

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, November 15, 2010

7:00 p.m.

MEETING #4824

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION:** by Rev. Ryan Ausmus with Ford Community Church

## **PLEDGE OF ALLEGIANCE**

## **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).

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, November 1, 2010
2. Appropriation Ordinance No. 20, November 15, 2010
3. Approval of Ratification ARFF Change Order #4.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2010-23:** A Resolution Authorizing the Improvement or Reimprovement of Certain Main Traffic Ways Within the City of Dodge City and Providing Payment Thereof. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2010-24:** A Resolution Authorized Directing the Issuance, Sale and Delivery of General Obligation Temporary Notes, Series 2010-1 of the City of Dodge City, Kansas, Providing for the Levy and Collection of an Annual Tax if Necessary, for the Purpose of Paying the Principal and Interest on Said Notes as They Become Due, Making Certain Covenants and Agreements to Provide for the Payment and Security Thereof and Authorizing Certain Other Documents and Actions Connected Therewith. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2010-25:** A Resolution Authorizing Payment of 2010 Year End Bonuses to Qualified Employees. Report by Director of Public Information, Jane Longmeyer.

**Ordinance No. 3500:** An Ordinance Amending the City of Dodge City Code, Chapter III, Beverages, Article 1, Public Sale and Repealing Ordinance No. 3346 and Amending Ordinance No. 3396. Report by Director of Parks & Recreation, Paul Lewis.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**OTHER BUSINESS**

**ADJOURNMENT**

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, November 1, 2010

7:00 p.m.

MEETING #4822

## **CALL TO ORDER**

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

**INVOCATION:** by Rev. Ryan Ausmus with Ford Community Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Extra Mile 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).

James Walker with BHC Development updated the City Commissioners on the Hotel at the Casino

Employee of the Month for November 2010, Tony Hornberger, was announced by the Director of Public Information, Jane Longmeyer in Ms. Ackley's absence. Mayor Smoll congratulated Shirley.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, October 18, 2010
2. Approval of City Commission Work Session minutes, October 18, 2010
3. Appropriation Ordinance No. 19, November 1, 2010
4. Cereal Malt Beverage License
  - a. South Dodge Shamrock, 302 S. 2<sup>nd</sup> Avenue

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

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3499:** An Ordinance Amending Sections 9-111(b) and (c) of Article 1, Chapter IX of the Code of the City of Dodge City and Repealing Ordinance No. 3117, Assessing Costs for the Administration of Justice in the Municipal Court was approved on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. Motion carried unanimously.

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

1. The Mariah Center Final Replat was approved on a motion by Commissioner Monte Broeckelman, seconded by Commissioner Jim Sherer. The motion carried unanimously.
2. Approval of Estancia Final Plat was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. The motion carried unanimously.
3. The property appraisal report for Acquisition of Easements for the North Water Reclamation Project was approved that included...

Tract 8 – Bartel Truck Lines	\$2,593
Tract 2 – Barbara Higby	\$1,000
Tract 1 – Gerard and Diane Lix	\$4,528
Tract 26 – Prather	\$1,200
Tract 27 – Angel & Julia Romero	\$7,500
Tract 15 – Inosencia & Maria Serrano	\$6,057
Tract 23 – Kliesen	<u>\$3,200</u>
TOTAL	\$26,078

and further authorized the contractor and Joe Finley to make offers and negotiate purchases for these properties was approved on a motion by Commissioner Monte Broeckelman, seconded by Commissioner Jim Sherer. Motion carried 4-0, with Mayor Kent Smoll abstaining.

4. Approval of Contract with United Wireless for Naming Rights of the Dodge City/Ford County Events Center on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. Motion carried unanimously.
5. Approval of Recommendation of appointee for the Golf Course Advisory Board of Bob Carlson on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried unanimously.

