

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, November 18, 2013

7:00 p.m.

MEETING #4940

CALL TO ORDER

ROLL CALL

INVOCATION: by Pastor Jack Hanks of First Baptist Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

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

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, November 4, 2013
2. Appropriation Ordinance No. 22, November 18, 2013;
3. Approval of Southwest Kansas Coalition Agreement for Lobbyist.

ORDINANCES & RESOLUTIONS

Ordinance No. 3573: An Ordinance Authorizing and Providing for the Issuance of General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City of Dodge City, Kansas; Providing for the Levy and Collection of an Annual Tax for the Purpose of Paying the Principal of and Interest on Said Bonds as the Become Due; Authorizing Certain Other Documents and Actions in Connection Therewith; and Making Certain Convents with Respect Thereto. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-34: A Resolution Prescribing the Form and Details of and Authorizing and Directing the Sale and Delivery of General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City of Dodge City, Kansas, Previously Authorized by Ordinance No.

3573 of the Issuer; Making Certain Covenants and Agreements to provide for the Payment and Security Thereof; and Authorizing Certain Other Documents and Actions Connected Therewith. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-35: A Resolution Delaying the Commencement of the Collection of a Community Improvement Sales Tax from January 1, 2014 to January 1, 2015. Report by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2013-36: A Resolution Authorizing Payment of 2013 Year End Bonuses to Qualified Employees. Report by Human Resource Manager, Barb Slagle.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of Letters of Support for Public Transportation Grant. Report by Parks and Recreation Director, Paul Lewis.

OTHER BUSINESS

ADJOURNMENT

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, November 4, 2013

7:00 p.m.

MEETING #4939

CALL TO ORDER

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

Mayor Kent Smoll moved to amend the Agenda by adding an Executive Session on Financial Affairs of second parties. Commissioner Jim Lembright seconded the motion. Motion carried unanimously.

INVOCATION by Pastor Jack Hanks of First Baptist Church

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mayor Kent Smoll opened the Public Hearing on the Advalorem Property Tax Exemption for Roto-Mix of Dodge City, Kansas. Report given by Joann Knight, Executive Director of DC/FC Development Corp. Mayor Kent Smoll closed the Public Hearing.

PETITIONS & PROCLAMATIONS

Small Business Saturday was read by Mayor Kent Smoll. Joann Knight commented on the services that Economic Development provides small businesses.

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).

Rick Bertz – Owner and General Manger of the Dodge City Law, the Arena Football Team in Dodge City, talked about the team and spoke highly of Dodge City, his new home.

CONSENT CALENDAR

1. Approval of Work Session Minutes, October 21, 2013
2. Approval of City Commission Meeting Minutes, October 21, 2013
3. Approval of City Commission Special Meeting, October 30, 2013
4. Appropriation Ordinance No. 21, November 4, 2013;

5. Approval of Change Order No. 1 2013 Trail Street Asphalt Mill & Overlay.
6. Approval of Lease Agreement between the City of Dodge City, Kansas and Southeast Kansas Service Center for office space at Hennessey Hall.

Commissioner Brian Delzeit moved to approve the Consent Calendar with change in the minutes, as presented; Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

ORDINANCES & RESOLUTIONS

Resolution No. 2013-30: A Resolution Providing for Advalorem Property Tax Exemption Under Section 13, Article 11 of the Constitution of the State of Kansas for Roto-Mix, LLC. of Dodge City, Kansas was approved on a motion by Commissioner Jim Lembright, seconded by Commissioner Brian Delzeit. The motion carried unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

1. Donation of Fire Truck Engine 411 to Dodge City Community College was approved on a motion by Commissioner Jim Lembright, seconded by Commissioner Kent Smoll. The motion carried unanimously.
2. Dodge City Family YMCA Membership rate increases for 2014 were approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Delzeit. The motion carried unanimously.
3. Approval of Bids for US 50 Asphalt Mill & Overlay KLINK Project, pending KDOT approval in the amount of \$328,077.50 was approved on a motion by Commissioner Joyce Warshaw, seconded by Commissioner Jim Lembright. The motion carried unanimously.

OTHER BUSINESS

Ken Strobel:

- Commented on Roto-Mix, Business that has been in Dodge City since 1965.
- Encouraged all citizens to take advantage of the Dodge City Law.

Brian Delzeit:

- Noticed that Christmas Commercials are beginning, shop local and shop often.

Joyce Warshaw:

- Commented on shopping local.

Rick Sowers:

- Observation of Halloween – Kids were very gracious – The next day had an incident at the store – Thanked Dodge City Police for their service.

Jim Lembright:

- Thanked Roto-Mix for their business in Dodge City.

Kent Smoll:

- Shop local often and have fun.

At 7:50 the meeting was adjourned to Executive Session to discuss Financial Affairs of second parties not to exceed 30 minutes on a motion by Commissioner Rick Sowers seconded by Jim Lembright and to include City Manager, Ken Strobel, Assistant City Manager, Cherise Tieben and City Clerk/Finance Director, Nannette Pogue.

At 8:20 Commissioner Brian Delzeit moved to extend Executive Session for 10 minutes, Commissioner Joyce Warshaw seconded, Motion carried unanimously.

The meeting was reconvened at 8:30 p.m.

ADJOURNMENT :

Commissioner Jim Lembright moved to adjourn the meeting; Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: City Commissioners
From: Ken Strobel, City Manager
Date: November 13, 2013
Subject: Southwest Kansas Coalition
Agenda Item: New Business

Recommendation: Staff asks that you ratify the attached contract committing the Southwest Kansas Coalition (SKC) to utilize lobbyist services provided by Pinegar, Smith and Associates of Topeka.

Background: The City of Dodge City, Garden City and Liberal formally entered into an agreement in November of 2008 with a goal to identify common needs of the Southwest Kansas area and to then cooperatively establish and actively advocate policies which will address such needs and promote the common economic development of the entire region.

Justification: In order to adequately fulfill our regional advocacy at both the State and Federal level, it is necessary for the SKC to contract with a professional lobbyist firm that can dedicate time and knowledge to the SKC efforts and policies.

Financial Considerations: \$10,000.00 is contributed annually to the SKC in order to fund the lobbyist service.

Purpose/Mission: Together we promote open communications with our community members to improve quality of life and preserve our heritage to foster a better future.

Legal Considerations: None

Attachments: Agreement for Professional Services

Agreement for Professional Services

This Independent Contractor Agreement (the "Agreement") is entered into by and between Pinegar, Smith & Associates, Inc. (the "Consultant"), and Southwest Kansas Coalition (the "Client").

RECITALS

WHEREAS, the Client is in need of assistance in the area of government affairs and

WHEREAS, Consultant has agreed to perform consulting work for the Client in government affairs services and other related activities for the Client;

NOW, THEREFORE, the parties hereby agree as follows:

1. Consultant's Services. Consultant shall be available and shall provide to the Client professional services in the area of government affairs ("Consulting Services") as needed and requested.

A. Deliverables. Consultant will compile a distribution list in consultation with the Client. Reports, updates and other communication will be sent to those names on the distribution list on a monthly basis. In addition, a general legislative report will be conducted during the regular legislative session by telephone conference call on a weekly basis to include but not limited to legislation of a general interest and legislation that could impact or be of interest to the client. At the request of the Client or a member city, Consultant will be available for additional discussions with the Client via telephone.

2. Consideration.

A. Rate. Client shall pay Consultant, as Consultant's fee for the representation as provided in this Agreement, the sum of Thirty-five Thousand Dollars (\$35,000.00) payable in twelve (12) installments. The first installment of Two Thousand Nine Hundred Sixteen Dollars and 67 Cents (\$2,916.67) is due October 1, 2013. The remaining eleven (11) payments of Two Thousand Nine Hundred Sixteen Dollars and 67 Cents (\$2,916.67) each are payable the first day of each month. The Client shall pay Consultant the amounts due pursuant to submitted invoices received by the Client.

B. Professional Services To Cities Individually. The City of Dodge City, The City of Garden City and The City Liberal may individually utilize the professional services of the Consultant on matters outside the scope of this Agreement where no conflict of interest occurs. Consultant's professional fees for such individual service will be subject to a separate written agreement between the contracting city and Consultant. It shall be the collective responsibility of the city managers of The City of Dodge City, The City of Garden City and The City Liberal to determine no conflict exists among the cities for Consultant to provide professional services to cities individually. The City Manager of the City requesting such individual services shall submit to the other two Managers a brief written summary of the requested services. If no written objection to the request is made by either of the other managers, within five (5) working days following receipt of the summary, no conflict of interest shall be deemed to occur from the requested services.

C. Expenses. Additionally, the Client will pay Consultant for the following expenses: lobbyist registration fee for Client's interest; Hospitality, not to exceed \$1,000.00 per year unless prior approval by client is granted; travel expenses. (all travel by Consultant will be pre approved by Client); Consultant shall submit written documentation and receipts where available itemizing the dates on which expenses are incurred. The Client shall pay Consultant the amounts due pursuant to submitted reports when a report is received by the Client.

3. Independent Contractor. Nothing contained herein or any document executed in connection herewith, shall be construed to create an employer-employee partnership or joint venture relationship between the Client and Consultant. Consultant is an independent contractor and not an employee of the Client or any of its subsidiaries or affiliates. The consideration set forth in Section 2 shall be the sole consideration due Consultant for the services rendered hereunder. It is understood that the Client will not withhold any amounts for payment of taxes from the compensation of Consultant hereunder. Consultant will not represent to be or hold itself out as an employee of the Client and Consultant acknowledges that he shall not have the right or entitlement in or to any of the pension, retirement or other benefit programs now or hereafter available to the Client's regular employees. Any and all sums subject to deductions, if any, required to be withheld and/or paid under any applicable state, federal or municipal laws or union or professional guild regulations shall be Consultant's sole responsibility and Consultant shall indemnify and hold Client harmless from any and all damages, claims and expenses arising out of or resulting from any claims asserted by any taxing authority as a result of or in connection with said payments.

