

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Tuesday, September 4, 2012

7:00 p.m.

MEETING #4897

## **CALL TO ORDER**

**INSTALLATION OF NEW COMMISSIONER** Joyce Warshaw

## **ROLL CALL**

**INVOCATION** by John Lucero of the Ford County Jail Ministry

## **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).

## **CONSENT CALENDAR**

1. Approval of City Commission Work Session minutes, August 20, 2012;
2. Approval of City Commission Meeting minutes, August 20, 2012;
3. Appropriation Ordinance No. 17, September 4, 2012;
4. Cereal Malt Beverage Licenses
  - a. Dillons Store, 1700 N. 14<sup>th</sup> Avenue

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2012-29:** A resolution of the Governing Body of the City of Dodge City, Kansas giving Notice of a Public Hearing on the Advisability of Creating a Community Improvement District. Report by City Manager, Ken Strobel.

**Resolution No. 2012-30:** A Resolution for the Temporary Suspension and Waiver of Certain Provisions of Ordinance No. 2838 and the International Fire Code pertaining to the discharge of Fireworks within the City limits on November 11, 2012. Report by Fire Chief, Kevin Norton.

**Resolution No. 2012-31:** A Resolution for the Temporary Suspension and Waiver of Certain Provisions of Ordinance No. 2838 and the International Fire Code pertaining to the discharge of Fireworks within the City limits on July 4, 2013. Report by Fire Chief, Kevin Norton.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Appointment of League of Kansas Municipalities Delegates. Report by Nannette Pogue.
2. Approval of the Sale by the City of City owned Real Estate property to the proposed purchaser Commercial Capital Development, LLC. Report by Ken Strobel.

## **OTHER BUSINESS**

## **ADJOURNMENT**

# **CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Monday, August 20, 2012

6:30 p.m.

MEETING #4895

**ROLL CALL:** Mayor Rick Sowers, Commissioners Michael Weece, Jim Sherer, Brian Delzeit, Commissioner Smoll abstained from discussion of All for Fun because of potential conflict.

## **WORK SESSION**

Discussion of All 4 Fun Building

## **ADJOURNMENT**

Commissioner Jim Sherer moved to adjourn. Commissioner Michael Weece seconded. Motion passed 4-0. Commissioner Kent Smoll abstained.

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Rick Sowers, Mayor

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Nannette Pogue, City Clerk

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, August 20, 2012

7:00 p.m.

MEETING #4896

## **CALL TO ORDER**

**ROLL CALL:** Mayor Rick Sowers, Commissioners Kent Smoll, Jim Sherer, Michael Weece and Brian Delzeit were present.

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

## **PLEDGE OF ALLEGIANCE**

Mayor Rick Sowers moved , Kent Smoll seconded motion to amend the Agenda to add Ordinance No. 3546 and New Business Item. Motion carried unanimously.

## **PUBLIC HEARING**

Mayor Rick Sowers opened the Public Hearing on the 2013 Budget. The 2013 Budget was presented.

Commissioner Jim Sherer moved to close the Public Hearing, Commissioner Michael Weece seconded, motion carried unanimously.

**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 Work Session minutes, August 6, 2012;
2. Approval of City Commission Meeting minutes, August 6, 2012;
3. Appropriation Ordinance No. 16, August 20, 2012;
4. Cereal Malt Beverage Licenses
  - a. Riverstop, 705 South 14<sup>th</sup> Avenue
  - b. Spee-D Stop, 2615 Gary Avenue

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

## **ORDINANCES & RESOLUTIONS**

**Resolution No. 2012-27:** Commissioner Rick Sowers moved to approve a Resolution in Support of an Application for Funding Through the Moderate Income Housing Program Offered Through

the Kansas Housing Resources Corporation to be utilized for the Development of Multi-Family Rental Housing in the Vicinity of 6<sup>th</sup> Avenue and Cedar Ridge Street, Dodge City, Kansas. Commissioner Kent Smoll seconded the motion. Motion passed unanimously.

**Resolution No. 2012-28:** Commissioner Rick Sowers moved to approve a Resolution in Support of an Application for Funding Through the Moderate Income Housing Program Offered Through the Kansas Housing Resources Corporation to be utilized for the Abandoned Housing Program in Dodge City, Kansas. Commissioner Kent Smoll seconded the motion. Motion passed unanimously.

**Ordinance No. 3546:** An ordinance attesting to an increase in Tax Revenues for the Budget year 2013 for the City of Dodge City. Commissioner Jim Sherer seconded the motion. Motion carried unanimously.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Commissioner Brian Delzeit moved to approve the of 2013 Budget. Commissioner Jim Sherer seconded the motion. Motion passed unanimously.
2. Mayor Rick Sowers moved to accept a Letter of Resignation from the City Commissioner Michael Weece, effective at the end of the meeting. Commissioner Jim Sherer seconded the motion. Motion passed unanimously
3. Mayor Rick Sowers thanked Michael Weece and those who submitted a letter of interest to serve on the City Commission. Mayor Rick Sowers moved to approve appointment of Joyce Warshaw as City Commissioner to replace Commissioner Michael Weece, effective immediately. Jim Sherer seconded the motion. Motion passed unanimously.
4. City Commissioners directed staff to get more cost details for City Public Works Facilities to use the All for Fun Building.

