

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, October 21, 2013

7:00 p.m.

MEETING #4937

CALL TO ORDER

ROLL CALL

INVOCATION: by Jon Losero of Fanatics of Christ Ministry

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).

Mark Mahieu

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, October 7 2013
2. Appropriation Ordinance No. 20, October 21, 2013;
3. Cereal Malt Beverage License Applications;
 - (a) Presto Store #1624, 2615 E Trail St.
 - (b) Presto Store #1625, 609 S. 2nd Avenue
 - (c) Kate's, 305 E. Trail St.

ORDINANCES & RESOLUTIONS

Ordinance No. 3572: An Ordinance Designating Trail Street within the City of Dodge City, Kansas, as a Main Trafficway. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-31: A Resolution authorizing the improvement and reimprovement of certain Main Traffic Ways within the City of Dodge City, Kansas, and provide for the payment of the costs thereof. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-32: A Resolution providing for the adoption of an Omnibus continuing disclosure undertaking relating to obligations issued and to be issued by the City of Dodge City, Kansas. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-33: A Resolution authorizing the offering for Sale of General Obligation Refunding and Improvement Bonds, Series 2013-A of the City of Dodge City, Kansas. Report by City Clerk/Director of Finance, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval to submit a Grant Application to the Sunflower Foundation to expand the Walking Path Trail at Thurow Park. Report by Director of Parks & Recreation, Paul Lewis.

OTHER BUSINESS

ADJOURNMENT

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, October 7, 2013

7:00 p.m.

MEETING #4935

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION by Jon Losero of Fanatics of Christ Ministry

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).

Cathy Reeves. - Dodge City Public Library Quarterly Update.

Debbie Snapp – Conducted an Informal Survey regarding an Aquatics Park in Dodge City. Thanked the Commission for continued conversation and support.

Bill Miller, wanted to reiterate to Commissioners that Comanche is important to Dodge City. Talked about the history of the name.

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, September 16, 2013
2. Appropriation Ordinance No. 19, October 7, 2013;
3. Approval of Agreement with SMH Consultants for Gunsmoke Trail Extension Engineering Services.

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

ORDINANCES & RESOLUTIONS

UNFINISHED BUSINESS

1. Commissioner Brian Delzeit moved to approve The Venu Works Management Agreement for management services for the United Wireless Arena with minor changes, mostly grammar corrections, motion was seconded by Commissioner Joyce Warshaw. The motion carried unanimously.
2. John Siehl of Venu Works introduced the new Executive Director for the United Wireless Arena/Magourik Conference Center, Rick Reno.

NEW BUSINESS

1. The approval of using Burns & McDonnell for the Dodge City Regional Airport Engineering Consultant Services and bring back a contract at a later date was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Lembright. The motion carried unanimously.

OTHER BUSINESS

City Clerk/ Director of Finance, Nannette Pogue passed out a Resolution that was approved by the County Commission regarding Cargill Meat Solutions Taxable Revenue Bonds. No action was taken.

City Manager, Ken Strobel:

- Welcome Rick Reno and his wife to Dodge City.

Assistant City Manager, Cherise Tieben:

- Ken Strobel will be out Thursday and attending the annual LKM Conference, other Commissioners will join later in the week;
- Will schedule a commission retreat in the near future;
- A Work Session will be scheduled to discuss old City Hall.

Commissioner, Brian Delzeit

- Echo what Ken stated - Welcome Rick and his wife to Dodge City and expanded upon the Special Events Center and what it does for Dodge City.

Commissioner, Joyce Warshaw:

- Welcome Rick and his wife;
- Government starts with all of us – be part of the solution not the problem.

Commissioner, Rick Sowers:

- Welcome Rick and his wife;
- Attended SKC Meeting in Garden City last week;
- Commented regarding working together with Legislative Agendas in Southwest Kansas;
- Wants to invite Representative Tim Huelskamp to meet with Commission.
- New Fire Truck is here.

Commissioner, Jim Lembright:

- Welcome Rick and his wife to Dodge City.

Mayor, Kent Smoll:

- Bill Lither came in and asked Mayor to mention that the Knights of Columbus is conducting a Tootsie Roll Drive, the Governor signed a Resolution regarding the Tootsie Roll Drive to support handicapped citizens.
- Sales Tax report through August shows Sales Tax is up 1.69%.

ADJOURNMENT

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

CORPORATE 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 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): 004-561574463F-01			
Name of Corporation The Pantry, Inc.		Principal Place of Business Cary, NC	
Corporation Street Address 305 Gregson Drive		Corporation City Cary	State NC
Date of Incorporation 07/13/1987		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name Todd W. Soloman		Phone No. (620) 640-0050	
Residence Street Address 1704 Central Avenue		City Dodge City	State KS
			Zip Code 67801

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name Presto#1624		Name The Pantry, Inc.	
Business Location Address 2615 E. Trail Street		Address PO Box 8019/Attn:License Dept.	
City Dodge City	State KS	City Cary	State NC
	Zip 67801		Zip 27512
Business Phone No. 620-227-2625		<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) The Pantry, Inc.			

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 Dennis G. Hatchell		Position CEO	
Residence Street Address 1875 Runnymede Road		City Winston Salem	State NC
			Zip Code 27104
Spouse Name Marjorie T. Hatchell		Position	
Residence Street Address 1875 Runnymede Road		City Winston Salem	State NC
			Zip Code 27104
Name Beverly C. Preslar		Position CFO	
Residence Street Address 304 Michelangelo Way		City Cary	State NC
			Zip Code 27518
Spouse Name Carol Robinson Preslar		Position	
Residence Street Address 304 Michelangelo Way		City Cary	State FL
			Zip Code 27518
Name Berry L. Epley		Position Assistant Secretary	
Residence Street Address 102 Douglas Street		City West End	State NC
			Zip Code 27376
Spouse Name Kimothy Epley		Position	
Residence Street Address 102 Douglas Street		City West End	State NC
			Zip Code 27376

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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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 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): 004-561574463F-01			
Name of Corporation The Pantry, Inc.		Principal Place of Business Cary, NC	
Corporation Street Address 305 Gregson Drive		Corporation City Cary	State NC
			Zip Code 27511
Date of Incorporation 07/13/1987		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name Todd W. Soloman		Phone No. (620) 640-0050	
Residence Street Address 1704 Central Avenue		City Dodge City	State KS
			Zip Code 67801

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name Presto#1625		Name The Pantry, Inc.	
Business Location Address 609 S. 2nd Avenue		Address PO Box 8019/Attn:License Dept.	
City Dodge City	State KS	City Cary	State NC
	Zip 67801		Zip 27512
Business Phone No. 620-227-2692		<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) The Pantry, Inc.			

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 Dennis G. Hatchell		Position CEO	Date of Birth 04/06/49
Residence Street Address 1875 Runnymede Road		City Winston Salem	State NC
			Zip Code 27104
Spouse Name Marjorie T. Hatchell		Position	Date of Birth 07/23/50
Residence Street Address 1875 Runnymede Road		City Winston Salem	State NC
			Zip Code 27104
Name Beverly C. Preslar		Position CFO	Date of Birth 07/10/54
Residence Street Address 304 Michelangelo Way		City Cary	State NC
			Zip Code 27518
Spouse Name Carol Robinson Preslar		Position	Age 7/30/1955
Residence Street Address 304 Michelangelo Way		City Cary	State FL
			Zip Code 27518
Name Berry L. Epley		Position Assistant Secretary	Date of Birth 02/27/66
Residence Street Address 102 Douglas Street		City West End	State NC
			Zip Code 27376
Spouse Name Kimothy Epley		Position	Age 12/21/66
Residence Street Address 102 Douglas Street		City West End	State NC
			Zip Code 27376

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

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

City or County of Dodge City

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

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-481236736-F01</u>			
Name <u>Riley E. Skaggs</u>	Phone No. <u>620-225-9466</u>	Date of Birth <u>Feb. 21, 43</u>	
Residence Street Address <u>305 E. Trail St.</u>	City <u>Dodge City, KS</u>	Zip Code <u>67801</u>	
Applicant Spousal Information			
Spouse Name	Phone No.	Date of Birth	
Residence Street Address	City	Zip Code	