4. Confidentiality. In the course of performing consulting services, the parties recognize that Consultant may come in contact or become familiar with information that the Client or its subsidiaries or affiliates may consider confidential. Consultant agrees to keep all such information confidential and not to discuss or divulge it to anyone other than appropriate Client's personnel or their designees.

5. Term. This Agreement shall commence on October 1, 2013 and shall terminate on September 30, 2014, unless earlier terminated by either party hereto. Either party may terminate this Agreement upon Thirty (30) days prior written notice. The Client may, at its option, renew this Agreement for an additional term of one year on the same terms and conditions as set forth herein by giving notice to Consultant of such intent to renew on or before September 1, 2013.

6. Consultant's Taxpayer I.D. Number. The taxpayer I.D. number of the Consultant is 48-1249735. The Consultant will register with the Secretary of State to perform the agreed upon services enumerated herein.

7. Representations and Warranties. The Consultant will make no representations, warranties, or commitments binding the Client without the Client's prior consent. The Consultant makes no warranties or representation to Client concerning the success or results obtained from Consultant's services. All statements of Consultant on these matters are statement of opinion only.

8. Legal Right. Consultant covenants and warrants that he has the unlimited legal right to enter into this Agreement and to perform in accordance with its terms without violating the rights of

others or any applicable law and that he has not and shall not become a party to any other agreement of any kind which conflicts with this Agreement. Consultant shall indemnify and hold harmless the Client from any and all damages, claims and expenses arising out of or resulting from any claim that this Agreement violates any such agreements. Breach of this warranty shall operate to terminate this Agreement automatically without notice as specified in Paragraph 5 and to terminate all obligations of the Client to pay any amounts which remain unpaid under this Agreement.

9. The Waiver. Failure to invoke any right, condition, or covenant in this Agreement by either party shall not be deemed to imply or constitute a waiver of any rights, condition, or covenant and neither party may rely on such failure.

10. Notice. Any notice or communication permitted or required by this Agreement shall be deemed effective when personally delivered or deposited, postage prepaid, in the first class mail of the United States properly addressed to the appropriate party at the address set forth below:

1. Notices as to Consultant:

Pinegar, Smith & Associates, Inc.
513 SW Van Buren St.
Topeka, Kansas 66603

2. Notices to the Client:

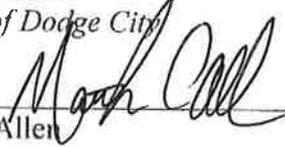
Southwest Kansas Coalition
City of Dodge City
P.O. Box 880
Dodge City, Kansas, 67801.

WHEREFORE, the parties have executed this Agreement as of the date written above.

Southwest Kansas Coalition

By: 
Ken Strobel
City of Dodge City

Date: 11-12-13

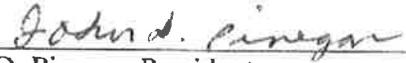
By: 
Matt Allen
City of Garden City

Date: 11/7/13

By: _____
Dave Harrison, Mayor
City of Liberal

Date: _____

Pinegar, Smith & Associates, Inc.

By: 
John D. Pinegar, President

Date: 10-1-2013

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: November 1, 2013

Subject: Ordinance No. 3573 and Resolution No. 2013-34

Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the City Commission approve Ordinance No. 3573 and Resolution No. 2013-34

Background: Ordinance No. 3573 authorizes and provides for the issuance of General Obligation Refunding and Improvement Bonds, Series 2013-A of the City, provides for the levy and collection of annual tax to pay the principal and interest on the bonds.

The City has previously taken action to fund street improvement projects: Trail St. Asphalt Mill & Overlay; U.S. 50 Mill & Overlay; Comanche St. Construction, 14th Avenue to Highway 50; and Trail St. Reconstruction, 2nd Avenue to 14th Avenue; and to refund Series 2004 bonds

By approving Ordinance No. 3573, the City Commission will authorize the issuance of General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City in the principal amount of \$6,210,000*, for the purpose of providing funds to: (a) pay costs of the improvements; (b) refund 2004 GO Bonds (if appropriate savings are reached).

The Public Sale for the bonds will be held on November 18. The ordinance authorizes the Mayor to approve the bid for the bonds and for the Mayor and City Clerk to sign documents necessary to complete all of the transactions.

Resolution No. 2013-34 prescribes the form and details of the sale and delivery of the bonds and makes certain covenants and agreements to provide for the payment and security of those bonds. I have included in your agenda packet only the table of contents of the resolution. If you wish to see in its entirety, please let me know.

Justification: In order to provide financing for the street improvement projects, it is necessary to issue the bonds.

Financial Considerations: Annual payments to mature the bonds

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: Ordinance No. 3573 and Resolution No. 2013-34 (Table of Contents).

