 32 seconds East a distance of 292.00 feet to the point of beginning.

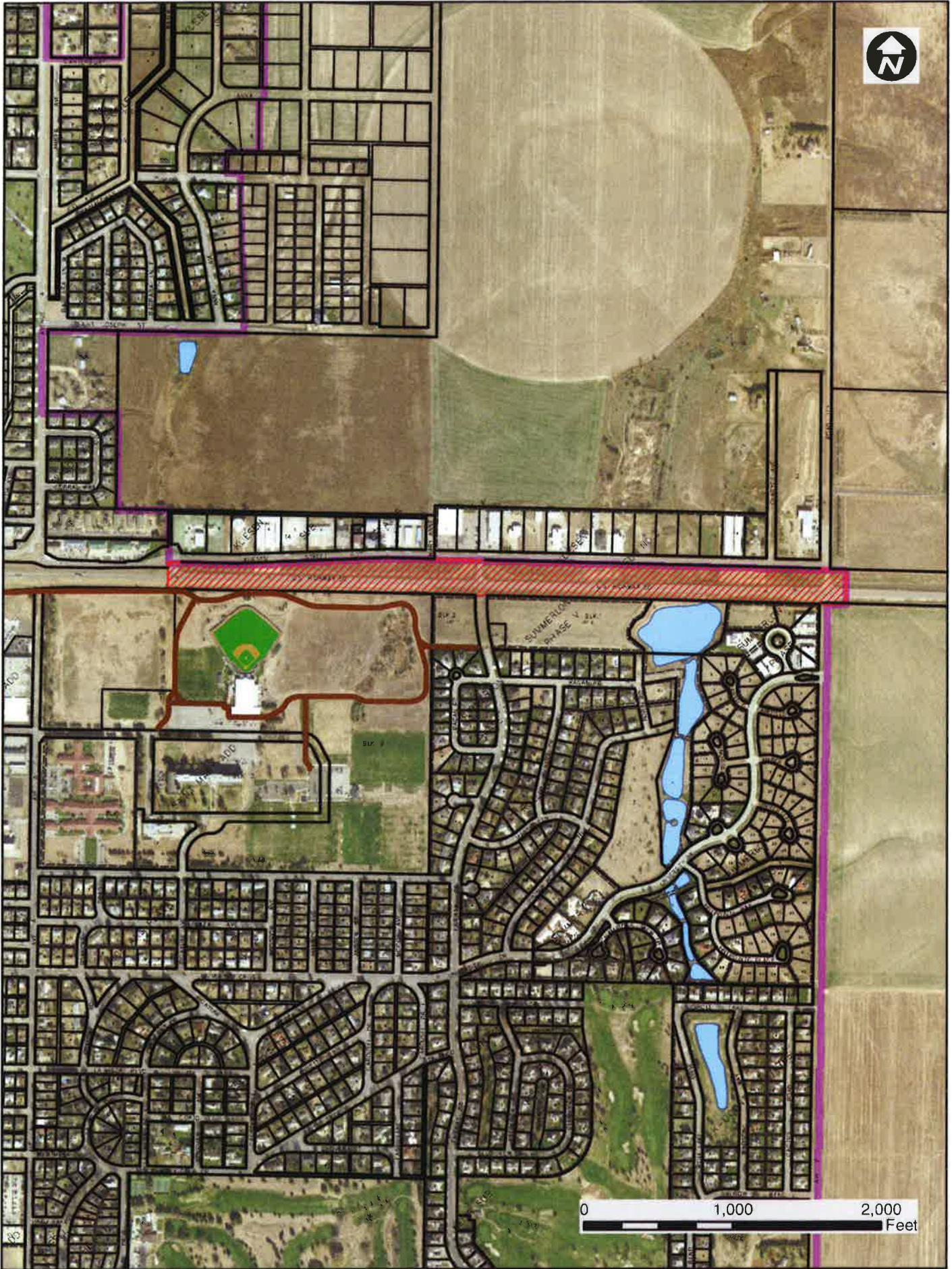
Said tract of land is considered contiguous with the City of Dodge City via right of way U.S. Highway 50 and Matt Down Road.

Adopted by the Governing Body of the City of Dodge City
this _____ day of _____, 2015.

Joyce Warshaw, Mayor

ATTEST:

Nannette Pogue, City Clerk



0 1,000 2,000 Feet

Memorandum

To: City Commissioners
From: Cherise Tieben
Date: December 17, 2015
Subject: Tax Credit Application
Agenda Item: Resolution 2015- 31

Recommendation: Staff recommends approval of Resolution 2015 - 31 in order to support Interfaith Housing Services, Inc. in their effort to complete Phase II of the Santa Fe Townhomes project on Brier Street.

