

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, May 17, 2010

7:00 p.m.

MEETING #4805

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION:** by Valero Pasquel of Iglesia Rio de Aqua Viva

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Petition for the Creation of a Community Improvement District

Proclamation for Public Works Week

Proclamation for Older Americans Month

Proclamation for American GI Forum of Kansas Days

**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).

Introduction of new Chief of Police

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, May 3, 2010
2. Appropriation Ordinance No. 9, May 17, 2010
3. Cereal Malt Beverage License
  - a. Ismael Hernandez d/b/a Tianguis, 512 S. 2<sup>nd</sup> Avenue
4. Approval of Amendment to Agreement with BHC Rhodes for the schedule of services for the Comanche Street Extension.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2010-17:** A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT.

**Resolution No. 2010-18:** A RESOLUTION ESTABLISHING FEES AND RATES FOR SANITARY SEWER SERVICE FOR THE CITY OF DODGE CITY.

**Ordinance No. 3490:** AN ORDINANCE REPEALING ORDINANCE NO. 3474 AND ADOPTING BY REFERENCE THE PROVISIONS OF HOUSE BILL 2221 RELATING TO SMOKING WITHIN THE CITY OF DODGE CITY.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of Bids for Poly Karts. Report by Corey Keller.
2. Approval of Bids for Bike Path Extension Construction. Report by Director of Parks & Recreation, Paul Lewis.

## **OTHER BUSINESS**

## **ADJOURNMENT**

**PETITION FOR THE CREATION OF A  
COMMUNITY IMPROVEMENT DISTRICT**

**TO:** The Governing Body,  
City of Dodge City, Kansas

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

hereby petitions the City of Dodge City, Kansas (the “**City**”) to create a community improvement district and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the “**Act**”). In furtherance of such request, the petitioner states as follows:

**1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT**

A map of the proposed community improvement district (the “**District**”) is attached hereto as EXHIBIT “A”.

The legal description of the District is attached hereto as EXHIBIT “B”.

**2. GENERAL NATURE OF THE PROJECTS**

The general nature of the proposed projects (the “**Projects**”) is to promote the development of new retail buildings along a portion of Wyatt Earp Boulevard, as is more particularly described herein, 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: land acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and 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.

**3. ESTIMATED COST**

The estimated or probable cost of the Projects is \$6,200,000. See the attached EXHIBIT “C” for a detailed budget.

**4. PROPOSED METHOD OF FINANCING**

It is proposed that the Projects be financed through a combination of private equity, private debt, and community improvement district financing. It is proposed that community improvement district revenue will be made available to finance the cost of the Projects through pay-as-you-go financing, as defined in the Act, the issuance of special obligation bonds/notes, or a combination of these two methods.

**5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT**

It is not being proposed that the Projects be financed through the levying of assessments.

**6. PROPOSED AMOUNT OF SALES TAX**

It is being proposed that the Projects be financed in part through the levying of a 1% add-on sales tax as authorized by the Act with such add-on sales tax to commence on January 1, 2011 or any other effective date the City may approve by resolution if a change in the effective date is requested in writing by the petitioner.

**7. NOTICE TO PETITION SIGNATORY**

Names may not be withdrawn from this Petition by the signatory hereto after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.



**EXHIBIT "A"**

**MAP OF DISTRICT**

**(see attached)**

Map of Proposed Community Improvement District



**EXHIBIT "B"**

**LEGAL DESCRIPTION OF DISTRICT**

**(see attached)**

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

A parcel of land located in the South half of Section 25, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., in Dodge City, Ford County, Kansas, being further described as follows:

Commencing at the Southeast corner of Section 25, T26S, R25W, thence N01°23'07"E on the East line of the Southeast quarter for a distance of 535.14 feet;

Thence N86°08'52"W for a distance of 2,696.95 feet to a point on the South right of way line of Wyatt Earp Boulevard, said point being the POINT OF BEGINNING;

Thence S04°23'10"W for a distance of 191.91 feet;

Thence N85°37'25"W for a distance of 965.51 feet;

Thence N04°22'35"E for a distance of 15.00 feet;

Thence N85°37'25"W for a distance of 409.01 feet;

Thence N05°16'33"E for a distance of 185.30 feet to a point on the South right of way line of Wyatt Earp Boulevard;

Thence S84°43'27"E on said right of way line for a distance of 525.75 feet;

Thence S85°36'57"E on said right of way line for a distance of 363.94 feet;

Thence N04°03'24"E on said right of way line for a distance of 3.50 feet;

Thence S85°36'57"E on said right of way line for a distance of 192.57 feet;

Thence S04°23'03"W on said right of way line for a distance of 3.50 feet;

Thence S85°36'57"E for a distance of 289.47 feet to the POINT OF BEGINNING.

## EXHIBIT "C"

### ESTIMATED PROBABLE COST OF PROJECTS

### COMMUNITY IMPROVEMENT DISTRICT COSTS

#### **Site Acquisition, Preparation and Horizontal Construction**

Land Acquisition	\$105,000
Preliminary Clean Up of Land	\$60,000
Dirt Work	\$275,000
Concrete (parking lots, sidewalks, entryways, etc.)	\$850,000

#### **Utilities**

Gas	\$85,000
Water	\$95,000
Electrical	\$195,000
Sanitary Sewer	\$170,000
Storm Sewer	\$115,000

#### **Building Construction Costs**

Building Foundations and Floors	\$255,000
Steel Building and Erection	\$650,000
PEMB Insulation	\$150,000
Roof Curbs	\$85,000
Metal Stud Wall Framing	\$130,000
Drywall	\$105,000
Exterior Sheathing	\$75,000
Metal Stud Installation	\$35,000
EFIS	\$180,000
Storefront Glass	\$240,000
Floor Sealer	\$55,000
Tenant Finish	\$1,450,000

#### **Soft Costs**

Project Supervision	\$120,000
Engineering (Structural, Civil, Electrical and Mechanical)	\$125,000
Field Engineering and Testing	\$30,000
Architectural	\$25,000
Project Administration	\$15,000
Legal	\$65,000
CPA	\$25,000

Building Permits	\$20,000
Interim Interest	\$45,000
<b>Operational Costs</b>	
Cleaning and Maintenance	\$25,000
Security	\$25,000
Marketing and Advertising	\$25,000
<b>Miscellaneous Costs</b>	
Landscaping	\$115,000
Dumpster Fees	\$15,000
Relocation Costs	\$25,000
Signage	\$85,000
Final Building Cleaning	\$20,000
Terminate Control	\$20,000
Site Mechanical	\$15,000
<b>TOTAL:</b>	<b>\$6,200,000</b>

# PROCLAMATION

*WHEREAS*, public works services provided in our community are an integral part of our citizen's everyday lives; and

*WHEREAS*, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

*WHEREAS*, the health, safety and comfort of this community greatly depends on these facilities and services; and

*WHEREAS*, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

*WHEREAS*, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

*NOW, THEREFORE*, I, Kent Smoll, Mayor of the City of Dodge City, do hereby proclaim the week of May 16 through May 22, 2010 as

## *"NATIONAL PUBLIC WORKS WEEK"*

in the City of Dodge City, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and the Seal of the City of Dodge City this 17th day of May, 2010.

\_\_\_\_\_  
Kent Smoll, Mayor

Attest

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

**Older Americans Month 2010  
A Proclamation**

**Whereas**, Dodge City is a community that includes many citizens aged sixty and older; and

**Whereas**, the older adults Dodge City are among of our most “treasured resources,” united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

**Whereas**, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

**Whereas**, the older adults in Dodge City deserve recognitions for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and

**Whereas**, our community can provide that recognition and respect by improving the quality of life for older Americans by:

- ~Increasing their opportunities to remain active and engaged in community life;
- ~Providing individualized services and support systems to maintain the dignity, independence, and self-determination of older Americans as they age;
- ~Combating ageist attitudes by honoring their past, present, and future contributions;

**Now Therefore**, We of Dodge City, Kansas do hereby proclaim May 2010 to be Older Americans Month. We urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for many of them. Our recognition and involvement of older Americans can enrich our entire community’s quality of life.

