

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, February 1, 2021

7:00 p.m.

MEETING #5176

This will be an entirely virtual meeting, and there are two ways to watch and listen in real-time:

1. Watch live on our Facebook page at [www.facebook.com/cityofdodgecity](http://www.facebook.com/cityofdodgecity)

2. Or watch it on our Vimeo page at [www.vimeo.com/cityofdodgecity](http://www.vimeo.com/cityofdodgecity).

Comments on these streams will be open to be utilized for the Visitors Section. The meeting will be archived on both sites to be viewed after the live video has ended.

## **CALL TO ORDER**

## **SELECTION OF NEW CITY COMMISSIONER**

## **PLACEMENT OF NEW CITY COMMISSIONER**

## **ROLL CALL**

## **INVOCATION BY**

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

## **SUBMIT QUESTIONS OR COMMENTS**

## **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).

Boot Hill Museum Update

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, January 19, 2021;
2. Appropriation Ordinance No.3, February 1, 2021;
3. Cereal Malt Beverage License:
  - a. Flying J, 2524 E. Wyatt Earp Blvd.
4. Approval of Street lights for Candletree #6 Street Lights;
5. Approval of Reappointment of Michael Burns to the Community Facility Advisory Board (CFAB).

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2021-05:** A Resolution of the Governing Body of the City of Dodge City, Kansas Giving Notice of a Public Hearing on the Advisability of Creating a Community Improvement District. Report by Finance Director, Nicole May.

**Resolution No. 2021-06:** A Resolution of the City of Dodge City, Kansas, Approving the Execution and Delivery of a Naming Rights Agreement with VenuWorks of Dodge City, LLC and BHCMC, LLC dba Boot Hill Casino & Resort. Report by Assistant City Manager/Public Affairs, Melissa McCoy.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of Quote for Signal Pole Replacement at Wyatt Earp Boulevard & US 56/283.. Report by Director of Engineering, Ray Slattery.
2. Discussion of the Rebein Property.

## **OTHER BUSINESS**

## **STAFF REPORTS**

## **ADJOURNMENT**

## **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Tuesday January 19, 2021

7:00 p.m.

MEETING #5175

**This will be an entirely virtual meeting, and there are two ways to watch and listen in real-time:**

**1. Watch live on our Facebook page at [www.facebook.com/cityofdodgecity](http://www.facebook.com/cityofdodgecity)**

**2. Or watch it on our Vimeo page at [www.vimeo.com/cityofdodgecity](http://www.vimeo.com/cityofdodgecity).**

**Comments on these streams will be open to be utilized for the Visitors Section. The meeting will be archived on both sites to be viewed after the live video has ended.**

### **CALL TO ORDER**

**ROLL CALL** Mayor Rick Sowers, Commissioners Kent Smoll, Brian Delzeit, Joseph Nuci

**INVOCATION** by Father Wesley Schawe of Cathedral of Our Lady of Guadalupe Church

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

Commissioner Rick Sowers moved to add under New Business, Item #7, approval of plat for Casa Del Rio-Phase 1. Commissioner Brian Delzeit made a motion to approve the agenda with the changes. Commissioner Joseph Nuci seconded the motion. The motion carried 4 -0.

### **SUBMIT QUESTIONS OR COMMENTS**

Viewer thanked Western Plains Regional Hospital Staff for updates and all they have done for community.

### **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).**

Evan Wilson, Director of Pharmacy Operations, along with Marsha Jamison, Director of Nursing of Western Plains Medical Complex gave update on the Covid-19 vaccines.

Deputy Chief Jerad Goertzen introduced Cisco Soto, a new employee to the Dodge City Police Department. He was sworn in with the city loyalty oath. Staff welcomed and congratulated him on his new position as police officer.

**CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, January 4, 2021;
2. Appropriation Ordinance No.2, January 19, 2021;
3. Cereal Malt Beverage License:
  - a. Walgreen Store, 1801 N. 14<sup>th</sup> Avenue.
  - b. Casa Alvarez, 1701 W. Wyatt Earp Blvd.
  - c. Water Sports Campground, 500 Cherry Street.
4. Approval of Change Order of Repairs to Wells 22 and 23;
5. Approval of Ser-Jobs for Progress National Inc. Lease Agreement.

Commissioner Joseph Nuci made a motion to approve the consent calendar as presented. Commissioner Kent Smoll seconded the motion. The motion carried 4 - 0.

**ORDINANCES & RESOLUTIONS**

**Ordinance No. 3750:** An Ordinance of the City of Dodge City, Kansas Amending the Official Zoning Map of the City, Changing the Tract of Land That Includes all of Happy Homes Park No. 2, from AG Agriculture, to C-2 Commercial Highway was approved on a motion by Commissioner Brian Delzeit. Commissioner Kent Smoll seconded the motion. The motion carried 4 - 0.

**Resolution No. 2021-03:** A Resolution Determining the Advisability of the Making of Certain Internal Improvements in the City of Dodge City, Kansas; Making Certain Findings with Respect Thereto; and Authorizing and Providing for the Making of the Improvements in Accordance with Such Findings (Various Internal Improvements/Candletree Addition Unit 6) was approved on a motion by Commissioner Kent Smoll. Commissioner Brian Delzeit seconded the motion. The motion carried 4 - 0.