Background: Interfaith Housing Services, Inc. built Santa Fe Townhomes Phase I several years ago and has found demand to be substantial for the units. There is currently a waiting list for these units. If they are successful with their application for Housing Tax Credits and grants from both the HOME program and the Federal Home Loan Bank, Interfaith Housing will begin the final phase of this project. The final phase will include thirty-two (32) units which is composed of two (2) four-plex units, two (2) six-plex units and one (1) twelve-plex. The units will vary in size with twenty (20) units having three (3) bedrooms, six (6) units having two (2) bedrooms and six (6) units having one (1) bedroom. All will have enclosed parking. Additionally, they intend to build a small office, community room and a playground. The estimated investment in this project is \$9 million.

Justification: As indicated by the most recent Housing Study update which was completed in May of this year, Dodge City is still in substantial need of low income housing. The report indicates that over the next 5 years we will need to generate 138 low income units in order to fulfill the demand of our growing community.

Financial Considerations: None

Purpose/Mission: Together we serve to make Dodge City the best place to be.

RESOLUTION NO. 2015-31

A RESOLUTION REQUESTING SUPPORT OF AN APPLICATION FOR HOUSING TAX CREDITS TO BE UTILIZED FOR THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING UNITS IN PHASE II OF THE SANTA FE TOWNHOMES DEVELOPMENT ON BRIER STREET, DODGE CITY, KANSAS.

WHEREAS, the City of Dodge City, Kansas has been informed by Interfaith Housing Services, Inc. and Gardner Capital Development Kansas, LLC that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of low income rental housing project.

WHEREAS, the project is to be located in Phase II of the Santa Fe Townhomes Development on Brier Street; formally referred to as Lots Six (6), Seven (7), Eight (8) and Nine (9), Block Seven (7), Section 25, Township 26, Range 25, Correction Map Final Plat Replat of a Portion of Haggards Addition, an Addition to the City of Dodge City, Ford County, Kansas, according to the plat recorded in Book 235 at page 125 and Lots Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Three (3), Section 25, Township 26, Range 25, Correction Map Final Plat Replat of a Portion of Haggards Addition, an Addition to the City of Dodge City, Ford County, Kansas, according to the plat recorded in Book 235 at page 125.

WHEREAS, this housing development will contain up to thirty-two (32) additional units;

WHEREAS, the units will be composed of two (2) four-plex units, two (2) six-plex units and one (1) 12 unit apartments;

WHEREAS, the units will be targeted to low income families;

WHEREAS, the development will be a new construction;

WHEREAS, the properties will each be three bedroom, one car garage units;

WHEREAS, the amenities include washer & dryer hookups, dishwasher, refrigerator, stove, garages, storm shelter, lawn care, snow removal and playground.

NOW, THEREFORE, BE IT RESOLVED by the Dodge City Governing Body that we support and approve the development of the aforesaid housing in our community, subject of City ordinances and the building permit process.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR, this day of the 21st of December, 2015.

[Seal]

City of Dodge City, KS

Joyce Warshaw, Mayor

Attest:

Nannette Pogue, City Clerk

Legal Considerations: None

Attachments: Resolution 2015 – 31, development rendering



SANTA FE TOWNHOMES

Phase II New Housing

East Briar Street Dodge City, Kansas

An Affordable Housing Development for

Interfaith Housing Services - Hutchinson, Kansas



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

Memorandum

To: City Commissioners
City Manager, Cherise Tieben

From: Ernestor De La Rosa

Date: December 17, 2015

Subject: 2016 Legislative Policy

Agenda Item: New Business

Recommendation: Approve the 2016 State/Federal Legislative Policy.

Background: City staff has been actively working on defining the City of Dodge City 2016 legislative policy that will be submitted to our state legislators and congressional representatives. The legislative policy will be utilized to offer our stance on various issues that could impact how we deal with issues on a local level. The policy defers from but does not conflict with the Southwest Kansas Coalition legislative policy.

Justification: The legislative policy is a communication tool that enables our legislators to understand our position on issues that might come up during the legislative session. The City also generally supports the provisions of the Statement of Municipal Policy of the League of Kansas Municipalities.

Financial Considerations: Not applicable.

Purpose/Mission: The legislative policy addresses areas that will improve the quality of life in our community and foster a better future for Dodge City.

Legal Considerations: None.

Attachments: 2016 State/Federal Legislative Policy.

**CITY OF DODGE CITY
2016 LEGISLATIVE POLICY
STATE EDITION**

SUMMARY POSITION

This policy statement presents general state legislative goals and objectives formally adopted by the Governing Body of the City of Dodge City. This statement will be provided to the Dodge City legislative delegation for its consideration at the 2016 legislative session. The focus of this policy statement is on general policies and principles; however, some positions on specific legislative proposals are included under appropriate general policy statements. Future revisions to this statement will include additional positions of the City on specific proposals and bills introduced during the 2016 session.

