

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, February 18, 2013

7:00 p.m.

MEETING #4914

CALL TO ORDER

ROLL CALL

INVOCATION BY Marguerite Ferrell of Apostolic Faith Pentecostal 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).

CONSENT CALENDAR

1. Approval of City Work Session Minutes, February 4, 2013;
2. Approval of City Commission Meeting Minutes, February 4, 2013;
3. Appropriation Ordinance No. 4, February 18, 2013;

ORDINANCES & RESOLUTIONS

Ordinance No. 3552: An Ordinance of the City of Dodge City, Kansas Amending the Official Zoning Map of the City, changing the Property Known as 511 Sunflower from R-1, Residential Low to C-2, Commercial Highway. Report by Director of Developmental Services, Dennis Veatch.

Ordinance No. 3553: An Ordinance Amending Certain Provisions of Chapter 7 of the Dodge City Municipal Code and Adopting the 2009 Edition of the International Fire Code. Report by Director of Developmental Services, Dennis Veatch.

Resolution No. 2013-08: A Resolution Amending Building Permit Fees. Report by Director of Developmental Services, Dennis Veatch.

Resolution No. 2013-09: A Resolution to consider Establishing a Rural Housing Incentive District for Summerlon Phase III-N1 Project and Establishing a Public Hearing on Such Matter, and Providing for the Giving of Notice of Such Public Hearing. Report by Special Projects Asst. Leslie Lomas.

Resolution No. 2013-10: Approval of a Resolution Establishing a Policy for the City of Dodge City, Kansas to Provide Assistance to other Counties, Cities, and Townships during Disasters, Pursuant to K.S.A. 12-16,117. Report by Fire Chief, Ken Norton.

UNFINISHED BUSINESS

NEW BUSINESS

OTHER BUSINESS

ADJOURNMENT

CITY COMMISSION WORK SESSION MINUTES

City Hall Commission Chambers

Monday, February 4, 2013

6:00 p.m.

MEETING #4912

CALL TO ORDER

ROLL CALL: Mayor Rick Sowers, Commissioners, Joyce Warshaw, Jim Sherer, Kent Smoll and Brian Delzeit.

WORK SESSION

1. Discussion of Trail Street Reconstruction. Presented by Ray Slattery, Director of Engineering Services and Jeff and Jennifer Hancock from SMH Consultants.

Commissioner Jim Sherer moved to adjourn the meeting; Commissioner Brian Delzeit seconded the motion. Motion carried unanimously.

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

CITY COMMISSION MINUTES

City Hall Commission Chambers

Monday, February 4, 2013

7:00 p.m.

MEETING #4913

CALL TO ORDER

ROLL CALL: Mayor Rick Sowers, Commissioners, Joyce Warshaw, Jim Sherer, Kent Smoll and Brian Delzeit.

INVOCATION by Marguerite Ferrell of Apostolic Faith Pentecostal Church

PLEDGE OF ALLEGIANCE Presentation of Colors - Boy Scouts

PETITIONS & PROCLAMATIONS

Boy Scout Week

PUBLIC HEARING

Mayor Rick Sowers opened the Public Hearing on the Issuance of a Tax Exempt Lease Purchase Agreement to be used to finance the Construction of Hangar at the Dodge City Regional Airport. Report given by Finance Director/ City Clerk, Nannette Pogue.

Mayor Rick Sowers closed the Public Hearing,

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

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, January 22, 2013;
2. Appropriation Ordinance No. 3, February 4, 2013;
3. Cereal Malt Beverage License:
 - a. Gene's Heartland Foods, 1800 Central Avenue.

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

ORDINANCES & RESOLUTIONS

Ordinance No. 3551: An Ordinance Creating a New Planning Commission for the City of Dodge City Establishing Qualifications was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Joyce Warshaw. Motion carried unanimously.

Resolution No. 2013-02: A Resolution Amending Cemetery Regulations were approved on a motion by Commissioner Brian Delzeit. Motion was seconded by Commissioner Kent Smoll. The motion carried unanimously.

