

CITY COMMISSION AGENDA

City Commission Chambers

Monday, January 7, 2008 7:00 p.m.

MEETING #4693

CALL TO ORDER

ROLL CALL

INVOCATION: First United Methodist Church, Adelia Hooley

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).

City of Character Traits, the month of January is AVAILABILITY: Jane Longmeyer,
Human Resources Officer

Heberling & Associates, Consultants for Master Tourism Plan, Introduction to City

Dodge City Public Library, Cathy Reeves, Director

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes December 17, 2007
2. Approval of City Commission Special Meeting December 27, 2007
3. Appropriation Ordinance No. 1: January 7, 2008
4. Approval of Cereal Malt Beverage Application(s)
 - a. Casa Alvarez, 1701 Wyatt Earp, Dodge City
 - b. JT Conoco, 609 South Second Ave, Dodge City
 - c. Boot Hill Phillips 66, 800 West Wyatt Earp, Dodge City
 - d. Tacos Jalisco, 412 E. Wyatt Earp, Dodge City
5. Great Plains Development, Inc., Extension Request

ORDINANCES & RESOLUTIONS

Ordinance No. 3453: An Ordinance Rezoning Lot 1, Block 2, Kirby Addition, Dodge City, Ford County, Kansas, from R-S, Residential Suburban to C-2, Commercial Highway.

Resolution No. 2008-01: Resolution Stating Support for Sunflower Coal Plant

Resolution No. 2008-02: Resolution Updating the Boundary of the City of Dodge City.

UNFINISHED BUSINESS

Discussion of Smoking Ordinance

NEW BUSINESS

Approval of OMI Contract Adjustment for 2008. Presented by Mike Klein, Superintendent of Public Works.

Approval of FOP Contract. Presented by Ken Strobel, City Manger.

OTHER BUSINESS

ADJOURNMENT

CITY COMMISSION MINUTES

City Commission Chambers
Monday, December 17, 2007 7:00 p.m.
MEETING #4691

CALL TO ORDER

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

INVOCATION: First Christian Church

PLEDGE OF ALLEGIANCE

Commissioner Sherer moved to move New Business to after Consent Calendar, seconded by Commissioner Sowers, unanimous vote.

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).

Michelle Mayhew, West Wyatt Earp Land Acquisitions, specifically Angie Heiland. Ask the Commission to have direct negotiations with the City Commission. Deferred to City Manager/City Attorney.

Presentation of Certified Public Manager Class Certificate to Corey Keller and Barb Slagle

CONSENT CALENDAR

1. Approval of City Commission Special Meeting minutes December 3, 2007
2. Approval of City Commission Meeting minutes December 3, 2007
3. Approval of City Commission Special Meeting December 6, 2007
4. Appropriation Ordinance No. 23, December 17, 2007
5. Approval of Cereal Malt Beverage Application(s)
 - a. Knights of Columbus Hall, 800 Frontview , Dodge City, KS

Commissioner Lembright moved to approve the Consent Calendar, seconded by Commissioner Sherer, unanimous vote.

NEW BUSINESS

Commissioner Jim Sherer moved to approve the contract with McGrath Consultants for Performance Evaluation Project (Part II) in the amount of \$16, 500 (travel expenses included in price), seconded by Commissioner Lee, unanimous vote.

ORDINANCES & RESOLUTIONS

Resolution No. 2007-27: A Resolution Establishing Fees & Rates for Water Utility Services for the City of Dodge City. Commissioner Lembright moved, seconded by Commissioner Sowers, unanimous vote.

Resolution No. 2007-28: A Resolution Establishing Fees & Rates for Sanitary Sewer Service for the City of Dodge City. Commissioner Sowers moved, seconded by Commissioner Sherer, unanimous vote.

Resolution No. 2007-29: A Resolution Establishing Fees & Rates for Solid Waste Collection Service in the City of Dodge City. Commissioner Sherer moved, seconded by Commissioner Lee, unanimous vote.

UNFINISHED BUSINESS

Smoking Ordinance: Ken Strobel presented information regarding various smoking bans passed in other cities in Kansas as well as other information. He asked City Commission for direction.

Commissioner Lee: Ordinance to be strict. This is a public health issue and his preference is a complete and total ban, and then make exceptions.

Commissioner Sherer: Strict as necessary.

Commissioner Lembright: If banning smoking in public places and/or work places wants to see the opportunity for designating a non-smoking area completely away from others.

Commissioner Sowers: Concerned about work place safety. He is in favor of disallowing smoking in public places, restaurants, etc. He is in favor of this as a starting point, but would like to see smoking banned in work places eventually.

Mayor Smoll: Hates government regulations, but feels that this issue needs consideration.

Ken Strobel will return with an Ordinance.

OTHER BUSINESS

City Manager: Facilities and Streets are in good order after the snow storm on Friday, December 14th and thanked Connie Marquez and Rose Ward for staying late during inclement weather.

The City sought bids for Workers Comp Insurance and the City will continue with KMIT for their Workers Comp Insurance.

There will be a Special City Commission Meeting on December 27th at 5:00 p.m.

Western Kansas congressional Staff Reception in Washington D.C. will be held April 12-15, 2008

Chamber Legislative Briefing on December 20th at 9:00 a.m.

Commissioners:

Commissioner Lee: Congratulations to the Street Department for cleaning streets. Thanked Ken Strobel for working on dispute with Wyatt Earp contractors.

Commissioner Sherer: Commented on street clearing.

Commissioner Lembright: Condolences to Mayor Smoll in the loss of his Stepfather.

Mayor Smoll: Did a great job on streets. Attended meeting on Casino project—it is prudent on our part to consider location of Event Center.

EXECUTIVE SESSION: Discussion of Attorney Client Privileges

Commissioner Sowers moved to adjourn to Executive Session with City Manager/City Attorney in attendance for 15 minutes at 8:35 p.m. to discuss Attorney Client Privileges, seconded by Commissioner Sherer, unanimous vote.

Regular Meeting reconvened at 8:50 p.m.

ADJOURNMENT: Commissioner Sherer moved to adjourn the meeting, seconded by Commissioner Sowers, unanimous vote.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

SPECIAL CITY COMMISSION MINUTES

City Manager's Conference Room
Thursday, December 27, 2007 5:00 p.m.
MEETING #4692

CALL TO ORDER

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

NEW BUSINESS

1. Discussion and Public Hearing for 2007 Budget Amendments. Commissioner Sowers moved to approve the 2007 Budget Amendments, seconded by Commissioner Lembright, motion carried on a vote of 4-0.

2. CFAB Funding Recommendations

a. Boot Hill Museum: Discussion was held regarding Boot Hill Museum funding in the amount of \$150,000.00. Commissioner Lembright moved to approve the \$150,000.00 of Special Sales Tax Funds to be paid to Boot Hill Museum for their operations and to encourage Boot Hill to report periodically to the City Commissioners regarding their financial status and financial plans. Commissioner Sowers seconded the motion and the motion passed on a vote of 4-0.

b. World of Outlaws Contract: Discussion was held for hosting the World of Outlaws at the Dodge City Raceway Park in 2008. Commissioner Sowers moved to allocate up to \$100,000.00 for World of Outlaw sponsorship subject to Ken Strobel, City Manager and Ed Elam, County Administrator negotiating an agreement with the promoter of the Dodge City Raceway Park, Ed Beckley, regarding any net profits. Commissioner Lembright seconded the motion, motion carried 3-1 with Commissioner Lee voting nay.

ADJOURNMENT: Commissioner Sowers motioned to adjourn the Special Meeting; Commissioner Lembright seconded the motion, vote 4-0.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

(Individual Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, December 10, 2007

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.

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; for the purpose of securing such license, I make the following statements under oath:

- 1. (a) Name of proposed licensee Rocio Alvarez
(b) Age 47
(c) Place and date of birth Mexico 5-10-1960
(d) Residence address 1204 Shira St. Dodge City, KS
(e) I have been a resident of the State of Kansas 24 years.
2. The premises for which the license is desired are located at 1701 W Wyatt Exp Dodge City KS 67801
(a) The legal description of said property is Twn 26 - Range 2 S, Begin at Inter. of 17th Ave & Wyatt Exp then W 986' S 91y R/W of Wyatt Exp
(b) The street number is 1701
(c) The building to be used is restaurant
(d) The business will be conducted under the following name: Casa Alvarez
3. The name and address of the owner or owners of the premises upon which the proposed business will be located is Jane Alvarez 1204 Shira St. Dodge City
4. I am a citizen of the United States. Yes (X), No ()
(a) My citizenship arises by birth (), Naturalization (X)
(b) My place of naturalization and the date thereof is as follows: Wichita, KS 2-22-1998
5. I have (), have not (X), been convicted of a felony within two years immediately preceding the date of this application.
6. I have (), have not (X), been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.
7. I have (), have not (X), been adjudged guilty of drunkenness within two years immediately preceding the date of this application.
8. I have (), have not (X), been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.
9. I have (), have not (X), been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.
10. My place of business will be conducted by a manager or agent-- Yes (), No (X)
(a) If the answer above is yes, the name, age, and residence of manager or agent is
Said manager or agent does (), does not (), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows:
11. I have (X), have not (), been a resident of this State for at least one year immediately preceding making this application.
12. My spouse would (X), would not (), be eligible to receive a retailer's license.
13. This application is for a license to retail cereal malt beverages for consumption on the premises (X). For a license to retail cereal malt beverages in original and unopened containers and not for consumption on the premises ().

