

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, April 16, 2018

7:00 p.m.

MEETING #5095

CALL TO ORDER

ROLL CALL

INVOCATION BY

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Plan of Finance for the Issuance by the City of Wichita, Kansas of its Health Care Facilities Revenue Bonds to be made Available to Presbyterian Manors, Inc.

PETITIONS & PROCLAMATIONS

Arbor Day Proclamation

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).

Report on Crew and Keep Dodge City Beautiful - Superintendent of Public Works, Corey Keller.

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, April 2, 2018;
2. Appropriation Ordinance No. 8, April 16, 2018

ORDINANCES & RESOLUTIONS

Ordinance No. 3683: An Ordinance Repealing the Current Chapter VIII, Article 4 of the Code of the City of Dodge City and Replacing with a New Chapter VIII, Article 4. Noise; and Repealing all Ordinances or Parts of Ordinances in Conflict Herewith. Report by City Manager, Cherise Tieben.

Resolution No. 2018-08: A Resolution Approving the Issuance by the City of Wichita, Kansas of its Health Care Facilities Revenue Bonds for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement and Equipping of an Existing Senior Living Facility Located in the City of Dodge City, Kansas. Report by City Manager, Cherise Tieben.

Resolution No. 2018-09: A Resolution Establishing the Dollar Value Assigned to Wages for Consideration of Community Service Work Commitment to the City of Dodge City Through Dodge City Municipal Court and Other Judicial Entities. Report by Superintendent of Public Works Corey Keller.

UNFINISHED BUSINESS

1. Approval of Early Retirement Program. Report by Human Resource Director, Ernestor De La Rosa and Assistant to Finance Director, Nicole May.

NEW BUSINESS

1. Approval of Bids for Self-Contained Breathing Apparatus, SCBA Units for the Dodge City Fire Department. Report by Director of Administration, Ryan Reid.
2. Approval of Amendments to the Personal Policy Manual Regarding Health Insurance Eligibility after Retirement. Report by Human Resource Director, Ernestor, De La Rosa.
3. Approval of Public Art Policy Manual. Report by Assistant to City Manager/Project Development Coordinator, Melissa McCoy.

OTHER BUSINESS

ADJOURNMENT



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that 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 can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, 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, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, E. Kent Smoll, Mayor of the City of Dodge City Kansas, do hereby proclaim Friday, April 27th, 2018, as

Arbor Day

In the City of Dodge City, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

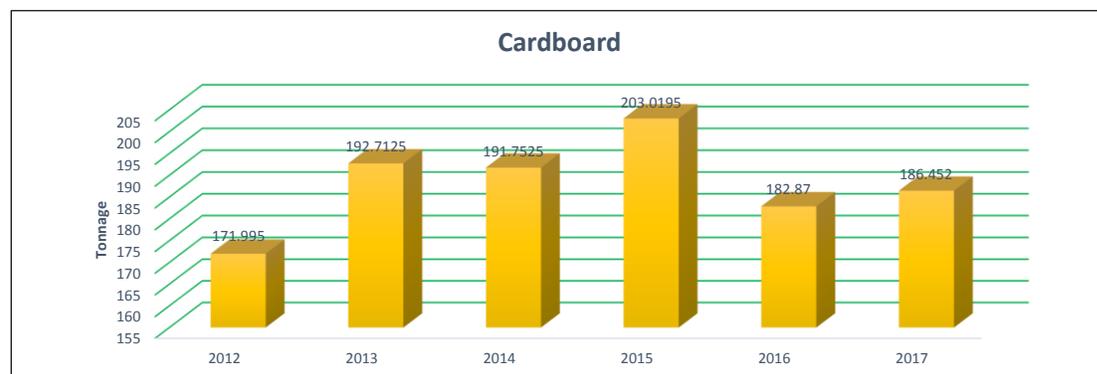
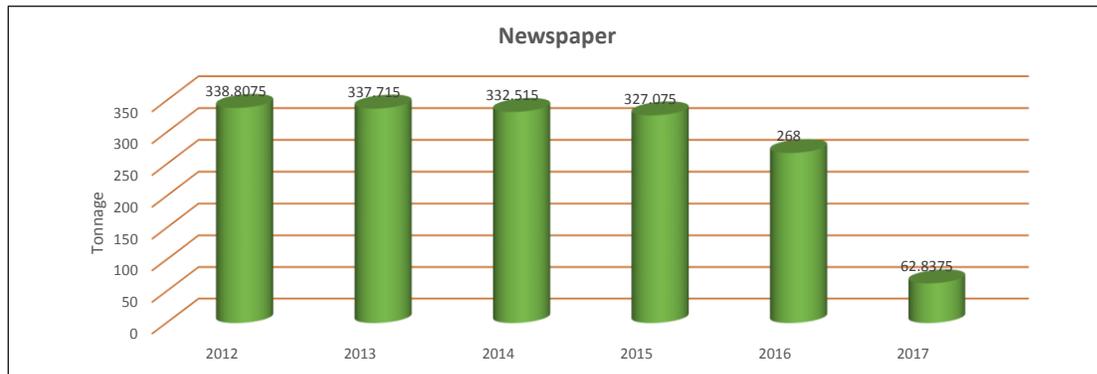
Dated this day of 16th Day of April, 2018

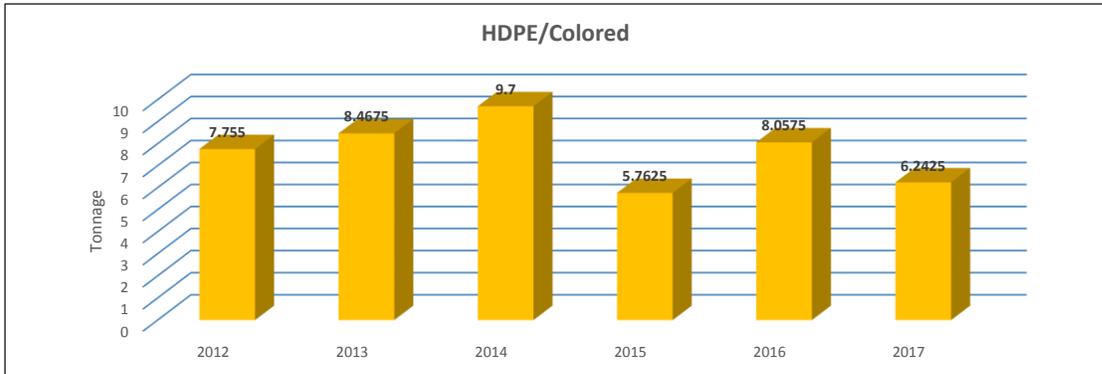
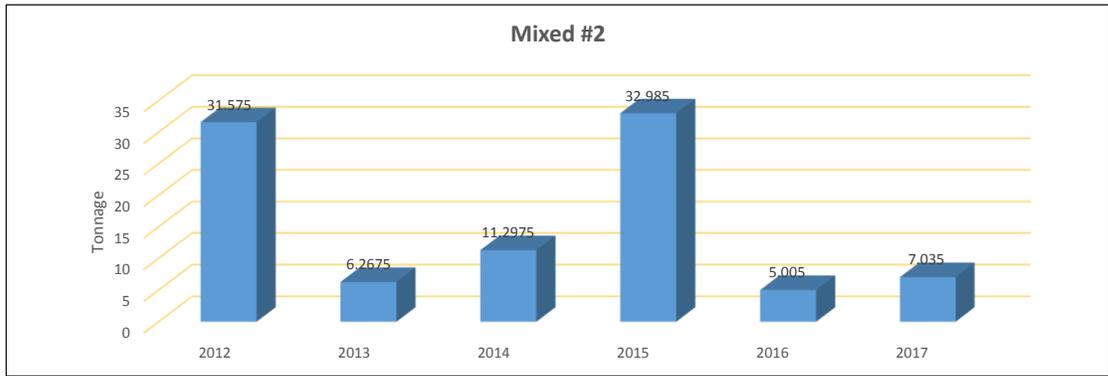
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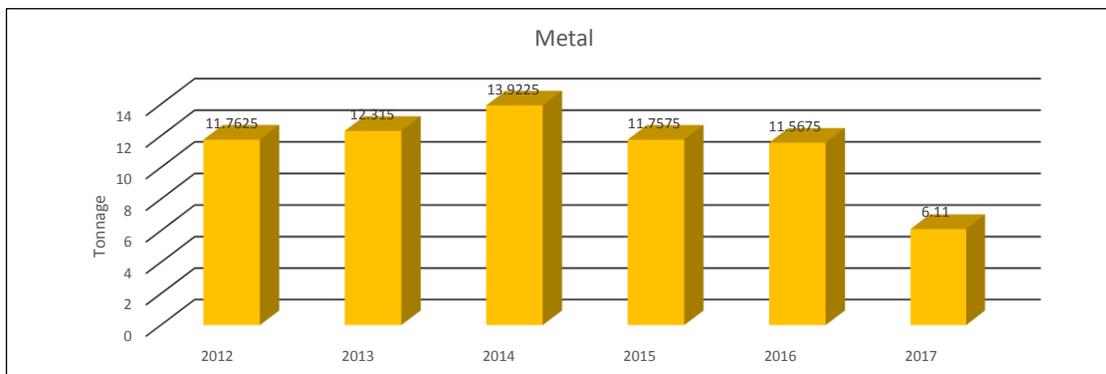
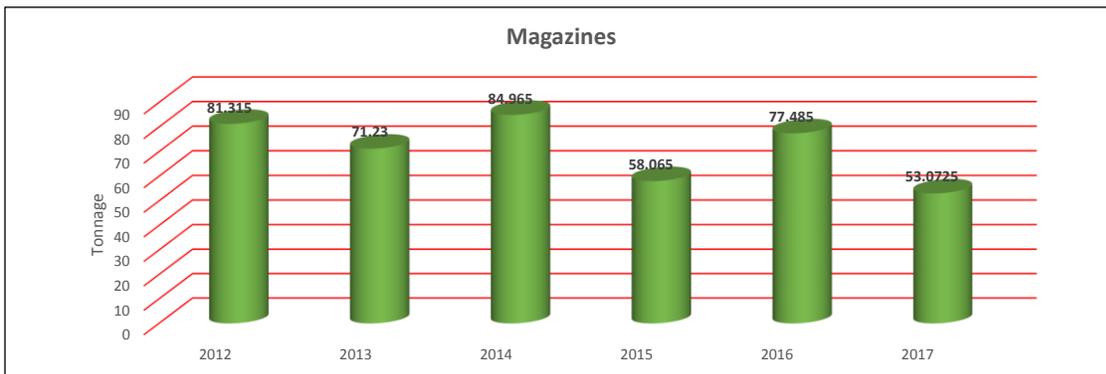
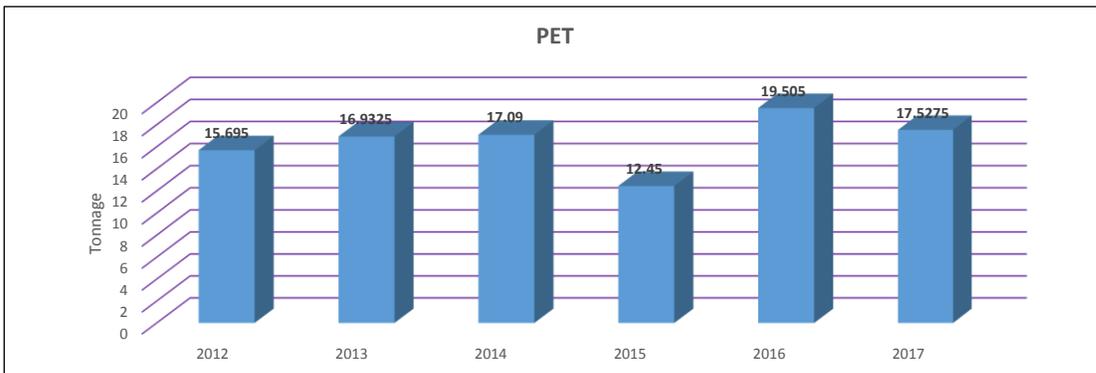
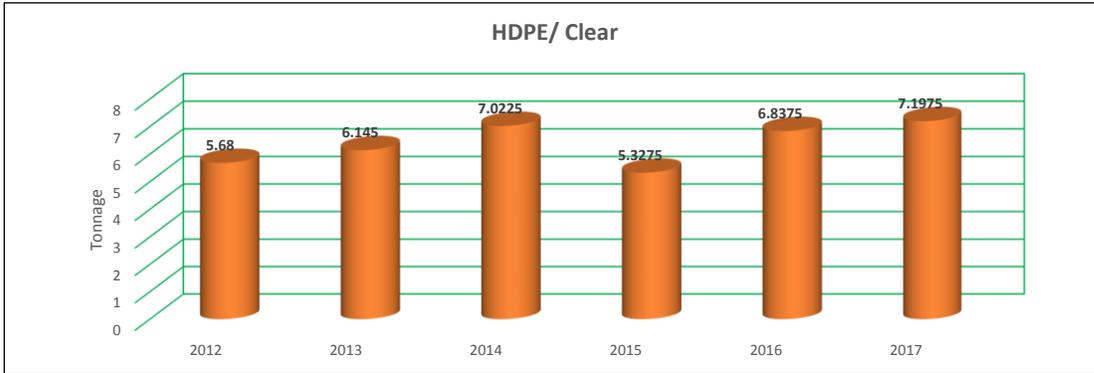
Mayor