Resolution No. 2013-03: A Resolution Amending Cemetery Fees were approved on a motion by Commissioner Kent Smoll. Motion was seconded by Commissioner Jim Sherer. The motion carried unanimously.

Resolution No. 2013-04: A Resolution authorizing an Application for use of Transportation Enhancement Funds for the Gunsmoke Trail Extension Project and authorizing the Director of Parks and Recreation to sign the Application was approved on a motion by Commissioner Joyce Warshaw. Motion was seconded by Commissioner Kent Smoll. The motion carried unanimously.

Resolution No. 2013-05: A Resolution to consider Establishing a Rural Housing Incentive District for Summerlon Phase III-S1 Project and Establishing a Public Hearing on Such Matter, and Providing for the Giving of Notice of Such Public Hearing was approved on a motion by Commissioner Kent Smoll. Motion was seconded by Commissioner Jim Sherer. The motion carried unanimously.

Resolution No. 2013-06: Approval of Resolution 2013-06 which requests support from our Federal Legislators in an effort to prevent the legislation desiring to make Municipal Bonds taxable was approved on a motion by Commissioner Brian Delzeit. Motion was seconded by Commissioner Joyce Warshaw. The motion carried unanimously.

Resolution No. 2013-07: A Resolution authorizing a Transportation Enhancement (TE) Application for Development and Stabilization of the Atchison, Topeka and Santa Fe (ATSF) Depot was approved on a motion by Commissioner Kent Smoll. Motion was seconded by Commissioner Warshaw. The motion carried unanimously.

NEW BUSINESS

1. Commissioner Brian Delzeit moved to appoint the following citizens to Boards and Commissions as recommended by Mayor Rick Sowers:
 - Airport Advisory Board: Mitch Counce, Kerry Zimmerman, Dan Cammack and Anthony Lyons as ex-officio.
 - Convention & Visitors Bureau: hospitality - Connie Pantoje, attraction - Elaine Gall, At-Large - Rod Crick

- Cultural Relations Advisory Board: Marilyn Treto of National Beef, Elva Dominguez of Mexican American Ministries, Debra Muylaert of Ministerial Alliance, Bria Black of Cargill, Erika Vasquez of Chamber of Commerce.
- Golf Advisory Board: Jeff Hutton
- Historic Landmark Commission: Matt Tuxhorn, Nancy Trauer
- Housing Authority Board: Duane Ross
- Library Board: Larry Burke, Hazel Mead
- Recycling Advisory Board: David Grayson, Debbie Allen, Cheryl Koontz, Ron Hamm
- Shade Tree Commission: Gary Musick, Nina Kliewer, Karla Durrant
- Santa Fe Trail Community Corrections : Leslie Lima, Lisa Pierce
- St. Mary of the Plains College Advisory Committee: Liz Demuth, Kent Stehlik, Dave Geist, Bonita Green, Mindy Burkhart
- Dodge City Planning Commission: Larry Daniels, Robert Durheim, Nick King, Bill Pennington, Jeff Turner, Frank Rose, Jeff Rydquist.

Commissioner Jim Sherer seconded the motion. The motion carried unanimously. Mayor Rick Sowers thanked all those who applied for these the positions.

2. Commissioner Joyce Warshaw and Commissioner Brian Delzeit were appointed to Dodge City/Ford County Developmental Boards on a motion by Mayor Rick Sowers, seconded by Kent Smoll. Motion carried unanimously.
3. Commissioner Jim Sherer moved to approve the bid for the construction of the Barham Drainage Improvement Project from Conant Construction in the amount of \$17,926.34, seconded by Commissioner Joyce Warshaw. The motion carried unanimously.
4. Commissioner Jim Sherer moved to approve to authorize YMCA Exterior Signage at Sheridan. Motion was seconded by Commissioner. The motion carried 4 – 0, Commissioner Kent Smoll abstained.
5. Commissioner Brian Delzeit moved to approve the YMCA Supplement Agreement #2, which permits use of the All 4 Fun location as a Recreational Facility under the Management Agreement. Motion was seconded by Commissioner Jim Sherer. The motion carried 4 – 0, Commissioner Kent Smoll abstained.

