

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, January 3, 2011

7:00 p.m.

MEETING #4831

CALL TO ORDER

ROLL CALL

INVOCATION: by Father Dennis Zimmerman of the St. Cornelius Episcopal 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).

Character Trait – Presented by Director of Public Information, Jane Longmeyer

Dodge City Public Library Quarterly Update: Cathy Reeves

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, December 20, 2010
2. Approval of City Commission Special Meeting minutes, December 27, 2010
3. Appropriation Ordinance No. 1, January 3, 2011
4. Cereal Malt Beverage License
 - a. Mariscos Nayant, 509 N. 2nd Avenue
 - b. Water Sports Campground R.V. Park, 500 Cherry
 - c. Angie's Git It n Go, 2305 W. Wyatt Earp
 - d. Tacos Jalisco, 412 W. Wyatt Earp

ORDINANCES & RESOLUTIONS

Ordinance No. 3505: An Ordinance Relating to Traffic and Truck Routes in the City of Dodge City; Amending Ordinance No. 2812 and Amending Chapter 14, Section 2 of the City of Dodge City Municipal Code. Report by City Attorney, Brad Ralph.

Ordinance No. 3506: An Ordinance Authorizing and Providing for the Acquisition of Certain Land Necessary for Improvements to the Sanitary Sewer System of the City of Dodge City, Kansas, All By the Power of Eminent Domain.

UNFINISHED BUSINESS

NEW BUSINESS

OTHER BUSINESS

EXECUTIVE SESSION

1. Discussion of Non-Elected Personnel

ADJOURNMENT

CITY COMMISSION MINUTES

City Hall Commission Chambers

Monday, December 20, 2010

7:00 p.m.

MEETING #4829

CALL TO ORDER

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

INVOCATION: by Commissioner Brian Weber

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, December 6, 2010
2. Approval of City Commission Work Session minutes, December 6, 2010
3. Approval of Special Meeting minutes, December 14, 2010
4. Appropriation Ordinance No. 22, December 20, 2010
5. Cereal Malt Beverage License
 - a. ALCO Discount Store #371, 1701 North 14th Street
 - b. Walgreens #07817, 1801 N. 14th Avenue
6. Ratification of Resolution No. 2010-31 – A Resolution Designating Centera Bank as a Depository Bank for the United Wireless Arena, Magouirk Conference Center and Dodge City Civic Center.

Commissioner Monte Broeckelman asked questions regarding the Check Report. 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. 3502: An Ordinance Amending the Year 2000 Dodge City Zoning Ordinance to Add Automobile Salvage Yards as a Conditional Use in the I-1, Light Industrial District was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Monte Broeckelman. Motion carried 4-1, Commissioner Jim Sherer opposed.

Ordinance No. 3503: An Ordinance Rezoning a Tract of Land South of the Catholic Church on the West Side of Fourteenth Avenue From R-S, Residential Suburban to C-O, Commercial Office was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 5-0.

Ordinance No. 3504: An Ordinance Establishing a Maximum Speed Limit on U.S. 50 Within the City Limits at 40 Miles Per Hour and Repealing Conflicting Ordinances or Parts of Ordinances and Providing Penalties for the Violation of the Provisions of This Ordinance was approved on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. Motion carried 4-1, Commissioner Monte Broeckelman opposed.

Ordinance No. 3505: An Ordinance Relating to Traffic and Truck Routes in the City of Dodge City; Amending Ordinance No. 2812 and Amending Chapter 14, Section 2 of the City of Dodge City Municipal Code was tabled on a motion by Commissioner Brian Weber, seconded by Commissioner Jim Sherer. Motion carried 5-0.

Resolution No. 2010-32: A Resolution Approving Request for Delay of Community Improvement District Sales Tax Effective Date for Alliance Center, LLC was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried 5-0.

