

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, June 4, 2018

7:00 p.m.

MEETING #5099

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Kirk Larson of Grace Community Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

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

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, May 21, 2018;
2. Appropriation Ordinance No.11, June 4, 2018;
3. Cereal Malt Beverage License:
  - a. Mariscos Nayarit Restaurant
  - b. High Plains Pizza Hut, 110 Frontview St
  - c. Loves Travel Stops, 400 E. Wyatt Earp Blvd.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2018-11:** A Resolution for the Temporary Suspension and Waiver of Certain Provisions of Ordinance No. 2838 and the 2009 International Fire Code Pertaining to the Discharge of Fireworks Within the City Limits of the City of Dodge City, Kansas. Report by Fire Chief, Robert Heinz.

**Resolution No. 2018-12:** A Resolution Committing Ad Valorem Property Tax for the Power District Area Star Bond Project. Report by Nannette Pogue.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

Approval of Change Order #1 for Central Avenue Sewer. Report by Ray Slattery.

## **OTHER BUSINESS**

## **ADJOURNMENT**

# **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Monday, May 21, 2018

7:00 p.m.

MEETING #5098

## **CALL TO ORDER**

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

**INVOCATION** by Pastor Albert Shrock of Bible Baptist Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Vice Mayor Jan Scoggins read the proclamation for National Historic Preservation Month and proclaimed May, 2018 as National Historic Preservation Month. Melissa McCoy, Assistant to the City Manager, spoke in regard to this proclamation.

Vice Mayor Jan Scoggins read the Space Science Day Proclamation and proclaimed Saturday, June 2, 2018 as Space Science Day in Dodge City. An event will be put on by the Kansas Cosmosphere at the Civic Center on June 2 from 10:00 a.m. to 4:00 pm and Sunday, June 3, 12:00 – 4:00 p.m.

Vice Mayor Jan Scoggins read the National Public Works Week proclamation and proclaimed May 20 – May 26, 2018, as National Public Works Week. Corey Keller, Public Works Superintendent spoke and invited the City Commission to a luncheon on Thursday, May 25<sup>th</sup> at the Golf Course Clubhouse. He thanked and wanted to recognize all Public Works Employees.

**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.

Commissioner Brian Delzeit moved to approve the Consent Calendar as presented, knowing that the CMB application will be revised. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

#### **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 was approved on a motion by Commissioner Joyce Warshaw. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

**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 was approved on a motion by Commissioner Brian Delzeit. Commissioner Rick Sowers seconded the motion. The motion carried 4-0.

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

1. Commissioner Rick Sowers moved to approve the Memorandum of Understanding with Jeff Switzer for the annexation of the real estate property at 911 Matt Down Road. Commissioner Joyce Warshaw seconded the motion. The motion carried 4-0.

#### **OTHER BUSINESS**

City Manager Cherise Tieben

- Congratulations to the Sports Commission for work on NAIA tournament. It was very successful.
- Mayor Kent Smoll is attending the RECON show in Las Vegas with Economic Development Corporation representatives
- We closed on the Sutherlands property on Friday, May 18.
- National Guard Armory's Black Hawk will be at the Civic Center on Thursday
- This week I will be providing the Commissioners with a written report
- Thursday night a Homebuyers presentation will be held at the public library
- Monday, May 28 is Memorial Day and the City offices will be closed
- On May 29 at 7:00 p.m. the Police Awards banquet will be held at the Hoover Pavilion
- There will be a Special meeting on June 11 for the public hearing on the Power Center Area STAR bond project plan.
- On June 27 is the Business Appreciation Luncheon

Melissa McCoy

- Remind everyone of the Main Street Festival that will be held downtown on June 2

Commissioner Rick Sowers

- Thanks to all the Public Works employees for their efforts every day.

Commissioner Jan Scoggins

- Congratulations to the Police Department for the GREAT Program.