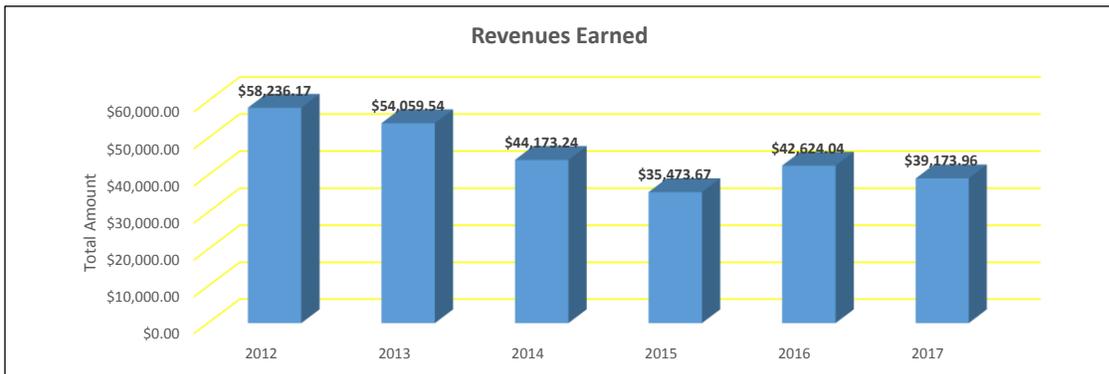
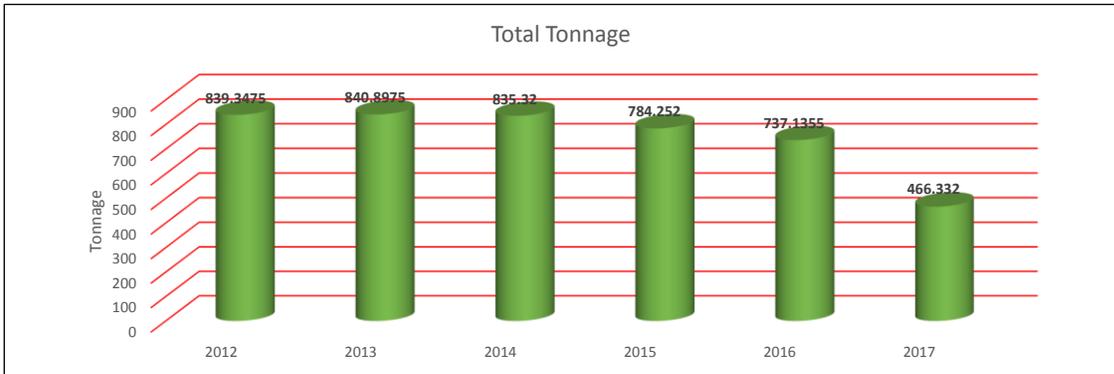
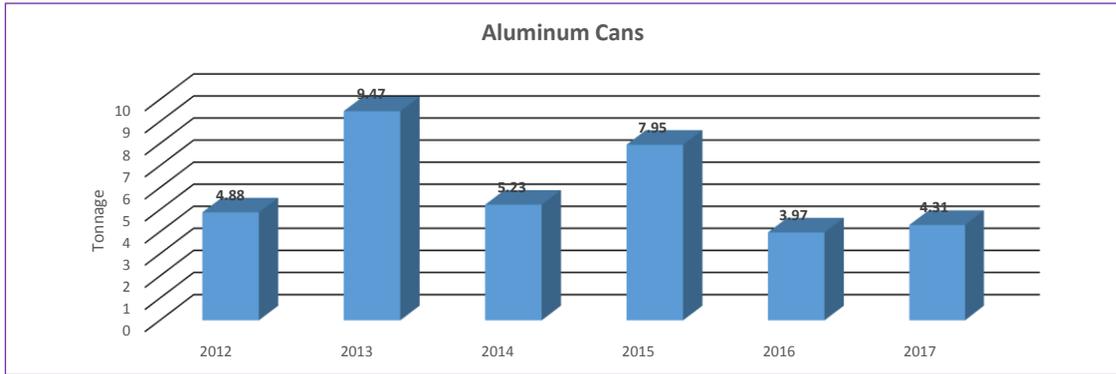
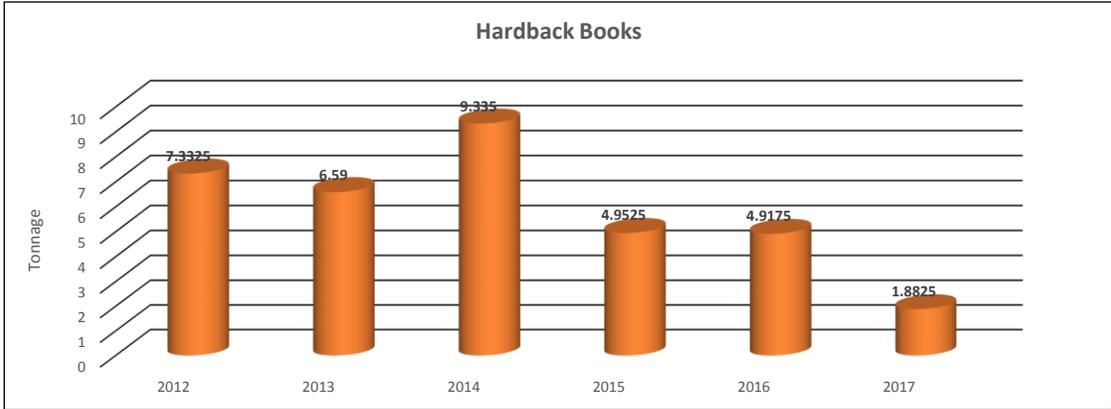
Nannette Pogue, City Clerk

CREW 5 Year Recycling Tonnages						
	2012	2013	2014	2015	2016	2017
Glass	47.085	58.255	63.5125	42.335	63.745	43.335
Newspaper	338.8075	337.715	332.515	327.075	268	62.8375
Cardboard	171.995	192.7125	191.7525	203.0195	182.87	186.452
SWL	7.8125	6.6275	6.4475	0.6125	4.2875	0.635
Mixed #2	31.575	6.2675	11.2975	32.985	5.005	7.035
Office Waste	107.6525	108.17	82.53	71.96	80.888	69.695
HDPE/Colored	7.755	8.4675	9.7	5.7625	8.0575	6.2425
HDPE/ Clear	5.68	6.145	7.0225	5.3275	6.8375	7.1975
PET	15.695	16.9325	17.09	12.45	19.505	17.5275
Magazines	81.315	71.23	84.965	58.065	77.485	53.0725
Metal	11.7625	12.315	13.9225	11.7575	11.5675	6.11
Hardback Books	7.3325	6.59	9.335	4.9525	4.9175	1.8825
Aluminum Cans	4.88	9.47	5.23	7.95	3.97	4.31
Total Tonnage	839.3475	840.8975	835.32	784.252	737.1355	466.332
Revenues Earned	\$58,236.17	\$54,059.54	\$44,173.24	\$35,473.67	\$42,624.04	\$39,173.96









CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, April 2, 2018

7:00 p.m.

MEETING #5094

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

INVOCATION by Lieutenant Enrique Coreano

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Vice Mayor Jan Scoggins read the Autism Awareness and Acceptance Month Proclamation and proclaimed April, 2018, as Autism Awareness and Acceptance Month. Jeannie Zortman talked about her non-profit Puzzle Piece Ranch and the fund raising and activities that they do for Special Needs and Autistic Individuals.