UNFINISHED BUSINESS

NEW BUSINESS

1. The Bid for Rotary Mower for Athletic Field Maintenance from Van Wall Equipment in the amount of \$39,105.62 after trade was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Monte Broeckelman. Motion carried 5-0.
2. The Scope of Project Change #1 for Construction of Wastewater Treatment Plant to the UCI Contract for an increase of \$715,000.00 was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Brian Weber. Motion carried 5-0.
3. The Scope of Project Change #2 for Construction of Wastewater Treatment Plant to the UCI Contract for an increase of \$1,640,600.00 to add the off site pump station and force main was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried 5-0.
4. The FOP Memorandum of Understanding was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried 5-0.

5. The Supplemental Agreement of FOP Memorandum of Understanding identifying a duty schedule was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Brian Weber. Motion carried 5-0.
6. The SW KS Coalition Lobbyist Contract in the amount of \$17,000.00 with the City of Dodge City's share being \$5,666.67 with Jennison Government Services was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 5-0.
7. The Southwest Kansas Coalition Legislative Agenda was approved by Commissioner Brian Weber, seconded by Commissioner Rick Sowers. Motion carried 5-0.

OTHER BUSINESS

Ken Strobel, City Manager:

- Wish everyone a Merry Christmas and a Happy New Year.

Jane Longmeyer, Director of Public Information:

- City Offices will be Closed Friday, December 24th;
- Sanitation Thursday route will run on Wednesday and Friday route will run on Thursday;
and
- Sheridan will be open Christmas Eve.

Cherise Tieben, Assistant City Manager:

- Clarified the rumor – Ed Beckley will not be providing management at the Dodge City Raceway Park next year.

Ken Strobel, City Manager:

- Reminded the Commission of a Special City Commission meeting at 7:30 a.m. on Monday, December 27, 2010 in the City Commission Chambers.

Commissioner Jim Sherer:

- Thanked City Staff;
- Citizens are pleased about what is happening (i.e. Main Street, Economic Development);
and
- Excited about the opening of the Event Center coming.

Commissioner Brian Weber:

- Excited to move onto State Representative.

Commissioner Monte Broeckelman;

- Wish everyone a Merry Christmas.

Commissioner Rick Sowers:

- Wish everyone a Merry Christmas; and
- Reported on the Event Center – substantial completion in January...this will be a great addition to Dodge City.

Mayor Kent Smoll:

- Extended Congratulations to Commissioner Brian Weber and Pat George;
- Explained to Citizens the process to replace Commissioner Brian Weber, those individuals interested in the position, please submit your letter of interest by January 3rd; and
- Wish everyone a Merry Christmas and a Happy New Year.

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

CITY COMMISSION SPECIAL MEETING MINUTES

City Hall Commission Chambers

Monday, December 27, 2010

7:30 a.m.

MEETING #4830

CALL TO ORDER

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

PUBLIC HEARING:

Mayor Kent Smoll opened the Public Hearing on 2010 Budget Amendments. Director of Finance/City Clerk presented the 2010 Budget Amendments. Commissioner Jim Sherer moved to close the Public Hearing, seconded by Commissioner Rick Sowers.

ORDINANCES & RESOLUTIONS:

Resolution No. 2010-33: A resolution declaring the necessity for acquiring private property for the use of the City in connection with the force main and gravity sewer project was approved on a motion by Commissioner Monte Broeckelman, seconded by Commissioner Rick Sowers. Motion carried 4-0.

NEW BUSINESS:

1. The 2010 Budget Amendments was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Monte Broeckelman. Motion carried 4-0.
2. The appraisal recommendations setting fair and equitable compensation for the utility easements and temporary construction easements necessary for the Wastewater Reclamation Facility was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 4-0.
3. The Supplemental Agreement with Professional Engineering Consultants, P.A. for the design of a grit removal system not to exceed \$200,000.00 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Rick Sowers. Motion carried 4-0.

OTHER BUSINESS:

Ken Strobel, City Manager:

- Will need to have a Joint City/County Commission Meeting to approve the Transition Management Agreement for the Events Center.

ADJOURNMENT: Commissioner Monte Broeckelman moved to adjourn the special meeting, Commissioner Kent Smoll seconded the motion. The motion carried 4-0.

