

**CITY COMMISSION MEETING**  
**PUBLIC WORK SESSION**  
**COMMISSION CHAMBERS**  
**806 N. SECOND AVE.**  
**JUNE 18, 2007**  
**6:00 P.M.**

- 1) Visit Public Works Building at 111 Water Street  
To view building location and available work space

# ***COMMISSION AGENDA***

**JUNE 18, 2007 7:00 P.M.  
COMMISSION CHAMBERS  
MEETING NO. 4679**

## ***CALL TO ORDER***

## ***ROLL CALL***

***INVOCATION***- Pastor Jerry Clarkson, Dodge City Family of Friends

## ***PLEDGE OF ALLEGIANCE***

## ***PETITIONS & PROCLAMATIONS***

Kansas Exoduster Colonies Days, August 8 & 9, 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).

Brian Shirley, BS Trailer Sales, Work Place Utility Vehicles.

## ***CONSENT CALENDAR***

1. Approval of minutes of meeting from June 4, 2007
2. Approval of payment of bills
3. Approval Cereal Malt Beverage License
  - Legends Parks, Ross Blvd, Dodge City

## ***ORDINANCES & RESOLUTIONS***

**Resolution NO. 2007-09:** A resolution for the Temporary Suspension and Waiver of Certain Provisions of Ordinance NO. 2838 and the Uniform Fire Code Pertaining to the Discharge of Fireworks Within the City Limits of the City of Dodge City, KS

## ***UNFINISHED BUSINESS***

## ***NEW BUSINESS***

## ***OTHER BUSINESS***

Commissioners

## ***ADJOURNMENT***

# PROCLAMATION

**WHEREAS**, Following the Civil War, many former slaves and freedmen migrated to Kansas because it had a progressive and more tolerant reputation than most other states at that time. These African American migrants were called “Exodusters”, in reference to the biblical story of the Hebrew exodus from Egypt. During the 1870’s and 1880’s, nearly 40,000 Exodusters came to Kansas; and

**WHEREAS**, Exoduster colony families made significant contributions to Dodge City and the surrounding area and were located in the colonies of Little Caney, Chautauqua, Morton, Votaw, Singleton, and Wayside colonies; and

**WHEREAS**, The descendants of the Exoduster colony families have made their presence and influence felt in population growth, education, city development, science, religion, the professions, and the arts; and

**WHEREAS**, August 8<sup>th</sup> and 9<sup>th</sup>, 2007, there will be a “Reconnection II” event for Exoduster colony descendants from across the fifty states to return and reconnect;

**NOW, THEREFORE**, I, Kent Smoll, Mayor of the City of Dodge City, Kansas do hereby Proclaim August 8<sup>th</sup> and 9<sup>th</sup>, 2007

## KANSAS EXODUSTER COLONIES DAYS

Dated this \_\_\_\_\_ day of June, 2007.

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Kent Smoll, Mayor

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Nannette Pogue, City Clerk



**VOTAW  
COLONY  
MUSEUM  
INC.**

**COFFEYVILLE  
KANSAS**

[WWW.VOTAWCOLONY.ORG](http://WWW.VOTAWCOLONY.ORG)

**NAT  
FITZ  
PRESIDENT**

**MARI FITZ-  
WYNN  
VICE PRESIDENT**

**ANDREW  
FITZ, JR.  
2ND VICE PRESIDENT**

**SANNA  
MURCIA  
TREASURER**

**APRIL  
FITZ  
COMMUNICATIONS  
DIRECTOR**

**ANITA ELIAS  
WALKER  
GRANT WRITER**

**SONNY  
SCROGGINS  
KANSAS FEVER DIVISION**

June 7, 2007

Mr. Kent Smoll, Mayor  
806 Second Avenue  
Dodge City, KS67801

Dear Mayor Smoll:

I am requesting a historic proclamation from Dodge City for our "Reconnection II" event to be held in Kansas City, Kansas August 8 & 9, 2007. VCFMI is a Kansas-Not-For-Profit Corporation with Kansas ID number 296-176-1.

