

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, April 4, 2011

7:00 p.m.

MEETING #4842

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION:** by Pastor Siah Edwards of the Living Waters Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

National Library Week 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).

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

Dodge City Public Library Quarterly Update: Cathy Reeves

## **CONSENT CALENDAR**

1. Approval of City Commission Work Session minutes, March 21, 2011
2. Approval of City Commission Meeting minutes, March 21, 2011
3. Appropriation Ordinance No. 7, April 4, 2011
4. Cereal Malt Beverage License
  - a. Kwik Shop #703, 1500 W. Wyatt Earp
  - b. Kwik Shop #762, 1811 Central

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3514:** An Ordinance Amending the City of Dodge City Code, Chapter II, Animal Control and Regulations, Article 1, General Provisions and Amending Ordinance No. 3387. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2011-09:** A Resolution Establishing Fees and Rates for Water Utility Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2011-10:** A Resolution Establishing Fees and Rates for Sanitary Sewer Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2011-11:** A Resolution Establishing Fees and Rates for Solid Waste Collection Service in the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2011-12:** A Resolution Establishing Fees and Rates for Storm Water Utility Service for the City of Dodge City. Report by Director of Finance/City Clerk, Nannette Pogue.

**Resolution No. 2011-13:** A Resolution Relating to the Agreement for the Construction of Railroad Crossing Signals on Park Street. Report by City Engineer, Ray Slattery.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of payment to acquire easement acquisition for pipeline for Wastewater Reclamation Facility. Report by City Engineer, Ray Slatter.

## **OTHER BUSINESS**

## **ADJOURNMENT**

# **National Library Week 2011 Proclamation**

**WHEREAS**, libraries provide free access to all – from books and online resources for families to library business centers that help support entrepreneurship and retraining;

**WHEREAS**, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever;

**WHEREAS**, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy;

**WHEREAS**, libraries are helping level the playing field for job seekers, with 88% of public libraries providing access to job databases and other online resources;

**WHEREAS**, libraries are places of opportunity providing programs that teach all forms of literacy, promoting continuing education and encouraging lifelong learning;

**WHEREAS**, in times of economic hardship, Americans turn to – and depend on – their libraries and librarians;

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE**, be it resolved that I, E. Kent Smoll, Mayor of the city of Dodge City, proclaim National Library Week, April 10-16, 2011. I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. Create your own story at your library.

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E. Kent Smoll, Mayor

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Nannette Pogue, City Clerk

# Humility

## April 2011

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Humility is not minimizing your achievements or downplaying your significance. True humility is recognizing your abilities and limitations for what they really are. This perspective can help you and your coworkers forget about egos, focus on common goals, and serve customer needs.

### **Get Perspective**

Each person has particular skills, abilities, and talents. Recognize your strengths, and ask yourself how you can help another person today. Also recognize what you're not good at. If you constantly struggle with initiating a big project, be honest about it; and the next time you find yourself coming up with reasons to delay, make yourself take the next step in the project, even if it's something small.

### **Share The Credit**

A humble person recognizes how others have contributed to his or her success: "I couldn't have done it with Claire's help." "I'm grateful to be part of the team." "A lot of credit goes to Jim - his creativity launched this whole project."

### **Build Teamwork**

The greatest achievements often result when each team member gives his or her best effort and does not worry about who gets the credit. Help colleagues succeed. Share useful information. Accept criticism graciously. Help when someone is overwhelmed.

### **Seek Advice**

Save time, effort, and headaches by asking for advice. Ask more experienced workers what a particular task requires. Ask your supervisor if there's something you can improve. Run decisions past someone who will tell you when you're wrong. Be teachable...especially when advice comes as criticism.

### **Serve Others**

Life requires a number of unpleasant tasks. In these situations, the humble get the job done without arguing over job descriptions, drawing attention to their "humility," or even thinking how they are helping. To a humble person, there is only a need and the means to meet it.



# **CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Monday, March 21, 2011

6:00 p.m.

MEETING #4840

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

## **WORK SESSION:**

1. Public Works Need Assessment was presented by Brad Weisenberger and Steve Todd of Lochner.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, March 21, 2011

7:00 p.m.

MEETING #4841

## **CALL TO ORDER**

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

**INVOCATION:** by Rev. Jeff Turner of the First Missionary Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

## **PUBLIC HEARING**

1. Consider the Establishment of an RHID District and Development Plan for Wagon Wheel.

**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, March 8, 2011
2. Appropriation Ordinance No. 6, March 21, 2011
3. Cereal Malt Beverage License
  - a. Lotus Garden Chinese Restaurant, 1202 E. Wyatt Earp Blvd.
  - b. El Korita Restaurant, 2001 W. Wyatt Earp Blvd.

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

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2011-08:** A Resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329) was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried 4-0.

**Ordinance No. 3512:** An Ordinance of the Governing Body of the City of Dodge City, Kansas, Establishing a Rural Housing Incentive District Within the City and Adopting a Plan for the Development of Housing and Public Facilities in Such District, and Making Certain Findings in Conjunction Therewith (Wagon Wheel Project) was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 4-0.

**Ordinance No. 3513:** An Ordinance Creating Housing Rehabilitation and Citizens Advisory Board to Serve the Governing Body of the City of Dodge City, Kansas in Matters Pertaining to the City's 2011 Community Development Block Grant and Establish Said Boards Functions, Duties and Authority was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Michael Weece. Motion carried 4-0. Mayor, Kent Smoll, moved to appoint Vicki Williamson, John Scott, Marilyn Treto, Kevin Israel, and Dan Strucker as members to the Advisory Board. Commissioner Michael Weece seconded the motion. Motion carried 4-0.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

1. Approval of Engineer and Design Contract with SMH for Candletree Addition #5 Infrastructure in the amount of \$46,260.00 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried 4-0.
2. Approval to authorize payment for Easement Purchase for Wastewater Reclamation Facility in the total amount of \$1,285.00 was approved on a motion by Commissioner Rick Sowers, seconded by Commissioner Jim Sherer. Motion carried 4-0.

Commissioner Jim Sherer moved to add an Executive Session to discuss land acquisition to the Agenda. Commissioner Michael Weece seconded the motion. Motion carried 4-0.

### **OTHER BUSINESS**

Ken Strobel, City Manager:

- Watching State Legislative – thanks to Representative Brian Weber; and
- Have appointments set with officials in Washington D.C. next week.

Commissioner Jim Sherer:

- Attended Congress of Cities Meetings in Washington D.C. last week, made invitation for Human Development Steering Committee to meet in Dodge City in June and they accepted. It was an excellent meeting.

Mayor Kent Smoll:

- Championship Bull Riding and Monster Trucks were held at United Wireless Arena – encourage everyone to attend the events held at the Arena; and
- On a more serious note – keep people of Japan in thoughts and prayers.

**EXECUTIVE SESSION**

At 7:35 p.m., Commissioner Jim Sherer moved to adjourn to Executive Session to discuss land acquisition, not to exceed 30 minutes, and to include Ken Strobel, Cherise Tieben, Nannette Pogue and Paul Lewis. Mayor Kent Smoll will not attend Executive Session. Commissioner Rick Sowers seconded the motion. Motion carried 4-0.

