

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Monday, Nov 21, 2022

7:00 p.m.

MEETING #5231

**Public is welcome although seats are limited for social distancing; or you can view as follows:**

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

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

The meeting will be archived on both sites to be viewed after the live video has ended.

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Father John Stang

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

## **PUBLIC HEARING**

The Advisability to Create a Community Improvement District (Casa Mariache)

## **PETITIONS & PROCLAMATIONS**

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

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, November 7, 2022.
2. Appropriation Ordinance No.22, November 22, 2022.
3. Cereal Malt Beverage License:
  - a. Sip N Suds, 1604 W. Wyatt Earp Blvd.
  - b. Murphy Oil, USA Inc. 1907 N. 14<sup>th</sup> Avenue.
  - c. Panaderia La Tapatia, 614 E Wyatt Earp Blvd.
4. Approve Change Order #1 for the West Comanche St. Reconstruction Project.
5. Approve Change Order #1 for the Facultative Cell #1 Erosion Repair Project.
6. Approval of City Advisory Board Vacant Position Appointments.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3785:** An Ordinance Authorizing the Creation of the Casa Mariachi Community Improvement District in the City of Dodge City, Kansas; Authorizing the Imposition of a Community Improvement District Sales Tax to be Collected Within Such District; and Approving and Authorizing Certain Other Actions in Connection Therewith (Casa Mariachi CID). Report by Nicole May, Finance Director.

**Ordinance No. 3786:** An Ordinance of the City of Dodge City, Kansas, Authorizing the Levy of a One-Half Percent (0.50%) City Wide Retailers Sales Tax and Related Matters. Report by Nicole May, Finance Director.

**Ordinance No. 3787:** An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a rural Housing Incentive District Within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such District, and Making Certain Findings in Conjunction Therewith (Iron Flats Phase 1). Report by Mollea Wainscott, Assistant Director of Economic Development.

**Ordinance No. 3788:** An Ordinance of the City of Dodge City, Kansas Amending the Official Zoning Map of the City, Changing the Described Property of 59.89 Acres from AG Agricultural, R-S Residential Suburban, and C-2 Commercial Highway to R-3 Residential Higher Density. Report by Nathan Littrell, Planning & Zoning Administrator.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

## **OTHER BUSINESS**

## **STAFF REPORTS**

## **ADJOURNMENT**

# **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Monday, Nov 7, 2022

7:00 p.m.

MEETING #5229

**Public is welcome although seats are limited for social distancing; or you can view as follows:**

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

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

The meeting will be archived on both sites to be viewed after the live video has ended.

## **CALL TO ORDER**

**ROLL CALL** Mayor Kent Smoll, Commissioners Rick Sowers, Chuck Taylor, Michael Burns, Joseph Nuci

**INVOCATION** by Father Wesley Shawe

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

Commissioner Michael Burns moved to accept the agenda as presented. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously. Commissioner Rick Sowers asked to be sustained from the consent calendar.

## **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).**

Police Chief Francis Drew introduced 3 new Dodge City Police Officers, Charlie Coleman, Chris Williams, and Andrew Jones. They were sworn in with the city oath. Fire Chief Ken Spencer introduced Kylan Hodges a second-generation firefighter for the city of Dodge City who was also sworn in with the city oath.

Melissa McCoy, Assistance City Manager gave a small introduction for Ayanna Hensley from Dodge City who was crowned as Miss Kansas on June 11, 2022. Miss Kitty of the Boot Hill Museum presented Ayanna with an award on behalf of the City Commission, the City of Dodge City and Boot Hill Museum. She was made an honorary Miss Kitty of the Long Branch Saloon. Ayanna shared about her social impact incentive and her journey on how she became Miss Kansas.

**CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, October 19, 2022.
2. Appropriation Ordinance No.21, November 7, 2022.
3. Cereal Malt Beverage License:
  - a. Casey Store, 2201 N. 14<sup>th</sup> Avenue.
  - b. Casey Store, 700 W Wyatt Earp Blvd.
  - c. Farmers Market, 1800 Central Avenue.
4. Approval of Change Order #4 for the 6<sup>th</sup> Avenue & Iron Road Improvement Project.

Commissioner Joseph Nuci moved to accept the consent calendar as presented. Commissioner Michael Burns seconded the motion. The motion was carried 4 – 0 with Commissioner Rick Sowers abstaining from voting.

**ORDINANCES & RESOLUTIONS**

**Resolution No. 2022-40:** A Resolution authorizing the pledging of property owned by the City of Dodge City in the original town of the City of Dodge City, Kansas, as collateral for loan to Boot Hill Museum Incorporated was approved on a motion by Commissioner Rick Sowers. Commissioner Joseph Nuci seconded the motion. The motion carried 4 – 0 with Commissioner Michael Burns abstaining from voting.