A license fee of \$ 225.00 is enclosed herewith.

(Individual Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, January 3, 2008

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS.

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; for the purpose of securing such license, I make the following statements under oath:

1. (a) Name of proposed licensee Rebecca Escalante

(b) Age 52

(c) Place and date of birth Plainview, TX 11-23-55, 20

(d) Residence address 1201 First Avenue Dodge City, KS

(e) I have been a resident of the State of Kansas 13 years years.

2. The premises for which the license is desired are located at 412 E Wyatt Camp Dodge City, KS 67801

(a) The legal description of said property is

(b) The street number is 412 E Wyatt Camp

(c) The building to be used is Fast Facts

(d) The business will be conducted under the following name: Tacos Jalisco

3. The name and address of the owner or owners of the premises upon which the proposed business will be located is Amado & Sandra Alvarez 1082a McArthur, DC KS

4. I am a citizen of the United States. Yes (X), No ()

(a) My citizenship arises by birth (X), Naturalization ()

(b) My place of naturalization and the date thereof is as follows: n/a

5. I have (), have not (X), been convicted of a felony within two years immediately preceding the date of this application.

6. I have (), have not (X), been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.

7. I have (), have not (X), been adjudged guilty of drunkenness within two years immediately preceding the date of this application.

8. I have (), have not (X), been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.

9. I have (), have not (X), been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.

10. My place of business will be conducted by a manager or agent— Yes (X), No (X)

(a) If the answer above is yes, the name, age, and residence of manager or agent is

Rebecca Escalante 54 yrs 1201 First Ave Said manager or agent does (X), does not (), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows:

11. I have (X), have not (), been a resident of this State for at least one year immediately preceding making this application.

12. My spouse would (), would not (X), be eligible to receive a retailer's license.

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

A license fee of \$ 125.00 is enclosed herewith.

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Ford COUNTY, KANSAS, Dec 26, 07

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.

GENTLEMEN--On behalf of the JT Stores Inc

corporation whose principal place of business is

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 statements under oath:

1. The proposed licensee is JT Stores Inc

corporation with principal place of business at

904 Ruth Ann

The resident agent is

with offices at

Said corporation was incorporated on 7-15-02

A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County.

Yes (), No ().

2. The following are 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 position and address, age, date of birth, place of birth, method of acquiring United States citizenship--if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Ted Brock, President

Dob: 5/31/61 Dodge City

resident - 4 years 904 Ruth Ann

Direct Brock, Secretary

Dob: 2/12/61 Mccade KS

resident - 4 years 904 Ruth Ann

3. The premises for which the license is desired are located at

JT Conoco

(a) The legal description of the premises is

(b) The street number is 1009 S Second

(c) The building is described as convenience store

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

4. The name and address of the owner or owners of the premises

upon which the place of business is located is

JT Stores Inc

904 Ruth Ann

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:

(A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or

(B) 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 Frances Goding

Address 906 Park St

Residence Dodge City

Length of residence within this city or county in which the application is being made 11 years

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

Date and place of birth 4-20-69 Lakin KS

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 beverages for consumption on the premises. (). For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. ().

A license fee of \$ 75.00 is enclosed herewith.

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City Ford COUNTY, KANSAS, Dec 26 07

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF Ford COUNTY, KANSAS.

GENTLEMEN—On behalf of the JT Stores Inc

corporation whose principal place of business is

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 statements under oath:

1. The proposed licensee is JT Stores Inc corporation with principal place of business at

904 Ruth Ann Dr.

The resident agent is

with offices at

Said corporation was incorporated on 7-15-02 A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County. Yes (), No ().

2. The following are 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 position and address, age, date of birth, place of birth, method of acquiring United States citizenship—if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Ted Brock - Resident

Dob. 5-31-41 - Dodge City

Resident - 46 yrs 904 Ruth Ann

Alfred Brock - Sec. Treas

Dob. 2-10-21 - Meade KS

Resident - 46 yrs 904 Ruth Ann

3. The premises for which the license is desired are located at

Boatman Ph. H. Co. 666

(a) The legal description of the premises is

(b) The street number is 800 W. W. 14th Exp

(c) The building is described as Convenience Store

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

4. The name and address of the owner or owners of the premises upon which the place of business is located is

JT Stores Inc

904 Ruth Ann

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 owing 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:

- (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
(B) 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 Ted Brock

Address 904 Ruth Ann

Residence Dodge City, KS

Length of residence within this city or county in which the application is being made 46 yrs

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

Date and place of birth 5-31-41 Dodge City

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 beverages for consumption on the premises. (). For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. ().

A license fee of \$ 75.00 is enclosed herewith.

Call me
also

(This form prepared by the Attorney General's office)

(Individual Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, Jord COUNTY, KANSAS, 67801, 2007
TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,
or
THE BOARD OF COUNTY COMMISSIONERS OF _____ COUNTY, KANSAS.

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; for the purpose of securing such license, I make the following statements under oath:

- 1. (a) Name of proposed licensee Angie's Hillpoint Mo
Angela Weiland president
- (b) Age 36
- (c) Place and date of birth Dodge City
Aug 14, 71, 20
- (d) Residence address 2006 Hillpoint Way
- (e) I have been a resident of the State of Kansas _____
36 years.

- 2. The premises for which the license is desired are located at 2305 W Wyatt Camp
- (a) The legal description of said property is _____
- (b) The street number is 2305
- (c) The building to be used is _____
- (d) The business will be conducted under the following name:
Angie's Hillpoint Mo

- 3. The name and address of the owner or owners of the premises upon which the proposed business will be located is _____
Byron Weiland
2305 W Wyatt Camp
- 4. I am a citizen of the United States. Yes (), No ().
 - (a) My citizenship arises by birth (), Naturalization ().
 - (b) My place of naturalization and the date thereof is as follows: _____
- 5. I have (), have not (), been convicted of a felony within two years immediately preceding the date of this application.
- 6. I have (), have not (), been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.
- 7. I have (), have not (), been adjudged guilty of drunkenness within two years immediately preceding the date of this application.
- 8. I have (), have not (), been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.
- 9. I have (), have not (), been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.
- 10. My place of business will be conducted by a manager or agent— Yes (), No ()
 - (a) If the answer above is yes, the name, age, and residence of manager or agent is _____
Angie Weiland
Said manager or agent does (), does not (), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows: _____
- 11. I have (), have not (), been a resident of this State for at least one year immediately preceding making this application.
- 12. My spouse would (), would not (), be eligible to receive a retailer's license.
- 13. This application is for a license to retail cereal malt beverages for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not for consumption on the premises ().

A license fee of \$ 75.00 is enclosed herewith.

Great Plains Development, Inc.

Web Site: www.gpdionline.com
Phone: 620-227-6406 – FAX: 620-225-6051 – e-mail: gpdi@pld.com
100 Military Plaza, Suite 128, P. O. Box 1116, Dodge City, Kansas 67801
An EDA Economic Development District and SBA Certified Development Company
An Equal Opportunity Lender, Provider and Employer

Serving Counties of Barber, Barton, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Lane, Meade, Morton, Ness, Pawnee, Pratt, Rush, Scott, Seward, Stafford, Stanton, Stevens and Wichita.

December 28, 2007

Nanette Pogue
City Clerk
P.O. Box 880
Dodge City, KS 67801

RE: CDBG #06-PF-601
City of Dodge City

Dear Nanette:

Enclosed are two original Contract Amendment/Requests #1 with attachments. Please have the City Commission approve the time extension at their January meeting. After Commission approval, please have Mayor Smoll sign both originals.

Also enclosed is a draft letter to Linda Hunsicker from the City requesting the time extension. Please put this letter on City letterhead and obtain Mayor Smoll's signature. The date of the letter should correspond with the commission meeting date.

Upon execution by the Mayor, make a copy of the letter and contract amendment to be filed in Section #5, Financial of your CDBG project book and return the original letter along with both original Contract Amendments to me. I will forward them to Linda Hunsicker. Upon execution by Commerce, one original contract amendment will be returned to the City and the other one will be filed in the State's file for your project.

If you have any questions, please contact me at 620-227-6406.

Sincerely,



Faye Trent
Grant Administrator

Enclosure

INSTRUCTIONS: SUBMIT TO COMMERCE TWO ORIGINALLY-SIGNED COPIES WITH COVER LETTER CONTAINING REASON(S) FOR REQUEST.

CONTRACT AMENDMENT/REQUEST # 1

Grantee Name: City of Dodge City Grant No.: 06-PF-601
 Address: P.O. Box 116, Belpre, KS 67519

Date of Request: January 7, 2008 Check as Applicable:
 Contract Award Date: January 15, 2006 Budget Amendment
 Current Completion Date: January 15, 2008 Time Extension

If requesting time extension, indicate amount of time needed to complete the project and give explanation below. Additional 6 months needed. New completion date July 15, 2008.

