

COMMISSION AGENDA
April 16, 2007 – 8:00 p.m.
Commission Chambers
MEETING NO. 4675

CALL TO ORDER

ROLL CALL

ELECTION OF MAYOR AND VICE MAYOR

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – Proposed issuance of Taxable Industrial Revenue Bond and an exemption from ad valorem taxation for property purchased with these Industrial Revenue Bonds

PETITIONS & PROCLAMATIONS

Arbor Day – April 27, 2007

National Library Week – April 15-21, 2007

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. Minutes of Regular Meeting of April 2, 2007
2. Special Joint City/County Meeting of April 6, 2007.
3. Payment of bills.
4. Cereal malt beverage license for:
 - a. Kwik Shop – 1811 Central Ave.
 - b. Kwik Shop – 1500 W. Wyatt Earp Blvd.
 - c. Lotus Gardens Chinese Restaurant, 1202 E. Wyatt Earp Blvd.
(pending compliance of code requirements by the fire and inspection departments)
5. Approval of Contract with Wald All American Fireworks for 4th of July Community Fireworks Display.
6. Approval of Ten Foot Easement on the south side of W. Wyatt Earp Blvd.

ORDINANCES & RESOLUTIONS

Resolution No. 2007-06 – A Resolution of the Governing Body of the City of Dodge City, Kansas, determining the advisability of issuing the City's Taxable Industrial Revenue Bonds to pay the costs of acquiring, constructing, furnishing and equipping a hotel facility located in the City.

UNFINISHED BUSINESS

NEW BUSINESS

1. Suspension of Cereal Malt Beverage License for Gene's Heartland Foods for conviction of Sales to Minor.

OTHER BUSINESS

City Manager
Commissioners

EXECUTIVE SESSION – Potential Litigation

ADJOURNMENT

(Published in the *Dodge City Daily Globe*, April 7, 2007)

**NOTICE OF PUBLIC HEARING
AND OF
ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS**

Public notice is hereby given that the City Commission of the City of Dodge City, Kansas (the "City"), will conduct a public hearing on Monday, April 16, 2007 at 8:00 p.m., or as soon thereafter as may be heard, at City Hall, 806 2nd Avenue in Dodge City, Kansas, in regard to the proposed issuance by the City of its Taxable Industrial Revenue Bonds, Series 2007 (Best Western Country Inn & Suite Project), in an aggregate principal amount not exceeding \$3,300,000 (the "Bonds") and in regard to an exemption from ad valorem taxation for property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued by the City under authority of K.S.A. 12-1740 *et seq.*, as amended, to provide funds for acquiring certain real property located at 506 N. 14th, in the corporate limits of the City of Dodge City, Kansas, for constructing a 43,000-square-foot stucco building for use as a hotel facility, and acquiring and installing furnishings, fixtures and equipment in the building. The City intends to own such facility and further intends to lease such facility to Kimbroy's Properties L.L.C., a Kansas limited liability company. The governing body of the City will not consider passage of an ordinance authorizing the issuance of such revenue bonds until said public hearing has been concluded.

Notice is further given, in accordance with K.S.A. 12-1744e, that the City intends to issue the Bonds and lease the facility to the Tenant as set out above.

A copy of this Notice, together with a copy of the resolution of intent of the City to be adopted April 16, 2007, indicating the intent of the governing body of the City to issue such Bonds and a report analyzing the costs and benefits of such property tax exemption, are on file in the office of the City Clerk, and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: April 5, 2007

CITY OF DODGE CITY, KANSAS

Nannette Pogue, City Clerk

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, Dodge City has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Dodge City, do hereby proclaim April 27, 2007 as

ARBOR DAY

in Dodge City and urge all citizens to support efforts to care for our trees and woodlands and to support our city's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Dodge City to be affixed, this 16th day of April, 2007.

SEAL

Mayor

Nannette Pogue, City Clerk

Proclamation

National Library Week 2007

WHEREAS, our nation's public, academic, school and specialized libraries transform their communities;

WHEREAS, libraries play a vital role in supporting the quality of life in their communities;

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century;

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning;

WHEREAS, libraries bring you a world of knowledge both in person and online;

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide.”

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries.

NOW, THEREFORE, be it resolved that as Mayor of the City of Dodge City, I proclaim National Library Week, April 15-21, 2007. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Come see why now is the perfect time to come together @ your library.

Attest:

Mayor

Nannette Pogue, City Clerk

MINUTES

April 2, 2007 – 7:00 p.m.

Meeting No. 4673

Mayor Jim Sherer called the regular meeting to order at 7:00 p.m.