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name <u>Kates</u>	Name		
Business Location Address <u>305 E. Trail St.</u>	Address		
City <u>Dodge City, KS</u> State <u>KS</u> Zip <u>67801</u>	City	State	Zip
Business Phone No. <u>620-225-9466</u>	<input checked="" type="checkbox"/> I own the proposed business or special event location. <input type="checkbox"/> I do not own the proposed business or event location.		
Business Location Owner Name(s)			

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>67</u> years.	
I am at least 21 years old.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of this county for at least 6 months.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Within 2 years immediately preceding the date of this application, neither I nor my spouse ¹ has been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have Have Not
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input type="checkbox"/> No

City of Dodge City

City of Dodge City
806 N. Second Ave.
67801

Phone: 620-225-8100
FAX: 620-225-8144
www.dodgecity.org

Memorandum

To: Ken Strobel, City Manager
Cherise Tieben, Assistant City Manager
From: Nannette Pogue
Date: August 2, 2013
Subject: Ordinance No. 3572
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the City Commission adopt Ordinance No. 3572

Background: Ordinance No. 3572 is an ordinance designating Trail Street as a Main Trafficway in the City of Dodge City. In order to issue GO Bonds for a street project without a protest period, the street project needs to be for a main trafficway. The City is authorizing the Trail Street reconstruction from 2nd to 14th Avenue project in order to finance it with GO Bonds. Toward that end Ordinance No. 3572 authorizes Trail Street as a main trafficway.

Justification: Finance the Trail Street overlay project.

Financial Considerations: none

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

Legal Considerations: Authorizing this ordinance will satisfy legal requirements.

Attachments: Ordinance No. 3572.

(Published in the *Dodge City Daily Globe* on October 24, 2013)

ORDINANCE NO. 3572

**AN ORDINANCE DESIGNATING TRAIL STREET WITHIN THE CITY
OF DODGE CITY, KANSAS, AS A MAIN TRAFFICWAY.**

WHEREAS, K.S.A. 12-685 *et seq.* (the “Act”) provides that the governing body of any city is authorized and empowered to designate and establish, by ordinance, as a main trafficway, any existing or proposed street, boulevard, avenue or part thereof, within such city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway; and such designation by the governing body shall be final and conclusive; and

WHEREAS, the governing body of the City of Dodge City, Kansas (the “City”), hereby finds and determines that Trail Street within the City should be designated and established as a main trafficway as provided by and under the authority of the Act.

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

Section 1. Designation. It is hereby authorized, ordered and directed, under the authority of the Act, that Trail Street located within the limits of the City is hereby designated and established as a main trafficway.

Section 2. Effective Date. This Ordinance shall take effect and be of force from and after its passage by the governing body of the City and publication in the official City newspaper.

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PASSED by the governing body of the City on October 21, 2013 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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City of Dodge City

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Memorandum

To: Ken Strobel, City Manager
Cherise Tieben, Assistant City Manager
From: Nannette Pogue
Date: October 15, 2013
Subject: Resolution No. 2013-31
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the approval of Resolution No. 2013-31

Background: So that the City can obtain financing for construction projects in the form of general obligation bonds, the project first needs to be authorized by Resolution of the City of Dodge City. There are two projects that will be bonded and those are: Trail Street from 2nd to 14th Street and Comanche from 14th Avenue to Highway 50. The estimated costs of those projects are: \$4,800,000 for Trail Street and \$8,808,000 for Comanche. During the budget sessions, we discussed bonding for the construction of Trail Street in 2013. The total amount for construction is authorized, but we anticipate paying \$600,000 from banked KDOT funds and the remainder with GO Bonds. Comanche will be authorized at the total estimated cost of construction, but it had been anticipated that we would only bond for \$1,000,000 in 2013 so that we can proceed with land acquisition this year and the balance of the project to be funded with GO Bonds in future years.

Justification: To issue General Obligation Bonds or Temporary Notes to fund these projects, street projects need to be authorized by Resolution.

Financial Considerations: Once the projects are authorized, funding will be issued to fund these projects. The bonding documents will be presented at a future meeting.

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

Legal Considerations: None

Attachments: Resolution No. 2013-31.

RESOLUTION NO. 2013-31

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

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

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

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

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

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

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

<u>Project Description</u>	<u>Main Trafficway Designation</u>	<u>Cost Estimate</u>
----------------------------	--	--------------------------

Comanche Street – Construction of Comanche from 14 th Avenue to Highway 50	Ord. 3038	\$8,808,000
Trail Street – Trail Street reconstruction from 2 nd Avenue to 14 th Avenue	Ord. [_____]	<u>4,800,000*</u>
Total		\$13,608,000

* It is anticipated that approximately \$600,000 of this project will be paid or reimbursed from funds received from KDOT

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

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

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

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED AND APPROVED by the governing body of the City of Dodge, Kansas, on October 21, 2013.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2013-__ of the City of Dodge City, Kansas adopted by the governing body on October 21, 2013, as the same appears of record in my office.

DATED: October 21, 2013

Clerk

City of Dodge City

City of Dodge City
806 N. Second Ave.
67801

Phone: 620-225-8100
FAX: 620-225-8144
www.dodgecity.org

Memorandum

To: Ken Strobel, City Manager
Cherise Tieben, Assistant City Manager
From: Nannette Pogue
Date: October 15, 2013
Subject: Resolution No. 2013-32
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the approval of Resolution No. 2013-32

Background: For each bond issue the City of Dodge City has, there is a transcript of all proceedings. Included in the closing documents of the transcript is Continuing Disclosure Requirements which requires the City to file their annual financial statements and any other material financial statements with a national repository who shares their information with the SEC and any other interested parties. The attached resolution adopts an Omnibus Continuing Disclosure Undertaking which covers all of the bonds issues that we have currently outstanding and all future bond issues. The only change from the current requirements is the time to file is extended from 210 days to 240 days after the end of the fiscal year.

Justification: All continuing disclosure requirements for bond issues will be outlined in one document, "Omnibus Continuing Disclosure Undertaking". This will make sure the City complies with all requirements in an efficient and timely manner.

Financial Considerations: none

Purpose/Mission: We strive for high service standards

Legal Considerations: None

Attachments: Resolution No. 2013-32 and Omnibus Continuing Disclosure Undertaking document.

THE CITY OF DODGE CITY, KANSAS

OMNIBUS CONTINUING DISCLOSURE UNDERTAKING

DATED AS OF OCTOBER 21, 2013

OMNIBUS CONTINUING DISCLOSURE UNDERTAKING

THIS OMNIBUS CONTINUING DISCLOSURE UNDERTAKING (the “Disclosure Undertaking”), dated as of October 21, 2013, is executed and delivered by the City of Dodge City, Kansas (the “Issuer”).

RECITALS

1. This Disclosure Undertaking is executed and delivered by the Issuer, pursuant to a resolution adopted by the governing body of the Issuer to consolidate the continuing disclosure obligations of the Issuer with respect to the Bonds and the Prior Undertakings, both as defined below, to enhance efficiency of the administration of Prior Undertakings and promote timely disclosure by the Issuer.

2. The Issuer is executing this Disclosure Undertaking for the benefit of the Beneficial Owners of the Bonds and in order to assist each Participating Underwriter in complying with the SEC Rule, as defined below. The Issuer is the only “obligated person,” as defined in the SEC Rule, with responsibility for continuing disclosure hereunder.

3. This Disclosure Undertaking shall apply with respect to any series of Bonds issued prior to the effective date hereof and subject to the SEC Rule.

In consideration of the foregoing, the Issuer covenants and agrees as follows:

Section 1. Definitions. In addition to the definitions set forth in the Bond Resolution, which apply to any capitalized term used in this Disclosure Undertaking, unless otherwise defined herein, the following capitalized terms shall have the following meanings:

“**Annual Report**” means any Annual Report filed by the Issuer pursuant to, and as described in, *Section 2* of this Disclosure Undertaking, which may include the Issuer's CAFR, so long as the CAFR contains the Financial Information and Operating Data.

“**Beneficial Owner**” means, with respect to a series of Bonds, any registered owner of any Bonds of such series and any person which: (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds of such series (including persons holding Bonds through nominees, depositories or other intermediaries); or (b) is treated as the owner of any Bonds of such series for federal income tax purposes.

