

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Monday, November 21, 2011

7:00 p.m.

MEETING #4867

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION** by Rev. Kirk Larson with Grace Community Church

## **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).

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, November 7, 2011;
2. Appropriation Ordinance No. 21, November 21, 2011
3. Cereal Malt Beverage License
  - a. South Dodge Shamrock, 302 S. 2<sup>nd</sup>
  - b. H & J Food Mart, 510 E. Wyatt Earp.

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2011-28:** A Resolution Authorizing Payment of 2011 Year End Bonuses to Qualified Employees. Report by City Clerk/Director of Finance, Nannette Pogue.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of Kaufman Addition Final Plat. Report by Director of Developmental Services, Dennis Veatch.
2. Approval of Bid for New/Unused Trolley. Report by Assistant Superintendent of Public Works, Corey Keller.
3. Approval of Agreement with National Beef regarding water rights. Report by City Manager, Ken Strobel.

## **OTHER BUSINESS**

## **ADJOURNMENT**

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, November 7, 2011

7:00 p.m.

MEETING #4866

## **CALL TO ORDER**

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

**INVOCATION** by Rev. Kirk Larson with Grace Community Church

## **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).

Nannette Pogue, City Clerk/Director of Finance, presented the Character Trait – Contentment

Bill Miller spoke regarding the Water Reclamation Facility. He attended the Open House on Saturday. Thanked the City and County Commissioners and staff for their time, also thanked Cherise for the personal tour.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, October 17, 2011;
2. Appropriation Ordinance No. 20, November 7, 2011
3. Cereal Malt Beverage License
  - a. Presto #1624, 2615 E. Trail Street
  - b. Presto #1625, 609 S. 2<sup>nd</sup> Avenue
  - c. The End, 2305 W. Wyatt Earp
4. Approval of Change Order No. 1 2010 Asphalt Reconstruction
5. Approval of Change Order No. 1 2011 Asphalt Mill & Overlay

Commissioner Michael Weece moved to approve the Consent Calendar as presented, seconded by Commissioner Kent Smoll. The motion carried 3-0.

**ORDINANCES & RESOLUTIONS**

**Resolution No. 2011-27:** Resolution Authorizing the Offering for Sale of General Obligation Temporary Notes, Series 2011-1 of the City of Dodge City, Kansas was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Michael Weece. Motion carried 3-0.

**UNFINISHED BUSINESS****NEW BUSINESS**

1. Placement of the General Insurance and Worker's Compensation Insurance with Keller Leopold Insurance agency for a total of \$753,063.00 was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Michael Weece. Motion carried 3-0.
2. Reappointment of Terry Janson to a two (2) year term and Cherise Tieben as the alternate to the Horse Thief Reservoir Benefit District was approved a motion by Commissioner Rick Sowers, seconded by Commissioner Kent Smoll. Motion carried 3-0.

**OTHER BUSINESS**

Ken Strobel, City Manager:

- Department of Transportation/EAS – approved the proposal offered to them with service from Dodge City to Denver through Great Lakes Airlines, and Garden City to Dallas with American Eagle;
- Thanks to Jane Longmeyer for the Downtown Trick or Treating and later in the evening was the Boo for the Zoo at the Civic Center; and
- Jan Stevens was appointed for a two (2) year term to the Governor's Travel and Tourism Committee.

Commissioner, Michael Weece:

- October 1<sup>st</sup> was the start of project "Shop Local Campaign" promoting Dodge City. Thanked sponsors Dodge City Community College, United Wireless and Cox Media. This shows businesses and their involvement in the community.

Mayor, Rick Sowers:

- Thanks to the staff for their participation with the Water Reclamation Facility, congratulations to Ray Slattery for a successful completion and opening. Good teamwork and management.

Commissioner, Kent Smoll:

- Congratulations on a successful opening at the Water Reclamation Facility; and
- Announced he will not be at the next commission meeting.