## **OTHER BUSINESS**

Ken Strobel

- Appreciated vacation time. Thanks to staff for support;
- Several meetings regarding Oil & Gas endeavor;
- Received informative email from City of Joplin - Facilities in Dodge City were mentioned as top rated Facilities;
- Congratulations to Joyce Warshaw as City Commissioner appointee;
- Thanks to Oliver Bland and Jim Lembright for also applying for City Commissioner;
- Thanks and appreciate Michael Weece for hard work.

Jane Longmeyer

- Tour of Duty Riders is coming to Dodge City, August 21, 2012, USA and Australia are represented, this is a Fund raiser for Wounded Warriors.

Michael Weece

- It has been a tough decision to leave Dodge City. Has really enjoyed the time as City Commissioner;
- Would encourage the Citizens of Dodge City to buy local. Keep your money in Dodge City.

Jim Sherer

- Thanks Michael for comments and it has been a pleasure working with you over the past few years. Good luck in your future;
- Congratulations to Joyce Warshaw.

Rick Sowers

- Congratulations to Michael Weece;
- Appreciate Customer Service Program.

Kent Smoll

- Wished Michael Weece best of luck;
- Look forward to working with Joyce Warshaw;
- Sales Tax numbers have increased, need more shop local;
- Welcome Students back.

Brian Delziet

- Dodge City's loss with Michael Weece leaving, its been a pleasure working with him;
- Congratulations to Joyce Warshaw;
- Commented to Lance Carrithers, thanking him for his leadership with Friendship Feast.

## **EXECUTIVE SESSION**

At 7:55 pm., Commissioner Kent Smoll moved to adjourn to Executive Session to discuss Non-Elected Personnel to include Ken Strobel and Cherise Tieben not to exceed 30 minutes. Commissioner Michael Weece seconded the motion. Motion passed unanimously.

City Commission resumed regular meeting at 8:25 p.m.

**ADJOURNMENT:** Commissioner Jim Sherer moved to adjourn the meeting; Commissioner Brian Delzeit seconded the motion. The motion carried unanimously.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

City or  County of Dodge City

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 licensed premises.	

SECTION 2 – APPLICANT INFORMATION			
Kansas Sales Tax Registration Number (required): 0044801956590F01			
Name of Corporation Dillon Stores, Div. of Dillon Companies Inc	Principal Place of Business 2700 E. 4th., P.O. Box 1608		
Corporation Street Address 2700 E. 4th., P.O. Box 1608	Corporation City Hutchinson	State KS	Zip Code 67501
Date of Incorporation 05/13/21	Articles of Incorporation are on file with the Secretary of State.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resident Agent Name	Phone No.		
Residence Street Address	City	State	Zip Code

SECTION 3 – LICENSED PREMISE			
Licensed Premise (Business Location)		Mailing Address	
DBA Name Dillons #1	Name Kroger Business License, Tax Department		
Business Location Address 1700 N. 14th Street	Address 2620 Elm Hill Pike, P.O. Box 305103		
City Dodge City	State KS	City Nashville	State TN
Zip 67801	Zip 37230-5103		
Business Phone No. 620-225-6130	<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)			

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 see attached sheet, no one owns more than 25%	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code
Name	Position		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Position		Age
Residence Street Address	City	State	Zip Code

## Memorandum

*To: City Commissioners*  
*From: Ken Strobel, City Manager*  
*Date: 08-29-12*  
*Subject: Ihop CID*  
*Agenda Item: Resolution*

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**Recommendation:** Staff recommends approval of the proposed resolution establishing a public hearing to discuss possible implementation of a Community Improvement District (CID) for the new Ihop restaurant presently under construction at the corner of 14<sup>th</sup> Ave. and Wyatt Earp.

**Background:** The Owners of the property upon which the new restaurant is being constructed, have filed a petition with the city requesting that a CID be imposed by the City on the restaurant property. The additional 1¢ sales tax being requested by the owners would be used to reimburse a portion of the eligible construction costs of the facility. The proposed tax impacts only sales at the restaurant.

**Justification:** The CID is an incentive program which may be provided by a City to retail developers pursuant to State statutes. The owners are requesting the “pay as you go” method of reimbursement, which provides that the developer pays all eligible costs up front and then requests reimbursement from the CID fund in which the 1¢ sales tax has been deposited. The Owner must provide verification of the eligible cost before reimbursement is made. Basically, the CID is a self-imposed sales tax which is applied only to the retail sales of the restaurant being constructed on the property and is used to reimburse a portion of the eligible development costs of the facility.