**OTHER BUSINESS**

Ken Strobel, City Manager:

- A press conference will be held to follow up of the Naming Rights of the Special Events Center Arena on Thursday morning at 10:00 a.m.;
- Black Hills Energy Dinner will be held Wednesday at 6:00 p.m. at Casey’s Cowtown;
- A meeting will be held Thursday evening regarding proposed truck route; and
- Reported that there was a KDOT T-Works meeting last week in Liberal, Dodge City had a good representation.

Commissioner Jim Sherer:

- Attended T-Works meeting, highest priority was Highway 50 between Dodge City and Cimarron; and
- Attended Main Street Symposium in Hutchinson.

Commissioner Rick Sowers:

- Inquired about the review of RFP’s for the Racetrack.

Commissioner Monte Broeckelman:

- Exciting football game last Friday.

Commissioner Brian Weber:

- Get out to Vote tomorrow; and
- Congratulations to Dodge City High School Football Team.

Mayor Kent Smoll:

- Congratulations to Red Demons sports program; and
- Congratulations to Brian Weber on his recent engagement.

**ADJOURNMENT:** Commissioner Monte Broeckelman moved to adjourn the meeting, Commissioner Brian Weber seconded the motion. The motion carried 5-0.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

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# Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Mike Klein, Airport Manager*

*Date: November 8, 2010*

*Subject: Ratification ARFF Change Order # 4  
Credit \$ 18,257.81*

*Agenda Item: Consent Calendar*

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**Recommendation:**

Ratification of Change Order # 4, ARFF Facility.

Staff recommends the approval of a contractor provided credit for the ARFF facility. This credit was due to a project schedule overrun and charges for liquidated damages that were assessed. The credit is to be deducted from the overall project cost. The total cost of this change order is (\$18,257.81).for the modification to the ARFF building during construction.

**Background:**

During the construction of the ARFF facility, it was determined that the contractor would not meet the contract day count as specified in the Project Manual. After reviewing the contractor provided documentation for a contract extension, it was determined that a contract extension was not valid. Therefore a credit to the ARFF project was assessed as the charge for liquidated damages.

Burns & McDonnell completed an independent cost analysis to verify the cost deduction was reasonable. The cost analysis is as follows:

Item Description	BMcD Estimate	Building Solution Costs	Percentage
Contractor Credit	(\$18,257.81)	(\$18,257.81)	100%

Staff concurs with Burns & McDonnell's analysis and recommends approval of Change Order No. 4.

**Justification:**

Change Order #4, ARFF Facility credit of \$ 18,257.81.

**Financial Considerations:**

P.O. # 2848 Building Solutions Original Amount \$1,561,254.00

Total Change Orders # 1, 2 &3 Amount \$ 52,762.00 (Approved August 2, 2010)

P.O. Amount with change orders # 1, 2, &3. \$ 1,614,016.00

Deduct Change Order #4 (\$ 18,257.81)

Purchase Order # 2848 Amount \$ 1,595,785.19

**Purpose/Mission:**

**Legal Considerations:** N. A.

**Attachments:** N. A.

## *Memorandum*

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

*From: Nannette Pogue*

*Date: November 10, 2010*

*Subject: Resolution No. 2010-23*

*Agenda Item Ordinances and Resolutions*

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**Recommendation:** I recommend the approval of Resolution No. 2010-23

**Background:** So that the City can obtain financing for construction projects in the form of general obligation bonds or notes, the project first needs to be authorized by Resolution of the City of Dodge City. In 2010, the City needs funding in the amount of approximately 395,000 for previously authorized street projects that exceeded the amount of the original authorization. Those projects were 14<sup>th</sup> Avenue Bridge Repair and Ross Boulevard to Plains Street. So, the resolution will reauthorize those projects for the actual costs of the project. The second project that needs authorization is the Construction and Reconstruction of Comanche Street. Since we have already incurred some engineering and design costs and it is possible we will contract for more prior to year end, we will need authorization for the entire project and funding for the engineering and design. The amount of authorization for this project will be blank and will be completed at the conclusion of the work session on Monday night, so we can have a good idea of how much to authorize for this project.

