

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, June 21, 2010

7:00 p.m.

MEETING #4807

CALL TO ORDER

ROLL CALL

INVOCATION: by Rev. Daniel Armenta with Iglesia Bautista Emanuel

PLEDGE OF ALLEGIANCE

PUBLIC HEARING 2010 Edward Byrne Memorial Justice Assistance Grant Allocation for Dodge City Police Department

PETITIONS & PROCLAMATIONS

Kansas All-Star Football Shrine Bowl Day

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, June 7, 2010
2. Appropriation Ordinance No. 11, June 21, 2010

ORDINANCES & RESOLUTIONS

Resolution No. 2010-19: Adopting a Cultural Relations Advisory Board. Report by Director of Public Information, Jane Longmeyer.

Resolution No. 2010-20: Approval of the resolution which permits the submittal of multiple proposed Rural Housing Incentive District to the Kansas Secretary of Commerce for approval. Report by Housing & Neighborhood Revitalization Coordinator, Kaci Davignon.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of 2010 Street Projects. Report by City Engineer, Ray Slattery.
2. Approval of Final Plat for Gibson Addition. Report by Director of Development Services, Dennis Veatch.
3. Approval of Loud Music permit to be issued during Dodge City Days. Report by Assistant City Manager, Cherise Tieben.

OTHER BUSINESS

ADJOURNMENT

June 18, 2010

To: Ken Strobel
Cherise Tieben

From: Lt.Craig Mellecker

RE: Edward Byrne Justice Assistance Grant Program

The Dodge City Police Department is eligible for grant funds from the 2010 Edward Byrne Memorial justice Assistance Grant program. Under this grant program the Dodge City Police Department has been allocated \$24,308. This grant does not require a local match. The grant provides funds for use in a number of stated areas, including the application we will be submitting. It is our plan to use these funds to enhance our ability to secure evidence from cell phone and PDA's and to start a foreign language translator program.

The Police Department has been working in conjunction with state and municipal law enforcement agencies on various criminal investigations. During these investigations cell phones and PDA's have been seized. Currently we take a digital photograph of each screen on the phone to record the evidence. With the Cellebrite unit you can connect the cell phone to the unit and the unit will download all contents on the phone to a thumb drive. We also want to start a foreign language translator program. We would identify translators who would be able to respond to requests from the Dodge City Police Department officers and Ford County Sheriff Department deputies.

Below is a break down of the costs associated with each program:

A. Cellebrite forensic cell phone extraction device

Cellebrite universal forensic extraction device for cell phones, smart phones and PDA's.
\$4,499.00
Three (3) year service / upgrade contract \$3,000.00
Total: \$7,499.00

B. Foreign language translator program

Hourly pay for contract translator \$ 50.00
Total cost: \$16,809
This would give us 336 hours of translation services.

Total Cost for the two programs \$24,308

This Byrne grant covers a period of one year and will be administered by myself.

Thank you
Lt.Craig Mellecker

PROCLAMATION

WHEREAS, The Shrine Bowl of Kansas, Inc., sponsored by the five Shrine Centers of Kansas, namely, Abdallah of Overland Park, Arab of Topeka, Isis of Saline, Midian of Wichita and Mirza of Pittsburg, will sponsor their 37th Annual All-Star Football Game on July 31, 2010 in Pittsburg, Kansas, and continue their tradition of philanthropy; and

WHEREAS, For over 87 years, the Ancient Arabic Order of the Nobles of the Mystic Shrine of North America, through its network of hospitals, has treated over 865,000 children with orthopedic disabilities, and in more recent years, treated thousands of severely burned children through its Burn Institute; and

WHEREAS, The citizens of the great State of Kansas may aid this worthy and impartial work and further the efforts of this great charity in their support of this philanthropic event to favor the unfortunate children, regardless of race and creed;

NOW, THEREFORE BE IT PROCLAIMED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, in a regular meeting duly assembled, that the City of Dodge City governing body does hereby recognize All-Star Landon Head of Dodge City High School as a participant in the Kansas Shrine Bowl East-West Charity All-Star Football Game;

BE IT FURTHER RESOLVED, I, E. Kent Smoll, by virtue of the authority vested in me as Mayor of the City of Dodge City, do hereby proclaim and urge all citizens to join in the observance of Saturday, July 31, 2010 as

KANSAS ALL-STAR FOOTBALL SHRINE BOWL DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Dodge City to be affixed, this 21st day of June, 2010.