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

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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 Ford

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

SECTION 2 - APPLICANT INFORMATION		
Kansas Sales Tax Registration Number (required):		
Name	Phone No.	Date of Birth
<u>Timothy J Rosetter</u>	<u>620.227.7271</u>	<u>10.22.66</u>
Residence Street Address	City	Zip Code
<u>2504 Webster</u>	<u>Dodge City KS</u>	<u>67801</u>
Applicant Spousal Information		
Spouse Name	Phone No.	Date of Birth
<u>Vagner's</u>	<u>same</u>	<u>10.9.66</u>
Residence Street Address	City	Zip Code
<u>same</u>	<u>same</u>	

SECTION 3 - LICENSED PREMISE		
Licensed Premise (Business Location)	Mailing Address	
DBA Name	Name	
<u>South Dodge Showroom</u>	<u>same</u>	
Business Location Address	Address	
<u>302 5<sup>th</sup> and</u>		
City State Zip	City	State Zip
<u>Dodge City KS 67801</u>		
Business Phone No.	<input checked="" type="checkbox"/> I own the proposed business location.	
<u>620.227.7271</u>	<input type="checkbox"/> I do not own the proposed business location.	
Business Location Owner Name(s)		
<u>Tim J Rosetter</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>LIFE</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 has been prepared by the Attorney General's Office)

City or  County of \_\_\_\_\_

SECTION 1 – LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input checked="" type="checkbox"/> Renew License	
Check One:	
<input 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): 004-K08842051F-01		
Name	Phone No.	Date of Birth
Lock Pharathikoune	620 338-8632	6-3-54
Residence Street Address	City	Zip Code
2302 Robn Rd	Dodge City KS	67801
Applicant Spousal Information		
Spouse Name	Phone No.	Date of Birth
N/A		
Residence Street Address	City	Zip Code

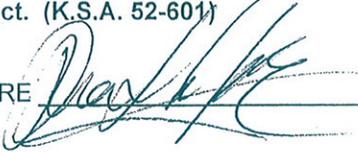
SECTION 3 – LICENSED PREMISE	
Licensed Premise (Business Location)	Mailing Address
DBA Name	Name
H&S Food Mart	H&S Food Mart
Business Location Address	Address
510 E Wyatt earp	510 E Wyatt earp Blvd
City	City
Dodge city	Dodge city
State	State
KS	KS
Zip	Zip
67801	67801
Business Phone No.	<input checked="" type="checkbox"/> I own the proposed business location.
620-338-8632	<input type="checkbox"/> I do not own the proposed business location.
Business Location Owner Name(s)	
Lock Pharathikoune	

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>6</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 type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input 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 11-15-11

\$ 75.00

FOR CITY/COUNTY OFFICE USE ONLY:		
<input checked="" type="checkbox"/> License Fee Received Amount \$ <u>50.00</u> Date <u>11-15-11</u>	(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)	
<input checked="" type="checkbox"/> \$25 CMB Stamp Fee Received Date <u>11-15-11</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)

# *Memorandum*

To: City Commissioners  
From: Barb Slagle, Human Resource Officer  
Date: November 15, 2011  
Subject: Year End Bonuses  
Agenda Item: Ordinances and Resolutions

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**Recommendation:** Approval of Resolution No. 2011-28

**Background:** Each non-probationary full-time employee with over one (1) year of service will receive a bonus of \$50.00 per calendar years worked for the City, a benefit adopted in 1998. A cap of \$1,000 after 20 years of service has been established.

**Justification:** This is a budgeted item and funds are available.

**Financial Considerations:** The amount budgeted for the 2011 bonus is \$94,600

**Purpose/Mission:** To provide employees an annual reward benefit for their continued efforts in striving to achieve high performance and service standards set by us and expected by the community.

**Legal Considerations:** None

**Attachments:** Resolution No. 2011-28

**RESOLUTION NO. 2011-28**

**A RESOLUTION AUTHORIZING PAYMENT OF 2011 YEAR END  
BONUSES TO QUALIFIED EMPLOYEES**

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

WHEREAS: Taking into consideration the City's financial standing, the Governing Body desires to recognize the dedication and commitment of City employees by a discretionary year end bonus, under the guidelines established by Resolution 98-41.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS, THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2011.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

## *Memorandum*

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: November 16, 2011*

*Subject: Kaufman Addition Minor  
Plat*

*Agenda Item: New Business*

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**Recommendation:** The Dodge City Zoning Board met October 18, 2011 to review this minor plat of Kaufman Addition. They are recommending approval of this plat.

**Background:** Steven and Jan Kaufman submitted this application for the purpose of splitting off the existing house from the larger metal building directly behind the house.

