

CITY COMMISSION MEETING AGENDA

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

2. Or watch it on our Vimeo page at 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 Josh Smith of Cross Connection Church

PLEDGE OF ALLEGIANCE

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).

Engage Dodge Class Recognition

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 6th Avenue & Iron Road Improvements.

ORDINANCES & RESOLUTIONS

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). Report by Nicole May, Finance Director.

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. Report by Ken Spencer, Fire Chief.

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. Report by Nicole May, Finance Director.

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). Report by Nicole May, Finance Director.

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

Approval of Scope of Services for Hilmar Dairy/National Beef Wastewater Reuse Evaluation (Phase 1). Report by Tanner Rutschman, City Engineer.

OTHER BUSINESS

EXECUTIVE SESSION

Employer-Employee Relations and Negotiations

STAFF REPORTS

ADJOURNMENT

CITY COMMISSION MEETING MINUTES

City Hall Commission Chambers

Monday, June 6, 2022

7:00 p.m.

MEETING #5213

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

ROLL CALL

INVOCATION by Josh Smith of Cross Connection Church

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Vice Mayor Michael Burns moved to add to the agenda, under other business; Authorizing City Manager as Acting Legal Representative in Italian National Scheme Matters.

Commissioner Rick Sowers made a motion to approve the agenda with the addition under other business. Commissioner Joseph Nuci seconded the motion. The motion carried 4 - 0.

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 Loyalty Oath Ceremony - Dodge City Police and Fire Departments

Police Chief Drew Francis introduced two new Police Officers for the City of Dodge City Christian Tucker who was recruited from an encumbered position and comes from Arizona and Angel Guzman who transitioned from a CSO to a sworn position. They were sworn in with the City Loyalty Oath. Captain Bradley Hines introduced Joshua Meis and Rudy Hernandez as new Firefighters for City of Dodge City. They were sworn in with the City Loyalty Oath. Congratulations to all.

Monica Tieben of Blackjack Liquor Store spoke to oppose the Sunday Liquor Sales within the City of Dodge City.

CONSENT CALENDAR

1. Approval of City Commission Meeting Minutes, May 16, 2022.
2. Approval of Special City Commission Work Session Minutes, May 23, 2022.
3. Approval of Special City Commission Meeting Minutes, May 23, 2022.
4. Appropriation Ordinance No.11, June 6, 2022.
5. Cereal Malt Beverage License:
 - a. Kitty's Kitchen, 2110 E. Wyatt Earp Blvd.
 - b. Wal-Mart Store #372, 1905 N. 14th Avenue.
 - c. Riverside RV Park, 500 Cherry Street.
6. Change Order #4, Fairway Drive Reconstruction.
7. Approval to Execute Agreement for the Procurement of New Snow Removal Equipment.

Commissioner Joseph Nuci moved to approve the agenda as presented. Commissioner Chuck Taylor seconded the motion. The motion carried 4 - 0.

ORDINANCES & RESOLUTIONS

Ordinance No. 3772: An Ordinance designating the 150th founder's weekend concert in the park as a special event in the City of Dodge City, Kansas was approved on a motion by Commissioner Joseph Nuci. Commissioner Rick Sowers seconded the motion. The motion carried 4 – 0.

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 was tabled to give staff time to get more information. Commissioner Rick Sowers made a motion to table the ordinance. Commissioner Chuck Taylor seconded the motion. The motion carried 3 – 1 with Commissioner Joseph Nuci voting nay.

Resolution No. 2022-22: A Resolution by the City of Dodge City, Kansas, establishing fees for the connection of properties outside the corporate limits of the City of Dodge City, Kansas to city water and sanitary sewer was amended to water connection fees for Section 1: Residential Property fees for connection to be \$2,500, Commercial connection fees to be \$3,250 and sanitary sewer connection fees for Section 2: Residential Property fees for connection to be \$2,500, and Commercial connection fees to be \$3,250. Commissioner Joseph Nuci made a motion to approve the amended fees. Commissioner Chuck Taylor seconded the motion. The motion carried 4 - 0.

UNFINISHED BUSINESS**NEW BUSINESS**

1. Commissioner Chuck Taylor moved to approve the quote from Victory Electric in the amount of \$127,719.84 to install 9 LED streetlights along Iron Road and 6th Avenue. Commissioner Rick Sowers seconded the motion. The motion carried 4 - 0.

Commissioner Joseph Nuci recused himself from discussion and from voting.

2. Commissioner Rick Sowers moved to approve to authorize the lease and purchase of approximately 268 acre-feet of Industrial Water Rights from JAG II in the amount of \$100,000. Commissioner Chuck Taylor seconded the motion. The motion carried 3 – 0 with Commissioner Joseph Nuci abstaining.

OTHER BUSINESS

1. Commissioner Rick Sowers moved to authorize City Manager, Nick Hernandez to act on behalf of the City of Dodge City as its legal representative for the sole and specific purpose of executing appropriate documents to secure and maintain Certification pursuant to the Italian National Scheme (INS). Commissioner Joseph Nuci seconded the motion. The motion carried 4 – 0.

STAFF REPORTS

ADJOURNMENT

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

ATTEST:

Mayor

City Clerk



Memorandum

To: Nick Hernandez, City Manager and City Commissioners
From: Ray Slattery, PE, Director of Engineering Services
Date: June 20, 2022
Subject: Change Order #1, Milstock Ave. Infrastructure, PL 2102
Agenda Item: Consent Calendar

Purpose: Finalize the Milstock Ave. Infrastructure Project.

Recommendation: Approve Change Order #1 for Milstock Ave. Infrastructure for a decrease in the amount of \$3,395.20.

Background: At the September 20, 2021 Commission Meeting, the Commission awarded Tatro Plumbing Co., Inc./Underground Specialists, Inc. the construction of the Infrastructure Improvements for the Milstock Addition Sub-Division. At that time, Staff, the Design Consultant, and the Contractor were looking at ways to value engineer the project to reduce costs. The project has been completed. The Items shown on the Change Order were adjusted from the Quote received by the Developer. Most of the items on the Change Order were part of the Value Engineering. However, during the excavation portion of the project a sandstone shelf was discovered. As a result, the Rock excavation bid item was added.

City Commission Options:

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

Financial Considerations: Change Order #1 is for a decrease of \$3,395.20. Funding will be from the Milstock RHID.

Amount \$: \$3,395.20

Fund: 447 Dept: 3030 Expense Code: 430-42-04

Budgeted Expense Grant Bonds Other RHID

Legal Considerations: By approving the Change Order from Tatro Plumbing Co., Inc./Underground Specialists, 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



Memorandum

To: City Commission
From: Director of Administration, Ryan Reid
Date: 2022-06-10
Subject: Payment Val Heston
Agenda Item: Consent Calendar

Purpose: To pay for damages suffered by Val Henton from a water main break that damaged equipment needed for the DC Diamonds Cheer Program and to reduce insurance claims on City insurance.

Recommendation: Staff recommends payment of \$31,000 to Val Heston for damages suffered in main break incident from May 2022 at the Cheerleading building located near Hennessey Hall.

Background: In December of 2020, a main break occurred behind the Dodge City Diamonds building at 239 ½ San Jose St. The break sent water into the building. In May of 2022 the main break broke again and sent water directly from the beneath the building, through the floor and flooded the building, causing damage to mats, special spring floors, electronics, etc. Staff negotiated settlement amount to \$31,000 due to depreciation and age of the items damaged.

City Commission Options:

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

Financial Considerations:

Amount \$:31,000

Fund: 51041000-42004

Budgeted Expense Grant Bonds Other

Legal Considerations: Nondisclosure agreement

Mission/Values: Honesty, Integrity, and Respect

Attachments: Breakdown of damages

Approved for the Agenda by: Ryan Reid

Dance floor	\$8,200
Spring Floor and Mats	\$20,627
Large Crash Pad	\$2,600
Plywood	\$4,800
Carpet rolls for Cheer floor	\$600
Tumble Track	\$6,800
Rod Floor	\$4,000
Spray Tan	\$825
Desk	\$350
Temp check	\$171
Kids table	\$207
Shelves	\$600
Tables and Chairs	\$1,500
Cabinet	\$450
Clothing racks	\$290
Lockers	\$50
Exercise Bike	\$300
Back Drop	\$1,545
banners	\$460
roll up mats	\$7,179
Tumble wedges	\$1,347
take down mat	\$579
Octagons tumble track	\$1,200
Security System	\$608
ipad	\$672
uniforms	\$336
female uniforms	\$6,190
Blue tooth speakers	\$527
vacumes	\$528

\$73,541 total replacement cost



Memorandum

To: Nick Hernandez, City Manager and City Commissioners
From: Ray Slattery, PE, Director of Engineering Services
Date: June 20, 2022
Subject: Change Order #2, 6th Ave. & Iron Rd. Improvements, ST 2005
Agenda Item: Consent Calendar

Purpose: Finalize the 6th Ave. & Iron Rd. Improvements.

Recommendation: Approve Change Order #2 for 6th Ave. & Iron Rd. Improvements for an increase in the amount of \$30,670.60.

Background: At the March 15, 2021 Commission Meeting, the Commission awarded the construction of the 6th Ave. & Iron Rd. Improvements to Building Solutions. The project is nearing completion. Staff has started finalizing the project documents. Most of the items represent actual field installed quantities. A couple of the bigger items that added to the \$30,670.60 increase was the increase in price and length of the 12" waterline. This represented an increase of \$30,762.70 which is more than the overall increase. The other large increase was Contractor Furnished fill, there was a bust in the quantity required and an additional 3,904 CY was required. This resulted in an increase of \$37,088.00. The remaining items were mostly decreases which resulted in the overall increase only being the dollar amount shown on the Change Order.

City Commission Options:

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

Financial Considerations: Change Order #2 is for an increase of \$30,670.60. Funding will be from the Candletree #6 RHID.

Amount \$: \$30,670.60

Fund: 453 Dept: 3030 Expense Code: 430-42-04

Budgeted Expense Grant Bonds Other RHID

Legal Considerations: By approving the Change Order from Building Solutions, LLC., 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 #2

Approved for the Agenda by:

Ray Slattery, PE

Ray Slattery, PE, Dir. of Engineering Services



Memorandum

To: Nick Hernandez, City Manager and City Commissioners

From: Nicole May, Finance Director

Date: June 13, 2022

Subject: Public Hearing – Advisability of Creating a Community Improvement District
Ordinance No. 3774 – 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 Village Square Mall CID. If after the public hearing, the Commission finds it advisable to create the Community Improvement District, adopt Ordinance No. 3774.

Background: A petition was filed for the establishment of a community improvement district for Village Square Mall to include the mall area and the stores in the strip mall area along Central Avenue. The petition was filed in April 2022, by David Swezey, Manager to establish a CID.

The City Commission adopted Resolution No. 2022-21, on May 16, 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 June 20 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 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. XXXX

Approved for the Agenda by:

Nicole May

Nicole May, Finance Director

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).

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 April 22, 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 one percent (1%) (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 May 16, 2022, the Governing Body of the City adopted Resolution No. 2022-21 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 June 20, 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 "Village Square Mall CID."

Section 2. Authorization of District Project; Estimated Costs. The Governing Body of the City hereby authorizes the project within the Village Square Mall 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 six million dollars (\$6,000,000). 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 Village Square Mall 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 Village Square Mall CID in the amount of one percent (1%). The collection of the CID Sales Tax shall commence on October 1, 2022, 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 Village Square Mall 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 Village Square 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

Lot 1

Part of Lot 1 and Lot 2, Block 1, The Village Square Subdivision, City of Dodge City, Ford County, Kansas being more particularly described as follows: Beginning of the Northwest corner of said Lot 1 the Village Square Subdivision, thence South 85°45'18" East, 629.11 feet along the North line of said Lots 1 and 2; thence South 1°41'26" West, 398.41 feet; thence South 88°37'57" East, 199.40 feet to a point on the East line of said Lot 1, The Village Square Subdivision, thence South 1°17'49" West, 38.34 feet along said East line; thence South 25°24'07" East, 27.54 feet along said East line; thence South 1°31'19" West, 465.26 along said East line; thence North 88°16'19" West, 200.00 feet; thence South 1°31'19" West, 69.92; thence North 88°31'51" West, 79.06 feet; thence South 0°45'48" West, 15.83 feet; thence North 88°05'09" West, 55.00 feet; thence South 1°33'11" West, 214.10 feet to a point on the South line of said Lot 1, The Village Square Subdivision; thence North 88°16'55" West, 480.78 feet along said South line to a point being the SW corner of said Lot 1; thence North 0°24'07" East, 1253.34 feet along the West line of said Lot 1 to the point of beginning.

Lot 2

Part of Lot 1 and Lot 2, Block 1, The Village Square Subdivision, City of Dodge City, Ford County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of said Lot 2; thence South 1°17'49" West, 360.77 feet along the East line of said Lots 2 and 1; thence North 88°37'57" West, 199.40 feet; thence North 1°41'26" East, 398.41 feet to a point on the North line of said Lot 2; thence South 85°45'18" East, 109.69 feet along said North line, thence South 68°23'53" East, 92.89 feet along said North line to the point of beginning.