E. Kent Smoll, Mayor

Nannette Pogue, City Clerk

CITY COMMISSION MINUTES

City Hall Commission Chambers

Monday, June 7, 2010

7:00 p.m.

MEETING #4806

CALL TO ORDER

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

INVOCATION: Rev. Daniel Armenta with Iglesia Bautista Emanuel

PLEDGE OF ALLEGIANCE

PUBLIC HEARING Advisability of Creating a Community Improvement District. Presentation was made by Brian Marshall of Building Solutions and Korb Maxwell.

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 for June 2010 was presented to Robert Lopez by Corey Keller.

The City Character Trait, Endurance vs. Faintheartedness was presented by Director of Finance/City Clerk, Nannette Pogue.

Kim Goodnight invited the public to the Great Western Cattle Trail Marker Dedication on Saturday, June 12th at 2:00 p.m.

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 Shop #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.

Commissioner Jim Sherer moved to approve the Consent Calendar as presented, seconded by Commissioner Brian Weber. The motion carried 5-0.

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 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. The motion carried 5-0.

UNFINISHED BUSINESS

NEW BUSINESS

14th Avenue Street and railroad crossing improvements in the amount of \$48,494.50 from JAG Construction Company was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Weber. The motion carried 5-0.

OTHER BUSINESS

Ken Strobel, City Manager:

- Reminders...
 - Topping Off party at the Special Events Center on Saturday, June 19th 10:00 – Noon.

Commissioner Jim Sherer:

- Reminded everyone of the World of Outlaws June 12-13th; and
- Dodge City (A's) Athletics have started their season.

Commissioner Rick Sowers:

- Wished the Smoll family good luck for the new grandchild.

Commissioner Monte Broeckelman:

- Commented that Infrastructure Costs can't be seen, but is all included in the cost of the project, for example, the Special Events Center.

Mayor Kent Smoll:

- GI Forum this weekend;
- Dedication of Great Western Trail Marker, Saturday, June 12th;
- World of Outlaws this weekend; and
- Complimented the City Staff and Commission.

EXECUTIVE SESSION

At 7:50 p.m., Commissioner Rick Sowers moved to adjourn to Executive Session not to exceed 20 minutes to discuss land acquisition, no action will be taken, seconded by Commissioner Jim Sherer. Motion carried 5-0.

At 8:10 p.m., Commissioner Jim Sherer moved to extend Executive Session 10 minutes, seconded by Commissioner Rick Sowers. Motion carried 5-0.

ADJOURNMENT: Commissioner Brian Weber moved to adjourn the meeting, Commissioner Jim Sherer seconded the motion. The motion carried 5-0.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

*From: Jane Longmeyer, Dir. of Public
Information*

Date: June 17, 2010

*Subject: Cultural Relations Advisory Board
Agenda Item: Ordinances and Resolutions*

Recommendation: Resolution No. 2010-19 be adopted.

Background: A Refugee Task Force was organized about the time Somali refugees came to work in the Dodge City area. The Task Force was comprised of various organizations that had common challenges of communication with the growing diverse population. The members of the Task Force are recommending that a structured Cultural Relations Advisory Board would better serve the community to build an inclusive city.

Justification: The Board would replace the Refugee Task Force at their recommendation.

Financial Considerations: None.

Purpose/Mission: The City of Dodge City Mission Statement is "Together, we promote open communications with our community members to improve quality of life and preserve our heritage to foster a better future." The purpose of the Cultural Relations Advisory Board would meet the City's mission.

Legal Considerations: None

Attachments: Resolution No.

RESOLUTION NO. 2010-19

A RESOLUTION PROVIDING FOR THE CREATION, MEMBERSHIP, STRUCTURE AND RESPONSIBILITIES OF A CULTURAL RELATIONS ADVISORY BOARD TO ADVISE THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, WITH REGARD TO ISSUES AFFECTING MINORITY POPULATIONS WITHIN THE CITY.

