

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, January 6, 2014

7:00 p.m.

MEETING #4945

CALL TO ORDER

ROLL CALL

INVOCATION by Kirk Larson of Grace Community 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).

Presentation to Jan Stevens and Drew Francis for completion of Certified Public Management Program. Report and Presentation by Director of Public Information, Jane Longmeyer.

Dodge City Public Library Quarterly Update: Cathy Reeves.

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, December 16, 2013
2. Approval of City Commission Special Meeting Minutes, December 31, 2013
3. Appropriation Ordinance No. 1, January 6, 2014;
4. Cereal Malt Beverage License Applications;
 - (a) Walgreen Co., 1801 N. 14th Avenue;
 - (b) Taylor's Road House, LLC. 2305 W. Wyatt Earp Blvd.
 - (c) Tacos Jalisco, 412 E Wyatt Earp Blvd., Dodge City, KS 67801

ORDINANCES & RESOLUTIONS

Ordinance No. 3575: An Ordinance of the City of Dodge City, Kansas amending the Official

Zoning Map of the City, Changing the property Known as Lot 1 & Lot 2, Block 4, Summerlon Phase III from R-1, Residential Low Density to C-O, Commercial Office. Report by Director of Developmental Services, Dennis Veatch.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of Minor Replat of Days Inn. Report by Director of Developmental Services, Dennis Veatch.
2. Approval of 2014 State/Federal Legislative Policy. Report by Assistant City Manager, Cherise Tieben.

EXECUTIVE SESSION

Discussion of Non-Elected Personnel

ADJOURNMENT

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, December 16, 2013

7:00 p.m.

MEETING #4942

CALL TO ORDER

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

INVOCATION by Dr Jerry Ketner, New Hope on Plains

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, December 2, 2013
2. Appropriation Ordinance No. 24, December 16, 2013;
3. Cereal Malt Beverage License Applications;
 - a. Tony's Super Gordas, 605 S. 2nd Avenue.
4. Approval of Kansas Department of Transportation (KDOT) Enhancement (TE) Project Agreements for the Atchison, Topeka and Santa Fe (ATSF) Railway Depot Restoration and the Gunsmoke Trail Extension Project.

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

ORDINANCES & RESOLUTIONS

Resolution 2013-37: A Resolution Describing and Defining the Boundary of the City of Dodge City, Kansas was approved on a motion by Commissioner Jim Lembright, seconded by Commissioner Joyce Warshaw. Motion carried unanimously.

Resolution 2013-38: A Resolution Adopting a Title VI Policy which is required for Public Transportation and other Federal Funded Operations was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Delzeit. Motion carried unanimously.

NEW BUSINESS

1. Commissioner Brian Delzeit moved to reject the original bids from the October 31st bid opening and to approve the bids from Pishny Restoration Services in the amount of \$198,402.00 for the south and west windows and doors and approve Alternate 1 in the amount of \$39,000 for the soffits and guttering on the south and west side of the Santa Fe Depot. In addition, the motion included to reject Alternate 2 and Alternate 3 bids. Commissioner Jim Lembright seconded the motion. The motion carried unanimously.
2. The Memorandum of Understanding between the City of Dodge City and Boot Hill Museum was approved on a motion by Commissioner Joyce Warshaw, seconded by Commissioner Jim Lembright. The motion carried unanimously.
3. 2014 Memorandum of Understanding between the City Of Dodge City and the Fraternal Order of Police Lodge #49 pending final review of City Attorney was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Joyce Warshaw. The motion carried unanimously.
4. Approval of Allocation of 2013 Special Alcohol and Drug Funds in the following amounts:

\$18,000.00 – Friends of Recovery - Oxford Houses in Dodge City – Aftercare

\$11,000.00 – Catholic Social Services

\$67,000.00 – New Chance

\$6,000.00 - Dodge City Police Department – Supplies for Programs

\$15,000.00 - Area Mental Health

were approved on a motion by Commissioner Jim Lembright the motion was seconded by Commissioner Brian Delzeit. Motion carried unanimously.

OTHER BUSINESS

City Manager, Ken Strobel:

- Public Office Exchange on Tuesday, December 17 at Country Club;
- Hinkle House, Open House on Wednesday, December 18th;
- On behalf of Community, today was Jack Dalton's funeral; Jack was tremendous force in the community for a long time. Was a great Attorney and well respected-send our condolences to the family;
- One of those among us has graduated to ranks of Senior Citizen – Happy Birthday to Rick Sowers.

Melissa McCoy;

- Cowboy Statues is moving along nicely with several business and organization partnering to help;
- CFAB active with meetings lately.

Commissioner, Brian Delzeit;

- Wish everyone a Merry Christmas, Happy New Year and Happy Birthday to Rick.

Commissioner, Joyce Warshaw;

- Please be responsible pet owners;
- School will be out December 19 to January 6;
- Merry Christmas & Happy New Year;
- Happy Birthday to Rick and Cherise tomorrow.

Commissioner, Rick Sowers;

- Thanks to all the Staff for all their hard work;

Commissioner, Jim Lembright;

- Happy Birthday Rick.

Mayor, Kent Smoll

- Happy Birthday to Rick and tomorrow Cherise;
- Shop local;
- Fireworks donations will be taken soon;
- Merry Christmas and Happy New Year.

ADJOURNMENT

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

CITY COMMISSION SPECIAL MEETING MINUTES

City Hall Commission Chambers

Tuesday, December 31, 2013

8:00 a.m.

MEETING #4943

CALL TO ORDER

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

PUBLIC HEARING

Mayor Kent Smoll opened the Public Hearing for the 2013 Budget Amendments. Nannette Pogue, Finance Director outlined the Amendments. Commissioner Jim Lembright moved and Commissioner Rick Sowers seconded the motion to close the Public Hearing. Motion carried unanimously.

CONSENT CALENDAR

1. Appropriation Ordinance No. 25, December 31, 2013

The Consent Calendar was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Delzeit. Motion carried unanimously.

NEW BUSINESS

The 2013 Budget Amendment was approved on a motion by Commissioner Rick Sowers, seconded by Brian Delzeit. Motion carried unanimously.

