

CITY COMMISSION AGENDA

City Hall Commission Chambers

Monday, September 19, 2011

7:00 p.m.

MEETING #4862

CALL TO ORDER

ROLL CALL

INVOCATION by Father Dennis Zimmerman of St. Cornelius Episcopal Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

Constitution 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).

CONSENT CALENDAR

1. Approval of City Commission Meeting minutes, August 15, 2011
2. Appropriation Ordinance No. 18, September 19, 2011
3. Cereal Malt Beverage License
 - a. Boot Hill Museum, Inc., 500 W. Wyatt Earp Blvd.

ORDINANCES & RESOLUTIONS

Ordinance No. 3523: An Ordinance Regulating Traffic Within the Corporate Limits of the City of Dodge City, Kansas; Incorporating By Reference the “Standard Traffic Ordinance For Kansas Cities, Edition 2011” and Repealing Ordinance No. 3496. Presented by City Clerk/Director of Finance, Nannette Pogue.

Resolution No. 2011-24: A Resolution Declaring it Advisable to Issue General Obligation Refunding Bonds of the City of Dodge City, Kansas, to Refund Outstanding Waterworks and Wastewater Utility System Revenue Bonds; and Providing for the Giving of Notice of Said Intention of the City. Presented by City Clerk/Director of Finance, Nannette Pogue.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of Bid from UCI for the Construction of the Beneficial Re-Use Transmission Main for the Water Reclamation Facility. Report by Director of Engineering, Ray Slattery.
2. Approval for Cedar Avenue Repairs. Report by Director of Engineering, Ray Slattery.
3. Approval of Bids for Pickups. Report by Assistant Superintendent of Public Works, Corey Keller.
4. Approval of Bids for Administrative Vehicles. Report by Assistant Superintendent of Public Works, Corey Keller.
5. Approval of OMI Amendment #4. Report by City Manager, Ken Strobel.
6. Approval of 2010 Audited Financial Statement. Report by Director of Finance/City Clerk, Nannette Pogue.

OTHER BUSINESS

ADJOURNMENT

**PROCLAMATION
FOR
CONSTITUTION WEEK**

WHEREAS, September 17, 2011, marks the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Rick Sowers, Mayor of the City of Dodge City, Kansas by virtue of the authority vested in me as Mayor of Dodge City in Ford County, State of Kansas do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution has in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of Dodge City to be affixed this 19th day of September, 2011.

Rick Sowers, Mayor

SEAL

Nannette Pogue, City Clerk

CITY COMMISSION MINUTES

City Hall Commission Chambers

Tuesday, September 6, 2011

7:00 p.m.

MEETING #4860

CALL TO ORDER

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

INVOCATION by Vernon Bogart

PLEDGE OF ALLEGIANCE

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).

Jane Longmeyer, Director of Public Information, presented the Character Trait – Thoroughness

September 11th, 10th Anniversary Remembrance – Jane Longmeyer read a letter from the U.S. Senate asking for a Moment of Remembrance and outlined the City's activities for the day. Celebration at Liberty Garden at 7:00 p.m.

Ralph Nall of VenuWorks gave an update on United Wireless Event Center.

Vernon Bogart commented on the 9/11 Memorial. RSVP will have an event on Saturday at Victory Electric.

CONSENT CALENDAR

1. Approval of City Commission Special Meeting minutes, August 15, 2011
2. Approval of City Commission Meeting minutes, August 15, 2011
3. Appropriation Ordinance No. 17, September 6, 2011
4. Cereal Malt Beverage License
 - a. Dillons #1, 1700 N. 14th Street
5. Approval of Change Order No. 1 for Soule Street Patching.
6. Approval of Change Order No. 1 for Wagon Wheel Infrastructure.
7. Approval for Staff to Negotiate and Sign a Contract with Pinegar & Smith Associates.

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

ORDINANCES & RESOLUTIONS

Ordinance No. 3522: Ordinance of the City Commission of the City of Dodge City, Kansas, Authorizing the Issuance of its Special Obligation Revenue Bonds (Summerlon Phase II Project) for the Purpose of Financing Certain Costs Relating to a Rural Housing Incentive District; Authorizing and Approving the Execution of Certain Documents in Connection with the Issuance of Such Bonds and Authorizing Certain Other Actions in Connection with Issuance of Such Bonds was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Monte Broeckelman. Motion carried unanimously.

Ordinance No. 3523: Commissioner Monte Broeckelman moved to table Ordinance No. 3523, Regulating Traffic Within the Corporate Limits of the City of Dodge City, Kansas Incorporating by Reference the “Standard Traffic Ordinance for Kansas Cities 2011” and repealing Ordinance No. 3496. Commissioner Michael Weece seconded the motion. Motion carried unanimously.

Ordinance No. 3524: Ordinance Regulating Public Offenses Within the Corporate Limits of the City of Dodge City, Kansas Incorporating by Reference the “Uniform Public Offense Code for Kansas Cities Edition 2011” and repealing Ordinance No. 3497 was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Jim Sherer. Motion carried unanimously.

Resolution No. 2011-23: Resolution for the Temporary Suspension and Waiver of Certain Provisions of Ordinance No. 2838 and the Uniform Fire Code Pertaining to the Discharge of Fireworks Within the City Limits of the City of Dodge City, Kansas was tabled on a motion by Mayor Rick Sowers, seconded by Commissioner Kent Smoll. Motion carried unanimously.

UNFINISHED BUSINESS**NEW BUSINESS**

1. Memorandum of Understanding Between the City of Dodge City and Fraternal Order of Police, Lodge #49 of Dodge City for January 1, 2012 through December 31, 2012 was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Michael Weece. Motion carried unanimously.
2. The Grant for Ramp Expansion at Dodge City Regional Airport including the bid from Smokey Hill Construction in the amount of \$1,521,967.10 and Constructing Services proposal from Burns & McDowell in the amount of \$257,175.00 was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried unanimously.

