

SPECIAL CITY COMMISSION MEETING AGENDA

City Commissioner Chambers

Friday, April 14, 2023

8:00 a.m.

Meeting #5245

CALL TO ORDER

ROLL CALL

PUBLIC HEARING

Community Development Block Grant (CDBG) for the Beeson Arboretum Splash Pad- Report by Assistant City Manager/Public Affairs Melissa McCoy, Parks and Facilities Director, Daniel Cecil and Assistant Director of Economic Development, Mollea Wainscott.

ORDINANCES & RESOLUTIONS

1. Resolution No. 2023-13 – Approval of City of Dodge City application for Community Development Block Grant (CDBG) for the Beeson Arboretum Splash Pad- Report by Assistant City Manager/Public Affairs Melissa McCoy, Parks and Facilities Director, Daniel Cecil and Assistant Director of Economic Development, Mollea Wainscott.
2. Resolution No. 2023-14 - Assuring the City of Dodge City commitment for ongoing maintenance and operation of the splash pad- Report by Assistant City Manager/Public Affairs Melissa McCoy and Parks and Facilities Director, Daniel Cecil and Assistant Director of Economic Development, Mollea Wainscott.

ADJOURNMENT



Memorandum

To: Nick Hernandez, City Manager
City Commission

From: Melissa McCoy, Asst. City Manager/Public Affairs
Daniel Cecil, Director of Parks & Facilities & Mollea Wainscott, Asst. Director
Economic Development

Date: April 14, 2023

Subject: Approval of CDBG Grant Resolutions and Application

Agenda Item: Ordinances & Resolutions

Recommendation: Staff recommends approval of Resolutions 2023-13 and 2023-14 authorizing the City's application for a CDBG grant to fund splash pad improvements at Beeson Arboretum and providing assurances for its ongoing maintenance and operation.

Background: Recently staff was made aware of the opportunity to apply for a Community Development Block Grant (CDBG) in the Community Centers, Parks & Libraries category. Specifically, the idea of providing a splash pad was put forth and staff moved forward with that concept.

Working together with community members, staff researched the concept and after considering multiple locations, ultimately narrowed it down to three potential sites, Beeson Arboretum, Comanche Ave adjacent to the new walking trail extension, and Wright Park. The Beeson Arboretum site was eventually selected as it fits with the City's interest in helping stabilize and improve housing conditions in that location and because of the proximity of moderate and low-income population living in the area.

The proposed project provides a 2000 sq. ft. themed splash pad with multiple spray features and will be constructed adjacent to the existing playground equipment. The 13-15 spray features are user activated and themed to complement Dodge



1

City's western heritage. Other work will include access walks, concrete deck surround with rock wall seating stations, and landscape improvements to include turf areas and tree plantings. A public restroom structure is provided to accommodate users along with other park patrons.

The restroom structure serves both the spray pad as well as the playground and shelter area and the park overall. It includes a pump room to house the necessary pumps, treatment equipment, and controls required by the spray pad. The spray pad will be a single use at the park but will drain to the sanitation system where it's directed to the south treatment facility and utilized for farming irrigation or directed back into the aquifer.

Justification: This Beeson Arboretum Splash Pad project is important as it meets important objectives of the City. This project provides a desired amenity to help raise property values and housing conditions in the project area. Secondly, parks and recreational opportunities provide for social engagement that strengthens the culture and life of the neighborhood and community at-large. This proposed splash park offers a fun, recreational space to bring people together and encourage residents to be active and social in their neighborhood.



Financial Considerations: The project budget for the splash pad is \$750,000. The City is required to provide at least 25% of the cost so in this case the match would be \$187,500 which can consist of direct project expenditures and from Force Labor expenditures, i.e. work performed by City staff specifically for the project. For this application the proposal includes a \$7,500 Force Labor contribution by Parks and Facilities staff for preliminary demo and landscaping work.

CDBG participation is based upon moderate and low-income beneficiaries within the project boundaries. An application requirement is that 51% of the population meet moderate and low-income guidelines. City wide, Dodge City does not meet that threshold, so a survey of the specific project area was required. With assistance from the Kansas Dept. of Commerce, a defined project area was established as depicted in the picture above. Dodge City/Ford County Development Corporation staff have conducted surveys within the project area and determined this area meets the required income guidelines.

Purpose/Mission: This project is consistent with the City's goal of making Dodge City the best place to live.

Legal Considerations: A public hearing is required to be part of this project application. With the hearing scheduled for the beginning of the Special Meeting, that requirement will be met.