For budget change(s), enter each line item -- **regardless of whether budget item changed or not**. If approved, this new project budget will supersede any previous budget(s).

| No. | Activity Item | Existing Grant Budget | Revised Grant Budget | % Change |
|--------|---------------|-----------------------|----------------------|----------|
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Explanation of Request (attach additional sheets, if needed):

See Attached

The amendment shall become effective on _____, 20____. All other terms and conditions of the contract or any amendments thereto, shall remain unchanged. IN WITNESS WHEREOF, the parties hereto execute this agreement.

City of Dodge City
 Grantee's Name

 Authorized Signature
Kent Smoll, Mayor
 Typed Name and Title

January 7, 2008
 Date

Kansas Department of Commerce

 Director
 Community Development Division

 Date

**ATTACHMENT TO CONTRACT AMENDMENT/REQUEST #1
CITY OF DODGE CITY
CDBG #06-PF-601**

Upon completion of the design of the City of Dodge City's sewer improvement project, it was determined that a permanent and a temporary easement would need to be acquired. Upon completion of the legal descriptions of the property needed, the owner of record of Ford County Land & Cattle Company, Mr. George Herrmann, was sent the URA information to purchase the property on March 20, 2007.

The City and the grant administrator attempted to contact Mr. Herrmann numerous times regarding the purchase of the property. When he was finally available, Mr. Herrmann advised that his son Ronnie now takes care of all of the property and asked the grant administrator to contact him about the purchase. The URA information was forwarded to Ronnie Herrmann on June 6, 2007. An offer was mailed and accepted in July 2007 with the easements being purchased in August.

The design was completed and submitted to KDHE and KDOT for approval in April, 2007. KDOT notified the City that the plans for highway boring needed to be revised to meet their utility standards specifications. Approval of the revised plans was obtained in July 2007.

The City advertised for bid on October 8, 2007 with the construction bid being awarded on November 13, 2007. The pre-construction conference was conducted on December 6, 2007 with notice to proceed issued for January 14, 2008. The estimated completion date is April 12, 2008.

In order to complete construction of this project, conduct the required monitoring visits and close-out the grant, the City Commission of Dodge City is requesting a six month time extension.

City of Dodge City

Memorandum

January 2, 2008

TO: Ken Strobel, City Manager

FROM: Dennis Veatch, Development Services Director



RE: Request to rezone Lot 1, Block 2, Kirby Addition. This property is located just north of Hobby Lobby and also known as 2121 N. Fourteenth.

Attached for your review and approval by the City Commission is an ordinance rezoning the above referenced property from R-S to C-2. The applicant wants to develop this property for the purpose of a full service bank.

The Dodge City Zoning Board held a public hearing on Tuesday, December 18, 2007 to review this request. The Zoning Board voted unanimously to approve this rezoning. No protest petition has been filed.

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

ORDINANCE NO. 3453

AN ORDINANCE REZONING LOT 1, BLOCK 2, KIRBY ADDITION, DODGE CITY, FORD COUNTY, KANSAS, FROM R-S, RESIDENTIAL SUBURBAN TO C-2, COMMERCIAL HIGHWAY.

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

SECTION 1: The following described real property located in Dodge City, Ford County, Kansas is hereby rezoned from R-S Residential Suburban to C-2, Commercial Highway:

Lot 1, Block 2, Kirby Addition, Dodge City, Ford County, Kansas.

SECTION 2: This ordinance shall take effect, from and following its publication in the official paper, as required by law.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR SESSION AND APPROVED BY THE MAYOR, THIS SEVENTH DAY OF JANUARY, 2008.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

**CITY OF DODGE CITY
DEVELOPMENT SERVICES REPORT
ZONING BOARD CASE NO. 2007-07**

APPLICANT: Western State Bank under purchase contract with William and Ruanne Pennington.

REQUEST: Zoning Map amendment, from R-S Residential Suburban to C-2 Commercial Highway.

SURROUNDING LAND USES (ZONING):

- North-Residential Suburban (R-S)
- South- Commercial Highway (C-2)
- East- Residential Low Density (R-1)
- West- Commercial Highway (C-2)

BACKGROUND

The applicants propose to develop this property for a financial institution. The property currently has a single family residential structure on site. This site is part the Kirby Addition platted in 1976, creating lots that front Fourteenth Avenue with restricted access. This lot has one existing 26.5' entrance located on the north side. Any additional access points will have to go through the vacation of restricted access process.

The remaining portion of Kirby Addition west and south of this site was replatted as Hy-Plains Shopping Center in 1980 and was developed originally for a Wal-Mart Store and is currently the location of Hobby Lobby, Dollar General and Dollar Tree.

The Comprehensive Plan indicates that this site is in a *High Accessibility Corridor*. Many Dodge City high accessibility corridors have residential developments on one or both sides. This is potentially a benefit and a detriment. It is beneficial in that it breaks the monotony of a "tunnel" of non-residential uses and seas of asphalt parking lots. With only a few exceptions, the residential uses along the corridors do not have direct access to the arterial itself; rather, it is side or rear yards.

This pattern of residential uses along major transportation routes is a possible detriment in that it limits the amount of land available for non-residential development along otherwise high demand areas. For the homes

immediately along the highways, noise, glare and congestion can be bothersome without adequate buffers.

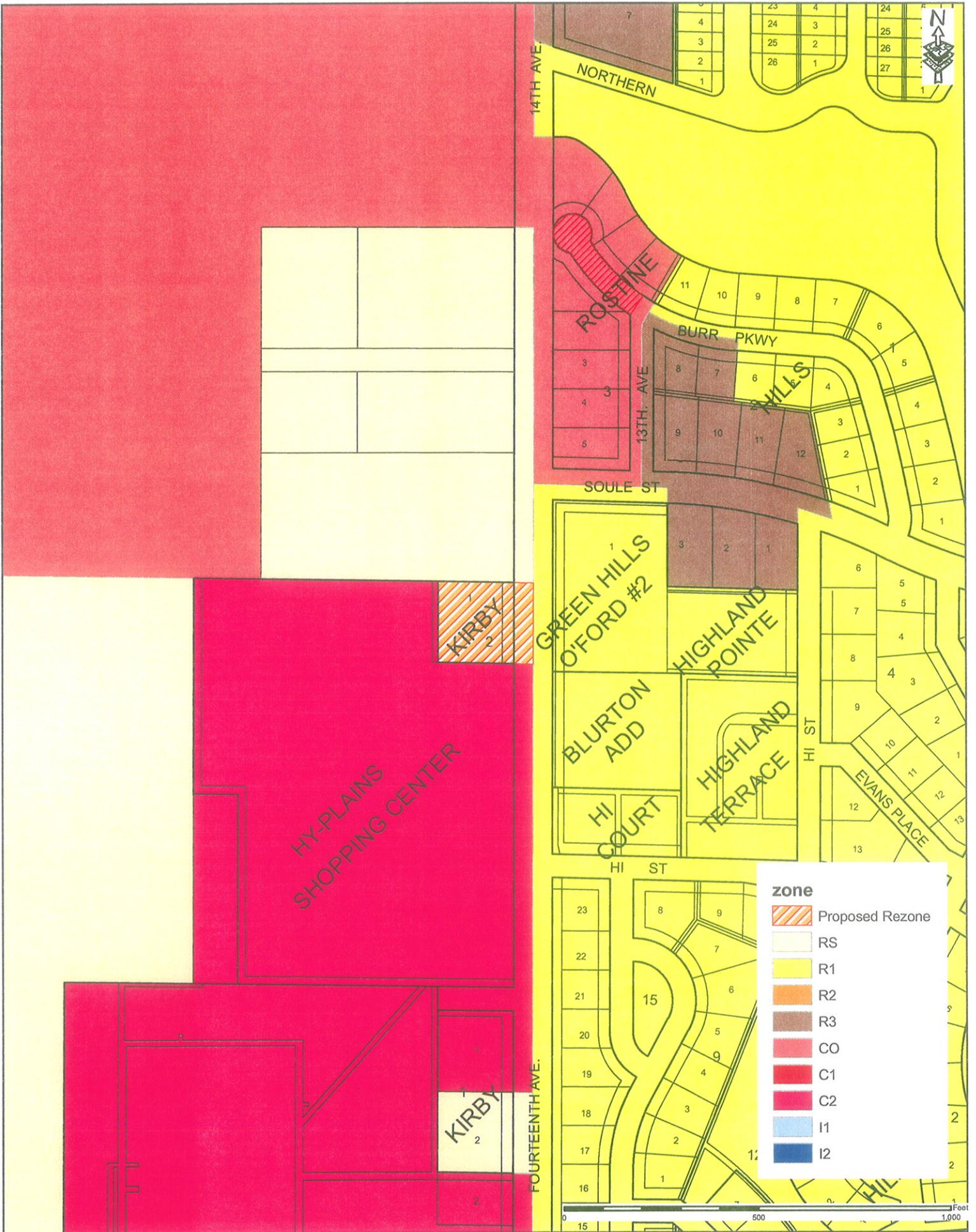
ANALYSIS

This site is in close proximity to Hobby Lobby, Dollar General and Dollar Tree. There are several financial institutions on the east side of Fourteenth and north of this site. The property directly east and across the street is zoned R-1 but is considered a non-conforming lot with a conditional use permit for a transmission tower. This zoning change would be compatible to the surrounding area. C-2 zones are also required to be landscaped and provide screening from adjacent residential uses.