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 _____

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):			
Name	Phone No.	Date of Birth	
Raman Prociob	(620) 227-9899	9-01-1947	
Residence Street Address	City	Zip Code	
509 N 2nd AVE	Dodge city KS	67801	
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	
Manisces Noyant	Manisces Noyant	Manisces Noyant	
Business Location Address	Address	Address	
509 N. 2nd	509 N. 2nd	509 N. 2nd	
City	City	State	Zip
Dodge	Dodge	KS	67801
Business Phone No.	<input checked="" type="checkbox"/> I own the proposed business location.		
(620) 227-9899	<input type="checkbox"/> I do not own the proposed business location.		
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>18</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 type="checkbox"/> No
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

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

SIGNATURE *Gamonis Puccio* DATE *12/20/10*

\$ 225⁰⁰

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u><i>175⁰⁰</i></u> Date <u><i>12-23-10</i></u>	
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)	
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date <u><i>12-23-10</i></u>	
<input type="checkbox"/> Background Investigation	<input type="checkbox"/> Completed Date _____ <input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved	Valid From Date _____ to _____ By: _____
<input type="checkbox"/> License Renewed	Valid From Date _____ to _____ By: _____

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

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



**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 FORD

SECTION 1 - LICENSE TYPE

Check One: New License Renew License

Check One:

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

SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 35-9975

Name <u>Pat Morgison</u>	Phone No. <u>620-227-2935</u>	Date of Birth <u>5-19-27</u>
Residence Street Address <u>504 Minneola Road</u>	City <u>Dodge City, Ks., 67801</u>	Zip Code

Applicant Spousal Information

Spouse Name <u>Olive Morgison</u>	Phone No. <u>227-2935</u>	Date of Birth <u>8-17-25</u>
Residence Street Address <u>504 Minneola Road</u>	City <u>Dodge City, Ks., 67801</u>	Zip Code

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location)			Mailing Address		
DBA Name <u>Water Sports Campground R.V Park</u>	Name <u>(Same)</u>		Address <u>500 Cherry</u>		
Business Location Address <u>500 Cherry</u>	Address <u>500 Cherry</u>		City <u>(Same)</u>		
City <u>Dodge City, Ks., 67801</u>	State <u>Ks.</u>	Zip <u>67801</u>	City <u>(Same)</u>	State <u>(Same)</u>	Zip <u>(Same)</u>
Business Phone No. <u>620-225-8044, & 620-225-9003</u>	<input checked="" type="checkbox"/> I own the proposed business location. <input type="checkbox"/> I do not own the proposed business location.				
Business Location Owner Name(s) <u>Pat & Olive Morgison</u>					

SECTION 4 - APPLICANT QUALIFICATION

I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have resided within the state of Kansas for <u>73</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 type="checkbox"/> No
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

SECTION 5 - MANAGER OR AGENT QUALIFICATION		
My place of business will be conducted by a manager or agent.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name Dena Vogel	Phone No. 620-227-6545	Date of Birth
Residence Street Address 500 Cherry St., Lo # 20	City Dodge City, Ks.	Zip Code 67801
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Qualification Statement		
My manager/agent and his/her spouse ² meets all of the qualifications in Section 4.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

SIGNATURE *Pat Morgan* DATE 12-20-10

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>7500</u> Date <u>12-20-10</u>	
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)	
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date _____	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____	<input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified
<input type="checkbox"/> New License Approved Valid From Date _____ to _____	By: _____
<input type="checkbox"/> License Renewed Valid From Date _____ to _____	By: _____

