

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, September 20, 2010

7:00 p.m.

MEETING #4817

CALL TO ORDER

ROLL CALL

INVOCATION: by Darrell Hendrickson, Minister – First Church of God

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Jacque Feist Day Proclamation

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, September 7, 2010
2. Appropriation Ordinance No. 17, September 20, 2010
3. Cereal Malt Beverage License
 - a. Taco Palengue, 307 Military Avenue
4. Ratification of FAA Grant Agreements and Approval of Contract with Burns & McDonnell for two (2) projects.
5. Rejection of RFP's for Lagoon Cover and Grease Cap Removal and Disposal.

ORDINANCES & RESOLUTIONS

Ordinance No. 3496: Ordinance Adopting the 2010 Standard Traffic Ordinance. Report by Director of Finance/City Clerk, Nannette Pogue.

Ordinance No. 3497: Ordinance Adopting the 2010 Uniform Public Offense Code. Report by Director of Finance/City Clerk, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval and acceptance of 2009 Audited Financial Statements. Report by Director of Finance/City Clerk, Nannette Pogue.
2. Approval of Option for Purchase of Real Estate between City & USD 443. Report by City Manager, Ken Strobel.

OTHER BUSINESS

EXECUTIVE SESSION

Attorney/Client Privilege Matters

ADJOURNMENT

PROCLAMATION

WHEREAS, the Kansas Association of Secondary School Principals (KASSP) is committed to providing the utmost in service, assistance and support possible for building-level educational leaders in their quest to ensure optimum learning and lifelong success for all students; and

WHEREAS, Jacque Feist is a resident of Dodge City, and the principal of Dodge City High School, who in addition to her administrative responsibilities has served in a variety of capacities in USD 443, as well as being an active member of numerous state and national leadership positions over the course of more than 20 years in the industry, and received the Kansas Master Teacher in 1996 and the KASSP Region VI Principal of the Year in 2003; and

WHEREAS, Jacque Feist has been honored by being selected as the **2010 Kansas State Principal of the Year** by the KASSP and has established standards in her professional career which benefits not only her students at Dodge City High School as future leaders of our community, but also her city as well.

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 and congratulate Jacque Feist for her outstanding service to the students and patrons of Dodge City High School, her dedication to continuing education, and service to the community of Dodge City; and furthermore

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 Friday, October 1st as

JACQUE FEIST DAY

As Jacque Feist will be honored as KASSP 2010 Kansas State Principal of the Year in a ceremony in Washington D.C. on this 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 20th day of September, 2010.

E. Kent Smoll, Mayor

Nannette Pogue, City Clerk

CITY COMMISSION WORK SESSION MINUTES

City Hall Commission Chambers

Tuesday, September 7, 2010

6:00 p.m.

MEETING #4814

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

WORK SESSION:

1. The City Commission discussed Truck Route Ordinance options. City Attorney, Brad Ralph, presented the different options. Brad will continue with a draft Ordinance and organize a meeting with interested parties.

ADJOURNMENT: Adjourned by consensus.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

CITY COMMISSION MINUTES

City Hall Commission Chambers

Tuesday, September 7, 2010

7:00 p.m.

MEETING #4815

CALL TO ORDER

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

INVOCATION by Darrell Hendrickson, Minister – First Church of God

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Constitution Week Proclamation

Food for Haiti Day Proclamation, Norma Henton, representative made comments.

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).

USD 443 Middle School Bond Issue Presentation. Ryan Ausmus shared information.

Employee of the Month for September 2010, Matt Nau, was presented by the Assistant Superintendent of Public Works, Corey Keller.

The City Character Trait, Diligence was presented by Director of Public Information, Jane Longmeyer.

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, August 16, 2010
2. Appropriation Ordinance No. 16, September 7, 2010
3. Cereal Malt Beverage License
 - a. Dillions #1, 1700 N. 14th Avenue
 - b. Boot Hill Museum, Inc., 500 W. Wyatt Earp Blvd.

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

ORDINANCES & RESOLUTIONS

Ordinance No. 3493: An Ordinance Rezoning a Tract of Land from R-2, Residential Medium Density to C-2, Commercial Highway. Commissioner Brian Weber moved to approve, seconded by Commissioner Rick Sowers. The motion carried 5-0.