EXECUTIVE SESSION

At 8:10 Mayor Kent Smoll moved to adjourn to Executive Session to discuss Non-Elected Personnel, not to exceed 30 minutes. Commissioner Jim Lembright seconded the motion. The motion carried unanimously.

The meeting reconvened to regular session at 8:40. Commissioner Jim Lembright moved to adjourn the meeting, Brian Delzeit seconded the motion. The motion carried unanimously.

ADJOURNMENT

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, KS

SECTION 1 - LICENSE TYPE

Check One: New License Renew License Special Event Permit

Check One:

License to sell cereal malt beverages for consumption on the premises.

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): **004-361924025F-01**

Name of Corporation Walgreen CO		Principal Place of Business 1801 N 14th Ave. Dodge City, KS	
Corporation Street Address PO Box 901		Corporation City Deerfield	State IL Zip Code 60015
Date of Incorporation 02/15/1909	Articles of Incorporation are on file with the Secretary of State. n/a		<input type="checkbox"/> Yes <input type="checkbox"/> No
Resident Agent Name Jason S Donica		Phone No.	
Residence Street Address 601 E Harry Street		City Wichita	State KS Zip Code 67218

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name Walgreens #07817	Name Walgreen Co
Business Location Address 1801 N 14th Ave Dodge City KS 67801	Address PO Box 901
City Dodge City State KS Zip 67801	City Deerfield, IL State IL Zip 60015
Business Phone No. 620-225-6095	<input 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) WG 7817 LLC	

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		Position		Date of Birth
Residence Street Address		City	State	Zip Code
Spouse Name		Position		Date of Birth
Residence Street Address		City	State	Zip Code
Name		Position		Date of Birth
Residence Street Address		City	State	Zip Code
Spouse Name		Position		Age
Residence Street Address		City	State	Zip Code
Name		Position		Date of Birth
Residence Street Address		City	State	Zip Code
Spouse Name		Position		Age
Residence Street Address		City	State	Zip Code

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

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

City or County of Ford 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 licenses premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-461660769F-01</u>			
Name	Phone No.	Date of Birth	
<u>Charles R Taylor Jr.</u>	<u>620-338-3881</u>	<u>8-1-64</u>	
Residence Street Address	City	Zip Code	
<u>111 McLaustland Rd #2</u>	<u>Dodge City</u>	<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	Name		
<u>Taylor's Roadhouse LLC</u>	<u>2305 W. Wyatt Exp</u>		
Business Location Address	Address		
<u>Dodge City</u> <u>KS</u> <u>67801</u>	<u>Dodge City</u> <u>KS</u> <u>67801</u>		
City	State	City	State Zip
Business Phone No.	<input checked="" type="checkbox"/> I own the proposed business or special event location.		
<u>620-371-6866</u>	<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>40</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. <u>N/A</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed. <u>N/A</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**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-K42613037-F01</u>			
Name	<u>Amado Alvarez</u>	Phone No.	<u>620-255-9049</u>
Date of Birth	<u>2/27/1966</u>		
Residence Street Address	<u>10829 Mc Artor</u>	City	<u>Dodge City KS</u>
		State	<u>KS</u>
		Zip Code	<u>67801</u>
Applicant Spousal Information			
Spouse Name	<u>N/A</u>		Date of Birth
Residence Street Address			Zip Code
	City		

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name	<u>Tacos Talisco</u>	Name	<u>Rebecca Escalante</u>
Business Location Address	<u>412 E. Wyatt Earp</u>	Address	<u>P.O. Box 1311</u>
City	<u>Dodge City</u>	City	<u>Dodge City</u>
State	<u>KS</u>	State	<u>KS</u>
Zip	<u>67801</u>	Zip	<u>67801</u>
Business Phone No.	<u>(620) 225-3101</u>	<input type="checkbox"/> I own the proposed business or special event location.	
Business Location Owner Name(s)		<input type="checkbox"/> I do not own the proposed business or event location.	
<u>Amado Alvarez / Rebecca Escalante</u>			

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>19</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 Have <input checked="" type="checkbox"/> No Have Not
My spouse has previously held a CMB license.	<u>N/A</u> <input type="checkbox"/> Yes <input type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<u>N/A</u> <input type="checkbox"/> Yes <input type="checkbox"/> No

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Dennis Veatch

Date: December 30, 2013

Subject: Rezoning For VA parking lot

Agenda Item: Ordinance #3575

Recommendation: The Dodge City Planning Commission held a public hearing on December 10, 2013 and recommends approval of this zoning amendment.

Background: Greg Gaskill is requesting that this property be rezoned from R-1, Residential Low Density to C-O, Commercial Office for the purpose of developing additional parking spaces for the proposed Veterans Administration located at 2201 Summerlon Circle.

Justification: The proposed use and rezoning meets all of the requirements of the Dodge City Comprehensive Plan and the Dodge City Zoning Regulations.

Financial Considerations: None

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

Legal Considerations: None

Attachments: Ordinance #3575 and map showing proposed area to be rezoned.

ORDINANCE NO. 3575

AN ORDINANCE OF THE CITY OF DODGE CITY, KANSAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY, CHANGING THE PROPERTY KNOWN AS LOT 1 & LOT 2, BLOCK 4, SUMMERLON PHASE III FROM R-1, RESIDENTIAL LOW DENSITY TO C-O, COMMERCIAL OFFICE.

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

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

Lot 1 & Lot 2, Block 4, Summerlon Phase III

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

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION AND APPROVED BY THE MAYOR, THIS SIXTH DAY OF JANUARY, 2014.

