

CITY COMMISSION MEETING AGENDA

City Hall Commission Chambers

Monday, May 21, 2018

7:00 p.m.

MEETING #5098

CALL TO ORDER

ROLL CALL

INVOCATION BY Pastor Albert Shrock of Bible Baptist Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

National Historic Preservation Month

Space Science Day Proclamation

National Public Works Week

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 Work Session Meeting Minutes, May 7, 2018;
2. Approval of City Commission Meeting Minutes, May 7, 2018;
3. Appropriation Ordinance No. 10, May 21, 2018;
4. Cereal Malt Beverage License:
 - a. Chu My's Kitchen; 2208 W. Wyatt Earp Blvd.

ORDINANCES & RESOLUTIONS

Ordinance No. 3686: An Ordinance Annexing to the City of Dodge City the Described Property of 911 Matt Down Lane, in Accordance with K.S.A. 12-520 ET. SEQ; and Providing for the Zoning Thereof. Report by Planning and Zoning Administrator, Nathan Littrell.

Ordinance No. 3687: An Ordinance Repealing Ordinance No. 2621 of the City of Dodge City, Kansas and Amending Article 5, Chapter V of the Dodge City Code Relating to Pawnbrokers and Precious Metal Dealers. Report by Finance Director/City Clerk, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of Memorandum of Understanding with Jeff Switzer. Report by Planning and Zoning Administrator, Nathan Littrell.

OTHER BUSINESS

EXECUTIVE SESSION

1. Land Acquisition

ADJOURNMENT

City of Dodge City Proclamation for National Historic Preservation Month 2018

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, the City of Dodge City is a treasure-trove of historic resources, including 22 local historic landmarks, 11 properties listed on the State Register of Historic places, a State and National Registered Historic Downtown District, 9 properties listed on the National Register of Historic Places; and

WHEREAS, historic preservation is inherently economically, environmentally, and socially sustainable, fostering a culture of reuse and maximizing the life cycle of all resources through conservation; and

WHEREAS, historic preservation is an effective tool for managing growth, sustaining development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped the City of Dodge City and us as a people; and

WHEREAS, historic preservation encourages community reinvestment, saving resources and promoting socially, culturally, and economically rich communities;

NOW, THEREFORE, I, Kent Smoll, Mayor of the City of Dodge City, do recognize May 2018 as National Historic Preservation Month, and call upon the people of Dodge City to join their fellow citizens across the United States in recognizing and participating in this special observance.

Mayor

Nannette Pogue, City Clerk

Space Science Day Proclamation

WHEREAS, the challenge and the promise of outer space unites all of humanity in a shared sense of curiosity, hope and wonderment; and

WHEREAS, our quest to explore space has yielded innumerable advances in technology, engineering and every scientific field; and

WHEREAS, space satellites have brought us all closer together by enabling telecommunications and gathering remote-sensing imagery to map the entire surface of the earth; and

WHEREAS, the Cosmosphere's legacy of applied science education and now even more emphasis on STEM, provides the opportunity to see and experience a number of space science activities, demonstrations and displays and promotes today's youth to become tomorrow's inspired leaders

NOW THEREFORE I, Kent Smoll., Mayor of the City of Dodge City, do hereby proclaim Saturday, June 2, 2018, as Space Science Day in Dodge City.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the City of Dodge City to be affixed this 21st day of May 2018, and encourage all members of the community to attend the Space Science Spectacular event, admission is free for all Dodge City School students grades PK-12. This event is put on by the Cosmosphere through the Dodge City Public Schools and will be held at the Civic Center on Saturday, June 2, from 10 a.m. to 4 p.m. and Sunday, June 3, from 12:00 p.m. to 4 p.m.

Kent Smoll, Mayor

Nannette Pogue, City Clerk

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, E. Kent Smoll, Mayor of the City of Dodge City, do hereby proclaim the week of May 20 through May 26, 2018 as

“NATIONAL PUBLIC WORKS WEEK”

in the City of Dodge City, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and the Seal of the City of Dodge City this 21st day of May, 2018.

E. Kent Smoll, Mayor

Attest

Nannette Pogue, City Clerk

CITY COMMISSION MEETING WORK SESSION MINUTES

City Hall Commission Chambers

Monday, May 7, 2018

6:00 p.m.

CALL TO ORDER

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

Director of Engineering Services, Ray Slattery, and City Engineer, Tanner Rutschman discussed with the City Commission the 2018 Street Program.

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

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, May 7, 2018

7:00 p.m.

MEETING #5097

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

INVOCATION by Pastor Albert Shrock of Bible Baptist Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Salvation Army Week Proclamation was presented by Wes with the Salvation Army. Mayor Kent Smoll proclaimed May 14-20, 2018 as Salvation Army Week.

