

COMMISSION AGENDA

December 4, 2006 - 7:00 p.m.

Commission Chambers

MEETING NO. 4664

CALL TO ORDER

ROLL CALL

INVOCATION by Rev. Dennis Zimmerman of St. Cornelius Episcopal Church

PLEDGE OF ALLEGIANCE

PETITIONS & PROCLAMATIONS

VISITORS (Limit of 5 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)

Quarterly Report from Library Director, Cathy Reeves

City of Character Trait for December - Sensitivity

CONSENT CALENDAR

1. Approval of Minutes of Regular Meeting of November 20, 2006
Approval of Minutes of Study Session of November 6, 2006.
2. Approval of payment of bills.
3. Approval of cereal malt beverage license for:
 - A. Mariscos Nayarit Restaurant, 509 N. Second Avenue
 - B. Knights of Columbus Hall, 800 Frontview

ORDINANCES & RESOLUTIONS

Ordinance No.3426: Ordinance vacating the 15 foot utility easement in the east part of Shuman Tracts. Report by Zoning Administrator, Dennis Veatch.

Resolution 2006-15: A Resolution authorizing payment of 2006 Year End bonuses to qualified employees. Report by Human Resource Director, Cherise Tieben.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval of replat for elementary addition. Report by Zoning Administrator, Dennis Veatch.

If a reasonable accommodation is necessary to participate in a City of Dodge City event or service please contact us at 225-8100, 225-8155 TDD or by contacting the Kansas Relay Center at 1-800-766-3777.

2. Approval of suspension of alcohol licenses. Report by Police Chief, John Ball.

OTHER BUSINESS

Commissioners
City Manager

EXECUTIVE SESSION – to discuss:

1. Land Acquisition matters
2. Personnel Matters

ADJOURNMENT

MINUTES
November 20, 2006 - 7:00 p.m.
MEETING NO. 4663

MAYOR Jim Sherer called the regular meeting to order at 7:00 p.m.

RESPONDING TO ROLL CALL were Mayor Jim Sherer, Commissioners Terry Lee, Kent Smoll, Rick Sowers and Jim Lembright.

INVOCATION was led by Juaquine Rangel of the Salvation Army

The PLEDGE OF ALLEGIANCE was recited.

PETITIONS & PROCLAMATIONS

VISITORS (Limit of 5 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)

Vernon Bogart mentioned an upcoming turkey feed at the National Guard Armory. He attended the public meeting held by Global Entertainment. He said he felt it was not an informative meeting, but a telemarketing scam.

The CONSENT CALENDAR was approved on a motion by Commissioner Lembright, seconded by Commissioner Sowers, by unanimous vote.

1. Approval of Minutes of Regular Meeting of November 6, 2006
2. Approval of payment of bills.
3. Acceptance of deed in Russell Heights Addition.
4. Approval of Change Order #1 for the Bicycle/Pedestrian path.

ORDINANCES & RESOLUTIONS

Ordinance No. 3425: An Ordinance amending Ordinance No. 2997 and Chapter 15, Section 127 of the Code of the City of Dodge City was adopted on a motion by Commissioner Sowers, seconded by Commissioner Lembright, by unanimous vote.

Resolution 2006-14: A Resolution amending Resolution No. 2006-03 was adopted on a motion by Commissioner Sowers, seconded by Commissioner Lembright, by unanimous vote.

UNFINISHED BUSINESS

NEW BUSINESS

1. Bids for Hoover Pavilion renovation as follows were approved on a motion by Commissioner Lee, seconded by Commissioner Smoll, by unanimous vote.

Concrete Floor	JAG Construction	\$19,700
Mechanical	Stewart Plumbing	\$52,000
Electrical	Kugler Electric	\$58,064

2. A bid for City travel vehicle purchase from G & G Motors for a 2006 Buick LaCrosse CX in the amount of \$20,840 was approved on a motion by Commissioner Smoll, seconded by Commissioner Lembright, by unanimous vote.