The proclamation may include each of the colonies listed in the Kansas State Resolution enclosed. Not every colony had descendants to settle in Dodge City, Kansas, but some did. Thank you for your kind attention to our request.

Sincerely,

Nat Fitz, President

818 Gertrude Avenue  
Richmond, CA 94801  
510 620 0919

[www.votawcolony.org](http://www.votawcolony.org)

# STATE OF KANSAS

## SENATE RESOLUTION No. 1853

A RESOLUTION proclaiming August 8 and 9, 2007, as "Kansas Exoduster Colonies' Days."

WHEREAS, Following the Civil War, many former slaves and freedmen migrated to Kansas because it had a progressive and more tolerant reputation than most other states at that time. These African American migrants were called "Exodusters," in reference to the biblical story of the Hebrew exodus from Egypt. During the 1870s and 1880s, nearly 40,000 Exodusters came to Kansas; and

WHEREAS, Exoduster families made significant contributions to the state of Kansas and the surrounding area and were located in the colonies of Bloomington, Burlington, Chautauqua, David City, Dunlap, Groves Center, Hoggstown, Little Caney, Mississippi, Morton, Mud Town, Nicodemus, Quindaro, Rattlebone Hollow, Redmonsville, Rice, Richie's Addition, Scuffletown, Sedan, Singleton, Summit, Tennessee Town, The Bottoms, Votaw, Wabunsee and Wayside; and

WHEREAS, The descendants of the Exoduster families have made their presence and influence felt in population growth, education, city development, science, religion, the professions and the arts; and

WHEREAS, August 8 and 9, 2007, there will be a "Reconnection II" event for Exoduster descendants from across the fifty states to return and reconnect: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we proclaim August 8 and 9, 2007, as "Kansas Exoduster Colonies' Days"; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Nat Fitz, President, Votaw Colony Museum, Inc., 818 Gertrude Avenue, Richmond, California 94801.

Senate Resolution No. 1853 was sponsored by Senators D. Schmidt, Betts and Haley.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

*March 27, 2007*

*Stephen R. Morris*  
President of the Senate.  
*Pat Saville*  
Secretary of the Senate.

# **COMMISSION AGENDA**

**June 4, 2007 7:00 p.m.**

**Commission Chambers**

**MEETING NO. 4678**

Vice Mayor Rick Sowers called the meeting to order.

Present and accounted for were Vice Mayor Rick Sowers, Commissioners Jim Lembright, Jim Sherer, and Terry Lee. Absent was Mayor Kent Smoll.

Invocation was presented by Pastor Jerry Clarkson, Dodge City Family of Friends

Pledge of Allegiance

Petition & Proclamation

Visitors to the meeting were:

1. Stephanie Littrel, 4-H Ambassador presented June's City of Character Trait, Humility.
2. Shane Scott, Boy Scouts, asked permission to construct a historical marker to depict the Mexican Village in Dodge City.
3. Bill Miller, asked for Policy on Industrial Revenue Bonds and Tax Abatements
4. Eric Swanson, Dodge City Globe, introduced Mark Vierthaler who will be covering the City beat.

Consent Calendar was approved on a motion by Commissioner Lembright, seconded by Commissioner Sherer, by unanimous vote 4-0.

1. Minutes of regular meeting of May 21, 2007 was approved.
2. Check report for June 4, 2007 was approved.
3. Cereal Malt Beverage License for the listed business below was approved:
  - a. High Plains Pizza, Inc., Pizza Hut #103, 1513 W. Wyatt Earp, Dodge City
  - b. High Plains Pizza, Inc., Pizza Hut #104, 110 Frontview, Dodge City
  - c. Love's Travel Stops & Country Stores, Inc., 400 E. Wyatt Earp, Dodge City

Ordinances & Resolutions

## Unfinished Business

Ray Slattery, City Engineer, presented the 2007 Street Program. Commissioner Jim Sherer moved to approve, Commissioner Jim Lembright seconded the motion, vote 3-1, Commissioner Terry Lee opposed.

