

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, June 7, 2010

7:00 p.m.

MEETING #4806

CALL TO ORDER

ROLL CALL

INVOCATION: by Rev. Daniel Armenta with Iglesia Bautista Emanuel

PLEDGE OF ALLEGIANCE

PUBLIC HEARING Advisability of Creating a Community Improvement District

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).

Employee of the Month – Robert Lopez

Character Trait – Endurance vs. Faintheartedness

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, May 17, 2010
2. Approval of Joint City/County Meeting minutes, May 26, 2010
3. Approval of Special City Commission Meeting minutes, May 26, 2010
4. Appropriation Ordinance No. 10, June 7, 2010
5. Cereal Malt Beverage License
 - a. Love's Travel Stop #62, 400 E. Wyatt Earp Blvd.
 - b. Pizza Hut #104, 110 Frontview
 - c. Pizza Hut #103, 1513 W. Wyatt Earp
 - d. Mariah Hills Golf Course, 1800 Matt Down Lane
 - e. Ban Lao Garden, 102 W. Wyatt Earp
6. Approval of Change Order No. 2 of 14th Avenue Reconstruction.

ORDINANCES & RESOLUTIONS

Ordinance No. 3492: An Ordinance of the Governing Body of the City of Dodge City, Kansas making certain findings as to the advisability of creating a Community Improvement District. Report by Assistant City Manager, Cherise Tieben.

UNFINISHED BUSINESS

NEW BUSINESS

Approval of 14th Avenue street and railroad crossing improvements. Report by City Engineer, Ray Slattery.

OTHER BUSINESS

EXECUTIVE SESSION

Discussion of possible land acquisition.

ADJOURNMENT

CITY COMMISSION MINUTES

City Hall Commission Chambers

Monday, May 17, 2010

7:00 p.m.

MEETING #4805

CALL TO ORDER

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

INVOCATION: Jim Sherer

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Commissioner Rick Sowers moved to accept the Petition for the Creation of a Community Improvement District, motion was seconded by Commissioner Jim Sherer. Motion passed 4-0.

Public Works Week Proclaimed. Superintendent of Public Works, Mike Klein, publicly thanked all Public Work Employees.

Older Americans Month Proclaimed by Vice Mayor, Brian Weber.

American GI Forum of Kansas Days Proclaimed by Vice Mayor, Brian Weber.

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.

Terry Perkins provided a Petition from neighbors against housing in the area of 6th and Hwy 50.

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. 2nd Avenue
4. Approval of Amendment to Agreement with BHC Rhodes for the schedule of services for the Comanche Street Extension.

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

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 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Rick Sowers. The motion carried 4-0.

Resolution No. 2010-18: A Resolution Establishing Fees and Rates for Sanitary Sewer Service for the City of Dodge City was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. The motion carried 4-0.

Ordinance No. 3491: 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 was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Monte Broeckelman. The motion carried 4-0.

UNFINISHED BUSINESS

NEW BUSINESS

Bids for 1176 Poly Karts in the amount of \$56,099.20 from American Equipment was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Monte Broeckelman. The motion carried 4-0.

Bids for Bike Path Extension Construction from JAG Construction in the amount of \$361,703.80 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Rick Sowers. The motion carried 4-0.

The City Commissioners directed staff to consider extending the Contract with JAG to construct additional path.

OTHER BUSINESS

Ken Strobel, City Manager:

- Reminders...
 - Public Official Exchange at Spearville Tuesday, May 18, 2010
 - Wednesday, May 19, 2010 is the State of the City Address at 11:30 at Cowtown
 - Reiterated Public Works lunch at Civic Center VIP room on Friday, May 21, 2010. Thank you Public Work Employees.

Commissioner Jim Sherer:

- Question – The stone post at 100th Meridian, is it possible to get a Historical marker directional sign on Highway.
- Thanks to City Staff for all they do.

Commissioner Rick Sowers:

- Thanks to Public Work Employees
- Commented to Paul Lewis – the Cemetery really looks nice.

Commissioner Brian Weber:

- Thanked the Public Work Employees
- Congratulated 2010 Graduates of Dodge City High School

Commissioner Jim Sherer:

- Wyatt Earp looks nice

ADJOURNMENT: Commissioner Rick Sowers moved to adjourn the meeting, Commissioner Monte Broeckelman seconded the motion. The motion carried 4-0.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

JOINT CITY/COUNTY MEETING MINUTES

The Rose Room
Ford County Govt. Center
May 26, 2010
5:30 p.m.

CALL TO ORDER

ROLL CALL: Mayor Kent Smoll, Commissioners Rick Sowers, Monte Broeckelman and Brian Weber. Jim Sherer was reported absent.

Ford County: Commissioners Kim Goodnight, John Swayze and Terry Williams.

NEW BUSINESS

1. The Tourism Task Force Report was presented by Duane Ross and Kent Stehlik. The City and County Commissioners recognized the Tourism Task Force Board members – Duane Ross, Kent Stehlik, Jeff Hiers, Anita Williams and Ben Zimmerman III.

Commissioner Rick Sowers moved to accept the Tourism Task Force Report and Recommendations. Brian Weber seconded the motion. The motion carried 4-0.