**Financial Considerations:** None for the City other than minimal administrative expenses.

**Purpose/Mission:** To provide appropriate incentives for future development of the community.

**Legal Considerations:** All necessary documents have been reviewed by legal council.

**Attachments:** Copy of Petition & Resolution.

# Memorandum

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*From: Ken Strobel, City Manager*  
*Date: 08-29-12*  
*Subject: Ihop CID*  
*Agenda Item: Resolution*

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**Financial Considerations:** None for the City other than minimal administrative expenses.

**Purpose/Mission:** To provide appropriate incentives for future development of the community.

**Legal Considerations:** All necessary documents have been reviewed by legal council.

**Attachments:** Copy of Petition & Resolution.

RESOLUTION NO. 2012-29

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT.**

**WHEREAS**, pursuant to the provisions of the Kansas Community Improvement District Act, K.S.A. 12-6a26 *et seq.* (the "Act") cities are authorized to establish community improvement districts, to authorize the performance of community improvement district projects, and to authorize the financing of such projects from the imposition of a community improvement district sales tax to be levied on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district in accordance with the Act; and

**WHEREAS**, the Governing Body of the City of Dodge City, Kansas (the "City") has determined to consider the advisability of creating a community improvement district as described in a petition (the "Petition") filed for the establishment of a community improvement district in accordance with the Act, a copy of which is attached hereto as *Exhibit A*; and

**WHEREAS**, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to create a community improvement district within the City and approve the project and method of financing the project as requested in the Petition pursuant to the Act.

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

**Section 1. Time and Place of Hearing.** Notice is hereby given that a public hearing will be held by the governing body of the City of Dodge City, Kansas to consider the advisability of creating a community improvement district as described in the Petition on October 1, 2012 at City Hall, located at 806 N. Second Avenue, Dodge City, Kansas, the public hearing to commence at 7:00 p.m. or as soon thereafter as the governing body can hear the matter. At the public hearing, the governing body will receive public comment on the foregoing matters.

**Section 2. The General Nature of the Proposed Project.** The proposed project to be performed within the proposed community improvement district is described in *Exhibit B*, attached hereto and incorporated by reference.

**Section 3. The Estimated Cost of the Project.** The estimated cost of the proposed project is \$2,335,000.

**Section 4. The Proposed Method of Financing the Project.** The proposed method of financing for the proposed community improvement district is by reimbursement of costs on a "pay-as-you-go."

**Section 5. The Proposed Amount of Community Improvement District Sales Tax.** A 1.00% community improvement district sales tax is proposed to be levied within the proposed community improvement district in accordance with the Act on the sale of tangible personal property or rendering or furnishing of taxable services within the proposed community improvement district.

**Section 6. Legal Description and Map Exhibit.** A legal description and map exhibit of the proposed community improvement district are attached hereto as *Exhibit C* and *Exhibit D*, respectively, and incorporated by reference.

**Section 7. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, at least 10 days prior to October 1, 2012, to each owner of real property within the proposed community improvement district; and

(b) This resolution, including all exhibits attached hereto, shall be published in the official City newspaper once each week for two consecutive weeks; the second publication shall occur at least 7 days prior to October 1, 2012.

**Section 8. Effective Date.** This resolution shall be effective upon its adoption by the governing body of the City of Dodge City, Kansas.

**ADOPTED** by the governing body of the City of Dodge City, Kansas on this 4<sup>th</sup> day of September, 2012.

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Rick Sowers, Mayor

Attest:

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Nanette Pogue, City Clerk

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Ken Strobel, City Administrator/City Attorney

**PETITION FOR THE CREATION OF A  
COMMUNITY IMPROVEMENT DISTRICT**

**TO:** The Governing Body,  
City of Dodge City, Kansas

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district.

hereby petitions the City of Dodge City, Kansas (the “City”) to create a community improvement district and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the “Act”). In furtherance of such request, the petitioner states as follows:

**1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT**

A map generally depicting the proposed community improvement district (the “District”) is attached hereto as **EXHIBIT “A”**.

The legal description of the District is attached hereto as **EXHIBIT “B”**.

**2. GENERAL NATURE OF THE PROJECTS**

The general nature of the proposed projects (the “Projects”) is to promote the development of a new commercial building along a portion of Wyatt Earp Boulevard, as is more particularly described herein, by providing community improvement district financing in accordance with this Petition and with the Act to finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land acquisition, infrastructure related items, sidewalks, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the City and the petitioner’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

**3. ESTIMATED COST**

The estimated or probable cost of the Projects is \$2,335,000. See the attached **EXHIBIT “C”** for a detailed budget.