3. Appointment of Commissioners Jim Sherer, Rick Sowers, Kent Smoll and Monte Broeckelman as the Voting Delegates, and Ken Strobel, Cherise Tieben, Mike Klein and Corey Keller as the Alternate Voting Delegates for the League of Kansas Municipalities was approved on a motion by Mayor Rick Sowers, seconded by Commissioner Michael Weece. Motion carried unanimously.
4. Appointment of Commissioner Kent Smoll as the Voting Delegate, and Commissioner Monte Broeckelman as the Alternate Voting Delegate for the National League of Cities was approved on a motion by Mayor Rick Sowers, seconded by Commissioner Michael Weece. Motion carried unanimously.
5. A Housing Rehabilitation Plan was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Jim Sherer. Motion carried unanimously.

OTHER BUSINESS

Ken Strobel, City Manager:

- Thanked Cherise for her time and effort in completion of the FOP Contract; and
- The City had a huge waterline break at 4th & Cedar – underneath a block of brick street. Intend to solicit bids immediately, with two options, (1) replacing brick, or (2) concrete reconstruction.

Cherise Tieben, Asst. City Manager:

- Thanked the FOP Negotiating Team – Brad Ralph, Barb Slagle, Matt Roach, and Steven George.

Commissioner Michael Weece:

- Labor Day Weekend – Weece Family Reunion was held in Dodge City, the family was impressed with the community; and
- Encourages the community to attend events and support the Events Center.

Commissioner, Jim Sherer:

- Thanked Ralph Nall and his staff – very pleased with assistance during planning process with Events he is bringing to Dodge City.

Commissioner Kent Smoll:

- Congratulations to Commissioner Jim Sherer on being elected for President of League of Kansas Municipalities next fiscal year; and
- Encourages all citizens to attend September 11th events.

Commissioner, Monte Broeckelman:

- Want people to understand his decision with regard to the fireworks.

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

Rick Sowers, Mayor

ATTEST:

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, Ford County

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): 004-480629167F-01

Name of Corporation Boot Hill Museum, Inc.		Principal Place of Business 500 W Wyatt Earp Blvd	
Corporation Street Address 500 W Wyatt Earp Blvd		Corporation City Dodge City	State KS
		Zip Code 67801	
Date of Incorporation 10/14/1959	Articles of Incorporation are on file with the Secretary of State.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resident Agent Name Lara Brehm		Phone No. 620-227-8188	
Residence Street Address		City Offerle	State KS
		Zip Code	

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location)			Mailing Address		
DBA Name			Name Boot Hill Museum, Inc.		
Business Location Address 500 W Wyatt Earp Blvd			Address 500 W Wyatt Earp Blvd		
City Dodge City	State KS	Zip 67801	City Dodge City	State KS	Zip 67801
Business Phone No. 620-227-8188			<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) Boot Hill Museum, Inc.					

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 Patric Hamit		Position Board Chairperson		Date of Birth
Residence Street Address		City	State	Zip Code
Spouse Name		Position		Date of Birth
Residence Street Address		City	State	Zip Code
Name Kerri Baker		Position Board Vice-Chairperson		Date of Birth
Residence Street Address		City	State	Zip Code
Spouse Name		Position		Age
Residence Street Address		City	State	Zip Code
Name Beth Rhoten		Position Board Secretary/Treasurer		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 Lara Brehm	Phone No. 620-255-9856	Date of Birth 05/01/1962
Residence Street Address 108 S. Main	City Offerle	Zip Code 67563
Manager or Agent Spousal Information		
Spouse Name N/A	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 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>None of the individuals identified in Sections 4 and 5 were managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age ¹ .	<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 Lara L Brehm DATE 9/1/2011
\$225.⁰⁰

FOR CITY/COUNTY OFFICE USE ONLY:	
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>200.⁰⁰</u> Date <u>9-6-11</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>9-6-11</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.

¹ 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: September 7, 2011

Subject: Ordinance No. 3523

Agenda Item: Ordinances and Resolutions

Recommendation: I recommend the approval of Ordinance No. 3523 and 3524

Background: Ordinance No. 3523 adopts the “2011 Edition of the Standard Traffic Ordinance” by reference. The changes made to this code during the 2011 legislature include the following:

Section 1. Definitions.

Section 13 Traffic-Control Signal Legend

Section 23 Accident Involving Death or Personal Injuries; Penalties

Section 25 Duty to Give Information and Render Aid

Section 30 Driving Under the Influence of Intoxicating Liquor or Drugs;
Penalties

Section 30.1 Driving Commercial Motor Vehicle Under the Influence of
Intoxicating liquor or Drugs; Penalties

Section 30.2 Preliminary Breath Test

Section 30.3 Ignition Interlock Devices; Tampering

Section 33 Maximum Speed Limits

Section 40 Overtaking a Vehicle or Bicycle on the Left

Section 182.1 Seat Belts

Section 194 Driving While License Canceled, Suspended or Revoked; Penalty

Justification: Each year the State Legislature passes numerous laws that affect the laws of the State as well as those of the individual cities. The League of Kansas Municipalities compiles a small booklet which incorporates all of the laws in Kansas that deal with public offenses and traffic offenses. These are the “Uniform Public Offense Code” and the “Standard Traffic Ordinance”. Cities are allowed to adopt these codes by reference, so the entire code is not included in the adopting ordinance and is not published in the local paper. Each employee that deals with any of these codes or ordinances is furnished a book to reference when necessary, to cite persons with violations of the ordinances. I have three of each of these books in my office for your review.

Financial Considerations: The cost of the booklets for the pertinent employees’ use is approximately \$1,000.

Purpose/Mission: Ensure the City is up to date on all of the laws passed in the State of Kansas as well as make sure all employees have easy access to these laws.

Legal Considerations: None

Attachments: Ordinance Nos. 3523. The Standard Traffic Ordinance booklet is available in my office if any one would like to review them.

ORDINANCE NO. 3523

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF DODGE CITY, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION 2011" AND REPEALING ORDINANCE NO. 3496

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

Section 1: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by Reference for the purpose of regulating traffic within the corporate limits of the City of Dodge City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2011, prepared and published in book form by the League of Kansas Municipalities, Topeka Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3523" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense will be established by the municipal judge in a fine schedule. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

Section 4: REPEAL. Ordinance no 3496 is hereby repealed.

