

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, September 16, 2019

7:00 p.m.

MEETING #5134

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Pastor Dusty Cookson of First Christian Church

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

## **PETITIONS & PROCLAMATIONS**

National Manufacturing 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).

Update on Horse Thief Reservoir

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, September 3, 2019;
2. Appropriation Ordinance No.17, September 16, 2019;
3. Cereal Malt Beverage License:
  - a. Boot Hill Museum Inc., 500 W Wyatt Earp Blvd.
4. Approval of Change Order No. 1 for Linn Street Reconstruction & Drainage Improvements.
5. Memorandum of Understanding with Ford County.
6. Approval of Supplemental Agreement No.2 with PEC for Design of Sampling Basin Force Main.

## **ORDINANCES & RESOLUTIONS**

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval to accept the 2018 Audited Financial Statements. Report by Finance Director, Nicole May.
2. Approval of the Appointment for Horse Thief Reservoir Board of Directors. Report by City Manager, Cherise Tieben.

## **OTHER BUSINESS**

## **EXECUTIVE SESSION**

Discussion of Confidential Data Relating to Financial Affairs or Trade Secrets of Private Parties and Preliminary Discussion Prior to Acquisition of Real Estate.

## **ADJOURNMENT**

## PROCLAMATION

**WHEREAS**, Manufacturing Day was created in 2011 to raise awareness of the important role manufacturing plays in local communities across our country and celebrates modern manufacturing; and

**WHEREAS**, for every \$1 spent in manufacturing, another \$1.89 is added to the economy, the highest multiplier effect of any economic sector; and

**WHEREAS**, Dodge City recognizes the importance of the Manufacturing Industry as a vital economic component promoting development, innovation and job stability; and

**WHEREAS**, Manufacturing Sectors across Dodge City strengthen the community we live in by building partnerships among public agencies, educational institutions, religious and civic organizations and the business community; and

**WHEREAS**, the nearly 6,200 jobs in the manufacturing sector who earn an average compensation of \$56,659 contribute to the economic well-being of our community; and

**NOW, THEREFORE, WE**, the Mayor and City Commission of Dodge City, Kansas, do hereby proclaim Friday, October 4, 2019 as.....

### **“NATIONAL MANUFACTURING DAY”**

And urge all Dodge City residents to join in recognizing the value of our manufacturers and the importance they serve within our community.

IN WITNESS THEREOF, I have hereunto set my hand this 16<sup>th</sup> day of September 2019.

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Brian Delzeit, Mayor

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Connie Marquez, City Clerk

**CITY COMMISSION MEETING MINUTES**  
City Hall Commission Chambers  
Tuesday, September 3, 2019  
7:00 p.m.  
MEETING #5133

**CALL TO ORDER**

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

**INVOCATION** by Pastor Dusty Cookson of First Christian Church

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Commissioner Joyce Warshaw made a motion to approve the agenda. Commissioner Jan Scoggins seconded the motion. The motion carried 4 - 0.

**PETITIONS & PROCLAMATIONS**

Commissioner Jan Scoggins read the Walk to End Alzheimer's Month Proclamation and Mayor Brian Delzeit recognized September 2019 as Walk to End Alzheimer's month and call this observance to the attention of all our citizens.

Commissioner Jan Scoggins spoke about Alzheimer's and related Dementia support group here in Dodge City that meet every third Thursday of every month at the First United Methodist Church Library. Encouraged everyone to support this. Thanked the City for the table and chairs that will be at the walk. Come down to Wright Park to help raise awareness and funds for Alzheimer's

**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, August 19, 2019;
2. Appropriation Ordinance No.17, September 3, 2019;
3. Cereal Malt Beverage License:
  - a. Comfort Suites, 2700 W. Wyatt Earp Blvd.

Commissioner Rick Sowers moved to approve the Consent calendar as presented. Commissioner Jan Scoggins seconded the motion. The motion carried 4 - 0.