#### **4. PROPOSED METHOD OF FINANCING**

It is proposed that the Projects be financed through a combination of private equity, private debt, and community improvement district financing. It is proposed that community improvement district revenue will be made available to finance the cost of the Projects through pay-as-you-go financing, as defined in the Act, the issuance of special obligation bonds/notes, or a combination of these two methods.

#### **5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT**

It is not being proposed that the Projects be financed through the levying of assessments.

#### **6. PROPOSED AMOUNT OF SALES TAX**

It is being proposed that the Projects be financed in part through the levying of a 1% add-on sales tax as authorized by the Act with such add-on sales tax to commence on January 1, 2013 or any other effective date requested by the petitioner in writing.

#### **7. NOTICE TO PETITION SIGNATORY**

Names may not be withdrawn from this Petition by the signatory hereto after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

IN WITNESS WHEREOF, the undersigned petitioner has executed the above foregoing petition to create the District at the dates set forth opposite its signature below:

**Kimbroy's Properties, LLC, a Kansas limited liability company**

By: *William L. Cunningham*  
William L. Cunningham, Member

By: *Kim L. Cunningham*  
Kim L. Cunningham, Member

**ACKNOWLEDGMENT**

STATE OF KANSAS )  
 ) ss.  
COUNTY OF FORD )

Be it remembered that on this 16<sup>TH</sup> day of JULY, 2012, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came William L. Cunningham and Kim L. Cunningham, to me personally known, who being by me duly sworn did say that they are Members of Kimbroy's Properties, LLC, a Kansas limited liability company, and that said instrument was signed and delivered on behalf of said company and that said Members acknowledged said instrument to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written.