3. S. L. Martin gave a presentation on Performance Measurement.

OTHER BUSINESS

Commissioner Sherer thanked Boy Scout Troop 162 for the monument at the Cemetery. He also thanked the Dodge City realtors for the lights on the train at Boot Hill. He invited everyone to the Chili Cook Off and Parade of Lights on December 4.

Commissioner Lee Thanked the Sanitation Department.

Commissioner Smoll wished everyone a great Holiday Season and reminded them to shop local and often.

Commissioner Sowers thanked the Fire Department for their participation on the construction of the Habitat for Humanity home. He said they had been a tremendous help.

Commissioner Lembright wished everyone a happy and safe Thanksgiving.

City Manager, Jeff Pederson reported

- 16 Request for Qualification brochures for the operation of the Race Track were sent out.
- Additional information on the David, Inc. abatement.
- On the progress of Wyatt Earp Project and North 14th Project.

On a motion by Commissioner Smoll, seconded by Commissioner Sowers, the meeting adjourned by unanimous vote.

V. James Sherer, Mayor

ATTEST:

Nannette Pogue, City Clerk

MINUTES
November 6, 2006 - 6:00 p.m.
Study Session

MAYOR Jim Sherer called the Study Session to order at 6:00 p.m.

RESPONDING TO ROLL CALL were Mayor Sherer, Commissioners Jim Lembright, Rick Sowers, Kent Smoll and Terry Lee.

JoAnn Knight reviewed the Cost Benefit Analysis submitted with updated financial information for the scenario the City commission approved previously (100% abatement years 1-5, 50% abatement for years 6-10). She informed the City Commission of the process that was followed in 2005 when the Letter of Intent was approved.

Bill Hammond represented the Review committee comprised of representatives of the taxing entities; USD 443, DCCC, City of Dodge City, and Ford County. He presented and reviewed the recommendation the Committee originally made in 2005.

Grace & Wilson Parmar spoke

Bill Cunningham spoke

Scott Howard spoke.

Jim Sherer, Mayor

ATTEST:

Nannette Pogue, City Clerk

(Individual)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

DODGE CITY, FORD COUNTY, KANSAS, NOV 27, 2006
TO THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS,

or
THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS.

I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages; for the purpose of securing such license, I make the following statements under oath:

1. (a) Name of proposed licensee RAMON PRECADO 3. The name and address of the owner or owners of the premises upon which the proposed business will be located is

(b) Age 59

(c) Place and date of birth MEXICO SEPT. 04 1947, 20

(d) Residence address 806 CENTRAL DODGE CITY, KS. 67801

(e) I have been a resident of the State of Kansas 13 years.

I have been a resident of the City of DODGE CITY KS, FORD County 13 years.

2. The premises for which the license is desired are located at 509 N. 2ND

(a) The legal description of said property is

(b) The street number is 509 N. 2ND

(c) The building to be used is

(d) The business will be conducted under the following name:

MARISCOS NAYARIT RESTAURANT

3. The name and address of the owner or owners of the premises upon which the proposed business will be located is

4. I am a citizen of the United States. Yes (X), No ()

(a) My citizenship arises by birth (), Naturalization (X)

(b) My place of naturalization and the date thereof is as follows:

LOS ANGELES, CALIFORNIA SEPT. 16 1987

5. I have (), have not (X), been convicted of a felony within two years immediately preceding the date of this application.

6. I have (), have not (X), been convicted of a crime involving moral turpitude within two years immediately preceding the date of this application.

7. I have (), have not (X), been adjudged guilty of drunkenness within two years immediately preceding the date of this application.

8. I have (), have not (X), been adjudged guilty or entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of this application.

9. I have (), have not (X), been convicted of a violation of any state or federal intoxicating liquor law within two years immediately preceding the date of this application.

10. My place of business will be conducted by a manager or agent— Yes (), No (X)

(a) If the answer above is yes, the name, age, and residence of manager or agent is

Said manager or agent does (), does not (), have the qualifications to have a license issued in his own name. The same to be determined by reference to K.S.A. 41-2703, K.S.A. 41-2702. Specifies concerning his residence, citizenship, and the answers to questions 5 through 9 are as follows:

11. I have (X), have not (), been a resident of this State for at least one year immediately preceding making this application.