Section 5: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the governing body of the City of Dodge City, Kansas, and approved by the Mayor this 6th day of September, 2011.

Rick Sowers, MAYOR

ATTEST:

Nannette Pogue, CITY CLERK

Memorandum

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

From: Nannette Pogue

Date: September 14, 2011

Subject: Resolution No. 2011-24

Agenda Item Ordinances and Resolutions

Recommendation: I recommend the approval of Resolution No. 2011-24.

Background: Currently the outstanding bonds for the 2003 Waterworks and Wastewater Revenue Bond issue is \$16,080,000. We have the opportunity to refinance these revenue bonds into general obligation bonds. If we refinance the bonds, it will no longer be required to have a debt reserve and the interest rates will be lower. We will use the bond debt reserve to pay down the amount of bonds to be issued. The Net PV savings is approximately \$416,543 and annually the payments will be approximately \$200,000 less than the current bond payment schedule. Attached is a table that shows the savings over time. Resolution No. 2011-24 declares it advisable to issue general obligation refunding bonds to refund the outstanding 2003 Waterworks and Wastewater Utility System Revenue Bonds. The Resolution will be published once a week for 2 consecutive weeks. There is a 20 day protest period following the last date of publication. If there is no protest filed, we will continue with refunding the 2003 Water and Wastewater Revenue Bonds. These revenue bonds were issued to finance the construction of the expansion of the south wastewater plant and the addition of water wells at that site.

Justification: To refinance bonds at a better interest rate and save money presently as well as have less annual payments over the time to maturity which is 2023.

Financial Considerations: Payments of approximately \$200,000 annually from 2012 to 2023.

Purpose/Mission: To make the best use of our financial resources

Legal Considerations: By publishing the resolution and waiting for the protest period, the legal requirements will be satisfied

Attachments: Resolution No. 2011-24 and Chart showing savings of refunded bonds.

(Published in the *Dodge City Daily Globe*, on September 22, 2011, and subsequently on September 29, 2011)

RESOLUTION NO. 2011-24

A RESOLUTION DECLARING IT ADVISABLE TO ISSUE GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF DODGE CITY, KANSAS, TO REFUND OUTSTANDING WATERWORKS AND WASTEWATER UTILITY SYSTEM REVENUE BONDS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION OF THE CITY.

WHEREAS, K.S.A. 10-1211 provides that the City may issue general obligation bonds to refund any previous issue or part thereof of its outstanding utility system revenue bonds, including the principal amount thereof and all accrued interest outstanding thereon, if said revenue bonds are callable in accordance with their terms or the holders thereof are willing to surrender them to the City; *provided* that such general obligation bonds shall not be issued until a resolution adopted by the governing body stating the purpose for which such refunding bonds are to be issued, the total amount of refunding bonds proposed to be issued and the total cost to the City of the refunding project shall be published once a week for two consecutive weeks in the official newspaper of the City; after publication, such refunding bonds may be issued unless a petition requesting an election on the proposition signed by the electors equal in number to not less than 5% of the electors of the City who voted for the office of the secretary of state at the last preceding general election of such office is filed with the Clerk within twenty days following the last publication of such resolution; if such petition is filed, the proposition shall be submitted to the voters at an election called for such purpose and held within ninety days after the last publication of the resolution and no refunding bonds shall be issued until such proposition shall receive the approval of a majority of the votes cast thereon; *and provided further* that such general obligation refunding bonds shall not be issued unless (a) the total cost to the City on the general obligation refunding bonds, including the costs of issuance thereof, will not exceed the remaining interest cost to the City on the outstanding utility system revenue bonds to be refunded; (b) the anticipated revenues from the utility system are expected to be sufficient to retire such general obligation refunding bonds; and (c) the issuance of such general obligation refunding bonds is necessary to accomplish a comprehensive and orderly financing plan for the utility system; and

WHEREAS, the City of Dodge City, Kansas (the "City") currently operates a Waterworks and Wastewater Utility System (the "System"); and

WHEREAS, in order to repair, alter, extend, reconstruct, enlarge and improve the System or to refund bonds previously issued for such purpose, the City has heretofore issued pursuant to K.S.A. 10-1201 *et seq.*, the following Waterworks and Wastewater Utility System Revenue Bonds which remain outstanding and are subject to redemption, as set forth below (the "Outstanding Bonds"):

<i>Series</i>	<i>Dated Date</i>	<i>Years</i>	<i>Amount</i>	<i>Redemption Date</i>
2003	November 15, 2003	2012 to 2023	\$15,110,000	December 1, 2013

WHEREAS, the governing body of the City hereby finds and determines it to be advisable to refund the Outstanding Bonds by the issuance of general obligation refunding bonds in order to obtain a cost savings to the City, to restructure the debt service requirements for the System and authority to release the City from certain burdensome covenants contained in the legal documents relating to the Outstanding Bonds.

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

Section 1. Declaration of Intent. The estimated amount of funds necessary to refund the Outstanding Bonds is approximately \$16,350,000. It is hereby deemed and declared to be necessary to issue general obligation refunding bonds of the City in an amount not to exceed \$14,900,000 (the "Refunding Bonds") in order pay the estimated cost to refund the Outstanding Bonds, with the balance to be provided from available System funds. The total cost to the City on the Refunding Bonds, including the costs of issuance thereof, is expected to be approximately \$3,135,200 and will not exceed the remaining interest cost to the City on the Outstanding Bonds (\$4,723,854). The anticipated revenues from the System, or the portion thereof pledged to the Refunding Bonds, are expected to be sufficient to retire the Refunding Bonds. The issuance of the Refunding Bonds is necessary to accomplish a comprehensive and orderly financing plan for the System.