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 development of a new tenant for Space #3 at Village Square Mall (the former "Gordmans" space) and to do additional improvements to Village Square Mall including a new Pylon sign, parking lot improvements, infrastructure repairs, and other various improvements to the property. The renovation of space #3 would consist of meeting new tenant requirements to accommodate a new tenant. This would be accomplished by providing community improvement district financing in accordance with this Petition and with the Act to finance the construction, maintenance, and procurement of certain

improvements, costs, and services within the District, including, but not limited to: infrastructure-related items, parking lot work, tenant improvements, utilities, lighting, signage, cleaning and maintenance, security, soft costs of the Projects, and the City and the petitioner's administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

"Exhibit A"

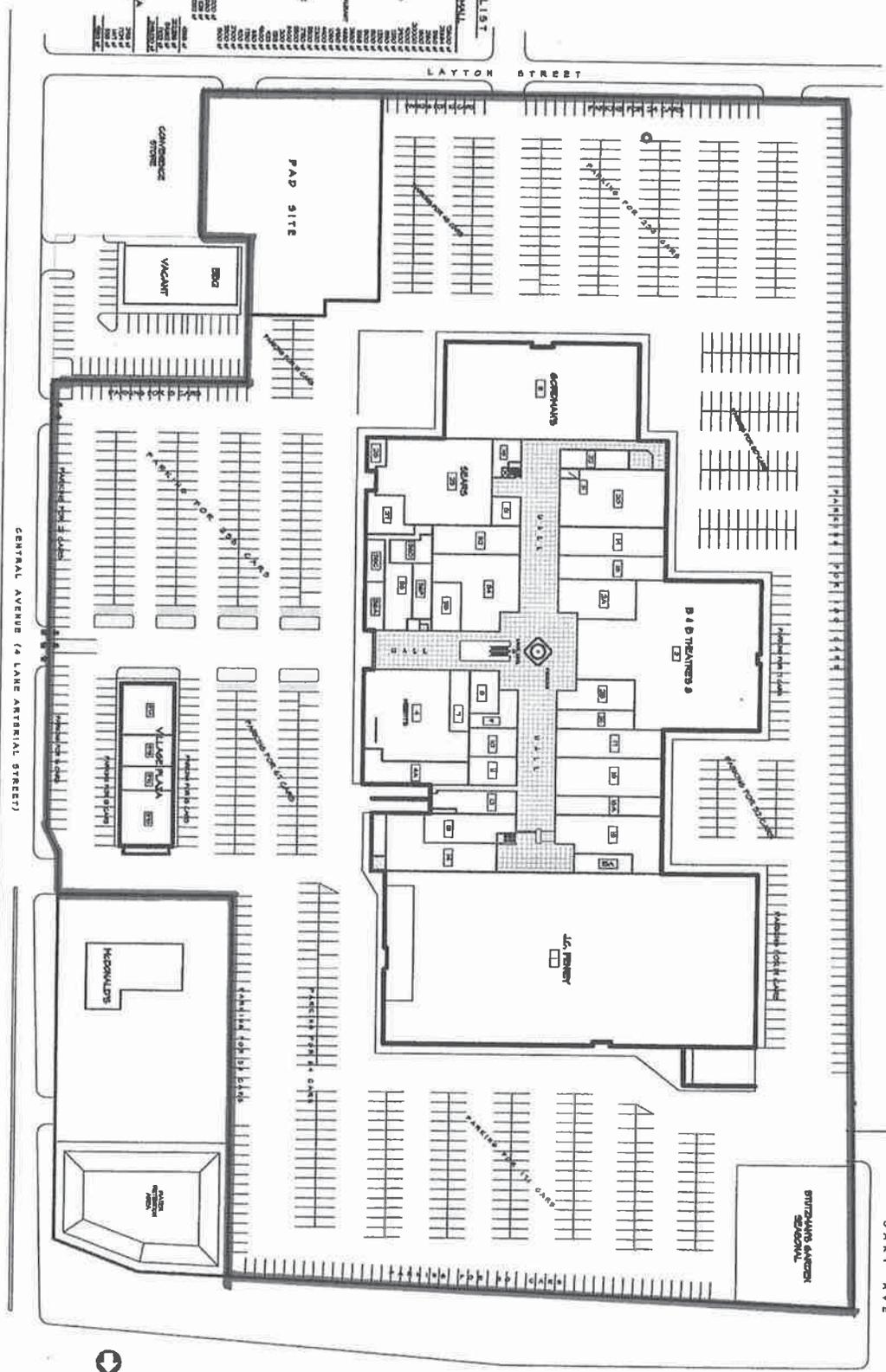
TENANT LIST

NO.	NAME	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES
1	AMERICAN	1	1	1
2	AMERICAN	1	1	1
3	AMERICAN	1	1	1
4	AMERICAN	1	1	1
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90	AMERICAN	1	1	1
91	AMERICAN	1	1	1
92	AMERICAN	1	1	1
93	AMERICAN	1	1	1
94	AMERICAN	1	1	1
95	AMERICAN	1	1	1
96	AMERICAN	1	1	1
97	AMERICAN	1	1	1
98	AMERICAN	1	1	1
99	AMERICAN	1	1	1
100	AMERICAN	1	1	1

S I T E P L A N

1" = 50'-0"

TOTAL PARKING - 282 CARS
 TOTAL PARKING - 67220 SQ FT
 TOTAL PARKING - 67220 SQ FT
 TOTAL SITE AREA 20' 60220 SQ FT
 TOTAL AREA 20' 60220 SQ FT



V5 HRY 50 BYPASS (DUPER 2 - 3 LANE)

NO.	DATE	BY	DESCRIPTION
1	4/13/2020	PEARCE	ISSUED FOR PERMIT
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VILLAGE SQUARE MALL
 2601 CENTRAL
 DODGE CITY, KANSAS 67801

PEARCE CONSTRUCTION PLANNING LLC
 Architectural Design and Drafting
 phone: 820-330-0218 email: don.pearce@cox.net
 405 LEALAND CIRCLE DODGE CITY, KANSAS 67801

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Memorandum

To: City Manager Nick Hernandez
CC City Commissioners

From: Fire Chief Ken Spencer

Date: 6/20/2022

Subject: Temporary Suspension of Ord. No. 2338 (Fireworks Ban)

Agenda Item: Ordinances and Resolutions

Purpose: Temporary suspension of the ban on the discharge of consumer fireworks within the City of Dodge City. This would provide a limited time for the public to discharge their fireworks in celebration of Independence Day on the dates of July 3rd, July 4th, and July 5th, 2022, between the hours of 10:00am and 11:00pm.

Recommendation: Approve resolution.

Background: This resolution is the same as those that have been approved over the last several years. The practice of temporarily suspending the ban on the discharge of fireworks in the city was originally started at the request of Ford County in an effort to reduce the amount of fireworks being discharged in their jurisdiction.

City Commission Options:

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

Financial Considerations:

Amount \$: 0

Fund: Dept: Expense Code:

Budgeted Expense Grant Bonds Other

Legal Considerations: None

Mission/Values: 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: Copy of resolution # 2022-23

Approved for the Agenda by:

Name, Title

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:

SECTION 1: For the time period and under the conditions set forth herein, the provisions of Ordinance No. 2838 and the International Fire Code prohibiting the discharge of legal fireworks, as defined by state statutes and regulations of the State Fire Marshal, shall be temporarily suspended and waived so as to allow the lawful discharge of such legal fireworks within the corporate limits of the City of Dodge City, Kansas, subject to the exceptions and under the conditions as provided herein, on Sunday July 3rd through Tuesday July 5th, 2022 between the hours of 10:00 a.m. to 11:00 p.m.

SECTION 2: This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 3rd, July 4th and July 5th, 2022 on any public property, including but not limited to all public parks, public recreation areas such as ball fields and soccer fields, any school grounds including, school playgrounds and athletic facilities, any public rights of way, or public parking areas (United Wireless / Memorial Stadium/Boot Hill Casino).

SECTION 3: This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 3rd, July 4th and July 5th, 2022, on any real property within the corporate limits of the City of Dodge City without the permission of the owner or person or entity in control of said real property.

SECTION 4: Notwithstanding this suspension and waiver, officers of the Dodge City Fire Department and the Dodge City Police Department shall have the authority to confiscate any fireworks from any individual possessing the same, if in the opinion of said officer, the use or discharge of such fireworks is being conducted in such a manner as to create a health or safety hazard for the user or other persons, or in such a manner as to create a safety hazard to public or private property.

SECTION 5: This waiver will automatically expire at 11:01 p.m. on July 5th, 2022 and may be rescinded prior thereto by action of the governing body.

SECTION 6: This Resolution shall take effect and be in force from and after its adoption.

Adopted by the governing body this 20th day of June 2022.

Mayor

ATTEST:

Connie Marquez, City Clerk



Memorandum

To: Nick Hernandez, City Manager and City Commissioners

From: Nicole May, Finance Director

Date: June 13, 2022

Subject: Resolution No. 2022-24

Agenda Item: Ordinances and Resolutions

Purpose: To offer for sales General Obligation Bonds and Temporary Notes, approve the Preliminary Official Statement and provide for notice of sales for the bonds and notes.

Recommendation: I recommend the City Commission approve Resolution No. 2022-24.

Background: Resolution No. 2022-24 is 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.

Included in the offering will be: General Obligation Bonds Series 2022-A to finance Wagon Wheel Addition Unit 3 internal improvements and 2022 Streets and Public Works Improvements. Temporary Notes Series 2022-1 to finance Milstock Additional Unit 2 – Sewer, Water, Street and Drainage Improvements.

These improvements were previously approved by the City Commission by Resolutions.

The Resolution states the Mayor and Director of Finance in conjunction with the Financial Advisor and Bond Counsel are hereby authorized to cause to be prepared a Preliminary Official Statement and to such document to sell the bonds.

The Resolution also states the Director of Finance, in conjunction with the Financial Advisor and Bond Counsel, is hereby authorized and directed to give notice of the bond sale by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Ford County, Kansas, and the Kansas Register. In addition, the Director of Finance and the Financial Advisor are authorized and directed to distribute copies of the Notices and Preliminary Official Statement to prospective purchasers of the Securities.

The resolution also authorizes the Mayor, Director of Finance and the other officers and representatives of the Issuer, the Financial Advisor and Bond Counsel to take such other action as may be necessary to: (a) carry out the sale of the Securities; and (b) make provision for payment and/or redemption of the Temporary Notes from proceeds of the Bonds, and other available funds, if necessary.

City Commission Options:

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

Financial Considerations: The payment schedule will most likely be by a 20-year schedule and payments made from the Bond and Interest Fund.

Amount \$: Bonds \$9,179,136.88 Temporary Notes \$1,400,000

Fund: Dept: Expense Code:

Budgeted Expense Grant Bonds Other

Legal Considerations: Legal considerations fulfilled by authorizing resolution.

Mission/Values: We strive for high service and performance standards.

Attachments: Resolution 2022-24. Preliminary Official Statement is available in the Office of the Finance Director for review.

Approved for the Agenda by:



Nicole May, Finance Director

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.

WHEREAS, the City of Dodge City, Kansas (the “Issuer”), has previously authorized certain public improvements described as follows (collectively the “Bond Improvements”):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Financed Amount*</u>
Wagon Wheel Addition Unit 3 – Internal improvements	2020-14	12-6a01 <i>et seq.</i>	\$1,369,136.88
2022 Streets and Public Works Improvements	2022-18	13-1024a/Charter 41	<u>7,810,000.00</u>
Total:			<u>\$9,179,136.88</u>

* Plus associated costs of issuance

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance the costs of such Bond Improvements and to retire the following temporary notes of the Issuer, which were issued to temporarily finance a portion of the costs of the Improvements (the “Refunded Notes”):

<u>Series</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>	<u>Redemption Amount</u>	<u>Redemption Date</u>
2020-1	08/13/2020	09/01/2022	\$1,285,000	\$1,285,000	\$1,285,000	08/26/2022

WHEREAS, the Issuer proposes to issue its general obligation bonds to pay a portion of the costs of the Bond Improvements and to retire the Refunded Notes; and

WHEREAS, the Issuer has previously authorized certain public improvements described as follows (collectively the “Note Improvements”):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Authorized Amount*</u>
Milstock Addition Unit 2 – Sewer, Water, Street and Drainage Improvements	2022-13	12-6a01 <i>et seq.</i>	\$1,400,000

* Plus associated interest and costs of issuance

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Note Improvements, and it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Note Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

WHEREAS, none of such general obligation bonds or temporary notes previously authorized have been issued and the Issuer proposes to issue its temporary notes to pay the costs of the Note Improvements; and

WHEREAS, the City Commission of the Issuer (the “Governing Body”) has selected the firm of Piper Sandler & Co., Leawood, Kansas (the “Municipal Advisor”), as municipal advisor for one or more series of general obligation bonds and temporary notes of the Issuer to be issued for the purposes previously set forth; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of said general obligation bonds and temporary notes and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds and temporary notes; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor, in conjunction with the Director of Finance and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer’s bond counsel (“Bond Counsel”), to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said general obligation bonds and temporary notes.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DODGE CITY, KANSAS, AS FOLLOWS:

Section 1. There is hereby authorized to be offered for sale the Issuer’s General Obligation Bonds, Series 2022-A (the “Bonds”) and the General Obligation Temporary Notes, Series 2022-1 (the “Notes,” and collectively with the Bonds, the “Securities”) described in the respective notices of sale (collectively the “Notices of Sale”). All proposals for the purchase of the Securities shall be delivered to the Governing Body at its meeting to be held on the sale date referenced in the Notices of Sale, at which meeting the Governing Body shall review such bids and award the sale of the Bonds or reject all proposals therefor and award the sale of the Notes or reject all proposals therefor.

