

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, August 1, 2011

7:00 p.m.

MEETING #4856

CALL TO ORDER

ROLL CALL

INVOCATION by Pastor Jason Goetz of Dodge City Church of the Nazarene

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

VISITORS (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

Report on Cultural Relations Advisory Board by Chairperson, Greta Clark

CONSENT CALENDAR

1. Approval of City Commission Work Session minutes, July 18, 2011
2. Approval of City Commission Meeting minutes, July 18, 2011
3. Appropriation Ordinance No. 15, August 1, 2011
4. Cereal Malt Beverage License
 - a. Speedy Stop, 2615 Gary Avenue
 - b. River Stop, 705 S. 14th Avenue

ORDINANCES & RESOLUTIONS

Ordinance No. 3519: An Ordinance Amending Sections 9-111 of Article 1, Chapter IX of the Code of the City of Dodge City and Repealing Ordinance No. 3348, Assessing Costs for the Administration of Justice in the Municipal Court. Report by Director of Finance/City Clerk, Nannette Pogue.

Ordinance No. 3520: An Ordinance Regulating Traffic Within the Corporate Limits of the City of Dodge City; Amending Specific Provisions Relating to Section 30 “Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties of the Standard Traffic Ordinance for Kansas Cities, Edition 2010”. Report by Director of Finance/City Clerk, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

1. Appointment to vacant position on Cultural Relations Advisory Board. Report by Director of Public Information, Jane Longmeyer.
2. Approval of Bid from FlexFence Southwest in the amount of \$40,200 for portable outfield fencing for Legends Park. Report by Director of Parks & Recreation, Paul Lewis.

OTHER BUSINESS

ADJOURNMENT

CITY COMMISSION WORK SESSION MINUTES

City Hall Commission Chambers

Monday, July 18, 2011

5:30 p.m.

MEETING #4854

CALL TO ORDER

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

WORK SESSION

Levee Certification presentation by Wilson & Company along with discussion of the same.

ADJOURNMENT

Commissioner Jim Sherer moved to adjourn the Work Session, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

CITY COMMISSION MINUTES

City Hall Commission Chambers

Monday, July 18, 2011

7:00 p.m.

MEETING #4855

CALL TO ORDER

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

INVOCATION: by Vernon Bogart of John 14 Fellowship

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Mayor Rick Sowers opened the Public Hearing for application for Property Tax Exemption for Curtis Machine Co., Inc. Executive Director of Dodge City/Ford County Development Corporation, Joann Knight, presented the application. Commissioner Kent Smoll moved to close the Public Hearing, seconded by Commissioner Jim Sherer. Motion carried unanimously.

PETITIONS & PROCLAMATIONS

National Day of the Cowboy Proclamation was presented Sandi Masden. Pat Hamit of Boot Hill Museum commented. Dr. R.C. Trotter of Dodge City Roundup, spoke to promote National Day of the Cowboy.

Charles Meade talked about Kansas Hall of Fame inductees. He accepted the inductee for James Arness recently in Topeka.

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).

Joe Railsback, citizen of Dodge City, talked about littering and fines and several cars at a location near Central & University.

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, July 5, 2011
2. Appropriation Ordinance No. 14, July 18, 2011
3. Cereal Malt Beverage License
 - a. Saigon Café Bistro LLC, 202 E. Frontview
 - b. Bella Italia LLC, 308 West Wyatt Earp Blvd
 - c. Love's Travel Stop #58, 1108 W. Wyatt Earp

4. Approval of Lease with Southwest Plains Regional Service Center at Hennessy Hall.
5. Approval of Quitclaim Deed for Block 22, Lots 3 & 4 of Boyd's Addition.

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

ORDINANCES & RESOLUTIONS

Ordinance No. 3517: An Ordinance of the City of Dodge City, Kansas Amending the Official Zoning Map of the City, Rezoning Lots 191, 193, 195, 197 and 199, Block 70, Original Town from I-1 Light Industrial to R-2 Residential Medium Density was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.

Ordinance No. 3518: An Ordinance Amending Ordinance No. 3505 Relating to Traffic and Truck Routes in the City of Dodge City and Amending Chapter 14, Section 2 of the City of Dodge City Municipal Code was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Jim Sherer. Motion carried unanimously.

Resolution No. 2011-20: A Resolution Providing for Advalorem Property Tax Exemption Under Section 13, Article 11 of the Constitution of the State of Kansas for Curtis Machine Co., Inc. of Dodge City, Kansas was approved on a motion by Commissioner Michael Weece, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

1. Bid in the amount of \$44,141.00 from Kansas Golf and Turf for the purchase of a wide area rotary mower for the Parks Division was approved by Commissioner Jim Sherer, seconded by Commissioner Kent Smoll. Motion carried unanimously.
2. Bid in the amount of \$24,861.97 from Cunningham & Associates for the purchase of a playground system, along with utilizing Community Promotion Funds for the purchase of recycled rubber and bonding agents for the installation of a rubber playground safety surfacing for Spiers Park was approved by Commissioner Kent Smoll, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.
3. A Professional Service Contract for Phase III of the Levee Improvement Design with Wilson & Company in the amount not to exceed \$499,950.00 was approved on a motion by Mayor Rick Sowers, seconded by Commissioner Kent Smoll. Motion carried unanimously.

