

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Tuesday, July 5, 2022

7:00 p.m.

MEETING #5215

**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**

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC HEARING**

Issuance of Industrial Revenue Bonds

## **APPROVAL OF AGENDA**

## **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).

Christian Motorcycle Association

## **CONSENT CALENDAR**

1. Approval of Work Session Minutes, June 20, 2022.
2. Approval of City Commission Meeting Minutes, June 20, 2022.
3. Appropriation Ordinance No.13, July 5, 2022.

4. Cereal Malt Beverage License:
  - a. El Charro of DC LLC, 1209 W. Wyatt Earp Blvd.
5. Change Order #1, 2nd Avenue Bridge & RCB Repairs.
6. Approval of appointments to fill vacancies on the Dodge City Public Library Board.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3775:** An Ordinance Designating Dodge City Days as a Special Event. Report by Finance Director, Nicole May.

## **UNFINISHED BUSINESS**

**Ordinance No. 3773:** An Ordinance Authorizing Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage in the Original Package Within the City of Dodge City, Kansas. Report by Nick Hernandez, City Manager.

## **NEW BUSINESS**

## **OTHER BUSINESS**

## **STAFF REPORTS**

## **ADJOURNMENT**

**CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Monday, June 20, 2022

6:30 p.m.

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

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**CALL OR ORDER** Mayor Kent Smoll, Vice Mayor, Michael Burns, Commissioners Rick Sowers, Chuck Taylor, Joseph Nuci present.

**WORK SESSION**

Discussion of Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage. City Attorney, Brad Ralph gave commissioners a copy of the state statute ordinance and gave a short overview about the ordinance. Salena Vilasying speaking on behalf of Lucky Liquor Store and other liquor stores asked the commission to vote no for Sunday sales of cereal malt beverage.

Monica and Darren Tieben, Blackjack Liquor are also against the Sunday sales. Victor Mejia convenient store owner stated he has been to the commission three times in favor of the liquor sale on Sundays, and asked the commissioners to give the stores an opportunity to provide the service for the community.

**ADJOURNMENT**

Mayor Kent Smoll adjourned the meeting.

ATTEST:

\_\_\_\_\_  
Mayor

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

## **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Monday, June 20, 2022

7:00 p.m.

MEETING #5214

**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, Joe Nuci

**INVOCATION** by Josh Smith of Cross Connection Church

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

Mayor Kent Smoll made a motion to amend the agenda and add a public hearing on the CID program for the Village Square Mall. Joseph Nuci seconded the motion. The motion carried 4 -1 with Commissioner Rick Sowers voting no.

Commissioner Michael Burns moved to approve the agenda as amended and Commissioner Joseph Nuci seconded the motion. The motion carried 4 – 1 with Commissioner Rick Sowers voting no.

### **Public Hearing**

Mayor Kent Smoll opened the public hearing. Nicole May said the public hearing was the advisability to create a Community Improvement District which is an economic development tool authorized by state statute that allows eligible construction costs to be reimbursed to the developer. Only the additional sales tax that is collected within the district is the amount that can be reimbursed. There was a petition from the owners of Village Square Mall and this CID would encompass the area of the Village Square Mall and the other stores around the area of the mall. Representative David Swezey spoke on the improvements and renovations that need to be made to the mall.

There were no public comments.

Mayor Kent Smoll closed the public hearing.

**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).**

Tara Schraeder and Abbey Martin recognized the 15 participants of the 2022 Engage Dodge Program and gave out certificates for their completion of the class. Congratulations to all.

**CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, June 6, 2022.
2. Appropriation Ordinance No.12, June 20, 2022.
3. Cereal Malt Beverage License:
  - a. Loves Travel Stops & Country Stores, Inc., 400 E. Wyatt Earp Blvd.
  - b. Loves Travel Stops & Country Stores, Inc., 1108 W. Wyatt Earp Blvd.
  - c. La Hacienda Tacos & Salsa, 504 Avenue J.
4. Approval of Change Order #1 for Milstock Avenue Infrastructure.
5. Approval of Payment for Water Damages to Equipment at 239 ½ San Jose Street.
6. Approval of Change Order #2 for 6<sup>th</sup> Avenue & Iron Road Improvements.