HOME RULE

HOME RULE: Dodge City strongly supports the constitutional home rule authority of Kansas cities. Consistent with the Home Rule Amendment of the Kansas Constitution **approved by voters in 1960**, Dodge City supports the ability of local elected officials to make decisions for their communities, particularly local tax and revenue decisions. Self-governance by locally elected officials must be preserved in order to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.

ANNEXATION: The ability of Dodge City to grow is inherent to the ultimate success of annexation powers as they are currently established in state statute. Dodge City recognizes the statutory framework which was amended in 2011 and 2015. Further amendment would shift this balance in a way that would impede orderly growth. Therefore, Dodge City would strongly oppose any further change which would limit the authority of Dodge City to grow through annexation.

EMINENT DOMAIN: Eminent domain is a fundamental municipal necessity. The authority to acquire property through condemnation proceedings is critical for public improvement projects. Dodge City supports increased flexibility for local government to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

PUBLIC PROPERTY & RIGHTS-OF-WAY: Dodge City opposes any legislation which would restrict the ability of cities to control and manage public property and rights-of-way or the ability of cities to franchise those entities that utilize the rights-of-way.

MUNICIPAL FINANCE

KANSAS TAX SYSTEM: Cities are important partners in creating jobs, reviving the economy, delivering vital services, and providing quality of life. The Governor and Kansas Legislature should at a minimum hold public hearings about restructuring the Kansas tax system and any changes must avoid shifting additional financial burdens to local governments.

PROPERTY TAX EXEMPTIONS: Dodge City believes that the existing property tax base should be protected and therefore encourages the Kansas Legislature to resist any proposal to further exempt any specific property classification from taxation. The machinery and equipment exemption should not be expanded. The Kansas Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate or should be repealed.

REVENUE SHARING: The Kansas Legislature should reinstate existing revenue sharing programs. In the event that the State is unable to fully fund said programs, the Kansas Legislature should authorize cities to impose alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

TAX SPENDING LID: Dodge City opposes any state-imposed limits on the taxing and spending authority of cities. We believe that local spending and taxing decisions are best left to locally elected officials and the citizens they serve. Dodge City strongly supports repeal of the property tax lid.

UNFUNDED MANDATES: Dodge City opposes unfunded mandates. If the state seeks to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

COMMUNITY DEVELOPMENT

ECONOMIC DEVELOPMENT: Dodge City relies on state and federal programs to remain competitive in efforts to attract and retain businesses and qualified labor. Unfortunately, many government programs are designed for either urban or rural communities. Dodge City is neither due to the region's micropolitan statistical area (μSA) geographical designation. Therefore, Dodge City is too big for rural-oriented programs and too small for urban-oriented programs. Dodge City is dedicated to the design and implementation of economic development programs for the growing segment of Kansas communities that are ineligible for many programs.

HISTORIC PRESERVATION: The Historic Tax Credit program and Historic Preservation Grants should be maintained and enhanced. Such programs assist communities in maintaining and/or restoring their historic buildings and serve as a critical resource for economic development and job creation. Without such gap assistance, many if not all redevelopment plans would be impossible to fulfill. These credits and grants provide valuable private investment that preserves our history and heritage not only for today but for future generations.

ZONING: Zoning is a fundamental municipal responsibility and is best controlled by local governments to ensure that acceptable and compatible uses of property are in place to retain and preserve the character of a community. This regulatory process is an activity best suited to the locally elected officials when considerations of health, safety and welfare of the community are to be determined. Dodge City opposes any change which would limit authority of cities.

STAR BONDS: Dodge City supports the ability of cities to utilize STAR bonds in order to promote economic development.

TRANSPORTATION

TRANSPORTATION: Passenger rail, freight rail, commercial aviation, general aviation and adequate highways are critical to the safety of our citizens as well as a vital means of maintaining and growing our local economy. Dodge City believes in the continued advocacy and funding for transportation infrastructure and maintenance in Southwest Kansas.

HIGHWAY; Transportation infrastructure is critical not only to the safety of regional residents and travelers but also to the maintenance and growth of the regional economy. Dodge City supports increased transportation safety including continued funding for highway maintenance and infrastructure investment and efforts to promote traveler safety.

RAIL: Preserving cross-country rail service through Dodge City and Southwest Kansas is important as rural regions must offer many alternative modes of transportation. Dodge City believes freight and passenger rail service is one way to maintain and grow the economy of Dodge City. Such service includes, but is not limited to Amtrak passenger rail service. Dodge City believes Amtrak should continue to be adequately funded and that necessary upgrades to rail infrastructure be provided through a joint effort involving federal, states, Amtrak and BNSF.

