

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, March 6, 7:00 p.m.

MEETING #5061

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Father Wesley Schawe of Our Lady of Guadalupe Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

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

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, February 20, 2017;
2. Appropriation Ordinance No.5, March 6, 2017.
3. Cereal Malt Beverage License

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3651.** An Ordinance Annexing to the City of Dodge City the Described Property, In Accordance with K.S.A.12-520 ET. SEQ; and Providing for the Zoning Thereof. Report by Planning/Zoning/Stormwater Coordinator, Nathan Littrell.

**Resolution No. 2017-07:** A Resolution Making Certain Findings and Determinations as to the Need for Housing Within the City of Dodge City, Kansas and Setting Forth the Legal Description of Real Property Proposed to be designated as a Rural Housing Incentive District Within the City (Wagon Wheel 2). Report by Planning/Zoning/Stormwater Coordinator, Nathan Littrell.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

**OTHER BUSINESS**

**ADJOURNMENT**

# **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Monday, February 20, 7:00 p.m.

MEETING #5060

## **CALL TO ORDER**

**ROLL CALL:** Mayor Rick Sowers, Commissioners Kent Smoll, Jan Scoggins, Joyce Warshaw and Brian Delzeit

**INVOCATION** by Jerre Nolte of First United Methodist Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

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

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, February 6, 2017;
2. Approval of Joint City/County Commission Meeting, February 13, 2017;
3. Appropriation Ordinance No. 4, February 20, 2017;
4. Cereal Malt Beverage License:
  - a. El Tinajon Cuban Restaurant, 506 Avenue B, Suite 2.

Commissioner Joyce Warshaw moved to approve the Consent Calendar as presented. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2017-05:** A Resolution authorizing the improvement or reimprovement of certain main trafficways within the City of Dodge City, Kansas; and providing for the payment of the Costs thereof was approved on a motion by Commissioner Kent Smoll.

Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

**Resolution No. 2017-06:** A resolution of the City of Dodge City, Kansas, authorizing certain public improvements and providing for the payment of the costs thereof was approved on a motion by Commissioner Kent Smoll. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

Commissioner Jan Scoggins moved to add an Executive Session to the meeting agenda. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

1. The bid from Diamond Roofing in the amount of \$64,800 for Modified Cap Sheet Roof System for Police Department was approved by on a motion by Commissioner Jan Scoggins. The motion was seconded by Commissioner Brian Delzeit. The motion carried unanimously.
2. The Change Order in the net amount of -\$11,895 to the Max Jantz Excavation contract for Sediment Removal from River Bed of the Arkansas River within the City Limits consisting of -\$95,565 for value engineering, +\$37,050 for temporary seeding and +\$46,670 for improvements to the Ave D and Ave K drainage channel was approved on motion by Commissioner Kent Smoll, seconded by Commissioner Joyce Warshaw. The motion carried unanimously.
3. The Conditions of a Negotiated Agreement with Kinect Energy Group for sale of the renewable bio-gas produced at the south wastewater treatment plant with the final agreement to be approved by the City Commission at a future meeting were approved on a motion by Commissioner Brian Delzeit. Commissioner Jan Scoggins seconded the motion. The motion carried unanimously.

At 7:35 p.m., Commissioner Kent Smoll moved to recess into executive session pursuant to the “privileged consultation with the City’s attorney” exception found in I.S.A. 75-4319(b)(2), and the discussion of “non-elected personnel” exception found in K.S.A. 75-4319(b)(1). The justification for closing the meeting is to discuss legal advice from counsel regarding settlement of potential claims for 15 minutes, and then a separate matter regarding consultation on a contract for 15 minutes. Additionally a separate matter regarding non-elected personnel for 30 minutes. In attendance with the City Commission will be Cherise Tieben, Nannette Pogue, Mark Cowell and Ray Slattery.

The open meeting resumed in the City Commission Chambers at 8:35 p.m.