Dated this 17th day of May 2010

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E. Kent Smoll, Mayor

SEAL

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Nannette Pogue, City Clerk

# PROCLAMATION

*WHEREAS*, The American GI Forum of the United States, the nation's first Hispanic Veteran's organization, was founded on March 26, 1948, in Corpus Christi, Texas, by Dr. Hector Perez-Garcia, who rallied other Hispanic war veterans to take a stand for the rights of Hispanic war veterans as American veterans; and

*WHEREAS*, organized initially to combat discrimination in housing, employment and education against Hispanic veterans in Texas, the American G.I. Forum quickly spread through the Southwest and then across the country, linking Hispanic veterans together in thirty states and five hundred chapters; and

*WHEREAS*, the future of our community depends on the quality of life for all citizens, as our community has many citizens with Hispanic ancestry; and

*WHEREAS*, the American G.I. Forum of Kansas was established in 1954, and will be celebrating its 56<sup>th</sup> Anniversary this year during their state convention to be held in Dodge City on June 10-12, 2010 at the Silver Spur; and

*NOW, THEREFORE*, I, Kent Smoll, by virtue of the authority vested in me as Mayor of the City of Dodge City, do hereby proclaim June 10-12, 2010, as

## *"AMERICAN GI FORUM OF KANSAS DAYS"*

in Dodge City, Ford County, Kansas and in official recognition of the 56<sup>th</sup> Anniversary of this special organization which has done so much to promote education, civil rights, equal employment opportunity and economic development for Hispanic veterans.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Great Seal of the City of Dodge City to be affixed, this 17<sup>th</sup> day of May, 2010.

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Kent Smoll, Mayor

Attest

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Nannette Pogue, City Clerk

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, May 3, 2010

7:00 p.m.

MEETING #4804

## **CALL TO ORDER**

**ROLL CALL:** Mayor Kent Smoll, Commissioners Rick Sowers, Jim Sherer and Brian Weber were present. Commissioner Monte Brockelman was absent.

**INVOCATION:** Vernon Bogart

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

National Train Day proclaimed by Mayor Kent Smoll. Mayor Smoll invited everyone to the Reception on Saturday, May 8<sup>th</sup> 10:00 a.m. – 2:00 p.m. at the Depot.

National Tourism Week Proclaimed. Kent Stehlik and Director of Convention & Visitors Bureau, Jan Stevens commented on the proclaimed week.

**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).

Employee of the Month for May 2010 was presented to Leona Stacy by Mayor Kent Smoll and Director of Parks & Recreation, Paul Lewis.

The City Character Trait, Discretion vs. Recklessness was presented by Director of Public Information, Jane Longmeyer

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, April 19, 2010
2. Appropriation Ordinance No. 8, May 3, 2010
3. Approval of Change Order for 2009 Beeson Court Subdivision
4. Cereal Malt Beverage License
  - a. El Charro, Inc. – 1209 W. Wyatt Earp

Commissioner Rick Sowers moved to approve the Consent Calendar as presented, seconded by Commissioner Brian Weber. The motion carried 4-0.

**ORDINANCES & RESOLUTIONS**

**Resolution No. 2010-16:** Accepting the Endorsement of Participation in the Kansas National Main Street Program and Approval of Memorandum of Understanding for Kansas Main Street Program was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. The motion carried 4-0.

**Resolution No. 2010-14:** Authorizing Amending Fees and Regulations for Mariah Hills Golf Course was approved on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. The motion carried 4-0.

**Resolution No. 2010-15:** Authorizing the Temporary Suspension and Waiver of Certain Provisions of Ordinance No. 2838 and the Uniform Fire Code Pertaining to the Discharge of Fireworks Within the City Limits of the City of Dodge City, Kansas was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Weber. The motion carried 4-0.

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

Approval of Engineering Contract with Burns & McDonnell for Ramp Expansion and Relocation of Airport Beacon at Dodge City Regional Airport in the amount of \$124,660.00 was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Weber. The motion carried 4-0.

At 7:30 p.m., Commissioner Monte Broeckelman joined the meeting.

**OTHER BUSINESS**

Ken Strobel, City Manager:

- Reminded everyone of the Commissioner/Department Head Retreat that is scheduled for Wednesday, May 5 8:00 a.m. – 12:00 p.m. at Mariah Hills Golf Course Clubhouse; and
- Thanked everyone for their efforts with the Main Street Program.

Cherise Tieben, Assistant City Manager:

- Thanked Joe Bogner for coming out of retirement to assist with the Main Street Program.

Jane Longmeyer, Director of Public Information:

- 14<sup>th</sup> Avenue Bridge repair started today;
- Road Safe will be in this week to stripe Wyatt Earp and East bound lanes;
- Global Entertainment Open House is scheduled for Tuesday, May 11, 2010 at 314 W. Spruce; and

- 8 Wonders of Kansas Contest is going on now.

Commissioner Jim Sherer:

- Thanked the Railers, still concerned about waiting room and wants to have it open;
- Encouraged everyone to vote for the 8 Wonders of Kansas designation; and
- Asked about the status of the railroad crossing repairs at 14<sup>th</sup> & Wyatt Earp Blvd.

Commissioner Brian Weber:

- Excited about CNN being in town; and
- Annual Soroptimist Club was in town last week and he had a chance to welcome them.

Commissioner Monte Broeckelman:

- Attended Senior Honors program, several future citizens in the group.

Commissioner Rick Sowers:

- Thanked Cargill for sponsoring riverbed cleanup, largest turn out ever.

Mayor Kent Smoll:

- Discussed monthly Sales Tax Report;
- Encouraged the public to support fireworks display; and
- Cinco de Mayo parade and festival was held May 2 and was well attended.

At 7:45 p.m., a motion to adjourn to Executive Session to discuss Land Acquisition and Pending Litigation with Legal Counsel to include Ken Strobel, Cherise Tieben and Brad Ralph, not to exceed 30 minutes, was made by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried 5-0.

At 8:15 p.m., Commissioner Jim Sherer moved to extend the Executive Session by 10 minutes, Commissioner Brian Weber seconded the motion. The motion carried 5-0.

**ADJOURNMENT:** At 8:25 p.m., Commissioner Brian Weber moved to adjourn the Executive Session, Commissioner Jim Sherer seconded the motion. The motion carried 5-0.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

**INDIVIDUAL/SOLE PROPRIETOR  
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**

(This form has been prepared by the Attorney General's Office)

City or  County of \_\_\_\_\_

**SECTION 1 – LICENSE TYPE**

Check One:  New License  Renew License

Check One:

- License to sell cereal malt beverages for consumption on the premises.  
 License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensee's premises.

**SECTION 2 – APPLICANT INFORMATION**

Kansas Sales Tax Registration Number (required): 004 2003 09 415 F01

Name <u>Ismael Hernandez</u>	Phone No. <u>(620) 227-2110</u>	Date of Birth <u>6/26/54</u>
Residence Street Address <u>2201 Robin Rd</u>	City <u>Dodge City, KS</u>	Zip Code <u>67801</u>

**Applicant Spousal Information**

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

**SECTION 3 – LICENSED PREMISE**

Licensed Premise (Business Location)				Mailing Address		
DBA Name <u>Tianguis</u>	Business Location Address <u>512 S. 2nd Ave</u>			Name <u>Same</u>	Address	
City <u>Dodge City</u>	State <u>KS</u>	Zip <u>67801</u>	Business Phone No. <u>(620) 227-2110</u>	City	State	Zip
Business Location Owner Name(s) <u>Ismael Hernandez</u>				<input checked="" type="checkbox"/> I own the proposed business location. <input type="checkbox"/> I do not own the proposed business location.		