UNFINISHED BUSINESS

NEW BUSINESS

Approval of Allocation of Drug & Alcohol Sur Tax Funds as follows:

| Organization | Project | Amount of Request | Recommendation |
|---------------------------|--|-------------------|----------------|
| Area Mental Health Center | Dual Diagnosis Treatment | 107,490.24 | 14,000 |
| Dodge City Public Library | Alcohol & Drug Abuse Prevention Library Update | 876.52 | 900 |
| Dodge City Police Dept. | Juvenile Underage Drinking Grant Enforcement (JUDGE) | 30,000 | 15,000 |
| Dodge City Police Dept. | DARE | 28,890 | 15,000 |
| New Chance | Addictions Treatment & Counseling | 52,860.63 | 52,860 |

Commissioner Jim Sherer moved to approve, seconded by Commissioner Monte Broeckelman. Motion carried 5-0.

Approval of Fuel Bids from Dodge Petroleum, Inc. and Quick Pick, Inc. for a 5 year contract was approved on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. Motion carried 4-0, Commissioner Monte Broeckelman abstained.

Appointment of Commissioner Jim Sherer as voting delegate at the National League of Cities was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Weber. Motion carried 5-0.

Approval of Final Plat for the Neier Subdivision was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Monte Broeckelman. Motion carried 5-0.

OTHER BUSINESS

Ken Strobel, City Manager:

- Thanked everyone for allowing him to take vacation;
- Commented on Employee of the Month...Matt Nau has kept the Trolley going; and
- Reminder on October 7th, SW KS Economic Summit is to be held from 8:00 a.m. to 1:00 p.m. in Garden City to discuss Regional efforts.

Jane Longmeyer, Director of Public Information:

- West Comanche Street is closed today and tomorrow for overlay;
- Bicycle/Pedestrian Path moving along nicely. Remind residents not to use until finished;
- Saturday, September 11th at 2:30 p.m. is a Memorial Service in Liberty Garden;
- Friday, September 17th is Employee Clean Up Day in downtown area; and
- Fireball Run is September 28th, there is a Community Event from 5:30 p.m. to 7:00 p.m.

Commissioner Jim Sherer:

- October 28th is the Kansas League of Municipalities Regional Supper at Cowtown.

Commissioner Brian Weber:

- Caught a portion of the Gunsmoke Anniversary;
- Encourage everyone to participate in the Kansas State Fair; and
- Inquired about the Dog Park.

Mayor Kent Smoll:

- Asked about grass planted on 14th Avenue.

ADJOURNMENT: Commissioner Rick Sowers 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

**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>004-K0864317E01-338-8742</u> | | | |
| Name | Phone No. | Date of Birth | |
| <u>Gloria De Leon</u> | <u>620-225-3682</u> | <u>5-7-57</u> | |
| Residence Street Address | City | Zip Code | |
| <u>307 Military / 711 ave C</u> | <u>Dodge City, KS</u> | <u>67801</u> | |
| Applicant Spousal Information | | | |
| Spouse Name | Phone No. | Date of Birth | |
| Residence Street Address | City | Zip Code | |

| SECTION 3 - LICENSED PREMISE | | | |
|--------------------------------------|---|----------------------------|--|
| Licensed Premise (Business Location) | | Mailing Address | |
| DBA Name | Name | Name | |
| <u>Taco Palenque</u> | <u>Gloria De Leon</u> | <u>Gloria De Leon</u> | |
| Business Location Address | Address | Address | |
| <u>307 Military Dodge city</u> | <u>307 Military</u> | <u>307 Military</u> | |
| City State Zip | City State Zip | City State Zip | |
| <u>Dodge City KS 67801</u> | <u>Dodge City KS 67801</u> | <u>Dodge City KS 67801</u> | |
| Business Phone No. | <input type="checkbox"/> I own the proposed business location. <input type="checkbox"/> I do not own the proposed business location. | | |
| <u>620-225-3682</u> | | | |
| Business Location Owner Name(s) | | | |

| SECTION 4 - APPLICANT QUALIFICATION | |
|---|--|
| I am a U.S. Citizen | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| I have been a resident of Kansas for at least one year prior to application. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| I have resided within the state of Kansas for <u>22</u> years. | |
| I am at least 21 years old. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Within 2 years immediately preceding the date of this application, neither I nor my spouse 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 checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| My spouse has previously held a CMB license. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| My spouse has never been convicted of one of the crimes mentioned above while licensed. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Mike Klein, Airport Manager

Date: September 15, 2010

*Subject: Ratification of FAA Grants
25 and # 26*

Agenda Item: Consent Calendar

Recommendation:

Attached for your review and ratification is FAA Grants # 25 and # 26.