EDUCATION

EDUCATION: An adequate and stable workforce is essential to maintaining and growing the economy of Dodge City and Southwest Kansas. Therefore, Dodge City believes in establishing educational opportunities for local and regional residents. Such opportunities include, but are not limited to, specialized training programs and educational degree programs. To meet these educational goals, Dodge City wishes to maintain adequate funding to allow for growth and advancement of educational programs in K-12, community colleges and technical training programs. Additionally, Dodge City supports adequate funding for all Kansas Board of Regents institutions.

IMMIGRATION

IMMIGRATION; Immigrant labor is vital to Dodge City's economy and continued growth and development. In correlation to this issue and due to the increased number of safety and transportation risks with uninsured drivers, Dodge City supports an initiative for limited and restricted driver's license.

WATER

WATER: In 2016, Dodge City is dedicated to thoughtful water policy that enables Dodge City to safely and effectively meet water needs while also protecting resources. Dodge City believes increased local involvement is critical to the successful implementation of the current Kansas Water Plan and the Vision for the Future of Water in Kansas plan which is intended to coordinate the management, conservation and development of the water resources across the state for the next fifty years. Dodge City also strongly encourages the development of new and sustainable water supplies.

The expanded use of reclaimed or re-use water is one way that communities/cities can meet the future demands for water. The use of this water for non-potable uses needs to be considered. A couple of examples are: 1) to expand the use of re-use water for irrigation of private property; and 2) for use in construction projects.

In order to provide for the future growth of a community, cities must be diligent in purchasing water rights; however, in the past, water rights were 'tied together' and municipalities lost additional allocation with this procedure. When water rights are converted to municipal use from agriculture use, there is a reduction in the amount allowed for consumption. Agriculture consumption is in the form of irrigation. Most of the water consumption incurred by municipalities occurs during the summer months by irrigation. Consequently, municipalities should not have a reduction when converting water rights.

Dodge City supports legislation to allow municipalities the ability to "untie" currently owned water rights and reduce or eliminate the conversion of water rights from agriculture to municipal.

HOUSING

The State of Kansas has provided many useful tools for communities to utilize incentives where gaps between construction rates and market rates prohibit development without incentives. The retention of these programs is critical to Dodge City as is the simplification of the processes required to make utilization timely and less complicated.

Dodge City strongly supports the Moderate-Income Housing (MIH) Program, an initiative funded by the State of Kansas and administered by Kansas Housing Resources Corporation (KHRC), which works to help cities and counties develop multi-family rental units, single-family for-purchase homes, and water, sewer and street extensions in communities with populations of fewer than 60,000 people. MIH funding can also be used to finance construction costs, rehabilitate unsafe or dilapidated housing, and offer down-payment and closing-cost assistance to homebuyers. We encourage the State of Kansas to continue providing MIH funding and also expand its financial commitment to this very important housing program.

The retention and simplification of programs such as Rural Housing Incentive Districts and Neighborhood Revitalization Program that are currently permitted by statute in qualifying communities is vital to Dodge City. The Kansas Legislature should continue to grant affordable housing tax credits. The tax credit program continues to be a gap financing necessity which is imperative for developers to create affordable housing facilities.

GAMBLING

GAMBLING: By law, two percent of gambling revenue in Kansas must go to the Problem Gambling and Addictions Grant Fund which is designed to treat problem gamblers and people with other addictions. Grants are to be awarded for the direct treatment of pathological gambling and for research regarding the impact of gambling on residents of Kansas, including determining the effectiveness of education and prevention efforts.

The Problem Gambling Fund must be protected for the purpose it is intended and must be allocated throughout the State with an emphasis on the gaming zones where people are at a greater risk to develop issues with problem gambling. The State of Kansas should avoid legislation which would negatively affect existing gaming facilities and the communities which have dedicated public funds for infrastructure and growth related to such facilities.

GOVERNMENTAL ETHICS

KANSAS OPEN MEETINGS ACT (KOMA) and KANSAS OPEN RECORDS ACT (KORA): Dodge City supports all levels of government being subject to the same open meeting requirements which promote citizen involvement without being unduly burdensome. Open records laws should balance the public's right to access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct essential business functions. The statutorily required sunset for all exemptions to the Kansas Open Records Act is impractical and should be removed.

PUBLIC EMPLOYEES

City employees are the foundation of effective city government. City governing bodies must have the authority to develop personnel policies in order to attract and maintain a high quality public workforce.

KPERS/KP&F: Dodge City accepts the State's efforts to maintain the solvency of the Kansas Public Employees Retirement System by providing employees with a diverse professional investment portfolio that will offer long-term security. Dodge City supports the current statutory framework regarding KPERS and KP&F as passed by the 2012 Kansas Legislature. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS/KP&F system should consider the impact on cities' ability to hire and retain qualified public employees.