Section 2. Notice. Before such Refunding Bonds are issued, this Resolution shall be published once a week for two consecutive weeks in the official newspaper of the City. After publication, the Refunding Bonds may be issued unless a petition requesting an election on the proposition signed by the electors equal in number to not less than 5% of the electors of the City who voted for the office of the secretary of state at the last preceding general election of such office is filed with the Clerk within twenty days following the last publication of this Resolution. If such petition is filed, the proposition must be submitted to the voters at an election called for such purpose and held within ninety days after the last publication of this Resolution, and receive the approval of a majority of the votes cast thereon, before the Refunding Bonds may be issued. If no sufficient protest petition is filed with the Clerk within the period of time set forth above, the City may proceed to authorize the issuance of such Refunding Bonds.

Section 3. Further Authority. The Mayor, City Manager, Clerk/Director of Finance, the City Attorney and the other officers and representatives of the Issuer, Stifel, Nicolaus & Company, Inc., purchaser, and Gilmore & Bell, P.C., bond counsel, are hereby authorized and directed to take such other action as may be necessary to carry out the intent of this Resolution.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the City of Dodge City, Kansas, on September 19, 2011.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2011-___ of the City of Dodge City, Kansas adopted by the governing body on September 19, 2011 as the same appears of record in my office.

DATED: September 19, 2011.

Clerk

Memorandum

*To: City Manager
Assistant City Manager
City Commissioners*

*From: Ray Slattery, P.E. 
Director of Engineering Services*

Date: September 15, 2011

Subject: Contract with UCI

Agenda: New Business

Recommendation: Approve contract with UCI to provide construction of the Beneficial Re-Use Transmission Main, pending approval of KDHE, in the amount of \$697,260. The Engineer's estimate was \$1,180,920.

Background: This project is part of the overall plan for the New Water Reclamation Facility. This project will allow the reclaimed water to go to the Mariah Hills Golf Course pond for use as irrigation water.

Justification: The project is part of the New Water Reclamation Facility that will provide sewer service for the north end of town for future growth.

Financial Considerations: The construction of Beneficial Re-Use Transmission Main will cost \$697,260. Funding of this project will be provided by the low interest loan the City has with KDHE.

Purpose/Mission: The completion of this project is necessary for the continued growth of Dodge City.

Legal Considerations: By approving the bid with Utility Contractors, Inc., the City will enter into a contract with Utility Contractors, Inc., and be responsible to make payments to Utility Contractors, Inc., for the completed work.

Attachments: The bid tabulation for Utility Contractors, Inc., Middlecreek Corporation, Nowak Construction, Inc., Mies Construction, Inc., Smoky Hill, LLC., Ditch Diggers Inc., and Midlands Contracting, Inc.

Professional Engineering Consultants, P.A. 303 S. Topeka Wichita, Kansas 67202 Phone (316) 262-2691		OWNER: City of Dodge City PROJECT: Beneficial Re-Use Transmission Main PEC PROJECT NO: 34-08827-002-1009 Bid Date/Time: September 13, 2011 @ 2:00 pm		BID TABULATION SHEET #1									
ENGINEER'S ESTIMATE				UTILITY CONTRACTORS INC.		MIDDLERCREEK CORPORATION		NOWAK CONSTRUCTION CO., INC.		MISS CONSTRUCTION, INC.			
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST		
1	12" Beneficial Re-Use Line	18,899	LF	40.00	\$ 755,960.00	\$ 20.00	\$ 377,980.00	\$ 24.60	\$ 464,915.40	\$ 23.29	\$ 440,157.71	\$ 25.85	\$ 488,539.15
2	12" Beneficial Re-Use Line (By Directional Drill)	170	LF	140.00	\$ 23,800.00	\$ 100.00	\$ 17,000.00	\$ 87.00	\$ 14,790.00	\$ 112.00	\$ 19,040.00	\$ 100.00	\$ 17,000.00
3	Boring & Casing	472	LF	230.00	\$ 108,560.00	\$ 200.00	\$ 94,400.00	\$ 165.00	\$ 77,880.00	\$ 196.00	\$ 92,512.00	\$ 280.00	\$ 122,720.00
4	Outfall Structure	1	LS	15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 12,000.00	\$ 12,000.00	\$ 28,000.00	\$ 28,000.00	\$ 30,000.00	\$ 30,000.00
5	Control Valve Vault	1	LS	60,000.00	\$ 60,000.00	\$ 84,000.00	\$ 84,000.00	\$ 83,000.00	\$ 83,000.00	\$ 70,900.00	\$ 70,900.00	\$ 52,500.00	\$ 52,500.00
6	Air Release Vault	7	EA	15,000.00	\$ 105,000.00	\$ 12,000.00	\$ 84,000.00	\$ 10,600.00	\$ 74,200.00	\$ 9,350.00	\$ 65,450.00	\$ 12,000.00	\$ 84,000.00
7	12" Valve Assembly	8	EA	3,500.00	\$ 28,000.00	\$ 2,000.00	\$ 16,000.00	\$ 2,230.00	\$ 17,840.00	\$ 1,650.00	\$ 13,200.00	\$ 1,500.00	\$ 12,000.00
8	Warning Sign	24	EA	400.00	\$ 9,600.00	\$ 120.00	\$ 2,880.00	\$ 110.00	\$ 2,640.00	\$ 150.00	\$ 3,600.00	\$ 150.00	\$ 3,600.00
9	Erosion Control, Sediment Barrier	1	LS	25,000.00	\$ 25,000.00	\$ 3,000.00	\$ 3,000.00	\$ 25,000.00	\$ 25,000.00	\$ 17,900.00	\$ 17,900.00	\$ 30,000.00	\$ 30,000.00
10	Site Clearing and Restoration	1	LS	50,000.00	\$ 50,000.00	\$ 3,000.00	\$ 3,000.00	\$ 14,000.00	\$ 14,000.00	\$ 45,300.00	\$ 45,300.00	\$ 5,000.00	\$ 5,000.00
				TOTAL	\$1,180,920.00		\$ 697,260.00		\$ 786,265.40		\$ 796,059.71		\$ 845,359.15
Addendum No. 1						X		X		X		X	
Addendum No. 2						X		X		X		X	
Bid Bond						X		X		X		X	