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

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



**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 Ford

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

SECTION 2 - APPLICANT INFORMATION		
Kansas Sales Tax Registration Number (required):		
Name	Phone No.	Date of Birth
<u>Angie Heiland</u>	<u>620 339 9768</u>	<u>8 14 71</u>
Residence Street Address	City	Zip Code
<u>2006 Hillpoint Way</u>	<u>Dodge City</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
<u>Angie's Git It n Go</u>	<u>Angie's Git It n Go</u>
Business Location Address	Address
<u>2305 W. Wyatt Earp</u>	<u>2305 W Wyatt Earp</u>
City	City
<u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	<u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>
Business Phone No.	<input type="checkbox"/> I own the proposed business location.
<u>620 338 8166</u>	<input checked="" type="checkbox"/> I do not own the proposed business location.
Business Location Owner Name(s)	
<u>Byron Winans</u>	

SECTION 4 - APPLICANT QUALIFICATION	
I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have resided within the state of Kansas for <u>39</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 type="checkbox"/> No
My spouse has previously held a CMB license.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

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

SIGNATURE Angela M. Huiland DATE 12-16-10

\$ 75⁰⁰

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>75⁰⁰</u> Date <u>12-10</u>	(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date <u>12-10-10</u>	
<input type="checkbox"/> Background Investigation <input type="checkbox"/> Completed Date _____ <input type="checkbox"/> Qualified <input type="checkbox"/> Disqualified	
<input type="checkbox"/> New License Approved Valid From Date _____ to _____ By: _____	
<input type="checkbox"/> License Renewed Valid From Date _____ to _____ By: _____	

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

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

**PARTNERSHIP, FIRM OR ASSOCIATION
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 licensed premises.	

SECTION 2 - APPLICANT INFORMATION	
Kansas Sales Tax Registration Number (required): <u>004-KU2613037F01</u>	
Name of Partnership/Firm/Association <u>Tacos Jalisco</u>	Phone No. <u>255-6793 (cell)</u>
Place of Business Street Address <u>412 E Wyatt Earp</u>	City <u>Dodge City, KS</u> Zip Code <u>67801</u>

SECTION 3 - LICENSED PREMISE	
Licensed Premise (Business Location)	Mailing Address
DBA Name <u>Tacos Jalisco</u>	Name <u>Rebecca Escalante</u>
Business Location Address <u>412 W. Wyatt Earp</u>	Address <u>P.O. Box 1311</u>
City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>	City <u>Dodge City</u> State <u>KS</u> Zip <u>67801</u>
Business Phone No. <u>620-225-3101</u>	<input type="checkbox"/> I own the proposed business location.
Business Location Owner Name(s) <u>Amado Alvarez & Rebecca Escalante</u>	<input checked="" type="checkbox"/> I do not own the proposed business location.

SECTION 4 - PARTNER AND FIRM/ASSOCIATION MEMBER INFORMATION		
List each partner or member of a firm/association and their spouse, if applicable. Attach additional pages if necessary.		
Partner/Member Name	Title	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Title	Date of Birth
Residence Street Address	City	State Zip Code
Partner/Member Name	Title	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Title	Date of Birth
Residence Street Address	City	State Zip Code
Partner/Member Name	Title	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Title	Date of Birth
Residence Street Address	City	State Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION			
My place of business will be conducted by a manager or agent.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the following:			
Manager/Agent Name	Rebecca Escalante	Phone No.	561-0662
Residence Street Address	203 W. Spruce	City	Dodge City
		Date of Birth	11-23-55
		Zip Code	67801
Manager or Agent Spousal Information			
Spouse Name	none	Phone No.	
Residence Street Address		City	Zip Code

SECTION 6 – QUALIFICATIONS FOR LICENSURE	
<p>Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>All of the individuals identified in Sections 4 & 5 are at least 21 years of age¹.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

SIGNATURE Rebecca Escalante DATE 12/24/10

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

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

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



Memorandum

To: City Commissioners
From: Brad Ralph
City Attorney
Date: January 3, 2011
Subject: Truck Route
Agenda Item: Ordinance

Recommendation: Staff recommends the approval of Ordinance No. 3505 relating to the amendment of Ordinance 2812 and amendment of Chapter 14, Section 2 of the City of Dodge City Municipal Code and establishing a truck route

Background: With the completion of Wyatt Earp and the South Bypass, staff has worked to make necessary amendments to the pertinent ordinances and areas in the City Code in order to establish an enforceable regulation and practical route to direct heavy truck traffic around the community. Staff had two separate meetings with various firms that both provide trucking services and utilize trucking services in order to come up with a workable solution which would direct truck traffic away from Wyatt Earp and other general residential streets.