**Resolution No. 2021-04:** A Resolution Determining the Advisability of the Making of Certain Internal Improvements in the City of Dodge City, Kansas; Making Certain Findings with Respect Thereto; and Authorizing and Providing for the Making of the Improvements in Accordance with Such Findings (Various Internal Improvements/Casa Del Rio) was approved on a motion by Commissioner Brian Delziet. Commissioner Joseph Nuci seconded the motion. The motion carried 4 - 0.

**UNFINISHED BUSINESS**

City Manager Nick Hernandez gave update on Covid-19. There has been a decrease in the daily average of positive cases here in the city, over 100,000 masks have been distributed throughout the city.

Commissioner Joseph Nuci made a motion to lift the mask ordinance that was passed on November 16, 2020. Commissioner Kent Smoll seconded the motion. The motion passed 3 – 1

with Commissioner Rick Sowers voting no. Commissioner Smoll stated if the positive cases begin to increase, he would like to see the ordinance put back in place. Commissioners encouraged the public to continue to wear masks at the request of businesses if they require you to wear a mask upon entering their business, even if the mask ordinance is not in place. The City of Dodge City owned facilities will continue to require the wearing of face masks when entering their offices or buildings.

#### **NEW BUSINESS**

1. Commissioner Joseph Nuci moved to approve the bid from Key Equipment and Supply in the amount of \$548,490 for Two (2) Side Load Solid Waste Semi-Automated Trash Trucks. Commissioner Brian Delzeit seconded the motion. The motion carried 4 - 0.
2. Commissioner Brian Delzeit moved to approve the quote from Nowak Construction Co. in the amount of \$328,494.00 for infrastructure improvements for Casa Del Rio Sub-Division Phase 1. Commissioner Rick Sowers seconded the motion. The motion carried 4 - 0.
3. Commissioner Brian Delzeit moved to approve the 2021 Community Facility Advisory Board Organizational Funding Requests by the City of Dodge City and Ford County Commissions. Commissioner Rick Sowers seconded the motion. The motion carried 3 – 0 with Commissioner Kent Smoll voting no.
4. Commissioner Rick Sowers moved to approve the appointments of the vacant positions for the city-appointed boards and commissions. Commissioner Brian Delzeit seconded the motion. The motion carried 4 – 0.
5. Commissioner Brian Delzeit moved to approve the agreed-upon procedures engagement letter with Kennedy McKee & Company for the year ending December 31, 2020. Commissioner Joseph Nuci seconded the motion. The motion carried 4 – 0.
6. Commissioner Joseph Nuci moved to approve the agreed approval of Audit Engagement Letter with Kennedy McKee & Company. Commissioner Brian Delzeit seconded the motion. The motion carried 4 – 0.
7. Commissioner Joseph Nuci made a motion to approve the plat for Casa Del Rio Addition Phase 1. Commissioner Brian Delzeit seconded the motion. The motion carried 4 – 0.

#### **OTHER BUSINESS**

City Manager Nick Hernandez said there were thirteen (13) applications received for the vacant city commission seat. His recommendation was for the commissioners to choose two to three of who they choose for the top candidates and over the next two weeks he will reach out to

them and schedule a time to meet with the candidates that are selected and go over policies and procedures with them before the next meeting. Commissioners agreed on the candidates Jan Scoggins and Blanca Soto.

**ADJOURNMENT**

Commissioner Joseph Nuci moved to adjourn the meeting. Commissioner Brian Delzeit seconded the motion. The motion carried 4 - 0.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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

## 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>Yardley Dodge City, LLC</u>		Principal Place of Business <u>2524 E Wyatt Exp Blvd</u>	
Corporation Street Address <u>P.O. Box 610 653 W 1400 N</u>		Corporation City <u>Beaver City</u>	State <u>UT</u>
Date of Incorporation <u>9/29/2020</u>		Zip Code <u>84713</u>	
Resident Agent Name <u>Registered Agent Solutions, Inc</u>		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Street Address <u>2101 SW 21st St</u>		Phone No. <u>1-435-438-5191</u>	
		City <u>Topeka</u>	State <u>KS</u>
		Zip Code <u>66604</u>	

## SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name <u>Flying T Travel Center</u>	Name
Business Location Address <u>2524 E Wyatt Exp Blvd</u>	Address
City <u>Dodge City</u>	City
State <u>KS</u>	State
Zip <u>67801</u>	Zip
Business Phone No. <u>620-338-8888</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 <u>Mark T Yardley</u>	Position <u>Member</u>	Date of Birth <u>2/18/62</u>
Residence Street Address <u>4549 N. Painted Sky Dr</u>	City <u>St. George</u>	State <u>UT</u>
		Zip Code <u>84776</u>
Spouse Name <u>Katy Yardley</u>	Position <u></u>	Date of Birth <u>9/7/70</u>
Residence Street Address <u>4549 N. Painted Sky Dr</u>	City <u>St. George</u>	State <u>UT</u>
		Zip Code <u>84770</u>
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:** Nick Hernandez, City Manager and City Commissioners  
**From:** Ray Slattery, PE, Director of Engineering Services  
**Date:** January 27, 2021  
**Subject:** Approval of quote for Streetlight installation in the Candletree #6 Sub-division

**Agenda Item:** Consent Calendar

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**Recommendation:** Approve the quote from Victory Electric to install 2 LED Street Lights in the Candletree #6 Sub-division in the amount of \$13,607.00.