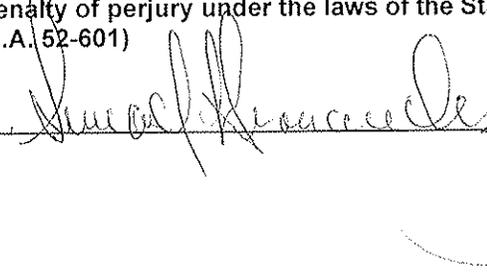
**SECTION 4 – APPLICANT QUALIFICATION**

I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have resided within the state of Kansas for <u>8</u> years.	
I am at least 21 years old.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Within 2 years immediately preceding the date of this application, neither I nor my spouse <sup>1</sup> has been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**INDIVIDUAL/SOLE PROPRIETOR  
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**  
(This form prepared by the Attorney General's Office)

SECTION 5 – MANAGER OR AGENT QUALIFICATION		
My place of business will be conducted by a manager or agent.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Qualification Statement		
My manager/agent and his/her spouse <sup>2</sup> meets all of the qualifications in Section 4.		<input type="checkbox"/> Yes <input type="checkbox"/> No

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct. (K.S.A. 52-601)

SIGNATURE  DATE 4/28/10

FOR CITY/COUNTY OFFICE USE ONLY:

License Fee Received Amount \$ \_\_\_\_\_ Date \_\_\_\_\_  
((\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

\$25 CMB Stamp Fee Received Date \_\_\_\_\_

Background Investigation  Completed Date \_\_\_\_\_  Qualified  Disqualified

New License Approved Valid From Date \_\_\_\_\_ to \_\_\_\_\_ By: \_\_\_\_\_

License Renewed Valid From Date \_\_\_\_\_ to \_\_\_\_\_ By: \_\_\_\_\_

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR QUARTERLY REPORT (ABC-301) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET ROOM 214, TOPEKA, KS 66625-3512.

<sup>1</sup> If renewal application, applicant's spouse not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)  
<sup>2</sup> Spouse not required to be U.S. citizen, Kansas resident or over 21 years of age. K.S.A. 41-2703(b)(9)

# Memorandum

*To:* City Manager  
Assistant City Manager  
City Commissioners

*From:* Joseph E Finley, *JEF*  
Director of Engineering Services

*Date:* May 11, 2010

*Subject:* ST0909 Comanche Street  
Reconstruction – BHC Contract

*Agenda Item:* Consent Calendar

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**Recommendation:** Approve amendment as submitted by BHC Rhoades.

**Background:** BHC original contract was brought to the commission for approval January 4, 2010. The original contract services were to be completed by July 30, 2010. However, the commission tabled the approval of the contract and did not approve the agreement until the April 5, 2010 Commission Meeting.

**Justification:** Because of the delayed approval, BHC was unable to start the project as originally planned. Therefore they are requesting an extension of time to complete the scope of services. The amendment extends the completion time until October 30, 2010.

**Financial Considerations:** There are no costs associated with this amendment.

**Purpose/Mission:** Completion of this project will enhance this corridor and will attract new business to area. Allowing the consultant adequate time to complete the service is an important part of the whole process.

**Legal Considerations:** None

**Attachments:** Amendment

April 30, 2010

Joe Finley, P.E.  
City of Dodge City  
P.O. Box 880  
Dodge City, KS 67801-0880

Re: Amendment to Agreement – Schedule  
Comanche Street Extension ST0904

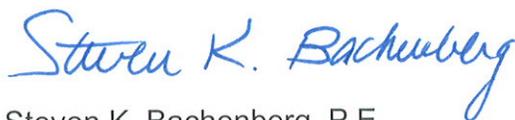
Dear Mr. Finley,

This amendment is intended to modify the current executed agreement (signed by City on April 5<sup>th</sup>, 2010) to reflect the current anticipated schedule for professional services. The agreement states in Attachment A (Page 9) that the services listed in the contract were anticipated to be completed by July 30, 2010. This estimated completion date was based on the assumption that the City would issue a notice to proceed within a few weeks of our forwarding it to the City for consideration in December 2009. Based on the date that the contract was actually executed by the City, we are requesting that the estimated completion schedule be amended to October 30<sup>th</sup>, 2010. As stated in the original agreement the actual completion schedule may vary due to input and reviews by the City, as well as other project stakeholders.

No other changes to the agreement are proposed as part of this amendment, and all other terms and conditions remain fully in effect.

Your signature below will serve as your acknowledgement of our agreement; we would appreciate your signing one copy of this amendment and returning it to us.

Sincerely,



Steven K. Bachenberg, P.E.  
Vice-President

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Amendment to Agreement  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010

By \_\_\_\_\_  
Authorized Agent – City of Dodge City, Kansas

April 30, 2010

Joe Finley, P.E.  
City of Dodge City  
P.O. Box 880  
Dodge City, KS 67801-0880

Re: Amendment to Agreement – Schedule  
Comanche Street Extension ST0904

Dear Mr. Finley,

This amendment is intended to modify the current executed agreement (signed by City on April 5<sup>th</sup>, 2010) to reflect the current anticipated schedule for professional services. The agreement states in Attachment A (Page 9) that the services listed in the contract were anticipated to be completed by July 30, 2010. This estimated completion date was based on the assumption that the City would issue a notice to proceed within a few weeks of our forwarding it to the City for consideration in December 2009. Based on the date that the contract was actually executed by the City, we are requesting that the estimated completion schedule be amended to October 30<sup>th</sup>, 2010. As stated in the original agreement the actual completion schedule may vary due to input and reviews by the City, as well as other project stakeholders.

No other changes to the agreement are proposed as part of this amendment, and all other terms and conditions remain fully in effect.

Your signature below will serve as your acknowledgement of our agreement; we would appreciate your signing one copy of this amendment and returning it to us.

Sincerely,



Steven K. Bachenberg, P.E.  
Vice-President

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Amendment to Agreement  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010

By \_\_\_\_\_  
Authorized Agent – City of Dodge City, Kansas

**RESOLUTION NO. 2010-17**

**A RESOLUTION OF THE GOVERNING BODY OF THE  
CITY OF DODGE CITY, KANSAS GIVING NOTICE OF A  
PUBLIC HEARING ON THE ADVISABILITY OF  
CREATING A COMMUNITY IMPROVEMENT DISTRICT.**

**WHEREAS**, pursuant to the provisions of the Kansas Community Improvement District Act, K.S.A. 12-6a26 *et seq.* (the “Act”) cities are authorized to establish community improvement districts, to authorize the performance of community improvement district projects, and to authorize the financing of such projects from the imposition of a community improvement district sales tax to be levied on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district in accordance with the Act; and

**WHEREAS**, the Governing Body of the City of Dodge City, Kansas (the “City”) has determined to consider the advisability of creating a community improvement district as described in a petition (the “Petition”) filed by Alliance Center, LLC, a Kansas limited liability company (the “Developer”) for the establishment of a community improvement district in accordance with the Act, a copy of which is attached hereto as *Exhibit A*; and

**WHEREAS**, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to create a community improvement district within the City and approve the project and method of financing the project as requested in the Petition pursuant to the Act.

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

**Section 1. Time and Place of Hearing.** Notice is hereby given that a public hearing will be held by the governing body of the City of Dodge City, Kansas to consider the advisability of creating a community improvement district as described in the Petition on June 7, 2010 at the Dodge City - City Hall, located at 806 N. 2<sup>nd</sup> Avenue, Dodge City, Kansas 67801, the public hearing to commence at 7:00 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 foregoing matters.