**Resolution No. 2022-41:** A Resolution authorizing payment of 2022 year-end retention stipend to qualified employees was approved on a motion by Commissioner Chuck Taylor. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

**Resolution No. 2022-42:** A Resolution of the Governing Body of the City of Dodge City, Kansas Adopting a Title VI Policy was approved on a motion by Commissioner Michael Burns. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

**UNFINISHED BUSINESS****NEW BUSINESS**

Commissioner Michael Burns moved to approve the proposed GMP (Guaranteed Maximum price) from Utility Contractors Inc. in the amount of \$37,370,500 with allowances and alternates for the Expansion of the South Wastewater Treatment Plant along with the Construction of 3 Offsite Lift Stations. Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

Commissioner Rick Sower moved to approve a contract with Transmap Corporation in the amount of \$38,185.12 to conduct a Pavement Condition Survey. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.

Commissioner Kent Smoll moved to approve the Public Transportation Local Match Grant Letters in the amount of \$471,816. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

**OTHER BUSINESS**

**STAFF REPORTS**

**ADJOURNMENT**

Commissioner Kent Smoll moved to adjourn the meeting. Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners  
**From:** Ray Slattery, PE, Director of Engineering Services  
**Date:** November 21, 2022  
**Subject:** Change Order #1, Comanche St. Reconstruction, ST 2105  
**Agenda Item:** Consent Calendar

---

**Purpose:** Finalize the West Comanche St. Reconstruction Project.

**Recommendation:** Approve Change Order #1 for the West Comanche St. Reconstruction Project for an increase in the amount of \$8,225.50.

**Background:** At the November 15, 2021 Commission Meeting, the Commission awarded the Reconstruction of Comanche St. from 14<sup>th</sup> Ave. west to just past the Walmart Drive to Building Solutions. The project is all but complete. During the project some additional concrete pavement needed to be removed and replaced. The Fly-Ash Treated Base was also increased slightly along with some sidewalk. This Change Order represents the increase in these items.

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:** Change Order #1 is for an increase of \$8,225.50. Funding will be from the 2021 Street GOB.  
Amount \$: \$8,225.50  
Fund: 456      Dept: 3030      Expense Code: 430-42-04  
 Budgeted Expense       Grant       Bonds       Other

**Legal Considerations:** By approving the Change Order from Building Solutions, LLC, Inc., the contract dollar amount will be amended.

**Mission/Values:** The completion of this project aligns with the City's Core Value of Ongoing Improvement and Safety.

**Attachments:** Change Order #1

**Approved for the Agenda by:**

*Ray Slattery, PE*

---

Ray Slattery, PE, Dir. of Engineering Services

# CITY OF DODGE CITY

## Change Order

CONTRACT FOR: Comanche St. Reconstruction (Walmart Drive to 14th Ave.)

PROJECT NUMBER: ST 2105

CONTRACTOR: Building Solutions, LLC

REQUEST NUMBER: 1

ITEM DESCRIPTION	UNIT	CONTRACT OR PREVIOUS QUANTITY	ADJUSTED QUANTITY	AMOUNT OF OVERRUN OR <span style="color: red;">UNDERRUN</span>	CONTRACT UNIT PRICE	NEW UNIT PRICE	DOLLAR AMOUNT OF CHANGE
Concrete Excavation	S.Y.	708	785.5	77.5	\$ 22.50		\$ 1,743.75
Fly-Ash Treated Base (6")	S.Y.	4434	4444	10	\$ 5.25		\$ 52.50
Concrete Pavement (9")(AE)(NRDJ)	S.Y.	4093	4180.5	87.5	\$ 69.50		\$ 6,081.25
4" Concrete Sidewalk	S.Y.	6	12	6	\$ 58.00		\$ 348.00
						NET INCREASE	\$ 8,225.50

RECOMMENDED FOR APPROVAL:

This is to affirm that I have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amounts shown above.

\_\_\_\_\_  
Ray Slattery, P.E.  
Director of Engineering Services

Contractor: Building Solutions, LLC

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

\_\_\_\_\_  
Mayor or City Manager

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



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners  
**From:** Ray Slattery, PE, Director of Engineering Services  
**Date:** December 5, 2022  
**Subject:** Change Order #1, Facultative Cell #1 Erosion Repair, SS 2203  
**Agenda Item:** Consent Calendar

---

**Purpose:** Finalize the Facultative Cell #1 Erosion Repair Project.

**Recommendation:** Approve Change Order #1 for the Facultative Cell #1 Erosion Repair Project for a decrease in the amount of \$20,912.00.

**Background:** At the October 3, 2022, Commission Meeting, the Commission awarded the Facultative Cell #1 Erosion Repair to UCI. The project has been completed. Prior to starting the Project 18" diameter inspection ports were cut into the existing concrete liner to determine the extent of the erosion. This was an additional cost of \$10,000. During the grouting phase of the project, it was determined the voids were not as large as originally thought, so the amount of flowable fill required was reduced. This resulted in a savings of \$30,912.00.

