

CITY COMMISSION MEETING

SPECIAL SESSION

City Hall Commission Chambers

December 3, 2007 3:00 P.M.

- 1.** Presentation of Compensation & Classification Study and Proposal. Presented by Victoria McGrath

- 2.** Executive Session: Discussion of F.O.P. Negotiations

ADJOURNMENT

COMMISSION AGENDA

City Commission Chambers
Monday, December 3, 2007 7:00 p.m.
MEETING #4690

CALL TO ORDER

ROLL CALL

INVOCATION: First Christian Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

PUBLIC HEARING

Issuance of Taxable Industrial Revenue Bonds (LaQuinta Inn Project) and Exemption from Ad Valorem Taxation.

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).

Character Trait: Month of December is THRIFTINESS

CONSENT CALENDAR

1. Approval of City Commission meeting minutes, November 19, 2007
2. Appropriation Ordinance No. 22, December 3, 2007
3. Approval of Cereal Malt Beverage Application(s)
 - a) Gene's Heartland Foods, 1800 Central, Dodge City
4. Approval of Flying J Right of Way

ORDINANCES & RESOLUTIONS

Ordinance No. 3451: An Ordinance Authorizing the City of Dodge City, Kansas to Issue its Taxable Industrial Revenue Bonds (LaQuinta Inn Project) in the Aggregate Principal Amount of \$5,400,000 for the Purposes of Acquiring, Construction, and Equipping a Hotel Facility.

Resolution No. 2007-25: Year End Bonus

UNFINISHED BUSINESS

NEW BUSINESS

Approval of Bids for 2008 24 cu. Yd. Semi-Automated Side Load Solid Waste collection Truck. Presented by Mike Klein, Public Works Superintendent.

Approval of Compensation & Classification Study and Proposal. Presented by Cherise Tieben, Assistant City Manager.

Approval of 2007 Manhole rehabilitation, SS 0701. Presented by Joe Finley, Director of Engineering Services.

OTHER BUSINESS

ADJOURNMENT

(Published in the *Dodge City Daily Globe*, November 23, 2007)

**NOTICE OF PUBLIC HEARING
AND OF
ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS**

Public notice is hereby given that the City Commission of the City of Dodge City, Kansas (the "City"), will conduct a public hearing on Monday, December 3, 2007 at 7:00 p.m., or as soon thereafter as may be heard, at City Hall, 806 2nd Avenue in Dodge City, Kansas, regarding the proposed issuance by the City of its Taxable Industrial Revenue Bonds, Series 2007 (La Quinta Inn Project), in an aggregate principal amount not exceeding \$6,000,000 (the "Bonds"). The public hearing will also include discussion regarding an exemption from ad valorem taxation for property constructed or purchased with the proceeds of such Bonds.

The Bonds are proposed to be issued by the City under authority of K.S.A. 12-1740 *et seq.*, as amended, to provide funds to pay the costs of acquiring certain real property located at 2400 West Wyatt Earp and constructing, furnishing and equipping an approximately 63,000-square-foot hotel facility thereon. The City intends to own such facility and lease it to David, Inc., a Kansas corporation. The governing body of the City will not consider passage of an ordinance authorizing the issuance of the Bonds until said public hearing has been concluded.

Notice is further given, in accordance with K.S.A. 12-1744e, that the City intends to issue the Bonds and lease the facility to the Tenant as set out above.

A copy of this Notice, together with a copy of the resolution of intent of the City adopted on October 17, 2005, indicating the intent of the governing body of the City to issue such Bonds and a report analyzing the costs and benefits of such property tax exemption, are on file in the office of the City Clerk, or will be as soon as completed, and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: November 23, 2007

CITY OF DODGE CITY, KANSAS

Nannette Pogue, City Clerk

COMMISSION MINUTES

City Commission Chambers
Monday, November 19, 2007 7:00 p.m.
MEETING #4689

CALL TO ORDER

ROLL CALL: Mayor Kent Smoll, Commissioners Rick Sowers, Jim Lembright, Jim Sherer, and Terry Lee.