Vice Mayor Jan Scoggins read the National Public Safety Telecommunicator's Week Proclamation and proclaimed April 8 – 14, 2018 as National Public Safety Telecommunicator's Week in Dodge City. Elliott Linke, Ford County Communications Director spoke in behalf of the dispatch and telecommunication employees in Dodge City and Ford County.

Jan Scoggins read the Child Abuse Awareness Month Proclamation and proclaimed April 2018 as Child Abuse Prevention Month. Stephanie Furman, Coordinator of the Meadowlark House, said that the Meadowlark House is a safe location to conduct interviews of children and brings together a lot of individuals ensuring that are kids are taken care of. There will be an Open House on April 14 from 10:00 to 4:00 at their new location at 11154 Kliesen St., Ste 3.

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, March 19, 2018;
2. Appropriation Ordinance No. 7, April 2, 2018;
3. Cereal Malt Beverage License:
 - a. Dodge City A's, Cavalier Field, San Jose Drive,
 - b. Kwik Shop, 1811 Central Avenue,
 - c. Kwik Shop, 1500 W. Wyatt Earp Blvd.,
 - d. Pilot Travel Centers

4. Approval of Change Order No. 1 for Asphalt Street Projects.

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

ORDINANCES & RESOLUTIONS

Resolution No. 2018-07: A Resolution Determining the Intent of the City of Dodge City, Kansas, to Issue its Industrial Revenue Bonds in One or More Series in the Aggregate Amount Not to Exceed \$8,000,000 to Finance the Costs of Acquiring, Constructing and Equipping a Commercial Project for the Benefit of Sutherlands High Plains, LLC, or its Successors and Assigns was approved on a motion by Commissioner Joyce Warshaw. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

UNFINISHED BUSINESS

NEW BUSINESS

1. Commissioner Brian Delzeit moved to approve the contract with Wald's All American Display Fireworks in the amount of \$25,000 for the 4th of July fireworks show. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.
2. Commissioner Joyce Warshaw moved to approve the Second Amendment to the Sutherlands Development Agreement. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.
3. Commissioner Brian Delzeit moved to approve the Dodge City Family YMCA changes to Fees and Programs. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

OTHER BUSINESS

City Manager Cherise Tieben

- We are doing a City employee food drive between now and May 25th. It is kind of a competition between departments so feel free to participate and bring your food items to my office
- Reminder – there will be an open house for the Leisure properties; Guymon Petro, Holiday Inn Express and the Fort Dodge Campgrounds, on April 13 from 5:00 to 8:00
- The ribbon cutting for the Warrior Project will be on 10:30 – 12:30 at the South Wastewater Treatment Plant, with a reception to follow at Boot Hill.
- April 16 is the next regular meeting
- April 23 will be a Special Commission meeting with a public hearing for the change in STAR Bond District boundaries. There may also be some other items on that meeting
- There may also be a need to have a Special Meeting between now and then.

Commissioner Rick Sowers

Commissioner Jan Scoggins

- The RSVP and the Red Cross have partnered to buy fire alarms for anyone who asks. If you would like this service, please call 227-7077
- Congratulations to the Public Library for the excellent job they are doing. Check out the activities in April and always.
- Congratulations to Elliott Link who will be awarded the Communications Director of the Year at the conference at Kansas Star Casino

Commissioner, Joyce Warshaw

- Going back to Autism, today is World Autism Awareness Day and I am wearing my blue shirt in honor of that. We need to be compassionate toward one another. We also need to learn about autism and educate ourselves. There will be a run for Autism on April 21. You don't have to actually run, you can send money.
- A shout out to Jackie at the YMCA. She is doing an awesome job and she is receiving a lot of support from the community.
- Starting tonight, El Capitan is lit up in blue representing Autism Awareness Month.

Commissioner, Brian Delzeit

- A big thank you to Jeannie Zortman for educating the community about autism. Thanks also to Stephanie Furman at the Meadowlark House. It is the non-profit organizations that do so much for the community who makes the community what it is.

ADJOURNMENT

The meeting was adjourned on a motion by Commissioner Joyce Warshaw, seconded by Commissioner Brian Delzeit. The motion carried 4-0.

Mayor

ATTEST:

City Clerk, Nannette Pogue

Memorandum

To: City Commissioners
From: Cherise Tieben, City Manager
Date: April 12, 2018
Subject: Noise Ordinance
Agenda Item: Ordinance 3683

Recommendation: Staff recommends the approval of Ordinance 3683 which repeals the existing Noise ordinances or parts of ordinances in conflict and replaces it with a new Chapter VIII, Article 4 of the City Code regulating certain noise within the City of Dodge City.

Background: Last year, it came to our attention that our noise ordinance was rather outdated and difficult for our officers to navigate and enforce. Our City Attorney, Prosecuting Attorney and the Chief of Police worked diligently to research a more practical application to our noise regulations.

Justification: The enforceability of our old ordinance had come into question and it was time for an update to this section of the City Code.

Financial Considerations: None

Purpose/Mission: Working towards Excellence – together we strive to achieve high performance and service standards set by us and expected by the community.

Legal Considerations: None

Attachments: Ordinance 3683

Ordinance No. 3683

An Ordinance repealing the current Chapter VIII, Article 4 of the Code of the City of Dodge City and replacing with a new Chapter VIII, Article 4. Noise; and repealing all ordinances or parts of ordinances in conflict herewith.

Be it ordained by the Governing Body of the City of Dodge City, Kansas:

Section 1: Chapter VIII, Article 4 of the Code of the City of Dodge City and all conflicting ordinances or parts of ordinances is hereby repealed.

Section 2: A new Chapter VIII, Article 5 of the Code of the City of Dodge City is hereby adopted to read as follows:

Chapter VIII. HEALTH AND WELFARE

Article 4. Noise

Sec. 8-401.—General.

(a)

General provisions.

(1)

Scope. This section [through Section 405] applies to the control of all sound and noise within the City.

(2)

Overview. This section [through Section 405] is designed to regulate noise by various alternative means in order to allow the enforcement of noise regulations at times when and by persons for whom noise meters are not available. A noise may be in violation of this section [through Section 405] because it is disturbing to a reasonable person of ordinary sensibilities or because it exceeds the decibel level restrictions provided below [in Section 402]. If a noise violates more than one of these provisions, the violation will be enforced under whichever provision is most applicable to the situation, as determined by an authorized representative of the City.

(b)

Definitions.

Ambient noise means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

A-weighting (dBA) means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

Commercial means property in the following City zoning districts:

"CO"	Commercial Office
"C-1"	Commercial Downtown
"C-2"	Commercial Highway

"I-1"	Light Industrial
"I-2"	Heavy Industrial
"AG"	Agricultural

Decibel (dBA) means the unit of measurement for sound pressure at a specified location.

Governmental function means work conducted by a governmental entity in the interest of the community.

Sound level means the instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.

Residential means property in the following City zoning districts:

"R-1"	Residential Low Density District
"R-2"	Residential Medium Density District
"R-3"	Residential Higher Density District
"R-S"	Residential Suburban

Unreasonable noise means:

- (1) Any unreasonably loud, disturbing, and unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof; or
- (2) Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities in residential zoning districts.

Sec. 8-402. - Restrictions on decibel levels.

- (a) *Maximum sound levels.* During the times and in the zoning districts set out below, the activities that create a sound pressure level on the complainant's real property line that exceeds the maximum allowable sound level (dBA) below are declared to be public nuisances:

- (1) All residential zoning districts:
Daytime: 7:00 a.m. to 10:00 p.m. - 70 dBA
Nighttime: 10:00 p.m. to 7:00 a.m. - 60 dBA
 - (2) All commercial zoning districts:
Daytime: 7:00 a.m. to 11:00 p.m. - 80 dBA
Nighttime: 11:00 p.m. to 7:00 a.m. - 70 dBA
 - (3) All residential or commercial zoning where ambient noise level exceeds the prescribed maximum level:
7:00 a.m. to 11:00 p.m. - Existing ambient (dBA) + three dBA
11:00 p.m. to 7:00 a.m. - Existing ambient (dBA)
- (b) *Method of noise measurement.* Noise measurements shall be a minimum of thirty (30) seconds in duration. Decibel levels are measured from the complainant's real property line. In residential zoning districts adjacent to commercial zoning districts, the residential decibel levels apply when measured from the source of the noise in a commercial zoning district. In residential housing units that share a common wall or are located in a housing, apartment, or condominium project, decibel levels are measured at or in the complainant's housing unit. Violations will be determined based on the highest registered reading in that measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

Sec. 8-403. - —Prohibited.

- (a) In addition to the noise restrictions in [Section 402](#), no person shall make, cause, suffer, allow or permit unreasonable noise in such a manner, or with such volume, intensity or duration, so as to disturb a reasonable person of ordinary sensibilities. A decibel level shall not be required for the enforcement of this subsection.
- (b) This Section is intended to apply to, but is not limited to, unreasonable noises in the form of:
 - (1) *Amplifiers in public right-of-way and on City property.* The use of a bullhorn, loudspeaker, or other amplification is prohibited in the public right-of-way and on City property, unless permitted as an exception below.
Exceptions:
 - a. Public safety officials while performing their duties.
 - b. Persons with a noise ordinance waiver granted by the City Manager or the Governing Body.
 - (2) *Construction work.* Noise created by construction work within three hundred feet (300') of an occupied residential structure involving the erection, excavation, demolition, alteration, or repair of any building, structure, or flatwork is prohibited as follows:
 - Before 6:00 a.m. or after 8:00 p.m. Monday through Friday.
 - Before 7:00 a.m. or after 8:00 p.m. Saturday through Sunday.
 - (3) *Music.* The playing of any music or musical instrument in such manner or with such volume or bass, particularly during the nighttime hours described in [Section 402\(a\)](#) above, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, motel or other lodging facility, or any other type of residence.
 - (4) *Horns or other signal devices.* The continued or frequent sounding of any horn, air horn, or signal device on any vehicle except as a danger or warning signal; the creation by means of

any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.

(c)

Exemptions. The following acts and sounds shall be exempt from the requirements or prohibitions of this Section:

(1)

Noise generated due to normal building conditioning and ventilation and property maintenance.

(2)

Activities in the fields, grounds or facilities of any sporting arena, stadium, or sports complex to which the public has access.

(3)

Noise which results from the reasonable use, recreational enjoyment or maintenance of residential property located in the City, including, but not limited to, noise made by children, lawn mowers, chippers, trimmers, blowers, and power tools.

(4)

Noise which results from the reasonable maintenance of commercial and governmental property including, but not limited to, lawn mowers, chippers, trimmers, blowers, and power tools.

(5)

Church bells and chimes.

(6)

Noise made at events associated with public or private schools or religious institutions, such as fairs, festivals, cultural events, carnivals, or recreational activities.

(7)

The emission of sound for the purpose of alerting the public of an emergency or the performance of emergency work.

(8)

Noise made by children and adults on educational facility and athletic grounds during school curricular and extracurricular activities.

(9)

Festivals or events occurring on public parks which are permitted or approved by the City.

(d)

The City Manager, or designee, shall have the authority to authorize the holding of a special event that creates sound, music, or noise in excess of what is allowed by this Section. A person, business, or group wanting to hold a special event having sound, music, or noise in excess of what is allowed by Section 402(a) or 403(a) or (b) shall submit a written request to the City Manager at least fourteen (14) calendar days prior to the special event. The request shall include the location, date, beginning and ending times, nature of the special event, type of noise to be created, and an acknowledgment that if a complaint is brought to the attention of the holder of the special event, by the police department, that the noise will be mitigated. The City Manager shall consider the interests of the requesting person, business, or group, the interests of adjacent neighbors and neighborhoods, the interests of the community as a whole, and any problems which may have arisen with a similar request. The City Manager may, in the City Manager's sole discretion, grant or deny any request, or refer a request directly to the Governing Body. Any person, business, or group denied a request by the City Manager shall have the right to submit the request to the Governing Body.

Sec. 8-404. - —Enforcement.

The provisions of sections [402](#) and [403](#) shall be enforced by the City police department or the City Development Services.

Sec. 8-405. - —Penalties.

(a)

A person commits an offense if the person makes noise in violation of Section 402 or 403.

(b)

An offense under this Section is a class C violation and is punishable by a fine of not more than Five Hundred Dollars (\$500.00).

- (c) Each occurrence of a violation, or, in the case of multiple violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.
- (d) A violation of Section 402 or 403 is a nuisance. The prosecution of an offense under this Section does not limit the City's right to abate the nuisance, including the use of injunctive or other civil relief.

Section 3: This ordinance shall take effect following its publication in the official City paper as required by law.

Passed by the Governing Body of the City of Dodge City in regular session and approved by the Mayor this 16th day of April, 2018.

E. Kent Smoll, Mayor

Attest:

Nannette Pogue, City Clerk



MEMORANDUM

TO: City of Dodge City, Kansas

FROM: Gilmore & Bell, P.C., Bond Counsel to the City of Wichita, Kansas

RE: Presbyterian Manors, Inc.'s ("PMI") Request to Authorize Issuance of Bonds by City of Wichita, Kansas

DATE: March 15, 2018

This memorandum describes PMI's request to the City of Dodge City and the other Participants named below to authorize the issuance of up to \$36 million in Health Care Facilities Revenue Bonds (the "**Bonds**"). A similar request is being sent to the following cities in Kansas (together with the City of Dodge City, the "**Participants**"):

City of Arkansas City; City of Clay Center; City of Emporia; City of Fort Scott; City of Lawrence; City of Newton; City of Olathe; and City of Topeka

The City of Wichita has acted as issuer of bonds on behalf of PMI since 1990 to finance improvements to PMI communities throughout Kansas. Having a single issuer enables PMI to have an integrated financing structure, which benefits PMI and all the communities due to improved borrowing costs. The City of Dodge City has previously facilitated bond issues for PMI, including actions in 2013 and 2016.

PMI Project Financing

PMI has requested that the City of Wichita issue the Bonds, the proceeds of which will be used by PMI to (1) refinance revenue bonds issued by the City of Olathe, Kansas in 2005, the proceeds of which financed and refinanced a continuing care retirement community in Olathe, Kansas that is owned and operated by PMI; (2) finance up to \$10 million of capital expenditures at other PMI continuing-care retirement communities in Kansas, including expenditures at PMI's community in Dodge City, Kansas; and (3) pay certain costs associated with the issuance of the Bonds.

To facilitate the issuance of the Bonds, PMI is requesting that each Participant authorize the issuance of the Bonds by the City of Wichita.

Authority to Issue Bonds

The federal tax code requires that a public hearing be held in each jurisdiction where tax-exempt bond proceeds will be spent and that upon conclusion of the public hearing, the governing body or highest elected official in the jurisdiction approve the issuance of the bonds. Therefore, PMI is requesting each Participant to hold a public hearing and pass a resolution authorizing the City of Wichita to issue the Bonds.

Memorandum – PMI Participants
March 15, 2018
Page 2

Costs of publishing a notice of the public hearing in the official City newspaper will be paid for with proceeds of the Bonds or otherwise provided for by PMI.

Delivered with this memorandum is the following:

- Draft Notice of Public Hearing; and
- Draft Resolution authorizing issuance of the Bonds by the City of Wichita.

* * * * *

RESOLUTION NO. 2018-08

A RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF WICHITA, KANSAS OF ITS HEALTH CARE FACILITIES REVENUE BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF AN EXISTING SENIOR LIVING FACILITY LOCATED IN THE CITY OF DODGE CITY, KANSAS

WHEREAS, on March 20, 2018, the governing body of the City of Wichita, Kansas (the “Issuer”) adopted a resolution stating its intent to issue certain Health Care Facilities Revenue Bonds in the not to exceed principal amount of \$36,000,000 (the “Bonds”), as more particularly set forth in said resolution; and

WHEREAS, Presbyterian Manors, Inc., a Kansas not-for-profit corporation (the “Corporation”) with a health care facility within the boundaries of the City of Dodge City, Kansas (the “City”), previously requested that the City and certain other participating cities in the State of Kansas (the “Participants”) facilitate the refunding of certain outstanding revenue bonds and the financing of construction of improvements and additions to existing facilities of the Corporation in the State of Kansas (the “Facilities”) located within the boundaries of the respective Participants in order to secure to the Participants and to the Corporation the economic and other benefits to be derived through the orderly and efficient financing of such facilities leased by the Issuer to the Corporation; and

WHEREAS, a portion of the proceeds of the Bonds will be used to fund the costs of construction of improvements and additions to the Facilities, including the Corporation’s facility located within the limits of the City at 200 Campus Drive, Dodge City, Kansas 67801 (collectively, the “Project”); and

WHEREAS, the approval of the City Commission of the City of Dodge City, Kansas (the “Governing Body”) is necessary before the Issuer can issue bonds for the Project pursuant to the provisions of K.S.A. 12-1741a, as amended; and

WHEREAS, the Governing Body hereby finds and determines that the Project and issuance of the Bonds would serve the public purposes stated in the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.*, including particularly K.S.A. 12-1741a (the “Act”); and

WHEREAS, the Governing Body hereby finds and determines that issuance of the Bonds will not create, and is not intended to create, any financial liability upon the Bonds on the part of the City;

WHEREAS, in accordance with notice published on March 30, 2018 in *The Dodge City Daily Globe*, a public hearing was held on this date by the Governing Body relating to the proposed issuance of the Bonds, and all interested persons were afforded an opportunity to present their views on the issuance of the Bonds and the location and nature of the Project to be financed with the proceeds of the Bonds.

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

Section 1. The issuance of the Bonds by the Issuer pursuant to the Act to pay the costs of the Project, as set forth in resolution of intent of the Issuer and subsequent ordinance(s), resolution(s) and documents of the Issuer setting the dates, terms, maturities and other provisions of the Bonds and authorizing their issuance, is hereby approved.

Section 2. The Bonds will be special limited obligations of the Issuer payable solely from the money and revenue derived by the Issuer from the Facilities and not from any other fund or source. The Bonds will not be general obligations of the Issuer or the City, nor constitute a pledge of the faith and credit of the Issuer or the City, and will not be payable in any manner by taxation.

Section 3. The Mayor is hereby authorized and directed to execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution and deliver the same for and on behalf of and as the act and deed of the City. The City Clerk or any Deputy or Assistant Clerk of the City is hereby authorized and directed to attest the execution of such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. This Resolution shall be in full force and effect after its adoption by the Governing Body.

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ADOPTED AND APPROVED by the Governing Body of the City of Dodge City, Kansas, this 16th day of April, 2018.

CITY OF DODGE CITY, KANSAS

(SEAL)

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

*To: City Commissioners
City Manager*
From: Corey Keller
Date: April 10, 2018
Subject: Resolution 2018-09
Agenda Item: Ordinances & Resolutions

Recommendation: Staff recommends approval of Resolution 2018-09

Background: This is a resolution to establish a rate of compensation for those individuals working off fines or fees issued by the Dodge City Municipal Court. Researching past resolutions, staff could not find where a compensation rate was ever established for individuals who perform this type of labor at CREW. The current wage for these workers is \$7.00 an hour. Given the type of work performed at CREW staff felt an increase in wage was necessary to increase the community service hours worked at CREW. This resolution will allow staff to revisit the compensation for community service work and make changes when necessary.

The past few years CREW staff has seen a substantial decreases in the community service hours worked. This type of labor performs many functions at CREW such as sorting, litter clean ups, graffiti removal, and other types of maintenance work. CREW has 3 full time maintenance workers and could not perform all the duties scheduled for them without the assistance of the community service program.

Justification: The community service program is vital to the CREW program. Without this type of labor, staff would not be able to perform much of the work they are tasked throughout the year.

Financial Considerations: The increase in wage from \$7.00 to \$10.00 per hour.

Legal Considerations: Legal has reviewed the Resolution and is in agreement with the increase.

Attachments: Resolution NO. 2018-09

RESOLUTION NO. 2018-09

A RESOLUTION ESTABLISHING THE DOLLAR VALUE ASSIGNED TO WAGES FOR CONSIDERATION OF COMMUNITY SERVICE WORK COMMITMENT TO THE CITY OF DODGE CITY THROUGH DODGE CITY MUNICIPAL COURT AND OTHER JUDICIAL ENTITIES.