There are no other legal considerations that prevent the City from submitting this application.

Attachments:

Beeson Arboretum Splash Pad Project Narrative and Budget
Resolution 2023-13
Resolution 2023-14
Statement of Assurances and Certifications

COMMUNITY NEEDS NARRATIVE

Project Need:

In recent years, the City of Dodge City has been proactive in addressing various community needs such as water, sewer, streets, housing, parks, and recreation. Recently, the City approved the Dodge City 2030 Comprehensive Plan, Planning for Tomorrow which includes preserving natural resources, maintaining, and upgrading public facilities, community transportation, improving and enhancing Main Street, revitalizing downtown, housing, and future land use.

The City held several community engagement sessions while creating the 2030 Comprehensive Plan. Among the feedback received were additional retail/shopping options, expansion and assistance of existing local businesses, expansion of higher education, diversification of industry, more variety of restaurants, improved healthcare, more entertainment options and activities, and strengthening the downtown. The 2030 Comprehensive Plan recommendations for Public Facilities include completing and adopting a Zoo Master Plan, a Park System Master Plan, and to maintain and expand/upgrade future growth.

In order to meet that need of upgrading public facilities and providing enhanced activities, the City proposes with this submission to construct a spray pad facility in Beeson Arboretum. This spray pad represents a major enhancement to the park. The defined project target area contains 369 households with an average of 2.4 persons per household represents 886 people. Staff conducted face-to-face interviews and collected 593 LMI surveys. From the surveys, 559 individuals or 63% of target area residents met the LMI income guidelines.

High quality neighborhoods are as much an attractor to people considering a move to a community as good job opportunities. Like any city, Dodge City has neighborhoods that are in decline or under stress. Some of the southern sections of the city fit that description and the City of Dodge City is looking for creative projects and improvements to target that trend and increase the quality of life and viability of those neighborhoods.

Furthermore, parks and recreational opportunities offer social opportunities that strengthen the culture and life of the community. The proposed splash park offers a fun, recreational space to bring people together and encourage residents to be active and social in their neighborhood. Splash parks are an excellent vehicle because they are kid friendly and safe and promote social interaction.

This project also fits in with the recent adoption of Dodge City's Strategic Plan for Welcoming and Integration. One of the primary pillars of this plan is to further improve access for all citizens to a safe and health community. The proposed splash pad at Beeson Arboretum meets those needs by providing a free amenity for families from diverse backgrounds with minimal resources within walking distance of their homes.

Project Alternatives:

The City of Dodge City continues to evaluate quality of life improvements for the community. Much discussion of a splash park has occurred including location, age of population served, accessibility, community theme and maintenance. City staff and community members discussed various sites to build the splash park, narrowing it down to three possible locations: the proposed application site in Beeson Arboretum located in south Dodge; on Comanche Avenue adjacent to a recently approved walking trail; and in Wright Park in proximity to Long Branch Lagoon water park.

The Beeson Arboretum site is a neighborhood park of approximately 2.75 acres. The primary feature of the park is an arboretum along a closed loop walking path that serves as a demonstration project for

trees recommended and approved for southwest Kansas. It also features playground equipment including ADA accessible equipment, a shelter, and will soon provide a trail head to an extension of the City’s bicycle pedestrian trail scheduled to begin construction later this year. This location is adjacent to a senior living facility and a low-income housing facility.

The Comanche Avenue location would be in proximity to another approved extension of the City’s bicycle pedestrian trail currently under design. This site is closely located to existing HUD low-income housing as well as the expansion to moderate income housing being built in close proximity.

The final location considered was Wright Park, the City’s prominent community park consisting of over 43 acres. Wright Park features the Wright Park Zoo, the Long Branch Lagoon water park, Hoover Pavilion, and multiple shelters and play features. It also is host to many public events and festivals.

Ultimately the Beeson Arboretum site was determined to be the best fit as the City is interested in continuing improvements in the southern section of the community to help stabilize and improve housing conditions. In addition, the proximity of the low-income population living in the area.

Financial Analysis of Alternatives

The cost of improvements for all three sites is similar. The City controls property at all three sites so no land acquisition is necessary. Additionally, each site requires only minor grading, drainage, and infrastructure improvements. Both the Beeson and Wright Park sites are located within existing park facilities and require fewer landscaping upgrades to make the facility visually attractive as compared to the Comanche Ave location. The Beeson Arboretum site was ranked above Wright Park because of the proximity of the Senior living and low-income housing located in close proximity.

Funding for this project will come from the regular city budget out of the Growth and Development fund. Additional support is being solicited from other partners including the AMBUCS club who has adopted the park and assisted the City with financial support for a variety of projects completed over the years.

Scope of Work: This project constructs a 2000 sq. ft. themed splash pad with multiple spray features. The 13-15 spray features are user activated and themed to complement Dodge City’s western heritage. Other work will include access walks, concrete deck surround with rock wall seating stations and landscape improvements to include turf areas and tree plantings. A public restroom structure is provided to accommodate users along with other park patrons. The restroom structure includes a pump room to provide the necessary pumps, treatment equipment, and controls required by the spray pad. The spray pad will be a single use at the park but will drain to the sanitation sewer where it’s directed to the south treatment facility and utilized for farming irrigation or directed back into the aquifer.

The time schedule for this project is 18 months from the time of award. Key tasks and time requirements are identified in the graphic shown here.

The total cost for the project is estimated at \$749,539. A project budget form is attached with this narrative.

Primary activities include:

- Project engineering and design.
- Utility work in the form of storm sewer, water line, sewer, and electric extensions.
- Grading and site work.
- Installing pre-engineered restroom building.
- Concrete pad and spray feature construction.
- Landscape and hardscape improvements.

Beeson Splash Pad Project Timeline		
From Notice of Award		
Task	Months Required	
Engineering Services RFQ/Contract	3	
Design Development	3	
Project Bidding/Contract Execution	2	
Project Construction	8	
Wrap up and Finalization	2	
Project Total	18	

CDBG monies will be used for the purchase and installation of the restroom building and construction of the spray pad features and all associated concrete work. The City will fund its matching requirements from the Growth and Development fund.

Past Efforts to Address Need:

In the last twenty years, the City of Dodge City has undertaken significant efforts to expand economic opportunities and address the quality of life for all citizens. A major step forward in that effort occurred in 1997 with the approval of the “Why Not Dodge” sales tax. To date, that fund has constructed and operated the Dodge City Raceway Park, an outdoor motor complex; baseball, softball, and soccer complexes; United Wireless Arena and Conference Center, special events/convention center; and the Long Branch Lagoon Water Park.

In the last five years, the City has undertaken a STAR Bonds project that has provided new retail businesses, a four million dollar addition to the Boot Hill Museum, and a \$15,000,000 revitalization/street scaping project for the downtown business district is underway. In November of 2022, Dodge City voters passed a one-half percent retail sales tax increase to provide for additional street improvements and associated utilities while also providing property tax relief. Other recent projects include two bicycle/pedestrian trail projects with the funding support of the KDOT Transportation Alternatives grant that are currently under design and numerous improvements to various city parks and public facilities.

In addition, the City has utilized a variety of incentive and grant programs to spur development and to promote quality and affordable housing including the Rural Housing Incentive District (RHID), Neighborhood Revitalization Program (NRP), Moderate Income Housing (MIH) program, Low Income Housing Tax Credit (LIHTC) and Kansas Housing Investor Tax Credits (KHITC).

Project Readiness:

The City of Dodge City is prepared to undertake this project upon notification of award.

Upon notice of approval, the City will solicit for engineering services utilizing the City’s standard procedure for Request for Qualifications solicitations. This process typically takes three months to finalize, and a contract negotiated and executed. Once the engineering contract is in place, design development is estimated to take three months and bidding and contract execution and additional two months. Project construction is estimated to require eight months from start to completion.

As described earlier, the City already controls the property on which this project will be constructed. No acquisitions or easements are required. There are no environmental issues that will impact this project.

Leverage:

The City will provide a minimum of 26% leverage for the Spray Pad project through a combination of City funding and City force account labor. Funding in the amount of \$187,500 is identified in the City budget, specifically in the Growth and Development fund.