My Commission Expires:  
10-13-2014

*Diana Calderon* FORD, KS  
Notary Public in and for said County and State

Print Name: DIANA CALDERON

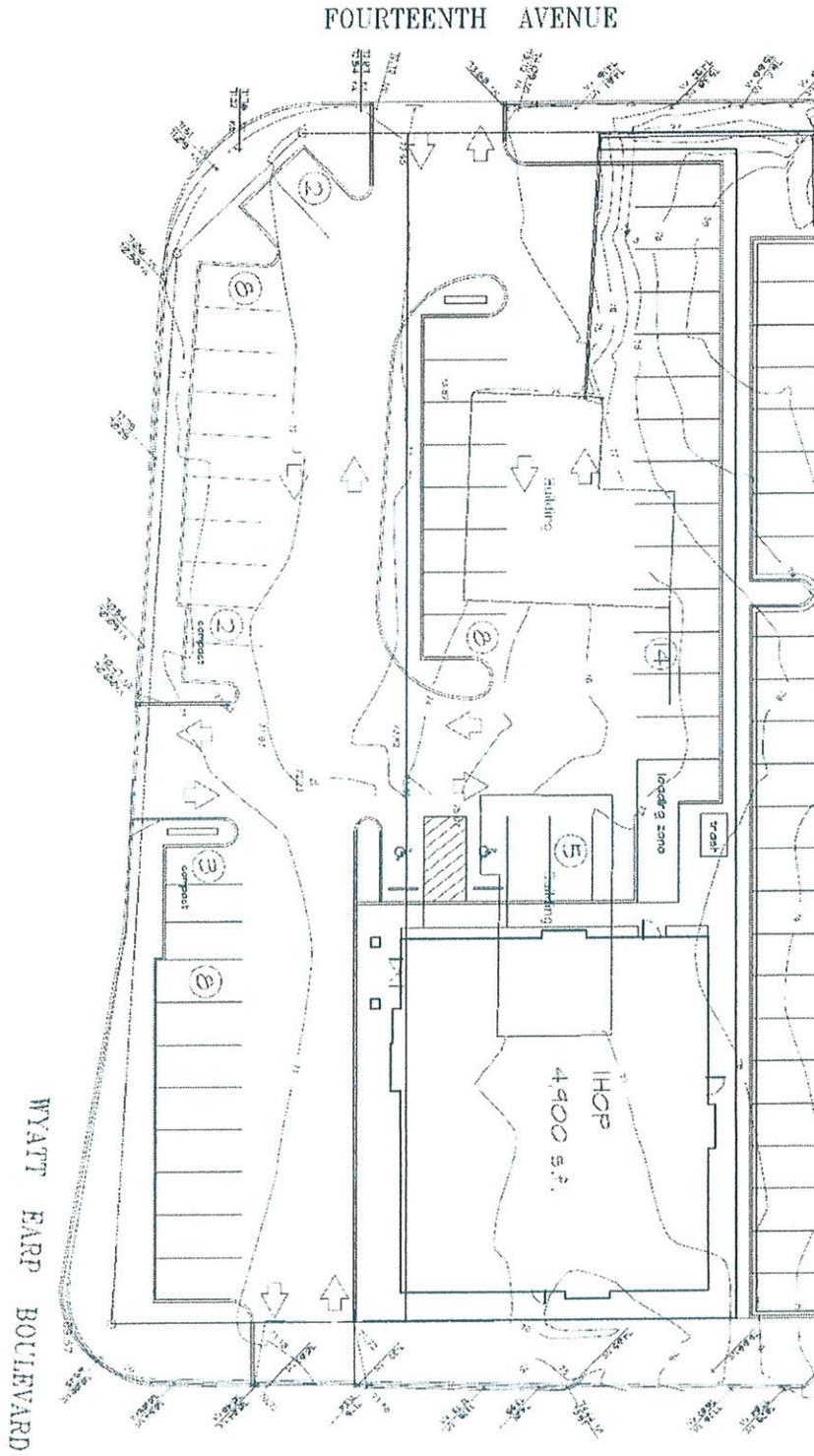


**EXHIBIT A**

Community Improvement District Petition

EXHIBIT "A"

MAP OF DISTRICT



## **EXHIBIT "B"**

### **LEGAL DESCRIPTION OF DISTRICT**

Lots Six (6) and Seven (7), Block Twenty-five (25), Enterprise Addition to the City of Dodge City, Ford County, Kansas, according to the recorded Plat thereof, except the South Four (4) Feet of Lot Seven;

Lot Eight (8), except the South Four (S4) feet thereof, and all of Lot Nine (9), Block Twenty-five (25), Enterprise Addition, an Addition to the City of Dodge City, Ford County, Kansas, according to the recorded Plat thereof;

The West 92 feet of Lot Fifteen (15), Block Twenty-six (26), in Enterprise Addition, an Addition to the City of Dodge City, Ford County, Kansas, according to the recorded Plat thereof; and

The South 20.00 feet of Lots 5 and 10, and all of that part of the vacated alley lying between the South 20.00 feet of Lots 5 and 10, all in Block 25, Enterprise Addition, Dodge City, Ford County, Kansas.

**-AND-**

Lots 7 & 8, BLK 26, LESS ROW; ENTERPRISE ADDITION, Dodge City, Ford County, Kansas

**EXHIBIT "C"**

**ESTIMATED PROBABLE COST OF PROJECTS**

<u>Description</u>	<u>Cost</u>
<u>Hard Costs</u>	
Real Property Acquisition	\$ 415,000
Site Work/Demolition	\$ 140,000
Building Construction	\$ 800,000
HVAC	\$ 110,000
Equipment	\$ 365,000
Signage	\$ 28,000
Subtotal:	\$ 1,858,000
<u>Soft Costs</u>	
Architectural & Engineering	\$ 30,000
Survey/Testing	\$ 4,000
Project Management	\$ 75,000
Permits	\$ 3,000
Legal/Miscellaneous	\$ 65,000
Subtotal:	\$ 177,000
<u>Ongoing Expenses</u>	
Improvements, Administration, & Maintenance - 22 years	\$ 300,000
Subtotal:	\$ 300,000
<b>Hard Costs:</b>	<b>\$ 1,858,000</b>
<b>Soft Costs:</b>	<b>\$ 177,000</b>
<b>Ongoing Operating Expenses:</b>	<b>\$ 300,000</b>
<b>Total CID Eligible Costs:</b>	<b>\$ 2,335,000</b>

## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Fire Chief Kevin Norton*

*Date: 8/29/2012*

*Subject: Temporary Suspension of Ord.  
No.2838 (Fireworks Ban)*

*Agenda Item: Ordinances and Resolutions*

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**Recommendation:** Approve both resolutions.

**Background:** These two resolutions are the same as those that have been approved over the last several years. Both resolutions are identical except for the dates they apply to. This practice was originally started at the request of Ford County in an effort to reduce the amount of fireworks being discharged in their jurisdiction because of the city's fireworks ban.

**Justification:** Your approval of resolution # 2012-30 would provide a time to discharge the fireworks that were purchased this past season, but not discharged due to the ban. Also, because of high law enforcement calls this year, for next year I am requesting the ban be lifted for one day only - July 4, 2013 (resolution # 2012-31). I am bringing this resolution before you now so that all interested parties (public, county & vendors) will know in advance the plan for next year.

**Financial Considerations:** None

**Purpose/Mission:** Mission Statement: "Together, we promote open communications with our community members to improve quality of life and preserve our heritage to foster a better future."