WHEREAS, the City of Dodge City readily accepts individuals who have been assigned community service work through Dodge City Municipal Court and other similar judicial entities; and

WHEREAS, these individuals provide a service to our community through their work with departments and divisions such as the Community Recycling Environmental Waste, more commonly known as CREW; and

WHEREAS, the rate of consideration is applied to the value of the municipal fine and fees as established through the judicial entity; and

WHEREAS, the rate of consideration has not been adjusted since the implementation of this program; and

WHEREAS, the lack of adjustment may have resulted in a limited number of participants in the community service program; and

WHEREAS, these individual are being asked to perform at a level comparative to summer season maintenance who are currently compensated at ten dollars (\$10.00) per hour; and

WHEREAS, these individuals are needed to perform work that is important to our community.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Dodge City, Kansas that the City of Dodge City will increase the consideration rate of community service workers to be reflective of compensation rates established for summer seasonal maintenance workers and amend this consideration as necessary.

ADOPTED by the Governing Body of the City of Dodge City, Kansas this 16th day of April 2018.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: City Commissioners
From: Ernestor DeLaRosa, HR Director
Nicole May, Asst. Finance Director
Date: April 11, 2018
Subject: Early Retirement Policy
Agenda Item: Unfinished Business

Recommendation: Staff recommends approval of the Early Retirement Policy as presented.

Background: In the past, staff has reviewed the potential of offering early retirement programs, however, when approached with the idea the risk was too significant in regards to loss of experienced workers and institutional knowledge. With numerous retirements taking place, we had been asked to consider an early retirement policy similar to that offered by Ford County. Following the review of multiple policies, this draft was prepared by staff to present to the Commission.

Justification: Since the time of earlier reviews, staff has worked to develop a succession plan to insure that inevitable retirements do not result in unnecessary risk to the organization. Upon reviewing the prepared policy, staff reviewed the financial benefit to the City to offering such an early retirement package. The savings was significant enough to move forward with further consideration.

Financial Considerations: Staff reviewed the opportunity with this policy through multiple lenses. In some cases, it is not necessary to bring in experienced workers, however, in other cases it is very necessary. A spreadsheet will be distributed at the meeting showing the savings generated over the next 5 years if all positions were filled by new employees (2018 - \$159,688.18) or if all positions were filled by experienced employees (2018 - \$127,530.66) or even if the vacant positions were filled by employees with significant experience (2018 - \$83,837.38).

Purpose/Mission: Together we work honestly and with integrity, while respecting the rights of others.

Legal Considerations: The policy has been reviewed by legal counsel and our Health Insurance Consultant.

Attachments: Early Retirement Program

Early Retirement Program

Regular Full-Time employees of the City of Dodge City who find it necessary or desirable to retire from employment with the City prior to the normal retirement age may elect to take early retirement under the terms and conditions set forth herein. Requesting early retirement is entirely voluntary and is at the discretion of the eligible Regular Full-Time employee.

- A. A Regular Full-Time employee is eligible for early retirement if such employee:
1. Is less than 65 years of age;
 2. Has ten (10) years or more of continuous full-time employment with the City immediately prior to applying for this program;
 3. Is eligible for full retirement benefits with the Kansas Public Employees Retirement System (KPERs) or the Kansas Police and Fireman's Retirement System (KP&F); and
 4. Is in good employment standing with the City.

Eligibility for early retirement will be confirmed by the City Manager during the application phase. A full-time employee applying for early retirement shall be responsible for providing all facts and information necessary to prove eligibility and to determine benefits to be paid.

- B. A Regular Full-Time employee may apply for early retirement by giving written notice to the Human Resources office at least ninety (90) days preceding the anticipated retirement date.

The application shall include the following information:

1. A statement of the applicant's desire to take early retirement,
2. The anticipated date of retirement,
3. The applicant's birthday and age on the date of retirement,
4. The current mailing address and telephone number of the applicant,
5. The number of years applicant had been employed full-time by the City of Dodge City,
6. The total number of years of service credit recognized by KPERs or KP & F,

7. Applicant's current base salary or hourly wage, and
8. Whether the applicant desires health insurance coverage through the City's health insurance program and the type of coverage desired.

The Human Resource Office shall submit to the City Manager all applications for early retirement. Following the decision by the City Manager on any application for early retirement, the Human Resource Office shall notify the applicant, in writing, of the final disposition and the date and amount of benefits to be paid.

- C. An eligible Regular Full-Time employee who receives early retirement shall be entitled to receive annual sum of seven thousand two hundred dollars (\$7,200) payable in equal installments of two hundred seventy six and .92 cents (\$276.92) following City payroll schedule. These payments will cease upon the early retiree reaching 65 years of age.
- D. The following terms and conditions shall apply to the early retirement program:
 1. The City of Dodge City retains the right to adopt the early retirement program on a year to year basis. Should the City choose to discontinue the program, notification shall be given by August 31st, immediately prior to discontinuing the program on December 31st.
 2. Should the City of Dodge City decide to discontinue the early retirement program in any given year, all early retirees participating in the program prior to the date of discontinuation shall continue in the program and not be affected.
 3. An early retiree shall keep the Human Resource Office informed of his/her current mailing address and telephone number. This information shall be given to the Human Resources Office in writing.
 4. Early retirement program benefits shall cease upon the death of the early retiree.
 5. If any provision of this early retirement program is determined to be in violation of any federal or state law or regulation, the program shall then be immediately terminated by the City of Dodge City and shall not be in further force or effect unless re-adopted by the City.
- E. A Regular Full-Time employee who is approved for participation in the early retirement program shall not thereafter be eligible for Full-Time, or Regular Part-Time, employment by the City of Dodge City.

A participant in the early retirement program may be employed by the City of Dodge City as a Temporary Part-Time or Seasonal employee if approved by the City Manager.

Date of Adoption: _____

Memorandum

*To: City Manager
City Commissioners*

From: Ryan Reid

Date: April 9, 2018

Subject: 2018 Fire SCBA Units

Agenda Item: New Business

Recommendation: On April 3rd, Staff opened bids for twenty-six (26) new self-contained breathing apparatus (SCBA) Units for the Dodge City Fire Department. We had two bidders. The low bidder was Hays Fire Equipment for Avon Deltair units. Staff recently tested these and other SCBA units and found these units to meet Fire's needs.

Staff is recommending we purchase the units from Hays Fire Equipment for \$158,523.

The bid tabulation is attached for your review.

Background: Fire personnel have SCBA units that are thirteen years old and are wearing out. Each repair is around \$1,500 and it is becoming more difficult to keep the units in service.

Justification: Fire personnel require the SCBA to fulfill their responsibilities. The equipment allows them to breathe, see, and communicate when fighting fires and performing their responsibilities. These units also have a fifteen year warranty and meet current standards.

Attachments: Bid Tabulation

Bid Tab
2018 Self-Contained Breathing Apparatus (SCBA) Units (26)
Bid Opening: 2018 04 03

Vendor	Manufacturer	\$	Notes
Conrad Fire Equipment	MSA	\$ 164,178.06	Has bid exceptions.
Hays Fire Equipment	Avon	\$158,523	Meets specs, low bid Staff recommendation



Avon's Deltair SCBA

Memorandum

To: City Commissioners
From: Ernestor DeLaRosa, HR Director
Nannette Pogue, Finance Director
Date: April 11, 2018
Subject: Amendment to Personnel Policy
Manual
Agenda Item: New Business

Recommendation: Staff recommends approval of the amendments to the Personnel Policy Manual regarding Health Insurance after retirement eligibility.

Background: Currently, the Kansas Statutes allow that employees who retire through KPERS or KP&F are extended health insurance until they reach the age of 65 years or have other health insurance. Our practice has always been to afford the same to spouses of retired employees until they reach the age of 65 years or have health insurance as well. In some cases, the employee will turn 65 prior to the spouse turning 65 and the spouse continues to need health insurance. Even though this is our practice, BC/BS has requested that we clarify who is eligible for health insurance coverage in a policy.

Justification: The attached amendment will be incorporated into the Employee Policy Manual and approved by the City Commission. This will clarify to BC/BS of KS who is eligible for coverage at and after retirement.

Financial Considerations: None.

Purpose/Mission: Together we work honestly and with integrity, while respecting the rights of others.

Legal Considerations: The amendments have been reviewed by legal counsel and the administration.

Attachments: Amendments to add additional language to Chapter 15, Employee Benefits, Section 3 Health/Dental/Life Insurance.

Amendment to CHAPTER 15 – Employee Benefits, Section 3 Health/Dental/Life Insurance (*revised 10/1/2013 & 4/16/2018*)

The following shall be added:

Per Kansas Statute, health insurance shall be extended to retired employees eligible to retire through KPERS.

In addition, Health Insurance will be extended to the spouse of the retired employee even after the employee reaches the age of 65 years, until the spouse either reaches the age of 65 years or has other health insurance.

The retiree health insurance plans are treated the same as active plans, with the same opportunities to add spouses/dependents due to open enrollment and qualifying events.

Memorandum

To: City Commission
*From: Melissa McCoy, Asst. to the City
Manager*
Date: April 3, 2018
Subject: Public Art
Agenda Item: New Business

Recommendation: Staff recommends approval of the Public Art Policy Manual (Policy) that describe the program's policies and guidelines for Ordinance No. 3603 which established a Public Art Program in Dodge City, Kansas.

Background: Ordinance No. 3603 was approved by the City Commission on March 16, 2015. This ordinance established an Arts in Public Places Committee to provide procedures for funding, governing, appropriations and expenditures for a Public Art Program in Dodge City.

The Policy explains how the program will function including the program goals, funding strategy, management of the program, the process for acquiring or creating art, the methods for selecting artists and the maintenance of the public art collection.

Staff reviewed this document previously with the Arts in Public Places committee as well as the Director of Communications and Creative Resources for the City of Lawrence who has worked extensively in public art policy. The recommendations from these individuals were incorporated into this policy.

Justification: The goal of Dodge City's Art in Public Places Program is to provide original artworks that are easily accessible to the general public throughout the City. The program is designed to offer a wide range of artistic styles, themes, and media, all of outstanding quality. The promotion of art in public places adds to Dodge City's quality of life and aesthetic appreciation for the arts which can be used as a strong economic development tool.

Financial Considerations: The Policy explains the funding strategy for the program and, under Ordinance 3603, the City Commission may annually commit to the Public Arts Fund, an amount equal to the following percentage formula:

- 1 percent for projects under 1 million
- 1/2 of one percent for projects between 1-3 million
- 1/3 of one percent for projects over 3 million

from any capital improvement project of which require City bonds to be issued for such projects and are included in the Capital Improvement Plan.

Purpose/Mission: The proposed program is consistent with the City's Core Purpose of "Together We Serve to Make Dodge City the Best Place to be."