WHEREAS, Dodge City has become a city of different races and cultures, religions and beliefs, experiences and traditions and whose cultural life, economy, livability and neighborhoods have been enriched by this growing diversity; and

WHEREAS, the existence of a thriving and diverse community has also raised complex questions about how to build a truly inclusive city; and

WHEREAS, the principals of representative democracy require that the interest of all people be heard and considered in the establishment and administration of ordinances and policies, and in the general governing of the City; and

WHEREAS, the community will benefit from the creation of an organization focused on cultural relations whose mission is to create greater cohesion in our community by promoting mutual respect, dignity and open communication among all people; and

WHEREAS, it is the policy of the City of Dodge City to promote and foster goodwill, and through cooperation and conciliation among all groups and segments of the population, to eliminate and prevent within its boundaries discrimination, segregation or separation because of race, color, national origin or ancestry.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Dodge City, Kansas:

SECTION I. That it is advisable, desirable, and will be to the overall benefit of the City of Dodge City, Kansas, to create and establish a City appointed Cultural Relations Advisory Board, (hereinafter referred to as "The Board") which shall act in an advisory capacity to the Governing Body of the City, and as otherwise requested, so as to insure the implementation of the purposes herein below set forth.

BE IT FURTHER RESOLVED that:

1. The purpose of the Cultural Relations Advisory Board is to advise the City Commission related to or affecting minority communities within Dodge City, to monitor the policies and practices of the City of Dodge City to issue fair and equitable application, and to act as a resource for intercultural awareness, education, and celebration among all people.

2. That the members shall be composed of nine representatives, appointed for three (3) year terms by the Mayor of the City with the advice and consent of the City Commission, provided that when initial appointments are made, three (3) shall be for terms which expire January 31, 2012; three (3) shall be for terms which expire January 31, 2013; and three (3) shall be for terms which expire January 31, 2014. Thereafter, all appointments shall be for three (3) years.
3. Membership on the Board will be comprised of nominations from each of the following:
 - Cargill Meat Solutions
 - National Beef Packing
 - Ministerial Alliance
 - United Way
 - USD #443
 - Dodge City Community College/Adult Learning Center
 - Mexican American Ministries
 - Chamber of Commerce
 - At large.
4. Community organizations and groups that represent cultural relations interests will be included on the agenda of the monthly meetings.
5. The Board shall convene in a place and time designated by a vote of the members. At such meeting, the Board shall elect a chairperson for an initial term which expires January 31, 2012, and thereafter for a term of one (1) year, and may elect other officers, adopt bylaws, and determine the time and place for future meetings. A quorum shall consist of five (5) members.
6. The City Manager shall appoint a staff representative to the Board. The staff representative shall assist the Board in the performance of its duties, keep a record of the proceedings of the Board, and notify members of the date, time, and place of meetings of the Board.
7. The Board shall:
 - a) act in an advisory capacity and its function shall be to further amicable relations among the various segments of the population which comprise the City of Dodge City;
 - b) help preserve and further the good name of the City for tolerance and fairness and to promote better relations among its people;
 - c) help make it possible for each citizen to develop talents, abilities, and opportunities without limitations;
 - d) advise the Governing Body on problems affecting human and intergroup relations;

- e) make studies, surveys, and investigations to provide accurate data for orderly and constructive community development and recommend such measures that are deemed necessary to carry out such recommendations;
 - f) consult with and coordinate efforts among agencies, both public and private, such as local businesses, schools, law enforcement agencies, social welfare organizations, youth and senior groups, and other similar groups which function in the field of human relations;
 - g) utilize the resources of individuals and groups towards the improvement of intergroup relations;
 - h) enlist all potential community forces in an effort to make more secure and to extend democratic rights, opportunities and practices, and influence and encourage community support for educational programs and appropriate legislation designed to combat those misconceptions, prejudices, and untruths which tend to set group against group; and
 - i) work to reduce tensions created by ignorance and bigotry, and eliminate discriminatory practices arising from prejudice.
8. The Board, with the prior approval of the Governing Body, may expend funds, may accept contributions from any persons or governmental unit to assist in their efforts, and may enlist the cooperation, including the financial assistance of private, charitable, religions, labor, civic, or benevolent organizations for the purposes set forth. All funds shall be received and disbursed in the name of the City of Dodge City, Kansas. A budget provision for such receipts and expenditures shall be made part of the City's operating budget.
9. The Board shall report and make recommendations to the Governing Body of the City of Dodge City during the regularly scheduled meetings of the Governing Body not less than twice each calendar year commencing in 2011.