**Justification:** To issue General Obligation Notes to fund these projects, street projects needs to be authorized by Resolution.

**Financial Considerations:** Once the projects are authorized, funding will be issued to fund these projects.

**Purpose/Mission:** To maintain and improve the infrastructure in Dodge City.

**Legal Considerations:** None

**Attachments:** Resolution No. 2010-23

**RESOLUTION NO. 2010-23**

**A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NOS. 2007-11 AND 2009-28 OF THE CITY OF DODGE CITY, KANSAS, WHICH AUTHORIZED THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF DODGE CITY, KANSAS; AND PROVIDED FOR THE PAYMENT OF THE COSTS THEREOF.**

**WHEREAS**, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 *et seq.* (the "Act"), and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

**WHEREAS**, the Act provides that all costs of improvements or reimprovements authorized thereunder, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large and may be funded, among others, by the issuance of general obligation bonds; and

**WHEREAS**, the governing body of the City of Dodge City, Kansas (the "City"), has heretofore designated certain streets within the City as main trafficways, as provided by and under the authority of the Act; and

**WHEREAS**, the governing body of the City has heretofore by Resolution Nos. 2005-12, 2007-11, and 2009-28, authorized improvements to certain main trafficways (collectively the "Original Improvements") as follows:

<b>Project Description</b>	<b>Main Trafficway Designation</b>	<b>Cost Estimate</b>	<b>City Share</b>
Reconstruction of Wyatt Earp Boulevard <sup>1</sup>	Ord. 2563	\$11,500,000	\$ 9,110,000
Reconstruction of 14th Avenue -- Commanche Street to U.S. Highway 50 <sup>2</sup>	Ord. 3016	4,700,000	4,700,000
Reconstruction of 14th Avenue -- Ross Boulevard to Iron Road <sup>3</sup>	Ord. 3016	3,000,000	300,000
Reconstruction of 6th Avenue -- Ross Boulevard to Plains Street	Ord. 3087	385,000	385,000
14 <sup>th</sup> Avenue Bridge Repair	Ord. 3016	305,000	205,000
Total		\$19,890,000	\$14,700,000

<sup>1</sup> Previously authorized at \$3,750,000 City Share by Resolution No. 2005-12

<sup>2</sup> Previously authorized at \$1,600,000 City Share by Resolution No. 2005-12

<sup>3</sup> Previously authorized by Resolution No. 2005-12

; and

**WHEREAS**, said governing body hereby finds and determines that it is necessary to authorize and provide for an additional main trafficway improvement, and to provide for payment of the City's share of the costs of such improvement and the increased costs of the Original Improvements, as provided by and under the authority of the Act.

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

**Section 1. Amendment.** *Section 1* of Resolution No. 2009-28 is hereby amended and supplemented to read as follows:

**Section 1. Amendment.** Sections 1 and 2 of Resolution No. 2007-11 are hereby amended and supplemented to read as follows:

**Section 1. Project Authorization.** It is hereby deemed and declared to be necessary to improve or reimprove the main trafficways hereinafter set forth:

<b>Project Description</b>	<b>Main Trafficway Designation</b>	<b>Cost Estimate</b>	<b>City Share</b>
Reconstruction of Wyatt Earp Boulevard <sup>1</sup>	Ord. 2563	\$11,500,000	\$ 9,110,000
Reconstruction of 14th Avenue – Comanche Street to U.S. Highway 50 <sup>2</sup>	Ord. 3016	4,700,000	4,700,000
Reconstruction of 14th Avenue – Ross Boulevard to Iron Road <sup>3</sup>	Ord. 3016	3,000,000	300,000
<b>Reconstruction of 6th Avenue – Ross Boulevard to Plains Street</b>	<b>Ord. 3087</b>	<b>680,000</b>	<b>680,000</b>
<b>14<sup>th</sup> Avenue Bridge Repair</b>	<b>Ord. 3016</b>	<b>496,200</b>	<b>305,000</b>
<b>Reconstruction of Comanche Street – 14<sup>th</sup> Avenue to U.S. Highway 50</b>	<b>Ord. 3038</b>	[ ]	[ ]
Total		\$[ ]	\$[ ]