**Background:** Work on the infrastructure for the Candletree #6 Sub-division is currently under way. It is City policy to have streetlights installed at intersections or roadway curves in residential sub-divisions. As for the Candletree #6 sub-division only two streetlights are needed at this time. The lights will be installed at the intersection of Vail St. and Miles St. and the eastern curve of Vail St. These streetlights will be installed when Victory Electric is installing the electrical infrastructure to the sub-division. A streetlight has already been installed at the intersection of Vail St. and Gary Ave. with the previous sub-division work. Streetlights will be installed at the north ends of Gary Ave., Miles St, and Vail St. in the future with the construction of Iron Rd.

**Justification:** The addition of the streetlights will help with visibility and safety in the new sub-division.

**Financial Considerations:** Funding for the streetlights will come from the RHID for Candletree #6.

**Purpose/Mission:** The completion of this project aligns with the City's core value of Ongoing Improvement and Safety by providing and preparing for the community's future.

**Legal Considerations:** By approving the quote from Victory Electric, the City will be responsible to make payment to Victory Electric for the completed work.

**Attachments:** Victory Electric's estimate and a map showing the location of the streetlights.

# The Victory Electric Cooperative Assn., Inc.

# Estimate

3230 N 14th Ave.  
Dodge City, KS 67801  
Phone: 620-227-2139

**DATE** January 25, 2021

**Estimate project** Street Lights  
**Member Name** Candletree 6  
City of Dodge City

**Bill To:**

*Estimate valid until:* April 25, 2021

Ray Slattery  
City of Dodge City

*Prepared by:* Kyndell Penick

**Comments or special instructions:**

Description	AMOUNT
Candletree 6 Street Lights	\$ 13,607.00
<i>Labor and Equipment built into estimate</i>	
<b>TOTAL</b>	<b>\$ 13,607.00</b>

If you have any questions concerning this estimate, Contact 620-227-2139







# Memorandum

**To:** City Manager, City of Dodge City Commissioners & County Administrator, Ford County Commissioners

**From:** Assistant City Manager/Public Affairs, Melissa McCoy

**Date:** January 27, 2021

**Subject:** CFAB Board Member Reappointment

**Agenda Item:** Consent Calendar

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**Recommendation:** recommends the reappointment of Michael Burns to serve a second three-year term on the Community Facility Advisory Board (CFAB).

**Background:**

Michael Burns completed his first three-year term on the CFAB Board in January 2021 and has expressed interest in serving another term.

**Justification:**

Mr. Burns is board members in good standing. He regularly attends scheduled meetings and is actively involved. In addition, at the January 26, 2021 meeting he was elected Vice Chair of the CFAB board.

**Financial Considerations:**

There are no financial considerations.

**Legal Considerations:**

Per the Inter-local agreement at-large members shall be appointed for an initial term of three years. Any at-large member may be nominated and re-appointed to serve a second three-year term, except after two consecutive terms there must be at least a one-year interval before an additional nomination and appointment.



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners  
**From:** Nicole May, Finance Director  
**Date:** January 27, 2021  
**Subject:** Resolution No. 2021-05  
**Agenda Item:** Ordinances and Resolutions

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**Recommendation:** I recommend the City Commission approve Resolution No. 2021-05.

**Background:** Phil Bundy is submitting a petition to create the BCPB, LC Community Improvement District and authorize the proposed CID project. The petition is to add a 1% sales tax at the 14<sup>th</sup> and Comanche location. Phil has started renovations of the former Alco space to split it into 2 areas, one of which is leased. The estimated costs of the construction and improvements is \$542,500. The petition is on file in my office and is an exhibit to the Resolution. The resolution sets a public hearing for March 1, 2021 and provides for notice of the public hearing. The resolution also restates the general nature of the proposed project, the estimated cost of the project, the proposed methods of financing, and a proposed 1% CID sales tax.

**Justification:** The Community Improvement District is an economic development tool authorized by the State of Kansas that allows eligible construction costs to be reimbursed to the developer. The additional sales tax collected in the improvement district is the only amount reimbursed to the developer.

**Financial Considerations:** None

**Purpose/Mission:** We value progress and business growth for the community.

**Legal Considerations:** All legal considerations will be met upon the passage of the Resolution.

**Attachments:** Resolution No. 2021-05 and Petition

**RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT.**

**WHEREAS**, pursuant to the provisions of the Community Improvement District Act, K.S.A. 12-6a26 *et seq.* (the “Act”), cities are authorized to establish community improvement districts, to authorize the performance of community improvement district projects, and to authorize the financing of such projects from the imposition of a community improvement district sales tax to be levied on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district in accordance with the Act; and,

**WHEREAS**, the Governing Body of the City of Dodge City, Kansas (the “City”) has determined to consider the advisability of creating a community improvement district as described in a petition (the “Petition”) filed for the establishment of a community improvement district in accordance with the Act, a copy of which is attached hereto as *Exhibit A*; and,

**WHEREAS**, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to create a community improvement district within the City and approve the project and method of financing the project as requested in the Petition pursuant to the Act.

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

**Section 1. Time and Place of Hearing.** Notice is hereby given that a public hearing will be held by the Governing Body of the City of Dodge City, Kansas to consider the advisability of creating a community improvement district as described in the Petition on March 1st at City Hall, located at 806 N. Second Avenue, Dodge City, Kansas, the public hearing to commence at 7:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on the foregoing matters.

**Section 2. The General Nature of the Proposed Project.** The proposed project to be performed within the proposed community improvement district is described in *Exhibit B*, attached hereto and incorporated herein by reference.