Commissioner Chuck Taylor moved to approve the consent calendar as presented. Commissioner seconded the motion the motion carried unanimously.

**ORDINANCES & RESOLUTIONS**

**Ordinance No. 3773:** Commissioner Michael Burns moved to table the ordinance authorizing Sunday sales of alcoholic liquor and cereal malt beverage in the original package within the City of Dodge City, Kansas. Commissioner Rick Sowers seconded the motion. The motion carried 4 – 1 with Commissioner Joseph Nuci voting no.

**Ordinance No. 3774:** An Ordinance authorizing the creation of the Village Square Mall 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 (Village Square Mall CID) was approved on a motion by Commissioner Rick Sowers. Commissioner Michael Burns seconded the motion. The motion carried 4 - 0.

**Resolution No. 2022-23:** A Resolution for the temporary suspension and waiver of certain provisions of Ordinance No. 2838 and the 2018 International Fire Code pertaining to the discharge of fireworks within the city limits of the City of Dodge City, Kansas was approved on a motion by Commissioner Michael Burns. Commissioner Chuck Taylor seconded the motion. The motion carried 4 – 1 with Commissioner Nuci voting no.

**Resolution No. 2022-24:** A Resolution authorizing the offering for sale of General Obligation Bonds, Series 2022-A, and General Obligation Temporary Notes, Series 2022-1, of the City of Dodge City, Kansas was approved on a motion by Commissioner Rick Sowers. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

**Resolution No. 2022-25:** A Resolution of the City of Dodge City, Kansas determining that the City is considering establishing a bioscience development district, establishing the date and time of a public hearing on such matter, and providing for the giving of notice of such public hearing (Hilmar Bioscience Development District) was approved on a motion to amend Section 6 Public Records to change the from 8:00 a.m. to 5:00 p.m. Monday through Friday and adding 7:30 a.m. until 5:30 p.m., Monday through Thursday, and from 7:30 a.m. to 11:30 a.m. on Friday by Commissioner Michael Burns Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

Commissioner Michael Burns moved to adopt 2022-25 as amended. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

Commissioner Rick Sowers moved to approve of scope of services with Burns & McDonell in the amount of \$177,800 for Hilmar Dairy/National Beef Wastewater reuse evaluation (Phase 1). Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.

#### **OTHER BUSINESS**

#### **STAFF REPORTS**

#### **EXECUTIVE SESSION**

At 8:45 pm Commissioner Chuck Taylor made a motion to recess into executive session pursuant to the personnel matters of nonelected personnel, exception found in K.S.A, 75-4319(b)(1) to discuss personnel matters of nonelected personnel. The justification for closing the meeting is to protect the privacy of the individual to be discussed. The meeting will include City Commissioners and City Attorney, Brad Ralph. The open meeting will resume in the City Commission chamber in 30 minutes at 9:15 p.m. The Commission may take action upon returning to open session and prior to adjournment. Commissioner Rick Sowers seconded the motion. Motion carried unanimously. The commissioner extended the executive session for 5 minutes by motion and second.

The open meeting reconvened at 9:20 pm

**ADJOURNMENT**

Commissioner Rick Sowers made a motion to adjourn the meeting. Commissioner Chuck Taylor 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:** July 5, 2022  
**Subject:** Change Order #1, 2<sup>nd</sup> Ave. Bridge & RCB Repairs, ST 2004  
**Agenda Item:** Consent Calendar

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**Purpose:** A Change Order has to be processed to close out the project and balance the bid item quantities from what was bid to what was constructed in the field.