“**Bond Insurer**” means the provider of the bond insurance policy, if any, for any series of Bonds.

“**Bond Resolution**” means collectively the ordinances and/or resolutions of the governing body of the Issuer authorizing the issuance of each series of the Bonds.

“**Bonds**” means all bonds, notes, installment sale agreements, leases or certificates intended to be a debt obligation of the Issuer identified on *Schedule 1* as such schedule may be supplemented and amended and, as context may require, the Bonds of any particular series identified on *Schedule 1*. The Issuer may make future series of Bonds subject to this Disclosure Undertaking by incorporating by reference in a Bond Resolution or executing a certificate to such effect in conjunction with the issuance of such series of Bonds.

“Business Day” means a day other than: (a) a Saturday, Sunday or legal holiday; (b) a day on which banks located in any city in which the principal corporate trust office or designated payment office of the trustee, any paying agent or a Dissemination Agent, as applicable, is located are required or authorized by law to remain closed; or (c) a day on which the Securities Depository or the New York Stock Exchange is closed.

“CAFR” means the Issuer's Comprehensive Annual Financial Report, if any.

“Designated Agent” means Gilmore & Bell, P.C. or one or more other entities designated in writing by the Issuer to serve as a designated agent of the Issuer for purposes of this Disclosure Undertaking.

“Dissemination Agent” means any entity designated in writing by the Issuer to serve as dissemination agent pursuant to this Disclosure Undertaking and which has filed with the Issuer a written acceptance of such designation substantially in the form attached hereto as *Exhibit C*.

“EMMA” means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org.

“Financial Information” means the financial information of the Issuer described in *Section 2(a)(1)* hereof.

“Fiscal Year” means the one-year period ending December 31, or such other date or dates as may be adopted by the Issuer for its general accounting purposes.

“GAAP” means generally accepted accounting principles, as applied to governmental units, as in effect at the time of the preparation of the Financial Information.

“Issuer” means the City of Dodge City, Kansas, and any successors or assigns.

“Material Events” means any of the events listed in *Section 3(a)* hereof.

“MSRB” means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with the SEC Rule.

“Official Statement” means collectively the Issuer's Official Statements for each series of the Bonds, including all appendices and exhibits thereto.

“Operating Data” means the operating data of the Issuer described in *Section 2(a)(2)* hereof.

“Participating Underwriter” means each of the original underwriters of a series of Bonds required to comply with the SEC Rule in connection with the offering of such Bonds.

“Prior Undertakings” means the prior continuing disclosure undertakings of the Issuer under the SEC Rule.

“Repository” means the MSRB via EMMA.

“SEC” means the Securities and Exchange Commission of the United States.

“SEC Rule” means Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 2. Provision of Annual Reports.

(a) The Issuer shall, or shall cause the Dissemination Agent to, not later than 240 days after the end of the Issuer's Fiscal Year, commencing with the Fiscal Year ended in 2013, file with the Repository the Issuer's Annual Report, consisting of the Financial Information and Operating Data described as follows:

(1) **Financial Information.** The financial statements of the Issuer for such prior Fiscal Year, accompanied by an audit report resulting from an audit conducted by an Independent Accountant in conformity with generally accepted auditing standards. Such financial statements will be prepared in accordance with GAAP. A more detailed explanation of the accounting basis is contained in **Appendix B** to the Official Statement. If such audit report is not available by the time the Annual Report is required to be filed pursuant to this Section, the Annual Report shall contain summary unaudited financial information and the audit report and accompanying financial statements shall be filed in the same manner as the Annual Report promptly after they become available. In the event that GAAP has changed since the submission of the last Annual Report, and if such changes are material to the Issuer, a narrative explanation describing the impact of such changes shall be contained in the Annual Report.

(2) **Operating Data.** Updates as of the end of the Fiscal Year of certain financial information and operating data described in **Exhibit A**, with such modifications to the formatting and general presentation thereof as deemed appropriate by the Issuer; provided, any substantive change to information provided shall be effected only in accordance with **Section 6** hereof.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the SEC Rule), which have been filed with the Repository, the MSRB or the SEC. If the document included by reference is a final official statement, it must be available from the Repository. The Issuer shall clearly identify each such other document so included by reference.

In each case, the Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in this Section; provided that the audit report and accompanying financial statements may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date. If the Issuer's Fiscal Year changes, it shall give notice of such change in the same manner as for a Material Event under **Section 3(b)**.

(b) From and after such time that Section (b)(5) of the SEC Rule applies to any series of Bonds, if the Annual Report is not filed within the time period specified in **subsection (a)** hereof, the Issuer shall send a notice to the Repository in a timely manner, in substantially the form attached as **Exhibit B**.

(c) Pursuant to Section (d)(3) of the SEC Rule, the provisions of **Section 2(a)(1)** hereof shall not apply to any Bonds with a stated maturity of 18 months or less.

Section 3. Reporting of Material Events.

(a) No later than 10 Business Days after the occurrence of any of the following Material Events, the Issuer shall give, or cause to be given, to the Repository notice of the occurrence of any of the following Material Events with respect to the Bonds, with copies to the Bond Insurer:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of bondholders, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Issuer (which shall be deemed to occur as provided in the SEC Rule);
- (13) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) appointment of a successor or additional paying agent or trustee or the change of name of the paying agent or trustee, if material.

(b) Notwithstanding the foregoing, notice of Material Events described in *subsections (a)(8)* and *(9)* need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to the Owners of affected Bonds pursuant to the Bond Resolution.

Section 4. Dissemination Agent.

(a) **General.** The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Undertaking, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent may resign as Dissemination Agent hereunder at any time upon 30 days prior written notice to the Issuer. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report (including without limitation the Annual Report) prepared by the Issuer pursuant to this Disclosure Undertaking.

(b) **Annual Reports.** Except as provided in **Section 2(c)** hereof, if a Dissemination Agent is appointed, not later than 15 Business Days prior to the date specified in **Section 2(a)** for providing the Annual Report to the Repository, the Issuer shall provide the Annual Report to the Dissemination Agent or the Repository. The Dissemination Agent shall file a report with the Issuer certifying that the Annual Report has been filed pursuant to this Disclosure Undertaking, stating the date it was filed, or that the Issuer has certified to the Dissemination Agent that the Issuer has filed the Annual Report with the Repository. Except as provided in **Section 2(b)** hereof, if the Dissemination Agent has not received an Annual Report or has not received a written notice from the Issuer that it has filed an Annual Report with the Repository, by the date required in **Section 2(a)**, the Dissemination Agent shall send a notice to the Repository in substantially the form attached as **Exhibit A**.

(c) **Material Event Notices.**

(1) The Dissemination Agent shall, promptly after obtaining actual knowledge of the occurrence of any event that it believes may constitute a Material Event, contact the chief financial officer of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Dissemination Agent from time to time, inform such person of the event, and request that the Issuer promptly notify the Dissemination Agent in writing whether or not to report the event pursuant to **Section 4(c)(3)**.

(2) Whenever the Issuer obtains knowledge of the occurrence of an event, because of a notice from the Dissemination Agent pursuant to **Section 4(c)(1)** or otherwise, the Issuer shall promptly determine if such event constitutes a Material Event and shall promptly notify the Dissemination Agent of such determination. If appropriate, such writing shall instruct the Dissemination Agent to report the occurrence pursuant to **Section 4(c)(3)**.

(3) If the Dissemination Agent has been given written instructions by the Issuer to report the occurrence of a Material Event pursuant to **Section 4(c)(2)**, the Dissemination Agent shall promptly file a notice of such Material Event with the Repository and provide a copy thereof to the Issuer and the Bond Insurer. Notwithstanding the foregoing, notice of Material Events described in **Sections 3(a)(8)** and **(9)** need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to the Owners of affected Bonds pursuant to the Bond Resolution.

(d) **Duties, Immunities and Liabilities of Dissemination Agent.** The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Undertaking, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Undertaking.

(e) **Other Designated Agents.** The Issuer may, from time to time, appoint or designate a Designated Agent to submit Annual Reports, Material Event notices, and other notices or reports pursuant to this Disclosure Undertaking. The Issuer hereby appoints the Dissemination Agent and the Designated Agent(s) solely for the purpose of submitting Issuer-approved Annual Reports, Material Event notices, and other notices or reports pursuant to this Disclosure Undertaking. The Issuer may revoke this designation at any time upon written notice to the Designated Agent.

Section 5. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Undertaking for a particular series of Bonds shall terminate upon the legal defeasance, prior redemption or payment in full of that series of Bonds. If the Issuer's obligations hereunder are assumed in full by some other entity as permitted in the Bond Resolution, such person shall be responsible for compliance with under this Disclosure Undertaking in the same manner as if it were the Issuer, and the Issuer shall have no further responsibility hereunder. If such termination or assumption occurs prior to the final maturity of such Bonds, the Issuer shall give notice of such termination or assumption in the same manner as for a Material Event under *Section 3(b)*.

Section 6. Bonds Subject to this Disclosure Undertaking; Amendment; Waiver.

(a) All outstanding Bonds as of the date of this Disclosure Undertaking shown on *Schedule 1* are hereby made subject to this Disclosure Undertaking. The Issuer may make any future series of Bonds subject to this Disclosure Undertaking by incorporating by reference in a Bond Resolution or executing a certificate to such effect in conjunction with the issuance of such series of Bonds.

(b) All references to the "Bonds" in this Disclosure Undertaking shall apply separately to each series of Bonds that are or become subject to this Disclosure Undertaking, without further amendment hereto.

(c) Notwithstanding the provisions of *subsection (d)* or anything else contained in this Disclosure Undertaking to the contrary, in conjunction with the public offering of any series of Bonds, the Issuer and the Dissemination Agent may amend the categories of Operating Data to be updated as set forth in *Section 2(a)(2)* and *Exhibit A* to conform to the operating data included in the final Official Statement for such series of Bonds, in conformance with the requirements and interpretations of the SEC Rule as of the date of such final Official Statement, without further amendment to this Disclosure Undertaking. Thereafter, the Operating Data to be filed by the Issuer with the Repository with respect to the Bonds (and all other series of Bonds then subject to this Disclosure Undertaking) shall be deemed to be amended to reflect the requirements of the revised *Exhibit A* for the new series of Bonds.

(d) Except as otherwise provided in *subsection (c)*, the Issuer may amend this Disclosure Undertaking and any provision of this Disclosure Undertaking may be waived, provided that Bond Counsel or other counsel experienced in federal securities law matters provides the Issuer with its written opinion that the undertaking of the Issuer contained herein, as so amended or after giving effect to such waiver, is in compliance with the SEC Rule and all current amendments thereto and interpretations thereof that are applicable to this Disclosure Undertaking; provided, however, that this Disclosure Undertaking, including *Schedule 1* hereto, may be amended for the purpose of (1) extending the coverage of this Disclosure Undertaking to any additional series of Bonds or (2) removing reference to any series of Bonds for which the Issuer's reporting obligations have terminated in accordance with *Section 5* hereof, each without the provision of a written opinion as otherwise required by this paragraph.

(e) If a provision of this Disclosure Undertaking is amended or waived with respect to a series of Bonds pursuant to *subsection (d)*, the Issuer shall describe such amendment or waiver in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or, in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the Issuer. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements: (1) notice of such change shall be given in the same manner as for a Material Event under *Section 3(b)*; and (2) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 7. Additional Information. Nothing in this Disclosure Undertaking shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Undertaking or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Material Event, in addition to that which is required by this Disclosure Undertaking. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Material Event, in addition to that which is specifically required by this Disclosure Undertaking, the Issuer shall have no obligation under this Disclosure Undertaking to update such information or include it in any future Annual Report or notice of occurrence of a Material Event.

Section 8. Noncompliance. In the event of a failure of the Issuer or the Dissemination Agent, if any, to comply with any provision of this Disclosure Undertaking with respect to a series of Bonds, any Participating Underwriter or any Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer or the Dissemination Agent, if any, as the case may be, to comply with its obligations under this Disclosure Undertaking. Noncompliance with the provisions of this Disclosure Undertaking shall not be deemed an Event of Default under the Bond Resolution or the Bonds, and the sole remedy under this Disclosure Undertaking in the event of any failure of the Issuer or the Dissemination Agent, if any, to comply with this Disclosure Undertaking shall be an action to compel performance.

Section 9. Notices. Any notices or communications to or among the parties referenced in this Disclosure Undertaking shall be given the Notice Representatives at the Notice Addresses set forth in the Bond Resolution for each series of Bonds; provided notice to the Dissemination Agent shall be given at the Notice Address set forth on *Exhibit C* hereto.

Section 10. Electronic Transactions. Actions taken hereunder and the arrangement described herein may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 11. Beneficiaries. This Disclosure Undertaking shall inure solely to the benefit of the Issuer, the Dissemination Agent, if any, each Participating Underwriter and Beneficial Owners from time to time with respect to a series of Bonds, and shall create no rights in any other person or entity.

Section 12. Severability. If any provision in this Disclosure Undertaking, the Bond Resolution or the Bonds relating hereto, shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions of this Disclosure Undertaking shall not in any way be affected or impaired thereby.

Section 13. Governing Law. This Disclosure Undertaking shall be governed by and construed in accordance with the laws of the State of Kansas.

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IN WITNESS WHEREOF, the Issuer has caused this Disclosure Undertaking to be executed as of October 21, 2013.

CITY OF DODGE CITY, KANSAS

(SEAL)

Mayor

Clerk

SCHEDULE 1

DESCRIPTION OF BONDS SUBJECT TO DISCLOSURE UNDERTAKING

General Obligation Bonds (Base CUSIP No.: 256309)

<u>Description of Indebtedness</u>	<u>Dated Date</u>	<u>Final Maturity</u>
G.O. Refunding and Improvement Bonds, Series 2004-A	09-30-04	09-01-15
G.O. Bonds, Series 2008-A	12-01-08	09-01-18
G.O. Refunding and Improvement Bonds, Series 2009-A	10-21-09	09-01-29
G.O. Waterworks and Wastewater Utility System Refunding Bonds, Series 2012-A	08-01-12	09-01-24
G.O. Refunding and Improvement Bonds, Series 2012-B	08-01-12	09-01-32
G.O. Refunding and Improvement Bonds, Series 2013-A	12-12-13	09-01-33

Revenue Bonds (Base CUSIP No.: 256359)

<u>Description of Indebtedness</u>	<u>Dated Date</u>	<u>Final Maturity</u>
Sales Tax Revenue Bonds, Series 2009	04-01-09	06-01-34

EXHIBIT A

OPERATING DATA TO BE INCLUDED IN ANNUAL REPORT

The Operating Data in the sections and tables contained in the most recent Official Statement (with such modifications to the formatting and general presentation thereof as deemed appropriate by the Issuer) generally described as follows:

**Operating Data for General Obligation Bonds, Temporary Notes,
And Revenue Bonds**

- Sources of Revenue
- Assessed Valuation
- Tax Rates
- Aggregate Tax Levies
- Tax Collection Record
- Local Option Sales Tax*
- Major Taxpayers
- Current Indebtedness of the Issuer
- Lease Obligations
- State Loans
- Overlapping Indebtedness

* This portion of the operating data is only required to be included in the annual reports for the Sales Tax Revenue Bonds, Series 2009

Additionally, the Issuer shall provide updates as of the end of the Fiscal Year for any material adverse changes in the portions of the final Official Statement concerning Property Valuations and Pension and Employee Retirement Plans.

EXHIBIT B

NOTICE TO REPOSITORY OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: City of Dodge City, Kansas
Name of Bond Issue: [Description of Bonds], Series [____], dated as of [Bonds Dated Date]
Name of Obligated Person: City of Dodge City, Kansas
Date of Issuance: [Bonds Closing Date]

NOTICE IS GIVEN that the City of Dodge City, Kansas (the “Issuer”) has not provided an Annual Report with respect to the above-named Bonds as required by the Issuer’s Omnibus Continuing Disclosure Undertaking. The Issuer anticipates that the Annual Report will be filed by _____.