**Section 3. The Estimated Cost of the Project.** The estimated cost of the proposed project is eight hundred three thousand dollars (\$542,500)

**Section 4. The Proposed Method of Financing the Project.** The proposed method of financing for the proposed community improvement district is by reimbursement of costs on a “pay-as-you-go” basis.

**Section 5. The Proposed Amount of Community Improvement District Sales Tax.** A one percent (1%) community improvement district sales tax is proposed to be levied within the proposed community improvement district in accordance with the Act on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district.

**Section 6. Legal Description and Map Exhibit.** A legal description and map exhibit of the proposed community improvement district are attached hereto as *Exhibit C* and *Exhibit D*, respectively, and incorporated herein by reference.

**Section 7. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution must be mailed by United States certified mail, return-receipt requested, at least ten (10) days prior to March 1st, to each owner of real property within the proposed community improvement district.

(b) This resolution, including all exhibits attached hereto, must be published in the official City newspaper once each week for two (2) consecutive weeks; the second publication must occur at least seven (7) days prior to March 1st.

**Section 8. Effective Date.** This resolution will be effective upon its adoption by the Governing Body of the City of Dodge City, Kansas.

**ADOPTED** by the Governing Body of the City of Dodge City, Kansas on this 1st day of February, 2021.

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Mayor

Attest:

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Connie Marquez, City Clerk

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Brad Ralph, City Attorney

**EXHIBIT A**

Community Improvement District Petition

[Petition on file with City Clerk]

**EXHIBIT B**

Proposed Project

The general nature of the proposed projects (the "Projects") is to promote the redevelopment of a commercial building at 14<sup>th</sup> and Commanche, as is more particularly described herein, as lot 1 Walter Heights Subdivision consisting of 102,487 SF of land and a building containing 23,615 SF providing community improvement district financing in accordance with this Petition and with the Act to finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land, acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing, and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and petitioner's administrative costs in establishing and maintain the District, and any other items permitted to be financed within the District under the Act.

**EXHIBIT C**

Legal Description

Lot 1, Block 1 of Walter Heights Unit 2. Dodge City, Kansas

PETITION FOR THE CREATION OF A  
COMMUNITY IMPROVEMENT DISTRICT

TO: The Governing Body,  
City of Dodge City, Kansas

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

Hereby petitions the City of Dodge City, Kansas {the "City") to create a community improvement district and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A. 12-6a26, et seq. (the "Act"). In furtherance of such request, the petitioner states as follows:

1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map generally depicting the proposed community improvement district (the "District") is attached hereto as EXHIBIT "A"-

The legal description of the District is attached hereto as EXHIBIT "B"

2. GENERAL NATURE OF THE PROJECTS: /

The general nature of the proposed projects (the "Projects") is to promote the redevelopment of a commercial building at 14<sup>th</sup> and Commanche, as is more particularly described herein, as lot 1 Walter Heights Subdivision consisting of 102,487 SF of land and a building containing 23,615 SF providing community improvement district financing in accordance with this Petition and with the Act to finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land, acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing, and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and petitioner's administrative costs in establishing and maintain the District, and any other items permitted to be financed within the District under the Act.

3. ESTIMATED COST

The estimated or probable cost of the projects is \$542,500. See the attached EXHIBIT "C".

4. PROPOSED METHOD OF FINANCING

It is propped that the Projects be financed through private equity, private debt, and community improvement district financing. It is proposed that community improvement district revenue will be made available to finance the costs of the Projects through pay-as-you-go financing, as defined in the Act.

5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

It is not being proposed that the Projects be financed through the levying of assessments.

6. PROPOSED AMOUNT OF SALES TAX

It is being proposed that the Projects be financed in part through the levying of a 1% add-on sales tax authorized by the Act with such add-on sales tax to commence on June 1, 2021 or any other effective date requested by the petitioner in writing.

7. NOTICE TO PETITION SIGNATORY

Names may not be withdrawn from this Petition by the signatory hereto after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

IN WITNESS WHEREOF, the undersigned petitioner has executed the above foregoing petition to create the District at the dates set forth opposite its signature below:

(Name of Owner-typed) BCPB, LC

By: Philip A Bundy

ACKNOWLEDGMENT

STATE OF Kansas  
COUNTY OF Sedwick ss.

Be it remembered that on this 11<sup>TH</sup> day of December, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Philip A Bundy to me personally known, who being by me duly sworn did say they are the Members of said BCPB and that

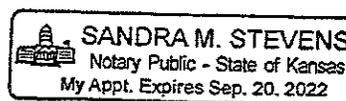
said instrument was signed and delivered on behalf of said company and that said Members acknowledged said instrument to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written.