Commissioner Joyce Warshaw

- Remind everyone that school will be out on Wednesday. Please watch out for the children.
- Send your contributions to the City of Dodge City for the community fireworks display

Commissioner Brian Delzeit

## EXECUTIVE SESSION

At 7:30 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 Statutes and potential agreements. The open meeting will resume in City Commission Chambers in 20 minutes at 7:50 p.m. The Executive Session, in addition to the Commission, will include Cherise Tieben, Nannette Pogue, Brad Ralph, Mollea Wainscott and Corey Keller. The Commission will not take any action upon returning to the open session and prior to adjournment. Commissioner Brian Delzeit seconded the motion. The motion carried 4-0.

The meeting resumed in open session at 7:50 p.m.

## ADJOURNMENT

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

**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 Ford County

**SECTION 1 - LICENSE TYPE**

Check One:  New License  Renew License  Special Event Permit

Check One:

- License to sell cereal malt beverages for consumption on the premises.  
 License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensee's premises.

**SECTION 2 - APPLICANT INFORMATION**

Kansas Sales Tax Registration Number (required): 004-742828097F-02

I have registered as an Alcohol Dealer with the TTB.  Yes (required for new application)

Name <u>RAMON PRECIADO</u>	Phone No. <u>620 408-8559</u>	Date of Birth <u>9-4-1947</u>
Residence Street Address <u>806 CENTRAL</u>	City <u>DODGE CITY, KS.</u>	Zip Code <u>67801</u>

**Applicant Spousal Information**

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

**SECTION 3 - LICENSED PREMISE**

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name <u>MARISEOS NAYAAIT RESTAURANT</u>	Name
Business Location Address <u>509 N. 2ND.</u>	Address
City <u>DODGE CITY</u> State <u>KANSAS</u> Zip <u>67801</u>	City State Zip
Business Phone No. <u>620 227-9899</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>DR. KIRCK GROSS</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>24</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 <u>Have not</u>
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

*Have not*

# CORPORATE 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:  New License  Renew License  Special Event Permit

Check One:

- License to sell cereal malt beverages for consumption on the premises.  
 License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

## SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-731220756F-01

I have registered as an Alcohol Dealer with the TTB.  Yes (required for new application)

Name of Corporation Love's Travel Stops & Country Stores, Inc.		Principal Place of Business Oklahoma	
Corporation Street Address 10601 North Pennsylvania Avenue		Corporation City Oklahoma City	State OK
		Zip Code 73120	
Date of Incorporation December 29, 1986	Articles of Incorporation are on file with the Secretary of State.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Resident Agent Name CT Corporation	Phone No. 785-233-0593		
Residence Street Address 515 S. Kansas Avenue	City Topeka	State KS	Zip Code 66603

## SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name Love's Country Store #62	Name Love's Travel Stops & Country Stores, Inc.
Business Location Address 400 W. Wyatt Earp	Address Attn: Licensing, PO Box 26210
City Dodge City	City Oklahoma City
State KS	State OK
Zip 67801	Zip 73126
Business Phone No. 620-225-0641	<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.
Business Location Owner Name(s) Love's Travel Stops & Country Stores, Inc.	

## SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse\*, if applicable. Attach additional pages if necessary.

Name Thomas Eugene Love	Position Executive Chairman	Date of Birth 10/10/1937
Residence Street Address 6824 N.W. Grand Blvd.	City Oklahoma City	State OK
		Zip Code 73116-5415
Spouse Name	Position	Date of Birth
Residence Street Address	City	State
		Zip Code
Name Gregory Michael Love	Position Co-CEO	Date of Birth 10/08/1961
Residence Street Address 7201 Nichols Road	City Oklahoma City	State OK
		Zip Code 73120-1223
Spouse Name	Position	Age
Residence Street Address	City	State
		Zip Code
Name Judith McCarthy Love	Position Secretary	Date of Birth 06/17/1937
Residence Street Address 6824 N.W. Grand Blvd	City Oklahoma City	State OK
		Zip Code 73116-5415
Spouse Name	Position	Age
Residence Street Address	City	State
		Zip Code

# CORPORATE 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:  New License  Renew License  Special Event Permit

Check One:

- License to sell cereal malt beverages for consumption on the premises.  
 License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

## SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-480728482F-001

I have registered as an Alcohol Dealer with the TTB.  Yes (required for new application)