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:** Change Order #1 is for a decrease of \$20,912.00. Funding will be from the Wastewater Treatment CIP.

Amount \$: -\$20,912.00

Fund: 52042200-442009

Budgeted Expense     Grant     Bonds     Other

**Legal Considerations:** By approving the Change Order for UCI, the contract dollar amount will be amended.

**Mission/Values:** The completion of this project aligns with the City's Core Value of Ongoing Improvement and Safety.

**Attachments:** Change Order #1

**Approved for the Agenda by:**

*Ray Slattery, PE*

---

Ray Slattery, PE, Dir. of Engineering Services

# CITY OF DODGE CITY

## Change Order

CONTRACT FOR: Repair Erosion Under Concrete - Facultative Cell #1

PROJECT NUMBER: SS 2203

CONTRACTOR: UCI

REQUEST NUMBER: 1

ITEM DESCRIPTION	UNIT	CONTRACT OR PREVIOUS QUANTITY	ADJUSTED QUANTITY	AMOUNT OF OVERRUN OR <span style="color: red;">UNDERRUN</span>	CONTRACT UNIT PRICE	NEW UNIT PRICE	DOLLAR AMOUNT OF CHANGE
Flowablefill	C.Y.	250	26	-224	\$ 138.00		\$ (30,912.00)
Core 18" Inspection ports in concrete	L.S.	0	1	1		\$ 10,000.00	\$ 10,000.00
						NET DECREASE	\$ (20,912.00)

RECOMMENDED FOR APPROVAL:

This is to affirm that I have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amounts shown above.

\_\_\_\_\_  
Ray Slattery, P.E.  
Director of Engineering Services

Contractor: UCI

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

\_\_\_\_\_  
Mayor or City Manager

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



# Memorandum

**To:** City Commission & City Manager Nick Hernandez

**From:** Collin Clark, Public Information Officer

**Date:** February 3, 2022

**Subject:** Advisory Board- Vacant Positions

**Agenda Item:** Consent Calendar

---

**RECOMMENDATION:** Staff recommends the appointment of Natalie Cox, Aaron W. Johnson, and Benjamin Avalon to fill the vacant positions on the following City advisory boards:

**AIRPORT ADVISORY BOARD:** The appointment of Aaron W. Johnson, Meteorologist with the National Weather Service. Aaron will take the place of Jeff Hutton who resigned his position back in September. Staff is recommending Aaron as it is important to have someone from the National Weather Service on the Advisory Board since they are stationed at the airport.

**HISTORIC LANDMARK COMMISSION:** Appointment of Natalie Cox, Design Coordinator with Building Solutions, LLC. Staff is recommending Natalie Cox because of her background in design, construction and architecture that will bring valuable perspective and insight to the Landmark Commission.

**RECYCLING ADVISORY BOARD:** Appointment of Benjamin Avalon, Environmental Compliance/Regulatory Specialist with the local KDHE office. Benjamin will be an asset to the Recycling Advisory Board due to his occupational experiences.

**Justification:** The appointments of these advisory board members will fill the vacant advisory board positions with qualified individuals who will provide recommendations and insight for the boards in which they serve as well as for the City staff and the City Commissions.

**PURPOSE/MISSION:** Working with Boards and Commissions fulfills the City's mission statement: Together, we promote open communications with our community members to improve quality of life and preserve our heritage to foster a better future.

**Attachments:** Applications



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners

**From:** Nicole May, Finance Director

**Date:** November 15, 2022

**Subject:** Public Hearing – Advisability of Creating a Community Improvement District

Ordinance No. 3785 – Making Certain Findings on the Advisability of Creating a Community Improvement District

**Agenda Item:** Public Hearing and Ordinances and Resolutions

---

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

**Recommendation:** I recommend the City Commission open the Public Hearing and hear any comments from the public regarding the Casa Mariachi CID. If after the public hearing, the Commission finds it advisable to create the Community Improvement District, adopt Ordinance No. 3785.

**Background:** A petition was filed for the establishment of a community improvement district for Casa Mariachi, located at 2303 W. Wyatt Earp (former Bad Habits location). The petition was filed in October 2022, by Miguel Esparza, owner to establish a CID. There are plans to make improvements at the location to ready the building for a new upscale Mexican restaurant. The estimated cost of the improvements is \$1,191,700.

The City Commission adopted Resolution No. 2022-39, on October 17, 2022, that directed a public hearing to be held to consider the advisability of creating a community improvement district and required the City Clerk to give notice of such public hearing. A notice was published in the Dodge City Daily Globe for 2 consecutive weeks, at least 7 days prior to the November 21 meeting notifying the public of consideration of the CID.