OTHER BUSINESS

Ken Strobel:

- Jim & I will be going to Topeka for City Hall Day.

Joyce Warshaw:

- Thanked Boy Scouts for being here. Enjoyed seeing them here tonight.
- Excited about the extension of Gunsmoke Trail.

Kent Smoll:

- Thanked Marge Blatner for her participation in Boy Scouts.
- Talked about, YMCA received 1.9 million grant for after school program; Congratulations! Child Watch is open at YMCA;
- Go see what is going on. YMCA put about \$70,000 worth of new Equipment.

Brian Delzeit

- In approximately 1996 or 1997 was invited to give a speech, many of the Leaders at that event had been Boy Scouts in the past, and several were Eagle Scouts.

Rick Sowers

- Last week transfer of Civic Center to USD 443, no Transition;
- Thanked the Boy Scouts for attending the meeting. Spoke about the Eagle Scouts.

ADJOURNMENT

Commissioner Jim Sherer moved to adjourn the meeting; Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Dennis Veatch

Date: February 12, 2013

*Subject: Rezoning @ 511
Sunflower*

Agenda Item: Ordinances and Resolutions

Recommendation: The Dodge City Zoning Board recommends approval of this zoning amendment.

Background: Ismael Hernandez submitted an application requesting rezoning the above mentioned property to C-2, Commercial Highway. This property will be utilized for retail and other uses permitted in the C-2 zone.

Justification: The proposed use meets all of the requirements of the Dodge City Comprehensive Plan and is located along a major High Accessibility Corridor (Second Ave.)

Financial Considerations: None

Purpose/Mission: To promote development and provide overall growth to the community.

Legal Considerations: None

Attachments: Ordinance and map showing proposed area to be rezoned.

ORDINANCE NO. 3552

AN ORDINANCE OF THE CITY OF DODGE CITY, KANSAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY, CHANGING THE PROPERTY KNOWN AS 511 SUNFLOWER FROM R-1, RESIDENTIAL LOW DENSITY TO C-2, COMMERCIAL HIGHWAY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CIY, KANSAS:

SECTION 1: The following described real property located in Dodge City, Ford County, Kansas is hereby zoned C-2, Commercial Highway:

The West 77 feet of the North 120 feet, except the West 17 feet thereof, Lot 4, Block 9, Replat of Block 9-20, Crawford Addition (vacated), an addition to the City of Dodge City, Ford County, Kansas.

SECTION 2: This ordinance shall take effect, from and following its publication in the official paper, as required by law.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION AND APPROVED BY THE MAYOR, THIS EIGHTEENTH DAY FEBRUARY, 2013.

RICK SOWERS, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK



Legend

 Proposed Re-Zoning

 Address

 RS

 R1

 R2

 R3

 CO

 C1

 C2

 I1

 I2

Sunflower

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Kevin Norton

Date: February 12, 2013

*Subject: 2009 International Fire
Code*

Agenda Item: Ordinances

Recommendation: Attached you will find Ordinance No. 3553 amending and adopting revisions to Chapter 7, Fire, of the Dodge City Municipal Code. The Fire Department and the Development Services Department have worked together to review this code and staff recommends approval.

Background: The City is currently under the 2003 International Fire Code. We have already adopted the 2009 International Building Codes and the State Fire Marshall is under the 2006 Code. All testing and certifications are under the 2009 Codes.

Justification: Maintaining the most current codes is essential to the community to ensure that minimum safety standards are met.

Financial Considerations: None

Purpose/Mission: To assist the public and to direct and encourage that all buildings meet minimum safety standards which enhances the city, protects the environment, and makes the community a safer place to live.

