

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, January 4, 2016

7:00 p.m.

MEETING #5026

CALL TO ORDER

ROLL CALL

PUBLIC HEARING

Advisability of Creating a Community Improvement District (CID) –Leisure Development

INVOCATION BY Jerre Nolte, First United Methodist Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Big Brother Big Sister Proclamation

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).

Dodge City Public Library Quarterly Report, Kathy Reeves

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, December 21, 2015;
2. Approval of City Commission Special Meeting Minutes, December 31, 2015;
3. Appropriation Ordinance No. 1, January 4, 2016;
4. Cereal Malt Beverage License:
 - a. Walgreens Store #07817, 1801 N. 14th Avenue
5. Approval of Parking License Agreement.

ORDINANCES & RESOLUTIONS

Ordinance No. 3620: An Ordinance Authorizing the Creation of the Leisure Development Community Improvement District in the City of Dodge City, Kansas; Authorizing the Imposition of a Community Improvement District Sales Tax to be Collected Within Such District; and Approving and Authorizing Certain Other Actions in Connection Therewith (Leisure Development CID).

Resolution No. 2016-01: A Resolution Authorizing the Offering for Sale of General Obligation Bonds, Series 2016-A, of the City of Dodge City, Kansas. Report by Finance Director/City Clerk, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

OTHER BUSINESS

ADJOURNMENT

Mayoral Proclamation

WHEREAS; the Mayor and City Commissioners of Dodge City, Kansas recognize the importance of matching caring and positive adult role models with disadvantaged youth through the Kansas Big Brothers Big Sisters mentoring program; and

WHEREAS; there are 30 children, most of whom are male, in Ford County waiting to be matched; and

WHEREAS; multiple studies have shown the positive impacts of the program in the lives of disadvantaged youth showing an increase in high school and college graduations, positive peer relationships and better decision making; avoiding dangers such as drugs and alcohol and physical confrontations; and

WHEREAS; it only takes approximately one hour per week to make a big impact, and involving your "little" in family activities is encouraged; and

WHEREAS; the entire community will benefit from the citizens embracing and supporting the program.

NOW, THEREFORE, I, Joyce Warshaw, Mayor of the City of Dodge City, and the City Commissioners, do hereby proclaim, Wednesday, January 13, 2016 to be

Big Brothers Big Sisters Be a Mentor Day

in Dodge City, and in doing so, we encourage all adult citizens to consider being a mentor to a disadvantage child today.

Signed this 4th day of January, 2016.

Joyce Warshaw, Mayor
City of Dodge City

Nannette Pogue, City Clerk

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, December 21, 2015

7:00 p.m.

MEETING #5024

CALL TO ORDER

ROLL CALL: Mayor Joyce Warshaw, Commissioners, Kent Smoll, Rick Sowers and Brian Delzeit. Commissioner Jan Scoggins was reported absent

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 – Leader, Roy McGregor spoke regarding the Cub Scouts. The Cub Scouts in attendance at the meeting asked the City Commissioners several interesting questions about their job.

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.

Commissioner Kent Smoll moved to approve the Consent Calendar as presented; Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

ORDINANCES & RESOLUTIONS

Resolution No. 2015-30: A Resolution Describing and Defining the Boundaries of the City of Dodge City, Kansas was approved on a motion by Commissioner Rick Sowers. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

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 was approved on a

motion by Commissioner Kent Smoll. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

UNFINISHED BUSINESS

Commissioner Rick Sowers moved to add an Executive Session to the agenda. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

NEW BUSINESS

1. Commissioner Brian Delzeit moved to approve the 2016 State and Federal Legislative Policy. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.
2. The allocation of 2015 Alcohol & Drug Tax Funds in the following amounts:

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

was approved on a motion by Commissioner Brian Delzeit, the motion was seconded by Commissioner Rick Sowers. Motion carried 4-0.

3. Discussion of City Commission Election Cycle was had. The consensus of the City Commission was to not have an April election for the City and to continue to look at other alternatives because of legislation passed by the Kansas Legislature moving local elections to the fall.