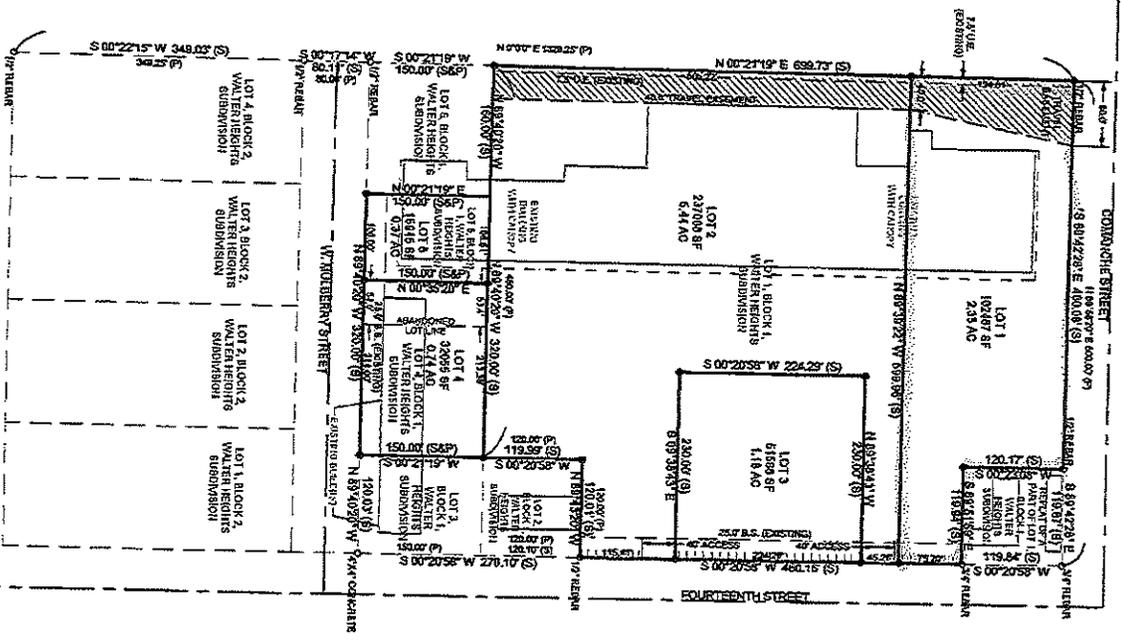
  
\_\_\_\_\_  
Notary Public in and for said County and State

My Commission Expires:

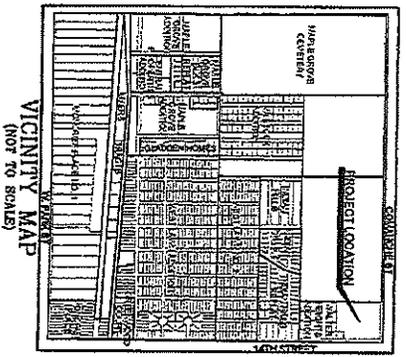
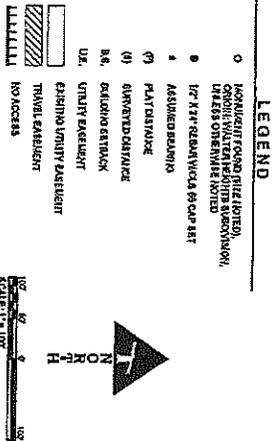
9-20-2022



# Exhibit A



**Notes:**  
 1. All lot corners, subdivisions, easements, etc., shall be as shown on this plat, subject to the title of the property in this plat, and to all other laws and regulations which may hereafter be enacted or amended.  
 2. The plat is subject to all laws and regulations which may hereafter be enacted or amended.  
 3. All building restrictions, which are being placed on this plat, shall be as shown on this plat, and to all other laws and regulations which may hereafter be enacted or amended.  
 4. All streets and public ways, including sidewalks, shall be as shown on this plat, and to all other laws and regulations which may hereafter be enacted or amended.  
 5. All other conditions and restrictions on this plat shall be as shown on this plat, and to all other laws and regulations which may hereafter be enacted or amended.



**Walter Heights Unit Two Closing Table**

POINT ID	ABOVE	BELOW	CHANCE	POINT ID	BELOW	ABOVE
500	484457	8022087	1501175	500	484457	8022087
501	484457	8022087	1501175	501	484457	8022087
502	484457	8022087	1501175	502	484457	8022087
503	484457	8022087	1501175	503	484457	8022087
504	484457	8022087	1501175	504	484457	8022087
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517	484457	8022087	1501175	517	484457	8022087
518	484457	8022087	1501175	518	484457	8022087
519	484457	8022087	1501175	519	484457	8022087
520	484457	8022087	1501175	520	484457	8022087

PERMITS: 200-099, CUMULATIVE PERMITS: 2000-225  
 APPROX. 30.7 FEET ASHRAE ACCESS (10:41)  
 APPROX. 10.1 FEET ASHRAE ACCESS (10:41)  
 CONSTRUCTION COORDINATOR: WALTER HEIGHTS UNIT TWO  
 ENGINEER: CONSTRUCTION ENGINEER, WALTER HEIGHTS UNIT TWO  
 ERROR: IN ABOVE TABLE TOTAL AREA 117,774 SQ. FT.  
 VARIANCE: 10.1 FEET ASHRAE ACCESS (10:41)

**Final Plat**  
**WALTER HEIGHTS,**  
**UNIT 2**

A Re-plat of Lots 1, 4-5, Walter Heights  
 Subdivision, Dodge City, Ford County, Kansas

**SMH**  
 CONSULTANTS

3817 Ferris Park, Sds 110 • Madison, Kansas 65203  
 (785) 785-0244 ext 278-2780 email: info@smhconsultants.com  
 Drawn By: ASD Project #1801061022 DB #10580  
**JULY 2020**