ORDINANCE NO. [3573]

OF

THE CITY OF DODGE CITY, KANSAS

PASSED

NOVEMBER 18, 2013

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

ORDINANCE NO. 3573

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-A, OF THE CITY OF DODGE CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Dodge City, Kansas (the “City”) is a city of the first class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has authorized the following improvements (the “Improvements”) to be made in the City, to-wit:

<i>Project Description</i>	<i>Ord./Res. No.</i>	<i>Authority (K.S.A.)</i>	<i>Authorized Amount</i>
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			\$14,358,000

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

; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements (including issuance costs of the Bonds) and related expenses are at least the amount set forth above, to be paid by the City at large (other than KDOT funds described above) by the issuance of general obligation bonds; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay the costs of the Improvements; and

WHEREAS, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$[5,785,000*] of its general obligation bonds to pay the costs of the Improvements; and

WHEREAS, the City heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds, reduce debt service requirements of the City for certain years, and provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

WHEREAS, the governing body of the City has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on this date awarded the sale of such Bonds to the best bidder.

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

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.* and K.S.A. 12-685 *et seq.*, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the City for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City's General Obligation Refunding and Improvement Bonds, Series 2013-A, dated December 12, 2013, authorized by this Ordinance.

“City” means the City of Dodge City, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk's absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor” means the duly elected and acting Mayor of the City or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means the Series 2004-A Bonds maturing in the years 2014 to 2015, inclusive, in the aggregate principal amount of \$415,000.

“Series 2004-A Bonds” means the City's General Obligation Refunding and Improvement Bonds, Series 2004-A, dated September 30, 2004.

“Substitute Improvements” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City in the principal amount of \$6,210,000*, for the purpose of providing funds to: (a) pay the costs of the Improvements; (b) pay costs of issuance of the Bonds; and (c) refund the Refunded Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City 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 City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

Section 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on November 18, 2013 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESOLUTION NO. 2013-34

OF

THE CITY OF DODGE CITY, KANSAS

ADOPTED

NOVEMBER 18, 2013

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

TABLE OF CONTENTS

ARTICLE I

DEFINITIONS

Section 101.	Definitions of Words and Terms.....	Error! Bookmark not defined.
---------------------	-------------------------------------	-------------------------------------

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201.	Authorization of the Bonds.	Error! Bookmark not defined.
Section 202.	Designation of Paying Agent and Bond Registrar.	Error! Bookmark not defined.
Section 203.	Method and Place of Payment of the Bonds.	Error! Bookmark not defined.
Section 204.	Payments Due on Saturdays, Sundays and Holidays. .	Error! Bookmark not defined.
Section 205.	Registration, Transfer and Exchange of Bonds.....	Error! Bookmark not defined.
Section 206.	Execution, Registration, Authentication and Delivery of Bonds.	Error! Bookmark not defined.
Section 207.	Mutilated, Lost, Stolen or Destroyed Bonds.	Error! Bookmark not defined.
Section 208.	Cancellation and Destruction of Bonds Upon Payment.....	Error! Bookmark not defined.
Section 209.	Book-Entry Bonds; Securities Depository.	Error! Bookmark not defined.
Section 210.	Nonpresentment of Bonds.....	Error! Bookmark not defined.
Section 211.	Preliminary and Final Official Statement.	Error! Bookmark not defined.
Section 212.	Sale of the Bonds.	Error! Bookmark not defined.

ARTICLE III

REDEMPTION OF BONDS

Section 301.	Redemption by Issuer.....	Error! Bookmark not defined.
Section 302.	Selection of Bonds to be Redeemed.....	Error! Bookmark not defined.
Section 303.	Notice and Effect of Call for Redemption.	Error! Bookmark not defined.

ARTICLE IV

SECURITY FOR BONDS

Section 401.	Security for the Bonds.....	Error! Bookmark not defined.
Section 402.	Levy and Collection of Annual Tax; Transfer to Debt Service Account.....	Error! Bookmark not defined.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501.	Creation of Funds and Accounts.....	Error! Bookmark not defined.
Section 502.	Deposit of Bond Proceeds.....	Error! Bookmark not defined.

Section 503.	Application of Moneys in the Improvement Fund.	Error! Bookmark not defined.
Section 504. defined.	Substitution of Improvements; Reallocation of Proceeds.	Error! Bookmark not defined.
Section 505.	Application of Moneys in the Redemption Fund.	Error! Bookmark not defined.
Section 506.	Application of Moneys in Debt Service Account.	Error! Bookmark not defined.
Section 507.	Application of Moneys in the Rebate Fund.	Error! Bookmark not defined.
Section 508.	Deposits and Investment of Moneys.	Error! Bookmark not defined.
Section 509. defined.	Application of Moneys in the Costs of Issuance Account.	Error! Bookmark not defined.
Section 510.	Application of Moneys in the Compliance Account. ...	Error! Bookmark not defined.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601.	Remedies.	Error! Bookmark not defined.
Section 602.	Limitation on Rights of Owners.	Error! Bookmark not defined.
Section 603.	Remedies Cumulative.	Error! Bookmark not defined.