INVOCATION: Father Dennis Zimmerman, St. Cornelius Episcopal 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).

Aaron and Lindy Duree: Smoking Ban
Dan Riechenberg: Facility Fees

CONSENT CALENDAR: Commissioner Sowers moved to approve the Consent Calendar, second by Commissioner Lembright, unanimous vote.

1. City Commission Work Session minutes, November 5, 2007
2. City Commission meeting minutes, November 5, 2007
3. Joint City/County Meeting minutes, November 9, 2007
4. Appropriation Ordinance No. 21, November 19, 2007
5. Cereal Malt Beverage Application(s)
 - a) Presto Convenience Stores, 2615 E. Trail Street, Dodge City
 - b) King Kwik Mart, 510 E. Wyatt Earp, Dodge City
 - c) South Dodge Shamrock, 302 S Second Ave, Dodge City
 - d) Mariscos Nayarit Restaurant, 509 N. Second Ave., Dodge City
6. Playground Structure for Longbranch Park in the amount of \$11,750.00.

ORDINANCES & RESOLUTIONS

Ordinance No. 3450: An Ordinance Designating 603 W. Spruce Street as a Local Historic Landmark, with All Privileges and Responsibilities Associated with Such Designation. Commissioner Sherer moved to accept Ordinance No 3450, second by Commissioner Lee, unanimous vote.

Resolution No. 2007-22: A Resolution Establishing Fees and Regulations for Hoover Pavilion. Commissioner Sowers moved to accept Resolution No. 2007-22, second by Commissioner Lembright, vote 4-1, Commissioner Lee opposed.

Resolution No. 2007-23: A Resolution Establishing Fees and Charges for the Dodge City Municipal Outdoor Pool. Commissioner Lembright moved to accept Resolution No. 2007-23, second by Commissioner Sherer, unanimous vote.

Resolution No. 2007-24: A Resolution Authorizing the Offering for Sale of General Obligation Bonds Series 2007-A, of the City of Dodge City, KS. Commissioner Sowers moved to accept Resolution No. 2007-24, second by Commissioner Sherer, unanimous vote.

UNFINISHED BUSINESS

NEW BUSINESS

Temporary Easement/Permanent Right of Way for West Wyatt Earp Blvd. /14th Ave.-Matt Down Lane. Commissioner Sherer moved to approve the payments listed below, second by Commissioner Lee; vote 4-0, Mayor Smoll abstained.

PARCEL	OWNER	LOCATION	TYPE	AMOUNT
4	Hotel Properties,LLC	2320 W. Wyatt Earp	Right of Way	1,550.00
4	Hotel Properties,LLC	2320 W. Wyatt Earp	Temp Ease	4,950.00
8	Hotel Dodge City S, Inc.	1708 W. Wyatt Earp	Right of Way	400.00
8	Hotel Dodge City S, Inc	.1708 W. Wyatt Earp	Temp Ease	5,300.00
33	C. & L. Huynh	2100 W. Wyatt Earp	Right of Way	75,000.00
33	C. & L. Huynh	2100 W. Wyatt Earp	Prop & Improv	92,500.00
33	C. & L. Huynh	2100 W. Wyatt Earp	Temp Ease	<u>15,000.00</u>
TOTAL				\$194,700.00

Bid for Ranchwood Estates/Happy Home II Mobile Home Parks Sewer Project from APAC in the amount of \$288,488.90 was approved. Commissioner Sherer moved, second by Commissioner Lee, unanimous vote.

OTHER BUSINESS

City Manager: There will be a Work Session on December 3rd from 3:00—5:00 p.m.
Invited Commissioners to the Annual City Manager's Thanksgiving Chili Lunch on Wednesday, November 21 from 11:30 a.m.—1:00 p.m.
City offices will be closed on Thursday and Friday for the Thanksgiving holiday.