<sup>1</sup> Previously authorized at \$3,750,000 City Share by Resolution No. 2005-12

<sup>2</sup> Previously authorized at \$1,600,000 City Share by Resolution No. 2005-12

<sup>3</sup> Previously authorized by Resolution No. 2005-12

(collectively the "Project") under the authority of the Act, in accordance with plans and specifications therefor prepared or approved by the City Engineer.

**Section 2. Financing Authority.** The City's share of the costs of the Project and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the "Bonds"). The City has previously issued bonds in the amount of \$14,135,000 and temporary notes in the amount of \$565,000, plus associated costs of issuance, for the Original Improvements. This authorization is for increased City's share of the Projects, as bolded in the above table, plus associated financing costs.

**Section 2. Repealer; Ratification.** *Section 1* of Resolution No. 2009-28 is hereby repealed; and the rest and remainder thereof are hereby ratified and confirmed.

**Section 3. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

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**ADOPTED AND APPROVED** by the governing body of the City of Dodge City, Kansas, on November 15, 2010.

(Seal)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2010-\_\_\_ of the City of Dodge City, Kansas adopted by the governing body on November 15, 2010, as the same appears of record in my office.

DATED: November 15, 2010.

\_\_\_\_\_  
Clerk

## *Memorandum*

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

*From: Nannette Pogue*

*Date: November 10, 2010*

*Subject: Resolution No. 2010-24*

*Agenda Item Ordinances and Resolutions*

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**Recommendation:** I recommend the approval of Resolution No. 2010-24.

**Background:** Prior to year end, the City will need funding for the following projects: previously authorized street projects in the amount of \$395,000; Comanche Street engineering and design costs, either \$164,610 which we have already contracted for or up to \$764,610 which we may contract for as a result of the work session; and the water and street improvement projects for Interfaith Housing Project in the amount of approximately \$440,000. Because we are uncertain about the amount of financing we will need for Comanche Street in 2010 and knowing we will have additional costs in 2011 and the Interfaith Housing Project cannot be financed with bonds until the project is complete because it is a special assessment project, we are going to issue Temporary Notes in 2010 and then issue General Obligation Bonds in 2011 that will finance more of the Comanche Street Project, the Interfaith Housing project and any other street projects for 2011. This will be more efficient than issuing a small issue and notes in 2010 and another issue in 2011.

**Justification:** To finance construction projects that are already underway in 2010.

**Financial Considerations:** The notes will need to be redeemed by General Obligation Bonds and paid back over a period of 10 years.

**Purpose/Mission:** To maintain and improve the infrastructure in Dodge City.

**Legal Considerations:** None

**Attachments:** Resolution No. 2010-24

**RESOLUTION NO. 2010-24**

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2010-1, OF THE CITY OF DODGE CITY, KANSAS.**

**WHEREAS**, the City of Dodge City, Kansas (the "Issuer"), has heretofore authorized certain internal improvements described as follows (collectively the "Improvements"):

<u>Project Description</u>	<u>Res No.</u>	<u>Authority</u>	<u>Project Cost</u>
Main Trafficway Improvements	2007-11/ 2009-28/ 2010-23	K.S.A. 12-685 <i>et seq.</i>	\$[_____]
Haggards Addition – Street Improvements	2009-32	K.S.A. 12-6a01 <i>et seq.</i>	[_____]
Haggards Addition – Water Improvements	2009-33	K.S.A. 12-6a01 <i>et seq.</i>	[_____]
<i>Total:</i>			