Name of Corporation <u>High Plains Pizza, Inc.</u>		Principal Place of Business <u>High Plains Pizza, Inc.</u>	
Corporation Street Address <u>T.W. Parkway Blvd.</u>		Corporation City <u>Liberal</u>	State <u>KS</u>
Date of Incorporation <u>09-01-1966</u>		Zip Code <u>67901</u>	
Resident Agent Name		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Street Address		Phone No. <u>620-624-5638</u>	
		City <u>Liberal</u>	State <u>KS</u>
			Zip Code <u>67901</u>

## SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name <u>Pizza Hut # 104</u>	Name <u>High Plains Pizza, Inc.</u>
Business Location Address <u>110 Frontview St.</u>	Address <u>P.O. Box 2438</u>
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City <u>Liberal</u> State <u>KS</u> Zip <u>67901</u>
Business Phone No. <u>620-225-2286</u>	<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.
Business Location Owner Name(s)	

## SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse\*, if applicable. Attach additional pages if necessary.

Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Age
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Age
Residence Street Address	City	State Zip Code

**RESOLUTION NO. 2018-11**

**A RESOLUTION FOR THE TEMPORARY SUSPENSION AND WAIVER OF CERTAIN PROVISIONS OF ORDINANCE NO. 2838 AND THE 2009 INTERNATIONAL FIRE CODE PERTAINING TO THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF DODGE CITY, KANSAS:**

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**SECTION 1:** For the time period and under the conditions set forth herein, the provisions of Ordinance No. 2838 and the International Fire Code prohibiting the discharge of legal fireworks, as defined by state statutes and regulations of the State Fire Marshal, shall be temporarily suspended and waived so as to allow the lawful discharge of such legal fireworks within the corporate limits of the City of Dodge City, Kansas, subject to the exceptions and under the conditions as provided herein, on Tuesday; July 3<sup>rd</sup> through Thursday July 5<sup>th</sup>, 2018 between the hours of 10:00 a.m. to 11:00 p.m. of each day;

**SECTION 2:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 3<sup>rd</sup>, July 4<sup>th</sup> and July 5<sup>th</sup>, 2018 on any public property, including but not limited to all public parks, public recreation areas such as ball fields and soccer fields, any school grounds including, school playgrounds and athletic facilities, any public rights of way, or public parking areas (Civic Center / Memorial Stadium).

**SECTION 3:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 3<sup>rd</sup>, July 4<sup>th</sup> and July 5<sup>th</sup>, 2018 on any real property within the corporate limits of the City of Dodge City without the permission of the owner or person or entity in control of said real property.

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

**SECTION 5:** This waiver will automatically expire at 11:01 p.m. on July 5<sup>th</sup>, 2018 and may be rescinded prior thereto by action of the governing body.

**SECTION 6:** This Resolution shall take effect and be in force from and after its adoption.

Adopted by the governing body this 4<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Kent Smoll, Mayor

ATTEST:

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

## Memorandum

To: Cherise Tieben, City Manager  
From: Nannette Pogue, Finance Director/City Clerk  
Date: May 31, 2018  
Subject: Resolution No. 2018-12  
Agenda Item: Resolutions

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**Recommendation:** I recommend approval of Resolution No. 2018-12.

**Background:** The City of Dodge City has agreed as part of the Power Center Area STAR Bond Project Plan to dedicate the incremental property tax to the project. This resolution formalizes that commitment.

**Justification:** Dedicating additional revenue for the Power Center Area STAR Bond Project will give us additional opportunities to assist with projects in the Heritage Area.

**Financial Considerations:** Will be additional revenue sources for the STAR Bond Project.

**Purpose/Mission:** On-going Improvement. Together we value progress, growth and new possibilities by providing and preparing for the community's future.

**Legal Considerations:** None

**Attachments:** Resolution No. 2018-12

RESOLUTION NO. 2018-12

A RESOLUTION COMMITTING ADVALOREM PROPERTY TAX FOR THE POWER DISTRICT AREA STAR BOND PROJECT

WHEREAS, The City has acquired certain property situated in Ford County, Kansas known as the "Power Center Area". The Power Center Area is approximately 63 acres of property generally located along 14<sup>th</sup> Avenue at Soule Street.

WHEREAS, a public hearing has been set for June 11, 2018 in order to consider the STAR Bond Project Plan for Power Center Area 1 (the "Project Plan"). The development in the Power Center Area includes: 75,000 square foot Sutherland home improvement retail store with an additional 35,000 square foot garden center; approximately 15,000 sq. ft. of inline retail small shop space on three pad sites located on North 14th Avenue – an approximately 3,500 sq. ft. convenience store and gas station owned and operated by Casey's and two additional 10,000 sq. ft. retail pad sites.

WHEREAS, The City anticipates that certain Sales Tax Special Obligation Revenue Bonds (STAR Bonds) will initially be issued sold and delivered in connection with the Project.

WHEREAS, Ford County has agreed in an agreement dated September 30, 2017 to pledge its portion of the local sales and use taxes collected pursuant to K.S.A. 12-187 et seq., 79-3601 et seq., and 79-3701 et seq. from the Project (the "County Sales Taxes") and has agreed to pledge its portion of the incremental ad valorem property taxes on the Site (the "County Property Taxes") for the repayment of certain costs of the Project to support the repayment of STAR Bonds issued, sold and delivered to pay for the eligible costs of the Project.

WHEREAS, in the agreement stated above with Ford County, the agreement states the City also anticipates the pledge of certain incremental property tax revenues from the Site.

WHEREAS, in the Star Bond Project Plan, the City has agreed to match the Ford County contribution of Property Tax increment, so this additional revenue source (including the County's portion and the City's portion) may be as much as an additional \$1,521,720 of property tax revenue contributed to the costs of the Power Center Area Project.

**NOW THEREFORE, BE IT RESOLVED BY THE City Commission of the City of Dodge City that:**

The City of Dodge City will contribute property tax increment in the Power Center Area of the STAR Bond district which is described in the attached map. It is estimated that the property tax could be 760,860 during the collection period. In the agreement between the City of Dodge City and Ford County, the county's portion of the incremental property tax is capped at \$760,860. The City's portion is not capped.

This Resolution is adopted by the Governing Body of the City of Dodge City on this 4<sup>th</sup> day of June, 2018.

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Mayor

ATTEST:

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City Clerk

# *Memorandum*

*To: City Manager  
City Commissioners*

*From: Ray Slattery, P.E.  
Director of Engineering Services*

*Date: May 31, 2018*

*Subject: Central Ave. Reconstruction from  
Vine St. to Comanche St. -  
Paving, Water, & Sanitary Sewer,  
ST 1508 - CO #1*

*Agenda Item: New Business*

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**Recommendation:** Approve Change Order #1 for the installation of an entire new sewer system as part of reconstruction of Central Ave. in the amount \$217,475.00.

**Background:** At the May 7<sup>th</sup> commission Meeting the Commission approved the bid from Building Solutions, Inc. for the reconstruction of Central Ave. from Comanche St. to Vine St. The commission also authorized staff to enter into negotiations to replace the sanitary sewer system under Central Ave. Staff met with Building Solutions, Inc. to discuss options for replacing the sewer system. The option that seems to have the most merit and cause the least amount of interruptions for service to the residents and businesses along Central Ave. is to replace the entire sewer system, line, manholes, individual services, etc. This would be done by constructing the new sewer line and leaving the old line intact until the new line is completed. The new line would be offset to the east from the old line. With this option the only time there would be an interruption in service is when the contractor connects the individual new sewer service to the existing service from the house/business.

**Financial Considerations:** The cost to replace the entire sewer system would be \$217,475.00. the overage would be covered by the issuance of new General Obligation Bonds (GOB) for the project.

**Purpose/Mission:** The completion of this project would align with the City's Core Values of Ongoing Improvement and Working Towards Excellence.

**Legal Considerations:** By approving the Change Order, additional payment will need to be made to Building Solutions, Inc.

**Attachments:** Change Order #1