The existing site is presently served by a septic system and lateral fields. Connection to a public sewer system would be required.

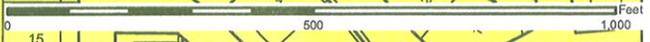
RECOMMEDATION

Development Services staff recommends that the Zoning Board **approve** this application.



zone

| | |
|--|-----------------|
| | Proposed Rezone |
| | RS |
| | R1 |
| | R2 |
| | R3 |
| | CO |
| | C1 |
| | C2 |
| | I1 |
| | I2 |



Memorandum

To: City Commission
From: Ken Strobel, City Manager
Date: January 7, 2008
Subject: Sunflower Electric Power Corporation

Enclosed for your review and adoption is a Resolution addressing the recent actions of the Secretary of the Kansas Department of Health and Environment denying the permit for the Holcomb Expansion Project as proposed by Sunflower Electric Power Corporation. Previously you were provided with information from Sunflower which described in detail the Sunflower proposal. As indicated in the material, the two proposed coal-fire electric generating facilities were both to be equipped with the latest state of the art emission controls and were designed to emit less carbon dioxide than any existing facility. In addition, the proposed project included the development of a bio-energy and research facility. The project also failed for the development and improvement of electric transmission lines which in turn would facilitate further expansion of wind generated electric facilities in the area.

The purpose of the Resolution is to encourage the reconsideration of Secretary Roderick Bremby's original decision and as a show of support for a Southwest Kansas project which would have a significant impact on the economy of the entire state. City staff would recommend adoption of the Resolution.

RESOLUTION IN SUPPORT OF A BALANCED ENERGY POLICY FOR KANSAS INCLUDING THE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES

WHEREAS, the reliable supply of electricity is vital to every home and business in Dodge City, the State of Kansas and throughout the country; and

WHEREAS, the reliable supply of power can best be achieved by a diverse portfolio of electric generation assets including an environmentally friendly blend of fossil fuel powered plants along with renewable energy sources such as wind generated electric facilities; and

WHEREAS, because carbon dioxide emissions from a wide variety of industrial sources is a global environmental concern, it is appropriate for Congress to make policy decisions regarding this important issue; and

WHEREAS, the recent denial of Sunflower Electric Power Corporation's construction permit by Secretary of the Kansas Department of Health and Environment, although well intentioned will have little or no impact in addressing what is a global concern, but would have a significant negative impact the economic viability of the State of Kansas and frustrate the further development of renewable energy resources and valuable research to address this global concern; and

WHEREAS, in order to supply homes and businesses with reliable, low cost electricity, the City of Dodge City advocates a balanced energy policy that includes the development of wind generation within the State, the development of a bioenergy center as proposed by Sunflower, and the construction of two coal powered electric generation facilities in Southwest Kansas.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Dodge City, Kansas that:

Section 1. The City of Dodge City supports the development and implementation of a balanced energy policy that provides for renewable initiatives, continuing environmental and the economic generation of electric power research as proposed by the Sunflower Electric Power Corporation proposal.

Section 2. The City of Dodge City hereby urges the Secretary of the Kansas Department of Health and Environment to reconsider and reverse his decision to deny Sunflower's PSD Construction Permit, related wind generation inventories and bioenergy research and development all and allow Sunflower's proposed Holcomb Expansion Project to proceed.

Section 3. This resolution shall be in full force and effect from and after its approval.

Approved and adopted this 7th day of January, 2008 by the City Commission of Dodge City, Kansas

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

City of Dodge City

Memorandum

January 3, 2008

TO: Ken Strobel, City Manager

FROM: Joseph E. Finley, P.E., Director of Engineering Services *JF*

RE: Boundary of the City Limits

Attached for your review and approval by the City Commission is a resolution updating the boundary of the City of Dodge City. This resolution annexes property that was purchased for Ross Boulevard that was never annexed and the property that was recently annexed for the proposed casino.

Ross Blvd. Right of Way west end
Ross Blvd. Right-of-Way west of Nazarrene Church
Ross Blvd. Right-of-Way between 14th Ave. & Legends Park
Mariah Center Subdivision

Annexed by Ordinance 3433
Annexed by Ordinance 3432
Annexed by Ordinance 3431
Annexed by Ordinance 3438

Staff would recommend approval of this resolution as submitted. If you have any question, please let me know.

JF/mjr

A RESOLUTION DESCRIBING AND DEFINING
THE BOUNDARY OF THE CITY OF DODGE CITY

WHEREAS, the City of Dodge City must define the corporate limits of said City by virtue of K.S.A. 12-517 of the General Statutes of Kansas:

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

SECTION 1: That the Corporate limits of the City of Dodge City, Kansas shall be and are as follows, to wit:

(A) Beginning at a point on the south line of Military Avenue, in Riverview Addition, and the east line of Section 25, Township 26 South, Range 25 West of the 6th P.M.; thence East along the south line of said Military Avenue to the northeast corner of Shuman Tracts; thence South along the east line of Shuman Tracts to the southeast corner of Tract 7, Shuman Tracts; thence East and perpendicular to the east line of said Tract 7 to a point on the east right-of-way line of the Landfill Road; thence South along the east right-of-way line of the Landfill Road to a point that intersects the north right-of-way line of U.S. Highway 56; thence East along the north right-of-way line of said U.S. Highway 56 to a point that intersects the northerly extension of the east right-of-way line of K-129 Highway; thence South along the extended east right-of-way line of K-129 Highway to a point on the south line of Section 29; thence West along the south line of Section 29 to the west right-of-way line of Overpass K-129 Highway; thence South along the west line of the Overpass K-129 to the south right-of-way line of the A.T. & S.F. Railroad; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 1904.07 feet; thence North along the right-of-way line of said A.T. & S.F. Railroad for a distance of 50.00 feet; thence Southeasterly along the south right-of-way line of said A.T. & S.F. Railroad for a distance of 250.45 feet; thence South to a point that is 400.00 feet North of the north right-of-way line of U.S. Highway 154; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 154 to a point on the west line of Tract 15 of Wilkinson Place No. 2; thence South along the west line of said Tract 15 of Wilkinson Place No. 2 to a point that is 243.00 feet North of the north right-of-way line of U.S. Highway 154; thence Southeasterly and parallel to the north right-of-way line of said U.S. Highway 154 to a point on the east line of Tract 17 of said Wilkinson Place No. 2; thence South along the east line of said Tract 17 of Wilkinson Place No. 2 to the south right-of-way line of said U.S.

Highway 154; thence Southeasterly along the south right-of-way line of said U.S. Highway 154 to the east line of the west half of Tract 14 of Wilkinson Place No. 1; thence South along the east line of the west half of Tract 14 of Wilkinson Place No. 1 to the southeast corner thereof; thence West along the south line of said Tract 14 and continuing to the southwest corner of Tract 9 of Wilkinson Place No. 1; thence North along the west line of said Tract 9 to the south right-of-way line of U.S. Highway 154; thence Northwesterly along the south right-of-way line of said U.S. Highway 154 to a point that is 770.45 feet East of the west line of Section 32, Township 26 South, Range 24 West, thence South for a distance of 200.00 feet; thence West for a distance of 140.00 feet; thence North for a distance of 252.81 feet to the south right-of-way line of U.S. Highway 154; thence Northwesterly along the south right-of-way line of said U.S. Highway 154 to a point on the west line of said Section 32; thence South along the west line of said Section 32 for a distance of 709.40 feet; thence East along the north line of Lot 1, Block 2 of Gladden Addition No. 2 to the northeast corner thereof; thence South along the east line of said Lot 1, Block 2 to the southeast corner thereof; thence West along the south line of Lot 1, Block 2 and Lot 1, Block 1 of Gladdens Addition No. 2 to the southwest corner thereof; thence North along the west line of said Lot 1, Block 1 of Gladdens Addition No. 2 to the northwest corner thereof; thence East along the north line of said Lot 1, Block 1 to a point that is 20.00 feet West of the west line of Section 32, Township 26 South, Range 24 West; thence North along a line 20.00 feet West and parallel to the west line of said Section 32 to a point on the south right-of-way line of U.S. Highway 154; thence Northwesterly along the south right-of-way line of said U.S. Highway 154 for a distance of 806.75 feet; thence South for a distance of 920.00 feet; thence West for a distance of 560.00 feet to the east line of McCaustland Place; thence South along the east line of said McCaustland Place to the southeast corner thereof; thence West along the south line of said McCaustland Place to a point on the east line of the northeast drain of the Dodge City Flood Control Project; thence South along the east line of said northeast drain a distance of 1,601.50 feet; thence Southeasterly along a line having a deflection angle of 54 degrees 13 minutes a distance of 424.98 feet to the west line of McCaustland Road No. 2; thence South along the west line of said McCaustland Road No. 2 for a distance of 150 feet to the north bank of the Arkansas River; thence Northwesterly along the north bank of the Arkansas River to a point on the east line of Section 36, Township 26 South, Range 25 West of the 6th P.M.; thence South along the east line of said Section 36 to the southeast corner thereof; thence West along the south line of said Section 36 to the west line of Minneola Road; thence South along the west line of said Minneola Road to a point that is approximately 1314 feet North of the south line of Section 2; thence West and parallel to the south line of said Section 2 to a point that is 748.70 feet West of the west line of U.S. Highway 283; thence Northwesterly and parallel to the west line of said U.S. Highway 283 for a distance of 1265.60 feet;