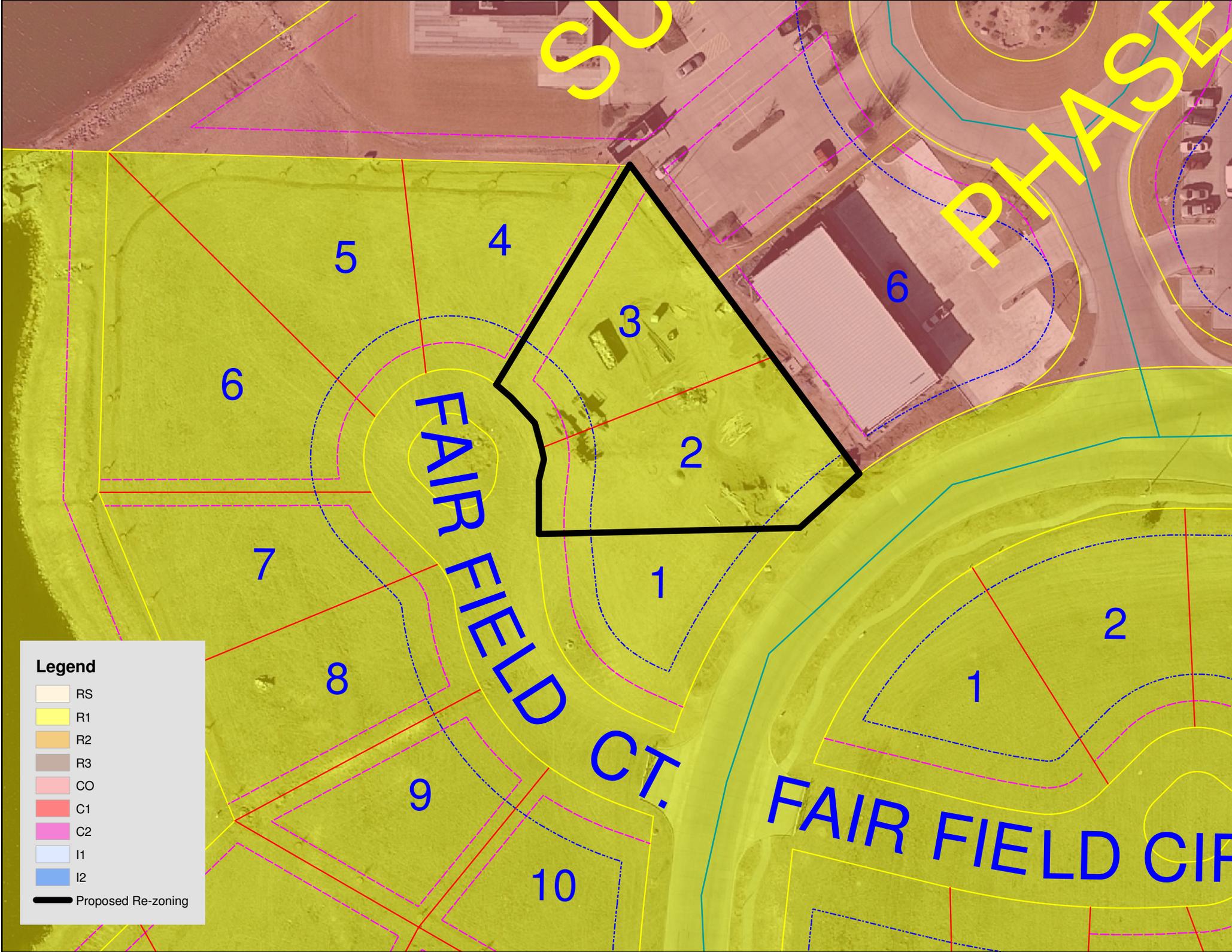
E. KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK

§

PHASE



Legend

- RS
- R1
- R2
- R3
- CO
- C1
- C2
- I1
- I2
- Proposed Re-zoning

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Dennis Veatch

Date: January 31, 2013

*Subject: Days Inn Replat
Agenda Item New business*

Recommendation: The Dodge City Planning Commission met December 10, 2013 to review the Minor Replat of Days Inn. The Planning Commission voted to recommend approval of this plat.

Background: This property was developed as the Days Inn Motel which includes four buildings. Two buildings house motel rooms, one building is the office, and one building shares motel rooms, indoor swimming pool and the Inn Pancake House. Mr. Bhakta is requesting that one of the buildings be separated to form a new hotel called the Knight Inn. One building will also be split off to separate the Inn Pancake House from the rest of the building.

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

Financial Considerations: None

Purpose/Mission: This plat was created to separate existing buildings into new business and ownership.

Legal Considerations: None

Attachments: Days Inn Subdivision

**DECLARATION ESTABLISHING EASEMENT
AND PROVIDING MAINTENANCE**

THIS DECLARATION establishing a non-exclusive easement for parking and providing a common area maintenance agreement (hereinafter "Agreement") is made and entered into this _____ day of June, 2013, by and between Dharmesh Bhakta, an individual of Dodge City, and Dharmesh Bhakta managing member of Arian LLC, and Aarav LLC, both Kansas Limited Liability Companies of Dodge City Kansas hereafter collectively called "Declarants".

WITNESSETH:

That Declarants are the fee simple owners of the real estate located in Ford County, Kansas, designated as tracts "A, B, and C", referred to as 1610 W. Wyatt Earp, Dodge City, Kansas (hereinafter referred to as "Tracts"), legal descriptions attached hereto as Exhibit "A" and hereby incorporated into and made a part of this Agreement.

That the Declarants state the tracts shall be subject to the following "Easement Area" as defined in the attached Exhibit "A", that is hereby incorporated into and made a part of this Agreement.

NOW WHEREFORE, in consideration for the mutual terms, covenants and agreements contained herein, Declarants hereby agree to create an Easement and Maintenance Agreement for ingress/egress, parking and drainage, described as follows.

1. That said Easement Area shall be available for free and unencumbered use for ingress/egress and/or parking and drainage, for the fee simple owners of the Tracts and their customers, associates, invitees, assigns and employees and guests.
2. That the fee simple owners of the Tracts shall proportionally share in the perpetual cost and expense of maintaining the common Easement Area based on the square footage of each owners Tract compared to the total square footage of all Tracts.
3. That said Easement Area shall be maintained in good condition at all times. That the common maintenance shall include all improvements necessary for common ingress/egress, parking and drainage. This includes, but is not limited to driving and safety issues. That the cost of lawn care, landscaping, and tree maintenance within the Easement Area shall be proportionally shared by all fee simple owners of the Tracts in the same manner described in paragraph two above.
4. That should the actions of the fee simple owner of any of the Tracts create damage to the Easement Area then such owner shall be responsible for the repair or replacement expenses to restore the Easement Area to at least as good of condition as existed prior to damage.
5. The fee simple owners of the Tracts agree that they shall keep that portion for the Easement Area that is upon the property of such owner, free of any shrubbery or trees and shall not erect or permit the erection of any improvement within or upon the Easement Area except as permitted by this Agreement for driveway, parking and drainage without the written consent of the owner of all Tracts.
6. That this Agreement and the covenants contained herein shall run with the fee simple title of the Tracts, collectively or separately. That the Easement Area shall endure perpetually.