*The City of Dodge City generally supports the provisions of the Statement of Municipal Policy of the League of Kansas Municipalities.

CITY OF DODGE CITY 2016 LEGISLATIVE POLICY FEDERAL EDITION

IMMIGRATION: Immigrant labor is vital to the Dodge City economy. Concurrently, Dodge City believes in legal immigration. Therefore, Dodge City believes the United States Congress should approach the immigration issue in a sensible way. For Dodge City, a sensible approach is an approach built on an essential foundation including the following:

- 1) All immigration legislation is tempered with an understanding of such legislation's economic impact for companies employing immigrants;
- 2) A recognition that immigrants living in Dodge City require a reduction in time and distance barriers between the individual and his or her pursuance of legal residency;
- 3) It is critical that United States Citizenship and Immigration Services enable local governments the ability to offer biometric services for applicants to reduce travel expenses, lost work and school time;
- 4) Recognition that Dodge City requires additional resources to integrate immigrants into the community; and
- 5) Dodge City supports a clear path to citizenship which is vital for immigrants to become fully integrated into the community.

HOUSING: Prevent disproportionate cuts to rural development programs. Such cuts affect rural housing, water/sewer and business programs, all of which are vital to the continued prosperity of the economy in rural communities.

Provide the assistance of the USDA Rural Development to offer training in local housing associations, in programs such as the Direct Home Loans, Home Repair Loans and Grants, Mutual Self-Help Housing and Guaranteed Rural Housing Loans.

Provide funding of adequate staff levels or training for local entities to accommodate reasonable turn-around times for home loan processing.

CHISOLM AND GREAT WESTERN CATTLE TRAIL: Dodge City believes in preserving our western heritage and history. Based on the final report that was recently released by the National Park Service on the Chisholm and Great Western Cattle Trail (GWCT), Dodge City strongly supports making the Trails part of the National Trails Act. The GWCT and Chisholm Trail have international interest and economic opportunities for Kansas and the other states included in the Trail. The Santa Fe Trail already has National Trail status and Dodge City believes that the trails of the Great Western Cattle Trail were just as important to expanding the country and developing the West.

TRANSPORTATION:

AIR: The Essential Air Service (EAS) program is critical to providing the region with access to multiple major international airports. Dodge City encourages continued federal funding for passenger air service to Dodge City.

Dodge City supports incorporating qualified classroom training for commercial pilot certification in order to meet the increasing demand for passenger air transportation service in Dodge City and Southwest Kansas communities.

Federal funding through the Airport Improvement Program (AIP) is critical to maintaining the infrastructure of airports. AIP funding is available and should continue to be available to all airports. The uninterrupted funding of the AIP program is critical to the timely delivery of airport improvements. Dodge City supports continued and uninterrupted funding of Federal Aviation Administration and Airport Improvement Projects for airports.

HIGHWAY: Transportation infrastructure is critical not only to the safety of regional residents and travelers but also to the maintenance and growth of the regional economy. Dodge City supports increased transportation safety including continued funding for highway maintenance and infrastructure investment and efforts to promote traveler safety.

RAIL: Preserving cross-country rail service through Dodge City and Southwest Kansas is important as rural regions must offer many alternative modes of transportation. Dodge City believes freight and passenger rail service is one important way to maintain and grow the economy of Dodge City. Such service includes, but is not limited to, Amtrak passenger rail service. Dodge City believes Amtrak should continue to be adequately funded at the federal level and that necessary upgrades to rail infrastructure be provided through a joint effort involving federal, states, Amtrak and BNSF.

FEMA: Although FEMA has revised their mapping strategies, it still discounts the protection that existing structures provide. For Dodge City, this happens when an existing structure is structurally sound but since design standards have changed, a sound structure is now considered useless. It still adds previously unmapped flood areas into a classification of “Undetermined Flooding”. No one knows the affect this will have on the citizens living or development in this newly classified area. Also, the “one fit” approach does not work. Attention needs to be made to local conditions to determine the best “fit” for the area.

If accreditation is still necessary, Dodge City supports new legislation prohibiting FEMA from adding previously unmapped or any new special flood hazard areas to flood insurance rate maps without local government agency approval. In addition, Dodge City supports new legislation prohibiting FEMA from using the “approximation method” for establishing new special flood hazard areas, particularly in developed areas of the country. The “approximation method” was designed by FEMA to streamline map modernizations and employs no reasonable opportunity for due process by affected property owners and local officials. New special flood hazard areas should only be added to the flood insurance rate maps after a detailed study and concurrence of local government.

Dodge City supports legislation that would extend the accreditation time period to current certification allowing cities to responsibly budget the financing necessary to meet the required improvements to the levy system and giving FEMA funding for levy maintenance operations.