Later in the meeting after the public hearing is complete, the Commission will consider the Ordinance. This ordinance states that the governing body of the City of Dodge City finds and determines it to be advisable to create the proposed community improvement district, authorizes the project, approves the estimated cost of the project, sets forth the boundaries of the district, levies the community improvement district sales tax, and approves the method of financing.

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:**

Amount \$: 0

Fund:                    Dept:                    Expense Code:  
  
\_\_ Budgeted Expense    \_\_ Grant            \_\_ Bonds            X\_Other

**Legal Considerations:** All legal considerations are being met with the public hearing and adoption of the ordinance. The ordinance will be forwarded to the Director of Taxation for the State of Kansas

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

**Attachments:** Ordinance No. 3785

**Approved for the Agenda by:**

*Nicole May*

\_\_\_\_\_  
**Nicole May, Finance Director**

---

**ORDINANCE NO. 3785**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE CASA MARIACHI COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF DODGE CITY, KANSAS; AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT; AND APPROVING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (CASA MARIACHI CID).**

**WHEREAS**, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), municipalities are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may be expended; and

**WHEREAS**, the City of Dodge City, Kansas (the “City”), is a municipality within the meaning of the Act; and

**WHEREAS**, on October 11, 2022, a petition (the “Petition”) was filed with the City Clerk requesting (a) that the community improvement district described therein (the “CID”) be created; (b) that the City levy a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer’s sales tax act, within the CID in the amount of two percent (2%) (the “CID Sales Tax”); and (c) that certain community improvement district project costs to be incurred within the CID be financed with pay-as-you-go financing from such CID Sales Tax, all in accordance with the Act; and

**WHEREAS**, said Petition was signed by all [more than 55%] of the owners of the land area within the proposed CID, exclusive of right of way; and

**WHEREAS**, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, a governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district project therein, and provide for notice of the hearing by publication at least once each week for two consecutive weeks in the official city newspaper, with the second publication occurring at least seven days prior to the hearing, and by certified mail to all property owners within the proposed community improvement district, with such certified mail sent at least ten days prior to such hearing; and

**WHEREAS**, on October 17, 2022, the Governing Body of the City adopted Resolution No. 2022-39 directing a public hearing on the proposed CID be held and declaring its intent to levy the CID Sales Tax in the proposed CID; and

**WHEREAS**, on November 21, 2022, following proper notice as provided in the Act, the Governing Body of the City held a public hearing on the proposed CID, the proposed community improvement district project and the imposition of the CID Sales Tax in the proposed CID; and

**WHEREAS**, the Governing Body hereby finds and determines that it is in the best interests of the City and in furtherance of the purposes of the Act to create the CID and impose the CID Sales Tax.

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

**Section 1. Creation of District; Boundaries.** The Governing Body of the City hereby creates the CID within the boundaries legally described on *Exhibit A* attached hereto and are depicted on the map attached hereto as *Exhibit B*, which CID shall generally be referred to as the "Casa Mariachi CID."

**Section 2. Authorization of District Project; Estimated Costs.** The Governing Body of the City hereby authorizes the project within the Casa Mariachi CID described in *Exhibit C* attached hereto (the "Project") and approves the estimated cost of the Project which may be financed with CID Sales Tax as one million one hundred ninety-one thousand seven hundred dollars (\$1,191,700). Notwithstanding the approval of the Project by this Ordinance, the Project and owner or owners of all property comprising the Project must comply with all applicable zoning, planning permit and other laws and regulations applicable to the Project.

**Section 3. Method of Financing.** The Project within the Casa Mariachi CID will be financed on a pay-as-you-go basis payable from revenues received from the imposition of the CID Sales Tax. No special assessments shall be implemented under the Act to pay for the Project, and no special obligation notes or bonds will be issued for the Project.

**Section 4. Levy of Sales Tax.** In accordance with the Act and to provide funds to pay costs of the Project, the Governing Body of the City hereby levies a CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within the Casa Mariachi CID in the amount of two percent (2%). The collection of the CID Sales Tax shall commence on April 1, 2023, or any other effective date the City may approve by ordinance if a change in the effective date outlined herein is requested in writing by all owners of record, exclusive of right of way, in the Casa Mariachi CID.

**Section 5. Segregation of CID Sales Tax.** All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Casa Mariachi Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis, including the City's administrative fee of two percent (2%).

**Section 6. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and City consultants, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, the City Clerk shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189. The City Clerk is hereby further authorized to submit this Ordinance to the Ford County Register of Deeds, for recording.

**ADOPTED** by the Governing Body of the City of Dodge City, Kansas on this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

**EXHIBIT A to CID Ordinance**

**Legal Description**

The East 100 feet of the West 132.8 feet and the West 130 feet of the East 150 feet of Tract 3, Myers Tracts, Dodge City, Ford County, Kansas, Excluding the North 10 Feet thereof for road right-of-way.