Dated: _____

CITY OF DODGE CITY, KANSAS

By _____

By _____, as
Dissemination Agent

cc: City of Dodge City, Kansas

EXHIBIT C

ACCEPTANCE OF DISSEMINATION AGENT

Name of Issuer: City of Dodge City, Kansas

Name of Bond Issue: [Description of Bonds], Series [____], dated as of [Bonds Dated Date]

Dissemination Agent:

Notice Address of Dissemination Agent:

_____, having been duly appointed by the City of Dodge City, Kansas to act in the capacity of Dissemination Agent pursuant to the Disclosure Undertaking, to which this acceptance is attached, accepts such duties and responsibilities set forth therein.

Dated:

Memorandum

To: Ken Strobel, City Manager
Cherise Tieben, Assistant City Manager
From: Nannette Pogue
Date: October 21, 2013
Subject: Resolution No. 2013-33
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the City Commission approve Resolution No. 2013-33.

Background: Resolution No. 2013-33 authorizes the offering for sale of general obligation refunding and improvement bonds, series 2013-A of the City of Dodge City.

The City has previously taken action to approve street projects for 2013: Trail Street Asphalt Mill & Overlay; U.S. 50 Mill & Overlay from the West City Limits to the east City Limits; Comanche Street Construction from 14th Avenue to Highway 50 (approved this same meeting); and Trail Street Reconstruction from 2nd Avenue to 14th Avenue (approved this same meeting). On the Trail Street reconstruction project, it is planned to fund 4,200,000 with these bonds and on the Comanche Street project, 1,000,000 with these bonds. Also, there may be the opportunity to refund a series 2004-A in the amount of 415,000. The total amount of the issue will be approximately \$6,210,000. The opportunity for refunding may or may not become reality. If the savings are there the amount will be refunded, if not it won't. This will be a public sale, so notice of bids will be published. The bids will be due on November 18, 2013. Depending on how the rates come in the issue may be resized after the bids are received.

In addition to offering the sale of the bonds, the Resolution authorizes the Mayor to award the sale of the bonds to the submitter of the best proposal. The Commission will then ratify the award at their meeting on November 18. The Preliminary Official Statement is approved in substantially the form presented. The Director of Finance/City Clerk along with the Financial Advisor and Bond Counsel is authorized and directed to give notice of the bond sale.

Justification: In order to sell bonds to fund street projects, this action is necessary.

Financial Considerations: There will be an annual payment budgeted to pay back the bonds over 15 years.

Purpose/Mission: We value progress and growth for the community's future.

Legal Considerations: All have been satisfied by bond counsel. They have prepared all of the ordinances, resolutions and other documents necessary to legally complete the sale.

Attachments: Resolution No. 2013-33.

RESOLUTION NO. 2013-33

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-A, OF THE CITY OF DODGE CITY, KANSAS.

WHEREAS, the City of Dodge City, Kansas (the “Issuer”), has heretofore authorized certain internal improvements described as follows (collectively the “Improvements”):

<u>Project Description</u>	<u>Ord./Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Authorized Amount</u>
Trail St. Asphalt Mill & Overlay	Ord. 2297/ Res. 2013-26	12-685 <i>et seq.</i>	\$ 500,000
U.S. 50 Mill & Overlay – W. City Limits to E. City Limits	Ord. 3569/ Res. 2013-26	12-685 <i>et seq.</i>	250,000
Comanche St. Construction – 14 th Ave. to Highway 50	Ord. 3038/ Res. 2013-31	12-685 <i>et seq.</i>	8,808,000
Trail St. Reconstruction – 2 nd Ave. to 14 th Ave.	Ord. 3572/ Res. 2013-31	12-685 <i>et seq.</i>	<u>4,800,000*</u>
Total			<u>\$14,358,000</u>

* It is anticipated that approximately \$600,000 of this project will be paid or reimbursed from funds received from KDOT

WHEREAS, the Issuer proposes to issue its general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, the Issuer has heretofore issued and has outstanding general obligation bonds; and

WHEREAS, due to the current interest rate environment, the Issuer has the opportunity to issue its general obligation refunding bonds in order to achieve an interest cost savings on all or a portion of the debt represented by such general obligation bonds described as follows (the “Refunded Bonds”):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Years</u>	<u>Amount</u>
G.O. Refunding and Improvement Bonds	2004-A	09/30/2004	2014 to 2015	\$415,000

; and

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

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

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

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

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

Section 1. The Issuer is hereby authorized to offer for sale the Issuer’s General Obligation Refunding and Improvement Bonds, Series 2013-A (the “Bonds”) described in the Notice of Bond Sale, which is hereby approved in substantially the form presented to the governing body this date. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Bond Sale, and shall be reviewed by the Mayor, Director of Finance/Clerk, Financial Advisor and Bond Counsel as soon after the submittal hour as possible. The Mayor is hereby authorized to award the sale of the Bonds to the submitter of the best proposal as determined pursuant to the provisions of the Notice of Bond Sale subject to the following parameters: (a) the principal amount of the Bonds shall not exceed \$6,750,000; (b) the true interest cost (“TIC”) of the Bonds shall not exceed 3.50%; and (c) the present value savings associated with refunding the Refunded Bonds shall be not less than \$9,000. All proposals for the purchase of the Bonds shall be delivered to the governing body at its meeting to be held on such date, at which meeting the governing body shall review such bids and ratify the award of the sale of the Bonds or the rejection of all proposals.

Section 2. The Preliminary Official Statement, dated October 21, 2013, is hereby approved in substantially the form presented to the governing body this date, with such changes or additions as the Mayor and Director of Finance/Clerk shall deem necessary and appropriate, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Bonds.

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

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

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from

any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, City Manager, Director of Finance/Clerk and the other officers and representatives of the Issuer, the Financial Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds. Such officials are also directed and authorized to make provision for payment and/or redemption of the Refunded Bonds from proceeds of the Bonds.

Section 7. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the governing body on October 21, 2013.

(SEAL)

ATTEST:

Mayor

Clerk

EXHIBIT A
CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL

October 21, 2013

To:

Re: City of Dodge City, Kansas, General Obligation Refunding and Improvement Bonds,
Series 2013-A

The undersigned are the duly acting Mayor and Director of Finance/Clerk of the City of Dodge City, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the addressee (the "Purchaser") on behalf of the Issuer. The Issuer has heretofore caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced bonds (the "Bonds").

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Bonds depending on such matters.

CITY OF DODGE CITY, KANSAS

By: _____
Title: Mayor

By: _____
Title: Director of Finance/Clerk

NOTICE OF BOND SALE

\$6,210,000*

CITY OF DODGE CITY, KANSAS

**GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS
SERIES 2013-A**

(GENERAL OBLIGATION BONDS PAYABLE
FROM UNLIMITED AD VALOREM TAXES)

Bids. Written Facsimile and electronic (as explained below) bids for the purchase of the above-referenced bonds (the “Bonds”) of the City of Dodge City, Kansas (the “Issuer”) herein described will be received on behalf of the undersigned Director of Finance/Clerk of the Issuer at the address hereinafter set forth in the case of written bids, and via PARITY® in the case of electronic bids, until 1:00 P.M., Central Standard Time (the “Submittal Hour”), on

NOVEMBER 18, 2013

(the “Sale Date”). All bids will be publicly evaluated at said time and place and the award of the Bonds to the successful bidder (the “Successful Bidder”) will be acted upon immediately thereafter by the Issuer’s Mayor and ratified by the governing body at its meeting to be held at 7:00 p.m. on the Sale Date. No oral or auction bids will be considered. Capitalized terms not otherwise defined herein shall have the meanings set forth in the hereinafter referenced Preliminary Official Statement relating to the Bonds.

Terms of the Bonds. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof (the “Authorized Denomination”). The Bonds will be dated December 12, 2013 (the “Dated Date”), and will become due in principal installments on September 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2014	\$575,000	2022	\$385,000
2015	535,000	2023	400,000
2016	325,000	2024	415,000
2017	330,000	2025	430,000
2018	340,000	2026	445,000
2019	350,000	2027	465,000
2020	360,000	2028	485,000
2021	370,000		

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2014 (the “Interest Payment Dates”).