Memorandum

To: Cherise Tieben, City Manager
From: Nannette Pogue
Date: December 17, 2015
Subject: Allocation of 2015 Special Alcohol and Drug Funds
Agenda Item: New Business

Recommendation: I recommend the approval of the disbursements of Special Alcohol and Drug Tax money for the recommended programs.

Background: The City of Dodge City receives a portion of the alcohol and drug tax that is collected in the community. That tax is allocated 1/3 to the General Fund, 1/3 to a Special Park and Recreation Fund and 1/3 to a Special Alcohol and Drug Fund. This allocation is spelled out in the Kansas State Statutes. The amount deposited into the Special Alcohol and Drug fund are to be used for “the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers”. In order to accomplish this, we take applications from agencies/programs that provide those services. A committee of 3 individuals reviewed the applications and made a recommendation on the allocation of these funds. The 3 people serving on the committee were Jane Longmeyer, Luanne Menard and Vickie Williamson. There is approximately \$92,500 to be allocated for these programs. The applications received, the amount applied for and the recommended allocation is:

Organization	Project	Amount of Request	Recommendation
Compass Behavioral Health	Co-occurring Community Support	8,957	6,700
Dodge City Public Library	DVD's and books with related topics in Spanish. Provide comprehensive list to all service agencies	750	750
Catholic Charities of Southwest Kansas	Catholic Charities Addiction program providing outpatient treatment and assessment for those who cannot pay	10,000	8,400
New Chance	Assist with social detox position & bilingual licensed counselor position	71,368	59,850
Friends of Recovery	Oxford Houses of Dodge City	20,000	16,800

Justification: The applications received met the general requirements of the program. The recommendations by the committee are the amounts they feel best meets the overall goals of the program.

Financial Considerations: Money is available in the Special Alcohol and Drug fund to pay the recommended amounts.

Purpose/Mission: Support the quality of life in Dodge City by best spending the monies the City receives for drug and alcohol treatment, education and prevention programs.

Legal Considerations: None

Memorandum

To: Cherise Tieben, City Manager
From: Nannette Pogue
Date: December 17, 2015
Subject: Discussion of City Commission Elections
Agenda Item: New Business

Recommendation: Decide how the City of Dodge City wishes to proceed regarding moving the City Commission elections to the fall.

Background: This year, the Kansas Legislature passed H.B. 2104 which moved city elections from April of odd-years to November of odd years. Attached is a paper that the Kansas League of Municipalities has issued guiding Cities in what they need to do to move forward. The biggest question that the City has in front of them immediately is whether they want to hold elections in April of 2016 or extend those terms until January of 2017, with a November, 2016 election.

Justification: Because of the legislation passed in 2015, the City will need to move their elections to the fall.

Financial Considerations: Moving the elections to a fall cycle will actually allow the City to share in the expenses with other elections rather than bear the cost alone.

Purpose/Mission: To promote open communications.

Legal Considerations: Ordinances will most likely need to be approved in the future once the City decides how to proceed on the election.

Attachments: Kansas League of Municipalities Overview of H.B. 2014

An Overview of H.B. 2104 (2015)

By Mike Koss

This year, the Kansas Legislature passed H.B. 2104 (the Act), which moved city elections from April of odd-years to November of odd-years. This article attempts to provide guidance on what cities should do to comply with the Act and how to adjust for the timing changes.

Timing, Terms, and Primary Elections

Three subsections of the Act authorize cities to continue using numerous combinations of staggered or non-staggered terms:

- L. 2015, ch. 88, sec. 7(c) **requires** that cities establish by ordinance the terms of office of their elected officials;
- L. 2015, ch. 88, sec. 9(c)(2) allows governing bodies to establish by ordinance terms of two, three, or four years; and
- L. 2015, ch. 88, sec. 7(h) allows cities to hold elections in November of even-numbered years for the purposes of staggering elections or to establish three-year terms of office.

Whatever election cycles a city establishes, terms of office must now begin on the second Monday in January following the certification of the election.ⁱ Previous language from K.S.A. 25-2120 stated that these terms began at the “first regular meeting of the governing body following certification of the election results.” If your city has incorporated this statutory language into an ordinance, that ordinance should be changed to reflect the new commencement date. Since commencement is now tied to a specific date rather than a meeting, it may also be appropriate for cities to amend their regular meeting ordinance. Creating an additional regular meeting on the second Monday in January following certification of an election would allow all newly elected officials to take their oaths of office on the day that their terms begin. Alternatively, cities could call a special meeting on that date, specifically for newly elected officials to take their seats.