**EXHIBIT B to CID Ordinance**

(Map)

**EXHIBIT C to CID Ordinance**

**Proposed Project**

The general nature of the proposed projects (the "Projects") is to promote the renovation of a commercial building, as is more particularly described herein, by providing community improvement district financing in accordance with this Petition and with the Act to finance the renovation, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land acquisition, infrastructure related items, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and petitioner's administrative costs in establishing and maintain the District, and any other items permitted to be financed within the District under the Act.

MYERS

TRACTS

W. Wyatt Earp Blvd.

W. Spruce St.

Gardner Ave.

Westlawn Dr.



10

10

11

12

13

14

14

13

12

11

10

9

8

1

2

3

4

5

6

7

18

14

13

12

11

10

9

8

1

2

3

4

5

6

7

15

5

19

4

3

2

1

16

6

5

4

3

2

2

3

4

5

6

19

18

17

16

15

14

13

12



# Memorandum

**To:** Nick Hernandez and City Commissioners  
**From:** Nicole May, Finance Director  
**Date:** November 16, 2022  
**Subject:** Ordinance 3786  
**Agenda Item:** Ordinances and Resolutions

---

**Purpose:** Approval of this Ordinance is necessary to complete the process of increasing the sales tax by .50% on April 1, 2023.

**Recommendation:** I recommend the City Commission approve Ordinance No. 3786.

**Background:** At the August 15, 2022 meeting the Commission approved Resolution 2022-30 Authorizing and Providing for the Calling of a Special Question Election, for the purpose of submitting to the electors of the City the question of imposing a one-half percent (0.50%) city-wide retailers' sales tax. The question was included on the ballot on the November 8, 2022 election. The public approved the sales tax with 2,285 voting yes and 1,554 voting no. This Ordinance must be adopted and then sent to the State of Kansas in order for the sales tax change to go into effect as of April 1, 2023.

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:**

Amount \$: 0

Fund: \_\_\_\_\_ Dept: \_\_\_\_\_ Expense Code: \_\_\_\_\_  
 Budgeted Expense     Grant     Bonds     X Other

**Legal Considerations:** All legal considerations are being met with the election and adoption of the ordinance. The ordinance will be forwarded to the Director of Taxation for the State of Kansas.

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

**Attachments:** Ordinance No. 3786

**Approved for the Agenda by:**

Nicole May

---

**Nicole May, Finance Director**

**ORDINANCE NO. 3786**

**AN ORDINANCE OF THE CITY OF DODGE CITY, KANSAS, AUTHORIZING  
THE LEVY OF A ONE-HALF PERCENT (0.50%) CITYWIDE RETAILERS'  
SALES TAX AND RELATED MATTERS.**

---

**WHEREAS**, K.S.A. 12-187 *et seq.*, as amended (the “Act”), authorizes the governing body (the “Governing Body”) of the City of Dodge City, Kansas (the “City”) to submit to the electors of the City the question of imposing City-wide retailers' sales taxes, which may be in an amount not to exceed two-percent (2%) for general purposes or in an additional amount not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire not later than ten (10) years from the initial date of collection thereof; and

**WHEREAS**, pursuant to the Act, the electors of the City have heretofore approved propositions to authorize the levy of City-wide retailers' sales taxes described as follows:

- (a) a general purpose 0.50% sales tax for a portion of the costs of the construction, equipping and operation of certain public projects, including the following: (1) installing air conditioning in the Civic Center facility; (2) an outdoor motor sports complex; (3) field sports facilities: baseball/softball complex, together with renovating existing softball and baseball facilities and addition soccer facilities; (4) a Special Events Center; and related public projects deemed necessary and appropriate pursuant to an interlocal agreement with Ford County, Kansas; the collection of one-quarter percent (0.25%) of which commenced on October 1, 1997 and the remaining one-quarter percent (0.25%) of which commenced on January 1, 2000; and
- (b) a general purpose 0.50% sales tax for the purpose of relieving ad valorem property taxes, commencing on December 1, 1981; and

**WHEREAS**, the Governing Body adopted Resolution No. 2022-30 which authorized, ordered and directed that a special question election be held in the City on November 8, 2022 (the “Election”), on the following proposition:

Shall the following be adopted?

Shall the City of Dodge City, Kansas, be authorized to impose a one-half percent (0.50%) City-wide retailers' sales tax, the proceeds of which shall be used for the purposes of providing property tax relief and paying the costs of street improvements and associated utilities of the City; with the collection of the sales tax to commence on April 1, 2023, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

**WHEREAS**, the question of imposing the one-half percent (0.50%) City-wide retailers' sales tax (the “Sales Tax”) was approved at the Election by a majority of the qualified electors of the City voting thereon; and

**WHEREAS**, pursuant to the provisions of the Act and the Election, the Governing Body deems it necessary and advisable to authorize the levy of the Sales Tax for the purposes authorized at the Election, which constitutes a sales tax imposed for general purposes.