## New Business

1. Randall Gorton, BHC Rhodes, presented the 14<sup>th</sup> Street Redesign. Commissioner Sherer moved to authorize to proceed to finalize plans, Commissioner Terry Lee seconded, by unanimous vote.
2. Approval of bid from Arbor Masters for Pruning and Maintenance of Street Trees for the Storm Damage in the amount of \$108,075.50 with FEMA reimbursing 75% of the cost and the State reimbursing 10% of the cost was approved on a motion by Commissioner Lembright, seconded by Commissioner Lee, by unanimous vote.
3. A proposal for Hoover Flooring from Epoxy Coating Specialist in the amount of \$32,745.00 was approved on a motion by Commissioner Sherer, seconded by Commissioner Lembright, by unanimous vote.
4. A proposal for Testing Water Wells for Capacity by Layne-Western in the amount of \$20,300.00 was approved on a motion by Commissioner Sherer, seconded by Commissioner Lembright, (and authorized Public Works Director, Joe Finley, to sign contract) by unanimous vote.
5. Approval of bids for Mowers:
  - a. 52" Mid-Mount Mower for Cemetery in the amount of \$5,100.00 from Kan-Equip, Inc, Dodge City
  - b. 72" Mid-Mount Mower for Parks Department in the amount of \$10,997.00 from Kofer Sales , Dodge City
  - c. Tri Plex Mower for Golf Course in the amount of \$18,737.00—less \$800.00 for trade in, total amount of bid \$17,937.00 from Kansas Golf & Turf, McPherson
  - d. Sidewinder/Striping Mower for Athletic Field Maintenance in the amount of \$25,900.00—less \$800.00 for trade in, total amount \$25,100.00 from Kansas Golf & Turf, McPherson
  - e. Two Portable Spray Units, one for Parks Department and one for Cemetery in the amount of \$6,995.00 each, total amount \$13,990.00.

Total expenditure for all six items \$73,124.00 was approved on a motion by Commissioner Lee, seconded by Commissioner Sherer, by unanimous vote.

6. Proposed bids for Dodge City Regional Airport:
  - a. Slurry Seal for Airport Runway 14-32 and 2-20 in the amount of \$555,543.45 to Vance Brothers, Inc., Kansas City, MO.

- b. Lighting Improvements for Runway 2-20 in the amount of \$321,337.00 to Kayton Electric, Inc., Holdrege, NE.
- c. Construction Service Agreement with Burns & McDonnell in the amount of \$124,627.00

Total expenditure for Dodge City portion of 5% local match is \$54,671.00 was approved on a motion by Commissioner Lembright, seconded by Commissioner Sherer, by unanimous vote.

- 7. Bid for In Car Police Department Video System in the amount of \$97,023.98 to L3 Communications, Boonton, NJ was approved on a motion by Commissioner Lee, seconded by Commissioner Sherer, by unanimous vote.

### ***OTHER BUSINESS***

#### **City Manager, Jeff Pederson:**

- The Fireworks Committee's plans are not to allow fireworks discharged at the Civic Center and other public parking lots.
- Smoking Ordinance continues to wait for Supreme Court ruling from City of Lawrence appeal. Decision should be coming soon.
- Budget information was distributed to Commissioners
- Dodge City Raceway Park operation continues to draw attendees and cars.
- Thanked Jim Johnson on his participation on the United Way Greens for Greensburg benefit concert with the Riders in the Sky.

#### **Commissioners:**

- Commissioner Lembright congratulated Vice Mayor Sowers on his Mayoral Debut!
- Commissioner Jim Sherer thanked all City employees that went to Greensburg and helped with the tornado disaster clean-up.
- Commissioner Jim Sherer asked for All 4 Fun update.