7. This Agreement is made expressly for the benefit of, and shall be binding on, the heirs, personal representatives, successor in interest and assigns of the respective parties.
8. The Declarants agree that a lien may be placed on the Tracts for any unpaid common area maintenance.
9. These rights are non-exclusive for use to the Easement Area.
10. That only portions of the Tracts containing a building shall share in maintenance. Damage restoration expenses will be paid by the fee simple Tract owner irregardless of the presence of a building, pursuant to paragraph four above.
11. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
12. That should a dispute arise, the prevailing party shall be entitled to recover from the non-prevailing party, all legal expenses, including reasonable attorney's fees, to enforce this Agreement.
13. This instrument contains the entire Agreement between the parties relating to the rights granted and the obligations assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect. Any modification for this Agreement must be in writing and must be signed by the agreeing parties.
14. This Agreement shall be governed by the laws of the State of Kansas, as they may be amended from time to time and this Agreement shall be interpreted accordingly.

 Dharmesh Bhakta, Individually and as
 Managing Member of Arian LLC and
 Aarav LLC, both Kansas Limited Liability
 Companies

STATE OF KANSAS)
)SS:
 COUNTY OF FORD)

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by Dharmesh Bhakta, Individually and as Managing Member of Arian, LLC and Aarav, LLC, both Kansas Limited Liability Companies.

 Notary Public

My Commission Expires:

EXHIBIT "A":

LEGAL DESCRIPTION TRACT "A":

Commencing at the southwest corner of block #2 of Greenwood Courts Addition to Dodge City, Ford County Kansas; Thence N. $01^{\circ}11'10''$ E. for 29.42 feet along the west line of said block #2 to the true point of beginning; Thence N. $01^{\circ}11'10''$ E. for 246.71 feet to the Northwest corner of said block #2; Thence S. $88^{\circ}55'18''$ E. along the north line of said Block #2 for 256.79 feet; Thence S. $01^{\circ}11'16''$ W. for 159.13 feet; Thence N. $85^{\circ}21'21''$ W. for 27.12 feet; Thence S. $02^{\circ}29'32''$ W. for 122.86 feet; Thence N. $85^{\circ}21'21''$ W. for 214.99 feet; Thence N. $30^{\circ}13'58''$ W. for 23.63 feet to the true point of beginning.

LEGAL DESCRIPTION TRACT "B" :

Beginning at the northeast corner of Block #2 of Greenwoods Courts Addition to Dodge City, Ford County Kansas; Thence S. $01^{\circ}07'21''$ W. for 163.38 feet along the East line of said Block #2; Thence N. $85^{\circ}21'22''$ W. for 68.34 feet; Thence N. $01^{\circ}11'16''$ E. for 159.13 feet to the north line of said Block #2; Thence S. $88^{\circ}55'18''$ E. for 68.21 feet along the north line of said Block #2 to the true point of beginning.

LEGAL DESCRIPTION TRACT "C":

Commencing at the Southeast corner of Block #2 of Greenwood Courts Addition to Dodge City, Ford County Kansas; Thence N. $01^{\circ}07'21''$ E. for 28.44 feet to the true point of beginning; Thence S. $34^{\circ}37'40''$ W. for 21.26 feet; Thence N. $85^{\circ}21'21''$ W. for 86.64 feet; Thence N. $02^{\circ}29'32''$ E. 122.86 feet; Thence S. $85^{\circ}21'22''$ E for 95.46 feet to east line of said Block #2; Thence S. $01^{\circ}07'21''$ W. for 104.56 feet to the true point of beginning.

DAY'S INN REPLAT OF LOTS 1 THRU 12, BLOCK 2
GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY, KANSAS.

LEGAL DESCRIPTION TRACT "A"

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK #2 OF GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY KANSAS; THENCE N. 01°11'10" E. FOR 29.42 FEET ALONG THE WEST LINE OF SAID BLOCK #2 TO THE TRUE POINT OF BEGINNING; THENCE N. 01°11'10" E. FOR 246.71 FEET TO THE NORTHWEST CORNER OF SAID BLOCK #2; THENCE S. 88°55'18" E. ALONG THE NORTH LINE OF SAID BLOCK #2 FOR 256.79 FEET; THENCE S. 01°11'16" W. FOR 159.13 FEET; THENCE N. 85°21'21" W. FOR 27.12 FEET; THENCE S. 02°29'32" W. FOR 122.86 FEET; THENCE N. 85°21'21" W. FOR 214.99 FEET; THENCE N. 30°13'58" W. FOR 23.63 FEET TO THE TRUE POINT OF BEGINNING.

OWNER'S CERTIFICATION AND DEDICATION
STATE OF KANSAS
COUNTY OF FORD SS:

This is to certify that I, the undersigned owner of the land described in the Land Surveyor's description, do hereby consent to the preparation of DAY'S INN REPLAT OF LOTS 1 THRU 12, BLOCK 2 OF GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY, KANSAS, and dedicate of all common areas, public Right of Ways, Setbacks, and other features as shown on the Minor Plat.

DODGE CITY PLANNING COMMISSION CERTIFICATE:
THIS PLAT OF DAY'S INN REPLAT OF LOTS 1 THRU 12, BLOCK 2 GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY, KANSAS, HAS BEEN SUBMITTED TO AND APPROVED BY DODGE CITY PLANNING COMMISSION This _____ Day of _____, 2013.
Chairman: Frank Rose
Secretary: Dennis Veitch

DODGE CITY BOARD OF COMMISSIONERS:
THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY ACCEPTED BY THE CITY COMMISSIONERS OF DODGE CITY, KANSAS, This _____ Day of _____, 2013.