**Section 2. The General Nature of the Proposed Project.** The proposed project to be performed within the proposed community improvement district is described in *Exhibit B*, attached hereto and incorporated by reference.

**Section 3. The Estimated Cost of the Project.** The estimated cost of the proposed project is \$6,200,000.

**Section 4. The Proposed Method of Financing the Project.** The proposed method of financing for the proposed community improvement district is by reimbursement of costs on a

“pay-as-you-go” basis or the issuance of special obligation bonds. The Developer is not requesting the issuance of full faith and credit bonds.

**Section 5. The Proposed Amount of Community Improvement District Sales Tax.** A 1% community improvement district sales tax is proposed to be levied within the proposed community improvement district in accordance with the Act on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district with such community improvement district sales tax to commence on January 1, 2011 or any other effective date the City may approve by resolution if a change in the effective date is requested in writing by the Developer. There will be no special assessment imposed within the proposed community improvement district.

**Section 6. Legal Description and Map Exhibit.** A legal description and map exhibit of the proposed community improvement district are attached hereto as *Exhibit C* and *Exhibit D*, respectively, and incorporated by reference.

**Section 7. 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, at least 10 days prior to June 7, 2010, to each owner of real property within the proposed community improvement district; and

(b) This resolution, including all exhibits attached hereto, shall be published in the official City newspaper once each week for two consecutive weeks; the second publication shall occur at least 7 days prior to June 7, 2010.

**Section 8. Effective Date.** This resolution shall be effective upon its adoption by the governing body of the City of Dodge City, Kansas.

**ADOPTED** by the governing body of the City of Dodge City, Kansas on this 17th day of May, 2010.

---

E. Kent Smoll, Mayor

Attest:

---

Nannette Pogue, City Clerk

---

Ken Strobel, City Manager/City Attorney

**EXHIBIT A**

Community Improvement District Petition

**(see attached)**

**PETITION FOR THE CREATION OF A  
COMMUNITY IMPROVEMENT DISTRICT**

**TO:** The Governing Body,  
City of Dodge City, Kansas

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

hereby petitions the City of Dodge City, Kansas (the "City") to create a community improvement district and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the "Act"). In furtherance of such request, the petitioner states as follows:

**1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT**

A map of the proposed community improvement district (the "District") is attached hereto as EXHIBIT "A".

The legal description of the District is attached hereto as EXHIBIT "B".

**2. GENERAL NATURE OF THE PROJECTS**

The general nature of the proposed projects (the "Projects") is to promote the development of new retail buildings along a portion of Wyatt Earp Boulevard, as is more particularly described herein, 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: land acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and 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.

**3. ESTIMATED COST**

The estimated or probable cost of the Projects is \$6,200,000. See the attached EXHIBIT "C" for a detailed budget.

**4. PROPOSED METHOD OF FINANCING**

It is proposed that the Projects be financed through a combination of private equity, private debt, and community improvement district financing. It is proposed that community improvement district revenue will be made available to finance the cost of the Projects through pay-as-you-go financing, as defined in the Act, the issuance of special obligation bonds/notes, or a combination of these two methods.

**5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT**

It is not being proposed that the Projects be financed through the levying of assessments.

**6. PROPOSED AMOUNT OF SALES TAX**

It is being proposed that the Projects be financed in part through the levying of a 1% add-on sales tax as authorized by the Act with such add-on sales tax to commence on January 1, 2011 or any other effective date the City may approve by resolution if a change in the effective date is requested in writing by the petitioner.

**7. NOTICE TO PETITION SIGNATORY**

Names may not be withdrawn from this Petition by the signatory hereto after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

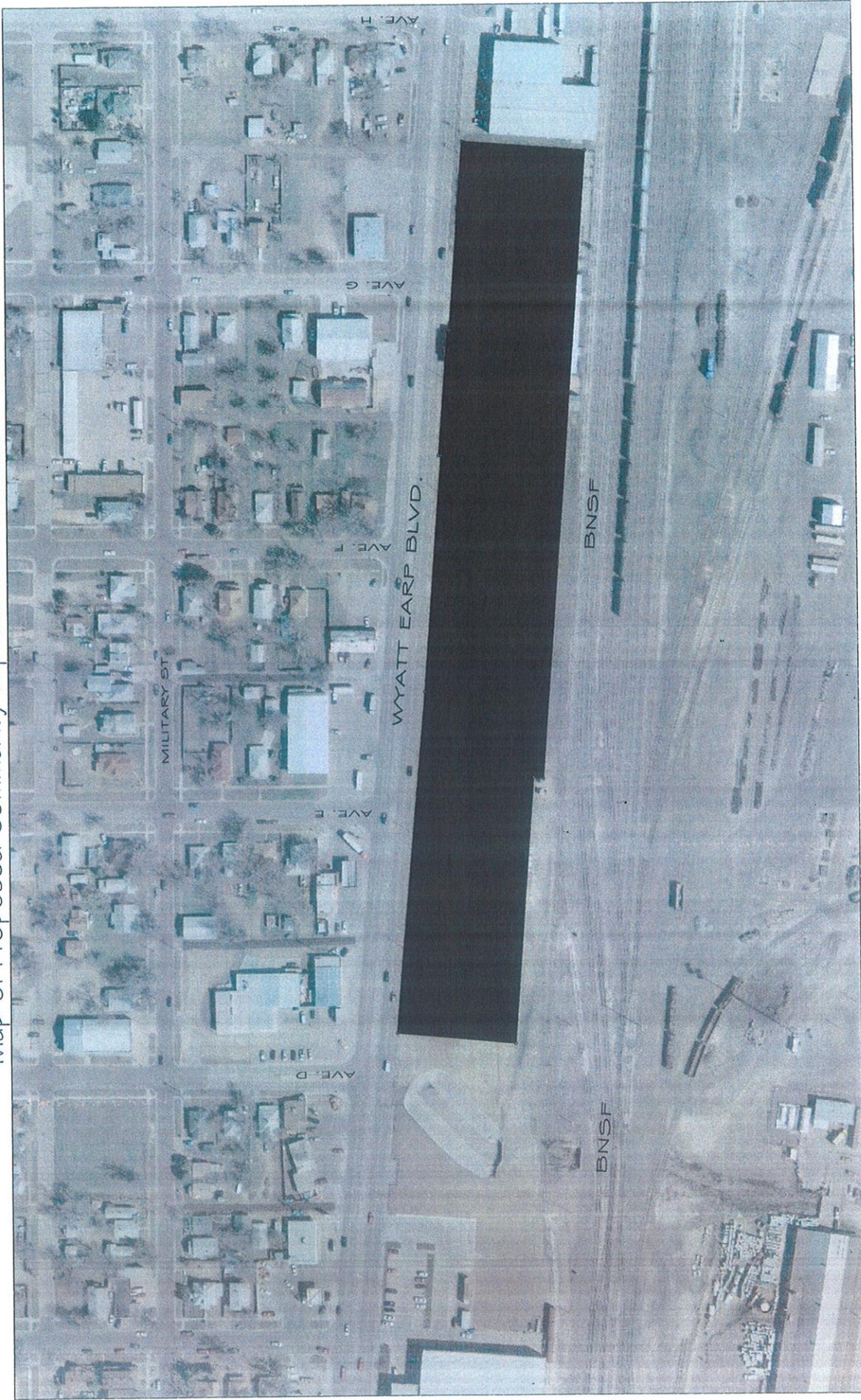


**EXHIBIT "A"**

**MAP OF DISTRICT**

**(see attached)**

Map of Proposed Community Improvement District



**EXHIBIT "B"**

**LEGAL DESCRIPTION OF DISTRICT**

(see attached)

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

A parcel of land located in the South half of Section 25, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., in Dodge City, Ford County, Kansas, being further described as follows:

Commencing at the Southeast corner of Section 25, T26S, R25W, thence N01°23'07"E on the East line of the Southeast quarter for a distance of 535.14 feet;

Thence N86°08'52"W for a distance of 2,696.95 feet to a point on the South right of way line of Wyatt Earp Boulevard, said point being the POINT OF BEGINNING;

Thence S04°23'10"W for a distance of 191.91 feet;

Thence N85°37'25"W for a distance of 965.51 feet;

Thence N04°22'35"E for a distance of 15.00 feet;

Thence N85°37'25"W for a distance of 409.01 feet;

Thence N05°16'33"E for a distance of 185.30 feet to a point on the South right of way line of Wyatt Earp Boulevard;

Thence S84°43'27"E on said right of way line for a distance of 525.75 feet;

Thence S85°36'57"E on said right of way line for a distance of 363.94 feet;

Thence N04°03'24"E on said right of way line for a distance of 3.50 feet;

Thence S85°36'57"E on said right of way line for a distance of 192.57 feet;

Thence S04°23'03"W on said right of way line for a distance of 3.50 feet;

Thence S85°36'57"E for a distance of 289.47 feet to the POINT OF BEGINNING.