**Justification:** This plat conforms to the Dodge City Subdivision Regulations, Dodge City Zoning Regulations and the City Comprehensive Plan.

**Financial Considerations:** None

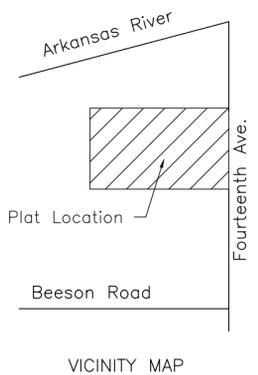
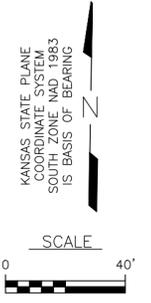
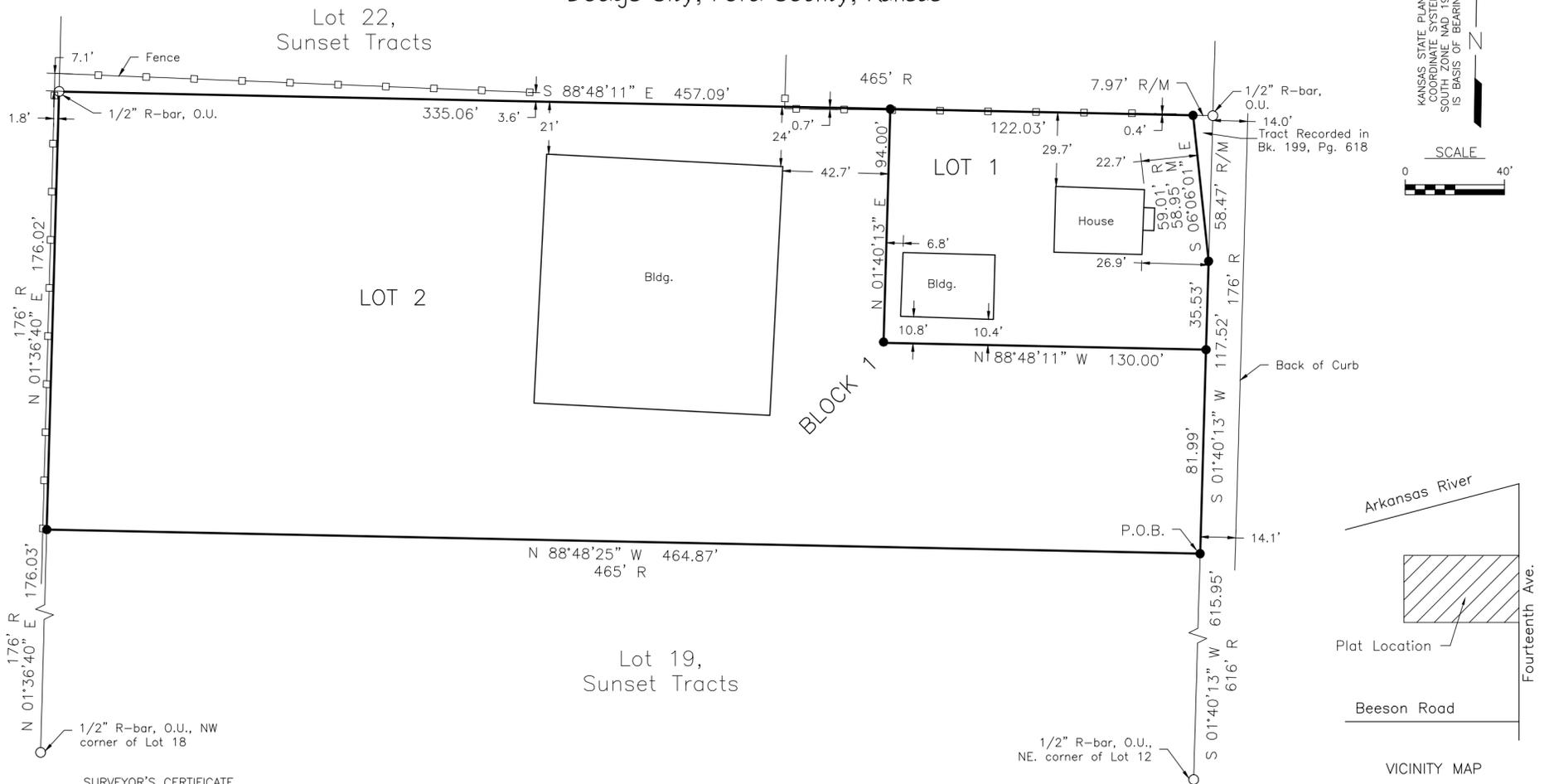
**Purpose/Mission:** The plat will provide the re-division of existing property into a more usable configuration which will allow the applicants to sell off a portion of the property.