Grant 25 is for the removal of the old beacon, installation of a new rotating beacon, Surface Painted Hold Position Signs (SPHPS) and Construction Services. FAA 95% \$122,899, 5% local match \$6,469, total \$129,368.

Staff recommends ratification of FAA Grant #25 which includes:

- Engineering Services Agreement Authorization #10, \$25,000;
- Relocating two (2) taxiway signs \$6,180;
- Administrative expense \$1,500;
- Supplemental Agreement #1...
 - additional Engineering and Design for the Surface Painted Hold Position Signs \$8,000; and
- Supplemental Agreement #2...
 - Construction Services Rotating Beacon and SPHPS \$30,000
 - Rotating Beacon \$48,482; and
 - SPHPS \$10,206.
- Total Amount \$129,368.

Staff also recommends approval of bids that were received on August 26, 2010 for the Rotating Beacon and Surface Painted Hold Position Signs.

Rotating Beacon/Tower
L&S Electric, LLC, Salina, KS. \$48,482.00

Surface Painted Holding Position Signs
Cillessen & Sons, Wichita, KS. \$10,206.75

Staff recommends ratification of Grant #26 for the Engineering and Design Apron Expansion, FAA 95% \$96,102, 5% local match \$5,058, total \$101,160.

We received the grants on September 8, 2010 and needed to be returned to FAA by September 10, 2010.

Background:

May 3, 2010 the City Commission approved the Engineering Services Agreement with Burns and McDonnell, Authorization #10, for the Rotating Beacon for a total amount of \$25,000, Grant #25, and Engineering Design, Authorization #9 for the Apron Expansion for a total of \$99,660, Grant #26.

March 11, 2010 FAA Annual Airport Certification Inspection it was noted by the FAA Inspector the airport is required to have Surface Painted Hold Position Signs (SPHPS) on the runways and taxiways by December 31, 2010. The SPHPS and the Rotating Beacon are combined into Grant #25.

Grant #25, Engineering Services Agreement Authorization #10, original amount \$25,000 Supplemental #1, additional Engineering Design, (SPHPS) \$8,000.
Supplemental #2 Construction Services, Rotating Beacon and SPHPS \$30,000.
Total amount \$63,000, 95% FAA \$59,850 5% Local Match \$3,150

Bids were received on August 26, 2010 for the Rotating Beacon and Surface Painted Hold Position Signs.

Rotating Beacon/Tower
L&S Electric, LLC, Salina, KS. \$48,482.00
IES Commercial, Holdrege, NE. \$53,610.00
Atlas Electric, LLC, Wichita, KS. \$68,033.00

Surface Painted Holding Position Signs
Cillessen & Sons, Wichita, KS. \$10,206.75
Inland Corporation, Norwich, KS. \$11,629.50

Justification:

Installation of the new airport beacon is required to maintain safety at the airport. Engineering and design of the ramp expansion will provide additional temporary and long term aircraft parking at the airport.

Financial Considerations:

Grant #25, FAA 95% \$122,899, 5% local match \$6,469, total \$129,368.

Grant # 26 FAA 95% \$96,102, 5% local match \$5,058, total \$101,160.

Funds are available for our match in the CIP.

Purpose/Mission:

To comply with Part 139 regulations and provide additional aircraft parking.

Legal Considerations:

Compliance with the grant assurances and condition contained in the grant and to follow Part 139 requirements for safe operations of the airport.

Attachment:

Copies of the Grant Agreements and Supplemental Agreements are in my office, if you need a copy please let me know.