National Travel and Tourism Week Proclamation was presented by Marshal Brent Harris, Boot Hill Museum. Mayor Kent Smoll proclaimed May 6 – 12, 2018 as National Travel and Tourism Week. There will be many activities during the week including a Chamber Coffee at the Visitor Center on May 8 and complimentary trolley rides on May 8. Jan Stevens, Convention and Visitors Bureau Director spoke about national Travel and Tourism Week and introduced her staff. Others that spoke in behalf of national Travel and Tourism week was Kent Stehlik, Boot Hill Museum Director Lara Brehm, and Jessi Rabe with the Boot Hill Casino and Resort.

National Train Day Proclamation was presented by Marshal Brent Harris. Mayor Kent Smoll proclaimed May 12, 2018 as National Train Day. On May 12, 2018, there will be tours of the depot and an open house from 1:00 – 3:00 p.m. 5200 passengers boarded and deboarded in Dodge City on Amtrak in 2018.

Public Service Recognition Week Proclamation was presented by Abbey Martin, Public Information Specialist for the City of Dodge City. Mayor Kent Smoll proclaimed May 6 – 12, 2018 as Public Service Recognition Week.

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).

Great Plains Development Corporation update. Bob Wetmore spoke on behalf of Great Plains Development and presented the City Commission with a summary of programs that they have available including their assistance and administration of CDBG grants, local revolving loans and other business assistance programs.

CONSENT CALENDAR

Commissioner Rick Sowers moved to amend the Consent Calendar by adding item #7, approval of CMB License for Love's Travel Center. Commissioner Joyce Warshaw seconded the motion.

1. Approval of City Commission Meeting Minutes, April 16, 2018;
2. Approval of Special City Commission Meeting Minutes, April 23, 2018;
3. Appropriation Ordinance No. 9, May 7, 2018;
4. Approval of Ratification of Mortgage Release for Boot Hill Bed & Breakfast;
5. Approval of Ratification of the Third Amendment to Sutherlands Development Agreement.
6. Approval of the Change Order #1 for Candletree #8.
7. Approval of Cereal Malt Beverage License for: Love's Travel Center, 2505 East Trail

Commissioner Rick Sowers moved to approve the Consent Calendar as presented.

Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

ORDINANCES & RESOLUTIONS

Ordinance No. 3685: An Ordinance Designating Central Avenue From Spruce Street to Comanche Street as Two-Way and Requiring That All Vehicles Theron Travel as Much and Repealing Conflicting Ordinances or Parts of Ordinances was approved on a motion by Commissioner Brian Delzeit. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

Resolution No. 2018-10: A Resolution of the City of Dodge City, Kansas, Providing for Notice of a Public Hearing Concerning the Adoption of a STAR Bond Project (Power Center Area) Pursuant to K.S.A.12-17,160 et seq., as Amended was approved on a motion by Commissioner Kent Smoll. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

UNFINISHED BUSINESS**NEW BUSINESS**

1. Commissioner Brian Delzeit moved to approve the 2018 Street Program as presented; Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.
2. Commissioner Rick Sowers moved to approve the bid from Building Solutions, Inc. for the reconstruction of Central Ave., along with the installation of new waterline infrastructure, sanitary sewer repairs, and some storm water improvements using Fly-Ash Treated Sub-Grade Modification in the in the amount \$3,807,094.65 and enter into negotiations with Building Solutions, Inc. to determine the cost to replace all the sewer line. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

3. Commissioner Joyce Warshaw moved to approve a Change Order to the contract with Building Solutions for the Sixth Avenue Extension in the amount of \$32,900. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

OTHER BUSINESS

City Manager Cherise Tieben

- The NAIA Girls Softball Tournament will be held May 14-16 at Legends Field.
- Anthony Lyons will give a presentation about the Santa Fe Trail on Thursday, May 10 at 6:30 at the Depot in honor of Main Street Historic Preservation Month.

Commissioner Rick Sowers

Commissioner, Joyce Warshaw

- The July 4th Celebration is quickly approaching. Encourage citizens to donate to this display.