Mayor: Kent Smoll
Attested by: Nannette Pogue
City Clerk

LEGAL DESCRIPTION TRACT "B"
BEGINNING AT THE NORTHEAST CORNER OF BLOCK #2 OF GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY KANSAS; THENCE S.01°07'21" W. FOR 163.38 FEET ALONG THE EAST LINE OF SAID BLOCK #2; THENCE N.85°21'22" W. FOR 68.34 FEET; THENCE N. 01°11'16" E. FOR 159.13 FEET TO THE NORTH LINE OF SAID BLOCK #2; THENCE S. 88°55'18" E. FOR 68.21 FEET ALONG THE NORTH LINE OF SAID BLOCK #2 TO THE TRUE POINT OF BEGINNING.

NOTARY'S CERTIFICATE:
STATE OF KANSAS
COUNTY OF FORD SS:

Be it Remembered That on this _____ Day of _____, 2013 before me, a Notary Public, in and for said County and State, came the above mentioned landowner to me personally known to be the person who executed the foregoing instrument of writing, and who duly acknowledged the execution of same, in testimony whereof, I have hereunto set my hand and affixed my Notarial Seal the Day and Year above written.

Rotary Public: Print Name _____ Rotary Public: Signature _____
My Commission Expires _____

LEGAL DESCRIPTION TRACT "C"
COMMENCING AT THE SOUTHEAST CORNER OF BLOCK #2 OF GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY KANSAS; THENCE N.01°07'21" E. FOR 28.44 FEET TO THE TRUE POINT OF BEGINNING; THENCE S. 34°37'40" W. FOR 21.26 FEET; THENCE N.85°21'21" W. FOR 86.64 FEET; THENCE N.02°29'32" E. FOR 122.86 FEET; THENCE S.85°21'22" E. FOR 95.46 FEET TO THE EAST LINE OF SAID BLOCK #2; THENCE S. 01°07'21" W. FOR 104.56 FEET TO THE TRUE POINT OF BEGINNING.

LAND SURVEYOR'S CERTIFICATE:

I, EDWARD W. ELAM, A LICENSED LAND SURVEYOR IN THE STATE OF KANSAS, HEREBY CERTIFY THAT I HAVE PERSONALLY SURVEYED DAY'S INN REPLAT OF LOTS 1 THRU 12, BLOCK 2 GREENWOOD COURTS ADDITION TO DODGE CITY, FORD COUNTY, KANSAS. ALL PROPERTY CORNERS HAVE BEEN SET AS REQUIRED BY STATUTE.

Edward W. Elam KANSAS No. 684
November 20, 2013

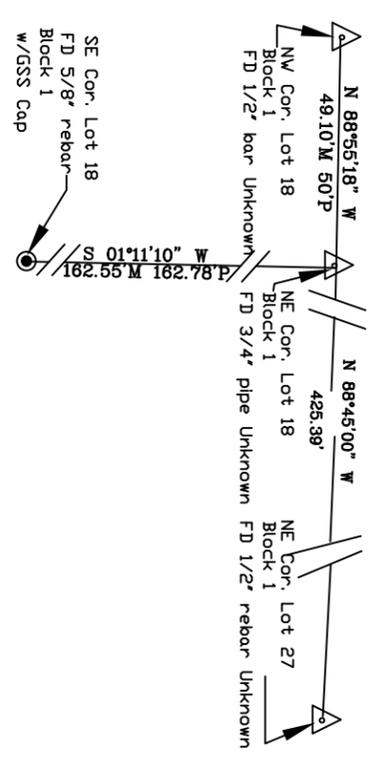
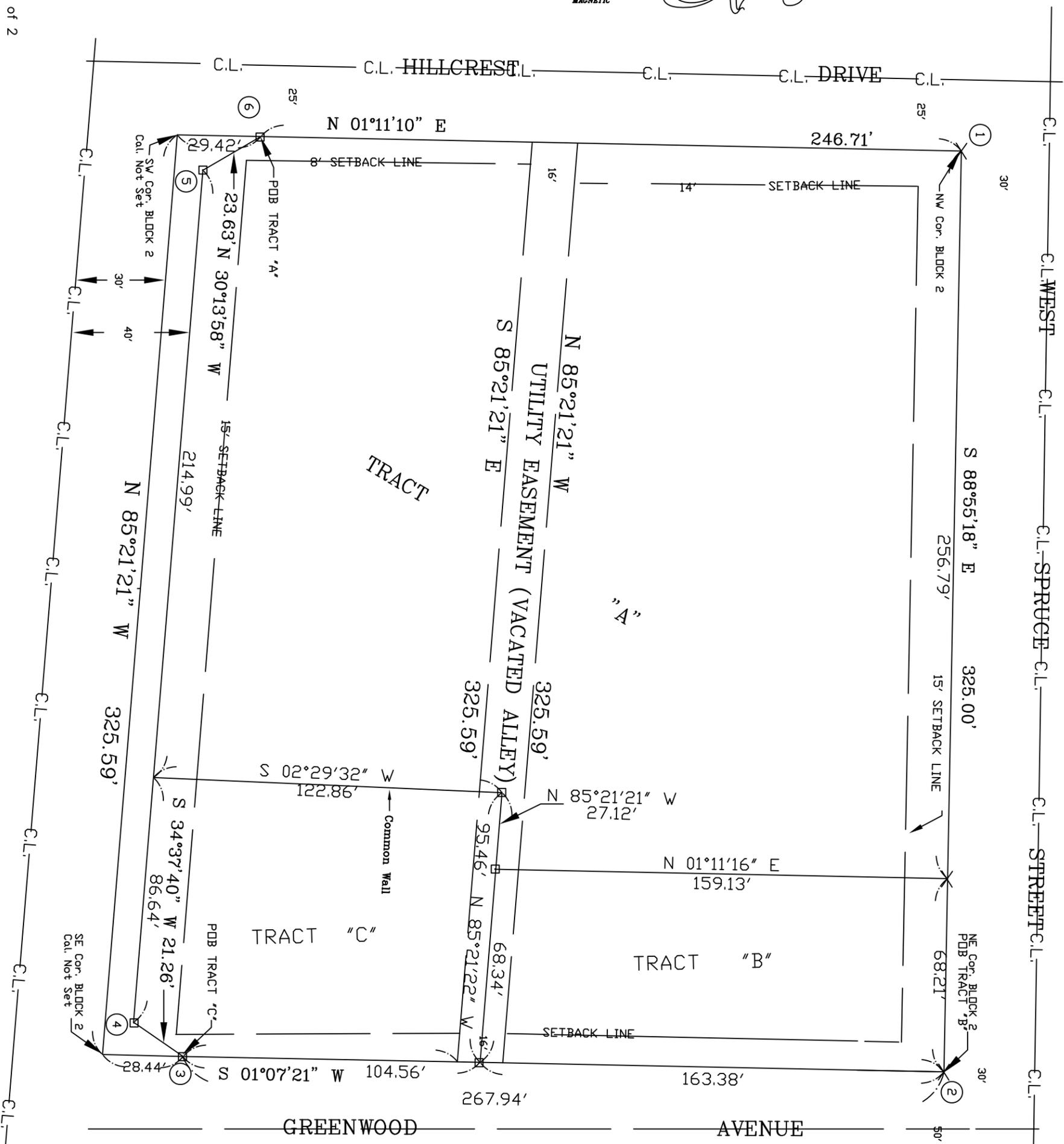
COUNTY SURVEYOR'S CERTIFICATE:
REVIEWED AND APPROVED BY THE COUNTY SURVEYOR OF FORD COUNTY, KANSAS,
This _____ Day of _____, 2013.
Ford County Surveyor