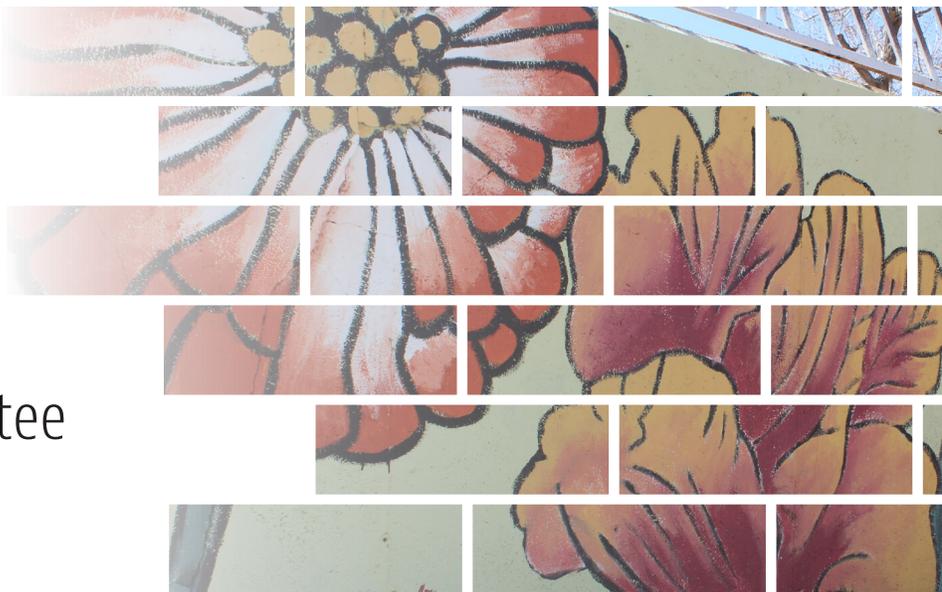
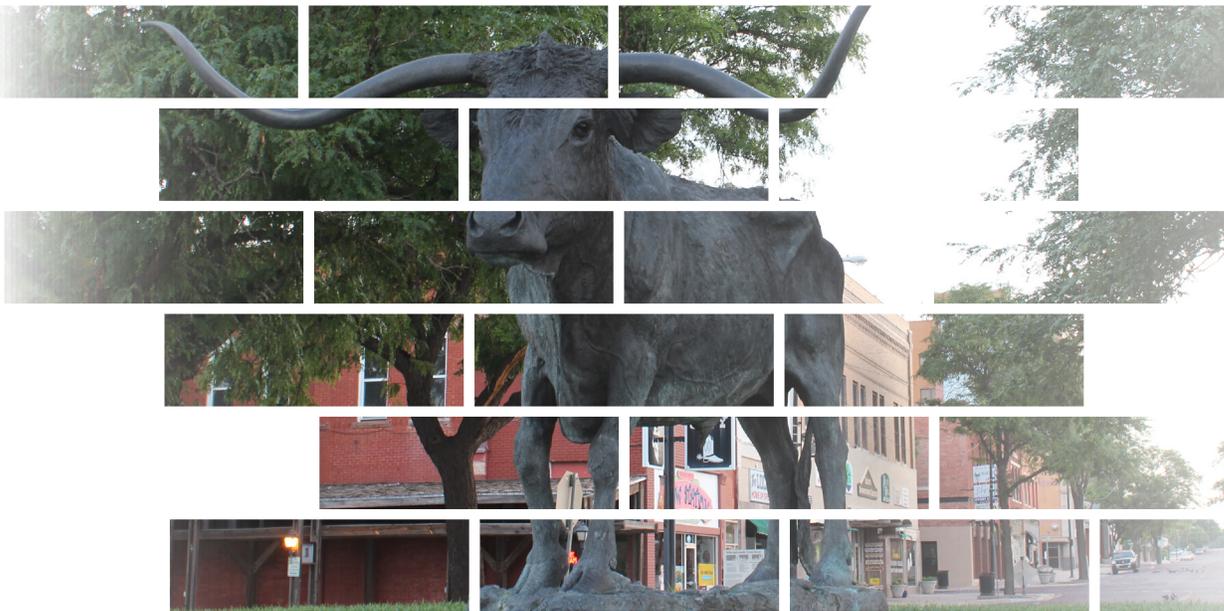
Legal Considerations: The Guidelines have been reviewed and revised by the City Attorney.

Attachments:

Public Art Policy Manual

Public Art Ordinance No. 3603

Public Art Policy Manual



Public Art Advisory Committee
City of Dodge City
4/3/2018

Public Art Program

The goal of the Public Art Program is to provide original artworks that are easily accessible to the general public throughout the City. The Public Art Program is designed to offer a wide range of artistic styles, themes, and media, all of outstanding quality. The unique variety of artistic styles is chosen to provoke discussion and encourage comment. The Public Art Program is dependent on public-private cooperation between the City, artists, community members and developers. All art is publicly owned and is designed to enhance economic development, encourage pride in ownership, and add value to the community. The Public Art Program will also provide the City Commission with the flexibility to initiate public art projects on City-owned property consistent with the artwork criteria set forth in this Policy Manual and to provide for facilities where public artwork is displayed.

The City Commission of Dodge City, Kansas adopted Ordinance No. 3603 on March 15, 2015. This Ordinance established an arts in public places advisory committee and provides procedures for funding, governing, appropriations and expenditures for a Public Art program for Dodge City.

This Policy Manual describes the program's policies, guidelines.

Program Goals

1. Distinguish Dodge City as a special place to live, work, play and visit.
2. Integrate the vision of artists with the perspective of other design professionals into the planning and design of the community landscape.
3. Provide every member of the community with easy visual access to art.
4. Provide a means to counterbalance what some consider to be the "negative" effects of development (e.g. construction noise, traffic, congestion, and pollution).
5. Strengthen cultural awareness, creativity, and innovative thinking in the community.

Funding Strategy

The Public Art Program provides a sustainable funding mechanism for the development, acquisition and management of public art in, or adjacent to, new or existing municipal buildings, parks and other City owned land and facilities. This funding mechanism provides for:

- Costs of planning, design, fabrication, purchase and installation of public art at the time new public facilities are developed and in existing public spaces.

- Costs related to the development and management of the Public Art Program.
- Funds to properly maintain and conserve public art.

The City Commission may annually commit to the Public Arts Fund, as provided for herein, an amount equal to the following percentage formula:

- 1 percent for projects under 1 million
- 1/2 of one percent for projects between 1-3 million
- 1/3 of one percent for projects over 3 million

Based on the total amount of bonds issued for City capital improvement projects, which funds shall be used for the purpose of acquisition, purchase, and installation of Public Artwork in public places within the Heritage District and/or for the restoration and repair of existing art in the City of Dodge City.

Ineligible costs:

- Land purchase
- Portable equipment (computers, etc.)

Management of the Public Art Program

The management of the Public Art Program is based upon a consultative process involving many different partners. To support this process, available resources shall include Public Art Program staff, a Public Art Advisory Committee, city departments, as well as additional advisory, technical and support services as required. The primary staff person will be the Assistant to the City Manager or his/her designee.

The Public Art Advisory Committee

The Public Art Advisory Committee has been created as an advisory body to support a public process within the Public Art Program and to ensure that the overall mission of the Public Art Program is accomplished. The Public Art Advisory Committee is appointed by the Mayor and Governing Body, and is comprised of five (5) members including three (3) members of Dodge City with expertise in visual arts, architecture, historical preservation, or affiliation with a local business association or public entity. Further, the Advisory Committee includes two (2) Ex-Officio members with voting privileges that includes staff from the City Manager's office and other City departments.

The Public Art Advisory Committee is responsible to recommend and advise on public art policies, guidelines, plans and issues as they relate to the City of Dodge City and to provide support to Public Art Program staff and activities. The Public Art Advisory Committee shall report its activities and recommendations in an Annual Report to the City Commission. They will be responsible for the implementation and selection process of public art. These guidelines shall be reviewed annually by the Public Art Advisory Committee for needed changes and additions.

The Public Art Advisory Committee shall adopt bylaws to govern the conduct of meetings and elect officers. Meetings of the Public Art Advisory Committee are subject to the Kansas Open Meetings Act.

Public Art Program Staff

The role of the Public Art Program Staff is to provide leadership in the coordination and implementation of the Public Art Program. The Public Art Program Staff shall work with partners to:

- Develop public art policies and guidelines.
- Coordinate the implementation of public art projects.
- Develop and implement a communications framework.
- Provide training, research and resource development.
- Maintain the Public Art Collection.
- Provide staff support to the Public Art Advisory Committee.

Interdepartmental Team – The team is comprised of department heads and key staff members who regularly direct or otherwise work with projects within the City’s Capital Improvement Program.

OWNERSHIP OF PUBLIC ART

All public art works acquired through the Public Art Program are solely owned by the City of Dodge City. The City of Dodge City shall preserve the integrity and security of public art through collection management systems, standards and procedures which include:

- Formation of a Public Art Collection.
- Creation of a maintenance reserve fund:
 - A Public Art Maintenance Reserve shall be established.
 - Allocations to the Public Art Maintenance Reserve shall come from the Public Arts Fund, established at up to 20% of the initial 1%.
- Development of an ongoing maintenance program:
 - The Public Art Maintenance Reserve shall be managed by the Public Art Advisory Committee and the Public Art Program staff.
 - Eligible expenditures include:
 - Conservation and repairs, related materials and equipment.
 - Relocation expenditures, transportation and installation.
 - Annual inventory and documentation.
 - De-accession costs.

DEFINITIONS

- Public art is defined herein as artist creations or collaboration in any medium which are intended to be accessible to the general public. Works may include all building or landscape related works of art, whether fixed or freestanding, permanent or temporary, within external or internal settings and covering a wide range of art forms and media. Public art does not include any architectural or landscape design, except when commissioned and designed by an artist. Public art can relate to a site in different ways:

1. **Discrete** – Public art that is not integrated with the site either in physical or conceptual manner. Usually this type of work relates to the site in terms of scale, character and size and can be created off site, installed and moved from site to site.
2. **Semi-integrated** – A project or a work of art which is generalized in its conception, but is physically integrated into the site through its location, placement, context or site construction.
3. **Integrated** – Public art which is conceived, designed and built specifically for a site and derives its conception from the local site narrative. A work of art such as this would not exist anywhere else.
4. **Temporary** – Public art created for a specific occasion, time frame or event and which is temporary in nature.