Commissioners: Commissioner Sherer attended NLC in New Orleans
Commissioner Lembright wished everyone a Happy Thanksgiving
Commissioner Sowers reminded everyone about the Solid Waste Meeting and asked to keep our Service Men and Women in our thoughts.
Mayor Smoll wished everyone a Happy Thanksgiving and made the public aware of local deployment ceremonies.

ADJOURNMENT: Commissioner Sowers moved to adjourn the meeting, second by Commissioner Lembright, vote 5-0

E. Kent Smoll, Mayor

ATTEST

Nannette Pogue, City Clerk

(This form prepared by the Attorney General's Office)
(Corporate Application Form)
APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

DODGE CITY, FORD COUNTY, KANSAS NOV. 15, 2007
TO THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS
or
THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS

On behalf of the CLASEN INC.

corporation whose principal place of business is 1400 S. OLIVER WICHITA, KANSAS 67218
and under authority of the resolution of the Board of Directors of

said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is CLASEN INC corporation with principal place of business at WICHITA, KANSAS. The resident agent is GENE CLASEN with offices at 1400 S. OLIVER WICHITA, KANSAS 67218
Said corporation was incorporated on 1/23/96
A copy of the Articles of Incorporation is presently on file with the Register of Deeds of this County.
Yes () No ()

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

GENE CLASEN

3. The premises for which the license is desired are located at 1800 CENTRAL DODGE CITY, KS 67801

(a) The legal description of the premises is NORTHEAST CORNER COMANCHE ST. & CENTRAL

(b) The street number is 1800 CENTRAL

(c) The building is described as _____

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:

GENE'S HEARTLAND FOODS

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are ROBERT & JEANNE WEIGEL
2300 S. 48TH ST. LINCOLN, NEBRASKA 68506

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

(a) None of them has within the last two years from this date been convicted of

- (1) A felony
- (2) A crime involving moral turpitude
- (3) Drunkenness
- (4) Driving a motor vehicle while under the influence of intoxicating liquor
- (5) Violation of any state or federal intoxicating liquor law

If any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.

(b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:

- (1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
- (2) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent

Name WAYNE SMITH

Address 1613 MULBERRY CIRCLE

Residence DODGE CITY, KANSAS 67801

Length of residence within this city or county in which the application is being made _____

Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____

Date and place of birth _____

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter

7. This application is for a license to retail cereal malt beverage for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises (X).

A license fee of \$ 125.00 is enclosed herewith.

I, JAMES CLASEN, VICE PRESIDENT
(Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal)

By James E. Clasen CLASEN INC.
(Signature and position of individual making application on behalf of corporation)
(Corporation) Vice President

Attest:

(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF FOUNTAIN, ss.
I, James E. Clasen Vice President, of the
(Signature and official position)
CLASEN INC., do
(Name of corporation)

solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

James E. Clasen Vice President
(Signature and official position)

SUBSCRIBED AND SWORN TO before me this

day of Nov-15, 2007



Joyce D. Loper
(Character of official administering oath)

My commission expires on the 3rd day of May, 2009

APPLICATION APPROVED this _____ day of _____, _____

By _____, _____
(Official position)
of _____, Kansas
(City or county)

Recorded in Volume _____, at page _____

NOTE: A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE APPLICATION FEE REQUIRED BY K.S.A. 2001 SUPP. 41-2702(e), MUST BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BUREAU, KANSAS DEPARTMENT OF REVENUE.

Special Quit & Claim Deed

The City of Dodge City, Kansas, a Municipal Corporation ("Grantor"), for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, does hereby quit claim to Flying J. Inc., a Utah Corporation ("Grantee") all of Grantors right, title, and interest acquired by Grantor from the State of Kansas in a certain quit claim deed dated April 10, 2007, and recorded in Book 230 at 38 in the office of the Register of Deeds, Ford County, Kansas, in and to that certain real property containing approximately 0.416 acres located in Dodge City, Ford County, Kansas, illustrated and legally described in Exhibit A, attached hereto, subject however to existing utility easements and /or right of way, whether recorded or unrecorded, and any and all other encumbrances of record.