LINE	BEARING	DIST.	LATITUDE	DEPARTURE
1-2	S88°55'18"E	325.00'	-6.116	324.942
2-3	S01°07'21"W	267.94	-274.005	319.693
3-4	S34°37'40"W	21.26'	-291.499	307.613
4-5	N85°21'21"W	301.62'	-267.077	6.673
5-6	N30°13'58"W	23.63'	-246.661	-4.928
6-7	N01°11'10"E	246.71	-0.004	0.182
LENGTH TO CLOSE				0.180
LENGTH TRAVERSED				1186.17
PRECISION				1:6522000

TRANSFER RECORD CERTIFICATE:
Entered on Transfer Record
This _____ Day of _____, 2013.
Sharon Seibel, Ford County Clerk

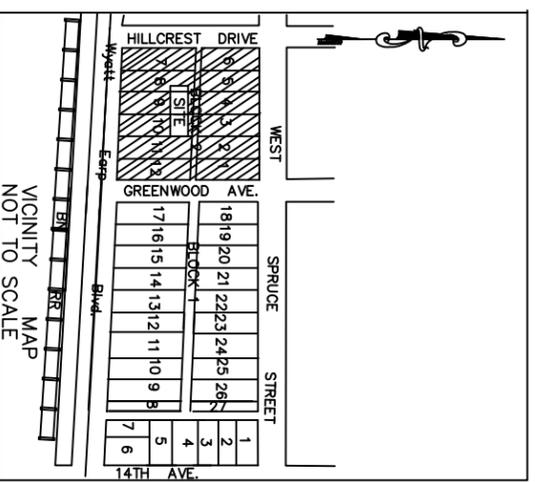
KANSAS ONE CALL SYSTEM
CALL BEFORE DIG OR
BORED TO LOCATE
UNDERGROUND UTILITIES
1-800-922-1957
CALL 48 HOURS YOU DIG OR BORE
Ticket #13171410

Edward W. Elam, PLS
11161 Quaker Road
Dodge City, Kansas 67801
620-339-9737
PAGE 2 of 2



- LEGEND**
- ✕ Cut "X" in Concrete
 - ▣ Set PK Nail / washer marked R.L.S.684
 - △ FOUND MONUMENT AS STATED

Assumed North Block 2 S.88°55'18"E



Edward W. Elam, PLS
11161 Quaker Road
Dodge City, Kansas 67801
620-339-9737
PAGE 1 of 2

Memorandum

*To: City Manager
City Commissioners*
From: Cherise Tieben
Date: December 31, 2013
Subject: 2014 Legislative Policy
Agenda Item: New Business

Recommendation: Approve the 2014 State/Federal Legislative Policy.

Background: City staff has been actively working on defining the City of Dodge City 2014 legislative policy that will be submitted to our state legislators and congressional representatives. The legislative policy will be utilized to offer our stance on various issues that could impact how we deal with issues on a local level. The policy defers from but does not conflict with the Southwest Kansas Coalition legislative policy.

Justification: The legislative policy is a communication tool that enables our legislators to understand our position on issues that might come up during the legislative session. The City also generally supports the provisions of the Statement of Municipal Policy of the League of Kansas Municipalities.

Financial Considerations: Not applicable.

Purpose/Mission: The legislative policy addresses areas that will improve the quality of life in our community and foster a better future for Dodge City.

Legal Considerations: None.

Attachments: 2014 Legislative Policy.



Legislative Policy

2014



Summary position

This policy statement presents general state and federal legislative goals and objectives formally adopted by the Governing Body of the City of Dodge City. This statement has been provided to the Dodge City legislative delegation for its consideration at the 2014 legislative session. The focus of this policy statement is on general policies and principles. However, some positions on specific legislative proposals are included under appropriate general policy statements. Future revisions to this statement will include additional positions of the City on specific proposals and bills introduced during the 2014 Session.



CORE PRINCIPALS

ANNEXATION: The ability of Dodge City to grow is inherent to the ultimate success of annexation powers as they are currently established in state statute. Dodge City recognizes the statutory framework which was amended in 2011 but would oppose any further change which would limit the authority of Dodge City to grow through annexation.

ECONOMIC DEVELOPMENT: Dodge City relies on state and federal programs to remain competitive in efforts to attract and retain businesses and qualified labor. Unfortunately, many government programs are designed for either urban or rural communities, of which Dodge City is neither, due to the region's micropolitan statistical area (μ SA) geographical designation. In other words, Dodge City is too big for rural-oriented programs, and too small for urban-oriented programs. Therefore, Dodge City is dedicated to the design and implementation of economic development programs for the growing segment of Kansas communities that are ineligible for many programs.

EDUCATION: An adequate and stable workforce is essential to maintaining and growing the economy of Dodge City and southwest Kansas. Therefore, we believe in establishing educational opportunities for local and region residents. Such opportunities include, but are not limited to, specialized training programs and educational degree programs. To meet these educational goals, Dodge City wishes to maintain adequate funding to allow for growth and advancement of educational programs in K-12, community colleges, and vocational training programs. Additionally, Dodge City supports adequate funding for all Kansas Board of Regents institutions.