Professional Engineering Consultants, P.A. 303 S. Topeka Wichita, Kansas 67202 Phone (316) 262-2691		OWNER: City of Dodge City PROJECT: Beneficial Re-Use Transmission Main PEC PROJECT NO: 34-08827-002-1009 Bid Date/Time: September 13, 2011 @ 2:00 pm		BID TABULATION SHEET #2									
ENGINEER'S ESTIMATE				SMOKY HILL, LLC		DITCH DIGGERS INC.		MIDLANDS CONTRACTING, INC.					
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST		
1	12" Beneficial Re-Use Line	18,899	LF	40.00	\$ 755,960.00	\$ 22.85	\$ 428,062.35	\$ 28.25	\$ 533,896.75	\$ 25.50	\$ 481,924.50	\$ -	\$ -
2	12" Beneficial Re-Use Line (By Directional Drill)	170	LF	140.00	\$ 23,800.00	\$ 112.00	\$ 19,040.00	\$ 90.00	\$ 15,300.00	\$ 62.90	\$ 10,625.00	\$ -	\$ -
3	Boring & Casing	472	LF	230.00	\$ 108,560.00	\$ 259.30	\$ 122,389.60	\$ 210.00	\$ 99,120.00	\$ 255.00	\$ 120,360.00	\$ -	\$ -
4	Outfall Structure	1	LS	15,000.00	\$ 15,000.00	\$ 15,200.00	\$ 15,200.00	\$ 16,000.00	\$ 16,000.00	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -
5	Control Valve Vault	1	LS	60,000.00	\$ 60,000.00	\$ 75,390.00	\$ 75,390.00	\$ 86,000.00	\$ 86,000.00	\$ 93,500.00	\$ 93,500.00	\$ -	\$ -
6	Air Release Vault	7	EA	15,000.00	\$ 105,000.00	\$ 11,790.00	\$ 82,530.00	\$ 11,500.00	\$ 80,500.00	\$ 13,800.00	\$ 96,600.00	\$ -	\$ -
7	12" Valve Assembly	8	EA	3,500.00	\$ 28,000.00	\$ 2,271.00	\$ 18,168.00	\$ 2,400.00	\$ 19,200.00	\$ 2,280.00	\$ 18,240.00	\$ -	\$ -
8	Warning Sign	24	EA	400.00	\$ 9,600.00	\$ 237.00	\$ 5,688.00	\$ 100.00	\$ 2,400.00	\$ 200.00	\$ 4,800.00	\$ -	\$ -
9	Erosion Control, Sediment Barrier	1	LS	25,000.00	\$ 25,000.00	\$ 59,900.00	\$ 59,900.00	\$ 21,000.00	\$ 21,000.00	\$ 41,600.00	\$ 41,600.00	\$ -	\$ -
10	Site Clearing and Restoration	1	LS	50,000.00	\$ 50,000.00	\$ 72,000.00	\$ 72,000.00	\$ 25,000.00	\$ 25,000.00	\$ 31,700.00	\$ 31,700.00	\$ -	\$ -
				TOTAL	\$1,180,920.00		\$ 896,367.95		\$ 896,416.75		\$ 914,349.50		\$ -
Addendum No. 1						X		X		X		X	
Addendum No. 2						X		X		X		X	
Bid Bond						X		X		X		X	

Memorandum

*To: City Manager
City Commissioners*

From: Ray Slattery

Date: 09-15-11

Subject: Cedar Ave. Repairs

Agenda Item: New Business

Recommendation: A recommendation will be made at the Commission meeting due to the proposal process not being complete at this time.

Background: On September 5th a sixteen inch water line broke in the intersection of 4th and Cedar. The water line break caused water to flow under the bricks on Cedar. Staff believes the water undermined the concrete base, sand base and dislodged the bricks in many areas. Specifications were released and emergency proposals are being accepted.

Justification: The damage to the street from the water line break resulted in the street being impassable. Due to the street being a heavily used traffic way for access to downtown, staff released specification in an expedited manner. Staff will have a recommendation Monday based on the proposals and proper review of such proposals.

Financial Considerations: Information will be made available Monday.

Purpose/Mission: We strive to achieve high performance and service standards set by us and expected by the community.

Legal Considerations: None

Attachments: Will be available on Monday.

Memorandum

*To: City Manager
Assistant City Manager
Mike Klein
Nanette Pogue*

From: Corey Keller

Date: September 15, 2011

*Subject: Purchase of 2012 4x4 Pick ups
Agenda Item: New Business*

Recommendation: On September 6, 2011 three bids were received and opened to purchase (3) new 2012 4x4 pick ups. Based on the bids received staff would recommend purchasing all three pickups from G&G Inc. in the amount of \$69,474.00

Background: The pickups to be purchased will be utilized by the Water, Inspections, and Athletic Field Maintenance departments. The long bed pickup purchased for the Water Department will be utilized by the City's Electrician. The current pickup used by the electrician is a 1996 year model Chevrolet that has 134,426 miles on the engine. The pickup has numerous maintenance issues and will be sold in the City's up coming auction. The short bed pick up will be utilized by the Inspection's department. It will replace a 1998 Dodge Dakota that has 83,127 miles on the engine. This pickup also has numerous maintenance issues and will be sold at auction. The ¾ ton pickup will be utilized by the Athletic Field maintenance Supervisor. The current pickup is a 1999 GMC with 89,359 miles on the engine. This pick up has serious transmission problems and is currently under powered for the type of use it sees in the winter. The pick is utilized as a snowplow for the Parks Department

Justification: Of the bids received the bid from G&G was the lowest option.

Financial Considerations: Each department has \$25,000.00 for a total of \$75,000 available in the MERF for this purchase. This purchase will be \$5,526.00 under the budgeted amount.