thence North for a distance of 200 feet to the East-West half section line of Section 2; thence West along the said half section line of Section 2 to the east line of Veeann Avenue; thence South along the east line of said Veeann Avenue to the south line of Merrit Road; thence West along the south line of said Merrit Road to the west line of Section 2 and the east line of Section 3; thence North along the east line of Section 3 to the southeast corner of the northeast quarter of Section 3; thence West along the half section line of said Section 3 to the extended west line of Lewis Addition No. 1; thence North along the west line of said Lewis Addition No. 1 to a point on the north right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence Southwesterly along the north right-of-way of said Atchison, Topeka and Santa Fe Railroad to the west line of Lewis Addition No. 2; thence North along the west line of said Lewis Addition No. 2 to the south line of Section 34; thence West along the south line of said Section 34 to the west line of June Avenue; thence North along the west line of said June Avenue to the north line of Boley Morgison Addition; thence East along the north line of said Boley Morgison Addition to the northeast corner thereof; thence North along the half section line of Section 34 a distance of 432 feet; thence East parallel with the south line of said Section 34 a distance of 1,676 feet; thence South parallel with the said half section line to the north line of Beeson Road; thence East along the north line of said Beeson Road to the west line of Sunset Tracts; thence North along the west line of said Sunset Tracts to the northwest corner thereof; thence Northeasterly along the south bank along the Arkansas River to the extended east line of Tract 15 and Tract 88 of Westview Place No. 1; thence North along the extended east line of said Tract 15 and Tract 88 of Westview Place No. 1 to the northeast corner of said Tract 15; thence West along the north line of said Westview Place No. 1 to the east line of Moncrief Place No. 2; thence South along the east line of said Moncrief Place No. 2 to the southeast corner thereof; thence West along the south line of said Moncrief Place No. 2 to the southwest corner thereof; thence North along the west line of said Moncrief Place No. 2 to the south line of West Park Street; thence East along the south line of said Park Street to a point on the east line of Matt Down Lane; thence North along the east line of said Matt Down Lane to a point intersecting the extended south line of Division Street; thence West along the south line of said Division Street to the northeast corner of Lot 20, Block 1 of Glenridge Estates; thence South along the east line of Block 1 of said Glenridge Estates to the south line of the Access Road; thence Westerly along the south line of said Access Road and parallel to the south line of Block 1 of Glenridge Estates for a distance of 287.20 feet; thence Westerly along the south line of said Access Road and parallel to the south line of Block 3 of Glenridge Estates for a distance of 319.90 feet; thence North for a distance of 45.00 feet; thence Westerly and parallel to the south line of said Block 3 to a point on the extended west line of said Block 3; thence North along the west line of said Block 3 and Block 7 of Glenridge Estates to the northwest corner of Lot 36, Block 7 of said Glenridge Estates;

thence East along the north line of said Block 7 to the northeast corner of Lot 29 of said Block 7; thence South along the east line of said Block 7 to the northeast corner of Lot 22 of said Block 7; thence East along the north line of said Block 7 to the east line of Matt Down Lane; thence North along the east line of said Matt Down Lane to a point on the south line of U.S. Highway 50; thence Northeasterly along the south line of said U.S. Highway 50 to a point intersecting the east-west half section line of Section 22; thence East along the half section line of said Section 22 for a distance of 110.0 feet to the northeast corner of Lot 3, Block 1, J.S. & L. Subdivision; thence North 73 degrees 7 minutes 19 seconds east for a distance of 204.45 feet; thence South 89 degrees 53 minutes 58 seconds east for a distance of 196.02 feet to the northeast corner of Lot 1, Block 1, of said J.S. & L. Subdivision; thence South 5 degrees 47 minutes 43 seconds west for a distance of 60 feet to a point on the east-west half section line of said Section 22; thence East along the half section line of said Section 22 to the center thereof; thence North along the north-south half section line of Section 22 to the South Quarter corner of Section 15; thence West along the south section line of said Section 15 to the Southwest corner thereof; thence North along the west section line of said Section 15 to the West Quarter corner thereof; thence East along the east-west half section line of said Section 15 to a point 160 feet east of the Southwest corner of the Northeast Quarter of said Section 15; thence North 30 feet to the extended north line of Ross Blvd.; thence East along the north line of said Ross Blvd. to the west line of the Northeast Quarter of said Section 15; thence continuing East along said north line of Ross Blvd. for a distance of 627.40 feet; thence North 40 feet; thence East 40 feet parallel to the north line of said Ross Blvd.; thence South 40 feet to the north line of said Ross Blvd. thence East along the north line of said Ross Blvd. to the west line of the Southeast Quarter of the Northeast Quarter of said Section 15; thence North along the west line of said Southeast Quarter of the Northeast Quarter of Section 15 to the northwest corner thereof; thence East along the north line of said Southeast Quarter of the Northeast Quarter of Section 15 to the east section line thereof; thence South along the east section line of Section 15 to a point 40 feet north of the West Quarter corner of Section 14 said point being the north line of Ross Blvd.; thence East along the north line of said Ross Blvd. to a point on the west line of the east half of the east half of the Northwest Quarter of said Section 14; thence North along the west line of said east half of the Northwest Quarter of Section 14 to the Northwest Corner thereof; thence East along the north line of said Section 14 to the northeast corner thereof; thence South along the east line of said Section 14 to the extended north line of Canterbury Road; thence East along the north line of said Canterbury Road to the west line of Joel Avenue; thence North along the west line of said Joel Avenue to the north line of William Street; thence East along the north line of said William Street to a point on the extended east line of the alley in Block 5, Kliesen Subdivision; thence South along the east line of said alley to a point on the south line of Anna Avenue; thence West

along the south line of said Anna Avenue to the northeast corner of Lot 3, Block 6, Kliesen Subdivision; thence South along the east line of said Lot 3 to a point on the south line of the alley in Block 6, Kliesen

Subdivision; thence West along the south line of said alley to the northeast corner of Lot 2, Block 7, Kliesen Hills Subdivision; thence South along the east line of said Lot 2 to the southeast corner thereof; thence East along the north line of Ross Boulevard to a point on the extended east line of Lot 11, Block 6, Kliesen Hills Subdivision; thence South along the said east line of Lot 11 to the southeast corner thereof; thence South along the extended east line of Lots 1 through 8, Block 6, Kliesen Hills Subdivision to a point on the south line of Saint Joseph Street; thence West along the said south line of Saint Joseph Street extended to the west line of Section 13, Township 26 South, Range 25 West, being the center of Avenue "A"; thence South along the said west line of Section 13 to a point on the extended north line of Lot 10, Block 14, Kliesen Subdivision; thence East along the north line of said Lot 10 to the northeast corner thereof; thence South along the east line of said Lot 10 extended to the south line of U.S. Highway 50; thence East along the south line of U.S. Highway 50 to the east line of Section 24; thence South along the east line of said Section 24 to the point of beginning.

(B) Excel Main Plant No. 1 described as follows:

From the southwest corner, Section 33, Township 26 South, Range 24 West of the 6th P.M. and the northwest corner, Section 4, Township 27 South, Range 24 West of the 6th P.M.; thence Easterly 1,190 feet to a point "A" which is a point on a west building line. Point "A" will be the starting point of this building description; thence Southerly from point "A" along a west line 30 feet to point "B" of said building; thence Easterly along a south line, 270 feet to point "C" of said building; thence along an east line, Northerly 20 feet to a point "D" of said building; thence along a south line Easterly 400 feet to point "E" of said building; thence along an east line Northerly 50 feet to point "F" of said building; thence Westerly along a north line 270 feet to point "G" of said building; thence Northerly along an east line 10 feet to point "H" of said building; thence Westerly along a north line 48 feet to point "I" of said building; thence Northerly along an east line 35 feet to point "J" of said building; thence Easterly along a south line 25 feet to point "K" of said building; thence Northerly along an east line 35 feet to point "L" of said building; thence Westerly along a north line 23 feet to a point "M" of said building; thence Northerly along an east line 20 feet to point "N" of said building; thence Easterly along a south line 80 feet to point "O" of said building; thence Northerly along an east line 20 feet to point "P" of said building; thence Westerly along a north line 90 feet to point "Q" of said building; thence Northerly along an east line 60 feet to point "R" of said building; thence Westerly along a north line 90 feet to point "S" of said building; thence Northerly along an east line 30 feet to

point "T" of said building; thence Westerly along a north line 30 feet to point "U" of said building; thence Northerly along an east line 33 feet to point "V" of said building; thence Westerly along a north line 390 feet to point "W" of said building; thence Southerly along a west line 170 feet to point "X" of said building; thence Easterly along a south line 170 feet to point "Y" of said building; thence Southerly along a west line 60 feet to point "A" of said building.