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

**SECTION 1. Implementation of the Sales Tax.** The levy of the one-half percent (0.50%) Sales Tax and the application of the revenue received therefrom is hereby authorized. In accordance with K.S.A. 12-191, collection of the Sales Tax shall commence on April 1, 2023, or as soon thereafter as permitted by law.

**SECTION 2. Department of Revenue Submittal.** The City Clerk, upon passage of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189 and request the implementation of the Sales Tax in accordance with the provisions hereof.

**SECTION 3. Effective Date.** This Ordinance shall be effective upon passage by the governing body, execution by the Mayor and publication of the Ordinance or a summary thereof once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**PASSED** by the governing body of the City of Dodge City, Kansas on November 21, 2022, and **SIGNED** by the Mayor.

---

Mayor

(SEAL)

ATTEST:

---

City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on November 21, 2022; and a summary thereof was published in the *Dodge City Daily Globe* on November 26, 2022.

DATED: November 26, 2022.

---

City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

(PUBLISHED IN *DODGE CITY DAILY GLOBE* ON NOVEMBER 26, 2022)

**SUMMARY OF ORDINANCE NO. 3786**

On November 21, 2022, the governing body of the City of Dodge City, Kansas (the “City”), passed an ordinance entitled:

**AN ORDINANCE OF THE CITY OF DODGE CITY, KANSAS, AUTHORIZING THE LEVY OF A ONE-HALF PERCENT (0.50%) CITYWIDE RETAILERS' SALES TAX AND RELATED MATTERS.**

The Ordinance authorizes the imposition of a one-half percent (0.50%) City-wide retailers' sales tax, the proceeds of which shall be used for the purposes of providing property tax relief and paying the costs of street improvements and associated utilities of the City; with the collection of the sales tax to commence on April 1, 2023, or as soon thereafter as permitted by law. The question of levying the Sales Tax was approved by the electors of the City at a special question election on November 8, 2022. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 806 2nd Avenue, P.O. Box 880, Dodge City, Kansas 67801. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.dodgecity.org](http://www.dodgecity.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 21, 2022.

---

City Attorney



# Memorandum

**To:** City Manager, City Commissioners  
**From:** Mollea Wainscott, Assistant Director of Economic Development  
**Date:** 11/21/22  
**Subject:** RHID  
**Agenda Item:** Development Agreement and Ordinance No 3787

---

**Purpose:** To approve a Development Agreement and Development Plan creating a Rural Housing Incentive District between the City of Dodge City and Volz Builders, LLC.

**Recommendation:** Staff recommends the approval of the Development Agreement between the City of Dodge City and Volz Builders, LLC and approval of Ordinance 3787.

**Background:** In 2010, the City staff began working with developers interested in building multi-family and single-family residential developments. Most developers were interested in utilizing the Rural Housing Incentive District program which provides assistance for various eligible costs such as infrastructure. The Volz Builders, LLC development will provide a total of one hundred single-family units (100) with an assessed valuation of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00).

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:** Ford County and U.S.D. No. 443 have no risk in this process; in addition, they would not have received the increment as the development would not have been feasible without the incentive.

**Legal Considerations:** None

**Mission/Values:** To provide adequate housing in order for the City to accommodate present and future growth.

**Attachments:** Development Agreement and Ordinance No. 3787

**Approved for the Agenda by:**

---

Name, Title

**ORDINANCE NO. 3787**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (IRON FLATS, PHASE I)**

**WHEREAS**, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 located in a county with a population of less than 80,000, to designate rural housing incentive districts within such city; and,

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and,

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and,

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and,

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and,

**WHEREAS**, the City of Dodge City, Kansas (the “City”) has an estimated population of approximately 27,340, is located in Ford County, Kansas, which has an estimated population of approximately 33,848, and therefore constitutes a city as said term is defined in the Act; and,

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated June 2022 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and,

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 2009-19 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of

such Resolution and a Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and,

**WHEREAS**, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated October 7, 2009 authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”); and,

**WHEREAS**, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the “Plan”); and,

**WHEREAS**, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5244;
2. The existing assessed valuation of the real estate in the proposed District, listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for October 17, 2022 and provided for notice of such public hearing as provided in the Act; and,

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 2022-33 which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provides a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for October 17, 2022 and provided for notice of such public hearing as provided in the Act; and,

**WHEREAS**, a public hearing was held on October 17, 2022, after due published and delivered notice in accordance with the provisions of the Act; and,

**WHEREAS**, upon and considering the information and public comments received at the public hearing, the governing body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

**THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Dodge City, Kansas as follows:

**Section 1. Findings.** The Governing Body hereby finds that due notice of the public hearing conducted October 17, 2022 was made in accordance with the provisions of the Act.