**Legal Considerations:** None

**Attachments:** Kaufman Addition

# KAUFMAN ADDITION

A Replat of Lots 20 and 21, Sunset Tracts,  
Dodge City, Ford County, Kansas



**SURVEYOR'S CERTIFICATE**

This is to certify, to the best of my knowledge, that this plat and the survey of the hereon described land division was made by me and all property corners and control points have been found or set as required by city ordinance.

Ken Parks, PLS

**COUNTY SURVEYOR'S CERTIFICATE**

This plat has been examined this day of \_\_\_\_\_, 2010, for compliance with K.S.A. 58-2005.

Edward W. Elam, LS, County Surveyor

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS that We, the undersigned, being the sole proprietors and owners of the land included within the plat shown hereon, are the only persons whose consents are necessary to pass clear title to said land and We hereby consent to the making and recording of said plat.

IN WITNESS WHEREOF this dedication is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Steven P. Kaufman \_\_\_\_\_ Jan L. Kaufman \_\_\_\_\_

**NOTARY CERTIFICATE:**

State of Kansas ss.  
Ford County

This certification was acknowledged before me, the undersigned officer, by Steven P. Kaufman and Jan L. Kaufman, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_ (Seal)

**DODGE CITY ZONING BOARD**

State of Kansas ss.  
Ford County

This plat has been submitted to and approved by the Dodge City Zoning Board this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Dennis L. Veatch, Development Services Director \_\_\_\_\_ Billy Manning, PhD., Chairman \_\_\_\_\_

**THE CITY COMMISSIONER'S CERTIFICATE:**

State of Kansas ss.  
Ford County

This plat is hereby accepted by the Board of City Commissioners of the City of Dodge City, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Rick Sowers, Mayor \_\_\_\_\_ Attest: Nannette Pogue, City Clerk \_\_\_\_\_

**REGISTER OF DEEDS CERTIFICATE:**

State of Kansas ss.  
Ford County

This is to certify that this instrument was filed for record in the Register of Deeds office on this \_\_\_\_\_ day of \_\_\_\_\_, 2011 at \_\_\_\_\_ O'clock in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

Brenda Pogue, Register of Deeds \_\_\_\_\_

**TRANSFER RECORD CERTIFICATE:**

State of Kansas ss.  
Ford County

This is to certify that this instrument was entered into the transfer record on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Sharon Seibel, County Clerk \_\_\_\_\_

**GENERAL NOTES:**

- Some improvements, utilities, and easements are not shown.
- This survey does not certify to ownership.
- Building Setbacks:  
Front - 30'  
Side - 6'  
Rear - 25'

**LEGEND**

- Found Monument
- Set 1/2" x 24" R-bar and "Parks LS 1289" cap
- R Platted Measurement
- M Measured = M
- B.S.L. Building Setback Line
- P.U.E. Public Utility Easement

**LEGAL DESCRIPTION**

Lots 20 and 21, Sunset Tracts, Dodge City, Ford County, Kansas, located in the Southeast Quarter of Section 34, Township 26 South, Range 25 West of the 6th P.M., more particularly described as follows:

Beginning at the Southeast corner of Lot 20, Sunset Tracts, being a set 1/2" R-bar, Parks cap typical;  
thence North 88°48'25" West on the South line of said Lot 20 a distance 464.87 feet to a set 1/2" R-bar;  
thence North 01°36'40" East on the West line of said Sunset Tracts a distance of 176.02 feet to a found 1/2" R-bar, origin unknown;  
thence South 88°48'11" East on the North line of said Lot 21 a distance of 457.09 feet to a found 1/2" R-bar;  
thence South 06°06'01" East on the West line of a Tract of Land recorded in the Deed in Book 199, Page 618 a distance of 58.95 feet;  
thence South 01°40'13" West on the East line of said Sunset Tracts a distance of 117.52 feet to the point of beginning, containing 1.9 acres, more or less.