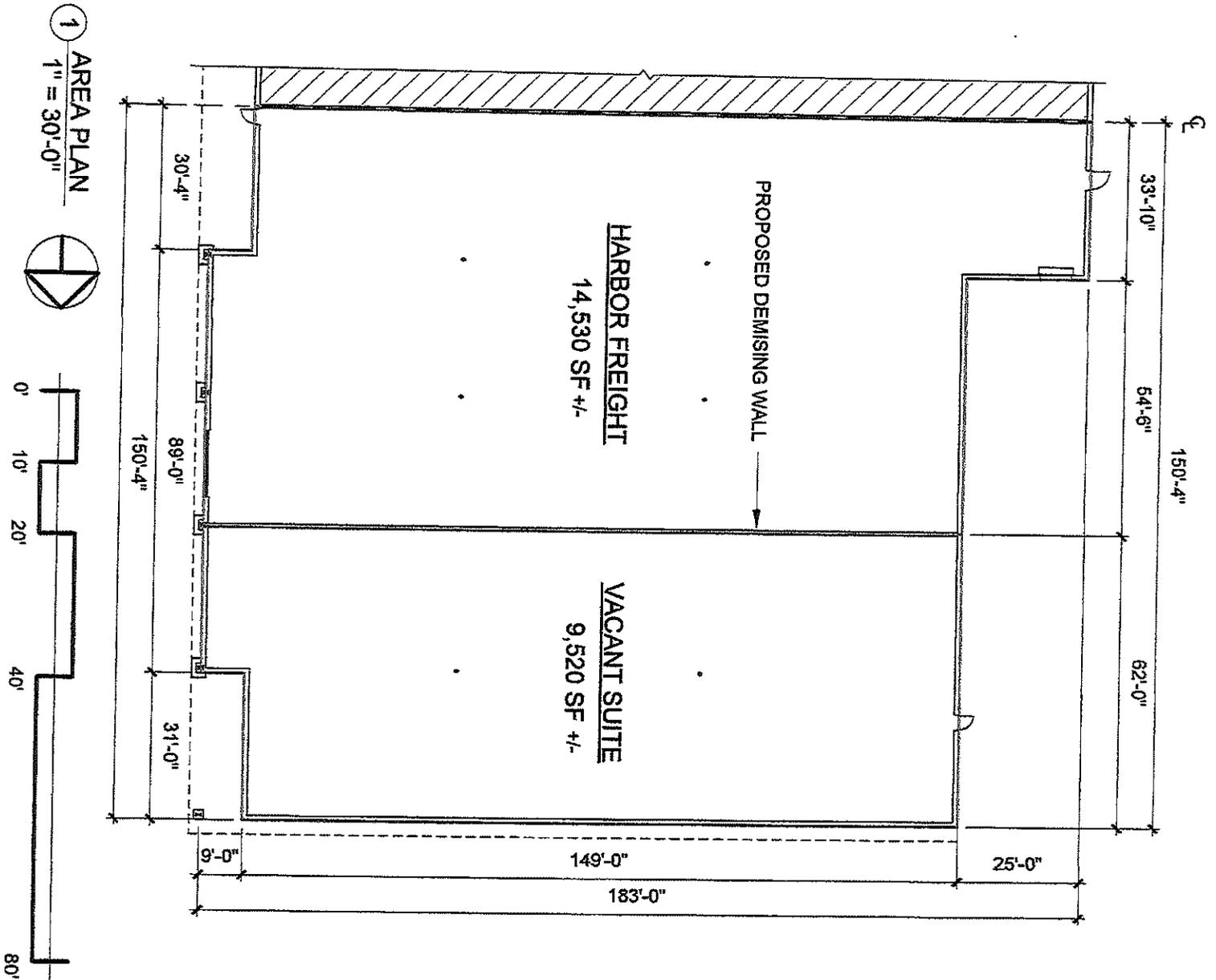
Exhibit C

Hard Costs	
Description	Cost
Site Work/Parking Lot	\$68,000.00
Demising	\$45,000.00
New Front	\$70,000.00
Harbor TI Allowance	\$200,000.00
Signage	\$35,000.00
Landscaping	\$15,000.00
Subtotal	\$433,000.00

Total	
Description	Cost
Hard Costs	\$444,322.00
Soft Costs	\$93,464.82
Total	\$542,500.00

Soft Costs	
Description	Cost
Architectural & Engineering	\$16,191.94
Surveying	\$2,500.00
Project Management	\$17,772.88
Legal Misc	\$40,000.00
Subtotal	\$109,500.00