At 8:05 p.m., Commissioner Rick Sowers moved to extend the Executive Session 15 minutes. Commissioner Jim Sherer seconded the motion. Motion carried 3-0.

At 8:20 p.m., the Regular Meeting convened.

**ADJOURNMENT:** Commissioner Rick Sowers moved to adjourn the meeting; Commissioner Michael Weece seconded the motion. The motion carried 3-0.

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E. Kent Smoll, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or  County of Dodge City

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

<b>SECTION 2 – APPLICANT INFORMATION</b>			
Kansas Sales Tax Registration Number (required): 00486112339F01			
Name of Corporation Kwik Shop, Inc		Principal Place of Business	
Corporation Street Address 734 East 4th		Corporation City Hutchinson	State KS
Date of Incorporation 4/1/1960		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name		Phone No.	
Residence Street Address		City	State
			Zip Code

<b>SECTION 3 – LICENSED PREMISE</b>			
<b>Licensed Premise (Business Location)</b>		<b>Mailing Address</b>	
DBA Name Kwik Shop #703		Name Kwik Shop Office-Attn. Sharon McGhee	
Business Location Address 1500 W Wyatt Earp		Address P O Box 1927	
City Dodge City, Ks. 67801	State	City Hutchinson, Ks 67504-1927	State
Zip 67801		Zip 67504-1927	
Business Phone No. 620-669-8504		<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s) Dillon Real Estate - 2800 East 4th - Hutchinson, Ks. 67501			

<b>SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK</b>			
List each person and their spouse, if applicable. Attach additional pages if necessary.			
Name Jeff Parker		Position President	
Residence Street Address 3107 Princeton Drive		City Hutchinson	State KS
Spouse Name Kathy		Position Housewife	
Residence Street Address same		City	State
			Zip Code
Name Mike Gerwert		Position Vice President of Finance	
Residence Street Address 209 Carey Place		City Hutchinson	State KS
Spouse Name Kay		Position Nurse-Medical Center	
Residence Street Address same		City	State
			Zip Code
Name		Position	
Residence Street Address		City	State
			Zip Code
Spouse Name		Position	
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.  Yes  No

If yes, provide the following:

Manager/Agent Name David E Smith	Phone No.	Date of Birth 3/18/1960
Residence Street Address P O Box 283	City Meade, KS	Zip Code

**Manager or Agent Spousal Information**

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

**SECTION 6 – QUALIFICATIONS FOR LICENSURE**

Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:  
(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.  Yes  No

None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:  
(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.  Yes  No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age<sup>1</sup>.  Yes  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 *Sharon DeJace* DATE 3/11/11

FOR CITY/COUNTY OFFICE USE ONLY:

License Fee Received Amount \$ 5000 Date 3-21-11  
(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)

\$25 CMB Stamp Fee Received Date 3-21-11

Background Investigation  Completed Date \_\_\_\_\_  Qualified  Disqualified

New License Approved Valid From Date \_\_\_\_\_ to \_\_\_\_\_ By: \_\_\_\_\_

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.

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



# CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or  County of 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 licensed premises.

## SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 00486112339F01

Name of Corporation <b>Kwik Shop, Inc</b>		Principal Place of Business	
Corporation Street Address <b>734 East 4th</b>		Corporation City <b>Hutchinson</b>	State <b>KS</b>
		Zip Code <b>67501</b>	
Date of Incorporation <b>4/1/1960</b>	Articles of Incorporation are on file with the Secretary of State.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resident Agent Name	Phone No.		
Residence Street Address	City	State	Zip Code

## SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location)		Mailing Address	
DBA Name <b>Kwik Shop #762</b>		Name <b>Kwik Shop Office-Attn. Sharon McGhee</b>	
Business Location Address <b>1811 Central</b>		Address <b>P O Box 1927</b>	
City <b>Dodge City, Ks.</b>	State <b>67801</b>	City <b>Hutchinson, Ks</b>	State <b>67504-1927</b>
Business Phone No. <b>620-669-8504</b>		<input checked="" type="checkbox"/> Applicant owns the proposed business location. <input type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s) <b>Testimonial Trust/Melba Swaim - 114 Carefree Lane - Dodge City, Ks</b>			

## SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse, if applicable. Attach additional pages if necessary.

Name <b>Jeff Parker</b>		Position <b>President</b>		Date of Birth <b>11/6/1970</b>	
Residence Street Address <b>3107 Princeton Drive</b>		City <b>Hutchinson</b>	State <b>KS</b>	Zip Code <b>67502</b>	
Spouse Name <b>Kathy</b>		Position <b>Housewife</b>		Date of Birth	
Residence Street Address <b>same</b>		City	State	Zip Code	
Name <b>Mike Gerwert</b>		Position <b>Vice President of Finance</b>		Date of Birth <b>7/26/69</b>	
Residence Street Address <b>209 Carey Place</b>		City <b>Hutchinson</b>	State <b>KS</b>	Zip Code <b>67502</b>	
Spouse Name <b>Kay</b>		Position <b>Nurse-Medical Center</b>		Age	
Residence Street Address <b>same</b>		City	State	Zip Code	
Name		Position		Date of Birth	
Residence Street Address		City	State	Zip Code	
Spouse Name		Position		Age	
Residence Street Address		City	State	Zip Code	

**SECTION 5 – MANAGER OR AGENT INFORMATION**

My place of business will be conducted by a manager or agent.  Yes  No

If yes, provide the following:

Manager/Agent Name Victoria L. Spain	Phone No. 620-388-1140	Date of Birth 3/31/81
Residence Street Address 10276 Commercial Ave	City Spearville, Ks	Zip Code 67876

**Manager or Agent Spousal Information**

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

**SECTION 6 – QUALIFICATIONS FOR LICENSURE**

Within 2 years immediately preceding the date of this application, none of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:  
(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.  Yes  No

None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:  
(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.  Yes  No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age<sup>1</sup>.  Yes  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 Sharon McFee DATE 3/11/11  
**Administrative Assistant**

FOR CITY/COUNTY OFFICE USE ONLY:

License Fee Received Amount \$ 50.00 Date 3-21-11  
(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)

\$25 CMB Stamp Fee Received Date 3-21-11

Background Investigation  Completed Date \_\_\_\_\_  Qualified  Disqualified

New License Approved Valid From Date \_\_\_\_\_ to \_\_\_\_\_ By: \_\_\_\_\_

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.

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



## *Memorandum*

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

*From: Nannette Pogue*

*Date: March 31, 2011*

*Subject: Ordinance No. 3514*

*Agenda Item Ordinances and Resolutions*

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**Recommendation:** I recommend the approval of Ordinance No. 3514.