Section 2. The Mayor and Director of Finance in conjunction with the Municipal Advisor and Bond Counsel are hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Securities (the “Preliminary Official Statement”), and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Securities.

Section 3. The Director of Finance, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of said sales by publishing a summary of the notice of bond sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Ford County, Kansas, and the *Kansas Register*, and by distributing copies of the Notices of Sale and Preliminary Official Statement to prospective purchasers of the Securities. Proposals for the purchase of the Securities shall be submitted upon the terms and conditions set forth in the Notices of Sale, and awarded or rejected in the manner set forth in the Notices of Sale.

Section 4. For the purpose of enabling the respective purchasers of the Securities (collectively the “Purchaser”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Mayor and Director of Finance are hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute the “Certificate Deeming Preliminary Official Statement Final” in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other

actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Securities or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, City Manager, City Attorney, Clerk, Director of Finance and the other officers and representatives of the Issuer, the Municipal Advisor, the Purchaser and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to: (a) carry out the sale of the Securities; and (b) make provision for payment and/or redemption of the Refunded Notes from proceeds of the Bonds and other available funds, if any.

Section 7. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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ADOPTED by the City Commission on June 20, 2022.

(SEAL)

Mayor

ATTEST:

Clerk

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

June 20, 2022

Re: City of Dodge City, Kansas, General Obligation Bonds, Series 2022-A, and General Obligation Temporary Notes, Series 2022-1

The undersigned are the duly acting Mayor and Director of Finance of the City of Dodge City, Kansas (the “Issuer”), and are authorized to deliver this Certificate to the respective purchasers (collectively the “Purchaser”) of the above-referenced bonds and notes (the “Securities”) on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the “Preliminary Official Statement”) relating to the Securities.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the “Rule”), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amounts, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Securities depending on such matters.

CITY OF DODGE CITY, KANSAS

By: _____
Title: Mayor

By: _____
Title: Director of Finance

NOTICE OF BOND SALE
\$9,305,000*
CITY OF DODGE CITY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2022-A

(GENERAL OBLIGATION BONDS PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. Facsimile and electronic (as explained below) bids for the purchase of the above-referenced bonds (the “Bonds”) of the City of Dodge City, Kansas (the “Issuer”) herein described will be received on behalf of the undersigned Director of Finance of the Issuer at the address hereinafter set forth in the case of facsimile bids, and via PARITY® in the case of electronic bids, until 11:00 A.M. applicable Central Time (the “Submittal Hour”), on

JULY 18, 2022

(the “Sale Date”). All bids will be publicly evaluated at said time and place and the award of the Bonds to the successful bidder (the “Successful Bidder”) will be acted upon by the City Commission of the Issuer (the “Governing Body”) at its meeting to be held at 7:00 P.M. on the Sale Date. No oral or auction bids will be considered. Capitalized terms not otherwise defined herein shall have the meanings set forth in the hereinafter referenced Preliminary Official Statement relating to the Bonds.

Terms of the Bonds. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof (the “Authorized Denomination”). The Bonds will be dated August 25, 2022 (the “Dated Date”), and will become due in principal installments on September 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$355,000	2033	\$465,000
2024	365,000	2034	480,000
2025	375,000	2035	490,000
2026	395,000	2036	505,000
2027	405,000	2037	515,000
2028	415,000	2038	525,000
2029	435,000	2039	540,000
2030	435,000	2040	555,000
2031	445,000	2041	570,000
2032	455,000	2042	580,000

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2023 (the “Interest Payment Dates”).

***Adjustment of Issue Size.** The Issuer reserves the right to increase or decrease the total principal amount of the Bonds or the schedule of principal payments described above, depending on the purchase price and interest rates bid and the offering prices specified by the Successful Bidder, but in no event will the total principal amount of the Bonds exceed \$9,500,000. The Successful Bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the Bonds or the schedule of principal payments as described herein. If there is an increase or decrease in the final aggregate principal amount of the Bonds or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m. applicable Central Time, on the Sale Date. The actual purchase price for the Bonds shall be calculated by applying the percentage of par value bid by the Successful Bidder against the final aggregate principal amount of the Bonds, as adjusted, plus accrued interest from the Dated Date to the Closing Date (as hereinafter defined).

Place of Payment. The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of each Bond will be payable at maturity or earlier redemption to the owner thereof whose name is on the registration books (the "Bond Register") of the Bond Registrar (the "Registered Owner") upon presentation and surrender at the principal office of the Paying Agent. Interest on each Bond will be payable to the Registered Owner of such Bond as of the fifteenth day (whether or not a business day) of the calendar month next preceding each Interest Payment Date (the "Record Date") (a) mailed by the Paying Agent to the address of such Registered Owner as shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address to which such Registered Owner wishes to have such wire directed.

Bond Registration. The Bonds will be registered pursuant to a plan of registration approved by the Issuer and the Attorney General of the State of Kansas (the "State"). The Issuer will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the Owners.

Book-Entry-Only System. The Depository Trust Company, New York, New York ("DTC"), will act as securities depository for the Bonds. The Bonds will initially be issued exclusively in "book entry" form and shall be initially registered in the name of Cede & Co., as the nominee of DTC and no beneficial owner will receive certificates representing their interests in the Bonds. During the term of the Bonds, so long as the book-entry-only system is continued, the Issuer will make payments of principal of, premium, if any, and interest on the Bonds to DTC or its nominee as the Registered Owner of the Bonds. DTC will make book-entry-only transfers among its participants and receive and transmit payment of principal of, premium, if any, and interest on the Bonds to its participants who shall be responsible for transmitting payments to beneficial owners of the Bonds in accordance with agreements between such participants and the beneficial owners. The Issuer will not be responsible for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. In the event that: (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book-entry-only form of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry-only form of registration with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will cause to be authenticated and delivered to the beneficial owners replacement Bonds in the form of fully registered certificates. Reference is made to

the Official Statement for further information regarding the book-entry-only system of registration of the Bonds and DTC.

Redemption of Bonds Prior to Maturity.

General. Whenever the Issuer is to select Bonds for the purpose of redemption, it will, in the case of Bonds in denominations greater than the minimum Authorized Denomination, if less than all of the Bonds then outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such fully registered Bond as though it were a separate Bond in the minimum Authorized Denomination.

Optional Redemption. At the option of the Issuer, Bonds maturing on September 1 in the years 2031, and thereafter, will be subject to redemption and payment prior to maturity on September 1, 2030, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Mandatory Redemption. A bidder may elect to have all or a portion of the Bonds scheduled to mature in consecutive years issued as term bonds (the “Term Bonds”) scheduled to mature in the latest of said consecutive years and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: (a) not less than all Bonds of the same serial maturity shall be converted to Term Bonds with mandatory redemption requirements; and (b) a bidder shall make such an election by completing the applicable paragraph on the Official Bid Form or completing the applicable information on PARITY[®].

Notice and Effect of Call for Redemption. Unless waived by any owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar, any provider of municipal bond insurance and the Successful Bidder. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the registered owners of said Bonds. Each of said written notices shall be deposited in United States first class mail not less than 30 days prior to the Redemption Date. All notices of redemption shall state the Redemption Date, the redemption price, the Bonds to be redeemed, the place of surrender of Bonds so called for redemption and a statement of the effect of the redemption. The Issuer shall also give such additional notice as may be required by State law or regulation of the Securities and Exchange Commission in effect as of the date of such notice. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the Redemption Date, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security. The Bonds are being issued pursuant to K.S.A. 12-6a01 *et seq.* and K.S.A. 13-1024a, as amended by Charter Ordinance No. 41, as amended, and an ordinance and a resolution adopted by the Governing Body (collectively the “Bond Resolution”) for the purpose of paying the cost of certain public improvements (the “Improvements”). The Bonds shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the Improvements, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal and interest on the Bonds as the same become due.

Submission of Bids. Facsimile bids must be made on forms which may be procured from the Municipal Advisor and shall be addressed to the undersigned, and marked “Proposal for General Obligation Bonds, Series 2022-A.” Facsimile bids should not be preceded by a cover sheet and should be sent only once to **(913) 345-3393**. Confirmation of receipt of facsimile bids may be made by contacting the Municipal Advisor at the number listed below. Electronic bids via PARITY® must be submitted in accordance with its Rules of Participation, as well as the provisions of this Notice of Bond Sale. **Any bid submitted shall include the initial offering prices to the public for each maturity of the Bonds.** If provisions of this Notice of Bond Sale conflict with those of PARITY®, this Notice of Bond Sale shall control. Bids must be received prior to the Submittal Hour on the Sale Date accompanied by the Deposit (as hereinafter defined), which may be submitted separately. The Issuer and Municipal Advisor shall not be responsible for failure of transmission of facsimile or delivery by mail or in person of any bid.

PARITY®. Information about the electronic bidding services of PARITY® may be obtained from i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Phone No. (212) 849-5023.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all Bonds of the same maturity year; (b) no interest rate may exceed a rate equal to the daily yield for the 10-year Treasury Bond published by **THE BOND BUYER**, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 3%; and (c) no supplemental interest payments will be considered. The difference between the highest rate specified and the lowest rate specified cannot exceed 4%. No bid for less than **100%** of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, the net interest cost (expressed in dollars) on the basis of such bid, and an estimate of the TIC (as hereinafter defined) on the basis of such bid. Each bidder shall certify to the Issuer the correctness of the information contained on the Official Bid Form; the Issuer will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Bonds, it will provide the certification described under the caption “Establishment of Issue Price” in this Notice.

Good Faith Deposit. A good faith deposit (the “Deposit”) in the amount of \$186,100 payable to the order of the Issuer is required in order to secure the Issuer from any loss resulting from the failure of the bidder to comply with the terms of its bid. The Deposit may be submitted at the address hereinafter set forth in either of the following forms:

(a) *Certified or Cashier’s Check.* Certified or cashier’s check drawn on a bank located in the United States of America received by the Issuer or the Municipal Advisor **prior to the Submittal Hour**; or

(b) *Wire Transfer.* Wire transfer submitted by the Successful Bidder in Federal Reserve funds, immediately available for use by the Issuer **not later than 2:00 p.m. applicable Central Time on the Sale Date** (wire transfer information may be obtained from the Municipal Advisor at the addresses set forth below).

Contemporaneously with the submission of a wire transfer Deposit, such bidder shall send an email to the Municipal Advisor at the email address set forth below, including the following information: (a) notification that a wire transfer has been made; (b) the amount of the wire transfer; and (c) return wire transfer instructions in the event such bid is unsuccessful. Checks submitted for Deposits by unsuccessful bidders will be returned; wire transfer Deposits submitted by unsuccessful bidders will not be accepted or shall be returned in the same manner received on the next business day following the Sale Date. The Issuer reserves the right to withhold reasonable charges for any fees or expenses incurred in returning a wire transfer Deposit. No interest on the Deposit will be paid by the Issuer. If a bid is accepted, the

Deposit, or the proceeds thereof, will be held by the Issuer until the Successful Bidder has complied with all of the terms and conditions of this Notice at which time the amount of said Deposit shall be returned to the Successful Bidder or deducted from the purchase price at the option of the Issuer. If a bid is accepted but the Issuer fails to deliver the Bonds to the Successful Bidder in accordance with the terms and conditions of this Notice, said Deposit, or the proceeds thereof, will be returned to the Successful Bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such Deposit will be retained by the Issuer as and for liquidated damages.

Basis of Award. Subject to the timely receipt of the Deposit set forth above, the award of the Bonds will be made on the basis of the lowest true interest cost (“TIC”), which will be determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to the Dated Date, produces an amount equal to the price bid, including any adjustments for premium, if any. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months. Bidders are requested to provide a calculation of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the Issuer or the bidder. The Issuer or its Municipal Advisor will verify the TIC based on such bids. If there is any discrepancy between the TIC specified and the bid price and interest rates specified, the specified bid price and interest rates shall govern and the TIC specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest TIC are received, the Governing Body will determine which bid, if any, will be accepted, and its determination is final.

The Issuer reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the Submittal Hour on the Sale Date will not be considered. Any disputes arising hereunder shall be governed by the laws of the State, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within the State with regard to such dispute.

The Issuer’s acceptance of the Successful Bidder’s proposal for the purchase of the Bonds in accordance with this Notice of Bond Sale shall constitute a bond purchase agreement between the Issuer and the Successful Bidder for purposes of the laws of the State and a contract between the Issuer and the Successful Bidder for the purposes of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) and Rule G-32 of the Municipal Securities Rulemaking Board (“Rule G-32”). The method of acceptance shall be determined solely by the Governing Body.

Bond Ratings. The Bonds and the outstanding general obligation bonds of the Issuer are rated “[A+]” by S&P Global Ratings, a division of S&P Global Inc.

Optional Bond Insurance. The Issuer has **not** applied for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance, and any bidder desires to purchase such policy, such indication and the name of the desired insurer must be set forth on the bidder’s Official Bid Form. The Issuer specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the Issuer

If the Successful Bidder elects to purchase the Bonds with municipal bond insurance, certain rating agencies will assign their ratings to the Bonds with the understanding that upon delivery of the Bonds, a policy insuring the payment when due of the principal of and interest on the Bonds will be issued by such bond insurer. All costs associated with the purchase and issuance of such municipal bond insurance policy and associated ratings and expenses (other than any independent rating requested by the Issuer) shall be paid by the Successful Bidder. Failure of the municipal bond insurer to issue the policy

after the award of the Bonds shall not constitute cause for failure or refusal by the Successful Bidder to accept delivery of the Bonds.