Exhibit D



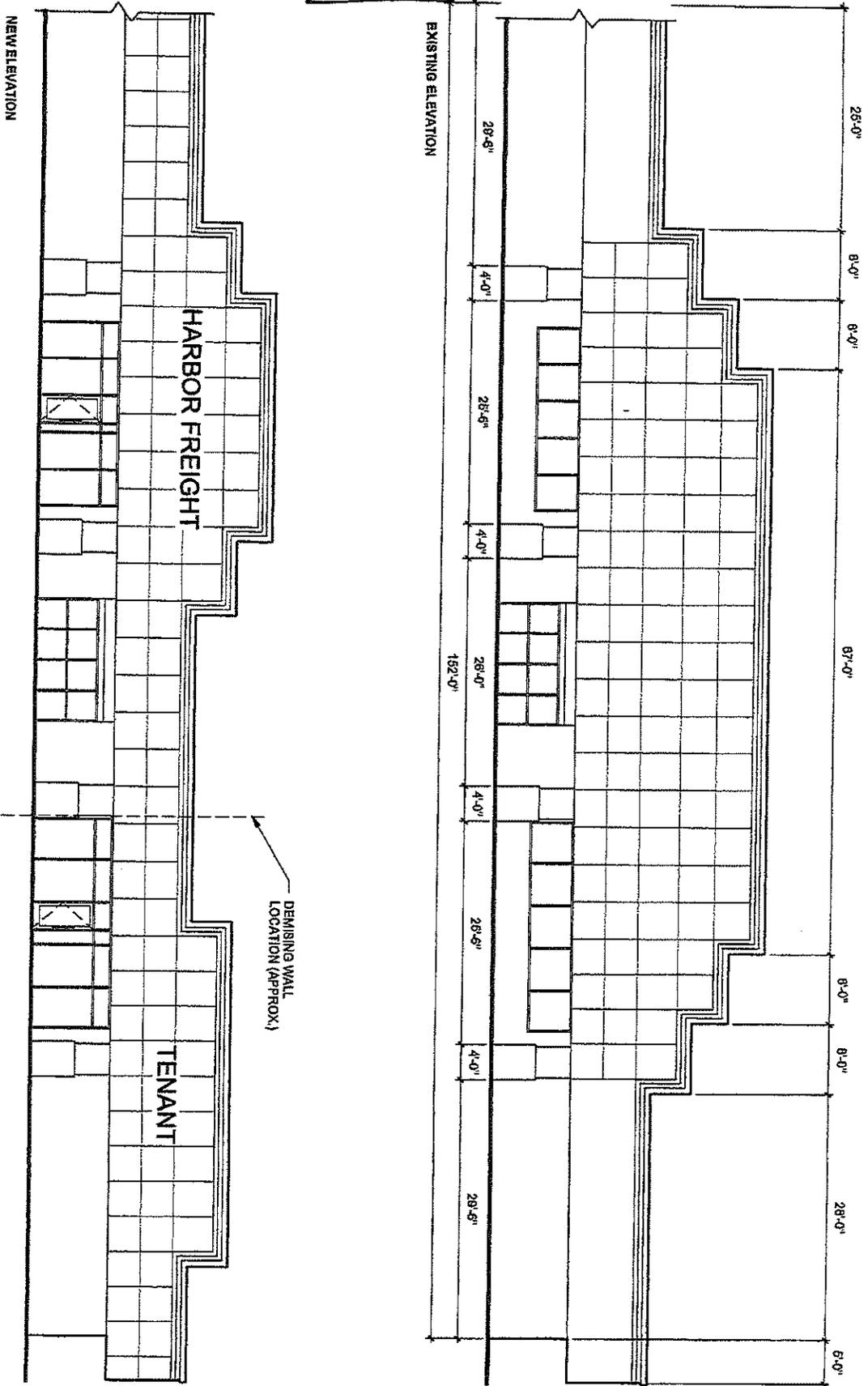
NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE AND SHOULD BE VERIFIED IN FIELD.

<p><b>CLARKITECTURE</b>          CLARKITECTURE.NET          (316) 302-4472          7701 E KELLOGG DR, SUITE 630          WICHITA, KS 67207</p>	<p><b>OWNER:</b> BCPB, LC</p> <p><b>PROJECT:</b> HARBOR FREIGHT - DODGE CITY</p> <p><b>DATE:</b> 10/21/20</p>
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NOTE: THESE DRAWINGS ARE NOT ISSUED FOR CONSTRUCTION.

# Exhibit E

① ELEVATIONS  
3/32" = 1'-0"



<p><b>CLARKITECTURE</b> CLARKITECTURE.NET (316) 302-4472</p> <p>7701 E KELLOGG DR, SUITE 650 WICHITA, KS 67207</p>	<p>OWNER: BUNDY DEVELOPMENT</p> <p>PROJECT: DODGE CITY MULTI-TENANT BUILDING</p>	<p>DATE: 08/30/20</p> <p>NOTE: THESE DRAWINGS ARE NOT ISSUED FOR CONSTRUCTION.</p>
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# Memorandum

**To:** City Manager, City of Dodge City Commissioners  
**From:** Assistant City Manager/Public Affairs Melissa McCoy  
**Date:** January 27, 2021  
**Subject:** Naming Rights for Boot Hill Casino and Resort Conference Center  
**Agenda Item:** Resolution

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**Recommendation:** Staff recommends approval of Resolution 2021-06 for the Naming Rights Agreement between VenuWorks (VenuWorks) of Dodge City, LLC and Boot Hill Casino and Resort (Casino).

**Background:** VenuWorks is the authorized management company for the special event center on behalf of the City of Dodge City and Ford County. This agreement renews the existing agreement through November 1, 2035. The Casino requested that the agreement be renewed before the end of the initial term of ten years because of their contract extension with the State of Kansas.

**Justification:** The Naming Rights Agreement with the Casino has been a mutually beneficial partnership. In addition, the Naming Rights Agreement provides a special provision requiring the approval of the Agreement by Resolution by the City of Dodge City. This requirement arises from a provision in the Agreement that the Agreement continues even if there is a change in management companies during the terms of the agreement.

**Financial Considerations:** None anticipated.

**Purpose/Mission:** Promoting open communications with the Community and improving quality of life.

**Legal Considerations:** City and County Legal Counsel reviewed the agreement, and it has been approved to be in proper form.

**Attachments:**  
Resolution 2021-06  
Naming Rights Agreement

**RESOLUTION NO. 2021-06**

A RESOLUTION OF THE CITY OF DODGE CITY, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF A NAMING RIGHTS AGREEMENT WITH VENUWORKS OF DODGE CITY, LLC AND BHCMC, LLC DBA BOOT HILL CASINO & RESORT.