ARTICLE VII

DEFEASANCE

Section 701.	Defeasance.	Error! Bookmark not defined.
---------------------	------------------	-------------------------------------

ARTICLE VIII

TAX COVENANTS

Section 801.	General Covenants.	Error! Bookmark not defined.
Section 802.	Survival of Covenants.	Error! Bookmark not defined.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901.	Disclosure Requirements.	Error! Bookmark not defined.
Section 902. defined.	Failure to Comply with Continuing Disclosure Requirements. .	Error! Bookmark not defined.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001.	Annual Audit.	Error! Bookmark not defined.
Section 1002.	Amendments.	Error! Bookmark not defined.
Section 1003.	Notices, Consents and Other Instruments by Owners.	Error! Bookmark not defined.
Section 1004.	Notices.	Error! Bookmark not defined.
Section 1005.	Electronic Transactions.	Error! Bookmark not defined.
Section 1006.	Further Authority.	Error! Bookmark not defined.
Section 1007.	Severability.	Error! Bookmark not defined.
Section 1008.	Governing Law.	Error! Bookmark not defined.

Section 1009. Effective Date. **Error! Bookmark not defined.**

EXHIBIT A – FORM OF BONDS A-1

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESOLUTION NO. 2013-34

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013-A, OF THE CITY OF DODGE CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. [____] OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF the City OF DODGE CITY, KANSAS, AS FOLLOWS:

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: November 12, 2013
Subject: Resolution No. 2013-35
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the approval of Resolution No. 2013-35, thereby extending the collection date of the CID sales tax for the Santa Fe Plaza project to January 1, 2015.

Background: Ordinance No. 3429 provided that the district would begin January 1, 2011, but extended to January 1, 2012 by Resolution Nos. 2010-32 and 2011-14. Resolution No. 2011-26 extended the date to January 2013 and Resolution No. 2012-32 extended the date to January 1, 2014. As the development has not yet started construction, the property owner, Brian Marshall, submitted a petition to delay the starting date to January 1, 2015. Resolution No. 2013-35 will accomplish that delay.

Justification: The developer does not expect to have development on the property until early next year therefore no sales tax would be generated until that date.

Financial Considerations: none

Purpose/Mission: Together we strive to achieve high performance and service standards set by us and expected by the community.

Legal Considerations: None

Attachments: Resolution No. 2013-35 and Petition requesting delay.

RESOLUTION NO. 2013-35

A RESOLUTION DELAYING THE COMMENCEMENT OF THE COLLECTION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX FROM JANUARY 1, 2014 TO JANUARY 1, 2015.

WHEREAS, on June 7, 2010, the Governing Body of the City of Dodge City, Kansas (the "City") passed Ordinance No. 3429 making findings as to the advisability of and creating a community improvement district more particularly described therein (the "Santa Fe Plaza CID"), authorizing certain projects relating thereto, approving the estimated cost of such projects, authorizing the imposition of a community improvement district sales tax within the community improvement district, and providing the proposed method and amount of financing; and

WHEREAS, Section 6 of Ordinance No. 3429 provided that the community improvement district sales tax would commence on January 1, 2011 or any other effective date the City may approve by resolution if a change in the effective date was requested by the party that petitioned to create such community improvement district (the "Petitioner"); and

WHEREAS, on December 17, 2010, the City received a Request for Delay of Community Improvement District Sales Tax Effective Date from January 1, 2011 to July 1, 2011 executed by the Petitioner, which Request was granted by Resolution No. 2010-32; and

WHEREAS, on April 8, 2011, the City received a Request for Delay of Community Improvement District Sales Tax Effective Date from July 1, 2011 to January 1, 2012 executed by the Petitioner, which Request was granted by Resolution No. 2011-14; and

WHEREAS, on September 30, 2011, the City received a Request for Delay of Community Improvement District Sales Tax Effective Date from January 1, 2012 to January 1, 2013 executed by the Petitioner, which Request was granted by Resolution No. 2011-26; and

WHEREAS, on September 24, 2012, the City received a Request for Delay of Community Improvement District Sales Tax Effective Date from January 1, 2013 to January 1, 2014 executed by the Petitioner, which Request was granted by Resolution No. 2012-32; and

WHEREAS, on November 4, 2013, the City received a Request for Delay of Community Improvement District Sales Tax Effective Date from January 1, 2014 to January 1, 2015 executed by the Petitioner

WHEREAS, such Request for Delay was signed by the owners of all the real property within the community improvement district; and

WHEREAS, the City hereby finds that it is appropriate to temporarily delay the effective date of the collection of community improvement district sales tax within the Santa Fe Plaza CID based on the receipt of such Request for Delay.

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

SECTION 1. The collection of the community improvement district sales tax within the Santa Fe Plaza CID shall be delayed from January 1, 2014 with the collection of such community improvement district sales tax to commence on January 1, 2015, or any other effective date the City may approve by resolution if a further extension of such collection date is duly requested.