Commissioner, Brian Delzeit

Mayor Kent Smoll

- Shop local and shop often

At 7:56 p.m. Commissioner Rick Sowers moved to recess into executive session pursuant to the preliminary discussions related to the acquisition of real property found in K.S.A. 75-4319(b)(6). The justification for closing the meeting is to protect the city's position in the negotiations and discuss legal advice from council regarding Kansas Statues and potential Agreements. Additionally a separate matter regarding "non-elected personnel" exception found in K.S.A. 75-4319(b)(1) will be discussed. The justification for closing the meeting is to protect the privacy of individuals being discussed. The open meeting will resume in City Commission Chambers in 20 minutes at 8:16 pm. The commission will not take action upon returning to the open session and prior to adjournment. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

ADJOURNMENT

Commissioner Brian Delzeit moved to adjourn the meeting; Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

Mayor

ATTEST:

City Clerk, Nannette Pogue

**INDIVIDUAL/SOLE PROPRIETOR
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**

(This form has been prepared by the Attorney General's Office)

City or County of Dodge City

SECTION 1 - LICENSE TYPE		
Check One: <input checked="" type="checkbox"/> New License <input type="checkbox"/> Renew License <input type="checkbox"/> Special Event Permit		
Check One: <input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licenses premises.		
SECTION 2 - APPLICANT INFORMATION		
Kansas Sales Tax Registration Number (required): <u>004-823911773F-01</u>		
I have registered as an Alcohol Dealer with the TTB. <input checked="" type="checkbox"/> Yes (required for new application)		
Name <u>My Lam</u>	Phone No. <u>561-229-8777</u>	Date of Birth <u>7-30-82</u>
Residence Street Address <u>1304 Greenwood</u>	City <u>Dodge City</u>	Zip Code <u>67801</u>
Applicant Spousal Information		
Spouse Name <u>Linda Hoanglam</u>	Phone No. <u>561-713-9225</u>	Date of Birth <u>04-06-84</u>
Residence Street Address <u>1304 Greenwood Ave</u>	City <u>Dodge City</u>	Zip Code <u>67801</u>
SECTION 3 - LICENSED PREMISE		
Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)
DBA Name <u>Chu My's Kitchen</u>	Name <u>P.O. Box 1900</u>	
Business Location Address <u>2208 W. Wyatt Exp</u>	Address	
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	
Business Phone No. <u>561-229-8777</u>	<input type="checkbox"/> I own the proposed business location. <input checked="" type="checkbox"/> I do not own the proposed business location.	
Business Location Owner Name(s) <u>My Lam</u>		
SECTION 4 - APPLICANT QUALIFICATION		
I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I have resided within the state of Kansas for <u>10</u> years.		
I am at least 21 years old.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I have been a resident of this county for at least 6 months.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Within 2 years immediately preceding the date of this application, neither I nor my spouse* have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Memorandum

*To: City Manager
City Commissioners*
From: Nathan Littrell
Date: May 21, 2018
*Subject: Annexation of Property –
911 Matt Down Ln.*
Agenda Item: Ordinance No. 3686

Recommendation: City staff recommends approval of this annexation ordinance.

Background: Jeff Switzer and Bo Hill, owners of the property located at 911 Matt Down Lane, have petitioned the City to be annexed. A Memorandum of Understanding was signed by the owners.

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

Financial Considerations: None

Purpose/Mission: None

Legal Considerations: None

Attachments: Ordinance No. 3686, Petition, Memorandum of Understanding and Map showing the proposed area.

ORDINANCE NO. 3686

AN ORDINANCE ANNEXING TO THE CITY OF DODGE CITY THE DESCRIBED PROPERTY OF 911 MATT DOWN LANE, IN ACCORDANCE WITH K.S.A. 12-520 ET. SEQ; AND PROVIDING FOR THE ZONING THEROF.

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

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

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

Lots Three (3), Four (4), Five (5), and Six (6), Block One (1) and Lots Three (3), Four (4), Five (5) and Six (6), Block Two (2), and a portion of the vacated 26th Avenue thereof, Allphin Addition No.2, City of Dodge City, Ford County, Kansas, including adjacent right of way of Matt Down Lane, according to the recorded Plat thereof approximately 11.76 acres.

SECTION 2: The property will be designated AG, Agricultural upon annexation.

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

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

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION AND APPROVED BY THE MAYOR, THIS TWENTY-FIRST DAY OF MAY, 2018.

KENT SMOLL, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK

Memorandum of Understanding

WHEREAS, Jeff Switzer and Bo Hill, individuals,(the “Owners”), and the City of Dodge City, a municipality, (the “City”), have agreed to the voluntary annexation into the City of certain real property (the “Property”) currently owned by the Owners and more specifically described as follows

1. Lots 3, 4, 5 & 6, Block 1 and Lots 3, 4, 5 & 6, Block 2, Allphin Addition No. 2, an addition in Ford County, Kansas, according to the recorded Plat thereof, and subject to easements, restrictions and reservations of record, commonly known as 911 Matt Down Road; and

WHEREAS, the current use of the Property is for Agricultural purposes; and,

WHEREAS, the Owners currently operate Bob’s Pawn Shop upon the Property; and,

WHEREAS, the parties have engaged in multiple conversations over the preceding months in an attempt to understand the mutual concerns of the parties, and now agree to proceed with annexation pursuant to K.S.A. 12-520(a)(7).