OTHER BUSINESS

City Manager, Cherise Tieben:

- Several retirements of City employees have happened or will happen in the near future. Those are: Kevin Norton, Kurt Nietling, Delano Koehn and City Attorney, Ken Strobel. We value all of the work these employees have given us throughout the years;
- There will be a special meeting to be held on December 31 at 8:00 a.m.;
- Merry Christmas.

Commissioner, Brian Delzeit:

- Merry Christmas and enjoy New Year's Eve, but be careful and safe;
- Really was impressed with the questions from the Cub Scouts.

Commissioner, Kent Smoll:

- Congratulations to all of the retirees. The reception at the Depot for Fire Chief Kevin Norton and City Attorney Ken Strobel was very nice. The location was great;
- Thanked everyone who shopped local this holiday season;
- The last drone flyover of the water park was just released. It is amazing the transformation that has taken place;
- Enjoyed last year and looking forward to next. Happy Holidays!

Commissioner, Rick Sowers:

- Merry Christmas!
- Thanks to the Cub Scout Troop for attending the meeting;
- Congratulations to the retirees;
- Thanks for everyone who came out to the retirement receptions;

Mayor, Joyce Warshaw:

- Thanked everyone for shopping Dodge City;
- Had the opportunity to ring bells for the Salvation Army. This is a local organization that does a lot of good for the community and cannot do it without the support of the community;
- Thanked the Cub Scouts;
- Reminded everyone who is considering giving pets as a Christmas present, pets are a lifelong commitment;
- Congratulations to all of the retirees;

EXECUTIVE SESSION

At 7:50, Commissioner Kent Smoll moved to adjourn to Executive Session to discuss non-elected personnel, not to exceed 50 minutes to include the City Manager for some of the discussion. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Commissioner Jan Scoggins attended the Executive Session by phone.

At 8:40, Commissioner Kent Smoll moved to extend the Executive Session 10 minutes. Commissioner Sowers seconded the motion. The motion carried 5-0.

At 8:50, Commissioner Smoll moved to extend the Executive Session to 9:00. Commissioner Brian Delzeit seconded the motion. The motion carried 5-0.

At 9:00 the Regular meeting was reconvened.

ADJOURNMENT

Commissioner Brian Delzeit moved to adjourn the meeting. Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, December 31, 2015

8:00 a.m.

MEETING #5025

CALL TO ORDER

ROLL CALL: Vice Mayor Rick Sowers, Commissioners Kent Smoll, and Brian Delzeit. Joyce Warshaw and Jan Scoggins was reported absent.

PUBLIC HEARING

2015 Budget Amendments. The Vice Mayor opened the Public Hearing. The proposed budget amendments were discussed. Vice Mayor Sowers closed the Public Hearing.

NEW BUSINESS

1. The 2015 Budget Amendments were approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Brian Delzeit. The motion carried 3-0.

Commissioner Jan Scoggins joined the meeting.

ADJOURNMENT

Commissioner Jan Scoggins moved to adjourn the meeting. The motion was seconded by Commissioner Brian Delzeit. The motion carried 4-0.

Mayor

ATTEST:

Nannette Pogue, City Clerk

PARKING LICENSE AGREEMENT

This Parking License Agreement (this “License Agreement”) is made as of January ____, 2016, by and between the City of Dodge City, Kansas, a municipal corporation located in the State of Kansas having a mailing address of City Hall, 806 N. Second Ave., Dodge City, Kansas 67801 (“Licensee”) and Presbyterian Manors, Inc., a Kansas not-for-profit corporation having a mailing address of 2414 N. Woodlawn Blvd., Wichita, Kansas 67220 (“Licensor”) (collectively referred to as the “Parties,” and singularly as a “Party”).