**CLOSURE BLOCK**

BEARING	DISTANCE	LATITUDE	DEPARTURE
N 88°48'25" W	464.87'	9.68'	-464.77'
N 01°36'40" E	176.02'	175.95'	4.95'
S 88°48'11" E	457.09'	-9.55'	456.99'
S 06°06'01" E	58.95'	-58.62'	6.26'
S 01°40'13" W	117.52'	-117.47'	-3.43'
LINEAR ERROR OF CLOSURE:		-0.01'	0.00'

Subdivider: Steven P. and Jan L. Kaufman  
1812 Manor Drive  
Dodge City, Kansas 67801  
620-227-6120

**CORNERSTONE Professional Services**  
1555 North Shore Circle  
Garden City, KS. 67846  
1455 620-272-7592  
28 Oct., 2011 Copyrighted

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Corey Keller*

*Date: November 17, 2011*

*Subject: Purchase of 28 Passenger Vintage  
Style Trolley*

*Agenda Item: New Business*

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**Recommendation:** On November 15, 2011 three bids were received and opened to purchase (1) new/unused 28 passenger vintage style trolley. Based on the bids received staff would recommend purchasing the Apollo bus from Mid America Coach in the amount of \$197,746.00

**Background:** The current trolley was purchased in 1994 for \$90,500.00. Since 2003, repairs to the trolley have totaled over \$75,000.00. This trolley is still in operation but is in need of repairs. The engine has an exhaust leak for which can not be repaired because of how the trolley was designed. Numerous other issues have come up with the A/C and generator that runs the A/C units. This past summer a new generator had to be purchase to keep the trolley in operation during the hot summer months. Over this trolleys life their have been numerous electrical issues that have occurred due to the manufacture design.

The recommendation to purchase the trolley from Mid America Coach comes from the quality of workmanship that is put into the Apollo bus. When we first started looking at purchasing a new trolley, staff went over many of the issue that the current trolley has. With that in mind staff looked for a product that could address all of the maintenance concerns of the current trolley. What we found was the Apollo Bus which is converted to look like a vintage trolley by Cable Car Classics. The design of their bus addresses all staffs concerns with electrical, A/C and heating units, as well as structural integrity.

**Justification:** Of the three bids received the two bids from National Bus Sales and Leasing and The Molly Corporation did not meet our spec. After researching both these companies the trolleys they manufacture are very similar in design. Based off the many maintenance issues that have occurred with the current trolley, staff would not recommend purchasing another trolley with that design. The bus conversion by Cable Car Classics has shown to improve many of the maintenance concerns with this type of vehicle. Staff feels these improvements will keep maintenance costs to a minimum throughout its life with the City.

**Financial Considerations:** There is \$889,000.00 in the Convention and Visitors Bureau cash balance fund as of November 17, 2011. Sufficient funds are available to allow for this cash purchase from the transient guest tax funding.

**Purpose/Mission:** To educate travelers on the history of Dodge City, and also act as a marketing tool for attractions. The CVB is advertising the Trolley as a way to start the Dodge City experience with a historic tour.

The Trolley is also being utilized as shuttle transportation for weddings, proms, family reunions, conferences, and other meetings and events. It has been used for parades and other public relation opportunities. Furthermore, the Trolley has served this community as an additional attraction as a part of the overall tourism experience.

**Legal Considerations:** None

**Attachments:** Pictures, Repair Purchases Log, and Letter of Recommendation: Fleet Manager Supervisor

**Bids Received**

**Molley Corporation  
Wells, Maine**

Imperial Molly Trolley

**Total Unit Price  
\$174,372.00**

Trade in Value  
\$5,000.00

Total Cost less Trade in  
\$169,372.00

**National Bus Sales &  
Leasing  
Marietta, Georgia**

Hometown Trolley  
Villager

**Total Unit Price  
\$168,519.00**

Trade in Value  
\$2,800.00

Total Cost less Trade in  
\$165,719.00

**Mid America Coach  
Kansas City, MO**

Glaval Apollo/ Cable  
Car Classics

**Total Unit Price  
\$197,746.00**

Trade In Value  
\$5,000.00

Total Cost Less Trade in  
\$192,746.00

# Mid America Coach Kansas City, MO \$197,746.00



# National Bus Sales & Leasing Marietta, GA \$168,519.00



# Molley Corporation

## Wells, Maine

\$174,372.00



# Memorandum

**To:** Corey Keller  
**CC:** Ray Millershaski  
**From:** Mat Nau  
**Date:** November 16, 2011  
**Re:** Trolley Recommendation