SECTION 2. Upon approval, a certified copy of this resolution shall be delivered to the state director of taxation in accordance with the Kansas Community Improvement District Act, K.S.A. § 12-6a26, *et seq.*

PASSED by the Governing Body on this 18th day of November, 2013.

APPROVED by the Mayor on this 18th day of November, 2013.

Mayor

ATTEST:

Nannette Pogue, City Clerk

APPROVED AS TO FORM:

Brad Ralph, City Attorney

Memorandum

To: City Commissioners
City Manager
Assistant City Manager
From: Barb Slagle,
Human Resource Officer
Date: November 15, 2013
Subject: Resolution No. 2013-36
Agenda Item: Ordinances and Resolutions

Recommendation: Approval of Resolution No. 2013-36

Background: Each non-probationary full-time employee with over one (1) year of service will receive a bonus of \$50.00 per calendar years worked for the City, a benefit adopted in 1998. Each non-probationary regular part-time employee with over one (1) year of service will receive a bonus of \$25.00 per calendar years worked for the City, a benefit adopted in 2012. A cap of \$1,000 after 20 years of service has been established.

Justification: This is a budgeted item and funds are available.

Financial Considerations: The amount budgeted for the 2012 bonus is \$97,020.00.

Purpose/Mission: To provide employees an annual reward benefit for their continued efforts in striving to achieve high performance and service standards set by us and expected by the community.

Legal Considerations: None

Attachments: Resolution No. 2013-36

RESOLUTION NO. 2013-36

**A RESOLUTION AUTHORIZING PAYMENT OF 2013 YEAR END
BONUSES TO QUALIFIED EMPLOYEES**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

WHEREAS: Taking into consideration the City's financial standing, the Governing Body desires to recognize the dedication and commitment of City employees by a discretionary year end bonus, under the guidelines established by Resolution 98-41.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY THE 18TH DAY OF NOVEMBER, 2013.

E. Kent Smoll, Mayor

Attest:

Nannette Pogue, City Clerk



Parks and Recreation

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

Memorandum

To: City Manager
Assistant City Manager
City Commissioners

From: Kathy Denhardt
Paul Lewis

Date: November 15, 2013

Subject: Public Transportation Grant Letters

Agenda Item: New Business

Recommendation: Staff recommends authorizing submission of applications and local match financial commitment letters for the following grant applications which are due by November 22, 2013:

1. U.S.C. 49-5311 Public Transportation Operating Grant in the amount of \$256,820
2. U.S.C. 49-5317 Mobility Manager Grant in the amount of \$7,000

Background: In July 2012 the Public Transportation Program expanded its service area two miles beyond the city limits of Dodge City. We also expanded service hours and began contracting with Finney County Transit for computer aided Dispatching service. All of these factors contributed to a dramatic increase in ridership, from 600 rides in July 2012 to 2,000 rides in October 2013 (see Attachment 1).

Because we have reached full capacity and are turning away customers, the 2014 adopted budget provides for three changes in service:

- Establishing Fixed Route Bus Service in Dodge City and two miles beyond the city limits. 70% of our current rides are provided to people who can board buses at a bus stop and arrange their travel around a bus schedule. Fixed Route service will be far more efficient and eliminates the need for riders to call dispatch to schedule individual rides. We can expect to provide 5,000 rides per month within the first year of operation, and continue to expand thereafter. Fixed route service will begin in July assuming KDOT approval of the grant application.
- Provide Door-to-Door Paratransit Service for persons who qualify because of age or disability. This service will be provided in the same geographic area and same hours of operation as Fixed Route service. We can expect this portion of our passengers to continue growing so we expect to provide around 1,000 rides per month in this service.

- Expand Service Hours from 6:00 am to 7:00 pm Monday through Friday.

The Mobility Manager grant has funded a position devoted to understanding the transportation needs, and to developing opportunities for meeting those transportation needs. The grant funds 80% of the position and local match of 20% is split between Dodge City and Ford County.

Justification: We are now providing 2,000 rides per month and have reached full capacity with current fleet and services. Establishing a Fixed Route bus service allows us to meet the needs of passengers far more efficiently, and greatly expand the number of rides we can provide. Using a service profile similar to what we are proposing, in October 2013 Finney County Transit provided 7,175 rides on their Fixed Route buses and 1,295 rides on their Paratransit buses. This is a good indicator of the number of rides we can expect to be providing with the new service profile. In addition to Garden City/Finney County, Liberal, Hutchinson/Reno County, Salina/Saline County and other area communities are successfully operating Fixed Route plus Paratransit bus service.

Financial Considerations: The letters of financial commitment we are requesting differ from the 2014 budgeted amount because:

- The letters of financial commitment required for 5311 and 5317 grant applications cover the state fiscal year (SFY 15) from July 1, 2014 through June 30, 2015, thus including 12 months of operating the expanded Fixed Route system (rather than the 6 months budgeted for in 2014).
- KDOT requires that the local match letters of financial commitment be written as if the 20% state reimbursement will not occur – thus a local match of 50%. We fully expect the 20% state reimbursement will continue.