### ***ADJOURNMENT***

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, USA 67801, 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 Southwest Sports Assoc. corporation whose principal place of business is 2601 Central Dodge City, KS 67801

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 Legends Park corporation with principal place of business at Legends Park. 4. The name and address of the owner or owners of the premises upon which the place of business is located is City of Dodge City.

The resident agent is Gary Turner with offices at 2601 Central Dodge City, KS 67801. Said corporation was incorporated on 6-1-1985. A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County. Yes (X) 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.

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: Name Gary Turner

3. The premises for which the license is desired are located at Ross Blvd. Address 2601 Central Residence 2004 Thompson Length of residence within this city or county in which the application is being made 27 years

(a) The legal description of the premises is Method of obtaining U.S. citizenship together with date of naturalization if such is the method

(b) The street number is Date and place of birth 11-16-48 Smith Center, K

(c) The building is described as (d) The corporate business under the license will be conducted in the name of the corporation or in the following name: LEGENDS PARK 7. This application is for a license to retail cereal malt beverages for consumption on the premises. (X) For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. ( )

A license fee of \$ 225.00 is enclosed herewith.

I, GARY TURNER Sec/Treas.  
(Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, and do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal) Southwest Sports Assoc, Inc.  
(Corporation)

Attest: By Gary Turner, Sec/Treas.  
(Signature and position of individual making application on behalf of corporation)

Gary Turner  
(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF FORD, ss.

I, Gary Turner, Sec/Treas.  
(Signature and official position), of the  
Southwest Sports Assoc, Inc.  
(Name of corporation) do solemnly

swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

\_\_\_\_\_  
(Signature and official position)

SUBSCRIBED AND SWORN TO before me this 31<sup>st</sup> day of MAY A.D. 2007

\_\_\_\_\_  
(Character of official administering oath)

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

APPLICATION APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

By \_\_\_\_\_  
(Official position)

of \_\_\_\_\_, Kansas.  
(City or county)

Recorded in Volume \_\_\_\_\_, at page \_\_\_\_\_

**RESOLUTION NO. 2007-09**

**A RESOLUTION FOR THE TEMPORARY SUSPENSION AND WAIVER OF CERTAIN PROVISIONS OF ORDINANCE NO. 2838 AND THE UNIFORM FIRE CODE PERTAINING TO THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF DODGE CITY, KANSAS:**

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**SECTION 1:** For the time periods and under the conditions set forth herein, the provisions of Ordinance No. 2838 and the Uniform Fire Code prohibiting the discharge of legal fireworks, as defined by state statutes and regulations of the State Fire Marshal, shall be temporarily suspended and waived so as to allow the lawful discharge of such legal fireworks within the corporate limits of the City of Dodge City, Kansas, subject to the exceptions and under the conditions as provided herein, for the period from July 2, 2007 through July 4, 2007, between the hours of 10:00 a.m. to 11:00 p.m. of said days;

**SECTION 2:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 2, 2007 through July 4, 2007, on any public property, including but not limited to all public parks, public recreation areas such as ball fields and soccer fields, any school grounds including, school playgrounds and athletic facilities, any public rights of way, or public parking areas (Civic Center / Memorial Stadium).

**SECTION 3:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 2, 2007 through July 4, 2007, on any real property within the corporate limits of the City of Dodge City without the permission of the owner or person or entity in control of said real property.

**SECTION 4:** Notwithstanding this suspension and waiver, officers of the Dodge City Fire Department and the Dodge City Police Department shall have the authority to confiscate any fireworks from any individual possessing the same, if in the opinion of said officer, the use or discharge of such fireworks is being conducted in such a manner as to create a health or safety hazard for the user or other persons, or in such a manner as to create a safety hazard to public or private property.

**SECTION 5:** This waiver will automatically expire at 11:01 p.m. on July 4, 2007, and may be rescinded prior thereto by action of the governing body.

Adopted by the governing body this 18th day of June, 2007.

\_\_\_\_\_  
E KENT SMOLL, MAYOR

\_\_\_\_\_  
NANNETTE POGUE, CITY CLERK