## EXHIBIT "C"

### ESTIMATED PROBABLE COST OF PROJECTS

### COMMUNITY IMPROVEMENT DISTRICT COSTS

#### Site Acquisition, Preparation and Horizontal Construction

Land Acquisition	\$105,000
Preliminary Clean Up of Land	\$60,000
Dirt Work	\$275,000
Concrete (parking lots, sidewalks, entryways, etc.)	\$850,000

#### Utilities

Gas	\$85,000
Water	\$95,000
Electrical	\$195,000
Sanitary Sewer	\$170,000
Storm Sewer	\$115,000

#### Building Construction Costs

Building Foundations and Floors	\$255,000
Steel Building and Erection	\$650,000
PEMB Insulation	\$150,000
Roof Curbs	\$85,000
Metal Stud Wall Framing	\$130,000
Drywall	\$105,000
Exterior Sheathing	\$75,000
Metal Stud Installation	\$35,000
EFIS	\$180,000
Storefront Glass	\$240,000
Floor Sealer	\$55,000
Tenant Finish	\$1,450,000

#### Soft Costs

Project Supervision	\$120,000
Engineering (Structural, Civil, Electrical and Mechanical)	\$125,000
Field Engineering and Testing	\$30,000
Architectural	\$25,000
Project Administration	\$15,000
Legal	\$65,000
CPA	\$25,000

Building Permits	\$20,000
Interim Interest	\$45,000
<b>Operational Costs</b>	
Cleaning and Maintenance	\$25,000
Security	\$25,000
Marketing and Advertising	\$25,000
<b>Miscellaneous Costs</b>	
Landscaping	\$115,000
Dumpster Fees	\$15,000
Relocation Costs	\$25,000
Signage	\$85,000
Final Building Cleaning	\$20,000
Terminate Control	\$20,000
Site Mechanical	\$15,000
<b>TOTAL:</b>	<b>\$6,200,000</b>

## **EXHIBIT B**

### Proposed Project

The general nature of the proposed projects (the “**Projects**”) is to promote the development of new retail buildings along a portion of Wyatt Earp Boulevard by providing community improvement district financing in accordance with the 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: land acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and the Developer’s administrative costs in establishing and maintaining the District.

**EXHIBIT C**

Legal Description

**(see attached)**

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

A parcel of land located in the South half of Section 25, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., in Dodge City, Ford County, Kansas, being further described as follows:

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Thence S85°36'57"E on said right of way line for a distance of 192.57 feet;

Thence S04°23'03"W on said right of way line for a distance of 3.50 feet;

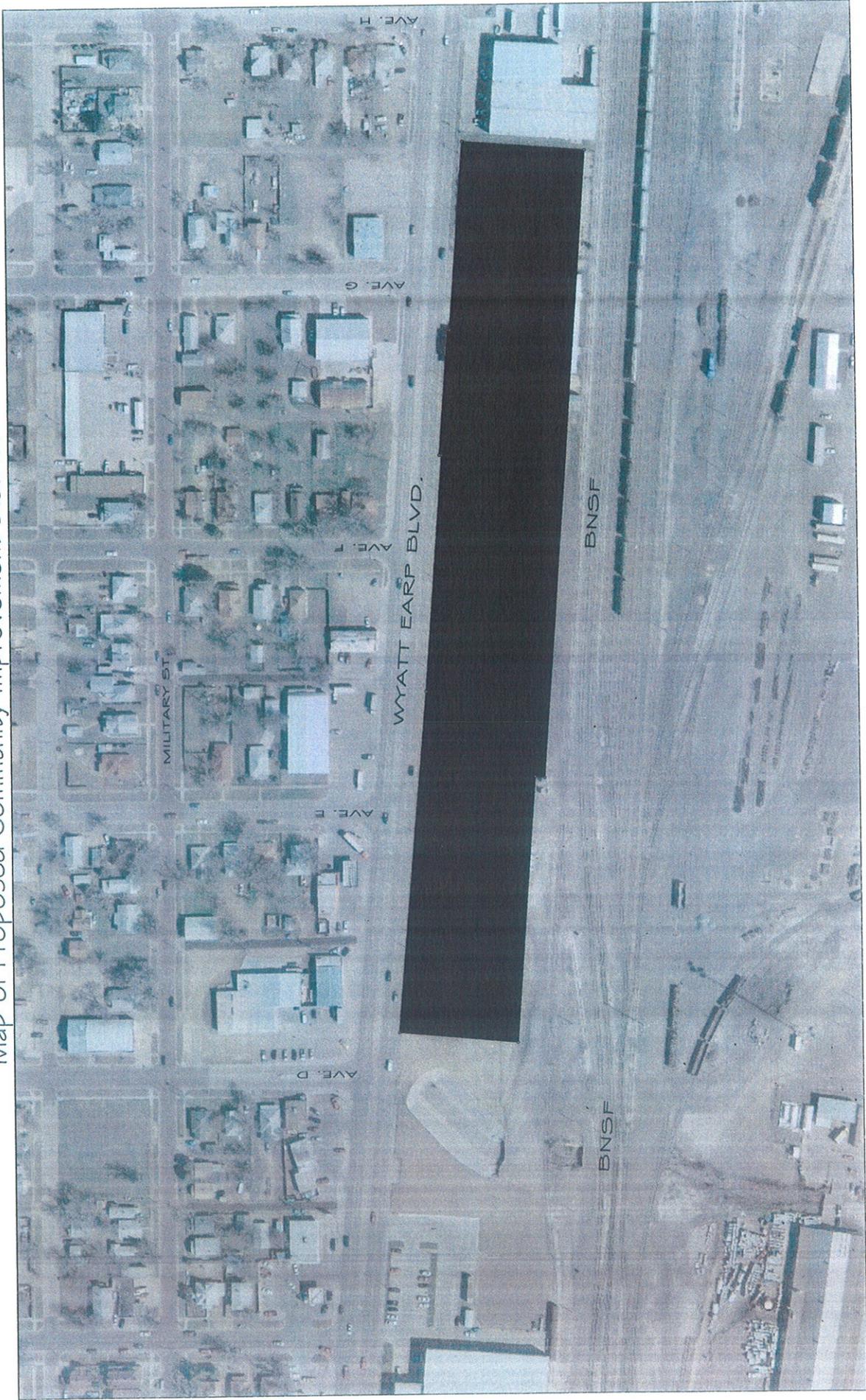
Thence S85°36'57"E for a distance of 289.47 feet to the POINT OF BEGINNING.