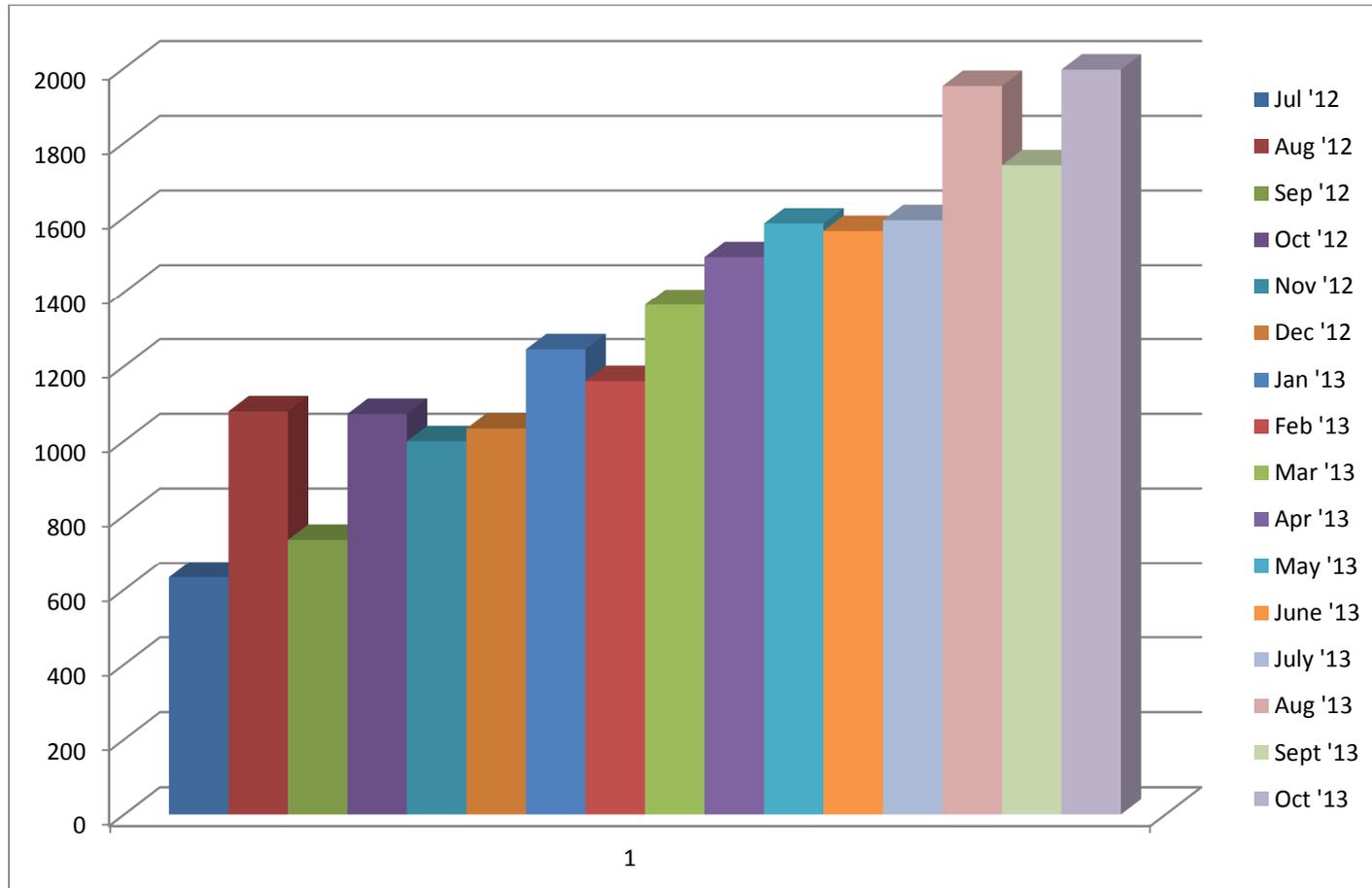
The financial commitment requested from the City for calendar year 2014 is \$7,000 for the 5317 Mobility Manager Grant (reflecting 10% local match) and \$208,240 (\$151,240 for Operations and \$57,000 for capital) for the 5311 grant (see Attachment 2) reflecting 6 months of operation of the Fixed Route Service. This is slightly higher than our earlier request because we made two changes in our budget assumptions: expanded operating hours to 6:00 am to 7:00 pm and eliminated Gray County share of local match because we do not yet have a plan in place for providing service to Gray County. Those differences can be accommodated through the approved budget.

Purpose/Mission: Improvements to public transportation represent the City's core values of Ongoing Improvement and Preparing for the Community's Future. In SFY 15 we expect to provide more than 6,000 rides to our residents, tripling the number we currently provide. This rapidly expanding service is helping more residents every day by allowing them to get to work, do their shopping and get to medical appointments. It also allows older residents to live independently in their homes.

Legal Considerations: These commitment letters are required elements of the City's application for grant funding. KDOT will consider all requests and most likely will adjust the final approved amounts.