Ford County: Kim Goodnight moved to accept the Tourism Task Force Report and Recommendation. Terry Williams seconded the motion. The motion carried 3-0.

2. The Western Heritage Center Grant Request in the amount of \$30,000 was discussed. Commissioner moved to allocate \$30,000 to the Western Heritage Center from the balance of the monies allocated to implement the Master Tourism Plan. Mayor Kent Smoll seconded the motion. The motion carried 3-1, with Broeckelman voting no.

Ford County: Kim Goodnight moved to allocate \$30,000 to the Western Heritage Center from the balance of the monies allocated to implement the Master Tourism Plan. John Swayze seconded the motion. The motion carried 3-0.

3. An agreement with Victory Electric regarding the substation at the Casino and Event Center Site was approved on a motion by Rick Sowers, seconded by Brian Weber. The motion carried 4-0.

Ford County: Kim Goodnight moved to approve the agreement with Victory Electric regarding the substation at the Casino and Event Center Site. John Swayze seconded the motion. The motion carried 3-0.

Kent Smoll moved and Rick Sowers seconded a motion to allow the City Manager to sign on the City's behalf a supplemental agreement with Victory Electric and/or the Casino if necessary. The motion carried 4-0.

Ford County: Goodnight moved, John Swayze seconded a motion to allow the County Administrator to sign on the County's behalf a supplemental agreement with Victory Electric and/or the Casino if necessary. The motion carried 3-0.

ADJOURNMENT was had on a motion by Rick Sowers, seconded by Brian Weber. The motion carried 4-0.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

**SPECIAL CITY COMMISSION
MEETING MINUTES**

The Rose Room
Ford County Govt. Center
May 26, 2010

CALL TO ORDER

ROLL CALL: Mayor Kent Smoll, Commissioners Rick Sowers, Monte Broeckelman and Brian Weber. Jim Sherer was reported absent.

NEW BUSINESS

Approval of proposed design – build procedure for renovation of Cherry Street Lift Station and the Agreement for Engineering Services with Professional Engineering Services in the amount of \$21,500 with construction by UCI in the amount of \$196,500 was approved on a motion by Commissioner Sowers, seconded by Commissioner Broeckelman.

ADJOURNMENT was had on a motion by Rick Sowers, seconded by Brian Weber. The motion carried 4-0.

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES
 (This form has been prepared by the Attorney General's Office)

City or County of DODGE CITY, KS

SECTION 1 – LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One: <input type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input checked="" type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 – APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-731220756F-01</u>			
Name of Corporation <u>LOVE'S TRAVEL STORES & COUNTRY STORES, INC.</u>		Principal Place of Business	
Corporation Street Address <u>10601 NORTH PENNSYLVANIA</u>		Corporation City <u>OKLAHOMA CITY</u>	State <u>OK</u>
Date of Incorporation <u>12/29/1986</u>		Zip Code <u>73120</u>	
Resident Agent Name <u>C.T. CORPORATION</u>		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Street Address <u>515 SOUTH KANSAS</u>		City <u>TOPEKA</u>	State <u>KS</u>
		Zip Code <u>66603</u>	

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>LOVE'S TRAVEL STOP #62</u>		Name <u>LOVE'S TRAVEL STORES & COUNTRY STORES, INC.</u>	
Business Location Address <u>400 E. WYATT FAAR BLVD</u>		Address <u>PO BOX 26210 ATTN: STORE LICENSING</u>	
City <u>DODGE CITY</u>	State <u>KS</u>	City <u>OKLAHOMA CITY</u>	State <u>OK</u>
Zip <u>67801</u>		Zip <u>73126</u>	
Business Phone No.		<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s)			

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name <u>SEE ATTACHED</u>		Position	
Residence Street Address		City	State
		Zip Code	
Spouse Name		Position	
Residence Street Address		City	State
		Zip Code	
Name		Position	
Residence Street Address		City	State
		Zip Code	
Spouse Name		Position	
Residence Street Address		City	State
		Zip Code	
Name		Position	
Residence Street Address		City	State
		Zip Code	
Spouse Name		Position	
Residence Street Address		City	State
		Zip Code	

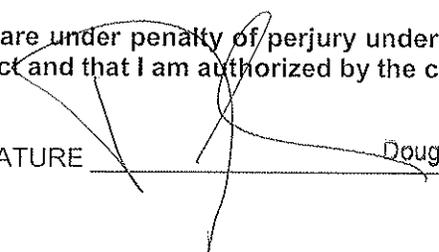
SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
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Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION		
My place of business will be conducted by a manager or agent.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name <u>HEATH HOLUSKA</u>	Phone No. <u>620 430 5729</u>	Date of Birth <u>6/12/1986</u>
Residence Street Address <u>702 E. BEESON ST</u>	City <u>DODGE CITY</u>	Zip Code <u>67801</u>
Manager or Agent Spousal Information		
Spouse Name <u>LETICIA HOLUSKA</u>	Phone No. <u>620 430 5729</u>	Date of Birth <u>01/09/1987</u>
Residence Street Address <u>702 E. BEESON ST</u>	City <u>DODGE CITY</u>	Zip Code <u>67801</u>

SECTION 6 – QUALIFICATIONS FOR LICENSURE	
<p>Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have 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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<input checked="" 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 and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE  Doug Stussi - Exec. Vice Pres. - CFO DATE May 24, 2010

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____ (\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)	
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____ <input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified	
<input type="checkbox"/> New License Approved Valid From Date _____ to _____ By: _____	
<input type="checkbox"/> 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.