12. My spouse would (), would not (), be eligible to receive a retailer's license.

(a) If the answer is would not, explain what the fact or facts are that would cause your spouse to be ineligible.

13. This application is for a license to retail cereal malt beverages for consumption on the premises (X). For a license to retail cereal malt beverages in original and unopened containers and not for consumption on the premises ().

A license fee of \$ 225.00 is enclosed herewith.

(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

Dodge City, FORD COUNTY, KANSAS, 11/22, 06

TO THE GOVERNING BODY OF THE CITY OF Dodge City, KANSAS,

or

THE BOARD OF COUNTY COMMISSIONERS OF _____ COUNTY, KANSAS.

GENTLEMEN—On behalf of the Knights of Columbus (The Columbian Guild Inc.) corporation whose principal place of business is 800 FRONTVIEW

Dodge City, KS and under authority of the resolution of the Board of Directors of said corporation. I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statements under oath:

1. The proposed licensee is Knights of Columbus 4. The name and address of the owner or owners of the premises corporation with principal place of business at _____ upon which the place of business is located is _____

800 FRONTVIEW Dodge City, KS Columbia Guild 800 FRONTVIEW D.C. KS

The resident agent is JOHN PUTZMAN with offices at 800 FRONTVIEW

Said corporation was incorporated on 10/1/1907 A copy of the Articles of Incorporation are presently on file with the Register of Deeds of this County. Yes (✓), No ()

2. The following are the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their position and address, age, date of birth, place of birth, method of acquiring United States citizenship—if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

SEE ATTACHED

3. The premises for which the license is desired are located at 800 FRONTVIEW Dodge City, KS

(a) The legal description of the premises is SEE ATTACHED

(b) The street number is 800 FRONTVIEW

(c) The building is described as Knights of Columbus Hall

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name: The Columbian Guild

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of (1) A felony (2) A crime involving moral turpitude (3) Drunkenness (4) Driving a motor vehicle while under the influence of intoxicating liquor (5) Violation of any state or federal intoxicating liquor law

If any of the above have been convicted of any of the above specified offenses, the details are set out hereinafter.

(b) No manager, officer or director or any stockholder owing in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:

- (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent:

Name JOHN PUTZMAN Address 800 FRONTVIEW Residence 1407 10th Length of residence within this city or county in which the application is being made 35 YEARS Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____ Date and place of birth 2/25/41 NEW YORK

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverages for consumption on the premises. (X). For a license to retail cereal malt beverages in original and unopened containers and not be consumption on the premises. ()

A license fee of \$ 225.00 is enclosed herewith.

City of Dodge City

Memorandum

November 27, 2006

TO: Jeff Pederson, City Manager

FROM: Dennis Veatch, Development Administrator

RE: Utility Easement Vacation in Shuman Tracts

Attached for your review and approval by the City Commission is an ordinance vacating a 15 foot utility easement in Tract 1, 2, 3, 7, 8, 9 and the East 82.5 feet of Tract 10, Shuman Tracts.

Hitch'N'Post, Inc. has submitted this request so they may clear up a problem with an existing building currently used as a truck wash situated on top of the platted easement.

Emergency Services and Utility Companies have been notified of the vacation and there are no concerns. None of the utility companies have services in this easement.

The Dodge City Zoning Board reviewed this vacation request on November 21, 2006 and voted to recommend approval of this ordinance.

If you have any questions or require additional information, please let me know.

Ordinance No. 3426

AN ORDINANCE VACATING THE 15 FOOT UTILITY EASEMENT
IN THE EAST PART OF SHUMAN TRACTS

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

SECTION 1: The following described property in Dodge City, Ford County, Kansas is hereby vacated: 15 foot utility easement located in Tract 1, 2, 3, 7, 8, 9 and the East 82.5 feet of Tract 10, Shuman Tracts.