Purpose/Mission:

Legal Considerations: None

Attachments: None

Bids Received:

G&G Inc. Dodge City Kansas

2012	4x4 GMC 1500 Regular Cab Short Bed	<u>\$22,191.00</u>
2012	4x4 GMC 1500 Regular Cab Long Bed	<u>\$22,520.00</u>
2012	4x4 GMC 2500 Regular Cab Long Bed	<u>\$24,763.00</u>

Total Bid Price **\$69,474.00**

Magouirk Chevrolet Dodge City Kansas

2012	4x4 Chevrolet 1500 Regular Cab Short Bed	<u>\$22,820.00</u>
2012	4x4 Chevrolet 1500 Regular Cab Long Bed	<u>\$23,284.00</u>
2012	4x4 Chevrolet 2500 Regular Cab Long Bed	<u>\$25,915.00</u>

Total Bid Price **\$72,019.00**

Lopp Motors Inc. Dodge City Kansas

2012	4x4 Dodge Ram Regular Cab Short Bed	<u>\$23,628.00</u>
2012	4x4 Dodge Ram Regular Cab Long Bed	<u>\$24,025.00</u>
2012	4x4 Dodge Ram Regular Cab Long Bed	<u>\$27,345.00</u>

Total Bid Price **\$74,998.00**

Memorandum

*To: City Manager
Assistant City Manager
Mike Klein
Nanette Pogue*

From: Corey Keller

Date: September 15, 2011

Subject: Purchase of two used vehicles

Agenda Item: New Business

Recommendation: On September 6, 2011 two bids were received and opened to purchase (2) used vehicles for City Hall. Based on the bids received staff would recommend purchasing the used vehicles from G&G Inc. in the amount of \$31,995

Background: This purchase will be for one used mini van and one used four door sedan. The vehicles will be utilized by City Hall as travel vehicles. The mini van will give staff much more room so that several people can travel to various events through out the year. The car will be utilized by employees when travel requires just a few people. City Hall currently has three vehicles for this type of travel. Only one of these vehicles is reliable enough to travel long distances. The two vehicles purchase will replace a 1997 Chevy Lumina with 86,800 miles and a 1997 Ford Taurus with 78,750 miles. The Ford Taurus has been deemed unsafe to drive and can no longer be used. The Chevy Lumina also has numerous maintenance issues and is no longer used for long distance travel. Both of these vehicles will be sold at the up coming City auction.

Justification: Of the bids received the bid from G&G is the lowest option.

Financial Considerations: There is \$46,000 available in the MERF for this purchase. This purchase is \$14,005.00 under the budgeted amount.

Purpose/Mission:

Legal Considerations: None

Attachments: None

Bids Received:

G&G Inc. Dodge City Kansas

2008 Chrysler Town and Country Mini Van with 27,267 miles	<u>\$16,997.00</u>
2009 Ford Fusion 4 door sedan with 31,691 miles	<u>\$14,998.00</u>
Total Bid Price	<u>\$31,995.00</u>

Magouirk Chevrolet Dodge City Kansas

Mini Van	<u>No Bid</u>
2010 Chevrolet Impala with no more then 12,000 miles a year	<u>\$16,900.00</u>
Total Bid Price	<u>\$16,900.00</u>

Memorandum

To: City Commissioners
From: Mike Klein & Ken Strobel
Date: September 14, 2011
Subject: CH2M Hill OMI Contract Amendment
Agenda Item: New Business

Recommendation: Staff is recommending acceptance of a contract amendment with OMI which covers the operation and maintenance of the existing Wastewater Treatment Facility as well as the new Water Reclamation Facility which is scheduled to become operational in October of this year.

Background: The amendment covers compensation for the operation of the treatment plant from January 1, 2011 through December 31, 2011, as well as the Water Reclamation Facility from July 1 through the balance of this year.

The amendment also extends the current OMI contract which expires December 31, 2011, for an additional 10 year period which covers all operation and maintenance of both the existing plant and the new Water Reclamation Facility.

Justification: Under the amendment, OMI will continue to maintain the Wastewater Treatment Facility, 10 lift stations, 8 grinder pump stations, pig and clean three 15 inch and one 20 inch sewer transmission line semi annually and 60 air-vacs. OMI will also maintain 33 miles of 15 inch, 11 miles of 20 inch and 3 miles of 8 inch sewer lines.

In addition, OMI will accept the responsibility for the operation and maintenance of the new casino lift station, backup generator, and five air-vacs on the force main from the casino and events center site. Earlier this year, the City ask OMI to research and train their staff on the operation and maintenance of the new Wastewater Reclamation Facility, which they have done. OMI continues to be very professional and a part of our team. OMI's staff is very knowledgeable and will maintain our Wastewater Facility and new Water Reclamation Facility in a first class manner.

Financial Considerations: The incorporation of the new Water Reclamation Facility and other responsibilities will increase the City's Wastewater Treatment budget by approximately \$477,500 annually. This figure includes a 10 year comprehensive warranty issued by the membrane manufacturer. This increase has been budgeted and will undoubtedly result in an increase in sewer charges.

Purpose/Mission: The mission of the Wastewater Treatment Facility and Water Reclamation Facility is to provide a safe and sanitary system to protect the public and to comply with Kansas Department of Health and Environment permits, regulations testing and reporting.

Legal Considerations: The purposed amendment provides for the operation, maintenance and management services of the Wastewater Treatment and Water Reclamation Facilities for the City of Dodge City for the balance of 2011 and for the next 10 years.

Attachments: OMI contract amendment number 4.

AMENDMENT NO. 4
To the
AGREEMENT
For
OPERATIONS, MAINTENANCE AND
MANAGEMENT SERVICES

THIS AMENDMENT is made and entered into this ___ day of _____, 2011, by and between The City of Dodge City, Kansas (hereinafter "Owner"), whose address for any formal notice is P.O. Box 880, Dodge City, Kansas 67801 and Operations Management International, Inc. (hereinafter "CH2M HILL OMI"), whose address for any formal notice is 9193 South Jamaica Street, Suite 400, Englewood, CO 80112. This is Amendment No. 4 to the Agreement dated the 1st day of March, 2007, between Owner and CH2M HILL OMI. Collectively, Owner and CH2M HILL OMI will be referred to as the "Parties".

RECITALS

WHEREAS, Owner is in the process of constructing and completing a new wastewater membrane treatment plant; and

WHEREAS, the Owner desires to have CH2M HILL OMI operate the new wastewater membrane treatment plant in addition to operations currently being performed by CH2M HILL OMI at the Owner's facilities as described in the Agreement; and

WHEREAS, CH2M HILL will be entering into a Membrane Performance Agreement with Zenon Environmental Corporation, also known as GE for the City's new wastewater membrane treatment plant (the "Membrane Performance Agreement"); and

WHEREAS, the Owner has received a permit to discharge from the new membrane treatment plant and wishes to incorporate that document into this Amendment.