CUSIP Numbers. CUSIP identification numbers will be assigned and printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of this Notice. The Municipal Advisor will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the Issuer.

Delivery and Payment. The Issuer will pay for preparation of the Bonds and will deliver the Bonds properly prepared, executed and registered without cost on or about **AUGUST 25, 2022** (the “Closing Date”), to DTC for the account of the Successful Bidder. The Successful Bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Bonds shall be made in federal reserve funds, immediately available for use by the Issuer. The Issuer will deliver one Bond of each maturity registered in the nominee name of DTC.

Establishment of Issue Price.

(a) In order to provide the Issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the “Code”), the Successful Bidder will be required to assist the Issuer in establishing the “issue price” of the Bonds and complete, execute and deliver to the Issuer prior to the Closing Date, a written certification in a form acceptable to the Successful Bidder, the Issuer and Bond Counsel (the “Issue Price Certificate”) containing the following for each maturity of the Bonds: (1) the interest rate; (2) the reasonably expected initial offering price to the “public” (as said term is used in Treasury Regulation Section 1.148-1(f) (the “Regulation”)) or the sale price; and (3) pricing wires or equivalent communications supporting such offering or sale price. However, such Issue Price Certificate may indicate that the Successful Bidder has purchased the Bonds for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Bonds for sale to the public. Any action to be taken or documentation to be received by the Issuer pursuant hereto may be taken or received by the Municipal Advisor or Bond Counsel on behalf of the Issuer.

(b) The Issuer intends that the sale of the Bonds pursuant to this Notice shall constitute a “competitive sale” as defined in the Regulation. In support thereof: (1) the Issuer shall cause this Notice to be disseminated to potential bidders in a manner reasonably designed to reach potential bidders; (2) all bidders shall have an equal opportunity to submit a bid; (3) the Issuer reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and (4) the Issuer anticipates awarding the sale of the Bonds to the bidder that provides a bid with the lowest TIC in accordance with the section hereof entitled “Basis of Award.”

(c) Any bid submitted pursuant to this Notice shall be considered a firm offer for the purchase of the Bonds as specified therein. The Successful Bidder shall constitute an “underwriter” as said term is defined in the Regulation. By submitting its bid, the Successful Bidder confirms that it shall require any agreement among underwriters, a selling group agreement or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with provisions of the Code and the Regulation regarding the initial sale of the Bonds.

(d) If all of the requirements of a “competitive sale” are not satisfied, the Issuer shall advise the Successful Bidder of such fact at the time of award of the sale of the Bonds to the Successful Bidder and the following provisions shall apply to the Bonds. ***In such event, any bid submitted will not be subject to cancellation or withdrawal.*** Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Successful Bidder shall advise the Issuer if a “substantial amount” (as defined in the Regulation (10%)) of any maturity of the Bonds has been sold to the public and the price at which such substantial amount was sold. The Issuer will treat such sale price as the “issue price” for such maturity, applied on a maturity-by-maturity basis. The Issuer will ***not*** require the Successful Bidder to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the remaining maturities, but the Successful Bidder may elect such option. If the Successful Bidder exercises such option, the Issuer will apply the initial offering price to the public provided in the bid as the issue price for such maturities. If the Successful Bidder does not exercise that option, it shall thereafter promptly provide the Issuer the prices at which a substantial amount of such maturities are sold to the public. ***Any change in the issue price of any of the Bonds after the Submittal Hour will not affect the purchase price for the Bonds submitted in the bid of the Successful Bidder.***

(e) This agreement by the Successful Bidder to provide such information will continue to apply after the Closing Time if: (a) the Issuer requests the information in connection with an audit or inquiry by the Internal Revenue Service (the “IRS”) or the Securities and Exchange Commission (the “SEC”) or (b) the information is required to be retained by the Issuer pursuant to future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority.

Preliminary Official Statement and Official Statement. The Issuer has prepared a Preliminary Official Statement dated June 20, 2022, “deemed final” by the Issuer except for the omission of certain information as provided in the Rule, copies of which may be obtained from the Municipal Advisor. Upon the sale of the Bonds, the Issuer will adopt the final Official Statement and will furnish the Successful Bidder, without cost, within seven business days of the acceptance of the Successful Bidder’s proposal, with a sufficient number of copies thereof, which may be in electronic format, in order for the Successful Bidder to comply with the requirements of the Rule and Rule G-32. Additional copies may be ordered by the Successful Bidder at its expense.

Continuing Disclosure. In the Bond Resolution, the Issuer has covenanted to provide annually certain financial information and operating data and other information necessary to comply with the Rule, and to transmit the same to the Municipal Securities Rulemaking Board. This covenant is for the benefit of and is enforceable by any Registered Owner of the Bonds. For further information, reference is made to the caption “CONTINUING DISCLOSURE” in the Preliminary Official Statement.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Issuer for the year 2021 is as follows:

Equalized Assessed Valuation of	
Taxable Tangible Property	\$172,204,107
Tangible Valuation of Motor Vehicles.....	<u>28,358,305</u>
Equalized Assessed Tangible Valuation	
for Computation of Bonded Debt Limitations	\$200,562,412

The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$68,455,000; such amount includes the Issuer’s temporary notes in the principal amount of

\$1,495,000, also dated as of the Dated Date, which will be issued on the Closing Date. Temporary notes in the principal amount of \$1,285,000 will be retired out of proceeds of the Bonds and other available funds, which will reduce the outstanding general obligation indebtedness of the Issuer to \$67,170,000.

Legal Opinion. The Bonds will be sold subject to the approving legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel to the Issuer, which opinion will be furnished and paid for by the Issuer, will be printed on the Bonds, if the Bonds are printed, and will be delivered to the Successful Bidder when the Bonds are delivered. Said opinion will also include the opinion of Bond Counsel relating to the interest on the Bonds being excludable from gross income for federal income tax purposes and exempt from income taxation by the State. Reference is made to the Preliminary Official Statement for further discussion of federal and State income tax matters relating to the interest on the Bonds.

Electronic Transactions. The transactions described herein may be conducted and related documents may be sent, received and stored by electronic means or transmissions. All bid documents, closing documents, certificates, ordinances, resolutions and related instruments may be executed by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

DATED: June 20, 2022.

CITY OF DODGE CITY, KANSAS

By: Nicole May, Director of Finance

Issuer:

City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801
Attn: Nicole May, Director of Finance
Phone No.: (620) 225-8100
Fax No.: (620) 225-8144
Email: nicolem@dodgecity.org

Municipal Advisor:

Piper Sandler & Co.
11635 Rosewood Street
Leawood, Kansas 66211
Attn: Dustin Avey
Phone No.: (913) 345-3375
Fax No.: (913) 345-3393
Email: dustin.avey@psc.com

SUMMARY NOTICE OF BOND SALE

\$9,305,000*

**CITY OF DODGE CITY, KANSAS
GENERAL OBLIGATION BONDS, SERIES 2022-A**

(GENERAL OBLIGATION BONDS PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. SUBJECT to the Notice of Bond Sale dated June 20, 2022 (the “Notice”), facsimile and electronic bids will be received on behalf of the Director of Finance of the City of Dodge City, Kansas (the “Issuer”) in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through *PARITY*[®] until 11:00 A.M. applicable Central Time, on **JULY 18, 2022** for the purchase of the above-referenced bonds (the “Bonds”). No bid of less than **100%** of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated August 25, 2022, and will become due on September 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$355,000	2033	\$465,000
2024	365,000	2034	480,000
2025	375,000	2035	490,000
2026	395,000	2036	505,000
2027	405,000	2037	515,000
2028	415,000	2038	525,000
2029	435,000	2039	540,000
2030	435,000	2040	555,000
2031	445,000	2041	570,000
2032	455,000	2042	580,000

* Subject to change, see the Notice

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2023.

Book-Entry-Only System. The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar. Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit. Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$186,100.

Delivery. The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about **August 25, 2022**, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness. The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 is \$200,562,412. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds and temporary notes being sold, is \$68,455,000.

Approval of Bonds. The Bonds will be sold subject to the legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

DATED: June 20, 2022.

Issuer:

City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801
Attn: Nicole May, Director of Finance
Phone No.: (620) 225-8100
Fax No.: (620) 225-8144
Email: nicolem@dodgecity.org

Municipal Advisor:

Piper Sandler & Co.
11635 Rosewood Street
Leawood, Kansas 66211
Attn: Dustin Avey
Phone No.: (913) 345-3375
Fax No.: (913) 345-3393
Email: dustin.avey@psc.com

KANSAS REGISTER

DOCUMENT NO. _____

(Above space for Register Office Use)

Submission Form
Municipal Bond Sale Notice
(K.S.A. 10-106 as amended)

TITLE OF DOCUMENT: SUMMARY NOTICE OF BOND SALE
Re: City of Dodge City, Kansas, General Obligation Bonds, Series 2022-A, Dated August 25, 2022.

NUMBER OF PAGES: 2 DESIRED PUBLICATION DATE: JULY 7, 2022

BILL TO: Nicole May, Director of Finance
City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801

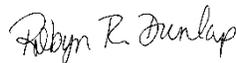
Please forward 3 Affidavits of Publication of same to Robyn R. Dunlap, Gilmore & Bell, P.C., 100 North Main, Suite 800, Wichita, KS 67202 at your earliest opportunity.

Any questions regarding this document should be directed to:

NAME ROBYN R. DUNLAP PHONE (316) 267-2091

Certification

I hereby certify that I have reviewed the attached and herein described document, and that it conforms to all applicable **Kansas Register** publication guidelines. I further certify that submission of this item for publication in the **Kansas Register** is authorized by the municipality which has issued the notice.



Authorized Signature

Robyn R. Dunlap
Typed Name of Signer

Legal Practice Coordinator
Position

TRANSMIT TO: Kansas Register; Secretary of State; State Capitol, Topeka, KS 66612
PHONE: (785) 296-3489; FAX: (785) 291-3051; EMAIL: kansasregister@sos.ks.gov

THIS SPACE FOR REGISTER OFFICE USE ONLY

OFFICIAL BID FORM
 PROPOSAL FOR THE PURCHASE OF CITY OF DODGE CITY, KANSAS
 GENERAL OBLIGATION BONDS, SERIES 2022-A

TO: Nicole May, Director of Finance
 City of Dodge City, Kansas

July 18, 2022

For \$9,305,000* principal amount of General Obligation Bonds, Series 2022-A, of the City of Dodge City, Kansas, to be dated August 25, 2022, as described in the Notice of Bond Sale dated June 20, 2022 (the "Notice"), said Bonds to bear interest as follows:

<u>Stated Maturity</u> <u>September 1</u>	<u>Principal Amount*</u>	<u>Annual Rate of Interest</u>	<u>Initial Offering Price</u>	<u>Stated Maturity</u> <u>September 1</u>	<u>Principal Amount*</u>	<u>Annual Rate of Interest</u>	<u>Initial Offering Price</u>
2023	\$355,000	_____ %	_____ %	2033	\$465,000	_____ %	_____ %
2024	365,000	_____ %	_____ %	2034	480,000	_____ %	_____ %
2025	375,000	_____ %	_____ %	2035	490,000	_____ %	_____ %
2026	395,000	_____ %	_____ %	2036	505,000	_____ %	_____ %
2027	405,000	_____ %	_____ %	2037	515,000	_____ %	_____ %
2028	415,000	_____ %	_____ %	2038	525,000	_____ %	_____ %
2029	435,000	_____ %	_____ %	2039	540,000	_____ %	_____ %
2030	435,000	_____ %	_____ %	2040	555,000	_____ %	_____ %
2031	445,000	_____ %	_____ %	2041	570,000	_____ %	_____ %
2032	455,000	_____ %	_____ %	2042	580,000	_____ %	_____ %

* Subject to change, see the Notice

the undersigned will pay the purchase price for the Bonds set forth below, plus accrued interest to the date of delivery.

Principal Amount\$9,305,000*.00
 Plus Premium (if any)
 Total Purchase Price \$
 Total interest cost to maturity at the rates specified \$
 Net interest cost (adjusted for Premium) \$
 True Interest Cost %

The Bidder elects to have the following Term Bonds:

<u>Maturity Date</u>	<u>Years</u>	<u>Amount*</u>
September 1, _____	_____ to _____	\$ _____
September 1, _____	_____ to _____	\$ _____

*subject to mandatory redemption requirements in the amounts and at the times shown above.

This proposal is subject to all terms and conditions contained in the Notice, and if the undersigned is the Successful Bidder, the undersigned will comply with all of the provisions contained in the Notice. A cashier's or certified check or a wire transfer in the amount of \$186,100 payable to the order of the Issuer, submitted in the manner set forth in the Notice accompanies this proposal as an evidence of good faith. The acceptance of this proposal by the Issuer by execution below shall constitute a contract between the Issuer and the Successful Bidder for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission and a bond purchase agreement for purposes of the laws of the State of Kansas.

Submitted by: _____

(LIST ACCOUNT MEMBERS ON REVERSE)

By: _____

Telephone No. (____) _____

ACCEPTANCE

Pursuant to action duly taken by the Governing Body of the City of Dodge City, Kansas, the above proposal is hereby accepted on July 18, 2022.

Attest:

 Clerk

 Mayor

NOTE: No additions or alterations in the above proposal form shall be made, and any erasures may cause rejection of any bid. Facsimile bids may be filed with Piper Sandler & Co., Fax No. (913) 345-3393 or electronic bids may be submitted via **PARITY**®, at or prior to 11:00 A.M. applicable Central Time, on July 18, 2022. Any bid received after such time will not be accepted or shall be returned to the bidder.