**Legal Considerations:** None

**Attachments:** Copies of resolutions 2012-30 & 2012-31 are attached.

**RESOLUTION NO. 2012-30**

**A RESOLUTION FOR THE TEMPORARY SUSPENSION AND WAIVER OF CERTAIN PROVISIONS OF ORDINANCE NO. 2838 AND THE INTERNATIONAL FIRE CODE PERTAINING TO THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF DODGE CITY, KANSAS:**

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**SECTION 1:** For the time period and under the conditions set forth herein, the provisions of Ordinance No. 2838 and the International Fire Code prohibiting the discharge of legal fireworks, as defined by state statutes and regulations of the State Fire Marshal, shall be temporarily suspended and waived so as to allow the lawful discharge of such legal fireworks within the corporate limits of the City of Dodge City, Kansas, subject to the exceptions and under the conditions as provided herein, on Sunday; November 11<sup>th</sup>, 2012, between the hours of 10:00 a.m. to 11:00 p.m. of said day;

**SECTION 2:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including November 11<sup>th</sup>, 2012 on any public property, including but not limited to all public parks, public recreation areas such as ball fields and soccer fields, any school grounds including, school playgrounds and athletic facilities, any public rights of way, or public parking areas (Civic Center / Memorial Stadium).

**SECTION 3:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including November 11<sup>th</sup>, 2012 on any real property within the corporate limits of the City of Dodge City without the permission of the owner or person or entity in control of said real property.

**SECTION 4:** Notwithstanding this suspension and waiver, officers of the Dodge City Fire Department and the Dodge City Police Department shall have the authority to confiscate any fireworks from any individual possessing the same, if in the opinion of said officer, the use or discharge of such fireworks is being conducted in such a manner as to create a health or safety hazard for the user or other persons, or in such a manner as to create a safety hazard to public or private property.

**SECTION 5:** This waiver will automatically expire at 11:01 p.m. on November 11<sup>th</sup>, 2012, and may be rescinded prior thereto by action of the governing body.

**SECTION 6:** This Resolution shall take effect and be in force from and after its adoption.

Adopted by the governing body this 4<sup>th</sup> day of September, 2012.

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

ATTEST:

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

**RESOLUTION NO. 2012-31**

**A RESOLUTION FOR THE TEMPORARY SUSPENSION AND WAIVER OF CERTAIN PROVISIONS OF ORDINANCE NO. 2838 AND THE INTERNATIONAL FIRE CODE PERTAINING TO THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF DODGE CITY, KANSAS:**

---

**SECTION 1:** For the time period and under the conditions set forth herein, the provisions of Ordinance No. 2838 and the International Fire Code prohibiting the discharge of legal fireworks, as defined by state statutes and regulations of the State Fire Marshal, shall be temporarily suspended and waived so as to allow the lawful discharge of such legal fireworks within the corporate limits of the City of Dodge City, Kansas, subject to the exceptions and under the conditions as provided herein, on Thursday; July 4<sup>th</sup>, 2013, between the hours of 10:00 a.m. to 11:00 p.m. of said day;

**SECTION 2:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 4<sup>th</sup>, 2013 on any public property, including but not limited to all public parks, public recreation areas such as ball fields and soccer fields, any school grounds including, school playgrounds and athletic facilities, any public rights of way, or public parking areas (Civic Center / Memorial Stadium).

**SECTION 3:** This waiver and suspension shall not apply to, and the discharge of fireworks shall be prohibited at any time, including July 4<sup>th</sup>, 2013 on any real property within the corporate limits of the City of Dodge City without the permission of the owner or person or entity in control of said real property.

**SECTION 4:** Notwithstanding this suspension and waiver, officers of the Dodge City Fire Department and the Dodge City Police Department shall have the authority to confiscate any fireworks from any individual possessing the same, if in the opinion of said officer, the use or discharge of such fireworks is being conducted in such a manner as to create a health or safety hazard for the user or other persons, or in such a manner as to create a safety hazard to public or private property.

**SECTION 5:** This waiver will automatically expire at 11:01 p.m. on July 4<sup>th</sup>, 2013, and may be rescinded prior thereto by action of the governing body.

**SECTION 6:** This Resolution shall take effect and be in force from and after its adoption.

Adopted by the governing body this 4<sup>th</sup> day of September, 2012.

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

ATTEST:

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

## Memorandum

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

*From: Nannette Pogue*

*Date: August 30, 2012*

*Subject: Appointment of Kansas League of Municipalities Voting  
Delegates*

*Agenda Item: New Business*

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**Recommendation:** I recommend the City Commission appoint four voting and four alternate voting delegates to vote at the Kansas League of Municipalities Annual Business Meeting.

**Background:** State law provides that the governing body of each member city of the League of Kansas Municipalities may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League. Voting delegates are qualified to vote by having his or her name registered with the executive director of the League.