¹ Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)

LOVES TRAVEL STOPS & COUNTRY STORES, INC

OFFICERS, DIRECTORS & SHAREHOLDERS

NAME			Position Held	Director	HOME ADDRESS			DATE OF BIRTH		
First	Middle	Last								
Thomas	Eugene	Love	Chairman	YES	6824 N.W. Grand Blvd.	Oklahoma City	OK	73116-5415	10/10/1937	
Gregory	Michael	Love	President of Development	COO	YES	7520 Nichols Road	Oklahoma City	OK	73120-1340	10/8/1961
Judith	McCarthy	Love	Secretary	YES	6824 N.W. Grand Blvd.	Oklahoma City	OK	73116-5415	6/17/1937	
Frank	Crner	Love IV	President of Operations	YES	7444 N Country Club Dr	Oklahoma City	OK	73116-4318	4/11/1969	
Douglas	James	Stussi	Executive Vice President	CFO	NO	608 Deer View Crossing	Edmond	OK	73034-6699	11/19/1954
Matthew	Thomas	Edwards	Executive Vice President-Operations	NO	18717 Otter Creek Dr.	Edmond	OK	73012-4127	2/15/1949	
John	Terry	Ross	Vice Pres. of Construction & Environ. Compliance	NO	2301 Rustic Creek Terrace	Edmond	OK	73013	2/9/1953	
James		Xenos	Vice President of Information Technology	CIO	NO	6704 Newman Dr	Oklahoma City	OK	73162-7455	1/27/1958
Shane		Wharton	Vice President of Accounting	NO	12809 Natasha Way	Yukon	OK	73099-9488	11/10/1967	
Kevin	Douglas	Asbury	Vice President of Human Resources	NO	13100 N. Douglas Blvd.	Jones	OK	73049	10/6/1959	
Linda	Kay	Tillinghast	Assistant Secretary	NO	10712 Ashford Drive	Yukon	OK	73099-8006	12/19/1960	
Jennifer	Love	Meyer	Shareholder	NO	6919 Avondale Court	Oklahoma City	OK	73116-5008	3/12/1966	
Laura	Love	Cameron	Shareholder	NO	2416 Grand Circle	Oklahoma City	OK	73116-4118	3/18/1963	

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES
 (This form has been prepared by the Attorney General's Office)

City or County of Dodge City Ford County

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises.	
<input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-480728482 F-01</u>			
Name of Corporation <u>HIGH PLAINS PIZZA, INC.</u>		Principal Place of Business <u>7 W. Parkway Blvd.</u>	
Corporation Street Address <u>7 W. Parkway Blvd</u>		Corporation City <u>LIBERAL</u>	State <u>KS</u>
Date of Incorporation <u>9-1-06</u>		Zip Code <u>67901</u>	
Resident Agent Name		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Street Address		Phone No. <u>620-624-5638</u>	
		City <u>LIBERAL</u>	State <u>K</u>
		Zip Code <u>67901</u>	

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>PIZZA HUT #104</u>		Name <u>High Plains Pizza, Inc.</u>	
Business Location Address <u>110 FRONT VIEW</u>		Address <u>P.O. Box 2438</u>	
City <u>Dodge City</u>	State <u>KS</u>	City <u>LIBERAL</u>	State <u>KS</u>
Zip <u>67901</u>		Zip <u>67905</u>	
Business Phone No. <u>620-225-2286</u>		<input type="checkbox"/> Applicant owns the proposed business location.	
Business Location Owner Name(s) <u>COLVIN PROPERTIES</u>		<input checked="" type="checkbox"/> Applicant does not own the proposed business location.	

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name	Position	Date of Birth	
<u>See Attached</u>			
Residence Street Address	City	State	Zip Code
Spouse Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Spouse Name	Position	Age	
Residence Street Address	City	State	Zip Code
Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Spouse Name	Position	Age	
Residence Street Address	City	State	Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
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Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION			
My place of business will be conducted by a manager or agent.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:			
Manager/Agent Name VINCENT CORDERO	Phone No. 620-255-3703	Date of Birth 8-11-80	
Residence Street Address 2503 BELL AVE APT. A.	City DODGE CITY, KS	Zip Code 67801	
Manager or Agent Spousal Information			
Spouse Name Ludmila CORDERO	Phone No. 620-255-3703	Date of Birth 10-27-86	
Residence Street Address 2503 BELL AVE APT A	City Dodge City, KS	Zip Code 67801	

SECTION 6 – QUALIFICATIONS FOR LICENSURE	
<p>Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have 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.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<input checked="" 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 and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE *Amy Hunka* DATE 5/20/10

\$ 225⁰⁰

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____	
(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)	
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____	<input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved Valid From Date _____ to _____	By: _____
<input type="checkbox"/> 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.