4. Quote from McPherson Concrete Products in the amount of \$27,251.68 for repair to drainage ditch east of the Water Department was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried unanimously.

OTHER BUSINESS

Ken Strobel, City Manager:

- On Tuesday, July 26th at 3:00 p.m. there will be a ceremony for Jack Dalton and the naming of a conference room after him at United Wireless Arena/Magourik Conference Center; and
- On Tuesday, July 19th, Commissioner Jim Sherer will be presenting at the Library regarding historical facts.

Jane Longmeyer, Director of Public Information:

- CDBG Grant was funded for Housing Rehab Grant.

Commissioner Kent Smoll:

- Reminder – Dodge City Days party will begin at the end of July

Mayor Rick Sowers:

- Dodge City Days is coming up...please help make Dodge City look beautiful.

ADJOURNMENT: Commissioner Kent Smoll moved to adjourn the meeting; Commissioner Jim Sherer seconded the motion. The motion carried unanimously.

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

ORDINANCE NO. 3519

AN ORDINANCE AMENDING SECTIONS 9-111 OF ARTICLE 1, CHAPTER IX OF THE CODE OF THE CITY OF DODGE CITY AND REPEALING ORDINANCE NO. 3348, ASSESSING COSTS FOR THE ADMINISTRATION OF JUSTICE IN THE MUNICIPAL COURT:

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

SECTION 1: Section 9-111 of Article 1, Chapter IX of the Code of the City of Dodge City is hereby repealed, and the following inserted in lieu thereof:

9-111. COURT COSTS. (a) In each case filed in Municipal Court, where there is a finding of guilty, a plea of guilty, a plea of no contest, forfeiture of bond or a diversion agreement filed, the defendant shall be assessed costs for the administration of justice as follows:

\$60 for any violation of any ordinance of this city regulating traffic on streets and highways as defined in subsection (c) of K.S.A. 8-2118 and amendments thereto, and any cigarette, tobacco or curfew infraction.

\$25 for any violation related to parking ordinances.

\$120 for all violations of the Uniform Public Offense Code adopted by the city; all violations of the Standard Traffic Ordinances adopted by the city which are punishable by both fine and imprisonment and all violations of the Dodge City Municipal Code which are punishable by both fine and imprisonment.

(b) In addition to costs set forth in Section (a) above, in each case filed in Municipal Court charging a drug or alcohol related offense, including but not necessarily limited to the following: driving under the influence of alcohol or drugs, transporting an open container of alcohol, pedestrian under the influence, minor in possession of alcohol or cereal malt beverage, possession of drug paraphernalia, possession of a controlled substance, and any drug or alcohol related offense, where there is a finding of guilty, or a plea of guilty, or a plea of no contest, forfeiture of bond or a diversion, a sum in the amount of \$10.00 shall be assessed and such assessment shall be credited to a Project Fund as approved by the City Clerk that promotes drug and alcohol awareness and education.

(c) A Project Fund shall be established in the General Ledger of the City of Dodge City and shall, unless ordered otherwise by the Municipal Court Judge, credit to such fund all costs assessed in accordance with Section (b) above

- (d) Mileage, Witness and State Fees. In addition to the foregoing, the costs for witness fees and mileage set forth in K.S.A. 12-4411 and amendments thereof; and other costs for judicial training and other specified funds set forth in K.S.A. 12-4117, as amended, shall be assessed and disbursed or credited in accordance with said statutes.
- (e) Warrant Fees. A fee of \$50 shall be assessed for each warrant issued, unless waived for good cause by the municipal court judge.
- (f) Incarceration Fees. Unless waived for a good cause by the municipal court judge, a fee for incarceration expenses shall be assessed against a defendant in each case in which said defendant is incarcerated pursuant to an order of the municipal court judge. The incarceration fee shall be determined by multiplying the then current daily rate of incarceration charged to the City of Dodge City by the Ford County Sheriff, by the number of days or partial days actually served by the defendant at the Ford County Detention Center or at Ford County Work Release Center.
- (g) Probation Fees. Unless waived or reduced for good cause by the municipal court judge, a fee of \$125 shall be assessed by the court against a defendant placed on probation from a sentence of imprisonment imposed by the judge.
- (h) Court-Appointed Attorney Fees. Unless waived or reduced for good cause by the municipal court judge, court-appointed attorney fees shall be assessed by the court against a defendant in each case in which the judge appoints counsel for said defendant.
- (i) Miscellaneous Fees and Costs. Additional costs and fees may be assessed by the municipal court for service or process, experts and depositions, commission on collections and credit/debit card transactions.
- (j) Except as provided herein, the Judge or Clerk of the Municipal Court shall remit at least monthly the appropriate assessments received pursuant to this section as required by state law, supreme court order or City of Dodge City ordinance.
- (k) For the purpose of determining the amounts to be assessed according to this section, if more than one complaint is filed against an individual arising out of the same incident, all such complaints shall be considered as one case.