NOW, THEREFORE, in consideration of the terms and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed by and between the Parties as follows:

1. Article 5.1 is deleted in its entirety and replaced with the following Article 5.1:

5.1 The initial term of this Agreement shall be for a period of ten (10) calendar years commencing January 1, 2012 through December 31, 2022, notwithstanding the later date of execution of this Agreement. Thereafter, this Agreement shall be automatically renewed for successive terms of five (5) calendar years each unless cancelled by either party by written notice not less than one hundred twenty (120) calendar days prior to expiration of the initial term, or any successive term, or under the provisions so established in Appendix E. The compensation for the January 1, 2011 through December 31, 2011 is set out in Appendix E as E.4 and shall be effective till December 31, 2011. Thereafter, the Base Fee and other compensation will be in accordance with the Agreement.

2. Article A.2 is deleted in its entirety and replaced with the following Article A.2:

A.2 “Base Fee” means the compensation paid by Owner to CH2M HILL OMI for the base services defined in Appendix B of this Agreement for any year of the Agreement. The Base Fee is specified in Appendix E.1 and will be renegotiated annually. This compensation does not include payments for Requests by Owner that are incidental to or outside the Scope of Services, the City funded repairs budget, chemicals, sludge hauling, and the gypsum purchase and application budget.

3. Article B.3 in Appendix B is hereby added as follows:

B.3 MEMBRANE FILTRATION WASTEWATER TREATMENT PLANT

B.3.1 Owner has constructed a Membrane Wastewater Treatment Plant (“Membrane Plant”) and now desires to have CH2M HILL OMI operate said plant. Beginning of late March 2011, CH2M HILL OMI began providing personnel and assistance for the start-up of the Membrane Plant.

B.3.2 CH2M HILL OMI will operate and maintain the Membrane Plant in accordance with the Membrane Performance Agreement (“MPA”), a copy of which is attached hereto as Appendix H.

B.3.4 During the course of the Membrane Performance Agreement, if the following costs are incurred by CH2M HILL OMI, these costs will be passed through to the Owner. This list does not include all eligible costs but is meant to represent the general categories of additional repair costs to which Owner would be responsible:

- Removal of solids from the membrane cassettes;
- Purchase of additional membrane modules
- Disposal of retired membrane modules;
- Disposal of shipping materials;
- Disposal of waste materials from repair work; and
- Any tariffs or taxes on membrane materials that Owner is not exempt from paying.

B.3.5 In the event, this Agreement is terminated by Owner prior to the December 31, 2022, Owner acknowledges that it may incur a maximum price increase of up to seven percent (7%) for the balance of the term of the Membrane Performance Agreement.

B.3.6 Within the design capacity and capability of the Membrane Wastewater Treatment Plant (“Membrane Plant”), manage, operate, and maintain the Plant so that effluent discharged from the Membrane Plant meets the requirements specified in the Kansas Water Pollution Control Permit No. M-UA11-OO02 and NPDES Permit No. KS0099830 (copy attached as Appendix I), except only if one or more of the following occurs: (1) Plant influent does not contain Adequate Nutrients to support operation of the Plant’s biological processes and/or contains Biologically Toxic Substances that cannot be removed by the existing process(es) and facilities; (2) dischargers into Owner’s sewer system violate any or all regulations as stated in the applicable Sewer Ordinance; and (3) the flow, influent, biochemical demand (BOD5) and/or total

suspended solids exceeds the Plant's design parameters; in which case Appendix C, Section 1.2 specifies responsibilities and remedies.

B.3.7 Operate the facilities in a manner such that odor and noise are minimized within the design capacity and capabilities of the facilities. The cost of any upgrades or modifications to the facility above its design capacity and specifications to accomplish this will be treated as a Capital Improvement.

B.3.8 Prepare and submit to Owner for transmittal to appropriate agencies, all required regulatory reports pertaining to operation and maintenance of the Project. CH2M HILL OMI shall comply with all current local, State and Federal notices and reporting requirements, regarding violations, upsets, excursions, or emergencies related to the Project and take appropriate remedial actions.

B.3.9 The Owner shall pay as additional compensation to CH2M HILL OMI a fee of Seventeen Thousand Five Hundred Dollars (\$17,500) for Biosolids costs. CH2M HILL shall provide Owner with a detailed invoice of biosolids costs over the annual biosolids limit, and Owner shall pay CH2M HILL OMI for all biosolids cost in excess of such limit. CH2M HILL OMI will rebate to Owner the amount that actual biosolids cost that is less than the annual biosolids limit in any year of this Agreement.

B.3.10 Provide computerized maintenance, process control and laboratory management systems for the Membrane Plant. Owner shall have the right to inspect these records during normal business hours. The maintenance program will include documentation of spare parts inventory. This system shall be capable of providing historical data.

B.3.11 Perform all laboratory testing and sampling currently required by the Kansas Water Pollution Control Permit No. M-UA11-OO02 and NPDES Permit No. KS0099830. Additional laboratory testing and sampling requested by the Owner will be provided on a fee per test basis to be determined at the time of the request.

B.3.12 Provide and document all Preventive Maintenance for the Membrane Plant and other aspects of the Project for which it is responsible under the Scope of Services. Owner shall have the right to inspect maintenance work and records during normal business hours.

B.3.13 Provide and document repairs for the aspects of the Membrane Plant for which it has responsibility and which are flowdown costs to the Owner under the Scope of Services and the Membrane Performance Agreement. The Repairs limit described in Appendix E shall not include the salary cost of CH2M HILL OMI's onsite personnel assigned to the Project making such repair, which salary cost is part of the Base Fee. However, due to the size, complexity, technical nature, or timing for completion of such repairs, CH2M HILL OMI may with Owner's consent subcontract or provide CH2M HILL OMI personnel outside of the Project to make such repairs and charge such services to the Repairs Budget. CH2M HILL OMI will provide Owner with a monthly report of expenditures for Repairs.