**Section 2. Creation of Rural Housing Incentive District.** A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property in the Development, an addition to the City of Dodge City, Ford County, Kansas:

Lots 1-35, Block 1

Lots 1-4, Block 2

Lots 1-31, Block 5

Lots 6-25, Block 6

Lots 1-11, Block 8

And Tracts A & B, all platted roadways of Iron Flats, Phase 1, A Re-plat of a portion of Lot 2, Block 1, Legends North Subdivision, City of Dodge City, Ford County, Kansas and all public right of way adjacent thereto.

The boundaries of the District do not contain any property not referenced in Resolution No. 2022-33, which provided notice of public hearing on the creation of the District and adoption of the Plan.

**Section 3. Approval of Development Plan.** The Plan for the development or redevelopment of housing and public facilities in the District, as presented to the Governing Body this date, is hereby approved.

**Section 4. Adverse Effect on Other Governmental Units.** If, within 30 days following the conclusion of the public hearing on October 17, 2022, any of the following occurs, the Governing Body shall take action to repeal this Ordinance:

- a. The Board of Education of U.S.D. No. 443 determines by resolution that the District will have an adverse effect on such school district; or
- b. The Board of County Commissioners of Ford County, Kansas, determines by resolution that the District will have an adverse effect on such county.

As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Ford County or Unified School District No. 443.

**Section 5. Reimbursement.** The Act authorizes the City to reimburse the Developer for all or a portion of the costs of implementing the Plan through the use of property tax increments allocated to the City under the provisions of the Act.

**Section 6. Further Action.** The Mayor, City Clerk and other officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate to accomplish the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be effective upon its passage by the Governing Body of the City of Dodge City, Kansas and publication one time in the official City newspaper.

*[remainder of this page left blank intentionally]*

**PASSED** by the Governing Body of the City of Dodge City, Kansas and signed by the Mayor on November 21, 2022.

[SEAL]

---

Mayor

---

City Clerk



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners

**From:** Nathan Littrell, Planning & Zoning Administrator

**Date:** November 20, 2022

**Subject:** Ord. No. 3788

**Agenda Item:** Ordinances and Resolutions

---

**Purpose:** This rezoning ordinance will allow for the property to be rezoned from AG Agriculture, R-S Residential Suburban, and C-2 Commercial Highway to R-3 Residential Higher Density. The proposed development will consist primarily of single-family residences and potentially some multi-family residences.

**Recommendation:** It is City Staff's recommendation to approve this ordinance. On November 15, 2022, the Planning Commission reviewed and voted 5-0 to recommend approval of the proposed rezoning.

**Background:** The applicant wishes to rezone this property to R-3 Residential Higher Density to allow for a mixture of residential development. The developer plans to primarily develop smaller lot, single-family residences. There is also the possibility of developing duplexes or multi-family development. The property is currently zoned Agriculture, R-S Residential Suburban, and C-2 Commercial Highway. The property is mostly vacant with the exception of a storage yard utilized by United Telephone. The western portion of the property is currently platted and is part of Millers Add. The entire property will be platted/replatted at a later date. No site plan for the development has been formally submitted to the City or is available for review at this time. The proposed development would have access to both 14th Ave and McArtor Rd.

**City Commission Options:**

1. Approve
2. Disapprove
3. Table for further discussion

**Financial Considerations:** None

**Legal Considerations:** None

**Mission/Values:** Approving this rezoning ordinance will encourage and support growth and development in our community.

**Attachments:** Ordinance #3788, Map

Approved for the Agenda by:

*Kevin Israel*

Kevin Israel, Development Services & Inspections Director

ORDINANCE NO. 3788

AN ORDINANCE OF THE CITY OF DODGE CITY, KANSAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY, CHANGING THE DESCRIBED PROPERTY OF 59.89 ACRES FROM AG AGRICULTURAL, R-S RESIDENTIAL SUBURBAN, AND C-2 COMMERCIAL HIGHWAY TO R-3 RESIDENTIAL HIGHER DENSITY.

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:

A portion of a tract of land in Lot 1, Block 2 Final Plat of Church Subdivision, City of Dodge City, Ford County, Kansas, described as follows:

Lots One (1) through Eighteen (18), Block Four (4) and Lots One (1) through Eighteen (18), Block Five (5), in Miller Subdivision No. 1, Dodge City, Ford County, Kansas, according to the recorded Plat thereof.