Dated this _____ day of December, 2007.

City of Dodge City, Kansas
a Municipal Corporation
by: _____
E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Acknowledgement

STATE OF KANSAS)
)SS:
COUNTY OF FORD)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Mayor E. Kent Smoll and Nannette Pogue, Clerk of the City of Dodge City, Kansas, a municipality corporation, who acknowledged to me that they executed the same for the purposes therein expressed, acting for and on behalf of City of Dodge City, Kansas, in their respective capacities as such officers.

GIVEN under my hand and seal of office the day and year last above written.

My appointment expires: _____ Notary Public

(Seal)

(NOTE: Notary name must be typed or imprinted with stamp in addition to signature.)

November 29, 2007

MEMORANDUM

TO: Ken Strobel, City Manager

FROM: Nannette Pogue, City Clerk

SUBJECT: Ordinance No. 3451

Ordinance No. 3451 authorizes the issuance of \$2,970,000 Taxable Industrial Revenue bonds, Series A and Series B, 2007 for David Inc. (LaQuinta Inn Project). This is to finance the construction of the LaQuinta Inn, 2400 West Wyatt Earp owned by Wilson and Grace Parmar and others. They chose to finance the construction of this motel with IRB's to take advantage of the tax abatement agreement. Previously the City Commission approved a Letter of Intent to authorize IRB's to finance this project as well as approved a Payment in Lieu of Taxes agreement that set forth details of a tax abatement and payment in addition. Previously a public hearing was held, but the proper publication was not found in the Dodge City Daily Globe, so this required public hearing was republished and is also on the December 3rd City Commission agenda.

The ordinance authorizes several bond documents including a Bond Agreement, a Lease, a Guaranty Agreement and the Agreement for Payment in Lieu of Taxes. The repayment of these bonds is the sole responsibility of the owner and is not an obligation of the City of Dodge City. This ordinance and approval of all documents will be the final step by the Governing Body to complete this transaction. If the City Commission wishes to review any of the documents authorized by this ordinance, please let me know.

If you have any questions or wish additional information, please let me know.

GILMORE & BELL, P.C.
November 28, 2007

ORDINANCE NO. 3451

OF THE
CITY OF DODGE CITY, KANSAS

AUTHORIZING THE ISSUANCE OF
NOT EXCEEDING \$5,400,000 TAXABLE INDUSTRIAL REVENUE BONDS
SERIES A, 2007 AND SERIES B, 2007
(LA QUINTA INN PROJECT)

(Published in the *Dodge City Daily Globe*, December ____, 2007)

ORDINANCE NO. 3451

AN ORDINANCE AUTHORIZING THE CITY OF DODGE CITY, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2007 AND SERIES B, 2007 (LA QUINTA INN PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,400,000 FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING AND EQUIPPING A HOTEL FACILITY; AUTHORIZING EXECUTION OF A BOND AGREEMENT BY AND BETWEEN THE CITY, DAVID, INC., AS TENANT AND HOME NATIONAL BANK, PONCA CITY, OKLAHOMA; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO DAVID, INC. AND AUTHORIZING EXECUTION OF A LEASE BETWEEN SAID CITY AND DAVID, INC.; APPROVING THE FORM OF A GUARANTY AGREEMENT BY AND BETWEEN THE TENANT, WILSON S. PARMAR, GRACE PARMAR, ATUL K. PATEL, SHITAL A. PATEL, KANTILAL L. PATEL, HASMUKHBEN K. PATEL, AND HOME NATIONAL BANK; AND AUTHORIZING THE EXECUTION OF ADDITIONAL DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY.

THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS HAS FOUND AND DETERMINED:

A. The City of Dodge City, Kansas (the "Issuer") is authorized by the Kansas Economic Development Revenue Bond Act, as amended, as codified in K.S.A. 12-1740 *et seq.* (the "Act"), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities.

