

# **CITY COMMISSION MEETING AGENDA**

City Hall Commission Chambers

Tuesday, January 3, 2023

7:00 p.m.

MEETING #5235

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

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

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

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

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION BY** Pastor Steve Orman of First Baptist 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).

## **CONSENT CALENDAR**

1. Approval of City Commission Work Session Minutes, December 19, 2022.
2. Approval of City Commission Meeting Minutes, December 19, 2022.
3. Approval of City Commission Meeting Minutes, December 29, 2022.
4. Appropriation Ordinance No.1, January 3, 2023.
5. Cereal Malt Beverage License:
  - a. Dodge City Community College, 2501 N. 14<sup>th</sup> Avenue.
  - b. Pizza Hut, 110 Frontview Street.

## **ORDINANCES & RESOLUTIONS**

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approve Scope of Work and Fee for Acquisition of Easements for a 16" Force Main Related to the Expansion of the S. WWTP. Report by Ray Slattery, Director of Engineering.

## **OTHER BUSINESS**

## **STAFF REPORTS**

## **ADJOURNMENT**

# **CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Monday, December 19, 2022

6:30 p.m.

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## **CALL TO ORDER**

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

## **WORK SESSION**

1. Tanner Rutschman and Ray Slattery, City Engineers presented an overview of the street sales tax projects.
2. Nick Hernandez, City Manager went over the review of the street sales tax policy.

## **ADJOURNMENT**

Commissioner Joseph Nuci moved to adjourn the meeting. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

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Mayor

ATTEST:

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City Clerk

# **CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Monday, December 19, 2022

7:00 p.m.

MEETING #5233

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## **CALL TO ORDER**

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

**INVOCATION by** Pastor Juan Espinoza of First United Methodist Church

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

Commissioner Rick Sowers moved to amend the agenda and add an executive session after staff reports. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.

## **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).**

Drew Francis, Dodge City Chief of Police introduced a new member of the police department, Giovanni Del Real. He was sworn in with the City Loyalty Oath. Congratulations Giovanni.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting Minutes, December 5, 2022.
2. Appropriation Ordinance No.24, December 19, 2022.

Commissioner Michael Burns moved to approve the consent calendar as presented. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

**ORDINANCES & RESOLUTIONS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- 1. Commissioner Michael Burns moved to approve the allocation of 2022 Special Alcohol and Drug Funds as follows:

Dodge City Police Dept – GREAT Program	\$2,127
New Chance	\$80,510
Friends of Recovery	\$25,000
Compass Behavioral Health	\$13,815

Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

- 2. Commissioner Michael Burns moved to approve the quote from Victory Electric in the amount of \$117,872.51 to install 6 LED streetlight for Iron Road between 6<sup>th</sup> Avenue and 14<sup>th</sup> Avenue. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.
- 3. Commissioner Michael Burns moved to approve the quote from Building Solutions, LLC in the amount of \$1,267,940.50 for the reconstruction Gunsmoke Street between Central Avenue and 3<sup>rd</sup> Avenue. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.
- 4. Commissioner Joseph Nuci moved to approve the supplemental work with Building Solutions to construct additional on-street parking on Spruce St. in the amount of \$81,068.02. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.
- 5. Commissioner Chuck Taylor moved to approve the contract and scope of services for the terminal expansion and design from Burns and McDonnell in the amount of \$560,300. Commissioner Rick Sowers seconded the motion. The motion carried unanimously.
- 6. Commissioner Rick Sowers moved to approve the of agreement with Cherise Tieben for Interim Director of Human Resources Services Commissioner Michael Burns seconded the motion. The motion carried unanimously.

- 7. Commissioner Rick Sowers moved to approve the Southwest Kansas Legislative Policy Agenda. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

**OTHER BUSINESS**

**STAFF REPORTS**

Nick Hernandez, City Manager discussed the proposed Community Incentive District Policy

**EXECUTIVE SESSION**

At 8:00 commission Michael Burns moved to recess into executive session pursuant to the “privileged consultation with the City’s Attorney” exception found in K.S.A. 75-4319(b)(2) for consultation with legal counsel. The justification for closing the meeting is to protect the privilege and nature of legal advice from legal counsel regarding pending litigations. The open meeting will resume in the City Commission Chambers in 30 minutes at 8:30 p.m. The Commission will not take action upon returning to open session and prior to adjournment. The meeting will include commissioners, City Attorney, Brad Ralph, and City Manager, Nick Hernandez. Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

Commissioner Rick Sowers moved to adjourn the meeting. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

ATTEST:

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Mayor

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City Clerk

# **SPECIAL CITY COMMISSION MEETING MINUTES**

City Hall Commission Chambers

Thursday, December 29, 2022

8:00 a.m.