NOTICE OF NOTE SALE

\$1,495,000*

CITY OF DODGE CITY, KANSAS

**GENERAL OBLIGATION TEMPORARY NOTES
SERIES 2022-1**

(GENERAL OBLIGATION NOTES PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. Facsimile and electronic (as explained below) bids for the purchase of the above-referenced temporary notes (the “Notes”) of the City of Dodge City, Kansas (the “Issuer”) herein described will be received on behalf of the undersigned Director of Finance of the Issuer at the address hereinafter set forth in the case of facsimile bids, and via PARITY® in the case of electronic bids, until 11:00 A.M. applicable Central Time (the “Submittal Hour”), on

JULY 18, 2022

(the “Sale Date”). All bids will be publicly evaluated at said time and place and the award of the Notes to the successful bidder (the “Successful Bidder”) will be acted upon by the City Commission of the Issuer (the “Governing Body”) at its meeting to be held at 7:00 P.M. on the Sale Date. No oral or auction bids will be considered. Capitalized terms not otherwise defined herein shall have the meanings set forth in the hereinafter referenced Preliminary Official Statement relating to the Notes.

Terms of the Notes. The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof (the “Authorized Denomination”). The Notes will be dated August 25, 2022 (the “Dated Date”), and will become due in the following principal installment:

<u>Stated</u>	<u>Principal</u>
<u>Maturity</u>	<u>Amount</u>
September 1, 2024	\$1,495,000*

The Notes will bear interest from the Dated Date at rates to be determined when the Notes are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2023 (the “Interest Payment Dates”).

* **Adjustment of Issue Size.** The Issuer reserves the right to increase or decrease the total principal amount of the Notes or the schedule of principal payments described above, depending on the purchase price and interest rates bid and the offering prices specified by the Successful Bidder. The Successful Bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the Notes or schedule of principal payments as described herein. If there is an increase or decrease in the final aggregate principal amount of the Notes or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m., applicable Central Time, on the Sale Date. The actual purchase price for the Notes shall be calculated by applying the percentage of par value bid by the Successful Bidder against the final aggregate principal amount of the Notes, as adjusted, plus accrued interest from the Dated Date to the Closing Date (as hereinafter defined).

Place of Payment. The principal of and interest on the Notes will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Note Registrar”). The principal of each Note will be payable at maturity or earlier redemption to the owners thereof whose names are on the registration books (the “Note Register”) of the Note Registrar (the “Registered Owner”) upon presentation and surrender at the principal office of the Paying Agent. Interest on each Note will be payable to the Registered Owner of such Note as of the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date (the “Record Date”): (a) mailed by the Paying Agent to the address of such Registered Owner as shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Registered Owner of \$500,000 or more in aggregate principal amount of Notes, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address to which such Registered Owner wishes to have such wire directed.

Note Registration. The Notes will be registered pursuant to a plan of registration approved by the Issuer and the Attorney General of the State of Kansas (the “State”). The Issuer will pay for the fees of the Note Registrar for registration and transfer of the Notes and will also pay for printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, will be the responsibility of the Registered Owners.

Book-Entry-Only System. The Notes shall be initially registered in the name of Cede & Co., as the nominee of DTC and no beneficial owner will receive certificates representing their interests in the Notes. During the term of the Notes, so long as the book-entry-only system is continued, the Issuer will make payments of principal of, premium, if any, and interest on the Notes to DTC or its nominee as the Registered Owner of the Notes, DTC will make book-entry-only transfers among its participants and receive and transmit payment of principal of, premium, if any, and interest on the Notes to its participants who shall be responsible for transmitting payments to beneficial owners of the Notes in accordance with agreements between such participants and the beneficial owners. The Issuer will not be responsible for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. In the event that: (a) DTC determines not to continue to act as securities depository for the Notes, or (b) the Issuer determines that continuation of the book-entry-only form of evidence and transfer of ownership of the Notes would adversely affect the interests of the beneficial owners of the Notes, the Issuer will discontinue the book-entry-only form of registration with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will cause to be authenticated and delivered to the beneficial owners replacement Notes in the form of fully registered certificates. Reference is made to the Preliminary Official Statement for further information regarding the book-entry-only system of registration of the Notes and DTC.

Redemption of Notes Prior to Maturity.

General. Whenever the Issuer is to select Notes for the purpose of redemption, it will, in the case of Notes in denominations greater than the minimum Authorized Denomination, if less than all of the Notes then outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such fully registered Note as though it were a separate Note in the minimum Authorized Denomination.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on September 1, 2023, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may

determine) at any time at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Notice and Effect of Call for Redemption. Unless waived by any owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar and the Successful Bidder. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the registered owners of said Notes. Each of said written notices shall be deposited in United States first class mail not less than 30 days prior to the Redemption Date. All notices of redemption shall state the Redemption Date, the redemption price, the Notes to be redeemed, the place of surrender of Notes so called for redemption and a statement of the effect of the redemption. The Issuer shall also give such additional notice as may be required by State law or regulation of the Securities and Exchange Commission in effect as of the date of such notice. If any Note be called for redemption and payment as aforesaid, all interest on such Note shall cease from and after the Redemption Date, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security. The Notes are being issued pursuant to K.S.A. 10-123, and K.S.A. 12-6a01 *et seq.*, as amended, and a resolution adopted by the Governing Body (the “Note Resolution”) for the purpose of paying a portion of the cost of certain public improvements (the “Improvements”). The Notes shall be general obligations of the Issuer payable as to both principal and interest from special assessments levied upon the property benefited by the construction of said Improvements or from the proceeds of general obligation bonds of the Issuer, and if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal and interest on the Notes as the same become due.

Submission of Bids. Facsimile bids must be made on forms which may be procured from the Municipal Advisor and shall be addressed to the undersigned, and marked “Proposal for General Obligation Temporary Notes, Series 2022-1.” Facsimile bids should not be preceded by a cover sheet and should be sent only once to **(913) 345-3393**. Confirmation of receipt of facsimile bids may be made by contacting the Municipal Advisor at the number listed below. Electronic bids via PARITY® must be submitted in accordance with its Rules of Participation, as well as the provisions of this Notice of Note Sale. **Any bid submitted shall include the initial offering prices to the public for the Notes.** If provisions of this Notice of Note Sale conflict with those of PARITY®, this Notice of Note Sale shall control. Bids must be received prior to the Submittal Hour on the Sale Date. The Issuer and Municipal Advisor shall not be responsible for failure of transmission of facsimile or delivery by mail or in person of any bid.

PARITY®. Information about the electronic bidding services of PARITY® may be obtained from i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Phone No. (212) 849-5023.

Conditions of Bids. Proposals will be received on the Notes bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all Notes; (b) no interest rate may exceed a rate equal to the daily yield for the 10-year Treasury Bond published by **THE BOND BUYER**, in New York, New York, on the Monday next preceding the day on which the Notes are sold, plus 3%; and (c) no supplemental interest payments will be considered. No bid shall be for less than **100%** of the principal amount of the Notes and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the Notes on the basis of such bid, and an estimate of the TIC (as hereinafter defined) on the basis of such bid. Each bidder shall certify to the Issuer the correctness of the information contained on the

Official Bid Form; the Issuer will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Notes, it will provide the certification described under the caption “Establishment of Issue Price” in this Notice.

Good Faith Deposit. A good faith deposit is not required to bid on the Notes.

Basis of Award. The award of the Notes will be made on the basis of the lowest true interest cost (“TIC”), which will be determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Notes, from the payment dates to the Dated Date, produces an amount equal to the price bid, including any adjustments for premium, if any. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months. Bidders are requested to provide a calculation of the TIC for the Notes on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the Issuer. The Issuer or its Municipal Advisor will verify the TIC based on such bids. If there is any discrepancy between the TIC specified and the bid price and interest rates specified, the specified bid price and interest rates shall govern and the TIC specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest TIC are received, the governing body of the Issuer will determine which bid, if any, will be accepted, and its determination is final.

The Issuer reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the Submittal Hour on the Sale Date will be returned to the bidder. Any disputes arising hereunder shall be governed by the laws of the State, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within the State with regard to such dispute.

The Issuer’s acceptance, including electronic acceptance through PARITY®, of the Successful Bidder’s proposal for the purchase of the Notes in accordance with this Notice of Note Sale shall constitute a note purchase agreement between the Issuer and the Successful Bidder for purposes of the laws of the State and a contract between the Issuer and the Successful Bidder for the purposes of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) and Rule G-32 of the Municipal Securities Rulemaking Board (“Rule G-32”). The method of acceptance shall be determined solely by the Governing Body.

Ratings. The Notes herein offered for sale are rated “[SP-1+]” by S&P Global Ratings, a division of S&P Global Inc. The outstanding general obligation bonds of the Issuer are rated “[A+]” by S&P Global Ratings, a division of S&P Global Inc. Such ratings are further described in the Preliminary Official Statement, hereinafter described.

CUSIP Numbers. CUSIP identification numbers will be assigned and printed on the Notes, but neither the failure to print such number on any Note nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Notes in accordance with the terms of this Notice. The Municipal Advisor will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. All expenses in relation to the assignment and printing of CUSIP numbers on the Notes will be paid by the Issuer.

Delivery and Payment. The Issuer will pay for printing the Notes and will deliver the Notes properly prepared, executed and registered without cost on or about **AUGUST 25, 2022** (the “Closing Date”), at DTC for the account of the Successful Bidder. The Successful Bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Notes and the

usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Notes affecting their validity and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Notes shall be made in federal reserve funds, immediately available for use by the Issuer. The Issuer will deliver one Note of each maturity registered in the nominee name of DTC.

Establishment of Issue Price.

(a) In order to provide the Issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively the “Code”), the Successful Bidder will be required to assist the Issuer in establishing the “issue price” of the Notes and complete, execute and deliver to the Issuer prior to the Closing Date, a written certification in a form acceptable to the Successful Bidder, the Issuer and Bond Counsel (the “Issue Price Certificate”) containing the following for the Notes: (1) the interest rate; (2) the reasonably expected initial offering price to the “public” (as said term is used in Treasury Regulation Section 1.148-1(f) (the “Regulation”)) or the sale price; and (3) pricing wires or equivalent communications supporting such offering or sale price. However, such Issue Price Certificate may indicate that the Successful Bidder has purchased the Notes for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Notes for sale to the public. Any action to be taken or documentation to be received by the Issuer pursuant hereto may be taken or received by the Financial Advisor or Bond Counsel on behalf of the Issuer.

(b) The Issuer intends that the sale of the Notes pursuant to this Notice shall constitute a “competitive sale” as defined in the Regulation. In support thereof: (1) the Issuer shall cause this Notice to be disseminated to potential bidders in a manner reasonably designed to reach potential bidders; (2) all bidders shall have an equal opportunity to submit a bid; (3) the Issuer reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Notes; and (4) the Issuer anticipates awarding the sale of the Notes to the bidder that provides a bid with the lowest TIC in accordance with the section hereof entitled “Basis of Award.”

(c) Any bid submitted pursuant to this Notice shall be considered a firm offer for the purchase of the Notes as specified therein. The Successful Bidder shall constitute an “underwriter” as said term is defined in the Regulation. By submitting its bid, the Successful Bidder confirms that it shall require any agreement among underwriters, a selling group agreement or other agreement to which it is a party relating to the initial sale of the Notes, to include provisions requiring compliance with provisions of the Code and the Regulation regarding the initial sale of the Notes.

(d) If all of the requirements of a “competitive sale” are not satisfied, the Issuer shall advise the Successful Bidder of such fact at the time of award of the sale of the Notes to the Successful Bidder and the following provisions shall apply to the Notes. ***In such event, any bid submitted will not be subject to cancellation or withdrawal.*** Within twenty-four (24) hours of the notice of award of the sale of the Notes, the Successful Bidder shall advise the Issuer if a “substantial amount” (as defined in the Regulation (10%)) of Notes has been sold to the public and the price at which such substantial amount was sold. The Issuer will treat such sale price as the “issue price” for the Notes. The Issuer will ***not*** require the Successful Bidder to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the Notes, but the Successful Bidder may elect such option. If the Successful Bidder exercises such option, the Issuer will apply the initial offering price to the public provided in the bid as the issue price for the Notes. If the Successful Bidder does not exercise that option, it shall thereafter promptly provide the Issuer the prices at which a substantial amount of the Notes are sold to the public; provided such determination shall be made and the Issuer notified of such prices not

later than three (3) business days prior to the Closing Date. ***Any change in the issue price of any of the Notes after the Submittal Hour will not affect the purchase price for the Notes submitted in the bid of the Successful Bidder.***

(e) This agreement by the Successful Bidder to provide such information will continue to apply after the Closing Time if: (a) the Issuer requests the information in connection with an audit or inquiry by the Internal Revenue Service (the “IRS”) or the Securities and Exchange Commission (the “SEC”) or (b) the information is required to be retained by the Issuer pursuant to future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority.

Preliminary Official Statement and Official Statement. The Issuer has prepared a Preliminary Official Statement dated June 20, 2022, “deemed final” by the Issuer except for the omission of certain information as provided in the Rule, copies of which may be obtained from the Municipal Advisor. Upon the sale of the Notes, the Issuer will adopt the final Official Statement and will furnish the Successful Bidder, without cost, within seven business days of the acceptance of the Successful Bidder's proposal, with a sufficient number of copies thereof, which may be in electronic format, in order for the Successful Bidder to comply with the requirements of the Rule and Rule G-32. Additional copies may be ordered by the Successful Bidder at its expense.