¹ Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)



CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or County of Dodge City, Ford County

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One: <input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): <u>004-480728482F-01</u>			
Name of Corporation <u>HIGH PLAINS PIZZA, INC.</u>	Principal Place of Business <u>17 W. Parkway Blvd</u>		
Corporation Street Address <u>7 WEST PARKWAY BLVD.</u>	Corporation City <u>LIBERAL</u>	State <u>KS</u>	Zip Code <u>67901</u>
Date of Incorporation <u>9-1-66</u>	Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Resident Agent Name	Phone No. <u>620-624-5638</u>		
Residence Street Address	City <u>LIBERAL</u>	State <u>KS</u>	Zip Code <u>67901</u>

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>PIZZA HUT #103</u>	Name <u>High PLAINS PIZZA, INC</u>		
Business Location Address <u>1513 W. Wyatt Earp</u>	Address <u>P.O. Box 2438</u>		
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City <u>LIBERAL</u>	State <u>KS</u>	Zip <u>67905</u>
Business Phone No. <u>620-225-0290</u>	<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.		
Business Location Owner Name(s) <u>HIGH PLAINS PIZZA, INC.</u>			

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name <u>See Attached</u>	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
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Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code

SECTION 5 - MANAGER OR AGENT INFORMATION		
My place of business will be conducted by a manager or agent.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name <i>Jerry LAUE</i>	Phone No. <i>620-253-7412</i>	Date of Birth <i>8-29-69</i>
Residence Street Address <i>2904 Maralane</i>	City <i>Dodge City KS</i>	Zip Code <i>67801</i>
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 6 - QUALIFICATIONS FOR LICENSURE	
Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have 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
None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<input checked="" 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 and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE *Amy Nunka* DATE *5/20/10*

\$225.00

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____	(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____	<input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved Valid From Date _____ to _____	By: _____
<input type="checkbox"/> 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.

¹ Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)



CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or County of Dodge City, KS

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises.	
<input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.	

SECTION 2 - APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required):			
Name of Corporation <u>City of Dodge City</u>		Principal Place of Business <u>Municipality</u>	
Corporation Street Address <u>806 Second Avenue</u>		Corporation City <u>Dodge City</u>	State <u>KS</u> Zip Code <u>67801</u>
Date of Incorporation		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name <u>Paul Lewis</u>		Phone No. <u>620-225-8100</u>	
Residence Street Address <u>240 San Jose Drive</u>		City <u>Dodge City</u>	State <u>KS</u> Zip Code <u>67801</u>

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>Manah Hills Golf Course</u>		Name <u>Manah Hills Golf Course</u>	
Business Location Address <u>1800 Matt Down Lane</u>		Address <u>Box 880</u>	
City <u>Dodge City</u>	State <u>KS</u> Zip <u>67801</u>	City <u>Dodge City</u>	State <u>KS</u> Zip <u>67801</u>
Business Phone No. <u>620-225-8182</u>		<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s) <u>City of Dodge City</u>			

SECTION 4 - OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name	Position	Date of Birth	
Residence Street Address	City	State	Zip
Spouse Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Spouse Name	Position	Age	
Residence Street Address	City	State	Zip Code
Name	Position	Date of Birth	
Residence Street Address	City	State	Zip Code
Spouse Name	Position	Age	
Residence Street Address	City	State	Zip Code

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
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Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code

SECTION 5 - MANAGER OR AGENT INFORMATION		
My place of business will be conducted by a manager or agent.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name <i>Chris Robinson</i>	Phone No. <i>719-588-0823</i>	Date of Birth <i>6-26-79</i>
Residence Street Address <i>113 Canterbury</i>	City <i>Joplin City</i>	Zip Code <i>67801</i>
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 6 - QUALIFICATIONS FOR LICENSURE	
<p>Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have 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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

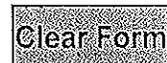
I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE *Chris Robinson* DATE *5/28/10*

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____	(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____	<input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved Valid From Date _____ to _____	By: _____
<input type="checkbox"/> 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.

¹ Spouse not required to be over 21 years of age. K.S.A. 41-2703(b)(9)



**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 Dodge City

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises.	
<input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licenses premises.	

SECTION 2 - APPLICANT INFORMATION		
Kansas Sales Tax Registration Number (required): <u>00474253 2314FD2</u>		
Name <u>Larry Thephachanh</u>	Phone No. <u>620-338-8881</u>	Date of Birth <u>4-1-59</u>
Residence Street Address <u>2207 Fairway</u>	City <u>Dodge City</u>	Zip Code <u>KS</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>Ban Lao Garden</u>	Name <u>SAME</u>		
Business Location Address <u>102 W. Wyatt Camp</u>	Address		
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City	State	Zip
Business Phone No. <u>620-338-8881</u>	<input type="checkbox"/> I own the proposed business location. <input checked="" type="checkbox"/> I do not own the proposed business location.		
Business Location Owner Name(s) <u>Francisco Alcalá</u>			

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 _____ 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 ¹ 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 type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input 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 ² 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 *Larry Srophachanp* DATE 6-1-10

\$ 225⁰⁰

FOR CITY/COUNTY OFFICE USE ONLY:	
<input type="checkbox"/> License Fee Received Amount \$ _____ Date _____	
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)	
<input type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____	<input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved Valid From Date _____ to _____	By: _____
<input type="checkbox"/> 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.