**EXHIBIT D**

Map Exhibit

**(see attached)**

Map of Proposed Community Improvement District



## *Memorandum*

*To: Ken Strobel, City Manager  
Cherise Tieben, Assistant City Manager*

*From: Nannette Pogue*

*Date: May 14, 2010*

*Subject: Resolution No. 2010-18*

*Agenda Item: Ordinances and Resolutions*

**Recommendation:** I recommend the approval of Resolution No. 2010-18

**Background:** We have been looking at the anticipated revenue needed to fund the north water reclamation facility. Initially, we were anticipating some possible grants from the federal or state government to supplement local revenue. To this point, we have not been successful in securing any federal or state funds. We will need to increase rates to secure the revenue to pay off the debt to fund the water reclamation facility.

**Justification:** Annually, we review the operational and capital costs of the utility funds. Based on this review, we increase the rates by at least an amount equal to the increase in the CPI. This year we are aware that the rates we currently collect for the Wastewater Treatment System will not be adequate to pay the debt for the new plant.

**Financial Considerations:** This resolution increases the Monthly Service Charge by \$3.00 from \$5.45 to \$8.45 and the charge per 1,000 gallons by 2% from 1.92 per thousand gallons to \$1.96 per thousand gallons. This increase will bring in approximately an additional \$600,000 per year. The monthly payments for the new plant will not begin for 18 months. This increase won't be adequate to fund the payments, but it will give us an opportunity to assess the increase in new development and the revenues it will potentially bring in. Then, in 2011, we will propose an additional increase.

To an average residential customer using 6,000 gallons of wastewater per month, the increase per month will be \$3.24.

**Purpose/Mission:** Ensure financial stability in the Wastewater Treatment Fund so that we can adequately provide for the community's future growth and improvement.

**Legal Considerations:** None

**Attachments:** Resolutions No 2010-18

**RESOLUTION NO. 2010-18**

**A RESOLUTION ESTABLISHING FEES AND RATES FOR SANITARY SEWER SERVICE FOR THE CITY OF DODGE CITY.**

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WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide wastewater collection and treatment service to its citizens; and

WHEREAS, such wastewater collection and treatment services includes residential, commercial, and industrial users; and

WHEREAS, Federal Regulations require that all users pay a fair and equitable share of the collection of wastewater and for the costs of treatment plant construction, operation and maintenance, and replacement costs.,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Sewer Service in Dodge City.

**Section 1:** REPEAL: Resolution 2009-05; adopted on the 6<sup>th</sup> day of April 2009, is hereby repealed.

**Section 2: SEWER USE FEES:**

Sewer use fees to pay for the cost of collection and treatment of wastewater, for operation and maintenance of the wastewater collection and treatment system and for the cost of replacement of components of the system shall be established, as set forth herein below:

2.1 Residential Customers

Monthly Service charge	\$8.45
Monthly volume charge per 1,000 gallons	\$1.96

2.2 Mobile Home Parks served by master meter (s)

Monthly service charge	\$8.45
Master meter monthly accumulative reading, Q, multiplied by \$1.92 per 1,000 gallons	$A = (Q) (1.92) / (1000)$
Total Bill =	$T = \$8.45 + A$

2.3 Commercial Customers with wastewater having strengths not exceeding 300 mg/l of five day biological oxygen demand (BOD) or 700 mg/l of total dissolved solids (TDS) per day:

Monthly service charge	\$8.45
Monthly volume charge per 1,000 gallons	\$1.96

2.4 Industrial Customers and Commercial Customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove but not using the City sewer system:

Monthly service charge	\$8.45
Monthly volume charge per 1,000 gallons	\$1.96
Monthly 5 day BOD charge per lb.	\$0.1053
Monthly TDS charge, per lb.	\$0.0647

2.5 Industrial Customers and Commercial customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove and who use the City sewer system shall pay both a monthly service charge, and a monthly volume and strength charge as specified:

Monthly service charge	\$8.45
Monthly volume charge	\$1.96
Monthly 5 day BOD charge per lb.	\$0.1053
Monthly TDS charge, per lb.	\$0.0647

The calculation of the strength charges for BOD and TDS shall be made as follows:

$$SBOD = V_s \times 8.34 \times CBOD \times BOD$$

$$STDS = V_s \times 8.34 \times CTDS \times TDS$$

$$ST = SBOD + STDS$$

Where:

SBOD shall be the strength charge attributable to 5 day biochemical demand

STDS shall be the strength charge attributable to the Total Dissolved Solids

$V_s$  shall be the wastewater volume in million gallons

8.34 shall be the weight of water, pounds per gallon

CBOD shall be the unit charge for 5 day Biochemical Oxygen Demand in dollars per pound

CTDS shall be the unit charge for Total Dissolved Solids in dollars per pound

BOD shall mean five day BOD in mg/l

TDS shall mean Total Dissolved Solids in mg/l

2.6 Dodge City Cheese, which is an industrial customer, has negotiated the following rate to discharge a high volume of wastewater that may exceed the limits allowed for industrial customers. The rate structure is based on a daily discharge of 450,000 gallons of wastewater.

Volume charge if flow <15 million gallons	\$1,935 per million gallons
Volume charge if flow >15 million gallons	\$3,870 per million gallons > 15 MGAL
BODs>50,666 lbs per month	\$0.04 per pound above parameter
TSS>39,407 lbs per month	\$0.04 per pound above parameter
TDS>78,813 lbs per month	\$0.04 per pound above parameter
O&G>112,590 lbs per month	\$0.04 per pound above parameter
Sodium>22,518 lbs per month	\$0.04 per pound above parameter
Chlorides>22,518 lbs per month	\$0.04 per pound above parameter

### 3.0 OTHER TYPES OF CONTRIBUTORS

Any person desiring to use the wastewater treatment system by transporting liquid matter to said system by a means other than through the sewer system may do so if the quantity, quality, type, and character of the liquid waste to be deposited in the system is of a type permitted under the laws of the City, and consists solely of organic or biodegradable waste from septic tanks and cesspools.

Such fees shall be based on two factors, a flat fee designed to pay for testing and the cost of administration and billing and a volume charge.

To simplify the administration and accounting for the material dumped, the volume charge will be based on the total volume of the tank used, rather than a measurement of the actual volume of material in the tank. The OMI staff has the right to measure any tank to determine the volume if there is any question about the reported volume.

The septage disposal fee shall be as follows:

Flat fee for administration and testing	\$33.25
Volume charge	\$ 0.1425 per gallon

### 4.0 EXTRA MONITORING FOR HIGH STRENGTH WASTES

When regulations require monitoring of wastewater from any user, whether for extra strength or for high discharges, that user shall pay a monitoring charge consisting of all costs for personnel,

materials and equipment necessary to collect and analyze samples of the wastewater and shall also pay an additional administrative charge of 10% of the cost of collection and analysis.

5.0 PERMIT APPLICATION FEES

All applicants required to obtain a Wastewater Contribution Permit shall pay permit fee, at the time their application is filed with the City, of \$100.00 to cover the costs of checking and processing said Application. No application shall be accepted by the City unless the fee is paid at the time of filing.

6.0 EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2009 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 5<sup>th</sup> day of April, 2010.

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MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

## *Memorandum*

*To: Ken Strobel, City Manager  
Cherise Tieben, Assistant City Manager*

*From: Nannette Pogue* *NP*

*Date: May 14, 2010*

*Subject: Ordinance No. 3490*

*Agenda Item: Ordinances and Resolutions*

---

**Recommendation:** I recommend the approval of Ordinance No. 3480

**Background:** The State of Kansas enacted a Smoking Ban which will be effective July 1, 2010. With the passage of this ban, the City of Dodge City's smoking ordinance is no longer necessary.

**Justification:** Because the State's legislation overrides the City Ordinance, Ordinance No. 3490 repeals the City's Smoking Ordinance and adopts by reference the state legislation.

**Financial Considerations:** Enacting the State legislation will require some signage on City property. The cost will be minimal.