EMINENT DOMAIN: Eminent domain is a fundamental municipal right. The authority to acquire property through condemnation proceedings is critical for public improvement projects and has been long recognized as an economic development tool. Dodge City supports increased flexibility for local government to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

HISTORIC PRESERVATION: The Historic Tax Credit program and Historic Preservation Grants should be maintained and enhanced. Such programs assist communities in maintaining and/or restoring their historic buildings without such gap assistance, many if not all redevelopment plans would be impossible to fulfill. These credits and grants provide valuable private investment that preserves our history and heritage not only for today but for future generations.

HOME RULE: The Kansas Legislature should avoid intervention in matters of local affairs and government and should act to encourage and promote the exercise of authority and assumption of responsibility by locally elected, locally responsible governing bodies. Dodge City opposes any direct or indirect attempt to limit or restrict the constitutionally granted Home Rule authority of cities.

KANSAS OPEN MEETINGS ACT (KOMA) and KANSAS OPEN RECORDS ACT (KORA): Dodge City supports all levels of government being subject to the same open meetings requirement which promote citizen involvement without being unduly burdensome. Open records laws should balance the public's right to access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct essential business functions. The statutorily required sunset for all exemptions to the Kansas Open Records Act is impractical and should be removed.

KANSAS TAX SYSTEM: Cities are important partners in creating jobs, reviving the economy, delivering vital services, and providing quality of life. The Governor and Kansas Legislature should include city leaders in discussions about restructuring the Kansas tax system and any changes must avoid shifting additional financial burdens to local governments.

PROPERTY TAX EXEMPTIONS: Dodge City believes that the existing property tax base should be protected and therefore encourage the Kansas Legislature to resist any proposal to further exempt any specific property classification from taxation. The machinery and equipment exemption should not be expanded. The Kansas Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate or should be repealed.

PUBLIC PROPERTY & RIGHTS-OF-WAY: Dodge City opposes any legislation which would restrict the ability of cities to control and manage public property and rights-of-way or the ability of cities to franchise those entities that utilize the rights-of-way.

REVENUE SHARING: The Kansas Legislature should reinstate existing revenue sharing programs. In the event that the State is unable to fully fund these, the Kansas Legislature should authorize cities to impose alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

STAR BONDS: Dodge City supports the ability of cities to utilize STAR bonds in order to promote economic development.

TAX SPENDING LID: Dodge City opposes any state-imposed limits on the taxing and spending authority of cities. We believe that local spending and taxing decisions are best left to locally elected officials and the citizens they serve.

TRANSPORTATION: Passenger rail, freight rail, commercial aviation, general aviation and adequate highways are critical to the safety of our citizens as well as a vital means of maintaining and growing our local economy. Dodge City feels that infrastructure development in the western half of the state should be a top priority as the State of Kansas seeks to select projects through the Transportation Works for Kansas Program. Dodge City believes in the continued advocacy and funding for transportation infrastructure and maintenance in Dodge City and southwest Kansas.

UNFUNDED MANDATES: Dodge City opposes unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

WATER: Many areas in Kansas are experiencing severe drought conditions, and many programs designed for irrigators who over pump are inadequate. In 2014, Dodge City is dedicated to thoughtful water policy, which is policy that enables member cities to safely and effectively meet water needs while also protecting resources. Dodge City also believes increased local involvement in water regulation is essential to water conservation policy.

ZONING: Zoning is a fundamental municipal responsibility and is best controlled by local governments to ensure that acceptable and compatible uses of property are in place to retain and preserve the character of a community. This regulatory process is an activity best suited to the locally elected municipal bodies when considerations of health, safety and welfare of the community are to be determined. Dodge City opposes any change which would limit authority of cities.

HOUSING

POSITION: Dodge City continues to face critical housing shortages. The United States Congress should pursue housing policies that include communities whose populations exceed 20,000, yet are less than 35,000 as designated by the 2010 Census. We seek specific legislation relating to the USDA's Rural Development Programs that would adjust population limits so our communities that serve as regional trade centers qualify for housing programs provided under section 503 of the Housing Act of 1948.

Currently, Dodge City is ineligible for many housing programs due to population limitations; however, mid-size towns near populated areas are permitted in the program even though the larger neighboring community could provide for their housing needs. We are caught in a gray space that disqualifies us for many federal housing programs. Dodge City wishes to correct this legal anomaly.

Dodge City strongly supports the Moderate-Income Housing (MIH) Program, an initiative funded by the State of Kansas and administered by Kansas Housing Resources Corporation (KHRC), which works to help cities and counties develop multi-family rental units, single-family for-purchase homes, and water, sewer and street extensions in communities with populations of fewer than 60,000 people. MIH funding can also be used to finance construction costs, rehabilitate unsafe or dilapidated housing, and offer down-payment and closing-cost assistance to homebuyers. We encourage the State to continue providing MIH funding and also expand its financial commitment to this very important housing program.

The State Legislature should continue to fund programs such as the Moderate Income Housing Program initiated in 2012. The program utilizes grants to assist municipalities and nonprofits with funding programs that develop housing for moderate income owners and renters.

We also encourage the retention and simplification of programs such as Rural Housing Incentive Districts and Neighborhood Revitalization programs that are currently permitted by statute in qualifying communities. The State Legislature should continue to grant affordable housing tax credits. The tax credit program continues to be a gap financing necessity which is imperative for developers to create affordable housing facilities.

The State Legislature should adopt an amendment that will be offered by the Department of Commerce to clarify that the incremental increase of the school district 20 mill levy should be included as part of the committed RHID increment which would be allocated back to cities utilizing the RHID program.

BACKGROUND: Many communities, such as ours, often serve as regional trade centers and provide a major source of employment for smaller, neighboring communities. Current USDA regulations exclude these communities from access to such USDA initiatives, and severely limit funding opportunities for housing and infrastructure development, which in turn, limits opportunities for growing the economy in these and surrounding communities.