***Adjustment of Issue Size.** The Issuer reserves the right to increase or decrease the total principal amount of the Bonds, depending on the purchase price and interest rates bid and the offering

prices specified by the Successful Bidder. The principal amount of any maturity may be adjusted by the Issuer in order to properly size the Bond issue based on the premium, discount and interest rates bid on the Bonds. The Successful Bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the Bonds or principal of any maturity as described herein. If there is an increase or decrease in the final aggregate principal amount of the Bonds or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m., Central Standard Time, on the Sale Date. The actual purchase price for the Bonds shall be calculated by applying the percentage of par value bid by the Successful Bidder against the final aggregate principal amount of the Bonds, as adjusted, plus accrued interest from the date of the Bonds to the date of delivery.

Place of Payment. The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of each Bond will be payable at maturity or earlier redemption to the owner thereof whose name is on the registration books (the "Bond Register") of the Bond Registrar (the "Registered Owner") upon presentation and surrender at the principal office of the Paying Agent. Interest on each Bond will be payable to the Registered Owner of such Bond as of the fifteenth day (whether or not a business day) of the calendar month next preceding each Interest Payment Date (the "Record Date") (a) mailed by the Paying Agent to the address of such Registered Owner as shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address to which such Registered Owner wishes to have such wire directed.

Bond Registration. The Bonds will be registered pursuant to a plan of registration approved by the Issuer and the Attorney General of the State of Kansas (the "State"). The Issuer will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the Owners.

Book-Entry-Only System. The Depository Trust Company, New York, New York ("DTC"), will act as securities depository for the Bonds. The Bonds will initially be issued exclusively in "book entry" form and shall be initially registered in the name of Cede & Co., as the nominee of DTC and no beneficial owner will receive certificates representing their interests in the Bonds. During the term of the Bonds, so long as the book-entry-only system is continued, the Issuer will make payments of principal of, premium, if any, and interest on the Bonds to DTC or its nominee as the Registered Owner of the Bonds, DTC will make book-entry-only transfers among its participants and receive and transmit payment of principal of, premium, if any, and interest on the Bonds to its participants who shall be responsible for transmitting payments to beneficial owners of the Bonds in accordance with agreements between such participants and the beneficial owners. The Issuer will not be responsible for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. In the event that: (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book-entry-only form of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry-only form of registration with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will cause to be authenticated and delivered to the beneficial owners replacement Bonds in the form of fully registered certificates. Reference is made to the Official Statement for further information regarding the book-entry-only system of registration of the Bonds and DTC.

Redemption of Bonds Prior to Maturity.

General. Whenever the Issuer is to select Bonds for the purpose of redemption, it will, in the case of Bonds in denominations greater than the minimum Authorized Denomination, if less than all of the Bonds then outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such fully registered Bond as though it were a separate Bond in the minimum Authorized Denomination.

Optional Redemption. At the option of the Issuer, Bonds maturing on September 1 in the years 20[___], and thereafter, will be subject to redemption and payment prior to maturity on September 1, 20[___], and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Mandatory Redemption. A bidder may elect to have all or a portion of the Bonds scheduled to mature in consecutive years issued as term bonds (the "Term Bonds") scheduled to mature in the latest of said consecutive years and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: (a) not less than all Bonds of the same serial maturity shall be converted to Term Bonds with mandatory redemption requirements; and (b) a bidder shall make such an election by completing the applicable paragraph on the Official Bid Form or completing the applicable information on PARITY®.

Notice and Effect of Call for Redemption. Unless waived by any owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Successful Bidder. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the registered owners of said Bonds. Each of said written notices shall be deposited in United States first class mail not less than 30 days prior to the date fixed for redemption. All notices of redemption shall state the date of redemption, the redemption price, the Bonds to be redeemed, the place of surrender of Bonds so called for redemption and a statement of the effect of the redemption. The Issuer shall also give such additional notice as may be required by Kansas law or regulation of the Securities and Exchange Commission in effect as of the date of such notice. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security. The Bonds are being issued pursuant to K.S.A. 10-427 *et seq.* and K.S.A. 12-685 *et seq.*, as amended, and an ordinance and a resolution adopted by the governing body of the Issuer (collectively the "Bond Resolution") for the purpose of paying a portion of the cost of certain main trafficway improvements (the "Improvements") and refunding certain outstanding bonds of the Issuer. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal and interest on the Bonds as the same become due.

Submission of Bids. Written bids must be made on forms which may be procured from the Director of Finance/Clerk or the Financial Advisor and shall be addressed to the undersigned, and marked "Proposal for General Obligation Refunding and Improvement Bonds, Series 2013-A." Written bids submitted by facsimile should not be preceded by a cover sheet and should be sent only once to (316)

337-8492. Confirmation of receipt of facsimile bids may be made by contacting the Financial Advisor at the number listed below. Electronic bids via PARITY[®] must be submitted in accordance with its Rules of Participation, as well as the provisions of this Notice of Bond Sale. If provisions of this Notice of Bond Sale conflict with those of PARITY[®], this Notice of Bond Sale shall control. Bids must be received prior to the Submittal Hour on the Sale Date accompanied by the Deposit (as hereinafter defined), which may be submitted separately. The Issuer shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

PARITY[®]. Information about the electronic bidding services of PARITY[®] may be obtained from i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Phone No. (212) 849-5023.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all Bonds of the same maturity year; (b) no interest rate may exceed a rate equal to the daily yield for the 10-year Treasury Bond published by *THE BOND BUYER*, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 6%; and (c) no supplemental interest payments will be considered. The difference between the highest rate specified and the lowest rate specified cannot exceed 3%. No bid for less than **99%** of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the Bonds on the basis of such bid, the discount, if any, the premium, if any, offered by the bidder, the net interest cost (expressed in dollars) on the basis of such bid, and an estimate of the TIC (as hereinafter defined) on the basis of such bid. Each bidder shall certify to the Issuer the correctness of the information contained on the Official Bid Form; the Issuer will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Bonds, it will provide the certification as to initial offering prices described under the caption “Certification as to Offering Price” in this Notice.

Good Faith Deposit. Each bid shall be accompanied by a good faith deposit (the Deposit”) in the amount of \$124,200 payable to the order of the Issuer to secure the Issuer from any loss resulting from the failure of the bidder to comply with the terms of its bid. *The Deposit must be received by the Issuer prior to the Submittal Hour, unless such Deposit is submitted by wire transfer as described below, in which case the Deposit must be received by 3:00 p.m., CST on the Sale Date.* The Deposit may be submitted in any of the following forms:

- (a) Certified or cashier’s check drawn on a bank located in the United States of America;
- (b) financial surety bond as hereinafter described (the “Surety Bond”); or
- (c) wire transfer in Federal Reserve funds, immediately available for use by the Issuer (wire transfer information may be obtained from the Issuer or the Financial Advisor at the addresses set forth below).

Contemporaneously with the submission of a wire transfer Deposit, such bidder shall send an email to the Financial Advisor at the email address set forth below, including the following information: (a) notification that a wire transfer has been made; (b) the amount of the wire transfer; and (c) return wire transfer instructions in the event such bid is unsuccessful. All Surety Bonds must be from an insurance or surety company rated “AA” by Standard & Poor’s Ratings Services, a division of McGraw Hill Financial Inc., or “Aa” by Moody’s Investors Service and licensed to issue such a surety bond in the State. The Surety Bond must identify each bidder whose deposit is guaranteed by such Surety Bond. Good Faith checks submitted by unsuccessful bidders will be returned; wire transfer Deposits submitted by unsuccessful bidders will not be accepted or shall be returned in the same manner received on the next business day following the Sale Date. The Issuer reserves the right to withhold reasonable charges for

any fees or expenses incurred in returning a wire transfer Deposit. If the sale of the Bonds is awarded to a bidder utilizing a Surety Bond, the Successful Bidder is required to submit to the Issuer a cashier's or certified check or wire transfer of immediately available federal funds to such financial institution requested by the Issuer, not later than 2:00 p.m., Central Standard Time on the next business day following the Sale Date. If such funds are not received by such time, the Surety Bond may be drawn on by the Issuer to satisfy the Deposit requirement. No interest on the Deposit will be paid by the Issuer. If a bid is accepted, the Deposit, or the proceeds thereof, will be held by the Issuer until the Successful Bidder has complied with all of the terms and conditions of this Notice at which time the amount of said Deposit shall be returned to the Successful Bidder or deducted from the purchase price at the option of the Issuer. If a bid is accepted but the Issuer fails to deliver the Bonds to the Successful Bidder in accordance with the terms and conditions of this Notice, said Deposit, or the proceeds thereof, will be returned to the Successful Bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such Deposit will be retained by the Issuer as and for liquidated damages.

