

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, June 5, 2017

7:00 p.m.

MEETING #5068

CALL TO ORDER

ROLL CALL: Mayor Rick Sowers, Commissioners Jan Scoggins, Joyce Warshaw, Brian Delzeit. Kent Smoll was reported absent.

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Mayor Sowers proclaimed June 18, 2017, as the 100th Anniversary of City Management in Kansas.

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).

1. The City of Dodge City was presented with three awards from the Kansas Chapter of the American Public Works Association (APWA). Those awards were presented to Ray Slattery and Melissa McCoy during the annual conference of the Kansas Chapter of the APWA. The awards were for the Longbranch Lagoon structure, the restoration of the Cowboy at Boot Hill Memorial Park and for the Primary Lift Station Improvements. These projects will advance to the national competition in each of the categories.
2. Shawn Steward and Troy Wells presented a Traffic Safety Award to the Dodge City Police Department. This is the second consecutive Platinum Award presented to the Dodge City Police Department. The award is presented to Outstanding Police Departments for their programs toward traffic safety.

PUBLIC HEARING

Mayor Rick Sowers opened the Public Hearing for the Consideration of the Adoption of An Amended STAR Bond District Plan.

Cherise Tieben, City Manager, presented the STAR Bond District Plan. Todd LaSala, Attorney for Stinson, Leonard, Street, representing the City of Dodge City for the STAR Bond project spoke about the process for tonight's meeting and some of the specifics in the agreements that will be considered for approval.

Bill Crandall, CBC, representing the City for Real Estate Development talked about the budget for the project. The total investment will be approximately \$26.8M with \$11M of STAR Bond investment.

Commissioner Kent Smoll joined the meeting by phone at 7:51 p.m.

Michael Miller spoke in opposition to Resolution No. 2017-21. His major objection is the amount paid to DCCC for the 3.1 acres of land. Cherise Tieben responded stating that there will be minimum payment for the land, however, DCCC and USD 443 will receive property taxes on improvements to the property.

Johnny Dunlap, Ford County resident and Spearville City Councilman, talked about the property being acquired from DCCC and felt that the City Commission was extremely short sighted.

Terry Malone, DCCC Trustee, spoke in opposition to the City's attempt to take 3.1 acres of land of DCCC. It is a terrible idea and it will be for the courts to decide.

Bill Pennington asked about the Sutherlands contract and asked whether or not the Assembly of God church had agreed to sell the land.

Michael Mayrath said that the tax situation is extreme in Dodge City. He is just a common man and wants to know who the City Commissioners represent.

Pete Weil said that the DCCC land needs to be deleted from the project. He feels that the City is underestimating the value of Dodge City. DCCC is a tremendous opportunity for students. He would propose to build and expand DCCC. He feels that to give away the land is short sided.

Maurice Reeves, DCCC Trustee, feels that all of the taxing entities should be partners and work together to enhance Dodge City and Ford County as a whole. The DCCC Board of Trustees voted 5-1 at their meeting last month to sell the 3.1 acres of DCCC land to the City of Dodge City for a nominal fee.

Kelly Henrichs is a proud 1978 graduate of DCCC and he is also Chairman of the Boot Hill Museum Board. He wished there would have been more retail growth a lot sooner, but is in favor of the growth.

John Thomas says he is tired of being lied to.

Commissioner Joyce Warshaw moved to close the public hearing, Jan Scoggins seconded the motion. The motion carried 5-0.

Mayor Rick Sowers opened the Public Hearing for consideration of the adoption of the STAR Bond Project Plan (Power Center Area 1) within a STAR Bond District previously created within the City.

No comments were received.

Mayor Rick Sowers moved to close the public hearing. Commissioner Jan Scoggins seconded the motion. The motion carried 5-0.