SECTION 2: This vacation is granted pursuant to Section 12-504 K.S.A. and is made subject to the existing rights of all present public or private utilities or uses located under, on, upon or over said property.

SECTION 3: No protest to the vacation has been filed, as provided by law.

SECTION 4: This ordinance shall take effect, from and following its publication in the official paper, as provided by law.

SECTION 5: The City Clerk shall file a certified copy of this ordinance in the offices of the County Register of Deeds and County Clerk for Ford County, Kansas.

PASSED BY THE CITY OF DODGE CITY GOVERNING BODY, IN REGULAR
SESSION, AND APPROVED BY THE MAYOR, THIS FOURTH DAY OF
DECEMBER, 2006.

V. JAMES SHERER, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK

REBEIN BANGERTER PA
810 Frontview, P.O. Box 1147
Dodge City, Kansas 67801
620.227.8126

THE COMMISSION OF THE CITY OF DODGE CITY, KANSAS

IN THE MATTER OF THE APPLICATION FOR THE
VACATION OF A PLATTED EASEMENT

Case No. _____

REQUEST FOR VACATION OF A PLATTED EASEMENT

COMES NOW applicant Hitch'N'Post, Inc., by and through its attorneys Rebein Bangerter PA of Dodge City, Kansas, said applicant being the owner of a tract of real estate located in Dodge City, Kansas commonly known as the Hitch'N'Post Travel Plaza, having a street address of 2524 E. Wyatt Earp Blvd., Dodge City, Kansas 67801, and being more specifically described on Exhibit A attached hereto, and pursuant to the provisions of K.S.A. 12-504 requests that the City proceed, pursuant to the provisions of said statute, to cause a vacation of the platted easement depicted and identified on Exhibit B attached hereto.

The vacation of the platted easement is necessary because a building currently used as a truck wash is situated on top of the platted easement. The building was constructed a previous owners of the real estate, and the easement must be vacated so the applicant can sell the real estate free of encroachments.

Based on a notification and marking of the platted easement by applicant's survey, there are no utilities located within the platted easement. A true and correct copy of the notification letter is attached as Exhibit C.

WHEREFORE, applicant respectfully requests that the City Commission vacate the platted easement identified in this petition.

REBEIN BANGERTER PA
810 Frontview, P.O. Box 1147
Dodge City, Kansas 67801
620.227.8126



Aaron L. Kite #18765

Date Submitted: 11/7/06

EXHIBIT A

Legal Description

PARCEL I: Tract One (1), Shuman Tracts, a Subdivision to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book "C" at Page 27 ½;

PARCEL II: Tracts Two (2) and Three (3), Shuman Tracts, a Subdivision to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book "C" at Page 27 ½;

PARCEL III: Tracts Seven (7), Eight (8), Nine (9), and the East Eighty-Two and One Half (82 ½) feet of Tract Ten (10), Shuman Tracts a Subdivision to the City of Dodge City, Ford County, Kansas, according to the Plat recorded in Plat Book "C" at Page 27 ½.

EXHIBIT B

Depiction of Easement

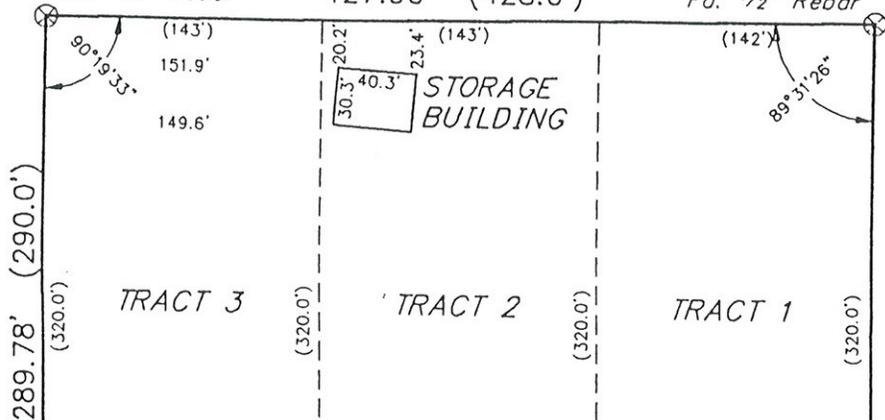
[SEE ATTACHED]