Attachments: Monthly Ridership Numbers; Program Budget Document, Letters of Financial Support

Attachment 1 Monthly Ridership Numbers Following July 1, 2012 Expansion



Attachment 2: 2014 Public Transportation Budget

		DR/Paratransit (3 buses)	Fixed Route (3 buses)	Fixed Route 2014	Mobility Manager	Finney Co. Dispatch	2014 Total
1.	Vehicle Insurance	15,000	15,000	7,500			22,500
2.	Advertising	9,000	5,000	2,500			11,500
3.	Personnel – Driver (Paid)						
	2 FT wages	64,480					64,480
	Regular PT I	81,120	131,040	65,520			146,640
	PT						
	Health Insurance	47,750	38,000	19,000			66,750
	FICA/Soc Sec/KPERS	26,210	23,590	11,795			38,005
4.	Dispatcher						
5.	Mechanic (Paid) .5 FTE						
	wages	6,940	6,940	3,470			10,410
	benefits	3,120	3,120	1,560			4,680
	Total Personnel	229,620	202,690	101,345			330,965
6.	Fuel	55,000	55,000	27,500			82,500
7.	Maintenance, Repair, Lubrication, Parts, Labor	14,800	14,000	7,000			21,800
8.	Storage (Paid)		4,000	2,000			2,000
9.	Contract Services (Specify name & reason)*						0
10.	Communications/Phone	2,250	2,250	1,125			3,375
11.	Other (Must specify each item)						
	Finney County Transit Dispatching Contract					44,800	44,800
	Mobility Manager				70,000		70,000
12.	Licenses & Tags	3,000	3,000	1,500			4,500
13.	KPTA Membership Dues	100		0			100
14.	KPTA Annual Meeting Expenses	1,000		0			1,000
15.	RTAP Driver Training	1,250	1,250	625			1,875
16.	RTAP Manager Training	400	400	200			600
17.	KCC Registration Fee	230		0			230
19.	Total Operating Cost (Add #1 through #18)	331,650	302,590	151,295	70,000	44,800	597,745
20.	Project Income	12,000	36,000	18,000			30,000
21.	Subtotal (#19 Minus #20)	319,650	266,590	133,295	70,000	44,800	567,745
22.	Local Match (30%)						
	Dodge (20%-DR; 30%-Fixed; 10%-MM; 90% Dispatch)	63,930	79,980	39,990	7,000	40,320	151,240
	Ford County (10%-DR; 10%-MM; 10% Dispatch)	31,970		0	7,000	4,480	43,450
23.	Total 5311 Reimbursement Request	159,825	133,295	66,648	56,000		282,473
24.	Total State Reimbursement (20%)	63,930	53,318	26,659			90,589
24.	Total Reimbursement	223,755	186,613	93,307	56,000		373,062
	Capital - New Buses	114,000	171,000	171,000			285,000
	KDOT - 80%	91,200	136,800	136,800			228,000
	LOCAL - 20% (Dodge City)	22,800	34,200	34,200			57,000
	Total Local Match						
	Dodge City Total Match	86,730	114,180	74,190	7,000	40,320	208,240
	Ford County Total Match	31,970	0	0	7,000	4,480	43,450
	City of Dodge City Funding						
	General Fund	63,930	79,980	39,990	7,000	40,320	151,240
	MERF	22,800	34,200	34,200			57,000
							208,240

Local Match Letters

5311 Letter- based on 50% of SFY 15 totals (July 1, 2014 to June 30, 2015; doesn't include 20% State Reimbursement; includes Finney County Dispatch costs)

Dodge City Match Letter for 5311 grant	\$256,819.20
Ford County Match Letter for 5311 grant	\$106,700.80

5317 Letter - 20% local match split between Ford County and Dodge City

Dodge City Match Letter for Mobility Manager	\$7,000.00
Ford County Match Letter for Mobility Manager	\$7,000.00

November 18, 2013

Kansas Department of Transportation
Application for Public Transportation Assistance Project
SFY 15 – 07/01/2014 – 06/30/2015
U.S.C. 49-5311 Funding

The City of Dodge City commits to providing local matching funds in the amount of \$256,820 for the U.S.C. 49-5311 grant, which includes a plan for expanding general public transportation to include new Fixed Route service, subject to final budgetary approval. Included in this amount is up to \$63,360 to be paid to Finney County Committee on Aging for dispatching services to be provided by Finney County Transit. These funds will be available by July 1, 2014. The City of Dodge City budgets on an annual basis.

Sincerely,

Nannette Pogue
Finance Director/City Clerk

November 18, 2013

Kansas Department of Transportation
Application for Public Transportation Assistance Project
SFY 15 – 07/01/2014 – 06/30/2015
U.S.C. 49-5317 Funding – Mobility Manager

City of Dodge City commits to providing local matching funds in the amount of \$7,000 for the U.S.C. 49-5317 grant for the Mobility Manager, subject to final budgetary approval. These funds will be available by July 1, 2014. Dodge City budgets on an annual basis.

Sincerely,

Nannette Pogue
Finance Director/City Clerk