Continuing Disclosure. In the Note Resolution, the Issuer has covenanted to annually provide certain financial information and operating data and other information necessary to comply with the Rule, and to transmit the same to the Municipal Securities Rulemaking Board. This covenant is for the benefit of and is enforceable by any Registered Owner of the Notes. For further information, reference is made to the caption “CONTINUING DISCLOSURE” in the Preliminary Official Statement.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Issuer for the year 2021 is as follows:

Equalized Assessed Valuation of	
Taxable Tangible Property	\$172,204,107
Tangible Valuation of Motor Vehicles.....	<u>28,358,305</u>
Equalized Assessed Tangible Valuation	
for Computation of Bonded Debt Limitations	\$200,562,412

The total general obligation indebtedness of the Issuer as of the Dated Date, including the Notes being sold, is \$68,455,000; such amount includes the Issuer’s general obligation bonds in the principal amount of \$9,305,000, also dated as of the Dated Date, which will be issued on the Closing Date. Temporary notes in the principal amount of \$1,285,000 will be retired out of proceeds of such bonds and other available funds, which will reduce the outstanding general obligation indebtedness of the Issuer to \$67,170,000.

Legal Opinion. The Notes will be sold subject to the approving legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel to the Issuer, which opinion will be furnished and paid for by the Issuer, will be printed on the Notes, if the Notes are printed, and will be delivered to the Successful Bidder when the Notes are delivered. Said opinion will also include the opinion of Bond Counsel relating to the interest on the Notes being excludable from gross income for federal income tax purposes and exempt from income taxation by the State of Kansas. Reference is made to the Preliminary Official Statement for further discussion of federal and Kansas income tax matters relating to the interest on the Notes.

Electronic Transactions. The transactions described herein may be conducted and related documents may be sent, received and stored by electronic means or transmissions. All bid documents, closing documents, certificates, ordinances, resolutions and related instruments may be executed by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Additional Information. Additional information regarding the Notes may be obtained from the undersigned, or from the Municipal Advisor, at the addresses set forth below:

DATED: June 20, 2022.

CITY OF DODGE CITY, KANSAS

By: Nicole May, Director of Finance

Issuer:

City Hall
806 2nd Avenue
P.O. Box 880
Dodge City, Kansas 67801
Attn: Nicole May, Director of Finance
Phone No.: (620) 225-8100
Fax No.: (620) 225-8144
Email: nicolem@dodgecity.org

Municipal Advisor:

Piper Sandler & Co.
11635 Rosewood Street
Leawood, Kansas 66211
Attn: Dustin Avey
Phone No.: (913) 345-3375
Fax No.: (913) 345-3393
Email: dustin.avey@psc.com

OFFICIAL BID FORM
PROPOSAL FOR THE PURCHASE OF CITY OF DODGE CITY, KANSAS
GENERAL OBLIGATION TEMPORARY NOTES

TO: Nicole May, Director of Finance
 City of Dodge City, Kansas

July 18, 2022

For \$1,495,000* principal amount of General Obligation Temporary Notes, Series 2022-1, of the City of Dodge City, Kansas, to be dated August 25, 2022, as described in your Notice of Note Sale dated June 20, 2022 (the "Notice"), said Notes to bear interest as follows:

<u>Maturity</u> <u>September 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Initial Offering</u> <u>Price</u>
2024	\$1,495,000*	_____ %	_____ %

* Subject to change, see the Notice

the undersigned will pay the purchase price for the Notes set forth below, plus accrued interest to the date of delivery.

Principal Amount	\$1,495,000*
Plus Premium (if any)	_____
Total Purchase Price	\$ _____
Total interest cost to maturity at the rate(s) specified	\$ _____
Net interest cost	\$ _____
Average annual net interest rate	_____ %
True Interest Cost	_____ %

This proposal is subject to all terms and conditions contained in the Notice, and if the undersigned is the Successful Bidder, the undersigned will comply with all of the provisions contained in the Notice. The acceptance of this proposal by the Issuer by execution below shall constitute a contract between the Issuer and the Successful Bidder for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission and a note purchase agreement for purposes of the laws of the State of Kansas.

Submitted by: _____

(LIST ACCOUNT MEMBERS ON REVERSE)

By: _____
 Telephone No. (_____) _____

ACCEPTANCE

Pursuant to action duly taken by the Governing Body of the City of Dodge City, Kansas, the above proposal is hereby accepted on July 18, 2022.

Attest:

 Clerk

 Mayor

NOTE: No additions or alterations in the above proposal form shall be made, and any erasures may cause rejection of any bid. Facsimile bids may be filed with Piper Sandler & Co., Fax No. (913) 345-3393 or electronic bids may be submitted via **PARITY**®, at or prior to 11:00 A.M., applicable Central Time, on July 18, 2022. Any bid received after such time will not be accepted or shall be returned to the bidder.



Memorandum

To: Nick Hernandez, City Manager and City Commission

From: Nicole May, Finance Director

Date: June 15, 2022

Subject: Resolution 2022-25

Agenda Item: Ordinances and Resolutions

Purpose: The resolution sets a public hearing for August 1, 2022 in the El Vaquero Room, Historic Santa Fe Depot at 5:30 pm to consider the proposed creation of the Hilmar Bioscience Development District.

Recommendation: City staff recommends the approval of Resolution 2022-25.

Background: The Hilmar Bioscience Development District will be made up of a North Area and a South Area. The North Area will include the new Hilmar Cheese plant, public and private infrastructure, and amenities. The South Area will include the South Wastewater Treatment Plant. The project area will include the South area and the eligible costs will include design, development, construction, and operation of an expansion to the existing wastewater treatment plant.

The incremental increase in the real estate property tax income from real estate located within the District will be used to pay for the public improvements and other qualified expenditures within the District.

This District must also be approved by the Ford County Commission and the Kansas Department of Commerce.

City Commission Options:

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

Financial Considerations:

Amount \$:

Fund: Dept: Expense Code:

Budgeted Expense Grant Bonds Other

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

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

Attachments: Resolution 2022-25

Approved for the Agenda by:

Nicole May

Nicole May, Finance Director

(Published in *The Dodge City Daily Globe* on July 21, 2022)

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).

WHEREAS, the City Commission (the “Governing Body”) of the City of Dodge City, Kansas (the “City”) desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within and without the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City is authorized to establish redevelopment districts and bioscience development districts within eligible areas, as said terms are defined in the Act, to approve project plans for redevelopment projects and bioscience development projects for the completion of such projects within the redevelopment and bioscience project areas, and to finance all or a portion of such project costs from tax increment revenues and various fees collected within such redevelopment and bioscience development districts, revenues derived from redevelopment and bioscience projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

WHEREAS, the governing body of a city may establish a redevelopment district within that city, and, with the Kansas bioscience authority's approval, may establish a bioscience development district within that city; and such city may establish a district inclusive of land outside the boundaries of the city or wholly outside the boundaries of such city upon written consent of the board of county commissioners, provided that prior to providing written consent, the board of county commissioners shall be subject to the same procedure for public notice and hearing as is required of a city pursuant to K.S.A. 12-1771(a); and

WHEREAS, prior to the creation of any redevelopment or bioscience development district, the Governing Body must adopt a resolution stating that the City is considering the establishing of a redevelopment or bioscience development district, which resolution shall: (1) give notice that a public hearing will be held to consider the establishment of a redevelopment district or bioscience development district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district or bioscience development district, (3) describe a proposed redevelopment district or bioscience development district plan, (4) state that a description and map of the proposed redevelopment district or bioscience development district are available for inspection at a time and place designated, and (5) state that the Governing Body will consider findings necessary for the establishment of a redevelopment district or bioscience development district; and

WHEREAS, in order to provide for the establishment of any redevelopment or bioscience development district that includes land outside the boundaries of the City, the Board of County Commissioners (the “Board”) of Ford County, Kansas (the “County”) must consent to such establishment in writing; provided that prior to providing such consent, the Board must adopt a resolution stating that the County is considering consenting to the establishment of a redevelopment or bioscience development district, which resolution shall: (1) give notice that a public hearing will be held to consider the consent of the establishment of a redevelopment district or bioscience development district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district or bioscience development district, (3) describe a proposed redevelopment district or bioscience development district plan, (4) state that a description and map of the proposed redevelopment district or bioscience development district are available for inspection at a time and place designated, and (5) state that the Board will consider findings necessary for the establishment of a redevelopment district or bioscience development district; and

WHEREAS, notice of such public hearings shall be given by mailing a copy of the resolutions of the City and County calling the public hearings via certified mail, return receipt requested, to the board of county commissioners of the County, the board of education of any school district levying taxes on property within the proposed redevelopment project area or bioscience development district project area, to each owner and occupant of land within the proposed redevelopment district or bioscience development project area, and with regards to a bioscience development district the Kansas Development Finance Authority, not more than 10 days following the date of the adoption of such resolutions and by publishing a copy of each resolution once in the official City or County newspaper, as applicable, not less than one week or more than two weeks preceding the date fixed for the public hearing, which publications shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment district or bioscience development district; and

WHEREAS, upon the conclusion of such public hearings, the Board may consent in writing to the establishment of the redevelopment district or bioscience development district, and the Governing Body may pass an ordinance which shall: (1) make findings that the property within the proposed redevelopment district or bioscience development district is an “eligible area” as defined in the Act and the conservation, development, or redevelopment of such area is necessary to promote the general and economic welfare of the City, (2) contain the district plan for the redevelopment district or bioscience development district as approved, (3) contain the legal description of the redevelopment district or bioscience development district, and (4) may establish the redevelopment district or bioscience development district, provided that the boundaries of the district shall not include any area not designated in the notice of public hearing on the creation of the such district; all provided that for a bioscience development district: (a) the Kansas bioscience authority must approve the establishment of the bioscience development district and (b) the ordinance shall make findings that the area satisfies the definition of a bioscience area and the creation of a bioscience district will contribute to the development of bioscience in the state and promote the general and economic welfare of the City; and

WHEREAS, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district or bioscience development district that the proposed redevelopment district or bioscience development district will have an adverse effect on such county or school district; and

WHEREAS, upon the creation of a redevelopment district or bioscience development district pursuant to the Act, the City may propose to undertake one or more redevelopment or bioscience development projects and shall prepare a project plan for such redevelopment or bioscience development projects, which may be implemented in separate development stages, in consultation with the City's planning commission, and with regards to a bioscience development project, the Kansas bioscience authority; and

WHEREAS, pursuant to K.S.A. 74-99b15, the Kansas bioscience authority (the "Authority") has the power to merge the Authority with prior legislative authorization, and such authorization was provided by the State finance council (the "Finance Council") pursuant to Resolution No. 16-664, wherein the Finance Council authorized and approved the merger of the Authority with the Kansas Department of Commerce (the "Department of Commerce") vesting the Department of Commerce with the Authority's assets and liabilities and finding, among other things, the following: (a) all powers, duties, functions, properties, property rights, records, moneys, appropriations, rights and authorities vested in the Authority prior to the effective date of Resolution No. 16-664 shall be vested in the Kansas Department of Commerce; (b) whenever the Authority, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Department of Commerce; and (c) the Department of Commerce shall be the successor in every way to the powers, duties and functions of the Authority.

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

Section 1. Findings. The City is considering the establishment of a bioscience development district pursuant to the Act. The area will be a bioscience development area which constitutes an "eligible area" under the Act, as the area will be used by a bioscience company engaged in cellular and molecular research, and developing and manufacturing processes related to biochemistry, microbiology, agricultural, and industrial applications of bioscience. The City finds that the establishment of the District will contribute to the development of bioscience in the State of Kansas and promote the general and economic welfare of the City.

Section 2. Proposed Bioscience Development District. The proposed bioscience development district shall be designated as the Hilmar Bioscience Development District (the "District"). The District includes two areas connected by public right of ways to form a single, continuous district, with the north area inclusive of property generally bounded by US Highways 283 and 400, 112 Road and Outlaw Road, and the south area inclusive of property at and near the City's south wastewater treatment plant located generally between US Highway 283 and 110 Road to the north and south of Warrior Road, and property adjacent thereto, all in Ford County, Kansas, and including all public rights of way within and adjacent to such described areas. The District includes property located within and without the boundaries of the City. A map generally outlining the boundaries of the proposed District is attached hereto as *Exhibit A*, which is incorporated herein by reference. The City hereby directs that information relating to the establishment of the District be transmitted to the Board for its consent, and to the Department of Commerce, as successor to the Authority, for its approval, of the District.

Section 3. Proposed District Plan. The proposed bioscience development district plan (the "District Plan") identifying redevelopment project areas along with a general description of the buildings, facilities, and improvements that are proposed to be constructed or improved in the District is attached hereto as *Exhibit B* and incorporated herein by reference.

Section 4. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body to consider the establishment of the District on August 1, 2022, in the El Vaquero

Room, Historic Santa Fe Depot, 101 E Wyatt Earp Blvd. Dodge City, Kansas 67801, the public hearing to commence at 5:30 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on the creation of the proposed District, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District pursuant to the Act.

Section 5. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to:

- (i) the Board of County Commissioners of Ford County, Kansas;
- (ii) the Board of Education of U.S.D. No. 443;
- (iii) the Kansas Development Finance Authority; and
- (iv) each owner and occupant of land within the proposed District.