Justification: In order to ensure safety on major corridors and prolong the life of our street infrastructure throughout the community, while continuing to provide a route for heavy truck traffic to access necessary local businesses.

Financial Considerations: The significant cost to this Ordinance will be the necessary signage required to properly direct truck traffic to the established route. Staff is working with the State and County to secure any potential funds which may assist us with this cost.

Purpose/Mission: We are endeavoring to provide a safe and longer lasting infrastructure network, by directing heavy truck traffic to routes that protect our citizens and infrastructure.

Legal Considerations: This Ordinance will not be published and therefore will not go into effect until the proper signage is in place.

Attachments: Ordinance No. 3505

ORDINANCE NO. 3505

**AN ORDINANCE RELATING TO TRAFFIC AND TRUCK ROUTES IN THE
CITY OF DODGE CITY; AMENDING ORDINANCE NO. 2812 AND
AMENDING CHAPTER 14, SECTION 2 OF THE CITY OF DODGE CITY
MUNICIPAL CODE**

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

Section 1: The provisions of Section 1 of Ordinance No.2812 and Article 14-217 of the City of Dodge City Municipal Code are hereby deleted and the following inserted in lieu thereof:

14-217 TRUCK; WEIGHT. It shall be unlawful for any truck having a licensed or registered gross vehicle weight of more than twenty-four thousand (24,000) pounds to enter upon or to be operated upon any street or alley within the city except on the following roadways:

US283/US56 from US400 to Highway 50/56 (commonly referred to as the overpass road); and,

Trail Street from the junction of US283/US56/US400 west to Juneau Avenue;
and,

US50 from the western city limits to the eastern city limits.

Section 2: The provisions of Section 2 of Ordinance No. 2812 and Article 14-218 of the City of Dodge City Municipal Code are hereby deleted and the following inserted in lieu thereof:

14-218 SAME; APPLICATION. The provisions of section 14-217 shall not be applicable to those trucks engaged in repairing, maintaining, or constructing streets, alleys, utility services, conducting refuse and solid waste collections, or other city-owned trucks. Further, the provisions of 14-217 shall not be applicable to those trucks carrying goods, wares, merchandise, or other articles to and/or from any house, residence or business establishment within the city, nor shall the provisions of 14-217 be applicable to trucks in the process of obtaining fuel, maintenance or repairs, provided all such trucks take the most direct route to and from said locations on the routes designated in section 14-217.

Section 3: The provisions of Section 3 of Ordinance No. 2812 and Article 14-219 of the City of Dodge City Municipal Code are hereby deleted and repealed.

Section 4: The provisions of Section 4 of Ordinance No. 2812 and Article 14-220 of the City of Dodge City Municipal Code are hereby deleted and the following inserted in lieu thereof:

14-220 SAME; SIGNAGE. The streets designated in section 14-217 shall be properly identified and posted as truck routes within the city.

Section 5. EFFECTIVE DATE. This ordinance shall be effective following publication in the Dodge City Daily Globe.

ADOPTED by the Governing Body of the City of Dodge City and approved by the Mayor this ____th day of January, 2011.

E. Kent Smoll, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: Ken Strobel
City Manager
From: Joseph E. Finley, P.E.
Director of Engineering
Date: December 27, 2010
Subject: Ordinance Authorizing, and providing for the acquisition of certain properties using eminent domain.
Agenda Item: Ordinances and Resolutions

Recommendation: Approve Ordinance 3506 authorizing the acquisition of certain properties by the use of eminent domain.

Background: The commission previously authorized the use of eminent domain by approving Resolution 2010-33. This ordinance is the next step in the process to acquire the properties that we have been unable to reach a suitable agreement with the parties listed in the ordinance.