B. The Issuer's governing body has determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds, Series A, 2007 and Series B, 2007 (La Quinta Inn Project) dated as of their Issue Date in the aggregate principal amount of \$5,400,000 (the "Series A, 2007 and Series B, 2007 Bonds"), for the purpose of paying the costs of acquiring, constructing, furnishing and equipping a hotel facility (the "Project"), as more fully described in the Bond Agreement and in the Lease authorized in this ordinance for lease to David, Inc. (the "Tenant").

C. The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series A, 2007 and Series B, 2007 Bonds to execute and deliver the following documents (collectively, the "Bond Documents"):

- (i) a Bond Agreement (the "Bond Agreement"), between the Issuer, the Tenant and Home National Bank, Ponca City, Oklahoma (the "Bank") prescribing the terms and conditions of issuing and securing the Series A, 2007 and Series B, 2007 Bonds;

(ii) a Lease (the "Lease"), with the Tenant, under which the Issuer will acquire, construct, furnish and equip the Project and lease it to the Tenant in consideration of Basic Rent and other payments; and

(iii) an Agreement for Payment in Lieu of Taxes (the "Agreement for Payment in Lieu of Taxes") with the Tenant, under which the Tenant will make certain payments in lieu of taxes for each year after issuance of the Bonds that the Project is exempt from ad valorem taxation.

D. The Issuer's governing body has found that under the provisions of K.S.A. 79-201a *Second*, the Project purchased or constructed with the proceeds of the Series A, 2007 and Series B, 2007 Bonds is eligible for exemption from ad valorem property taxes for up to 10 years, commencing in the calendar year following the calendar year in which the Bonds are issued, if proper application is made. The Issuer's governing body has further found that the Project should be exempt from ad valorem property taxes for a period of 10 years, subject to a payment in lieu of taxes for each year of the exemption, as more particularly described in the Agreement for Payment in Lieu of Taxes. Prior to making this determination, the governing body of the Issuer has conducted the public hearing and reviewed the analysis of costs and benefits of such exemption required by K.S.A. Supp. 12-1749d.

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

Section 1. Definition of Terms. All terms and phrases not otherwise defined in this ordinance will have the meanings set forth in the Bond Agreement and the Lease.

Section 2. Authority to Cause the Project to be Purchased and Constructed. The Issuer is authorized to cause the Project to be acquired, constructed, furnished and equipped in the manner described in the Bond Agreement and the Lease.

Section 3. Authorization of and Security for the Bonds. The Issuer is authorized and directed to issue the Series A, 2007 and Series B, 2007 Bonds, to be designated "City of Dodge City, Kansas Taxable Industrial Revenue Bonds, Series A, 2007 and Series B, 2007 (La Quinta Inn Project)" in the aggregate principal amount of \$5,400,000. The Series A, 2007 and Series B, 2007 Bonds will bear interest at various stated rates and will mature, and will have such other redemption provisions, including premiums, will be in such forms and will be issued according to the provisions, covenants, agreements and other terms as are set forth in the Bond Agreement. The Series A, 2007 and Series B, 2007 Bonds are being issued for the purpose of providing funds to pay the costs of acquiring, constructing, furnishing and equipping the Project. The Series A, 2007 and Series B, 2007 Bonds will be special limited obligations of the Issuer payable solely from revenues generated from the Project and the Lease of the Project. The Series A, 2007 and Series B, 2007 Bonds will not be general obligations of the Issuer, nor constitute a pledge of the faith and credit of the Issuer, and will not be payable in any manner by taxation.

Section 4. **Authorization of Bond Agreement.** The Issuer is authorized to enter into the Bond Agreement with the Bank and the Tenant in the form approved in this ordinance. The Issuer will issue and sell the Bonds and provide for payment of the Bonds and interest thereon from the revenues derived by the Issuer under the Lease and other moneys as described in the Bond Agreement, all on the terms and conditions in the Bond Agreement.

Section 5. **Authorization of Lease of the Project.** The Issuer is authorized to enter into the Lease with the Tenant in the form approved in this ordinance. The Issuer will acquire, construct, furnish and equip the Project and lease it to the Tenant according to the provisions of the Lease.