¹ If renewal application, applicant's spouse not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)
² 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: Ray Slattery,
City Engineer

Date: May 17, 2010

Subject: 14th Ave. Reconstruction
ST 0508

Agenda Item: Consent Calendar

Recommendation: Approve change order No. 2 of 14th Ave. Reconstruction

Background: 14th Ave. Reconstruction was approved by the Commission on February 16, 2009.

Justification: PCC Pavement (NRDJ) (9”) (AE) – The additional 212.90 S.Y. represents actual field measurements. The Nate Reese and 14th Ave. intersection was added to the project to provide a good transition. There were also a few other areas that were extended to provide a better transition from existing pavement to the new concrete.

Combined Curb & Gutter – The additional 3778 L.F. of represents actual field measurements. This overrun was due to the fact that the scope of this project changed over time and the existing of curb and gutter north of Soule St. was added to be replaced in the final plans. The final quantities did not reflect this change.

Driveways (7” Concrete) (AE) – The decrease of 389.19 S.Y. of represents actual field measurements. This reduction was due to the fact that the scope of this project changed over time and the entrance and exit of the college were originally proposed to be relocated and reconstructed as part of the project. In the final plans the drives remained “as-is” and final quantities did not reflect this change.

Driveways (6” Concrete)(AE) – The decrease of 60.87 S.Y. of represents actual field measurements. This reduction was due to the fact that the main Wal-Mart drive was changed to 7” concrete due to the amount of traffic at this drive.

Modular Block Retaining Wall – The increase of 376.34 L.F. represents actual field measurements. This is a result of needing additional wall to make a better transition to the existing grade.

Turf Reinforcement Mat – This item was deleted from the project. It was decided that work done to the drainage ditch east of 14th Ave. south of Hi St. be deleted at this time until a more permanent solution can be determined.

Hydro Mulch – This item was added to the contract so that the straw mulch that was specified would not be blowing around the neighborhoods or washing into the storm drainage system

Financial Considerations: Change Order No. 2 is for an increase of \$12,698.55

Purpose/Mission: One of the City's core values in Ongoing Improvements. With the construction of these improvements the City is preparing for the community's future and providing new possibilities for current and future citizens of our community.

Legal Considerations: N/A

Attachments: Change Order No. 2

Memorandum

To: City Commissioners
From: Ken Strobel, City Manager
Date: June 3, 2010
Subject: Santa Fe Plaza CID
Agenda Item: Ordinances and Resolutions

Recommendation: Approval of Ordinance No. 3492

Background: See attached memo dated April 20, 2010.

Justification: The CID is an economic development tool which assists developers recover costs of constructing and/or renovating properties for retail use. In this case, the program allows Alliance Center, LLC to place an additional 1 cent sales tax on items sold by retailers on their property. The 1 cent is ultimately reimbursed to the developer allowing them to recoup some of the project costs. The 1 cent is in addition to the established rate in the area, but is not believed to be a detractor from sales in the complex. The additional retail development within the City will serve to broaden the property tax base, attract more shoppers to the area, as well as provide a wider variety and selection of retail goods for local residents.

Financial Considerations: The City is assuming no financial responsibility under the Ordinance, other than staff time in administering the program. Under the statutes the City is allowed to assess an administrative fee to off-set staff costs. A reasonable fee will be established with the developer.

Purpose/Mission: To encourage and fascilitate expanded retail development in the downtown area.

Legal Considerations: None

Attachments: Proposed Ordinance No. 3492

Memorandum

To: City Commission
From: Ken Strobel, City Manager
Cherise Tieben, Asst. City Manager
Date: April 20, 2010
Subject: CID Project

As we had discussed with each Commissioner last week, we met with Brian Marshall of Building Solutions to review the Santa Fe Plaza development status and funding options. The main topic during this meeting was the potential for utilizing the new Community Improvement District (CID) incentive offered by the state.

The CID is offered by state statute to developers and businesses that are willing to increase their sales tax by up to 2¢ in a defined district. Building Solutions has requested a 1¢ increase in a district which strictly encompasses their property which is located from the East boundary of Budweiser to the West boundary of Pepsi. The incremental increase is collected by the State and then returned to the City to be placed in a Trust established by the City. The funds are then utilized by the developer or district to cover qualifying costs. Expenses from the following list may be submitted to the City for verification and then the funds are withdrawn from the Trust:

1. Any project within the district to acquire, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip or extend:
 - a. Buildings, structures and facilities;
 - b. Sidewalks, streets, alleys, parking lots, traffic signals, utilities, pedestrian amenities, drainage systems, water systems, storm systems, sewer systems, water mains and extensions and other site improvements;
 - c. Parking garages;
 - d. Streetscape, lighting, fixtures, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
 - e. Landscaping; and
 - f. Many more items that do not seem applicable to this project.