Beeson Splash Pad Construction Estimate

GRANTEE NAME: **City of Dodge City**

GRANT NUMBER:

ACTIVITY	CDBG FUNDS	OTHER FUNDS	SOURCE OF OTHER FUNDS	TOTAL COST
1. Public Facilities/Construction				
a. Water/Lines/Treatment		23,500.00	City Growth & Development	\$23,500.00
b. Sewer/Lines/Treatment		5,200.00	City Growth & Development	\$5,200.00
c. Street Improvements				\$0.00
d. Drainage/Flood		22,000.00	City Growth & Development	\$22,000.00
e. Center/Facility	463,731.00			\$463,731.00
f. Other (Identify)				\$0.00
Electric Power		7,500.00	City Growth & Development	\$7,500.00
Contractor General Conditions	59,850.00	25,650.00	City Growth & Development	\$85,500.00
Contractor Bonding/Overhead	37,968.00	22,000.00	City Growth & Development	\$59,968.00
Earthwork & Restoration		14,000.00	City Growth & Development	\$14,000.00
g. Acquisition, including easements				\$0.00
h. Engineering Design		47,698.00	City Growth & Development	\$47,698.00
i. Construction Inspection		20,442.00	City Growth & Development	\$20,442.00
j. Architectural Services				\$0.00
k. Other Professional Services				\$0.00
Public Facility Activities Total	\$561,549.00	\$187,990.00		\$749,539.00
2. Housing Activities				\$0.00
a. Housing Rehabilitation				\$0.00
b. Lead-Based Paint Activities				\$0.00
c. Demolition				\$0.00
d. Acquisition				\$0.00
e. Relocation				\$0.00
f. New Construction				\$0.00
g. Housing Inspection				\$0.00
Housing Activities Total	\$0.00	\$0.00		\$0.00
3. Administration				\$0.00
a. Administrative Activities				\$0.00
b. Legal				\$0.00
c. Audit				\$0.00
Administration Total	\$0.00	\$0.00		\$0.00
ALL ACTIVITIES TOTAL	\$561,549.00	\$187,990.00		\$749,539.00

RESOLUTION 2023-13
THE CITY OF DODGE CITY, KANSAS

RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2023 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City of Dodge City, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City of Dodge City, Kansas, intends to submit an application for assistance from the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City of Dodge City, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR of Dodge City, Kansas, to act as the applicant's official representative in signing and submitting an application for assistance to the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby dedicates \$187,500 in cash funds toward this project and \$7,500 in force account labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY KANSAS, this 14TH day APRIL, 2023.

MICHAEL BURNS, MAYOR

ATTEST

CONNIE MARQUEZ, CITY CLERK

RESOLUTION 2023-14
THE CITY OF DODGE CITY, KANSAS

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE SYSTEM TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, The City of Dodge City is applying for Small Cities Community Development Block Grant funds under the Community Facility Category, as administered by the Kansas Department of Commerce; and,

WHEREAS, The City of Dodge City wishes to utilize this funding for the purpose of constructing improvements to the city's/county's system, as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce; and,

WHEREAS, The City of Dodge City has determined that the annual operation and maintenance costs of the improvements are anticipated to be approximately \$25,000; and,

WHEREAS, The annual budget has been determined to be adequate to fund the operation and maintenance of the improvements,

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City of Dodge City, hereby assures the Kansas Department of Commerce that sufficient funds will be provided for the continued operation and maintenance of the above-described improvement; that these operation and maintenance costs will be reviewed annually; and that the budget will be adjusted, when necessary, to reflect and cover any increase in costs.

APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY KANSAS, this 14TH day APRIL, 2023.

MICHAEL BURNS, MAYOR

ATTEST

CONNIE MARQUEZ, CITY CLERK

STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

- (1) It possesses legal authority to make a grant submission and to execute a community development and housing program.
- (2) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
- (3) Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
- (4) It has developed its final statement (application) of projected use of funds so as to give maximum feasible priority to activities which benefit low- and moderate income families or aid in the prevention or elimination of slums or blight; the final statement (application) of projected use of funds may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
- (5) Its chief executive officer or other officer of the grantee approved by Commerce:
 - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
 - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
- (6) The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):
 - (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
 - (b) Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;

- (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
 - (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 135;
 - (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
 - (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
 - (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
 - (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
 - (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
 - (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
 - (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
 - (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
 - (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution; Community Development Block Grant 2 2023 CF & Services Application
 - (n) The regulations, policies, guidelines, and requirements of 2 CFR Part 200 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;

- (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
- (9) It will comply with the provisions of 24-CFR-200.
- (10) It will give the state, HUD, and the Comptroller General or any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant;
- (11) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
- (12) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless:
 - (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or;
 - (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
- (13) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.
- (14) It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.
- (15) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

The applicant hereby certifies that it will comply with the above stated assurances.

Signature, Chief Elected Official

Name (typed or printed)

Title

Date

To Whom It May Concern:

As Chief Elected Official of the City of Dodge City Kansas, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

MICHAEL BURNS, MAYOR

ATTEST

CONNIE MARQUEZ, CITY CLERK