NOW THEREFORE, the parties do hereby agree as follows:

1. Immediately following annexation the City will designate the Property as Agriculture, for zoning purposes, and shall remain zoned as such as long as owned and operated by Owners. The Property shall remain zoned Agriculture should the Property change ownership, unless a rezoning were to be requested by the new owners.
2. The agricultural use of the Property will not be expanded beyond the keeping of a horse farm.
3. The operation of a Pawn Shop on the Property shall be allowed to continue on the Property following the annexation.
4. The City will repeal those sections of the Municipal Code dealing with pawnbrokers so as to provide for all governance of pawnbrokers to be found in Kansas statutes.
5. The policies of the Dodge City Police Department will reflect that all Dodge City police officers will activate their body-worn cameras, if equipped, during all interactions occurring on the Property.
6. Collection of pawn tickets pursuant to state statute will be accomplished by non-sworn Police employees. This collection will occur no more often than every seven (7) days or as allowed by current state statute.
7. Animal Control will assist the Owners within their reasonable abilities to trap wild animals and other domestic animals that enter the Property and become problematic.

8. Owners will be required to obtain a permit to build new or replace existing fencing or structures. Architectural plans will not be required of Owners if the new structures or fencing is the same as the existing structure or fencing.
9. The County will not begin to assess City taxes on the Property until January 1, 2019.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the 21st of May, 2018.

CITY OF DODGE CITY, KANSAS

By: _____
Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

By: _____
Jeff Switzer, Owner

By: _____
Bo Hill, Owner



**Proposed
Annexation**
-
11.76 Acres

28th Ave.

27th Ave.

28th Ter.

Mattdown Ln.

W. Wyatt Earp Blvd.

 City Limits

Memorandum

To: Cherise Tieben City Manager
From: Nannette Pogue
Date: May 17, 2018
Subject: Ordinance Relating to Pawnbrokers and Precious Metal Dealers
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the City Commission approve Ordinance No. 3687

Background: The City currently has an ordinance that regulates Pawnbrokers and Precious Metal Dealers. This ordinance has been in effect since 1982. The State Statutes also addresses the regulations for Pawnbrokers and Precious Metal Dealers. Since the City has passed the ordinance in 1982, there are some differences in the State Statutes and the ordinance that we have in place. We would recommend following State Statutes and not have additional regulations. Toward that end, Ordinance No. 3687 repeals the ordinance that is currently in effect in Dodge City and replaces it with an article that states the City will license pawnbrokers and precious metal dealers and follow the regulations set out by the current State Statute. So, when the State Statute changes, we will follow along with the changes.

Justification: The ordinance as presented will reiterate that we will mirror the regulations of the State of Kansas State and require the businesses to have a license in the City of Dodge City.

Financial Considerations: The fees to the businesses are \$25, which does not change.

Purpose/Mission: We strive for high service standards

Legal Considerations: Ordinance complies with the State regulations.

Attachments: Ordinance No. 3687

ORDINANCE NO. 3687

AN ORDINANCE REPEALING ORDINANCE NO. 2621 OF THE CITY OF DODGE CITY, KANSAS, AND AMENDING ARTICLE 5, CHAPTER V OF THE DODGE CITY CODE RELATING TO PAWNBROKERS AND PRECIOUS METAL DEALERS

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

The regulation of Pawnbrokers and Precious Metal Dealer in the State of Kansas is governed by K.S.A. 16-701 through 16-722.

The City of Dodge City wishes to follow the Kansas Statute as it relates to Pawnbrokers and Precious Metal Dealers.

The City of Dodge City hereby repeals Ordinance No. 2621, an Ordinance regulating the conduct of the business of pawnbrokers and precious metal dealers.

The City of Dodge City hereby repeals Sections 5-501 to 5-521 of the Code of the City of Dodge City.

The City of Dodge City hereby adds a new Section 5-501 to Article 5, Chapter V. Pawnbrokers and Precious Metal Dealers, to the Code of the City of Dodge City to read as follows:

5-501: License Required. No person shall engage or continue in business as a pawnbroker or precious metal dealer without first obtaining a license therefor. He or she shall obtain such license from the City Clerk. Each application shall be accompanied by a fee set out in Chapter I, Article 9, which fee shall be paid annually upon renewal.

State Law Reference: K.S.A.16-701 to 16-722

This Ordinance shall take effect upon its publication in the official City newspaper as provided by law.

PASSED AND APPROVED by the Governing Body of the City of Dodge City, Kansas this 21st day of May, 2018.

Mayor

ATTEST:

City Clerk