Justification: With the contractor being ahead of schedule on the completion of the reclamation plant, it is important to keep the other parts of this project on schedule. We believe we have reached an impasse with several of the property owners and by using eminent domain, both parties will be assured that a fair and equitable price is paid by the City to the landowner.

Financial Considerations: The City will be required to pay all legal fees and court fees in addition to the acquisition cost determined by the court.

Purpose/Mission: By using the eminent domain process, a fair and equitable price will be established and the project will stay on schedule.

Legal Considerations: None

Attachments: Ordinance 3506

ORDINANCE NO. 3506

AN ORDINANCE AUTHORIZING, AND PROVIDING FOR, THE ACQUISITION OF CERTAIN LAND NECESSARY FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY OF DODGE CITY, KANSAS, ALL BY THE POWER OF EMINENT DOMAIN.

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

Section 1. The Governing Body of the City of Dodge City, Kansas has previously adopted a resolution declaring it necessary to acquire certain interests in property for improvements to the City's sanitary sewer system, pursuant to K.S.A. 26-201. Said resolution authorized a survey and description of the land to be condemned to be made and filed with the City Clerk, and further authorized said resolution to be published once in the official City newspaper. Said publication, survey and filing have now been completed.

Section 2. That the term "permanent easement", as used hereinafter, shall mean a grant of easement, in perpetuity, for the purpose of constructing, operating, maintaining, repairing, inspecting, and using public utilities. The terms "temporary easement" or "temporary construction easement", as used hereinafter, shall mean a temporary grant of easement for a period commencing with the date of the acquisition, or taking, and terminating on a date two years later; and, shall be for the purpose of surveying, excavating, filling, grading, and all other purposes incidental to the construction of utilities on the permanent easement adjacent thereto. Upon the termination of the temporary easement, the City shall restore the easement to a neat and sightly condition and reseed the grass.

Section 3. That the City shall, by exercise of the power of eminent domain, acquire permanent and temporary easements over land owned by Gerard L. Lix and Diane K. Lix, generally located along the west side of a two-lane paved road identified as 111th Road, Dodge City, Ford County, Kansas and further described as follows:

A. Permanent Easement:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 2, Township 26 South, Range 25 West of the 6th P.M.; Thence Bearing N88°52'49"W, along the south line of said Southeast Quarter, a distance of 25.00 feet; Thence Bearing N00°42'51"E, parallel with the east line of said Southeast Quarter, a distance of 18.20 feet to the **POINT OF BEGINNING**, being a point on the apparent north line of a Western Power Division Easement as recorded in Book 29, pages 59-60 at the Ford County Register of Deeds Office; Thence Bearing N88°47'00"W, along said apparent north easement line, a distance of 691.61 feet; Thence Bearing N89°14'42"W, continuing along said apparent north easement line, a distance of 679.70 feet; Thence Bearing N89°08'36"W, continuing along said apparent north easement line, a distance of 616.39 feet to a point on the west line of the Southeast Quarter of said Section Quarter; Thence

Bearing N00°37'50"E, along the west line of said Southeast Quarter, a distance of 21.61 feet; Thence Bearing N88°52'49"E, a distance of 2,612.59 feet; Thence Bearing S00°42'51"W, a distance of 11.80 feet to the **POINT OF BEGINNING**.
(Said Permanent Easement containing 0.892 acres, more, or less)

B. Temporary Easement:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 2, Township 26 South, Range 25 West of the 6th P.M.; Thence Bearing N88°52'49"W, along the south line of said Southeast Quarter, a distance of 25.00 feet; Thence Bearing N00°42'51"E, parallel with the east line of said Southeast Quarter, a distance of 30.00 feet to the **POINT OF BEGINNING**; Thence Bearing N88°52'49"W, a distance of 2,612.59 feet to a point on the west line of the Southeast Quarter of said Section 2 said point being 30/00 feet north of the southwest corner of said Southeast Quarter; Thence Bearing N00°37'50"E, along the west line of said Southeast Quarter, a distance of 20.00 feet; Thence Bearing N88°52'49"E, a distance of 2,612.59 feet; Thence Bearing S00°42'51"W, a distance of 20.00 feet to the **POINT OF BEGINNING**.
(Said Permanent Easement containing 1.200 acres, more or less)