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

From: Mike Klein

Date: September 15, 2010

*Subject: Rejection of RFP's for Lagoon Cover
and Grease Cap Removal and
Disposal*

Agenda Item: Consent Calendar

Recommendation:

Staff is recommending rejection of all Request for Proposal for lagoons 1 and 2 cover and grease cap removal and disposal at the Wastewater Treatment Facility at Hwy. 283 and Warrior Road.

If you have questions or need additional information please contact my office.

Background:

Lagoon Cover #1 was damaged beyond repair during a wind storm May 22, 2010.

Lagoon Cover #2 was damaged by a fire on August 16, 2010.

RFP's were developed and sent to prospective bidders and received on September 7, 2010.

- Phase 1 of the project was the removal and disposal of damaged covers and grease cap removal and disposal.
- Phase 2 will be the installation of new covers and biogas recovery system repairs. Insurance will pay for the cover removal, replacement and biogas repairs.

Insurance will not pay for the grease cap removal portion of the project. After receiving the RFP's for the grease cap removal and disposal the cost was outside of the budget limitation.

It was determined by OMI, City, KDHE and Engineers that the grease cap can remain in place and is not detrimental at this time to the operation of the lagoon system. We also ran into concerns from KDHE on Land Applying the grease cap on farm ground and Ford County Landfill was not interested in taking the grease cap material.

The damaged covers will need to be removed and new covers installed, staff agreed instead of paying two mobilization cost would be beneficial to the city to move on to Phase 2 and complete the removal, installation and biogas repairs as one project.

Phase 2, Removal and disposal of the damaged covers, installation of new covers and biogas recovery system repairs is in progress. RFP's have been sent and will be received on October 5, 2010.

Request for Proposal Received on September 7, 2010

Max Jantz Excavating, Montezuma, Kansas.

Cover Removal and Disposal \$120,000

Grease Cap Removal and Disposal \$479,808

Total Bid \$599,808

Chamness Technology, Blairsburg, Iowa

Cover Removal and Disposal \$143,380

Grease Cap Removal and Disposal \$573,520

Total Bid \$716,900

UCI, Wichita, Kansas.

Cover Removal and Disposal \$105,000

Grease Cap Removal and Disposal \$825,000

Total Bid \$930,000

Reed Dozing & Contracting, Sheldon, Missouri

Cover Removal and Disposal \$170,000

Grease Cap Removal and Disposal \$1,645,056

Total Bid \$1,815,056

Merrell Brothers, Inc. Kokomo, Indiana

Cover Removal and Disposal \$229,930

Grease Cap Removal and Disposal \$1,306,905

Total Bid \$1,536,835

Justification:

Rejection of RFP's, cost is outside of the budget limitation.

Financial Considerations:

Purpose/Mission:

Legal Considerations:

Attachments:

Memorandum

*To: Ken Strobel, City Manager
Cherise Tieben, Assistant City Manager*
From: Nannette Pogue
Date: September 16, 2010
Subject: Ordinance No. 3496 and Ordinance No. 3497
Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the approval of Ordinance No. 3496 and 3497

Background: **Ordinance No. 3496** adopts the “2009 Edition of the Standard Traffic Ordinance” by reference. The changes made to this code during the 2009 legislature include the following:

Section 1. Definitions.

Section 30.5 Commercial Driver’s Licenses; Diversion Agreements Not Allowed.

Section 126.1 Obstructing License Plate

Section 126.2 Use of Wireless Communication Devices

Section 142 Equipment for Motorcycle Operator or Rider

Section 181 One-way Glass and Sun Screening Devices

Section 182.1 Seat Belts

Ordinance No. 3497 adopts the “2010 Edition of the Uniform Public Offense Code” by reference. The changes made to the Uniform Public Offense Code during the 2010 legislative session include the following:

Section 1. Definitions.

Section 3.1. Domestic Battery

Section 10.1. Criminal Use of Weapons

Section 10.3. Criminal Disposal of Firearms

Section 10.3.1 Criminal Possession of a Firearm

Section 10.24 Smoking Prohibited

Section 10.25 Smoking: Posting Premises

Section 10.26 Smoking Prohibited; Penalties

Justification: Each year the State Legislature passes numerous laws that affect the laws of the State as well as those of the individual city’s. The League of Kansas Municipalities compiles a small booklet which incorporates all of the laws in Kansas that deal with public offenses and traffic offenses. These are the “Uniform Public Offense Code” and the Standard Traffic Ordinance”. Cities are allowed to adopt these codes by reference, so the entire code is not included in the adopting ordinance and is not published in the local paper. Each employee that deals with any of these codes or ordinances is furnished a book to reference when necessary, to cite persons with violations of the ordinances. I have three of each of these books in my office for your review.