RESPONDING TO ROLL CALL were Mayor Sherer, Commissioners Jim Lembright, Rick Sowers, Kent Smoll and Terry Lee.

INVOCATION was led by Pastor Josh Gallagher of the 1st Christian Church.

The PLEDGE OF ALLEGIANCE was recited.

PROCLAMATIONS

Child Abuse Prevention Month
Fair Housing Month

VISITORS

City of Character Trait for April – Cautiousness was presented by Janae Wasson of 4-H Exchange Group.

Larry Gerber spoke about tax abatements. He also asked the Commissioners not to vote to approve the purchase of racetrack assets from the Jetmore Racetrack.

Lindy Duree spoke regarding the progress on the smoking ban issue but questioned that it has not been settled to date.

The CONSENT CALENDAR was approved on a motion by Commissioner Smoll, seconded by Commissioner Sowers, by unanimous vote.

Minutes of Regular Meeting of March 19, 2007.
Payment of bills.

ORDINANCES & RESOLUTIONS

Resolution No. 2007-02: A Resolution establishing fees and rates for water utility service for the City of Dodge City from \$1.67/thousand gal. to \$1.71/thousand gal. was approved on a motion by Commissioner Lembright, seconded by Commissioner Sowers, by unanimous vote.

Resolution No. 2007-03: A Resolution establishing fees and rates for sanitary sewer service for the City of Dodge City from \$1.66/thousand gal. to \$1.70/thousand gal. was approved on a motion by Commissioner Lee, seconded by Commissioner Smoll, by unanimous vote.

Resolution No. 2007-04: A resolution establishing fees and rates for solid waste collection service in the City of Dodge City from \$15.11 to \$15.48 was approved on a motion by Commissioner Sowers, seconded by Commissioner Smoll, by unanimous vote.

Resolution No. 2007-05: A resolution establishing fees and regulations for Mariah Hills Golf Course was approved on a motion by Commissioner Smoll, seconded by Commissioner Sowers, by unanimous vote.

NEW BUSINESS

The tax abatement ~~request from~~ Kimbroy Properties LLC for 100% abatement for the first five years and 50% abatement for years 6-10 to include a PILOT Agreement for a hospitality program, was approved on a motion by Commissioner Lembright, seconded by Commissioner Lee, by a 3-2 vote with Smoll and Sowers voting nay.

The uniform bid from Aramark Uniform of Wichita, KS in the amount of \$37,094.50 was approved on a motion by Commissioner Smoll, seconded by Commissioner Lembright, by unanimous vote.

The bid from Frontier Ford, Dodge City, KS, in the amount of \$74,153.00 for a 2007 Heavy-Duty 5500 Truck with Articulated Aerial Unit and Utility Box for the Electric Division was approved on a motion by Commissioner Lee, seconded by Commissioner Smoll, by unanimous vote.

The bid from Magouirk Chevrolet of Dodge City, KS in the amount of \$35,748.00 for two 2007 full size 4-Door Sedans for the Detective Division of the Police Department was approved on a motion by Commissioner Sowers, seconded by Commissioner Lee, by unanimous vote.

The bid from Frontier Ford of Dodge City, KS in the amount of \$24,088.00 for a ¾ ton Animal Cargo Van with transport cages for Animal Control was approved on a motion by Commissioner Lee, seconded by Commissioner Lembright, by unanimous vote.

OTHER BUSINESS

City Manager

*CFAB meeting is scheduled for Thursday night.

*Would like to coordinate a joint city/county meeting.

Commissioners

*Jim Sherer commented on 1) the Congressional meeting in Washington, D.C., 2) announced the new Best Western motel is open, 3) the sales tax revenues are remaining stable, and 4) encourages citizens to express their views.

*Rick Sowers commented that the CFAB is a volunteer committee and publicly thanked them for their time and work; talked about the pedestrian path and signs at Legends.

*Kent Smoll requested information on smoking ban and on concealed carry status. A lot of things to be excited about in Dodge City.

*Terry Lee requests the smoking ban be brought forward

On a motion by Commissioner Smoll, seconded by Commissioner Lee, the meeting adjourned by unanimous vote.

MINUTES
JOINT CITY OF DODGE CITY/FORD COUNTY COMMISSION MEETING
April 6, 2007 11:00 a.m.
City Commission Chambers

Mayor Jim Sherer called the joint City/County Commission meeting to order at 11:00 a.m.

RESPONDING TO ROLL CALL were Mayor Sherer, Commissioners Jim Lembright, Rick Sowers, Ken Smoll and Terry Lee.

County Commissioners present were Terry Williams, John Swayze, and Kim Goodnight.