**Background:** The current ordinance and code allows residents to harbor companion animals. Currently the definition for companion animals is: dogs, cats, domestic ferrets, domestic rodents commonly kept as pets, domestic rabbits, reptiles commonly kept as pets, excluding any venomous reptile or any constructor snake over six foot in length and domestic birds commonly kept as pets excluding any fowl. Recently there was a case in municipal court in which an alligator was kept in the city limits as a pet. The animal control asked that the residents not be allowed to have the alligator. The judge and the prosecuting attorney felt that our current ordinance was too vague in describing companion pets. The proposed ordinance adds to list of the exclusions of reptiles commonly kept as pets: alligator, caiman, crocodile, anaconda, komodo dragon and monitor lizard. The Animal Control Supervisor researched the types of reptiles that would not be considered common pets and came up with the list. The Prosecuting Attorney is in agreement with the proposed wording of the ordinance.

**Justification:** To clarify the definition of companion animals.

**Financial Considerations:** None

**Purpose/Mission:** To protect the health and safety of the citizens of Dodge City.

**Legal Considerations:** None

**Attachments:** Ordinance No. 3514

ORDINANCE NO. 3514

AN ORDINANCE AMENDING THE CITY OF DODGE CITY CODE, CHAPTER II, ANIMAL CONTROL AND REGULATIONS, ARTICLE 1, GENERAL PROVISIONS AND AMENDING ORDINANCE NO. 3387

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

SECTION 1. Chapter II, Animal Control and Regulations, Article 1, General Provisions, Section 2-101 of the Code of the City of Dodge City shall be amended by deleting the provisions of sub-section (f) and inserting in lieu thereof the following:

- (f) Companion Animal means: cats; dogs; domestic ferrets; domestic rodents commonly kept as pets; domestic rabbits; reptiles commonly kept as pets, excluding any venomous reptile or any constructor snake over six foot in length, alligator, caiman, crocodile, anaconda, komodo dragon, monitor lizard; and domestic birds commonly kept as pets excluding any fowl.

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

ADOPTED this 4<sup>th</sup> day of April, 2011.

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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:* Nannette Pogue  
*Date:* March 31, 2011  
*Subject:* Utility Service Rates  
*Agenda Item:* Ordinances and Resolutions

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**Recommendation:** I recommend the approval of: Resolution No. 2011-09, setting fees for the water utility; Resolution No. 2011-10, setting fees for the sanitary sewer service, Resolution No. 2011-11, setting fees for solid waste collection; and Resolution No. 2011-12, setting fees for the storm water utility service for the City of Dodge City.

**Background:** In March of 1992 the City Commission adopted Ordinance No. 2997 that sets forth an annual review of utility rates. Rates for utility service are set by the City Commission through adoption of the appropriate ordinance. City Code requires the commission to review rates annually to ensure adequate income is received to cover operational maintenance, capital and debt requirements. At a minimum, the rates for each utility shall be adjusted by the amount of increase in the Consumer Price Increase, (CPI), for the Midwestern part of the U.S. The CPI is tabulated by the Bureau of Labor Statistics in Kansas City, KS. Information received from the Bureau in October, 2010, indicates that the Dodge City area had an annual increase of 1.2% in 2010. From this figure, the City of Dodge City will base their increase for water, wastewater, solid waste services and drainage for 2011. The increase in water is 2% which is slightly higher than the 1/2% increase based on the fact that while the CPI has only increased 1/2%, the electric utility and labor costs have exceeded the 1.2%, therefore we are proposing a slightly higher increase to maintain our increased costs. The sewer rate will increase by 3% plus a \$3.00 increase in the Sewer Administration Fee. This higher increase is due to our gradual increased fees to cover the cost of new construction. Both the sanitary sewer and drainage fees have a proposed increase of 1.2%.

**Justification:** The fee increase are part of an annual review of the fees to ensure adequate income is received to cover the costs of operation, capital and debt.

**Financial Considerations:** As the City's costs increase, fees will reflect our costs.

**Purpose/Mission:** On-going improvement of the City's utility systems

**Legal Considerations:** None

**Attachments:** 1. Resolutions; 2. Spreadsheet that shows current rates, proposed increases and some accounts that will show the effect to consumers; and 3. A comparison of rates from other similar size cities in Kansas.

## City of Dodge City Rate Comparison Current vs. Proposed

	<u>Current Rate</u>	<u>Proposed Rate</u>
<b>Water</b>		
Administration Fee	7.32	7.41
consumption charge	\$1.93 per 1000 gallons	\$1.97 per 1000 gallons
New Service Fee	\$25.00	\$25.00
Reconnect Fee	\$35.00	\$35.00
After Hours Fee	\$50.00	\$50.00
Shut off for Repair	\$25.00	\$25.00
<b>Sewer</b>		
Administration Fee	\$8.45	\$11.45
Consumption Charge	\$1.96 per 1000 gallons	\$2.02 per 1000 gallons
<b>Solid Waste Collection</b>		
Refuse	15.32	15.5
Recycle Fee	<u>1.19</u>	<u>1.2</u>
Total Solid WasteCollection F	16.51	16.7
<b>Additional Unit</b>		
Grass Kart	10.33	10.45
	2.44	2.47
<b>Drainage</b>		
Per Unit Fee	1.08	1.1

## Account Comparisons Current Vs. Proposed

	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
Account #1 (Commercial)			
Water	343.14	350.19	
Sewer	355.04	368.65	
Storm Drainage	<u>92.02</u>	<u>93.72</u>	
	790.2	812.56	22.36
Account #2 (Commercial)			
Water	21.8	22.19	
Sewer	23.15	26.6	
Storm Drainage	<u>14.69</u>	<u>14.96</u>	
	59.64	63.75	4.11
Account #3 (School)			
Water	175.23	178.8	
Sewer	322.51	335.12	
Storm Drainage	<u>78.19</u>	<u>79.64</u>	
	575.93	593.56	17.63
Account #4 (Residential)			
Water	27.97	28.49	
Sewer	19.23	22.56	
Sanitation	18.95	19.17	
Storm Drainage	<u>1.08</u>	<u>1.1</u>	
	67.23	71.32	4.09
Account #5 (Residential)			
Water	75.06	76.56	
Sewer	16.35	19.6	
Sanitation	18.95	19.17	
Storm Drainage	<u>1.08</u>	<u>1.1</u>	
	111.44	116.43	4.99
Account #6 (Residential)			
Water	12.92	13.12	
Sewer	13.35	16.5	
Sanitation	18.95	19.17	
Storm Drainage	<u>1.08</u>	<u>1.1</u>	
	46.3	49.89	3.59