Section 6. **Approval of the Guaranty Agreement.** The form of the Guaranty Agreement between the Tenant, the other guarantor(s) named therein, and the Bank, for the benefit of the owners of the Series A, 2007 Bonds is approved.

Section 7. **Authorization of Assignment of Lease and Security Agreement.** The interest of the Issuer under the Lease shall be assigned to the Bank, and a security interest in the revenues therefrom and in the funds and accounts held by the Bank under the Bond Agreement shall be pledged and granted to the Bank to secure payment of the Bond pursuant to an Assignment of Lease and Security Agreement, the form of which is hereby approved.

Section 8. **Execution of Bonds and Bond Documents.** The Mayor of the Issuer or such person authorized by the Issuer to act for the Mayor in the Mayor's absence is hereby authorized and directed to execute the Series A, 2007 and Series B, 2007 Bonds and deliver them to the Bank for authentication on behalf of the Issuer in the manner provided by the Act and in the Bond Agreement. The Mayor or other authorized signatory is hereby authorized and directed to execute and deliver the Bond Documents on behalf of the Issuer in substantially the forms presented for review prior to passage of this ordinance, which forms are approved, with such corrections or amendments as the Mayor or other authorized signatory shall approve, as evidenced by his or her signature. The authorized signatory may also sign and deliver such other documents, or certificates as may be necessary or desirable to carry out the purposes and intent of this ordinance and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Series A, 2007 and Series B, 2007 Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this ordinance under the Issuer's corporate seal.

Section 9. **Tax Exemption; Payment in Lieu of Taxes.** The Project will be exempt from ad valorem property taxes for 10 years, commencing in the calendar year after the calendar year in which the Series A, 2007 and Series B, 2007 Bonds are issued, subject to the conditions set forth in the Agreement for Payment in Lieu of Taxes. The Tenant must prepare the application for exemption and submit it to the Issuer for its review. After its review, the Issuer will submit the application for exemption to the Ford County Appraiser for review and transmittal to the State Board of Tax Appeals.

Section 10. **Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net earnings therefrom to the payment of the Series A, 2007 and Series B, 2007

Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Series A, 2007 and Series B, 2007 Bonds are paid or deemed to have been paid under the Bond Agreement.

Section 11. **Further Authority.** The officials, officers, agents and employees of the Issuer are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this ordinance and to carry out and perform the Issuer's duties with respect to the Series A, 2007 and Series B, 2007 Bonds and the Bond Documents.

Section 12. **Effective Date.** This ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the Issuer's official newspaper.

PASSED by the governing body of the City of Dodge City, Kansas this _____ day of December, 2007.

SIGNED by the Mayor of the City of Dodge City, Kansas this _____ day of December, 2007.

[SEAL]

Mayor

Attest:

City Clerk

CERTIFICATE OF COPY

I hereby certify that the attached copy is a true and correct copy of Ordinance No. _____ of the City of Dodge City, Kansas duly passed by the governing body, signed by the Mayor and published in the official City newspaper on the respective dates stated in this ordinance, and that the signed original of such ordinance is on file in my office.

[SEAL]

City Clerk

City of Dodge City

Memorandum

November 28, 2007

TO: City Commission
Ken Strobel, City Manager

FROM: Mike Klein, Public Works Superintendent *mk*

RE: Bids: 2008 24 cu. yd. Semi-Automated Side Load Solid Waste Collection Truck

2007 Budget Fund & Amount - MERF \$110,000.00
Insurance settlement for 2005 Sterling, Leach Rear Load Collection Truck -
\$102,852.00
Total Funds Available - \$212,852.00

Two bids were received and opened on Oct., 23, 2007 for one, 2008 24 Cu. Yd. Semi Automatic Side load Solid Waste Collection Truck. This unit will be utilized by the Sanitation Division for poly kart solid waste collection.