**Recommendation:** Approve Change Order #1 for 2<sup>nd</sup> Ave. Bridge and RCB Repairs for an increase in the amount of \$20,994.05.

**Background:** At the October 18, 2021 Commission Meeting, the Commission awarded the 2<sup>nd</sup> Ave. & RCB Repair Project to PbX Corporation. The project is now completed. Staff has finalized the pay estimates and some bid items had to be adjusted to reflect the amount of work completed in the field. Some additional reinforcing steel, both epoxy coated and that used for repairs, was used to complete the necessary repairs to the bridge. The largest item was Concrete Surface Repair, prier cap #3 needed extensive repairs. This prier cap is under one of the expansion joints that had failed allowing the elements and salt to deteriorate the prier cap. The Epoxy Resin Crack Repair was not used on the project so that line item was zero. Overall the Change Order is an increase of \$20,994.05 or a 7.5% overrun.

**City Commission Options:**

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

**Financial Considerations:** Change Order #1 is for an increase of \$20,994.05. Funding will be from the GOB issued for this project. The original bid of \$280,962.93 was under the Engineer's Estimate and budgeted amount. Funds are available in the GOB to cover the Change Order.

Amount \$: \$20,994.05

Fund: 456      Dept: 3030      Expense Code: 430-42-04

Budgeted Expense       Grant       Bonds       Other      RHID

**Legal Considerations:** By approving the Change Order for the 2<sup>nd</sup> Ave. & RCB Repairs Project 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*

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**Ray Slattery, PE, Dir. of Engineering Services**

# CITY OF DODGE CITY

## Change Order

CONTRACT FOR: 2nd Ave. Bridge & RCB Repairs

PROJECT NUMBER: ST 2004

CONTRACTOR: PbX Corporation

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	
Reinforcing Steel (Grade 60)(Epoxy Coated)	Lbs.	1760	2606	846	\$ 5.00		\$ 4,230.00	
Reinforcing Steel (Repair)(Grade 60)(Set Price)	Lbs.	1	27.70	26.70	\$ 10.00		\$ 267.00	
Concrete Surface Repair	S.F.	60	268.39	208.39	\$ 95.00		\$ 19,797.05	
Epoxy Resin Crack Repair	L.F.	44	0	-44	\$ 75.00		\$ (3,300.00)	
<b>NET INCREASE</b>								<b>\$ 20,994.05</b>

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: PbX Corporation

\_\_\_\_\_  
Nannette Pogue, City Clerk

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

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



# Memorandum

**To:** City Commission; CC: City Manager Nick Hernandez

**From:** Abbey Martin, Public Information Officer

**Date:** June 29, 2022

**Subject:** Approval of appointments to fill vacancies on the Dodge City Public Library Board

**Agenda Item:** Consent Calendar

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**Purpose:** Fill recent vacancies of the Dodge City Public Library (DCPL) Board to keep the full 7-person board as required by K.S.A. 2014 Supp. 12-16,128.

**Recommendation:** Approve the appointment of Miguel Coca to fill the vacant position on the DCPL Board left by Paula Ripple, and approve Chantal Armenta to fill the vacant position on the DCPL Board left by Pete Myers.

**Background:** In late May, Lori Juhlin, DCPL Executive Director, received notice that Paula Ripple and Pete Myers would be vacating their positions on the DCPL Board. The DCPL advertised that they were accepting applications through June. They also considered applications of those that applied in the 2022 open call for advisory boards and commissions but had not been appointed then. The current board voted on their recommendations for appointment to fill the positions during the June 28 board meeting.

**City Commission Options:**

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

**Financial Considerations:** None

**Legal Considerations:** None

**Mission/Values:** 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 of Appointees

**Approved for the Agenda by:**

A handwritten signature in cursive script that reads "A. Martin".