SECTION II. That this resolution shall be effective on the date approved and adopted below.

APPROVED AND ADOPTED by the Governing Body of the City of Dodge City, Kansas, this 21st day of June, 2010.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk



Dodge City/Ford County
Development Corporation
PO Box 818
Dodge City, KS 67801

Phone: 620-227-9501
FAX: 620-338-8734
www.dodgedev.org

Memorandum

To: City Commissioners
From: Kaci Davignon, Housing & Neighborhood Revitalization Coordinator
Date: June 18, 2010
Subject: Resolution 2010-20

Recommendation: The Dodge City/Ford County Development Corporation recommends approval of Resolution 2010-20 which permits the submittal of multiple proposed Rural Housing Incentive Districts to the Kansas Secretary of Commerce for approval.

Background: In April of 2008 the City and County received the CHAT report which provided our community with a housing needs analysis. The report showed that our community housing needs were substantial. In light of this need, staff has done significant research as to the cause of the shortage and efforts which can be made to correct the issue. The establishment of Rural Housing Incentive Districts (RHID) are the first steps toward providing an incentive, which will entice developers to our community.

Justification: Numerous developers have reviewed their opportunities to pursue housing projects in our community. These projects, according to developers, will not cash flow and have not come to fruition due to infrastructure costs, high cost of building supplies, property taxes, low market/rent rates and other issues. Establishing a RHID will encourage housing developments and will allow more families to join our community in order to fulfill the employment needs of our local businesses.

Financial Considerations: None at this time. However, if utilized, the financial consideration would be dependent upon each independent development agreement.

Purpose/Mission: This resolution assists staff by taking the first step to improving housing opportunities and therefore, improving the quality of life for our citizens.

Legal Considerations: None

Attachments: CHAT Report

Resolution 2010-20

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF DODGE CITY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY.

WHEREAS, K.S.A. 12-5241 et seq. (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 40,000 located in a county with a population of less than 60,000, to designate rural housing incentive districts within such city; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the City of Dodge City, Kansas (the “City”) has an estimated population of 26,101, is located in Ford County, Kansas, which has an estimated population of 32,458 and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the Governing Body of the City has performed a Housing Needs Analysis dated April 23, 2008 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, based on the Needs Analysis, the Governing Body of the City proposes to commence proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, as follows:

Section 1. The Governing Body has previously adopted and incorporated by reference as part of this Resolution the Needs Analysis, a copy of which is on file in the

office of the City Clerk, and based on a review of said Needs Analysis makes the following findings and determinations.

Section 2. The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

Section 3. The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

Section 4. The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.

Section 5. The Governing Body hereby finds and determines that the future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

Section 6. Based on the findings and determinations contained in *Sections 2* through *5* of this Resolution, the Governing Body proposes to establish a Rural Housing Incentive District pursuant to the Act, within boundaries of the real estate legally described in *Exhibit A, A-11 and A-12* attached hereto, and shown on the maps depicting the existing parcels of land attached hereto as *Exhibit B* (the “District”).

Section 7. The City Clerk is hereby directed to publish this Resolution one time in the official City newspaper, and to send a certified copy of this Resolution to the Secretary for the Secretary’s review and approval.

Section 8. This Resolution shall take effect after its adoption and publication once in the official City newspaper.

Approved this 21st day of June 2010 and signed by the Mayor.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Resolution 2010-20
Exhibit A

A-11 Lots One (1), Two (2), Three (3), Six (6), Seven (7), Eight (8), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15), in Block Two (2); and Lots One (1), Two (2) and Three (3), in Block Three (3); and Lots Two (2), Three (3), Four (4), Five (5) and Six (6) in Block Four (4), Summerlon Phase II, an Addition to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book "E" at page 62.

A-12 Lot 1 through 23 in Block 4 and Lot 1 through 32 in Block 1, Summerlon Phase III an Addition to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book E at page 59-61 thereof.

U.S. HIGHWAY 50

U.S. Hwy. 50



BLK.2
LOT 1

BLK.1
LOT 2

SUMMERLON
PHASE V

SUMMERLON
PHASE 4

A-11

SUMMERLON
PHASE 2

Ragan Rd.