Military Avenue (County Road)



FIELD COMP. 7/5/94

Fd. 1/2" Rebar 427.90' (428.0') Fd. 1/2" Rebar



TRACT 3

TRACT 2

TRACT 1

289.78' (290.0')
(320.0')

(320.0')

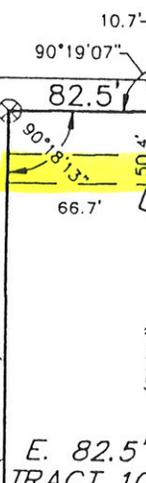
(320.0')

(320.0')

Fd. Conc. 4 1/2" cut

1.8' Clearance to Building Line

Fd. 1/2" Rebar In Conc. 386.36' (389.5')



E. 82.5' TRACT 10

TRACT 9

TRACT 8

TRACT 7

SCALE

FUELING AREA CONC. PVMT.

RESTAURANT

PUMP ISLAND

SOUTH LINE TRACTS 1, 2, & 3

Wvatt Eard Boulevard

Easement to be vacated

County Road

578.96' (583.7')
(263.7')

Fd. 1/2" Combine Spoke

115.95' (115.3')

196.52' (181.1')

162.02' (163.3')

149.0'

148.0'

149.0'

124°30'09"

ENT. 35'

7.5'

7.5'

15' UTILITY EASEMENT

143.0'

142.0'

95.0'

TRUCK (143.0')

WASH

80.3'

55.4'

10.7'

82.5'

90°19'07"

90°19'33"

89°31'26"

(143')

(143')

(142')

20.2'

30.3'

40.3'

23.4'

(143')

(143')

(142')

151.9'

149.6'

346.7'

(143.0')

(121.2')

(23.5')

100.6'

144°51'51"

99.4'

115.3'

115.95'

162.02'

(163.3')

149.0'

148.0'

149.0'

124°30'09"

ENT. 35'

7.5'

7.5'

15' UTILITY EASEMENT

143.0'

142.0'

95.0'

TRUCK (143.0')

WASH

80.3'

55.4'

10.7'

82.5'

90°19'07"

90°19'33"

89°31'26"

(143')

(143')

(142')

20.2'

30.3'

40.3'

23.4'

(143')

(143')

(142')

151.9'

149.6'

346.7'

(143.0')

(121.2')

(23.5')

100.6'

144°51'51"

99.4'

115.3'

115.95'

162.02'

(163.3')

149.0'

148.0'

149.0'

124°30'09"

ENT. 35'

7.5'

7.5'

15' UTILITY EASEMENT

143.0'

142.0'

95.0'

TRUCK (143.0')

WASH

80.3'

55.4'

10.7'

82.5'

90°19'07"

90°19'33"

89°31'26"

(143')

(143')

(142')

20.2'

30.3'

40.3'

23.4'

(143')

(143')

(142')

151.9'

149.6'

346.7'

(143.0')

(121.2')

(23.5')

100.6'

144°51'51"

99.4'

115.3'

115.95'

162.02'

(163.3')

149.0'

148.0'

149.0'

124°30'09"

ENT. 35'

7.5'

7.5'

15' UTILITY EASEMENT

143.0'

142.0'

95.0'

TRUCK (143.0')

WASH

80.3'

55.4'

10.7'

82.5'

90°19'07"

90°19'33"

89°31'26"

(143')

(143')

(142')

20.2'

30.3'

40.3'

23.4'

(143')

(143')

(142')

151.9'

149.6'

346.7'

(143.0')

(121.2')

(23.5')

100.6'

144°51'51"

99.4'

115.3'

115.95'

162.02'

(163.3')

149.0'

148.0'

149.0'

124°30'09"

ENT. 35'

7.5'

7.5'

15' UTILITY EASEMENT

143.0'

142.0'

95.0'