**WHEREAS**, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

**WHEREAS**, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

**WHEREAS**, the Issuer has heretofore issued general obligation bonds in the amount of \$14,135,000 and temporary notes in the amount of \$565,000, plus associated costs of issuance, to finance a portion of the costs of the Main Trafficway Improvements referenced above, and has remaining authority to issue \$[\_\_\_\_\_] to finance the balance of the costs of such Main Trafficway Improvements; and

**WHEREAS**, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements; and

**WHEREAS**, the Issuer hereby selects the firm of Stifel, Nicolaus & Company, Inc., Wichita, Kansas (the "Purchaser"), as underwriter for one or more series of temporary notes of the Issuer in order to provide funds to temporarily finance the Improvements; and

**WHEREAS**, the Issuer desires to authorize the Purchaser to proceed with the offering for sale of said temporary notes and related activities; and

**WHEREAS**, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said temporary notes; and

**WHEREAS**, the Issuer desires to authorize the Purchaser, in conjunction with the Director of Finance/Clerk, to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said temporary notes; and

**WHEREAS**, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said temporary, the governing body desires to authorize the Mayor to confirm the sale of such temporary notes, if necessary, prior to the next meeting of the governing body to adopt the necessary resolution providing for the issuance thereof.

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

**Section 1.** The Purchaser is hereby authorized to proceed with negotiating the sale of the Issuer's General Obligation Temporary Notes, Series 2010-1 (the "Notes") in accordance with the presentation made by the Purchaser this date. The offering for sale of the Notes shall be accomplished in consultation with the Director of Finance/Clerk, Gilmore & Bell, P.C. ("Bond Counsel"), and the Purchaser. The confirmation of the sale of the Notes shall be subject to the execution of a note purchase agreement (the "Note Purchase Agreement") between the Purchaser and the Issuer in a form approved by Bond Counsel and the City Attorney, and the adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Notes and the execution of various documents necessary to deliver the Notes. The Mayor is hereby authorized to execute the Note Purchase Agreement subject to the following parameters: (a) principal amount not to exceed \$[\_\_\_\_\_]; and (b) a true interest cost ("TIC") of not to exceed [\_\_\_\_\_]%.

**Section 2.** The Purchaser, in conjunction with the Director of Finance/Clerk and Bond Counsel, is hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes. The Issuer hereby consents to the use and distribution of the Preliminary Official Statement in connection with the offering for sale of the Notes.

**Section 3.** For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities Exchange Commission (the "Rule"), the Mayor and Director of Finance/Clerk or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A*, as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary; to enable the Purchaser to comply with the requirement of the Rule.

**Section 4.** The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(3) and (4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 5.** The Mayor, Director of Finance/Clerk and the other officers and representatives of the Issuer, the Purchaser and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes.

**Section 6.** This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the governing body on November 15, 2010.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Jane Longmeyer*

*Date: November 10, 2010*

*Subject: Year End Bonus*

*Agenda Item: Ordinances and Resolutions*

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**Recommendation:** Approval of Resolution No. 2010-25.

**Background:** Each non-probationary full time employee with over one (1) year of service will receive a bonus of \$50.00 per calendar year worked for the City, a benefit adopted in 1998. A cap of \$1,000 after 20 years of service has been established.

**Justification:** This is a budgeted item and funds are available.

**Financial Considerations:** The amount budgeted for the 2010 bonus is \$96,150.00.

**Purpose/Mission:** To provide employees an annual reward/benefit for their continued efforts in striving to achieve high performance and service standards set by us and expectedd by the community.

**Legal Considerations:** None

**Attachments:** Resolution No. 2010-25.

RESOLUTION NO. 2010 – 25

A RESOLUTION AUTHORIZING PAYMENT OF 2010 YEAR END BONUSES TO  
QUALIFIED EMPLOYEES

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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

WHEREAS: Taking into consideration the City's financial standing, the Governing Body desires to recognize the dedication and commitment of City employees by a discretionary year end bonus, under the guidelines established by Resolution 98-41.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF  
DODGE CITY, KANSAS, THIS 15<sup>th</sup> DAY OF NOVEMBER, 2010.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# Memorandum

To: City Manager  
Assistant City Manager  
City Commissioners

From: Paul Lewis 

Date: November 9, 2010

Subject: Revise City Code Section 3-102

Agenda Item: Ordinances and Resolutions

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**Recommendation:** Staff recommends approving Ordinance No. 3500 repealing Ordinance No. 3346 and amending Ordinance No. 3396 and amending City Code, Section 3-102, subsection (c) and (d).