Unless specified or designed by an Artist, the following are not considered public art within these guidelines:

- Reproductions by mechanical or other means of original Artworks. However, limited editions controlled by the Artist or original prints, cast sculpture, or photographs, may be considered Artworks.
- Decorative, ornamental or functional elements that are not specified or designed by an Artist.
- Art objects that are mass-produced, ordered from a catalog, or of standard design; wayfinding or other functional elements such as graphics, signage, advertising or maps.

Note: Works of art designed by the Capital Project architects, landscape architects, designers, engineers, or other project professionals may qualify as public art under the public art budget but must be reviewed by the Public Art Advisory Committee and approved by the City Commission.

- City Capital Improvements - means the construction of any new, or renovation of any existing, City buildings, facilities, utilities, parking facilities (including parking lots), street improvements, streetscape improvement projects, bridges, park land, and recreational facilities, any of which require city bonds to be issued for such projects and which are included in the annual Capital Improvements Plan.

The Public Art Policy allows for:

1. **Artists on Design Teams** – Artists commissioned to collaborate with architects, engineers and designers during the early stages of infrastructure design. As a member of the design team, the artist contributes to the overall design process, may identify opportunities for artistic enhancements or be responsible for the overall design in consultation with team members.
2. **Community Based** – Public art that is created as a result of a collaborative process between a professional practicing artist(s) and a self-defined community or neighborhood. It is a collective method of art making, engaging artists and communities or neighborhoods through collaborative, creative expression.

PUBLIC ART PROCESS

The Public Art Guidelines determine the process for the planning, commission, purchase, gift, donation and bequest of public art for the City of Dodge City.

The following principles guide the creation and acquisition of public art:

- The scope of public art projects shall include discrete, semi-integrated, integrated and temporary works and allows for artists on design teams, community based public art and special projects.
- The Public Art Advisory Committee may establish a Public Art Registry to allow artists interested in public art opportunities to participate in selection processes by maintaining a record of their work with the Public Art Program.
- Public art projects shall be selected on merit through a process informed by expertise and community input where practicable. Proposals shall be solicited through open competition or invited competition and should be selected by a jury appointed on a project specific basis. Direct award.
- Public art acquired through the public art program shall be placed on property under the City of Dodge City's ownership or control.
- Each gift, donation and bequest should be reviewed to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications, public safety and liability.
- A maintenance fund/endowment will also be required to accompany the gift, donation or bequeathed public art.
- Gifts, donations and bequests of public art shall not impede the actions of the City of Dodge City.

Public Input

Public input is an essential feature of any Public Art Process. The Public Art Program Staff and the Public Art Advisory Committee will coordinate a Public Input Process within the greater selection process on a project by project basis.

The goal of the Public Input Process is to better inform the Public Art Advisory Committee through community engagement. By encouraging the participation of members of the public in a critical conversation about artists and proposals, the Public Art Advisory Committee can fully understand the impacts of their decisions. The Public Input Process serves to advise the Public Art Advisory Committee; while the Public Art Advisory Committee may choose to solicit input and/or votes from the public, that input is advisory only.

The format of the Public Input Process is flexible and determined on a case-by-case basis by Program Staff and the Public Art Advisory Committee. It can take place at any point in the public art process. The format may take one or more of the following forms:

- Public Forums
- Internet Presentation and Response
- Surveys
- Stakeholder Group Interviews
- Lectures/panel discussion

Observers

Selection meetings are open to members of the public who wish observe the proceedings. Observers are not granted voting privileges.

METHODS OF SELECTING ARTISTS

The method of selecting artists for a particular project will be determined by the Program Staff, in consultation with the Public Art Advisory Committee, choosing from the following options:

- **Open Competition** - An open competition is a Call for Artists in which artists are asked to submit their qualifications for a project through evidence of their past work and experience related to the particular project. Calls for entries should be sufficiently detailed to permit artists to determine if their work is appropriate for the project. This method is the most egalitarian, allowing anyone to apply who feels they are qualified. It is the most transparent and public process. The open competition is preferable when there is adequate time to publicize and receive entries, and when there is staff available to manage a larger number of applications. Artists must comply with requirements set out in the Call to Artists. Artist/project selection is customarily a jury process.
- **Limited or Invitational Competition** - A limited number of artists are invited to submit credentials or proposals for a specific project. Artists are invited based upon their past work and demonstrated success with a particular type of project, for example: design team, water feature, murals, etc. In the case of addressing a Public Art Program goal such as creating opportunities for local or regional artists, or for a very specific commission (such as a light work or an interactive sound environment), or when there is a short timeline, the invitational competition is a good method. The Program Staff and the Public Art Advisory Committee can be consulted to create an invitation list. Artist/project selection is customarily a jury process.
- **Direct Selection** - In certain circumstances (i.e., budget does not warrant a competition, very specific skills are required, or time lines do not permit a competition process) a completed Artwork is purchased by direct selection. This method should be used with caution, since it is not the competitive process usually preferred with public monies. In this instance artists may be selected from an approved listing (artist roster). Artist/project selection may involve a jury review.

In the event the artist or artist team defaults on the agreement, the City may select and commission another artist (or artist team) without following the foregoing selection process.

In all Call for Artists, the following statement shall be included:

The City of Dodge City reserves the right to reject any or all applications, proposals, applicants, or projects and to modify or terminate the application process or the selection process for any reason and without prior notice, and further reserves the right to withhold the award of a commission or re-release the call for entries. The selected artist must agree to a City of Dodge City Professional Services Agreement, and agrees to provide a certificate of liability insurance naming the City as a certificate holder.

Types of Artist Involvement

The Public Art Advisory Committee should be open to involving artists in a range of ways, including:

- Artists on design teams – artists(s) selected to work collaboratively with other professions (planners, designers, architects, engineers) on a specific capital improvement project. Artist involvement early in design provides the opportunity to influence items already in the design budget.
- Artist in residence – artist(s) selected to be in residence for a specified period of time with a designated group and/or site. The City’s Parks Department may want to consider contracting with an artist to advise on a range of projects or to work in a particular neighborhood or park with neighborhood residents.
- Temporary public art projects – artists(s) selected to organize and/or create limited-duration projects such as a 2-month outdoor exhibition in an urban lot in transition.
- Artist-initiated projects – artist(s) propose new public art projects and potentially bring financial or other resources for implementing projects.

RFQ vs. RFP

RFQ is a Request for Qualifications. Artists are asked to submit a resume and visual documentation of past work that demonstrates their ability to do the project. A letter may ask them to highlight specific relevant experience and a general approach to the project, but not to make a specific proposal. Based on qualifications, finalists are selected, interviews are held. An artist may then be selected to proceed to create a design. Alternatively, several finalists may be selected, given a thorough orientation and paid a proposal fee to return with a specific proposal. A final selection is made based on the proposals.

RFP is a Request for Proposals. Artists are asked to submit a proposal for the project. Commissioning organizations view this as a way to “see what they are purchasing,” rather than wait to find out what an artist develops. Many artists and arts administrators, however, oppose RFPs that do not include a proposal fee, because it is asking an artist to work without being paid. The RFP has the additional disadvantage that the artist usually develops the proposal on limited knowledge of the project and may offer a quick solution sent in “on speculation” of being selected.

Balance of Local and Non-Local Artists

The priority of the public art program is to commission works of high artistic merit. It is also a goal to develop capacity and enhance professional development. An effective approach for meeting both goals is to create a variety of commissions. Smaller commissions favor emerging artists who can often produce more value as an investment in their career, or local artists who do not have to add travel or transportation costs. Successful completion of a commission gives the artist the demonstrated experience to apply for larger projects.

Local artists should be recruited to serve on selection panels. Through reviewing other artists’ submissions, participating in interviews and design reviews, artists learn valuable lessons to apply to their future submissions. Through technical assistance workshops and staff consultations the public art program can develop the skills of artists and help them become competitive in public art selection processes.

Artist Selection Panels

Artist selection panels or juries are formed for an individual project or group of projects. Membership of the panel reflects the needs of the particular projects and should include:

- Art professionals
- The project's designer (architect, landscape architect or engineer)
- A representative of the project sponsor (the City Department or organization's project manager)
- One or more Public Art Advisory Committee members
- A citizen with particular interest in the project
- Donors
- Others as deemed appropriate
- Non-voting public art staff
- Conservation Expert in cases where a conservation review is required.

Responsibilities of Artist Selection Panels

- Become familiar with the project and how it fits in the context of City's Public Art Program.
- Frame the artist's opportunities by identifying the relevant public art program goals, the nature of the project, potential sites for artwork, suitable art forms and the desired outcome.
- Establish the mode of selection: open call, invitational competition, or direct selection.
- Determine the selection process, whether the artist will be selected on the basis of qualifications and an interview, or whether several artists will be selected, paid to make a specific proposal, and a selection made based on review of proposals.
- Determine and specify the nature of community involvement and public process.
- Review all materials submitted by artists.
- Maintain confidentiality on the proceedings of all panel meetings.
- Recommend to the Public Art Advisory Committee an artist or artists to be commissioned for projects, or engaged for a design team.
- Reserve the option to make no selection and reopen the competition or propose another method of selection if no proposal is accepted.
- Panel presents the selection to the Public Art Advisory Committee for their approval.
- Continue to meet, as needed, to review the selected artist's design concepts and to approve any changes in concept or media during the course of design.
- Participate in dedication ceremony.
- Support education and outreach efforts.

Selection Criteria

- Originality: unique artwork or a limited edition.
- Artistic quality: strength of the concept, design, craftsmanship.
- Appropriateness: concept, scale, media and content suitable to the project and the site.
- Maintainability: structural and surface soundness, durability, resistance to vandalism, theft, weathering, excessive maintenance and repair costs.
- Public liability: protective of the safety of the public in structure and siting.
- ADA compliant: in accordance with Americans with Disabilities Act standards.

- Diversity: contributes to both the diversity of artwork (temporary or permanent, style, scale, media) and artists (local and non-local, ethnic heritage, gender and range of experience).
- Feasibility: artist's ability to complete the project on time and within budget.
- Communication: artist's ability to effectively communicate with the project partners, managers and the community.

Selection Criteria for Design Team Artists

- Artists must have the ability to collaborate with a multi-disciplinary team of other design professionals and the client.
- Strong communication skills.
- Creative thinker who has a larger view of urban planning, site design, and innovative solutions.
- Demonstrated experience in serving on design teams.