Basis of Award. Subject to the timely receipt of the Deposit set forth above, the award of the Bonds will be made on the basis of the lowest true interest cost ("TIC"), which will be determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to the Dated Date, produces an amount equal to the price bid, including any adjustments for premium or discount, if any. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months. Bidders are requested to provide a calculation of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the Issuer or the bidder. The Financial Advisor will verify the TIC based on such bids. If there is any discrepancy between the TIC specified and the bid price and interest rates specified, the specified bid price and interest rates shall govern and the TIC specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest TIC are received, the governing body of the Issuer will determine which bid, if any, will be accepted, and its determination is final.

The Issuer reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the Submittal Hour on the Sale Date will be returned to the bidder. Any disputes arising hereunder shall be governed by the laws of the State, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within Kansas with regard to such dispute.

The Issuer's acceptance, including electronic acceptance through PARITY®, of the Successful Bidder's proposal for the purchase of the Bonds in accordance with this Notice of Bond Sale shall constitute a bond purchase agreement between the Issuer and the Successful Bidder for purposes of the laws of the State and a contract between the Issuer and the Successful Bidder for the purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and Rule G-32 of the Municipal Securities Rulemaking Board ("Rule G-32"). The method of acceptance shall be determined solely by the governing body of the Issuer.

Bond Ratings. The outstanding general obligation bonds of the Issuer are rated "A+" by Standard & Poor's Ratings Services, a division of McGraw Hill Financial Inc ("S&P"). The Issuer has applied to S&P for a rating on the Bonds herein offered for sale.

Optional Bond Insurance. The Issuer has **not** applied for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance, and any bidder desires to purchase such policy, such indication and the name of the desired insurer must be set forth on

the bidder's Official Bid Form. ***The Issuer specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the Issuer.*** All costs associated with the issuance of such policy and associated ratings and expenses (other than any independent rating requested by the Issuer) shall be paid by the Successful Bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the Successful Bidder to accept delivery of the Bonds.

CUSIP Numbers. CUSIP identification numbers will be assigned and printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of this Notice. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the Issuer.

Delivery and Payment. The Issuer will pay for preparation of the Bonds and will deliver the Bonds properly prepared, executed and registered without cost on or about **DECEMBER 12, 2013** (the "Closing Date"), to DTC for the account of the Successful Bidder. The Successful Bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Bonds shall be made in federal reserve funds, immediately available for use by the Issuer. The Issuer will deliver one Bond of each maturity registered in the nominee name of DTC.

Reoffering Prices. To provide the Issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), the Successful Bidder will be required to complete, execute and deliver to the Issuer prior to the delivery of the Bonds, a written certification (the "Issue Price Certificate") containing the following: (a) the initial offering price and interest rate for each maturity of the Bonds; (b) that all of the Bonds were offered to the public in a bona fide public offering at the initial offering prices on the Sale Date; and (c) on the Sale Date the Successful Bidder reasonably expected that at least 10% of each maturity of the Bonds would be sold to the "public" at prices not higher than the initial offering prices. For purposes of the preceding sentence "public" means persons other than bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers. However, such Issue Price Certificate may indicate that the Successful Bidder has purchased the Bonds for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Bonds for sale to the public.

Subsequent to the Submittal Hour, such initial offering prices to the public shall be provided to the Issuer or the Financial Advisor not more than 20 minutes after requested by the Issuer or the Financial Advisor.

At the request of the Issuer, the Successful Bidder will provide information explaining the factual basis for the Successful Bidder's Issue Price Certificate. This agreement by the Successful Bidder to provide such information will continue to apply after the Closing Time if: (a) the Issuer requests the information in connection with an audit or inquiry by the Internal Revenue Service (the "IRS") or the Securities and Exchange Commission (the "SEC") or (b) the information is required to be retained by the Issuer pursuant to future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority.

Preliminary Official Statement and Official Statement. The Issuer has prepared a Preliminary Official Statement dated October 21, 2013, "deemed final" by the Issuer except for the omission of certain information as provided in the Rule, copies of which may be obtained from the Director of

Finance/Clerk or from the Financial Advisor. Upon the sale of the Bonds, the Issuer will adopt the final Official Statement and will furnish the Successful Bidder, without cost, within seven business days of the acceptance of the Successful Bidder's proposal, with a sufficient number of copies thereof, which may be in electronic format, in order for the Successful Bidder to comply with the requirements of the Rule and Rule G-32. Additional copies may be ordered by the Successful Bidder at its expense.

Continuing Disclosure. In the Bond Resolution, the Issuer has covenanted to provide annually certain financial information and operating data and other information necessary to comply with the Rule, and to transmit the same to the Municipal Securities Rulemaking Board. This covenant is for the benefit of and is enforceable by any Registered Owner of the Bonds. For further information, reference is made to the caption "CONTINUING DISCLOSURE" in the Preliminary Official Statement.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Issuer for the year 2013 is as follows:

Equalized Assessed Valuation of	
Taxable Tangible Property	\$[_____]
Tangible Valuation of Motor Vehicles.....	[_____]
Equalized Assessed Tangible Valuation	
for Computation of Bonded Debt Limitations	\$[_____]

The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$[_____].

Legal Opinion. The Bonds will be sold subject to the approving legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel, which opinion will be furnished and paid for by the Issuer, will be printed on the Bonds, if the Bonds are printed, and will be delivered to the Successful Bidder when the Bonds are delivered. Said opinion will also include the opinion of Bond Counsel relating to the interest on the Bonds being excludable from gross income for federal income tax purposes and exempt from income taxation by the State of Kansas. Reference is made to the Preliminary Official Statement for further discussion of federal and Kansas income tax matters relating to the interest on the Bonds.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned or from the Financial Advisor at the addresses set forth below:

DATED: October 21, 2013.

CITY OF DODGE CITY, KANSAS
By: Nannette Pogue, Director of Finance/Clerk

Issuer – Written Bid and Good Faith Deposit Delivery Address:

City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801
Phone No.: (620) 225-8100
Fax No.: (620) 225-8144
Email: nannette@dodgecity.org

Financial Advisor – Facsimile Bid and Good Faith Deposit Delivery Address:

Stifel, Nicolaus & Company, Inc.
301 N. Main, Suite 1800
Wichita, Kansas 67202
Attn: Patricia A. Hinojos
Phone No.: (316) 246-6321
Fax No.: (316) 337-8492
Email: hinojosp@stifel.com

SUMMARY NOTICE OF BOND SALE

\$6,210,000*

CITY OF DODGE CITY, KANSAS

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-A

(GENERAL OBLIGATION BONDS PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. SUBJECT to the Notice of Bond Sale dated October 21, 2013, written and electronic bids will be received on behalf of the Director of Finance/Clerk of the City of Dodge City, Kansas (the "Issuer") in the case of written bids, at the address set forth below, and in the case of electronic bids, through **PARITY**[®] until 1:00 P.M. Central Standard Time, on **NOVEMBER 18, 2013** for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 99% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated December 12, 2013, and will become due on September 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2014	\$575,000	2022	\$385,000
2015	535,000	2023	400,000
2016	325,000	2024	415,000
2017	330,000	2025	430,000
2018	340,000	2026	445,000
2019	350,000	2027	465,000
2020	360,000	2028	485,000
2021	370,000		

* Subject to change; see Notice of Bond Sale.

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2014.

Book-Entry-Only System. The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar. Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit. Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$124,200.

Delivery. The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about **December 12, 2013**, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness. The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2013 is \$[_____]. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$[_____].

Approval of Bonds. The Bonds will be sold subject to the legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned or from the Financial Advisor at the addresses set forth below:

DATED: October 21, 2013.