**Background:** Ordinance No. 3346 and 3396 were previously adopted exempting certain public facilities from a general prohibition against serving and consuming alcoholic beverages on public property. Ordinance No. 3500 adds the Special Event Center, Dodge City Civic Center, Cavalier Field, and Mariah Hills golf course to the list of exempt facilities.

In the existing code, alcohol is permitted only for private parties and events not open to the general public. An element of the operational concept for the Special Events Center is to provide that service for appropriate events and activities in the arena and the convention space. Because one company will be managing both the Special Events Center and the Civic Center, it's appropriate to allow them the opportunity to provide that service at both locations.

At Mariah Hills Clubhouse, the lease agreement the City entered into with the restaurant operator was conditioned upon approval of an ordinance permitting the sale and service of alcohol by the tenant. This ordinance fulfills that requirement.

Cavalier Field is added to the list at the request of the Dodge City A's baseball club. The club wishes to be able to sell cereal malt beverages at their games and that availability is expected to allow them to generate additional revenue to help support the organization.

**Justification:** Ordinance No. 3500 permits the sale and consumption of cereal malt beverages and alcohol at these additional facilities. Such service is typical of the events and activities anticipated and planned for the Special Events Center and common to most restaurant operations and athletic facilities. This ordinance is important to provide the tools and amenities necessary to allow these facilities to meet expected service levels from a wide range of patrons and users.

**Financial Considerations:** Revenue derived from the sale and service of alcoholic beverages is an important part of the overall revenue stream operators of these facilities expect and need to make their operations financially successful. In addition, this action opens the door to corporate sponsorships at the Special Event Center and for the A's, providing further funding to offset operational costs and supporting those ventures.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3500

**ORDINANCE NO. 3500**

**AN ORDINANCE AMENDING THE CITY OF DODGE CITY CODE,  
CHAPTER III, BEVERAGES, ARTICLE 1, PUBLIC SALE AND REPEALING  
ORDINANCE NO. 3346 AND AMENDING ORDINANCE NO. 3396.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY:

SECTION 1. Section 3-102 of the Code of the city of Dodge City shall be amended by deleting the provisions of sub-section (c) and (d) and inserting in lieu thereof the following:

- (c) The prohibition against sale, service or consumption of cereal malt beverages or alcoholic beverages shall not apply to the Hoover Pavilion in Wright Park which is property owned by the City when that property is leased for a private function which the City Manager determines is not open to the general public, or when leased to a not-for-profit tax exempt civic club or organization in conjunction with a banquet or dinner sponsored by such club or organization, admission to which is gained by a ticket sold prior to the event and the proceeds of which go to support the club or organization's civic projects. Such lease may contain additional restrictions or conditions relating to the dispensing and consumption of cereal malt beverages or alcoholic beverages as the City Manager deems appropriate under the circumstances.
- (d) The prohibition against sale, service or consumption of cereal malt beverages or alcoholic liquors shall not apply to the Dodge City/Ford County Special Events Center, Dodge City Civic Center, Mariah Hills Golf Course, Dodge City Raceway Park, Legends Park, Cavalier Field, or other city-owned property as determined from time to time by duly adopted motion of the City Commission, if a proper and appropriate conditional license establishing the terms and conditions under which such sale, service or consumption may occur has been issued for said location by the City Clerk.

SECTION 2: EFFECTIVE DATE. This ordinance shall take effect upon its publication in the official City newspaper.

ADOPTED this 15<sup>th</sup> day November, 2010

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

ATTEST:

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