AND

A Tract of land in the Northwest Quarter of Section 2, Township 27 South, Range 25 West of the 6th P.M., in Dodge City, Ford County, Kansas, more fully described as follows:

Commencing at the Northwest Corner of Boto Addition to the City of Dodge City, Kansas, said point being a 4" square concrete monument with a 1/2" round re-bar, said corner being 7.05 feet west of the East line of the Northwest Quarter of Said Section 2; Thence N 0° 13' 56" W, on the extension of the West Line of Boto Addition, 20.25 feet to the South Right-of-way Line of McCartor Road to the West, said point being the TRUE POINT OF BEGINNING;

Thence S 89° 58' 18" W, along the South Line of McCartor Road, 21.38 feet, to the Northeast Corner of a Tract recorded in the Ford County Register of Deeds Office in Book 220, Page 706;

Thence S 0° 20' 49" W, 350.00 feet to the Southeast Corner of said Tract recorded in said Book 220, Page 706;

Thence S 89° 58' 18" W, 195.50 feet to the Southwest Corner of said Tract recorded in said Book 220, Page 706, said point being on the East Line of a Tract recorded in said Register of Deeds Book 203, Page 653;

Thence S 0° 20' 49" W, 128.00 feet to the Southeast Corner of said Tract recorded in said Ford County Register of Deeds Office in Book 203, Page 653;

Thence S 89° 58' 18" W, 150.00 feet to the Southwest Corner of said Tract recorded in said Book 203, Page 653;

Thence N 0° 20' 49" E, 128.00 feet along the West Line of said Tract recorded in said Book 203, Page 653, to the Southeast Corner of a Tract recorded in said Register of Deeds in Book 204, Pages 174-176;  
Thence S 89° 58' 18" W, 93.30 feet along the South Line of said Tract recorded in said Ford County Register of Deeds Office in Book 204, Pages 174- 176;  
Thence S 61° 37' 24" W, 292.71 feet to the Southwest Corner of said Tract recorded in said Book 204, Pages 174-176;  
Thence N 0° 20' 49" E, 1.00 feet along the West Line of said Tract recorded in said Book 204 pages 174-176, said point being the Southeast Corner of Cooper Addition to the City of Dodge City, Ford County, Kansas;  
Thence N 89° 56' 11" W, 23.00 feet along the Southerly Line of said Cooper Addition;  
Thence S 40° 28' 43" W, 217.60 feet along the Southerly Line of said Cooper Addition;  
Thence S 89° 19' 04" W, 594.80 feet along the South Line of Cooper Addition to the Southwest Corner of said Cooper Addition;  
Thence N 0° 17' 31" E, 9.92 feet along the West Line of said Cooper Addition to the Southeast Corner of a Tract recorded in said Ford County Register of Deeds Book 136, Page 353;  
Thence S 89° 56' 47" W, along the South Line of said Tract recorded in said Book 136, Page 353, 167.07 feet to the East Line of Veeann Avenue, said line of Veeann Avenue being the East Line of Miller Addition to the City of Dodge City, Ford County, Kansas;  
Thence S 0° 21' 42" E, 959.98 feet along the East Line of Veeann Avenue (East Line of said Miller Addition) to the South line of the Northwest Quarter of Section 2; Township 27 South, Range 25 West of the 6th P.M. Ford County, Kansas;  
Thence N 89° 58' 55" E, along the South line of said Northwest Quarter Section 2, 1,646.33 feet to the West Line of Boto Addition to the City of Dodge City, Ford County, Kansas, said point being 0.59 feet North of the Southwest Corner of said Boto Addition and being 12.75 feet West of the Southeast Corner of the Northwest Quarter of said Section 2; Township 27 South, Range 25 West of the 6th P.M.;  
Thence N 0° 13' 56" W, 1,590.36 feet along the West Line of Boto Addition to the City of Dodge City, Ford County, Kansas, to the POINT OF BEGINNING. Containing approx. 40.8786 acres, and being subject to easements and rights-of-ways.

AND

That part of the Northwest Quarter of Section 2, Township 27 South, Range 25 West of the 6th Principle Meridian Ford County, Kansas Described by Kevin Wayne Noll LS 1053 on 8-31-2022 as follows:

Commencing at the Northwest Corner of Boto Addition to the City of Dodge City, Kansas;

Thence N 00° 01' 49" W along extended West line of said Boto Addition, for a distance of 19.96 feet to the South Right-of-Way line of McArtor Rd.

Thence N 89° 34' 35" W along said South line for a distance of 22.54 feet to the Northeast corner of a Tract described in the Ford County Register of Deeds Office in Deed Book 220, Pages 706-707 and the POINT OF BEGINNING

Thence S 00° 30' 43" W along the east line of said Tract, 351.18 feet to the Southeast corner of said Tract;  
Thence N 89° 34' 08" W along the South line of said Tract, 30.00 feet;  
Thence N 00° 30' 43" E 351.17 feet to the North line of said Tract;  
Thence S 89° 34' 35" E along South Right-Of-Way line of said McArtor Rd. 30.00 feet to the POINT OF BEGINNING. Containing approx. 0.24 Acres.

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 TWENTY-FIRST DAY OF NOVEMBER, 2022.

---

KENT SMOLL, MAYOR

ATTEST:

---

CONNIE MARQUEZ, CITY CLERK