The State of Kansas has provided many useful tools for communities to utilize where gaps between construction rates and market rates prohibit development without incentives. We want to encourage the retention of these programs. However, we would also encourage the simplification of the processes required, to make utilization timely and less complicated.

IMMIGRATION

POSITION: The United States Congress and the Kansas Legislature should engage the immigration issue in a sensible way, a way that is built upon the recognition that Dodge City not only requires a reduction in time and distance barriers between an immigrant and his or her pursuance of legal residency, but also requires additional resources in the process of integrating immigrants into the community. Dodge City believes that United States Citizenship and Immigration Services (USCIS) should make a mobile unit available frequently in Dodge City as one way to reduce the time and distance barriers between immigrants and legal residency.

BACKGROUND: Many rural and micropolitan-sized areas depend on immigrant and refugee labor. In fact, many such areas are experiencing significantly lower unemployment rates than the rest of the country in a time of economic downturn. Therefore, immigration policy must be sensible, meaning it should consider the many aspects of a complicated issue. Congress should consider providing assistance to under-served rural areas with large immigrant populations with the services provided by Federal Immigration Offices. The establishment of such services would

signify a sustained effort by the Federal Government to remove time and distance barriers between an immigrant and his or her pursuit of citizenship.

TRANSPORTATION – AIR

POSITION: Continue federal funding for passenger air service to Dodge City and Western Kansas.

BACKGROUND: The Essential Air Service Program, with support from the Kansas Affordable Airfares program, is critical to providing the region with access to multiple major international airports. We encourage continued support from our Congressional Delegation and our Kansas Legislature.

We support the enhancement of both funding mechanisms for the region in order to provide sustainable and reliable air service.

TRANSPORTATION – Airport Improvement Program (AIP)

POSITION: Support continued and uninterrupted funding of Federal Aviation Administration and Airport Improvement Projects (AIP) for airports.

BACKGROUND: Federal funding through the Airport Improvement Program (AIP) is critical to maintaining the infrastructure of airports. AIP funding is available and should continue to be available to all airports. The uninterrupted funding of the AIP program is critical to the timely delivery of airport improvements.

TRANSPORTATION – Highway

POSITION: Continue funding for highway maintenance and infrastructure investment in and around Dodge City.

BACKGROUND: Transportation infrastructure is critical not only to the safety of region residents and travelers but also to the maintenance and growth of the regional economy.

TRANSPORTATION - Rail

POSITION: Continue freight rail and passenger rail service to Dodge City and through southwest Kansas.

BACKGROUND: Preserving cross-country rail service through Dodge City and southwest Kansas is important as rural regions must offer many alternative modes of transportation. Dodge City believes freight and passenger rail service is one way to maintain and grow the economy of Dodge City. Such service includes, but is not limited to, Kansas Amtrak Southwest Chief

service. Dodge City believes Amtrak should continue to be adequately funded at the federal level and that necessary upgrades to rail infrastructure be provided through a joint effort involving federal, states, Amtrak and BNSF.

FEMA

POSITION: New special flood hazard areas, as part of any map modernization or remapping of flood insurance rate maps, should be in consultation with FEMA and local government and corrective action should be supported by federal funding.

BACKGROUND: Dodge City supports new legislation prohibiting FEMA from adding previously unmapped or any new special flood hazard areas to flood insurance rate maps without local government agency approval. In addition, Dodge City supports new legislation prohibiting FEMA from using the “approximation method” for establishing new special flood hazard areas, particularly in developed areas of the country. The approximation method was designed by FEMA to streamline map modernizations and employs no reasonable opportunity for due process by affected property owners and local officials. New special flood hazard areas should only be added to the flood insurance rate maps after a detailed study and concurrence of local government. Dodge City supports legislation that would extend the accreditation time period to current certification allowing the City to responsibly budget the financing necessary to meet the required improvements to the levy system and giving FEMA funding for levy maintenance operations.

PUBLIC EMPLOYEES

POSITION: City employees are the foundation of effective city government. City governing bodies must have the authority to develop personnel policies in order to attract and maintain a high quality public workforce.

BACKGROUND:

PEERA/Collective Bargaining. Dodge City accepts the current statutory process in the Public Employer-Employees Relations Act. Dodge City opposes any state/federal mandate which would require collective bargaining at the local level.

State

KPERS/KP&F: Dodge City accepts the State’s efforts to maintain the solvency of the Kansas Public Employees Retirement System by providing employees with a diverse professional investment portfolio that will offer long-term security. Dodge City supports the current statutory framework regarding KPERS and KP&F as passed by the 2012 Kansas Legislature. The local KPERS system should remain separate from the state and school retirement system. Changes to

the KPERS/KP&F system should consider the impact on cities' ability to hire and retain qualified public employees.

WATER USE

POSITION: Dodge City supports legislation to allow municipalities the ability to "untie" currently owned water rights and reducing or eliminating the conversion of water rights from agriculture to municipal.

BACKGROUND: In order to provide for the future growth of a community, cities must be diligent in purchasing water rights; however, in the past, water rights were 'tied together' and municipalities lost additional allocation with this procedure. When water rights are converted to municipal use from agriculture use, there is a reduction in the amount allowed for consumption. Agriculture consumption is in the form of irrigation. Most of the water consumption incurred by municipalities occurs during the summer months by irrigation. Consequently, one would think that municipalities would not have a reduction when converting water rights.

GAMBLING

POSITION: The two percent Problem Gambling Fund needs to be protected for the purpose it is intended and needs to be allocated throughout the state with an emphasis on the gaming zones where people are at a greater risk to develop issues with problem gambling.

The State should not pursue legislation which negatively affects existing gaming facilities, due to the impact on communities which have dedicated public funds for infrastructure and growth related to such facilities.

BACKGROUND: By law, two percent of gambling revenue in Kansas must go to the Problem Gambling and Addictions Grant Fund, which is designed to treat problem gamblers and people with other addictions. Grants are to be awarded for the direct treatment of pathological gambling and for research regarding the impact of gambling on residents of Kansas, including determining the effectiveness of education and prevention efforts.



The City generally supports state legislative initiatives which would improve the quality of life for our citizens and enhance the effectiveness of local governments consistent with Home Rule. The City generally supports the provisions of the Statement of Municipal Policy of the League of Kansas Municipalities.



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