**Public Information Officer**

**Name, Title**



# APPLICATION FOR CITY OF DODGE CITY ADVISORY BOARDS

NAME: \_\_\_\_\_ OCCUPATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

Advisory Board(s) you wish to be considered for (*if seeking appointment to the Convention and Visitors Bureau Advisory Board, please state the appropriate sector you belong to: At-Large/Local Business, Attraction, or Hotel/Motel/Restaurant*):

\_\_\_\_\_  
\_\_\_\_\_

Tell us about your educational background:

School

Dates Attended

Major

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work history:

Job and Title

1872

Dates of Employment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



To the best of your knowledge, would the appointment of you to the advisory board(s) listed above for consideration create any conflicts of interest due to your employment or business endeavors? If yes, please explain:

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Have you ever served on any advisory board, committee, etc. of another public body? If you have, please tell us something about it.

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Tell us about other qualifications you have which you feel qualify you for an appointment.

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Signature: \_\_\_\_\_

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

Please return to: City Manager's Office, City Hall, P.O. Box 880, Dodge City, Kansas 67801-0880. Fax: 620-225-8144.

E-mail: [abbeym@dodgecity.org](mailto:abbeym@dodgecity.org).

***Thank you for your interest!***



# APPLICATION FOR CITY OF DODGE CITY ADVISORY BOARDS

NAME: Chantal Armenta OCCUPATION: High School Science Teacher  
 ADDRESS: 2210 4th Avenue TELEPHONE: (719) 433-4883  
 E-MAIL: chantalsolorzano@hotmail.com

Advisory Board(s) you wish to be considered for *(if seeking appointment to the Convention and Visitors Bureau Advisory Board, please state the appropriate sector you belong to: At-Large/Local Business, Attraction, or Hotel/Motel/Restaurant):*  
Library Board

Tell us about your educational background:

School	Dates Attended	Major
Dodge City High School	August 2011 - May 2016	High School Diploma
Fort Hays State University	May 2016 - December 2020	Biology (Education)
Fort Hays State University	January 2022 - Present	ESOL Certification

Work history:

Job and Title	Dates of Employment
FHSU Alumni Association - Student Aide	August 2016 - May 2020
Dodge City High School - Science Teacher	January 2021 - Present



To the best of your knowledge, would the appointment of you to the advisory board(s) listed above for consideration create any conflicts of interest due to your employment or business endeavors? If yes, please explain:

N/A

Have you ever served on any advisory board, committee, etc. of another public body? If you have, please tell us something about it.

N/A

Tell us about other qualifications you have which you feel qualify you for an appointment.

I am a high school Biology teacher at Dodge City High School. I was born and raised in Dodge City and have been interested in being actively involved in our community. Eventhough this would be my first board position, I feel it is a great way for me to begin my involvement in community leadership.

Signature: Chad Saff Date: 6/12/2022

Please return to: City Manager's Office, City Hall, P.O. Box 880, Dodge City, Kansas 67801-0880. Fax: 620-225-8144.

E-mail: [abbeym@dodgecity.org](mailto:abbeym@dodgecity.org).

**Thank you for your interest!**



# Memorandum

**To:** Nick Hernandez, City Manager and City Commissioners  
**From:** Nicole May, Finance Director  
**Date:** June 29, 2022  
**Subject:** Ordinance No. 3775 Designating Dodge City Days as a Special Event  
**Agenda Item:** Ordinances and Resolutions

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**Purpose:** Ordinance No. 3775 is needed to designate Dodge City Days as a Special Event to allow the State to issue a temporary permit to those businesses requesting to sell alcohol outside their normal business.

**Recommendation:** I recommend approval of Ordinance No. 3775.

**Background:** Some businesses that sell alcohol frequently request a temporary alcohol permit in areas that includes the street or public property outside their normal business K.S.A. 41-719 allows for a city to designate a festival or other similar community gathering, such as Dodge City Days, as a "special event" as a condition precedent to allowing the State of Kansas the discretion to issue temporary permits for the consumption of alcohol. The first step in allowing the State to issue a temporary permit is to pass an ordinance designating Dodge City Days as a Special Event.