**WHEREAS**, the City of Dodge City, Kansas, is an Owner of the Dodge City/Ford County Events Center known as the United Wireless Center (the “Center”); and,

**WHEREAS**, the City of Dodge City, Kansas (the “City”) and Venuworks of Dodge City, L.L.C. (“Venuworks”) are parties to a Management Agreement providing for Venuworks “to provide full management ... services” ; and,

**WHEREAS**, said management services include contracting for the naming rights to the conference center that is a part of the Center; and,

**WHEREAS**, Venuworks has reached a contractual agreement with BHCMC, LLC dba Boot Hill Casino & Resort for the rights to name the conference center; and,

**WHEREAS**, in accordance with the terms and conditions set forth in the proposed Naming Rights Agreement, approval of the Naming Rights Agreement is required to be evidenced by the City; and,

**WHEREAS**, the Governing Body of the City finds it is necessary and desirable that the City approve the Naming Rights Agreement.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, AS FOLLOWS:**

**Section 1. Authorization of Naming Rights Agreement.** The City is hereby authorized to approve the Naming Rights Agreement by and between Venuworks and BHCMC, LLC dba Boot Hill Casino & Resort in substantially the form presented to and reviewed by the Administration of the City, and by the City Commission on February 1, 2021 (copies of this document shall be on file in the records of the City), with the Mayor’s signature thereon being conclusive evidence of the approval thereof by the City and the same are hereby approved in all respects.

**Section 2. Execution of the Naming Rights Agreement.** The Mayor is hereby authorized and directed to execute, seal, attest and deliver the Naming Rights Agreement and such other documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City.

**Section 3.** This Resolution shall be in full force and effect from and after its adoption.

**ADOPTED** by the City Commission this 1<sup>st</sup> day of February 2021.

**APPROVED AND SIGNED** by the Mayor this 1<sup>st</sup> day of February 2021.

CITY OF DODGE CITY, KANSAS

By: \_\_\_\_\_  
Rick Sowers  
Mayor

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Connie Marquez  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Bradley C. Ralph  
City Attorney



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners  
**From:** Ray Slattery, PE, Director of Engineering Services  
**Date:** January 27, 2021  
**Subject:** Approval of quote for Signal Pole Replacement at Wyatt Earp Blvd. & US 56/283

**Agenda Item:** New Business

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**Recommendation:** Approve the quote from Phillips Southern Electric Co., Inc. for the signal pole replacement and other repairs at the Wyatt Earp Blvd. and US 56/283 intersection in the amount of \$42,700.00.

**Background:** On Sunday, January 10, 2021, a west bound semi-truck was turning left at the Wyatt Earp Blvd. and US 56/283 intersection, when the truck missed or misjudged the corner and hit the signal pole in the southwest corner of the intersection. The signal pole itself and the signal head on the pole received damage. The signal pole has been compromised to a point that it needs to be replaced. Staff has made temporary repairs to the signal pole and hardware so that the traffic signal remains operational. Quotes were requested and received from the two electrical companies that have performed all the signal work in Dodge City for the past several years. Phillips Southern Electric Co., Inc. has indicated work will begin on May 17, 2021 as there is a 12-week lead time on the signal pole and hardware. The work will be completed in 20 days.

**Justification:** It is necessary to have this pole replaced for the traffic signal at this intersection to work properly and reduce the risk of the signal pole from collapsing.

**Financial Considerations:** The replacement of this signal pole and associated hardware will cost \$42,700.00. The cost of this replacement and repair work has been turned in to the insurance company.

**Purpose/Mission:** The completion of this project will align with the City's core value of Safety.

**Legal Considerations:** By approving the quote from Phillips Southern Electric Co., Inc., the City will enter a contract with Phillips Southern Electric Co., Inc. and be responsible to make payments for the completed work.

**Attachments:** Quote Tab

CITY OF DODGE CITY, KANSAS  
QUOTE TABULATION

PROJECT: Traffic Signal Replacement - E. Wyatt Earp & US 50/283

PROJECT #: ST 2101

QUOTE DATE: 01/26/21

ENGINEER'S ESTIMATE

ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
<b>Traffic Signal Replacement</b>					
1	Purchase of Signal Equipment	L.S.	1	\$17,000.00	\$ 17,000.00
2	Installation of Signal Equipment	L.S.	1	\$33,000.00	\$ 33,000.00

TOTAL      **\$ 50,000.00**

CONTRACTOR: Phillips Southern Electric Co. Inc.	
ADDRESS: 6650 E. Gilbert	
CITY:	Wichita
STATE:	Kansas
ZIP:	67211
<b>LOW QUOTE</b>	
UNIT PRICE	CONTRACT AMOUNT
<b>Traffic Signal Replacement</b>	
\$17,700.00	\$ 17,700.00
\$25,000.00	\$ 25,000.00

TOTAL      **\$ 42,700.00**

BID SECURITY      N/A  
START DATE      May-21

CONTRACTOR: L & S Electric LLC	
ADDRESS: PO Box 1701	
CITY:	Salina
STATE:	Kansas
ZIP:	67402
UNIT PRICE	CONTRACT AMOUNT
<b>Traffic Signal Replacement</b>	
\$22,365.00	\$ 22,365.00
\$51,425.00	\$ 51,425.00

TOTAL      **\$ 73,790.00**

BID SECURITY      N/A  
START DATE      May-21