The first item on the agenda, Special Events Center Development Agreement was deleted from the agenda.

Purchase of assets of Jetmore Racetrack. Greg Starks presented the Community Facility Advisory Board's recommendation to purchase the assets of the Jetmore Racetrack. The vote from the CFAB was split.

Commissioner Kent Smoll moved not to purchase the assets of the Jetmore racetrack. Lembright seconded the motion. The motion passed 4-1, with Lee voting Nay.

The County Commission voted 2-1 not to purchase the assets of the Jetmore racetrack. Goodnight voted nay.

Contract with Heberling Associates for development of Tourism Master Plan. Greg Starks presented the recommendation from the CFAB to approve a contract with Heberling Associates for development of a Tourism Master Plan. City Manager, Jeff Pederson asked to retain flexibility for the scope of the study.

George Laughead spoke.

Kent Stahllick spoke.

Don Steele spoke.

Ann Torrey spoke.

Jim Sherer moved to contract with Heberling for a Tourism Master plan not to exceed \$73,000. Lembright seconded the motion. Discussion ensued, no vote was taken.

Sherer withdrew his original motion and Lembright withdrew his second.

Kent Smoll made a motion to appropriate funds not to exceed \$73,000 to start a Master Tourism process. Rick Sowers seconded the motion. Motion carried unanimously.

The County Commission approved this appropriation by a vote of 3-0.

Negotiate agreement for Option to Purchase Dodge Theater. Greg Starks presented recommendation from the CFAB to authorize the CFAB to exercise an option on the Dodge Theater with Mike and Mindy Burkhardt. The Option, when negotiated, would come back to the Joint City/County Commission for their approval.

Lee moved to negotiate and investigate an option to purchase the Dodge Theater, subject to legal counsel review. Sowers seconded the motion. The motion passed unanimously.

The County Commission approved the negotiation and investigation of the option subject to legal counsel review by a vote of 3-0.

Sowers moved to adjourn the meeting, Smoll seconded. The motion passed unanimously.

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Hutchinson, Reno COUNTY, KANSAS, April 2nd, 2007
TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

OR

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.
GENTLEMEN - On behalf of the Kwik Shop, Inc.

corporation whose principal place of business is 734 E. 4th, Hutchinson, KS 67501
and under authority of the resolution of the Board of Directors
of said corporation. I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the
State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the
sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such
license. I make the following statements under oath:

1 The proposed licensee is Michael Hoffmann, Pres.
corporation with principal place of business at
734 E. 4th, Hutchinson, KS

The resident agent is CT Corp.
with offices at 515 S. Kansas, Topeka, KS

Said corporation was incorporated on 4/1/60
A copy of the Articles of Incorporation are presently
on file with the Register of Deeds of this County.
Yes (), No (X)

2 The following are the full and complete list of officers,
directors, stockholders owning in the aggregate more
than 25 percent of corporate stock, and managers of
said corporation together with their position and
address, age, date of birth, place of birth, method of
acquiring United States citizenship - if acquired by
naturalization, date and place of naturalization, and
the length of residence in the State of Kansas.

SEE ATTACHED

3 The premises for which the license is desired are
located at
1811 Central
Dodge City, KS 67801

(a) The legal description of the premises is
SEE ATTACHED

(b) The street number is 1811 Central

(c) The building is described as
Steel and Masonry

(d) The corporate business under the license will
be conducted in the name of the corporation or
in the following name:
Kwik Shop, Inc. # 762

4 The name and address of the owner or owners of the
premises upon which the place of business is
located is
Testimonial Trust fo Meiba Swaim
114 Carefree Lane, Dodge City, KS 67801

5 I hereby certify with regard to each of the persons
named in number 2 above the following statements
are true:

- (a) None of them has within the last two years from
this date been convicted of
(1) A felony
(2) A crime involving moral turpitude
(3) Drunkenness
(4) Driving a motor vehicle while under the
influence of intoxicating liquor
(5) Violation of any state or federal intoxicating
liquor law

If any of the above have been convicted of any of
the above specified offenses, the details are set out
hereinafter.

(b) No manager, officer or director or any stockholder
owing in the aggregate more than 25% of the
stock of the corporation has been an officer,
manager or director, or a stockholder owning in
the aggregate more than 25% of the stock of a
corporation which:

- (A) has had a retailer's license revoked under
K.S.A. 41-2708 and amendments thereto; or
(B) has been convicted of a violation of The
Drinking Establishment Act or the Cereal
Malt Beverage Laws of the State.

6 The place of business will be conducted by the
following manager or agent:

DL - K01-89-2416
Name William LaForce
Address 1811 Central
Residence 2200 E Crescent Dr
Length of residence within the city or county in
which the application is being made 3 yrs
Method of obtaining U.S. citizenship together with
date of naturalization if such is the method
Birth
Date and place of birth 10/8/65-Enid, OK

I hereby certify that with regard to this above-named
manager the statement in number 5 above is in every
respect true. If not, the details are set out hereinafter.

7 This application is for a license to retail cereal malt
beverages for consumption on the premises. (). For
a license to retail cereal malt beverages in original and
unopened containers and not be consumption on the
premises. (X)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES
(Corporate Application Form)

Hutchinson, Reno COUNTY, KANSAS, April 2nd, 2007

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,
OR

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.

GENTLEMEN - On behalf of the Kwik Shop, Inc.

corporation whose principal place of business is 734 E. 4th, Hutchinson, KS 67501

and under authority of the resolution of the Board of Directors of said corporation. I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statements under oath:

1 The proposed licensee is Michael Hoffmann, Pres.

corporation with principal place of business at 734 E. 4th, Hutchinson, KS

The resident agent is C.I Corp.

with offices at 515 S. Kansas, Topeka, KS

Said corporation was incorporated on 4/1/60
A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County.
Yes (), No (X)

2 The following are the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their position and address, age, date of birth, place of birth, method of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

SEE ATTACHED

3 The premises for which the license is desired are located at 1500 W. Wyatt Earp Blvd.

Dodge City, KS 67801

(a) The legal description of the premises is SEE ATTACHED

(b) The street number is 1500 W. Wyatt Earp Blvd.

(c) The building is described as Steel and Masonry

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name: Kwik Shop, Inc. # 703

4 The name and address of the owner or owners of the premises upon which the place of business is located is Dillon Real Estate

2700 E. 4th, Hutchinson, KS 67501

5 I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of
 - (1) A felony
 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor law
- if any of the above have been convicted of any of the above specified offenses, the details are set out hereinafter.

(b) No manager, officer or director or any stockholder owing in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:

- (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
- (B) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6 The place of business will be conducted by the following manager or agent:

DL - K01-89-2416

Name William LaForce

Address 1500 W. Wyatt Earp Blvd

Residence 2200 E Crescent Dr

Length of residence within the city or county in 3 yrs

which the application is being made

Method of obtaining U.S. citizenship together with

date of naturalization if such is the method

Birth

Date and place of birth 10/8/65-Enid, OK

I hereby certify that with regard to this above-named manager the statement in number 5 above is in every respect true. If not, the details are set out hereinafter.

7 This application is for a license to retail cereal malt beverages for consumption on the premises. () For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. (X)

A license fee of \$ 125.00

is enclosed herewith.

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, April 8, 1977
TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

OR

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.

GENTLEMEN—On behalf of the Lotus Gardens Chinese Restaurant

corporation whose principal place of business is a Chinese family style buffet restaurant

and under authority of the resolution of the Board of Directors of said corporation. I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statements under oath:

1. The proposed licensee is Lotus Gardens corporation with principal place of business at 1202 E. Weyatt Exp Blvd The resident agent is Billy Vo Bich Lam with offices at 1202 E. Weyatt Exp Blvd.

Said corporation was incorporated on 2000. A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County. Yes (), No ().

2. The following are the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their position and address, age, date of birth, place of birth, method of acquiring United States citizenship—if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Billy Vo (52) 2-21-55 Vietnam Bich Lam (47) 4-5-60 Vietnam

Both: 508 Runyan Ave Dodge City KS, 67801 27 years in KS

3. The premises for which the license is desired are located at 1202 E. Weyatt Exp Blvd Dodge City KS 67801 (a) The legal description of the premises is East Plaza

(b) The street number is 1202 E. Weyatt Exp (c) The building is described as East Plaza

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name: Lotus Gardens Chinese Restaurant

4. The name and address of the owner or owners of the premises upon which the place of business is located is Billy Vo Bich Lam 1202 E. Weyatt Exp Blvd

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true: (a) None of them has, within the last two years from this date been convicted of (1) A felony (2) A crime involving moral turpitude (3) Drunkenness (4) Driving a motor vehicle while under the influence of intoxicating liquor (5) Violation of any state or federal intoxicating liquor law

If any of the above have been convicted of any of the above specified offenses, the details are set out hereinafter. (b) No manager, officer or director or any stockholder owing in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which: (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

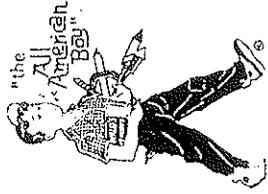
6. The place of business will be conducted by the following manager or agent: Billy Vo Name Address 1202 E. Weyatt Exp Blvd. Residence 508 Runyan Ave Length of residence within this city or county in which the application is being made 23 years Method of obtaining U.S. citizenship together with date of naturalization if such is the method

7. This application is for a license to retail cereal malt beverages for consumption on the premises. (). For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. ().