INVENTORY, MANAGEMENT AND MAINTENANCE

The Public Art Program should establish a procedure to provide on-going funding for maintenance of the Public Art Collection.

- The public art program staff should catalogue the collection and maintain records of works as they are acquired.
- The public art program staff should also be responsible for re-siting and deaccessioning should that become necessary.
- The City should be responsible for routine cleaning and maintenance of artworks in public spaces.
- The Public Art Program should provide and coordinate professional maintenance and conservation services through contracted professionals, using established funding mechanisms.
- Adequate insurance coverage should be provided for the Public Art Collection.
- Public Art Collections should be assessed every five years to determine the appreciated value.

DONATIONS POLICY

To maintain the continued high quality of the collection, all donations of public art should go through the review process set out in the City's "Donated Public Art" policy to assure that the artwork meets criteria for public art for the City. Donations may include funding a commission or donating an existing work of art. Acceptance of a donation brings with it the responsibility for installation of the work and maintenance of the work over time. As a basic principle, any donation of artwork should include funding for site preparation, engineering review, permits, utility connections, installation, lighting (if desired), recognition plaque, landscaping of the site, promotional materials and ongoing maintenance.

DEACCESSION POLICY

Deaccession is the process of withdrawing a work from the art collection. While the intent of the acquisition of artworks for the public art collection is for a permanent lifespan, circumstances may arise in which the Public Art Advisory Committee decides to relocate or withdraw an artwork from public display. It is the policy of the Public Art Advisory Committee not to remove or relocate an artwork prior to the work having been in place for at least five years. All reasonable efforts shall be made to rectify problems or re-site the art work where appropriate.

The City of Dodge City reserves the right to deaccession works of art in its public art collection in the best interests of the public and as a means of improving the overall quality of the City's public art collection. At the beginning of the process, the Public Art Advisory Committee will make reasonable effort to notify any living artist whose work is being considered for deaccession. All proceeds from the sale or auction of the artwork will be deposited in the Public Arts Fund.

Criteria for Deaccession of Artworks

- An artwork may be considered for deaccession if one or more of the following conditions apply:
- The artwork presents a threat to public safety.
- The condition or security of the artwork cannot be guaranteed, or the City cannot properly care for or store the artwork.
- The artwork requires excessive maintenance.
- The artwork has serious faults in design or workmanship.
- The condition of the artwork requires restoration in excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible or would render the work essentially false.
- The artwork is of poor quality or is judged to have little artistic merit, historic or cultural value.
- The site for the artwork has become inappropriate, is no longer accessible to the public, is unsafe or is due to be demolished.
- Significant changes to the use, character or design of the site require the re-evaluation of the relationship of the artwork to the site.
- The work can be sold to finance, or can be traded for, a work of greater importance by the same artist.
- There has been sustained and overwhelming public objection to the artwork.
- A written request from the artist has been received to remove the work from public display.
- The work is not, or is rarely displayed.

Process for Deaccession

The Public Art Advisory Committee shall determine if one of the criteria for deaccession has been met. The Public Art Advisory Committee reserves the option of hiring a consultant to advise on whether the artwork meets the criteria. The Program Staff shall prepare a report which indicates:

1. Information from the public art inventory form (see Appendix A).
2. Detailed report on the condition of the artwork, supported by photographs.
3. Copy of title or other ownership documents.
4. Appraised value of the work by two independent consultants, if obtainable.
5. Justification for deaccession, according to the criteria of the Deaccession Policy.
6. Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
7. Suggested methods of deaccession (sale, transfer, auction, or disposal).
8. Alternatives to deaccession and costs of doing so.
9. Documentation of notification of the artist, if living, and any related correspondence.
10. The opinion of the City Attorney on any restrictions which may apply to this specific work.

The report is presented to the Public Art Advisory Committee for decision by a majority vote of the full Public Art Advisory Committee.

Methods of Deaccession

The Public Art Advisory Committee may choose one of these methods of deaccession or may suggest alternatives appropriate to the particular case. All proceeds from the sale or auction of the artwork will be deposited in the Public Arts Fund. The preferred methods of deaccession are as follows:

1. Relocation of the artwork. (This method should be given the highest priority.)
2. Withdrawal of the artwork from public display and subsequent storage.
3. Sale or exchange of the artwork through the following means:
 - Offer the artist the right of first refusal to buy back the artwork at the current appraised value or a price to be negotiated.
 - Obtain a professional appraisal of the artwork's value and advertise it for sale by auction.
 - Seek competitive bids for the purchase of the artwork.
 - Donate the artwork to another government or nonprofit organization.
 - Dispose of the artwork using City surplus property procedures.

APPENDIX A - Sample Public Art Inventory Form

Artist(s): Date of work:

Date acquired: How acquired (commission, donation, purchase, loan):

Installation Date:

Title:

Dimensions (height x width x depth or diameter):

Discipline (e.g., sculpture):

Medium (e.g., welded stainless steel):

Fabricator (as a resource for future repairs):

Location (building / room, street address, or approximate locale):

Ownership:

Purchase price:

Funding source:

Interpretive signage/label:

Maintenance (current condition):

Maintenance record (repairs done, when, by whom):

Photographs (digital images of multiple views, details):

Background material on artist:

Artistic Maintenance Guide:

Ordinance No. 3603

AN ORDINANCE ESTABLISHING AN ARTS IN PUBLIC PLACES ADVISORY COMMITTEE AND PROVIDING PROCEDURES FOR FUNDING, GOVERNING, APPROPRIATIONS AND EXPENDITURES FOR A PUBLIC ART PROGRAM FOR DODGE CITY, KANSAS.

WHEREAS, research indicates that state and local funding for the arts has a measurable positive financial impact on a state's or local area's economic vitality; and

WHEREAS, the promotion of art in public places adds to a community's quality of life and aesthetic appreciation for the arts which can be used as a strong economic development tool; and

WHEREAS, a public art program can create aesthetically pleasing environments within Dodge City buildings, parks, and other public places; and

WHEREAS, the Dodge City Commission hereby endorses establishment of the art in public places program:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DODGE CITY, KANSAS:

SECTION I. ESTABLISHMENT OF ARTS IN PUBLIC PLACES ADVISORY COMMITTEE:

- A. There is hereby established an Art in Public Places Advisory Committee for the City of Dodge City (the "Public Arts Committee"). The Public Arts Committee shall consist of 5 members including 3 residents of Dodge City and 2 City staff appointed by the City Commission for a term of 3 years.
- B. The purpose of the Public Arts Committee shall be to:
 - a) Provide advice and counsel to the City Commission regarding the selection and placement of Public Artwork throughout the City;

- b) Develop and recommend for City Commission approval, policies and procedures for the operation of the Public Arts Committee regarding the selection and acquisition of Public Artwork and the placement of the same throughout the City;
- c) Develop and recommend for City Commission approval, policies for the determination of eligibility of Public Artwork for funding from the Public Art's Fund and for fiscal management of such fund;
- d) Actively solicit grants and other or other forms of financial assistance for the funding of Public Art work. Develop a long range plan for placement of Public Artwork and recommend priorities for development.
- e) All recommendations of the Public Arts Committee shall be subject to the final approval by the City Commission

SECTION II. ESTABLISHMENT OF PUBLIC ARTS FUND:

- A. There is hereby established a fund entitled the "Public Arts Fund", which fund shall be reserved for the financing and funding of the design, selection, acquisition, creation, installation and placement of Public Artwork within the City of Dodge City.
- B. All monies resulting from compliance with Section III of this ordinance, and any other grants, awards or funds contributed or obtained for the purpose of the support of Public Art shall be deposited in the Public Arts Fund, which fund shall be maintained and managed by the City Clerk. Any and all interest earned on investment of said funds shall be deposited in, and become a part of, the Public Arts Fund.

SECTION III. FUNDING FOR PUBLIC ART:

A. From and after the effective date of this ordinance, the City Commission may annually commit to the Public Arts Fund, as provided for herein, an amount equal to the following percentage formula:

- 1 percent for projects under 1 million
- 1/2 of one percent for projects between 1-3 million
- 1/3 of one percent for projects over 3 million

Based on the total amount of bonds issued for City capital improvement projects, which funds shall be used for the purpose of acquisition, purchase, and installation of Public Artwork in public places within the City of Dodge City.

SECTION IV. DEFINITIONS: For purposes of this Policy the following terms shall have the following meanings:

- A. City Capital Improvements: Means the construction of any new, or renovation of any existing, City buildings, facilities, utilities, parking facilities (including parking lots), street improvements, streetscape improvement projects, bridges, park land, and recreational facilities, any of which require city bonds to be issued for such projects and which are included in the annual Capital Improvement Plan.
- B. Public Artwork: Pieces of visual art placed on public or private property selected and approved in accordance with procedures of the Public Arts Committee and approved by the Dodge City Commission.

SECTION V. DEVELOPMENT OF PROCEDURES FOR PUBLIC ARTWORK:

- A. The process for selection and placement for Public Artwork will be the responsibility of the Public Arts Committee subject to final approval by the Dodge City Commission.

- B. To facilitate the placement of art in public places, the Public Arts Committee shall develop policies and procedures for the creation, selection, eligibility, acquisition and placement of Public Artwork, a draft of which policies and procedures shall be submitted to the City Commission within 3 months of the date of enactment of this ordinance for review and adoption by the Dodge City Commission.
- C. The City Manager's Office will provide staff assistance in the preparation of such policies and procedures and the implementation of the Public Arts Committee's activities regarding projects eligible for funding.
- D. In the development of said policies and procedures the Public Arts Committee shall consider the following:
1. Efforts will be made to obtain a majority of the art work from local and regional sources;
 2. Art pieces will be selected by open competition, limited competition, and direct selection;
 3. Regional and national artists, as well as local artists, will be seriously considered;
 4. Projects conceived and executed by a design team (artist and architect working together) shall be considered.
- E. The Public Arts Committee will develop programs to educate the community before and after the installation of the art work.
- F. The Public Arts Committee is encouraged to work with owners and developers for the inclusion of works of art as part of any building construction or development.

SECTION VI. EFFECTIVE DATE:

This ordinance shall be effective upon one publication in the Dodge City Daily Globe.

ADOPTED this 16th day of March, 2015.

City of Dodge City, Kansas

By Brian Delzeit
Brian Delzeit, Mayor

Attest: Nannette Pogue
Nannette Pogue, City Clerk