Many cities of the second and third class have chartered out of K.S.A. 14-201, K.S.A. 14-1204, K.S.A. 15-201, and K.S.A. 15-1302 to change the length or stagger the terms of their governing body.ⁱⁱ Cities do not need to change these charter ordinances unless they specifically reference an April election. If the charter ordinance does reference April, the city should amend it to reflect the November election date. Cities of the first class should also amend their ordinances to reflect this change. For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act **requires** the city to adopt an ordinance establishing terms.ⁱⁱⁱ The League has developed several model ordinances for this purpose, which you can view at <http://www.lkm.org/resources/ordinances/elections>.

Many cities have passed charter ordinances exempting themselves from the provisions of K.S.A. 25-2107 in order to hold elections in April of even-years. Because the filing deadline for city elections has been moved from February to June and the 2015 *Composite Listing of New, Amended and Repealed Statutes* issued by the Office of Revisor lists the effective date for all sections of H.B. 2104 as July 1, 2015, it is the League’s opinion that there is no statutory authority for the April 2016 elections to take

place.^{iv} However, the Secretary of State's office has indicated that it will use the authority granted to it in L. 2015, ch. 88, sec. 15(d) to authorize April 2016 elections and establish rules for those elections. It is the League's opinion that, once adopted, these rules will provide sufficient authority for the April 2016 elections to take place. Instead of going forward with April 2016 elections, cities can also pass an ordinance establishing a new election cycle using either odd-year or a combination of odd and even-year November elections.^v For cities with odd-year elections, that have also adopted ordinances incorporating the old April odd-year election language in K.S.A. 25-2107, these ordinances should be amended to reflect the changes to the statute.

The Act authorizes cities to hold partisan elections after passing an ordinary ordinance. However, the Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military officers from running for partisan offices. Changing to partisan elections would also affect a city's primary election process. Any city considering holding partisan elections is encouraged to call the League to discuss these issues.

Transitions

Once a city establishes terms, it needs to consider how current office-holders will transition their terms to the new election cycle. The Act only contains one section controlling term transitions. L. 2015, ch. 88, sec. 7(a) states that terms that would have ended in April 2017 will now end in January 2018, when the officials elected in the November 2017 general election take office.^{vi} The Act does not address the transition for city officials whose terms end in April 2016, 2018, or 2019.

There may not be legislation to address this issue, so cities with terms ending in April 2016 that no longer want to hold spring elections may want to use the authority in L. 2015, ch. 88, sec. 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to initiate a November even-year election cycle) or January 2018 (if the city wants to move those terms to a November odd-year election cycle).^{vii} This extension should be included in the same ordinance that establishes or amends the terms of office of the elected officials. As an alternative, cities currently on an April even-year cycle that are considering a 20 month extension to get on a November odd-year cycle could authorize by ordinance a November 2016 election for a one or three year term.

Cities could also choose not to address transitions, and the current office-holders would continue in office until the next election for that office.^{viii} *Murray v. Payne*, 137 Kan. 685 (1933), explains that, where the legislature has changed municipal terms of office so that there is an interim period between when one term was to end and the new term is to begin, the current office-holders continue in office until the newly-elected officials take office. Therefore, if no action is taken regarding the extension of terms for elected officials whose terms were to end in April 2016, those officials will continue in office until the term commences for the next person elected to that position (the commencement date would be determined by the city's ordinance). The same rule applies to officials whose terms end in 2018 or 2019 – an ordinance can be passed extending their terms, or the city can do nothing, and the officials will continue in office until the term commences for the next person elected to that office.

Some officials have expressed concern that action taken by officials during these interim transition periods will not be binding, which could expose cities to potential litigation from parties seeking to invalidate governing body actions during this period. Luckily, the Kansas Supreme Court has already addressed this issue. In *Hale v. Bischoff*, 53 Kan. 301 (1894), the Court stated that, “[a]n officer whose official term has expired, but who remains in possession of the office, having full control thereof and exercising the functions of the same, is an officer de facto, and all of his acts, within the limits of his official power, are valid as respects the public and third persons.” Therefore, cities should not worry that action taken during these interim periods could be invalidated by subsequent litigation.

Appointment Deadlines

Several city officials have pointed out that the new term commencement dates no longer correspond to appointment dates for city officers. However, only mayor-council cities of the third class are required to make appointments during a specific month. K.S.A. 15-204 states that appointments for these cities are to be made, “at the first regular meeting in May of each year....” For cities that have chartered out of this statute, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses). For mayor-council cities of the third class that have not chartered out of K.S.A. 15-204, or do not plan on doing so, appointments should continue to take place at the first regular meeting in May.