RAGAN RD.

FAIR FIELD CT.

FAIR FIELD CIR.

A-12

WATERFRONT CT.

AMBER CIR.

Ave. P

Fairway Dr.

ROLLIE DR.

KERRI DR.

Robin Rd.

Marsha Ln.

MARSHA LN.

HILLS

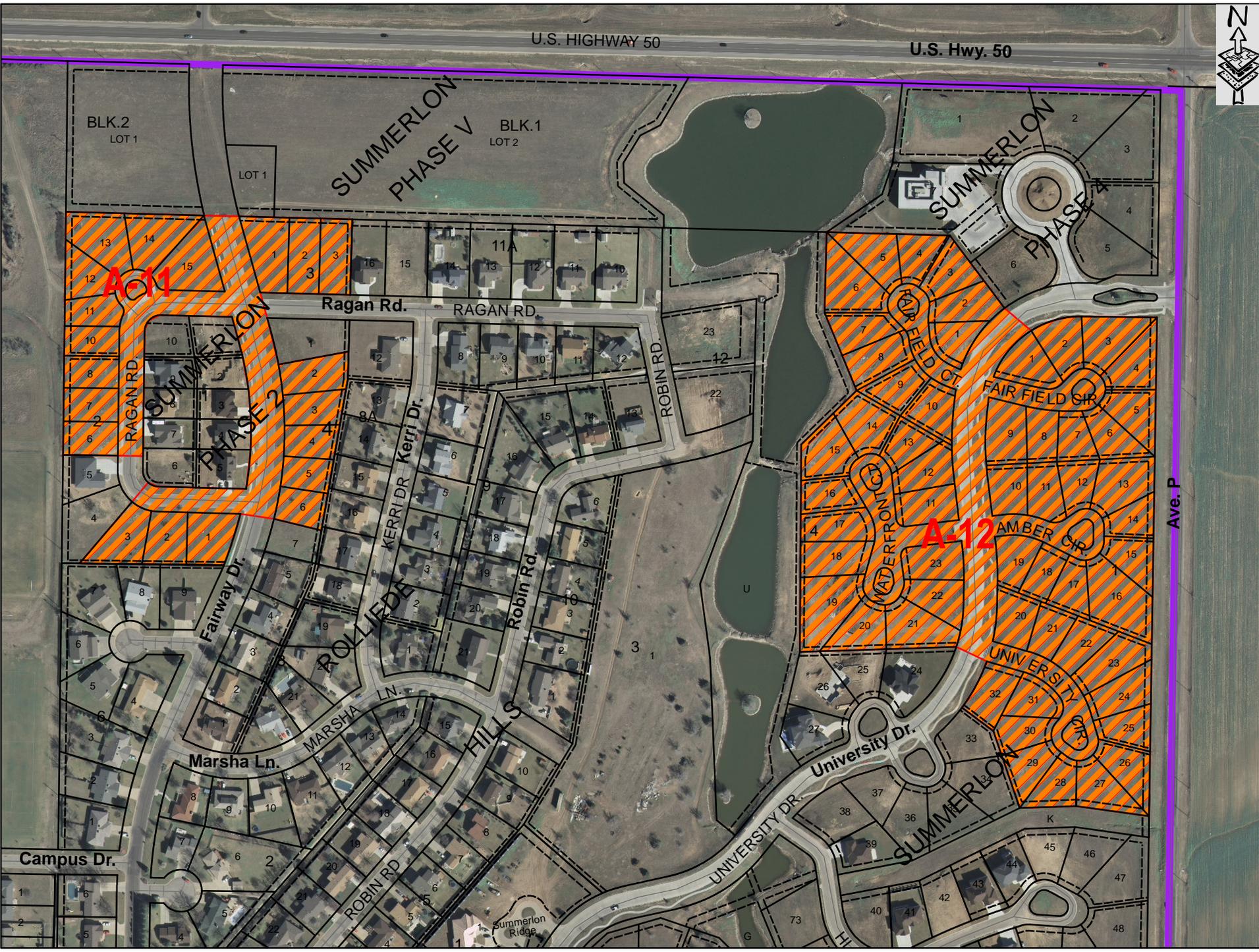
Campus Dr.

University Dr.