Legal Considerations: None

Attachments: Ordinance

ORDINANCE NO. 3553

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 7 OF THE
DODGE CITY CODE

ARTICLE 2. FIRE PREVENTION

SECTION 1: The Dodge City Code provision 7-201 is hereby deleted and the following inserted in lieu thereof:

7-201. 2009 INTERNATIONAL FIRE CODE. The 2009 edition of the International Fire Code, including all Appendices thereto, regulating and governing the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devises, and from conditions hazardous to life or property in the occupancy of buildings and premises in Dodge City, is hereby adopted.

SECTION 2: The Dodge City Code provision 7-203 is hereby deleted and the following inserted in lieu thereof:

7-203. SEVERABILITY. If any provision of the International Fire Code is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separate and apart from the remaining provisions; such provision is to be completely severable from the remaining provisions which shall remain in full force and effect.

SECTION 3: This ordinance shall take effect, from and following its publication in the official paper, as required by law.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR
SESSION, THIS EIGHTEENTH DAY OF FEBRUARY, 2013.

RICK SOWERS, MAYOR

ATTN:

NANNETTE POGUE, CITY CLERK

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Dennis Veatch

Date: February 13, 2013

*Subject: Amendment to Fee Schedule for
building permits*

Agenda Item: Resolutions

Recommendation: City staff recommends approval of the attached Resolution No. 2013-08 modifying the schedule of fees for services, licenses, permits and programs for building permits, subdivision and zoning activities.

Background: Our current fee schedule was last updated by Res. 2012-06 and approved on February 20, 2012. There were a few fees that were not carried over from the previous fee schedule and this needs to be corrected.

Justification: It is essential that our fee schedule is correct and up to date.

Financial Considerations: None

Purpose/Mission: To assist the public and to direct and encourage quality community development which enhances the city, protects the environment, and makes the community a better place to live.

Legal Considerations: None

Attachments: Resolution No. 2013-08

RESOLUTION NO. 2013-08

A RESOLUTION BY THE CITY OF DODGE CITY, KANSAS, MODIFYING THE SCHEDULE OF FEES FOR SERVICES, LICENCES, PERMITS AND PROGRAMS FOR BUILDING PERMITS, SUBDIVISION AND ZONING ACTIVITIES.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS: that the fees for Services, Licenses, Permits and Programs of the City of Dodge City are modified as follows:

Subdivision and Zoning:

Zoning Map Amendment	\$200.00
Zoning Permit/Certificate	\$50.00
Plat Review Fee	
Lot Split	\$50.00
Minor Plat	\$50.00
Major Plat	\$100.00 + 5.00/Lot with Max. \$200.00/plat
Board of Zoning Appeals	
Appeals	\$50.00
Variance	\$200.00
Minor Variance	\$50.00
Conditional Use	\$200.00
Floodplain Development Permit	\$100.00
Sign Permits:	
Permanent	\$50.00
(\$200.00 max. per property)	
Portable Com. & Res.	\$25.00
Portable Non-profit	0.00
Sign Hanger Contractor	
Annual License	\$25.00
Fence Permit	\$25.00
Domestic Animal/Kennel Permit (Renewed Annually)	\$20.00

Building Permits Fees:

Residential	\$30.00 Min. Fee
New Homes/Additions	\$00.42/sq ft
Decks, porches, carports	\$00.14/sq ft
Storage Sheds without required foundations	\$00.14/sq ft
Minor remodel	\$00.22/sq ft
Major remodel	\$00.35/sq ft
Manufactured Housing/ Residential Design and Modular Housing.	\$00.35/sq ft
\$30.00	
Heat/AC change	\$60.00
Residential Electric Service	\$35.00
Commercial (prices include plan review)	\$30.00 Min. Fee
Assembly	\$00.45/sq ft
Hotel/Motel	\$00.40/sq ft
Restaurants	\$00.90/sq ft
Office/Retail	\$00.40/sq ft
Minor remodel	\$00.30/sq ft

Major remodel	\$00.40/sq ft
Commercial Boiler	\$50.00
Water heater over 50 gal.	\$50.00
Heat/AC change	\$75.00
Commercial Electric service	\$50.00