		Water Sewer Rates Comparison 2011						
City	Water Rate (inside CL rate only)	Base Rate or Admin Fee	New service fee	Reconnect	After Hrs	Shut off for Repair	Sewer Rate	
City of Dodge City	\$1.93/per 1000 gal	\$7.32	\$25.00	\$35.00	\$50.00	\$25.00	\$1.96/per 1000 gal \$8.45 Admin fee	
City of Garden City	\$1.63/per 1000 gal for 0-12000 gal. \$1.88/M for 120001-30000 \$2.23/M for 300001-60000 \$2.63/M for 600001 & over	3/4" \$6.00, 1" \$7.50, 1 1/2" \$10.00	\$25.00	\$10.00	\$75.00	N/C	\$7.00 flat rate plus \$1.94/per 1000	
City of Liberal	\$6.70/per 1000 gal. after first 3000 gal. \$2.60/each additional 1,000 gal.		\$20.00	\$30.00	\$30.00	\$20.00	\$5.45/first 3,000 gal \$2.00/each additional	
City of Great Bend	\$2.01/per 1000 gal \$2.20 per 100 cu ft for 2000-10,000 cu ft \$1.97 per 100 cu ft for over 10,000 cu ft	\$8.00 mtr chg	n/c	shut off non pay \$8.00 reconnect collected at house if no home cost addtl. \$15.90 total of \$24.38 after hrs \$34.98		N/C	\$6.55 flat rate plus \$3.30/per 1000	
City of Emporia	\$2.89/per 1000 gal up to 10,000 gal \$2.43/per 1000 gal up to 190,000 gal \$1.62/per 1000 gal up to 6,800,000 gal \$1.50/per 1000 gal over 7,000,000 gal	5/8" \$7.53, 3/4" \$8.39, 1" \$9.39, 1 1/2" \$12.16, 2" \$13.89	\$15.00	\$30.00	\$50.00	8 to 5 N/C after hrs \$50.00	\$2.83/per 1000 gal 5/8" \$3.26, 3/4" \$3.57, 1" \$3.75, 1 1/2" \$4.29	
City of Junction City	two hundred cubic feet, not more than one thousand cubic feet \$1.39 per one hundred cubic feet, over one thousand \$1.75 per one hundred cubic feet.	1" or less \$15.51, 1 1/2" \$97.19 2" \$192.22, 3" \$284.22, 4" \$76.81 above 4" \$473.90	\$25.00	shut off non pay \$25.00 shut off and \$25.00 turn on \$50.00 total	\$25.00	\$25.00	Two hundred cubic feet of usage and less is billed at a base rate of \$25.00. Every one hundred cubic foot hereafter will be billed at a rate \$.90 on hundred cubic feet	

**RESOLUTION NO. 2011-09**

**A RESOLUTION ESTABLISHING FEES AND RATES FOR WATER UTILITY SERVICE FOR THE CITY OF DODGE CITY.**

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WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide water utility service to its citizens; and

WHEREAS, it is necessary for each and every resident using the water utility of Dodge City to pay a fair and equitable share of the cost of operation for said utility; and

WHEREAS, Chapter 15, Article I, Section 123 requires the rates for water usage by all residents of the City to be set annually by Commission Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Water Utility Service in Dodge City.

**Section 1:** REPEAL: Resolution 2009-04; adopted on the 6<sup>th</sup> day of April, 2009, is hereby repealed.

**Section 3:** RATES ESTABLISHED:

A. Fees for residents within the corporate limits of the City of Dodge City:

New Service Connection Fee	\$25.00
New service connection fee after normal business hours, Saturdays, Sundays and Holidays	\$50.00
Monthly Administration Fee	\$ 7.41
Cost per thousand Gallons water	\$ 1.97
Kansas Water Protection fee per thousand gallons water	\$ .032
Commercial Tax	8.95%

B. Fees for the residents within the service area of the City of Wright shall be the same as those listed above, plus any additional fees that were established when the City of Wright was originally provided with water service through the City of Dodge City's Water Utility.

- C. Fees will be one and one half times outside the corporate limits of Dodge City or the area serviced by the Wright Improvement District.

**Section 4:** LATE FEE: All bills for utility services furnished by the City are payable as specified under Chapter 15, Article I, Section 124. Failure to pay the total utility bill on the required date will result in a charge equal to 10% of the bill.

**Section 5:** DELINQUENCY FEE: a delinquency fee of \$35.00 will be charged to the past due account if not paid by the reminder due date

**Section 6:** RESTORATION OF SERVICE AFTER DISCONTINUANCE: Should the utility services be discontinued for being delinquent as outlined in Chapter 15, Article 1, Section 127, service shall be restored upon the payment of all rates, charges, penalties, and delinquency fees due. An additional charge for restoring service on Saturdays, Sundays and holidays is \$15.00.

**Section 7.** New utility service applications will be required to provide a current signed and dated lease agreement prior to utility service being granted. The lease agreement will have the current leasee's name that is applying for utility service plus the landlord's name, address and phone number. The lease agreement shall be signed by both parties with current dates. Copies of the lease agreement will be required. If the applicant is delinquent for prior utility services, all delinquent accounts shall be paid and current before utility services is granted.

**Section 8.** EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

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E KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

**RESOLUTION NO. 2011-10**

**A RESOLUTION ESTABLISHING FEES AND RATES FOR SANITARY SEWER SERVICE FOR THE CITY OF DODGE CITY.**

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WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide wastewater collection and treatment service to its citizens; and

WHEREAS, such wastewater collection and treatment services includes residential, commercial, and industrial users; and

WHEREAS, Federal Regulations require that all users pay a fair and equitable share of the collection of wastewater and for the costs of treatment plant construction, operation and maintenance, and replacement costs.,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Sewer Service in Dodge City.

**Section 1:** REPEAL: Resolution 2010-18; adopted on the 17th day of May, 2010, is hereby repealed.

**Section 2:** SEWER USE FEES:

Sewer use fees to pay for the cost of collection and treatment of wastewater, for operation and maintenance of the wastewater collection and treatment system and for the cost of replacement of components of the system shall be established, as set forth herein below:

2.1 Residential Customers

Monthly Service charge	\$11.45
Monthly volume charge per 1,000 gallons	\$2.02

2.2 Mobile Home Parks served by master meter (s)

Monthly service charge	\$11.45
Master meter monthly accumulative reading, Q, multiplied by \$2.02 per 1,000 gallons	A= (Q) (2.02) (1000)
Total Bill =	T= \$11.45 + A

2.3 Commercial Customers with wastewater having strengths not exceeding 300 mg/1 of five day biological oxygen demand (BOD) or 700 mg/1 of total dissolved solids (TDS) per day:

Monthly service charge	\$11.45
Monthly volume charge per 1,000 gallons	\$2.02

2.4 Industrial Customers and Commercial Customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove but not using the City sewer system:

Monthly service charge	\$11.45
Monthly volume charge per 1,000 gallons	\$2.02
Monthly 5 day BOD charge per lb.	\$0.1053
Monthly TDS charge, per lb.	\$0.0647

2.5 Industrial Customers and Commercial customers exceeding the BOD and TDS limits set forth in 2.3 hereinabove and who use the City sewer system shall pay both a monthly service charge, and a monthly volume and strength charge as specified:

Monthly service charge	\$11.45
Monthly volume charge	\$2.02
Monthly 5 day BOD charge per lb.	\$0.1053
Monthly TDS charge, per lb.	\$0.0647

The calculation of the strength charges for BOD and TDS shall be made as follows:

$$SBOD = V_s \times 8.34 \times CBOD \times BOD$$

$$STDS = V_s \times 8.34 \times CTDS \times TDS$$

$$ST = SBOD + STDS$$

Where:

SBOD shall be the strength charge attributable to 5 day biochemical demand

STDS shall be the strength charge attributable to the Total Dissolved Solids

V<sub>s</sub> shall be the wastewater volume in million gallons

8.34 shall be the weight of water, pounds per gallon

CBOD shall be the unit charge for 5 day Biochemical Oxygen Demand in dollars per pound

CTDS shall be the unit charge for Total Dissolved Solids in dollars per pound

BOD shall mean five day BOD in mg/l

TDS shall mean Total Dissolved Solids in mg/l

2.6 Dodge City Cheese, which is an industrial customer, has negotiated the following rate to discharge a high volume of wastewater that may exceed the limits allowed for industrial customers. The rate structure is based on a daily discharge of 450,000 gallons of wastewater.