Excel Secondary Plant No. 2 described as follows:

From point "B" of Excel Main Plant Easterly along a south building line 90 feet to point "A1" of said building; thence Southerly and on a perpendicular line between Main Plant No. 1 and Secondary Plant No. 2, 30 feet to point "B1" of Secondary Plant No. 2. Point "B1" of said exhibit will be the starting point of this building description; thence from point "B1" Southerly along a west line 35 feet to point "C1" of said building; thence Easterly along a south line 60 feet to point "D1" of said building; thence Southerly along a west line 90 feet to point "E1" of said building; thence Easterly along a south line 265 feet to point "F1" of said building; thence Northerly along an east line 20 feet to point "G1" of said building; thence Easterly along a south line 60 feet to point "H1" of said building; thence Northerly along an east line 55 feet to point "I1" of said building; thence Westerly along a north line 60 feet to point "J1" of said building; thence Northerly along an east line 50 feet to point "K1" of said building; thence from point "K1" Westerly along a north line 325 feet to point "B1" of said building.

(C) Part of the east half of Section 21, Township 26 South, Range 24 West and part of the west half of Section 22, Township 26 South, Range 24 West, Ford County, Kansas, referred to as Chaffin Industrial Park, more fully described as follows:

Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 102.85 feet to a point of beginning, said point being at the intersection of the north right-of-way of the Atchinson, Topeka and Santa Fe Railway with the east right-of-way line of U.S. Hwy 50; thence continuing North 0 degrees 50 minutes East along the west boundary line of the southeast quarter of said Section 21 for 110.88 feet; thence North 31 degrees 57 minutes East along the east right-of-way line of said U.S. Hwy 50 for 4,378.95 feet; thence North 33 degrees 10 minutes East along the east right-of-way line of said U.S. Hwy 50 for 295 feet; thence Northeasterly along a curve to the right having a radius of 2,292.01 feet along the south right-of-way line of said U.S. Hwy 50 for 1,722.53 feet; thence South 0 degrees 38 minutes East for 3,594.2 feet to a point on the north right-of-way line to the Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the north

right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 2,510.63 feet; thence North 12 degrees 49 minutes West for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having a radius of 2,694.93 feet along the north right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,722.6 feet to the point of beginning, containing 194.28 acres.

AND

Commencing at the southwest corner of the southeast quarter of Section 21, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 174.87 feet to a point of beginning, said point being on the south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the south boundary line of the southeast quarter of said Section 21 for 1,170.62 feet to a point on right-of-way; thence Northeasterly on a curve to the right having a radius of 8,594.42 feet along the center line of the abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 1,542.0 feet to a point on the east boundary line of the southeast quarter of said Section 21, said point being 883.0 feet North of the southeast corner of the southeast quarter of said Section 21; thence North 0 degrees 26 minutes East along the east boundary line of the southeast quarter of said Section 21 for 230.15 feet to a point on the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway; thence South 77 degrees 11 minutes West along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,130.42 feet; thence South 12 degrees 49 minutes East for 25 feet; thence South 77 degrees 11 minutes West for 15.6 feet; thence along a curve to the left having a radius of 2,764.93 feet along the south right-of-way line of said Atchinson, Topeka and Santa Fe Railway for 1,164.4 feet to the point of beginning, containing 25.63 acres.

Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas, except railroad right-of-way, more fully described as follows:

Commencing at the northwest corner of Lot 7, Section 28, Township 26 South, Range 24 West, Ford County, Kansas; thence East 90 degrees along the north boundary line of said Lot 7 for 134.33 feet to a point of beginning, said point being on the present south right-of-way line of the Atchinson, Topeka and Santa Fe Railway; thence continuing East 90 degrees along the north boundary line of said Lot 7 for 1,170.62 feet to a point on the centerline of an abandoned Atchinson, Topeka and Santa Fe Railway right-of-way; thence Southwesterly on a curve to the left having a radius of 8,594.42 feet along the centerline of said abandoned Atchinson, Topeka and Santa Fe Railway right-of-way for 395.1 feet to a point on the south boundary line of said Lot 7; thence North

89 degrees 56 minutes West along the south boundary line of said Lot 7 for 1,043.7 feet to the southwest corner of said Lot 7; thence North 0 degrees 50 minutes East along the west boundary line of said Lot 7 for 59.7 feet to a point on the present south right-of-way of the Atchinson, Topeka and Santa Fe Railway; thence Northeasterly along a curve to the right, having a radius of 2,964.93 feet for 263.5 feet to the point of beginning, containing 6.63 acres, more or less.

(D) A tract of land located in the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as Millard Warehouse, more fully described as follows:

Beginning at the southwest corner of the southwest quarter of Section 33, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas; thence North 0 degrees 15 minutes 38 seconds West along the west line of the southwest quarter of said Section 33 for 600 feet; thence North 89 degrees 44 minutes 22 seconds East at right angles to the west line of the southwest quarter of said Section 33 for 350 feet; thence South 0 degrees 15 minutes 38 seconds East parallel with the west line of the southwest quarter of said Section 33 for 605.84 feet; thence North 89 degrees 18 minutes 15 seconds West for 350.05 feet to the point of beginning; containing 211,022 square feet or 4.84 acres, more or less.

(E) A tract of land being part of Sections 20, 21, 28 and 29, Township 26 South, Range 24 West of the 6th P.M., Ford County, Kansas, referred to as the Dodge City Municipal Airport, more fully described as follows:

Commencing at the northeast corner of Section 29; thence South 0 degrees 12 minutes 04 seconds West along the east line of Section 29 for 894.76 feet to the point of beginning; thence continuing South 0 degrees 12 minutes 04 seconds West along said east line of Section 29 for 1,060.53 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 750 feet easterly of the centerline of Runway 14-32 to the northerly right-of-way line of US Highway 50 Business; thence Westerly along said northerly right-of-way line of US Highway 50 Business to a point on the west line of the east half of Section 29; thence North 0 degrees 00 minutes 41 seconds West along said west line of the east half of Section 29 to the North Quarter Corner of Section 29; thence North 0 degrees 14 minutes 05 seconds West along the west line of the Southeast quarter of Section 20 for 28 feet; thence North 29 degrees 10 minutes 18 seconds West parallel with and 750 feet westerly of the centerline of Runway 14-32 for 2,928.26 feet to a point on the north line of the southwest Quarter of Section 20; thence South 89 degrees 15 minutes 43 seconds East along said north line of the southwest quarter of Section 20 for 279.5 feet; thence North 26 degrees 10 minutes 18 seconds West for 1,228.08 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence North 26 degrees 10 minutes 18 seconds West for 500 feet;

thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence North 26 degrees 10 minutes 18 seconds West for 961.60 feet to the south right-of-way line of US Highway 50 ByPass; thence South 89 degrees 16 minutes 23 seconds East along said south right-of-way line of US Highway 50 ByPass for 112.13 feet; thence South 26 degrees 10 minutes 18 seconds East for 910.87 feet; thence North 63 degrees 49 minutes 42 seconds East for 150 feet; thence South 26 degrees 10 minutes 18 seconds East for 500 feet; thence North 63 degrees 49 minutes 42 seconds East for 300 feet; thence South 26 degrees 10 minutes 18 seconds East for 900 feet; thence North 63 degrees 49 minutes 42 seconds East for 100 feet; thence South 26 degrees 10 minutes 18 seconds East, parallel with and 600 feet easterly of the centerline of Runway 14-32 for 2,361.81 feet; thence South 89 degrees 03 minutes 34 seconds East for 1,785.95 feet to a point on the east line of Section 20; thence South 89 degrees 06 minutes 17 seconds East parallel to the south line of Section 21 for 700 feet; thence South 57 degrees 39 minutes 37 seconds East for 464.77 feet; thence South 32 degrees 20 minutes 23 seconds West for 719.66 feet; thence South 0 degrees 30 minutes 56 seconds East parallel to the west line of Section 21 for 462.45 feet to a point on the south line of said Section 21; thence South 0 degrees 12 minutes 04 seconds West parallel to the west line of Section 28 for 254.76 feet; thence South 89 degrees 06 minutes 17 seconds East parallel to the north line of said Section 28 for 457 feet; thence South parallel to said west line of Section 28 for 640 feet; thence west parallel to said north line of Section 28 for 1,157 feet to the point of beginning.