**Justification:** Based on our population, the City of Dodge City is entitled to four votes at the annual meeting.

**Financial Considerations:** None

**Purpose/Mission:** To have input on City policy at the State level..

**Legal Considerations:** None

**Attachments:** Letter from League



SERVING CITIES SINCE 1910

300 SW 8th Avenue, Ste. 100

Topeka, KS 66603-3951

P: (785) 354-9565

F: (785) 354-4186

www.lkm.org

August 20, 2012

Dear City Clerks or City Managers/City Administrators:

We are pleased the League's Annual Conference in Topeka, October 6-8, 2012 is shaping up to be an exciting experience. We have an outstanding program of speakers, panel discussions and workshops planned which are highlighted in the July issue of the *Kansas Government Journal*.

I am writing to invite your city governing body to register its League voting delegates. State law provides that the governing body of each member city of the League may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League. League bylaws provide that a city voting delegate or alternate delegate qualifies by having his or her name, city title and address registered with the executive director.

Each member city needs to file new registration forms with the **League of Kansas Municipalities, 300 SW 8th Avenue, Topeka, KS 66603, by Friday, September 14<sup>th</sup>**.

Article 4, Sec. 5 of the League Bylaws prescribes the total number of votes provided to each member city based on population. The number of delegate registration forms enclosed is based on the following table

City Population	No. Votes	No. Delegate Forms	No. Alternate Forms
1 - 2,500	1	1	1
2,501 - 7,500	2	2	2
7,501 - 17,500	3	3	3
17,501 - 37,500	4	4	4
37,501 - 77,500	5	5	5
77,501 - 117,500	6	6	6
117,501 - 157,500	7	7	7
157,501 - 197,500	8	8	8
197,501 - 237,500	9	9	9
237,501 - 277,500	10	10	10
277,501 - 355,500	11	11	11

A business and policy session of city voting delegates will be held on Monday afternoon, October 8<sup>th</sup> at the conference in Topeka.

I look forward to hearing from you.

Sincerely,

Don Moler  
Executive Director

Enclosures

## Memorandum

*To: City Commissioners*  
*From: Ken Strobel, City Manager*  
*Date: 08-29-12*  
*Subject: Sale of Property*  
*Agenda Item: New Business*

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**Recommendation:** Staff recommends approval of the sale by the City of City owned real estate to the proposed purchaser and approval for Mayor to execute the real estate contract and all other documents necessary to complete the transfer of ownership in accordance with said contract.

**Background:** In January 2007, the City purchased approximately two hundred eight-five (285) acres of unimproved agricultural property, along with the accompanying water rights, located at the northwest corner of the intersection of 14<sup>th</sup> Ave. with Highway 56. The water rights associated with the property have been incorporated into the City water distribution system. One (1) ten (10) acre tract was sold a couple of years ago and is now occupied by the new Army Reserve facility. To date the balance of the property has not been actively marketed by the City but a marketing plan presented by a Dallas oil & gas development firm is currently being considered by which the City would be guaranteed a sale price of ten thousand dollars (\$10,000) per acre.

**Justification:** In the meantime, the City has received an offer from Commercial Capital Development, LLC, a local development group, to purchase two (2) lots consisting of approximately ten and a half (10.5) acres fronting on 14<sup>th</sup> Ave. for the price of ten thousand dollars (\$10,000.00) per acre. The purchaser proposes to develop the tract for a warehousing facility or other oil & gas service facility. The entire tract is currently zoned light industrial.

Approval of the sale would offer the local company the same development opportunities, at the same consideration, as are currently being considered with the Dallas developer.

**Financial Considerations:** Approval of the sale will provide reimbursement for the City's initial investment in the property and water rights and provide the opportunity for future development and expansion of the community's tax base.

**Purpose/Mission:** Approval of the proposed sale would support the City's goal to stimulate new growth by offering development possibilities in preparing for the communities future.

**Legal Considerations:** The standard real estate contract being proposed has been reviewed by legal council. The contract provides for the conveyance of the property by warranty deed, with all water rights & mineral interests being reserved by the City.

**Attachments:** Real estate contract.



12. **PRORATION OF TAXES AND RESERVES:** All taxes and special assessments shall be paid from the proceeds of the sale as herein provided. All ad valorem taxes, the current annual installment of special assessments, rentals, homeowner's association dues, and interest, if any, shall be adjusted and prorated as of closing date, unless otherwise agreed. General taxes shall be prorated for the calendar year on the basis of taxes for the previous year unless the previous year's assessed valuation was based on a lesser improved property, in which case said taxes shall be determined from the assessed valuation and the officially-established mill levy prevailing at closing. Special assessments shall be prorated on the basis of the amount (for the calendar year) ascertainable at the time of closing by the closing agent. The Buyer understands that the Buyer is responsible for payment of all ad valorem taxes and special assessments becoming due after the closing date and that Buyer is assuming all unmatured installments of special assessments. Periodic reappraisal, required by law, may result in a change in taxes.