We commonly have different events during the Dodge City Days and historically those events have caused no issues for the city or any of the participants.

**City Commission Options:**

1. Approve Ordinance No. 3775
2. Disapprove Ordinance No. 3775
3. Table for further discussion Ordinance No. 3775

**Financial Considerations:**

Amount \$: N/A

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

**Legal Considerations:** None

**Mission/Values:** Together we promote open communications with our community members.

**Attachments:** Ordinance No. 3775

**Approved for the Agenda by:**

*Nicole May*

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**Nicole May, Finance Director**

ORDINANCE NO.3775

AN ORDINANCE DESIGNATING DODGE CITY DAYS AS A SPECIAL EVENT IN THE CITY OF DODGE CITY, KANSAS.

**WHEREAS**, Dodge City Days is a ten (10) day special event held annually during the last week in July and first week in August; and,

**WHEREAS**, the City of Dodge City celebrates its historical roots during this city-wide special event; and,

**WHEREAS**, a variety of activities are held throughout the City during this special event; and,

**WHEREAS**, K.S.A. 41-719 allows for a city to designate a festival or other similar community gathering, such as Dodge City Days, as a “special event” as a condition precedent to allowing the State of Kansas the discretion to issue temporary permits for the consumption of alcohol; and,

**WHEREAS**, the City of Dodge City has been asked to make such designation as a prelude for business and individuals to request temporary permits from the State of Kansas for the sale and consumption of alcoholic liquor on public streets, alleys, sidewalks, roads or highways at special events as defined by K.S.A. 41-719(a)(2).

**NOW THEREFORE**, the City of Dodge City hereby designates the community gathering and festival, commonly known as Dodge City Days as a “special event” in Dodge City, Kansas. This special event will extend for a period of ten (10) days beginning on July 28, 2022 and ending on August 7, 2022.

The Ordinance will take effect upon approval by the City Commission and upon publication of a summary Ordinance in the Dodge City Daily Globe.

Approved this 5<sup>th</sup> day of July 2022.

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Mayor

ATTEST:

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City Clerk



# Memorandum

**To:** City Commission

**From:** City Manager, Nick Hernandez

**Date:** June 6, 2022

**Subject:** Sunday Sales of Alcoholic Liquor and Cereal Malt Beverages

**Agenda Item:** Ordinance NO. 3773

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**Commission Options:**

1. Approval of Ordinance NO. 3773 authorizing Sunday sales of alcoholic liquor and cereal malt beverages within the City of Dodge City, Kansas.
2. Table Ordinance NO. 3773.

**Background:** This ordinance allows for the sale at retail of alcoholic liquor in the City limits on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m. It also allows for the sale of alcohol on Memorial Day, Independence Day, and Labor Day.

**Justification:** If approved this ordinance will be published once a week for two (2) consecutive weeks in the official City newspaper. It will take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed.

**Financial Considerations:** There are no financial considerations.

**Legal Considerations:** City Legal Counsel has reviewed the ordinance and found it correct to form.

**Attachments:**

Ordinance NO. 3773

ORDINANCE NO. 3773

AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF DODGE CITY, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

**Section 1.** Pursuant to K.S.A. 41-2704, the sale at retail of cereal malt beverage in the original package is allowed within the City on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m.

**Section 2.** Pursuant to K.S.A. 41-712, the sale at retail of alcoholic liquor in the original package is allowed within the City on any Sunday, except Easter, between the hours of 9:00 a.m. and 8:00 p.m., and on Memorial Day, Independence Day and Labor Day.

**Section 3.** This ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

**Section 4.** This ordinance shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in K.S.A. 41-2911, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

Passed by the City Commission this \_\_\_\_ day of July 2022, and signed by the Mayor on the \_\_\_\_\_ day of June, 2022.

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Mayor

ATTEST:

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City Clerk