Date and place of birth 2-21-55 / Vietnam

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

A license fee of \$ 225.00 is enclosed herewith.



Wald & Co., Inc. Commercial Fireworks All American Display Fireworks

P.O. Box 319, Greenwood, Missouri 64034

Phone: 816-537-7400

Fax: 816-537-7270

www.waldfireworks.com

E-Mail: sales@waldfireworks.com

Over 82 Years of Quality

FIREWORKS DISPLAY PROPOSAL FOR

City of Dodge City, Kansas

DISPLAY DATE 7/4/2007

PROPOSAL DATE 3/5/2007

BOOKING DEADLINE 4/2/2007

BUDGET \$25,000.00

MAIN AERIAL

220 SHELLS FROM THE FOLLOWING LISTING

- 3" ASSORTED COLORS TO CRACKLING SHELLS
- 3" ASSORTED PALM TREE SHELLS W/ TAILS
- 3" ASSORTED BROCADE SHELLS
- 3" ASSORTED COLOR PEONY SHELLS
- 3" ASSORTED COLOR CHANGE PEONIES W/ TAILS
- 3" ASSORTED COLOR CHRYSANTHEMUMS
- 3" ASSORTED WILLOW SHELLS
- 3" RED GAMBAGE TO ASST COLOR CHRYSANTHEMUMS W/ TAILS
- 3" GOLDEN WAVE CHRYSANTHEMUMS TO ASST COLORS W/ TAILS
- 3" ASSORTED COLOR HALF & HALF CHRYSANTHEMUMS
- 3" ASSORTED COLOR CHRYSANTHEMUMS W/ CRACKLING

220 SHELLS FROM THE FOLLOWING LISTING

- 4" ASSORTED SPECIAL EFFECT SHELLS
- 4" ASSORTED BROCADE & KAMURO SHELLS
- 4" ASSORTED PALM TREE SHELLS
- 4" ASSORTED COLOR CHANGE SHELLS W/ TAILS
- 4" ASSORTED COLOR CHRYSANTHEMUMS
- 4" ASSORTED SPECIAL EFFECT CHRYSANTHEMUM SHELLS
- 4" ASSORTED SPECIAL EFFECT PEONY SHELLS
- 4" SPECIAL ASSORTED COLOR IMPORT SHELLS

230 SHELLS FROM THE FOLLOWING LISTING

- 5" ASSORTED SPECIAL EFFECTS SHELLS
- 5" ASSORTED FANCY SPECIAL EFFECTS SHELLS
- 5" ASSORTED COLOR CHRYSANTHEMUMS
- 5" ASSORTED SPECIAL EFFECT CHRYSANTHEMUM SHELLS
- 5" ASSORTED SPECIAL EFFECT PEONY SHELLS
- 5" ASSORTED PATTERN SHELLS
- 5" ASSORTED PALM TREES AND COCONUTS
- 5" ASSORTED DIADEMS, KAMUROS, AND BROCADES

199 SHELLS FROM THE FOLLOWING LISTING

6" ASSORTED SPECIAL EFFECTS SHELLS
6" ASSORTED FANCY SPECIAL EFFECTS SHELLS
6" ASSORTED COLOR CHRYSANTHEMUMS
6" ASSORTED COLOR CHRYSANTHEMUMS W/ TAILS
6" ASSORTED SPECIAL EFFECTS CHRYSANTHEMUMS
6" ASSORTED SPECIAL EFFECT PEONY SHELLS
6" ASSORTED PATTERN SHELLS
6" ASSORTED DIADEMS, KAMUROS, AND BROCADES
6" ASSORTED EFFECT SHELL OF SHELLS
6" SPECIAL ASSORTED COLOR IMPORT SHELLS
6" FANCY ASSORTED COLOR IMPORT SHELLS

38 SHELLS FROM THE FOLLOWING LISTING

8" ASSORTED SPECIAL EFFECT SHELLS
8" ASSORTED SPECIAL EFFECT CHRYSANTHEMUM SHELLS
8" ASSORTED SPECIAL EFFECT PEONY SHELLS
8" ASSORTED FANCY SPECIAL EFFECT SHELLS
8" ASSORTED DIADEMS, KAMUROS, AND BROCADES
8" ASSORTED EFFECT SHELL OF SHELLS
8" SPECIAL ASSORTED COLOR IMPORT SHELLS