Issuer – Written Bid and Good Faith Deposit Delivery Address:

Nannette Pogue, Director of Finance/Clerk
City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801
Phone No.: (620) 225-8100
Fax No.: (620) 225-8144
Email: nannette@dodgecity.org

Financial Advisor – Facsimile Bid and Good Faith Deposit Delivery Address:

Stifel, Nicolaus & Company, Inc.
301 N. Main, Suite 1800
Wichita, Kansas 67202
Attn: Patricia A. Hinojos
Phone No.: (316) 246-6321
Fax No.: (316) 337-8492
Email: hinojosp@stifel.com

SUPPLEMENT TO NOTICE OF BOND SALE

\$6,210,000*

CITY OF DODGE CITY, KANSAS

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-A

Good Faith Deposit – Wire Transfer Instructions. Any bidder may provide a Good Faith Deposit in the form of a wire transfer in Federal Reserve funds, immediately available for use by the Issuer to the following financial institution for benefit of the Issuer:

[INSERT WIRE TRANSFER INFORMATION]

Each bidder shall notify the Financial Advisor at hinojosp@stifel.com of the submission of the wire transfer and provide return wire transfer instructions in the event such bid is unsuccessful.

DATED: October 21, 2013

CITY OF DODGE CITY, KANSAS

By: Nannette Pogue, Director of Finance/Clerk

KANSAS REGISTER

DOCUMENT NO. _____

(Above space for Register Office Use)

Submission Form
Municipal Bond Sale Notice
(K.S.A. 10-106 as amended)

TITLE OF DOCUMENT: SUMMARY NOTICE OF BOND SALE
Re: City of Dodge City, Kansas, General Obligation Refunding and Improvement Bonds, Series 2013-A, Dated December 12, 2013.

NUMBER OF PAGES: 2 DESIRED PUBLICATION DATE: **NOVEMBER 7, 2013**

BILL TO: Nannette Pogue
Director of Finance/Clerk
City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801

Please forward 3 Affidavits of Publication of same to Ms. Robyn R. Dunlap, Gilmore & Bell, P.C., 100 North Main, Suite 800, Wichita, KS 67202 at your earliest opportunity.

Any questions regarding this document should be directed to:

NAME ROBYN R. DUNLAP PHONE (316) 267-2091

Certification

I hereby certify that I have reviewed the attached and herein described document, and that it conforms to all applicable **Kansas Register** publication guidelines. I further certify that submission of this item for publication in the **Kansas Register** is authorized by the municipality which has issued the notice.



Authorized Signature

Robyn R. Dunlap
Typed Name of Signer

Senior Legal Assistant
Position

TRANSMIT TO: Kansas Register; Secretary of State; State Capitol, Topeka, KS 66612
PHONE: (785) 296-3489; FAX: (785) 291-3051; EMAIL: nancyr@kssos.org

THIS SPACE FOR REGISTER OFFICE USE ONLY

OFFICIAL BID FORM
PROPOSAL FOR THE PURCHASE OF CITY OF DODGE CITY, KANSAS
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS

TO: Nannette Pogue, Director of Finance/Clerk
 City of Dodge City, Kansas

November 18, 2013

For \$6,210,000* principal amount of General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City of Dodge City, Kansas, to be dated December 12, 2013, as described in the Notice of Bond Sale dated October 21, 2013, said Bonds to bear interest as follows:

<u>Stated</u> <u>Maturity</u> <u>September 1</u>	<u>Principal</u> <u>Amount*</u>	<u>Annual</u> <u>Rate of</u> <u>Interest</u>	<u>Stated</u> <u>Maturity</u> <u>September 1</u>	<u>Principal</u> <u>Amount*</u>	<u>Annual</u> <u>Rate of</u> <u>Interest</u>
2014	\$575,000	_____ %	2022	\$385,000	_____ %
2015	535,000	_____ %	2023	400,000	_____ %
2016	325,000	_____ %	2024	415,000	_____ %
2017	330,000	_____ %	2025	430,000	_____ %
2018	340,000	_____ %	2026	445,000	_____ %
2019	350,000	_____ %	2027	465,000	_____ %
2020	360,000	_____ %	2028	485,000	_____ %
2021	370,000	_____ %			

* Subject to change; see Notice of Bond Sale

the undersigned will pay the purchase price for the Bonds set forth below, plus accrued interest to the date of delivery.

Principal Amount\$6,210,000*
 Less Discount (not to exceed 1%).....
 Plus Premium (if any)
 Total Purchase Price\$

 Total interest cost to maturity at the rates specified\$
 Net interest cost (adjusted for Discount and/or Premium)\$
 True Interest Cost %

The Bidder elects to have the following Term Bonds:

<u>Maturity Date</u>	<u>Years</u>	<u>Amount*</u>
September 1, _____	_____ to _____	\$ _____
September 1, _____	_____ to _____	\$ _____

* Subject to mandatory redemption requirements in the amounts and at the times shown above.

This proposal is subject to all terms and conditions contained in said Notice of Bond Sale, and if the undersigned is the Successful Bidder, the undersigned will comply with all of the provisions contained in said Notice. A cashier's or certified check, a wire transfer or a qualified financial surety bond in the amount of \$124,200 payable to the order of the Issuer, accompanies this proposal as an evidence of good faith. The acceptance of this proposal by the Issuer by execution below shall constitute a contract between the Issuer and the Successful Bidder for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission and a bond purchase agreement for purposes of the laws of the State of Kansas.

Submitted by: _____

(LIST ACCOUNT MEMBERS ON REVERSE)

By: _____
 Telephone No. () _____

ACCEPTANCE

The above proposal is hereby accepted on behalf of the City of Dodge City, Kansas, on November 18, 2013.

Attest:

 Clerk

 Mayor

NOTE: No additions or alterations in the above proposal form shall be made, and any erasures may cause rejection of any bid. Sealed bids may be filed with the Director of Finance/Clerk, Nannette Pogue, City Hall, 806 2nd Avenue, P.O. Box 880, Dodge City, Kansas 67801, facsimile bids may be filed with Stifel, Nicolaus & Company, Inc., Fax No. (316) 337-8492, or electronic bids may be submitted via **PARITY**®, at or prior to 1:00 P.M., Central Standard Time, on November 18, 2013. Any bid received after such time will not be accepted or shall be returned to the bidder.



Parks and Recreation

Memorandum

To: City Manager
Assistant City Manager
City Commissioners

From: Paul Lewis, Parks & Recreation Director

Date: October 17, 2013

Subject: Sunflower Grant Application

Agenda Item: New Business

Recommendation: Staff requests approval to submit a grant application to the Sunflower Foundation for trail improvements in Thurow Park.

Background: Working with the neighborhood and other interested parties, staff previously identified several potential improvements to Thurow Park. Two of those improvements included a new playground structure and repair and expansion to the existing walking trail in the park.

Last year a new playground structure was installed including rubber safety surfacing. Now staff has identified a grant opportunity that would assist the City in funding the improvements to the walking path.

The Sunflower Foundation offers trail building grants to 501(c)(3) and state and local governmental agencies. The Foundation will match local projects dollar for dollar up to a maximum of \$55,000 for expenses including trail construction materials, some landscaping, trail lighting and distance signage. Trails must be a minimum of one half mile in length, and at least six feet in width and can be constructed out of various materials.

Justification: This grant opportunity provides an additional source of funding to assist the City in making desired improvements to the park. The project constructs desired trail features in an area that is currently underserved. The end result is an expanded trail system that provides an enhanced recreational amenity and helps promote healthy lifestyle behaviors for the citizens of Dodge City.

Financial Considerations: The estimated cost to complete this project is \$54,042.45. Grant funds will cover 50% of the total. The remainder of the necessary funding can come from the 2014 CIP fund. Additionally staff is working with a private source that has expressed an interest

in being part of a project in the community. No commitments have been made but staff is hopeful some or all of the matching funds required will be covered by additional private funding.

Purpose/Mission: This project meets the core value of Making Dodge City the Best Place to Be by engaging citizens and soliciting input for improvements to a neighborhood park and securing grant and private monies to fund the improvements.

Legal Considerations: N/A

Attachments: Thurow Park Concept and Project Estimate

Thurrow Park Improvements Bike & Pedestrian Path