(b) This resolution, specifically including *Exhibit A* attached hereto, shall be published once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

Section 6. Public Records. Copies of a description and map of the proposed District and the proposed District Plan therefore are public records and are available for public inspection during regular office hours in the office of the City Clerk, City Hall, 806 2nd Avenue, Dodge City, Kansas 67801, from 8:00 a.m. until 5:00 p.m., Monday through Friday, from the date hereof until the date of the public hearing.

Section 7. Further Action. The Mayor, City Manager, Director of Finance, City Clerk, City Attorney and other officials and employees of the City, including Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

Section 8. Effective Date. This resolution shall be effective upon its adoption by the Governing Body.

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ADOPTED by the City Commission of the City of Dodge City, Kansas, on June 20, 2022.

(SEAL)

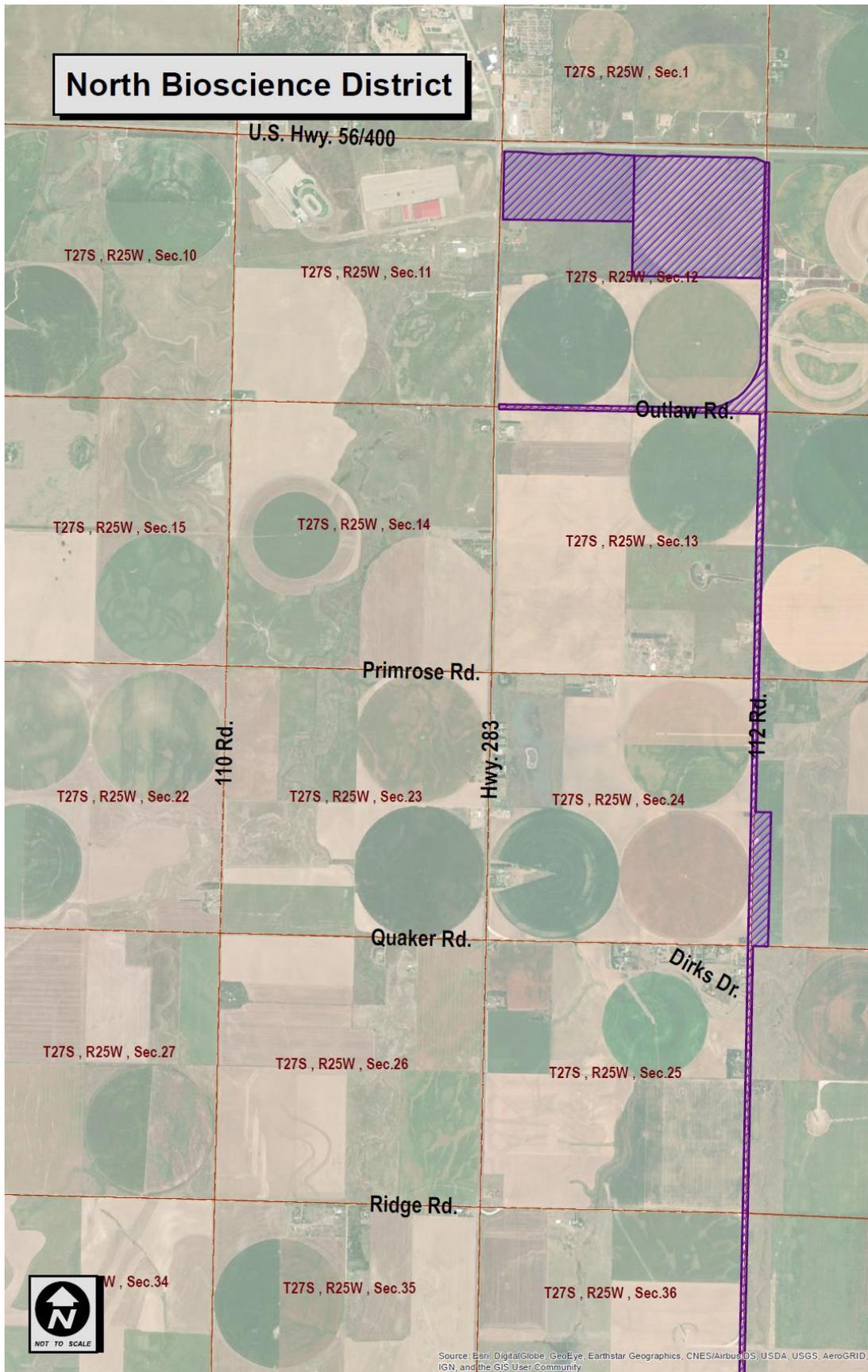
Mayor

ATTEST:

Clerk

EXHIBIT A

MAP OF PROPOSED HILMAR BIOSCIENCE DEVELOPMENT DISTRICT



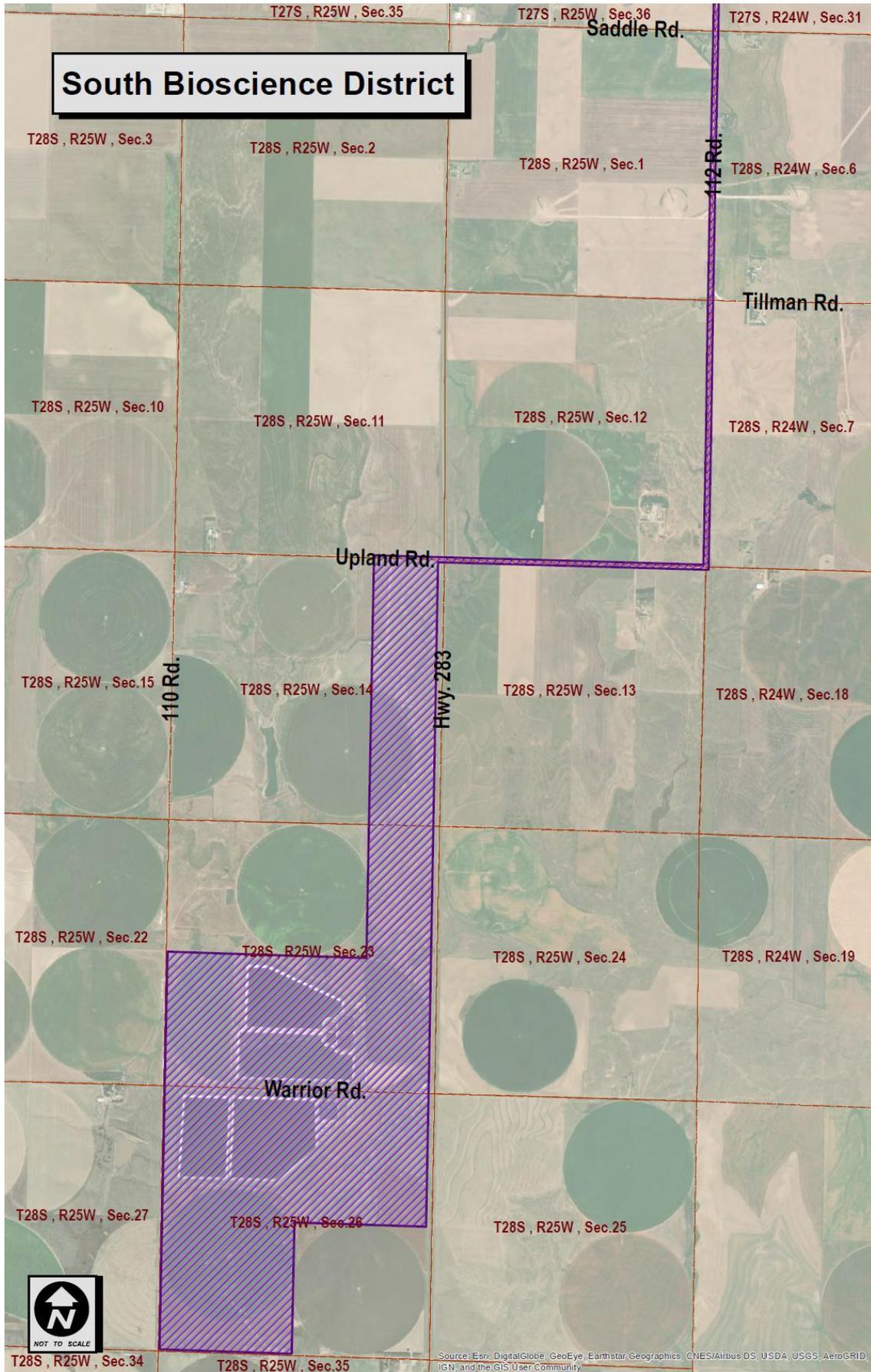


EXHIBIT B

DISTRICT PLAN FOR THE DEVELOPMENT OF THE HILMAR BIOSCIENCE DEVELOPMENT DISTRICT THROUGH TAX INCREMENT FINANCING

June 20, 2022

SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a bioscience development district under K.S.A. 12-1770 *et seq.* (the “Act”). The district plan is a preliminary plan that identifies proposed bioscience project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the bioscience development district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES

The property within the proposed bioscience development district includes two areas connected by public right of ways to form a single, continuous district, with the north area (the “North Area”) inclusive of property generally bounded by US Highways 283 and 400, 112 Road and Outlaw Road, and the south area (the “South Area”) inclusive of property at and near the City’s south wastewater treatment plant located generally between US Highway 283 and 110 Road to the north and south of Warrior Road, and property adjacent thereto, all in Ford County, Kansas, and including all public rights of way within and adjacent to such described areas. The district includes property located within and without the boundaries of the City. The legal description of the proposed district is attached hereto and incorporated herein as *Attachment 1*.

SECTION 4: BUILDINGS, FACILITIES AND IMPROVEMENTS

The area within the district will be a bioscience development area which constitutes an “eligible area” under the Act, as the area will be used by a bioscience company engaged in cellular and molecular research, and developing and manufacturing processes related to biochemistry, microbiology, agricultural, and industrial applications of bioscience. The City has found that the establishment of the district will contribute to the development of bioscience in the State of Kansas and promote the general and economic welfare of the City.

The North Area will include the design, development, construction and operation of a new cheese and ingredient production and distribution facility, including an approximately 400,000 square foot facility for use by a bioscience company. The North Area will also include public and private infrastructure and amenities. The South Area will include the design, development, construction and operation of an expansion to the City's existing wastewater treatment plant and all improvements related thereto.

SECTION 5: BIOSCIENCE DEVELOPMENT AND PROJECT AREAS

It is anticipated that only a portion of property within the proposed district will be designated as the "project area" under the bioscience development project plan, which must be adopted by the City Commission by a 2/3 majority vote before the expenditure of any tax increment financing funds. The plans for development of the North Area (which will generally not be included in the project area) consist of the design, development, construction and operation of a new cheese and ingredient production and distribution facility, including an approximately 400,000 square foot facility for use by a bioscience company. The public infrastructure associated with the North Area, consisting of road and utilities to serve the site, will be included in or contiguous with the project area which are necessary for the implementation of the project and are anticipated to be financed by tax increment revenues. The plans for development of the South Area (which will be included in the project area) consist of the design, development, construction and operation of an expansion to the City's existing wastewater treatment plant and all improvements related thereto, which will be included in the project area and are anticipated to be financed by tax increment revenues.

Tax increment financing may be used to pay for eligible costs, including site preparation, public infrastructure improvements, such as sanitary sewer improvements (including wastewater treatment plants) and street improvements. Except as specifically provided by the Act, tax increment financing may not be used for construction of any buildings owned or leased to a private, nongovernmental entity.

SECTION 6: CONCLUSION

After the establishment of the bioscience development district, including the consent to the creation thereof by the board of county commissioners of Ford County, Kansas, and the approval of the Kansas Department of Commerce, any bioscience development projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Bioscience Development Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits out-weigh the costs. The Project Plan must be reviewed by the City Planning Commission to determine if the Project Plan is consistent with the intent of the comprehensive plan for development of the City. Thereafter, the Governing Body shall adopt a resolution calling a public hearing to consider the Project Plan notice of such hearing to be provided by mail and publication in accordance with the Act. After conclusion of the public hearing, the Project Plan may be approved by ordinance passed by not less than a two-thirds majority vote of the Governing Body. The Project Plan must also be approved by the Kansas Department of Commerce, as successor to the Kansas bioscience authority.

Tax increment financing does not impose any additional taxes on property located within the bioscience development district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of development, the resulting increment of additional tax revenue is diverted to pay for a portion of the development costs.

Attachment 1

**PROPOSED HILMAR BIOSCIENCE DEVELOPMENT DISTRICT
LEGAL DESCRIPTION**

TRACT 1:

The North 1572 feet of the Northwest Quarter of Section 12, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas. Except Highway Right of Way.

TRACT 2:

Lots 1,2 & 3 and 112 Rd. Right-of-way (R/W) of the Hilmar Cheese company Plat, part of the Northeast Quarter of Section 12, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 3:

The West 50 feet, including County Road R/W, of Section 7, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas. Except Highway Right of Way.

TRACT 4:

A tract in the Southeast Quarter of Section 12, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas. Beginning at the intersection of the North line of Outlaw Road and the West line of 112 Road: thence west along the North of Outlaw Road on a bearing of N89°47'07"W for 1105.09 feet: thence 1674.5 feet on a 1200 foot radius curve to the left with a cord of bearing of N45°57'41"E and length of 1541.91 feet to the West line of 112 Road: thence south along the West line of 112 Road on a bearing of S00°10'44"W for 1076.01 feet to the Point of Beginning.