Todd LaSala answer some questions that were presented in the public hearing. He addressed Mr. Miller's question regarding CID Sales Tax vs. the STAR Bond sales tax. He answered Mr. Pennington's question regarding the Sutherland's contract. He answered Mr. Hammond's question about removing the remainder of the land from the STAR Bond District that is not currently being used for this project. Cherise answered the questions about infrastructure and drainage. Todd and Bill answered that question about just moving Sutherland's property east so they wouldn't need to acquire the DCCC property. The additional lots to the east will be additional out lots for additional retail to come in and generate more increment tax. Kent Smoll talked about attending the ICS Show which is a retail show in Las Vegas. He mentioned that they had a lot more traffic this year because of the STAR bond district and things happening. Joann Knight, Economic Development Director, responded to this as well.

Ordinance No. 3661: An Ordinance Adopting an Amended STAR Bond District Plan and a STAR Bond Project Plan (Power Center Area 1) was approved on a motion by Commissioner Brian Delzeit. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

Ordinance No. 3662: An Ordinance Authorizing the Issuance of Taxable Sales Tax Special Obligation Revenue Bonds (Power Center Area 1) in an Aggregate Original Principal Amount not to Exceed \$11,000,000 for the Purpose of Providing Funds to Finance Certain Costs Relating to the Power Center Area 1 Project Plan; Authorizing and Approving the Execution of Certain Documents in Connection with the Issuance of Said Bonds; and Authorizing Certain Other Actions in Connection with the Issuance of Said Bonds was approved on a motion by Commissioner Jan Scoggins. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

Resolution No. 2017-21: A Resolution of the Governing Body of the City of Dodge City, Kansas, authorizing the execution of certain option agreements pertaining to the acquisition of real property: Option Agreement to purchase First Assembly of God Church land, Option Agreement to purchase American AGCredit FLCA land, Option Agreement to purchase Dodge City Community College land; and the Sutherlands Development Agreement was approved on a motion by Commissioner Brian Delzeit. Commissioner Kent Smoll seconded the motion. The motion carried unanimously.

Commissioner Kent Smoll left the meeting.

Mayor Rick Sowers opened the Public Hearing to consider the advisability of creating a Community Improvement District (McDonalds on Wyatt Earp).

Nannette Pogue, Finance Director/City Clerk, stated that a petition had been filed by McDonalds to create a Community Improvement District for their property on Wyatt Earp and a Resolution previously approved by the City Commission set the date of June 5, 2017 for the public hearing. This Resolution was published in the Dodge City Daily Globe and sent to all effected property owners.

Commissioner Brian Delzeit moved to close the Public Hearing. Commissioner Joyce Warshaw seconded the motion.

Ordinance No. 3663: An Ordinance of the Governing Body of the City of Dodge City, Kansas, Making Certain Findings as to the Advisability of Creating a Community Improvement District (McDonalds at 703 W. Wyatt Earp Blvd) was approved on a motion by Commissioner Jan Scoggins. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

Mayor Rick Sowers opened the Public Hearing to consider the establishment of a Rural Housing Incentive District and the Adoption of the Plan (Summerlon V).

Joann Knight, Economic Development Director described the Plan for housing in Summerlon V. She introduced the partners in the project: Greg Gaskill, Ric Marbeuf and Dr. Dameron.

Greg Gaskill thanked the staff and the City Commission for everything they have done to get the RHID projects going. He presented information regarding the assessed valuations of all his projects that they have done since the RHID's were first introduced in 2012.

Ric Marbeuf also spoke positively regarding the Summerlon V project and all of the RHIDs.

Dr. Dameron was grateful to be part of the team that was involved in the development of the Summerlon V property.

Commissioner Jan Scoggins moved to close the public hearing. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.

Ordinance No. 3664: An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District within the City and Adopting a Plan for the Development of Housing and Public Facilities in such District, and Making Certain Findings in Conjunction Therewith (Summerlon V) was approved on a motion by Commissioner Jan Scoggins. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

Mayor Rick Sowers opened the Public Hearing to consider the establishment of a Rural Housing Incentive District and Adoption of the Plan (Wagon Wheel II).

Joann Knight, Economic Development Director, described the plan for housing in Wagon Wheel II.

Ordinance No. 3665: An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such District and Making Certain Findings in Conjunction Therewith (Wagon Wheel II) was approved on a motion by Commissioner Brian Delzeit. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

CONSENT CALENDAR

1. Approval of City Commission Work Session Minutes, May 15, 2017;
2. City Commission Meeting Minutes, May 15, 2017;
3. City Commission Special Meeting Minutes, May 30, 2017;
4. Appropriation Ordinance No. 11, June 5, 2017;
5. Cereal Malt Beverage License:
 - a. Pizza Hut, 110 Frontview;
 - b. Rodeo Bar & Grill, 102 W. Wyatt Earp Blvd.;
 - c. Loves Travel Stops, 400 E Wyatt Earp Blvd;
 - d. El Charro of DC, LLC, 1209 W. Wyatt Earp Blvd;
6. Approval of Change Order for Fire Station #1 Roof Repair.
7. Approval of temporarily authorizing sale and consumption of Alcoholic Beverages at the Long Branch Lagoon.

Commissioner Jan Scoggins moved to approve the Consent Calendar as presented. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

ORDINANCES & RESOLUTIONS

Ordinance No. 3658: An Ordinance Vacating Alley Right-of-Way South of Division Street, Between Central Avenue and Avenue A was approved on a motion by Commissioner Brian Delzeit. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

Ordinance No. 3659: An Ordinance Vacating a Portion of Utility Easement Located on Block 7 of Correction Map Replat of a Portion of Haggards Addition was approved on a motion by Commissioner Jan Scoggins. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

Ordinance No. 3660: An Ordinance Vacating a Portion of Utility Easement Located on Lots 1 & 2, Block 2 of Centennial Addition (703 W. Wyatt Earp Blvd) was approved on a motion by Commissioner Joyce Warshaw. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

Resolution No. 2017-20: A Resolution for the Temporary Suspension (July 1 – July 5, 2017) and Waiver of Certain Provisions of Ordinance No. 2838 and the 2009 International Fire Code Pertaining to the Discharge of Fireworks within the City Limits of the City of Dodge City, Kansas was approved on a motion by Commissioner Brian Delzeit. Commissioner Jan Scoggins seconded the motion. The motion carried 4-0.

NEW BUSINESS

1. The Quote from Cillessan & Sons in the amount of \$49,409 for removal and replacement of paving markings on South 2nd Avenue from Trail Street to Beeson Road was approved on a motion by Commissioner Jan Scoggins. Commissioner Joyce Warshaw seconded the motion. The motion carried unanimously.
2. The Addendum to the Memorandum of Understanding of the St. Mary Complex Buildings between the City of Dodge City and the Dodge City Family YMCA and authorize the Mayor to sign was approved on a motion by Commissioner Brian Delzeit. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

OTHER BUSINESS

Commissioner Jan Scoggins

- Congratulations to Carolyn Banning for being appointed to the Board of Directors for the BC/BS of Kansas.
- Congratulations to Casey Leatherwood for being inducted into the Kansas Special Olympics Hall of Fame. His mom, Michelle Leatherwood, received a similar award for all of her volunteer work for Special Olympics.

Commissioner Brian Delzeit

- A significant amount of dollars has been going to Garden City from Dodge City for retail for a number of years. The City of Dodge City has been working very hard, at the request of many citizens to change this. Because of a number of the comments that were made at the Public Hearing tonight regarding the STAR Bond projects and other comments made to him, he feels like some community members have been intentionally produced misleading information to stop the projects. It does feel like the action made tonight by the City Commission is a win-win for the community.

Commissioner Joyce Warshaw

- Appreciates Commissioner Delzeit's passion for the community and for the STAR Bond project that many have been working on a very long time. She feels like it is the City Commission's job to look out for the whole community.
- Congratulations to Tanner Rutchman who obtained his PE license and for the birth of his baby girl.
- Applaud all of those who stepped up to the plate.

Mayor, Rick Sowers

- Agrees with Commissioner Delzeit's comment.

ADJOURNMENT

Commissioner Jan Scoggins moved to adjourn the meeting; Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0

Mayor

ATTEST:

City Clerk, Nannette Pogue