The new unit is a total different type of design and function from previous collection trucks. Currently we use side load trucks for dumpsters and rear load for poly karts. The side load trucks are operated by one person. The rear load trucks consist of a three person crew. The new side load for poly karts would require one person operation. The operator can dump the poly karts from the safety of the cab. The automated arm has a maximum reach of 9'6".

Below are the bids received:

Key Equipment & Supply Co.
Kansas City, MO.
Packer Body, Labrie Expert T-2000
Cab & Chassis
2008 International, Dodge City, KS.
Delivery Time 90 Days

TOTAL BID \$199,455.00

Downing Sales & Service, Inc.
Pillipsburg, MO.
Packer Body, Bridgeport Trinity
Cab & Chassis
2008 Sterling 7500
Maupins Truck Sales, Dodge City, KS.
Delivery Time 150 Days

TOTAL BID \$171,485.00

Downing Sales & Service, Inc.
Packer Body Bridgeport Trinity
Cab & Chassis
2008 International 7400
Dodge City International, Dodge City, KS.
Delivery Time 150 Days

TOTAL BID 169,657.99

During the bidding process it was required that a demonstration of the unit being proposed to take place in Dodge City. Key Equipment brought a Labrie Packer to Dodge City and demoed the unit with City Staff. Downing Sales did not have a unit available to bring to Dodge City. Corey Keller, Sanitation Foreman went to Denver to observe a similar Bridgeport unit in use.

After review of the submitted proposal and specifications the unit from Downing Sales does not meet City Specifications. The Hopper on the Bridgeport only offers 1 ½ yd. capacity. Specifications call for a 4yd. capacity. Downing Sales can not meet the 90 day delivery. Customer service from Downing Sales has been questionable in the past.

Based on the bids received staff would recommend approval of bid from Key Equipment Supply. Co., Kansas City, MO., for a total bid of \$199,445.00.

Should you have any questions or need additional information please contact my office.

Attachment from Corey Keler, Sanitation Foreman

MK/jlg

City of Dodge City

Public Works
P.O. Box 880, 806 S 2nd
Dodge City, KS 67801
Phone: 620-225-8170
Fax : 620-225-8144
Tty: 620-225-8115
www.dodgecity.org

Memorandum

To: Mike Klein

CC:

From: Corey Keller

Date: 11/19/2007

Re: Trash Truck Recommendation

After reviewing the specs and seeing both packer bodies in demonstration. It is the Sanitation Department's recommendation to purchase the 2008 International 7400 with the Labrie Expert 2000tHH body for the amount of \$199,445.00 from Key Equipment & Supply Co.

Attached are pictures of the Bridgeport Sideloader as well as brochures of the Labrie. The hopper on the Bridgeport does not meet specs, we call for a 4yd hopper and Bridgeport only offers up to 1 1/2 yd hopper. In addition, Downings specifies that the packer body does not meet specs, and Downings will not be able to meet the 90-day delivery date specified in the specs.

Another thing I noticed is that when the Bridgeport grabs a kart there is nothing to hold the kart tight, there are just rubber bumpers that bolt to the arm. I see a problem with this because the carts sit loosely in the grabber and I feel many karts will be destroyed from falling off the arm. The Labrie offers a rubber strap that seems to grip karts tighter and does not seem to have the play when grabbing karts.

Overall Key Equipment has given the City of Dodge City great customer service in the past with always meeting our needs when we have had problems with trucks we have purchased from them. We have also purchased equipment from Downings and customer service has not been as good, we have had problems with some of their equipment and as of today, these problems are still unresolved. Being new to the automated kart collection business I feel customer service will be a big part of what we are looking for as we make this adjustment to automation.

Driver Has To Throw Objects Above his Head



ACT SITS loosely in in grabber.





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8387
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ENGLEWOOD, CO

2007 11 2



Labrie's commitment to customer satisfaction is reflected in its status as the first collection equipment manufacturer in North America to have obtained ISO 9001 certification.