For mayor-council cities of the second class, and commission cities of the second and third class, state statutes do not designate a specific month for appointments; they only designate that the terms of appointed officers be for one year.^x However, since those appointments likely have taken place during meetings in April or May in the past (depending on the city’s ordinance), without action, new officials who take office in January would now have to wait three to four months to vote on renewing the city appointee’s one-year terms. Any cities that have not chartered out of these statutes may want to consider amending their ordinances so that appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of the current appointee’s one-year terms in April or May can simply be ignored, so those officials continue in office as “holdovers” until the next, newly-established February appointment meeting. Cities of the first class that have not chartered out of K.S.A. 13-527 must establish terms of city officers by ordinance, so they may need to consider a similar ordinance amendment and transition process.

Filing Deadlines and Requirements

The Act also contains numerous changes to candidate filing requirements. L. 2015, ch. 88, sec. 15(b) indicates that the candidate filing deadline for city offices is June 1. The Act also made changes to the notification of vacant offices, candidate filing fees, where candidates must file for office, and nominating petition requirements. City clerks must now inform the county election officer of all city offices to be voted on at the next election not later than May 1 of every year that the city has an election.^x Also, the filing fee for city office is now \$20 for all sizes of cities.^{xi} Additionally, candidates elected at large may no longer file through the city clerk’s office - candidate filings must take place at

the county election office.^{xii} Finally, these cities must establish by ordinance the number of qualified electors of the city that must sign a nomination petition.^{xiii} The League has developed model ordinances that satisfy this requirement.^{xiv} Because of the increased filing fee for cities of the second and third class, the League encourages cities to create a low threshold for nomination petitions, so that potential candidates have a cost-effective means of filing for city office.

City Manager Form of Government

To move elections to November for all cities, the legislature repealed what was commonly known as the City Manager Plan Act (the CMPA), which 55 cities had used to adopt the city manager form of government. City managers and city attorney's across the state expressed alarm at the repeal of these statutes, and the potential to use ordinary ordinances to overturn voter-approved adoptions of the CMPA for those city governments. The League responded by introducing an amendment recodifying the core parts of the CMPA, and retaining the continued operation of the CMPA for those cities that had adopted it. In L. 2015, ch. 88, sec. 8(a), the League amendment establishes that cities shall continue to operate under current forms of government adopted via an election (which is how cities were required to adopt the CMPA). In L. 2015, ch. 88, sec. 9(a), our amendment makes a city's ability to adopt a new form of government with an ordinance subject to the recodified version of the CMPA, which continues to require an election for adoption. Finally, L. 2015, ch. 88, sec.'s 10 through 12 contain the new language of the uniform CMPA, including provisions requiring that its abandonment can only occur via an election. For these reasons, it is the League's opinion that cities that have adopted the city manager form of government by election now operate under the provisions in L. 2015, ch. 88, sec.'s 10 through 12. If a city desires, it may affirm this fact by stating as much in an ordinary ordinance. The League has developed a model ordinance for this purpose, which includes additional provisions the city may need to replace the repealed statutes.^{xv}

The savings clause in L. 2015, ch. 88, sec. 8 for existing forms of government also applies to all existing charter ordinances related to a city's form of government. Therefore, it the League's opinion that cities that have adopted the CMPA via election, but have chartered out of some of its provisions, continue to operate under L. 2015, ch. 88, sec.'s 10 through 12, and those sections are supplemented by the city's charter ordinances relating to its form of government.

Filling Governing Body Vacancies

The Act also creates new rules for filling governing body vacancies. The intent of L. 2015, ch. 88, sec. 71 is to require cities to hold special elections to fill vacancies in the governing body if those vacancies are not filled within 60 days. However, these sections conflict with a number of current statutes, and there are numerous ways to interpret their effect. L. 2015, ch. 88, sec. 71 requires vacancies in the governing body be filled by a majority vote of its remaining members if a city does not have a policy to fill governing body vacancies. This directly conflicts with K.S.A. 15-201, which requires that mayors in mayor-council cities of the third class fill vacancies with the consent of the council. The League has identified two different ways^{xvi} to interpret L. 2015, ch. 88, sec. 71:

- Treat this section as a separate, standalone vacancy-filling process, which would allow cities to choose to use it OR choose to use the city’s own vacancy-filling process or the statutory process for its respective class and form of city. If the city chooses the latter, it could ignore the special election requirement for vacancies not filled within 60 days; OR

- Read L. 2015, ch. 88, sec. 71 together with existing vacancy-filling statutes. Under this interpretation, cities may fill their vacancies using their own procedure for filling vacancies (or, if none, a majority of the remaining governing body members), and if the vacancy isn’t filled after 60 days, a special election must be held to fill it.

The League anticipates that L. 2015, ch. 88, sec. 71 will be codified in a non-uniform article of the statute books, and we encourage cities to consider chartering out of its requirements.

Conclusion

Ending 154 years of spring elections will be a cumbersome process for many cities, but the legislature has created several mechanisms to deal with the move to November. We hope this article provides useful guidance for your city’s transition, but if you have any questions, please do not hesitate to contact the League or your city attorney.