Roofing Fees:

Residential	\$3.00/sq (10'x10')
Commercial	
Composite shingles	\$4.00/sq (10'x10')
Overlay (membrane/ gravel/rubber)	\$2.50/sq (10'x10')
Complete reconstruction (remove of decking)	\$5.00/sq (10'x10')

Other Inspections:

Exterior Spray Painting	\$25.00
Moving Building Permit	\$25.00
Excavation Permit	\$25.00
Mobile Home Permit (Mobile home Park)	\$50.00
Master Water Treatment Permit (Installed)	\$75.00
Gas Pressure Check	\$30.00
Backflow Preventer	\$25.00
Water Service	\$40.00
Water Softener	\$30.00
Sewer Service	\$40.00
Ice Machine/Condenser	\$30.00
New Establishment Agreement	\$50.00
Demolition Permit/Inspection Fee	\$30.00
Inspections outside of normal business hrs.	\$50.00/hr

This Resolution shall become effective upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS THIS EIGHTEENTH DAY OF FEBRUARY, 2013.

RICK SOWERS, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK

Memorandum

*To: City Manager
City Commissioners*

*From: Leslie Lomas
Special Projects/Housing*

Date: 2/18/13

*Subject: Summerlon Phase III North 1
Agenda Item: Resolution No. 2013-09*

Recommendation: Staff recommends adoption of Resolution 2013-09 which states City's intent to establish a Rural Housing Incentive District (RHID) for the construction of the Summerlon Phase III North 1 single family housing development and establishes a date for a Public Hearing concerning the matter.

Background: In 2008, the City commissioned a Housing Needs Analysis which reflected a critical shortage of housing available in the community. In 2009, the City Commission adopted a Resolution providing for several incentive programs in order to encourage housing development in the City. The RHID was identified as one of those programs. The program has captured the attention of several developers, locally and statewide. In 2012, the City commissioned another Housing Needs Analysis taking into consideration the progress that had developed since the 2008 Analysis. The latest Analysis continued to reflect a major shortage of housing. Working with City Staff the group has prepared a development plan providing for 19 single family homes to be located in the Northeast portion of the Summerlon Addition, directly South of the Summerlon Commercial Property.

Under the proposed RHID plan, the Summerlon Properties, L.L.C., has financed the infrastructure and will utilize multiple developers to construct 19 single family homes. The land developer is then reimbursed for a portion of the infrastructure costs through the incremental real estate taxes assessed against the completed improvements, which allows the developer to price the land at an affordable rate.

Justification: Housing continues to be a constant challenge in the Dodge City area. Establishment of the RHID is necessary in order to address the City's critical housing shortage.

Financial Considerations: Infrastructure costs are paid by the incremental real estate tax resulting from the development.

Purpose/Mission: To provide adequate housing in order for the City to accommodate present and future growth.

Legal Considerations: The RHID is established under the statutory provisions authorizing city's of our size to provide incentives for housing development as approved by the State Department of Commerce.

Attachments: Resolution No. 2013-09

RESOLUTION NO. 2013-09

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. (SUMMERLON PHASE III-N1)

WHEREAS, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 40,000 located in a county with a population of less than 60,000, to designate rural housing incentive districts within such city; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the City of Dodge City, Kansas (the “City”) has an estimated population of approximately 28,000, is located in Ford County, Kansas, which has an estimated population of approximately 34,000, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the Governing Body of the City has performed a Housing Needs Analysis dated May 9, 2012 (the “Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 2011-07 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution

and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated July 28, 2010, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”); and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the “Plan”); and

WHEREAS, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

WHEREAS, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas as follows:

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on April 1, 2013, at the City Commission Meeting Room, City Hall, 806 N. Second Avenue, Dodge City, Kansas 67801; the public hearing to commence at 7:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

- a. A certified copy of this resolution shall be delivered to:
 - (i) the Board of County Commissioners of Ford County, Kansas;
 - (ii) the Board of Education of U.S.D. No. 443; and
 - (iii) the Planning Commission of the City.
- b. This Resolution, specifically including *Exhibit A* thru *E* attached hereto, shall be published at least once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

Section 5. Further Action. The Mayor, City Manager, City Clerk and the officials and employees of the City, including the City Attorney, Stiefel Nicolaus & Company, Inc., Financial Advisors and Gilmore & Bell, P.C. and Bond Counsel are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

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ADOPTED by the Governing Body of the City of Dodge City, Kansas, on February 18, 2013.