No additional action was taken

**ADJOURNMENT**

Commissioner Jan Scoggins moved to adjourn the meeting; Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk, Nannette Pogue

# *Memorandum*

*To: City Manager  
City Commissioners  
From: Nathan Littrell  
Date: March 6, 2017  
Subject: Annexation of Property –  
Wagon Wheel 2  
Agenda Item: Ordinance No. 3651*

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

**Background:** Dr. Kelly Henrichs and Mr. Tim Volz have petitioned the city to annex a tract of land of approx. 23.4 acres to allow for single-family residential development.

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

**Financial Considerations:** None

**Purpose/Mission:** To provide overall growth to the community and meet the housing needs of the community.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3651, petition and maps showing the proposed area.

**BEFORE THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS**

**PETITION FOR ANNEXATION OF CERTAIN REAL ESTATE**

**COMES NOW** Kelly S. Henrichs and Volz Builders, and hereby petitions the City Commission of the City of Dodge City, Kansas to annex into the City of Dodge City, Kansas certain real estate owned by Kelly S. Henrichs and more specifically described herein:

Approximately the west 23.4 acres of a tract of land.

In support of the Petition, Kelly S. Henrichs alleges and states:

1. A tract of land in the Southwest Quarter of Section 13, Township 26 South, Range 25 West of the Sixth Principal Meridian, Ford County, Kansas described as follows:

Beginning at the Northeast Corner of Lot 9, Wagon Wheel Addition, City of Dodge City, Ford County, Kansas;

Thence North 00°28'57"W 551.22 feet to a point on the South Line of Kliesen Hills Addition, City of Dodge City, Ford County, Kansas;

Thence South 89°41'14"E 853.00 feet along the South Line of the said Kliesen Hills Addition and the South Line of Kliesen Subdivision, City of Dodge City, Ford County, Kansas; thence

Thence South 00°28'58"E 1194.15 feet;

Thence North 89°43'15"W 853.00 feet to the Southeast Corner of Lot 4, Wagon Wheel Addition, City of Dodge City, Ford County, Ks;

Thence North 00°28'57"W 643.43 feet to the point of beginning.

The North Boundary is South line of Kliesen Hills Subdivision of Ford County, Kansas according to the recorded plat enclosed (subject to easements, restrictions, and reservations of record.)

2. The above described property adjoins the City of Dodge City, Kansas.

3. That due to use of said property and the desirability of City services to said property, it is mutually desirable the said property be annexed into the City of Dodge City, Kansas.

4. That pursuant to provisions of K.S.A. 12-520(a) (f) Kelly S. Henrichs hereby requests that resolution, notice, and public hearing in connection with this request be waived and that matters proceed before the City Commission for its action

Respectfully submitted, Kelly S. Henrichs.

By   
Kelly S. Henrichs

STATE OF KANSAS)

)SS

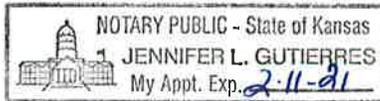
COUNTY OF FORD)

BE IT REMEMBERED, That on this 24<sup>th</sup> day of February, 2017, before me, a notary public in and said county and state, came the above mentioned land owner to me personally known to be the persons who executed the foregoing instrument of writing, and who duly acknowledged the execution of same, in testimony whereof, I have set my hand and affixed my notarial seal the day and year above written.

  
Signature: Notary Public

Jennifer L Gutierrez  
Print Name: Notary Public

My commission expires: 2-11-21



ORDINANCE NO. 3651

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

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

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

A tract of land in the Southwest Quarter of Section 13, Township 26 South, Range 25 West of the Sixth Principal Meridian, Ford County, Kansas described as follows:

Beginning at the Northeast Corner of Lot 9, Wagon Wheel Addition, City of Dodge City, Ford County, Kansas; thence N00°28'57"W 551.22 feet to a point on the South Line of Kliesen Hills Addition, City of Dodge City, Ford County, Kansas; thence S89°41'14"E 853.00 feet along the South Line of the said Kliesen Hills Addition and the South Line of Kliesen Subdivision, City of Dodge City, Ford County, Kansas; thence S00°28'58"E 1194.15 feet; thence N89°43'15"W 853.00 feet to the Southeast Corner of Lot 4, Wagon Wheel Addition, City of Dodge City, Ford County, Ks; thence N00°28'57"W 643.43 feet to the point of beginning, containing 23.4 acres.