MEETING #5234

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

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## **CALL TO ORDER**

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

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC HEARING**

Mayor Kent Smoll opened the public hearing on the amendments to the 2022 budget. Nicole May, Finance Director spoke on the changes to the 2022 budget amendments. There were no public comments. Mayor Smoll closed the public hearing.

## **APPROVAL OF AGENDA**

Commissioner Michael Burns moved to approve the agenda as presented. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

## **CONSENT CALENDAR**

1. Appropriation Ordinance No.25, December 29, 2022.

Commissioner Joseph Nuci moved to approve the consent calendar as presented. Commissioner Michael Burns seconded the motion. The motion carried unanimously.

## **NEW BUSINESS**

Commissioner Rick Sowers moved to approve the 2022 budget amendments. Commissioner Chuck Taylor seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**

Privileged Consultation with Attorney/Client Matters

At 8:05 am Commissioner Michael Burns moved to recess into executive session pursuant to the privileged consultation with the City's attorney exception found in K.S.A. 75-4319(b)(2). The justification for closing the meeting is to discuss legal advice from counsel regarding pending litigation or potential litigation. The open meeting will resume in the city commission chambers in 10 minutes at 8:15 am. The meeting will include Commissioners, city attorney, and city manager. The city commission will not take action upon returning to open session and prior to adjournment. Commissioner Rick Sowers seconded the motion. The motion carried unanimously.

At 8:15 am Commissioner Chuck Taylor moved to extend the executive session for 5 more minutes. Commissioner Joseph Nuci seconded the motion. The motion carried 5 -0.

Meeting reconvened at 8:20 am.

**ADJOURNMENT**

Commissioner Michael Burns moved to adjourn the meeting. Commissioner Joseph Nuci seconded the motion. The motion carried unanimously.

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Mayor:

ATTEST:

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City Clerk



# Memorandum

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

**From:** Ray Slattery, PE, Director of Engineering Services

**Date:** January 3, 2023

**Subject:** Approve Scope of Work and Fee from SMH for Acquisition of Easements for a 16" Force Main related to the Expansion of the S. WWTP

**Agenda Item:** New Business

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**Purpose:** Several Easements are needed for the construction of the 16" Force Main that is part of the S. WWTP Expansions.

**Recommendation:** Approve the Scope of Work and Fee for the Acquisition from SMH for 17 separate easements from 10 property owners required for the installation of the 16" force main in the amount of \$71,000.00. Also allow the City Manager to sign the associated agreement from SMH for this work.

**Background:** With Hilmar Cheese development along with additional growth of the city and Industrial users, the existing South WWTP will be beyond its design capacity for treatment. For several months now city staff, PEC and UCI have been working on plans to expand the South WWTP to meet the needs of the Hilmar development and capacity for the growing community. The waste flow from the Hilmar Cheese development requires a separate force main from the Hilmar site to the south WWTP. Based on the amount a flow, a 16" force main will be constructed. City met with the Trustees from the Townships that have jurisdiction over the affect roadways to see about constructing the new 16" line in the road right-of-way. Due to some requirements proposed by the Townships, private easements became a better option as to the placement of the force main.

By approving the Scope of Work for the Acquisition Services, SMH will be able to start meeting with the property owners about acquiring the easements. The Force Main project shouldn't be bid until all the easements have been acquired or other conditions met. As part of the EDA Grant requirements, the City needs to submitted all the recorded easement documents to EDA to have final plan approval.

There is a total of just under 43 acres of Permanent and Temporary Easements to be acquired.

**City Commission Options:**

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

**Financial Considerations:** The Scope of Work is \$71,000.00. Funding will come from several sources, City, State Revolving Fund, WIFA, and private industry

Amount \$: \$71,000.00

Fund:

Budgeted Expense     Grant     Bonds     Other

**Legal Considerations:** City Attorney will review agreement once it is delivered to the City.

**Mission/Values:** This aligns with the City's Core Value of Ongoing Improvement, Safety, Working Towards Excellence.

**Attachments:** Scope of Work and Estimated Fees from SMH

**Approved for the Agenda by:**

A handwritten signature in blue ink that reads "Ray Slattery, PE". The signature is written in a cursive style.

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Ray Slattery, PE, Dir. of Engineering Services



***Dodge City Sewer Force Main Easement and Property Acquisition Services  
Scope of Professional Services***

***Prepared: December 16, 2022***

***These acquisition services will be provided for each tract (each property owner) as required by the project. SMH Consultants will manage all steps in the Acquisition Process as a part of our turnkey approach to Acquisition.***

**Step 1 – Initial meetings with City of Dodge City Staff.**

1. Work with City of Dodge City to review the project details, scope and timing.
2. City of Dodge City to provide final exhibits, legal descriptions, and available project plans.
3. Identify project expectations for both SMH Consultants and the client.