SUMMERLON

UNIVERSITY DR.

Summerlon
Ridge



Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

*From: Ray Slattery, PE
City Engineer*

Date: June 15, 2010

Subject: 2010 Street Program

Agenda Item: New Business

Recommendation: Approve the 2010 Street Program as outlined below.

Background: Yearly staff outlines street construction projects for Commission approval. These projects are based on information gathered from staff maintenance records and inspection of the City Streets. Three design projects are also included in this year's Street Program. The City was notified by KDOT that the Comanche St. Project would be funded and bid in Knot's fiscal year 2012. The design of Trail St. has been listed in the Capital Improvement Program for the past few years, but has not been funded. This will allow funding of the project and let design start.

Justification: Due to the condition of some the streets listed in this year's program, major maintenance/reconstruction projects are needed to maintain the City's street network. The maintenance projects will extend the service life of the street so that reconstruction projects will not be needed in the near future.

The Comanche St. design project will allow the City to meet the qualifications for the KDOT cost share reconstruction project. The design of Trail St. will allow the City to be ready for additional KDOT funds if they become available or let the City bid the projects when feasible.

Financial Considerations: Partial funding of these projects will be from the City's Special Streets Fund for construction and maintenance of the city's streets. A total of \$150,000 would be allocated from the Special Streets Fund for this program. The remaining funds would need to come from General Obligation Bonds. A total of \$2,130,000 of funds would need to be from the GOB fund to complete the program as presented.

If \$2,130,000 in bonds were issued with an interest rate of 4.5%, 10 year maturity, the annual payment would be approximately \$270,000.

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

Legal Considerations: N/A

Attachments: List of 2010 Street Projects

2010 Street Program List & Funding Source

West Comanche St. Patching –

\$ 100,000 GOB

This project consists of patching the existing roadway by either removing the failed areas and placing 6” of asphalt to repair the patch or adding 1” to 2” of asphalt to the roadway. Staff will determine the most economical way to complete this project.

W. Division St. Asphalt Street Reconstruction -

\$ 200,000 GOB

This project consists of reconstructing W. Division St. from Westlawn Dr. to Wright Ave. The process used is removing the existing asphalt pavement and replacing it with 6” of new asphalt pavement over paving fabric and a treated sub-grade. Some curb and gutter will be replaced, if needed, but a majority of the curb and gutter will remain.

Asphalt Street Chip Sealing –

\$ 400,000 GOB

This is a continuation of the yearly project we started six years ago. We have basically sealed every residential asphalt street in the city and now it is time to start the process over.

W. Wyatt Earp Blvd. R/W Fill-In –

\$ 75,000 GOB

This project consists of placing one of the following; brick pavers, colored concrete or some other “filler” in the area in between the sidewalk and the curbs installed along the business parking lots. The area ranges in width from 3’ to 1’. Staff will determine the most economical and attractive way to complete this project.

Placing pavers in the island at the 14th Ave. Intersection is also included in this project.

S. 14th Ave. Bridge Deck Repairs –

\$ 55,000 GOB

Sections of the deck of the east bridge, currently under repair, are in need of repair. This work will be completed as part of the current project, but funding needs to be secured.

Comanche St. Reconstruction Design –

\$ 500,000 GOB

Costs associated with hiring a consultant to design the plans for reconstructing with the limits for Comanche St. being from 14th Ave. to US 50. This project has received cost share funding from KDOT. Plans need to be complete and submitted to KDOT for their review early in 2011.

Trail St. Reconstruction Design Phase I –

\$ 400,000 GOB

Again this is fairly self explanatory; costs associated with hiring a consultant to design the plans for reconstructing Trail St. from 2nd Ave. to 14th Ave. With completed plans staff would try to secure help in funding the reconstruction project.

Trail St. Reconstruction Design Phase II –

\$ 400,000 GOB

Again this is fairly self explanatory; costs associated with hiring a consultant to design the plans for reconstructing Trail St. from US 56/US 283/US 400 Intersection to 2nd Ave. With completed plans staff would try to secure help in funding the reconstruction project.

Pavement Markings **\$ 25,000 SS**

This money will be allocated for contractor work for striping pavement markings on arterials or collector streets around town.

Concrete Street Repairs **\$ 25,000 SS**

This money will be allocated for contractor work for concrete street repairs on Soule St. near Post Ave.