The North Boundary is South line of Kliesen Hills Subdivision of Ford County, Kansas according to the recorded plat enclosed (subject to easements, restrictions, and reservations of record.)

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

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

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

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION AND APPROVED BY THE MAYOR, THIS SIXTH DAY OF MARCH, 2017.

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RICK SOWERS, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK



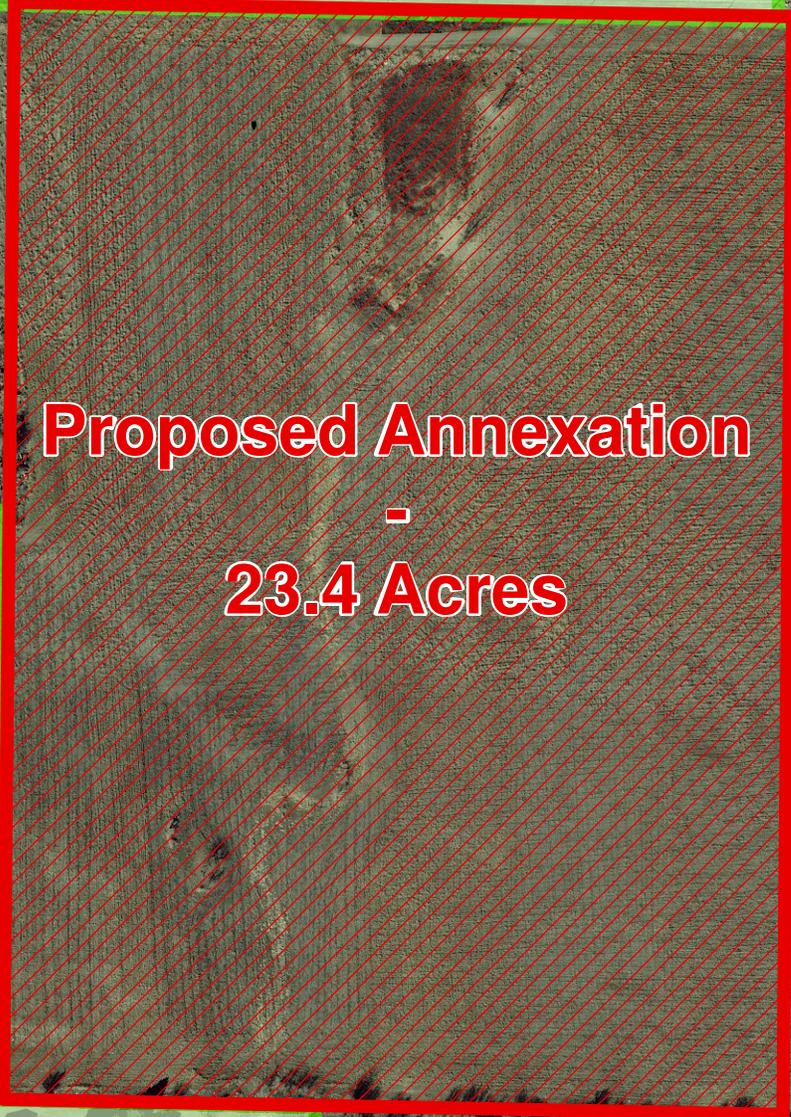
Barbara Ln. W.

Sue Dr.

Barbara Ln. E.

Anna Ave.

Saint Joseph St.



**Proposed Annexation**  
-  
**23.4 Acres**

Corral Way

Frontview Rd.

Kliesen St.