B.3.14 Maintain all Membrane Plant warranties, guarantees and licenses that have been granted to Owner on new equipment, purchased by Owner after the start date of this Agreement. Assist the Owner in enforcing existing equipment warranties and guarantees.

4. Article D.3 in Appendix D is hereby added as follows:

D.3 All equipment, grounds, and facilities now existing with the current property boundaries of or being used as part of the operation of Owner's Wastewater Treatment Plant located at 4120 North 14th Avenue, Dodge City, Kansas.

5. Article E.1.1 in Appendix E is deleted in its entirety and replaced with the following Article E.1.1 in Appendix E:

E.1.1 Owner shall pay to CH2M HILL OMI as compensation for Services performed under this Agreement One Million Three Hundred Thirty Two Thousand Two Hundred Forty Three Dollars and Ninety Four Cents (\$1,332,243.94) (which includes the Base Fee, the rebateables, and the MPA) for the 2011 calendar year of this Agreement. For calculating the Base Fee for the 2012 calendar year, the Parties shall use the 2011 Base Fee adjusted for a full year of operations with the additional scope described herein, including any adjustments in new scope requested by the Owner and any escalation consistent with the Agreement. The Base Fee for subsequent calendar years of the initial term and any subsequent terms shall be determined as hereinafter specified. A monthly table for the Base Fee and rebateables is listed in E.4.

6. Article E.1.4 in Appendix E is deleted in its entirety and replaced with the following Article E.1.4 in Appendix E:

E.1.4 The total amount CH2M HILL OMI shall be required to pay for acquisition and application of gypsum shall not exceed the limit of One Hundred Fifty Thousand Dollars (\$150,000) for the calendar year January 1, 2011 to December 31, 2011. CH2M HILL OMI shall provide Owner with a detailed invoice of monies spent over the annual limit for gypsum acquisition and application, and Owner shall pay to CH2M HILL OMI for all monies in excess of such limit. CH2M HILL OMI will rebate to Owner the entire amount that the cost of gypsum acquisition and application is less than the annual gypsum application limit.

7. Article E.1.5 in Appendix E is deleted in its entirety and replaced with the following Article E.1.5 in Appendix E:

E.1.5 The total amount CH2M HILL OMI shall be required to pay for Repairs Cost shall not exceed the annual Repairs Limit of One Hundred and Thirty Thousand Dollars (\$130,000) during year January 1, 2011 to December 31, 2011. CH2M HILL OMI shall provide Owner with a monthly accounting reflecting the reason for and the cost of repairs provided. CH2M HILL OMI will rebate to Owner the entire amount that actual Repair Cost is less the annual Repairs Limit during the calendar year. In the event the Repairs Limit is reached, CH2M HILL OMI shall invoice Owner on a monthly basis for Repair Cost in excess of such limit.

8. Paragraph E. 1. 9 is hereby added in Appendix E as follows:

E.1.9 The total amount CH2M HILL OMI shall be required to pay for Chemicals for the Membrane Plant shall not exceed the annual Chemicals Limit of Seven Thousand Nine Hundred Twenty-Two Dollars (\$7,922.00) during the year July 1, 2011 to December 31, 2011. CH2M HILL OMI shall provide Owner with a monthly accounting reflecting the reason for and the cost of chemicals provided. CH2M HILL OMI will rebate to Owner the entire amount that actual Chemicals for the New Plant are less the annual Chemicals Limit for the New Plant during the calendar year. In the event the Chemicals Limit for the New Plant is reached, CH2M HILL OMI shall invoice Owner on a monthly basis for the Chemicals Cost for the New Plant in excess of such limit.

All other terms and conditions of the original March 1, 2007 Agreement shall remain in effect. The Parties hereby approve this Amendment No. 4 as is indicated by the signatures of their authorized representatives, below.

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

CITY OF DODGE CITY, KANSAS

Authorized Signature:

Authorized Signature:



Name: Natalie E. Eldredge

Title: Vice President

Date: 9/6/11

Name: Ken W. Strobel

Title: City Manager

Date: _____

*cur
9-2-2011*

APPENDIX E

E.1.4

COMPENSATION TABLE FOR 2011

	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Total
Existing Plant Base Fee	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$71,466.19	\$857,594.27
Existing Plant Rebateables	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$21,250.00	\$255,000.00
New Plant Base Fee							\$25,019.05	\$25,019.05	\$25,019.05	\$25,019.05	\$25,019.05	\$25,019.05	\$ 150,114.29
New Plant Rebateables							\$8,403.67	\$8,403.67	\$8,403.67	\$8,403.67	\$8,403.67	\$8,403.67	\$ 50,422.00
Membrane Performance Agreement										\$6,371.13	\$6,371.13	\$6,371.13	\$ 19,113.38
Monthly Total	\$92,716.19	\$92,716.19	\$92,716.19	\$92,716.19	\$92,716.19	\$92,716.19	\$126,138.90	\$126,138.90	\$126,138.90	\$132,510.03	\$132,510.03	\$132,510.03	\$1,332,243.94

APPENDIX H
MEMBRANE PERFORMANCE AGREEMENT

APPENDIX G
NPDES PERMIT NO. M-UA-11-N001

AND

KANSAS WATER POLLUTION CONTROL PERMIT NO. M-UA11-0002
NPDES PERMIT NO. KS009830

Memorandum

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

From: Nannette Pogue

Date: September 15, 2011

Subject: Acceptance of 2010 Audited Financial Statements

Agenda Item New Business

Recommendation: I recommend the City Commission formally accept the 2010 Audited Financial Statements

Background: The 2010 audited financial statements will be presented by John Hendrickson and LuAnn Wetmore of Kennedy and McKee at the work session prior to the regular meeting. They will go through the highlights and give the City Commission a chance to ask any questions.

Justification: Annually the City is required to have their financial statements audited.

Financial Considerations: none

Purpose/Mission: We strive for high service standards

Legal Considerations: None

Attachments: A hard copy of the audit is available to each of the City Commissioners.