(F) A tract of land being part of Sections 21 and 28, Township 26 South, Range 25 West of the 6th P.M. Ford County, Kansas, referred to as Casino and Event Center, more fully described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 21; thence on an assumed bearing of North 89 degrees 39 minutes 54 seconds West along the north line of the Southeast Quarter of said Section 21 for a distance of 222.21 feet to the Northwesterly right of way line of U.S. Highway 50; thence South 34 degrees 50 minutes 32 seconds West along said right of way for a distance of 402.92 feet to the Point of Beginning; thence South 26 degrees 58 minutes 43 seconds East along said right of way line for a distance of 158.82 feet; thence South 34 degrees 50 minutes 32 seconds West along said right of way line for a distance of 6,241 feet more or less, to the Northeast corner of a tract recorded in the Ford County Register of Deeds, Book 176, page 274; thence West along the North line of two tracts described in the Ford County Register of Deeds Book 176, page 274 and Book 188, page 563, a distance of 807.95 to a point on the East line of a tract described in Ford County Register of Deeds, Book 151, page 233; thence North along the east line of and the projection thereof of said tract a distance of 749.23 feet; thence West a distance of 539.03 to the West line of said section 28, said point being 440 feet north of the West Quarter corner of said section 28; thence North along the west line of said Section 28 a distance of 1,784.58 feet; thence

East parallel to the north line of said Section 28 a distance of 417.59 feet; thence North parallel to the west line of said Section 28 a distance of 417.42 to the north line thereof; thence West along the north line of said Section 28 to the northwest corner thereof; thence North along the west line of Section 21 to the West Quarter corner of said Section 21; thence South 89 degrees 39 minutes 54 seconds East along the east-west half section line of said Section 21 to a point 1,332.5 feet west of the East Quarter corner of said Section 21; thence South 0 degrees 20 minutes 06 seconds West a distance of 80 feet; thence South 55 degrees 09 minutes 28 seconds East a distance of 1009.61; thence North 34 degrees 50 minutes 32 seconds East a distance of 292.00 feet to the point of beginning.

Said tract of land is considered contiguous with the City of Dodge City via right of way U.S. Highway 50 and Matt Down Road.

Adopted by the Governing Body of the City of Dodge City

this 7th day of January, 2008.

.....
E. Kent Smoll, Mayor

ATTEST:

.....
Nannette Pogue, City Clerk

Memorandum

To: City Commission
From: Ken Strobel, City Manager
Date: January 7, 2008
Subject: Smoking Ordinance Draft

Enclosed for your review and discussion is another form of an ordinance regulating smoking. The portion of the ordinance appearing in black type is the language of the ordinance recently adopted by the City of Newton. The language appearing in red type would allow the business owner to designate within the business a smoking area.

The business owners' right to establish a designated smoking area is consistent with the current state law; however, the ordinance goes much further than the present statute. As you can see the ordinance establishes rather strict construction requirements designed to significantly reduce, if not eliminate, second hand smoke from the non-smoking areas of the facility. While the ordinance would obviously not create a total smoking ban, it would inherently encourage the business owner to declare the entire facility as a non-smoking area, given the construction costs associated with a compliant designated smoking area. The ordinance would, however, leave the final decision to the business owner, rather than mandating a course of conduct.

In light of the nature of construction required and the cost associated with establishing an approved smoking area, and to give the business owner an opportunity to give careful consideration to the economic viability of such action, it seemed appropriate to delay the effective date for a reasonable period of time.

The employee discrimination language of the ordinance has been stricken mainly for two reasons. First, attempted enforcement of the discrimination provision would create a significant burden on city staff and would potentially place the city in the middle of virtually every dispute between the employer and employee where a smoking area exists. Second, a retail business owner who opts to establish a designated smoking area should be allowed to inquire as to whether a prospective employee would be willing to serve in the smoking area on a voluntary basis in order to provide customer services. Such flexibility is necessary in light of the fact that it would be a violation for the employer to "require" the employee to enter the smoking area when the same is occupied by smokers.

I look forward to discussing the matter further during the meeting, however, in the meantime if any of you have questions please give me a call.

ORDINANCE NO.

AN ORDINANCE PROHIBITING REGULATING THE SMOKING OF TOBACCO PRODUCTS IN DESIGNATED PUBLIC PLACES AND PLACES OF EMPLOYMENT IN THE CITY OF NEWTON DODGE CITY, KANSAS; ESTABLISHING DUTIES AND RESPONSIBILITIES IN RELATION TO SUCH PROHIBITIONS REGULATIONS; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH PROHIBITIONS REGULATIONS, DUTIES AND RESPONSIBILITIES.

WHEREAS, the governing body of the City of Newton Dodge City, Kansas (the "City"), recognizes that smoking and secondhand smoke ("environmental tobacco smoke") pose serious public health hazards, that patrons and employees of businesses and industries, as well as persons frequenting public places, need protection from environmental tobacco smoke exposure, and that regulation of the smoking and burning of tobacco in public places and places of employment and business is imperative in order to protect the public health and welfare of the citizens of the City;

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

SECTION 1. DEFINITIONS. The following words and phrases, whenever used in this Ordinance, are defined and shall be construed as follows:

- a.) "Designated Smoking Area" shall mean an area within any Enclosed Public Place and Enclosed Places of Employment, designated by the owner, proprietor, or other persons in charge as a "Designated Smoking Area" and which shall conform fully with all of the following requirements:
1. Be enclosed on all sides by solid, impermeable walls or windows extending from floor to ceiling with self-closing doors or entry way constructed in such a manner that prevents the exchange or discharge of smoke contaminated air with the remainder of the facility; and
 2. Access to which is restricted to the employees, customers, clients or vendors of the facility; and
 3. Which maintains a negative air pressure (meaning more air is exhausted from the room than is directly supplied by the heating, ventilation, and air conditioning (HVAC) system; and
 4. From which smoke-contaminated air is exhausted directly to the outdoors and is not returned to the HVAC system; and
 5. In which any equipment contained therein is maintained and serviced when it is not occupied by smokers; and

6. Into which employees, customers, clients or vendors are not required to enter when it is occupied by smokers and
7. Has been registered as a designated smoking area with the Building Inspector of the City of Dodge City on registration forms provided by the City and the City has verified compliance with the provisions of this Ordinance.

- (ab) **“Enclosed Public Places”** means the portion or portions of any building, structure or other enclosure of any type to which the public is invited or permitted for the transaction of any business or the engagement in any activities, which building, structure or enclosure (or the public portion thereof) is enclosed by floor-to-ceiling walls and by roof or ceiling structures (exclusive of doors, windows and passageways), and includes the portions thereof provided as public entrances and exits, hallways and passageways, reception areas, lobbies, waiting rooms, elevators and restrooms. Examples of Enclosed Public Places include but are not limited to: retail stores, retail service establishments (including food and/or beverage service establishments and other commercial facilities of all types; professional offices; educational, healthcare, child care and adult day care facilities; indoor recreational and sports facilities; hotels, motels and other places of public accommodation; and convention, conference and meeting facilities.
- (bc) **“Enclosed Places of Employment”** means the portion of any building, structure or other enclosure of any type which is under the possession or control of a public or private employer, which building, structure or enclosure (or the employee-access portion thereof) is enclosed by floor-to-ceiling walls and by roof or ceiling structures (exclusive of doors, windows and passageways), in which the employer’s employees engage in employment-related and other necessary activities, including but not limited to: work areas; lounge, dining and rest areas; restrooms; meeting rooms; and hallways and other passageways.
- (ed) **“Smoking”** means inhaling, exhaling, burning or carrying any lighted cigar, cigarette or other tobacco product, or any pipe or other vessel containing burning tobacco of any kind.

SECTION 2. PLACES WHERE SMOKING PROHIBITED. Except as otherwise provide in this Ordinance, §smoking shall be prohibited in all of the following places within the City:

- (a) Enclosed Public Places (as defined herein).
- (b) Any other portion of a building, structure or enclosure in which one or more Enclosed Public Places is located unless such portion is completely separated

from the Enclosed Public Places by solid, structural walls which extend from floor to ceiling, and is so maintained such that, except for brief intermittent incidents, any doors or windows between such portions and any Enclosed Public Places are maintained in a closed position so as to not allow the passage of air from such portions into the Enclosed Public Places.

- (c) Enclosed Places of Employment (as defined herein).
- (d) All enclosed facilities and vehicles owned by the City.
- (e) Areas near public entrances and exits, defined as any indoor or outdoor area which is within a radius of twenty (20) feet of a public entrance to or public exit from any building, structure or enclosure in which one or more Enclosed Public Places isare located, or which is within a radius of twenty (20) feet of a ventilation system intake thereto.
- (f) Outdoor vendor areas, defined as any place which is within a radius of twenty (20) feet of any outdoor vendor where food or goods are being offered for sale to the public and within a radius of fifty (50) feet of any outdoor public seating area of any stadium, grandstand or entertainment facility while being used for a contest event or activity.

SECTION 3. Designation of Smoking Areas in Enclosed Public Places and enclosed Places of Employment.