**Step 2 – Initial meetings with the property owners (can occur during the appraisal site visit).**

1. Send a project commencement letter to all owners introducing the project and SMH’s role, and request preferred means of contact from property owners.
2. Meet with property owners in person when requested.
3. Provide an overview of the project, potential impacts of the project on the owner’s property, and a historical overview of the acquisition and plan development process to-date.
4. Explanation of the rights each property owner has through the acquisition process and the City’s right to utilize/acquire the property when property owners are properly compensated.
5. Provide a probable timetable for the acquisition process from the initial meeting though closing with a Title Company.

**Step 3 – Title Work.**

1. Obtain a Title Report for each tract to provide to the appraiser and legal.

**Step 4 - Appraisal, Waiver Valuations, and Setting Just Compensation.**

1. Coordinate appraisals and property visits with property owners.
2. Preparation of property appraisals by a certified appraiser (Simmons Company).
3. Primary appraisal to be reviewed by the acquisition agent. Once reviewed, the acquisition agent will forward to the City of Dodge City and request just compensation.
4. Just compensation to be set by the City Commission.

**Step 5 - Offer and Negotiation (No offers will be made without Just Compensation set by City Commission or their designee.)**

1. Provide an offer letter to each property owner in the amount of the approved just compensation. The offer letter will contain language on how to respond to the offer along with requirements needed for submitting a counter offer.
2. Continued negotiations and follow-up with the property owner through the acquisition process after the offer letter is sent.
3. Once agreeable terms with the property owner have been reached, SMH Consultants will provide that property owner a letter or email of commitment which outline the basic terms of the agreement so appropriate legal documents can be formally drafted.
4. If necessary, SMH Consultants will prepare an Administrative Settlement Report justifying a contract amount in excess of just compensation. This report will be provided to the City for Admin Settlement approval.

**Step 6 - Contracts and Closing**

1. Basic terms of the agreement with property owners will be shared with the real estate attorney working with SMH to draft the Purchase Agreement and Easement(s).
2. Once the agreement and easements are drafted by the Attorney, it will be provided to property owners a for review. If the property owner accepts the agreement, it will be finalized and signed by both parties. Property owner comments and edits will be provided back to the Attorney for review.
3. SMH to provide signed documents to the County for signature (where applicable) and to the Title Company.
4. At closing the Title Company will provide the seller their proceeds, and gather signatures on the necessary settlement statements.

**Acquisition Documentation Provided to the City and Ongoing Tasks**

1. Negotiation log detailing all property owner contact and negotiations.
2. Property owner correspondence including letters, emails and text messages.
3. Owner contracting documents applicable to each acquisition.
4. Coordination with Property Owners, Appraiser, Attorney, Title Company, and City of Dodge City.

**Notes**

1. These services do not include any relocation assistance services that may be required.
2. These services do not include condemnation services related to any of the acquisitions (i.e. testimony, depositions, condemnation filings). If condemnation becomes necessary hourly rates will apply to SMH and Attorney services if utilized.



## Estimated Fees

Prepared December 16, 2022

Total fees presented are an estimate of the total cost. The actual costs will be a combination of services bid combined with expenses and direct costs.

### Title Work (*High Plains Title*)

17 Certificates of Title (\$200/CT) = \$3,400  
11 Settlement Fees (\$400/closing) = \$4,400  
Recording Fee estimate = \$1,000

\*Recording fees (\$21 for the first page, and \$17 for each additional page)

### Acquisition Agent (*SMH Consultants*)

10 Property Owners, 17 Tracts = \$25,800

### Primary Appraisals (*Simmons Company*)

14 Reports = \$24,400

### Legal Services (Purchase Agreement & Easements per tract) – *Arthur-Green, LLP*

17 Tracts = \$10,800

\*Additional legal time for modifications beyond PA and Easement(s) billed at hourly rate

### Fee Allowance

\*Mileage

\*Postage

\*Meals/Lodging

= \$1,200

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**Estimated Total (Based on 10 Property Owners & 17 Tracts) = \$71,000**

- \*Easement recording fees with the Register of Deeds estimated.
- \*Does not include condemnation services. If required, services will be billed at an hourly rate.
- \*Expenses billed at direct cost.
- \*Easement staking for appraiser and property owner viewing billed at hourly rate, if requested.

## **HOURLY RATE AND EXPENSE DETAILS**

### **SMH CONSULTANTS**

Acquisition Agent = \$142/hour

Two Man Survey Crew = \$140/hour

Mileage = Current IRS Rate

Meals = \$30 per Day

Lodging = Direct Costs

Postage = Direct Costs

### **THE SIMMONS COMPANY**

Senior Appraiser General Rate = \$200/hour

Staff Appraiser General Rate = \$150/hour

### **HIGH PLAINS TITLE**

Copies of Easements and Instruments = Direct Costs

Title Insurance if Requested = Direct Costs

### **ARTHUR-GREEN, LLP**

Attorney = \$310/hour

Associate = \$190/hour

Paralegal = \$120/hour