TRACT 5:

The South 50 feet, including County Road R/W of Section 12, and the East 50 feet, including County Road R/W of the South Half of Section 12, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas. Except Highway Right of Way.

TRACT 6:

The North 50 feet, including County Road R/W of Section 13 and the East 50 feet, including County Road R/W of Section 13, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas. Except Highway Right of Way.

TRACT 7:

The West 50 feet, including County Road R/W, of Section 18, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 8:

The East 50 feet, including County Road R/W, of Section 24, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas.

TRACT 9:

The West 50 feet, including County Road R/W, of the Northwest Quarter of Section 19, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 10:

The West 350 feet, including County Road R/W, of the Southwest Quarter of Section 19, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 11:

The East 50 feet, including County Road R/W, of Section 25, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas.

TRACT 12:

The West 50 feet, including County Road R/W, of Section 30, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 13:

The East 50 feet, including County Road R/W, of Section 36, Township 27 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas.

TRACT 14:

The West 50 feet, including County Road R/W, of Section 31, Township 27 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 15:

The East 50 feet, including County Road R/W, of Section 1, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas.

TRACT 16:

The West 50 feet, including County Road R/W, of Section 6, Township 28 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 17:

The East 50 feet, including County Road R/W of Section 12 and the South 50 feet, including County Road R/W of Section 12, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County, Kansas.

TRACT 18:

The West 50 feet, including County Road R/W, of Section 7, Township 28 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 19:

The West 50 feet of the North 50 feet, including County Road R/W, of the Northwest Quarter of Section 18, Township 28 South, Range 24 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 20:

The North 50 feet, including County Road R/W, of Section 13, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 21:

The South 50 feet, including County Road R/W, of the Southeast Quarter of Section 11, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas.

TRACT 22:

The East Half of the East Half, of Section 14, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas. Except Highway Right of Way.

TRACT 23:

The East Half of the Northeast Quarter of Section 23, and the South Half, of Section 23, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas. Except Highway Right of Way.

TRACT 24:

The Northeast Quarter of Section 26, and Northwest Quarter of Section 26, and Southeast Quarter of Section 26, Township 28 South, Range 25 West of the 6th Principal Meridian, Ford County Kansas. Except Highway Right of Way.

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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

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 12:00 noon 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 12:00 noon 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 June 2022, and signed by the Mayor on the _____ day of June, 2022.

Mayor

ATTEST:

City Clerk



Memorandum

To: Nick Hernandez, City Manager and City Commissioners

From: Tanner Rutschman, PE, City Engineer

Date: June 20, 2022

Subject: Scope of Services for Hilmar Dairy/National Beef Wastewater Reuse Evaluation (Phase 1), SS2202

Agenda Item: New Business

Purpose: This scope of services will evaluate opportunities to utilize new Hilmar Cheese effluent and existing National Beef effluent for targeted beneficial reuse including aquifer storage and recharge (ASR) and accrual of aquifer recharge credits. The primary objective through this evaluation process will be to address the technical issues and challenges related to water quality and quantity which impact the feasibility of wastewater management alternatives. This evaluation phase is the first step in the direction of creating a sustainable water reuse cycle that will benefit our community for generations to come.

Recommendation: Approve the Contract and Scope of Services for the Hilmar Dairy/National Beef Wastewater Reuse Evaluation Phase 1 with Burns and McDonnell in the amount of \$177,800.

Background: The City has been reusing wastewater effluent since long before reuse was prevalent. In the mid 1980's the south WWTP was constructed and treated wastewater effluent started being utilized for crop irrigation. In the early 2000's the WWTP was expanded due to the City and National Beef growing, which in turn expanded the crop irrigation reuse practice. This treatment process has been successful in large part to the longstanding partnership between the City, National Beef, and our farmer partner the Nicholson family.

With the addition of Hilmar Cheese wastewater, the WWTP will need to be expanded once again. Since the original plant and the expansion was constructed, advancements have been made in alternate reuse pathways that could provide multi-generational benefits to the citizens of Dodge City. The State of Kansas is interested in having these alternate reuse pathways explored and implemented due to the current state of the Ogallala Aquifer in southwest Kansas and the importance water has for future growth and sustainability of the region. This scope of services will evaluate alternate beneficial reuse opportunities to enable the City to expand its current stewardship practices with water resources and protect its fresh water source for many years to come.

City Commission Options:

1. Approve the scope of services with Burns and McDonnell in the amount not to exceed \$177,800
2. Disapprove the scope of services agreement
3. Table for further discussion

Financial Considerations:

Amount \$: 177,800.00

Fund: 510-Water Dept: 41000 - Public Works Expense Code: 42003- Other Professional Fees

Budgeted Expense Grant Bonds Other -

Financing to be provided by Water Fund, potential to be placed in future long-term financing mechanism such as Bonds with final project.

Legal Considerations: The City will be entering into a contract with Burns & McDonnell and will be bound by the provisions of this contract.

Mission/Values: Approving this scope of services aligns with the City's Core Values of Working Towards Excellence and Ongoing Improvement.

Attachments: Contract & Scope of Services

Approved for the Agenda by:



Tanner Rutschman, City Engineer



**TASK ORDER 2
FOR ENGINEER-OWNER AGREEMENT
(Doc. No. AE-2 Exhibit A)**

This Task Order is entered into and authorized by Owner this 15th day of June, 202022, by and between City of Dodge City, Kansas (hereinafter called OWNER) and Burns & McDonnell Engineering Company, Inc. (hereinafter called ENGINEER).

The parties agree that the ENGINEER shall perform the following Services in accordance with the terms of the Engineer-Owner Agreement dated May 27, 2022:

1. Scope of Services:
See the attached Exhibit A.

2. Compensation:
The basis of compensation for the above Services shall be:

- Hourly Rate per ENGINEER's Rate Sheet, attached hereto
Subject to a Not-to-Exceed Cap of one-hundred seventy seven thousand eight-hundred dollars (\$177,800.00), without further authorization

3. Other Terms:
(describe below)

- A. The terms of this Task Order supersede any contrary terms of the Engineer-Owner Agreement.

IN WITNESS WHEREOF, the parties have made and executed this TASK ORDER as of the day and year first above written.

OWNER: City of Dodge City, Kansas

**ENGINEER: Burns & McDonnell
Engineering Company, Inc.**

By: _____
Name: _____
Title: _____

By: _____
Name: Darin Brickman
Title: Vice President

Exhibit A

City of Dodge City, Kansas Hilmar Dairy/National Beef Wastewater Reuse Evaluation Phase 1

Scope of Services

In 2024, the City of Dodge City, Kansas (City) will be home to a Hilmar Dairy Processing Facility (Hilmar). The City will be providing water supply and wastewater management services for Hilmar. The City currently has no discharge from its existing South Waste Water Treatment Plant (South WWTP) with effluent water currently being used for irrigation. The City is evaluating the opportunities to utilize the new Hilmar effluent along with existing industrial wastewater effluent received from National Beef for targeted beneficial use including aquifer storage and recovery (ASR) and accrual of aquifer recharge credits to increase available water supply. Burns and McDonnell (ENGINEER) will provide three Technical Memorandums addressing issues and challenges related to water quality and quantity which impact the feasibility of wastewater management alternatives.

1. Wastewater Effluent Discharge/ASR Source Water Required Treatment Technical Memorandum
 - a. Based on water quality data provided by the City, and analysis performed by others, the predicted water quality of blended National Beef and Hilmar treated wastewater effluent will be utilized to evaluate additional required treatment alternatives to achieve discharge to the Arkansas River. This process will be closely coordinated with the Kansas Department of Health and Environment (KDHE). Elements of this evaluation will include up to three alternatives (as applicable) for each of the following:
 - i. Evaluate up to three (3) potential treatment processes to meet discharge permit requirements.
 - ii. Evaluate compatibility of potential treatment processes in 1.a.i to mitigate existing groundwater impairments such as nitrates and other potential contaminants.
 - iii. Evaluation of produced waste stream alternatives.
 - iv. Evaluation of potential Arkansas River discharge locations.
 - v. Identify potential location/s for required treatment alternatives.
 - vi. Summarize of required permitting related to discharge, recharge, and recovery.
 - vii. Provide concept level development of capital and operating costs for treatment and waste disposal infrastructure.
 - viii. Develop high level project implementation schedule.
 - ix. Review conceptual improvements compatibility with available state and federal funding programs.
2. Arkansas River Basin Discharge and ASR Storage Evaluation Technical Memorandum
 - a. The ENGINEER will analyze the Arkansas River, Arkansas River Alluvium and connected or related groundwater resources water quality conditions using existing water quality data and reports, parameters contained in nearby NPDES permits, and other water quality data from alluvial sources, as supplied by the City. The ENGINEER will evaluate the water quality interaction of the treated source water and the existing groundwater resources in the project area using existing data. Elements of the evaluation will include:
 - i. Assessment of current groundwater quality conditions in the project area.

- ii. Identify current aquifer uses in the immediate vicinity of anticipated discharge to identify quality factors relative to existing use of groundwater.
- iii. Develop a water quality matrix of recharge water (effluent) and groundwater compatibility and interaction based on existing water quality data or information provided by others.
- iv. Provide recommendations for additional data collection, future monitoring and need for pilot testing.

3. ASR Framework Technical Memorandum

- a. A conceptual basin storage area will be defined and the available storage for aquifer recharge credits will be estimated. Elements of this analysis will include:
 - i. General details of local area hydrogeologic conditions.
 - 1. Geologic parameters of project area including:
 - a. Depth to bedrock
 - b. Depth to water
 - c. Geologic formation details
 - ii. Conceptual project compatibility with existing ASR rule and regulations.
 - iii. Summary of potential framework for recharge accounting and reporting
 - ii. The ENGINEER will provide a characterization of the interaction of discharged effluent with alluvial and other aquifer resources identified, utilizing the Groundwater Management District No. 5 Groundwater Model
 - i. Horizontal and vertical definition of the basin storage area and any associated project boundaries.
 - 1. Discharge point for treated effluent will largely define the upstream limits for the basin storage area.
 - ii. Modeled results for movement and storage of recharged source water within the basin storage area.
 - iii. Evaluation of potential capture of stored recharge water utilizing existing City well infrastructure.
 - 1. Recommendations on additional infrastructure (new well/s) if required.

4. Collaboration and coordination with KDHE and Division of Water Resources (DWR)

- a. As needed, meetings with KDHE and DWR will be conducted. A kickoff meeting will be scheduled and up to two additional meetings, one to review data and another to review results and recommendations. Up to three (3) meetings with KDHE are anticipated, and up to two (2) meetings with DWR are anticipated.

5. Project Management and Administration

- a. Aside from meetings indicated above, the ENGINEER shall prepare for, attend, and conduct monthly progress meetings with the City. These meetings will generally be held via telephone conference/Microsoft Teams. Engineer shall provide meeting minutes with a list of action items as applicable. Meeting minutes will be distributed via e-mail. A total of four (4) monthly meetings are anticipated, inclusive of one (1) kickoff meeting which will be attended by up to three representatives of the ENGINEER at the City's offices.
- b. The project team will conduct bi-weekly internal coordination meetings to review progress.

- c. The project team will follow the ENGINEER's QA/QC program. This task includes internal review of the project by qualified staff.
 - d. The Project manager will facilitate budget tracking and invoice preparation.
6. City will be responsible for the following tasks:
- a. Obtain, facilitate, and directly pay for laboratory testing of water samples for the City's existing groundwater wells, as applicable.
 - b. Obtain, facilitate, and directly pay for laboratory testing of water samples for wells located in the Arkansas River Alluvium, as applicable.
 - c. Obtain, facilitate, and directly pay for laboratory testing of water samples for the existing National Beef effluent.
 - d. Provide effluent water quality data.
 - e. Provide projections for effluent water quality associated with the combined Hilmar Dairy/National Beef streams.
 - f. Provide a 20-year flow projection for the combined Hilmar Dairy/National Beef streams and the municipal effluent stream.
 - g. Concept level development of capital and operating costs for the conveyance pipeline from the South WWTP to the location of potential discharge.
 - h. Any other item that is needed for completion of the Task Order that is not specifically identified in this Task Order as being the responsibility of the ENGINEER.

Schedule of Hourly Professional Service Billing Rates

<u>Position Classification</u>	<u>Classification Level</u>	<u>Hourly Billing Rate</u>
General Office *	5	\$67.00
Technician *	6	\$85.00
Assistant *	7	\$102.00
	8	\$138.00
	9	\$166.00
Staff *	10	\$189.00
	11	\$209.00
Senior	12	\$232.00
	13	\$254.00
Associate	14	\$262.00
	15	\$265.00
	16	\$268.00
	17	\$270.00

NOTES:

1. Position classifications listed above refer to the firm's internal classification system for employee compensation. For example, "Associate", "Senior", etc., refer to such positions as "Associate Engineer", "Senior Architect", etc.
2. For any nonexempt personnel in positions marked with an asterisk (*), overtime will be billed at 1.5 times the hourly labor billing rates shown.
3. For outside expenses incurred by Burns & McDonnell, such as authorized travel and subsistence, and for services rendered by others such as subcontractors, the client shall pay the cost to Burns & McDonnell plus 10%.
4. Monthly invoices will be submitted for payment covering services and expenses during the preceding month. Invoices are due upon receipt. A late payment charge of 1.5% per month will be added to all amounts not paid within 30 days of the invoice date.
5. The services of contract/agency and/or any personnel of a Burns & McDonnell subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.
6. The rates shown above are effective for services through December 31, 2022, and are subject to revision thereafter.