Financial Considerations: The cost of the booklets for the pertinent employees’ use is approximately \$1,000.

Purpose/Mission: Ensure the City is up to date on all of the laws passed in the State of Kansas as well as make sure all employees have easy access to these laws.

Legal Considerations: None

Attachments: Ordinance Nos. 3496 and 3497. The Standard Traffic Ordinance and Uniform Public Offense Code booklets are available in my office if any one would like to review them.

ORDINANCE NO. 3496

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF DODGE CITY, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2010" AND REPEALING ORDINANCE NO. 3476

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

Section 1: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by Reference for the purpose of regulating traffic within the corporate limits of the City of Dodge City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2010, prepared and published in book form by the League of Kansas Municipalities, Topeka Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3494" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense will be established by the municipal judge in a fine schedule. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section 4: REPEAL. Ordinance no 3476 is hereby repealed.

Section 5: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the governing body of the City of Dodge City, Kansas, and approved by the Mayor this 20th day of September, 2010.

E. Kent Smoll, MAYOR

ATTEST:

Nannette Pogue, CITY CLERK

ORDINANCE NO. 3497

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE
CORPORATE LIMITS OF THE CITY OF DODGE CITY, KANSAS;
INCORPORATING BY REFERENCE THE "UNIFORM
PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION 2009 AND
REPEALING ORDINANCE NO 3475**

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

Section 1: INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by Reference for the purpose of regulating public offenses within the corporate limits of the City of Dodge City, Kansas, that certain code known as the "Uniform Public Offense Code, "Edition of 2010, prepared and published in book form by the League of Kansas Municipalities, Topeka Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3495" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2: REPEAL. Ordinance No. 3475 is hereby repealed.

Section 3: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the governing body of the City of Dodge City, Kansas, and approved by the Mayor this 20th day of September, 2010.

E. Kent Smoll, MAYOR

ATTEST

Nannette Pogue, CITY CLERK

Memorandum

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

From: Nannette Pogue 

Date: September 16, 2010

Subject: Acceptance of 2009 Audited Financial Reports
Agenda Item New Business

Recommendation: I recommend the acceptance of the 2009 Audited Financial Reports.

Background: John Hendrickson and LuAnn Wetmore from Kennedy McKee & Company will be in attendance at a work session at 6:15 p.m. on Monday, September 16, prior to the regular meeting. Kennedy, McKee conducted the City's audit for the year ending December 31, 2009. They will review the highlights contained in the report.

Justification: Annually, it is required that the City's financial reports be audited. A team of auditors from Kennedy, McKee conducted that audit and compiled the comprehensive financial reports. They will present those reports and any findings to the City Commission at the work session prior to the regular meeting.

Financial Considerations: The fee for the 2009 audit is not to exceed \$38,500 plus \$75.00 per hour for the audit of Federal financial assistance programs.

Purpose/Mission: To report the financial statements of the City of Dodge City.

Legal Considerations: Annual audit required by the State of Kansas

Attachments: 2009 Audited Financial Statements.

Memorandum

To: City Commissioners
From: Ken Strobel
Date: September 20, 2010
Subject: Option for Acquisition of Real Estate
Agenda Item: New Business

Recommendation: Approval of Option for Purchase of Real Estate between the City and Unified School District No. 443.

Background: USD 443 will be seeking voter approval of a bond issue in November to finance the construction of a new Middle School facility. After considerable study it was determined that the new facility could best serve the District's needs at the least cost to taxpayers by being located on Iron Road between 14th Avenue and 6th Avenue on property owned by the City.

City staff and District staff met on several occasions to discuss various issues regarding the proposed location, including the concept of cost sharing regarding improvements which would need to be made to both Iron Road and 6th Avenue (extended). Although no final decisions were reached, both organizations would benefit from such improvements.