Section 4. That the City shall, by exercise of the power of eminent domain, acquire permanent and temporary easements over land owned by Larry H. Prather, Carol Marie Zart, S. Linda Prather, and Charles I. Prather, generally located along the east side of a two-lane paved road identified as 111th Road, Dodge City, Ford County, Kansas and further described as follows:

A. Permanent Easement:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 1, Township 26, South Range 25 West of the 6th P.M.; Thence Bearing S89°05'49"E, along the south line* of said Southwest Quarter, a distance of 45.00 feet; Thence Bearing N00°42'51"E, parallel with the west line of said Southwest Quarter, a distance of 19.83 feet to the **POINT OF BEGINNING**; Thence Bearing S88°52'49"E, a distance of 53.97 feet; Thence Bearing S66°22'49"E, a distance of 50.82 feet to a point of the south line of said Southwest Quarter; Thence Bearing S89°05'49"E, along said south line, a distance of 1,008.36 feet; Thence Bearing N03°42'01"E, a distance of 4.91 feet; Thence Bearing N42°41'54"W, a distance of 13.94 feet; Thence Bearing N89°05'49"W, a distance of 1,008.92 feet; Thence Bearing N66°22'49"W, a distance of 37.86 feet; Thence Bearing N88°52'49"W, a distance of 56.03 feet; Thence Bearing S00°42'51"W, a distance of 10.00 feet to the **POINT OF BEGINNING**.

(Said Permanent Easement containing 0.371 acres, more or less)

**The location and bearing of the south line of the Southwest Quarter of said Section 1 was determined by using the found Northwest corner and the found West Quarter corner of Section 12, Township 26 South, Range 25 West and the internal angle from the northwest corner of Trails North, a subdivision in the Northwest Quarter of said Section 12.*

B. Temporary Easement:

COMMENCING at the Southwest corner of the Southwest Quarter of Section 1, Township 26, South Range 25 West of the 6th P.M.; Thence Bearing S89°05'49"E, along the south line* of said Southwest Quarter, a distance of 45.00; Thence Bearing N00°42'51"E, parallel with the west line of said Southwest Quarter, a distance of 29.83 feet to the **POINT OF BEGINNING**; Thence Bearing S88°52'49"E, a distance of 56.03 feet; Thence Bearing S66°22'49"E, a distance of 37.86 feet; Thence Bearing S89°05'49"E, a distance of 1,008.92 feet; Thence Bearing N42°41'54"W, a distance of 13.94 feet; Thence Bearing S03°42'01"E, a distance of 4.91 feet to the point on the south line of said Southwest Quarter; Thence Bearing S89°05'49"W, along said south line, a distance of 20.02 feet; Thence Bearing N03°42'01"E, a distance of 35.04 feet; Thence Bearing N89°05'49"W, a distance of 1036.01 feet; Thence Bearing N66°22'49"W, a distance of 37.82 feet; Thence Bearing N88°50'50"W, a distance of 60.15 feet; Thence Bearing S00°42'51"W, a distance of 20.04 feet to the **POINT OF BEGINNING**.

(Said Permanent Easement containing 0.529 acres, more or less)

**The location and bearing of the south line of the Southwest Quarter of said Section 1 was determined by using the found Northwest corner and the found West Quarter corner of Section 12, Township 26 South, Range 25 West and the internal angle from the northwest corner of Trails North, a subdivision in the Northwest Quarter of said Section 12.*

Section 5. The exercise of the power of eminent domain in relation to the above-described tracts of land shall be accomplished in accordance with K.S.A. 26-501 et. seq., as amended.

Section 6. This ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, THIS 3RD DAY OF JANUARY, 2011.

E. KENT SMOLL,
Mayor

ATTEST:

NANNETTE POGUE,
City Clerk