Productivity through innovation

EXPERT COOL HAND AUTOMATED ARM

The sophisticated Cool Hand automated arm is both highly maneuverable and heavy duty. Its fluid movement, smooth operation and outstanding reach allow the operator to easily maneuver around obstacles. In addition, its sturdy design reduces maintenance to an absolute minimum.



The Cool Hand has a minimum reach of 3'7" (1090 mm) and maximum reach of 9'6" (2900 mm).



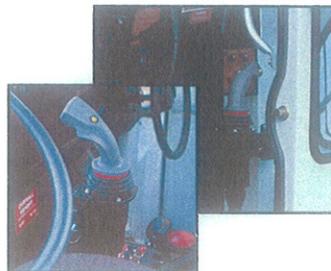
The Cool Hand uses rubber belts and gentle gripping clamps to ensure container-friendly operation and avoid damage to carts. It can accept almost all types of containers, from 32 to 95 US gallons (120 to 360 litres).



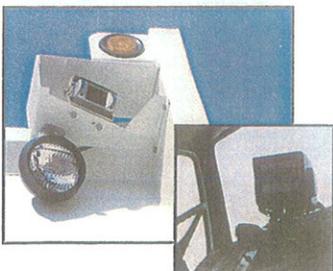
The unique design of the Cool Hand increases flexibility and productivity on manual, partially automated (bags and carts) and fully automated routes.



An ergonomic back rest inside the cab enhances single-operator productivity and safety (option).



An ergonomic movable joystick can be located inside the cab where it can be easily transferred from one side to another (option).



A camera/monitor system allows in-cab viewing, precise alignment of the arm and additional security on fully automated routes.

OTHER PRODUCTIVITY OPTION

Co-mingle

- 60/40 vertical split body and hopper keep material types separate.



High-tech concept and design strategy

Labrie stays at the cutting edge of innovation and design by using the very latest in computer design technology. Our 3D solid software allows us to examine in detail every aspect of a vehicle's construction before it leaves the drawing-board, ensuring that the finished product is fine-tuned for maximum productivity.

Outstanding distribution network and in-house facilities

Labrie gives you access to one of the most extensive distribution networks in North America and provides tailor-made leasing programs. We keep a wide selection of chassis in stock, perform cab conversions and make in-house drop frame modifications to ensure that you get on the road right on time with vehicles that allow you to fulfill your daily commitments.

City of Dodge City

Memorandum

November 27, 2007

TO: Ken Strobel, City Manager

FROM: Joseph E. Finley, Director of Public Works

RE: 2007 Manhole Rehabilitation, SS 0701
Bid Recommendation

On Tuesday, November 27, 2007, bids were received and read at 2:00 p.m. for the above referenced project. This project consists of reconstruction of approximately 135 manholes by low velocity spraying of pre-blended fiber reinforced cementitious mortar for manholes with a pH above 3. The reconstruction process shall provide a monolithic liner capable of stopping infiltration and restoring structural integrity.

The following bids were received:

Contractor	1st Year Bid Amount
Mayer Specialty Services, Goddard, KS	\$ 55,022.00
Utility Maintenance Contractors, Inc., Wichita, KS	\$ 57,035.00
Spray Com Inc., Sedalia, MO	\$ 83,875.00
Rehab Systems Inc., Cherokee, IA	\$ 96,959.50

The Engineer's Estimate for this project was for a total of \$73,810.00 for the first year. This year's specification required that the Bidders provide a quote for 2008 and 2009 also. Staff felt this would help the City establish a set price for future years while ensuring the Contractor work for a 3-year period. All Bidders provided quotes for 2008 and 2009. Mayer Specialty Services increased their unit price for the additional two years, as did the other bidders on the project.

Staff would recommend approval of the bid submitted by **Mayer Specialty Services of Goddard, Kansas, in the amount of \$82.00 V.F. for a total contract amount of \$55,022.00. In addition, we recommend acceptance of their quote of \$95.00 V.F. in 2008 and \$102.00 in 2009, subject to available budgeted funds.**

The Manhole Rehabilitation project is included in the 2007-2009 Capital Improvement Program. If you have any questions, please let me know.