**Purpose/Mission:** To conform to state legislatio

**Attachments:** Ordinance No. 3490

**Ordinance No. 3490**

**AN ORDINANCE REPEALING ORDINANCE NO. 3474 AND ADOPTING  
BY REFERENCE THE PROVISIONS OF HOUSE BILL 2221 RELATING  
TO SMOKING WITHIN THE CITY OF DODGE CITY**

---

**WHEREAS**, the Kansas Legislation enacted and the Governor has signed House Bill 2221 to become effective throughout the State of Kansas July 1, 2010; and

**WHEREAS**, the provisions of House Bill 2221 establishes regulations, crimes and punishments related to smoking throughout the State; and

**WHEREAS**, the City of Dodge City had previously adopted Ordinance No. 3474 relating to smoking within the city, which ordinance contains provisions of which are inconsistent with the provisions of House Bill 2221; and

**WHEREAS**, it is the desire of the City to adopt the provisions of House Bill 2221 to regulate smoking within the City of Dodge City in lieu of the provisions of Ordinance No. 3474.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DODGE CITY, KANSAS AS FOLLOWS:**

**SECTION 1.** Effective at 11:59 P.M. on June 30, 2010, Ordinance No. 3474 is hereby repealed and of no further force and effect.

**SECTION 2.** Effective at 12:00 A.M. on July 1, 2010 the provisions of House Bill 2221 are hereby adopted and enacted by this reference.

**SECTION 3.** This Ordinance shall become effective from and after publication in the Dodge City Daily Globe.

Adopted by the City Commission of the City of Dodge City, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
E. Kent Smoll, Mayor

ATTEST:

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

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Corey Keller*

*Date: May 11, 2010*

*Subject: Polykart Purchase*

*Agenda Item: New Business*

---

**Recommendation:** On May 07, 2010, two quotes were received for the purchase of two truckloads of 96 gallon polykarts. Based on the quotes receive staff would ask that the commission accept the quote from American Equipment in the amount \$56,099.20.

**Background:** Five years ago Amerikart annouced that they would no longer offer their metal framed 90 gallon polykart that the City had purchased for years. This forced us and many other cities to look for a polykart that would compare to the old karts. As a result many cities decided to implament an automated kart system. Three years ago Dodge City purchased it's first fully automated kart truck. There are now 3,500 of the new polykarts out on the polykart trash routes and the automated kart trucks now runs Monday through Friday. This purchase of 1,176 polykarts will be utilized by the Sanitation Department to completely change over Mondays kart route and switch over the area west of 14<sup>th</sup> from dumpsters to polykarts.

**Justification:** Through much testing by the Sanitation Department they found that the Toter polykart was the most user friendly polykart on the market. Many of the other karts tested were either to light, to tall and heavy, or they could not withstand the extreme conditions of this area.

**Financial Considerations:** There is \$80,000.00 budgeted for this purchase in the 2010 Sanitation Budget

**Purpose/Mission:** To provide the resident of Dodge City with the best possible sanitation service.

**Legal Considerations:** None

**Attachments:** One attachment

The quotes received were

American Equipment Co.  
Kansas City, Kansas

Toter Polykarts

Two truck loads 588 karts for a total of 1176 karts at \$44.45 each

	\$53,449.20
Freight \$1,325.00 x2	\$ 2,650.00
Total	\$56,099.20

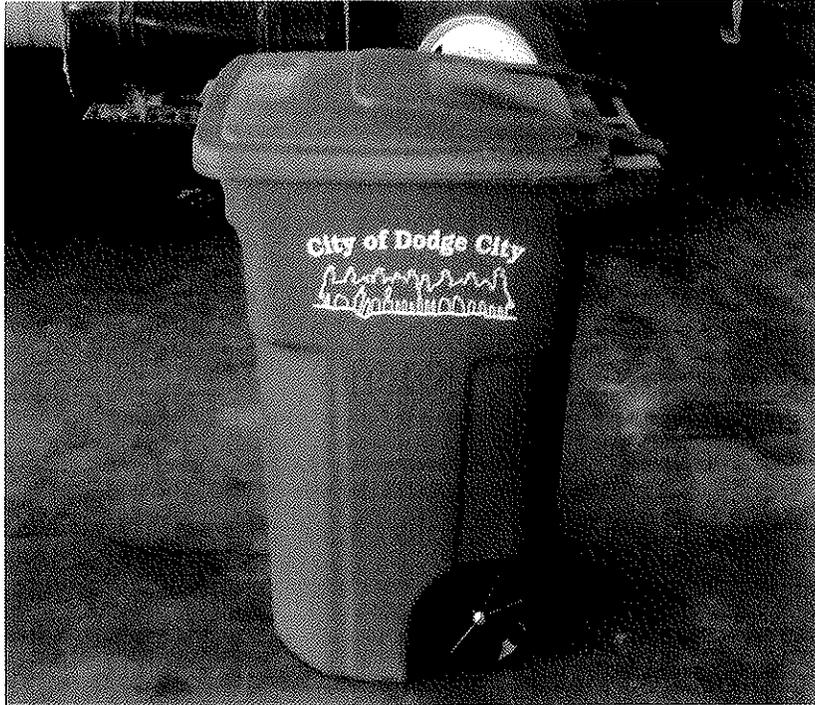
Key Equipment & Supply  
Kansas City, Kansas

Otto Polykarts

Two truck loads of 504 karts for a total of 1008 at \$49.35 each

	\$49,741.00
Freight \$2,147.50 x2	\$ 4,295.00
Total	\$54,036.00

**Toter Polykarts**



**Otto Polykarts**



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# Memorandum

To: City Manager  
Assistant City Manager  
City Commissioners

From: Paul Lewis 

Date: May 12, 2010

Subject: Approval of Bike/Pedestrian Path  
Bids

Agenda Item: New Business

---

**Recommendation:** Staff recommends approving the low bid provided by JAG Construction in the amount of \$361,703.80 for construction of the bicycle/pedestrian trail extension subject to concurrence by KDOT.

**Background:** Bids were opened on Tuesday, May 4<sup>th</sup> for the construction of the bicycle/pedestrian path extension. Three bidders submitted for the project and a tabulation of those bids is included with this memo.

This project constructs an extension of the existing bicycle/pedestrian path to run west along Highway 50 from 6<sup>th</sup> Ave. to 14<sup>th</sup> Ave. and then south to Spiers Park. Through the TEA-21 program, 80% of the cost is reimbursed through national highway and transportation funds and the City is responsible for the remaining 20%. In addition, this project has been approved for ARRA stimulus funding which will reduce the amount of match the City has to provide.

**Justification:** This project is included in the CIP program and funded for 2010. It provides an extension to the existing trail which has proved to be an immensely popular amenity in the community. This trail segment is also a component of the proposed comprehensive plan and serves to improve the walk-ability of the community.

**Financial Considerations:** The City's cost for this project is funded in the 2010 CIP in the amount of \$70,000. The City will be providing inspection services for this work which the state will reimburse at 80% of our actual costs so those funds can offset the City's cash outlay. If additional funding is needed the Parks and Recreation departmental budget has funds available due to staff vacancies that occurred in the beginning of the year.

**Purpose/Mission:** This project meets the City's core value of providing ongoing improvements for the citizens of this community.

**Legal Considerations:** All necessary easements from affected property owners are executed and filed and contractual documents with KDOT are completed.