(SEAL)

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2013-09 adopted by the Governing Body of the City on February 18, 2013 as the same appear of record in my office.

DATED: February 18, 2013

Nannette Pogue, City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED
RURAL HOUSING IMPROVEMENT DISTRICT BOUNDARIES
FOR SUMMERLON PHASE III-N1PROJECT**

Lot 1 through 10 in Block 4 and Lot 1 through 9 in Block 1, Summerlon Phase III an Addition to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book E at page 59-61 thereof.

EXHIBIT B

**MAP OF PROPOSED
RURAL HOUSING IMPROVEMENT DISTRICT BOUNDARIES
FOR SUMMERLON PHASE III-N1 PROJECT**

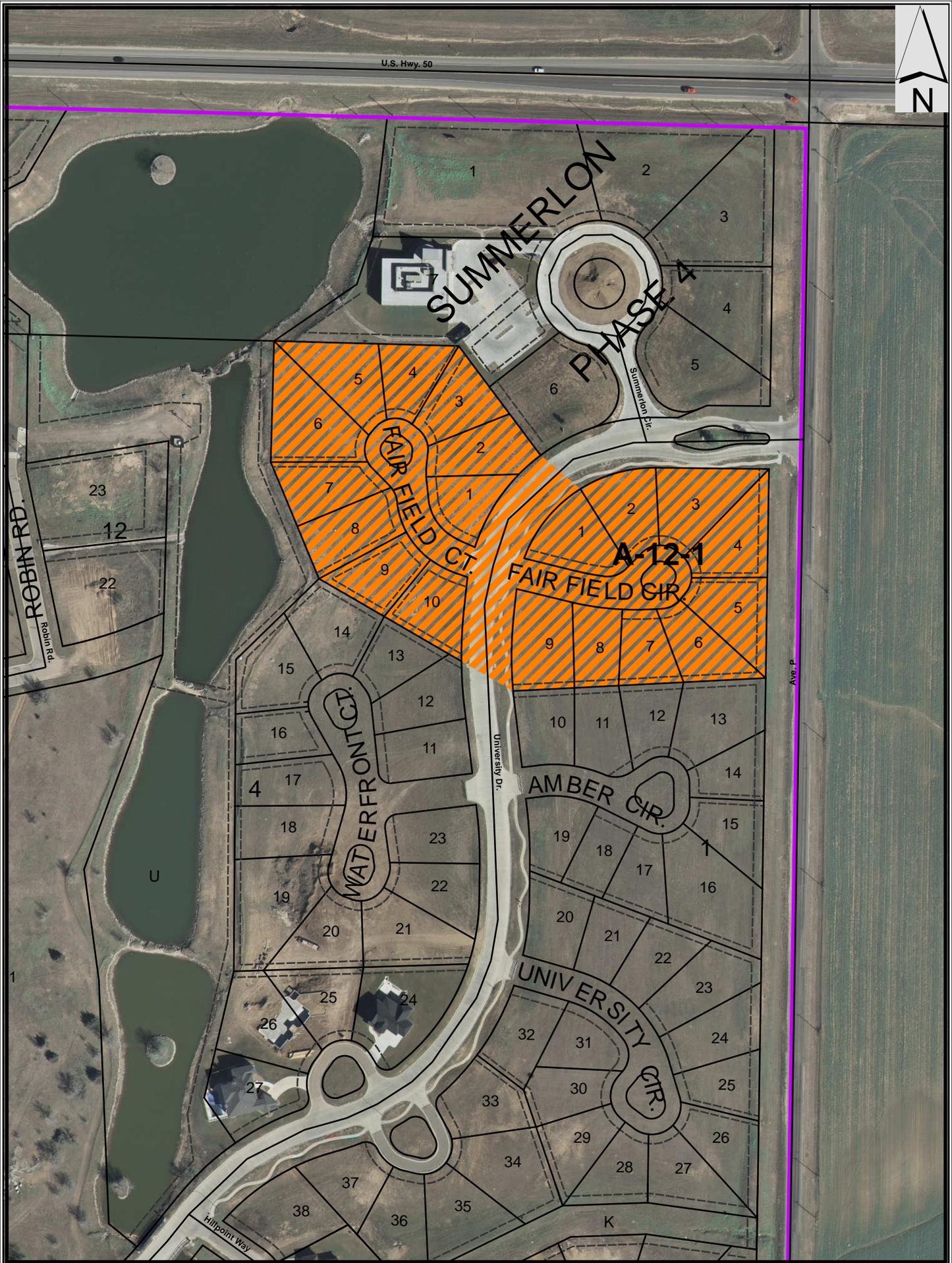


EXHIBIT C

NAMES AND ADDRESSES OF THE OWNERS OF RECORD OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED RURAL HOUSING INCENTIVE DISTRICT AND THE EXISTING ASSESSED VALUATION OF SAID REAL ESTATE PARCELS

Owner of Record: Summerlon, Inc.
1902 Hi Street
Dodge City, KS 67801

Contract Purchaser: Summerlon Properties, L.L.C.
P.O. Box 608
Dodge City, KS 67801

Developer: Summerlon Properties, L.L.C.
P.O. Box 608
Dodge City, KS 67801

2011 Assessed Valuation: Land: \$4,596
Improvements: \$0 (vacant land)

EXHIBIT D

DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR PROJECTS THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED RURAL HOUSING INCENTIVE DISTRICT

Housing Facilities

The housing facilities will be composed of nineteen (19) single-family residences. The housing facilities will consist of a variety of 2 and 3 bedroom single and two story design. Each individual family unit will have laundry hook-up, cable television hook-ups and garage parking.

Public Facilities

Public improvements include the extension of water and sewer by the City of Dodge City, gas distribution lines by Black Hills Energy and electric distribution lines to the boundaries of the District by Victory Electric.