- (a) The owner, proprietor, or other person in charge of an Enclosed Public Place or Enclosed Place of Employment may, but shall not be required to designate an enclosed area of such Public Place or Place of employment as a Designated Smoking Area within which smoking may occur subject to regulation established by said owner, proprietor, or other person in charge, so long as said area fully complies with all requirements of a Designated Smoking Area (as defined herein).
- (b) Not withstand the provisions of subsection (9a) above to the contrary, no owner proprietor, or person in charge of any Enclosed Public Place or Enclosed Place of Employment shall designate or establish or allow to exist within any such Places a Designated Smoking Area contrary to any, state, or federal statute law or regulation prohibiting smoking in such Places.
- (c) Nothing contained herein shall require an owner, proprietor, or person in charge of an Enclosed Public Place or Enclosed Place of Employment to designate, establish, or maintain therein a Designated Smoking Area.

SECTION 3.4. RESPONSIBILITIES OF EMPLOYERS, PROPRIETORS, OWNERS AND MANAGERS.

- (a) No person having control of a place, business, office or other establishment or activity subject to this Ordinance shall knowingly permit, cause, suffer or allow any person to violate the provisions of this Ordinance in that place. Such persons shall take all reasonable steps necessary to prevent or stop smoking in violation of this Ordinance by employees, patrons and visitors in the place, business, office or establishment. Such reasonable steps may include, but shall not be limited to, the following: posting no-smoking signs; verbally asking a person who is smoking to extinguish the smoking materials; refusing service to a person who is illegally smoking; verbally asking anyone illegally smoking to leave the premises; and applying standard business procedures in the same manner for violations of house rules or other local ordinances or state laws. The owner, manager or other person having control of a building, structure or enclosure, or of any portion of a building, structure or enclosure, where smoking is prohibited under the terms of this Ordinance are encouraged to conspicuously post signs at each point of entrance thereto clearly stating that smoking is prohibited, which signs depict the words "No Smoking" in bold lettering of not less than one (1) inch in height or, in the alternative, depict the international "No Smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red bar across it.

- ~~(b) No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer exercises any right to a smoke-free environment afforded by this Ordinance.~~

SECTION 4.5. NOTICE; INSPECTIONS.

- (a) Notice of the provisions set forth in this Ordinance shall be given to each applicant for a City business license or commercial building permit and for a cereal malt beverage or alcoholic liquor license.

- (b) The City Public Works Department, Fire/EMS Department and Police Department shall, when conducting any required inspection of an establishment, inspect for compliance of this Ordinance.

SECTION 5.6. VIOLATIONS AND PENALTIES. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Ordinance. It shall also be unlawful for any person who owns, manages, operates or otherwise controls any premises subject to regulation hereunder to fail to comply with all provisions of this Ordinance. ~~Each day that any violation of this Ordinance occurs shall constitute a separate offense.~~ Violation of any of the provisions of the Ordinance shall be punishable as follows:

- (a) By a fine not exceeding One Hundred Dollars (\$100.00) for the first violation.

- (b) By a fine not exceeding Two Hundred Dollars (\$200.00) for a second violation occurring within one (1) year from the date of the first violation.

- (c) By a fine not exceeding Five Hundred Dollars (\$500.00) for a third or subsequent violation occurring within one (1) year from the first violation.
- (d) In addition to any applicable penalty above, a violation of this Ordinance by a person having control of an Enclosed Public Place or an Enclosed Place of Employment as defined herein may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

SECTION 6.7. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7.8. EFFECTIVE DATE. This ordinance shall be effective from and after ~~January 1, 2008~~ July 1, 2008, and its publication in the official city newspaper.

PASSED BY THE GOVERNING BODY this 13th 7th day of ~~November, 2007~~ January, 2008.

E. Kent Small, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: City Commission
Ken Strobel, City Manager
From: Mike Klein, Supt. of Public Works *mk*
cc: Ben Looney, OMI Project Manager
Date: Wednesday, January 2, 2008
Subject: OMI contract adjustment for 2008

OMI has requested an increase of 2.5% for the 2008 contract for the operations of the Dodge City Wastewater Treatment facility. Some of the additional cost for 2008 are:

- Additional training for employees on chlorine safety and other new operational requirements.
- Increase in wages and benefits.
- Increased cost for fuel, lab testing, overtime, uniform and vehicle expense.
- Wastewater certification for new employees.
- Increase in safety training and equipment to maintain a safe working environment.

The following is the proposed contract for 2008;

| | |
|--------------------------------|--------------|
| 2007 Contract Amount | \$ 1,009,985 |
| 2008 Contract Amount | \$ 1,035,234 |
| Increase of \$ 25,249 per year | |

| | |
|--------------------------------|-----------|
| 2007 Monthly Fee | \$ 84,164 |
| 2008 Monthly Fee | \$ 86,270 |
| Increase of \$ 2,104 per month | |

Based on OMI's past history and excellent performance in the operations of the wastewater treatment facility, it is staff's recommendation to accept the proposed 2.5% contract adjustment for 2008.

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



MEMORANDUM

TO: Mike Klein
FROM: Ben Looney
DATE: December 21, 2007
SUBJECT: New Contract for 2008:

With the anticipated additional operational cost to operate the Dodge City Wastewater Treatment Plant we feel it necessary to increase the OMI contract for 2008 by 2.5%. Some of the additional cost for 2008 are:

- Additional training for existing employees on chlorine safety and other new operational responsibilities;
- The increase in wages and benefits;
- The anticipated increased in operational cost for fuel, lab testing, overtime, uniforms and vehicle expenses;
- The operator training for new employee to become certified wastewater operators.
- The increase in safety training and equipment to maintain a safety work environment.

The following reflects the proposed contract increase for 2008:

| | |
|-----------------------|-------------|
| 2007 Contract Amount: | \$1,009,985 |
| 2007 Monthly Fee: | \$84,164 |
| 2008 Contract amount: | \$1,035,234 |
| 2008 Monthly Fee: | \$86,270 |

If you have any questions we would be happy to discuss them with you.

A handwritten signature in cursive script that reads "Ben F. Looney".

Ben F. Looney
Project Manager

AMENDMENT NO. 1
to the
AGREEMENT
for
OPERATIONS, MAINTENANCE, AND
MANAGEMENT SERVICES

THIS AMENDMENT is made and entered into this 1st day of January, 2008, by and between The City of Dodge City, Kansas (hereinafter "Owner"), whose address for any formal notice is P.O. Box 880, Dodge City Kansas 67801 and Operations Management International, Inc., (hereinafter "CH2M HILL OMI") whose address for any formal notice is 9193 South Jamaica Street, Suite 400, Englewood, CO 80112. This Amendment No. 1 to the Agreement dated the 1st Day of March 2007, between Owner and CH2M HILL OMI.

Owner and OMI agree that the Agreement shall be and is hereby amended and modified in the following manner:

1. Paragraph E.1.1 in Appendix E is deleted in its entirety and replaced with the following Article E.1.1 in Appendix E:

E.1.1 Owner shall pay to CH2M HILL OMI as compensation for Services performed under this Agreement a Base Fee of One Million Thirty Five Thousand Two Hundred Thirty Four Dollars (\$1,035,234) for the 2008 calendar year of this Agreement. The Base Fee for subsequent calendar years of the initial term and any subsequent terms shall be determined as hereinafter specified.
2. Paragraph E.1.4 in Appendix E is deleted in its entirety and replaced with the following Article E.1.4 in Appendix E:

E.1.4 The total amount CH2M HILL OMI shall be required to pay for acquisition and application of gypsum shall not exceed the limit of One Hundred Fifty Thousand Dollars (\$150,000) for the calendar year January 1, 2008 to December 31, 2008. CH2M HILL OMI shall provide Owner with a detailed invoice of monies spent over the annual limit for gypsum acquisition and application, and Owner shall pay CH2M HILL OMI for all monies in excess of such limit. CH2M HILL OMI will rebate to Owner the entire amount that the cost of gypsum acquisition and application is less than the annual gypsum application limit.
3. Paragraph E.1.5 in Appendix E is deleted in its entirety and replaced with the following Article E.1.5 in Appendix E:

E.1.5 The total amount CH2M HILL OMI shall be required to pay for Repairs Cost shall not exceed the annual Repairs Limit of One Hundred and Five Thousand Dollars (\$105,000) during year January 1, 2008 to December 31, 2008. CH2M HILL OMI shall provide Owner with a monthly accounting reflecting the reason for and the cost of repairs provided. CH2M HILL OMI shall within sixty (60) days following the expiration of calendar year provide Owner with an invoice for any Repair Cost over the annual Repairs Limit, and Owner shall pay CH2M HILL OMI for all Repair Cost in excess of such limit. CH2M HILL OMI will rebate to Owner the entire amount that actual Repair Cost are less than the annual Repairs Limit during the calendar year.

All other terms and conditions of the original March 1, 2007 Agreement remain in effect. The Parties hereby approve this Amendment No. 1 as is indicated by the signatures of their authorized representatives, below.

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

CITY OF DODGE CITY KANSAS

Authorized signature:

Authorized signature:

Name: Roger B. Quayle
Title: Senior Vice President

Name:
Title:

Date: _____

Date: _____