Volume charge if flow <15 million gallons	\$1,935 per million gallons
Volume charge if flow >15 million gallons	\$3,870 per million gallons > 15 MGAL
BOD>50,666 lbs per month	\$0.04 per pound above parameter
TSS>39,407 lbs per month	\$0.04 per pound above parameter
TDS>78,813 lbs per month	\$0.04 per pound above parameter
O&G>112,590 lbs per month	\$0.04 per pound above parameter
Sodium>22,518 lbs per month	\$0.04 per pound above parameter
Chlorides>22,518 lbs per month	\$0.04 per pound above parameter

### 3.0 OTHER TYPES OF CONTRIBUTORS

Any person desiring to use the wastewater treatment system by transporting liquid matter to said system by a means other than through the sewer system may do so if the quantity, quality, type, and character of the liquid waste to be deposited in the system is of a type permitted under the laws of the City, and consists solely of organic or biodegradable waste from septic tanks and cesspools.

Such fees shall be based on two factors, a flat fee designed to pay for testing and the cost of administration and billing and a volume charge.

To simplify the administration and accounting for the material dumped, the volume charge will be based on the total volume of the tank used, rather than a measurement of the actual volume of material in the tank. The OMI staff has the right to measure any tank to determine the volume if there is any question about the reported volume.

The septage disposal fee shall be as follows:

Flat fee for administration and testing	\$33.25
Volume charge	\$ 0.1425 per gallon

### 4.0 EXTRA MONITORING FOR HIGH STRENGTH WASTES

When regulations require monitoring of wastewater from any user, whether for extra strength or for high discharges, that user shall pay a monitoring charge consisting of all costs for personnel,

materials and equipment necessary to collect and analyze samples of the wastewater and shall also pay an additional administrative charge of 10% of the cost of collection and analysis.

#### 5.0 PERMIT APPLICATION FEES

All applicants required to obtain a Wastewater Contribution Permit shall pay permit fee, at the time their application is filed with the City, of \$100.00 to cover the costs of checking and processing said Application. No application shall be accepted by the City unless the fee is paid at the time of filing.

6.0 EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4<sup>th</sup> day of April, 2011.

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E. KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

## RESOLUTION NO. 2011-11

### A RESOLUTION ESTABLISHING FEES AND RATES FOR SOLID WASTE COLLECTION SERVICE IN THE CITY OF DODGE CITY

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WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide Solid Waste Collection service to its citizens; and

WHEREAS, such Solid Waste Collection services includes both scheduled and non-scheduled garbage, refuse and trash pickup and disposal, and;

WHEREAS, because of current Ford County Landfill regulations, yard waste must be separated from municipal solid waste, now requiring the City to make separate collections, and;

WHEREAS, it is necessary for each and every citizen of the City of Dodge City to pay a fair and equitable share of the cost of this Solid Waste Collection Service.

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

**Section 1:** REPEAL: Resolution 2009-06; adopted on the 6<sup>th</sup> day of April, 2009, and Resolution 2009-10 adopted on the 4<sup>th</sup> day of May, 2009, is hereby repealed.

**Section 2:** SERVICE TO DWELLINGS:

2.1 Dwellings shall include all single family residences, duplexes, or two family dwellings. Fees for dwellings shall be \$15.50 per month per dwelling plus an additional fee of \$1.20 per month per dwelling for recycling and the handling of disposal of household hazardous wastes.

2.2 Multiple family dwellings shall be all residential buildings, except hotels or motels, having three (3) or more separate living units. Fees for multiple family dwellings shall be \$15.50 for the first dwelling unit and \$10.45 for each additional dwelling unit plus an additional fee per month per unit of \$1.20 for recycling and the handling of disposal of household hazardous wastes.

2.3 Special fees. In addition to the base rates provided herein above, special fees shall be charged in those cases where the Sanitation Department personnel shall be required to collect such items as refrigerators, stoves, furniture, etc., and large accumulations of trash or metal. In addition, trash placed by either the poly-kart or dumpster will also be subject to an additional charge.

2.4 Commercial rate. The commercial rate will apply to landlords, contractors, or any other type of business that would require pick up of large accumulations of trash

Special fees for some items are as follows:

<b>ITEM</b>	<b>FEE</b>
Refrigerators	\$5.00 plus any fee for disposal of compressor or refrigerant
Freezers	\$5.00 plus any fee for disposal of compressor or refrigerant
Air Conditioners	\$5.00 plus any fee for disposal of compressor or refrigerant
Stoves, dishwashers or other white goods	\$5.00 per item
Metal goods	\$5.00 per item
Furniture, Mattresses, Carpet, or other large household items	\$5.00 per item
Bagged or loose trash not in poly-kart or dumpster	\$1.00 per 40 lb. Bag
Should there be more than three (3) items placed at curb for special pickup, these items will be considered as a bulky accumulation and subject to that charge.	
Trees and other large brush accumulations and other bulky large accumulations	Minimum of \$25.00 per load plus \$12.50 per hour plus landfill charges
Alley Cleanup	Minimum of \$25.00 per load plus \$12.50 per hour plus landfill charges
Late Pickup	A \$2.00 charge for pickup of items and karts not placed at the curb by 7:00 a.m. on the scheduled day for pickup
Commercial Rates as follows:	
Large accumulations of brush, loose or bagged household trash, and other bulky large accumulations	\$40.00 per load plus \$25.00 per hour plus landfill fees
Special Cleanup Fee	\$100 per hour equipment fee plus \$25 per hour staff fee plus landfill charges and any other costs associated to the cleanup

**Section 3. SERVICE TO HOME OCCUPATIONS**

Home occupations and similar activities, but not including child care facilities shall pay a \$15.50 per month fee for the residence and shall also pay an additional \$15.50 per month fee for service to the home occupation. Such home occupations shall also pay an additional \$1.20 each for the residence and for the home occupation for recycling and the handling and disposal of household hazardous wastes.

**Section 4. SPECIAL CONDITIONS**

Any special conditions not included in the above rate schedule shall be determined by the Superintendent of Public Works, subject to the approval of the Governing Body.

**Section 5. YARD WASTE**

As the Ford County Landfill requires that all yard wastes be separated from solid waste and that all yard wastes cannot be bagged, the City of Dodge City requires all residents desiring to have their yard waste disposed of by the City shall rent a container, provided by the City, for a cost of \$2.47 per month. Residents may dispose of yard waste by bagging the waste. Bags may not weigh more than 40 lbs. when full. Crews will pick up the bags for \$1.00 per bag.

**Section 6. EFFECTIVE DATE:** The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

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E. KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

**RESOLUTION NO. 2011-12**

**A RESOLUTION ESTABLISHING FEES AND RATES FOR STORM WATER  
UTILITY SERVICE FOR THE CITY OF DODGE CITY.**

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WHEREAS, for the peace, health, safety, and welfare of the citizens of Dodge City, it is deemed necessary for the City to provide Storm Water Utility Service to its citizens; and

WHEREAS, it is necessary for each and every resident of the City of Dodge City to pay a fair and equitable share of the cost of operation for said utility; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dodge City, Kansas, that the following shall be the fee schedule for Storm Water Utility Service in Dodge City.

**Section 1:** REPEAL: Resolution 2009-07; adopted on the 6<sup>th</sup> day of April, 2009, is hereby repealed.

**Section 2:** RATES ESTABLISHED:

All properties are assessed \$1.10 per Drainage Unit per month. A Drainage Unit Has been established by Charter Ordinance No. 33.

**Section 3.** EFFECTIVE DATE: The rates specified hereinabove shall be come effective during the month of April, 2011 as appropriate and upon its adoption by the City Commission and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS this the 4th day of April, 2011.

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E. KENT SMOLL, MAYOR

ATTEST:

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NANNETTE POGUE, CITY CLERK

# *Memorandum*

To: Ken Strobel  
City Manager

From: Raymond A. Slattery, P.E.  
City Engineer

Date: March 29, 2011

Subject: Agreement for the Installation of Railroad Crossing Signals on Park St.

Agenda Item: Ordinances and Resolutions

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**Recommendation:** Approve Resolution to authorize the Mayor to sign the agreements between the City, BNSF Railway, and the Secretary of Transportation of the State for Kansas.

**Background:** Last year City Staff was contacted by KDOT stating that the at grade crossing of the BNSF Railway and Park St. qualified for a Crossing Signal due to vehicle and train traffic counts. City Staff meet with representatives from KDOT and BNSF at the site last summer.

**Justification:** This Resolution is needed so that the Mayor can sign the agreements and the Crossing be installed.

**Financial Considerations:** The Federal Government and BNSF Railway are paying for the entire installation and ongoing maintenance.

**Purpose/Mission:** The installation of this signal will provide safer travel for our citizens.

**Legal Considerations:** Authorization of signatures for the KDHE Loan Agreement.

**Attachments:** Resolution #2011-13 & Agreement # 006113025.

**RESOLUTION 2011-13**

**A RESOLUTION RELATING TO THE AGREEMENT FOR THE  
CONSTRUCTION OF RAILROAD CROSSING SIGNALS ON PARK STREET**

**WHEREAS**, The City of Dodge City, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

**NOW, THEREFORE** be it resolved by the Governing Body of the City of Dodge City, Kansas; that the Mayor be authorized to execute for and behalf of the City of Dodge City, Kansas, Agreement No. 006113025 between, BNSF Railway Company, the City of Dodge City, Kansas and the Secretary of Transportation of the State of Kansas, relative to the construction and maintenance of a Highway Crossing Signal.

The Secretary proposes to submit to the Federal Highway Administration a project providing for the installation of a railway-highway crossing signals at a grade crossing on Park St., said Project to be know and designated as Project No. 29 X-0065-01; RRP-X006(501).

**APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY,  
KANSAS, this 4<sup>th</sup> day of April, 2011.**

**ATTEST:**

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**E. Kent Smoll, Mayor**

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**Nannette Pogue, City Clerk**

Agmt. No. 006113025

**A G R E E M E N T**

BNSF Railway Company  
Crossing Signals and Gates

Project No. 29 X-0065-01  
RRP-X006(501)  
Ford County, Kansas

Agreement between the BNSF Railway Company, the City of Dodge City, Ford County, Kansas and the Secretary of Transportation of the State of Kansas, relative to the construction and maintenance of Highway Crossing Signals under Section 130, United States Code 23.

\* \* \* \* \*

This agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the BNSF Railway Company, a corporation, hereinafter referred to as the "Company", the City of Dodge City, Ford County, Kansas hereinafter referred to as the "City", and the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary".

**WITNESSETH:**

**WHEREAS**, the Secretary proposes to submit to the Federal Highway Administration of the United States Department of Transportation a project providing for the installation of railway-highway crossing signals, flashing light straight post type and gates at a grade crossing (DOT #605450V) on Park Street in the City of Dodge City, Ford County, Kansas, said project to be known and designated as Project No. 29 X-0065-01; RRP-X006(501) and more particularly described as follows:

at the intersection of Park Street and the Company's tracks approximately 1900 feet east of the Southwest Corner of Section 26, Township 26 South, Range 25 West, in the City of Dodge City, Ford County, Kansas,

and will recommend its approval for construction under Section 130, United States Code 23 and amendments thereto, and

**WHEREAS**, the locations for the warning devices were determined by a diagnostic team consisting of representatives of the Company, the City, and the Secretary, and

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants herein contained, and subject to the approval of the Federal Highway Administration, it is hereby agreed by the parties hereto:

1. The total cost of the project will be funded one-hundred percent (100%) using Federal Section 130 Funds, including preliminary engineering, construction, sales tax, users tax and such other items as are properly chargeable to the project under Section 130, United States Code 23 and amendments thereto.

2. The City will install and maintain the advance warning signs.

3. The Company will provide the Secretary with a copy of the bill of materials and the detailed estimate of the cost of the project. The estimate to be attached to and become a part of this agreement.

4. After being notified by the Secretary that the project has been approved and that work may begin, the Company will notify the Secretary's Area Engineer at Dodge City, Kansas, at least one week in advance of the date that work on the project is to be started, and should withdrawal from the project become necessary for any reason, the Company will each time notify the Secretary's Area Engineer of the date that work on the project is to be resumed.

5. The Company will remove the existing crossbucks and will install the new straight post signals and gates and make all connections necessary for their successful operation, and do all incidental and appurtenant work in accordance with the project and the "Manual on Uniform Traffic Control Devices". The Company will furnish all of the material and do all of the work with its own forces, or the work may be done by a contractor paid under a contract let by the Company in compliance with the provisions of 23 C. F. R., Chapter I, Subchapter B, Part 140, Subpart I. Said Title 23 Code of Federal Regulations (23 C. F. R.) is by reference made a part of this agreement. If this work is to be done by a contractor paid under a contract let by the Company, prior written approval shall be obtained from the Secretary. The estimated schedule by the Company for the completion of the work for this project is one year from the date of this agreement.

6. The Company will keep detailed and accurate records of all labor, materials, supplies, incidentals and all other necessary costs involved in carrying out the work performed by the Company under the terms of this agreement, and will give access to such records at any time during regular office hours to any authorized representative of the Secretary or of the Federal Highway Administration, for a period of three years from the date final payment has been received by the Company.

7. Preparation of preliminary estimates, procurements, performance of work, expenditures, billing and reimbursement shall all be done in accordance with 23 C. F. R., Chapter I, Subchapter B, Part 140, Subpart I.

8. To reimburse the Company within thirty (30) calendar days after receipt of the undisputed portion of any invoice for cost incurred for work done by the Company in accordance with the provisions of this Agreement except amounts retained from each billing and payment of the final billing pursuant to paragraph 9.

9. The Company will submit to the Secretary's Area Engineer a final and complete billing of the incurred costs within one year after the completion of the work, and the Secretary will pay an amount equal to ninety-five percent (95%) of the total amount of each billing for this project pending final audit. Upon

completion of final audit, the Secretary will reimburse the Company for the total amount of the final billing found eligible for payment under federal auditing standards, cost principles and regulations. The Company will reimburse the Secretary for one hundred percent (100%) of the amount of all items in the Company's bill which are found to be ineligible for payment under federal auditing standards, cost principles and regulations.

10. The Company shall have title to the signals and gates and at its own cost and expense will maintain the signals and gates and will make ample provision each year for such maintenance, provided, however, the Company shall be entitled to receive any contribution toward the cost of such maintenance as may be now, or hereafter made available by reason of any law, ordinance, regulation, order, grant or by other means or sources.

11. The parties hereto do hereby agree that the "Special Attachment No. 1" herewith, pertaining to the implementation of Title VI of the Civil Rights Act of 1964, is hereby made a part of this agreement.

12. The Company does agree that the "Special Attachment No. 2" herewith, pertaining to lobbying, is hereby made a part of this agreement.

13. It is further understood that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the City, Company and the Secretary and their successors and assigns.

**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be executed in triplicate by their proper offices on the day and year first herein written.

DEBRA L. MILLER  
SECRETARY OF TRANSPORTATION

BY: \_\_\_\_\_  
DANIEL L. SCHERSCHLIGT, P.E.  
DIRECTOR OF ENGINEERING  
AND DESIGN

BNSF RAILWAY COMPANY

BY: Kamalaki Minor  
TITLE: Manager of Public Projects

ATTEST:

THE CITY OF DODGE CITY

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDENT OF GOVERNING BODY

## KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment  
To Contracts or Agreements Entered Into  
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,  
REHABILITATION ACT OF 1973, and any amendments thereto,  
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,  
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,  
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN  
MINORITY POPULATIONS AND LOW INCOME POPULATIONS (1994), and any amendments thereto,  
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

### NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 3555) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the Regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such ACT, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively insure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following seven "Nondiscrimination Clauses".

### CLARIFICATION

Where the term "consultant" appears in the following seven "Nondiscrimination Clauses", the term "consultant" is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

#### Nondiscrimination Clauses

During the performance of this contract, the consultant, or the consultant's assignees and successors in interest (hereinafter referred to as the "Consultant"), agrees as follows:

- (1) Compliance with Regulations: The consultant will comply with the Regulations of the U. S. Department of Transportation relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (Title 49, Code of Federal Regulations, Parts 21, 23 and 27,

hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

- (2) **Nondiscrimination:** The consultant, with regard to the work performed by the consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either competitive bidding or negotiation made by the consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the consultant of the consultant's obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.
- (4) **Information and Reports:** The consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the consultant's books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.
- (5) **Employment:** The consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.
- (6) **Sanctions for Noncompliance:** In the event of the consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,
  - (a) withholding of payments to the consultant under the contract until the contractor complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.
- (7) **Disadvantaged Business Obligation**

- (a) Disadvantaged Businesses as defined in the Regulations, shall have a level playing field to compete fairly for contracts financed in whole or in part with Federal funds under this contract.
  - (b) All necessary and reasonable steps shall be taken in accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
  - (c) The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of Federally-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.
- (8) Executive Order 12898
- (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation of the state of Kansas and use such information in complying with this Order.
- (9) Incorporation of Provisions: The consultant will include the provisions of paragraphs (1) through (8) in every subcontract, including procurements of materials and equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that, in the event a consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the consultant may request the State to enter into such litigation to protect the interests of the State.

**CERTIFICATION FOR FEDERAL-AID CONTRACTS**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.



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OTHER

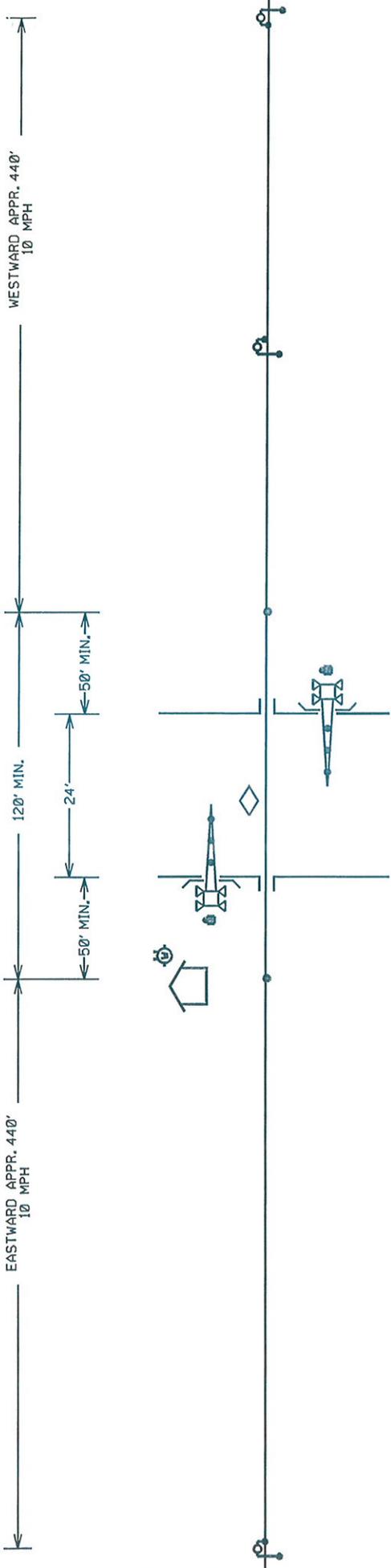
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AC POWER SERVICE	1.0 EA	5,000	
CONTRACT ENGR.	1.0 LS N	6,000	
DIRECTIONAL BORE	1.0 LS N	7,500	
FILL DIRT	10.0 CY N	250	
SURFACE ROCK	20.0 CY N	500	
		<hr/>	
TOTAL OTHER ITEMS COST		19,250	19,250
			<hr/>
PROJECT SUBTOTAL			198,256
CONTINGENCIES			19,825
BILL PREPARATION FEE			2,181
			<hr/>
GROSS PROJECT COST			220,262
LESS COST PAID BY BNSF			0
			<hr/>
TOTAL BILLABLE COST			220,262

The Burlington Northern & Santa Fe Railway Company

TO INDUSTRY

TO BNSF MAINLINE



PARK STREET

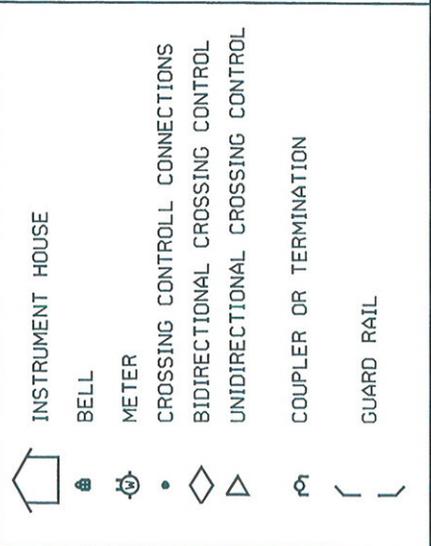
DOT # 009 120 W

INSTALL: GATES & FLASHERS  
 CONTROL DEVICES: CONSTANT WARNING

**BOLD - IN**

- OUT

SALVAGE: NONE



Warning device placement:  
 Clearance to C.L. Track = Min. 12'  
 Edge of Road to C.L. Foundation:  
 Min. 4'3" with curb,  
 Min. 8'3" without curb,  
 Max. 12'  
 House Clearance:  
 25' Min. to Near Rail  
 30' Min. to Edge of Road  
 ALL LIGHTS TO BE LED

**BNSF RAILWAY CO.**  
 LOCATION: DODGE CITY, KS  
 STREET: PARK STREET  
 LS: 7352  
 M.P. 0.28  
 DOT # 009 120 W  
 DIVISION: KANSAS  
 SUBDIVISION: DODGE CITY YARD  
 KANSAS CITY  
 NO SCALE  
 DATE: 03/14/11  
 FILE: 73520-28.dgn  
 CRO

# Memorandum

To: Ken Strobel  
City Manager  
From: Raymond A. Slattery, P.E.  
City Engineer  
Date: March 30, 2011  
Subject: Easement acquisition for pipeline for Wastewater Reclamation Facility  
Agenda Item: New Business

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**Recommendation:** Approve payment to acquire easements

**Background:** The City has been working for several months to acquire the necessary permanent and temporary easements for the new transmission and force main lines for the new reclamation plant. The Commission previously set just compensation amounts for the all of the necessary parcels. We have negotiated with the various property owners and are now bringing to the commission several of the final offers.

**Justification:** The Commission needs to approve the final offers so that the easements can be purchased.

**Financial Considerations:** The appraisals have recommended the following offers:

The Zimmer Group, LLC	\$15,139
Closing Costs	\$300
Title Insurance	\$256
Filing Costs	<u>\$ 48</u>
Total	\$15,743
Abundant Life Family Church, Inc.	\$1,818
Closing Costs	\$300
Filing Costs	<u>\$ 32</u>
Total	\$2,150

Grand Total \$17,893

**Purpose/Mission:** The purchase of these easements will insure the completion of the project, which is necessary for the continued growth of Dodge City.

**Legal Considerations:** None

**Attachments:** Agreement for sale and buyer's closing statement that will need to be signed by the City Clerk. A map showing the acquired easement (green hatch) and those still needed (red hatch).



BUYER'S CLOSING STATEMENT

GF#: 11-9439

Prepared for:  
CITY OF DODGE CITY, KANSAS  
  
806 N. 2ND AVENUE  
DODGE CITY, KS 67801

Prepared by:  
High Plains Land & Title  
P.O. Box 878  
107 Gunsmoke  
Dodge City, Ks. 67801

Property:  
N/75' OF LOT 1, BLOCK 1,  
CANDLETREE ADDITION

Seller : ABUNDANT LIFE FAMILY CHURCH,  
INC., A KANSAS CORPORATION  
Closing date (MO/DY/YR) : 04/01/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	1,818.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Recording Temporary Easement	16.00	
Recording Survey	16.00	
<b>Funds payable at closing</b>		<b>2,150.00</b>
	<u>\$2,150.00</u>	<u>\$2,150.00</u>

Approved:

\_\_\_\_\_  
CITY OF DODGE CITY, KANSAS

\_\_\_\_\_  
Closing officer or Broker

SELLER'S CLOSING STATEMENT

GF#: 11-9438

Prepared for:  
thezimmergroup, LLC

Prepared by:  
High Plains Land & Title  
P.O. Box 878  
107 Gunsmoke  
Dodge City, Ks. 67801

Property:  
TRACTS IN 14-26S-25W,  
FORD COUNTY, KANSAS

Buyer : THE CITY OF DODGE CITY, KANSAS

Closing date (MO/DY/YR) : 04/01/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price		15,139.00
2nd Half 2010 RE Taxes	103.77	
<b>Funds to seller</b>	<b>15,035.23</b>	
	<u>\$15,139.00</u>	<u>\$15,139.00</u>

Approved:

\_\_\_\_\_  
thezimmergroup, LLC

\_\_\_\_\_  
Closing officer or Broker

BUYER'S CLOSING STATEMENT

GF#: 11-9438

Prepared for:  
 THE CITY OF DODGE CITY, KANSAS  
 806 N. 2ND AVENUE  
 DODGE CITY, KS 67801

Prepared by:  
 High Plains Land & Title  
 P.O. Box 878  
 107 Gunsmoke  
 Dodge City, Ks. 67801

Property:  
 TRACTS IN 14-26S-25W,  
 FORD COUNTY, KANSAS

Seller : thezimmergroup, LLC

Closing date (MO/DY/YR) : 04/01/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	15,139.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Owner's Title Insuranc HIGH PLAINS LAND & TITLE	256.00	
Recording Temporary Easement	16.00	
Recording Permanent Easement	16.00	
Recording Survey	16.00	
<b>Funds payable at closing</b>		<b>15,743.00</b>
	<u>\$15,743.00</u>	<u>\$15,743.00</u>

Approved:

\_\_\_\_\_  
 THE CITY OF DODGE CITY, KANSAS

\_\_\_\_\_  
 Closing officer or Broker

SELLER'S CLOSING STATEMENT

GF#: 11-9439

Prepared for:  
ABUNDANT LIFE FAMILY CHURCH,  
INC., A KANSAS CORPORATION  
3301 AVENUE A  
DODGE CITY, KS 67801

Prepared by:  
High Plains Land & Title  
P.O. Box 878  
107 Gunsmoke  
Dodge City, Ks. 67801

Property:  
N/75' OF LOT 1, BLOCK 1,  
CANDLETREE ADDITION

Buyer : CITY OF DODGE CITY, KANSAS

Closing date (MO/DY/YR) : 04/01/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price		1,818.00
<b>Funds to seller</b>	<b>1,818.00</b>	
	<u>\$1,818.00</u>	<u>\$1,818.00</u>

Approved:

\_\_\_\_\_  
ABUNDANT LIFE FAMILY CHURCH,  
INC., A KANSAS CORPORATION

\_\_\_\_\_  
Closing officer or Broker