RECITALS

A. WHEREAS, Licensor is the Lessee of certain real property identified on Exhibit “A” attached hereto and incorporated herein by reference (the “Premises”); and,

B. WHEREAS, Licensee’s public street (the “Street”) is in close proximity to the Premises and the Licensee provides said Street for the public access to the areas immediately adjacent to the Premises; and,

C. WHEREAS, Licensor desires to convey to Licensee a revocable license for parking, on an exclusive basis, in eighteen (18) parking spaces upon the Premises, all as further described below.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

1. Parking License.

a. Licensor hereby grants Licensee an exclusive license (the “Parking License”) for vehicular parking, to the public, between the hours of 8:00 a.m. and 3:00 a.m. Monday through Saturday, on the eighteen (18) parking spaces identified on said Exhibit “A” (the “Parking License Area”). Licensee agrees that no overnight parking will be allowed or permitted in the Parking License Area.

b. The License Agreement is effective for an “Initial Parking License Term” of ten (10) years beginning on January 1, 2016 and ending on December 31, 2026. Upon completion of the Initial Parking License Term on December 31, 2026, the Parking License will renew without the necessity of any further documentation thereof, for extension periods of five (5) years (each an “Extension Period” and collectively the “Extension Periods”) unless Licensor terminates the Parking License by delivering written notice to the Licensee no later than three (3) months prior to the expiration of the then current term, nor sooner than twelve (12) months prior to the expiration of the then current term. Should Licensor fail to deliver written notice within such time period, then Licensor shall be deemed to have waived its right to terminate this License Agreement during the then existing Extension Period.

c. In consideration of the payments by Licensee to Licensor provided for above, Licensee shall not be required to pay a license fee during the Initial Parking License Term.

During the Extension Periods, Licensee shall pay an annual license fee “the “Extension License Fee”), of One Hundred Dollars (\$100.00).

d. Licensee shall, at its expense, stripe a total of eighteen (18) parking spaces in the Parking License Area. It is acknowledged by the Parties that only a portion of each of the eighteen (18) parking spaces in the Parking License Area will be located on the Licensor’s property.

2. Signs and Other Enforcement Obligations of Licensee. Licensee shall provide standard parking signs in the Parking License Area, in such quantity and in such places as Licensee shall determine in its good faith and reasonable discretion.

3. Maintenance. Licensee agrees to maintain the parking areas located in the Parking License Area in good repair and operable condition, consistent with Licensee’s normal municipal obligations regarding on-street parking, including snow removal, striping, maintenance, repair and resurfacing.

4. Remedies and Enforcement. In the event of a breach or threatened breach by a Party of the provisions hereof, the other party shall be entitled to full and adequate relief by injunction and other available legal and equitable remedies.

5. No Right to Charge the General Public; No assignment or Sub-Licensing. In no event shall Licensee charge the general public for parking in the Parking License Area.

6. Successors and Assigns. This License Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns. No third party shall be entitled to enforce any term, covenant or condition of this License Agreement, or have any rights hereunder.

7. Amendment. This License Agreement may only be amended by a document executed by the Parties to this License Agreement or their successors or permitted assigns.

8. Waiver. No waiver of, acquiescence in, or consent to any breach of any term, covenant or condition of this License Agreement shall be construed as a waiver of or acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant or condition.

9. Severability. If any term or provisions of this License Agreement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this License Agreement shall not be affected thereby, and each such remaining terms and provisions shall be valid and enforced to the extent permitted by law.

10. Applicable Law. The License Agreement shall be construed, governed and enforced in accordance with the laws of the State of Kansas.

11. No Partnership or Joint Venture. Nothing in this License Agreement shall be construed to make the Parties hereto partners or joint venturers or render any of said Parties liable for the debts or obligations of the others.

12. Section Headings. The section headings used herein are for reference and convenience only, and shall not enter into the interpretation hereof.

13. Entire Agreement. This License Agreement sets forth the entire agreement between the Parties regarding the subject matter hereof. There are no statements, promises, representations or understandings, oral or written, not herein expressed.

14. Notice. Any notice to be given hereunder shall be directed as follows:

If to Licensee: City of Dodge City, Kansas
City Hall
806 N Second Avenue
Dodge City, Kansas 67801
Attn: City Manager

With a copy to: City Clerk

If to Licensor: Presbyterian Manors, Inc.
2414 N. Woodlawn Blvd.
Wichita, Kansas 67220
Attn: President – CEO

With a copy to: General Counsel

15. No Recordation. This License Agreement shall not be recorded by either Party.

16. Counterparts/Facsimile. To facilitate execution, this License Agreement may be executed by facsimile or electronic mail in .pdf format and in as many counterparts as may be deemed appropriate by the Parties, all of which when taken together shall be deemed an original and shall comprise one (1) agreement.

(Signatures on next page)

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first written above.

LICENSEE:

City of Dodge City, Kansas

By: _____
Joyce Warshaw
Mayor

Witness

By: _____
Cherise Tieben
City Manager

Approved as to form and correctness:

Bradley C. Ralph
City Attorney

LICENSOR:

Presbyterian Manors, Inc.

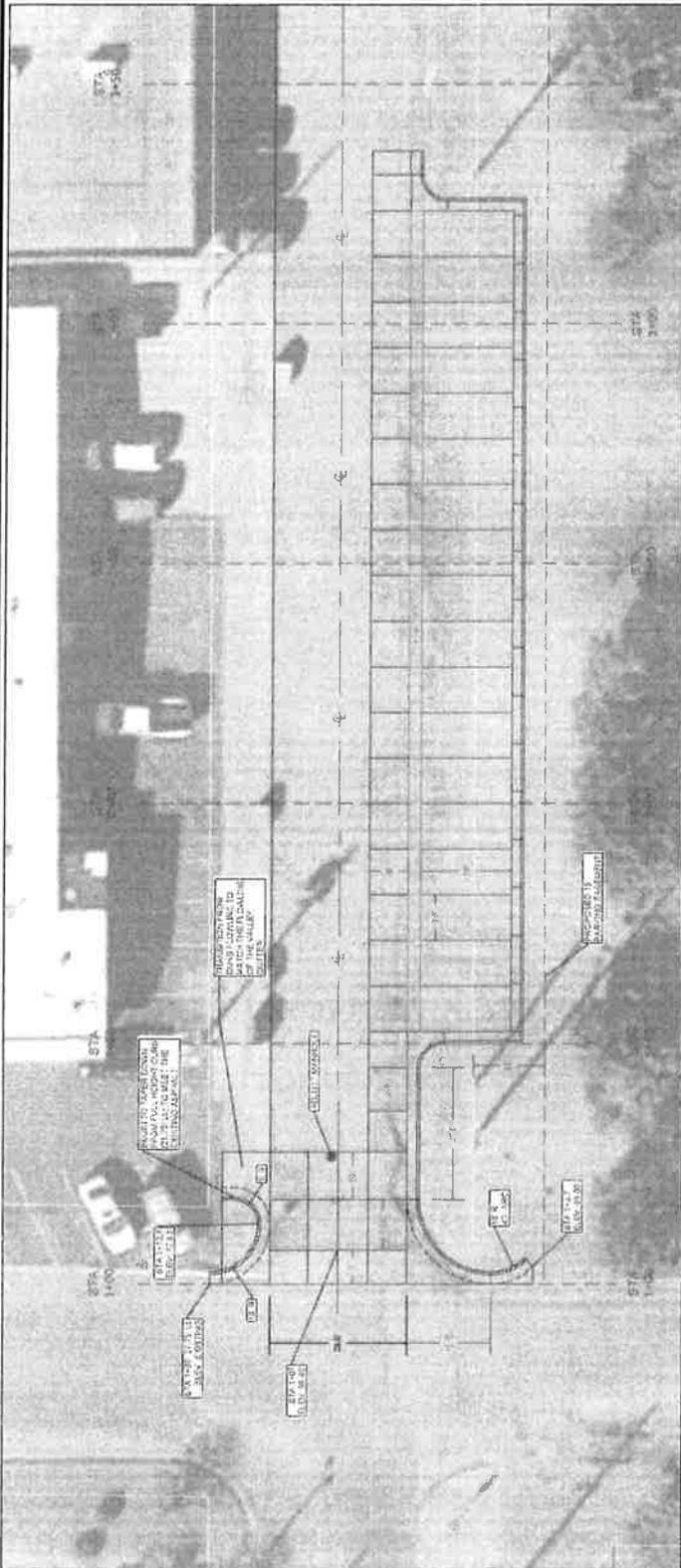
By: _____
Bruce Shogren
President - CEO

Witness

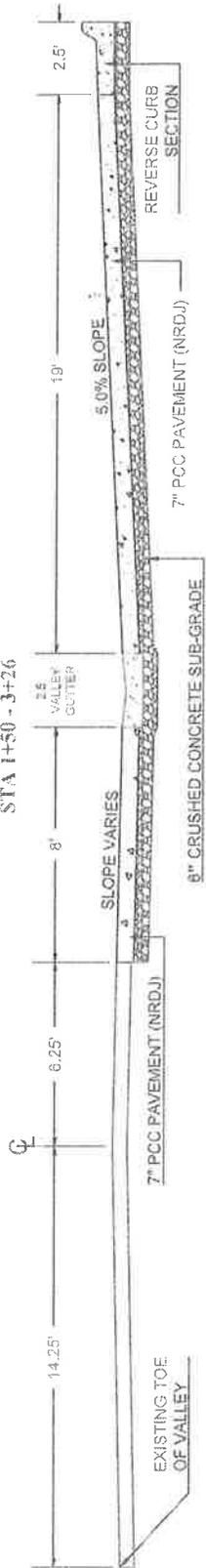
Approved as to form and correctness:

Churchill, L.L.C.

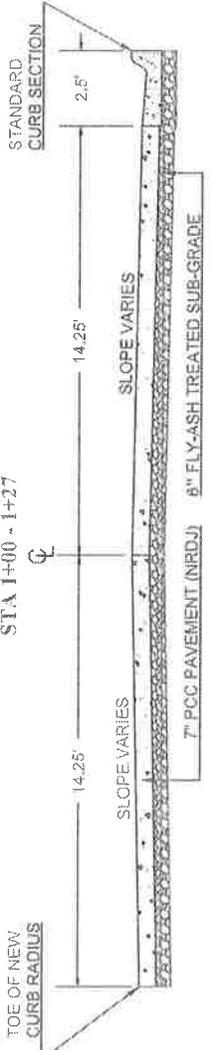
By: W. Stanley Churchill
General Counsel



TYPICAL NEW CROSS-SECTION
STA 1+50 - 3+26



TYPICAL NEW CROSS-SECTION
STA 1+00 - 1+27



PROJECT NO	CITY OF DODGE CITY, KANSAS
ST 1506	CITY HALL - ENGINEERING DEPARTMENT (620) 225-3106
SHEET OF	PLAN SHEET
2	PHASE 2 - CENTRAL AVENUE IMPROVEMENTS
3	Avenue A Improvements
REVISIONS	
DATE	1/16
DRAWN BY	TJR
CHECKED BY	RS

Memorandum

To: Cherise Tieben, City Manager
From: Nannette Pogue
Date: January 4, 2016
Subject: Public Hearing – Advisability of Creating a Community Improvement District
Ordinance No. 3620 – Making Certain Finding on the Advisability of Creating a Community Improvement District

Agenda Item Public Hearing and Ordinances and Resolutions

Recommendation: I recommend the City Commission open the Public Hearing and hear any comments from the public. If after the public hearing, the Commission finds it advisable to create the Community Improvement District, adopt Ordinance No. 3620.

Background: A petition was filed for the establishment of a community improvement district at the location of the future Leisure Development which includes a hotel, restaurant and campground. A Petition was filed in December, 2015 to establish a CID in the location of the future development.

The City Commission adopted Resolution No. 2015-29, on December 7, 2015, that directed that a public hearing be held to consider the advisability of creating a community improvement district and required the City Clerk to give notice of such public hearing. A notice was published in the Dodge City Daily Globe for 2 consecutive weeks, at least 7 days prior to the January 4th meeting notifying the public of consideration of the CID. A notice was also sent to the property owner that filed the petition.

Later in the meeting after the public hearing is complete, the Commission will consider the Ordinance. This ordinance states that the governing body of the City of Dodge City finds and determines it to be advisable to create the proposed community improvement district, authorizes the project, approves the estimated cost of the project, sets forth the boundaries of the district, levies the community improvement district sales tax, and approves the method of financing.

Justification: The Community Improvement District is an economic development tool authorized by the State of Kansas that allows eligible construction costs to be reimbursed

to the developer. The additional sales tax collected in the improvement district is the only amount reimbursed to the developer.

Financial Considerations: none

Purpose/Mission: We value progress and business growth for the community.

Legal Considerations: All legal considerations are being met with the public hearing and adoption of the ordinance. The ordinance will be forwarded to the Director of Taxation for the State of Kansas

Attachments: Ordinance No. 3620.

ORDINANCE NO. 3620

AN ORDINANCE AUTHORIZING THE CREATION OF THE LEISURE DEVELOPMENT COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF DODGE CITY, KANSAS; AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT; AND APPROVING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (LEISURE DEVELOPMENT CID).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), municipalities are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may be expended; and

WHEREAS, the City of Dodge City, Kansas (the “City”), is a municipality within the meaning of the Act; and

WHEREAS, on December 3, 2015, a petition (the “Petition”) was filed with the City Clerk requesting (a) that the community improvement district described therein (the “CID”) be created; (b) that the City levy a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer’s sales tax act, within the CID in the amount of one percent (1%) (the “CID Sales Tax”); and (c) that certain community improvement district project costs to be incurred within the CID be financed with pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID Sales Tax, all in accordance with the Act; and

WHEREAS, said Petition was signed by all [more than 55%] of the owners of the land area within the proposed CID, exclusive of right of way; and

WHEREAS, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, a governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district project therein, and provide for notice of the hearing by publication at least once each week for two consecutive weeks in the official city newspaper, with the second publication occurring at least seven days prior to the hearing, and by certified mail to all property owners within the proposed community improvement district, with such certified mail sent at least ten days prior to such hearing; and

WHEREAS, on December 7, 2015, the Board of Commissioners of the City adopted Resolution No. 2015-29 directing a public hearing on the proposed CID be held and declaring its intent to levy the CID Sales Tax in the proposed CID; and

WHEREAS, on January 4, 2016, following proper notice as provided in the Act, the Board of Commissioners of the City held a public hearing on the proposed CID, the proposed community improvement district project and the imposition of the CID Sales Tax in the proposed CID; and

WHEREAS, the Governing Body hereby finds and determines that it is in the best interests of the City and in furtherance of the purposes of the Act to create the CID and impose the CID Sales Tax.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DODGE CITY, KANSAS:

Section 1. Creation of District; Boundaries. The Board of Commissioners of the City hereby creates the CID within the boundaries legally described on *Exhibit A* attached hereto and are depicted on the map attached hereto as *Exhibit B*, which CID shall generally be referred to as the "Leisure Development CID."

Section 2. Authorization of District Project; Estimated Costs. The Board of Commissioners of the City hereby authorizes the project within the Leisure Development CID described in *Exhibit C* attached hereto (the "Project") and approves the estimated cost of the Project which may be financed with CID Sales Tax as \$825,000. Notwithstanding the approval of the Project by this Ordinance, the Project and owner or owners of all property comprising the Project must comply with all applicable zoning, planning permit and other laws and regulations applicable to the Project.

Section 3. Method of Financing. The Project within the Leisure Development CID will be financed on a pay-as-you-go basis payable from revenues received from the imposition of the CID Sales Tax. No special assessments shall be implemented under the Act to pay for the Project, and no special obligation notes or bonds will be issued for the Project.

Section 4. Levy of Sales Tax. In accordance with the Act and to provide funds to pay costs of the Project, the Governing Body of the City hereby levies a CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within the Leisure Development CID in the amount of one percent (1%). The collection of the CID Sales Tax shall commence on April 1, 2017, or any other effective date the City may approve by ordinance if a change in the effective date outlined herein is requested in writing by all owners of record, exclusive of right of way, in the Leisure Development CID.

Section 5. Segregation of CID Sales Tax. All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Leisure Development Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis, including the City's administrative fee of two percent (2%).

Section 6. Further Action. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and City consultants, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, the City Clerk shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189. The City Clerk is hereby further authorized to submit this Ordinance to the Ford County Register of Deeds, for recording.

ADOPTED by the Governing Body of the City of Dodge City, Kansas on this 4th day of January, 2016.

By: _____
Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney

EXHIBIT A to CID Ordinance

Legal Description of Leisure Development CID

A tract of land in the East Half of Sections 26 and 35, Township 26 South, Range 25 West of the Sixth Principal Meridian, City of Dodge City, Ford County, Kansas described as follows:

Beginning at a point that is N88°34'21"W 2070.29 feet from the Southeast Corner of the Southeast Quarter of said Section 26; thence S03°49'07"W 23.82 feet; thence N88°57'34"W 918.86 feet; thence S01°25'37"W 728.08 feet; thence S02°29'17"W 138.49 feet; thence S26°13'48"E 237.82 feet; thence S54°12'05"E 54.24 feet; thence S00°00'00"E 359.14 feet; thence S75°21'41"W 173.17 feet; thence S73°36'57"W 131.20 feet; thence S76°11'54"W 68.63 feet; thence S81°58'16"W 110.71 feet; thence N01°52'28"W 863.68 feet; thence S88°41'57"E 279.91 feet; thence N01°25'37"E 788.25 feet; thence S88°34'21"E 742.00 feet; thence N04°34'31"E 245.33 feet; thence S85°17'03"E 145.21 feet; thence N04°39'09"E 185.00 feet; thence S85°17'04"E 101.86 feet; thence S62°05'46"E 7.62 feet; thence S04°41'43"W 122.00 feet; thence S04°39'12"W 60.00 feet; thence S04°32'57"W 260.78 feet to the point of beginning, containing 12.43 acres. Subject to easements and restrictions of record.

Exhibit B

(Map)

Exhibit C

Proposed Project

The general nature of the proposed project (the "**Project**") is to promote the development of an approximately 90 room hotel to be located at 201 4th Avenue, an approximately 12,000 square foot restaurant to be located at 301 4th Avenue and a R/V campground to be located at 701 Park Street, all in the City for Inn Vestments II, L.L.C by providing community improvement district financing, in accordance with this Petition and with the Act, to finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to, land acquisition, infrastructure related items, sidewalks, parking lots, buildings, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Project, and the City and the petitioner's administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

Memorandum

To: Cherise Tieben City Manager
From: Nannette Pogue
Date: December 31, 2015
Subject: Resolution No. 2016-01
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the City Commission approve Resolution No. 2016-01

Background: Previously, the City Commission approved Resolution No. 2015- 25 which is a resolution that offers for sale general obligation bonds, series 2015-A of the City of Dodge City. Because of the Star Bond closing in December, 2015, it was decided to move the sale of the 2015 GO Bonds to early 2016. Because of this a new resolution offering for sale the bonds will need to be approved with the new dates and the Series of the GO Bonds will now be 2016 instead of 2015.