SECTION 2: Ordinance No. 3348 is repealed.

SECTION 3: Except as amended herein, all other sections of Article 1, Chapter IX of the Code of Dodge City shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon adoption by the Governing Body and publication in the official city newspaper.

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

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

ORDINANCE NO. 3520

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF DODGE CITY; AMENDING SPECIFIC PROVISIONS RELATING TO SECTION 30 “DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2010”

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

Section 1: Amendment to Section 30 (a) (2) of the “Standard Traffic Ordinance for Kansas Cities, Edition of 2010”. The provisions of Section 30 (a) (2) are hereby deleted and the following language is inserted in lieu thereof:

The alcohol concentration in the person’s blood or breath is measured within three hours of the time of operating or attempting to operate a vehicle is .08 or more;

Section 2: Amendment to Section 30 (a) (d) of the “Standard Traffic Ordinance for Kansas Cities, Edition of 2010”. The provisions of Section 30 (a) (d) are hereby deleted and the following language is inserted in lieu thereof:

Driving under the influence is a class B, non-person misdemeanor. The person convicted shall be:

On first conviction the person convicted shall be sentenced to not less than 48 consecutive hours, not more than six months’ imprisonment, or in the court’s discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 or the 2010 Session laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment;

Section 3: Amendment to Section 30 (a) (e) of the “Standard Traffic Ordinance for Kansas Cities, Edition of 2010”. The provisions of Section 30 (a) (e) are hereby deleted and the following language is inserted in lieu thereof:

On a second conviction, a class A misdemeanor, the person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence

or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours.

Section 4: Amendment to Section 30 (a) (r) of the "Standard Traffic Ordinance for Kansas Cities, Edition of 2010". The provisions of the Section 30 (a) (r) are hereby deleted and the following language is inserted in lieu thereof:

In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

Section 5: This Ordinance shall take effect upon adoption by the Governing Body and publication in the official city newspaper.

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

Rick Sowers, Mayor

ATTEST:

Nannette Pogue, City Clerk

Memorandum

To: City Manager
Assistant City Manager
City Commissioners

From: Paul Lewis 

Date: July 26, 2011

Subject: Legends Portable Outfield Fencing

Agenda Item: New Business

Recommendation: Staff recommends accepting the proposal from FlexFence Southwest in the amount of \$40,200 for portable outfield fencing for Legends Park.

Background: The existing portable fencing system used at Legends Park was purchased when the complex opened and has deteriorated significantly. The panels have always failed to remain upright in the prevailing winds and staff has to place steel posts along the fence to support the panels creating a safety concern.

Over the last couple of years staff along with representatives from 443 Athletics has been researching options for replacing the system. In April of this year an RFP was published asking vendors to submit proposals and cost estimates for a new fencing system. Three vendors responded to the RFP and the results are included with this memo.

Justification: The proposed system from FlexFence is a modular, lightweight system and more durable than the plastic fence panels we now utilize. It utilizes a steel ground anchor to support the panel along with an integrated support brace to provide stability in the wind. The fabric mesh panels can be repaired and replaced and also provide the opportunity for sponsorship promotion.

Financial Considerations: The cost for the FlexFence system is \$40,200. Originally included in the 2010 budget, this expense will come from the Sales Tax fund and sufficient monies are available in the fund to complete the purchase.

Although significantly more expensive than the SportPanel plastic fence system we currently use, this new product will be more durable, easy to repair, and remain attractive over the long term.

Purpose/Mission: This project is consistent with the City's Core Purpose of serving together to make Dodge a better place. City staff and 443 Athletics personnel have worked together to find a better product that is safer to participants, more attractive, and will work better and last longer.

Legal Considerations: None

Attachments: Bid Tabulation

Dodge City Parks & Recreation Tabulation

Portable Outfield Fencing Proposals

April 19th, 2011

Bidder	Fence Panels	Foul Poles	Padded Top Rail	Other		Total
FlexFence Southwest	160 @ \$210 = \$33,600	N/C	2,500	Back Supports -1,600 Shipping – 2,500	4,100	\$40,200
SportPanel	152 @ \$99 = \$15,048	792	304	Shipping	2,600	\$18,440
SportaFence (Option 3)	180 @ \$360 = \$64,800	n/a	4,500	Shipping	7,000	\$76,300