**Attachments:** Bid Tabulation

CITY OF DODGE CITY, KANSAS  
 BID TABULATION

PROJECT: Bicycle Pedestrian Path  
 PROJECT #: 29 TE-0325-01/ARRA - T032(501)  
 PK0901  
 BID DATE: 05/04/10

ENGINEER'S ESTIMATE

ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	Mobilization	LS	1	\$12,500.00	\$ 12,500.00
2	Clearing & Grubbing	LS	1	\$3,500.00	\$ 3,500.00
3	Grading	LS	1	\$25,000.00	\$ 25,000.00
4	Concrete Pavement (7")	SY	373	\$65.00	\$ 24,245.00
5	Scarified and Compacted Sub-Grade (6")	SY	6306	\$5.00	\$ 31,530.00
6	Concrete Curb & Gutter (All Types)	LF	255	\$20.00	\$ 5,100.00
7	Concrete Sidewalk (4")	SF	51034	\$3.75	\$ 191,377.50
8	Concrete Sidewalk (6")	SF	980	\$6.00	\$ 5,880.00
9	ADA Ramp (6")	SF	1070	\$10.00	\$ 10,700.00
10	Collapsible Bollard	Each	9	\$1,200.00	\$ 10,800.00
11	Bike Rack	Each	1	\$1,500.00	\$ 1,500.00
12	Waste Receptacle	Each	3	\$1,300.00	\$ 3,900.00
13	Park Bench	Each	3	\$2,000.00	\$ 6,000.00
14	Curb Inlet (6"x6")	Each	1	\$5,500.00	\$ 5,500.00
15	Curb Inlet (5"x5")	Each	4	\$5,000.00	\$ 20,000.00
16	Area Inlet (5"x5")	Each	1	\$5,000.00	\$ 5,000.00
17	15" Storm Sewer Pipe (RCP)	LF	68	\$50.00	\$ 3,400.00
18	15" Storm Sewer Pipe (HDPE)	LF	120	\$40.00	\$ 4,800.00
19	15" End Section (HDPE)	Each	1	\$500.00	\$ 500.00
20	18" Storm Sewer (RCP)	LF	32	\$50.00	\$ 1,600.00
21	18" Storm Sewer (HDPE)	LF	52	\$50.00	\$ 2,600.00
22	18" Storm Sewer End Section (RCP)	Each	1	\$750.00	\$ 750.00
23	18" Storm Sewer End Section (HDPE)	Each	1	\$500.00	\$ 500.00
24	24" Storm Sewer Pipe (RCP)	LF	12	\$100.00	\$ 1,200.00
25	Hand Rail	LF	37	\$50.00	\$ 1,850.00
26	Sediment and Erosion Control	LS	1	\$15,000.00	\$ 15,000.00
27	Seeding & Mulch	LS	1	\$15,000.00	\$ 15,000.00
28	Pavement Marking/Signing	LS	1	\$10,000.00	\$ 10,000.00
29	Traffic Signal Modifications	LS	1	\$15,000.00	\$ 15,000.00
30	Landscaping	LS	1	\$15,000.00	\$ 15,000.00
31	Prefabricated Pedestrian Bridge	LS	1	\$27,500.00	\$ 27,500.00
32	Storm Outfall Slope Protection	SF	96	\$40.00	\$ 3,840.00

TOTAL \$ 481,072.50

CONTRACTOR: JAG  
 ADDRESS: P.O. Box 1493  
 CITY: Dodge City  
 STATE: KS  
 ZIP: 67801  
 LOW BIDDER

UNIT PRICE	CONTRACT AMOUNT
\$11,300.00	\$ 11,300.00
\$9,700.00	\$ 9,700.00
\$29,950.00	\$ 29,950.00
\$37.00	\$ 13,801.00
\$18.40	\$ 11,035.50
\$2.75	\$ 4,692.00
\$3.40	\$ 140,343.50
\$6.00	\$ 3,332.00
\$1,450.00	\$ 6,420.00
\$800.00	\$ 13,050.00
\$1,400.00	\$ 800.00
\$1,950.00	\$ 4,200.00
\$3,400.00	\$ 5,850.00
\$3,400.00	\$ 3,400.00
\$3,400.00	\$ 13,600.00
\$2,850.00	\$ 2,850.00
\$37.50	\$ 2,550.00
\$27.00	\$ 3,240.00
\$190.00	\$ 190.00
\$46.50	\$ 1,488.00
\$32.40	\$ 1,684.80
\$440.00	\$ 440.00
\$235.00	\$ 235.00
\$47.00	\$ 564.00
\$60.00	\$ 2,220.00
\$3,500.00	\$ 3,500.00
\$6,000.00	\$ 6,000.00
\$10,600.00	\$ 10,600.00
\$17,000.00	\$ 17,000.00
\$2,000.00	\$ 2,000.00
\$32,500.00	\$ 32,500.00
\$33.00	\$ 3,168.00

TOTAL \$ 361,703.80

CONTRACTOR: Brak-Hard  
 ADDRESS: P.O. Box 423  
 CITY: Dodge City  
 STATE: Kansas  
 ZIP: 67801

UNIT PRICE	CONTRACT AMOUNT
\$25,916.89	\$ 25,916.89
\$6,152.01	\$ 6,152.01
\$37,535.57	\$ 37,535.57
\$52.77	\$ 19,683.21
\$3.13	\$ 19,737.78
\$25.15	\$ 6,413.25
\$3.45	\$ 176,067.30
\$6.39	\$ 6,262.20
\$8.41	\$ 8,998.70
\$1,249.04	\$ 11,241.36
\$919.65	\$ 919.65
\$1,446.68	\$ 4,340.04
\$2,492.21	\$ 7,476.63
\$4,813.85	\$ 4,813.85
\$5,959.92	\$ 23,839.68
\$6,030.47	\$ 6,030.47
\$44.16	\$ 3,002.88
\$33.75	\$ 4,050.00
\$256.79	\$ 256.79
\$52.55	\$ 1,681.60
\$41.85	\$ 2,176.20
\$375.35	\$ 575.35
\$262.66	\$ 262.66
\$66.19	\$ 794.28
\$85.15	\$ 3,150.55
\$7,069.52	\$ 7,069.52
\$15,126.97	\$ 15,126.97
\$4,384.03	\$ 4,384.03
\$17,528.38	\$ 17,528.38
\$5,459.72	\$ 5,459.72
\$24,878.37	\$ 24,878.37
\$24.35	\$ 2,337.60

TOTAL \$ 458,163.49

CONTRACTOR: Middle Creek  
 ADDRESS: 609 W 3rd  
 CITY: Peabody  
 STATE: Kansas  
 ZIP: 66866

UNIT PRICE	CONTRACT AMOUNT
\$37,000.00	\$ 37,000.00
\$16,000.00	\$ 16,000.00
\$48,000.00	\$ 48,000.00
\$33.00	\$ 12,309.00
\$2.50	\$ 15,765.00
\$11.00	\$ 2,805.00
\$2.40	\$ 122,481.60
\$2.65	\$ 2,597.00
\$14.00	\$ 14,980.00
\$775.00	\$ 6,975.00
\$1,200.00	\$ 1,200.00
\$1,300.00	\$ 3,900.00
\$1,700.00	\$ 5,100.00
\$4,400.00	\$ 4,400.00
\$4,100.00	\$ 16,400.00
\$3,300.00	\$ 3,300.00
\$38.00	\$ 2,584.00
\$34.00	\$ 4,060.00
\$400.00	\$ 400.00
\$42.00	\$ 1,344.00
\$39.00	\$ 2,028.00
\$480.00	\$ 480.00
\$460.00	\$ 460.00
\$60.00	\$ 720.00
\$195.00	\$ 7,215.00
\$3,900.00	\$ 3,900.00
\$3,400.00	\$ 3,400.00
\$12,000.00	\$ 12,000.00
\$15,200.00	\$ 15,200.00
\$3,800.00	\$ 3,800.00
\$46,000.00	\$ 46,000.00
\$4.00	\$ 384.00

TOTAL \$ 417,207.60

BID SECURITY 5%  
 START DATE 6/14/2010  
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BID SECURITY 5%  
 START DATE 7/19/2010

BID SECURITY 5%  
 START DATE 7/12/2010

BID SECURITY 5%  
 START DATE 5/12/2010