Traffic Signal Upgrades at the Middle School – **\$ 25,000 SS**

Based on a study completed in September 2007 by Tran Systems of Kansas City, Mo., the existing Pedestrian Signal needs to be converted to a fully functioning Traffic Signal placed at the new combined driveway of the Middle School. The School District is reconstructing the drive and parking lot of the Middle School this summer. The City's projects and School districts projects go hand in hand and both have to be completed to make each function properly.

Sidewalk Construction/Repairs – **\$ 30,000 SS**

This money would be divided between the Cost Share Program and sidewalk construction projects.

14th Ave. Reconstruction – **\$ 55,000 SS**

This money has been set aside for the reconstruction of 14th Ave. adjacent to the 14th Ave. Railroad Crossing.

Funding Sources:

GOB (General Obligation Bonds) =	\$ 2,130,000
SS (Special Streets) =	\$ 150,000

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Dennis Veatch

Date: June 16, 2010

*Subject: 10-00000009
Gibson Addition Plat*

Agenda Item: New Business

Recommendation: The Dodge City Zoning Board met May 18, 2010 to review the minor plat of Gibson Addition (formerly known as Wendy's Addition). They are recommending approval of this plat. City staff also concurs with this recommendation.

Background: Gary and Charlotte Chaffin along with Gary Reiman submitted an application for the plat on April 30, 2010. The Development Services Committee reviewed this plat and comments were furnished to the Zoning Board.

Justification: This plat conforms to the Dodge City Subdivisions, Dodge City Zoning Regulations and the City Comprehensive Plan.

Financial Considerations: None

Purpose/Mission: This property has never been platted before. Creating a new tract of land for the purpose of developing the new Wendy's would require platting to conform with the Dodge City Subdivision Regulations.

Legal Considerations: None

Attachments: Gibson Addition Plat

Memorandum

*To: City Manager
City Commissioners*

From: Cherise Tieben, Asst. City Manager

Date: June 18, 2010

Subject: Loud Noise Exemption

Agenda Item: New Business

Recommendation: Staff recommends allowing loud music permits to be issued until 1:30 a.m. during Dodge City Days, as it is a community wide festival.

Background: Staff feels that it is important to have your guidance and support on this issue as Commissioners receive the phone calls/complaints from these events.

Justification: Ordinance No. 3361 allows for exemptions to the restrictions based on an individual receiving a valid permit.

Financial Considerations: N/A

Purpose/Mission: Accepting the recommendation will assist in promoting multiple activities during the 10 day long community event.

Legal Considerations: N/A

Attachments: Ordinance No. 3361

Ordinance No. 3361

An Ordinance of the City of Dodge City regulating noise in the City Limits, repealing Chapter 8, Article 4 of the Code of the City of Dodge City and repealing conflicting Ordinances and replacing it with a new Chapter 8, Article 4. Repealing Chapter 5, Article 10 of the Code of the City of Dodge City.

Be it Ordained by the Governing Body of the City of Dodge City, Kansas:

Section 1: That Chapter 8, Article 4 of the Code of the City of Dodge City, Kansas regulating noise is hereby repealed and same is replaced with the following:

8-401.DEFINITIONS.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this section unless otherwise defined in the text of the section.

Agricultural Area – property zoned AG.

Commercial Area - property zoned C-1, C-2,C-O or property operating under a special use permit for a commercial use.

dB(A) - A-weighted sound level measured in decibels by a general purpose, properly calibrated, sound level meter complying with the provisions of the American National Standard Institute.

Emergency Motor Vehicle - a motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation, an ambulance, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, provided such vehicle is being used as an emergency vehicle by one authorized to use such vehicle for that purpose.

Industrial Area - property zoned I-1 or I-2.

Plainly Audible - capable of being heard. It is not necessary to distinguish words or melodies. A plainly audible sound may consist of bass alone.

Property Owner - the named property owner as indicated by the records of the Register of Deeds or Appraiser's Office in Ford County, Kansas.

Residential Area - property zoned R-S, R-1, R-2, R-3 or property upon which a legal nonconforming residential use is operating.