#### **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3724:** An Ordinance Repealing Chapter XII Article 2 of the Dodge City Code Relating to Dodge City Civic Center was approved on a motion by Commissioner Jan Scoggins. Commissioner Joyce Warshaw seconded the motion. The motion carried 4 - 0.

**Resolution 2019-19:** A Resolution which indicates the City of Dodge City's support for the Community Housing Association of Dodge City's (CHAD) application to the Kansas Housing Resources Corporation (KHRC) for funding through the Moderate Income Housing (MIH) Program was approved on a motion by Commissioner Jan Scoggins. Commissioner Rick Sowers seconded the motion. The motion carried 4 - 0.

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

1. Commissioner Joyce Warshaw moved to approve the lease and operations agreement with JJPON LLC for the Prime on the Nine Restaurant located in the Mariah Hills Golf Course Clubhouse. Commissioner Jan Scoggins seconded the motion. The motion carried 4 - 0.
2. Commissioner Rick Sowers moved to appoint City Manager Cherise Tieben, Commissioner Jan Scoggins and Commissioner Joyce Warshaw as Voting Delegates for the League of Kansas Municipalities Conference. Commissioner Joyce Warshaw seconded the motion. The motion carried 4 - 0.
3. Commissioner Jan Scoggins moved to approve the Proposal and Change Order #1 from Nowak Construction Company, Inc. in the amount of \$1,227,298 for the construction of the Dodge City National Beef Wastewater Improvements (Sampling Basing and Force Main Construction).for the National Beef Processors Wastewater System Improvements. Commissioner Joyce Warshaw seconded the motion. The motion carried 4 -0.
4. Commissioner Jan Scoggins moved to approve the recommendations to purchase the architectural services from Building Solutions in the amount of \$13,588 for the CREW Building Project. Commissioner Rick Sowers seconded the motion. The motion carried 4 - 0.
5. Commissioner Joyce Warshaw moved to approve the purchase of a 30ft Garland Pixel Christmas tree from Holiday Display Services in the amount of \$46,500 which will be placed near Boot Hill Casino and Resort and United Wireless Arena/Boot Hill Casino

Conference Center and the approval for the City Manager to enter into a memorandum of understanding with Boot Hill Casino and Resort to share in the cost of this tree as well as a second similar tree to be purchased in 2020 for the downtown area. Commissioner Jan Scoggins seconded the motion. The motion carried 4 – 0.

**OTHER BUSINESS**

Reports of Staff and City Commissioners

**ADJOURNMENT**

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

\_\_\_\_\_  
Brian Delzeit, Mayor

ATTEST:

\_\_\_\_\_  
Connie Marquez, City Clerk

# 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):

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

Name of Corporation <u>Boot Hill Museum, Inc.</u>		Principal Place of Business <u>500 W. Wyatt Earp</u>	
Corporation Street Address <u>500 W. Wyatt Earp</u>		Corporation City <u>Dodge City</u>	State <u>KS</u>
Date of Incorporation <u>3-1947</u>		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name <u>Kara Brehm</u>		Phone No. <u>620.327.8188</u>	
Residence Street Address <u>515 Annette St. Dodge City</u>		City <u>Dodge City</u>	State <u>KS</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>Boot Hill Museum, Inc.</u>	Name
Business Location Address <u>500 W. Wyatt Earp</u>	Address
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City State Zip
Business Phone No. <u>620.327.8188</u>	<input 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

# Memorandum

*To: City Manager  
City Commissioners*

*From: Ray Slattery, Director of Engineering Services*

*Date: September 6, 2019*

*Subject: Linn St. Reconstruction & Drainage  
Improvements  
(SD 1201)*

*Agenda Item: Consent Calendar*

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**Recommendation:** Approve Change Order No. 1 for Linn St. Reconstruction & Drainage Improvements

**Background:** Linn St. Reconstruction & Drainage was approved on February 18, 2019.

**Justification:** Remove/Replace 6" Concrete Drive - This 18 S.Y. increase in quantity is due to having to remove more driveway to have a clean edge of concrete to tie into.

53"x34" Horiz. Elliptical RCP, Installed - This 82 L.F. increase in storm pipe was needed to conform to the stipulations included in the drainage easement acquisition. In order to acquire the easement the homeowner requested that the pipe be extended to the south end of their property.

4" HMA Base Course - This 15.51 Ton decrease in quantity is a result of over estimating and under running the asphalt quantity.

2" HMA Surface Course - This 1.22 Ton increase in quantity is a result of a difference in theoretical quantity calculation to applied material in the field.

Remove/Replace Curb & Gutter - This 73 L.F. increase in quantity is due to additional damaged sections of curb at the limits of the project and completely removing and replacing the curb returns on the north side of the Bristol and Linn intersection.

6" Concrete Drive - This 16 S.Y. increase in quantity is due to a homeowner changing their mind about having their drive reinstalled. It was initially thought that with the street rising that the their drive would not be able to reach top of curb height before their fence. Curb height could be reached so the drive was reinstalled.

Sub-Grade Repair - This 100 C.Y. decrease in quantity is due to the project locations not requiring as much repair as estimated.

Liquidated Damages - The contractor was unable to open the road in the allotted number of days.

**Financial Considerations:** Change Order No.1 is for a increase of \$10,773.21.

**Purpose/Mission:** The project aligns with two of the City's Core Values. Those are "Safety", together we endeavor to provide a safe and secure work place and community. Also, "Ongoing Improvement", together we value progress, growth & new possibilities by providing and prepare for the community's future.

**Legal Considerations:** N/A

**Attachments:** Change Order No. 1





# City of Dodge City

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PO Box 880 • Dodge City KS 67801 • Phone: 620/225-8160 • Fax: 620/225-8144

## *Memorandum*

To: City Commissioners  
City Manager, Cherise Tieben

From: Ernestor De La Rosa

Date: September 12, 2019

Subject: Memorandum of Understanding between  
the City of Dodge City and Ford County

Agenda Item: Consent Calendar

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**Recommendation:** Staff recommends the approval of the Memorandum of Understanding between the City of Dodge City and Ford County, which allows Ford County to utilize specific City facilities for shelters, command centers, and/or food and supplies distribution facilities in times of a disaster, whether natural or man-made, or pandemic/epidemic outbreaks. Please note that Ford County understands that the facilities included in this MOU are not built and cannot be used as a Tornado Shelter.

**Background:** Ford County approached City staff on this issue as they are completing Emergency Plans for Ford County. This is another effort that benefits our residents and allows our entities to be ready when an event of this magnitude occurs.

**Justification:** This MOU is not intended to create binding or legal obligation on either party. The City of Dodge City and Ford County by this memorandum wish only to provide written description of their efforts of cooperation in times of disaster and/or epidemic/pandemic.

**Financial Considerations:** None.

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

**Legal Considerations:** The City Attorney has reviewed and approved the MOU as presented.

**Attachments:** Memorandum of Understanding between the City of Dodge City and Ford County.

**Memorandum of Understanding  
Between  
Ford County and City of Dodge City**

**General Purpose:** During times of disaster, whether natural or man-made, or pandemic/epidemic outbreaks, the parties will cooperate to make available locations for shelters, command centers, and/or food and supplies distribution facilities.

The City of Dodge City agrees to:

1. Provide use of City-owned physical facilities (the "Facilities") for the purpose of providing shelter for the community, the operation of a command center, or the establishment of a Point of Distribution (POD) site during a disaster or epidemic/pandemic (an "incident"). The Facilities are identified in the list attached hereto as Exhibit A. The Facilities shall not be utilized as shelter in anticipation of severe weather events, but will only be used in the aftermath of such disasters.
2. Provide the Ford County Emergency Management with two points of contact in case of an incident:
  - a. An Administrator who will serve as the primary Point of Contact. The Point of Contact will have authority and ability to provide access to the building for activation.
  - b. A custodial point of contact who will have authority and ability to provide the Ford County Emergency Management personnel with access to available tables, chairs, cots, etc. and assist with directing the placement of such resources within the facility.
3. Cooperate with the Ford County Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow the Ford County Emergency Management access to the facilities in advance of any incident for the purposes of developing, maintaining and updating of the County Site Dispensing Plan.

Ford County agrees to:

1. Provide a current Ford County Emergency Management point of contact to answer questions that the City of Dodge City may have regarding these arrangements.
2. Use the after-hours contact or request the use of the facilities only during an actual disaster or pandemic/epidemic.
3. Cooperate with the City of Dodge City to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Return the facilities to the condition they were found in prior to the Ford County Emergency Management's use, and replace any and all supplies used during an incident.

This memorandum of understanding is not intended to create binding or legal obligation on either party. The parties to this memorandum wish only to provide written description of their efforts of cooperation in times of disaster and/or epidemic/pandemic. This document will be reviewed and revised as needed but at least every four (4) years.

Agreed and accepted by:



Shawn Tasset  
Ford County Board of County Commissioners

ATTEST:



Debbie Cox, County Clerk

Brian Delzeit  
City of Dodge City, Mayor

ATTEST:

Connie Marquez, City Clerk

## EXHIBIT A

- Sheridan Activity Center (excluding office areas)
- United Wireless Special Events Center

## Memorandum

*To: City Manager  
City Commissioners*

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

*Date: September 11, 2019*

*Subject: Supplement #2 to Consulting Agreement for the  
Design of a Sampling Basin and Force Main, SS 1701.*

*Agenda Item: Consent Calendar*

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**Recommendation:** Approve the Supplement Agreement #2 to the Consulting Services Agreement with PEC Consultants in the amount of \$11,400.

**Background:** At the January 2, 2018 Commission Meeting, the Commission approved the Design Services Agreement with PEC for the design of a Sampling Basin and Force Main. It was discovered during the design of the project a new lift station would be required on the National Beef Processors (NBP) location to complete the project as proposed. NBP has given verbal approval to this change. In the summer of 2016, NBP was billed surcharges on their sewer bill based on the loading of the constituents found in the waste water. From time to time in the past there have been other disputes over sampling and billing of NBP's wastewater. To resolve the issues both parties entered into a "Surcharge & Sampling Basin Resolution Agreement". This agreement will help settle the dispute from 2016 and limit any future disputes over wastewater surcharges. The improvements included in this wastewater project align with the City's and National Beef's obligations in the agreement.

Once the agreement was in place, PEC started designing the wastewater improvements. Working closely with NBP, the City, & our wastewater operators Jacobs, plans for improvements were completed and put out for bid. Due to the complexity of the project, a mandatory pre-bid meeting was included as a prerequisite for contractors to bid. Only two contractors attended this meeting, Nowak and UCI. UCI ended bidding with Nowak as a subcontractor on the project.

At the July 15, 2019 Commission Meeting, approval was granted allow City, Jacobs, and NBP staff, the contractor, and PEC to try and value engineer the project to reduce the cost of the project. A week later everyone met in Wichita to discuss the project and brain storm on ideas to reduce costs. From this meeting several ideas were reviewed. There were a couple of phone call afterwards to discuss ideas.

From this meeting and phone calls PEC had to redesign a portion of the project. Also, included in the Supplemental Agreement #2 is for a ground penetrating radar to be used to determine the location of reinforcing is the wet well to determine the best location for the new pipe penetration.

**Justification:** The design of the Sampling Basin and Force Main separation will provide an easier, accurate flow measurement and sampling of NBP's waste water. The new force main will remove existing flow from the East Dodge Pressure Sewer (EDPS) and allow for future growth along this system.

**Financial Considerations:** This revision will add \$11,400 to the contract with PEC. The new total for design services is \$224,900. This along with the video inspection by Mayer Speciality Services brings the total to \$232,050. Funding for these services will be split 50%-50% between the City and NBP. The construction of this project will also be split 50%-50% between the City and NBP. The City's portion of the project was budgetted in the 2018 and 2020 CIPs.

**Purpose/Mission:** The completion of this project meets our Core Value of Ongoing Improvement. Along with providing Safe services for our citizens.

**Legal Considerations:** The City as an addition to the contract with PEC Consultants, we are bound by the provisions of this supplement.

**Attachments:** Supplement Agreement #2 with PEC Consultants.

September 9, 2019

Ray Slattery, P.E.  
City of Dodge City  
PO Box 880  
Dodge City, KS 67801

Reference: Dodge City NBP Wastewater System  
Supplemental Agreement No. 2  
Original Contract Date: January 2, 2018  
PEC Project No. 34-170940-000-1009

Dear Mr. Slattery:

This Supplemental Agreement by Professional Engineering Consultants, P.A. (PEC) modifies the referenced Agreement, and any other previous Supplemental Agreements as may be noted herein.

A. Modification of Scope:

1. Value Engineering Services
  - a. Participate in a value engineering meeting with the CLIENT and potential Contractor to discuss potential cost saving measures and updated project schedule.
  - b. Prepare and submit alternative concept plans for the South Phase to the potential Contractor and CLIENT for review.
  - c. Conduct a review meeting to discuss alternative concept plans for the South Phase with the potential Contractor and CLIENT.
  - d. Review impacts of removing Forcemain #3 on the North Lift Station design and update the design, as required.
  - e. Prepare and submit sealed plans to include value engineering items accepted by the CLIENT, referencing Change Order No. 1 to the construction agreement.
2. Additional Construction Services
  - a. Determine location of reinforcing within the existing wetwell concrete wall using Ground Penetrating Radar. Results will be reported to Contractor and design adjustments made as required.

B. Time of Performance:

1. The completion date will be based on a mutually agreed upon schedule.

C. Payment Provisions:

1.	Original Contract amount	\$	194,000.00
2.	Net change by previous Supplemental Agreement(s)	\$	19,500.00
3.	The contract amount will increase by this Supplemental Agreement in the amount of	\$	<u>11,400.00</u>
4.	The new contract amount including this Supplemental Agreement will be	\$	<b>224,900.00</b>

D. Authorization to Proceed:

1. Return receipt of this executed Supplemental Agreement will be considered our authorization to proceed.

Sincerely,  
**PROFESSIONAL ENGINEERING CONSULTANTS, P.A.**

Sarah C. Unruh, P.E.  
Project Manager

SCU:apg

ACCEPTED:

CITY OF DODGE CITY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NATIONAL BEEF PRODUCTS

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## *Memorandum*

*To: Cherise Tieben, City Manager*  
*From: Nicole May*  
*Date: September 13, 2019*  
*Subject: Accept 2018 Audited Financial Statements*  
*Agenda Item: New Business*

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**Recommendation:** I recommend the City Commission formally accept the 2018 Audited Financial Statements

**Background:** The 2018 audited financial statements will be presented by John Hendrickson of Kennedy and McKee at the work session prior to the regular meeting. He will go through the highlights and give the City Commission a chance to ask any questions.

**Justification:** Annually the City is required to have their financial statements audited.

**Financial Considerations:** none

**Purpose/Mission:** We strive for high service standards

**Legal Considerations:** None

**Attachments:** A hard copy of the audit will be available to each of the City Commissioners. The scanned version will be on the website.

## *Memorandum*

*To: City Commissioners*  
*From: Cherise Tieben*  
*Date: September 12, 2019*  
*Subject: Horse Thief Reservoir Board  
Appointment*  
*Agenda Item: New Business*

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**Recommendation:** Staff recommends that the Commission appoint Troy Brown to represent the City of Dodge City on the Horse Thief Reservoir Board of Directors.

**Background:** The City of Dodge City Commission is provided the opportunity to appoint a representative to the Horse Thief Reservoir Board of Directors in accordance with the State statute establishing the Reservoir funding mechanism, Board of Directors, etc.

**Justification:** Troy has substantial knowledge in the operation of similar facilities through his background with Kansas Wildlife and Parks.

**Financial Considerations:** None at this time.

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

**Legal Considerations:** None.