Public improvements will also include construction of infrastructure improvements located within the boundaries of the District, including electric, gas, water, sanitary sewer, storm sewer, storm water detention, streets, street lighting, fire services and sidewalks. Infrastructure improvements will be constructed concurrently with the project.

EXHIBIT E

**SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER
AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS**

Contractual Assurances.

The Governing Body of the City of Dodge City has entered into a development agreement with Summerlon, Inc. This agreement, as supplemented and amended, includes the project construction schedule, a description of projects to be constructed, financial obligations of the developer and financial and administrative support from the City of Dodge City.

Feasibility Study.

The City conducted a study to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue provided by the developer, would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the development, less existing property taxes to determine the revenue stream available to support the costs of the public infrastructure. The estimates indicate that the revenue realized from the project would be adequate to pay the costs of the public infrastructure.

CERTIFICATE OF DELIVERY AND PUBLICATION

STATE OF KANSAS)
) §:
COUNTY OF FORD)

The undersigned, City Clerk of the City of Dodge City, Kansas (the “City”), does hereby certify, as follows:

- (a) On _____, 2013, I caused a certified copy of Resolution No. 2013-XX with *Exhibits A* thru *E* attached (the “Resolution”), to be delivered to the following:
 - (1) the Board of County Commissioners of Ford County, Kansas;
 - (2) the Board of Education of U.S.D. No. 443; and
 - (3) the Planning Commission of the City.

- (b) I caused a copy of the Resolution to be published one time in *The Dodge City Daily Globe*, the official newspaper of the City, on March ____, 2013, which date was not less than one week nor more than two weeks after preceding the date fixed for the public hearing. A true copy of the affidavit of publication of the Resolution is attached to this Certificate.

WITNESS my hand and seal on March ____, 2013.

(Seal)

Nannette Pogue, City Clerk

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Kevin Norton, Fire Chief

Date: 02/18/2013

Subject: Mutual Aid Agreement

Agenda Item: Ordinance/Resolutions

Recommendation: Approve the Resolution.

Background: This Mutual Aid Agreement is being requested by the South West Kansas Regional Emergency Planning Council from all jurisdictions in the region.

Justification: In the event of a “Declared Disaster” written mutual aid agreements are a critically important part of the incident management system.

Financial Considerations: In the event of a “Declared Disaster” where FEMA funds are available for the reimbursement of expenditures a written mutual aid agreement is required to apply for said reimbursement.

Purpose/Mission: To quote the last part of the City of Dodge City - Mission Statement “As a team, we engage the community by listening, responding and guiding, which results in community partnerships and excellent services and opportunities for all.” I do feel this resolution lives up to the spirit of our mission.

Legal Considerations: None.

Attachments: A Copy of proposed resolution # 2013-10

RESOLUTION NO. # 2013 - 10

STANDARD MUTUAL AID AGREEMENT; SOUTH WEST KANSAS HOMELAND SECURITY REGION

A RESOLUTION ESTABLISHING A POLICY FOR the CITY of DODGE CITY, KANSAS TO PROVIDE ASSISTANCE TO OTHER COUNTIES, CITIES, AND TOWNSHIPS DURING DISASTERS, PURSUANT TO K.S.A. 12-16,117

Whereas, the CITY of DODGE CITY, Kansas has facilities, equipment, and personnel capable of providing assistance in the event of disaster; and

Whereas, the CITY of DODGE CITY desires to render assistance that may be appropriate to other counties, cities and townships in the event of disaster;

NOW, THEREFORE, BE IT RESOLVED by Governing Commission in the City of DODGE CITY, Kansas, is meeting in regular session on this 18th day of February, 2013 as follows:

1. That in the event of a Locally Declared disaster, if there is a request for assistance by another county, city or township, within or outside the state of Kansas, and if the city of DODGE CITY can provide assistance without unduly jeopardizing the protection of its own community, that this resolution hereby authorizes providing, under the authority of K.S.A. 12-16, 117 with all the privileges and immunities provided therein, such assistance as may be required.
2. This resolution authorizes, in the event of a disaster, the Mayor of City of DODGE CITY or his/her designee to immediately render such assistance as may be required, provided that, as soon as practical the City Commission meet and shall vote upon any continuing or providing any additional assistance, and provided further that no actions by the Mayor of the City Commission or his/her designee, or by the City Commission of the city of DODGE CITY, shall conflict with any local or interjurisdictional disaster plan adopted by Dodge City pursuant to K.S. A. 48-901 et.seq., and amendments thereto.
3. Nothing in this resolution is intended to conflict with or circumvent any existing interlocal agreement, and automatic aid, intergovernmental or mutual aid agreement, or any authority of the city of DODGE CITY to enter into any such agreement in the future.
4. It is the intent of this resolution to authorize providing assistance in any form, including, but not limited to, police, fire, emergency management, public works, emergency medical service, public health, administrative and clerical upon the occurrence of imminent threat of widespread or severe damage, injury or loss of lives or property resulting from any natural or man-made cause, including but not limited to, fire, flood,

earthquake, wind, storm, tornados, terroristic threats, epidemics, blight, drought, air contamination.

5. That a System shall be maintained to recover possible costs in the event of a long term Disaster that has been locally declared in the County and or City that have been affected by the Disaster. (Long term being more than 24 hrs of operations.)

ADOPTED THIS DAY BY THE CITY COMMISSION from the city of
DODGE CITY in the COUNTY of FORD, KANSAS

MAYOR _____
Rick Sowers

ATTEST:

City Clerk, Nannette Pogue

Date: _____