As a refresher, included in this offering will be bonds to finance several street improvements including; Central to Layton in the amount of \$1,475,000, US 50 and Airway Intersection in the amount of \$150,000 and Central Avenue from Comanche to Wyatt Earp in the amount of \$4,100,000. The par amount of the bonds will be \$5,350,000. Earlier this year, the City Commission approved the street projects.

Justification: The City is offering for sale the bonds and approving the Preliminary Official Statement so that the underwriter can take the bonds to the market.

Financial Considerations: The bonds will mature over 20 years.

Purpose/Mission: We strive for high service and performance standards

Legal Considerations: Legal obligations fulfilled by authorizing resolution.

Attachments: Resolution No. 2016-01

RESOLUTION NO. 2016-01

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2016-A, OF THE CITY OF DODGE CITY, KANSAS.

WHEREAS, the City of Dodge City, Kansas (the “Issuer”), has previously authorized certain internal improvements pursuant to K.S.A. 12-685 *et seq.*, described as follows (collectively, the “Improvements”):

<u>Project Description</u>	<u>Ord./Res. No.</u>	<u>Amount</u>
Main Trafficway – Central Avenue widening from Layton Street to approx. 450’ south of US 50, storm drainage modifications and installation of traffic signal	Ord. 3169/ Res. 2015-01	\$1,475,000
Main Trafficway – U.S. 50 & Fairway Drive Intersection	Ord. 3569/ Res. 2015-01	150,000
Main Trafficway – Central Avenue reconstruction from Wyatt Earp Boulevard to Comanche	Ord. 3169/ Res. 2015-23	<u>8,360,000</u>
Total:		<u>\$9,985,000</u>

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance the costs of such Improvements; and

WHEREAS, the Issuer has selected the firm of Stifel Nicolaus & Company, Inc., Wichita, Kansas (“Financial Advisor”), as financial advisor for one or more series of general obligation bonds of the Issuer to be issued in order to provide funds to permanently finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Financial Advisor to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Financial Advisor and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer’s bond counsel (“Bond Counsel”), in conjunction with the Director of Finance to proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation bonds

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer for sale the Issuer’s General Obligation Bonds, Series 2016-A (the “Bonds”) described in the Notice of Bond Sale, which is hereby approved in substantially the form presented to the governing body this date. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Bond Sale, and shall be reviewed by the City Manager, Director of Finance, Financial Advisor and Bond Counsel as soon after the submittal hour as possible. The Mayor is hereby authorized to award the sale of the Bonds to the submitter of the

best proposal as determined pursuant to the provisions of the Notice of Bond Sale or to reject all proposals; provided, however, that the principal amount of the Bonds shall not exceed \$6,000,000 and the true interest cost of the Bonds shall not exceed 4.5%. All proposals for the purchase of the Bonds shall be delivered to the governing body at its meeting to be held on the sale date referenced in the Notice of Bond Sale, at which meeting the governing body shall ratify the award of the sale of the Bonds or the rejection of all proposals.

Section 2. The Director of Finance, in conjunction with the Financial Advisor and Bond Counsel are hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Bonds.

Section 3. The Director of Finance, in conjunction with Bond Counsel, is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Ford County, Kansas, and the *Kansas Register* and by distributing copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Bonds. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Bond Sale, and shall be delivered to the governing body at its meeting to be held on the sale date referenced in the Notice of Bond Sale, at which meeting the governing body shall review such bids and shall award the sale of the Bonds or reject all proposals.

Section 4. For the purpose of enabling the purchaser of the Bonds (the “Purchaser”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor and Director of Finance or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement and to execute the “Certificate Deeming Preliminary Official Statement Final” in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, City Manager, Director of Finance, City Attorney and the other officers and representatives of the Issuer, the Financial Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds.

Section 7. The Mayor and Director of Finance are hereby authorized and directed to execute the Financial Advisory Services agreement related to services to be provided by the Financial Advisor, in substantially presented to the governing body this date.

Section 8. This Resolution shall be in full force and effect from and after its adoption.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body on January 4, 2016.

(SEAL)

ATTEST:

Mayor

Clerk