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The City of Dodge City's trolley is a unique machine. It is a 1994 Ford E 350 van chassis that has been converted to a passenger bus by the Molley Corporation of Maine. Many of the components of the trolley have been custom made by the manufacturer or substituted from other Ford truck or bus vehicles. Because the chassis was not built specifically as a bus, many design flaws become apparent when repairs are needed. It is nearly impossible to change many of the parts without completely disassembling other major components.

Because of the age and multiple custom repairs we have accumulated more than \$19,917.83 in repairs. These records do not show expenses prior to 2000. One of the things that the manufacturer of the trolley has underestimated is the extreme heat conditions here in southwest Kansas. Heat has been a major problem in the summer months and has taken its toll on both passengers and the trolley. In recent years it has had the charging system changed to accommodate the electric load of the A/C units and lighting system. The A/C units had to be replaced with overhead RV units to adequately cool it. The original A/C unit operated off of the main engine creating more engine heat and causing overheating issues. This also required the installation of an auxiliary generator to power them. While this helped the engine run cooler, I still believe that the poor design of the engine compartment has contributed to the increase of component failures from the heat.

In 2011 alone we have change more than 9 alternators on it. While the outside design of the trolley makes it recognizable, its overall design makes it difficult to work on. To add engine oil one must fill it from inside the cab with a funnel, but the dip stick must be read outside. The original fuse circuits were behind the drivers' side tire, outside in the elements with no cover. To simply check for a bad fuse you had to remove the tire. When the trolley developed an exhaust leak it was found that to fix a broken exhaust bolt removal of the cylinder head would be required. But to remove the cylinder head we would have to remove the engine because the manufacturer had welded the cab support, making a simple job very time consuming and expensive. I would not recommend the purchase of a trolley built in the same manner.

## Trolley Repair Purchase Log

(Excludes: Fuel, Storage, Wages, CDL Testing, Insurance and Tags, and Oil Changes)

Year	Description	Cost
2003	Trolley Regulator and other repairs	\$8,635.56
2004	Repairs by Fleet/ tires and A/C maintenance	\$12,588.75
2005	New A/C, HVCA Blowers, Temp coolant	\$12,983.97
2006	New C/D player, New Door Air Compressor, Air Compressor Labor	\$5,215.32
2007	Electric Transfer, Master cylinder, Brake Repairs, New baffles for Compressor	\$8,461.88
2008	Repair Carb, and other repairs	\$6,074.40
2009	Tires, Repair Wood, Electrical Alternator, battery, and other repairs	\$4,750.23
2010	Towing, Alternator, Tires	\$5,494.47
2011	Tires, C/D player, Generator, Labor, new starter, other repairs	\$11,652.82
<b>TOTAL</b>		<b>\$75,857.40</b>

## Memorandum

To: City Commissioners  
From: Ken Strobel  
Date: November 18, 2011  
Subject: National Beef Agreement  
Agenda Item: New Business

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**Recommendation:** Staff recommends approval of the attached Agreement which provides for a lump sum payment to the City of \$3,600,000 by National Beef in lieu of their acquiring 1,000 acre feet of water rights for City use.

**Background:** This Agreement and the payment being made pursuant to the Agreement brings closure to a commitment by National Beef made approximately 10 years ago as part of a public/private partnership between the City and National Beef for the renovation and expansion of the south waste water treatment plant. Under the original Agreement, National Beef agreed to pay ½ of the bonds issued to cover the total costs of the renovation and expansion, and also agreed to acquire for the City's use 1,000 acre feet of water rights. Although it was anticipated that these additional water rights would come from a purchase by National Beef of water rights needed to accommodate the expansion of their production plant, due to certain rulings by the State Division of Water Resources such was not possible. During the 10 years which have intervened since the original agreement the City has had the opportunity to acquire additional rights of its own which are located in close proximity to its water distribution system making a cash payment in lieu of acquiring the additional rights the more attractive alternative for satisfying National Beef's original commitment.