TRUCK (143.0')

EXHIBIT

B

tabbies

EXHIBIT C

Notification Letter

[SEE ATTACHED]

Cornerstone Professional Services

1555 North Shore Circle
Garden City, KS. 67846

Phone: 620-272-7592

Fax: 620-275-5983

E-mail: cps@odsqc.net

Date: 24 October, 2006

Hitch-N-Post Truck Stop
Attn: Mr. Tom Kindsvater
P.O. Box 1026
Dodge City, KS. 67801

Subject: 15 Foot Easement on the Hitch-N-Post Property

Dear Tom,

The purpose of this letter is to inform you of the results of the utility locate we requested with Dig Safe, ticket number 6406836. The utility companies that were notified by Dig Safe were Cox, City of Dodge City, Aquilla and SBC. The easement in question is platted 15 feet wide and lies between Tracts 1-3 and Tracts 7-10, Shuman Tracts, Dodge City, Kansas. On 23 October, 2006, we visually inspected the area of this easement and found no utility location marks.

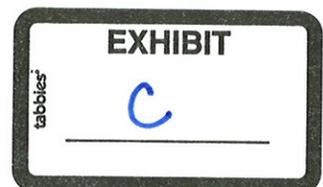
Do call should any questions arise or additional information be needed.

Sincerely,



Ken Parks, PLS

Cc: 0927



Memo

To: Jeff Pederson, City Manager
City Commission

From: Cherise Tieben, Director of Human Resources

Date: November 30, 2006

Re: Year End Bonus

Attached you will find Resolution 2006-15 which authorizes the awarding of the year end bonus, as required per Resolution No. 98-41. This is a budgeted item and funds are available. Each non-probationary full time employee with over 1 year of service will receive a bonus of \$50.00 per calendar year worked for the City. A cap of \$1,000.00 after 20 years of service has been established. The amount budgeted for the annual bonuses is \$89,200.00.

If you have any questions or wish any additional information, please do not hesitate to contact me at your convenience.

RESOLUTION NO. 2006-15

**A RESOLUTION AUTHORIZING PAYMENT OF 2006 YEAR END BONUSES TO
QUALIFIED EMPLOYEES.**

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 4th DAY OF DECEMBER, 2006.**

V. JAMES SHERER, MAYOR

ATTEST:

NANNETTE POGUE, CITY CLERK

City of Dodge City

Memorandum

November 28, 2006

TO: Jeff Pederson, City Manager

FROM: Dennis Veatch, Development Administrator

RE: Elementary School Plat

Attached for your review and approval by the City Commission is the final plat of Elementary Addition. The Zoning Board voted unanimously to approve this plat on November 21, 2006 subject to Plains Street remaining open as previously dedicated in Harvest Hills Addition.

The development Services staff concurs with the zoning board's recommendation to accept this plat

If you have any questions or need additional information, please call me.

Thanks.

**City of
Dodge City**



Department of Police
110 W. Spruce
Dodge City, Kansas 67801 - 4423
Phone (316) 225-8126
FAX (316) 225-8117

November 21, 2006

To: Jeff Pederson
Nannette Pogue

From: John K. Ball

RE. Suspension of License for Local Businesses

Per the Code of the City of Dodge City, the governing body has the authority to suspend the license of a business that violates any provisions of the City Code, including sale to a minor (3-209 and 3-311). It is the request of the Police Department that the following businesses be suspended for a period of one week as a result of the conviction for sale to a minor.

1. Gene's Heartland Foods 1800 Central
2. Dillons 303 S. 2nd Ave.
3. Love's Country Store 1100 W. Wyatt Earp

It is requested that the following business be suspended for a period of fifteen days for a second conviction of the ordinance involving sale to a minor.

1. Tianguis Grocery 512 S. 2nd Ave.
2. Presto 2615 E. Trail
3. King Kwik Mart 510 E. Wyatt Earp
4. Wal Mart 1905 14th Ave.

A large, stylized handwritten signature in black ink, appearing to read 'J. K. Ball'.

John K. Ball
Chief of Police