13 SHELLS FROM THE FOLLOWING LISTING

10" ASSORTED FANCY SPECIAL EFFECT SHELLS
10" ASSORTED SPECIAL EFFECT CHRYSANTHEMUM SHELLS
10" ASSORTED KAMURO & WILLOW SHELLS
10" ASSORTED EFFECT SHELL OF SHELLS

2.5" BOX FINALES	
2.5"	36-SHOT ASSORTED EFFECTS FINALE
2.5"	36-SHOT COLOR TO CRACKLING FINALE
6	
6	
3" BOX FINALES	
3"	25-SHOT ASSORTED EFFECTS FINALE
6	
4" BOX FINALES	
4"	9-SHOT ASST. COLOR FINALE W/ TAILS
2	
GRAND FINALE	
3"	12 SHOT TI SALUTES & ASST EFFECT FINALE W/ TAILS
3"	12 SHOT ASST EFFECT AND COLOR FINALE W/ TAILS
4"	5-SHOT ASST. COLOR AND EFFECT FINALE W/TAILS
5"	5-SHOT ASST COLOR AND EFFECT FINALE W/ TAILS
10	
5	
7	
10	

MAIN AERIAL

3" Shells
 4" Shells
 5" Shells
 6" Shells
 8" Shells
 10" Shells
 Total Shells

SUMMARY

	FINALE
220	2.5" Shells
220	3" Shells
230	4" Shells
199	5" Shells
38	Total Shells
13	
920	

TOTAL PACKAGE PRICE INCLUDING MATERIAL, SHOOTERS FEE, AND
 \$5,000,000.00 LIABILITY INSURANCE.....\$25,000.00

IF YOU ACCEPT THIS PROPOSAL, PLEASE SIGN BELOW AND
 RETURN A COPY TO ALL AMERICAN DISPLAY FIREWORKS.

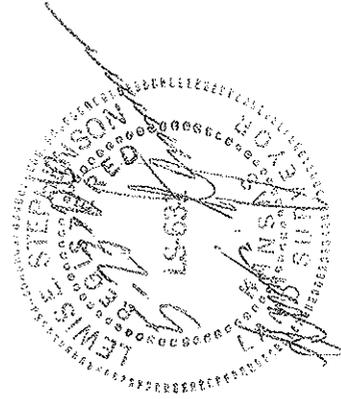
ACCEPTED BY _____ DATE _____

1/10/22

Description 01

The City of Dodge City, Kansas

A strip of land in Lot seven (7), Block One (1) Hardesty Addition being the East ten (10) feet of said Lot seven (7), Block One (1), except the North four (4) feet thereof; and a strip of land in said Lot seven (7), Block One (1) being the South ten feet of said Lot seven (7), Block One (1) Hardesty Addition all in the City of Dodge City, Ford County, Kansas, according to the recorded plat thereof.



Lewis E. Stephenson, LS631KS
EBH & Associates, P.A.
1105 Williams Street
Great Bend, Kansas

Memorandum

March 30, 2007

TO: Jeff Pederson, City Manager

FROM: Joseph E. Finley, P.E., Director of Public Works 

RE: Easement for Aquila (Gas)

During the process of relocating utilities, Aquila needed to relocate their line south of all the businesses located on the south side of Wyatt Earp Blvd.

To facilitate this relocation, they need to bury their line across the site of old Lee's TV. As the City owned this lot, staff gave them the verbal approval to locate their line on this property and City would grant Aquila a permanent easement.

Attached is the document dedicating a 10 ft. easement. Staff would recommend approval of this agreement

JF/jlg

R/W No. _____ T 26S | EASEMENTS ()
R 25W | FORD COUNTY
S 26 | KANSAS STATE

EASEMENT FOR ELECTRIC, GAS, CITY UTILITIES & COMMUNICATIONS LINES

THIS EASEMENT, made and entered into this 23 day of February, 2007, by and between _____ of Ford County, KANSAS "GRANTOR" and **Aquila, Inc.**, formerly Utilicorp United, Inc., a Delaware corporation, and Aquila Networks, a division of Aquila, Inc. and their affiliates, lessees, licensees, designees, successors and assigns, of **Ford County, Kansas, "GRANTEE"**.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby GRANTS, BARGAINS, SELLS AND CONVEYS to Grantee, its lessees, licensees, successors and assigns, the right, privilege and perpetual easement to enter upon the lands of Grantor as described below, to survey, construct, operate, patrol, inspect, maintain, alter, add wires, poles, cables, conduits, and pipes, repair, rebuild and remove, on, under and over the easement described below, and in and upon all streets, roadways or highways abutting said lands, now or at any future time, lines for the transmission and distribution of electric energy, audio communications, visual communications, and data communications, and all appurtenances and appliances necessary in connection therewith, together with the right of ingress and egress to and from said lines of Grantee over the lands of Grantor so that Grantee may go to and from said lines from the public roads adjacent to Grantor's lands, which said lands of Grantor, situate in the County of FORD in the State of Kansas, are described as follows:

The East 10 Feet of Lot 7, Block 1, Hardesty Addition, An addition to the City of Dodge City, Ford County, Kansas

Grantee may erect and use gates in all fences which cross or which shall hereinafter cross the route of said lines. Grantee is given the right to trim, cut and clear away any trees, limbs and brush on or immediately adjacent to the above-described easement whenever, in its judgment, such will interfere with or endanger the construction, operation or maintenance of said lines. In exercising its rights of ingress or egress Grantee shall, whenever practicable, use existing roads or lanes and shall repair any damage caused by its use thereof.

It is the intention of the parties hereto that this easement shall be non-exclusive and be available to other public utilities. It is also the intention of the parties hereto, that Grantee shall not charge compensation to any public utility that encroaches upon this easement for the purpose of providing service to Grantor's buildings or facilities

It being the intention of the parties hereto that Grantor is hereby granting the uses herein specified without divesting Grantor and heirs or assigns of the right to cultivate, use and enjoy the above-described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, operation or maintenance of said lines, and provided further that no building shall be constructed on the easement without written permission from Grantee.

Grantee, its successors and assigns, agrees to pay for damage caused to land, growing crops, fences, livestock or other personal property of Grantor, from the construction, operations or maintenance of said lines.

Title to said lines shall be and remain in said Grantee.

Memorandum

To: Jeff Pederson, City Manager
From: Nannette Pogue, Finance Director/City Clerk
Date: April 12, 2007
Re: Public Hearing determining the advisability of issuing Taxable IRB's and ad valorem tax abatement for Kimbroy Properties, LLC and Resolution No. 2006-07

At the April 2, 2007 City Commission meeting, the Commission discussed a tax abatement request from Bill and Kim Cunningham for the Best Western Motel at 14th and Wyatt Earp. The Commission made a motion to grant a tax abatement in the amount of 100% for the first five years and 50% for years 6-10. In addition to this abatement approved an annual payment in a pro-rated amount based on the size of the project to the City of Dodge City who will work in conjunction with DCCC for a hospitality program. This motion was approved on a vote of 3-2.

The next step in the process is a formal public hearing and approval of a letter of intent to issue the taxable industrial revenue bonds by the city. The public hearing notice was published in the Dodge City Daily Globe on April 7. A letter was also sent to each of the other taxing entities.

Kansas law states that for the tax abatement to be authorized for a project of this type, the project must be financed with industrial revenue bonds. Resolution 2007-06 is the letter of intent stating that the City finds it advisable to issue taxable industrial revenue bonds for this project and it includes in it the ad valorem tax abatement.

Based on the decision made at the April 2, 2007, City Commission meeting, I would recommend approval of Resolution 2007-06.

The next step in this process will be the issuance of the industrial revenue bonds which will entail a Resolution and Bond Ordinance.

If you have any questions or wish additional information, please do not hesitate to contact me.

RESOLUTION NO. 2007-06

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS DETERMINING THE ADVISABILITY OF ISSUING THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING A HOTEL FACILITY LOCATED IN THE CITY.

WHEREAS, the City of Dodge City, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the "Act"), the City is authorized to issue revenue bonds for such purposes, and the City's governing body has found and determined it to be advisable, and in the City's interest and for its welfare and that of its inhabitants, that the City's taxable industrial revenue bonds in an aggregate principal amount not exceeding \$3,300,000 be authorized and issued to provide funds to pay the costs of acquiring, constructing, furnishing and equipping a hotel facility (the "Project") located within the City's corporate limits for lease by the City to Kimbroy's Properties L.L.C., a Kansas limited liability company or assigns (the "Tenant").

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

Section 1. Public Purpose. The City's governing body hereby finds and determines that acquiring, constructing, furnishing and equipping the Project will promote, stimulate and develop the City's general economic welfare and prosperity, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. Authorization to Acquire Project; Intent to Issue Bonds. This resolution authorizes the City to acquire, construct and equip the Project and to issue its Taxable Industrial Revenue Bonds, in one or more series, in an aggregate principal amount not exceeding \$3,300,000 (the "Bonds") to pay the acquisition, construction and installation costs, subject to satisfaction of the conditions of issuance set forth in this resolution.