**Justification:** The City's existing water rights inventory is adequate to cover future anticipated growth making a financial infusion to the water reserves budget the more fiscally prudent alternative under existing circumstances.

**Financial Considerations:** The City will receive a \$3,600,000 lump sum payment from National Beef.

**Purpose/Mission:** Providing an adequate water supply for residents and businesses within the City now and in the future through cooperation between public and private interests.

**Legal Considerations:** None

**Attachments:** Water Rights Payment Agreement

## AGREEMENT

**THIS AGREEMENT** is made and entered into by and between the City of Dodge City, Kansas, ("City") and National Beef Packing Co, LLC, ("National Beef") in consideration of the parties' mutual promises.

1. Effective Date. This agreement will be not become effective until this instrument is signed by an authorized representative of the City and by an authorized representative of National Beef.
  
2. Subject Matter. This agreement concerns the resolution and settlement of the extent to which National Beef is obligated to transfer 1,000 acre-feet of water rights to the City under prior agreements and memoranda of understanding in light of intervening circumstances and events.
  
3. Agreement. Each party will perform as follows:
  - a. National Beef will pay the City the sum of \$3,600,000.00 to the City within 15 days of the effective date of this agreement.
  
  - b. On National Beef's payment to the City:
    - i. National Beef shall be deemed to have fully satisfied, and shall be released from any and all claims by the City that National Beef is obligated to acquire and transfer 1,000 acre-feet of municipal use water rights to the City and to pay for related development, delivery, production, operation and transport costs, including for example (and without limitation) wells, pumps, transmission lines and connections to the City's water existing distribution system, arising out of or under any and all prior agreements and understandings, including (without limitation) memoranda of understanding and intent between the City and National Beef entered into during years 2002 through 2004, inclusive, and all supplements or amendments thereto and agreements to be bound thereby (the "MOUs");
    - ii. National Beef and all water rights acquired by National Beef from PJR, Regan and Nicholson shall be released from any and all subleases from the City, and the City will be deemed to have assigned, transferred and released to National Beef the City's full leasehold interest in such water rights under the Consolidated Agreement of 1983 and 1987, without warranty or representation as to the quality or quantity represented by such rights; and
    - iii. The City will issue a partial release of the City's mortgage, or of National Beef's obligation to grant a mortgage, of the water rights acquired by National Beef from PJR, Regan and Nicholson in an amount necessary to reduce the outstanding mortgage, or mortgage obligation, to an amount equal to the balance of National Beef's remaining bond payment obligations.
  
4. Additional Covenants. Nothing in the preceding paragraphs alters, amends or releases:

- a. City's existing and continuing obligations under the MOUs or the Consolidated Agreement relating to the operation of the fresh water supply wells and facilities, the operation of the treated wastewater irrigation facilities, municipal wastewater treatment and dilution water;
- b. The City shall execute and deliver, or cause to be executed and delivered, such documents, agreement or instruments and will take or cause to be taken such further actions (including the filing and recording of releases of mortgages, deeds of trust and other release documents) that may be required by law or that National Beef may, from time to time, reasonably request to carry out the terms of this Agreement and to assure the release of claims, mortgages and rights as contemplated by this Agreement; and,
- c. National Beef's existing and continuing obligations as provided in the MOUs and other existing agreements to make payments to the City to defray the construction cost of the improvements to the City's wastewater treatment plant and facilities and the cost of the new fresh water distribution system and to pay the City for its services in connection with the provision of fresh water and wastewater treatment.

**In Witness Whereof** the parties have caused this agreement to be executed by their respective representatives on the dates shown below.

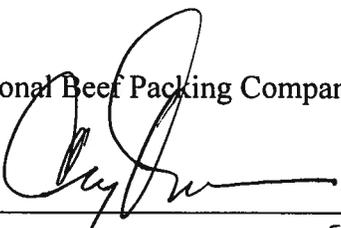
City of Dodge City, Kansas

By: \_\_\_\_\_

Date: \_\_\_\_\_

Office: \_\_\_\_\_

National Beef Packing Company, LLC

By:  \_\_\_\_\_

Date: 11-16-11

Office: EVP OPERATIONS