13. The Seller further agrees to convey the above described premises with all the improvements, if any, located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

14. **CLOSING AND POSSESSION:** The parties agree that time is of the essence and the parties agree to make final settlement on or before Sept 18th, 2012 Seller agrees to give possession as follows: Upon Closing

15. **AGENCY DISCLOSURE:** Seller and Buyer acknowledge that the real estate licensees involved in this transaction may be functioning as agents of the Seller, agents of the Buyer, or transaction brokers. Licensees functioning as an agent of the Seller have a duty to represent the Seller's interest and will not be the agent of the Buyer. INFORMATION GIVEN BY THE BUYER TO AN AGENT FOR THE SELLER WILL BE DISCLOSED TO THE SELLER. Licensees functioning as an agent of the Buyer have a duty to represent the Buyer's interest and will not be an agent of the Seller. INFORMATION GIVEN BY THE SELLER TO AN AGENT FOR THE BUYER WILL BE DISCLOSED TO THE BUYER. Licensees functioning in the capacity of a transaction broker are not agents for either party and do not advocate the interests of either party. SELLER AND BUYER ACKNOWLEDGE THAT THE REAL ESTATE BROKERAGE RELATIONSHIPS BROCHURES HAVE BEEN FURNISHED TO THEM.

**Listing Broker/Licensee is functioning as:**  Seller's Agent  Designated Seller's Agent (Supervising Broker acts as Transaction Broker) or  Transaction Broker

**Selling Broker/Licensee is functioning as:**  Seller's Agent  Designated Buyer's Agent (Supervising Broker acts as Transaction Broker)  Buyer's Agent  Transaction Broker or  Designated Seller's Agent (Supervising Broker acts as Transaction Broker)

16. **REPRESENTATIONS AND RECOMMENDATIONS.** It is hereby agreed and acknowledged by the parties hereto that unless otherwise stated in paragraph 20 (Additional Terms and Conditions), neither the listing nor selling brokers, or their agents, employees, or associates have made, on their own behalf, any representations or warranties, expressed or implied, with respect to any element to the subject property. Any information furnished to either party through the Multiple Listing Service or in any property condition report should be independently verified by that party before that party relies on such information. Any representations made herein have been made by the listing/selling brokers based on information supplied by sources believed to be reliable, and brokers and their associates have not assumed any responsibility, directly or indirectly, with respect to any representation or warranties which have been made. Since the selling/listing brokers are acting as brokers only, they shall, under no circumstances, be held liable to either the Seller or Buyer for performance or lack of performance of any other terms or conditions of this Contract, or for damages arising out of or relating to the contents of this Contract or the performance or non-performance of either of the parties to this Contract. Buyer and Seller agree that broker and broker's agents do not have any expertise in evaluating the environmental condition of the property described in paragraph 1, and that broker and broker's agents have made no representation concerning environmental condition except as may be noted in paragraph 20 (Additional Terms and Conditions). Buyer or Seller may retain an environmental inspection firm to inspect the property. **Again, it is emphasized that if the parties hereto feel representations have been made, they must set forth specifically and in writing in paragraph 20 (Additional Terms and Conditions) if said understood or implied representations are to be effective or enforceable.**

17. **BROKERAGE FEES:** The party handling the closing of this transaction is hereby authorized and directed to collect and disburse the brokerage fees at closing.

18. **LIENS:** Seller represents and warrants that there are no unpaid (whether recorded or not) chattel mortgages, conditional sales contracts, financing statements, or security agreements affecting any fixture, portion of the premises or item of personal property covered by this Contract. Any existing liens upon the premises which the Seller is required to remove under this Contract may be paid and discharged from the sale proceeds upon settlement date.

19. **AGREEMENT APPROVAL:** This contract constitutes the entire agreement between the parties and supersedes any previously executed contracts, representations, verbal or written, to buy and/or sell the property. Neither this Contract, nor any interest herein, shall be transferred or assigned by Buyer without the prior written consent of Seller.

20. **ADDITIONAL TERMS AND CONDITIONS:** Fred Casterline, Partner's Manager, is a licensed Realtor in the State of Kansas.

**THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE.**

BUYER Commercial Capital Development Lc SELLER \_\_\_\_\_  
PRINT NAME By Fred C. Casterline PRINT NAME \_\_\_\_\_  
DATE August 27<sup>th</sup> 2012 SS# \_\_\_\_\_ DATE \_\_\_\_\_ SS# \_\_\_\_\_  
BUYER \_\_\_\_\_ SELLER \_\_\_\_\_  
PRINT NAME \_\_\_\_\_ PRINT NAME \_\_\_\_\_  
DATE \_\_\_\_\_ SS# \_\_\_\_\_ DATE \_\_\_\_\_ SS# \_\_\_\_\_

----- FOR OFFICE USE ONLY -----

AGENT Fred C. Casterline AGENT \_\_\_\_\_  
FIRM \_\_\_\_\_ PHONE \_\_\_\_\_ FIRM \_\_\_\_\_ PHONE \_\_\_\_\_