Sound Amplification or Producing Device or Similar Equipment - shall mean radio, radio receiving set, television, phonograph, stereo, tape player, cassette player, computer, compact disc player, "boom box," loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or other device which produces, reproduces, or amplifies sound.

Tenant - any person who has an interest in real property either by oral or written lease or covenant.

8-402: UNLAWFUL TO CAUSE A NOISE DISTURBANCE

It shall be unlawful to make or cause to be made a noise disturbance within the city. A noise disturbance shall include any or all of the following:

- A. A sound registered on a decibel meter from any source not exempted or otherwise regulated by this chapter and which, when measured anywhere off of the property of the sound source, is in excess of the dB(A) established for the time period and zones listed below.

<u>AREA</u>	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Residential	60 dB(A)	55 dB(A)
Commercial	65 dB(A)	60 dB(A)
Industrial	85 dB(A)	80 dB(A)
Agricultural	85 dB(A)	80 dB(A)

- B. The owning, keeping or harbouring of any animal that continuously, repeatedly, or persistently for 15 minutes or more, without provocation by the complainant, creates a sound which is plainly audible across any property boundary line.
- C. A sound resulting from the erecting, constructing, excavating, demolishing, altering or repairing of any structure, or operating, or permitting the operation of any tools or equipment used in construction, drilling, or demolition work in such a manner as to cause

a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m. Between the hours of 7:00 a.m. and 10:00 p.m., this activity shall not be subject to the time, area and dB(A) limits set forth in subsection A.

- D. The repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle, or motorboat in such a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m. Between the hours of 7:00 a.m. and 10:00 p.m., this activity shall not be subject to the time, area and dB(A) limits set forth in subsection A.
- E. The operating or occupancy of a vehicle, which is moving or stationary, standing or parked, whether persons are seated in the vehicle or not, from which any sound amplification or producing device or similar equipment is creating a sound that is plainly audible at least fifty (50) feet from the source of the sound.
- F. The operation of any power tool, garden tool, lawnmower, snow blower or other similar equipment or device in residential areas in such a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m. Between the hours of 7:00 a.m. and 10:00 p.m., this activity shall not be subject to the time, area and dB(A) limits set forth in subsection A.
- G. The operating, playing, permitting or causing to be operated or played any sound amplification or producing device or similar equipment in a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m. Between the hours of 7:00 a.m. and 10:00 p.m. (midnight), this activity is subject to the area and dB(A) limits set forth in subsection A above.

8-403: UNLAWFUL TO ALLOW A NOISE DISTURBANCE; RESPONSIBILITY FOR ABATEMENT.

- A. It is unlawful for any property owner or tenant, or other person with control, occupancy, or possession of residential property, to allow or permit a person or group of persons to create a noise disturbance as defined in subsections A through G of Dodge City Municipal Code Section _____ on said property.

- B. The property owner, tenant or other such person with control, occupancy, or possession of property, shall be responsible for abatement of noise disturbances occurring on that property and failure to do so shall be a violation of this section.

Exemptions.

The following shall not be considered to be noise disturbances for purposes of this ordinance:

- A. Sound from law enforcement motor vehicles and other emergency motor vehicles including, but not limited to, snow-clearing equipment.
- B. Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities engaged in preparing for or remedying a potentially hazardous situation.
- C. Sound from railway locomotives and cars, railway signalling devices, and aircraft operations.
- D. Recreation and sporting events sponsored by or authorized by a governmental entity or accredited public and private schools.
- E. Bells or chimes associated with houses of worship.
- F. Sound that a person is making or causing to be made when said person has received and maintains a valid license or permit which specifically allows said sound from any department, board or commission of the city authorized to issue such license or permit.

8-404: CLASSIFICATION OF VIOLATION.

- A. Causing a noise disturbance is a Class C violation as defined by the Uniform Public Offence Code for Kansas Cities. Fines shall not exceed \$500 for each violation and jail terms shall not exceed 30 days for each violation.
- B. Each occurrence of a violation, or in the case of a continuous violation, each day a violation occurs or continues, constitutes a separate offence and shall be punishable as such hereunder.

Section 2: Chapter 5, Article 10, Loudspeaker, is hereby repealed

Section 3: This ordinance shall take effect from and following its publication in the official newspaper as required by law.

Passed by the City of Dodge City this 17th day of November, 2003.

ROLLAND E. WERNER, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK