

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, May 5, 2011

7:00 p.m.

MEETING #4844

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION:** by Rev. Darrell Hendrickson of the First Church of God

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Motorcycle Awareness Month Proclamation

National Train Day Proclamation

National Tourism 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, Discernment – Presented by Director of Public Information, Jane Longmeyer

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, April 18, 2011
2. Appropriation Ordinance No. 9, May 2, 2011
3. Cereal Malt Beverage License
  - a. Tianguis, 512 S. 2<sup>nd</sup> Avenue
  - b. Wal-Mart Supercenter #372, 1905 N. 14<sup>th</sup> Avenue
  - c. Dodge City A's, Cavalier Field, San Jose Drive
  - d. Dodge City Roundup, Inc., 608 S. 14<sup>th</sup> Avenue

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2011-15:** A Resolution Pursuant to K.S.A. 26-201 Regarding Condemnation of Property for Permanent Utility Easements and Temporary Construction Easements for the City of Dodge City, Kansas. Report by Directory of Engineering Services, Ray Slattery.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of payment to easement acquisitions for pipeline for Wastewater Reclamation Facility. Report by Director of Engineering, Ray Slattery.
2. Approval of Purchase of Laptop Computers for Police Department. Report by Interim Chief of Police, Craig Mellecker.
3. Approval of Purchase of Fire Apparatus. Report by Fire Chief, Kevin Norton.

## **OTHER BUSINESS**

## **ADJOURNMENT**

# **Motorcycle Awareness Month Proclamation**

**WHEREAS**, motorcycle riding has become a popular form of recreation and transportation for a vast growing number of people in The City of Dodge City; and

**WHEREAS**, in order to promote safety, there is a growing need for cooperation among drivers of all motor vehicles; and

**WHEREAS**, it is especially important that drivers be aware of motorcycles on our streets and highways; and

**WHEREAS**, during the month of May 2011, all street and highway users should unite in the safe sharing of roadways in The City of Dodge City.

**NOW, THEREFORE**, I, Rick Sowers, Mayor of the city of Dodge City, hereby proclaim May 2011 to be:

## **MOTORCYCLE AWARENESS MONTH**

I ask all motor vehicle operators to unite in this effort to keep our streets and highways safe as motorists and motorcycles share the roadways of your great city.

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Rick Sowers, Mayor

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Nannette Pogue, City Clerk

## PROCLAMATION

**WHEREAS**, in May 1869 the “golden spike” was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States; and

**WHEREAS**, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country; and

**WHEREAS**, passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security; and

**WHEREAS**, when combined with all modes of transportation system thereby providing cleaner transportation alternatives and energy security; and

**WHEREAS**, an increasing number of people are using trains for travel purposes beyond commuting to and from work; and

**WHEREAS**, in the City of Dodge City, KS 3,591 people got on and off the train here in 2010; and

**WHEREAS**, our railroad station at the Dodge City Santa Fe Depot is a source of civic pride, a gateway to our community, and a tool for economic growth;

**NOW, THEREFORE**, I, Rick Sowers, Mayor of the City of Dodge City, KS hereby proclaims on May 7, 2011 as

## NATIONAL TRAIN DAY

**BE IT FURTHER RESOLVED** that the City of Dodge City will hold a celebration event at the Dodge City Santa Fe Depot to commemorate this momentous day in railroad history and for our community.

**IN WITNESS THEREOF**, I have hereunto set me hand this 2nd day of May, 2011.

SEAL

\_\_\_\_\_  
Rick Sowers, Mayor

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

## PROCLAMATION

**WHEREAS**, Travel is at the heart of America's economic sustainability. It generates millions of jobs, and billions in taxes, it is a vital resource in improving America's image, and in Dodge City, the travel industry contributes substantially to our city's cultural and social well being. Travel is one of our most fundamental freedoms. Every citizen benefits from travel and tourism. The travel industry significantly enhances our personal growth and education, while promoting intercultural understanding and appreciation of Dodge City's history, geography and culture.

**WHEREAS**, Travel is one of America's largest service exports, and is among the largest private-sector employers in the United States, supporting 14.1 million jobs in 2010, including 7.4 million directly in the travel industry and 6.7 million in other industries. One of every eight U.S. non-farm jobs is connected to travel. Last year, spending by domestic and international visitors in the U.S. generated \$740 billion in direct expenditures nationwide.

**WHEREAS**, Kansas Travel & Tourism reported a Global Insight study which shows Kansas tourism has a \$5.46 billion impact on the Kansas economy. Locally, tourism injects more than \$61 million into the economy annually, and has a \$393 million impact in southwest Kansas. It is responsible for creating jobs, increasing our tax revenues and providing an improved quality of life for Dodge City citizens; and

**WHEREAS**, Travel is a catalyst that moves the national economy forward; and so in recognition of the unique significance of the American travel industry, and in the lives of the citizens of Dodge City,

**NOW, THEREFORE**, I, Rick Sowers, Mayor, do hereby proclaim May 7-15, 2011 as

### NATIONAL TOURISM WEEK

**BE IT FURTHER RESOLVED** that the City of Dodge City with the aid of the Convention and Visitors Bureau, will hold a week long reception in observance of Travel and Tourism Week in Dodge City at the Visitors Center, and urge the citizens to join me in this special observance with appropriate events and activities.

**IN WITNESS THEREOF**, I have hereunto set my hand this 2nd day of May, 2011

SEAL

\_\_\_\_\_  
Rick Sowers, Mayor

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

# DISCERNMENT

Understanding the Deeper Reasons Why Things Happen



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## ASK WHY

Surface problems can give clues to what is really occurring, but if you don't recognize the deeper issue, you'll probably be frustrated. When an injury requires surgery, reducing the pain will not solve the whole problem. Stop, step back, and give yourself time to ask tough questions.

## GET THE FACTS

Examine what actually happened and how others think and feel about it. Recognize how your ideas might influence the way you see things, and be ready for the evidence to change your mind. Examine other possible explanations, remembering that coinciding events do not always have a cause-and-effect relationship.

## RECOGNIZE MEANING

Identify patterns that indicate where a problem or a solution lies. Notice trends, and pay close attention to details. Observe causes and effects. Carefully weigh facts, and determine what the evidence means. Sometimes it seems like experience comes along just after you need it, but the understanding you develop can still benefit you later.

## ACT APPROPRIATELY

Look for verification, and be ready to adjust your thinking. Then ask yourself how you could respond more effectively to the next situation.

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, April 18, 2011

7:00 p.m.

MEETING #4843

## **CALL TO ORDER**

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

Commissioner Kent Smoll moved to add an Executive Session to the Agenda following the regular meeting. Commissioner Jim Sherer seconded the motion. The motion carried 5-0.

## **ELECTION OF MAYOR AND VICE MAYOR**

Commissioner Michael Weece moved to nominate Commissioner Rick Sowers as Mayor, seconded by Commissioner Kent Smoll. The motion carried 5-0.

Commissioner Rick Sowers moved to nominate Commissioner Jim Sherer as Vice Mayor, Commissioner Kent Smoll seconded the motion. The motion carried 5-0.

**INVOCATION:** by Commissioner Jim Sherer

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Arbor Day Proclamation – Mike Schubert, Chairman of the Shade Tree Commission, spoke on upcoming Arbor Day activities including the planting of trees at Spiers Park, with one of the trees in honor of Charlie Mead for his support in the community.

Child Abuse Prevention Proclamation

## **PUBLIC HEARING**

Consideration for the Establishment of an RHID District and Development Plan for Summerlon Properties LLC for Summerlon Phase II.

Tonya Maier of 802 Ragan Road asked about the proposed value of the homes to be built vs. the existing homes having a much higher valuation. Jim Coffin was available to answer the question.

**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).

Roger Proffitt, DCCC Foundation Director – Asked Commissioners for Tax Credits and for Letters of Support for his plan to build more classrooms.

### **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, April 4, 2011
2. Appropriation Ordinance No. 8, April 18, 2011
3. Approval of Uniform Contract
4. Approval of Temporary Consumption of Alcoholic Beverages in Eisenhower Park.

Commissioner Kent Smoll moved to approve the Consent Calendar as presented, seconded by Commissioner Michael Weece. The motion carried 5-0.

### **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3515:** 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 (Summerlon Properties, LLC – Summerlon Phase II) (pending authorization of bond counsel) was approved on a motion by Commissioner Michael Weese, seconded by Commissioner Jim Sherer Motion carried 5-0.

**Resolution No. 2011-14:** A Resolution Delaying the Commencement of the Collection of a Community Improvement District Sales Tax From July 1, 2011 to January 1, 2012 was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Monte Broeckelman. Motion carried 5-0.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **OTHER BUSINESS**

Ken Strobel, City Manager:

- Wind storm report: Civic Center Roof repair already beginning; south wastewater treatment plant lost the old lagoon cover;
- Thanked the public for their cooperation while traffic signals were brought back to working order or other signs replaced; and
- Truck route map is available that will show where the signs will be located.

Commissioner Michael Weece:

- Compliment Ralph Nall on the success of the Miranda Lambert concert; and
- Thanked Brian Weber for his work in the legislature.

Commissioner Jim Sherer:

- Boots & Beer approximately 200 people attended;
- Depot Theatre performance highly recommended;
- Thanked staff for their quick response to picking up limbs from the storm; and
- Asked if United Wireless Arena has upcoming events scheduled.

Commissioner Monte Broeckelman:

- Asked about our deductible on storm damage. Mary Trent stated Friday was an all day event so the deductible will be \$25,000.

Commissioner Kent Smoll:

- Thanked fellow Commissioners for the work accomplished within the last year;
- Also thanked his partners and staff for their patience and support while he worked on city business.

Mayor Rick Sowers:

- Thanked Commissioners for their vote of confidence; and
- Thanked Cargill for their Riverbed cleanup project on Saturday.

**EXECUTIVE SESSION**

Commissioner Kent Smoll moved to adjourn to Executive Session for a period of 30 minutes to discuss attorney-client privilege matters, to include Ken Strobel, Cherise Tieben, Brad Ralph and Mary Trent, seconded by Commissioner Michael Weece. Motion carried 5-0.

**ADJOURNMENT:** Commissioner Jim Sherer moved to adjourn the meeting; Commissioner Kent Smoll seconded the motion. The motion carried 5-0.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

**INDIVIDUAL/SOLE PROPRIETOR  
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**

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

City or  County of Dodge City

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input 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): <u>004 2003 09 415 F01</u>			
Name	Phone No.	Date of Birth	
<u>Ismael Hernandez</u>	<u>(620) 227-2110</u>	<u>6/26/54</u>	
Residence Street Address	City	Zip Code	
<u>2201 Robin Rd</u>	<u>Dodge City KS</u>	<u>67801</u>	
Applicant Spousal Information			
Spouse Name	Phone No.	Date of Birth	
Residence Street Address	City	Zip Code	

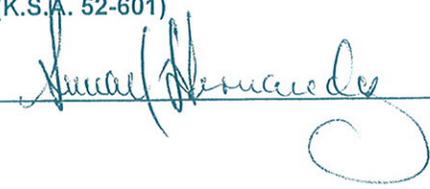
SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name	Name		
<u>Tianquis</u>	<u>Same</u>		
Business Location Address	Address		
<u>512 S. 2nd Ave</u>			
City	State	City	State
<u>Dodge City</u>	<u>KS</u>		
Zip			Zip
<u>67801</u>			
Business Phone No.	<input checked="" type="checkbox"/> I own the proposed business location.		
<u>(620) 227-2110</u>	<input type="checkbox"/> I do not own the proposed business location.		
Business Location Owner Name(s)	<u>Ismael Hernandez</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>9</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 <sup>1</sup> 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 <sup>2</sup> 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  DATE 4/22/11

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>50<sup>00</sup></u> Date <u>4-27-11</u>	( \$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date <u>4-27-11</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.

<sup>1</sup> If renewal application, applicant's spouse not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)  
<sup>2</sup> Spouse not required to be U.S. citizen, Kansas resident or 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 Dodge City KS

<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): 004-710415188F-02			
Name of Corporation <u>Wal-Mart Stores Inc.</u>		Principal Place of Business <u>Bentonville AR</u>	
Corporation Street Address <u>702 SW 8th St.</u>		Corporation City <u>Bentonville, AR 72716-0500</u>	State <u>AR</u>
Date of Incorporation <u>10/31/69</u>		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name <u>CT Corporation</u>		Phone No. <u>N/A</u>	
Residence Street Address <u>515 South Kansas Ave</u>		City <u>Topeka</u>	State <u>KS</u>

<b>SECTION 3 – LICENSED PREMISE</b>			
<b>Licensed Premise (Business Location)</b>		<b>Mailing Address</b>	
DBA Name <u>WalMart Supercenter #372</u>		Name <u>Walmart Stores Inc.</u>	
Business Location Address <u>1905 N 14th Ave</u>		Address <u>702 SW 8th St</u>	
City <u>Dodge City</u>	State <u>KS</u>	City <u>Bentonville</u>	State <u>AR</u>
Zip <u>67801</u>		Zip <u>72716-0500</u>	
Business Phone No. <u>620-225-3917</u>		<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) <u>Wal-Mart Stores inc.</u>			

<b>SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK</b>			
<i>List each person and their spouse, if applicable. Attach additional pages if necessary.</i>			
Name <u>Please See Attached List</u>		Position	Date of Birth
Residence Street Address		City	State Zip Code
Spouse Name		Position	Date of Birth
Residence Street Address		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
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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, provide the following:		
Manager/Agent Name <u>Matthew Moyer</u>	Phone No. <u>620-225-3917</u>	Date of Birth <u>5/3/72</u>
Residence Street Address <u>1106 N 2nd St Unit B</u>	City <u>Cimarron</u>	Zip Code <u>KS</u>
Manager or Agent Spousal Information		
Spouse Name <u>Amy Moyer</u>	Phone No. <u>Same as above</u>	Date of Birth <u>3-13-72</u>
Residence Street Address <u>Same as above</u>	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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age <sup>1</sup> .	<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 Lori Cottrell DATE 4/26/2011  
 Lori Cottrell, Assistant Secretary

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>50<sup>00</sup></u> Date <u>4-27-11</u>	
(\$25 - \$50 for Off-Premise license or \$25-200 for On-Premise license)	
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date <u>4-27-11</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.

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



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**WAL-MART STORES, INC**  
**CORPORATE OFFICERS**

<b>NAME AND TITLE</b>	<b>BUSINESS ADDRESS</b>
Mike Duke President & CEO Director	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716
Karen Roberts Sr.VP & Chief Compliance Officer	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716
Charles Holley Treasurer	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716
Lori Cottrell Assistant Secretary	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716
Amy Thrasher Assistant Secretary	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716
Tim Farrar Assistant Secretary	702 S.W. 8 <sup>th</sup> Street Bentonville, AR 72716

The above officers / directors own less than 1% stock of Wal-Mart Stores, Inc., a public corporation.

# 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

SECTION 1 – LICENSE TYPE	
Check One: <input checked="" type="checkbox"/> New License <input 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): 004-208686268-F01			
Name of Corporation Dodge City Athletic's Baseball Association		Principal Place of Business 1715 Central Avenue	
Corporation Street Address 1715 Central Avenue		Corporation City Dodge City	State KS
Date of Incorporation April 3, 2007		Zip Code 67801	
Resident Agent Name Glenn I. Kerbs		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Residence Street Address 1714 First Avenue		Phone No. 620-225-0238	
		City Dodge City	State KS
		Zip Code 67801	

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name Dodge City A's		Name Dodge City A's	
Business Location Address Cavalier Field, San Jose Drive		Address P.O. Box 1473	
City Dodge City, Kansas	State 67801	City Dodge City, Kansas	State 67801
Business Phone No. 620-225-0238		<input type="checkbox"/> Applicant owns the proposed business location. <input checked="" type="checkbox"/> Applicant does not own the proposed business location.	
Business Location Owner Name(s) City of Dodge City, Kansas			

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 Glenn I. Kerbs		Position President/Director	
Residence Street Address 1714 First Avenue		City Dodge City	Date of Birth 8-30-53
Spouse Name		State KS	Zip Code 67801
Residence Street Address		Position	
		City	Date of Birth
		State	Zip Code
Name Charles D. Konrade		Position Secretary/Treasurer	
Residence Street Address 10278 129 Road		City Spearville	Date of Birth 6-1-57
Spouse Name		State KS	Zip Code 67876
Residence Street Address		Position	
		City	Age
		State	Zip Code
Name James Coffin		Position Director	
Residence Street Address 1106 Summerlon Way		City Dodge City	Date of Birth 1-15-48
Spouse Name		State KS	Zip Code 67801
Residence Street Address		Position	
		City	Age
		State	Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION		
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

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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age <sup>1</sup> .	<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  DATE April 28, 2011

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.

<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 \_\_\_\_\_

SECTION 1 - LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input 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>004-48-0852689-FO 1</u>			
Name of Corporation <u>DODGE CITY ROUNDUP, INC.</u>		Principal Place of Business <u>608 S. 14th Ave / 14th &amp; Market</u>	
Corporation Street Address <u>608 S. 14th Ave</u>		Corporation City	State <u>KS</u>
Date of Incorporation <u>March 1979</u>		Articles of Incorporation are on file with the Secretary of State. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Resident Agent Name <u>R. C. Trotter, MD</u>		Phone No. <u>620-225-2244</u>	
Residence Street Address <u>1900 Barnham</u>		City <u>DODGE CITY</u>	State <u>KS</u>
			Zip Code <u>67801</u>

SECTION 3 - LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name <u>DODGE CITY ROUNDUP, INC</u>		Name <u>DODGE CITY ROUNDUP, INC</u>	
Business Location Address <u>608 S 14th Ave / 14th &amp; Market</u>		Address <u>PO Box 503</u>	
City <u>DODGE CITY</u>	State <u>KS</u>	City <u>DODGE CITY</u>	State <u>KS</u>
Zip <u>67801</u>		Zip <u>67801</u>	
Business Phone No. <u>620-225-2244</u>		<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) <u>DODGE CITY ROUNDUP, INC.</u>			

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 <u>R. C. Trotter, MD</u>		Position <u>PRESIDENT</u>	
Residence Street Address <u>1900 Barnham</u>		City <u>DODGE CITY</u>	State <u>KS</u>
			Date of Birth <u>10-7-47</u>
			Zip Code <u>67801</u>
Name <u>Stephen Deges</u>		Position <u>VICE-PRESIDENT</u>	
Residence Street Address <u>10883 Garnett Rd.</u>		City <u>DODGE CITY</u>	State <u>KS</u>
			Date of Birth <u>1-13-61</u>
			Zip Code
Name		Position	
Residence Street Address		City	State
			Date of Birth
			Zip Code
Name		Position	
Residence Street Address		City	State
			Date of Birth
			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 <i>RC Trotter, MD.</i>	Phone No. <i>620-225-1650</i>	Date of Birth <i>10-7-47</i>
Residence Street Address <i>1400 Barham</i>	City <i>DODGE CITY</i>	Zip Code <i>67801</i>
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
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 &amp; 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 <i>Have not</i>
<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 &amp; 5 are at least 21 years of age<sup>1</sup>.</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 *RC Trotter* DATE *4/27/14*

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.

<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  
From: Ray Slattery, P.E.  
Director of Engineering  
Date: April 27, 2011  
Subject: Resolution Declaring the necessity to use eminent domain  
Agenda Item: Ordinances and Resolutions

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**Recommendation:** Approve Resolution 2011-15 declaring the necessity for acquiring private property for the use of the City in connection with a gravity sewer project and reuse line.

**Background:** The City is trying to acquire several utility easements for the proposed gravity sewer lines that are necessary to transport wastewater to the new reclamation plant. We are also trying to acquire several easements for the reuse line to provide irrigation water to the golf course. We are required to follow the Kansas guidelines for acquisition of real property. Previously the Commission approved a fair and equitable price that was recommended by an appraiser that was hired to determine the market price for the properties required. Those offers have been made and counter offers have been made. Unfortunately, our agent has not been successful and has advised the City to begin the condemnation process.

**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 land owner.

**Financial Considerations:** The attorney retained by our acquisition agent charges an hourly fee, the cost will be contingent on how many properties must be acquired through eminent domain, and the time spent on the properties. A separate contract with the attorney for this phase has been approved.

**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:** Resolution 2010-15

## **RESOLUTION NO. 2011-15**

### **A RESOLUTION PURSUANT TO K.S.A. 26-201 REGARDING CONDEMNATION OF PROPERTY FOR PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CITY OF DODGE CITY, KANSAS.**

**WHEREAS**, the City of Dodge City has undertaken the construction and improvement of an offsite pump station, force main, collection main, and beneficial refuse transmission main within the City, hereinafter referred to as the "Project"; and,

**WHEREAS**, in order to complete the Project, it is necessary for the City to acquire certain property interests from certain property owners, as set forth below, hereinafter collectively referred to as the "Property", to-wit:

#### **A. TRACT I: PERMANENT UTILITY EASEMENT**

**NAME OF PROPERTY OWNERS: SHIRLEY CATTLE COMPANY, INC.**

#### **LEGAL DESCRIPTION OF PROPERTY:**

A Sanitary Sewer Easement described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of Section 13, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M.; Thence Bearing S88°55'30"E, along the north line of said Northwest Quarter, a distance of 45.00 feet; Thence Bearing S00°25'00"W, parallel with the west line of said Northwest Quarter, a distance of 15.00 feet to the POINT OF BEGINNING; Thence continuing Bearing S00°25'00"W, parallel with the west line of said Northwest Quarter, a distance of 30.00 feet; Thence Bearing S88°55'30"E, a distance of 830.67 feet; Thence Bearing S18°37'50"E, a distance of 229.32 feet; Thence Bearing S09°24'53"W, a distance of 567.82 feet to a point on a line that is 822.00 feet south of the north line of said Northwest Quarter; Thence Bearing S88°55'30"E, parallel with and 822.00 feet south of the north line of said Northwest Quarter, a distance of 30.32 feet; Thence Bearing N09°24'53"E a distance of 570.94 feet; Thence Bearing N18°37'50"W, a distance of 204.55 feet; Thence Bearing N01°38'35"W, a distance of 65.33 feet to a point on the north line of said Northwest Quarter; Thence Bearing N88°55'30"W, along said north line, a distance of 30.03 feet; Thence Bearing S01°38'35"E, a distance of 15.02 feet; Thence Bearing N88°55'30"W, a distance of 837.72 feet to the POINT OF BEGINNING.

(Said Sanitary Sewer Easement containing 1.159 acres, more or less)

**B. TRACT II: TEMPORARY CONSTRUCTION EASEMENT** (for a period of two years from the date of taking)

**NAME OF PROPERTY OWNERS: SHIRLEY CATTLE COMPANY, INC.**

**LEGAL DESCRIPTION OF PROPERTY:**

A Temporary Construction Easement described as follows:  
 COMMENCING at the Northwest corner of the Northwest Quarter of Section 13, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M.; Thence Bearing S88°55'30"E, along the north line of said Northwest Quarter, a distance of 45.00 feet; Thence Bearing S00°25'00"W, parallel with the west line of said Northwest Quarter, a distance of 15.00 feet to the POINT OF BEGINNING; Thence continuing Bearing S00°25'00"W, parallel with the west line of the Northwest Quarter, a distance of 105.01 feet; Thence Bearing S88°55'30"E, a distance of 856.67 feet; Thence Bearing S18°37'50"E, a distance of 149.65 feet; Thence Bearing S09°24'53"W, a distance of 567.82 feet to a point on the line that is 822.00 feet south of the north line of said Northwest Quarter; Thence Bearing S88°55'30"E, parallel with and 822.00 feet south of the north line of said Northwest Quarter, a distance of 106.11 feet; Thence Bearing N09°24'53"E, a distance of 578.74 feet; Thence Bearing N18°37'50"W, a distance of 265.73 feet to a point on the north line of said Northwest Quarter; Thence Bearing N88°55'30"W, along said north line, a distance of 89.42 feet; Thence Bearing S01°38'35"E, a distance of 15.02 feet; Thence Bearing N88°55'30"W, a distance of 837.72 feet to the POINT OF BEGINNING, EXCEPT Sanitary Sewer Easement.

(Said Temporary Construction Easement containing 2.891 acres, more or less)

**C. TRACT III: PERMANENT UTILITY EASEMENT**

**NAME OF PROPERTY OWNERS:** BRIAN T. SHIRLEY AND SUZANNE I. SHIRLEY, CO-TRUSTEES OF THEBRIAN T. SHIRLEY REVOCABLE TRUST, dated September 30, 2010

**LEGAL DESCRIPTION OF PROPERTY:**

A sanitary Sewer Easement described as follows:  
 COMMENCING at the Southwest corner of the Southwest Quarter of Section 12, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M.; Thence Bearing S88°55'30"E, along the south line of said Southwest Quarter, a distance of 882.18 feet to the POINT OF BEGINNING; Thence continuing Bearing S88°55'30"E, along said south line, a distance of 30.03 feet; Thence Bearing N01°38'35"W, a distance of 847.63 feet; Thence Bearing N11°34'39"W, a distance of 401.66 feet; Thence Bearing N13°47'28"E, a distance of 279.90 feet; Thence Bearing N60°17'30"E, a distance of 324.57 feet; Thence Bearing N20°05'34"W, a distance of 313.33 feet; Thence Bearing N38°03'17"E, a distance of 432.56 feet; Thence Bearing N39°17'31"E, a distance of 433.13 feet; Thence Bearing N09°09'06"W, a distance of 0.77 feet to a point on the north line\* of the Southwest Quarter of said Section 12, said point being 1548.73 feet east of the Northwest corner of said Southwest Quarter; Thence Bearing N89°06'09"W, along said north line, a distance of 37.54 feet;

Thence Bearing S39°17'31"W, a distance of 410.65 feet; Thence Bearing S38°03'17"W, a distance of 449.56 feet; Thence Bearing S20°05'34"E, a distance of 304.66 feet; Thence Bearing S60°17'30"W, a distance of 312.11 feet; Thence Bearing S13°47'28"W, a distance of 299.54 feet; Thence Bearing S11°34'39"E, a distance of 405.81 feet; Thence Bearing S01°38'35"E, a distance of 843.59 feet to the POINT OF BEGINNING.

(Said Sanitary Sewer Easement containing 2.087 acres, more or less)

**D. TRACT IV: TEMPORARY CONSTRUCTION EASEMENT** (for a period of two years from the date of taking)

**NAME OF PROPERTY OWNERS:** BRIAN T. SHIRLEY AND SUZANNE I. SHIRLEY, CO-TRUSTEES OF THEBRIAN T. SHIRLEY REVOCABLE TRUST, dated September 30, 2010

**LEGAL DESCRIPTION OF PROPERTY:**

A Temporary Construction Easement described as follows:  
COMMENCING at the Southwest corner of the Southwest Quarter of Section 12, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M.; Thence Bearing S88°55'30"E, along the south line of said Southwest Quarter, a distance of 807.10 feet to the POINT OF BEGINNING; Thence continuing Bearing S88°55'30"E, along said south line, a distance of 105.12 feet; Thence Bearing N01°38'35"W, a distance of 847.63 feet; Thence Bearing N11°34'39"W, a distance of 401.66 feet; Thence Bearing N13°47'28"E, a distance of 279.90 feet; Thence Bearing N60°17'30"E, a distance of 324.57 feet; Thence Bearing N20°05'34"W, a distance of 225.03 feet; Thence Bearing N38°03'17"E, a distance of 478.35 feet; Thence Bearing N39°17'31"E, a distance of 466.06 feet; Thence Bearing N09°09'06"W, a distance of 21.22 feet to a point on the north line\* of the Southwest Quarter of said Section 12, said point being 1624.90 feet east of the Northwest corner of said Southwest Quarter; Thence Bearing N89°06'09"W, along said north line, a distance of 113.71 feet; Thence Bearing S39°17'31"W, a distance of 410.65 feet; Thence Bearing S38°03'17"W, a distance of 537.86 feet; Thence Bearing S20°05'34"E, a distance of 194.70 feet; Thence Bearing S60°17'30"W, a distance of 280.98 feet; Thence Bearing S13°47'28"W, a distance of 348.64 feet; Thence Bearing S11°34'39"E, a distance of 416.17 feet; Thence Bearing S01°38'35"E, a distance of 833.52 feet to the POINT OF BEGINNING, EXCEPT Sanitary Sewer Easement.

(Said Temporary Construction Easement containing 5.227 acres, more or less)

**E. TRACT V: PERMANENT UTILITY EASEMENT**

**NAME OF PROPERTY OWNERS:** GARY L. WILLIAMSON AND GLENNA S. WILLIAMSON

**LEGAL DESCRIPTION OF PROPERTY:**

A Utility Easement described as follows:

COMMENCING at the Southwest corner of Lot 1, Block 3 in Church Subdivision, a subdivision of the Northeast Quarter of Section 15, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., Ford County, Kansas Thence Bearing S89°00'21"E, along the south line of said Lot 1, a distance of 12.38 feet to the POINT OF BEGINNING; Thence continuing Bearing S89°00'21"E, along said south line, a distance of 10.00 feet; Thence Bearing N00°19'57"W, a distance of 3.04 feet; Thence Bearing N44°40'03"E, a distance of 25.34 feet to a point on the west line of a platted 20' Utility Easement in said Lot 1; Thence Bearing N00°28'37"E, along said west Utility Easement line, a distance of 14.35 feet; Thence Bearing S44°40'03"W, a distance of 39.77 feet; Thence Bearing S00°19'57"E, a distance of 6.96 feet to the POINT OF BEGINNING.

(Said Utility Easement containing 0.009 acres, more or less)

**F. TRACT VI: TEMPORARY CONSTRUCTION EASEMENT** (for a period of two years from the date of taking)

**NAME OF PROPERTY OWNERS:** GARY L. WILLIAMSON AND  
GLENN S. WILLIAMSON

**LEGAL DESCRIPTION OF PROPERTY:**

A Temporary Construction Easement described as follows:

The east 15.00 feet of the west 75.00 feet of Lot 1, Block 3 in Church Subdivision, a subdivision of the Northeast Quarter of Section 15, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., Ford County, Kansas. EXCEPT the north 10.00 feet thereof and EXCEPT the south 10.00 feet thereof.

(Said Temporary Construction Easement containing 0.435 acres, more or less)

**G. TRACT VII: TEMPORARY CONSTRUCTION EASEMENT** (for a period of two years from the date of taking)

**NAME OF PROPERTY OWNERS:** GARY L. WILLIAMSON AND  
GLENN S. WILLIAMSON

**LEGAL DESCRIPTION OF PROPERTY:**

A Temporary Construction Easement described as follows:

COMMENCING at the Southwest corner of Lot 1, Block 3 in Church Subdivision, a subdivision of the Northeast Quarter of Section 15, Township 26 South, Range 25 West of the 6<sup>th</sup> P.M., Ford County, Kansas; Thence Bearing S89°00'21"E, along the south line of said Lot 1, a distance of 2.38 feet to the POINT OF BEGINNING; Thence continuing Bearing S89°00'21"E, along said south line, a distance of 10.00

feet; Thence Bearing N00°19'57"W, a distance of 6.96 feet; Thence Bearing N44°40'03"E, a distance of 39.77 feet to a point on the west ling of a platted 20' Utility Easement in said Lot 1; Thence Bearing N00°28'37"E, along said west Utility Easement line, a distance of 21.52 feet; Thence Bearing S44°40'03"W, a distance of 54.34 feet; Thence Bearing S00°19'57"E, a distance of 17.94 feet to the POINT OF BEGINNING.

(Said Temporary Construction Easement containing 0.019 acres, more or less)

**WHEREAS**, the City has been unable to negotiate the purchase of the necessary interests in the Property, and it is therefore necessary to exercise the City's power of eminent domain to acquire said interests.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Dodge City, Kansas, that it is necessary to acquire the interests in the Property for the purposes set forth above, and it is necessary to acquire said interests by the exercise of eminent domain.

**BE IT FURTHER RESOLVED**, that the Director of Engineering Services/City Engineer shall cause the Property to be surveyed, and shall file the survey and description with the City Clerk.

**BE IT FURTHER RESOLVED**, that this Resolution be published once in the official city newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

**ATTEST:**

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

\_\_\_\_\_  
**Rick Sowers,**  
**Mayor**

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# Memorandum

To: Ken Strobel  
City Manager

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

Date: April 25, 2011

Subject: Easement acquisition for pipeline for Wastewater Reclamation Facility

Agenda Item: New Business

---

**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:

Inosencio Serrano & Maria Serrano	\$8,506
Closing Costs	\$300
Title Insurance	\$235
Filing Costs	<u>\$ 56</u>
Total	\$9,097
Jeffery D. Lopp & Mary Lou Rist	\$4,000
Closing Costs	\$300
Title Insurance	\$235
Filing Costs	<u>\$ 70</u>
Total	\$4,605
Catholic Diocese of Dodge City, Kansas	\$1,270
Closing Costs	\$300
Filing Costs	<u>\$ 56</u>
Total	\$1,626
Joyce E. Kliesen & Judith Kliesen Michaelis	\$2,958
Closing Costs	\$300
Title Insurance	\$235

Filing Costs	\$108
Total	\$3,601

Grand Total \$18,929

**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 easements under consideration tonight (blue hatch), acquired easement (green hatch) and those still needed (red hatch).

BUYER'S CLOSING STATEMENT

GF#: 11-9464

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:  
TRACTS IN THE NORTHWEST  
QUARTER OF 1226S-25W,  
FORD COUNTY, KANSAS

Seller : INOSENICIO SERRANO  
          MARIA SERRANO  
Closing date (MO/DY/YR) : 04/22/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	8,506.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Owner's Title Insuranc HIGH PLAINS LAND & TITLE	235.00	
RecordingTemporary Easement	16.00	
Recording Permanent Easement	16.00	
Recording Survey	24.00	
<b>Funds payable at closing</b>		<b>9,097.00</b>
	<u>\$9,097.00</u>	<u>\$9,097.00</u>

Approved:

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

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

BUYER'S CLOSING STATEMENT

GF#: 11-9465

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:  
 TRACT IN LOT 1, BLOCK 4,  
 KLIESEN SUBDIVISION

Seller : JEFFREY D. LOPP  
 MARY LOU RIST

Closing date (MO/DY/YR) : 04/22/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	4,000.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Owner's Title Insuranc HIGH PLAINS LAND & TITLE	235.00	
Recording Permanent Easement	16.00	
Recording Temporary Easement	16.00	
Recording Survey	24.00	
Recording (2) Partial Mtg. Releases	14.00	
<b>Funds payable at closing</b>		<b>4,605.00</b>
	<u>\$4,605.00</u>	<u>\$4,605.00</u>

Approved:

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

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

BUYER'S CLOSING STATEMENT

GF#: 11-9467

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:  
 TRACT IN SE/4 OF 10-26S-25W &  
 TRACT IN LOT 3, BLOCK 1, CHURCH  
 SUBDIVISION, FORD COUNTY, KS

Seller : CATHOLIC DIOCESE OF  
 DODGE CITY, KANSAS

Closing date (MO/DY/YR) : 04/22/11

Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	1,270.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Recording (2) Temporary Easements	32.00	
Recording Surveys	24.00	
<b>Funds payable at closing</b>		<b>1,626.00</b>
	<u>\$1,626.00</u>	<u>\$1,626.00</u>

Approved:

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

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

BUYER'S CLOSING STATEMENT

GF#: 11-9473

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:  
 TRACTS IN BLOCK 4, KLIESEN  
 SUBDIVISION, FORD COUNTY, KANSAS

Seller : JOYCE E. KLIESEN  
 JUDITH KLIESEN MICHAELIS  
 Closing date (MO/DY/YR) : 04/22/11

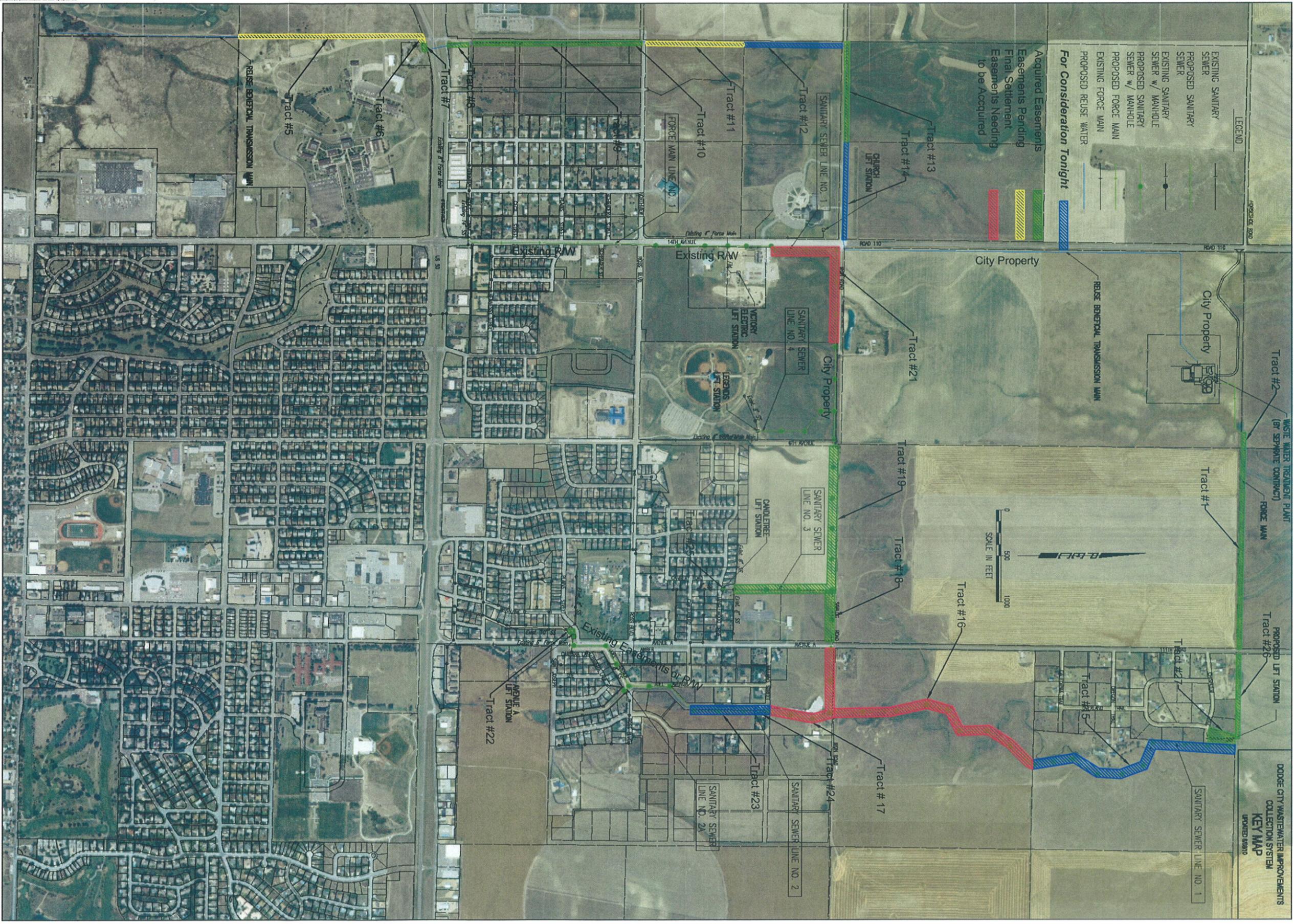
Closer : BRENDA K. LEE

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	2,958.00	
Settlement or Closing HIGH PLAINS LAND & TITLE	300.00	
Owner's Title Insuranc HIGH PLAINS LAND & TITLE	235.00	
Recording Permanent Utility Easement	28.00	
Recording Temporary Easement (2)	56.00	
Recording Surveys (2)	24.00	
<b>Funds payable at closing</b>		<b>3,601.00</b>
	<u>\$3,601.00</u>	<u>\$3,601.00</u>

Approved:

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

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



## *Memorandum*

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

*From: Nannette Pogue*

*Date: April 29, 2011*

*Subject: Approval of Bids for Laptops for the Police Department*

*Agenda Item: New Business*

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**Recommendation:** It is my recommendation that we purchase 20 laptops from Dell in the amount of \$46,398.20.

**Background:** The Dodge City Police Department was awarded a \$200,000 COPS technology grant on August 3, 2010. Staff submitted a request to use these funds to implement a Mobile Data Terminal unit (MDT) program. The request was approved by the Department of Justice.

This grant will allow the police department to purchase 20 laptop computers and associated software and hardware to be installed in patrol vehicles.

By implementing this program, officers will be able to complete reports in the field and email them to their supervisor for review and approval. This will reduce the time that officers will be in the station completing reports. The officers will be able to check driver license, vehicle registration and National Crime Information Center (NCIC) records to see if subjects are wanted. This should reduce radio communications between dispatch and the officers. By reducing the radio traffic it opens the airwaves to emergency broadcasts from dispatch and officers.

Ryan Reid has been working with the Police Department as well as other law enforcement agencies to develop specifications for the police mobile data units (laptops). Towards that end, bids were solicited and received. Four bids were received. The bids were reviewed and the low bid did not meet specifications. The lowest bid that meets specifications was Dell in the amount of \$46,398.20.

**Justification:** To use grant money to efficiently and effectively use technology to assist police officers in their jobs.

**Financial Considerations:** The mobile data units (laptops) with the initial maintenance agreements and warranties are being paid for from a COPS grant. The Microsoft operating system, the Net Motion XE 9.0 software program for 3 years and the Verizon aircards for 3 years will also be paid by the grant. The replacement of the laptops and program and aircard services after the initial 3 year term will be the responsibility of the City.

**Purpose/Mission:** To achieve high service and performance standards.

**Legal Considerations:** None

**Attachments:** Bid tabulation sheet.

2011 PD Laptops Bid Evaluation

	<u>En Pointe*</u>	<u>Dell</u>	<u>Orlando Office Supplies</u>	<u>Gov Connection</u>
20 laptops (semi rugged, meeting PD specs) w/3 year warranty	\$ 36,310.60	\$ <b>46,398.20</b>	\$ 49,900.00	\$ 61,029.00

\*Did not meet specifications  
Not rugged.

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Corey Keller*

*Date: April 28, 2011*

*Subject: Purchase of Fire Apparatus*

*Agenda Item: New Business*

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### **Recommendation:**

On April 19, 2011 two bids were received and opened for the purchase of one new/unused Fire Apparatus. Based on the bids received, staff would recommend that the commission accept the bid from Pierce Manufacturing Inc. / Conrad Fire in the amount of \$404,178.00

**Background:** The 2011 Budget includes money available in the MERF to purchase a new Fire Apparatus. The New Fire Apparatus will replace a 1990 Ford L9000 Smeal Fire Apparatus. The Apparatus has 86,000 miles and 2700 hrs on it. This apparatus is 20 years old and many of the safety features are out of date. The old apparatus will be used as a back up for the Fire Department.

**Justification:** The bid from Pierce Manufacturing Inc. / Conrad Fire is the lowest bidder. Fire Department personal have looked at both apparatuses being offered in this bid process and has determined that the Pierce apparatus was the best option based on their current needs.

**Financial Considerations:** There are funds available In the MERF to purchase the Fire Apparatus through a lease to purchase option. Lease to purchase financing is being solicited for the best available option.

**Purpose/Mission:** The Dodge City Fire Department is charged with serving the citizens of Dodge City through protection of life and property from losses of fire or other natural or man made emergency situations.

**Legal Considerations:** Lease Agreement

**Attachments:** Pictures of Pierce Custom Contender PUC Pumper

**Bids Received:**

**Pierce Manufacturing Inc. / Conrad Fire  
Olathe, Kansas**

- 1) Pierce Custom Contender PUC Pumper

**Total Price \$404,178.00**

**Weis Fire and Safety/ Emergency One Inc.**

- 1) E Max Typhoon Custom Pumper

**Total Price \$425,000.00**