Section 3. Conditions to Issuance of Bonds. The issuance of the Bonds is subject to: (i) the passage, signature and publication of an ordinance authorizing the issuance of the Bonds; (ii) the successful negotiation of a Bond Agreement, Guaranty Agreement, Lease or other legal documents necessary to accomplish the issuance of the Bonds, the terms of which shall be in compliance with the Act and mutually satisfactory to the City and the Tenant; (iii) the successful negotiation and sale of the Bonds to Legacy Bank, Wichita, Kansas (the "Purchaser"), which sale shall be the responsibility of the Tenant and not the City; (iv) the receipt of the approving legal opinion of Gilmore & Bell, P.C. ("Bond Counsel") in form acceptable to the City, the Tenant and the Purchaser; (v) the obtaining of all necessary governmental approvals to the issuance of the Bonds; (vi) the commitment to and payment of all the City's expenses, any underwriting fees and expenses and all legal fees and expenses of Bond Counsel and the City Attorney

relating to the issuance of the Bonds by the Purchaser or the Tenant, and (vii) the execution and delivery by the Tenant of an agreement for payment in lieu of taxes in substantially the form presented to the governing body of the City with this resolution (the "PILOT Agreement").

Section 4. Property Tax Exemption and Payment in Lieu of Taxes. The City hereby determines that pursuant to the provisions of K.S.A. 79-201a *Second* that the Project, to the extent purchased or constructed with the proceeds of the Bonds, shall be exempt from payment of ad valorem property taxes for 10 years commencing with the year following the year in which the Bonds are issued, provided proper application is made. The Tenant shall make a payment in lieu of taxes for each year in which the Project or portion thereof acquired with the proceeds of the Bonds is exempt from ad valorem taxation in accordance with the PILOT Agreement, the form of which is hereby approved by the City. In making this determination, the City's governing body has conducted the public hearing and reviewed the analysis of costs and benefits of the exemption required by K.S.A. 12-1749d, as amended. The Tenant is responsible for preparing the exemption application and providing it to the City for its review and submission to the Ford County Appraiser and the State Board of Tax Appeals. The tax exemption, to be granted by ordinance, is subject to the execution and delivery by the Tenant of the PILOT Agreement.

Section 5. Notices. The City Clerk is hereby authorized and directed to publish an appropriate notice of intent to issue the Bonds and to enter into a Lease with the Tenant pursuant to the provisions of the Act, and to provide all other notices as required by the Act.

Section 6. Reliance by Tenant; Limited Liability of City. The City's governing body contemplates that in order to expedite acquisition of the Project and to realize the benefits to be derived from them, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project before Bond issuance. Bond proceeds may be used to reimburse the Tenant for Project costs. The Bonds and all interest on them must be paid solely from the revenues received by the City from the Project and not from any other fund or source. The City will only be obligated on the Bonds to the extent set out in the Act and this resolution. If no Bonds are issued, the City will have no liability to the Tenant.

Section 7. Further Action. The City Clerk is authorized to deliver an executed copy of this resolution to the Tenant. The Mayor, City Clerk and other officials and employees of the City, including the City Attorney and Bond Counsel, are authorized and directed to take whatever other actions as are appropriate or desirable to accomplish the purposes of this resolution, including providing all notices required by the Act, and the signing on the City's behalf of the informational statement that must be filed with the State Board of Tax Appeals pursuant to the Act before Bond issuance.

ADOPTED by the governing body of the City of Dodge City, Kansas this 16th day of April, 2007.

[SEAL]

Mayor

Attest:

City Clerk

**City of
Dodge City**



Department of Police
110 W. Spruce
Dodge City, Kansas 67801 - 4423
Phone (316) 225-8126
FAX (316) 225-8117

April 9, 2007

To: Jeff Pederson
Nannette Pogue

From: John K. Ball

RE: 1 year license suspension for Gene's Heartland Foods

Clerks at Gene's Heartland Foods have been cited on three different occasions for sale of alcohol to a minor and found guilty. The most recent conviction occurred March 15, 2007. The offense dates and conviction dates are as follows:

1. Offense: March 28, 2006 Conviction: March 15, 2007
2. Offense: June 30, 2006 Conviction: November 13, 2006
3. Offense: December 9, 2006 Conviction: January 9, 2007

Chapter 3, Article 2, Section 209 states that upon a third conviction a license shall be revoked and the licensee shall not be eligible to make application for a cereal malt beverage license within a period of one year. It is requested that the license of Gene's Heartland Foods be revoked for the prescribed one year period.

A large, stylized handwritten signature in black ink, appearing to read 'John K. Ball'. The signature is written over the typed name and title.

John K. Ball
Chief of Police