Justification: In order for the bond election to proceed on schedule, it was necessary to establish a location for the facility. The attached Option Agreement grants to the District an option to acquire the Iron Road location only in the event a mutually acceptable agreement between the District and the City is reached related to the needed road and infrastructure improvements. In addition, the Option becomes null and void in the event the bond issue fails to pass.

Financial Considerations: None at this time.

Purpose/Mission: To improve the quality of life for residents of both the City and School District through the cooperative effort of governmental entities.

Legal Considerations: Option Agreement was prepared by the City Attorney.

Attachments: Diagram of possible location of new Middle School facility.

OPTION FOR PURCHASE OF REAL ESTATE

This Option to Purchase Real Estate (the "Option") is made and entered into by and between the City of Dodge City, Kansas, a municipal corporation (the "City") and Unified School District No. 443, Dodge City, Kansas (the "District"):

WHEREAS, the City holds legal title to certain real estate described below; and

WHEREAS, the District is in need of obtaining real property for the construction of a new middle school within the District; and

WHEREAS, the City is willing to sell, transfer and convey to the District all of the City's right, title and interest in and to certain real estate, consisting of approximately forty (40) acres lying north of Iron Road between Fourteenth Avenue and Sixth Avenue, as set forth in the aerial depiction prepared by Gossen Livingston, and a copy of which is attached to this Option, marked Appendix A (the "Property"), for the exclusive purpose of construction of a new middle school upon the Property.

NOW, THEREFORE, in consideration of the monies to be paid hereunder and the mutual conveyances and promises of the parties, it is agreed as follows:

1. Grant of Option: City hereby grants to the District the exclusive and unconditional right to purchase and acquire all of the Owners' right, title, and interest in and to the Property for the exclusive purpose of the construction of a new middle school on the Property.

2. Option Period: This Option shall remain in full force and effect for a period of ninety (90) consecutive calendar days from the date of the execution and

approval of this Option by the District and will expire at 11:59 p.m. on the 90th calendar day following the date of execution and signing hereof (the "Option Period"); provided, however, said Option Period may be extended by mutual written agreement of the Parties

3. Owners' Warranty and Representations: City shall not at anytime during the Option Period, take any actions which would in any manner whatsoever encumber, modify, alter, change, or transfer the City's present right, title and interest in and to the Property, or that would in any manner whatsoever adversely effect or impact the District's rights granted by this Option.

4. District's Exercise of Option: The Parties agree that at any time during the Option Period the District may exercise its right to purchase the Property solely and only by the District's execution and approval of a purchase contract mutually agreed to by the Parties (the "Purchase Contract"). Subject only to the provisions of paragraph 6 below, upon such action by the District, the District shall become immediately bound to all of the terms and conditions of the Purchase Contract. District will provide to the City notice of its exercise of the Option by delivering to the City a copy of the fully executed Purchase Contract within ten (10) calendar days of the District's execution thereof; provided, however, the City's failure to receive said copy within the ten (10) day period shall not void this Option or the Purchase Contract.

5. Consideration for Option: As full and adequate consideration for this Option, the District shall pay to the City the sum of Ten dollars (\$10.00), receipt of which is hereby acknowledged by City. In the event the District elects to exercise its

rights under this Option as provided above, the entire Ten dollars (\$10.00) consideration paid hereunder shall be accepted by City as full satisfaction of the Purchase Contract price. In the event the District fails to exercise its rights hereunder, within the Option Period, in the absence of any default by City in the provisions of this Option, the City shall be discharged and released from any further responsibilities and duties under the Purchase Contract and the provisions of this Option.

6. **Automatic Expiration of the Option:** This Option and any Purchase Contract shall be null and void, and the District will have no right or responsibility to purchase the Property from the City, should the District not receive approval of the voters to issue bonds for the construction of a new middle school on the Property at the election presently scheduled to be held on November 2, 2010.

8. **Binder:** This Option and the terms and conditions of the Purchase Contract shall be binding on the parties hereto, their respective successors, assigns, heirs, and personal representatives as the case may be.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below.

USD No. 443 Board of Education



Danny Reichenborn, Chairman

City of Dodge City, Kansas

By: _____
Kent Smoll, Mayor

Dated this _____ day of
September, 2010

ATTEST:

By: _____

Nannette Pogue, City Clerk

Dated and Approved this _____ day
of September, 2010