

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, June 17, 2013

7:00 p.m.

MEETING #4925

## **CALL TO ORDER**

## **INSTALLATION OF NEW COMMISSIONER**

## **ROLL CALL**

**INVOCATION:** by Pastor Joshua Middlebrooks of Bible Baptist Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Accept Annexation Petition for Love's Travel Stop.

## **VISITORS**

Presentation of Plaque for Years of Service Award - Presented to Nancy Sherer for Commissioner Jim Sherer.

## **PUBLIC HEARING**

Consider the Establishment of a Rural Housing Incentive District and Adoption of a Development Plan for Summerlon Phase V Project.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, June 3, 2013
2. Appropriation Ordinance No. 12, June 17, 2013;
3. Cereal Malt Beverage License Applications;
  - (a) Loves Travel Stops & Country Stores, Inc., 400 E. Wyatt Earp Blvd
  - (b) El Charro of Dodge City, 1209 W. Wyatt Earp Blvd.
4. Approval of Change Order No. 1, of Barham Drainage Improvements.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3563.** An Ordinance of the City Commission of the City of Dodge City, Kansas, Authorizing the Issuance of its Special Obligation Revenue Bonds (Summerlon Phase III-S1 Project) for the purpose of Financing certain costs relating to a Rural Housing Incentive District; Authorizing and Approving the Execution of Certain Documents in Connection with the Issuance of Such Bonds and Authorizing Certain Other Actions in Connection with Issuance of Such Bonds. Report by City Clerk/Finance Director, Nannette Pogue.

**Ordinance No. 3564.** An Ordinance Annexing to the City of Dodge City the Described Property, (Love's Travel Stop) In Accordance with K.S.A. 12-520 ET.SEQ; Providing for the Zoning Thereof. Report by Director of Developmental Services, Dennis Veatch.

## **UNFINISHED BUSINESS**

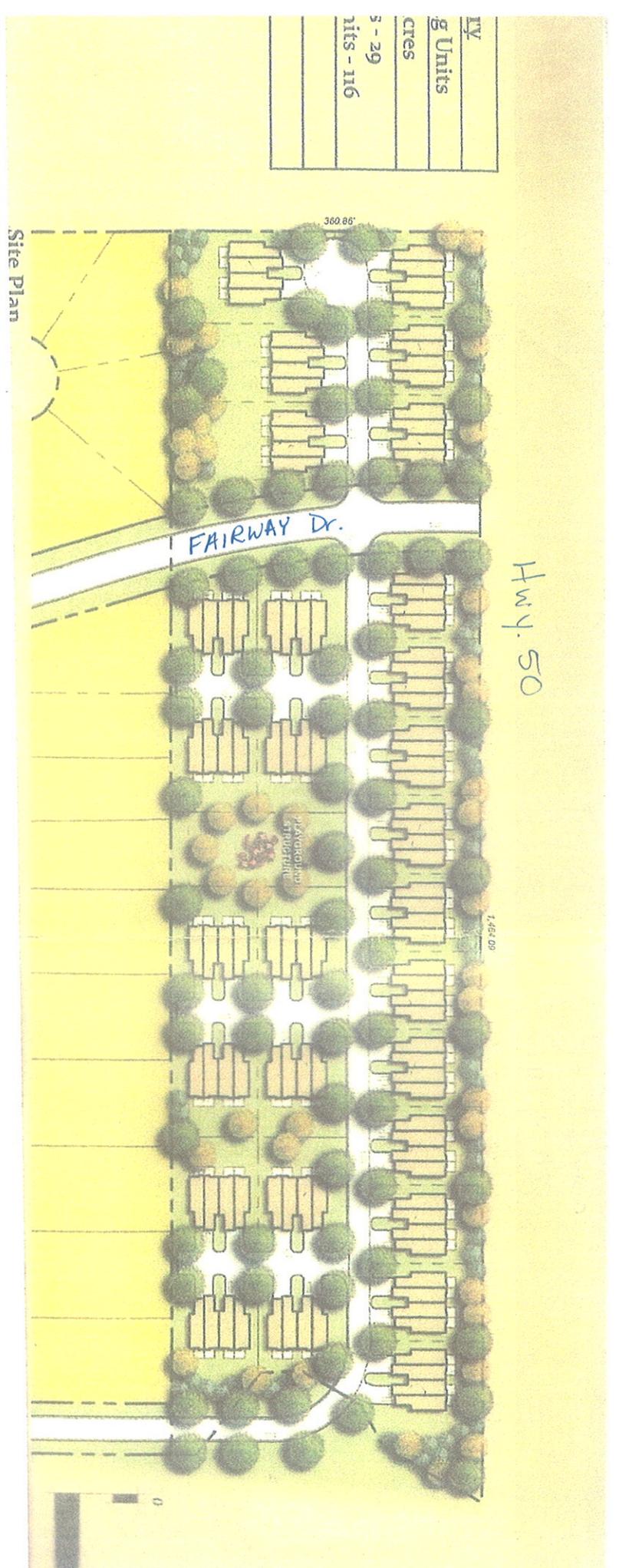
### **NEW BUSINESS**

1. Approval of Minor Plat of Trent Subdivision. Report by Director of Developmental Services, Dennis Veatch.
2. Discussion and Action regarding Concealed Carry. Report by Assistant City Manager, Cherise Tieben.
3. Authorization for RHID Declaratory Judgment action. Report by City Manager, Ken Strobel.
4. Approval of Bids for Water Supplies. Report by Assistant Public Works Director, Corey Keller.
5. Approval of YMCA Outdoor Pool Heater Request. Report by Assistant City Manager, Cherise Tieben.

## **OTHER BUSINESS**

## **ADJOURNMENT**

Location of RHID  
(Summerlon Phase V Project)



# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, June 3, 2013

7:00 p.m.

MEETING #4924

## **CALL TO ORDER**

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

**INVOCATION** by Pastor Albert Shrock, Bible Baptist Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Dodge City Peace Commission Week – Alan Bailey spoke about Dodge City Peace Commission

**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, May 20, 2013;
2. Appropriation Ordinance No. 11, June 3, 2013;
3. Approval of Fireworks Contract with Wald's All American Display Fireworks.

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

## **ORDINANCES & RESOLUTIONS**

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

Discussion of Vacant Commission Seat.

Commissioner Rick Sowers moved to appoint Jim Lembright to the vacant City Commission Seat. Joyce Warshaw seconded the motion. The motion carried 4-0.

**OTHER BUSINESS**

Assistant City Manager, Cherise Tieben:

- Will be calling City Commissioners to set up individual meetings.

Commissioner, Joyce Warshaw:

- Watch children; School is out for summer.

Commissioner, Brian Delzeit:

- To Marshal Bailey – Was at a Rally in Colby, Kansas and they complimented Marshal Alan Bailey as a Representative of the City of Dodge City.

Kent Smoll:

- Commented on Fireworks Contributions.

**ADJOURNMENT :**

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

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E Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

#62

# CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or  County of City 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 type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input checked="" type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-731220756F-01</u>			
Name of Corporation <u>Love's Travel Stops &amp; Country Stores, Inc.</u>		Principal Place of Business	
Corporation Street Address <u>10601 N. Pennsylvania Avenue</u>		Corporation City <u>Oklahoma City</u>	State <u>OK</u> Zip Code <u>73120</u>
Date of Incorporation <u>12/29/1986</u>	Articles of Incorporation are on file with the Secretary of State.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resident Agent Name <u>CT Corporation</u>		Phone No.	
Residence Street Address <u>112 SW 7th Site 3C</u>		City <u>Topeka</u>	State <u>KS</u> Zip Code <u>66603</u>

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name <u>Love's Country Store #62</u>		Name <u>ATTN: Store Licensing</u>	
Business Location Address <u>400 E Wyatt Earp</u>		Address <u>PO BOX 216210</u>	
City <u>Dodge City</u>	State <u>KS</u> Zip <u>67801</u>	City <u>Oklahoma City</u>	State <u>OK</u> Zip <u>73120</u>
Business Phone No. <u>620-225-0641</u>		<input checked="" type="checkbox"/> Applicant owns the proposed business or special event location. <input type="checkbox"/> Applicant does not own the proposed business or event location.	
Business Location Owner Name(s)			

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name <u>See attached list</u>	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code

# 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):		
Name <u>Catherine Renon LLC</u>	Phone No. <u>620-225-0371</u>	Date of Birth <u>6-22-78</u>
Residence Street Address <u>1815 Burr Pkwy</u>	City <u>D.C.</u>	Zip Code <u>67801</u>
Applicant Spousal Information		
Spouse Name <u>Byron Renon</u>	Phone No. <u>620-225-0371</u>	Date of Birth <u>10-20-78</u>
Residence Street Address <u>1815 Burr Pkwy</u>	City <u>D.C.</u>	Zip Code <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 <u>El Charro @ D.C.</u>	Name
Business Location Address <u>1209 W. Wyatt Exp</u>	Address
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City State Zip
Business Phone No. <u>620-225-0371</u>	<input type="checkbox"/> I own the proposed business or special event location.
Business Location Owner Name(s) <u>Mike Weber</u>	<input type="checkbox"/> I do not own the proposed business or event location.

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>35</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
been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes Have <input checked="" type="checkbox"/> No Have Not
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

# Memorandum

*To:* City Manager  
Assistant City Manager  
City Commissioners

*From:* Ray Slattery, *RS*  
Director of Engineering  
Services

*Date:* June 6, 2013

*Subject:* Barham Drainage  
Improvement SD 1202

*Agenda Item:* Consent Calendar

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**Recommendation:** Approve change order No.1 Barham Drainage Improvements

**Background:** Barham Drainage Improvements was approved by the Commission on February 4, 2013.

**Justification:** Construction Staking – The contractor did not include a unit price for this item in his bid, so this item was deleted from the contract. The project was built per the plans.

Core Drill Drainage Hole – This item was added to the project because the adjacent property owner has an extension from a rain gutter that needed to be drained thru the wall after construction. Staff did not realize the drain could drain over the wall until after the wall was constructed.

**Financial Considerations:** Change Order No.1 is for an increase of \$479.00

**Purpose/Mission:** One of the City's core values in Ongoing Improvements. With the construction of these improvements the City is preparing for the community's future and providing new possibilities for current and future citizens of our community.

**Legal Considerations:** N/A

**Attachments:** Change Order No.1



## *Memorandum*

*To: Ken Strobel, City Manager  
Cherise Tieben, Assistant City Manager*

*From: Nannette Pogue*

*Date: June 13, 2013*

*Subject: RHID Bond Issuance*  
*Agenda Item Ordinance No. 3563*

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**Recommendation:** Staff recommends the approval of Ordinance No. 3565 authorizing the issuance of Special Obligation Revenue Bonds for the purpose of financing certain costs relating to a Rural Housing Incentive District and authorizing and approving the execution of certain documents in connection with the issuance of such bonds. This ordinance authorizes the Bond Indenture and Tax Compliance Agreement. The table of contents for the Bond Trust Indenture is included in the agenda packet. If you wish to review the entire document, it is available in my office.

**Background:** This is the final step in the Rural Housing Incentive District process for Summerlon Phase III S-1.

**Justification:** These are the final documents needed to complete the district and issue the bonds in order to fulfill our obligation under this incentive.

**Financial Considerations:** None, as the bonds are not backed by the full faith and credit of the City.

**Purpose/Mission:** Together, we value progress, growth and new possibilities by providing and preparing for the community's future.

**Legal Considerations:** None, bond documents have been prepared by bond counsel.

**Attachments:** Ordinance No. 3563 and the Table of Contents of the Bond Trust Indenture.

(Published in *The Dodge City Daily Globe* on June \_\_, 2013)

**ORDINANCE NO. 3563**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS, AUTHORIZING THE ISSUANCE OF ITS SPECIAL OBLIGATION REVENUE BONDS (SUMMERLON PHASE III-S1 PROJECT) FOR THE PURPOSE OF FINANCING CERTAIN COSTS RELATING TO A RURAL HOUSING INCENTIVE DISTRICT; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH ISSUANCE OF SUCH BONDS**

**WHEREAS**, City of Dodge City, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

**WHEREAS**, pursuant Ordinance No. 3557 passed by the governing body of the City on March 18, 2013 and the provisions of K.S.A. 12-5241 *et seq.*, as amended (the “Act”), the City has created a Rural Housing Incentive District within the City limits (the “District”) and approved a plan for the development of housing and public facilities within the District (the “Plan”); and

**WHEREAS**, in connection with the Plan, the City and Summerlon Properties, LLC, a Kansas limited liability company (the “Developer”), have entered into a Development Agreement dated March 18, 2013, pursuant to which the Developer agrees to develop a single-family residential development within the District to be known as the “Summerlon Phase III-S1 Development”; and

**WHEREAS**, in accordance with the provisions of the Act, the City hereby finds and determines it to be necessary and desirable to issue its Special Obligation Revenue Bonds (Summerlon Phase III-S1 Project), Series 2013A (the “Bonds”), upon the terms and conditions set forth in the hereinafter described Bond Indenture, and to apply the proceeds of such Bonds to the financing of eligible costs of the District as described in the Plan; and

**WHEREAS**, the governing body hereby finds and determines that the financing of certain Project Costs (as defined in the Bond Indenture herein authorized) by the City in the manner provided in the Act and pursuant to the provisions of the Bond Indenture, will serve one or more of the public purposes set forth in the Act and will promote, stimulate and develop the general and economic welfare of the City; and

**WHEREAS**, the governing body further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the City enter into certain agreements, and that the City take certain other actions and approve the execution of certain other documents as herein provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS:**

**Section 1. Authorization of the Bonds.** The City is hereby authorized to issue and sell the Bonds in an aggregate principal amount of \$690,000 the proceeds of which will be used to (a) finance a portion of the eligible costs of the District as described in the Plan, and (b) pay certain costs related to the issuance of the Bonds. The Bonds shall be issued and secured pursuant to the herein authorized Bond Indenture in such principal amounts, shall bear such dates, shall be in such denominations, shall be in such forms, shall mature on the dates and in the principal amounts, shall bear interest at a fixed rate which shall not exceed amount set forth in K.S.A. 10-1009 and shall be subject to redemption on the dates and in the principal amounts as provided in the Bond Indenture, and shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the Bond Indenture.

The Bonds, together with interest thereon, are not general obligations of the City but are limited obligations payable solely from the Trust Estate (as defined in the Bond Indenture) pledged to the payment thereof under the Bond Indenture and shall be a valid claim of the respective holders thereof only against the Trust Estate and other moneys held by the Trustee (as defined in the Bond Indenture) and the revenues so pledged as aforesaid. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Bond Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the City, the State of Kansas (the "State") or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State or any political subdivision thereof to levy any form of general taxation (other than incremental property tax revenues pledged as part of the Trust Estate) therefor. Nothing in the Bonds, the Bond Indenture, the proceedings of the City authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the City, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

**Section 2. Authorization and Approval of Documents.** The following documents are hereby approved in substantially the forms presented to and reviewed by the City at this meeting (copies of which documents shall be filed in the records of the City), and the City is hereby authorized to execute and deliver each of such documents to which the City is a party (the "City Documents") with such changes therein as shall be approved by the officer or officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the City's ratification or approval thereof:

- (a) Bond Trust Indenture (the "Bond Indenture"), between the City and UMB Bank, n.a., as trustee (the "Trustee"); and
- (b) Tax Compliance Agreement between the City and the Trustee, relating to the Bonds.

**Section 3. Execution of Bonds and Documents.** The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Bond Indenture. The Mayor of the City is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the City Documents and such other documents, certificates and instruments as may be necessary.

**Section 4. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, deeds, agreements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the transactions contemplated therein and to carry out, comply with and perform the duties of the City with respect to the Bonds and the City Documents, including, but not limited to, agreements with respect to the investment of any funds held under the Bond Indenture. Gilmore & Bell, P.C., the City's bond counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the intent of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall be effective upon its passage by the City Commission of the City of Dodge City, Kansas and publication one time in the official City newspaper.

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**PASSED** by the City Commission of Dodge City, Kansas on June 17, 2013.

(Seal)

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
\_\_\_\_\_  
Mayor

**BOND TRUST INDENTURE**

**Dated as of June 1, 2013**

**Between**

**CITY OF DODGE CITY, KANSAS**

**and**

**UMB BANK, N.A.,  
as Trustee**

**Relating to:**

**\$690,000  
Special Obligation Revenue Bonds (Summerlon Phase III-S1 Project)  
Series 2013A**

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**BOND TRUST INDENTURE**

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**THE TRUSTEE**

Section 901.	Acceptance of Trusts; Certain Duties and Responsibilities.....	<b>Error! Bookmark not defined.</b>
Section 902.	Certain Rights of Trustee .....	<b>Error! Bookmark not defined.</b>
Section 903.	Notice of Defaults .....	<b>Error! Bookmark not defined.</b>
Section 904.	Compensation and Reimbursement.....	<b>Error! Bookmark not defined.</b>
Section 905.	Corporate Trustee Required; Eligibility.....	<b>Error! Bookmark not defined.</b>
Section 906.	Resignation and Removal of Trustee .....	<b>Error! Bookmark not defined.</b>
Section 907.	Appointment of Successor Trustee .....	<b>Error! Bookmark not defined.</b>
Section 908.	Acceptance of Appointment by Successor.....	<b>Error! Bookmark not defined.</b>
Section 909.	Merger, Consolidation and Succession to Business.....	<b>Error! Bookmark not defined.</b>
Section 910.	Co-Trustees and Separate Trustees .....	<b>Error! Bookmark not defined.</b>
Section 911.	Designation of Paying Agents.....	<b>Error! Bookmark not defined.</b>
Section 912.	Advances by Trustee.....	<b>Error! Bookmark not defined.</b>

**ARTICLE X**

**SUPPLEMENTAL INDENTURES**

Section 1001.	Supplemental Indentures without Consent of Bondowners.....	<b>Error! Bookmark not defined.</b>
Section 1002.	Supplemental Indentures with Consent of Bondowners .....	<b>Error! Bookmark not defined.</b>
Section 1003.	Execution of Supplemental Indentures .....	<b>Error! Bookmark not defined.</b>
Section 1004.	Effect of Supplemental Indentures.....	<b>Error! Bookmark not defined.</b>
Section 1005.	Reference in Bonds to Supplemental Indentures .....	<b>Error! Bookmark not defined.</b>

**ARTICLE XI**

**SATISFACTION AND DISCHARGE**

Section 1101.	Payment, Discharge and Defeasance of Bonds.....	<b>Error! Bookmark not defined.</b>
Section 1102.	Satisfaction and Discharge of Indenture .....	<b>Error! Bookmark not defined.</b>
Section 1103.	Rights Retained After Discharge .....	<b>Error! Bookmark not defined.</b>

**ARTICLE XII**

**NOTICES, CONSENTS AND OTHER ACTS**

Section 1201.	Notices .....	<b>Error! Bookmark not defined.</b>
Section 1202.	Acts of Bondowners.....	<b>Error! Bookmark not defined.</b>
Section 1203.	Form and Contents of Documents Delivered to Trustee.....	<b>Error! Bookmark not defined.</b>
Section 1204.	Compliance Certificates and Opinions.....	<b>Error! Bookmark not defined.</b>

**ARTICLE I**

**DEFINITIONS AND RULES OF CONSTRUCTION**

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Section 102.	Rules of Construction.....	<b>Error! Bookmark not defined.</b>

**ARTICLE II**

**THE BONDS**

Section 201.	Authorization, Amount and Title of Bonds.....	<b>Error! Bookmark not defined.</b>
Section 202.	Description of the Bonds.....	<b>Error! Bookmark not defined.</b>
Section 203.	Authorization of Additional Bonds .....	<b>Error! Bookmark not defined.</b>
Section 204.	Method and Place of Payment of the Bonds .....	<b>Error! Bookmark not defined.</b>
Section 205.	Form, Denomination, Numbering and Dating .....	<b>Error! Bookmark not defined.</b>
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Section 207.	Registration, Transfer and Exchange .....	<b>Error! Bookmark not defined.</b>
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Section 209.	Mutilated, Destroyed, Lost and Stolen Bonds .....	<b>Error! Bookmark not defined.</b>
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**ARTICLE III**

**REDEMPTION OF BONDS**

Section 301.	Redemption of Bonds Generally.....	<b>Error! Bookmark not defined.</b>
Section 302.	Redemption of Series 2013A Bonds .....	<b>Error! Bookmark not defined.</b>
Section 303.	Election to Redeem; Notice to Trustee .....	<b>Error! Bookmark not defined.</b>
Section 304.	Selection by Trustee of Bonds to be Redeemed.....	<b>Error! Bookmark not defined.</b>
Section 305.	Notice of Redemption .....	<b>Error! Bookmark not defined.</b>
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Section 307.	Bonds Payable on Redemption Date.....	<b>Error! Bookmark not defined.</b>
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**CREATION OF FUNDS AND ACCOUNTS; DEPOSIT AND APPLICATION OF BOND PROCEEDS**

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Section 404.	Rebate Fund .....	<b>Error! Bookmark not defined.</b>
Section 405.	Application of Moneys in the Costs of Issuance Fund....	<b>Error! Bookmark not defined.</b>
Section 406.	Project Fund .....	<b>Error! Bookmark not defined.</b>
Section 407.	Records and Reports of Trustee .....	<b>Error! Bookmark not defined.</b>

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**DEPOSIT AND INVESTMENT OF MONEYS**

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**ARTICLE VII**

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Section 703.	Payment of Bonds .....	<b>Error! Bookmark not defined.</b>
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Section 705.	Inspection of Books .....	<b>Error! Bookmark not defined.</b>
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**ARTICLE XIII**

**DEFAULT AND REMEDIES**

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Section 806.	Application of Moneys Collected .....	<b>Error! Bookmark not defined.</b>
Section 807.	Rights and Remedies Cumulative .....	<b>Error! Bookmark not defined.</b>

Section 808.	Waiver of Past Defaults .....	<b>Error! Bookmark not defined.</b>
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## **ARTICLE IX**

### **THE TRUSTEE**

Section 901.	Acceptance of Trusts; Certain Duties and Responsibilities	<b>Error! Bookmark not defined.</b>
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Section 1204.	Compliance Certificates and Opinions.....	<b>Error! Bookmark not defined.</b>

**ARTICLE XIII**

**MISCELLANEOUS PROVISIONS**

Section 1301.	Further Assurances.....	<b>Error! Bookmark not defined.</b>
Section 1302.	Immunity of Officers, Directors, Members, Employees and Agents of Issuer.....	<b>Error! Bookmark not defined.</b>
Section 1303.	Limitation on Issuer Obligations.....	<b>Error! Bookmark not defined.</b>
Section 1304.	Benefit of Indenture .....	<b>Error! Bookmark not defined.</b>
Section 1305.	Severability .....	<b>Error! Bookmark not defined.</b>
Section 1306.	Electronic Transactions.....	<b>Error! Bookmark not defined.</b>
Section 1307.	Execution in Counterparts.....	<b>Error! Bookmark not defined.</b>
Section 1308.	Governing Law .....	<b>Error! Bookmark not defined.</b>
	Exhibit A-1 – Form of Series 2013A Bonds	
	Exhibit B – Form of Written Request – Costs of Issuance Fund	
	Exhibit C – Form of Written Request – Project Fund	
	Exhibit D – Legal Description of Rural Housing Incentive District	

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: June 13, 2013*

*Subject: Loves Travel Stop  
Annexation*

*Agenda Item: Ordinance No. 3564*

---

**Recommendation:** City staff recommends approval of this annexation ordinance.

**Background:** Steve Walters, representing a proposed travel center, submitted a request to annex the proposed property. The present owners have submitted a letter of authorization for the annexation and the notice for a public hearing in connection with the request is waived and that the matter proceeds before the City Commission for its action.

**Justification:** This is a voluntary annexation. This property is adjacent to the existing City Limits and city services are available to the property.

**Financial Considerations:** None

**Purpose/Mission:** To provide overall growth to the community and provide city services to developed areas.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3564 and a map showing the proposed area.

ORDINANCE NO. 3564

AN ORDINANCE ANNEXING TO THE CITY OF DODGE CITY THE DESCRIBED PROPERTY, IN ACCORDANCE WITH K.S.A. 12-520 ET. SEQ; PROVIDING FOR THE ZONING THEREOF.

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

SECTION 1: By the virtue of the authority granted by K.S.A. 12-520 and by one or more of the conditions listed therein being fulfilled, the following described real property located in Ford County, Kansas is hereby annexed to, and made part of the City of Dodge City:

A tract of land in the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼) of Section Thirty-one (31), Township Twenty-six (26) South, Range Twenty-four (24) West of the 6<sup>th</sup> P.M., Ford County, Kansas, described as follows:

Beginning at a point on the South right-of-way line of Trail Street and Twenty (20) feet west of the East line of said Section Thirty-one (31) for a place of beginning; thence running in a northwesterly direction along the South line of said Trail Street approximately Eight Hundred and Six (806) feet to the existing corporate city limits line; thence south parallel with the East line of said Section Thirty-one (31) for a distance of Nine Hundred Sixty-four (964) feet; thence east Seven Hundred Seventy (770) feet to a point Twenty (20) feet west of the East line of said Section Thirty-one (31); thence north parallel with said Section line to the place of beginning and containing 15 acres more or less including the West Forty (40) feet of right-of-way along US Highway 56-283-400.

SECTION 2: The property annexed is currently zoned A, "Agricultural" and will be designated RS, Residential Suburban", in accordance with the Dodge City Zoning Regulations.

SECTION 3: The City Clerk shall file a certified copy of this ordinance with the County Clerk and Register of Deeds of Ford County, pursuant to K.S.A 12-522.

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

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

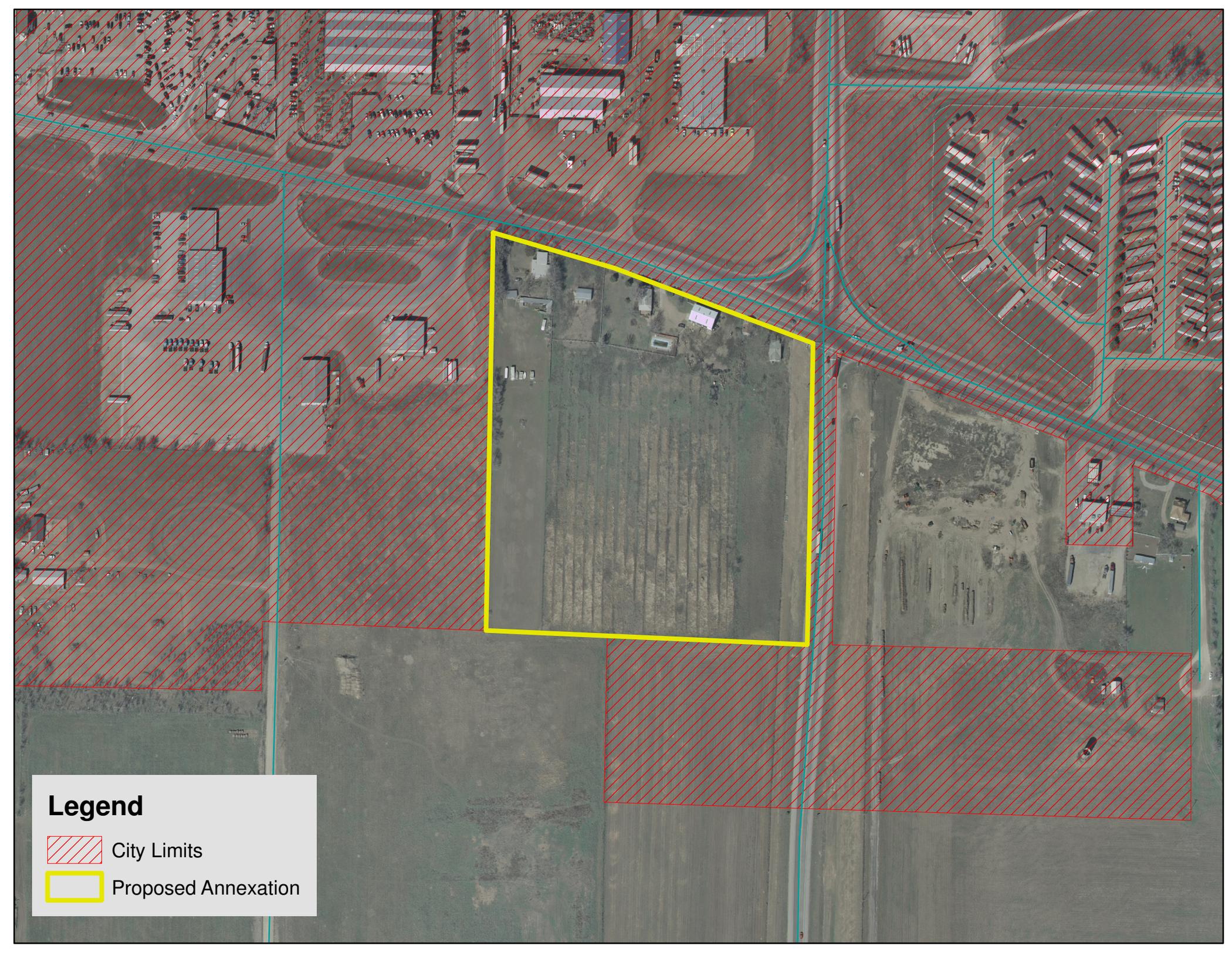
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KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK



**Legend**

 City Limits

 Proposed Annexation

# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: June 12, 2013*

*Subject: Trent Subdivision  
Agenda Item New business*

---

**Recommendation:** The Dodge City Planning Commission met May 21, 2013 to review the Minor Plat of Trent Subdivision. The Planning Commission voted to recommend approval of this plat.

**Background:** Duane Palmberg, surveyor for Bruce Trent submitted an application for this plat which will create an additional lot for future development.

**Justification:** This plat conforms to the Dodge City Subdivision Regulations, Dodge City Zoning Regulations and the City Comprehensive Plan.

**Financial Considerations:** None

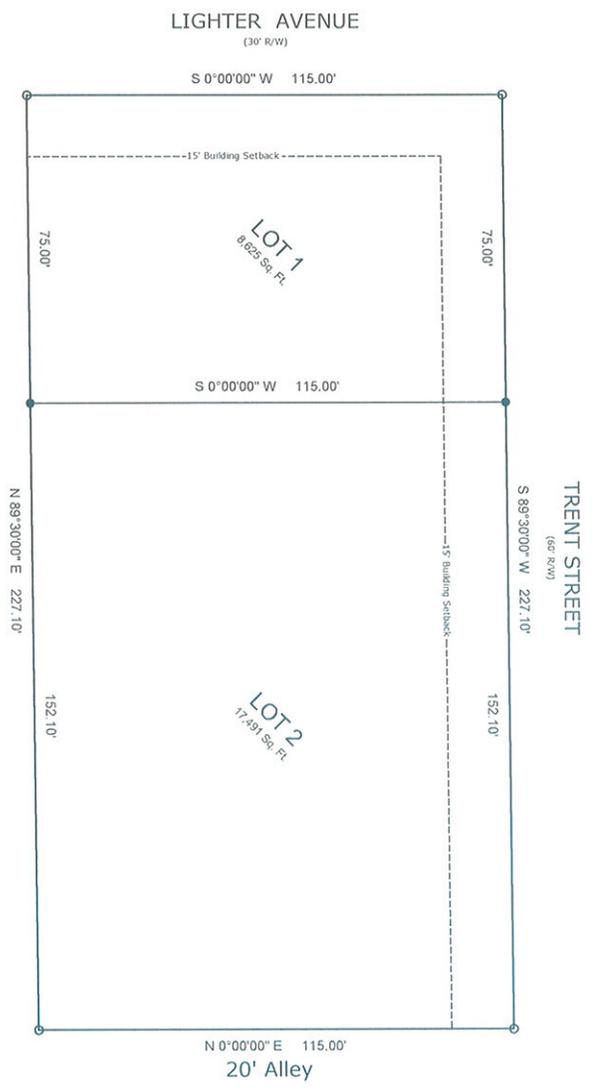
**Purpose/Mission:** This plat was created to provide an additional lot for future development.

**Legal Considerations:** None

**Attachments:** Trent Subdivision

# TRENT SUBDIVISION

A MINOR PLAT OF THE NORTH 115' OF TRACT 5, CECIL'S TRACTS, DODGE CITY, FORD COUNTY, KANSAS



BEARING	HORIZ. DIST.	CLOSING BLOCK			
		NORTH	SOUTH	EAST	WEST
S 89°30'00" W	227.10'		1.86'		227.00'
S 0°00'00" W	115.00'	1.86'		115.00'	0.00'
N 89°30'00" E	227.10'			227.10'	0.00'
N 0°00'00" E	115.00'	115.00'			0.00'
TOTAL	115.981	115.981	227.097	227.097	227.097

SCALE: 1" = 20'  
 BASIS OF BEARING: East Line Assumed North  
 LEGEND  
 O Found 1/2" Rebar w/Cap #778  
 ● Sec 1/2"x3/8" Rebar w/Cap #1382



**LAND SURVEYOR'S LEGAL DESCRIPTION**  
 A TRACT OF LAND LOCATED IN THE NORTH 115' OF TRACT 5, CECIL'S TRACTS, DODGE CITY, FORD COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS:  
 Commencing at the Northeast Corner of said Tract 5, said corner also being the True Point of Beginning thereon as an established bearing of South 89°30'00" West, along the North Line of said Tract 5, for a distance of 227.10 feet, thence on a bearing of South 0°00'00" East for a distance of 115.00 feet, thence on a bearing of North 89°30'00" East for a distance of 227.10 feet, thence on a bearing of North 0°00'00" East for a distance of 115.00 feet to the True Point of Beginning. The above described tract contains 26,316 Square Feet, more or less, and are subject to easements and rights-in-kind of record.

**OWNERS CERTIFICATE AND DEDICATION**  
 COUNTY OF FORD )  
 STATE OF KANSAS )  
 I, the undersigned owner of the land described in the land surveyors description, DO HEREBY CERTIFY TO THE PERMISSION OF THE BOARD OF PUBLIC WORKS AND THE HEALTH DEPARTMENT OF THE CITY OF DODGE CITY, KANSAS, (INCORPORATED BY ACT 287 OF THE 19TH LEGISLATIVE SESSION) TO ACCEPT AND DEDICATE THE ABOVE DESCRIBED TRACT FOR THE USE OF THE CITY OF DODGE CITY, KANSAS.

**NOTARY CERTIFICATE**  
 I, \_\_\_\_\_, Notary Public in and for the State of Kansas, do hereby certify that \_\_\_\_\_, of the County of Ford, State of Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me a Notary Public, person had forwarded County and State instrument and acknowledged to me that said party, parties executed the same as a free and voluntary act and deed for the purposes set forth in witness whereof I have hereunto set my hand and affixed my notarial seal on the above date.

**DODGE CITY BOARD OF COMMISSIONERS**  
 I, \_\_\_\_\_, Secretary of the Board of Commissioners of the City of Dodge City, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, do hereby certify that the above described tract has been reviewed and approved by the Dodge City Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
 EDUARDO CHAVEZ, SECRETARY  
 DODGE CITY CLERK

**COUNTY SURVEYOR'S CERTIFICATE**  
 REVIEWED AND APPROVED BY THE COUNTY SURVEYOR OF FORD COUNTY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.  
 COUNTY SURVEYOR EDWARD W. ELAM, L.S.

**REGISTER OF DEEDS CERTIFICATE**  
 COUNTY OF FORD, )  
 STATE OF KANSAS )  
 I, \_\_\_\_\_, Register of Deeds for the County of Ford, State of Kansas, do hereby certify that the instrument was filed for record in the Ford County Register of Deeds Office, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, and is \_\_\_\_\_ copies.  
 IN MY PRESENCE \_\_\_\_\_  
 REGISTER OF DEEDS BRIGIDA FROST

**TRANSFER RECORD CERTIFICATE**  
 COUNTY CLERK SHARON ROBERTS  
 LAND SURVEYOR'S CERTIFICATE  
 I, Duane K. Palmberg, a Licensed Land Surveyor in the State of Kansas, do hereby certify that the above described tract has been reviewed and approved by the Dodge City Planning Commission and that the property corners have been set as required by statute.  
 2264 CR 20 Ashland, Kansas 67831, Phone: 620-255-9530

# Memorandum

*To: City Manager  
City Commissioners*  
*From: Cherise Tieben*  
*Date: 6-13-13*  
*Subject: Concealed Carry Legislation*  
*Agenda Item: New Business*

---

**Recommendation:** Staff recommends sending a letter to the Attorney General requesting time to assess our buildings, make specific determinations regarding this legislation and allow time for conflicts in the legislation to be resolved. Therefore, staff recommends allowing the Mayor to sign the attached letter extending our compliance with this legislation.

**Background:** Since the legislature wrapped up on June 2<sup>nd</sup>, staff has been reviewing the impacts of legislation that was passed. HB 2052 authorizes the carrying of concealed weapons in state and municipal buildings. This law will be in effect for all state and municipal buildings on July 1, 2013 unless we take certain actions prior to that date. We have the following choices:

1. Remove any no-carry signs and allow concealed carry in our municipal buildings;
2. Provide metal detectors or wands and personnel at each public entrance. Cities can then post the building as no-carry.
3. Assess our buildings and establish a security plan for the buildings.

**Justification:** Providing security at the entrance of each door to all buildings is financially prohibitive. We may wish to do so at certain buildings, however, there has not been adequate time to truly evaluate costs and/or overall risks to the safety of our citizens and employees.

**Financial Considerations:** None at this time.

**Purpose/Mission:** Together, we endeavor to provide a safe and secure workplace and community.

**Legal Considerations:** Recommended action assures compliance with HB2052.

**Attachments:** Conceal Carry Briefing from LKM and Letter to Attorney General



## Concealed Carry Briefing

The Legislature passed and Governor Brownback signed HB 2052 which authorizes the carrying of concealed weapons in state and municipal buildings. The following is a summary of the key elements of that bill.

**Effective Date:** July 1, 2013. However, if your city would like time to assess your buildings and make specific determinations, you can simply send a letter to the Attorney General and local law enforcement. In that case, you will have until January 1, 2014 to make such determinations. While there is no deadline specified regarding the submission of this letter, you must do so by July 1, 2013, in order to prevent the law from going into effect in your city. A sample letter can be found at <http://www.lkm.org/legislative/briefings/concealedcarry/exemption2052letter.doc>.

**Applies to:** The State (with certain exceptions) and municipalities. It does not include school districts.

**Possible Outcomes:** Under the provisions of this bill, cities will have the following choices:

1. Remove your no-carry signs and allow concealed carry in your municipal buildings;
2. Provide metal detectors or wands and personnel at each public entrance. Cities can then post the building as no-carry.
3. Assess your buildings and establish a security plan for the buildings. In this case, the buildings will be eligible for a 4-year exemption from the law. The City of Wichita and Sedgwick County recently completed such an assessment. The model for the City of Wichita and Sedgwick County is available here: <http://www.lkm.org/legislative/briefings/concealedcarry/WichitaSGCountyModel.pdf>

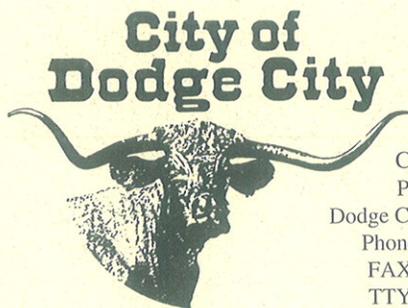
**Liability:** Public entities will be exempted from liability for the actions or omissions of concealed carry permit holders if:

1. The entity provides door security and posts the building as no-carry **or**
2. The entity allows concealed carry in their buildings.

**Exemption:** The Legislature has provided for a 4-year exemption if the public entity establishes a security plan and adopts a resolution to exempt certain buildings from the requirements of the act. Such resolution shall include the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun as authorized by the personal and family protection act." The security plan may be developed by the police chief.

A copy of the security plan shall be maintained on file. Notice of the exemption, together with the resolution, shall be sent to the Kansas Attorney General and to the law enforcement agency of local jurisdiction. Security plans are not subject to KORA.

**Employees:** Cities may restrict or prohibit the carrying of concealed handguns by their employees while on their premises or while engaged in their official duties if the city does so through their personnel policies. Failure to adopt such restrictions in personnel policies will allow public employees to carry concealed handguns in public buildings and while engaged in their duties.



CITY HALL  
P.O. Box 880  
Dodge City, KS 67801-0880  
Phone: 620/225-8100  
FAX: 620/225-8144  
TTY: 620/225-8115  
www.dodgecity.org

June 17, 2013

Hon. Derek Schmidt  
Kansas Attorney General  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

Re: HB 2052 Exemption of Municipal Buildings

Dear Attorney General Schmidt,

On June 17, 2013 the governing body of the City of Dodge City, Kansas, pursuant to Section 2(i) of Senate Substitute for House Bill 2052 approved the exemption of the following buildings from the requirements of said bill:

1. City Hall and Municipal Court – 806 Second Ave.
2. Airport Terminal and ancillary buildings – 100 Airport Rd.
3. All4Fun – 118 N. 14<sup>th</sup> Ave.
4. Animal Shelter – 104 N. 14<sup>th</sup> Ave.
5. Crew/KDCB – 706 E. Military
6. Convention & Visitors Bureau and auxiliary offices – 400 W. Wyatt Earp
7. Parks and Recreation Buildings:
  - a. Cemetery office and ancillary buildings – Matt Down Lane
  - b. Golf Course Pro Shop and ancillary buildings – 1800 Matt Down Lane
  - c. Park Shop and ancillary buildings– Wright Park
  - d. Sheridan Activity Center, Hennessey Hall, Soccer Complex and ancillary buildings – 240 San Jose
  - e. Swimming Pool – 2101 1<sup>st</sup> Ave.
  - f. Youth Complex – Wright Ave.
  - g. Legends Complex – Ross Blvd.
8. Fire Department – 201 Soule and 709 S. 14<sup>th</sup>
9. Police Department – 110 W. Spruce
10. Public Works Facility and ancillary buildings – 111 Water St., 703 W. Trail, 703 W. Trail
11. Water Reclamation Facility – Iron Road
12. United Wireless Event Center – W. Comanche
13. Dodge City Raceway Park – S. 14<sup>th</sup>



The City understands that this exemption will end on January 1, 2014 unless further action is taken by the governing body to extend the exemption.

Respectfully submitted,

---

Mayor E. Kent Smoll

pc: Police Department

## Memorandum

*To: City Commission*  
*From: Ken Strobel, City Manager*  
*Date: June 14, 2013*  
*Subject: RHID / Declaratory Judgment Action*  
*Agenda Item: New Business*

---

**Recommendation:** Staff recommends approval for the filing of a Declaratory Judgment action seeking clarification of certain statutory wording of the Rural Housing Incentive District Act and authorizing the Mayor to sign the Verified Petition on behalf of the City.

**Background:** A question has arisen concerning the legal interpretation of certain provisions of the RHID Act. The Ford County Treasurer, who is responsible for the collection and distribution of the increment real estate taxes which fund the RHID programs, has been directed by the State Department of Revenue to exclude from distribution to the RHID programs the amount collected from the assessment provided by KSA 72-6431 (related to the school district levy). The City, as well as the City's Bond Council, believes that the statutory language requires such revenues are to be paid to the City to fund the RHID Programs. I have met with the County legal council and the school district attorney, and we all agree the matter should be presented to the District Court for a judicial interpretation.

**Justification:** One of the purposes of a Declaratory Judgment action is to provide a judicial ruling as to the interpretation of statutory language. It is not a claim seeking monetary damages nor alleging intentional wrong doing, but rather an action seeking a court ruling on the legal meaning of the language used in a statute.

**Financial Considerations:** A filing fee may be required when the petition is filed with the District Court.

**Purpose:** To seek a judicial interpretation of the language used in the RHID Act.

**Attachment:** Copy of Declaratory Judgment Petition.

**IN THE DISTRICT COURT OF FORD COUNTY, KANSAS**

CITY OF DODGE CITY, KANSAS

(Plaintiff,)

vs.

FORD COUNTY, KANSAS

(Defendant.)

Case No. \_\_\_\_\_

**VERIFIED PETITION**

[Pursuant to Chapter 60 of the Kansas Statutes Annotated]

Plaintiff, City of Dodge City, Kansas, a political subdivision of the State of Kansas, petitions for such declaratory, injunctive and other equitable relief as may be just and necessary to immediately, temporarily and permanently enjoin and restrain Defendant Ford County, Kansas from withholding certain funds from the Plaintiff under various Rural Housing Incentive Districts created by the Plaintiff (each a “District”) pursuant to the Kansas Rural Housing Incentive District Act, K.S.A. 12-5241 *et seq.* (the “RHID Act”). Specifically, Defendant has failed to pay to the Plaintiff, as required by the RHID Act, that portion of the increased property tax revenues generated from the increased assessed value of real property within each District resulting from the school finance mill levy required to be levied by each school district pursuant to K.S.A. 72-6431 (currently 20 mills).

In support of this petition, Plaintiffs allege and state as follows:

## **Jurisdiction**

1. This Court has general original jurisdiction over the subject matter of this civil action, K.S.A. 20-301, and statutory authority to grant relief under the provisions of K.S.A. 60-1701 *et seq.* (declaratory judgment), K.S.A. 60-901 *et seq.* (injunctions and restraining orders), and K.S.A. 60-801 *et seq.* (Mandamus order).

## **Parties**

2. Plaintiff is a municipal corporation duly organized and existing under the laws of the State of Kansas.

3. Defendant is a political subdivision duly organized and existing municipal corporation under the laws of the State of Kansas. Defendant is governed by a county commission and has the capacity to be sued pursuant to K.S.A. 12-101. Pursuant to the provisions of K.S.A. 60-304(d)(1), Defendant may be served with process by personal delivery or certified mail addressed to County Clerk Sharon Seibel or Commissioner King, Commissioner Boys or Commissioner Gillum at the Ford County Courthouse, 100 Gunsmoke, 4<sup>th</sup> Floor, Dodge City, Kansas 67801.

## **Factual Background**

4. Plaintiff has properly created various Districts in the City of Dodge City pursuant to the provisions of the RHID Act.

5. Pursuant to the RHID Act and specifically K.S.A. 12-5250(b)(2) the Ford County Treasurer is required by the RHID Act to pay to the Plaintiff “any real property taxes produced from that

portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to ....the treasurer of the city....”

6. Defendant has failed to pay to the Plaintiff that portion of the funds required under K.S.A. 12-5250(b)(2) which are created by the 20 mill school district levy pursuant to K.S.A. 72-6431.

7. Defendant’s actions: (a) violate K.S.A. 12-5250(b)(2) of the RHID Act; and (b) have caused and will continue to cause Plaintiff to suffer economic injuries and damages due to failure to comply with the provisions of the RHID Act.

### **Count I - Declaratory Judgment**

8. Plaintiff fully incorporates herein by reference the allegations of Paragraphs 1 through 7 above.

9. The Kansas Declaratory Judgment Act, K.S.A. 60-1701 *et seq.* “is remedial in nature and its purpose is to settle and provide relief from uncertainty and insecurity with respect to disputed rights, status and other legal relations and should be liberally construed and administered to achieve that purpose.” K.S.A. 60-1713. Plaintiff is accordingly authorized to seek and obtain a declaratory judgment that resolves and provides meaningful relief in connection with any question regarding: (a) the disputed legality or validity of Defendant's conduct in withholding funds from the Plaintiff; and (b) the proper construction of K.S.A 12-5250(b)(2). Plaintiff is likewise entitled to seek and obtain a judgment declaring the “rights, status or other legal relations” of the parties under K.S.A 12-5250(b)(2). *See* K.S.A. 60-1704.

10. Pursuant to the provisions of K.S.A. 60-1701 *et seq.* Plaintiff is entitled to and hereby requests the entry of judgment declaring Defendant's conduct in withholding a portion of funds from the Plaintiff for each District is unlawful. Plaintiff further requests an award of such ancillary relief and costs as may be just and equitable under the circumstances.

### **Count II -- Provisional and Final Injunctive Relief**

11. Plaintiff fully incorporates by reference those allegations set forth in Paragraphs 1 through 10 above.

12. Defendant's conduct in violation of K.S.A 12-5250(b)(2) has caused and will continue to cause Plaintiffs to suffer injuries and damages proximately resulting from the withholding a portion of funds from the City for payment of costs within each District as provided in the RHID Act.

13. In accordance with the provisions of K.S.A. 60-901 *et seq.*, Plaintiff is entitled to and hereby requests this Court issue provisional and final injunctive relief prohibiting, restraining and enjoining Defendant, together with its officials, officers, agents and employees, from withholding funds due the Plaintiff for each present and future District.

14. In accordance with the provisions of K.S.A. 60-801 *et seq.* Plaintiff is entitled to and hereby requests this Court issue an order in Mandamus compelling the Ford County Treasurer to pay to the Plaintiff's municipal Treasurer for deposit in a special fund to pay costs of housing projects as provided in K.S.A. 12-5250 (b)(2)(A) all excess funds as described in K.S.A. 12-5251 (b)(2) in its possession including those resulting from assessment of the school district's 20 mill levy pursuant to K.S.A. 72-6431 on each current and future District pursuant to the RHID Act.

## **Request for Relief**

WHEREFORE, Plaintiff respectfully requests this Court:

(a) to issue provisional relief in the form of a permanent restraining order and a permanent injunction that immediately prohibits, restrains and enjoins Defendant Ford County, Kansas, together with its officials, officers, agents and employees, from withholding funds due to the City for each current and future District pursuant to the RHID Act;

(b) to enter judgment declaring Defendant's conduct in withholding such funds violates K.S.A 12-5250(b)(2) and to enter an order in Mandamus directing said Defendant to distribute to the Plaintiff all funds to which it is entitled pursuant to the provisions of the RHID Act;

(c) to enter judgment awarding each Plaintiff such ancillary relief and costs as may be just and equitable under the circumstances;

(d) to enter judgment that permanently prohibits, restrains, and enjoins Defendant Ford County, Kansas, together with its officials, officers, agents and employees, from withholding funds due to the Plaintiff pursuant to the provisions of the RHID Act; and

(e) to enter judgment awarding Plaintiff its allowable costs and for such other and further relief as may be just and appropriate under the circumstances.

Respectfully submitted,

City of Dodge City, Kansas

by\_\_\_\_\_

E. Kent Smoll, Mayor

Attest: \_\_\_\_\_

Nannette Pogue, Clerk

\_\_\_\_\_

Ken W. Strobel  
Attorney for Plaintiff  
Supreme Court No. 6249  
P.O. Box 880  
Dodge City, KS 67801  
620-225-8100

**VERIFICATION**

STATE OF KANSAS)

)ss:

COUNTY OF FORD )

I, E. Kent Smoll of lawful age and being first duly sworn under oath, depose and state as follows:

That I am the duly elected Mayor of the City of Dodge City, Kansas, the named Plaintiff in this civil action; that I have been authorized to execute this Verification for and on behalf of Plaintiff; that this Verification is based on my personal knowledge and experience; that I have read the above and foregoing Verified Petition; and that the statements of fact applicable to plaintiff as set forth in the Verified Petition are true and correct to the best of my knowledge, information and belief.

AFFIANT FURTHER SAITH NOT.

\_\_\_\_\_

E. Kent Smoll

(Full Printed Name)

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public in and for the State of Kansas, on this 17th day of June 2013.

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Notary Public

My Commission Expires:

# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Corey Keller*

*Date: June 13, 2013*

*Subject: Utility Water Supplies, Bids*

*Agenda Item: New Business*

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**Recommendation:** On May 21, 2013 six bids were received and opened for Utility Water Supplies. The bid package consists of couplings, meters, brass items, meter jars and lids, repair clamps, gate valves, fire hydrants, mechanical joint fittings and shut off boxes. These Supplies will be utilized to maintain and upgrade the City's water system.

As you will notice from the bid tabulation, the major expense of \$ 59,038.00 is for water meters. (200 5/8 inch, 20 one inch and 10 two inch) The meters are radio read which will be replacing the old manual read meters. To date we have installed 6,691 radio read meters, 2,033 meters to be changed over to radio read with a total of 8,724 water accounts.

Bid tabulation is attached for your review. Based on the bids received, staff would recommend the following:

**Municipal Supply, Hastings, NE**

Water Meters	\$ 59,038.00
Copper Pipe	\$ 1,620.00

**Total \$ 60,658.00**

**HD Supply Waterworks, Wichita, KS**

Couplings	\$ 4,870.00
Mechanical Fittings	\$ 3,542.00
Gate Valves	\$ 6,322.00
Repair Clamps	\$ 14,340.00
Fire Hydrants	\$ 23,553.00

**Total \$ 54,799.00**

**Hajoca Corp, Wichita KS**

Other Items Tyler mainline \$ 2,399.76

**D-C Wholesale, Concordia, KS**

Jars and Lids \$ 5,431.72

**Wichita Win Water, Wichita, KS**

MJ Fittings \$ 10,067.00

**Grand Total** \$ 133,355.48

**Background:** Annually the Water Department restocks the general supplies to make repairs and upgrade the water distribution system.

**Justification:** Maintaining the water system to provide excellent customer service and fire protection for the citizens of Dodge City.

**Financial Considerations:**

2013 Budget Fund and Amount:	Water Department, General Supplies	\$ 350,000.00
	Expenditures to date	\$ 57,513.86
	Utilities Supplies Purchase	\$ 133,355.48
	Line Item Balance	<b>\$ 159,130.66</b>

The remaining balance will be utilized throughout the year to replace supplies as needed.

**Attachments:** Bid Tabulation

**UTILITY (WATER) SUPPLIES BID 2013**

Meters	Couplings	Jars & Lids	Mechanical Fittings	Gate Valves	Repair Clamps	Fire Hyd.	Saddles	Copper pipe	Other Items Tyler mainline box	copper per/ft
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Municipal Supply	59,038.00	2,771.36	\	5,103.12	7,862.58	15,224.40	29,650.44	2688.24	1,620.00	2,599.92	3.24
Hajoca Corp.	\	\	\	4,834.63	7,178.00	16,293.48	29,229.00	\	1,690.00	2,399.76	3.38
HD Supply	\	4,870.00	\	3,542.00	6,322.00	14,340.00	23,553.00	2,172.00	1,845.00	2,472.00	3.69
DC Wholesale	\	\	5431.72 p	\	\	\	\	\	\	\	
Winwater	\	\	10067.00p	5,403.40	\	\	\	\	\	2,400.00	
Ferguson Enterprise	\	\	\	4,746.00	6,980.00	18,330.84	27,231.00	\	1,677.00	2,376.00	4.75

<b>Municipal Supply</b>	<b>Meters &amp; Copper Pipe</b>
<b>Hajoca</b>	<b>Other items - Mainline Valve boxes</b>
<b>DC Wholesale</b>	<b>Jars &amp; Lid 2,800.00</b>
<b>Winwater</b>	<b>18" meter jar lids, not bid by DC Wholesale</b>
<b>HD Supply</b>	<b>Couplings, Mechanical fittings, Gate Valves, Repair Clamps, Hydrants, Saddles</b>

<b>TOTAL COST OF B</b>	<b>\$120,656.76</b>
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## Memorandum

*To: City Manager  
City Commissioners*

*From: Cherise Tieben*

*Date: 06-13-13*

*Subject: YMCA Outdoor Pool Heater*

*Agenda Item: New Business*

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**Recommendation:** The YMCA requests that the City reconsider the repair or fully replace the heater at the outdoor pool, “as the water is extremely cold and limits the availability to offer swim lessons and various other swim programs outdoors”.

**Background:** The heater at the outdoor City pool failed last year about this same time. Staff made a decision not to repair the heater based on the fact that many cities, in an effort to be more fiscally responsible, do not replace pool heaters as they fail and they are not installing heaters in new facilities as swimming pools generally require a fairly substantial subsidy even without the utilities and repair expense of heating systems. In addition, staff could not justify additional expenses to an already failing facility. Others suggested that the heater could be moved when a new facility is constructed, again, staff would not recommend a pool heater in a new aquatics facility.

**Justification:** The YMCA submitted a letter on June 7<sup>th</sup> requesting that the heater be repaired or fully replaced. “This water is extremely cold and limits the availability to offer swim lessons and various other swim programs. More importantly, this is giving the YMCA a bad image as we are trying to create a great image for our programs and services in the community. “

**Financial Considerations:** Estimates are \$10,000 to repair or \$16,000 to \$28,000 to replace. The difference in the price according to the YMCA is the BTU’s it serves. Funds would have to be provided through the Capital Improvement Fund balance as this item was not budgeted for in 2013.

**Legal Considerations:** None

**Attachments:** None