U.S. Hwy. 50





## Memorandum

*To: City Manager  
City Commissioners*

*From: Nathan Littrell  
Planning/Zoning/Stormwater  
Coordinator*

*Date: 3/1/17*

*Subject: RHID – Wagon Wheel 2  
Agenda Item: Resolution No. 2017-07*

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**Recommendation:** Staff recommends adoption of Resolution 2017-07, which permits the submittal of a proposed Rural Housing Incentive District (RHID) to the Kansas Secretary of Commerce for approval.

**Background:** In 2008, the City commissioned a Housing Needs Analysis, which reflected a critical shortage of housing available in the community. In 2009, the City Commission adopted a Resolution providing for several incentive programs in order to encourage housing development in the City. The RHID was identified as one of those programs. The program has captured the attention of several developers, locally and statewide. In 2015, the City commissioned another Housing Needs Analysis taking into consideration the progress that had developed since the 2008 Analysis. The latest Analysis continued to reflect a major shortage of housing. The establishment of this RHID will provide the incentive needed to entice developers to and in our community.

**Justification:** Housing continues to be a constant challenge in the Dodge City area. Establishment of the RHID is necessary in order to address the City's critical housing shortage.

**Financial Considerations:** None at this time. However, if utilized, the financial consideration would be dependent upon each independent development agreement.

**Purpose/Mission:** To provide adequate housing in order for the City to accommodate present and future growth.

**Legal Considerations:** None

**Attachments:** Resolution No. 2017-07

**RESOLUTION NO. 2017-07**

**A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF DODGE CITY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY. (WAGON WHEEL 2)**

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**WHEREAS**, K.S.A. 12-5241 et seq. (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 located in a county with a population of less than 80,000, to designate rural housing incentive districts within such city; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

**WHEREAS**, the City of Dodge City, Kansas (the “City”) has an estimated population of 27,340, is located in Ford County, Kansas, which has an estimated population of 33,848 and therefore constitutes a city as said term is defined in the Act; and

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated May 2015 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and

**WHEREAS**, based on the Needs Analysis, the Governing Body of the City proposes to commence proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Dodge City, Kansas, as follows:

**Section 1.** The Governing Body hereby adopts and incorporates by this reference as part of this Resolution the Needs Analysis, a copy of which is on file in the office of the City Clerk, and based on a review of said Needs Analysis makes the following findings and determinations.

**Section 2.** The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

**Section 3.** The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

**Section 4.** The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.

**Section 5.** The Governing Body hereby finds and determines that the future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

**Section 6.** Based on the findings and determinations recited in *Sections 2* through *5* of this Resolution, the Governing Body proposes to establish a Rural Housing Incentive District pursuant to the Act, within boundaries of the real estate legally described in *Exhibit A*, attached hereto, and shown on the maps depicting the existing parcels of land contained in *Exhibit B*, attached hereto (the "District").

**Section 7.** The City Clerk is hereby directed to publish this Resolution one time in the official City newspaper, and to send a certified copy of this Resolution to the Secretary of Commerce for the Secretary's review and approval.

**Section 8.** This Resolution shall take effect after its adoption and publication once in the official City newspaper.

**Approved** this 3<sup>rd</sup> day of March 2017 and signed by the Mayor.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

**Resolution No. 2017-07**  
**Exhibit A**

A-20

A tract of land in the Southwest Quarter of Section 13, Township 26 South, Range 25 West of the Sixth Principal Meridian, Ford County, Kansas described as follows:

Beginning at the Northeast Corner of Lot 9, Wagon Wheel Addition, City of Dodge City, Ford County, Kansas; thence  
N00°28'57"W 551.22 feet to a point on the South Line of Kliesen Hills Addition, City of Dodge City, Ford County, Kansas; thence  
S89°41'14"E 853.00 feet along the South Line of the said Kliesen Hills Addition and the South Line of Kliesen Subdivision, City of Dodge City, Ford County, Kansas; thence  
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N00°28'57"W 643.43 feet to the point of beginning, containing 23.4 acres.

Subject to easements and restrictions of record.

Resolution No. 2017-07  
Exhibit B