The various methods that developers can utilize to take advantage of this incentive include:

- The utilization of special revenue bonds;
- Special assessments; or
- The pay as you go method.

Obviously, the pay as you go method offers the least risk to the City. This method is the requested option by Building Solutions. Again, Building Solutions will incur the expense and then present the expense to the City Clerk for verification of eligible reimbursement from the established Trust. The tax is left in place to reimburse the developer for eligible expenses for up to twenty-two (22) years. It is anticipated that this will be the case, in this situation.

After you have had the opportunity to review this information, please do not hesitate to contact Ken or myself if you have any questions.

ORDINANCE NO. 3492

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS
MAKING CERTAIN FINDINGS AS TO 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”) 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 (“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 Petition was signed by the owners of record of more than 55% of the total land area and total assessed value of property within the proposed community improvement district; and

WHEREAS, pursuant to the Act, the governing body of the City of Dodge City, Kansas, by Resolution No. 2010-17, adopted on May 17, 2010, directed that a public hearing be held to consider the advisability of creating a community improvement district and requiring the City Clerk to give notice of such public hearing as set forth in the Act; and

WHEREAS, the governing body of the City of Dodge City, Kansas hereby finds and determines it to be advisable to create the proposed community improvement district, authorize the project, approve the estimated cost of the project, set forth the boundaries of the district, levy the community improvement district sales tax, and approve the method of financing.

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

Section 1. Authorization of the Project. The project set forth in *Exhibit B*, attached hereto and incorporated by reference, is hereby authorized.

Section 2. Approval of the Estimated Cost of the Project. The estimated cost of the project, \$6,200,000, is hereby approved.

Section 3. Legal Description and Map of District. The community improvement district created hereunder is described and depicted in a legal description and map exhibit, attached hereto, and incorporated by reference, in *Exhibit C* and *Exhibit D*, respectively.

Section 4. Levy of Community Improvement District Sales Tax. A 1.00% community improvement district sales tax is hereby levied within the community improvement district in accordance with the Act on the sale of tangible personal property or rendering or furnishing of taxable services within the 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.

Section 5. Approval of Method of Financing. The proposed method of financing for the community improvement district, either by reimbursement of costs on a “pay-as-you-go” basis or the issuance of special obligation bonds, is hereby approved.

Section 6. Effective Date. This ordinance shall take effect from and after its passage by the governing body of the City of Dodge City, Kansas and publication in the official City newspaper. This ordinance shall also be filed in the register of deeds in the county in which the community improvement district is located, and a copy of this ordinance shall be provided to the director of taxation of the State of Kansas in accordance with the Act.

ADOPTED by the governing body of the City of Dodge City, Kansas on this 7th day of June, 2010.

E. Kent Smoll, Mayor

Attest:

Nannette Pogue, City Clerk

Brad Ralph, City Attorney

EXHIBIT A

Community Improvement District Petition

**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

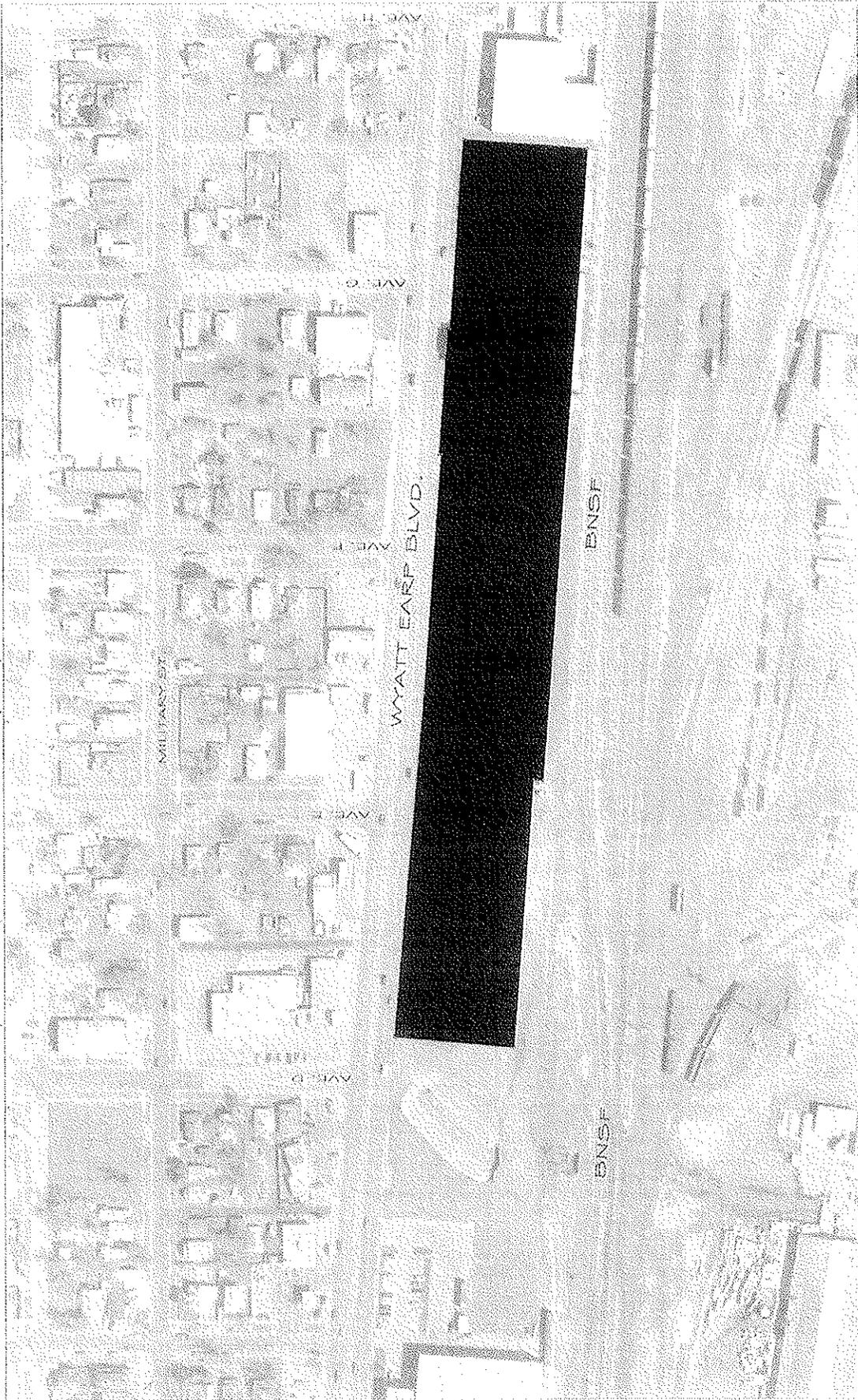


EXHIBIT "B"

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 6th 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
Operational Costs	
Cleaning and Maintenance	\$25,000
Security	\$25,000
Marketing and Advertising	\$25,000
Miscellaneous Costs	
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
TOTAL:	\$6,200,000

EXHIBIT B

Community Improvement District Project

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

EXHIBIT "B"
LEGAL DESCRIPTION

A parcel of land located in the South half of Section 25, Township 26 South, Range 25 West of the 6th 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;

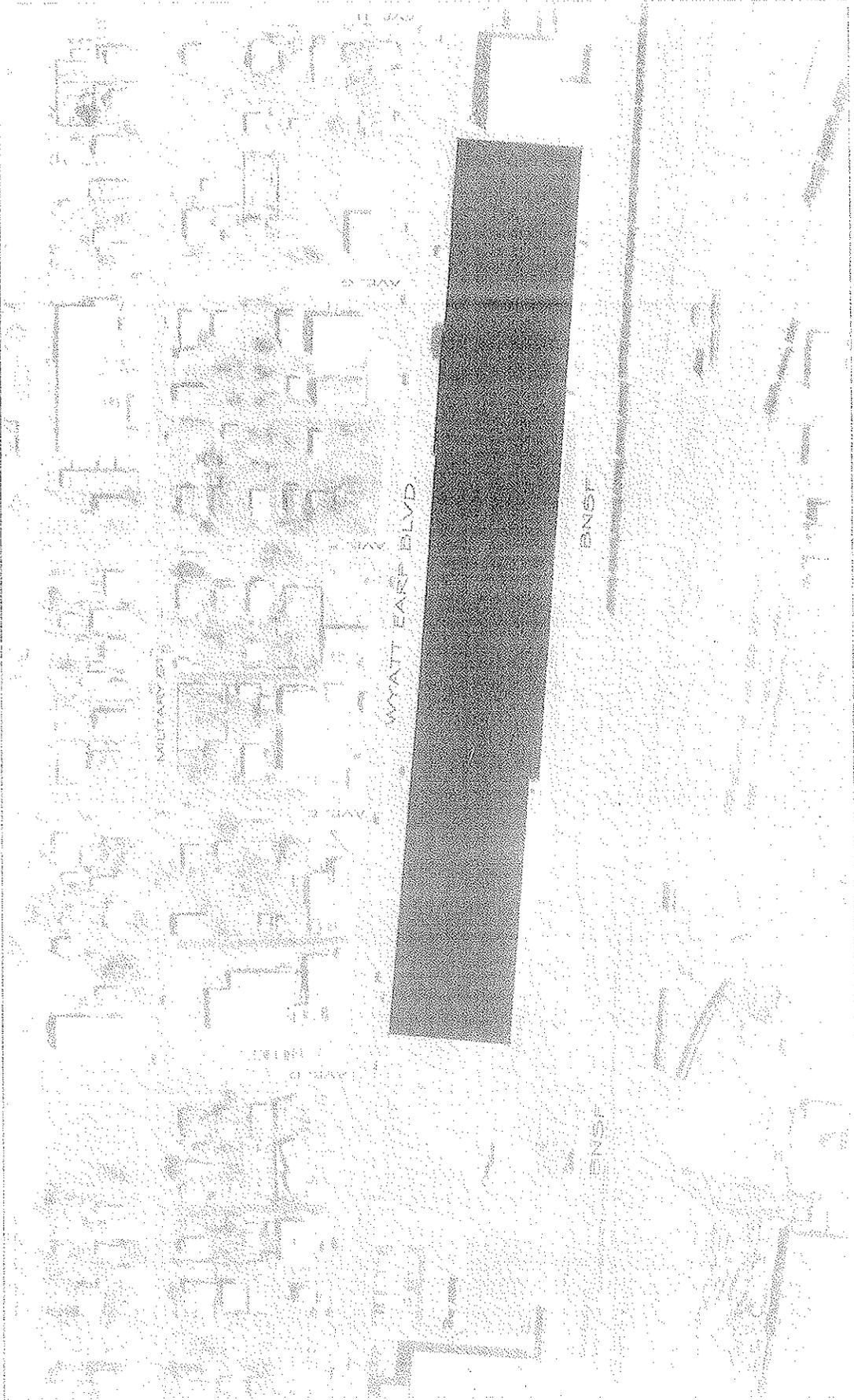
Thence S04°23'03"W on said right of way line for a distance of 3.50 feet;

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

EXHIBIT D

Map Exhibit

Map of Proposed Community Improvement District



Memorandum

To: City Manager
Assistant City Manager
City Commissioners

From: Ray Slattery, PE 
City Engineer

Date: June 4, 2010

Subject: Bid Approval for 14th
Ave. Improvements near
the Railroad Crossing

Agenda Item: Consent Calendar

Recommendation: Approve quote of \$48,494.50 with JAG Construction Company to construct the 14th Ave. Street Improvements at the Railroad Crossing.

Background: On February 15, 2010 the Commission passed Resolution 2010-05 directing the BNSF Railroad to repair their crossing on 14th Ave. The Railroad has schedule to reconstruct the crossing starting Monday, June 14th. During the reconstruction of the rail crossing sections of the street will have to be removed and replaced. Quotes were opened on Friday, June 04, 2010 for the Improvements to 14th Ave.

Justification: With the construction of the new crossing staff felt replacement of the pavement on either side of the tracks would provide a smooth transition. The pavement on the south side of the tracks is only one of two sections of asphalt pavement remaining on 14th Ave. from McArtor Rd. to US 50; it is showing some rutting and has caused some maintenance issues. The concrete pavement on the north side of the crossing has several broken panels one of which has caused a serve panel heave. The new concrete pavement would also eliminate these maintenance issues with the pavement on either side of the rail crossing.

Financial Considerations: The project will be funded from the City's Special Streets Fund for construction and maintenance of the city's streets.

Two quotes were received;

	JAG Const. Co	Brak-Hard Conc. Const.	Engineer's Estimate
14 th Ave. Improvements	\$48,494.50	\$79,393.55	\$58,499.50

Purpose/Mission: This Project meets the City's Core Value of providing Ongoing Improvements for the citizens of the community.

Legal Considerations: N/A

Attachments: Resolution No. 2010-05 and Quote Tab.

RESOLUTION NO. 2010-05

A RESOLUTION REQUIRING THE REPAIR OF THE RAILROAD TRACKS LOCATED DIRECTLY SOUTH OF WYATT EARP BOULEVARD ON 14TH AVE., FAILURE TO MAKE SUCH REPAIRS WITHIN NINETY (90) DAYS SHALL RESULT IN THE CITY CONTRACTING FOR SUCH REPAIRS AND A LIEN BEING PLACED UPON THE PROPERTY OF SUCH RAILWAY COMPANY IN THE SAME MANNER AS OTHER TAXES ARE ASSESSED, LEVIED AND OR COLLECTED.

WHEREAS, the Governing Body of the City of Dodge City, Kansas, finds that the railroad tracks, crossing Dodge City streets south of Wyatt Earp Boulevard, north of Trail St. on 14th Ave. are in need of repair; and

WHEREAS, failure to make such repairs by the railway operator has resulted in the crossing becoming defective and causes an impediment to vehicular traffic in such a way as to cause the obstruction or slowing of such traffic to the detriment of public welfare and safety; and

WHEREAS, the City Engineer has requested but has not received from the railroad operator a firm commitment regarding future repairs, the timing of such repairs or an indication of the extent of any planned repairs; and

WHEREAS, Ordinance No. 2052, authorizes that under such circumstances a formal resolution may be adopted requiring such repairs;

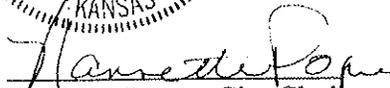
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

That the aforementioned railroad crossing owned by Burlington Northern Santa Fe Railroad be improved to the standard required by City Code and approved by the City Engineer. City staff is hereby directed to serve notice to an agent of the railway to correct such defects within ninety (90) days after said notice has been served.

Should the railway operator fail to repair and correct the defects at said crossing within ninety (90) days of receipt of said notice and return the tracks to the standard required by City Code and approved by the City Engineer, City staff shall hereby be authorized to contract such repairs to be completed and assess the costs of such repairs and improvements to the railroad operator in accordance with Ordinance No. 2052.

ADOPTED AND APPROVED THIS 15TH DAY OF FEBRUARY, 2010.




Nannette Pogue, City Clerk

City of Dodge City, KS


Rick Sowers, Mayor

